

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject: ENFORCEMENT OF THE CURFEW ORDINANCE

INTRODUCTION

The curfew ordinance involves every minor UNDER the age of eighteen years who is on the streets or other public place after 11:00 p.m. and before sunlight, unless accompanied by a parent, legal guardian or spouse over age 18.

1. As noted, this actually involves every minor on the streets or in public places not accompanied by one of the above-mentioned individuals.
2. However, the police department policy is NOT to use this ordinance as strictly interpreted but to employ it as a LOITERING control ordinance.

POLICY

If a juvenile has been attending a theater or some social function and is on his way home in a business-like manner, at a reasonable hour for his age, he should not be apprehended for a violation of this ordinance. For example: Should a child under ten years of age be returning home from a show after midnight, even though not loitering, it would be reasonable to enforce this ordinance in order that his parents may be counseled. It is evident that it is far too late for a child of this age to be out, although one of sixteen or seventeen years of age could be proceeding directly home from a function at 1:00 or 2:00 a.m. and yet not be a real cause for curfew enforcement.

It is impossible to lay down strict lines as to when to enforce, and when not to enforce, this ordinance. The illustrations given in this enforcement policy can only serve as guidelines; each situation must be analyzed on its own merits. The curfew ordinance can be of great value if enforced properly. It gives the police department a valuable tool with which to control the activities of individuals and groups loitering around the street corners, businesses, or other places where their purpose or intention is questionable or a source of annoyance to other citizens.

ENFORCEMENT PROCEDURE:

1. When possible or necessary, curfew violators should be brought to the Police Department where the parents will be contacted and required to call for the child.

Reference:

Effective Date

March 01, 1988

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2. *If the violator is found at some distance from the department and closer to his home, the violation is a minor one, the juvenile may be taken home and released to his parents.*
3. *If the officers believe that the situation, the time, and the circumstances require only a warning and a release at the scene, this may be done.*

Each officer should have a thorough knowledge and understanding of this enforcement policy and will be expected to use good judgment and common sense in applying it. Regardless of the disposition, a field identification card should be made, if appropriate, and forwarded to Dispatch for file.

Reference:

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