

Council Balks on Curfew Vote

6-3 vote tables County Executive Isiah Leggett's proposal indefinitely.

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Update, 5:50 p.m.: Montgomery County Executive Isiah Leggett (D) has released a statement chastising the Montgomery County Council for failing to decide on his proposed youth curfew.

"The county council's refusal to even take a yes or no vote on the proposed youth curfew is a failure of leadership," Leggett said. "Leadership means stepping up to the plate and deciding – yes or no – on critical issues that face our county. The youth curfew legislation has been before the county council since July. It has been discussed exhaustively. We don't need more talk – we need action."

Original story, 4:16 p.m.: The proposed Montgomery County youth curfew is dead. For now.

After months of debate surrounding the controversial proposal, the Montgomery County Council Tuesday voted 6 to 3 to table a decision on the curfew and its proposed amendments.

Councilman Hans Riemer (D-At Large) of Silver Spring made the motion to table the vote, which was seconded by Councilwoman Nancy Navarro (D-Dist. 4) of Silver Spring. Councilmembers Valerie Ervin (D-Dist. 5) of Silver Spring, Craig Rice (D-Dist. 2) of Germantown and Nancy Floreen (D-At Large) of Garrett Park opposed the motion.

The council also tabled a proposed loitering bill in a subsequent 5 to 4 vote, with Ervin, Rice, Floreen and Councilman Marc Elrich (D-At Large) of Takoma Park opposed.

By tabling a vote rather than making a decision, the council can reintroduce the legislation at any time, according to council rules.

County Executive Isiah Leggett's proposal would have imposed a curfew on minors starting at 11 p.m. on weeknights and midnight on weekends. Leggett (D) proposed the curfew in the aftermath of a sprawling gang fight in downtown Silver Spring.

“Right now we do not have a consensus on whether this is the right approach, whether or not a curfew is the right approach, whether or not a loitering bill is the right approach, whether or not delegating to the county executive emergency authority to implement a curfew is the right approach. There is no consensus on this council with respect to that,” said new Council President Roger Berliner (D-Dist 1) of Potomac.

In light of widespread community opposition to the curfew cited by some councilmembers, Riemer said that the council couldn’t justly counter that response.

“We should have a very, very good reason to overcome such widespread opposition,” he said. “Until we have legitimate safety concerns... I think we should keep this in consideration, so I think the right position for us is to say the jury should remain out because the facts [on] the ground are in flux.”

In a 2-0 vote on Dec. 1, the council’s public safety committee recommended against the curfew. At that meeting, Councilman Phil Andrews (D-Dist 3) of Gaithersburg pointed to Montgomery County Police statistics showing that crime is down overall while youth crime is holding steady at 8 percent of all incidents. The data also show that most youth crimes occur between 2 p.m. and 6 p.m.

Elrich suggested an amendment that would allow Leggett to call a 120-day curfew, expanding Leggett’s ability to enact a three-day curfew by executive order. Elrich’s proposal was similar to Floreen’s suggestion to expand Leggett’s power to initiate a curfew of 180 days without council approval.

Elrich also suggested an amendment that would set the curfew ages to 16 and younger, rather than 18.

Councilman Rice—having already voiced his support for Leggett’s bill—bristled at the decision to table the motion, calling the move a “travesty of justice.”

Ervin argued in favor of a vote Tuesday.

“I think it’s a mistake,” Ervin said of tabling the vote. “I think everybody spoke and it was clear that a majority of the council was not in favor of the legislation, therefore I did not see that there was any point to tabling it.

“I really hate to see that kind of maneuver done. In the future I would hope that we do what we’re elected to do which is make tough calls on tough issues,” she said.

Leggett will continue to push for the curfew, said Assistant Chief Administrative Officer Kathleen Boucher, who called the council’s action a “travesty of leadership.”

“The council has failed to act for reasons that are inexplicable,” Boucher said. “This issue isn’t going away. We need a curfew in Montgomery County. It’s a reasonable step, it’s a tool, it’s not a panacea; it’s a tool that our police chief says he needs. And the county executive will continue to press for it.”

Montgomery County Police Chief J. Thomas Manger also expressed disappointment in the council decision.

“I think that the curfew would have been a very valuable tool for the police department to further reduce crime,” he said. “... This would have been a useful tool for them but they will continue to do every thing they can to keep the community safe.”