



EVERMAN POLICE DEPARTMENT

Chief of Police

"See it, Hear it, Report it..."

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404 W. Enon Avenue
Everman, TX 76140

INTEROFFICE MEMORANDUM

TO: ALL POLICE PERSONNEL
FROM: C. W. SPENCER – CHIEF OF POLICE
SUBJECT: H.B. 1819 – REPEALING JUVENILE CURFEW ORDINANCES
DATE: JULY 28, 2020
CC: HONORABLE MAYOR - RAY RICHARDSON
COMMUNITY SAFETY ADVISORY COMMITTEE CHAIR – DANI SORIA
EISD SUPERINTENDENT – DR. FELICIA DONALDSON
CITY PROSECUTOR – CRAIG MAGNUSON
MUNICIPAL COURT ADMINISTRATOR – EDNA MARTINEZ
MEMO #: 23-005

During the 88th Legislative Session, Texas lawmakers passed House Bill 1819, which was ultimately signed into law by Governor Greg Abbott. This House Bill amend the Local Government Code and prohibits cities from enforcing juvenile curfew ordinance on and after September 1, 2023. As a result, the Everman City Council is expected to repeal all ordinances related to curfew in August.

As these ordinances will be repealed, it is also essential to understand that this will no longer be an offense. All Officers must be aware of this significant change. Please also understand, that having knowledge of this new law change, it is unlikely that any reasonable prosecutor or judge will pursue judgment against a juvenile violator even prior to September 1, 2023. Therefore, effective immediately, Officers are prohibited by policy from enforcing juvenile curfew ordinances.

BACKGROUND

House Bill 1819 was introduced arising out of complaints made and statistics in Lubbock. Lubbock was utilized as the focal point for consideration during this bill. There were complaints that Lubbock had, "weaponized" this ordinance and over-utilized this ordinance. Statistics revealed that during a 3-week period in May and June of this year, Lubbock PD detained 8 juveniles that were transported to the LPD East Substation to be picked up by their parents, 13 juveniles and 8 adults were cited during the period. Advocacy groups argued that these ordinances did not reduce youth crime and victimization, although the Coalition for Juvenile Justice argued that it did.

OPINION

Once again, I feel that our legislators have missed the mark as it relates to juvenile processes. I am fully supportive of the severance of the "school-to-prison" pipeline; however, I believe that the severance should occur within the court system and not within law enforcement. Not being aware of the full details surrounding the issues within Lubbock, I believe the issues there could have been easily addressed and corrected through policy. Instead, lawmakers have taken that local control away from every municipality in the state.

Law Enforcement Officers are empowered with the ability to utilize discretion. Our Officers have regularly utilized this discretion to the benefit of the public **and** the youth within our community. Although this ordinance exists, Officers have frequently made



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contact with juveniles in violation of this ordinance. Rarely has enforcement action been required during these contacts. Rather, many of these contacts have proven to be positive interactions between our youth and police. Officers have educated juveniles on the laws, explained the reasons for their existence, and provided effective alternatives. On occasion, our Officers have even discovered youth in need through the enforcement of this ordinance and have addressed those needs. Our data supports that our juvenile curfew ordinance has reduced youth crime. I am concerned that this new law will have an adverse impact on our community. I will work with the Texas Police Chief's Association and our local lawmakers to hopefully restore this vital ability, at least on some level, in future sessions.

For now, please keep doing an amazing job! As always, if you have any questions or concerns regarding this memo or law, please do not hesitate to contact me.

This policy shall remain in effect by memo until such time that it is fully incorporated into a newer version of the Policies and Procedures Manual. Any questions regarding this memorandum should be directed towards your immediate supervisor as soon as practical.


C. W. Spencer
Chief of Police