

Juvenile/Minor Curfew Policy Information Paper

1. References:

- a. USAG 190-25, Juvenile Diversion Program, 10 Feb 2010.
- b. El Paso, Texas, Code of Ordinances, Title 10, Public Peace, Morals & Welfare, 26 Mar 1996.
- c. Balfour Beatty Communities, Residential Guide, 1 Oct 2008.

2. Definitions:

- a. Minor. Any person sixteen (16) years or age, or under, who is unmarried or not otherwise emancipated.
- b. Responsible adult.
 - (1) A natural or step parent of the minor.
 - (2) A court-appointed guardian of a minor or the public or private agency with whom a minor has been placed by a court.
 - (3) A custodian, at least 18 years of age and with whom the minor resides.
 - (4) Any other person 18 years of age or older, authorized by the parent, either thru implied consent or verbal consent, by court order, or by the court-appointed guardian to have the care and custody of the minor.
- c. Emergency. A fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- d. Direct Route. The shortest path of travel through a public place to reach a final destination without any detour or stop along the way.
- e. Public Place. Any street, alley, highway, sidewalk, driveway, yard, playground, park, plaza, building or other place use by or open to a substantial group of the Fort Bliss community. Includes, but not limited to, the common areas of schools, open fields, medical treatment facilities, post quarters and billeting areas, office buildings, playgrounds, office building parking areas, AAFES retail facilities, and Morale, Welfare, and Recreational activities.
- f. Street. Includes, but is not limited to, the legal right of way, including traffic lanes, curbs, sidewalks, whether paved or unpaved, parkway and any grass plots or other grounds found within the legal right of way of a street.
- g. Remain.
 - (1) To linger, stop, or stay for any length of time, or to travel or move upon a street.

(2) To fail to leave premise when requested to do so by a Law Enforcement Officer (LEO), the authorized facility representative, or other person in control of the premises.

3. Exceptions:

- a. A minor is accompanied by a responsible adult.
- b. A minor is on an emergency errand; or is involved in an emergency situation.
- c. A minor is attending a school, government-sponsored, religious, or otherwise authorized activity or is going to or coming from a school, religious, government-sponsored, or otherwise authorized activity using a direct route.
- d. A minor is engaged in lawful employment, or volunteer work, or is going to, or coming from, such activity using a direct route.
- e. A minor is on the sidewalk, or in the yard of the place, where the minor resides and the neighbors are not communicating an objection to Law Enforcement patrols.

4. Processing a Minor in Violation of this Policy:

- a. Upon the determination that a minor is in violation of this policy, LEOs will make immediate attempts to notify the responsible adult. Minors will not be questioned without the presence of their responsible adult.
- b. All minors will be processed in accordance with Police Operations Policy Memorandum 017-10 (Processing a Juvenile).
- c. All minors will be transported to the Military Police Station, via an unmarked police vehicle and a responsible adult will be required to collect them.
- d. In the event a responsible adult is not available within a reasonable period of time, not to exceed 3 hours, to collect a minor:
 - (1) The minor will remain in the custody of the Military Police.
 - (2) The minor will not be released on his/her own recognizance.
 - (3) The Military Police will notify Family Advocacy and Child Protective Services.

5. Violations:

- a. First Time Offense: The responsible adult will be cited on DD form 1408, and a Report of Incident will be initiated in accordance with paragraph 4.b.

b. Subsequent Offenses: The minor and their responsible adult may be required to attend a Juvenile Diversion Board (JDB) to determine subsequent actions or the minor may be barred from the installation.

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Approved by: LTC Vernon F. Lightner