



Legislation Text

File #: Res 1534-2021, **Version:** *

Res. No. 1534

Resolution calling on the Governor and the Chief Judge of the State of New York to implement appropriate COVID-19 safety protocols and improve the efficiency of criminal trials.

By Council Members Cabrera and Kallos

Whereas, In December 2020, the New York Times reported that only nine criminal trials had been held in a nine month period, as the coronavirus, COVID-19, has wreaked havoc on the New York City court systems; and

Whereas, According to the New York Office of Court Administration, temporary stops have recently been placed on jury services due to advice from epidemiologists and Governor Cuomo's directives concerning limiting congregation of groups of people to prevent spread of the virus; and

Whereas, To bolster protections for in-person trials, the New York State Unified Court System has stated that courtrooms across the state have installed Plexiglas barriers and spaced seating to allow individuals to be appropriately distanced, though some have said such measures have been faulty in implementation; and

Whereas, According to testimony presented by the Legal Aid Society on September 4, 2020, to the New York State Senate, studies have shown that New York City courthouses still pose “an unacceptable high risk” of spreading COVID-19 due to issues with crowding, inadequate ventilation, and the improper use of masks; and

Whereas, According to the Equal Justice Initiative, incarcerated people are among the highest risk groups for contracting COVID-19 and experience a higher infection death rate than the national average; and

Whereas, According to New York’s chief administrative judge, Lawrence K. Marks, a criminal justice system cannot be fully functioning if it is not conducting jury trials, underlining the unfair conditions that have left people languishing in detention with no prospect of a trial; and

Whereas, According to the University of Chicago’s Law Review’s series on COVID-19 and Criminal Justice, 38 states, as well as the District of Columbia and Puerto Rico, have encouraged the use of virtual technologies to facilitate hearings and increase accessibility and efficiency; and

Whereas, When discussing the equipment that is currently being used to facilitate distanced proceedings in New York City, Manhattan criminal lawyer Eric Creizman noted, “The whole technology seems like it was from the days of Alexander Graham Bell,” such as the use of walkies-talkies and telephones for making communications; and

Whereas, According to a November 12, 2020, article published by the New York Law Journal entitled “It’s Time for Virtual Justice,” virtual technologies have an opportunity to make trials more efficient, flexible, and streamlined as a smart and effective way of keeping the participants safe in any given proceeding; and

Whereas, In an effort to restart criminal trials in New York City, further measures such as videoconference and teleconference technology must be adopted to increase the efficiency of trials and reduce the backlog of criminal trials; and

Whereas, These measures will not only protect defendants from their prolonged risk of COVID-19 in detention facilities, but also promote the basic civil right to a speedy trial; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor and the Chief Judge of the State of New York to implement appropriate COVID-19 safety protocols and improve the efficiency of criminal trials.

LS #16,792
1/21/2020
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