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Legal Aid Files Class Action Lawsuit Against NYPD for Indiscriminate Use of Handcuffs on New Yorkers Accused of a Crime During Arraignments

Appearing Before a Judge in Handcuffs Undermines New Yorkers' Presumption of Innocence and Due Process Rights

(NEW YORK, NY) - The Legal Aid Society [filed](#) a class action [lawsuit](#) against the New York City Police Department (NYPD) over the Department's policy and practice of indiscriminately handcuffing every person accused of a crime at their arraignment, a court proceeding at which the person faces a judge for the first time to determine whether they will be released or jailed pending trial or whether to impose other limitations on their liberty.

Appearing before a judge in handcuffs unfairly characterizes people as dangerous and untrustworthy, undermining their presumption of innocence and the integrity of the judicial system. The NYPD's arraignment handcuffing policy robs primarily people of color of the dignity and self-respect of appearing in court as a free and innocent person, and it dehumanizes court users who, without the use of their hands, must rely on attorneys or court staff to pull their pants up, wipe their noses, or hold them upright should they have mobility impairments.

New York law has long recognized in other criminal proceedings that, absent an individualized judicial determination, restraints impair the ability of the accused to participate in their own defense, offend the dignity of the courtroom process, and "do[] violence to" the presumption of innocence.

The lawsuit, which seeks to end this practice, was brought on behalf of Jarrett Allen, an individual named plaintiff representing himself and a class of individuals, whose due process rights were violated by the NYPD when he was brought before a judge in handcuffs without any judicial determination of the necessity of the restraints.

"The NYPD's practice of marshalling New Yorkers merely accused of a crime into court, arms bound behind their backs, for their first appearance before a judge undermines their constitutional right to the presumption of

innocence and due process,” said **Lindsey Smith, Staff Attorney with the Criminal Law Reform’s Special Litigation Unit at The Legal Aid Society.** “Judges who preside over arraignments, like any other human being, are susceptible to implicit bias when an NYPD officer chooses to force a person to be arraigned in handcuffs. The decisions made during arraignment, including whether to deprive someone of their freedom for months – or sometimes years – while they await trial, are critical and should not be influenced by the NYPD’s handcuffing policy.”

Under the NYPD’s arraignment handcuffing policy, officers have discretion to remove someone’s handcuffs after they initially appear in cuffs before the arraignment judge. For unexplained reasons, NYPD officers keep nearly every person handcuffed for the duration of their arraignments, despite many of these people walking out of the courtroom free from cuffs only minutes later.

Moreover, the same people whom the NYPD keep handcuffed during their arraignment – seemingly because they present safety and security concerns – are routinely left uncuffed at later court proceedings without incident. Nearly every person whom the NYPD handcuffs during their minutes-long arraignment is then left uncuffed during future, longer court proceedings, indicating that the NYPD has no justification for their excessive use of restraints at arraignments.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org