

BALTIMORE POLICE DEPARTMENT

Police Commissioner's Memorandum 23-05

May 26, 2023

Subject: Implementing Nighttime Curfew for Youth Crowds

PURPOSE

The City has long recognized that the safety, health, and welfare of its youth is of paramount importance. Article 19, Subtitle 34 of the Baltimore City Code recognizes this fact, and provides the legislative intent behind creating a youth curfew. The Baltimore Police Department ("BPD") has also acknowledged this issue, and created a Juvenile Curfew Policy (BPD Policy 1205) in 2016.

Enforcement of a juvenile curfew is necessary to safeguard and protect our City's youth; however, the enforcement of the curfew is not intended to lead to an unnecessary increase in interactions between BPD and the City's young people. That is why the majority of interactions—including transportation to Youth Connection Centers—will be handled by non-BPD City employees or third-party entities. This objective is consistent with the Consent Decree's goal of reducing youth involvement with the juvenile and criminal justice systems.

To that end, and in furtherance of the Mayor's instruction to implement a nighttime curfew for youth crowds, the BPD is issuing this Police Commissioner Memorandum ("PCM"), which will directly address BPD's role in the implementation of the juvenile curfew. BPD Policy 1205, *Juvenile Curfew*, is hereby suspended and superseded by this PCM, which will remain in effect from May 26 (@ 2300 hours (11:00 P.M.)) – September 4, 2023. During that time period, BPD Policy 1205, *Juvenile Curfew*, will be updated and amended to address best practices and other issues that have arisen since the policy was created in 2016. Upon amendment, which includes review by the U.S. Department of Justice and the Consent Decree Monitoring Team, BPD Policy 1205, *Juvenile Curfew*, will then be adopted as an active BPD policy. At that time, this PCM will be rescinded through another Police Commissioner Order.

GENERAL

1. Members shall remember that the purpose of this PCM is to ensure the public peace, safety, health, and welfare of minor children under the age of 17. The Curfew Ordinance will be a means of ensuring a youth's safety by the youth relocating to a place they are permitted to be at night by either their own means or consenting to a Youth Connection Center employee providing transportation to the Center. Members shall NOT stop or take into custody youth solely for a curfew violation.
2. Members shall remember that youth being relocated by a Youth Connection Center is not in-place of enforcing a violation that would result in the arrest of a youth. If there is reasonable articulable suspicion (RAS) or probable cause that the youth has committed or is committing a crime (e.g. destruction of property, assault, etc.), the member shall address the crime or suspected crime as set forth in Policy 1202, *Interactions with Youth* and other BPD policies.

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DIRECTIVES

Upon Observation of a Youth Crowd

Member

3. Members shall:
 - 3.1. Upon an observation of a youth crowd of 10 or more minors who:
 - 3.1.1. Appear to be under the age of 17,
 - 3.1.2. Are in or about any public place or any establishment past the nighttime hours permitted by the Curfew Ordinance, and
 - 3.1.3. Do not fall under the ordinance's Exceptions (See Appendix A).
 - 3.2. Activate their body-worn cameras (BWC) and contact their supervisor for additional resources and the Youth Connection Center, informing both of the crowd's location and size.

First-Line Supervisor

4. First-line Supervisors shall respond to the scene upon any request from a member for additional resources in maintaining the public peace, safety, health, and welfare of the youth crowd who are not permitted to be in public places or establishments during the nighttime curfew hours.
5. Upon arrival, the First-Line Supervisor shall make their own determination and, if applicable, inform the Shift Lieutenant if additional resources are needed.
6. Once the First-Line Supervisor reasonably believes the crowd is of a size that the resources present are sufficient to maintain public peace, safety, health, and welfare of the youth crowd when announcing that they are not permitted to remain in this or any other public place or establishment during the nighttime curfew hours, the First-Line Supervisor shall make the Vacate Announcement. (See *Issuing Vacate Announcement* below.)

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Lieutenant

7. Lieutenants shall respond to the scene upon any request from a First-Line Supervisor for additional resources in maintaining the public peace, safety, health, and welfare of the youth crowd who are not permitted to be in public places or establishments during the nighttime curfew hours.
8. Once the Lieutenant reasonably believes the crowd is of a size that the resources present are sufficient to maintain public peace, safety, health, and welfare of the youth crowd when announcing that they are not permitted to remain in this or any other public place or establishment at night, the Lieutenant can make the announcement. (See *Vacate Announcement* below.)
9. If the Lieutenant believes the youth crowd of minors is of a size that requires additional resources, the Lieutenant shall contact their Commander for additional resources.

Commander (Captain or Major)

10. For the purposes of this section, the Commander who responds will be dependent on location, time, and who is on duty. If Commanders such as the Downtown Deployment Commander, Unit 41, or a Gold Badge Commander are on duty, they will respond through Communications.
11. Commanders shall respond to the scene upon any request from a Lieutenant for additional resources in maintaining the public peace, safety, health, and welfare of the youth crowd who are not permitted to be in public places or establishments during the nighttime curfew hours.
12. Once the Commander reasonably believes the crowd is of a size that the resources present are sufficient to maintain public peace, safety, health, and welfare of the youth crowd when announcing that they are not permitted to remain in this or any other public place or establishment at night, the Commander shall make the announcement. (See *Vacate Announcement* below for the correct language.)

Issuing Vacate Announcement

13. Members of any rank who will make the announcement:
 - 13.1. Shall ensure their BWC is activated and notify Communications prior to making the announcement.

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- 13.2. May use their discretion to determine, based on the size of the crowd, if projecting their voice to make the announcement or using more than one member strategically placed on different sides of the crowd would be effective. Members should only use a bull horn, loud speaker, or similar communication device when necessary due to either the size of the crowd or when voice announcements are ineffective.
- 13.3. Shall ensure that all minors present are properly notified.
14. If possible, have a qualified bilingual Spanish speaking member make the announcement in English and Spanish. If the announcement needs to be made in a language other than English or Spanish, members shall attempt to have a qualified bilingual member present to make the announcement in the other language.
15. Members issuing the Vacate Announcement, shall make the below statement. If the Youth Connection Center has not arrived yet, modify the language to indicate they are on their way.
- "Baltimore City has a curfew that does not allow youth of specific ages to be in any public place or establishment during certain hours.*
- If you are under 14 years of age you may not remain at this location between the hours of 9 p.m. and 6 a.m.*
- If you are between 14 years old and under 17 years of age you may not remain at this location between the hours of [STATE THE HOURS. See Appendix A].*
- If you fall within these ages, you may choose to leave on your own or a Youth Connection Center employee can transport you to the Center run by the City where your parent or guardian can pick you up.*
- If you have any questions, please talk to a Youth Connection Center employee or a BPD member."*
16. Members shall issue three successive announcements for the minors to comply and exit the area. If the Youth Connection Center has not arrived, members may make a first round of announcements prior to Center's arrival and again when the Center arrives. Members shall inform Communications when each announcement is made.
17. The supervisor in charge at the scene will determine the number of members that will remain and coordinate with the Youth Connect Center after the announcements are made.

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Transport to Youth Connection Centers

18. Only Youth Connection Center employees may transport minors to the Center. Members shall confirm that the individuals arriving to transport minors are Youth Connect Center employees by checking their valid work-issued identification. Only minors consenting to be transported may be transported by the Center.

Titling Body-Worn Camera

19. All members on the scene shall include in the title of their BWC "PCM 23-05 Youth Curfew." The member who issued the announcement will also include "Vacate Announcement."

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Appendix A

§ 34-3. Prohibited conduct of minors – Nighttime curfew.

(a) Scope of section.

This section does not apply to a minor:

- (1) accompanied by the minor's parent;
- (2) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, or the right of assembly;
- (3) in a motor vehicle involved in interstate travel;
- (4) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence; or
- (7) attending or, without any detour or stop, going to or returning from an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Baltimore, a civic organization, or another similar entity that takes responsibility for the minor.

(b) Prohibited conduct – Minors less than 14 years old. No minor less than 14 years of age may remain in or about any public place or any establishment between the hours of 9 p.m. on any day and 6 a.m. of the following day.

(c) Prohibited conduct – Minors at least 14 but less than 17 years old.

- (1) From and including 12:01 a.m. on the Friday preceding Memorial Day each year through 12 midnight of the last Sunday of August each year, no minor at least 14, but less than 17, years of age may remain in or about any public place or any establishment between the hours of 11 p.m. on any day and 6 a.m. of the following day.
- (2) For the remainder of the calendar year, no minor at least 14, but less than 17, years of age may remain in or about any public place or any establishment:
 - (i) between the hours of 11 p.m. on a Friday and 6:00 a.m. of the following Saturday;
 - (ii) between the hours of 11 p.m. on a Saturday and 6:00 a.m. of the following Sunday;or
 - (iii) between the hours of 10 p.m. and 6 a.m. of the following day, on any other day of the week.


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Thank you,



Michael Harrison
Police Commissioner