



## Legislation Text

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**File #:** Res 0051-2018, **Version:** \*

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### Res. No. 51

Resolution calling on the New York State Office of Court Administration to perform a needs assessment of judges and court personnel in New York City Criminal Courts and according to those findings, increase staff within the next two years.

By Council Members Gibson, Brannan and Salamanca

Whereas, Case delays and court congestion have plagued New York City Criminal Courts and have caused extensive economic, physical, and mental impacts on defendants, victims, and their families; and

Whereas, According to the Criminal Court of the City of New York's Annual Report, although most criminal cases do not go to trial, for those that do, the prolonged time for cases to be disposed of is longer in some boroughs than in others; and

Whereas, In 2016, defendants charged with a misdemeanor awaiting the completion of a bench-trial waited longer in the Bronx than in all other boroughs, on average 634 days; and

Whereas, Trial courts in the Bronx, which for many years has received on-going criticism for its delayed cases and large backlog, had the highest average length of time for the completion of jury-trials in 2016, defendants waiting on average 885 days for their cases to be completed; and

Whereas, In May of 2016, the Bronx Defenders, a legal service provider, filed a lawsuit in Federal Court alleging that the crippling delays in the Bronx Criminal Courts violate defendants' Constitutional right to due process and a speedy trial; and

Whereas, Defendants charged with a felony waited longer in Queens than in all other boroughs for their case to be completed, on average 138 days in 2016; and

Whereas, Prolonged cases may lead to defendants being incarcerated unnecessarily, pleading guilty

when they are innocent to avoid the long wait of pre-trial detention, or potential loss of employment due to attending several court appearances and missing work; and

Whereas, While case delays and court congestion are a result of an array of factors, lack of judges and court personnel impacts the ability of City courts to effectively process cases within the length of time permitted by law; and

Whereas, As of March 2016, the Queens County Criminal Courts had not processed a single jury-trial, due to the lack of judges, clerks and court staff; and

Whereas, Between July 1 and February 2016, 64% of cases where both the defense and prosecution were ready to proceed to a trial or hearing were adjourned in Queens, as there were no courtrooms available for the cases to be conducted; and

Whereas, The Queens County Criminal Courts have also reported that available courtrooms are often left vacant due to a severe shortage of court officers, clerks, and reporters; and

Whereas, Inadequate staffing is a severe issue that impacts all of the City's Criminal Courts, but is more prevalent in the Bronx, Queens, and Staten Island; and

Whereas, The lack of judges, clerks and court staff compromises the integrity of the Criminal Justice System and the Courts' ability to ensure justice; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Office of Court Administration to perform a needs assessment of judges and court personnel in New York City Criminal Courts and according to those findings, increase staff within the next two years.

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CMA