

**CITY OF BRIDGEPORT  
JOINT COMMITTEE on PUBLIC SAFETY & TRANSPORTATION**

**And ORDINANCE**

**SPECIAL MEETING**

**TUESDAY, APRIL 10, 2012**

**6:00 PM**

ATTENDANCE

**Committee on Public Safety and Transportation**

Council members: Lyons; Co-chair, Colon; Co-chair, Taylor-Moye, Baker, Olson, Paoletto

**Committee on Ordinances**

Council members: Blunt; Co-Chair, Martinez, Bonney, M. McCarthy

**Non-Committee**

Council President McCarthy, Council member Brannelly

**Other(s)**

Deputy City Attorney Art Laske

Co-chair Lyons called the meeting to order at 6:15 pm.

She noted that she would have to leave the meeting early.

She introduced the council members that were present from both committees.

Approval of Joint Committee Minutes: March 7, 2012

**\*\* COUNCIL MEMBER BONNEY MOVED TO ACCEPT THE MINUTES**

**\*\* COUNCIL MEMBER TAYLOR-MOYE SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

**39-11** Proposed Resolution to enforce a curfew for Youth, age sixteen years and younger.

Attorney Laske, Deputy City Attorney presented the item. He stated that he reviewed the process that has been taken so far, per Co-chair Blunt's proposal in relation to enforcing the existing ordinance and taking into consideration court cases that pertain to the enforcement of a curfew. He went on to say that they should take into consideration the court cases, to support the need of a curfew in the community.

Council member Olson asked why they needed to decide if a law was required to tell the police what needs to be done. Attorney Laske stated that the ordinance was passed in 1994 in Dallas, TX. He mentioned that many cities put an ordinance into effect for youth, however; those cities were subsequently challenged by the ACLU. Then the matter went through the federal court system and on to the second circuit court; where the Vernon statute was referenced and found to be unconstitutional. He explained that is the reason they have the ordinance on the books from that time period. The matter involves an issue that there is some reluctance to take the court challenge and try to enforce the curfew.

Attorney Laske clarified that they wanted to make sure that the language is taken into consideration to devise the new ordinance. He stated that if they are going to take the ordinance language and act on it; they should use the benefit of the case law to follow as a guide. Secondly, he recommended that supplemental information be compiled to have for the record to define some of the need for a curfew, so they can act in accordance with legislative authority.

He referred to the proposed ordinance that outlined Purpose & Findings. He said they should spell out what they are willing to do, because they may be affecting parental rights. He said they may hear information about crime statistics and he suggested the factual predicates could be implemented into the findings to discuss what stands out about the rationale for a curfew.

Co-chair Lyons recapped that the committee should craft everything they're doing based on statistics. Attorney Laske replied that they shouldn't be limited to statistics and

they should consider acting in the parent's best interest. He further noted that there may be drug or crime activity that may be motivating factors that should be included in the ordinance.

Co-chair Lyons clarified that their input and suggestions should be discussed and outlined in the ordinance, keeping in mind consideration of parental rights.

Attorney Laske referred to the Massachusetts statute that was challenged and upheld. He suggested that they consider rewriting sections A, B, C, D & E. He recommended that they also add definitions; such as addressing emergency situations, i.e., if a child is out late taking care of an emergency, then they should be exempt from the curfew. He read some reasons that might pertain to the definition of an emergency, which is defined as a serious term. He said they will redefine emergency circumstances.

He added that special functions; such as school and church activities should be amended to include civic duties. He reviewed page 2 where the topic related to "Remain" is outlined. He noted that this pertains to a long lengthy definition. He recommended that they take the definition of "Remain" and redefine it.

Co-chair Lyons made a request to enter Article-I into the record – *current existing ordinance*.

Council member Martinez asked Attorney Laske to clarify the definition of "Remain". Attorney Laske stated that the word is defined as A) "linger or stay" and B) failure to leave the premises by order of a police officer.

Council member Taylor-Moye asked if there was any way to cover jobs if they impose the youth curfew. Attorney Laske reviewed a portion of the ordinance that pertained to the current curfew hours. He further reviewed the language that pertained to employment, noting that it should be modified.

Attorney Laske reviewed another change he recommended that pertained to emergencies. He suggested that the language should be changed for clarification purposes to specify the nature of the emergency with parental approval (with a note).

Co-chair Lyons stated that all the modifications being recommended should be written out with an explanation for review by the entire city council. Attorney Laske acknowledged the request and he stated the information would be submitted.

Co-chair Blunt stated that Attorney Laske should also submit the revised document. Attorney Laske agreed and noted that he will submit the old and the new language for comparison purposes.

Co-chair Blunt added that he should include all recommendations from the police department.

Council member Bonney had a question about the parental note being recommended for emergencies. He asked how they could ensure that the note will actually be written by the parent. Attorney Laske stated in that type of situation, he would hope that the presiding police officer would call the parent to verify the note. Council member Taylor-Moye questioned whether or not the police officer would have time to call the parent. She made the point that generally an officer will have another issue to address or another call to respond to. Co-chair Blunt stated that question needed to be directed to the police chief. He reminded the council members that training is going to be required for the officers.

Co-chair Colon said she had a concern about the parental note. For example, if a police officer tells the youth not to put their hands in their pocket; this could pose a potential problem. Attorney Laske said that was another question to present to the police chief.

Council member Martinez said she felt comfortable that they were moving towards doing the right thing and being careful how the ordinance is drafted. She commented that a well written article should be made available to parents with children in school so that they have all the information. Co-chair Lyons recalled that the Superintendent of Schools previously stated that the curfew was supported and any information presented would be distributed to parents.

Co-chair Blunt emphasized that whatever is explored will be well thought out and they have to make sure that the entire concept is clarified to point out that the purpose of the curfew is to keep kids out of trouble.

Council member Baker said his main concern is the youth when they are confronted by a police officer. He had a concern that they (the youth) may react out of fear and run from the police, which may result in the matter escalating and blown out of proportion.

Co-chair Lyons remarked that the police department has stated that there will be sensitivity training classes conducted. She emphasized that's why it's important that every detail is covered. She reiterated that the main purpose of the curfew is to save a life.

Council member Baker stated that he would like to hear exactly how certain situations will be handled. He said he would want to see some procedures in place and review what the training will entail.

Co-chair Lyons suggested that Attorney Laske put in a request to the police chief to give his feedback on all the concerns. Attorney Laske noted the request.

Council member Brannelly mentioned that she would like to see mandatory training in the schools at a certain age level and above. She noted that 90% of the kids on the street will probably be high school kids that will require the effective enforcement.

Co-chair Lyons commented that the schools currently have a code of conduct book for the parents.

Council member Bonney stated that the ordinance is to give the youth and the parents a handle on the matter. He recalled that the police chief stated there will be sensitivity training. He mentioned the issue of fight or flight and he said he didn't think these types of incidents would just pertain to curfew only. He emphasized that the ordinance isn't meant to be punitive; it's to keep kids off the street and to take safety measures to protect the youth.

Council member Taylor-Moye stressed the problem of a police officer not always approaching a "*black youth*" with sensitivity. She clarified that it wasn't her intention to come down on the police or to be negative about the curfew. She further stressed that it will be important for an officer to handle each incident with the utmost sensitivity.

Council member Olson stated that he had doubts about enforceability or that it will pass in court. However, he said he supported the curfew.

Co-chair Blunt stated that the curfew is a work in progress and they will learn and see if it works; if it doesn't work, then it will be reconsidered.

Council member Baker commended Co-chair Blunt for all the work he's done on the curfew. He stated that although it's only one approach, he felt other time and energy should be spent on recreation and youth activities. He noted that the budget allows for very little towards youth recreation. Co-chair Lyons stated that there have been discussions to allocate more funding to youth recreation. She further noted that she had another proposal to the curfew that will be discussed at a later time.

Co-chair Blunt clarified that the curfew wasn't proposed to entirely cure the problem. However, he felt it's a start to move in the right direction.

Council member Taylor-Moye clarified that she was in agreement with the curfew and she stressed that it's crucial that it's done the right way. She reiterated that it wasn't her intention to come down on the police department, but her concerns stem from having experienced negativity in the black community and the treatment by the police in the past.

Co-chair Lyons emphasized that it was important to respect everyone's concerns and it is the key to working towards one common goal. She stated that everyone's input will determine how the curfew will be put into effect.

Attorney Laske continued and reviewed the following recommendations:

- 1) the youth will be required to give their name if they are pulled over
- 2) the police should assume the burden to find out if an exception applies for the youth being out after curfew
- 3) the severability clause should be incorporated into the ordinance
- 4) they need to determine the age limit(s)
- 5) they need to determine the appropriate house to set the curfew in accordance with the police department's input

Attorney Laske noted that there is real life data available from the police department that deals with gang activity and other issues. He suggested reviewing that information.

Attorney Laske said they should also question what it is about Bridgeport that will justify the curfew – *based on past events etc.*

## ADJOURNMENT

- \*\* COUNCIL MEMBER PAOLETTO MOVED TO ADJOURN**
- \*\* COUNCIL MEMBER COLON SECONDED**
- \*\* MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 7:15 pm.

Respectfully submitted,

Diane Graham  
Telesco Secretarial Services