


TEXARKANA POLICE DEPARTMENT GENERAL ORDERS MANUAL

SUBJECT	Juvenile Curfew Enforcement		
NUMBER	1102.06	EFFECTIVE DATE	April 12, 2011
Scheduled Review Date	November 06, 2021	ISSUE DATE	April 12, 2011
Date Reviewed	November 06, 2019	REVISION DATE	
APPROVED BY		(Reserved for Expansion)	

I. Purpose and Scope

- A. The purpose of this policy is to establish guidelines and procedures that govern the manner in which officers of the Texarkana Police Department enforce Texarkana, Arkansas City Ordinance K-458 which establishes a curfew for minors.

II. Policy

- A. It shall be the policy of the Texarkana Police Department to establish guidelines that govern the manner in which officers of the Department enforce the City's juvenile curfew ordinance. All members of the Department shall recognize and adhere to the guidelines set forth within this policy.

III. Definitions

- A. For the purposes associated with this general order, the following definitions shall apply:
 1. **Emergency** — An unforeseen combination of circumstances or the resulting state that calls for immediate action. Although not inclusive, the term includes a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or the loss of life.
 2. **Minor** — Any person under eighteen (18) years of age.
 3. **Parent** — A person who is the natural parent, adoptive parent or the step-parent of a person. As used herein, parent shall also include a court appointed guardian or other person twenty-one (21) years of age or older and authorized by the parent, by a custodial order or by the court appointed guardian to have the case and custody of a person.
 4. **Public Place** — Any place to which the public or a substantial group of this public has access and includes—but is not limited to—streets, highways and the common areas within schools, hospitals, apartment houses, office buildings, transport facilities and shops.

IV. Procedures

- A. The establishment of Texarkana, Arkansas City Ordinance K-458, otherwise known as the juvenile curfew ordinance, serves the following purposes:
 1. Protect minors from criminal activity that occurs after the curfew hour;

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2. Protect minors from improper influences that prevail after the curfew hour;
 3. Protect the public from illegal acts committed by minors after the curfew hour; and
 4. Helps parents, guardians, custodians or other responsible persons in carrying out their responsibility to exercise reasonable supervision of the children entrusted within their care.
- B. The ordinance establishes the following curfew hours for those who are under the age of eighteen (18):
1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. the following day;
 2. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and
 3. 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday during those periods in which the Texarkana, Arkansas School District is in session.
- C. The ordinance has established and classified the following activity as unlawful:
1. It shall be unlawful for any minor to intentionally or knowingly remain, walk, run, stand, drive or ride about in or upon any public place within the City of Texarkana, Arkansas during curfew hours.
 2. It shall be unlawful for the parent of a minor to knowingly permit—or by insufficient control—to allow such minor to remain, walk, run, stand, drive or ride about in or upon any public place within the City of Texarkana, Arkansas during curfew hours. The term “*knowingly*” includes knowledge which a parent should reasonable be expected to have concerning the whereabouts of a minor in that parent’s legal custody.
- D. The ordinance has established and classified the following activity as a defense to prosecution at the time of the act that would otherwise constitute an offense of this ordinance:
1. The minor was accompanied by his/her parent;
 2. The minor was accompanied by an adult twenty-one (21) years of age or older designated by his/her parent;
 3. The minor was on an errand made necessary by an emergency;
 4. The minor was attending a school, religious activity, or a government sponsored activity, or going to or coming from a school, religious, or a government sponsored activity.
 5. The minor was engaged in lawful employment activity or volunteer work at a recognized charity institution, or going to or coming from such activity without detour or stop;
 6. The minor was attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Texarkana, Arkansas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from—without any detour or stop—an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Texarkana, Arkansas, a civic organization, or other similar entity that takes responsibility for the minor;
 7. The minor was—with parental consent—in a motor vehicle engaged in interstate travel, beginning, ending or passing through Texarkana, Arkansas;

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8. The minor was on an errand at the direction of the minor's parent, without any detour or stop;
 9. The minor was on the property or the sidewalk directly adjacent to the place where such minor resides or the place immediately adjacent thereto if the owner or occupant of the adjacent building does not communicate an objection of the minor to the Police Department;
 10. The minor was attending or traveling directly to or from an activity involving the exercise of First and Fourteenth Amendment rights protected by the United States Constitution, including, but not limited to the free exercise of religion, freedom of speech and the right of assembly;
 11. The minor is married and/or is living independently and self-sufficiently;
 12. The minor was following the direction of a peace officer; and
 13. With respect to the hours between 9:00 a.m. and 2:30 p.m. only, the offense occurred during the school summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled.
- E. Before taking any enforcement action under this Ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this ordinance unless the officer reasonably believes that an offense has occurred, and based on any response and other circumstances, no defense to the violation exists.
1. It shall not be the Texarkana Police Department's objective to arrest every juvenile who is in violation of the ordinance. As indicated above, officers of the Department shall evaluate the circumstances of the situation before making the determination to issue a citation for the violation of the curfew ordinance.
 2. Officers will use discretion and exercise good judgment while enforcing this ordinance. The ordinance was passed as a tool for police officers to deal with problem areas or problem juveniles.
 3. For more information regarding the Department's policy on an officer's use of discretion, refer to [General Order 1101.19--Use of Discretion](#).
- F. When an arrest for violations of the curfew ordinance are made, the following procedures will be followed:
1. Officers will utilize a Department issued Juvenile Citation whenever making an arrest for a curfew violation. The box on the Juvenile Citation affiliated with *Other Violation* will be checked, and the charge *Curfew Ordinance Violation* will be written in the available space. In the space associated with the Arkansas Statute number associated with the violation, officers will include *K-458* in this space.
 2. Check the Municipal Court box. All juveniles will be cited to Municipal Court. They should be cited to the officers next court date at 1:00 p.m. Use the court clerk's phone number of 903-798-3012.
 3. Citations will be issued to the offender and the appropriate notice to the parent will be provided by the Municipal Court Clerk's office by an official letter. If the officer has knowledge of previous curfew violations by the offender, the officer may contact the parent and have them come to the scene to sign the ticket, or the officer may transport or follow the juvenile home if the residence is within the Department's jurisdiction.
 4. If the parent or guardian is not contacted, the officer shall advise the juvenile a parent will need to accompany them to court.

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5. Officers are required to generate a CCN number; however, because the offense will be heard by the District Court, an offense report will not be needed.
6. The distribution of citation copies concerning curfew violations is as follows.
 - a. The white and yellow copies of the citation will be forwarded to the Docket Clerk;
 - b. The green copy of the citation will be kept by the issuing officer; and
 - c. The hard copy of the citation will be given to the minor/parent receiving the citation.

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