

CAMBRIDGE MATTERS – August 7th

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On Monday the 14th of August the city council will consider the new proposed Curfew Ordinance that is up for its second reading, public hearing, and possible passage. At the same time, an alternate legislative proposal for the curfew will be available for the city council to consider. I made the alternate proposal at a prior meeting, and our city attorney is drafting the language for what I have proposed.

What follows is intended to help you understand the differences between the two proposals and to ask that you let the city commissioners know your preference. While I think that there should be general agreement with my proposal, I understand that there are some different opinions on this issue.

I am hopeful that you will support what I am proposing. You can do that by emailing your commissioner or emailing me so that I can share your views with them. You can also come to the city council meeting on August 14th and speak during the public hearing portion of the meeting that deals with this Ordinance.

For some background on how we arrived to where we are, Ordinance 1207 was passed early this year to go into effect in February 2023 and to expire June 30th unless extended. It was not extended in time.

To address the ongoing concerns that Chief Todd has about some youth being out late, Ordinance 1221 was then proposed. It effectively extends Ordinance 1207 for a full year starting in September. I am including a copy of Ordinance 1221 that is up for second reading, public comment, and possible passage

I have proposed modifications to Ordinance 1221. The city attorney is working on the language for those changes that I have suggested so that the formal changes are not yet available. My changes, however, offer opportunities for the family, our local child-serving agencies, and the Cambridge Police Department to address the concerns of children under the age of sixteen being out on the street too late in the evenings. My proposed changes are in line with Chief Todd's community policing initiative and the idea that parents should be raising their children and not the government. It provides that with every child who is a curfew violator, CPD will notify in writing both the LCT and the parent(s). In addition, my proposal uses existing state law that has rarely been used here in an effective way to address community concerns.

In summary, my proposal allows the local child serving agencies and CPD to do the following:

1. For cooperative first offender youth, it allows parent(s) to address the issue within the family without further police involvement. If they want, parent(s) can engage in services through the Local Care Team (LCT). The LCT includes, at a minimum, the school system, the local DSS, the local Department of Juvenile Services, the Health Department, and the Local Management Board (LMB).
2. For the LCT, the Ordinance will have CPD make it aware in writing of the curfew violation of a first offender or a child and family that are otherwise already involved with the LCT or other local child serving agencies.
3. For the LCT, the Ordinance will make it aware in writing of second or subsequent curfew violations and non-cooperative first offenders so that the child serving agencies can determine family challenges and offer, if needed, voluntary services.
4. For the LCT or one of its members, it will provide them the option to file a complaint or seek a Child in Need of Supervision (CINS) petition through the local Department of Juvenile Services (DJS) if the child and/or family are not cooperative and the LCT or one of its members feels court involvement is warranted.
5. For CPD, it will provide them the option to file a complaint or seek a CINS petition through DJS in the event the LCT or a member agency declines to act regarding the child or family.

Under Maryland law an entire system has been established for local child serving agencies or the courts to address the needs of children who need supervision but are not otherwise involved in delinquent behavior. The law that explains that system and what resources can be brought to a child and family can be found at <https://law.justia.com/codes/maryland/2022/courts-and-judicial-proceedings/title-3/subtitle-8a/>

Included under the existing law can be additional diversion of cases by the court depending on the circumstances as determined by the court or adjudication of the petition and determination by the court of the services that the child and family are to undertake.

As part of any consequences for noncompliance, the power of contempt of court is available if the court determines that the services offered or directed are not being followed. In addition, under [Maryland Courts and Judicial Proceedings Code Section 3-8A-30 \(2022\) - Contributing to Certain Conditions of Child :: 2022 Maryland Code :: US Codes and Statutes :: US Law :: Justia](#) there is a separate criminal charge that can be placed against an adult for behavior that renders a child to be in need of supervision.

What this means is that the sanctions that are proposed in Ordinance 1221, which are the same as in Ordinance 1207, already exist along with additional sanctions in the current Maryland Law. Spelling them out in Ordinance 1221 does not improve or enhance the Maryland law that already exists.

It actually detracts from or limits existing Maryland law. It could even allow a lawyer for the parents or child to argue that the city is limited to the consequences that are included in

Ordinance 1221, and the family is thus relieved of responding to the services that the court might order under existing Maryland Law to address the family challenges.

The other benefit in what I am proposing is that the CPD officer does not detain a youth who is a curfew violator but rather she/he gathers relevant information and then directs the child to go home or possibly turns them over to a parent. CPD can otherwise address a curfew violator's behavior as part of the notice process to the parent(s) and the LCT. By CPD having no authority to detain a child, any claim that the curfew ordinance is unconstitutional or unlawful should fail. That does not mean that a lawsuit won't be filed, but the chances of its success are dramatically lessened.

Finally, the proposed ordinance is scheduled to last for a year. While that is certainly up to the commissioners to decide, what I am proposing, if a curfew is desired, should not, in my view, be time limited. It simply puts in place for the community to see a process that exists for other behavior of youth but does not currently exist for curfew violations as the city does not presently have that ordinance in effect. Passing the amended ordinance 1221 will provide that process.

If my proposal becomes law, it will give the police a tool with which to encourage youth to go home that will also empower the parent(s) to take back their home or empower the LCT to work voluntarily with some parents or seek court assistance for those that decline help but clearly need it.

Your support of this alternative legislation will be an important first step in creating for Cambridge a system that will allow the LCT or the police to seek services for some of our youth and/or consequences for them and their parent(s) if the youth's behavior continues.

Thanks for reading.

Steve