INTRADEPARTMENTAL CORRESPONDENCE
Los Angeles School Police Department

NOTICE- 11-04

October 19, 2011

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: ENFORCEMENT OF DAYTIME CURFEW LAWS – REVISED

PURPOSE: The purpose of this Notice is to clarify the objective, scope and application of Los Angeles Municipal Code (LAMC) Section 45.04 – Daytime Curfew restrictions for Minors, and the application of daytime curfew (truancy) enforcement District-wide for Los Angeles School Police Department (LASPD) sworn personnel. This Notice also reinforces the LASPD’s commitment to support the Superintendent’s goals of attendance and graduation improvement, and reduce the cycle of student “push out.”

LAMC Section 45.04 is intended to be a tool to reduce the likelihood of minors being victims of/or involved in crimes. Officers must consider the spirit of the intended application of the Daytime Curfew ordinances prior to taking enforcement action. In addition, officers must be familiar with and adhere to the numerous exceptions which allow minor students to be in public during school hours without violating the ordinance. These exceptions are listed in Appendix A of this Notice.

The proper application of the ordinance is for minor students who are either intentionally avoiding school or loitering in public places at times when they are required to be in school. Unless one of the above-mentioned elements is present at the time the officer has encountered the minor, generally, the minor should not be subject to a citation or an arrest for truancy if truancy is the only offense.

Any minor student who has a school schedule that does not require him or her to be in school at the time of the encounter shall not be cited, as the daytime curfew applies only “during the hours of the day when the school, which the minor would normally attend, is in session, on days when that school is in session.” Further, officers shall not issue citations to students who are age 18 or older, even if they are enrolled in school.

Officers are reminded that they must inquire whether the student has a valid excuse for tardiness or absence as delineated in Appendix A. Should a citation be warranted, officers should articulate the justification for the citation in the narrative portion of the citation, (i.e., “Subject did not meet any valid excuse exceptions and was loitering inside a food establishment two hours after scheduled school start”).
PROCEDURE: Whenever feasible, officers who encounter students off campus during school hours should cause the facilitation of the minor student’s return to his/her school.

- Officers shall, before taking action to enforce the provisions of the Daytime Curfew laws, ask the student's age and reason for being in the public place during curfew hours. The officer shall make a reasonable attempt to confirm the student’s explanation regarding enrollment by contacting the school and/or parent/guardian.

- Officers shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and no exceptions listed in Appendix A of this Notice apply.

- Officers shall not enforce the Daytime Curfew on school grounds or at school entrances, as the language of the daytime curfew laws indicate that the statute is enforceable only when a student is absent from school, unsupervised, at any place which is open to the public. LAUSD campuses, during school hours, are NOT considered “open to the public” as supported by enforceable “No trespassing” laws.

- Generally, officers shall not enforce the Daytime Curfew directly adjacent to the school grounds and within the “Safe School Zone” perimeter unless the officer has reasonable suspicion, based on specific and articulable facts, that the student is in violation of another law or ordinance.

If the student states that he/she is traveling to school or a destination covered by the exceptions to the ordinance or procedures in this Notice and also appears to be heading toward their school or legitimate destination cited in Appendix A, but does not have a parental consent, the issuance of the citation is generally not warranted. Minor students with a valid exception as outlined in Appendix A, and/or possess a valid parental note authorizing their presence in a public place should be allowed to continue on their way.

Officers may utilize reasonable means, including, but not limited to, temporary detentions, to verify the validity of an excused absence.

If there are factors other than the actual or suspected violation of Daytime Curfew ordinances that cause the officer to believe officer safety may be threatened or the minor is in possession of contraband, the officer should follow the requisite Department policy and procedures governing protective frisks, the use of handcuffs or physical restraints, and searches.

Daytime Curfew Task Forces

Generally, LASPD should not conduct spontaneous Daytime Curfew Task Forces (DCTF). Should a DCTF be warranted, prior approval SHALL be obtained from a commanding officer.
The scope and purpose of the operation and the targeted boundaries shall be documented on an Employee’s Report (15.7), addressed to the Commanding Officer of the Division in which the task force will occur. The Division Commanding Officer within the identified target area should verify crime patterns and crime time periods prior to granting approval of a DCTF. Daytime Curfew Task Force operations should generally not begin during the first 90 minutes that the involved school is in session.

Note: A Task Force is defined as the utilization of extraordinary resources above normal deployment, with or without other law enforcement agencies participation, for the purpose of targeting specific statute violations due to complained of or conspicuous criminal activity.

The Commanding Officer, Field Services Bureau, shall be responsible for monitoring compliance with this Notice. Additionally, the Office of the Chief of Police will implement a monitoring plan for the first year of implementation to review the data on citations quarterly for compliance with this Notice.

Any questions regarding this Correspondence should be directed to the Office of the Chief of Police.

STEVEN K. ZIPPERMAN
Chief of Police

Attachment
APPENDIX A - DAYTIME CURFEW ORDINANCE EXCEPTIONS

- LAMC section 45.04 (b)

- The minor is accompanied by his/her parent, guardian, other adult person authorized by the parent or guardian having the care or custody of the minor; or,

- The minor is on an emergency errand directed by his/her parent, guardian or adult person having the care or custody of the minor; or,

- The minor is going directly to or coming directly from their place of gainful employment; or,

- The minor is going directly to or coming directly from a medical appointment; or,

- The minor has permission to leave campus for lunch and has in his/her possession a valid, school-issued off campus permit; or,

- The presence of the minor in one or more of the places identified in Subsection (a) is connected with or required with respect to a business, trade, profession or occupation in which the minor is lawfully engaged; or,

- The minor is involved in an emergency such as fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state, which calls for immediate action; or,

- The minor is in a motor vehicle involved in interstate travel; or,

- The minor is authorized to be absent from his/her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law.