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**MINUTES OF THE CITY COUNCIL WORK SESSION**

**Held Monday, November 6, 2000**

**For the purpose of meeting with the Public Safety Advisory Committee to discuss the Proposed Curfew Law.**

The meeting began at 8:05 p.m. It was held in the Multi-Purpose Room of the Youth Center.

PRESENT WERE: Council members Rodney M. Roberts, Alan Turnbull, and Mayor Judith F. Davis. Edward V. J. Putens arrived at 8:08 p.m.

STAFF PRESENT WERE: Michael P. McLaughlin, City Manager and David E. Moran, Assistant to the City Manager; Connie Harris, Human Resources Officer; Tom Kemp, Police Lieutenant.

ALSO PRESENT WERE: Dorrie Ipolito and Kelby Brick, Public Safety Advisory Committee; Kevin Hammett, Konrad Herling, Hopi Auerbach & Booker Hughes, Community Relations Advisory Board; Sheldon Goldberg; Charles Hagelgans, his daughter and her friend; Barbara Young, News Review and Amy Boyes, The Gazette.

Ms. Ipolito began by summarizing the process the Public Safety Advisory Committee had used to consider a curfew proposal. She noted that the curfew was broad enough to allow young people who needed to be out for jobs, church, and other legitimate activities. Ms. Ipolito also stated noted that the Public Safety Advisory Committee had held several meetings and had received a favorable report from the Youth Advisory Committee.

Mr. Brick noted that the Public Safety Advisory Committee had studied other alternatives to the curfew law such as evening recreational activities.

Mayor Davis thanked the Public Safety Advisory Committee for doing its work.

Mr. Turnbull also thanked the Committee for its thorough evaluation. However, he stated that he disagreed with the Committee's conclusions. Mr. Turnbull asked why the City needed a curfew law if the County already had one. Mr. McLaughlin responded that the City Solicitor had indicated the City Council needed to either adopt it's own law or agree to adopt the County's law for a curfew to be in effect in Greenbelt.

Mr. Roberts asked about enforcement in other parts of the County. Lt. Kemp responded that Laurel was enforcing the law and that some statistics were included in Council's packet.

Mayor Davis reported that Mr. White who was absent from the meeting had agreed with the Community Relations Advisory Board report and did not feel a curfew law was needed at this time.

Mr. Putens asked what the City would do different if it had a curfew in place. Lt Kemp responded that this was a tool the police could use to approach and engage young people.

Mr. Turnbull stated he hoped police would use a positive community policing approach. Lt. Kemp stressed that the Police Department did not view a curfew law as a critical operational need.

Mayor Davis asked about the Operation Midnight program. Lt. Kemp responded that very few parents had given their consent to participate in this program.

Mayor Davis asked how the proposed legislation differed from the County. Mr. Brick responded that the proposal was similar to Laurel's law. Mr. McLaughlin referenced a chart that was included in the booklet which compared the proposal to other jurisdiction's curfew laws.

Mr. Roberts asked how the police would confirm the age of a young person. Lt Kemp responded that the Police would have to use discretion and judgment on each situation. Mr. Roberts expressed concern about enacting another law that the City was not going to enforce. He noted that Laurel's curfew statistics had decreased and indicated that this might be due to a reduction in enforcement.

Mr. Brick stated that Eleanor Roosevelt High School students have identification cards with their ages on them. He indicated that Laurel believed the curfew statistics in their report were a direct result of the curfew law and incidents decreased as the law was used. Mr. Brick indicated that publicity and notice was needed in order to implement the law.

Mr. Turnbull expressed concern about the City not enforcing the law. He also noted concern about scenarios where an adult looked like a child or a rare occasion where an officer had a stressful day and might choose to enforce the proposed law in a less professional manner.

Ms. Ipolito stressed that times had changed and the family dynamic had changed and the culture had changed. She noted that these kids were at risk for violence, abuse, drugs etc. and that the City had a social responsibility to take care of these kids.

Mayor Davis asked if the City had statistics on young people. Lt. Kemp responded that the City did not keep those statistics, but could pull together some data by looking at incident reports.

Mr. Roberts expressed concern about seeing youth out late in the evening and wondering what they were doing.

Mr. Putens noted that some kids were on the street because they don't want to go home. He expressed concern that the City might become an oasis for kids from other jurisdictions, because Greenbelt did not have a curfew law in place.

Mayor Davis expressed concern about selective enforcement of the law and the City being open to charges of profiling or stereotyping. Lt. Kemp believed those charges were likely both from individuals and organized groups. He stressed the curfew law would be used on an as needed and discretionary basis.

Mr. Herling stated that this issue comes up about once every 30 years or so. He noted that his dad had opposed this issue in the past because most crime was committed during the day. Mr. Herling stressed that the changes at Roosevelt Center had changed the behaviors there and believed this was part of the answer.

Mr. Goldberg stated that there had been a contradiction in the reason for the law. He believed if the object was to protect children that a curfew needed to be 16 and under. If the issue was crime, than 17 or 18 year olds should be treated similar to adult criminals.

Ms. Auerbach expressed opposition to the curfew law. She provided a story about a group of tourists from Germany who came to DC and were surprised that they could not go out after a certain time. She believed a curfew was morally wrong.

Mr. Hagelgans expressed opposition to the curfew law. He wanted to retain responsibility for raising his children. He believed this placed an undue burden on very responsible kids. Mayor Davis asked what you do with irresponsible kids. Mr. Hagelgans responded that in America we have to let them act irresponsibly unless they commit a criminal act.

Mr. Turnbull again expressed opposition to the curfew law. He noted that the elderly and other groups were at risk, but we wouldn't impose a curfew on them. He stated that societal norms controlled behavior and that efforts might be better put towards establishing a norm that achieved the same result as a curfew.

Mr. Putens asked if the age on the curfew could be lowered. Ms. Ipolito responded that it could be lowered to another age.

Mr. Roberts believed that the purpose of a curfew law was not to tell kids involved in legitimate activities what they can and can't do. He stated the purpose of a curfew was to deal with kids that shouldn't be out there at that particular time.

Mr. Brick stated that many of these issues had already been raised by the Public Safety Advisory Committee. He noted that the Committee has focused on safety and had come up with a reasonable approach. He stressed the proposal included many exceptions. Mr. Brick indicated that kids would not be arrested but they would be sent home or brought home. He stated the law would provide an opportunity for the officer to interact with the youth.

Mr. Hammet noted that the Community Relations Advisory Board was only one group of Greenbelters and had only discussed this issue on one evening. He questioned why Greenbelt had chosen a more strict law than other jurisdictions. Lt. Kemp responded that the purpose was to keep the law consistent with the definition of a minor and a juvenile.

Mr. Herling expressed support for steps to get a positive message out about keeping kids in after late hours. He believed the City needed to consider a more comprehensive approach.

Mayor Davis asked if there was another way to deal with the problem of young people out at 2:30 in the morning. Lt. Kemp listed a variety of social programs at the City's disposal to help vulnerable youth including Greenbelt CARES, the City's Crisis Intervention Counselor and County Child Protective Services.

Mr. Turnbull stressed that kids who needed help, could be helped by the current resources that the Police have at their disposal.

Mr. Roberts stressed that for him to consider a curfew it would have to be aimed at a much lower age.

Mr. Putens suggested maybe a lower age and suggested calling it a "youth protection ordinance." He believed the Council needed to ask what was the City was trying to accomplish and how could they protect young people.

Mayor Davis asked if there was something the City could do with young people out very late. Lt. Kemp responded that the City had resources it could use to protect underage children.

Mr. Haggelgans raised concerns about the \$500 fine.

Mr. Putens suggested that under 16 might be the appropriate age.

Mr. McLaughlin suggested that Council consider a different time period (such as after 2:00 am) for a group at a younger age. Ms. Ipolito responded why bother at that point.

Mr. Brick stated there were other things the City could do like aggressively promoting the Operation Midnight. Lt. Kemp noted that if the City had a considerably different law than other jurisdictions the City might become a magnet for kids from other jurisdictions.

Mr. Turnbull stated that Council had not decided what problem (protecting the kids versus protecting the community) it was trying to fix. He suggested that the City define the problem and then try to address that problem.

Ms. Ipolito responded that curfew laws always try to address both problems. She stressed that the City does have a responsibility to the community. She suggested the City hold a public meeting on the issue and publicize it.

Mayor Davis stressed that if there was another meeting, the Council would likely end up in the same position.

Mr. Putens noted that this issue was raised when there were critical problems at Roosevelt Center and now that things were better there the cry to address this situation had died down. He suggested that Council needed more statistics from the Police Department.

Mr. Roberts expressed support for a public meeting on the issue. Mr. Turnbull suggested that the meeting be called a public hearing on the topic of "youth safety" or "community safety." Mayor Davis suggested that now was not the best time of year because of weather and the upcoming holidays.

Mr. Roberts and Mr. Putens indicated they did not want the issue placed on the back burner. Council directed staff to place the issue on a agenda for the scheduling of a future meeting.

Mr. Turnbull appreciated that quality of the report submitted by the Public Safety Advisory Committee and thanked the Committee for not passing value judgments.

The meeting ended at 10:50 p.m.

Respectfully Submitted,

David E. Moran

Assistant to the City Manager