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Curfew for parolees considered in Richmond

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A controversial parolee and probationer curfew now used in Oakland may soon keep ex-cons home at night in crime-troubled Contra Costa neighborhoods as well.

Recent public attention to Richmond street violence prompted county Supervisor John Gioia and regional law enforcement to discuss the selective curfew now used in Alameda County Superior Court as a tool to sequester habitual criminals when they are most likely to become homicide victims or suspects.

Local officials say much planning lies ahead before they could bring a similar program to Contra Costa County. They must develop criteria for applying the curfew, which takes the form of a probation or parole condition, and determine whether enforcing it would have budget or staffing consequences.

But so far they like the idea, especially as a way to control violent crime in Richmond.

"It gives police an extra tool to keep an eye on potential suspects and tell a bunch of the folks who are hanging out at a hot spot ... to move on," Gioia said. "It also allows new people getting out of jail or prison to decide they don't want to come to Richmond or West County."

Brown and the Oakland Police Department promoted that city's curfew plan last winter for the same reasons. And civil rights groups panned it, even picketed Brown's home in February, also for those reasons.

Oakland unfairly scapegoats parolees and probationers for its struggles with street violence while focusing too little on the problem's social roots, curfew opponents claim. They also fear the curfew will become a legal way for police to harass or even racially profile marginal groups, from recently released prisoners to the homeless.

"One of the big problems with curfews is that there's no proof that they actually reduce crime," said Sitara Nieves, an organizer for Oakland-based Critical Resistance. "But proposing a curfew as a way of dealing with Richmond's violence or Oakland's safety issues is a way for officials to look like they are addressing a problem without having to do anything substantial."

But Oakland police point to their own crime statistics as evidence that probationers and parolees are disproportionately involved in their city's violent crime, both as suspects and victims.

Brown's plan was written in 2003, part of the Oakland Police Department's 77-page Violence Reduction Plan. It was made after much public attention to the city's triple-digit homicide total the previous year.

"There is a clear nexus to Oakland homicides and individuals who are involved in drug activity, who have been arrested with firearms, and have previous violent felony convictions," wrote Oakland police Lt. Peter Sarna in the plan.

From January to October 2003, 81 percent of Oakland's identified homicide suspects feed into one or more of those categories, as did 73 percent of its victims, according to the plan.

The 10 p.m. curfew is a small component of a complex scheme that also covers daily, peak-hour supplemental police patrols in hot spots, frequent street-corner drug stings and increased partnering with other agencies for targeted enforcement.

It is also relatively new, and applies only to a small subset of Oakland's probationers and parolees. Alameda County Superior Court has applied a curfew requirement to only about 200 people so far, Oakland police said, and only in cases where prosecutors can demonstrate during sentencing hearings a relationship between the probationer's crimes and nocturnal hours.

Richmond police would welcome a curfew as an additional tool for officers to control violence in city hot spots, acting Police Chief Terry Hudson said.

While a 10-homicide June attracted much media attention this year, he said a two-year statistical rise in some violent crime categories had police working on new strategies long before killings caught the public's eye.

"The curfew proposal is one of several tactics we are looking at to deal with crime in the city, along with geographic restraining orders, our partnership with the ATF and the other violence-reduction measures we have employed," Hudson said.

Richmond police plan to work with the Contra Costa Probation Department and Contra Costa District Attorney's Office to tailor the criteria for requesting the probation condition. Any Richmond-area parolees who qualify could have their conditions amended, said deputy regional parole administrator Shirley Poe.

The city is home to about 450 parolees and about 360 adult probationers. About 150 juvenile probationers in the area are already subject to a curfew condition, said Lionel Chatman, Contra Costa's chief probation officer.

But the requirement would not apply to any existing probation. It would be requested on a case-by-case basis during sentencing hearings, after a suspect has been convicted, said District Attorney Robert Kochly.

"We are planning this kind of a program and, sometime in the near future, our attorneys will be going before the court to ask for that kind of a probation condition," Kochly said.

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