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June 5, 2020

The Honorable Janet DiFiori
Chief Judge
Court of Appeals of the State of New York
20 Eagle Street
Albany NY 12247

Dear Chief Judge DiFiori:

In light of the recent decision by New York State Judge James Burke to allow detention beyond 24 hours for people who are not arraigned during that period, I am writing to express my deep concern that New York Courts are allowing basic constitutional rights to be undermined. These extended detentions are a clear violation of Habeas Corpus.

I recognize that our court systems are currently strained by the COVID-19 pandemic, by arrests related to protests against police misconduct in wake of the murder of George Floyd, and by arrests for looting and property damage. However these challenges are not a justification for suspending basic constitutional rights.

I am also concerned that extended detention is being used to suppress the right of New Yorkers to protest. Recent days have seen large numbers of arrests of peaceful protesters simply for continuing their protests against the treatment of people of color by the police after the 8 p.m. curfew. The police should not be allowed to use unconstitutional detention practices as a strategy for disrupting protests, particularly when those protests center on police misconduct.

I urge you to ensure that all judges in New York are educated on the importance of upholding constitutional rights -- especially in difficult times. The courts must be defenders of these rights whenever they come under attack.

Sincerely

A handwritten signature in black ink that reads "Liz Krueger".

Liz Krueger
State Senator