

CITY OF PHILADELPHIA CITIZENS OVERSIGHT POLICE COMMISSION



PPD POLICY TRANSLATION FOR PUBLIC REVIEW

Title: Curfew Enforcement	Type of Report: <input checked="" type="checkbox"/> Final
Type of Report: Curfew Enforcement Explainer	CPOC File Number:

The City of Philadelphia passed new laws and created new facilities to help curb after-hours crimes committed by young people. Since 2021, the Philadelphia Police Department has increased curfew enforcement¹ to prohibit young people from remaining in public places or businesses in the late evening hours, with some exceptions.² The legislation reform strongly encourages PPD officers to take young people to their homes or to a Community Evening Resource Center if stopped for violating curfew. The City established these Centers to give young people a place to congregate after-hours with adult supervision until a parent or caretaker can pick them up. Curfew reform also requires the Police Department and Department of Human Services to provide certain demographic information to City Council every three months in a quarterly report.

Curfew Enforcement

Under the updated curfew law, an officer may stop a young person beginning from either 9:30PM or 10PM until 6AM the following day, depending on the young person’s age. Officers enforcing the curfew law must gather the following information during the stop³:

- their name & address & age
- the identity of the young person’s parent or caretaker

Curfew Time	
Young People 14 and Older	10:00 PM
Young People aged 13 and Under	9:30 PM

¹ For 2022, PPD engaged 2174 curfew stops – a 177% increase in curfew enforcement from 2021; for 2023, so far 535 curfew stops – 2% increase from this time last year. Curfew Enforcement Data from City Council PPD Budget Hearing 4.11.2023 <

<https://www.youtube.com/watch?v=iHPPm68t1uE>>

² The Philadelphia Code §10-303(1)(a) designates exceptions to the Evening Curfew Time. Curfew shall not apply if the young person is: (.1) accompanied by a parent, guardian or custodian; (.2) engaged in an errand or other legitimate business as directed by a parent, guardian or custodian of the minor; (.3) engaged in gainful lawful employment at the time, or going to or from such employment; (.4) in a vehicle involved in interstate travel; (.5) involved in dealing with an emergency; (.6) on the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police; (.7) in attendance at an official school, religious, or other recreational activity sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or from such an activity supervised by adults; or (.8) exercising First Amendment rights.

³ Officers are required to fill out both a Vehicle or Pedestrian Investigation Report (75-48A) as well as a Juvenile Contact Report (75-82) when stopping a young person for a curfew violation.

How can I find a young person that has been stopped for a curfew violation?

The City of Philadelphia requires that young people stopped for curfew violations will be offered a ride to one of three locations based on the transporting officer’s discretion⁴: 1) the young person’s home; 2) a Community Evening Resource Center; or 3) the nearest divisional non-secure holding facility, typically the local police district.

1) Home

Officers must take all reasonable efforts to transport a young person caught violating curfew back home. If the officer chooses to return the young person to their place of residence, the officer is required to notify police radio from the location that the curfew violation took place to inform the dispatcher that a young person is being escorted home. The patrol vehicle number, current mileage, destination and the gender expression of the young person being transported must also be reported.

2) Community Evening Resource Center

Community Evening Resource Centers (CERCs)⁵ are community run facility designed to give young people a fun, free & safe place to congregate between the hours of 7 p.m. and 2 a.m. The program is a shared program between DHS, PPD, OVP, and C&Y support the centers to provide programs like trauma-informed care, general counseling, conflict resolution and homework help. The centers are meant to be one tool in a collaborative approach to providing support to young people, who can attend the CERCs voluntarily or involuntarily. The centers have vehicles that can provide rides home for young people that do not include a police vehicle. A CERC is located in 4 of the 6 total PPD divisions; the City anticipates opening 2 additional CERCs by the Summer ‘24.

Community Evening Resource Center Locations	
Juvenile Justice Center 100 W. Coulter St. Philadelphia, PA 19144 (215) 849-2112 <i>Northwest Philadelphia Center</i>	Community of Compassion, Inc. 6150 Cedar Ave. Philadelphia, PA 19143 (215) 239-6820 <i>Southwest Philadelphia Center</i>
Dixon House at Greater Philadelphia Community Alliance 1920 S. 20th St. Philadelphia, PA 19145 (215) 336-3511 <i>South Philadelphia Center</i>	IDAAY (Institute for the Development of African American Youth) 2305 N. Broad St. Philadelphia, PA 19132 (215) 235-9110 <i>North Philadelphia Center</i>

3) Divisional Non-Secured Facility

An officer has the option to transport a young person in violation of curfew to the divisional police district ONLY IF the does not have a CERC in their division or under exigent circumstances, like the stop taking place after CERC hours. The transporting officer is required to notify police radio of the location of the curfew violation, the intended police district destination, the patrol vehicle number, current mileage, and the gender expression of the young person being transported.

⁴ The Philadelphia Code [10-306\(1\)\(b\)\(.2\)](#); language on transporting officer’s discretion was added in Bill No. 210503, June 2021

⁵ Learn more about the City’s efforts to establish Community Evening Resource Centers: <https://www.phila.gov/2022-08-15-free-fun-come-engage-with-community-evening-resource-centers/>

Permitted Conduct by PPD Officers during Curfew Enforcement

PPD officers are instructed to engage in the following conduct when transporting a young person in violation of curfew:

- **Frisk:** Every young person stopped for a violation of curfew will be frisked by the transporting officer before being transported in any police vehicle
- **Handcuffs:** Officers are instructed not to handcuff youth if they are being stopped solely for curfew violations; in the event that handcuffs are used, officers must document whether handcuffs are used for the safety of the juvenile or the officer
- **Bags or Containers:** Any loose items or bags that belong to the young person will be transported in the trunk of the vehicle or outside the reach of the person being transported. The bags or containers will not be searched prior to transportation, however, bags will be searched by CERC staff upon intake at the CERC. While that search is conducted by a staff member who is not a police official, the search is conducted in the presence of PPD, which may result in an arrest if contraband is discovered.

Fines & Penalties

The law also updates fines and responsibilities for parents and caretakers if a young person is found violating curfew. Under the law, the penalty imposed can be up to three hundred dollars (\$300).⁶ The caretaker's information is sent to PPD's Juvenile Bureau in the days following the stop, and the Bureau will then mail a written notice advising the caretaker of the violation and any related fines or penalties.⁷

A caretaker who receives a penalty can lessen the violation within ten (10) days. The Caretaker would have to pay twenty-five dollars (\$25), admit to the violation, and waive a hearing all within ten (10) days of receiving the violation.⁸ Additionally, no penalties will be imposed if a police officer determines that the young person violating curfew is currently homeless.

Legislative History of Curfew Reform in Philadelphia

In June 2021, Philadelphia City Council passed legislation to make the curfew law more consistent. At the time, curfew hours would be pushed back during weekend and summer hours, creating confusion for both law enforcement and business establishments. The legislation simplified curfew times by making hours the same all year round.

In June 2022, curfew hours were consolidated so that young people aged 16 and 17 would have a curfew of 10PM similar to 14- and 15-year-olds. Previously, young people aged 16 and over were in violation with curfew time at midnight. For young people aged 14 to 16, the curfew time is 10:00 p.m. And young people under the age of 13, would be in violation of curfew after 9:30 p.m. These changes were temporarily implemented, partially to make curfew enforcement easier. These changes began in June 2022 and lapsed on September 29, 2022.

By the Fall of 2022, Philadelphia City Council moved to make these changes permanent. The new law changed evening curfew hours for young people between the ages of 14 to 18 from midnight to 10PM. These permanent changes also included waived fines and fees for youth who are homeless and added additional reporting requirements for the Police Department and the Department of Human Services.

Reviewing Compliance with Curfew Reform

The Philadelphia Police Department and the Department of Human Services are required to provide quarterly reports to City Council on the implementation of curfew law reform.⁹ The report from the Police Department should include an aggregate number of young people stopped for violating curfew, their demographic

⁶ The Philadelphia Code §10-307(2)

⁷ The Philadelphia Code §10-306(2)

⁸ The Philadelphia Code §10-307(2)

⁹ The Philadelphia Code §10-306(11); Philadelphia Police Department Directive 3.8 #11

information, including but not limited to, age, race, and gender, the police district where the violation occurred, where the young person was taken, and if a parent or caretaker was reached. The Department of Human Services is required to report, for each community evening resource center, the aggregate number of young people served; their demographic information, including but not limited to age, race, and gender; and if the young person was brought in by police. CPOC will review curfew policies and their effects by Fall 2023.

For more information, you can access the Philadelphia Police Department's Directive on Curfew Enforcement [Here](#) and CPOC's blogpost that reviews how other cities have taken on curfew enforcement [Here](#).