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MCCF Testimony to County Council on Bill 25-11, Offenses - Curfew – Established

I am Peggy Dennis, President of the Montgomery County Civic Federation. The following comments were approved for transmittal to Council by majority vote of our Executive Committee members.

The Montgomery County Civic Federation supports Bill 25-11 albeit with reservations and *caveats*. The bill is intended to address issues relating to increased gang activity, violence, and criminal activity involving minors in the County. We support the bill because:

- It is similar to existing laws in Prince Georges County and the District of Columbia. To the extent that groups of youth are coming to and remaining in Montgomery County after curfew hours in their own jurisdictions, those curfew hours must be having some effect, albeit not a positive one for Montgomery County. Consistency with laws in neighboring jurisdictions may prove to be beneficial to our youths and public safety.
- It will give the Montgomery County Police an additional tool to deal with individual minors or groups including minors who are perpetrating offenses.
- It will give parents a strong justification for requiring that their kids be at home or somewhere inside in order to meet "the curfew." It will no longer be just a case of saying "you have to be home by the curfew because I say so" but because the law says so.
- It may help diminish the acts of vandalism by youth to property, automobiles and mail boxes which have plagued some neighborhoods for years.

At the same time, we have reservations about how the bill was seemingly introduced in great haste and with no public discussion. We do not believe it will be a "silver bullet," and we think it may prove as difficult to enforce, especially when it comes to large groups of youth, as the laws we already have on the books. Jim Zepp, our Public Safety Committee Chairman and a resident of Silver Spring, has studied the curfew issue and existing laws, and he "remains concerned that the curfew will be mostly a symbolic gesture or political cover rather than providing any significant solutions to the range of problems facing Downtown Silver Spring. We also have reservations about some provisions of the bill as currently written. On the other hand, if it is used sparingly, judiciously and solely as an additional measure to discourage and

deal with gang activity, crimes and violence perpetrated by minors during curfew hours, then it may prove beneficial.

The exemptions (circumstances under which minors would not be subject to the Teen Curfew law) seem generally reasonable with the following caveats:

- The exemption covering youth “engaged in employment, or going or returning home from employment, without any detour or stop, must have a **valid work permit** issued under State law” seems unreasonable. Many young people work occasionally as babysitters late into the night and are capable of walking themselves home when finished. They will not and should not have to have “work permits” to do this. We presume however that police would have no cause to stop and question a young person quietly walking home and breaking no laws anyway.
- The exemption for youth who are “exercising First Amendment rights protected by the United States Constitution” should not be used as an “out” by those who disturb the peace with profanity and violent language. The exercise of First Amendment rights should not trump laws against disturbing the peace no matter what the age of the person involved.
- We ask that an exemption be added for minors who are returning home unaccompanied by adults from late night entertainment venues such as live concerts and movies. The great majority of well-behaved, law abiding youth should not have their attendance at these events curtailed because of the bad behavior of a tiny minority.

Having introduced this bill in great haste, we hope we will see an extensive period for public comment and an additional public hearing to allow for the thoughtful discussion the measure merits. We also hope the Council and Executive will go beyond simply passing this legislation, and address the fundamental issues of gang activity, violence, and crimes involving minors, both as perpetrators and as victims. An excellent start would be to delve deeper into the incident or incidents that prompted this legislation. We cannot hope to prevent gang activity, violence and crime involving minors without forthright discussion of all the pertinent facts.