



June 05, 2008

Richard C Pfeiffer, Jr.  
Columbus City Attorney  
90 West Broad Street  
Columbus, Ohio 43215

SENT VIA U.S. MAIL & FAX TO 614/645-6969

RE: Enforcement of City of Columbus curfew ordinance

Dear Mr. Pfeiffer:

We write to you to express various concerns about renewed enforcement of the City's juvenile curfew ordinance and aspects of that enforcement for which we seek clarification.

To be sure, the ACLU of Ohio opposes all juvenile curfew ordinances as a violation of fundamental rights of innocent people. Curfews, at their core, essentially place all persons of a particular demographic under "house arrest" for the actions of a minority. As always, it remains the position of the ACLU that finite police resources should be utilized to pursue legitimate lawbreakers, not a whole category of people whose only offense is to be outdoors after an arbitrarily set time of night.

We are also concerned about the tendency of curfew laws to usurp the authority of parents who should rightly be the sole decision-makers regarding child-rearing decisions for otherwise law-abiding children.

That said, we seek answers to the questions below and request you provide us with timely answers so the ACLU of Ohio may obtain a better understanding of the City's plans for curfew enforcement.

First, recent news coverage indicated police officers will be taking most curfew offenders to the downtown YMCA, pursuant to a formal agreement with that organization, to be held until a parent or guardian can be contacted and then pick up the juvenile.

What legal authority does the City and/or police department have to demand that an offender stay at that location? In other words, what is the anticipated response of law enforcement and/or YMCA staff should an offender simply decide he or she does not want to remain at that location?

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Second, it's been reported that offenders can expect to have their cell phones and "other goods" confiscated upon arrival to the YMCA. Again, under what legal authority will these confiscations take place? Will the accused also be subject to searches for the presence of "other goods"? On what authority? What "other goods" do the police and/or YMCA envision seizing? How intrusive will those searches be? Will the juveniles in question be informed they have a right to refuse such searches?

Third, there's also been some media coverage suggesting YMCA staff will interview these juveniles to determine familial circumstances, potential health issues, and to solicit other personal information. Exactly what information will be solicited? What will be done with the information? Where and how will it be compiled? And, again, will juveniles be informed they have the right to refuse any and all such questions?

We would appreciate full answers to these questions within 10 business days of receipt of this correspondence so our organization can best determine how to proceed.

Thank you in advance and please do not hesitate to contact us with any questions.

Sincerely,

Jeffrey Gamsso  
Legal Director  
(216)472-2220

Gary Daniels  
Associate Director  
(ACLU of Ohio Regional Office)

cc: Michael Coleman, Mayor, City of Columbus  
James Jackson, Chief of Police, City of Columbus  
Michael Mentel, President, Columbus City Council  
Christine Link, Executive Director, ACLU of Ohio

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