

RESOLUTION NO. _____

WHEREAS, juveniles in Austin who are charged with class C misdemeanors for violating the Juvenile Curfew Ordinance must appear in municipal court without guaranteed counsel, face fines of up to \$500 plus court costs, and will incur a criminal record if convicted; and

WHEREAS, the Juvenile Curfew Ordinance creates a class C misdemeanor offense for children under the age of 17 to be in a public place or on the premises of an establishment between 11:00 p.m. and 6:00 a.m. on any day, and for children under the age of 17 to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or on a public place between 9:00 a.m. and 2:30 p.m. Monday through Friday when school is in session; and

WHEREAS, research has shown that criminal charges threaten a student's ability to succeed in school and compromise higher education, housing, and employment prospects; and

WHEREAS, fines and fees associated with Class C misdemeanor charges can present significant challenges to families; and

WHEREAS, children of color are over-represented in police and court interactions; and

WHEREAS, effective interventions that ensure the safety and success of children must address the underlying causes of curfew violations, rather than merely punish youth; and

WHEREAS, courts are constrained in how they can respond to child defendants, and are not equipped to assess and address the underlying circumstances that resulted in curfew violations; and

WHEREAS, students who are homeschooled may be mistakenly thought to be in a public place without a parent's permission; and

WHEREAS, juveniles may receive curfew citations for a host of complex reasons, including school, personal and family factors, which can include poverty, parental neglect, homelessness, addiction, mental health issues, bullying, negative school environments, or failure to identify learning disabilities; and

WHEREAS, there are many current practices and programs in place in the community to help children remain in school and in a safe place at night without resorting to criminal charges; and

WHEREAS, perceived age and other personal characteristics are controversial and potentially unconstitutional methods of determining probable cause; and

WHEREAS, if any person, regardless of age, commits a crime during day or night hours, that person can be arrested and charged for that crime; and

WHEREAS, criminal charges filed for violations of the Juvenile Curfew Ordinance result in children being introduced into the criminal justice system; and

WHEREAS, the public safety, educational attainment, and economic prosperity of all Austinites is harmed when children are introduced into the criminal justice system rather than offered assistance for the challenges they face; and

WHEREAS, the Joint Subcommittee of the City of Austin, Austin Independent School District, and Travis County had a multi-year initiative to collaborate on alternative approaches to truancy and on offering additional support to families and students; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

It is the goal of the City Council to advance policies and practices that help children to be safe and to remain in school, without resorting to criminal charges, in collaboration with the community and other governmental entities.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager to initiate a stakeholder consultation process and make recommendations on effective non-criminal policies or practices the City could implement to address possible violations of the Juvenile Curfew Ordinance. The stakeholder groups consulted should include, but not be limited to, representatives and impacted students from school districts within the City of Austin, Texas Appleseed, Texas Home School Coalition, Education Austin, Educators in Solidarity, Austin Voices, Austin Justice Coalition, Black Lives Matter, My Brother's Keeper, Mexican American Legal Defense and Education Fund, Disability Rights Texas, Life Works, Texans Care for Children, ACLU of Texas, the Excellence and Advancement Foundation, and the National Association of Social Workers-Texas.

The City Council directs the City Manager to make a report on this process, including recommendations provided by the stakeholder group, to the Council and to the Joint Subcommittee of the City of Austin, Austin Independent School District and Travis County, before December 31, 2017.

ADOPTED: _____, 2017

ATTEST: _____

Jannette S. Goodall
City Clerk