



NYCLU, Scrutinize, and Harvard Law School Cyberlaw Clinic File Freedom of Information Law Requests to Further Expose Racial Disparities in NY Criminal Legal System

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NEW YORK– Today, on behalf of Scrutinize, the New York Civil Liberties Union and the Harvard Law School Cyberlaw Clinic submitted Freedom of Information Law (FOIL) requests to the New York state Office of Court Administration (OCA), the Division of Criminal Justice Services (DCJS) and the New York City Mayor’s Office of Criminal Justice (MOCJ) to obtain judicial pretrial detention and sentencing data that has been previously unavailable to the public. The requests span arraignment and disposition data from 2008 to 2024, including information on pretrial detention orders, the nature and lengths of sentences, and the judges making these decisions.

“We are hopeful that the Office of Court Administration, under the stewardship of Chief Judge Rowan Wilson and Chief Administrative Judge Joseph Zayas, will uphold its commitment to a transparent judiciary by releasing the requested data promptly,” **said Oded Oren, Founder & Executive Director at Scrutinize.** “The requested data will shed light on the judicial practices that have contributed to racial disparities in New York’s criminal legal system. This information will offer actionable insights for correcting these inequities.”

While OCA and DCJS previously shared subsets of the requested data with academic institutions, they have not made the data accessible to all New Yorkers. A 2020 law mandated the publication of pretrial data from January 1, 2020, onward, but OCA and DCJS have not made prior data publicly available.

“This data will provide New Yorkers with unparalleled insight into how racial bias permeates our criminal legal system,” said **Veronica Salama, Staff Attorney at the New York Civil Liberties Union.** “Together with our partners, we’re taking action to shed further light on judicial decision making, which has been shrouded in secrecy for far too long.”

Mason Kortz, Clinical Instructor at the Harvard Law School Cyberlaw Clinic, said, “Working with Scrutinize has been an excellent experience for the clinical students, allowing them to see firsthand how government transparency can further the aims of justice and equity.”

Judicial decisions regarding pretrial detention and sentencing have profound implications on New Yorkers, particularly Black and Brown New Yorkers. In 2021, about [75% of people](#) incarcerated in New York were Black or brown, with the incarceration rate for Black people [8.3 times higher](#) than that for white people. These racial disparities exceed those of [Louisiana and Alabama](#).

These FOIL requests come at the heels of efforts by legislators and advocates across the state to bring much needed transparency to the court system, as well as a [recent report](#) by Scrutinize and Reinvent Albany, which revealed that only 6% of written criminal court decisions are made publicly available.

Following the NYCLU’s successful [advocacy efforts](#), OCA launched [a new request portal](#) that offers public access to all virtual Supreme Court civil proceedings. The NYCLU has also been engaged in litigation to receive guidance from OCA to judges instructing them on how to interpret critical court decisions.

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