

For Immediate Release

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Mobile Mayor Sam Jones Unveils Crime Package

(Mobile Al) - *Mayor Sam Jones* announced Wednesday several proposed initiatives to address juvenile violence; tactical policing throughout the city and tougher amendments to the indecent exposure and copper theft ordinances.

"We will take the necessary steps to insure the safety of our citizens and the character of city," Jones said during a press conference on Dauphin Street. "Youth crime and violence as well as the lack of parental accountability are unacceptable, and will not be tolerated in the City of Mobile.

"These proposed changes to city ordinances will give our Police Department the tools they need to address these violations with aggressive enforcement and the legal authority," the mayor added.

The mayor said the proposed ordinance changes will also make it tougher for thieves selling stolen copper. "It is our goal to see that our city is a safe place to live, work and place," Jones said.

Highlights of the Juvenile Curfew:

- **Age Limit:** Juveniles 17-years-old and under are subject to the curfew;
- **Curfew Hours:** During weekdays, the curfew goes into effect from 11 p.m. to 6 a.m.; on weekends from 12:01 a.m. until 6 a.m.; and 9 a.m. until 2:30 p.m. while school is in session;

Penalty:

1. Under the curfew, a minor will be subject for a **\$100** fine and other action authorized by Juvenile Court;

2. Parents, guardians and business owners who knowingly allow juveniles to remain on their premises during curfew hours are subject to a **\$100** fine after the first violation and **\$500** following the second violation;
3. The curfew also carries a possible six months jail for second offense for parents, guardian and business owners;

In addition, after the second violation, the juvenile will be transported to a **Curfew Center**, housed at the city's Western Administrative Complex on Museum Drive. Parents or a guardian will be required to pick the juvenile up from the Center;

- The curfew is citywide;

Amendments:

Copper Ordinance:

- Junk dealers who purchase copper, brass or other metals will be required to mail payments to sellers via a check or a bank draft;
- \$250 first offense; \$300 second offense and \$500 subsequent offenses;
- Or six months in jail.

"Copper theft causes hardships for citizens, schools and businesses," Jones said. "This will change the payment process for selling copper and give Police a tool to track down those who are responsible for these thefts."

In addition to the amendment to the Copper Ordinance, Jones will ask the City Council to join him in a resolution petitioning the Legislature to pass legislation making the city's Copper Ordinance uniformed throughout Mobile County. "We need to have this tracking requirement county-wide, otherwise copper thieves will just sell outside of Mobile," he said.

Police Chief T. Micheal Williams said his department will start doing **"Scrap Metal Compliance Checkpoints,"** at of scrap yards in hopes of deterring copper and metal thefts;

Indecent Exposure:

- Under the amendment, the wearing of pants or skirts more than four inches below the top of the hips, exposing undergarments, is illegal;
- The amendment to the ordinance is citywide;
- \$50 for first offense; \$200 for each subsequent offense.

The Police Department’s Tactical Crime Initiatives include:

- Aggressive enforcement of the Loitering Ordinance (in parking lots);

“It appears that groups of individuals are frequenting the Dauphin Street area with no intentions of going into the local establishments,” said Williams. “People are hanging out in the parking lots and causing trouble. We intend to eliminate this problem through aggressive patrols.”

The chief said many drivers are repeatedly cruising down Dauphin Street and causing traffic issues. “We intend to look at the pros and cons of closing Dauphin Street at Jackson or Claiborne to reduce or eliminate this problem,” Williams said. “We will also conduct traffic safety check points in the area to identify violators and underage persons.”

Crime Measures in Downtown:

- Patrols will be increased, which will allow the Police the ability to increase walking beats, bicycle and sedgway patrols;
- Safety Checkpoints — deter criminal activity through high visibility and detection.
- Use of Special Operations personnel to supplement Precinct Operations;

Williams said the Police will also use the skyboxes and portable camera system in targeted areas.

New Police Officers:

Chief Williams said the **30 new recruits** who were recently hired will be deployed throughout the city to address specific crime issues.

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Mayor Sam Jones will hold the following community meetings to discuss crime initiatives:

Date: Tuesday, July 26, 2011

Time: 6:30 p.m.

Location: Government Plaza Auditorium

Address: 205 Government Street

Date: Tuesday, August 2

Time: 6:30 p.m.

Location: Mobile Regional Senior Community Center

Address: 3201 Hillcrest Road

MOBILE, AL JUVENILE CURFEW ORDINANCE

- (a) Definitions. In this section:
- (1) CURFEW HOURS means:
 - (A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday and Thursday until 6:00 a.m. of the following day;
 - (B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday. Provided, that regardless of the day of the week upon which it falls, on each holiday recognized by the city, the evening curfew hours for the night before the holiday and the morning curfew hours for the holiday shall both begin at 12:00 a.m. (midnight) and shall extend until 6:00 a.m.; and
 - (C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday during which Mobile County Public Schools are in session.
 - (2) CURFEW CENTER means a place to temporarily maintain custody of a child prior to release to a parent, legal guardian or legal custodian or, if appropriate, to the Strickland Youth Center or such other place designated by the Juvenile Court.
 - (3) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
 - (4) ESTABLISHMENT means a privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
 - (5) GUARDIAN means:
 - (A) a natural person who, under court order, is the guardian of the person of a minor; or
 - (B) a public or private agency with whom a minor has been placed by a court.
 - (6) HOME-SCHOOLED MINOR means a child who has been issued a certificate of exemption by the Superintendent of the Mobile County School System or from the Superintendent of an applicable city school system.
 - (7) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break, during any holiday or any other scheduled general student vacation day or part of a day observed by the school.
 - (8) MINOR means any person 17 years of age and under, who has not been emancipated under Alabama law.
 - (9) OPERATOR means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The

term includes the members or partners of an association or partnership and the officers of a corporation.

- (10) PARENT means a person who is
 - (A) a natural parent, adoptive parent, or step-parent of another person; or
 - (B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (11) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways and the common areas of school, hospitals, apartment houses, office buildings, transport facilities and shops.
- (12) REMAIN means to:
 - (A) linger or stay; or
 - (B) fail to leave when requested to do so by a police officer or owner, or operator, or other person in control of the premises.

Provided, however, that law enforcement officers shall have discretion as to whether to request a minor to leave a public place prior to commencing an enforcement action under this section without making such a request.

- (13) SERIOUS BODILY INJURY means physical injury that creates a substantial risk of death or that causes death, permanent disfigurement, or the protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

- (1) Minors. A minor commits an offense if he is in or remains in a public place during curfew hours. A minor or any other "child" as defined in *Code of Alabama* 1975 § 12-15-102 subject to the exclusive jurisdiction of the juvenile court who is adjudicated by the juvenile court as having violated this section shall be subject to the maximum penalties, if any, provided by state law for status offenses by juveniles, and shall be subject to the orders, care, and rehabilitation authority of the juvenile court. Without limiting the generality of the foregoing, the juvenile court is authorized in its discretion to order payment of a fine of up to one hundred dollars (\$100.00) and to order any other disposition authorized by *Code of Alabama* 1975, § 12-15-215 or otherwise provided by state law.
- (2) A parent or guardian of a minor commits an offense if he intentionally, recklessly, knowingly or negligently permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
- (4) The provisions of this section shall apply to minors who are suspended or expelled from school, unless they are emancipated under Alabama law.

- (5) A separate offense shall be deemed committed for each violation of this section.

(c) Defenses.

- (1) It is a defense to prosecution under Subsection (b) that the minor was:
- (A) accompanied by the minor's parent or guardian;
 - (B) on a lawful errand at the direction of the minor's parent or guardian, without any unnecessary detour or stop;
 - (C) in a motor vehicle involved in interstate travel;
 - (D) engaged in an employment activity, or going to or returning home from an employment activity, by a direct route without any unnecessary detour or stop;
 - (E) involved in an emergency;
 - (F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of these curfew hours defined in Subsection (a) (1) (C) of this Juvenile Curfew Ordinance.
 - (G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Mobile, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, by a direct route without any unnecessary detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Mobile, a civic organization, or another similar entity that takes responsibility for the minor;
 - (H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 - (I) married or had been married;
 - (J) attending a bona fide work-study program recognized by the United States Department of Education or any public school system, or going to or returning home from such a program by a direct route without any unnecessary detour or stop and within one hour of the commencement or termination of the work-study activity;
 - (K) a student enrolled in a bona fide college, university, or other institution of higher education, or a student enrolled in a bona fide vocational, technical, or other similar school intended to prepare the student for employment;
 - (L) involved in receiving health care services, or traveling to or from locations where health care services are provided within one hour of the commencement or termination of such health care services.
- (2) It is a defense to prosecution under Subsection (b) (3) of this Juvenile Curfew Ordinance that the owner, operator, or employee of an

establishment promptly notified the police department that a minor was present on the premises of an establishment during curfew hours and refused to leave.

- (3) It is a defense to prosecution under this Juvenile Curfew Ordinance for a violation of the curfew hours defined in Subsection (a) (1) (C) that:
- (A) the school in which the minor was enrolled or otherwise required to attend was not in session;
 - (B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;
 - (C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the work-study program without any unnecessary detour or stop;
 - (D) the minor was on a lunch break from a school that permits an off campus lunch program;
 - (E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or
 - (F) the minor was a high school graduate or had received a high school equivalency certificate.

(d) Enforcement, Procedures and Reporting.

- (1) Before taking any enforcement action under this Section, a law enforcement officer shall have the discretionary authority to make inquiry of the apparent offender's age and reason for being in the public place, for the purposes of determining probable cause and whether any defense applies. A law enforcement officer shall have all discretion provided by state or federal law to determine whether to make an arrest or issue a citation. When a police officer or other law enforcement officer has probable cause to believe that a minor has committed a violation of this Juvenile Curfew Ordinance, the officer may detain the minor to be released only to the parent or custodian or as otherwise provided by state law, and shall be authorized to file an appropriate petition in juvenile court. Prosecutions of persons who are not minors shall be prosecuted in Municipal Court. When more than one minor under the control of the same parent or guardian is found in violation of the provisions of this section in the same act or incident, that parent or custodian shall be issued no more than one citation for that particular occurrence. This subsection shall not affect or diminish the immunity or discretionary authority of law enforcement officers or the city.
- (2) When a police officer or other law enforcement officer observes or has probable cause to believe that a violation of this Juvenile Curfew Ordinance has been committed, he may take the violator into custody and transport him to the Curfew Center, from which the violator shall be released as soon as feasible and, in any event, within 3 hours.

- (3) Reasonable attempts will be made to notify the violator's parent or guardian as soon as possible to report to the Curfew Center to pick up the minor.
- (e) Penalties.
- (1) Violation by a Minor – A violation by a minor is subject to the jurisdiction of the juvenile court and penalties are set forth in Section (b)(1) of this Juvenile Curfew Ordinance.
 - (2) Other Violations –
 - (i) The Uniform Nontraffic Citation and Complaint (“UNTCC”) shall be the charging instrument for a violation of Section (b)(2) or (3) of this Juvenile Curfew Ordinance.
 - (ii) The first violation shall be punishable by a fine of \$100.
 - (iii) The second violation within one year and all subsequent violations thereafter shall be punishable by a fine of up to \$500 or by imprisonment of up to six (6) months or by both fine and imprisonment.
 - (iv) In sentencing violations of this Juvenile Curfew Ordinance, the Municipal Court may consider suspension, probation, community service, or, in lieu of or in addition to any penalty that may be imposed, ordering the violator to obtain counseling or attend classes to improve parenting and child raising.
- (f) Severability. The provisions of this ordinance are severable. If any part of the Ordinance is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

RESOLUTION

Sponsored by: Mayor Samuel L. Jones

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, as follows:

WHEREAS, theft of copper and other non-ferrous materials has reached epidemic proportions throughout the City of Mobile and its metropolitan area; and,

WHEREAS, the destruction and economic loss caused to business owners, homeowners, and citizens throughout the metropolitan Mobile area by theft of copper and other non-ferrous metals from air-conditioning units, from utilities, from cemeteries and from other locales has been significant; and,

WHEREAS, felons who steal copper and other non-ferrous metals have a much too convenient market for such metals at junk and scrap dealers located both within and outside the corporate limits of the City of Mobile; and,

WHEREAS, the Mayor of the City of Mobile has sponsored, and the City Council has adopted, an amendment to the City of Mobile Municipal Code requiring all dealers in copper and non-ferrous metals to issue payment to any person selling such metals by check or bank draft mailed to the address of the seller, a copy of said Ordinance being appended to this Resolution and marked as Exhibit "A"; and,

WHEREAS, by requiring payment to be made by check and mailed to an address offered by the Seller, the incidence of such crime will be greatly reduced; and,

WHEREAS, if thieves of copper and other non-ferrous metals within the City of Mobile are able to readily market such metals outside of the City of Mobile, the effectiveness of the City Ordinance will be greatly reduced; and,

WHEREAS, the theft of such metals is a regional and statewide problem and one which should be addressed by the Legislature of the State of Alabama; and,

WHEREAS, for this reason, the Mayor and City Council of the City of Mobile request assistance from the Legislature to make the requirements of the City Ordinance uniform throughout Mobile County;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the Mayor and City Council of the City of Mobile hereby respectfully request the Legislature of the State of Alabama to enact legislation substantially similar to the City Code provisions attached to this Resolution and to make such legislation effective and enforceable throughout Mobile County.

Adopted:

City Clerk

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RESOLUTION

Sponsored by: Mayor Samuel L. Jones

BE IT RESOLVED that Section 53-119 of the Municipal Code of the City of Mobile is hereby amended to read as follows:

Storage and Sale of brass, copper, lead and house fittings; tagging.

- (a) Each junk dealer shall keep all brass, copper, lead and house fittings and fixtures of metal purchased by him stored or stowed separately from and not covered by piles of other junk and in such manner as to enable the articles to be readily overhauled and inspected by the chief of police or officer of the police department desiring to inspect the same, at all times. A tag shall be attached by such junk dealer to each article or parcel of articles of the classes mentioned in this section, which tag shall contain a number corresponding to the number under which is entered the name of the seller of such article or parcel of articles.
- (b) Every junk dealer shall issue payment to any person selling brass, copper, lead or other nonferrous metals by check or bank draft mailed to the address of the seller. It shall be a violation of this ordinance for any junk dealer to pay cash to any person for brass, copper, lead or other nonferrous metals. Every junk dealer shall keep a log of any such payments made describing for each such transaction the material purchased, the name and address of the seller and the date payment was mailed.

Adopted:

City Clerk

RESOLUTION

Sponsored by: Mayor Samuel L. Jones

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Section 39-112 of the Municipal Code of the City of Mobile is hereby amended to read as follows:

Sec. 39-112. – Public indecency prohibited.

(a) A person commits the offense of public indecency when he or she performs any of the following acts in a place where a person should reasonably expect to be in view of the public:

- (1) An actual or simulated act of sexual intercourse or masturbation;
- (2) Exposure of the genitals;
- (3) A lewd appearance in a state of partial or complete nudity;
- (4) A lewd caress or indecent fondling of the body of another person;
- (5) A lewd caress or indecent fondling of the sexual organs of any person, including oneself;
- (6) Urination or defecation; or
- (7) Appears wearing pants or skirts more than four (4) inches below the top of the hips (crest of the ilium) exposing the skin or undergarments.

(b) Violators of this section shall not be subject to arrest but shall be issued a written citation with a schedule of fines and, alternatively, a summons to appear in court

if the violator chooses to contest the citation. Violators shall be subject to a fine of \$50 for a first offense and \$200 for each subsequent offense.

Adopted:

City Clerk

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