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## Tens of Thousands Still Detained Longer Than Law Allows, Study Finds

### Coalition responds with rally for "Charge or Release" bill

**January 31, 2006** -- More than one third of people who are arrested and arraigned in New York City must wait over 24 hours in jail before even seeing a judge or being informed of the charges against them, according to a New York Civil Liberties Union study released today. This pattern of long processing times means that people arrested even for minor offenses may have to leave children without childcare, miss days of school, or lose their jobs, all because the justice system cannot process them within the period of time mandated by the courts.

New Yorkers responding to the findings rallied on City Hall steps today to urge the City Council to reintroduce and pass the Charge or Release bill, which aims to solve the prolonged detention problem.

The new study, "Justice Delayed, Justice Denied: A Study of Arrest-to-Arraignment Times in New York City," analyzes 13 months of NYPD data and finds that the police detain thousands of New Yorkers each month for 30, 40, or even 50 hours before arraigning them. Each of these prolonged detentions defies a 1991 ruling in which the Court of Appeals held that the New York Police Department and other city agencies are legally obligated to present people for arraignment within 24 hours of their arrest.

"New York City must meet its legal obligation to arraign arrestees in a timely manner," said Donna Lieberman, Executive Director of the New York Civil Liberties Union. "New York has continued to violate the rights of the people it arrests even after the Court of Appeals ruled that arrestees must see a judge within twenty-four hours of their arrests. The city is failing to comply with the law, and it's up to the City Council to set things right."

The study finds that during the period from October 2004 to October 2005, 99,127 people, representing 36% of arraigned arrests, were detained for more than 24 hours prior to arraignment. During these 13 months more than 12,000 people were arraigned after being detained for longer than 36 hours.

In three out of the five boroughs -- the Bronx, Brooklyn, and Manhattan -- the number of individuals arraigned after 24 hours reached nearly 30,000. Sixty-two percent of those arraigned after 24 hours were eventually charged with low-level offenses. Out of five boroughs, the Bronx was furthest from compliance with the law: in that borough city agencies held arrestees for the longest periods of time before arraigning them, detaining more than 50% for longer than 24 hours.

Reasonable arrest-to-arraignment time is more than a technical requirement. Arraignment before a judge is the first occasion when a person is formally informed of the charges against him or her. It is also the first occasion on which that person learns of his or her right to be represented by counsel and his or her right to seek bail. And until arraignment, people who have been arrested -- even those charged

with low level offenses -- may not have a chance to inform friends and family that they are being detained at all.

The Charge or Release bill aims to overcome city agencies' failure to end prolonged detentions by creating law that forces those agencies to deal with the problem head-on. When the bill was introduced last City Council session it drew strong support from members of the public who had been detained, as well as lawmakers (the Council's Black, Latino, and Asian Caucus endorsed it unanimously and 23 Council Members signed on as co-sponsors) and dozens of legal, academic, and community-based groups.

In light of new data that shows that the bill is still necessary, today's rally urged the City Council's new leadership to reintroduce it and to shepherd it through the legislative process.

"Prolonged detention does not make our city any safer," said Udi Ofer, Senior Legislative Counsel with the NYCLU and Project Director of the [Bill of Rights Defense Campaign](#), which spearheaded the movement to introduce the Charge or Release bill. "The majority of arrestees detained for longer than 24 hours are eventually charged with low-level offenses such as violations or misdemeanors. Many people who are arrested spend time in jail only when they are waiting for arraignment. It's time for the City Council to ensure that city agencies coordinate themselves and solve this problem."

Data analysis for the study was conducted by Yanilda Gonzalez, Project Associate for the Bill of Rights Defense Campaign. Organizations endorsing the Charge or Release Bill include Harlem Neighborhood Defender Services, the Grand Council of Guardians, the Legal Aid Society, Bronx Defenders, 100 Blacks in Law Enforcement Who Care, Association of Legal Aid Attorneys UAW Local 2325, Met Council on Housing, and Democracy for New York City.

[Click here](#) to read the study. (Requires the free [Adobe Reader](#))