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Examining Speedy Trials in New York City Courts
Committee on Courts and Legal Services

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Good afternoon, Chair Lancman and members of the Committee on Courts and Legal Services. My name is Chidinma Ume and I am an Associate Counsel of the Mayor's Office of Criminal Justice ("MOCJ"). Thank you for the opportunity to testify today. Michele Sviridoff, Deputy Criminal Justice Coordinator for Research, and Sarah Solon, Chief External Strategy Officer from my office, are here with me to answer questions.

The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy and, together with partners inside and outside of government, develops and implements policies aimed at reducing crime, reducing unnecessary arrests and incarceration, promoting fairness, and building strong and safe neighborhoods.

New York City's use of jail has declined precipitously in the last several decades. While jail and prison populations increased 11% between 1996 and 2013 in the rest of the country, New York City's jail population fell by 53%. Low-level enforcement has also reduced dramatically – the number of summonses issued citywide has dropped 34% since 2009, for example. This sharp reduction has happened alongside a 60% decline in major crime, unique proof that jurisdictions can both be safer and reduce reliance on jail.

Given these dramatic drops in crime and jail use, only the most pernicious – and often difficult to solve – problems remain. For example, in the crime context: while homicides have declined 83% since 1993, there are still some isolated shooting spikes, largely concentrated in a few neighborhoods and driven by a few gangs and street crews. And in the detention context: while we have seen the overall number of detainees drop dramatically over the last several decades, those detained in City jails today are more often than not facing serious, violent charges that can require complex, drawn-out litigation to resolve. This means that even though the overall jail population has declined, the average length of a felony case has increased.

The current challenge – one that the Mayor’s office has confronted head on – is to solve these difficult system problems that remain. Working to solve these problems will allow New York City both to continue to be the safest big city in the country and to reduce unnecessary detention even further.

The topic of this hearing – case delay in Criminal Court – should be seen in this larger crime context. In 2015, the average length it took for a case to be processed through Criminal Court in New York City was 146 days, up from 140 in 2014. This processing time has remained relatively stable despite a significant drop in the number of Criminal Court arraignments – a 10.4% decline from 2014 to 2015. Arraignments of violations have declined 17.5%; misdemeanor arraignments have declined 11.9%.

Last April, the Mayor and former Chief Judge of the State of New York Jonathan Lippman announced Justice Reboot, an initiative focused on reducing case delay. A key component of this initiative was establishing a Criminal Justice Working Group, the members of which have been intensely interested in exactly what drives case processing times in criminal court, particularly in this era of declining low-level enforcement.

As we consider what changes would be most helpful in the context of Criminal Court delay, I would like to share with you some of the chief insights coming out of not only the Criminal Court Working Group, but out of Justice Reboot writ large as the causes of and solutions to case delay in Supreme Court will be instructive for our efforts in Criminal Court.

The first insight is that change is possible. Given that Supreme Court case delay is the single biggest driver of the Rikers population, we have focused on identifying and resolving system problems that will reduce case processing inefficiencies over the last year. Just 5% of all defendants discharged from Rikers Island in 2014 filled 44 percent of the jail’s beds because each spent over 270 days on Rikers pre-trial. The vast majority of defendants spent much shorter periods in city jails.

This effort has been successful in reducing the backlog that existed when we announced. Our initial goal was to resolve 50% of these 1,427 target cases – all of which were pending in Supreme Court and involved detained defendants – within six months. We met this goal within four months. Currently, approximately 75% of the target cases have been resolved through trial or plea.

The second insight is that every part of the criminal justice system is necessary to produce change. To reduce case delay in an enduring way, it is critical that we recognize that judges, prosecutors, defense lawyers, witnesses, correctional officers, juries and grand juries of citizens all have a role in determining how quickly or not a case will move. Few of these entities answer to the same boss. The continual challenge in cutting case delay, then, will be ensuring that representatives from each piece of the system continue to see value in working together to improve case processing times, despite sometimes differing political interests, competing budget priorities, and the nature of an adversarial justice system.

Critically, then, Justice Reboot is built around the recognition that efforts to reduce case delay require the engagement of all the District Attorneys, the defense bar, as well as Mayoral agencies, among others. To date, the City has addressed this issue through productive, regular oversight and accountability meetings of a committee representing each part of the system, with reform ideas developed in partnership. The Committee met initially in mid-April and continues to meet regularly to review progress towards goals and make implementation decisions on the borough teams' recommendations.

The third insight is that changes must be tied to borough-specific differences and rooted in deep analytic knowledge about the operations of each borough's unique system. Currently, we are implementing borough-specific dedicated teams of representatives from the courts, MOCJ, the District Attorney's offices, law enforcement and the defense bar. These teams, led by each county's Administrative Judge, map-out the specific causes of case delay in each borough. They monitor the progress of the oldest cases, develop systematic reforms to institutionalize shorter case processing times, and implement these reforms. These teams are also assisted by a team of research and operations experts and meet regularly.

The fourth insight is that system changes must be baked into the entire life of a case, not just at particular intercepts. To achieve this, we are currently working to gather real-time information on case processing times citywide by building a tool that allows each part of the criminal justice system to assess specific causes of delays in individual cases, track borough-specific case processing timelines alongside volume and resource availability, prepare status reports to pinpoint bottlenecks, and help the Coordinating Committee develop solutions and ensure progress implementing them. The tool is currently being developed with an eye towards identifying delay trends in Supreme Court and Criminal Court cases.

Partnership – from the public, elected officials, the courts, District Attorneys, law enforcement, the Defense Bar, and Mayoral agencies – is critical in ensuring that case delay is reduced in an enduring way. We appreciate the City Council's interest and look forward to continuing to work together.

Thank you for the opportunity to testify here today. I would be happy to answer any questions.