



Policy 1205

Subject	
JUVENILE CURFEW	
Date Published	Page
1 July 2016	1 of 10

By Order of the Police Commissioner

POLICY

1. **Identify At Risk Youth.** It is the policy of the Baltimore Police Department (BPD) to identify and help Baltimore's most vulnerable children by getting them out of harm's way and into a safe environment. Baltimore City's curfew ordinance is not a criminal enforcement. The goal is to ensure our children are given the proper resources to prevent them from becoming the victims or perpetrators of violent crime.
2. **Fair and Consistent.** The BPD will ensure that the application of the curfew is consistent with the ideals of identifying at risk youth and connecting them with vital services.
3. **Training and Monitoring.** Training, monitoring, and constant evaluation will be a significant part of the efforts, so every child receives needed wrap around services.

JUVENILE CURFEW VIOLATIONS

Article 19, Baltimore City Code

§ 34-3 – Prohibited Conduct of Minors – Nighttime Curfew Exceptions: this Policy does not apply to a minor:

1. Accompanied by the minor's parent or legal guardian;
2. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, or the right of assembly;
3. In a motor vehicle involved in interstate travel;
4. Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk abutting a minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence; or
7. Attending or, without any detour or stop, going to or returning from an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Baltimore, a civic organization, or another similar entity that takes responsibility for the minor.

Prohibited Conduct Nighttime Curfew – Minors Aged Less Than 14 Years Old

1. No minor less than 14 years of age may remain in or about any public place or any establishment between the hours of 9 p.m. on any day and 6 a.m. of the following day.

Prohibited Conduct Nighttime Curfew – Minors Aged 14 to 16 Years Old

1. From and including 12:01 a.m. on the Friday preceding Memorial Day each year through 12 midnight of the last Sunday of August each year, no minor 14 to 16 years of age may remain in or about any public place or any establishment between the hours of 11 p.m. on any day and 6 a.m. of the following day.
2. For the remainder of the calendar year, no minor 14 to 16 years of age may remain in or about any public place or any establishment:
 - 2.1. Between the hours of 11 p.m. on a Friday and 6:00 a.m. of the following Saturday;
 - 2.2. Between the hours of 11 p.m. on a Saturday and 6:00 a.m. of the following Sunday; or
 - 2.3. Between the hours of 10 p.m. and 6 a.m. of the following day, on any other day of the week.

§ 34-4 - Prohibited Conduct of Minors – Daytime Curfew In General

1. Except as otherwise provided below, no minor under the age of 16 may remain in or about any public place or any establishment between the hours of 7:30 a.m. and 3 p.m. on any day during which the minor is required to be in school.

- EXCEPTIONS:**
- 1.) The minor has written proof from school authorities excusing his or her attendance at that particular time; or
 - 2.) The minor is accompanied by the minor's parent or by a person 21 years old or older or
 - 3.) The minor is travelling to or from school.
2. It is unlawful for the parent of any minor to knowingly permit or, by insufficient control, to allow that minor to be in or about any public place or any establishment if that minor's presence would violate § 34-3 {"Prohibit Conduct of Minors – Nighttime Curfew"} or § 34-4 {"Prohibited Conduct of Minors – Daytime Curfew"} of this Policy.
 3. No operator of an establishment or his agents or employees may knowingly permit any minor to remain on the premises of that establishment if that minor's presence would violate § 34-3 {"Prohibit Conduct of Minors – Nighttime Curfew"} or § 34-4 {"Prohibited Conduct of Minors – Daytime Curfew"} of this Policy.

§ 34-4 – Enforcement Generally.

Identification

1. If a police officer has reason to believe that a minor is in violation of § 34-3 {"Prohibit Conduct

of Minors – Nighttime Curfew”} or § 34-4 {“Prohibited Conduct of Minors – Daytime Curfew”} of this Ordinance, the police officer shall seek to obtain from the minor:

- 1.1. The minor’s name, age, address, school or other valid identification; and
- 1.2. The name of the minor’s parent or parents.

Daytime Curfew

1. For a minor believed to be in violation of § 34-4 {“Prohibited Conduct of Minors -Daytime Curfew”}, the minor shall be taken, as appropriate, to:
 - 1.1. The minor’s home, or
 - 1.2. The minor’s school.
2. If the minor is taken to school, the school representative shall:
 - 2.1. Notify the juvenile’s parent/guardian of the violation as soon as practical,
 - 2.2. Take appropriate measures to reduce the probability that the minor will commit a subsequent violation.

Nighttime Curfew

1. For a minor believed to be in violation of § 34-3 {“Prohibit Conduct of Minors – Nighttime Curfew”}, the minor shall be taken, as appropriate, to:
 - 1.1. The minor’s home; or
 - 1.2. Youth Connection Center, when operational.

NOTE: Make a strong effort to contact the parent/guardian at the scene, with the idea of taking the minor home.

2. If the minor is taken to a Youth Connection Center, the facility shall:
 - 2.1. Notify a parent or an adult brother, sister, aunt, uncle, or grandparent to come and take charge of the minor;
 - 2.2. Notify the juvenile’s parent/guardian of the violation as soon as practical;
 - 2.3. Take appropriate measures to reduce the probability that the minor will commit a subsequent violation.
3. If the minor is taken to a Youth Connection Center and, by 6 a.m. of the following morning, no parent or adult brother, sister, aunt, uncle, or grandparent can be located or none come and take charge of the minor, School Police shall be responsible for:
 - 3.1. Taking the child to the minor’s home;

- 3.2. Referring to or placing the juvenile into the custody of the Baltimore City Department of Social Services; or
- 3.3. Releasing the juvenile from the Youth Connection Center.

§ 34-9 – Penalties Parents, Guardians, etc.

1. A parent who violates § 34-5 {"Prohibited Conduct of Parents, Guardians, etc."} of this Ordinance for the first time may be issued:
 - 1.1. A civil citation under City Code Article 1, Subtitle 41 {"Civil Citation"}, which imposes a \$50 fine, or
 - 1.2. If the parent agrees to attend family counseling sessions with the minor at an agency approved by the City of Baltimore, a notice that a civil citation will be issued if the counseling sessions are not completed.
2. A parent who violates § 34-5 {"Prohibit Conduct of Parents, Guardians, etc."} of this Ordinance having received notice under § 34-8 {"Enforcement"} of a prior violation or after having been issued a civil citation or a notice for a prior violation is guilty of a misdemeanor and, on conviction, is subject to one or more of the following, in the discretion of the court:
 - 2.1. A fine not to exceed \$500 and costs, and
 - 2.2. Community service.

Operator of Establishment

1. Any operator of an establishment and any agent or employee of any operator who violates a provision of § 34-6 {"Prohibited Conduct of Establishment"} is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation.

Separate Offenses

1. Each violation of a provision constitutes a separate offense.

How to Charge

1. The criminal penalties can be charged either by citation or Statement of Charges.

§ 34-10 – Continuing Evaluation

1. The Mayor and City Council shall continue evaluating and updating through methods including but not limited to:
 - 1.1. Annually, on or before February 1st of each year, the Police Commissioner must report to the Mayor and City Council:
 - 1.1.1. On the effect of crimes committed by and against minors;
 - 1.1.2. The number of warnings issued and arrests of minors, parents, and operators

here under; and

1.1.3. Such other information as the Mayor and City Council may request.

2. On a regular basis, the Mayor and City Council shall receive informal reports of all exceptional cases hereunder and advisory opinions for consideration in further updating and continuing evaluation.

REQUIRED ACTION

Member

1. Detention of a juvenile for a curfew violation is not considered an arrest and does not create a criminal record. Detaining a juvenile to inquire of his/her curfew violation status is considered an Investigative Stop. See Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs and Searches* and follow its reporting requirements. Upon observing an individual who is possibly in violation of either the daytime or nighttime provisions of the curfew law:

Do not pursue in a vehicle or chase on foot any juvenile, who runs away as you approach, unless the juvenile is suspected of a criminal violation.

- 1.1. Obtain the individual's name, address, age and parent/guardian's name(s). Accept the response as accurate unless there is good articulable reason to believe the response is not factual. Before taking any enforcement action, investigate whether an exception applies.
- 1.2. If the individual is in curfew violation, ascertain the reason the juvenile is not at home (nighttime curfew) or in school/home (daytime curfew). Exercise good judgment when determining what constitutes a legitimate excuse for an apparent violation.
2. When a juvenile is found to be in violation of curfew laws:
 - 2.1. Advise the dispatcher of the sex, race and age of the juvenile the location of violation, beginning and ending mileage and destination.
 - 2.2. Take the juvenile into custody by placing him/her in a departmental vehicle. Use common sense in deciding whether a weapons pat-down and/or handcuffing are appropriate. Juveniles must not be transported with adults.

NOTE: The Youth Connection Centers will not accept handcuffed juveniles.

- 2.3. Complete a detailed Juvenile Custody Report for each juvenile found in violation.
 - 2.3.1. Obtain a Central Complaint Number from the dispatcher and enter this number in the space for the Central Complaint Number.
 - 2.3.2. A separate Central Complaint Number is needed for each juvenile.

- 2.3.3. On the first line of the report, write "Curfew Interview/Violation."
- 2.4. Officers can conduct a weapons pat-down of a juvenile for being in violation of Curfew Laws, when there is articulable reasonable suspicion that the juvenile has a weapon and is a danger to yourself and/or others. Officers cannot conduct a weapons pat-down solely for the Curfew Violation.
- 2.5. If an arrest is made based on a criminal violation, transport the juvenile to the Baltimore City Juvenile Justice Center. Do not transport to the Youth Connection Center.
- 2.6. Include the following steps depending on the type of curfew violation:
 - 2.6.1. For daytime curfew violations, transport the juvenile to their school. Have the school administrative staff sign-off for the juvenile. Provide the receipt at the bottom of the Juvenile Custody Report to the recipient.
 - 2.6.2. For nighttime curfew violations, transport the juvenile to his or her residence or the designated Youth Connection Center, when operating. Ensure the parent/guardian signs for the juvenile, and provide him/her with the receipt located at the bottom of the Juvenile Custody Report. If the parent/guardian is not available to take immediate custody, the juvenile shall be transported to the designated Youth Connection Center. If the juvenile is transported to the Youth Connection Center, have the administrative staff sign-off for the juvenile. Provide the staff member the receipt portion of the Juvenile Custody report. If the designated Youth Connection Center is not available, refer the juvenile to Child Protective Services division of the Department of Social Services.
- 2.7. Forward all reporting to your supervisor prior to the end of your tour-of-duty.
3. The Youth Connection Centers are located at: Eastside Center - 1409 N. Collington Avenue.
Westside Center- 1310 N. Stricker Street.
 - 3.1. Southeastern, Eastern, Northeastern and Northern Districts will utilize the Collington Square Recreation Center at 1409 Collington Avenue.
 - 3.2. Northwestern, Western, Southwestern and Southern Districts will utilize the Lillian Jones Recreation Center at 1310 N. Stricker Street.
 - 3.3. Central District has the option to go to either Collington Square Recreation Center or Lillian Jones Recreation Center, depending on the volume of activity at the centers.
4. A parent or operator of an establishment who violates applicable provisions of the daytime or nighttime curfew violations may be:
 - 4.1. Given a warning; or
 - 4.2. Issued a civil citation (Baltimore City Code, Article 19, Section 34-5, or Article 1, Section 41).
 - 4.2.1. If the violator is the parent, the fine amount shall be \$50.00 (Article 1,

Section 41).

4.2.2. If the parent is a repeat offender, the fine shall be up to \$500.00.

4.2.3. If the violator is from an establishment, the fine amount shall be up to \$500.00.

Reporting

Ensure all Juvenile Curfew Interviews/Violations are documented in a timely and accurate manner. The entire Juvenile Custody Report must be completed and the following information shall be captured in the Narrative section:

1. The juvenile's clothing descriptions,
2. Circumstances leading up to the to the Investigative Stop,
3. The location of the Investigative Stop.
4. The address of the location where the juvenile was taken,
5. The name of the person the juvenile was released to.

Anytime enforcement action becomes necessary during the curfew violation process, a detailed report of an Investigative Stop must be included in either the narrative section of the Juvenile Custody Report or on Supplement Report, Form 007/04.

Investigative Stop

Once reasonable articulable suspicion has been established that the juvenile might be in possession of a weapon and officers or other persons are in danger, an Investigative Stop and Weapons Pat-Down (an external feeling or patting of clothing, such as would reveal a weapon of immediate danger) may be conducted. An Investigative Stop/Weapons Pat-Down is limited to a pat down of the outer clothing.

Record in the Narrative section of the Juvenile Custody Report:

1. Circumstances relating to the pat-down, and
2. Other final results of the pat-down.
3. All reporting must be completed by end of shift.

Supervisor

1. Review and, upon approval, authorize with your signature the Juvenile Custody Report and related reports.
2. Reports must be signed prior to the end of the shift.

Central Records Section

1. Record all Curfew Interviews/Violations as Investigative Stops .
2. Data entry all Curfew interviews/Violations.

APPENDIX A

Juvenile Custody Report, Form 83/11

ASSOCIATED POLICIES

Policy 503, *Transportation of Passengers in Departmental Vehicles*
Policy 713, *Responding to Mental Health Emergencies and Petitions for Emergency Evaluations*
Policy 808, *Criminal and Civil Citation Procedures Policy 1108, DUI/DWI Arrest Procedures*
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*
Policy 1202, *Juveniles: Consensual, Non-Custodial Contacts, and Custody Procedures*
PCM 11-01, *New Departmental Policy Concerning Certain Juvenile Arrests*

RESCISSION

Remove and destroy/recycle Policy 1205, *Juvenile Curfew*, dated 8 August 2014.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

APPENDIX A

Juvenile Custody Report

JUVENILE CUSTODY REPORT FORM 83/11				POLICE DEPARTMENT BALTIMORE, MARYLAND				1. JUVENILE'S NAME (LAST, FIRST, MIDDLE)				AGE	2. COMPLAINT NO.	
20. CAR NO.	21. POST	22. REPORTING AREA	STREET CODE	3. ADDRESS				CITY	ZIP CODE	4. CUSTODY NO.				
23. TAKEN INTO CUSTODY (LOCATION AND TIME)				5. SEX	RACE	D.O.B.	HT.	WT.	HAIR	EYES	6. RES. PHONE			
24. LOCATION OF INCIDENT				25. SOBRIETY	7. SCHOOL			GRADE	RELIGION		8. PHOTO <input type="checkbox"/> FINGER P. <input type="checkbox"/>			
26. DATE & TIME OF INCIDENT				27. NARCOTIC YES <input type="checkbox"/> NO <input type="checkbox"/>	9. ALIAS OR NICKNAME			10. SOCIAL SEC. NO.		11. PLACE OF BIRTH				
28. VEHICLE INVOLVED: LICENSE STATE YEAR				12. EMPLOYED				BUS. PHONE		13. IDENT. NO.				
29. OFFICER IN CASE: (1)				SEQ. NO.	DIST. OR UNIT			14. INCIDENT (EXPLAIN)		15. COMP. FILED YES <input type="checkbox"/> NO <input type="checkbox"/>		16. DATE OF CUSTODY		
(2)				17. JUDGE				TRIAL DATE		18. DISPOSITION				
30. PARENT <input type="checkbox"/> GUARDIAN <input type="checkbox"/> CUSTODIAN <input type="checkbox"/> (1)				ADDRESS				CITY	ZIP CODE	RES. PH.	BUS. PH.			
(2)				ADDRESS				CITY	ZIP CODE	RES. PH.	BUS. PH.			
32. COMPLAINANT				ADDRESS				CITY	ZIP CODE	RES. PH.	BUS. PH.			
33. REPORTING PERSON <input type="checkbox"/> WITNESS <input type="checkbox"/>				ADDRESS				CITY	ZIP CODE	RES. PH.	BUS. PH.			
34. ACCOMPLICE				SEX	RACE	AGE	ADDRESS			PH. NO.	CUSTODY NO.			
35. HOW TRANSPORTED				36. CAR NO.	37. SEARCHED BY		SEQ. NO.	38. NATURE OF INJURY		39. HOSPITALIZED				
40. DATE & TIME ADM. TO YOUR SECTION				41. DETENTION APPROVED BY				42. ADMITTING OFFICER		SEQ. NO.				
43. NAME OF PARENT, GUARDIAN OR CUSTODIAN NOTIFIED				44. DATE & TIME				45. OFFICER		SEQ. NO.				
46. RELEASED TO (SIGNATURE)				47. ADDRESS				ZIP CODE	48. PH. NO.	49. RELATIONSHIP				
50. DATE & TIME RELEASED				51. RELEASING OFFICER		SEQ. NO.	52. SUPERVISOR		SEQ. NO.					
53. CHECK ONE: IN NEED OF SUPERVISION <input type="checkbox"/> DELINQUENT <input type="checkbox"/> NEGLECT <input type="checkbox"/> DEPENDENT <input type="checkbox"/> MENTALLY HANDICAPPED <input type="checkbox"/>				54. JUVENILE'S MONEY (PROPERTY)										
55. NARRATIVE														

56. **IMPORTANT NOTICE FROM THE CIRCUIT COURT OF BALTIMORE CITY, DIVISION FOR JUVENILE CAUSES**

To: _____ (Parent, Guardian or Custodian); _____ is released to you after being in the custody of the Baltimore Police Department.

You will receive a summons if a complaint is filed with the Juvenile Court of Baltimore City. You are required to notify the Circuit Court for Baltimore City, Division for Juvenile Causes, 300 North Gay Street, Room A-3300, Baltimore, MD 21202, 443-263-6300, of any change of address for you or the child.

Courts and Judicial Proceeding Article, 3-814, of the Annotated Code of Maryland, requires your written promise to bring the child to Court when summoned and to notify the Court of any change of address. Failure to obey a Court summons or give notification of change of address will result in the arrest of the child and a proceeding against you for contempt of Court.

I acknowledge receipt of this notice: _____ (Signature of Person Released To) _____ (Relationship)

Address: _____ Telephone: (home) _____ (work) _____ Age: _____

Releasing Officer: _____ Seq. No. _____ Unit: _____ Date/Time _____

APPENDIX A (Continued)

Juvenile Custody Report Supplement

<p>SUPPLEMENT REPORT Form 04/007 1160-26-23</p>		<p>POLICE DEPARTMENT BALTIMORE, MARYLAND</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">1 Crime / Incident</td> <td style="width: 30%;">Attempt <input type="checkbox"/></td> </tr> <tr> <td colspan="2">2 Complaint Number</td> </tr> <tr> <td colspan="2">3 Location of Offense / Incident (Street Address, Zip)</td> </tr> <tr> <td colspan="2">Page _____ of _____</td> </tr> <tr> <td>4 Date / Time of This Report</td> <td>5 Arrest / Custody Number</td> </tr> <tr> <td colspan="2">11 Original Report Date / Time</td> </tr> <tr> <td colspan="2">12 Offense / Incident Changed From</td> </tr> </table>		1 Crime / Incident	Attempt <input type="checkbox"/>	2 Complaint Number		3 Location of Offense / Incident (Street Address, Zip)		Page _____ of _____		4 Date / Time of This Report	5 Arrest / Custody Number	11 Original Report Date / Time		12 Offense / Incident Changed From	
1 Crime / Incident	Attempt <input type="checkbox"/>																		
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Page _____ of _____																			
4 Date / Time of This Report	5 Arrest / Custody Number																		
11 Original Report Date / Time																			
12 Offense / Incident Changed From																			
<p><input type="checkbox"/> Continuation <input type="checkbox"/> Follow Up</p> <p>Person <input type="checkbox"/> Property <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Vehicle <input type="checkbox"/> Missing Person <input type="checkbox"/> Custody <input type="checkbox"/></p>		6 Unit		7 Post of Occurrence		8 Reporting Area		9 Street Code		10 CAD Number									
13 Case Status <input type="checkbox"/> Open <input type="checkbox"/> Closed		14 Multiple Clearance <input type="checkbox"/> Yes <input type="checkbox"/> No		15 Case Disposition <input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared		16 Follow-Up <input type="checkbox"/> Yes <input type="checkbox"/> No		17 Crime Code		18 Crime Classification									
19 Complainant / Victim Name (Last, First, MI), or Firm Name if Business		Residence / Address (Include City, County, State, Zip)				Sex		Race		Age DOB									
20 Copies Forwarded To																			
<p><small>Section D - Warnings: (1) Continuation of any preceding items. (2) Property Listing, to include property taken and seized, undated evidence property, list property inventory number(s) when applicable. (3) Record all activity and developments in case subsequent to last report. Include names and arrest numbers of all persons arrested. Explain any crime/incident classification change. (4) List all additional notifications, including name, agency or assignment, unit number, telephone number, date, time. (5) Recommend case status when applicable. (6) If Multiple Clearance, include all affected complaint/case numbers.</small></p>																			
<h2 style="margin: 0;">Terry Stop</h2> <p style="margin: 10px 0;">The juvenile's clothing descriptions</p> <p style="margin: 10px 0;">Circumstances leading up to the to the Investigative Stop</p> <p style="margin: 10px 0;">The address of the Location where the juvenile was taken</p> <p style="margin: 10px 0;">The name of the person the juvenile was released to</p> <p style="margin: 10px 0;">For a Terry Frisk the additional information is required:</p> <p style="margin: 10px 0;">Circumstances relating to the search</p> <p style="margin: 10px 0;">Other final results of the search</p>																			
Continued <input type="checkbox"/>																			
<p>21 I affirm and declare that the statements above are true to the best of my knowledge: Reporting Person's Signature _____ Date _____</p>																			
22 Reporting Officer Name (PRINT CLEARLY)				Sequence No. Assignment				Signature											
23 Approving Supervisor Rank and Name				Sequence No. Assignment				Signature											
24 RMS Data Entered By			Sequence No.		Date		Time		25 Reviewer		26 Referred To								

REPORT SHOULD BE TYPED OR LEGIBLY PRINTED IN BLACK INK