

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

10 OCT 29 PM 2:42

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: City Council President Pro-Tempore Larry E. Reid
DATE: December 14, 2010

RE: **A Resolution Authorizing The \$500 Payment From Gale For Publishing Rights To The Juvenile Protection Ordinance Be Donated To The OK Program**

SUMMARY

President Pro-Tempore Reid respectfully requests that funds received from the publishing of the Juvenile Protection Ordinance be transferred to the OK Program. This proposed resolution authorizes the City Of Oakland to transfer \$500 from Fund 1010, Account 24213 to the OK Program.

FISCAL IMPACT

The payment for the publishing rights (see Attachment B) was made out to the City of Oakland because the City owns the rights to information published in agenda reports. As such, the City never expended any money throughout this process. However, since the check was made out to the City of Oakland it could only be deposited by the City. In order for the money to be donated to the OK Program the City needs to transfer the funds from Fund 1010 Account 24213 to the OK Program (Vendor ID#: 92828).

BACKGROUND

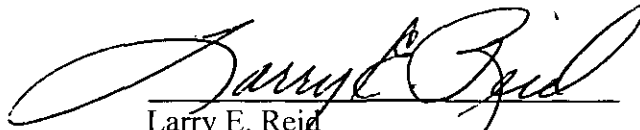
In February 2009 President Pro Tempore Larry E. Reid in conjunction with the Oakland Police Department proposed a Juvenile Protection Ordinance to the Oakland City Council. Although the initiative failed it caught the attention of Gale Publishing. Gale Publishing is an internationally known research and educational publishing company that specializes in multi-volume reference works in religion, history, and social science.

A representative from Gale contacted the City of Oakland in January 2010 and informed City staff that the report had been selected as one of the best national models for teenage curfews and for having the best articulated justifications for a curfew ordinance. Accordingly, Gale requested permission to publish excerpts (See Attachment A) from the report in the introductory edition of *Introducing Issues with Opposing Viewpoints: Violence*. The book was published in May 2010.

After clarifying legal issues with the City Attorney's Office, the price agreed upon for the publishing rights was \$500. The check was received in June 2010 and was deposited into Fund 1010, Account 24213 in September 2010.

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December 14, 2010

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Larry E. Reid", written over a horizontal line.

Larry E. Reid
President Pro Tempore
Councilmember- District 7

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December 14, 2010

Attachment A

Permissions Agreement



January 14, 2010
IIOVPV1 Entry # 918572

Press Date:
January 15, 2010

Mr. Larry Reid
President Pro Tempore of the City Council
c/o Ms. Reygan Harmon
CITY OF OAKLAND CALIFORNIA
One Frank H. Ogawa Plaza
Oakland, CA 94612

Plans are now underway for the introductory edition of **Introducing Issues with Opposing Viewpoints: Violence (IIOVPV-1)**, scheduled for release on May 14, 2010. IIOVPV-1, with 128 pages, will be published by Gale, a part of Cengage Learning, (www.gale.cengage.com), a provider of high quality educational and reference materials to libraries. We are expecting to produce 2,000 hardcover copies of this reference work to sell at \$34.70 each.

Edited by Jacqueline Langwith, the Opposing Viewpoints series examines current issues from different viewpoints, set up in a pro/con format. To help students more easily access the material, we title the articles, insert subheads, omit notes and references and insert an editorial cartoon, graphic, or quotation from another source, which will be identified and set so as to be obviously from another source. If necessary, we may do some minor editing (for style or to clarify time references, dates or names). Any deletions - usually done because of our length requirements - will be indicated with ellipses. We credit the original source on the first page of each article.

We seek your permission for non-exclusive, all-language use for hardcover, online, and e-book formats in the global market (non-U.S.A. sales are less than 5% of total sales) for this and future editions of IIOVPV-1 and for incidental promotional pieces. Attached is a Permissions Agreement that identifies the material we wish to use.

Please indicate your approval by countersigning the Permissions Agreement and returning to me by fax or by mail. If you are not the copyright holder, please let me know to whom I should write for permission.

I look forward to hearing from you by the Press Date given above.

Kind regards,

Sarah Tomasek, on behalf of Gale, a part of Cengage Learning
26715 Hill Avenue
Warren, MI 48091
Ph: 586-756-1295
Fax: 586-486-5485
srtomasek@hotmail.com

START

BACKGROUND

Parents and guardians have traditionally set curfews for their children, but as a result of social trends and a decrease in parental supervision, many youth are at risk for delinquency and victimization. Rising numbers of young people loitering and aimlessly present on the City's major thoroughfares at night, the significant level of night-time crime involving youth as perpetrators and victims, and with more young women engaging in prostitution, the need for early intervention, parental involvement, and a curfew ordinance can not be more urgent. Other cities in California and across the country have already responded by enacting juvenile curfew ordinances; some of these cities include Dallas, Texas; Denver, Colorado; and Long Beach, California. *[Oakland, CA]*

Dallas, Texas

sub: *Dallas Successful Curfew in Dallas*

In response to a spike in crimes involving juveniles, the City of Dallas enacted a curfew ordinance in 1993. Three months after the enactment of the ordinance the Dallas Police Department found that juvenile victimization during curfew hours declined by 17.7% and juvenile arrests during curfew hours decreased by 14.6% compared to the same time the year before, according to the 1996 Office of Juvenile Justice and Delinquency Prevention Report.² Since that time juvenile crime and victimization has remained unchanged during curfew hours. Dallas officers that have been on the force since the enactment of the ordinance cite public awareness of the ordinance and individuals choosing to abide by the law as the reason for the leveling off of juvenile crime and victimization.³ Components of the Dallas' ordinance include:

- Curfew violators are taken to the police station where their parents/guardians are called.
- Businesses that allow minors on the premises during curfew hours can be fined up to \$500 for each violation.
- Counseling and other social services are only provided to curfew violators determined to be runaways.
- The ordinance sunsets every three years to provide an opportunity for review and evaluation.

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OK

Denver, Colorado

sub: *Denver Experienced A Decrease in Crime*

Denver enacted its curfew ordinance in 1994 in response to community concerns about juvenile crime. Immediately after enactment of the ordinance, Denver experienced a decrease in crime, particularly in its commercial districts. Denver enhances enforcement efforts according to crime trends; e.g., during the months of April through September when juvenile crime is on the rise, teen centers are opened to handle the increased number of youth.⁴ Key components of Denver's ordinance include:

² Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Juvenile Justice Bulletin, Curfew: An Answer to Juvenile Delinquency and Victimization 4 (April 1996).

³ Phone conversation with Lt. Henton, Dallas Police Department, Youth Services Division.

⁴ Phone Conversation with Tiffany Vu, Denver Department of Safety

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- Curfew violators are taken to teen centers where counselors work with the minor and their parent/guardian during summer months (April-September).
- During non-summer months curfew violators are given tickets, whereupon diversion is an option. If diversion is not successfully completed parents/guardian may be responsible for paying the citation.
- Where applicable, diversion classes are offered to habitual offenders as an alternative to prosecution.
- Parents/guardians are cited (an infraction) if the minor in their charge is a habitual (three times during April-September) curfew violator.

Long Beach, California

sub: Long Beach, CA

In an attempt to thwart escalating gang activity and juvenile crime, in January 1994 Long Beach officials established a 10:00 p.m. to 6:00 a.m. curfew ordinance. The ordinance led to a 14 % decrease in the average number of crimes committed per hour by juveniles, and a 23 % decrease in gang related shootings compared to the same time period in 1993.⁵ Although the ordinance is in effect daily, operations or sweeps are performed in the summer months and during major school recesses (e.g., holiday breaks). As such, during the summer of 2008 juvenile victims of violent crime decreased by 22 % compared to the same time period in 2007.⁶ Components of Long Beach's ordinance include:

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- Curfew violators are taken home during curfew hours.
- If a parent or responsible adult is not at the residence the minor is taken to the police station where their parents/guardians are called.
- Counseling is only recommended for minors suspected of gang membership.
- Parents/guardians are not subject to legal penalties for a minor's violation of the ordinance.

BL

KEY ISSUES AND IMPACTS

sub: Oakland Should Adopt A Juvenile Curfew

As a result of the social trends affecting the City of Oakland, staff recommends the adoption of a Juvenile Protection Curfew Ordinance. The purpose of this ordinance is to promote the safety and well-being of the City's youngest citizens (persons under the age of 18) whose inexperience renders them particularly vulnerable to participation in unlawful activities (i.e., drug and gang) and victimization by older perpetrators of crime; and to promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the City, and assist in fostering and strengthening parental responsibility for their children.

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⁵ Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Juvenile Justice Bulletin, Curfew: An Answer to Juvenile Delinquency and Victimization 4 (April 1996).

⁶ Phone conversation with Lt. Tyrone Hatfield, Long Beach Police Department, Youth Division.

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The enforcement of the Juvenile Protection Curfew Ordinance is a means of early intervention and is focused on reducing the risks of juvenile delinquency and victimization through increased accountability for the juveniles, and their parents and/or guardians. It also provides a means of identifying at-risk youth and providing them and their families with social services and other resources.

...

I. Data

An OPD analysis of crime statistics (January 1, 2007 – June 30, 2008) shows that from 10:00 p.m. to 6:00 a.m. during this 18 month period, a total of 830 juveniles were identified as suspects in violent crimes (23% of all juvenile crime), and that juveniles were victims in 533 violent crimes (29% of all juvenile crimes). It is important to note that these statistics only reflect the number of youths who came in contact with officers. It should be noted that these statistics do not include lower level crimes such as shoplifting and vandalism.

Historically, the Oakland Police Department spends most of its time responding to calls for service, rather than patrolling to observe crimes in progress or to make contact with suspicious persons. Consequently, unless special operations are being conducted, officers are often unable to make contact with groups of youth and sexually exploited minors. Furthermore, these numbers do not reflect the full number of young people in public places during the proposed curfew hours. In preparation for this report staff went on OPD ride-alongs in East and West Oakland in October and November to gauge the number of youth out during curfew hours. On both occasions staff recorded anywhere from 15-50 young people present on public streets. It is also important to note that staff stopped recording the number of youth after 2:00 a.m. Additionally, Area Commanders report that during summer hours these numbers often triple.

These numbers, as well as the statistics provided by the OPD from January 2007-June 2008, clearly indicate that there is a significant potential for juvenile crime problems during certain night-time hours. As such, the City has a compelling interest in the protection and prevention of violent crimes perpetrated by and against youth.

In an effort to prevent youth from involvement in unsafe and illegal activities that can lead to victimization and even death, the proposed ordinance will address the following crimes:

Crime	Curfew Ordinance
Prostitution and Human Trafficking	This ordinance is a mechanism to get sexually exploited minors off the street during hours when street prostitution is most prevalent and provide them with much needed services.
Loitering	The ordinance would allow counselors to engage youth, find out why they were out during curfew hours, and provide activities and services to them and their parents/guardians.

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~~Providing an opportunity for community input and a means for complaints~~¹⁰

Sub: Curfew Might Have Saved Lives

~~CONCLUSION~~

On Friday November 18, 2008, the body of a 16 year old male was found on Sunnymere and VanMourik Avenue at 12:45 a.m. On August 28, 2008 at 11:45 p.m., a 17 year old male was shot to death in East Oakland. On any given night in the City numerous underage girls walk the streets of our major thoroughfares prostituting themselves until the early morning hours. Although there are a myriad of social problems that contribute and may have caused these unfortunate events, one common thread is that the events occur during curfew hours - during a time of night and early morning where there is an increase in certain types of crimes (namely shootings and prostitution). Had a curfew ordinance been in effect when these incidents occurred, there is a possibility that a life could have been saved or a young woman would be spared from the vices of the sex trade. This possibility alone, as well as the aforementioned successes from other cities, and the fact that 29% of juveniles are victims of violent crimes during these hours, demonstrates a nexus between juveniles and violent crime and creates a compelling interest for the City of Oakland to implement a curfew ordinance.

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Sub: An Attempt To Identify At Risk Kids

The Oakland Police Department and President Pro-Tempore Larry Reid understand and appreciate that even the most determined children have difficulty overcoming crime and violence as they navigate the difficult path to adulthood. As such, the intent of this ordinance is to protect youth and provide mechanisms for intervention. Specifically, as it relates to sexually exploited minors and human trafficking, this ordinance is crucial to connecting a population (with whom the OPD would normally have limited contact) to services and possibly removing them from the sex industry.

and Provide Help

Furthermore, for young people who have parents or responsible guardians in their lives, this ordinance seeks to encourage and provide resources to them, as they have the greatest influence and impact on the lives of their children. Studies demonstrate that the most consistent and effective means of keeping young adults on track is positive parental involvement.¹⁰ As such, this ordinance does not seek to replace the family unit by setting standards, nor should it be used to encourage unlawful contact by the police. Instead it is an attempt to provide early intervention, encourage parental involvement, accountability, and to provide parents/families the tools they need to successfully raise their children.

END

SUSTAINABLE OPPORTUNITIES

Environmental: There are no environmental issues related to this proposal.

¹⁰ Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Juvenile Justice Bulletin, Curfew: An Answer to Juvenile Delinquency and Victimization 4 (April 1996).

¹¹ Blum, RW, Beuhring T, Rinehart PM. *Protecting Teens: Beyond Race, Income, and Family Structure*, Minneapolis ; Center for Adolescent Health, University of Minnesota; 2000.

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Attachment B

WARNING: Document has LineMark™ lines in the paper that change from light to dark in reflected to transmitted light.

The Gale Group, Inc.
27500 Drake Rd.
Farmington Hills, MI 48331
Phone (248) 699-4253



CHECK NUMBER	00567752
CHECK DATE	05/26/10
	70-1558-719

PAY FIVE HUNDRED AND 00/100 DOLLARS

AMOUNT OF CHECK
\$*****500.00

TO THE ORDER OF: CITY OF OAKLAND
CITY CLERK L. SIMMONS
1 FRANK OGAWA PLAZA STE 201
OAKLAND, CA 94612

David Tamm

HARRIS CENTRAL N.A., ROSELLE, IL

WARNING: Document develops stains from solvent or bleach alterations.

AUTHORIZED SIGNATURE, NOT VALID AFTER 120 DAYS

⑈00567752⑈ ⑆071915580⑆ 04⑈ 26⑈ 10⑈ 844⑈ 2⑈

The Gale Group, Inc.

The Gale Group Inc is now part of CENGAGE Learning. The company's legal/taxpayer name and number remain the same.



Vendor Number 683996 Check Date 05/26/10 Check Number 567752

Stub 1 of 1

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT OR ADJUSTMENT	NET AMOUNT
041310	04/13/10	IIOVPV-1	500.00		500.00
			500.00		500.00

R04572/GG0001(Rev. 102207)

DETACH BEFORE DEPOSITING

FILED OAKLAND CITY COUNCIL
OFFICE OF THE CITY CLERK
OAKLAND

City Attorney

RESOLUTION No. _____ C.M.S.
2010 NOV -2 AM 10: 38
Introduced by Councilmember Larry E. Reid

A RESOLUTION AUTHORIZING THE \$500 PAYMENT FROM GALE FOR PUBLISHING RIGHTS TO THE JUVENILE PROTECTION ORDINANCE BE DONATED TO THE OK PROGRAM

WHEREAS, the Office of President Pro Tempore Larry E. Reid and the Oakland Police Department authored a Juvenile Protection Ordinance in February 2009; and

WHEREAS, Gale Publishing Company initiated contact with the City of Oakland in January 2010 to request publication rights for excerpts from the Agenda Report associated with the Juvenile Protection Ordinance; and

WHEREAS, The excerpts will be used in the May 2010 publication of *Introducing Issues with Opposing Viewpoints: Violence*; and

WHEREAS, In return for publishing rights the City received five-hundred dollars (\$500) which was deposited in Fund 1010 and Account 24213; and

WHEREAS, President Pro Tempore Reid requests that the funds be transferred from Fund 1010, Account 24213 to the OK Program, Vendor ID 92828 so that they may continue their positive work with Oakland's underserved youth; now, therefore be it

RESOLVED: That five-hundred dollars (\$500) be transferred from Fund 1010, Account 24213 to the OK Program, Vendor ID 92828.

IN COUNCIL, OAKLAND, CALIFORNIA, December 14, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California