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Monday, November 21, 2011

Dear Council President Ervin and Councilmembers:

At its November general meeting, the MCCF members voted to **support Council Bill 35-11**, “Offenses-Loitering or Prowling-Established” as a means of addressing concerns about street crime problems occurring in the County. It provides an approach that applies uniformly to all segments of the population at all times of the day and has a reasonable legal basis for enforcement.

At this same November meeting, the MCCF membership voted to **oppose Bill 25-11**, “Offenses-Curfew-Established” for the following reasons:

1. According to the Sept. 13th letter from the County Executive, the proposed curfew law’s penalties have been reduced to a Class B civil fine which eliminated any authority for police to arrest violators.
2. The ability to require community service and parent training for curfew violators and their families have also been removed which strips the rehabilitative objectives from the legislation.
3. The longstanding body of empirical research shows that curfews alone have little effect on reducing crime, and supporting measures employed by other jurisdictions such as curfew centers were not planned in conjunction with the adoption of the County’s curfew law.
4. Concerns about the inability of the curfew to restrict potential criminal activities committed by individuals 18 years or older during non-curfew hours.
5. The ability of youths who simply declare themselves as being 18 years old to be exempted from further police questioning if there is no further cause for stopping them, and
6. The legal uncertainty to which officers would be subject in determining a youth’s eligibility for the many curfew exemptions while questioning him or her on the street.

Given the totality of these concerns, the curfew law appears to be an ineffective solution to the public safety concerns that generated its proposal.

However, laws such as this do have the potential for misuse and abuse by law enforcement officers and could threaten basic citizens’ rights if applied in a discriminatory, harsh or oppressive manner. We would strongly recommend that the County Council take a proactive approach in this regard by establishing an annual reporting requirement that would document

how these laws, if either or both are adopted, are being applied by the County's law enforcement personnel. Such a report should include the following data items:

- number of incidents involving curfew violation/loitering/prowling charges
- a frequency count of arrests made per incident for these charges
- day of week/time of day frequency counts for incidents involving these charges
- number of arrestees by appropriate age groups, e.g., <18, 18 to 25, 26 to 65, and >65 years of age
- number of arrestees by race/ethnicity
- number of incidents by location type, i.e., commercial, residential, industrial, public facilities/parks, or other places
- incidents displayed on a County map in order to determine their geographic distribution

This would enable the County Council and Executive to assess the effect and application of these laws for future decisions regarding their continuation or possible modification.

If the application of these laws is primarily intended for periodic crackdowns by the police in particular areas of the County, the cautions raised by the Center for Problem-Oriented Policing for such actions should be heeded.

Poorly planned, ill-conceived, and improperly managed crackdowns, intended merely as a show of police force and resolve, can create more problems than they solve. But carefully planned crackdowns, well supported by prior problem analysis, implemented with other responses to ensure longer-term gains, and conducted in a way that maintains public support and safeguards civil rights, can be an important and effective part of police strategies regarding a range of crime and disorder problems.

- excerpted from *The Benefits and Consequences of Police Crackdowns*,
www.popcenter.org/responses/police_crackdowns/1

We would hope that these measures would achieve the objective of promoting public safety while also protecting citizen's rights to freedom of movement and to meet and congregate without interference from government.

Thank you for this opportunity to offer our opinion on this matter.

Sincerely,

Peggy Dennis, President
Montgomery County Civic Federation

Cc: County Executive Isiah Leggett
Police Chief Thomas Manger