

From: Ed Martin <REMreason@outlook.com>
Sent: Tuesday, April 21, 2020 12:47 PM
To: Council Coments <CouncilComments@jonesboro.org>
Subject: Curfew

Mayor Perrin is a good mayor and I support him. He has done far more right than wrong and Jonesboro is a better place as a result.

But I think he is wrong on the use of curfews. Maybe he doesn't have good advisors on this subject or is not aware of the data.

I am kind of a data nerd meaning I research a lot. I prefer to have facts to inform my opinions on a subject.

I thought the linked article on Juvenile Curfews might be helpful to council members.

I have issues with curfews primarily because they don't work while they increase unrest and angst by those who are governed. But also because they can too easily be abused and have been repeatedly in history.

I have to admit that there were times as a parent I would have actually liked to have them to fall back on because some parents did not have rules and it made me the "bad guy" to insist on my kids being home at a reasonable time. But that still doesn't change that the overwhelming majority of studies show they are ineffective and cause more problems than they solve.

An article that I would ask City Council members to read and consider before allowing curfew orders to stand.

<https://www.themarshallproject.org/2018/07/31/the-curfew-myth>

This has to do with curfews for crime prevention but it applies to COVID-19 as well. They just are not effective. They are not even enforceable if people of any age want to get around them because a curfew cannot be used to stop freedom of speech, freedom of peaceful assembly, etc. All someone has to do is carry a sign and say they are exercising their First Amendment rights.

They just drive some percentage of the population to unrest. There is always pushback when someone is "told" what they can or cannot do in a blanket order that is broad. Especially when someone isn't doing anything wrong except for violating the curfew. People just don't like to be ordered or restricted.

In the case of COVID-19 there are many experts and a lot of data that supports both sides of the argument. Two reasonable intelligent experts can come to opposite conclusions based on whether they think herd immunity protects the herd or not. There is an assumption that flattening the curve prevents healthcare from being overwhelmed but that assumes we know what percentage of the population has already been infected (we don't) or that a given percentage will require hospitalization (it depends a lot on age and how much they are exposed to at the time of exposure).

But since there is not hard data saying they work and some saying they don't it isn't wise to go to those extents when it may have minimal if any impact.

It is impossible to consider the specific circumstances of everyone and in any blanket order there will be some harmed in some way or the other. The proverbial cure being worse than the disease has to be thoughtfully considered.

Then you have to be willing to apply the same logic equally across the board or it is then unfair because one group is being restricted while another is not.

So for example back to driving vehicles. The hard data is that more people die in vehicle accidents in Arkansas than have died from COVID-19. We know for sure that preventing people from driving would prevent motor vehicle accidents and death. So why don't we do that? There are groups of people who do not drive cars and bicyclists and pedestrians are killed by people driving vehicles. Those who live in areas where public transit, bicycles or walking is a viable option to get to grocery store, medical care, work do not see the need for vehicles which actually put them at risk. So that group of people would be all about banning vehicles for personal transportation. But that doesn't work for everyone. It would absolutely end deaths due to vehicles though. So if it is really about saving lives then why not fix a problem that kills more people than COVID-19?

Because one-size-fits-all doesn't work. Because things are more complicated than that. Because more lives would be lost if there were no vehicles than are lost with them. But tell that to the person whose loved one was ran over by a vehicle but they don't own or use vehicles. They would like to impose their will on everyone and in a way they would be right – ending motor vehicle involved deaths is simple – outlaw motor vehicles.

Similarly it isn't quite that simple when looking at a pandemic. Viruses are very good at spreading and find a way to spread. Actions we take can make things worse as well as better.

So when there is conflicting evidence it is often best to do nothing or do smaller things that do make a difference like education.

In the case of curfews there is strong evidence that they just don't work regardless of why they are deemed necessary and tried.

To a hammer everything looks like a nail and we too often use a hammer when something less destructive would work just as well or better.

So as well-intentioned as Mayor Perrin is in my opinion he was given bad information, isn't aware of data, is just doing what others are doing, etc.

What we can know for sure is we don't want protests, unrest, police having to fine citizens who disagree, turn good citizens into criminals, have our jails full of protesters, our courts dealing with curfew-breakers, citizens fearing police, etc. It usually does not turn out well when people fear the police, when they hide from the police, when they run when they see the police coming, when police are pitted against citizens.

Just ask people. Most are reasonable and they will try to help you out. Present the facts as we know them (both sides) and then you will be seen as reasonable, thoughtful, helpful, rather than having at least some in direct opposition.

Here is what some data suggests, here is what some data from other experts who disagree suggest, looking at both this is what I believe is prudent. You can make your own decision but I am asking that you err on the side of caution and do _____.

People see that as fair. Open. Not pushing an agenda. When asked to help most people do. Some won't but probably no more than would resist restrictive laws.

Anyway, something for you to read and consider not just for this COVID-19 crisis but for other problems that arise. A curfew probably is as ineffective as Prohibition was and has the same effect – to make criminals out of normal people and actually increase the illegal activity.

Punishing what we can all agree is a crime – like murder or rape or assault or theft – that is different. But punishing someone who disagrees with you about what is best for them and restricting freedom and liberty – that is different.

Let's say for instance that a husband and wife have an argument. Let's say that one of them deals best by a cooling-off period and it is their habit to get in the car and drive and think. Let's say the argument happens after curfew hours. Let's say they don't want to lie and say they are going to work if pulled over. Let's say they stay at home rather than break curfew. Let's say the argument accelerates into something physical because there was no way to get away and de-escalate. Now there is a 911 call. Police who are exposed to virus due to other calls now expose both people in this couple. Maybe an arrest is made and one is now a criminal. Maybe a divorce results or one of them gets so angry they harm the other permanently or kill them.

There are many possible negative scenarios with unintended consequences when you issue a blanket order. It changes what individuals have had the freedom to do and that changes dynamics. We just have to think about all of the possible negatives and whether there are more positives than negative.

If a bunch of protestors show up that has hundreds or thousands of highly agitated people in close proximity with each other and police which is the exact opposite of what you want.

From a political standpoint you have people actively opposing you based on what they feel is infringement of their personal rights.

But turning law-abiding citizens into criminals based on blanket orders (nobody can drink even if done responsibly, nobody can go out between x hours even if they have a very good reason we might not have thought of, etc.) is never a good idea and rarely has the desired outcome.

It just seems unwise and likely to do more harm than good in this instance. The curfew itself doesn't directly impact me as I don't think I have been outside after 8:00 in months. But it does impact a lot of other people and causes unrest. It also sets precedent that this is how we are going to control people and I have concerns about that. But mostly they are ineffective and the data on that is pretty clear.

With all that said, I know it isn't easy making decisions in times like these. I know you all care about Jonesboro and want to do the best for it's citizens. We may disagree on this issue but I want to thank all of you for your service to the community. I have been in a similar position and I know you get mostly complaints and any decision is going to bring some opposition. I really just wanted to provide some information for you to consider and even if in the end you disagree I still appreciate your service. We can disagree on some matters and still be supportive.

Sincerely,

Ed Martin