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The Impact of Speedy Trial Delays in New York City

Kalief's Law S1998-A (Squadron) / A3055-A (Aubry)

The right to a speedy trial is enshrined in the Sixth Amendment to the U.S. Constitution. In New York State, it is implemented through Criminal Procedure Law 30.30. However, CPL 30.30 contains loopholes that, when compounded by severe court backlogs, lead to unreasonable delays for people who have been charged with but not convicted of a crime. The result is that individuals are being forced to spend extra months, or even years, in pre-trial detention as they await their day in court.

In New York City, speedy trial delays are especially acute:

Of the 9,700 people detained in New York City's jails, three-quarters are awaiting the outcome of their case.¹

The cost of detaining one person on Rikers Island for a year is \$247,000.²

In 2016, between 1,300-1,400 people had been in NYC jails for more than a year awaiting trial.³

In 2015, the average age of cases that were not dealt with during arraignment was:

- **161 days in the Bronx**
- **106 days in Brooklyn**
- **121 days in Manhattan**
- **118 days in Queens**
- **149 days in Staten Island⁴**

In 2016, the average processing time in New York city was 20.8 months from initial arraignment to trial verdict. Processing time varies by borough—from 16 months in Staten Island to well over two years in the Bronx.⁵

Adjournments often last two to three months, even if the prosecutor has only asked for an adjournment of a couple of days. These delays, often a result of court congestion, and not being counted in speedy trial time calculation.

¹Independent Commission on New York City Criminal Justice and Incarceration Reform, A More Just New York City, p.13. (April 2017): <http://www.morejustnyc.com/the-report-1/> | ²Ibid., 14. | ³New York Daily News, Kalief Browder's brother rips Mayor de Blasio's Justice Reboot program for failing to speed up cases of Rikers inmates awaiting trial, (October 25, 2016). <http://www.nydailynews.com/new-york/rikers-island-inmates-waiting-long-trials-article-1.2844859> | ⁴Office of Court Administration, Criminal Court of the City of New York: Annual Report 2015 (June 2016): https://www.nycourts.gov/COURTS/nyc/criminal/2015_crim_crt_ann_rpt_%20062316_fnl2.pdf | ⁵Independent Commission on New York City Criminal Justice and Incarceration Reform, A More Just New York City, p.54. (April 2017): <http://www.morejustnyc.com/the-report-1/>

These delays cause harm to everyone involved:

Victims are often not able to get a sense of closure from the harms they have suffered.

Prosecutors' cases are weakened as they lose key witnesses, and witness' memories fade.

People languish in jail pre-trial for weeks, months, or years, putting their jobs and families at risk.

Taxpayers pay for the unnecessary detention of thousands of people.

Kalief's Law, S1998-A (Squadron) / A3055-A (Aubry), would amend Criminal Procedure Law 30.30 to ensure cases go to trial in a reasonable timeframe. The Katal Center for Health, Equity, and Justice, advocates, and community members demand that Albany pass Kalief's Law to improve the effectiveness of New York's criminal justice system and ensure that people are not unjustly and unnecessarily held in pre-trial detention.

It's time for New York to pass Kalief's Law and uphold the Constitutional right to a speedy trial!

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