

NEW YORK CIVIL LIBERTIES UNION

Genesee Valley Chapter
American Civil Liberties Union

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Honorable Council Members,

Thank you for allowing us to address the council regarding the proposed curfew. We respectfully ask the council to consider the following points.

First, we face the issue of the constitutionality of such curfews. In the case of *Ramos v. Town of Vernon*, 3331. F.3d 315 (2nd. Cir 2003), the appellate court held that a, "...curfew interferes with juveniles' freedom of movement, that is, their right to walk the streets, move about at will, meet in public with friends, and leave their homes when they please. This right to free movement is a vital component of life in an open society, both for juveniles and adults."

Second, studies have concluded that curfews are simply ineffective in addressing crime. A paper published in "The American Academy of Political and Social Sciences," that examined a number of studies regarding the effectiveness of curfews concluded, "...the weight of scientific evidence...fails to support the argument that curfews reduce crime and criminal victimization." (Adams, K. 587. *Annals* p 136.)

Third, the curfew experience in Rochester, NY is proving to follow this pattern. Indeed, the results of the pilot program interim study are clear; the curfew is ineffective as a deterrent, and it has only delayed the delivery of needed services to at-risk youth. In Rochester, the known information was that there was no correlation between the incidents of violence, and the population and times targeted by the curfew. Therefore, it should have not have been a surprise when the data was analyzed and no resultant drop in crime rates was found.

Whenever we enact laws based upon fear and supposition rather than fact and reason when begin down a road that will be expensive to build, difficult to maintain and take us places we do not want to go. America's history is fraught with the failed attempts to cure social ills by criminalizing otherwise lawful behavior, often at the expense of the rights of the least powerful.

Certainly, you have a duty and responsibility to address the violence in your city. We understand your dilemma, nonetheless, we ask that any action you take be based upon a reasoned consideration of the facts and results of past curfew efforts, the law, and a respect for the rights of all of your citizens.

Respectfully Submitted, Gary Pudup