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# Felony Case Processing in New York City

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## Findings and Recommendations

By Michael Rempel, Carol Fisler, Ashmini Kerodal, Joseph Spadafore,  
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# Executive Summary

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On April 14, 2015, New York City Mayor Bill de Blasio and New York State Chief Judge Jonathan Lippman launched an initiative to reduce case processing time among felony cases in New York City. The initiative was largely driven by an interest in reducing the time that defendants held in pretrial detention remain in jail while awaiting the outcome of their case. Considering that three-quarters of New York City's jail population is held pretrial, case processing reform was thought to constitute a promising avenue for reducing the use of jail citywide.

In its first year, the initiative focused primarily on felony cases adjudicated in the New York State Supreme Court following an indictment. To plan new strategies, a citywide coordinating committee was established with broad representation from the judiciary, District Attorney's offices, defense bar, and mayoral agencies, including the Mayor's Office of Criminal Justice (which organized the work of the coordinating committee), the Department of Correction, and the Department of Probation. Borough-based teams were also established to strategize around borough-specific needs and challenges.

To aid with strategic planning, researchers and program staff at the Center for Court Innovation examined how felony cases are currently processed and which policies and practices contribute to lengthier case processing times.

## Research Methods

The findings in this report were based on multiple methods. They included:

- **Practitioner Survey:** In June and July 2015, a web-based survey was completed by 677 practitioners regarding the extent to which each of 92 factors contribute to felony case processing delays—with survey data weighted to accord equal influence to the responses received from judges, prosecutors, and defense attorneys.
- **Court Observations:** Structured observations were conducted in June and July 2015 of Supreme Court proceedings in all boroughs except Staten Island, spanning 1,259 court appearances in 30 courtrooms.

- **Official Data Analysis:** Quantitative analysis was conducted on official court data provided by the Unified Court System for all criminal cases resolved in 2014. To gain further information on judicial workload and resources, data was also obtained on every Supreme Court appearance held in January and June 2015 and on trials and other Supreme Court activity measures in calendar year 2015. Notably, all case processing measures derived from court data omit days when defendants had absconded on a warrant and omit days spent in fitness-to-stand-trial proceedings.
- **File Review:** To gain a deeper level of insight into why some cases take particularly long to resolve, file reviews were conducted on 142 cases (involving 119 indictments and 129 defendants) that were pending for more than three years in Supreme Court.
- **Interviews and Meeting Observations:** Qualitative information was obtained by interviewing players in each borough and observing citywide coordinating committee and borough-based team meetings. In addition, detailed documentation was obtained from the administrative judges of each borough's Supreme Court regarding court part structure and, thus, the flow of cases in their courthouses.

## Study Limitations

The current research has several important limitations, potentially leading some drivers of felony case processing time to receive disproportionate attention. For one, while explored through interviews and surveys, it was not possible to quantify the effects of all potentially influential factors. Examples of factors whose precise importance could not be quantified include reported delays in sharing discovery information with the defense; a reported defense interest at times in using delay as a strategy; and known challenges to the timely production of detained defendants in court for their scheduled appearances.

Additionally, where quantitative results are presented, they are mostly for cases disposed in 2014, the year prior to the launch of the citywide case processing initiative in April 2015. Thus, this report does not examine the extent to which outcomes may already have improved as a direct result of the initiative.

## Current Case Processing Performance

Courts in New York City disposed 308,787 criminal cases in 2014, including 257,196 misdemeanors (83%) and 51,591 felonies (17%), based on charge severity at the time of the initial arraignment. Major case processing performance statistics include the following.

## Misdemeanor Case Processing

Half of all misdemeanors disposed in 2014 were resolved at the initial arraignment court appearance. Average time from arraignment to disposition was 62 days citywide. If isolating those cases that were *not* disposed at arraignment, average processing time was 125 days. Only 0.2% of misdemeanors were resolved by trial verdict, with those cases averaging 414 days (13.6 months) to disposition.

## Felony Case Processing

- **Indictment Rate:** Thirty-two percent of felonies disposed in 2014 were indicted and transferred from the lower Criminal Court, where the initial arraignment took place, to the Supreme Court for further adjudication. Eight percent were resolved through a Superior Court Information (SCI), which involves a felony plea agreement reached without an indictment, and 60% of cases initially arraigned on felony charges were resolved in the Criminal Court through a plea to a misdemeanor or lesser charge, adjournment in contemplation of dismissal (ACD), or straight dismissal.
- **Felony Case Processing Time:** Among cases initially arraigned on felony charges, the average time from arraignment to disposition was 199 days (median = 144 days). For felony arraignments that were subsequently indicted, the average case processing time was significantly longer at 325 days—and when isolating the period *after* the grand jury voted the indictment and Supreme Court processing began, the average was 295 days, ranging from 186 days in Staten Island to 400 days in the Bronx.
- **Compliance with Standards and Goals:** The official standard established by the New York State Unified Court System is to resolve indicted felonies within 180 days (six months) of Supreme Court processing. Among indicted felonies disposed in 2014, 42% met this benchmark, including 60% in Staten Island, 51% in Manhattan, 43% in both Brooklyn and Queens, and 29% in the Bronx. Citywide, 71% of indicted cases were resolved within one year in Supreme Court, ranging from 88% in Staten Island to 56% in the Bronx.
- **Supreme Court Appearances:** Indicted felonies disposed in 2014 averaged 9.7 Supreme Court appearances to disposition (median = 7 appearances). The average was 12.1 in Queens and ranged from 8.7 to 10.1 appearances in the other boroughs.
- **Significance of Case Characteristics:** Among felony arraignments disposed in 2014, homicides were the most likely to be indicted (78%), followed by sex offenses (58%) and weapons/firearms cases (48%). Among indicted cases, homicides averaged 623 days in Supreme Court to disposition, ranging from 362 days in Staten Island to 725 days in the Bronx. Surveys and key player interviews indicated that cases involving

multiple defendants, extensive criminal histories, and gang connections generally require added processing time. Among cases pending for more than three years in Supreme Court as of February 27, 2015, nearly 60% involved murder or manslaughter charges and 43% involved multiple defendants.

## Major Drivers of Felony Case Processing Time

The research for this project produced 37 findings regarding factors that contribute to felony case processing time. The most important themes and findings are summarized below.

- **Borough Analysis:** Cases initially arraigned on felony charges averaged significantly less processing time in Staten Island and more in the Bronx than in other boroughs. When isolating Supreme Court processing time among *indicted cases*, the borough averages were (from lowest to highest) 186 days in Staten Island, 229 days in Manhattan, 275 days in Brooklyn, 296 days in Queens, and 400 days in the Bronx. The findings that follow clarify several reasons for these borough-based variations.
- **Indictment Status:** Among cases initially arraigned on felony charges, case processing time averaged 2.41 times longer for indicted cases (325 days) than cases resolved through a SCI or resolved in the lower Criminal court through a charge reduction, ACD, or dismissal (135 days). Pointing to the influence of borough-based policies and practices, the underlying indictment rate varied substantially by borough (19% in Staten Island, 20% in Queens, 29% in Brooklyn, 39% in the Bronx, and 41% in Manhattan). Increasing SCIs or pleading more cases down to misdemeanors early in case processing, where feasible, would significantly reduce case processing averages.
- **Adjournment Length:** The average adjournment length from one court appearance to the next in Supreme Court was more than a month (35 days). Here again, there was significant variation from borough to borough—from 22 days in Staten Island to 45 days in the Bronx. Controlling for other factors, adjournment length was among the most powerful drivers of total Supreme Court processing time in indicted cases. Survey respondents cited reducing adjournment length as the single change with the greatest potential to reduce felony case processing delays. In over half (56%) of observed Supreme Court appearances, the adjournment date did not appear to be reached via an effort to select the “earliest possible” date. Instead, a standard length of about 30 to 40 days was used in many court parts. The Bronx did not average the most court appearances, yet averaged the longest Supreme Court processing time of any borough, because of the lengthy interval in between appearances (adjournment average = 45 days in Bronx, compared to a citywide average of 35 days).

- Adjournment at Supreme Court Arraignment:** Adjournment length was especially long from the Supreme Court arraignment to the next court appearance, averaging 40 days citywide and ranging from 24 days in Staten Island to 48 days in the Bronx. This early adjournment is often intended to accommodate motion practice; yet, in many cases, defense motions and prosecutorial responses are expedited by standard motion forms. The adjournment times at Supreme Court arraignment were particularly long in the Bronx, reaching 70 or more days in one-quarter of Bronx Supreme Court cases. Adjournment length at Supreme Court arraignment was strongly associated with total case duration; where this adjournment ran long, the time was not recouped later.
- Trials:** Among indicted cases disposed in 2014, only 5.6% were decided by a trial verdict (12.7% in Queens and a range of 2.4% to 5.5% in the other four boroughs). Although they represent a small fraction of indicted cases, those reaching a trial verdict averaged 1.9 times longer in Supreme Court (530 days) than other cases (281 days). Notably, after controlling for other factors, the Manhattan Supreme Court processed its trial cases in significantly *less* time than the four other boroughs, which may in part reflect Manhattan’s unique court structure (discussed below). Within each borough, length of time to resolve cases at trial may also vary based on the availability of qualified attorneys—both prosecutors and defense attorneys.
- Unutilized Judicial Time:** Multiple findings suggest that there are sufficient judicial resources to reduce adjournment length and hold more frequent appearances to move cases forward. Based on court observations in the four large boroughs (other than Staten Island), Supreme Court calendar parts were in session for an average of three hours and 47 minutes (3:47) per day—2:32 spent hearing cases and 1:14 waiting for cases to be called. Confirmed using official court data, even the busiest court parts in Supreme Court, the calendar parts, are not in session much of the day. (Other parts that specialize in hearing trials average *less* activity than calendar parts.)
- Court Part Structure:** As of early 2015, the Manhattan Supreme Court had 16 general calendar parts; the Bronx had five (counting two drug parts); Brooklyn had five; and Queens had one. Manhattan reserved only eight parts exclusively for hearing trials, fewer than in the other large boroughs. Despite this, Manhattan retained a sizable capacity to hear trials, because the judges who preside in Manhattan’s calendar parts can also hear trials several days each week. In January and June 2015, Manhattan’s judges averaged more appearances (11.4 per day) than the three other large boroughs. (Manhattan handled 35% of indicted felonies disposed citywide in 2014). Yet, Manhattan’s *calendar parts*—because there are more of them—averaged *fewer* appearances per day than the calendar parts in the other large boroughs. Manhattan’s structure may also partly explain why its trial cases are resolved faster than elsewhere.

- **DNA-Related Backlogs:** Practitioner survey respondents identified DNA testing and discovery delays as a significant driver of felony case processing delays. Respondents agreed that the DNA testing process is moving more quickly than in past years, partly due to increased funding for the Office of the Medical Examiner. They also reported that extensive motion practice in DNA cases is likely to persist absent further action.
- **Midcourse Changes of Defense Provider:** Indigent defense providers include the Legal Aid Society, five alternative providers (each operating in one borough), 18-b attorneys (private attorneys accepting indigent defense cases), and retained attorneys. Official court data indicates that close to one-quarter of indicted felony defendants changed their defense provider during case processing (often shifting from Legal Aid to 18-b). Changes were more common as charge severity increased. Independent of charge severity, a provider change was associated with a significantly longer case duration.
- **Limited Alternative to Incarceration (ATI) Options:** Responses to the practitioner survey and inspection of annual felony enrollment in drug courts, judicial diversion programs, and other problem-solving courts pointed to limited ATI options. Some respondents believed that additional ATI options could facilitate greater pre-indictment case resolutions. Notably, felony ATI options were perceived as more plentiful in Brooklyn than in other boroughs.
- **Transportation of Detained Defendants:** Practitioner survey responses and interviews pointed to frequent bottlenecks from the point that the bus from the Rikers Island jail complex arrives at the courthouse to the point that defendants are produced inside the appropriate courtrooms. Many courts struggled to hear the cases of detained defendants prior to late morning at the earliest.
- **Pretrial Detention Status:** Indicted cases averaged significantly fewer days to disposition if they were detained throughout case processing (258 days) than if they were detained for part of processing (313 days) or released throughout (353 days). Most of this difference, however, was attributable to reduced pre-indictment case processing time in the lower Criminal Court among detained cases—reflecting the 180.80 statutory requirement to indict detained defendants within six days of arrest, except where waived by the defense. Research detected little impact of detention status on case processing time once cases reached the Supreme Court post-indictment.
- **Adjournment Length for Sentencing:** The Department of Probation indicated that Pre-Sentence Investigation (PSI) reports are routinely submitted within two weeks whenever the defendant is held in jail; yet, average adjournment length from disposition to sentencing was almost three times longer (40 days) for detained cases (median = 25 days) and was 92 days for released cases (median = 56 days).

- **Other Factors:** Drawing on information gained from multiple methods, additional sources of felony case processing delay included:
  - Fitness proceedings (Article 730 of the Criminal Procedure Law): These proceedings, which take place in 2% of all indicted cases, were found to add significant time to case processing.
  - Judicial role: During court observations, judges were coded as engaging in proactive steps in only 22% of 1,275 observed court appearances. These steps included: encouraging the parties to reach a plea agreement, setting a trial date due to a lack of a plea agreement, encouraging the parties to limit adjournment length, or reprimanding the prosecutor or defense attorney for lack of preparation. In interviews, both prosecutors and defense attorneys expressed appreciation for calendar judges who hold attorneys accountable for between-appearance tasks.
  - Variations in the presiding judge: Within the same boroughs, cases heard by some Supreme Court calendar judges averaged significantly more or less case processing time than other judges—although, overall, this factor explained a relatively small amount of the total variation in case processing time.
  - Defense strategy: Survey and interview respondents often linked delays to defense efforts to await a better plea offer or other favorable developments—and evidence generally confirmed that as more time passes in Supreme Court, average case dispositions become more favorable to the defense.
  - Attorney scheduling difficulties: Survey and interview respondents often cited defense attorney schedules (especially 18-b attorneys and—even more specifically—attorneys on the homicide panels) as a source of delay.
  - Lack of open file discovery: Survey and interview respondents often cited discovery-related delays outside of Brooklyn. In Brooklyn, an “open file” or “discovery by stipulation” protocol is followed, whereby the district attorney’s office provides discovery material to the defense on an ongoing basis and consents to certain hearings without requiring a formal defense motion.

## Potential Action Steps

Based on these findings, an array of reforms might help to reduce felony case processing time in New York City. What follows is a quick summary of potential action steps (more detail is included in the body of the report).

- **Action Step #1.** Increase the percentage of felony arraignments disposed through misdemeanor pleas in Criminal Court and through SCIs.
- **Action Step #2.** Establish and monitor meaningful standards and goals for felony cases, including interim milestones and differentiated benchmarks for cases assigned to simple, standard, and complex tracks.
- **Action Step #3.** Adhere to short case processing milestones at three early periods: (1) 72 hours from grand jury vote to filing of the indictment in Supreme Court; (2) 14 days from filing of the indictment to Supreme Court arraignment; and (3) 30 days from Supreme Court arraignment to next court appearance (or 45 days for complex cases).
- **Action Step #4.** Establish a four-week maximum adjournment length, with adjournment dates shorter than four weeks whenever (a) the parties require less time to complete between-appearance tasks or (b) the defendant is detained pretrial.
- **Action Step #5.** Adhere to a 14-day standard adjournment from disposition to sentencing in cases when the defendant is detained.
- **Action Step #6.** Pilot aggressive reform strategies in the Bronx.
- **Action Step #7.** Engage key players in Queens in identifying ways to reduce Supreme Court appearances and time to disposition.
- **Action Step #8.** Review court part structures—especially whether there is an insufficient number of calendar parts—to identify opportunities to use judicial resources more efficiently and increase trial capacity, especially in the Bronx, Brooklyn, and Queens.
- **Action Step #9.** Reduce as much as possible the amount of time that trial judges are not holding hearings or trials.
- **Action Step #10.** Expand the availability and increase the use of pre- and post-indictment alternatives to incarceration.
- **Action Step #11.** Increase the speed of (a) referrals to existing pre- and post-indictment alternatives to incarceration and (b) program eligibility determinations.
- **Action Step #12.** Encourage early discovery, paired with rigorous analysis to determine the impact on case processing time.



- **Action Step #13.** Improve production of information from the New York Police Department to the District Attorney's Offices.
- **Action Step #14.** Shorten the time to produce grand jury minutes.
- **Action Step #15.** Engage in multiple steps to reduce DNA-related delays.
- **Action Step #16.** Reduce fitness to proceed (730-related) delays at each of five distinct stages: (1) examination process; (2) legal determination of fitness or unfitness; (3) transfer to a forensic hospital; (4) restoration of fitness and return to court; and (5) maintenance of fitness.

## Chapter 1

# Introduction

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On April 14, 2015, New York City Mayor Bill de Blasio and New York State Chief Judge Jonathan Lippman launched an initiative to reduce case processing time among criminal cases in New York City. The initiative arrived in the context of a series of New York Times articles from two years earlier concerning case processing delays across the city<sup>1</sup> and mounting local interest in reducing the inmate population at the Rikers Island jail complex.<sup>2</sup> Three-quarters of New York City's jail population are pretrial detainees, suggesting that speedier processing could serve to shrink the time that many defendants now spend in jail.

In its first year, the case processing initiative focused on felony cases that are adjudicated in the New York State Supreme Court following an indictment by a grand jury.<sup>3</sup> A citywide coordinating committee was established to develop strategies for reducing felony case processing time generally and for accelerating the processing of 1,427 specific felonies that

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<sup>1</sup> Glaberson, W. (2013). "Faltering Courts, Mired in Delays." *New York Times*. April 14, 2013. Glaberson, W. (2013). Glaberson, W. (2013). "Courts in Slow Motion, Aided by the Defense." *New York Times*. April 15, 2013. "For 3 Years After Killing, Evidence Fades as a Suspect Sits in Jail." *New York Times*. April 16, 2013. Glaberson, W. (2013). "In Misdemeanor Cases, Long Waits for Elusive Trials." *New York Times*. April 30, 2013. And, more recently, see Clifford, S. (2016). "For Victims, an Overloaded Court System Brings Pain and Delays." *New York Times*. January 31, 2016.

<sup>2</sup> Besides the case processing initiative, the Mayor's Office of Criminal Justice has launched a series of strategies designed to reduce the use of jail in New York City, including a citywide supervised release program intended as an alternative to money bail; a pretrial diversion project for mentally ill defendants; and plans to expand diversion options at the dispositional stages. Regarding the connection of case processing to concerns surrounding the size of the local jail population, see, e.g., Schwirtz, M. and Winerip, M. (2015). "New Plan to Shrink Rikers Island Population: Tackle Court Delays." *New York Times*. Published April 14, 2015.

<sup>3</sup> Criminal cases in New York City are generally arraigned in the New York City Criminal Court. Cases that are arraigned on felony charges and subsequently indicted are transferred to the Supreme Court, a different trial court jurisdiction with separate courthouses, court administrations, and judges. Felony arraignments that are not indicted are generally resolved through a case dismissal, plea agreement to a misdemeanor or lesser charge; or felony plea agreement reached through a Superior Court Information (SCI). Cases resolved through a SCI are transferred to the Supreme Court for disposition, but because the transfer ostensibly arises in connection with a plea agreement previously reached in the Criminal Court, SCI cases require minimal Supreme Court processing.

were held at the Rikers Island jail complex as of March 1, 2015 and had been pending in Supreme Court for more than one year.

Led by the Mayor's Office of Criminal Justice and the New York State Unified Court System, the case processing coordinating committee included representation from local District Attorney's offices, the defense bar, Administrative Judges overseeing the Supreme Court in each borough, the Department of Correction, Department of Probation, and the Center for Court Innovation. In addition to the coordinating committee, borough-based teams with analogous representation from each borough's judiciary, District Attorney's office, and defense bar were established to strategize around borough-specific needs and challenges.

## About this Report

To aid with strategic planning, the Center for Court Innovation sought to examine how felony cases are processed and which policies and practices contribute to delays, both citywide and in each of the five boroughs (the Bronx, Brooklyn, Manhattan, Queens, and Staten Island). This report summarizes the major findings and, in a concluding chapter, proposes potential action steps for the years ahead. To supplement the main narrative, a detailed set of quantitative tables regarding case processing patterns and sources of delay in the preexisting status quo is provided in Appendix A.

The organization of this report is as follows. Chapter 2 reviews the research methodology, which included a survey of judges and attorneys; court observations; analysis of official court data; and interviews and meeting observations involving key players. Chapter 3 presents criminal case volume and case processing statistics for both misdemeanors and felonies. Misdemeanors are covered only briefly, whereas felonies comprise the exclusive focus in all subsequent chapters. Chapters 4-7 present 37 findings concerning factors that contribute to felony case processing delays. Chapter 8 outlines potential action steps.

## Overview of Major Themes and Findings

As detailed in the report, important reasons for longer felony case processing time include the following:

- **Borough Differences**—with felony cases averaging the most time in the Bronx and the least time in Staten Island.

- **Indictment Status**—with cases arraigned on felony charges averaging significantly more time if they are indicted and transferred to the Supreme Court (which applies to 32% of felony arraignments) than if a pre-indictment case resolution is reached.
- **Supreme Court Adjournment Length**—with average adjournment length more than one month citywide, ranging from 22 days in Staten Island to 45 days in the Bronx.
- **Adjournment at Supreme Court Arraignment**—with an especially long average adjournment length (40 days) from Supreme Court arraignment to next appearance.
- **Trials**—with cases decided by trial verdict averaging almost twice as long as other Supreme Court cases; but with Manhattan resolving trial cases faster than elsewhere.
- **Unutilized Judicial Time**—with multiple findings suggesting that judicial resources are sufficient to reduce adjournment length and hold more frequent appearances.
- **Court Part Structure**—with multiple findings suggesting that the Manhattan Supreme Court part structure is advantageous compared to the other large boroughs.
- **DNA-Related Backlogs**—which reportedly have been reduced in recent years but still contribute to significant delays.
- **Midcourse Changes of Defense Provider**—which most commonly involve a transfer of more serious cases from the Legal Aid Society to 18-b panel attorneys.
- **A Lack of Alternatives to Incarceration**—especially in the pre-indictment stages.
- **Transportation of Detained Defendants**—with delays in moving defendants from the parked buses outside to the courtrooms where appearances need to take place.
- **Adjournment for Sentencing**—which for detained defendants routinely and significantly exceeds the two weeks that the Department of Probation requires to complete a pre-sentence investigation (PSI) report.

## Study Limitations

The current research has several important limitations, potentially leading some drivers of felony case processing time to receive disproportionate attention. For one, while explored through interviews and surveys, it was not possible to quantify the effects of all potentially influential factors. Those factors that *could* be quantified tended to be those within the

purview of the court, such as adjournment length, time to trial verdict, and unutilized court time, whereas factors relating more to the performance of other actors, including prosecutors, defense attorneys, and Department of Correction staff, often resisted easy quantification. Examples of factors whose precise importance could not be quantified include reported delays in sharing discovery information with the defense; a reported defense interest at times in using delay as a strategy; and known challenges to the timely production of detained defendants in court for their scheduled appearances.

Second, even where hard data was available, it was often imperfect. For example, whereas data permits isolating case processing performance among cases decided by trial verdict, we cannot isolate cases that are adjourned for trial or start a trial, but then reach a plea agreement before the trial concludes. In addition, we cannot pinpoint the nature of indigent defense representation on many cases, based on known flaws in defense attorney data collection. Most seriously, we have been advised of a tendency of court clerks responsible for data entry to confuse private attorneys paid for by the defendant with private attorneys that are part of the City's Assigned Counsel Plan and, thus, are providing publicly funded representation to indigent defendants. In addition, although we believe this flaw is less common, we also have been advised that, at times, defense attorneys affiliated with the Legal Aid Society are misclassified as affiliated with other institutional defense agencies (Bronx Defenders, Brooklyn Defender Services, etc.), and vice versa.

Finally, where quantitative results are presented, they are mostly for cases disposed in 2014, the year prior to the launch of the citywide case processing initiative in April 2015. Thus, while this report diagnoses performance during the preexisting baseline period, it does not examine the extent to which performance may already have improved as a direct result of the case processing initiative itself. Accordingly, future research is necessary to evaluate the success of the current round of reforms.

## Chapter 2

# Research Design and Methodology

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Research findings were based on multiple methodologies, designed in consultation with senior staff at the Mayor's Office of Criminal Justice: (1) a survey of judges and attorneys; (2) structured court observations of Supreme Court proceedings; (3) quantitative analysis of official court data; (4) file reviews of selected cases; and (5) qualitative information from key players derived from interviews and meetings.

## Survey on Reasons for Case Processing Delay

In June and July 2015, a web-based survey was administered to judges, prosecutors, and defense attorneys across New York City concerning their perceptions of the major reasons for case processing delays among felony cases.

### Survey Design and Administration

Immediately after the launch of the case processing initiative in April 2015, senior program staff from the Mayor's Office of Criminal Justice and the Center for Court Innovation interviewed a broad sample of court administrators, judges, prosecutors, and defense attorneys from across the city concerning their perceptions of the reasons for case processing delays, especially in Supreme Court cases. From these interviews, a list was compiled of potential reasons for delay, organized under several umbrella categories, including court structure; courthouse facilities; prosecutorial or defense practices; judicial practices; defendant characteristics, and other reasons. Researchers transformed this list into a quantitative survey consistent of 92 specific reasons for delay. Before finalizing the survey, a draft was reviewed by subject matter experts at the Center for Court Innovation, the Mayor's Office of Criminal Justice, and the New York State Unified Court System.

The final instrument began with a series of questions about the respondent's background, such as whether the respondent was a judge, prosecutor, defense attorney, or in some other role; and the borough in which the respondent practiced. Respondents were then asked to rate each of the 92 potential reasons for case processing delay on three Likert scales: (1) how often criminal cases are delayed for the given reason (1-5 scale); (2) how much of an

increase in case processing time typically results (1-7 scale); and (3) the extent to which respondents believed that reforms addressing the problem in question were feasible (1-5 scale). The survey concluded with three open-ended questions to capture general thoughts about sources of case processing delay that might have been missed in the rest of the survey. The complete survey instrument is in Appendix B.

The research team sent the survey via a SurveyMonkey web link to all members of the citywide case processing coordinating committee and to several directors of key agencies that were not represented on the committee. Survey recipients included the Administrative Judges in the Supreme Courts in all five boroughs; representatives from all five District Attorney's Offices; representatives from the Legal Aid Society and the five alternative institutional defense providers in the city (listed below); the coordinators of the 18-b panels in the First and Second Judicial Departments, which include attorneys who represent indigent defendants not otherwise represented by the institutional provider agencies; and several other city representatives to the coordinating committee (e.g., from the Department of Correction and Department of Probation). In a cover e-mail, the judicial, prosecutorial, and defense bar representatives were asked to distribute the survey link to all of their staff and to encourage participation. The web link was first distributed on June 12, 2015 and a second time on June 22, 2015. In addition, during a presentation of preliminary findings to the citywide case processing coordinating committee on July 15, 2015, researchers noted important underrepresented groups and encouraged additional participation before the survey period closed.

The survey was closed on July 24, 2015 with a total of 677 valid responses—where a valid response is one where the respondent answered at least some of the questions involving the 92 potential reasons for case processing delay. The final sample sub-divided as follows: 59.8% defense attorneys, 31.2% prosecutors, 5.3% judges, and 3.7% others, where a further open-ended question clarified that most of those in the “other” category were court administrators (administrative judges, chief clerks, or other court administrative staff).

Among defense attorneys in the final sample, 56.4% were from the 18-b panel (not affiliated with an institutional defense provider), 27.4% were from the Legal Aid Society, and 16.2% were from an alternative institutional provider agency, including The Bronx Defenders, Brooklyn Defender Services, New York County Defender Services, and Neighborhood Defender Services of Harlem. There were not any responses received from the city's fifth alternative institutional defense provider, Queens Law Associates. Variations in the number

of responses received by role reflected a combination of differential population size (for example, there are many more defense attorneys and prosecutors than Supreme Court judges in New York City) and differential response rates (for example, the defense bar had higher overall survey participation than other groups).

Survey responses also varied by borough, with 28.2% of the final sample indicating that they work in the Bronx, 11.1% in Brooklyn, 30.4% in Manhattan, 15.1% in Queens, 3.0% Staten Island, and 12.3% reporting that they practice in multiple boroughs. Most respondents who reported practicing in multiple boroughs were 18-b attorneys. Partly clarifying the differential response by borough, responses were not received from any judges in Brooklyn or Staten Island, from any prosecutors in Brooklyn, or from Queens Law Associates, the alternative institutional defense provider agency in Queens; thus, in general, response was highest in the Bronx and Manhattan, where all groups participated.

As described below, weighting strategies were utilized to correct for potential biases introduced due to differential response by role (judge v. prosecutor v. defense attorney). However, weighting was not used to correct for borough-based variations in response. The substantive survey findings suggested that differences in how reasons for case processing delay were ranked were much greater by role than by borough—making it more important to weight the data by role. The main differences by borough concerned less how different problems were prioritized or ranked—and more in the extent to which a multiplicity of problems were seen to exist in some boroughs but not others. For example, responses generally pointed to greater overall concerns with case processing delays in the Bronx than elsewhere; and to lesser overall concerns in Staten Island than elsewhere.

## **Analytic Plan**

**Weighting:** For analyses that were based on quantitative survey data, respondents were weighted such that, overall, judges, prosecutors, and defense attorneys each received equal influence over the totals that are provided throughout this report. For example, the use of weighting meant that to compensate for receiving fewer responses from judges, each judge responding to the survey received a much higher weight (i.e., exerted more influence over reported totals) than each respondent from the prosecutor or defense attorney subgroups. Further, to equalize the influence of attorneys from the Legal Aid Society, the alternative institutional defense provider agencies, and the 18-b panel, weighting was also applied such



that each of these three defense attorney subgroups contributed one-third of the effective influence over the combined defense attorney sub-totals.

**Summary Scores:** All 92 potential reasons for delay were ordered according to a *delay score*, which is simply the average of: (1) how prevalent was the given reason for delay; and (2) how long a delay results when that reason applies. Before computing the delay score, responses to the length of delay question, originally on a 1-7 scale, were re-scaled to the same 1-5 scale as the prevalence of delay question. In addition, an *actionability score* was created as the simple average of the delay score and the 5-point Likert scale question for the feasibility of reforms addressing the given reason for delay. In effect, the actionability score considers both the severity of a given reason for delay as perceived by respondents *and* the plausibility of policymakers redressing the problem.

**Overarching Themes:** For practical purposes, many of the 92 reasons for delay fell into and were more revealingly analyzed within a smaller number of overarching categories. To obtain an empirically sound set of categories, after omitting the 32 reasons for delay with the *lowest* delay scores—i.e., omitting potential problems that practitioners did not in fact rate as particularly problematic—factor analyses were conducted on delay scores for the remaining 60 reasons. The analysis revealed 12 overarching categories into which 52 of the 60 reasons tested could be credibly grouped—i.e., on empirical grounds, 52 of the reasons considered in the factor analysis could be grouped under one of 12 general categories, whereas the remaining eight reasons did not cohere or fit within any overarching theme (and none of this final set of eight reasons were among the more highly rated in individual delay score).<sup>4</sup> For thematic simplicity, most of the survey findings in this report do not delve into individual item responses but instead reference the 12 overarching categories, listed in Table 2.1. Appendix C provides the specific reasons for delay that fall under each overarching category.

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<sup>4</sup> To determine which reasons for case processing delay fell into which of the 12 overarching categories, researchers largely followed the results of the factor analysis. However, researchers also exercised a small amount of judgment in arriving at a final mapping of specific reasons to general categories—for instance, in resolving into which category to place a reason for delay that was strongly associated with more than one overall factor. After arriving at a final mapping of reasons to general factors, reliability tests were run on the item-level scores that had been grouped within each of the 12 categories (see results in Table 2.1).

**Table 2.1. Major Categories of Case Processing Delay**

Name of Factor	Items	Reliability (alpha)
Lengthy adjournments by the judge	2	0.762
Availability of judges, non-judicial staff, or courtrooms	5	0.810
Prosecutors' plea- and discovery-related policies and practices	10	0.890
Defense strategy	5	0.810
Lack of alternative to incarceration options	2	0.848
DNA-related delays	3	0.730
Transportation from jail to courthouse & preparation for appearance	4	0.777
Defendant mental illness or involvement in 730 process	4	0.787
Next appearance delays due to attorneys' schedules	5	0.872
Coordination with police and other witness schedules	3	0.650
Defendant- and case-related complexities	7	0.851
Seriousness of charges and defendant criminal history	2	0.866

## Structured Court Observations

Researchers developed a structured courtroom observation tool and conducted observations in June and early June 2015 in the Bronx, Brooklyn, Manhattan, and Queens Supreme Courts. The structured observation tool consisted of two parts: 1) a session observation form and 2) an appearance observation form (see observation forms in Appendix D). These forms were developed based on prior court observation tools used by the Center for Court Innovation in other studies. The current forms were adapted for the specific needs of this project to include observations about specific actions that might explain delays or efforts to move a case along.

The *session observation form* was designed to capture what happened throughout the court session that was observed, including the layout of the courtroom, the number of hours court was in session, and if certain things that might delay case processing had occurred during the session. Many of the questions were open-ended to allow observers to describe exactly what had happened. One form was filled out for each day.

The *appearance observation form* was a one-page (front and back) form that consisted of a number of multiple-choice (i.e., quantitatively coded) questions that the observers filled out for each court appearance. The appearance forms included the length of the appearance, purpose of the appearance, defense attorney affiliation, adjournment date, case outcome (if the case was resolved), as well as other things such as a coding of relevant discussion surrounding the case, reasons the case was adjourned (if there was an adjournment), the reason the adjournment date was picked (e.g., as opposed to a sooner or later date), and an open-ended section to record any other salient interaction that might have been observed.

Court observations were conducted by Center for Court Innovation researchers and research assistants hired to assist with the observations, for a total of 14 court observers. Research assistants were trained in advance by senior research staff on the typical structure, content, and legal issues adjudicated during Supreme Court proceedings and on how to record information on the observation forms. Observers were then each assigned to a specific court part on a calendar day for that part, where a calendar day signifies that the court part was hearing cases in pretrial proceedings. Specialized problem-solving courts were not observed in order to focus research resources on general calendar proceedings where the need to move cases along was most likely to apply.

On each day of observation, court observers were overseen by a core research staff member. Each observer was assigned to arrive at their court part by 9:30 a.m. armed with a semi-structured observation form for the whole session and a large quantity of appearance forms for each of the appearances. Observers were instructed to observe a complete day in their assigned court part—i.e., not to miss any court appearances that took place.

The observers had varying success hearing the discussion between the parties and the judge. Some observers were invited to sit on the bench where they could be privy to most of the discussion surrounding a case, while other observers were in the jury box and sometimes could not tell what discussion happened at the judge's bench, an especially relevant audibility problem if reasons for adjournment were not discussed on the record. Moreover, whereas the findings are suggestive, audibility problems in some of the court parts means that findings should largely be interpreted for the purpose of extracting broad themes, not for gaining highly precise estimates for the various measures examined and reported.

In total, court observers attended 34 days of court spanning 30 court parts (four high volume calendar parts were observed twice) and 1,259 individual court appearances. Forty-three

percent of the appearances involved defendants who were detained pretrial. The data that each observer collected was entered into a standard SurveyMonkey form that mirrored the appearance of the paper observation forms. The data from the observations was then downloaded from SurveyMonkey and analyzed using SPSS statistical software.

## Official Court Data

In order to discern quantifiable themes and patterns based on actual court data from a representative sample of New York City criminal cases, researchers obtained two types of case-level datasets from the Division of Technology of the New York State Unified Court System. Program staff at the Center for Court Innovation also obtained official reports on court activity published by the Unified Court System and court system personnel headcount information provided by the Office of Court Administration and chief clerks of the Supreme Courts in each county.

### Disposition Sample for 2014

Case-level data was obtained on all criminal cases disposed in New York City in calendar year 2014. It was important to select a disposition-based sample rather than, for example, a sample of cases *initiated* in 2014, since the goal was to have final knowledge of how long each case took to reach various case processing milestones and, ultimately, to be resolved. Had researchers instead requested cases initiated in 2014, many would still have been pending as of when the data would have been received.

The 2014 disposition dataset included comprehensive case-level data, yielding the following types of measures, among others:

- **Arraignment Charges:** The top charge at time of initial arraignment (i.e., in the New York City Criminal Court), generally distinguished by whether it was at the felony or misdemeanor level and, if a felony, by nonviolent versus violent felony offense (VFO) status and by specific charge type (e.g., homicide, domestic violence, sex offense, VFO robbery, VFO burglary, non-VFO robbery, non-VFO burglary, grand larceny/other property, drugs, assault, weapons, and other).
- **Indictment or Superior Court Information (SCI) Status:** Whether the case was indicted—and, if so, the indictment date and indictment charges—or whether the case pled to an SCI (along with the SCI date).

- **Indictment Charges:** The top indictment charge, sub-divided into analogous categories as those utilized for coding the initial arraignment.
- **Case Length Overall and Time to Interim Milestones:** Number of days (sometimes recoded to months) from initial Criminal Court arraignment to disposition as well as between key interim milestones, including time in Criminal Court (e.g., prior to an indictment if there was one); time in Supreme Court; time from indictment to Supreme Court arraignment; and time in between each set of court appearances in Supreme Court. Utilizing pre-set measures created by the Unified Court System, warrant time and time involved in fitness-to-stand-trial proceedings were subtracted from the total case processing time for each case.
- **Court Appearances:** Number of court appearances overall, in Criminal Court, and in Supreme Court.
- **Release Status:** The release status and bail amount (if bail was set) as of each court appearance, recoded to retain measures for release status at initial Criminal Court arraignment, at second court appearance, at last Criminal Court appearance; at Supreme Court arraignment (if case was transferred to Supreme Court); and at time of disposition—which, in turn, led to the creation of summary measures indicating the extent of pretrial detention for each case.
- **Attorney Information:** Attorney type at each court appearance, with categories including the Legal Aid Society, each of the five alternative institutional indigent defense provider agencies in New York City, 18-b attorney, and private (although, for data quality reasons, the 18-b and private categories had to be collapsed). In general, some concerns persist regarding the quality of attorney data. In particular, information provided independently by the Legal Aid Society suggests that, to some degree, court data utilized in this project may overstate the percentage of cases first represented by the Legal Aid Society and later transferred to an 18-b attorney. Accordingly, attorney data in this report should be analyzed and interpreted for general themes (which the research team has every reason to deem valid), but not for highly precise estimates.
- **Court Part Information:** The specific court part that handled the case at each appearance, recoded into summary measures including the Criminal Court arraignment part, Supreme Court arraignment part, final disposition part, whether each of more than two dozen calendar parts across the city had ever handled the case (in at least one court appearance), and how many times, if at all, the case was transferred from one court part to another part while in Supreme Court. The data on court part transfers should also be interpreted for themes, not precise estimates, as there is a slight over-counting of court part changes when examined in the aggregate, due to the occasional mistaken inclusion in the Supreme Court dataset of a part transfer immediately preceding the Supreme Court arraignment.

- **Disposition:** The case outcome, coded for most purposes as pled to top charge, pled to lesser charge, dismissed, and adjournment in contemplation of dismissal (ACD);<sup>5</sup> and also coded for whether the case was disposed through a verdict at trial—in which case additional case processing measures were available concerning time to disposition for cases reaching a trial verdict.
- **Fitness to Proceed:** Measures for whether a 730 exam (evaluating fitness to proceed) was ordered and the dates of the exam and of the fitness determination (if defendant was later found fit).

In general, when reporting citywide or borough-wide patterns for continuous case processing measures (e.g., numbers of days or appearances within various time periods), the complete tables provided in Appendix A routinely include both averages (means) and medians—and in some instances provide the 25<sup>th</sup> and 75<sup>th</sup> percentiles as well. However, since it is a more standard measure in the research field, and is generally better understood by policymakers and practitioners, the main narrative usually reports averages, except in a small number of instances where the average is extremely right-skewed (due to a small number of cases with very high numbers), in which instances the narrative reports medians instead.

## Supreme Court Appearance Sample for January and June 2015

To reduce the burden on Division of Technology staff at the Unified Court System, for just two purposively selected months, a row of case-level data was obtained on every court appearance in Supreme Court in New York City. Specifically, the data included basic information (e.g., date, borough, court part, and appearance outcome) on every court appearance within the months of January and June 2015. January 2015 was selected as a recent and reasonably “standard” month (only two holidays and not a time of year that generally involves long vacations among judges or attorneys). June 2015 was selected for comparable reasons and also because June followed the April 2015 start date of the case processing initiative and, therefore, enabled looking at workload across court parts after the initiative was underway. Data was coded such that on each court date in the two months in question, the number of court appearances was totaled for each individual Supreme Court

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<sup>5</sup> In New York State, an adjournment in contemplation of dismissal, or ACD, represents an agreement to dismiss the case automatically after six months or one year depending on the charges, unless the prosecutor moves to reopen the case due to noncompliance with conditions, such as community service, that are sometimes imposed in conjunction with an ACD.

part. Having totaled appearances by date, results were then summed to the week and, ultimately, to the month. Allowing that each court part can only operate if a judge is available to preside<sup>6</sup>—and that the judge is therefore the most relevant unit of analysis—wherever the same judge presides in multiple court parts, the data for those parts was combined. Ultimately, summary measures were created for each borough representing the average number of court appearances heard per day per court part overall in the borough; the average number of appearances per day in calendar parts (excluding trial parts or problem-solving court parts); percent of days per court part where no appearances were heard, and percent of days per court part where 30 or more appearances were heard. The purposes were to test whether case volume is unmanageable in any borough as well as to understand the practical implications of the different court part structures adopted in each borough for distributing workload across court parts and judges.

## **Court Activity and Resource Data**

Data on the number of new filings, total dispositions, dispositions by verdict, trials commenced, days on trial, hearings commenced, days on hearing, and cases pending at year end for calendar year 2015 was obtained from the Unified Court System’s Case Activity Reporting System (CARS), available through the court system’s Intranet. Information on the number of judges and judicial hearing officers assigned to the Supreme Court in each county and the number of judges conducting felony trials in each county was obtained from the New York State Office of Court Administration and CARS. Discrepancies between those sources were resolved by the chief clerks of the Supreme Court in each county and the chief clerk for the New York City Criminal Court. Information on the number of clerks, court officers, and court reporters was obtained from the Office of Court Administration and supplemented by the chief clerks.

## **Court Part Structure**

To help select court parts for observation and to interpret results from official case processing data that were specific to particular court parts, program staff at the Center for Court Innovation worked with the Administrative Judges and/or chief clerks of the Supreme

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<sup>6</sup> As noted below in finding #35, non-judicial resources are also crucial.

Court in each borough to map each borough's court part structure. The resulting documentation, presented in Appendix G, identified the types of cases and/or stage of case processing in which cases are handled in each court part as well as, in some boroughs, clarifying when and why a case might be transferred from one court part to another. This documentation was used throughout the report to aid in interpreting findings obtained via the aforementioned methodologies.

## **File Reviews**

At the outset of the project, the Office of Court Administration generated lists of all pending felony cases that were one year old as of February 27, 2015. These lists included one entry for each defendant and each indictment; thus, a case involving four defendants under one indictment number would appear four times, and a defendant facing charges under multiple indictments that were more than a year old would be listed separately under each indictment number. Program staff at the Center identified a subset of cases in each county that were 1,000 or more days old as of February 27, 2015. In August and September 2015, staff from the Center and the Mayor's Office of Criminal Justice met with judges, clerks, and/or court attorneys in each county to review the information in the court files, recording information about factors frequently associated with old cases, including defense attorney affiliation, top charges and charge severity, multiple defendants, fitness proceedings, complexity of discovery issues, and motion practice (including DNA issues). One hundred forty-two cases, both pending and closed, involving 119 indictments and 129 defendants, were reviewed. In Manhattan, Brooklyn and Queens, all of the "old" cases (1,000 days or more) were reviewed, except for a handful that contained sensitive information. In the Bronx, only cases still pending when the analysis was conducted (about half of the cases on the list) were reviewed. (Staten Island had no pending cases that were more than 1,000 days old.)

## **Qualitative Information**

From mid-April 2015 through mid-May 2016, Center for Court Innovation staff participated in meetings of the citywide coordinating committee and borough teams in each county and conducted interviews and held small group meetings with key players. Many of these interviews and meetings were conducted jointly with senior staff from the Mayor's Office of Criminal Justice. Players who either participated in meetings, interviews, or both represented the following agencies:



- The Office of Court Administration of the New York State Unified Court System
- Administrative Judges of the Supreme Court and other Supreme Court and Acting Supreme Court Justices
- Chief clerks and other court clerks
- Court attorneys
- Court officers
- District Attorney's Office representatives (executive staff, DNA specialists, and others)
- Indigent defense providers:
  - The Legal Aid Society
  - Bronx Defenders
  - Brooklyn Defender Services
  - New York County Defender Services
  - Neighborhood Defender Service of Harlem
  - Queens Law Associates
  - The Assigned Counsel Plan (18-b)
- Office of the Chief Medical Examiner
- New York City Department of Correction
- New York City Department of Probation
- New York Police Department
- New York City Department of Health and Mental Hygiene
- New York City Health & Hospitals Corporation, including court forensic clinics and correctional health
- New York State Office of Mental Health

## Chapter 3

# Overview of Criminal Caseloads and Case Processing Performance

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This chapter provides the total volume of criminal cases resolved in New York City in 2014. For cases that were initially arraigned on felony charges, the results also distinguish the subset of those cases that were subsequently indicted and, for indicted cases, distinguish charge severity (nonviolent or violent) and type (homicide, assault, robbery, drug-related, etc.). This chapter also presents a series of citywide and borough-wide case processing performance statistics for both misdemeanors and felonies.

## Criminal Cases Resolved in 2014

As shown in Table 3.1, the New York City court system resolved (or “disposed”) 308,787 criminal cases in 2014, including 257,196 misdemeanors and 51,591 felonies.<sup>7</sup> Of the felony sub-total, 16,723 cases (32%) were indicted, 3,925 (8%) were disposed through a Superior Court Information, and 30,943 (60%) were disposed in the New York City Criminal Court through a reduced plea to a misdemeanor or lesser charge, a case dismissal, or an adjournment in contemplation of dismissal (ACD). The indictment rate ranged widely by borough (from 19% in Staten Island to 41% in Manhattan), representing a critical borough-based difference that will be the subject of further discussion in the next chapter.

## Misdemeanor Case Processing

As shown in Table 3.2, of the 257,196 cases disposed in 2014 that were originally arraigned on misdemeanor charges, exactly half were disposed at the initial arraignment—meaning that case processing time was zero (0) days from arraignment to disposition.

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<sup>7</sup> Reported numbers of cases do not include arrests that the prosecutor declined to file with the court. In addition, the misdemeanor and felony sub-totals are based on the original Criminal Court arraignment charge, not on either the arrest charge or the final charge at disposition.

**Table 3.1. Case Volume: Criminal Cases Disposed in 2014 by Charge and Indictment Status**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>TOTAL DISPOSITIONS</b>	<b>63,038</b>	<b>83,806</b>	<b>88,286</b>	<b>63,092</b>	<b>10,565</b>	<b>308,787</b>
<b>CRIMINAL COURT ARRAIGNMENT</b>						
Misdemeanors	51,115	70,016	73,841	53,655	8,569	257,196
Percent of total	81%	84%	84%	85%	81%	83%
Felonies	11,923	13,790	14,445	9,437	1,996	51,591
Percent of total	19%	16%	16%	15%	19%	17%
<b>FELONY ARRAIGNMENTS ONLY: TIMING OF CASE RESOLUTION</b>						
Resolved in Criminal Court	6,714	9,157	7,763	6,011	1,298	30,943
Percent of felony sub-total	56.3%	66.4%	53.7%	63.7%	65.0%	60.0%
Superior Court Information	622	640	773	1,564	326	3,925
Percent of felony sub-total	5.2%	4.6%	5.4%	16.6%	16.3%	7.6%
Indicted	4,587	3,993	5,909	1,862	372	16,723
Percent of felony sub-total	38.5%	29.0%	40.9%	19.7%	18.6%	32.4%
<b>INDICTED CASES: SEVERITY<sup>1</sup></b>						
<b>Violent Felony</b>						
Count	2,000	2,178	1,397	935	157	6,667
%	44%	55%	24%	50%	42%	40%
<b>Non-Violent Felony</b>						
Count	2,563	1,755	4,378	917	214	9,827
%	56%	44%	74%	49%	58%	59%
<b>Misdemeanor</b>						
Count	21	47	131	8	0	207
%	0.5%	1%	2%	0.4%	0%	1%
<b>INDICTED CASES: CHARGE TYPE<sup>1</sup></b>						
<b>Homicide</b>						
Count	282	199	85	107	26	699
%	6%	5%	1.4%	5.8%	7%	4%
<b>Domestic Violence</b>						
Count	43	242	203	57	15	560
%	1%	6%	3%	3%	4%	3%
<b>Sex Offense</b>						
Count	71	182	65	47	10	375
%	2%	5%	1%	3%	3%	2%

**Table 3.1. Case Volume (Continued)**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>INDICTMENT CHARGE (continued)</b>						
<b>Assault (non-DV)</b>						
Count	413	391	400	130	36	1,370
%	9%	10%	7%	7%	10%	8%
<b>Firearms or Other Weapons Charges</b>						
Count	295	479	244	177	28	1,223
%	6%	12%	4%	10%	8%	7%
<b>VFO Robbery</b>						
Count	762	678	473	324	31	2,268
%	17%	17%	8%	17%	8%	14%
<b>VFO Burglary</b>						
Count	182	216	162	130	27	717
%	4%	5%	3%	7%	7%	4%
<b>Non-VFO Robbery</b>						
Count	67	47	87	21	5	227
%	1%	1%	1%	1%	1%	1%
<b>Non-VFO Burglary</b>						
Count	59	81	215	48	9	412
%	1%	2%	4%	3%	2%	2%
<b>Grand Larceny and Other Property</b>						
Count	169	262	841	149	25	1,446
%	4%	7%	14%	8%	7%	9%
<b>Drug Sale or Possession</b>						
Count	1,756	750	2,084	311	121	5,022
%	38%	19%	35%	17%	33%	30%
<b>DWI</b>						
Count	64	95	56	70	2	287
%	1%	2%	1%	4%	1%	2%
<b>Other Felony Indictment Charge</b>						
Count	401	336	878	281	36	1,932
%	9%	8%	15%	15%	10%	12%
<b>Indicted on a Misdemeanor</b>						
Count	20	22	113	8	0	163
%	0%	1%	2%	0%	0%	1%

<sup>1</sup> The total number of cases (all boroughs) for charge breakdowns on indicted cases is 16,701.

Misdemeanors in Manhattan were more likely than in any other borough to be disposed at arraignment (57%). This outcome partly reflects the impact of the 71% disposition-at-arraignment rate at the Midtown Community Court, which arraigns most nonviolent misdemeanors with an arrest in four midtown police precincts; but even in the centralized, downtown Manhattan Criminal Court, the disposition-at-arraignment rate was a comparatively high 55%. In the other four boroughs, the disposition-at-arraignment rates were 53% in the Bronx, 48% in Queens, 45% in Brooklyn, and 36% in Staten Island.

Concerning overall case processing time, misdemeanors citywide averaged 62 days from arraignment to disposition—meaning that the half of all misdemeanors that were *continued* rather than disposed at arraignment averaged 125 days to disposition. For continued cases only, Queens averaged the fewest days to disposition (100 days) as well as averaging the fewest number of court appearances (3.5 appearances, compared to a citywide average of 4.0 appearances in continued cases). Average adjournment length—i.e., the average interval each time a case is adjourned for an additional appearance—was 37 days citywide, with little variation across the five boroughs.

Further shown in Table 3.2, only 0.2% of misdemeanors citywide were disposed by trial verdict. Among cases that reached a verdict, Brooklyn (46%) and the Bronx (48%) had the lowest rates of guilty verdicts, whereas more than six in ten misdemeanor trials ended in a guilty verdict in the other boroughs. Although cases decided at trial represented a tiny fraction of all misdemeanors, they averaged more than a year of processing time (414 days), including more than 500 days in Queens (526 days) and Staten Island (729 days), suggesting that limited trial capacity may constitute a significant bottleneck in misdemeanor cases.

As shown towards the bottom of Table 3.2, among cases continued at arraignment, pretrial detention rates were nearly uniform across the city, except that misdemeanor defendants in Manhattan (24%) were more likely than those in the other boroughs (19% excluding Manhattan) to be detained during at least part of their case.

**Table 3.2. Misdemeanor Processing: Arraigned on a Misdemeanor and Disposed in 2014**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>Number of Misdemeanor Cases</b>	<b>51,115</b>	<b>70,016</b>	<b>73,841</b>	<b>53,655</b>	<b>8,569</b>	<b>257,196</b>
<b>Percent of Citywide Total</b>	<b>20%</b>	<b>27%</b>	<b>29%</b>	<b>21%</b>	<b>3%</b>	<b>100%</b>
<b>DISPOSED AT ARRAIGNMENT</b>	53%	45%	57%	48%	36%	50%
<b>DAYS TO DISPOSITION</b>						
All Cases						
Mean (days)	70	65	58	52	96	62
Cases continued at arraignment						
Mean (days)	147	118	136	100	150	125
Median (days)	101	93	95	69	96	93
<b>NUMBER OF COURT APPEARANCES</b>						
All Cases (mean appearances)	2.6	2.6	2.3	2.3	3.1	2.5
Cases continued at arraignment (mean)	4.4	4.0	4.0	3.5	4.3	4.0
<b>ADJOURNMENT LENGTH (Mean)</b>	36	35	39	36	42	37
<b>TRIALS</b>						
Number of trials <sup>1</sup>	<b>75</b>	<b>104</b>	<b>209</b>	<b>51</b>	<b>14</b>	<b>453</b>
Percent of cases disposed at trial	0.1%	0.1%	0.3%	0.1%	0.2%	0.2%
Percent of found guilty verdicts	48%	46%	61%	63%	64%	56%
Mean days to disposition for trial cases	379	436	367	526	729	414
Median days to disposition for trial cases	379	404	316	481	539	374
<b>PRETRIAL DETENTION RESULTS</b>						
<i>Total cases continued at arraignment</i>	<b>24,235</b>	<b>38,522</b>	<b>31,416</b>	<b>27,834</b>	<b>5,456</b>	<b>127,463</b>
Cases detained for at least part of case	4,520	7,371	7,663	5,124	1,094	25,772
Percentage distribution						
Released throughout the case	81%	81%	76%	82%	80%	80%
Detained (part or all of case):	19%	19%	24%	18%	20%	20%
Detained for part, not all, of case	10%	11%	13%	10%	12%	11%
Detained throughout case	9%	8%	11%	8%	8%	9%

<sup>1</sup> Aggregate numbers separately reported by the New York State Unified Court System tally 493 cases disposed at trial in 2014. Analysis indicates that 21 of those trials involved cases arraigned on violation or lesser charges, leaving the misdemeanor total at 472 cases in UCS aggregate data compared to 453 in data analyzed within the current project.

## Felony Case Processing

Like misdemeanors, cases originally charged with a felony are also generally arraigned in the New York City Criminal Court. They are then transferred to the Supreme Court only if they are indicted or plead to an SCI. In the case of an SCI, the transfer is generally for the purpose of holding a single Supreme Court appearance in which the negotiated plea is accepted.

### Indictment Rates

As shown in Table 3.3, 32% of cases initially arraigned on felony charges were indicted, 8% ended in a SCI, and 60% were resolved in the lower Criminal Court through a plea to a misdemeanor or lesser charge, dismissal, or ACD. The results point to far higher indictment rates for homicides (78%) than other arraignment charges, followed by violent felony offenses (VFOs) other than homicide (36%), and nonviolent felonies (30%). The results also point to significant variations in indictment rates by borough, ranging from 19% in Staten Island and 20% in Queens; to 29% in Brooklyn; to 39% in the Bronx and 41% in Manhattan.

In a SCI, the defendant waives the grand jury process and generally pleads guilty to a felony, although often to a lesser felony than the original top charge. Of cases originally arraigned on felony charges, Queens and Staten Island resolved 17% and 16% respectively with a SCI, whereas no other borough resolved more than 5% with a SCI.

### Case Processing Outcomes among Cases Arraigned on a Felony

As shown in Table 3.4, among cases arraigned on a felony, the average time from arraignment to disposition was 199 days (or 6.5 months). Felony case processing time heavily reflected whether or not the case was indicted. Average time to disposition was 143 days for cases resolved in the Criminal Court, 93 days for SCIs, and 325 days—more than twice as many as the two prior categories—for indicted cases.

Regarding additional performance benchmarks among cases that take the longest to resolve—the indicted cases—35% were disposed within six months, 67% within one year, and 92% within two years. The results indicate that the Bronx and Queens averaged longer processing times with indicted cases than the other three boroughs, whereas Staten Island averaged the shortest processing times. Thus, only 51% of indicted cases in the Bronx and

56% in Queens were disposed within one year of the initial arraignment, compared to 69% in Brooklyn and at least 80% in Manhattan and Staten Island.

Case processing time also varied significantly by charge (see, also, Appendix A-1). Three quarters of cases indicted on a nonviolent felony were disposed within one year of arraignment, compared to 56% of non-homicide VFOs, and 26% of homicides. Overall, homicides averaged 642 days (i.e., more than 21 months) from the initial Criminal Court arraignment to disposition.

**Table 3.3. Indictment Rates by Arraignment Charge Severity and Type**

	Bronx	Brooklyn	Manhat- tan	Queens	Staten Island	New York City
<b>Number of Valid Cases</b>	<b>11,901</b>	<b>13,738</b>	<b>14,286</b>	<b>9,427</b>	<b>1,996</b>	<b>51,348</b>
<b>Percent of Citywide Total</b>	<b>23%</b>	<b>27%</b>	<b>28%</b>	<b>18%</b>	<b>4%</b>	<b>100%</b>
<b>TOTAL (ALL CASES)</b>						
Resolved in Criminal Court	56%	66%	54%	64%	65%	60%
SCI	5%	5%	5%	17%	16%	8%
Indicted	39%	29%	41%	20%	19%	32%
<b>ARRAIGNMENT SEVERITY</b>						
<b>Nonviolent Felony</b>						
Resolved in Criminal Court	60%	72%	54%	68%	66%	62%
SCI	6%	6%	6%	16%	18%	8%
Indicted	35%	22%	40%	16%	16%	30%
<b>Violent Felony</b>						
Resolved in Criminal Court	53%	62%	56%	58%	65%	58%
SCI	5%	3%	3%	18%	13%	7%
Indicted	42%	35%	41%	25%	21%	36%
<b>Homicide</b>						
Resolved in Criminal Court	19%	19%	14%	17%	0%	17%
SCI	3%	1%	3%	15%	4%	4%
Indicted	78%	81%	83%	69%	96%	78%



**Table 3.4. Case Processing Performance for Cases Originally Arraigned on a Felony**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>Number of Cases</b>	<b>11,923</b>	<b>13,790</b>	<b>14,445</b>	<b>9,437</b>	<b>1,996</b>	<b>51,591</b>
<b>Percent of Citywide Total</b>	<b>23%</b>	<b>27%</b>	<b>28%</b>	<b>18%</b>	<b>4%</b>	<b>100%</b>
<b>DAYS TO DISPOSITION</b>						
Mean (average)	253	176	186	188	167	199
Median	181	130	139	130	141	144
Disposed within six months	51%	60%	58%	65%	62%	58%
Disposed within one year	77%	88%	87%	88%	91%	85%
<b>DAYS TO DISPOSITION BY INDICTMENT STATUS</b>						
<b>Resolved in Criminal Court</b>						
Mean days	149	130	147	144	167	143
Median days	126	97	118	112	146	114
Disposed within six months	66%	68%	66%	73%	61%	68%
Disposed within one year	94%	95%	93%	95%	92%	94%
<b>Superior Court Information (SCI)</b>						
Mean days	70	43	92	121	103	93
Median days	25	17	34	110	61	66
Disposed within six months	88%	95%	83%	82%	81%	85%
Disposed within one year	97%	100%	96%	98%	97%	98%
<b>Indicted: All Indicted Cases</b>						
Mean days	425	302	251	385	222	325
Median days	361	249	200	325	188	259
Disposed within six months	23%	38%	46%	26%	49%	35%
Disposed within one year	51%	69%	80%	56%	83%	67%
Disposed within two years	86%	94%	97%	89%	100%	92%
<b>Indicted on a Nonviolent Felony</b>	<b>2,568</b>	<b>1,783</b>	<b>4,501</b>	<b>921</b>	<b>210</b>	<b>9,983</b>
Mean days	369	252	228	280	194	273
Median days	299	193	183	246	176	213
Percent disposed within six months	30%	48%	50%	38%	54%	44%
Percent disposed within one year	60%	78%	83%	71%	89%	75%
Percent disposed within two years	90%	96%	98%	96%	100%	95%

**Table 3.4. Total Case Length (Continued)**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>Indicted on a VFO (not homicide)</b>	<b>1,734</b>	<b>1,998</b>	<b>1,320</b>	<b>832</b>	<b>135</b>	<b>6,019</b>
Mean days	458	325	307	453	235	375
Median days	416	281	256	403	194	323
Disposed within six months	17%	31%	32%	15%	47%	25%
Disposed within one year	42%	64%	70%	44%	79%	56%
Disposed within two years	85%	94%	95%	86%	99%	91%
<b>Indicted on a Homicide Charge</b>	<b>282</b>	<b>199</b>	<b>85</b>	<b>107</b>	<b>26</b>	<b>699</b>
Mean days	736	520	562	753	378	642
Median days	630	507	428	645	336	545
Disposed within six months	6%	10%	19%	7%	15%	9%
Disposed within one year	20%	30%	40%	19%	54%	26%
Disposed within two years	61%	82%	75%	55%	100%	69%

## Supreme Court Case Processing Outcomes

Table 3.5 presents case processing outcomes during the post-indictment period beginning once indicted cases are transferred to the Supreme Court (see, also, Appendices A-2 and A-3). On average, indicted felonies spent 295 days (9.6 months) in Supreme Court to disposition, with 42% of Supreme Court cases disposed within six months post-indictment and 71% within one year. The results indicate that processing times were longer for cases with more serious indictment charges (average time in Supreme Court = 240 days for nonviolent felonies, 343 days for VFOs other than homicide, and 623 days for homicides). In addition to homicides, sex offense cases also averaged significantly more time in Supreme Court to disposition (14.4 months) than cases with other indictment charges (shown in Appendix A-3). In general, Supreme Court processing time ran significantly longer in the Bronx and Queens and shorter in Staten Island and Manhattan than other boroughs. (Outcomes in Brooklyn tended to fall in the middle of the five boroughs.)

Shown in the bottom portion of Table 3.5, indicted cases averaged 9.7 Supreme Court appearances. Cases in Queens averaged 12.1 appearances, whereas the other boroughs ranged tightly from 8.7 in Manhattan to 10.1 in the Bronx (see, also, Appendix A-4).

**Table 3.5. Case Processing Time in Supreme Court for Indicted Cases**

	Bronx	Brooklyn	Manhat- tan	Queens	Staten Island	New York City
<b>All (Total Cases)</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>PROCESSING IN SUPREME COURT</b>						
<b>All Cases</b>						
Mean (days)	400	275	229	296	186	295
Median (days)	328	223	179	220	154	222
Disposed within six months	29%	43%	51%	43%	60%	42%
Disposed within one year	56%	72%	83%	69%	88%	71%
<b>Indicted on Nonviolent Felony Charge</b>						
Mean (days)	338	219	205	200	152	240
Median (days)	259	160	162	148	136	177
Disposed within six months	37%	55%	56%	57%	71%	52%
Disposed within one year	65%	82%	86%	84%	95%	80%
<b>Indicted on a VFO, Excluding Homicide</b>						
Mean (days)	439	302	290	352	204	343
Median (days)	391	259	239	298	176	289
Disposed within six months	21%	36%	36%	31%	53%	31%
Disposed within one year	47%	68%	73%	59%	84%	62%
<b>Homicide</b>						
Mean (days)	725	511	555	676	362	623
Median (days)	624	489	417	601	332	527
Disposed within six months	6%	12%	20%	11%	15%	10%
Disposed within one year	23%	31%	41%	25%	54%	29%
Disposed within two years	61%	83%	77%	64%	100%	71%
<b>APPEARANCES IN SUPREME COURT</b>						
<b>All Cases</b>						
Mean (days)	10.1	9.3	8.7	12.1	9.7	9.7
Median (days)	8.0	7.0	7.0	9.0	8.0	7.0
<b>Indicted on Nonviolent Felony Charge</b>						
Mean (days)	8.2	7.6	7.6	7.9	8.0	7.8
Median (days)	7.0	6.0	6.0	5.0	7.0	6.0
<b>Indicted on a VFO, Excluding Homicide</b>						
Mean (days)	11.1	9.9	11.3	14.5	10.5	11.2
Median (days)	9.0	8.0	9.0	12.0	8.0	9.0
<b>Homicide</b>						
Mean (days)	21.6	20.2	27.7	29.5	19.3	23.1
Median (days)	17.5	18.0	22.0	26.0	15.0	19.0

## Pretrial Detention

Table 3.6 provides pretrial detention rates for all felony arraignments and, respectively, for cases resolved in the Criminal Court, SCIs, and indicted cases. Overall, 55% of all felonies were detained for at least part of case processing. Pretrial detention rates grew significantly higher when isolating indicted cases, for which three-quarters were detained at least part of the time, with 56% detained during part and 19% throughout case processing.

**Table 3.6. Pretrial Detention: Cases Originally Arraigned on Felony Charges**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>Number of Cases</b>	<b>11,923</b>	<b>13,790</b>	<b>14,445</b>	<b>9,437</b>	<b>1,996</b>	<b>51,591</b>
<b>ALL FELONY ARRAIGNMENTS</b>						
Released throughout case	49%	48%	38%	45%	47%	45%
Detained (part or all of case)	51%	52%	62%	55%	53%	55%
Detained for part, not all, of case	36%	31%	41%	30%	33%	35%
Detained throughout case	15%	21%	21%	24%	20%	20%
<i>Mean days detained if detained for all</i>	250	174	183	186	167	196
<b>RESOLVED IN CRIMINAL COURT</b>						
Released throughout case	63%	58%	51%	56%	59%	57%
Detained (part or all of case)	37%	42%	49%	44%	41%	43%
Detained for part, not all, of case	21%	24%	25%	25%	25%	24%
Detained throughout case	16%	19%	23%	19%	16%	19%
<i>Mean days detained if detained for all</i>	149	129	142	143	167	141
<b>SUPERIOR COURT INFORMATION</b>						
Released throughout case	27%	44%	32%	34%	36%	34%
Detained (part or all of case)	73%	56%	68%	66%	64%	66%
Detained for part, not all, of case	34%	32%	33%	28%	29%	31%
Detained throughout case	39%	24%	35%	38%	35%	35%
<i>Mean days detained if detained for all</i>	70	43	92	121	103	93
<b>INDICTED</b>						
Released throughout case	32%	27%	21%	20%	17%	25%
Detained (part or all of case)	68%	73%	79%	80%	83%	75%
Detained for part, not all, of case	57%	47%	63%	51%	63%	56%
Detained throughout case	10%	26%	17%	29%	20%	19%
<i>Mean days detained if detained for all</i>	421	299	249	379	221	325

Of the five boroughs, pretrial detention rates were lowest in the Bronx, while varying in the other boroughs depending on whether or not the case was indicted. Among indicted cases, similar percentages were detained for at least part of case processing in Manhattan, Queens, and Staten Island (ranging from 79% to 83%), with Brooklyn detaining 73% and the Bronx 68%. Indicted cases were the most likely to be detained *throughout* case processing in Queens (29%), compared to a range of 10% to 26% across the four other boroughs.

For cases detained throughout case processing (through the disposition date), the results in Table 3.5 also provide average lengths of stay.<sup>8</sup> Overall, cases initially arraigned on felony charges averaged 196 days in pretrial detention if detained throughout case processing. The subset of all felony arraignments that were indicted and transferred to the Supreme Court averaged 325 days in detention if detained throughout case processing.

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<sup>8</sup> Available data did not enable producing precise length of stay estimates for cases that were only detained during part, but not all, of case processing.

## Chapter 4

# Findings Regarding Overall Felony Case Processing Performance

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The findings in this report are largely based on case processing trends and patterns in 2014 and, for some data collection strategies, early 2015—the period immediately preceding the launch of the citywide case processing initiative. In effect, the findings establish baseline policy and practice before case processing became an institutional policy focus.

This chapter begins by delineating major overarching patterns regarding case processing performance among cases initially arraigned on felony charges as well as among the subset of such cases that are indicted and transferred to the Supreme Court. Subsequent chapters delve into the factors that explain *why* the current patterns prevail.

In general, the four findings in this chapter draw attention to a lack of standards and goals that might establish meaningful case processing benchmarks for felonies of varying complexity; the presence of sizable borough-based differences in case processing performance; and results of an in-depth analysis of “old” cases pending three years or longer in the Supreme Court.

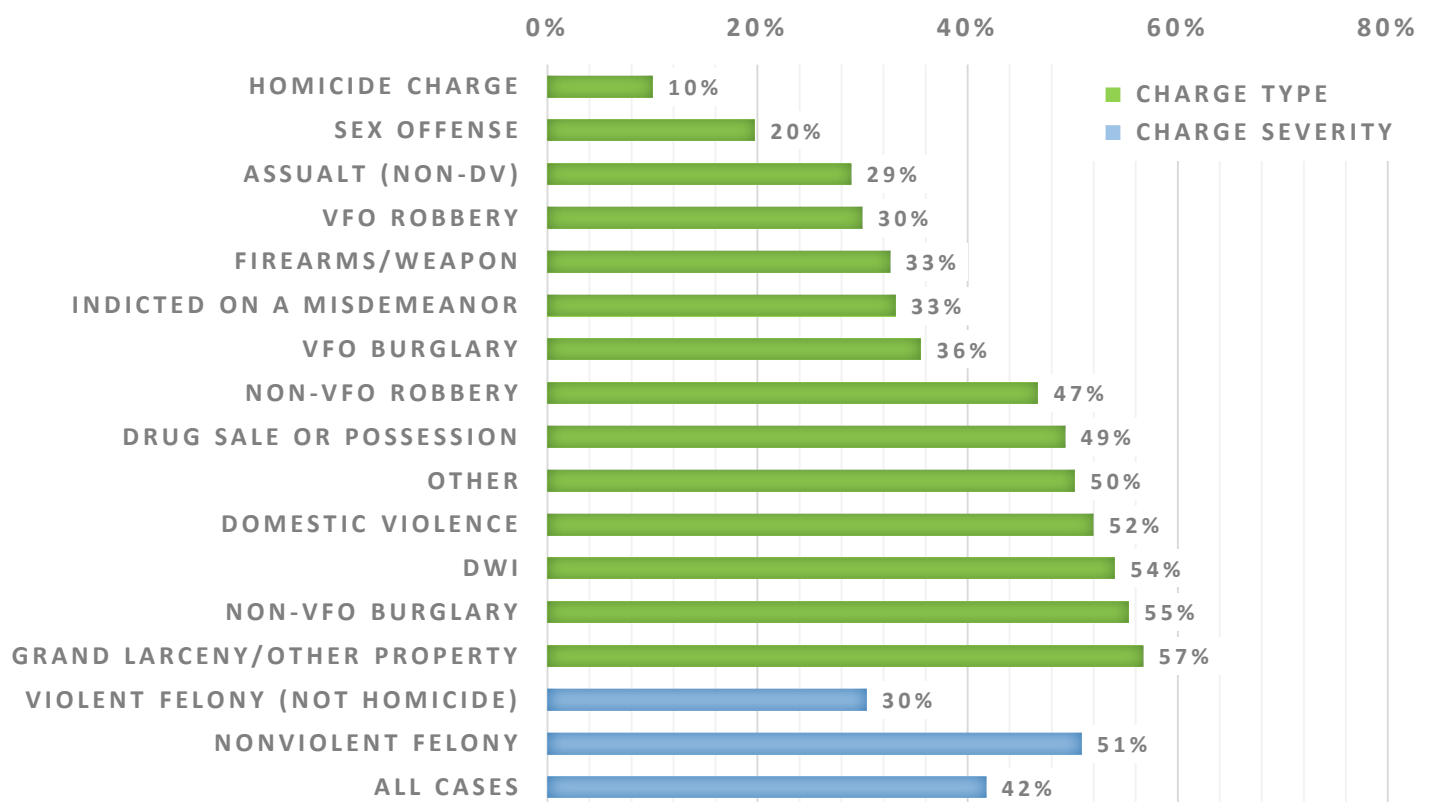
## Current Case Processing Performance

**Finding #1. Current felony case processing time is not actively shaped by standards, goals, or benchmarks.** Standards and goals established by the New York State Office of Court Administration identify 180 days (six months) after the filing of an indictment as a target timeframe for case resolution. The 180-day standard does not encompass the time that indicted cases spend in the lower Criminal Court and, therefore, does not apply to unindicted felonies that are ultimately resolved within the Criminal Court or through a SCI. Thus, the approximately two-thirds of felony arraignments (68% of those disposed in 2014) that are resolved without an indictment are not subject to standards.

For felonies that *are* indicted, judges receive regular reports regarding adherence to the 180-day standard among their cases; yet, performance statistics reported in the previous chapter make clear that the standard is not meaningfully guiding or constraining practice. Moreover,

as shown below in Figure 4.1, only 42% of indicted felonies were resolved within six months. Also shown in the same figure, exact performance varied widely based on charge, suggesting that a single standard for all indicted cases may be too crude. Indeed, results from surveys and interviews conducted for the current project make clear that case characteristics lead some cases to be inherently more complex than others, requiring more time. As reported by those interviewed, more complex cases include those with more serious charges, as well as the cases of defendants who have other open state or federal cases; cases involving multiple defendants; cases of defendants with long or complex criminal histories; or cases with extensive discovery issues or a need for outside reports (e.g., psychiatric or DNA-related). Accordingly, the interpretation of this finding is not, per se, that a uniform 180-day standard is appropriate but that currently, a standard does not exist that meaningfully shapes practice.

**FIGURE 4.1. PERCENT OF CASES DISPOSED WITHIN SIX MONTHS IN SUPREME COURT BY CHARGE**



Concerning the development of meaningful standards, lessons may be learned from the Differentiated Case Management (DCM) system in the Civil Division of the New York State Supreme Court. Civil cases are assigned to an expedited, standard, or complex track when first filed, and cases in each track are subject to distinct case processing standards, including overall time to disposition and timeframes for reaching key interim milestones.<sup>9</sup>

**Finding #2. Felony case processing varies significantly by borough; case duration is generally longest in the Bronx and shortest in Staten Island.** The Criminal and Supreme Courts in the five boroughs of New York City each have different Supervising and Administrative Judges, respectively, who traditionally set policy in their courts, with limited oversight from the state court administration. Moreover, each borough assigns its judges and organizes its court parts differently (see Appendix G). The city’s five elected District Attorneys, and the Special Narcotics Prosecutor (appointed by the five elected District Attorneys), have due discretion to develop prosecution strategies for their specific jurisdictions.<sup>10</sup> The alternative institutional defense providers also vary by borough (although the Legal Aid Society is citywide); and each borough has a separate 18-b panel composed of private attorneys who represent indigent defendants.<sup>11</sup> Additionally, a

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<sup>9</sup> For more information about case processing standards in New York State (NYS) Supreme Court civil cases, see [https://www.nycourts.gov/courts/ljd/suptmanh/court\\_parts.shtml](https://www.nycourts.gov/courts/ljd/suptmanh/court_parts.shtml); or see a chart with all NYS standards at <http://nylawyer.nylj.com/adgifs/decisions/041012standards.pdf>.

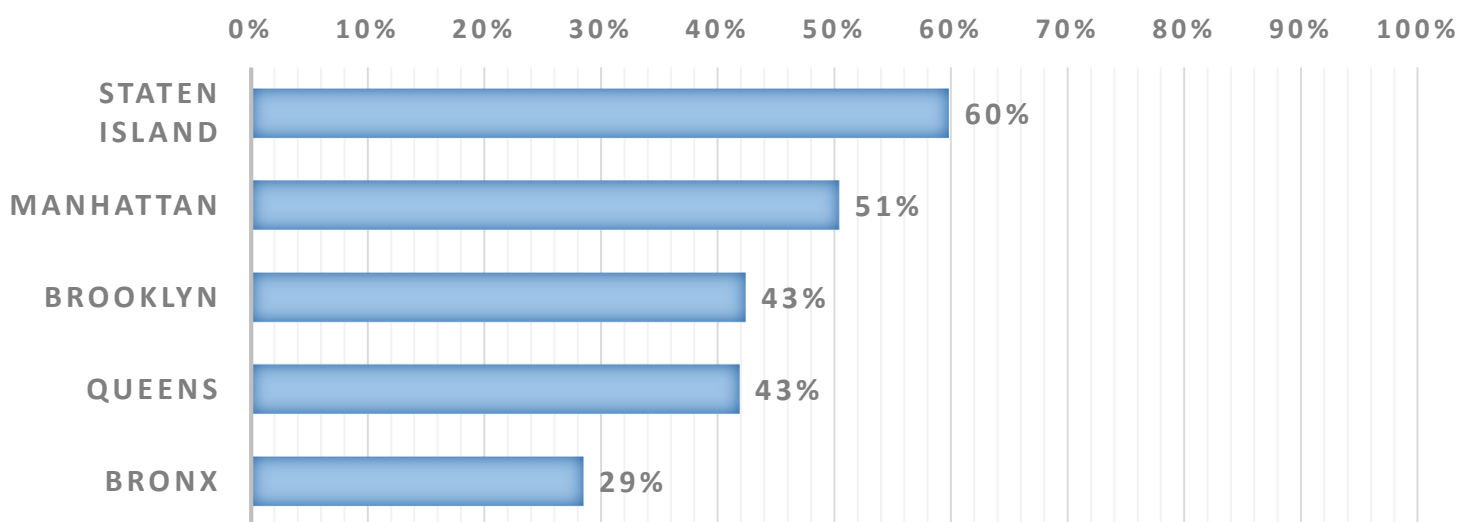
<sup>10</sup> The Special Narcotics Prosecutor (SNP) handles narcotics cases from all five boroughs, but all of its cases are prosecuted in Manhattan. In this report, all statistics presented for Manhattan include cases handled by both SNP and the District Attorney of New York (DANY). There are a few notable practices of the SNP and characteristics of their cases that differ from DANY and that have an impact on the statistics presented herein. For example, the indictment rate of non-violent felonies is highest in Manhattan; this includes SNP’s drug cases. Many of SNP’s cases are based on wiretap evidence; discovery in these cases does not present the witness safety concerns raised in many other prosecutions. SNP also disposes of a higher percentage of its cases through SCIs than DANY.

<sup>11</sup> In addition to the Legal Aid Society, which represents indigent defendants in every borough of New York, the five alternative institutional defense providers are the Bronx Defenders, Brooklyn Defender Services, New York County Defender Services, Neighborhood Defender Service of Harlem, and Queens Law Associates. Whereas Manhattan (New York County) has two alternative providers, Staten Island does not have an alternative institutional provider to the Legal Aid Society. Additionally, all five boroughs participate in the Assigned Counsel Plan and, therefore, have panels of “18-b” assigned counsel attorneys, who are not affiliated with an institution provider but, rather, are private attorneys who are paid by the City of New York to represent indigent defendants. Typically, 18-b attorneys represent defendants where the institutional provider that would otherwise provide representation has a conflict (e.g., it is a multiple defendant case and the institutional provider already represents one of the other defendants) or



substantial number of cases in the Bronx (not handled in other boroughs) are attributable to felony arrests arising from assaults by inmates at the Rikers Island jail complex on correctional staff or other inmates. These cases—averaging 530 felony arrests per year from 2013 through 2015—are prosecuted by the Bronx District Attorney and handled in the Bronx courts.<sup>12</sup> Given these contextual differences, it is unsurprising that the boroughs produce varying case processing outcomes—although as shown later in Chapter 7, borough-based differences persist even after rigorously controlling for defendant or case characteristics.

**FIGURE 4.2. PERCENT OF CASES DISPOSED WITHIN SIX MONTHS IN SUPREME COURT BY BOROUGH**



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where other details or complexities of the case make an 18-b attorney appropriate. The City does not pay institutional providers to defend homicide cases, and all indigent defendants charged with homicide are assigned an 18-b attorney on a specialized homicide panel. On average, 18-b attorneys tend to represent an increasing percentage of the cases as the charges (including but not limited to homicide) and other case complexities are greater.

<sup>12</sup> Data on cases arising at the Rikers Island jail complex was provided by the Bronx District Attorney's Office to the Mayor's Office of Criminal Justice and Center for Court Innovation by e-mail dated February 26, 2016. Information was not provided on how many of those arrests resulted in indictments or how the cases were disposed.

Figure 4.2 illustrates performance by borough, displaying, as in the previous graphic, the percent of indicted cases that were disposed within six months in Supreme Court. Less than three in ten indicted cases (29%) were disposed within six months in the Bronx, compared to 43% in Brooklyn and Queens, 51% in Manhattan, and 60% in Staten Island.

**Finding #3. In Queens, Supreme Court processing time grows particularly long for more serious cases.** Results in the previous chapter (see Table 3.5) indicate that among indicted cases, case processing time in Queens grew disproportionately long with cases involving more serious charges. The Queens Supreme Court averaged 40 days *less* than the citywide average among cases indicted on a *nonviolent* felony (200 days in Queens vs. 240 citywide); slightly more than the citywide average with violent felony offenses (VFOs) other than homicide (352 days in Queens vs. 343 citywide) and more than 40 days over the citywide average with homicides (676 days in Queens vs. 623 citywide).<sup>13</sup> When further isolating homicides only, Queens resolved only 64% within two years of indictment, representing only slightly improved outcomes over the Bronx (61%). By comparison, Staten Island (100%), Brooklyn (83%), and Manhattan (77%) all resolved more than three-quarters of their homicides within two years.

**Finding #4. Cases pending in Supreme Court for three or more years are disproportionately distributed across the boroughs, although they share a number of other case characteristics.** As of February 27, 2015, the Bronx had the highest number of old cases pending three or more years in Supreme Court<sup>14</sup> (81 cases, compared to 25, 38 and 39 in Brooklyn, Manhattan and Queens, respectively). Staten Island did not have any three-year-old cases. Significant borough-based differences notwithstanding, cases exceeding three years pending otherwise tended to share a common

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<sup>13</sup> Based on information gained from interviews and meeting attendance, the case processing dynamic is unique in Queens at least in part due to the prosecutorial policy of seeking to resolve cases pre-indictment through a robust SCI practice, while then aggressively pursuing a conviction on the original top felony charge once a case is indicted. This dynamic may make case resolutions more difficult early on in the Supreme Court process in Queens—and may apply especially to more serious cases—necessitating extra measures designed to move cases expeditiously to trial (see analysis below regarding case processing outcomes among cases decided by trial verdict).

<sup>14</sup> As explained in Chapter 2, a “case” is an individual defendant associated with an indictment number. The file review of cases three or more years old included 142 cases involving 119 indictments and 129 defendants.

set of case characteristics. One is the seriousness of the offense. Sixty percent of “old” cases involved Class A felonies, and 23% involved B felonies. Of the relatively small number of Class C, D and E felonies, two-thirds involved defendants with a separate indictment for a Class A or B felony. Nearly 60% of the old cases involved murder, attempted murder, or manslaughter charges, and another 20% involved robbery or assault.

Consistent with the perceptions expressed by judges and attorneys in interviews, more than four in ten old cases pending three or more years (43%) involved multiple defendants. Survey respondents gave multiple-defendant cases the second-highest “delay score” of 12 general types of factors that contribute to case processing delays in the Supreme Court (3.55 out of 5) but a low score for reform potential (1.58 out of 5).

In addition, 14% of old cases citywide (32% in Brooklyn) were involved in 730 (fitness) proceedings, compared to only 3% of *all* Supreme Court cases disposed in 2014. DNA evidence was at issue in 22% of the old cases.

In the vast majority (89%) of old cases, the defendants were represented by private attorneys, primarily 18-b attorneys.<sup>15</sup> This is unsurprising, given that among cases disposed in 2014, 18-b attorneys on the specialized homicide panel represented more than three-quarters (73%) of indigent defendants charged with homicide (including 86% of homicide cases decided at trial). (New York City’s contracts with institutional defenders for indigent defense do not cover representation on homicide cases.) In addition, to cover conflicts that would be considered to exist if attorneys from the same institutional provider represented different defendants on the same underlying case, 18-b attorneys are generally involved in the majority of multiple defendant cases.

Old cases also appeared particularly likely to experience a change in the defense provider during case processing: Just over one-third (35% citywide, 47% in the Bronx) of old cases involved at least one change of defense attorney. Of these, 34% had three defense attorneys over the life of the case, and 9% had four or more defense attorneys.

The available data made it difficult to quantify the frequency of changes in the assigned assistant district attorney, but evidence suggests that these changes, although less frequent

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<sup>15</sup> Imprecise coding made it difficult to determine the exact mix of 18-b and retained attorneys.

than defense attorney changes, add to case processing length. More significantly, old case files indicate that some individual prosecutors (especially in the Bronx) are carrying caseloads, typically involving homicides and other heinous crimes, that could keep them constantly on trial for more than a year. Interview respondents suggested that the retention policies in some District Attorney's offices lead to a high departure rate of mid-level assistants and a shortage of experienced trial assistants who are capable of handling the most complex cases, contributing to delays in bringing these cases to trial.<sup>16</sup>

See Appendix E for detailed findings from the old case file review.

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<sup>16</sup> Analysis of the number and percent of assistants in each District Attorney's Office who have at least 10 years' tenure and/or who are designated as homicide attorneys is planned for the second year of the case processing initiative.

## Chapter 5

# Findings Regarding Indictment Status and Pre-Indictment Case Resolutions

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This chapter examines rates of indictment among cases initially arraigned on felony charges and also examines the use and availability of legally appropriate alternatives to indictment. Findings draw attention to significant borough-based differences in indictment rates; the lack of alternative to incarceration programs that might otherwise facilitate more pre-indictment case resolutions; and the sizable impact of indictment status on case processing time.

## Citywide and Borough-Wide Indictment Rates

### **Finding #5. The indictment rate varies significantly across the five boroughs.**

As shown in Table 5.1, among cases initially arraigned on a felony and disposed in 2014, 32% were indicted. Varying across the five boroughs, one-fifth were indicted in Staten Island (19%) and Queens (20%), whereas approximately double were indicted in the Bronx (39%) and Manhattan (41%), with Brooklyn (29%) in the middle. The legitimate discretion of each elected District Attorney to devise prosecution strategies, and of defense attorneys to accept or reject pre-indictment plea offers when they arise, mediates the borough-based differences.

### **Finding #6. Arraignment charge severity and type also heavily drive the indictment rate—but not evenly across the boroughs.**

Cases initially arraigned on violent felony charges had higher indictment rates than nonviolent felonies; and across 13 charge categories, homicides (78%), sex offenses (58%), and weapons/firearms cases (48%) had higher indictment rates than other arraignment charges (shown in Table 5.1). However, the relevance of charge to indictment varied by borough. In Manhattan, besides homicides, a statistically identical percentage of other VFOs and nonviolent felonies were indicted (41% vs. 40%). On the other hand, indictment rates in Brooklyn varied widely based on charge (81% of homicides, 35% of other VFOs, and 22% of nonviolent felonies). Overall, the indictment rate in Brooklyn was close to 10 percentage points lower than in Manhattan and the Bronx; yet, Brooklyn's indictment rate was the *highest* of any borough in weapons cases (55%); and second highest in sex offense (64%) cases. By contrast, *nonviolent felonies* were

more likely in Brooklyn than elsewhere to be resolved in Criminal Court via a reduction to a misdemeanor or lesser offense, dismissal, or ACD.

**Table 5.1. Indictment Rates by Borough and Charge**

	Bronx	Brooklyn	Manhat- tan	Queens	Staten Island	New York City
<b>Number of Valid Cases</b>	<b>11,901</b>	<b>13,738</b>	<b>14,286</b>	<b>9,427</b>	<b>1,996</b>	<b>51,348</b>
<b>Percent of Citywide Total</b>	<b>23%</b>	<b>27%</b>	<b>28%</b>	<b>18%</b>	<b>4%</b>	<b>100%</b>
<b>TOTAL (ALL CASES)</b>						
Resolved in Criminal Court	56%	66%	54%	64%	65%	60%
SCI	5%	5%	5%	17%	16%	8%
Indicted	39%	29%	41%	20%	19%	32%
<b>ARRAIGNMENT SEVERITY</b>						
<b>Nonviolent Felony</b>						
Resolved in Criminal Court	60%	72%	54%	68%	66%	62%
SCI	6%	6%	6%	16%	18%	8%
Indicted	35%	22%	40%	16%	16%	30%
<b>Violent Felony, Excluding Homicide</b>						
Resolved in Criminal Court	53%	62%	56%	58%	65%	58%
SCI	5%	3%	3%	18%	13%	7%
Indicted	42%	35%	41%	25%	21%	36%
<b>ARRAIGNMENT CHARGE TYPE</b>						
<b>Homicide</b>						
Resolved in Criminal Court	19%	19%	14%	17%	0%	17%
SCI	3%	1%	3%	15%	4%	4%
Indicted	78%	81%	83%	69%	96%	78%
<b>Domestic Violence</b>						
Resolved in Criminal Court	96%	88%	90%	87%	67%	89%
SCI	2%	1%	3%	10%	6%	4%
Indicted	2%	11%	8%	3%	27%	7%
<b>Sex Offense</b>						
Resolved in Criminal Court	49%	34%	41%	17%	50%	38%
SCI	8%	2%	1%	3%	17%	4%
Indicted	43%	64%	59%	80%	33%	58%
<b>Assault (non-DV)</b>						
Resolved in Criminal Court	64%	76%	63%	71%	84%	70%
SCI	3%	1%	2%	10%	4%	3%
Indicted	34%	24%	35%	19%	12%	28%

**Table 5.1. Indictment Rates (Continued)**

	Bronx	Brooklyn	Manhat- tan	Queens	Staten Island	New York City
<b>VFO Robbery</b>						
Resolved in Criminal Court	38%	58%	47%	48%	60%	49%
SCI	5%	4%	4%	23%	20%	9%
Indicted	58%	38%	49%	29%	20%	42%
<b>VFO Burglary</b>						
Resolved in Criminal Court	43%	57%	36%	53%	48%	49%
SCI	9%	7%	10%	20%	24%	12%
Indicted	49%	36%	54%	27%	28%	39%
<b>Firearms or Other Weapons Charges</b>						
Resolved in Criminal Court	41%	42%	55%	44%	35%	45%
SCI	7%	3%	2%	18%	25%	7%
Indicted	52%	55%	43%	38%	41%	48%
<b>Non-VFO Robbery</b>						
Resolved in Criminal Court	51%	69%	60%	56%	71%	60%
SCI	9%	9%	4%	29%	17%	11%
Indicted	40%	23%	36%	15%	12%	29%
<b>Non-VFO Burglary</b>						
Resolved in Criminal Court	50%	60%	47%	46%	45%	51%
SCI	15%	14%	6%	31%	37%	15%
Indicted	35%	26%	47%	23%	18%	35%
<b>Grand Larceny and Other Property</b>						
Resolved in Criminal Court	77%	74%	62%	75%	83%	71%
SCI	5%	8%	5%	14%	11%	8%
Indicted	18%	18%	32%	12%	7%	22%
<b>Drug Sale or Possession</b>						
Resolved in Criminal Court	53%	68%	41%	58%	50%	53%
SCI	6%	7%	8%	24%	26%	10%
Indicted	41%	25%	50%	19%	24%	37%
<b>DWI</b>						
Resolved in Criminal Court	59%	58%	63%	27%	83%	53%
SCI	4%	7%	2%	40%	12%	14%
Indicted	37%	35%	35%	33%	5%	34%
<b>Other</b>						
Resolved in Criminal Court	63%	69%	51%	73%	71%	63%
SCI	4%	4%	5%	8%	13%	6%
Indicted	34%	27%	44%	19%	16%	31%

**Finding #7. Queens and Staten Island have a robust SCI practice, whereas other boroughs do not.** The SCI mechanism involves a felony plea agreement in which the defense waives the grand jury process.<sup>17</sup> Shown in Table 5.1, Queens and Staten Island resolved 17% and 16% of felonies via a SCI, whereas no other borough resolved more than 5% of cases with an SCI. The SCI practice in Queens largely reflects a plea policy of the Queens District Attorney’s Office that does not permit acceptance of pleas below the top count on indicted cases (at least at the outset of Supreme Court processing). Thus, if the defense does not accept the prosecutor’s plea offer *before* indictment in Queens, prosecutors will frequently take the indicted case to trial and seek a conviction based on the original top count. This prosecutorial strategy, in effect, incentivizes the defense to agree to SCIs.

The SCI practice in Queens and Staten Island reduces the caseload in Supreme Court, leading many cases to be disposed pre-indictment—and hence in significantly less time than indicted cases. However, the prosecutorial policy in Queens of discouraging plea negotiations after indictment may increase the difficulty of resolving the small subset of cases (20% of all cases initially arraigned on felony charges) that *are* indicted.

## Pre-Indictment Alternatives to Incarceration

**Finding #8. Pre-indictment alternative to incarceration (ATI) capacity may be limited in felony cases.** New York City’s criminal courts currently do not use a universal evidence-based screening tool to assess defendants’ risks and needs.<sup>18</sup> Although judges can

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<sup>17</sup> CPL Article 195. SCIs are technically disposed in Supreme Court, but because a plea agreement is ostensibly reached prior to Supreme Court transfer, unless the defendant is agreeing to participate in a problem-solving court that entails ongoing judicial monitoring, there is typically only a single Supreme Court appearance in which the plea is formally entered and accepted. In practice, in some counties SCI pleas are taken in a waiver part in Criminal Court presided over by an Acting Supreme Court judge.

<sup>18</sup> The New York City Criminal Justice Agency, the city’s pretrial services organization, administers a pre-arraignment rap sheet review and interview that classifies defendants based on risk of failure to appear for court appearances. However, neither general risk (of any re-arrest) nor risk of violence is assessed, nor is information collected pre-arraignment regarding the “Central Eight” needs identified in conjunction with the extensively researched Risk-Need-Responsivity model of offender rehabilitation, with the sole exception of an item that establishes whether the defendant is employed or in school (i.e., involved in full-time activity). For an overview of the Central Eight framework, see Andrews, D., and Bonta, J. (2010). *The Psychology of Criminal Conduct* (5th ed.). New Providence, NJ: Matthew Bender). Notably, although New York State law does not permit considering public safety when making release, remand, or bail decisions, it is permissible to collect information about risk or needs at any stage in case processing, so long as the information is used for other purposes.



order behavioral health assessments case-by-case, and negotiating treatment pleas is possible in some cases, current treatment options in felony cases are limited.

Moreover, on the survey completed by judges and attorneys, respondents expressed an interest in having more ATI options in felony cases (see Chapter 6). Other recent research also concludes that current ATI options in New York City may be insufficient.<sup>19</sup>

Of further concern, those ATI options that do exist tend to skew long in mandated time—requiring at least six months and often more than one year of court-ordered treatment, typically through a drug or mental health court or a TASC plea. Yet, in many cases, short or medium-length options (e.g., less than six months) would be more legally proportionate to the kinds of conventional sentences that defendants might otherwise receive. Research has long demonstrated, for example, that 90 days of substance abuse treatment is sufficient to see significant substance abuse and recidivism reductions.<sup>20</sup> Evidence-based cognitive-behavioral therapy can also routinely be delivered in sessions running for significantly less than six months; and such programs have been shown to reduce recidivism by 25 percent.<sup>21</sup> Further, shorter mandates utilizing evidence-based interventions may make expanded utilization of existing ATIs by making them more appealing to the defense while still meeting prosecutors’ public safety concerns.

Illustrating the limitations of the status quo, according to data in New York’s statewide drug court database,<sup>22</sup> of more than 50,000 defendants arraigned on felony charges in 2014, only

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<sup>19</sup> The Council of State Governments. (2012). *Improving Outcomes for People with Mental Illnesses Involved with New York City’s Criminal Court and Correction Systems*. Washington, D.C.: Council of State Governments.

<sup>20</sup> See De Leon, G. 1984. *Therapeutic Community: Study of Effectiveness*. National Institute on Drug Abuse Treatment Research Monograph Series; DHHS Publication No. ADM84-1286. Rockville, MD: US Government Printing Office; Knight, K., & Hiller, M. L. (1997). “Community-Based Substance Abuse Treatment: A 1-Year Outcome Evaluation of the Dallas County Judicial Treatment Center. *Federal Probation* 61(2): 61–68.

<sup>21</sup> Lipsey, M. W., Landenberger, N. A., and Wilson, S. J. 2007. *Effects of Cognitive-Behavioral Programs for Criminal Offenders*. Oslo, Norway: The Campbell Collaboration.

<sup>22</sup> The New York State Unified Court System operates the Universal Treatment Application (UTA), a statewide problem-solving court database that houses data on participants all adult drug courts and some,

732 (about 1.5%) enrolled in a drug court, veterans court, or judicial diversion program.<sup>23</sup> An additional 248 defendants enrolled in a mental health court. Data was unavailable for the number of additional felony treatment cases mandated to Treatment Alternatives for Safer Communities (TASC).

Notably, whereas not all types of felonies would necessarily be deemed appropriate for greater pre-indictment ATI options were they to exist (homicides, for example, would not be eligible), the impact of clearing out more cases early (pre-indictment) could, hypothetically, enable focusing Supreme Court resources more efficiently on those cases that remained.

**Finding #9. A core evidence-based practice in court-ordered treatment is immediacy (a brief time from arrest to enrollment); yet, immediacy is not presently achieved in New York City’s problem-solving courts, reducing their effectiveness and capacity to reduce case processing time.** Research indicates that moving defendants rapidly from the crisis moment constituted by an arrest to the point of treatment enrollment, ideally within 30 days, leads to more positive outcomes.<sup>24</sup> Confirming positive performance in prior years, a 2003 evaluation reported an average time from arrest to enrollment in the felony drug courts in the Bronx, Brooklyn, and Queens of 29, 17, and 32 days,

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but not all, additional problem-solving courts, (e.g., juvenile and family drug courts, mental health courts, and veterans courts). The statewide database is not, for example, routinely utilized by either the Bronx or Brooklyn Mental Health Courts, although for the current research, the Center for Court Innovation was able to obtain accurate numbers for the Brooklyn Mental Health Court. The database also houses data on participants in the judicial diversion program that was established under New York State’s 2009 Rockefeller Drug Law Reform (for further information, see next footnote). In future years, the UTA will be phased out and replaced with an integrated problem-solving court module within the new Universal Case Management System (UCMS) for New York State criminal cases; but as of the data collection year of 2014 for the current research project, UCMS had not yet replaced the UTA in New York City.

<sup>23</sup> Judicial diversion was established through New York State’s 2009 Rockefeller Drug Law Reform legislation and is available to felony defendants facing drug or select nonviolent property charges, who are found to have a drug problem. For details and evaluation findings, see Waller, M. S., Carey, S. M., Farley, E. J., and Rempel, M. (2016). *Testing the Cost Savings of Judicial Diversion*. Portland, OR: NPC Research, and New York, NY: Center for Court Innovation.

<sup>24</sup> See Leigh, G., A. C. Ogborne, and P. Cleland. 1984. “Factors Associated with Patient Dropout from an Outpatient Alcoholism Treatment Service.” *Journal of Studies on Alcohol* 45(4): 359-362; Mundell, C. 1994. *Drug Abuse in Washington, DC: Insights from Quantitative and Qualitative Research*. College Park, MD: University of Maryland; Rempel, M., and C. D. DeStefano. 2001. “Predictors of Engagement in Court-Mandated Treatment: Findings at the Brooklyn Treatment Court, 1996-2000.” *Journal of Offender Rehabilitation* 33(4): 87-124.

respectively (medians were 10, 3, and 18 days).<sup>25</sup> However, recent results point to deterioration over time. As shown in Table 5.2, in 2014, the city’s felony drug courts and related problem-solving courts averaged 189 days (median = 137) from arraignment to enrollment, with mental health courts averaging 286 days (median = 207). The median of 28 days for Brooklyn’s drug courts is significantly lower than other programs, yet still a longer timeframe than Brooklyn’s performance as of the 2003 evaluation. Citywide, current results thus point to a limited potential for problem-solving courts as they presently operate to yield sizable reductions in felony case processing time, even when such programs are utilized.

Interview respondents explained that, in some boroughs, defense attorneys are currently required to submit extensive documentation to the District Attorney for review and approval before a referral can be made to certain problem-solving courts. Respondents further confirmed that, once a case is referred, some problem-solving courts take six weeks or more to make an eligibility decision—during which time discovery and motion practice is typically on hold. Defendants who require certain types of services, such as residential drug treatment or supportive housing, may be on waiting lists for months, typically remaining at the Rikers Island jail complex until a suitable placement is available.

**Table 5.2. Days from Criminal Court Arraignment to Program Entry for Felony Participants in Drug, Veterans, and Mental Health Courts, and Judicial Diversion, in 2014**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>Number of problem-solving court participants in 2014</b>	<b>109</b>	<b>298</b>	<b>230</b>	<b>149</b>	<b>82</b>	<b>868</b>
<b>DRUG COURT OR JUDICIAL DIVERSION COURT<sup>1</sup></b>	<b>109</b>	<b>228</b>	<b>205</b>	<b>108</b>	<b>82</b>	<b>732</b>
Mean time to plea/program entry (days)	348	110	227	187	107	189
Median time to plea/program entry (days)	259	28	181	125	75	137
<b>MENTAL HEALTH COURT</b>	<b>UNK<sup>1</sup></b>	<b>70</b>	<b>25</b>	<b>41</b>	<b>UNK<sup>1</sup></b>	<b>136</b>
Mean time to plea/program entry (days)		288	302	279		286
Median time to plea/program entry (days)		232	236	155		207

<sup>1</sup> Results also include a small number of veterans court participants whose data is entered into the statewide drug court database.

<sup>2</sup> Sufficient data for case processing analysis is unavailable for the Bronx or Staten Island Mental Health Courts.

<sup>25</sup> Rempel, M., Kralstein, D., Cissner, A., Cohen, R., Labriola, M., Farole, D., Bader, A., and Magnani, M. 2003. *The New York State Adult Drug Court Evaluation: Policies, Participants, and Impacts*. New York, NY: Center for Court Innovation.

## The Impact of Indictment Status on Average Case Processing Time

**Finding #10. Indicted cases take significantly longer to resolve than cases resolved pre-indictment.** Among cases initially arraigned on felony charges, results shown previously in Chapter 3 (see Table 3.4) pointed to significantly longer case processing times among indicted than unindicted cases. Indeed, indicted cases averaged 2.41 times the duration of unindicted cases from initial Criminal Court arraignment to disposition.<sup>26</sup> Figure 5.1 shows that this essential pattern is replicated in all five boroughs—although the resulting *ramifications* are not the same by borough. In particular, the relatively high indictment rates of 41% in Manhattan and 39% in the Bronx mean that the longer time required to resolve indicted cases disproportionately affects average felony processing times in those boroughs.

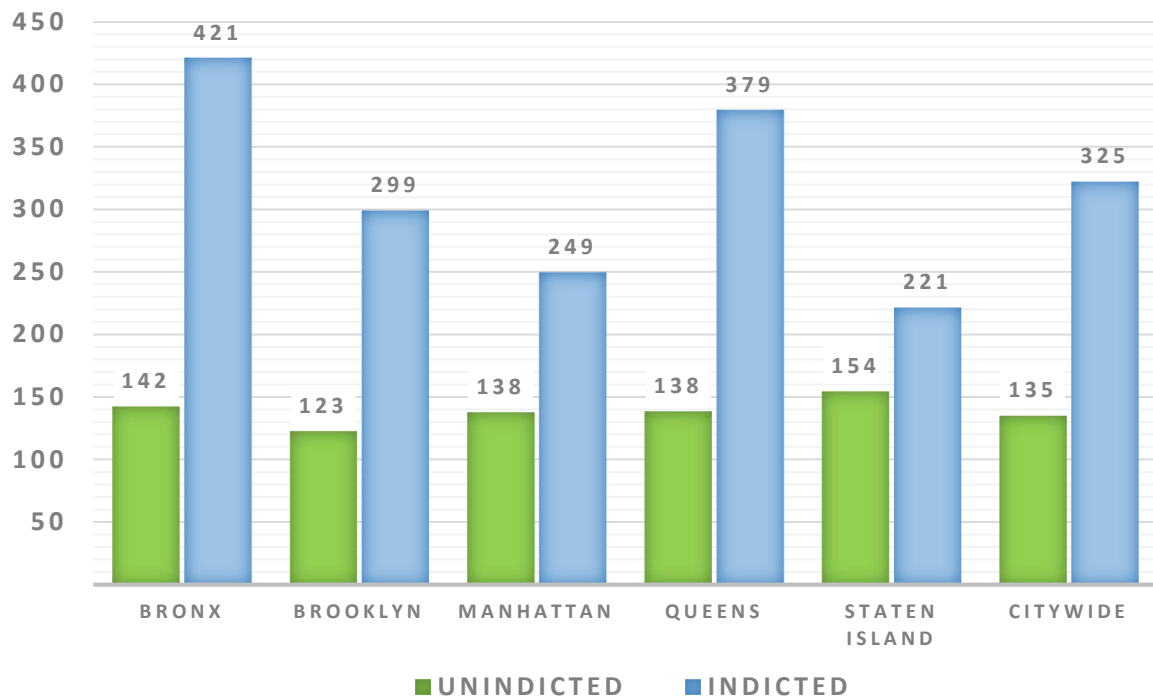
Further shown in Figure 5.1, identical disparities in processing time based on indictment status were not mirrored everywhere (compare the length of the green v. blue bars in each borough). The case processing ramifications of indicting a case were less in Staten Island and Manhattan than elsewhere; were particularly sizable in Queens; and were even more sizable in the Bronx, where indicted felonies ran 2.96 times longer than unindicted felonies.

Given that the difference in average case duration between unindicted and indicted felonies was greatest in the Bronx—combined with the previous finding that the Bronx is one of two boroughs with a particularly high indictment rate—it follows that expanding felony ATI programs and devising other legally appropriate strategies to resolve cases pre-indictment would have a particularly large impact if achieved in the Bronx.

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<sup>26</sup> Unindicted cases combine those resolved via a Superior Court Information with cases resolved in the Criminal Court through a charge reduction, dismissal, or ACD.

**FIGURE 5.1. AVERAGE CASE DURATION FOR  
INDICTED AND UNINDICTED CASES BY BOROUGH**



## Chapter 6

# Major Reasons for Case Processing Delays in the Supreme Court

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The findings in this chapter concern the major reasons why indicted felonies processed in the Supreme Court often take long to resolve. Key factors include the following:

- **Borough Differences**—with indicted cases averaging the most time in Supreme Court in the Bronx, followed by Queens; and averaging the least time in Staten Island, followed by Manhattan.
- **Adjournment Length**—with average adjournment length more than one month citywide, ranging from 22 days in Staten Island to 45 days in the Bronx.
- **Adjournment at Supreme Court Arraignment**—with an especially long average adjournment length (40 days) from Supreme Court arraignment to next appearance.
- **Trials**—with cases decided by trial verdict averaging almost twice as long as other Supreme Court cases; but with Manhattan resolving trial cases faster than elsewhere.
- **Unutilized Judicial Time**—with multiple findings suggesting that judicial resources are sufficient to reduce adjournment length and hold more frequent appearances.
- **Court Part Structure**—with multiple findings suggesting that the Manhattan Supreme Court part structure is advantageous compared to the other large boroughs.
- **DNA-Related Backlogs**—which reportedly have been reduced in recent years but still contribute to significant delays.
- **Midcourse Changes of Defense Provider**—which most commonly involve a transfer of more serious cases from the Legal Aid Society to 18-b panel attorneys.
- **Transportation of Detained Defendants**—with delays in moving defendants from the parked buses outside to the courtrooms where appearances need to take place.
- **Motions, Discovery, and Attorney-Related Delays**—with defense attorneys often pointing to the lack of “Open File” discovery outside of Brooklyn and prosecutors

often pointing to delays stemming from defense strategy—and with independent evidence confirming that as cases are pending for longer in the Supreme Court, average case outcomes in most boroughs grow more favorable to the defense.

- **Adjournment for Sentencing**—which for detained defendants routinely exceeds the two weeks required for the Department of Probation to complete a pre-sentence investigation (PSI) report.

This chapter unfolds in 13 sections that each groups together multiple findings sharing a common theme: (1) pre-indictment processing; (2) perceptions of judges and attorneys; (3) adjournment length; (4) trial status; (5) defense attorney-related factors; (6) the role of the judge; (7) judicial caseloads, time, and resources; (8) court part structure; (9) discovery, motion practice, and DNA-related delays; (10) pretrial detention status; (11) fitness to proceed; (12) current utilization of court resources in each borough; and (13) current pending caseload in each borough.

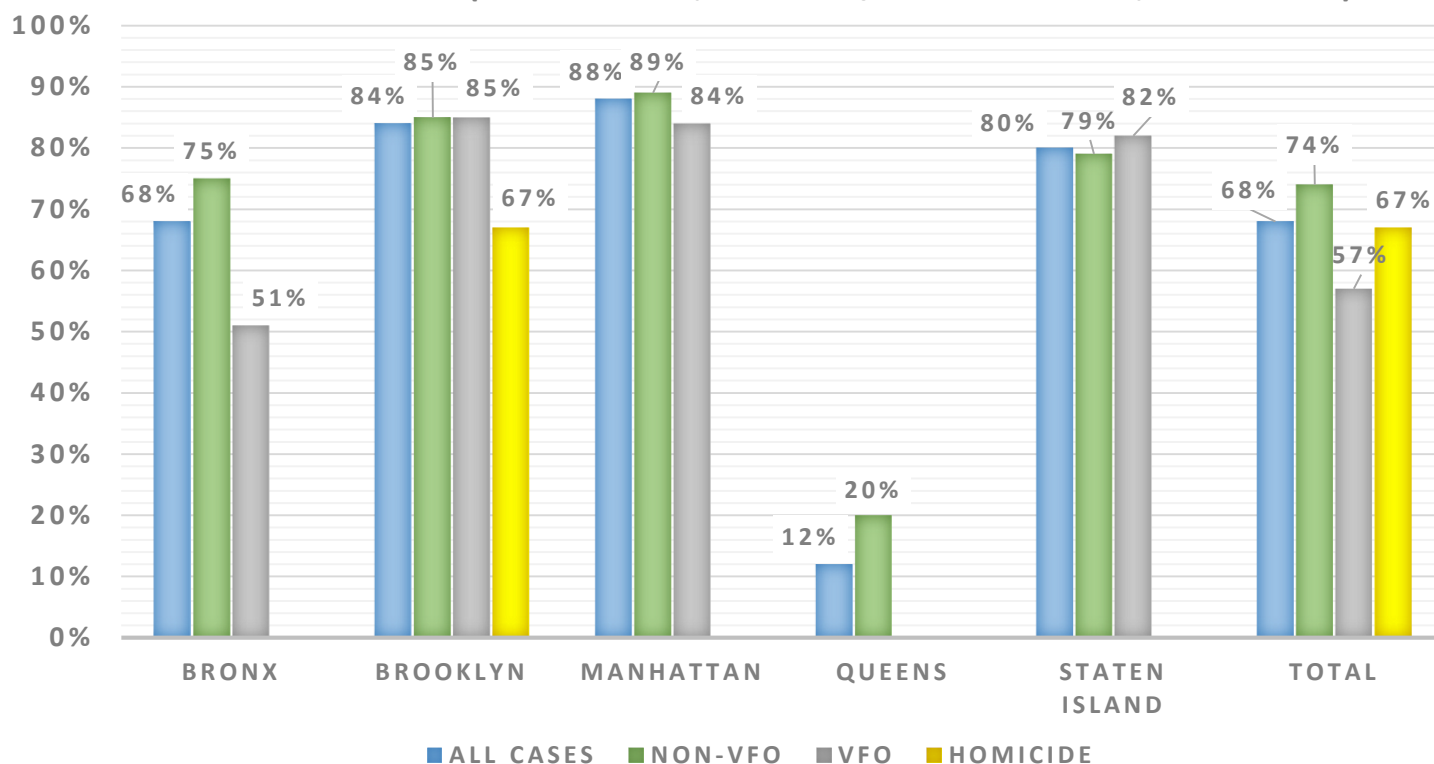
## Pre-Indictment Processing in the Criminal Court

**Finding #11. Case duration in indicted cases is not primarily extended by delays in the Criminal Court.** Indicted cases averaged 325 days from the Criminal Court arraignment date to disposition (see Chapter 3, Table 3.4). Of this time, an average of 41 days (13% of total processing time) was spent pre-indictment in the Criminal Court. Detailed in Appendix A-5, there was little variation in pre-indictment time by charge or borough, except that time in Criminal Court across all charge categories was more than twice as high in Queens as other boroughs (average pre-indictment time in Queens = 91 days). These results reflect the impact of the “waiver program” of the Queens District Attorney’s Office, which strictly limits the options for plea negotiations after indictment, thus requiring detained defendants who wish to engage in pre-indictment plea negotiations to waive their rights under Section 180.80 of the Criminal Procedure Law (defined just below).

**Finding #12. Cases detained at arraignment are indicted in half the time of cases released at arraignment.** New York State Criminal Procedure Law, Section 180.80, establishes that detained defendants facing felony charges must be released if they are not indicted within six days, unless the defense waives 180.80 requirements. Reflecting the impact of this law on early processing, indicted cases averaged significantly fewer days pre-indictment if they were detained than released at Criminal Court arraignment (average =

31 days for detained and 50 days for released cases; median = 15 vs. 26 days).<sup>27</sup> Further, 26% of cases detained at arraignment were indicted within six days, compared to only 8% of cases released (see Appendix A-6 for additional data on the impact of detention status).

**FIGURE 6.1. PERCENT RELEASED IF NOT INDICTED BY 180.80 DAY BY CHARGE (Nonviolent, Violent/not Homicide, Homicide)**



**Finding #13. Except in Queens, most cases detained at arraignment are released if unindicted by the “180.80 day” (within six days).** As shown in Figure 6.1, except in Queens, more than four in five (82%) cases that were detained at arraignment were then released by the 180.80 day if they had not been indicted (see, also, Appendix A-6). In Queens, due to the “waiver program” described above, only 12% of such cases were

<sup>27</sup> In Queens, the averages were 72 days for detained and 127 for released cases, whereas in the four other boroughs, the averages were 25 days for detained and 43 days for release cases.



released.<sup>28</sup> The results in Figure 6.1 also show that 180.80 releases were less likely in the Bronx (67%) than in Brooklyn, Manhattan or Staten Island (all 80% or more).

## Perceptions of Judges and Attorneys Regarding the Drivers of Supreme Court Processing Delays

### **Finding #14. Survey findings point to seven overarching factors perceived by practitioners as actionable drivers of Supreme Court case processing delays.**

Survey responses from judges, prosecutors, and defense attorneys (weighted to afford equal influence to each group, as described in Chapter 2) drew attention to the seven factors colored purple in Table 6.1 below. For the most part, survey findings mirrored and in some instances edified and expanded on findings presented later in this chapter, based on official data on other sources of information. From left to right, the table provides average perceptions regarding the frequency and length of delays (“delay score”); average perceptions of the extent to which respondents believed each source of delay could be easily addressed (“reform potential”); and an average of the prior measures (“actionability score”). In order, survey respondents drew attention to:

- 1. Lengthy Adjournments:** This factor had the highest actionability score and was composed of just two items: “routine use of lengthy adjournment intervals (exceeding the time that parties should reasonably require before next court date)” and “Cases adjourned for longer than the period requested by prosecutor or defense.”
- 2. Availability of Judges, Non-Judicial Staff, or Courtrooms:** Although this was not seen as a leading problem—the delay score was the second lowest of all 12 factors represented in Table 4.1—this factor scored highest of any in reform potential—i.e., respondents believed that it was easily addressed. Hard data reported later in this chapter indicates that *judicial* availability per se is not a significant problem in the Supreme Court; yet, qualitative evidence pointed to a perception among some practitioners that there is occasionally insufficient *non-judicial staff* (e.g., security officers especially) to enable opening courtrooms, especially for the purpose of holding trials.

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<sup>28</sup> The cases reflected in Figure 4.5 were all ultimately indicted and, hence, were not cases where a longer pre-indictment period in fact led to an early plea agreement. Yet, it is conceivable that by waiving 180.80 requirements across the board, defense attorneys reach non-indictment dispositions that would not otherwise have been reached on other cases.

3. **Prosecutors' Plea and Discovery Policies and Practices:** Complementing the quantitative findings shown in Table 4.1 (which combine 10 individual prosecutor-related items), open-ended survey responses underlined these concerns: discovery-related delays due to a lack of “Open File Discovery”; excessive plea offers early in plea negotiations, and a lack of prosecutorial support for early case resolutions via alternatives to incarceration. As discussed later in this chapter, although defense attorneys were disproportionately likely to focus on these problems, many prosecutors and judicial respondents also scored them as contributors to delay (i.e., attributing delays to prosecutorial practices was not strictly a conclusion of defense attorneys).
4. **Defense Strategy:** Most of the four items composing this factor had to do with defense delays in accepting plea offers. Open-ended survey responses often cited the defense for frequently delaying case resolutions as they await a better plea offer, the disappearance of witnesses, or other favorable developments. Open-ended responses also cited delays in scheduling next appearances due to defense attorney schedules. Although prosecutors were disproportionately likely to focus on these problems, as the converse of the previous factor, citing this factor was not exclusive to prosecutors.
5. **Lack of Alternative to Incarceration (ATI) Options:** The two items composing this factor respectively concerned “lack of safe and effective” ATIs—i.e., a need for better options—and “insufficient use of existing” ATIs to reach “more pre-indictment case resolutions.”
6. **DNA-Related delays:** The three items composing this factor largely concerned delays in submitting DNA for testing and delays in obtaining results from the laboratory. The DNA process is further explored later in this chapter.
7. **Transportation from Jail to Courthouse:** Most of the items composing this factor, as well as qualitative feedback obtained in interviews with key players, pointed to bottlenecks from the point that buses from the Rikers Island jail complex arrive at the courthouse to the point that defendants are produced in the courtroom where they need to be. Interview respondents indicated that, for these reasons, it is routinely unfeasible to hear the cases of detained defendants prior to late morning, and many defendants are not produced until the afternoon.<sup>29</sup>

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<sup>29</sup> Interestingly, the Department of Correction reported that 90.9% of inmates were produced to court on time in fiscal year 2015, below its performance in recent years and its target of 95%. (The Mayor’s Office of Operations, Mayor’s Management Report, Fiscal Year 2015.) As this time, researchers have not yet obtained sufficient data from the Department of Correction or the Unified Court System to complete a rigorous analysis of the timing of defendants’ arrivals at the courthouses and production in the courtrooms or the frequency of and reasons for instances when they are not delivered to the courthouses at all.

- 8. Other Factors:** Although respondents perceived many of the five factors listed in at the bottom of Table 4.4 as significant contributors to delay (see delay scores), as shown in the middle column (see reform potential), respondents were far less sanguine regarding the capacity of policymakers to address those problems. In effect, to achieve the greatest tangible results, survey data suggested that, as compared to the first seven factors, practitioners perceived the following issues as a relatively lower policy priority: the 730 process (fitness proceedings); delays related to attorney schedules; coordination with police and witnesses; and defendant and case complexities (e.g., multiple defendants, links to gangs, other New York or federal cases involving the same defendant, or serious charges or prior criminal history).

**Table 6.1. Major Categories of Case Processing Delay Ordered by Actionability Score (Highest-to-Lowest): Results from Practitioner Survey**

Name of Factor	Items	Average Delay Score (1-5 Scale)	Average Reform Potential (1-5 Score)	Actionability (Averages Delay Score and Reform Potential)
Lengthy adjournments by the judge	2	2.79	2.87	2.83
Availability of judges, non-judicial staff, or courtrooms	5	2.56	3.03	2.80
Prosecutors' plea- and discovery-related policies and Practices	10	2.75	2.74	2.75
Defense strategy	5	2.86	2.58	2.72
Lack of alternative to incarceration options	2	2.63	2.65	2.64
DNA-related delays	3	2.70	2.54	2.62
Transportation from Rikers Island jail to courthouse and preparation for appearance	4	2.48	2.76	2.62
Defendant mental illness or involvement in 730 process	4	2.90	2.05	2.48
Next appearance delays due to attorneys' schedules	5	2.73	2.17	2.45
Coordination with police and other witness schedules	3	2.68	2.07	2.38
Defendant- and case-related complexities	7	2.85	1.97	2.41
Seriousness of charges and defendant criminal history	2	2.96	1.69	2.33

Supplementing the data in Table 6.1, Appendix A-7 provides summary scores for the 12 overarching factors by role (judge, prosecutor, and defense attorney). Appendices A-8 and A-9 compare summary scores by borough, as respectively perceived by defense attorneys and prosecutors.<sup>30</sup> Appendix A-10 provides item-level average results for all 92 individual reasons for Supreme Court case processing delays that were included in the original survey. Appendix C provides the specific survey items that went into each overarching factor.

## The Impact of Adjournment Length

**Finding #15. Adjournment length is among the most powerful drivers of Supreme Court case processing time—significantly increasing processing time in the Bronx and reducing it in Staten Island.** Excessive adjournment length received the highest actionability score of the factors shown in Table 6.1. Moreover, the official data shown below in Table 6.2 indicates that adjournment length averaged 35 days citywide and ranged from 22 days in Staten Island to more than twice as many (45 days) in the Bronx.

The results in Table 6.2 further clarify the role of adjournment length in explaining why the Bronx averages significantly longer Supreme Court processing times than any other borough. As shown in the table, the Bronx Supreme Court did *not* require many more *court appearances* than the other boroughs, averaging fewer appearances per case than Queens and only 1.4 more appearances per case than Manhattan, which averaged the fewest of the five boroughs. Thus, the substantially longer average Supreme Court processing time found in the Bronx was largely reducible to the lengthy intervals *in between appearances*. Average adjournment length in the Bronx was 45 days (median = 42 days), more than twice as many as Staten Island (22 days), but also 13 to 15 more days than in each of the three other respective boroughs.

Consistent with official data, defense attorneys and prosecutors responding to the practitioner survey pointed to significantly greater delays related to lengthy adjournments in the Bronx

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<sup>30</sup> Sample sizes within each borough for judicial respondents was insufficient for a borough breakdown of how judges responded to the survey.

than in other boroughs (see Appendices A-8 and A-9). Additional analysis revealed that adjournment length did *not* vary based on charge (see Appendix A-11).

Further, multivariable results reported in Chapter 7 confirm that, net of other factors, adjournment length was associated with significantly longer case processing times. Interestingly, interview respondents expressed conflicting perceptions. Some judges, seeing every court appearance as an opportunity to hold attorneys accountable and to move the prosecutor and the defense closer to either a trial or a plea, indeed advocated adhering to adjournments of 30 days or less—and avoiding particularly lengthy adjournments. Other judges, and some attorneys, expressed concern that shorter adjournments may generate more court appearances without reducing time to disposition. Some attorneys also expressed that in cases involving more serious charges, defendants need a certain amount of time to understand and weigh their options and that dispositions will not be hastened with more frequent court appearances. Empirical analyses confirmed that shorter adjournment lengths somewhat increase the average number of court appearances to disposition—but shorter adjournment lengths were also strongly associated with reduced case processing times, even after controlling for other case characteristics.

**Table 6.2. Supreme Court Processing Time, Court Appearances, and Adjournment Length**

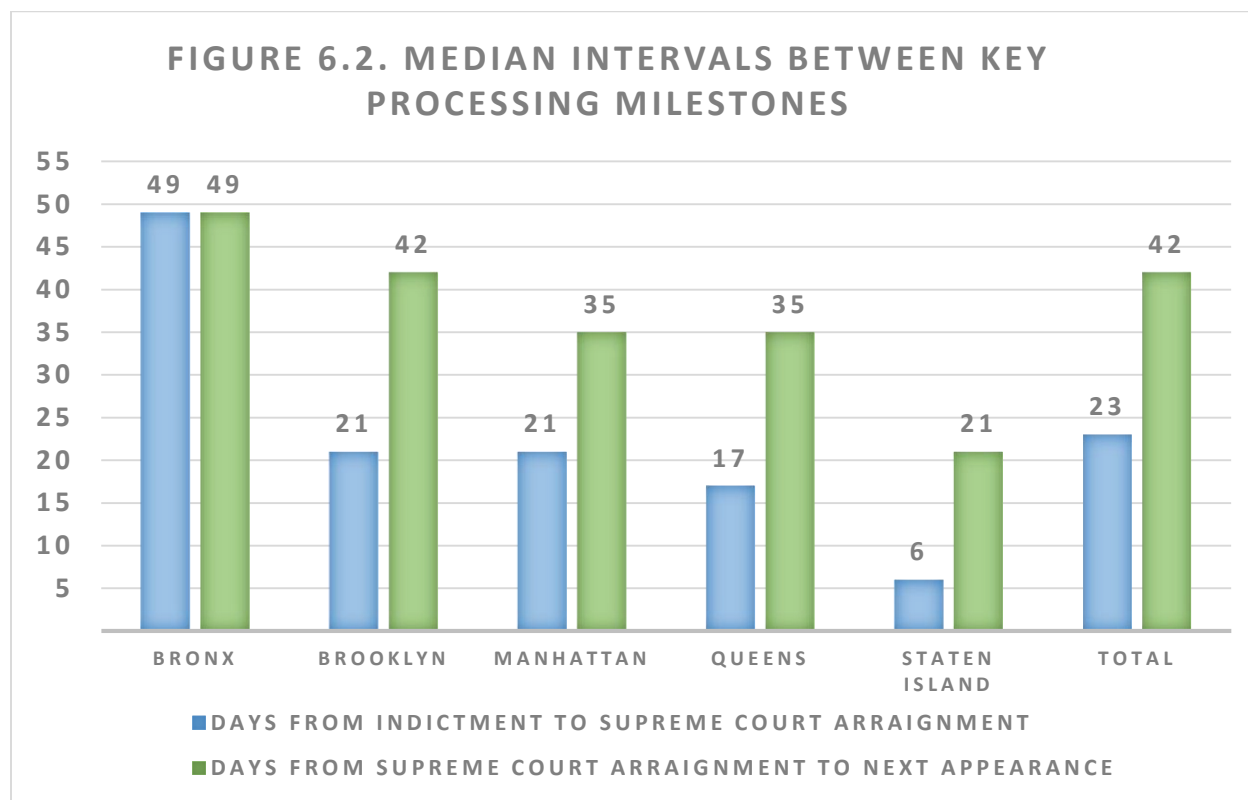
CASE PROCESSING OUTCOMES	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
All (Total Cases)	4,584	3,980	5,906	1,860	371	16,701
Average Months in Supreme Court	13.1	9.0	7.5	9.7	6.1	9.6
Average Number of Court Appearances	10.1	9.3	8.7	12.1	9.7	9.7
Average Adjournment Length (days)	45	32	32	28	22	35
Median Adjournment Length (days)	42	31	30	26	21	32

*Note:* Five percent of cases were missing information necessary to calculate their adjournment length between Supreme Court Appearances.

**Finding #16. Long adjournments are especially common at the earliest stages of Supreme Court processing: (a) from indictment to Supreme Court arraignment; and (b) from Supreme Court arraignment to next appearance. These early intervals are longest in the Bronx and shortest in Staten Island.** As shown in Figure 6.2, of indicted cases disposed in 2014, half were adjourned for more than

three weeks from the date when the grand jury voted the indictment to the Supreme Court arraignment (median = 23 days, average = 79 days). Then, the median time from Supreme Court arraignment to the next court appearance was seven weeks (median = 42 days, average = 40 days).

With respect to the first of these two early intervals, key interviews revealed several factors driving the Supreme Court arraignment date: the receipt by the Supreme Court clerk's office of a notice of grand jury action; preparation of paperwork by the District Attorney's Office; the signing of the indictment by the grand jury foreperson (often deferred until the last day of a grand jury term); the transfer of the file from Criminal Court; and defense attorney scheduling considerations.



Interviews also revealed that in the Bronx, Manhattan, and Queens, the second of these two intervals—Supreme Court indictment to next court appearance—is driven largely by motion

schedules. By statute, defendants have 45 days after arraignment to file omnibus motions.<sup>31</sup> Defense attorneys, who typically use standard motion forms, are generally willing to file motions before the statutory deadline. Interview respondents in Brooklyn, in which discovery-by-stipulation practices eliminate the use of many motions, report that the time between arraignment and the next appearance is typically spent on the production of discovery material. Each of these practices affords opportunities for a shorter initial adjournment.

Concerning borough-based differences, the results in Figure 6.2 show that Staten Island averages significantly less time between these two early intervals than other boroughs. In Staten Island, the median time from indictment to Supreme Court arraignment was six days, reflecting a general policy of scheduling all Supreme Court arraignments for the Wednesday following indictment. In addition, the median time to next court appearance in Staten Island after Supreme Court arraignment was 21 days, during which, according to interview respondents, the parties will also conference the case to explore the possibility of a plea.

At the other end of the spectrum from Staten Island are early adjournments in the Bronx: median lengths of 49 days from indictment to Supreme Court arraignment and another 49 days from arraignment to next court appearance. Court observations revealed that in the Bronx, except in select cases such as when the parties indicated at Supreme Court arraignment that they were close to reaching a plea agreement, a standard 90-day adjournment was typically set after the arraignment for motion practice, far exceeding the length of such adjournments in any other borough. Underscoring that early adjournments are often quite lengthy in the Bronx, additional analysis (see Appendix A-13) revealed that in the Bronx, one-quarter of the cases required 95 or more days from indictment to Supreme Court arraignment and one-quarter also required 70 or more days from Supreme Court arraignment to the next court appearance. Both of these figures were far higher than in any other borough; these results essentially indicate that a non-inconsequential 25% of indicted cases in the Bronx experience exceptionally long, multi-month delays during key initial periods of time when Supreme Court case processing has barely begun.

**Finding #17. Adjournment length often exceeds the time required to complete between-appearance tasks.** Court observation data indicates that adjournment dates are

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<sup>31</sup> See New York Criminal Procedure Law Section 255.20.

often based on time intervals that *do not reflect the earliest date by which between-appearance tasks are expected to have been completed*. Across 1,173 observed Supreme Court appearances that ended in an adjournment, average adjournment length was at least ten days longer in calendar parts in the Bronx than in all three other boroughs observed, confirming the same pattern found in the official court data.<sup>32</sup> Yet, across all boroughs observed, not only in the Bronx, it appeared that at least some adjournments could have been shorter. In only 18% of observed appearances was the agreed-upon adjournment date coded as the “earliest time for parties to complete between-appearance tasks.” In another 22% of appearances, the adjournment date was classified as the “earliest date possible due to [judge or attorney] schedules,” and in 4%, the adjournment date was classified as the “earliest available trial date.” In the remaining 56% of observed Supreme Court appearances, the adjournment date was unconnected to an observed effort to select an “earliest possible” date and reflected a combination of “standard length” adjournments (e.g., often about 30-40 days later), standard length with further increases due to attorneys’ schedules, or adjournments related to other scheduling factors. (Appendix A-12 provides a breakdown of observed reasons for the selected adjournment date by borough.)

**Finding #18. Citywide adjournment length from disposition to sentencing often exceeds the time that the Department of Probation needs to complete Pre-Sentence Investigation (PSI) reports.** The primary tasks to be completed between disposition and sentencing are for the Department of Probation to submit a Pre-Sentence Investigation (PSI) report and, in many cases, for defendants to submit a pre-sentencing memorandum. The Department of Probation reports that for cases where the defendant is detained at disposition, it can complete a PSI within two weeks and generally within ten days. Yet, the average adjournment for sentencing was 40 days for detained cases (median = 25) and 92 days for released cases (median = 56). Shown in Appendix A-14 (all cases) and

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<sup>32</sup> The Staten Island Supreme Court was not observed. In general, across all boroughs, average adjournment length in observed court appearances was somewhat longer (see Appendix A-12) than in official court data, although the relative differences between the boroughs was similar to what was found in official data. The most likely explanation for why observed appearances had longer dates on average is that court observations were limited to calendar parts, omitting the oftentimes brief adjournments that occur once a case is preparing for or on trial. In addition, given that observations were conducted mostly in June as well as in July 2015, it is possible that adjournment lengths somewhat exceeded the normal average due to forthcoming vacations.



Appendix A-15 (comparing detained and released cases), there were few variations by borough or charge.

## The Impact of Trial Status

**Finding #19. A relatively small fraction of Supreme Court cases are decided at trial, but those cases average close to double the Supreme Court processing time of other cases.** Among indicted cases disposed in 2014, 5.6% were decided by trial verdict. In Queens, more than double (12.7%) were decided at trial; and Queens decided 18% of VFOs other than homicide and 35% of homicides at trial. Discussed previously, the high rate of cases decided at trial in Queens reflects the prosecutorial policy to seek a conviction on the top felony count once a case is indicted.

As shown in Figure 6.3, cases resolved at trial averaged 530 days of Supreme Court processing time to disposition, involving 1.9 times more days than non-trial cases heard in Supreme Court (see, also, Appendix A-16). Among the five boroughs, Manhattan and Staten Island averaged the shortest time to trial verdict (both less than 15 months), whereas the Bronx averaged the longest time to verdict at two years (732 days).

Further, when isolating homicides, the borough-based disparities grew larger. Homicides decided at trial averaged 902 days to verdict in the Bronx (29.6 months), 851 days (27.9 months) in Queens, and 700 or fewer days in the other boroughs (see Appendix A-16).

Importantly, even though the results indicate that Queens did not average the longest times to trial verdict of the five boroughs, because Queens resolves a far larger percentage of its cases at trial than in other boroughs, the net case processing ramifications of the lengthy period of time required to resolve trial cases is greatest in Queens.

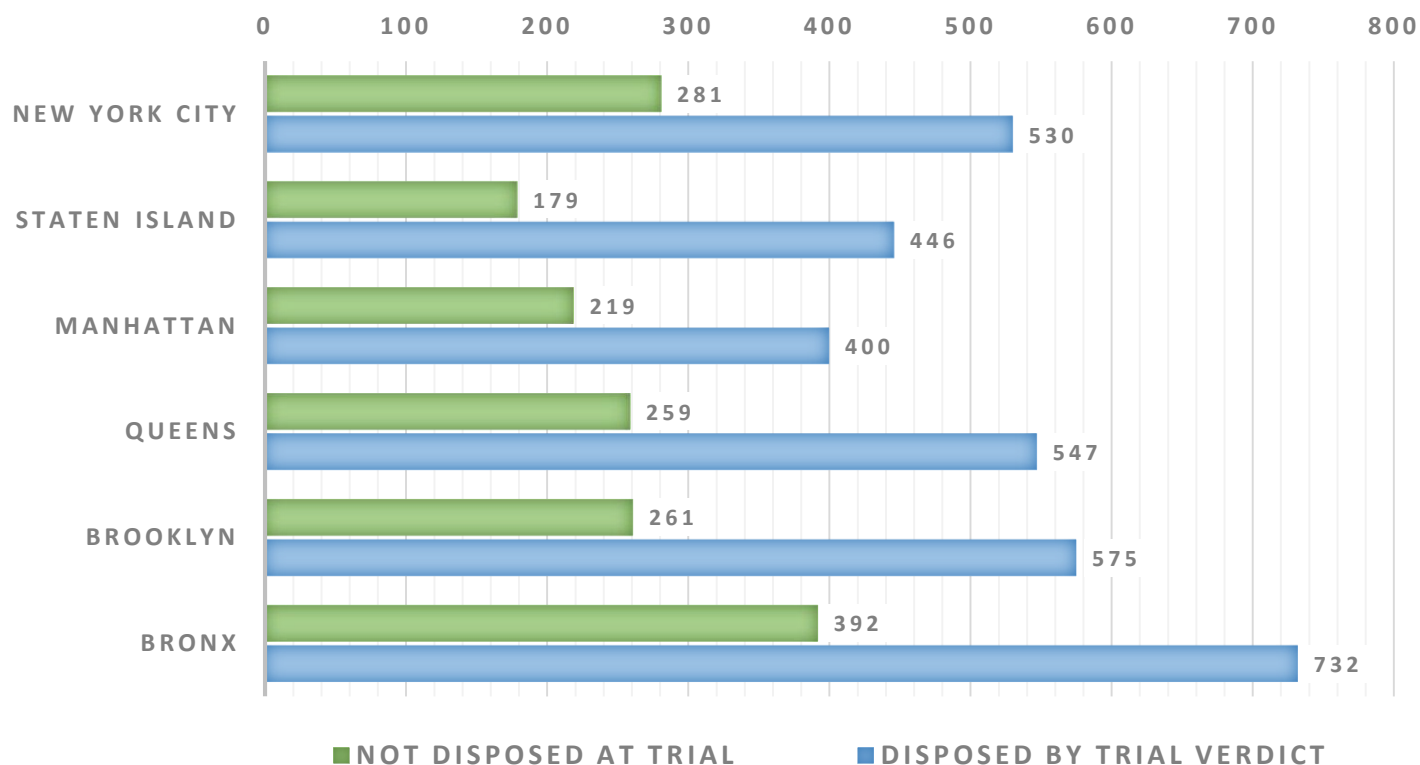
With respect to homicides and other complex cases, some interview respondents suggested that shortages of experienced trial attorneys – both prosecutors and defense attorneys – contribute to significant delays in scheduling trials.<sup>33</sup>

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<sup>33</sup> As noted above, analysis of prosecutorial trial capacity is on the agenda for the second year of the felony case processing initiative. The size of the specialized homicide panels in the Assigned Counsel Plan, the caseloads of the 18-b attorneys on those panels, and the trial caseloads of the 18-b attorneys

Results from the practitioner survey drew specific attention to *pre-appearance conferencing* as a promising practice that could reduce the time that elapses prior to adjourning cases for trial. Of the 92 individual reasons for case processing delays examined in the survey, those with the ten highest actionability scores included: “insufficient conferencing of cases prior to scheduled court appearances to determine whether acceptable plea offer exists or case should be scheduled for trial” (see Appendix A-10). Across several other survey items, respondents also drew attention to discovery-related delays and defense attorney schedules as sources of delay—specifically in setting a trial date.

**FIGURE 6.3. AVERAGE DAYS IN SUPREME COURT BY TRIAL STATUS**



more generally, are currently under examination by the Mayor’s Office of Criminal Justice and the Center for Court Innovation in connection with a separate Smart Defense project funded by the U.S. Bureau of Justice Assistance. Results from that project analysis are expected in 2017.

**Finding #20. Trials are shortest in duration in Manhattan and longest in the Bronx.** In the Bronx, the average length of trials *commenced*, regardless of whether they went to verdict, was 50% higher than the combined average length of trials in Manhattan, Brooklyn, and Queens (10.35 days in the Bronx vs. 6.16, 7.48, and 6.90 days, respectively). The average length of trials that went to verdict was even longer in the Bronx compared to the three other boroughs (12.65 days versus 7.21, 8.47, and 7.56, respectively, with trial length in the Bronx 63% higher than the average of the other large boroughs).<sup>34</sup>

**Finding #21. Key players reported inefficiencies in trial scheduling and management.** All boroughs have personnel and procedures in place to decide, among cases that are ready for hearing or trial, which cases will be sent out to which judges. As expressed in interviews, however, even the most effective “air traffic control” process is likely to have some frictional inefficiency. For example, there will be instances when there is a mismatch between the anticipated number of days a trial will take and the schedule of the available judges or days when unexpected events render an attorney who was available for trial one day unavailable the next. Nonetheless, interview respondents also reported instances when they believed that existing trial resources were underutilized. Reported examples include minimal trial activity on Fridays and trial proceedings often ending unduly early in the day.

## The Impact of Defense Strategy and the Defense Provider

**Finding #22. Supreme Court case outcomes are generally more favorable to the defense as case duration increases – although this pattern does not apply to homicides or in Brooklyn.** As discussed previously, respondents to the practitioner survey cited defense strategy as among the most important factors explaining Supreme Court case processing delays. Official data cannot confirm or quantify the role of defense strategy per se in extending case processing time. However, the results in Table 6.3 indicate that as case duration grew longer, indicted cases became *less* likely to end in conviction on the top felony count (48% convicted on top count if resolved within one year, 40% if resolved within 1-2 years, and 35% if resolved after more than two years). Conversely, cases became more likely over time to end in a dismissal or ACD (11%, 18%, and 24%, respectively, over the

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<sup>34</sup> Staten Island is excluded from this comparison because of the very small number of trials that went to verdict (7) in 2015.

aforementioned three periods). This pattern did not apply to homicides (also shown in Table 6.3). The pattern also did not apply in Brooklyn, where outcomes generally became *less* favorable to the defense as case duration increased (see Appendix A-27, which includes a separate chart for case outcomes in each borough).

Notably, in the Bronx, the general pattern reflected in Table 6.3 strongly applied, as 8% of indicted cases in the Bronx had a dismissal/ACD outcome if resolved within one year, a figure that ballooned to 30% if resolved after more than two years (see Appendix A-27). In addition, the overall rate of dismissal/ACD outcomes for indicted cases in the Bronx was significantly higher (21%) than elsewhere (12% in Brooklyn and Queens and 8% in Manhattan and Staten Island). This last result raises the possibility, first suggested in Chapter 5, that a meaningful number of cases that are indicted at the felony level in the Bronx—which has a comparatively high 39% indictment rate—might have instead have been agreeably and appropriately resolved pre-indictment.

**Table 6.3. Supreme Court Case Dispositions by Case Duration**

	Supreme Court Case Duration			
	All Indicted	Resolved within 12 months	Resolved 12-24 months	Resolved after 24 months
<b>Felony Cases (Total cases)</b>	<b>16,212</b>	<b>10,632</b>	<b>4,325</b>	<b>1,255</b>
<b>All Cases</b>				
Pled to top charge or tried & convicted	45%	48%	40%	35%
Pled to lesser felony	23%	23%	24%	25%
Pled to misdemeanor or lesser offense	18%	18%	19%	15%
Dismissed / Acquitted <sup>1</sup>	14%	11%	18%	24%
<b>Homicide</b>				
Pled to top charge or tried & convicted	41%	36%	44%	43%
Pled to lesser felony	38%	40%	34%	40%
Pled to misdemeanor or lesser offense	4%	7%	4%	2%
Dismissed / Acquitted <sup>1</sup>	17%	17%	18%	15%

*Note:* Reported percentages exclude cases with unknown case outcome (N = 952).

<sup>1</sup> Dismissed or acquitted cases include three sub-categories: (1) straight dismissals; (2) adjournments in contemplation of dismissal (ACDs), which are typically dismissed some time later, generally six months or one year depending on the charge, except in rare instances when the prosecutor acts to re-open the case due to alleged violations of the terms of the ACD; and (3) acquittals at trial. Additional analysis indicated that 5% of all cases resolved in Criminal Court, less than 1% of all cases resolved with an SCI, and 2% of indicted cases are ultimately resolved with an adjournment in contemplation of dismissal.

**Finding #23. A significant percentage of indicted cases change indigent defense providers during case processing.** In each borough, indigent defense providers include the Legal Aid Society, one alternative institutional provider (except in Manhattan where there are two and in Staten Island where there are none), the 18-b panel, and retained attorneys.<sup>35</sup> Official court data indicates that one-quarter (25%) of cases changed defense provider during case processing, with 18% changing providers in the pre-indictment stage and 7% post-indictment—and with multivariable results reported in Chapter 7 linking defense provider changes to longer case duration. The rate of defense provider changes was nearly identical in all boroughs except Manhattan, where significantly fewer cases (only 10%) saw changes in the defense provider (see Appendices A-17 and A-18). Whereas researchers have been advised to treat court data on provider changes as imprecise, the degree of imprecision is unlikely to alter the thrust of the essential findings reported therein.<sup>36</sup>

Most changes of provider involved cases moving from the Legal Aid Society (estimated to represent 48% of cases at arraignment and 32% at disposition) to the 18-b panel (estimated to represent 33% of cases at arraignment and 50% at disposition). There was little movement to or from the alternative institutional providers.

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<sup>35</sup> The 18-b and retained categories both involve private attorneys, except that in conjunction with the Assigned Counsel Plan, 18-b attorneys are accepting indigent defense cases, whereas the defendant pays for representation by a retained attorney.

<sup>36</sup> Researchers have been told by staff from the Division of Technology of the New York State Unified Court System and the New York City Mayor's Office of Criminal Justice that data for defense attorney provider type is imprecise due to clerical data entry errors, with errors generally less likely for attorney type at disposition than at initial Criminal Court arraignment. In general, these accuracy concerns suggest that the prevalence of changes in attorney type may be slightly-to-somewhat overstated in the official data. Nonetheless, the general theme is clear that a non-inconsequential percentage of cases change providers. A related data quality-related concern is that court clerks often cannot distinguish, at arraignment or disposition, 18-b private attorneys (who are court-appointed to represent indigent defendants) from retained attorneys whose representation is paid for by the defendant. To minimize errors stemming from this problem, the 18-b and retained attorney categories were collapsed in all data analyses. Moreover, the analysis only looked at changed in *type* of attorney, not changes from one 18-b or retained attorney to another, a factor often seen in the oldest cases. Multiple attorney changes are often associated with defendants deemed “difficult” by judges, attorneys, and court staff and/or defendants who disagree with their attorneys on case strategy.

In general, provider changes were more common as the charge severity increased. In homicides, by the time of disposition, an estimated 73% were represented by the 18-b panel, 16% by the Legal Aid Society, and 11% by an alternative provider.

The data in Appendix A-18 also shows, for each charge severity, that cases decided by trial verdict were particularly likely to be tried by 18-b attorneys (69% for all charges and 86% for homicides if decided by trial verdict).

**Finding #24. Defense attorney scheduling considerations may contribute to longer case duration.** As noted above, the majority of cases that had been in Supreme Court for more than a year were handled by private attorneys, either 18-b or retained. Many of these attorneys represent clients in multiple boroughs, or even in counties outside of New York City, presenting scheduling challenges that can extend the time between adjournments.<sup>37</sup> In addition, if a private attorney with a solo practice is unable to make a court appearance, he or she cannot ask a colleague to cover, as an institutional defender could.<sup>38</sup> Private attorneys, as noted above, handle a greater percentage than the institutional defense providers of serious cases—including the vast majority of homicides (73%), multiple defendant cases (69%), and cases that go to trial (69%); and their trial schedules further limit their availability for calendar appearances.<sup>39</sup> Interview respondents also noted economic drivers associated with each category of defense attorney that arguably contribute to delay.<sup>40</sup>

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<sup>37</sup> In nearly 10% of the “old” cases – cases that had been in Supreme Court more than three years – the only apparent explanation for the age of the case was scheduling issues.

<sup>38</sup> 18-b attorneys cannot be paid for a court appearance unless they are listed as the attorney of record.

<sup>39</sup> As noted above, the capacity of the 18-b homicide panels is included in a concurrent analysis whose results are expected in 2017.

<sup>40</sup> For example, some respondents suggested that 18-b attorneys, who are paid by the hour, may have an incentive to prolong the amount of time they spend on cases; these respondents suggested that retained attorneys who accept flat fees might prolong cases that could be resolved with an early plea so that their clients will not feel that they overpaid. Respondents also suggested that the payment structure of the institutional defenders’ contracts with the City of New York may encourage them to seek to be relieved of representation of “difficult” clients or cases that are likely to go to trial.

## The Role of the Judge

**Finding #25. Supreme Court case processing outcomes varied based on the judge presiding over the case—although the role of individual judges was ultimately less influential than the impact of the borough in which the judge presides.** The results in Appendix A-19 include average and median adjournment lengths for cases disposed in 2014 that were handled by judges in each of 29 Supreme Court calendar parts (i.e., parts not exclusively focused on hearing trial cases).<sup>41</sup> Within boroughs, average adjournment length ranged from 37-44 days among four judges in the Bronx; 25-35 days among four judges in Brooklyn; 22-43 days among 16 judges in Manhattan; 24-36 days among four judges in Queens;<sup>42</sup> and 26 days for one judge in Staten Island. Multivariable analyses reported below in Chapter 7 confirm that individual judge effects were significant but find that their net impact was relatively smaller than the overall impact of borough.

**Finding #26. Cases move more expeditiously when judges adopt a proactive judicial role.** In interviews, judges and attorneys noted that different judicial skills are necessary to prepare cases for trial, to move parties toward agreement on pleas, and to conduct trials. Both prosecutors and defense attorneys expressed appreciation for calendar judges who take proactive steps to keep cases moving forward, such as holding attorneys accountable for completing between-appearance task.

**Finding #27. Key players conveyed that “unproductive” court appearances are difficult to avoid, although a proactive judicial role may prove helpful.** In interviews, respondents conveyed that Supreme Court appearances often occur where little progress is or can be made, often for reasons beyond the control of the judge or attorneys, such as defendants not produced in court as scheduled, discovery requiring more time, or outside experts (e.g., psychiatrists or DNA laboratories) failing to submit reports. Supreme Court cases averaged within a tight range of 8.6 to 10.1 Supreme Court appearances in four of the five boroughs, seeming to confirm that it is difficult to move average numbers of court

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<sup>41</sup> Results should be interpreted with caution, since not all calendar parts saw identical case types—although the analysis left out highly specialized court parts, including those that handle domestic violence, sex offense, or youth cases. (Due to their high volume, court parts that handle drug cases, but not specialized “drug courts,” were included in the analysis.)

<sup>42</sup> The four judges in Queens are largely not comparable to each other, as only one presides in a general calendar part, whereas three preside in specialized homicide parts.

appearances lower through borough-specific policies and practices (see above in Table 6.2). Queens was the exception, averaging 12.1 appearances per Supreme Court case.

Nonetheless, court observation data points to possible areas where a proactive judicial role might modestly impact appearance numbers—confirming the thrust of the previous finding (#26). Shown in Appendix A-20, of those appearances that ended with an adjournment, 13% were coded as adjourned because the prosecution was not ready, 13% because the defense was not ready, 9% because the defense required more time to file motions, and 4% for other discovery-related delays.

Additional observation data (also in Appendix A-20) suggest that Supreme Court judges often did not take proactive steps to encourage the parties to make progress. Across the 1,275 observed court appearances, the judge provided a sentencing offer (i.e., requiring the defendant to plead to the top charge) in 3% of all appearances; encouraged the parties to arrive at a plea agreement in 6% of appearances; set a trial date given the lack of a plea agreement in 8%; encouraged the parties to limit adjournment length in 4%; reprimanded the prosecutor for a lack of preparation in 4%; reprimanded the defense for a lack of preparation in 2%; and engaged in just one or more of the above actions in 22% of all appearances observed. Whereas these percentages are imprecise, given that court observers could not observe statements or conversations at the bench, and not all cases were necessarily suitable for the aforementioned specific actions, the data broadly suggests that some latitude may exist for more proactive judicial actions. In this regard, *some* of the 29 judges who could be coded on these measures appeared systematically to engage in the above actions far more often than others. On one end of the spectrum, six judges engaged in at least one of the above actions in more than 40% of their observed court appearances, but on the other end of the spectrum, four judges did so in less than 10% of their appearances (see Appendix A-21 for results with each judge observed, where judge and court part names are anonymized to letters, e.g., A, B, C, D, etc.).<sup>43</sup>

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<sup>43</sup> Differences of this magnitude are not reducible to the kinds of cases or stages of processing seen in different court parts; although not all parts saw identical cases, all were calendar parts, and most involved a mix of charges at varying stages of processing.



## Judicial Caseloads, Time, and Resources

**Finding #28. Supreme Court caseload is not associated with case processing outcomes.** As shown in Table 6.4, whereas Manhattan had 28% of all felony arraignments citywide, Manhattan had 35% of *indicted felonies* handled in Supreme Court, a reflection of its relatively high indictment rate. However, despite its higher caseload than any other borough, indicted cases in Manhattan averaged *less* time in Supreme Court than all boroughs except Staten Island (see results above). Conversely, indicted cases in Queens, despite constituting only 11% of the citywide total, averaged *more* time in Supreme Court than all boroughs except the Bronx. In short, the evidence strongly disconfirms the notion that caseload drives or constrains Supreme Court case processing times.

**Table 6.4. Distribution of Caseload by Borough: Felonies Disposed in 2014**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Cases arraigned on felony charges	11,923	13,790	14,445	9,437	1,996	51,591
Percent of caseload in each borough	23%	27%	28%	18%	4%	100%
Indicted felonies handled in Supreme Court	4,587	3,993	5,909	1,862	372	16,723
Percent of caseload in each borough	27%	24%	35%	11%	2%	100%

**Finding #29. On an average day, most Supreme Court calendar parts have a significant quantity of time when they are not in session.** As shown in Table 6.5, court observation data from 33 calendar part observation days indicated that on average, the parts were in session 3 hours and 47 minutes, including 2 hours and 32 minutes hearing cases and 1 hour and 14 minutes waiting for cases to be called (e.g., for defendants to be produced or defense attorneys to be present). On average, the courts heard their first case at 10:07 a.m. and closed for the day at 3:23 p.m. Most had a lunch recess of close to an hour and half (a minimum one-hour recess from 1:00 to 2:00 p.m. must be provided to court officers), although ten of the 33 parts that were observed actually closed for the day after the morning session. These results suggest that the busiest court parts in the Supreme Court—which are the very calendar parts that were observed—still have significant quantities of unutilized time that could enable them to hear more appearances if necessary. Perhaps a reflection of its larger caseload, calendar parts in Manhattan averaged hearing their first case earlier than

elsewhere (9:50 a.m.), closing later (4:06 p.m.), and remaining in session the longest (four hours, 43 minutes excluding lunch). (Appendix A-22 provides key statistics for each of the 33 calendar parts that were observed, with part names anonymized.)

**Table 6.5. Summary Statistics for Observed Calendar Parts**

	Bronx	Brooklyn	Manhattan	Queens	Total <sup>1</sup>
# of cases observed	252	179	751	77	1,259
# of calendar part sessions (days) observed	7	7	17	2	33
Average time per appearance (min)	4.70	4.79	4.43	3.94	4.47
Average court start time	10:18 am	10:21 am	9:50 am	10:02 am	10:07 am
Average court end time	3:37 pm	1:11 pm	4:06 pm	3:17 pm	3:23 pm
Average time in session minus lunch (hr:min)	3:51	2:51	4:43	3:41	3:47
Average time hearing cases (hr:min)	2:18	1:53	3:22	2:36	2:32
Average time waiting for cases to be called (hr:min)	1:32	0:57	1:21	1:05	1:14

<sup>1</sup> All averages are averages of the borough totals: i.e., affording equal weight to each of the four boroughs.

## The Potential Impact of Court Part Structure

**Finding #30. The Manhattan Supreme Court part structure—which differs significantly from other boroughs—appears to facilitate a particularly efficient distribution of the caseload.** A comprehensive analysis of court appearances in each Supreme Court part during two selected months in the first half of 2015 indicated that the Supreme Court held an average of 1,096 appearances per weekday and 8.2 appearances per court part per weekday (see Table 6.6).<sup>44</sup> Reconfirming prior findings, Manhattan had the busiest Supreme Court of any borough, averaging 34% of citywide court appearances. At the

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<sup>44</sup> Technically, the unit of analysis was the judge, rather than the court part, since it is each judge who experiences a daily, weekly, and monthly workload. Where the same judge presides in multiple parts (for instance, a general calendar or trial part as well as a specialized drug court or other problem-solving court part), data for those parts was combined under the one judge.

judge/court part level, Manhattan averaged 11.4 appearances per court part per weekday, compared to 8.9 in the Bronx, 8.4 in Brooklyn, 7.1 in Queens, and 5.3 in Staten Island.

Although judges in Manhattan have a particularly high average caseload, other results indicate that the Manhattan Supreme Court distributes this caseload with greater efficiency than the other boroughs. In its calendar parts—those court parts that hear a general case calendar at least one day per week—Manhattan averaged the *fewest* appearances per day of any borough.

How can it be that Manhattan can average *more* appearances per court part per weekday overall—but *fewer* appearances per court part per weekday in its calendar parts? It is possible, because Manhattan has 16 general calendar parts over which to distribute the caseload,<sup>45</sup> whereas the Bronx has only five general calendar parts (including two parts that hear drug-related cases), Brooklyn also has five, and Queens has just one.<sup>46</sup> (Like Queens, Staten Island also has only one general calendar part, but Staten Island overall hears only 2% of citywide Supreme Court appearances.) Conversely, since Manhattan has far more court parts—and thus judges—who maintain a general calendar, Manhattan has only eight court parts, far fewer than in the three other “large” boroughs (besides Staten Island) that solely hear trials. In effect, by having more than three times the number of general calendar parts as any other borough, and curtailing the number of parts/judges whose workload relies solely or primarily on holding trials, Manhattan achieves the outcome of having the busiest Supreme Court in total, yet the one with the least intensive weekly workload in its highest volume courtrooms. In point of fact, calendar parts in Manhattan only hear cases from their general calendars one or two days per week and tend to hear much larger numbers of cases on those days (also shown in Table 6.6); but those long days are counter-balanced by the rest of each week, which involves relatively few appearances except when trials are underway. Appendices A-23 and A-24 detail appearances by weekday for every (anonymized) court part in the Supreme Court.

Shown as well as in Table 6.6, Manhattan and Staten Island were the only boroughs in which not a single court part averaged more than 30 court appearances per weekday. Hearing 30

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<sup>45</sup> Manhattan has 15 general calendar parts as well as Part 45, which hears a mix of hearings, trials, a calendar caseload from the Special Investigations Bureau (SIB) of the Special Narcotics Prosecutor’s Office, and potentially other matters depending on its daily schedule.

<sup>46</sup> Queens does have three other calendar parts that mostly hear homicide cases. Activity in those parts is also reflected in Table 4.8, with results for the one general calendar part in parentheses.

appearances would likely consume about two and a quarter hours of a court session, given the findings from the court observations that the average calendar appearance lasts 4.47 minutes ( $30 \times 4.47 = 2$  hours, 14 minutes). There would also likely be another hour and a quarter of time in the court session spent in between those 30 appearances waiting for the next one to be called (see Table 6.4 above). Manhattan also had fewer court parts than other boroughs averaging less than two appearances per weekday (20%) and the lowest percentage of weekdays when court parts did not hear any cases (17%). Hence, Manhattan appears more effective than other boroughs at avoiding the extremes of over- and under-utilized parts.

**Table 6.6. Court Appearance and Trial Volume in the Supreme Court in New York City**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>COURT APPEARANCE VOLUME<sup>1</sup></b>						
Appearances per month	5,795	6,165	7,642	3,375	545	23,522
Appearances per weekday	285	243	375	166	27	1,096
Percent of all citywide appearances per day	26%	22%	34%	15%	2%	100%
Appearances per court part per day	8.9	8.4	11.4	7.1	5.3	8.2
Calendar parts: appearances per part per day	26.1	26.4	17.3	18.5 (57.9) <sup>3</sup>	18.9	22.2
Calendar parts on calendar days: appearances per part per day <sup>2</sup>	36.9	30.3	62.2	18.5 (57.9) <sup>3</sup>	18.9	33.4
Percentage of parts averaging more than 30 appearances per weekday	9%	9%	0%	4%	0%	4%
Percentage of parts averaging less than two appearances per weekday	39%	30%	20%	28%	40%	31%
Percentage of weekdays with zero (0) appearances (average for all parts)	29%	26%	17%	19%	24%	23%
<b>COURT APPEARANCE VOLUME<sup>4</sup></b>						
Number of Trial Verdicts	146	216	327	236	9	934
Number of Court Parts Holding Trials	27	24	29	18	2	100
Average trials per court part ( <i>if &gt; 1</i> )	5.4	9.0	11.3	13.1	4.5	9.3

<sup>1</sup> The results in this section are based on court appearances in January and June 2015. For each month, court parts are included if they heard at least one case (one appearance), and multiple parts presided over by the same judge, if possible, are combined for the purpose of this analysis.

<sup>2</sup> This data isolates appearances in calendar parts only on calendar days as well as, for full-time calendar parts, omitting days where court was not in session for miscellaneous reasons (vacations, other commitments of the presiding judge, etc.).

<sup>3</sup> Numbers in parentheses are exclusively for Part TAP A, which handles a general caseload, as opposed to three additional calendar parts in Queens, which primarily handle homicide cases.

<sup>4</sup> Numbers are based on all cases disposed at trial in 2014 in the New York City Supreme Court. Note that numbers of court parts holding trials may vary from year to year based on judicial staffing and temporary vacancies, in addition to intentional changes to the court part structure.

Manhattan also appears to distribute its trials the most widely across its judges and court parts of any borough, holding trials in 29 parts, which averaged 11.3 trials each in 2014. Although Manhattan had significantly more trials than any other borough (375), the average of 11.3 trials per trial part was only somewhat higher than the citywide average of 9.3. Allowing that 11.3 trials does not generally produce a calendar year of trial-related work for the presiding judge, the court part structure in Manhattan, in which most trial judges maintain a general calendar as well, has self-evident advantages in ensuring that judges and court parts have minimal stretches of time with little or no activity. The distribution of trials in 2014 in each (anonymized) Supreme Court part is in Appendix A-25.

A final efficiency stemming from the court part structure in Manhattan is that, of cases disposed in 2014, Manhattan had more than 30% fewer court part changes during Supreme Court processing than the three other large boroughs (excluding Staten Island)—a reflection of the capacity of Manhattan’s large number of calendar judges to maintain their caseload all the way to disposition, including the possibility of holding a trial if necessary. Conversely, Queens had the highest percentage of cases of any borough with multiple court part changes—including an estimated more than one-third of cases that changed court parts three or more times. The high prevalence of court part changes in the Queens Supreme Court may, at least in part, result from Queens only operating one general calendar part and consequently needing, in the course of adjudication, to route many cases from that one high-volume part out to others. (Data on court part changes is in Appendix A-26.) In general, this discussion suggests that court part changes can increase average case duration.

## The Impact of Discovery, Motion Practice, and DNA-Related Delays

**Finding #31. Discovery and motion practices vary across the boroughs, but the available data does not establish conclusively whether these practices affect case processing length.** The Brooklyn District Attorney’s Office has the most “liberal” discovery policy, employing an “open file” or “discovery by stipulation” protocol under which the District Attorney’s Office provide discovery material to the defense on an ongoing basis and consent to certain hearings without requiring a formal defense motion. The Manhattan’s District Attorney’s Office has, according to those interviewed, the most restrictive discovery practices, requiring defense attorneys to follow procedures for discovery demands and motions set forth in the Criminal Procedure Law. Interview respondents

reported that the practices in the Bronx, Queens and Staten Island fall in between,<sup>47</sup> varying in part based on the individual assistant district attorney or bureau. Executives in all of the District Attorney's offices cite concerns about witness safety as the most challenging issue related to early discovery. In interviews, defense attorneys pointed out that they are hampered in conducting investigations if they do not know who the complainants and witnesses are, that they cannot give meaningful advice to their clients on case strategy and viability of plea offers if they do not know the strength of the prosecutor's evidence; and that defendants are more willing to consider plea offers if they have seen that the prosecutor has a strong case.

The District Attorneys (DAs) in both Manhattan and Queens piloted early voluntary discovery programs in recent years, which were not viewed by the defense bar as favorably as the Brooklyn DA's open file policy. The pilot in Manhattan involved one trial bureau and two Supreme Court parts, with early voluntary discovery protocols offered in one court part and not the other. The Manhattan DA's internal analysis of 59 pilot cases showed that cases subject to the pilot discovery protocols took longer to reach disposition than those that did not; the Manhattan DA also points to longer case processing times in Brooklyn as evidence that open file discovery does not yield speedier dispositions. (Brooklyn is, in fact, in the middle of the five boroughs with the third longest/shortest processing time among indicted cases, and Brooklyn has the second fastest average processing time among *all* cases that begin as a felony, regardless of whether or not they were indicted.) Nonetheless, the Manhattan DA's Office has recently instituted new early voluntary discovery protocols in certain types of cases that do not require testimony from civilian witnesses.

Additional discovery and motion considerations raised by those interviewed include:

1. Prosecutors are not always able to obtain discovery material from the New York Police Department (NYPD) as quickly as they would like.
2. Production of grand jury minutes is often delayed. This was ranked close to the midpoint of all survey items (52 out of 92 items) but had a high score for reform potential.

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<sup>47</sup> As noted above, local practice in Staten Island defers even omnibus motions until it is clear that a case will not be disposed of by a plea.

3. Bifurcation of hearings and trials can aid in discovery and expediting case disposition. Hearings can give both parties a better sense of the strength of the prosecutor's case, resulting in more realistic plea offers and greater willingness by defendants to accept those offers. Hearings can also shorten the time to trial readiness by taking issues off the table.

**Finding #32. Backlogs related to DNA issues have been reduced, but lengthy motion practice is likely to continue without additional reforms.** Before the outset of the case processing project, there was a substantial backlog of DNA samples to be tested at the Office of the Chief Medical Examiner (OCME). OCME substantially reengineered its business processes in 2014 and 2015, significantly reducing the number of number of DNA samples awaiting testing.<sup>48</sup> New York City Mayor de Blasio has committed additional funding to OCME to sustain this improved efficiency even as the volume of DNA tests of swabs from guns is expected to increase.<sup>49</sup>

In addition, at the outset of the case processing project, a number of judges had been deferring decisions in *Frye* hearings regarding the acceptance in the scientific community of certain methodologies used by OCME, pending a decision from a Brooklyn judge who had conducted a lengthy *Frye* hearing in two companion cases. The oral decision in that hearing was issued in January 2015 and the written decision in July 2015,<sup>50</sup> and interview respondents reported that *Frye* hearings and decisions are now moving forward on a normal schedule. Respondents also expect, however, that extensive motion practice in cases involving DNA is likely to continue or even increase as gun cases, often involving small samples of DNA, receive heightened attention.

## Pretrial Detention Status

**Finding #33. Detained cases average fewer days to disposition than released cases, partly attributable to 180.80 requirements.** Shown in Figure 6.4, indicted cases averaged fewer days to disposition if they were detained throughout case processing

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<sup>48</sup> Correspondence with Timothy Kupferschmid, Chief of Laboratories, and Florence Hutner, General Counsel, at OCME.

<sup>49</sup> Press release, January 12, 2016, "Mayor de Blasio and State Courts Announce "Project Fast Track" to Ensure Shooters are Quickly Apprehended and Remain off the Streets."

<sup>50</sup> *People v. Collins*, 49 Misc 3d 595 (2015).

(258 days) than if they were detained for only part of processing (313 days) or released throughout (353).<sup>51</sup> Also shown in Figure 6.4, most of the difference was attributable to a shorter time from Criminal Court arraignment to indictment among detained cases, likely reflecting the impact of 180.80 requirements. When isolating Supreme Court processing *after indictment*, cases detained throughout processing still averaged less time than cases detained during only part or none of the case processing period, although the difference became relatively small in magnitude (281 v. 285 v. 301 days).

To summarize, detained cases averaged less processing time than released cases in the preexisting status quo; yet, once cases reach Supreme Court, the differences became marginal, pointing to a potentially fruitful area for future reform efforts (see additional relevant statistics in Appendix A-28).

At the same time, detained and released cases are fundamentally different in ways that cannot all be statistically controlled; hence, it cannot be concluded with certainty that the exact same types of cases are handled no differently based on release status.

However, for reforms to proceed, relevant policymakers and practitioners must obviously agree to prioritize the goal of reducing days spent in pretrial detention. Yet, it is notable that not all players support this goal. In interviews, some judges noted that the city's stated goal of reducing costs associated with pretrial detention—by shortening felony case processing times and moving guilty defendants to state prison more quickly—is not a concern of the judiciary. Some prosecutors stated that their public safety concerns were equally well met by keeping defendants at the Rikers Island jail complex pretrial or in upstate prisons after conviction and sentencing (i.e., presumably for those pretrial detention cases that, in retrospect, in fact ended in conviction and a prison sentence). These respondents expressed support for the case processing initiative generally—just not for a focus on detained cases.<sup>52</sup>

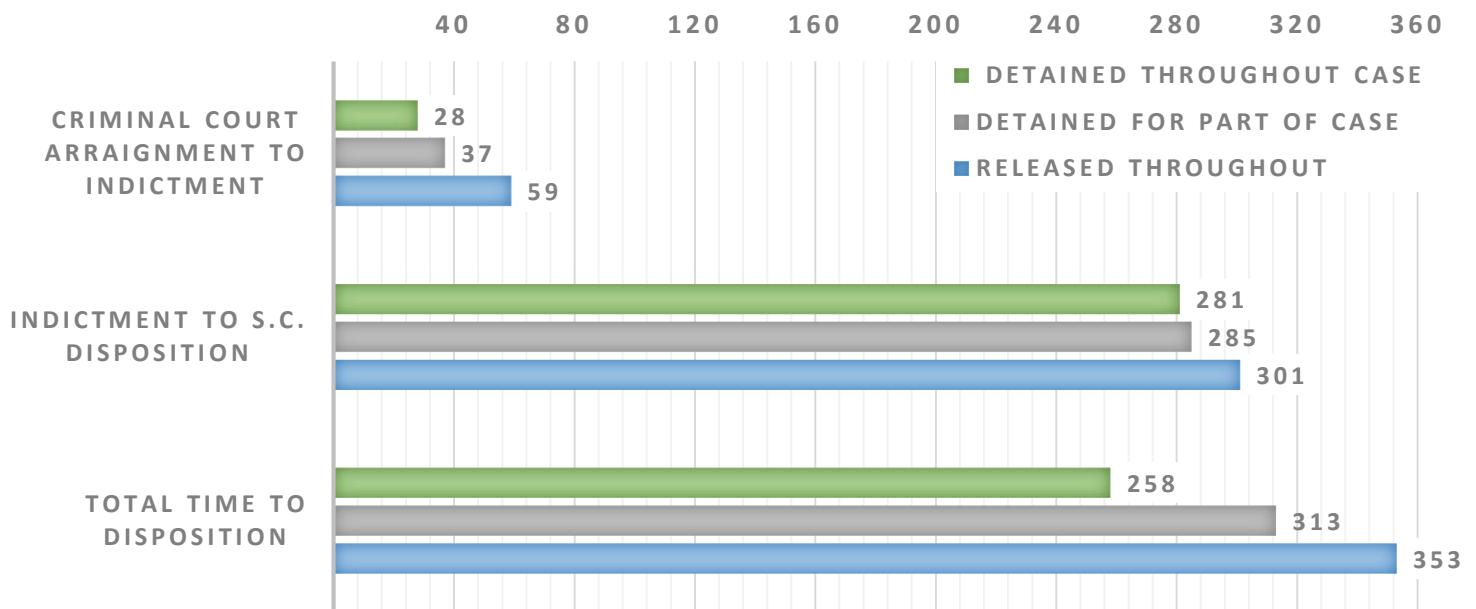
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<sup>51</sup> Indicted homicides were excluded from the figure, as most were detained throughout the pretrial period, and the results among homicides obscured the trend with all other charges; specifically, homicides that were detained throughout the pretrial period averaged more time to disposition than the small subgroup of homicides that were released at some point (586 vs. 654 days), the opposite of the trend with all other charges.

<sup>52</sup> In interviews, prosecutors noted that delay generally hurts the People's case and voiced support for the goal of reducing felony case processing times for both detained and out defendants. Judges, prosecutors and defense attorneys often reflected that "justice delayed is justice denied," noting in particular that some



**FIGURE 6.4. IMPACT OF DETENTION STATUS ON CASE MILESTONES**



## Fitness to Proceed (Article 730 of the Criminal Procedure Law)

**Finding #34. Fitness to proceed (730) proceedings extend time to disposition in Supreme Court cases; but because these proceedings are rare, they do not meaningfully affect overall outcomes.** Of Supreme Court cases disposed in 2014, only 2% were involved in 730 proceedings (results in Appendix A-29). However, when they occur, 730 exams can significantly extend the time to disposition, demonstrated in the file reviews of cases three or more years old, 14% of which involved 730 proceedings.

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pretrial detainees are innocent or will be found not guilty or have their cases dismissed or withdrawn; judges and prosecutors also noted that justice for victims is delayed when case processing is unduly prolonged.

Interview respondents indicated five distinct stages where case processing delays can arise in connection with 730 proceedings:

- 1. Examination process.** Judges may order 730 examinations on their own initiative or at the request of the prosecutor or defense attorney. These examinations are conducted by two or three mental health professionals at forensic clinics located in each Supreme Court building (exams for defendants in Staten Island are conducted at the Brooklyn clinic), who submit their findings to court in written reports. Attorneys, court personnel, and the clinic staff acknowledged the lack of any common tracking mechanism or regular reports on time frames and noted room for improvement in communications between the courts and the clinics. Respondents also noted problems related to inmate production, obtaining records from correctional health providers or court clinics in other counties, and interpreters.
- 2. Legal determination of fitness or unfitness.** The Criminal Procedure Law provides for hearings on a defendant's fitness under specified circumstances.<sup>53</sup> The finding of fitness or unfitness is ultimately a legal determination made by the judge.<sup>54</sup> Information from key players indicates that Brooklyn has the largest number of hearings but initiates and concludes them in a much shorter time frame than the other boroughs.
- 3. Transfer to a forensic hospital.** Following a judicial order of commitment, which remands a defendant to the custody of the New York State Office of Mental Health (OMH), OMH designates a forensic psychiatric hospital (Mid-Hudson or Kirby) at which the defendant will be restored to fitness. DOC is responsible for transporting the defendant to the hospital when OMH determines that a bed is available. Respondents noted that unfit defendants often have to wait at Rikers until a hospital bed is freed up by a defendant whose fitness has been restored.
- 4. Restoration of fitness and return to court.** OMH notifies the court when its doctors have determined that a defendant is fit to proceed. Once the court sets a calendar date, OMH and DOC coordinate on returning the defendant to the Rikers Island jail complex a few days before the court appearance. Delays in calendaring the cases of defendants restored to fitness may cause defendants who have more recently been found unfit to be held at Rikers until a hospital bed is available.

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<sup>53</sup> CPL 730.30.

<sup>54</sup> *People v. Phillips*, 16 N.Y.3d 510 (2011).

5. **Maintenance of fitness.** Some defendants cycle through multiple 730 proceedings during the course of their court proceedings. The New York State Office of Mental Health reports that 22-25% of admissions to forensic psychiatric hospitals on 730 orders are recidivists. To help maintain the stability of defendants who have returned from OMH hospitals, DOC and Health & Hospitals have created a new PACE (Program to Accelerate Clinical Effectiveness) unit to provide more intensive clinical care; OMH has also funded a team of care coordinators to provide continuity of care to defendants who are not on the PACE unit. Lengthy case processing times also contribute to the possibility of defendants decompensating and going through the 730 process again.

## Current Utilization of Court Resources

**Finding #35. Caseload and distribution of judicial and non-judicial resources do not currently constrain case processing efficiency.** Shown in Table 6.7, Manhattan had the highest number of new filings, dispositions, trials commenced, verdicts, and days on trial per judicial officer of the five boroughs in 2015.<sup>55</sup> Regarding court clerks, Manhattan and Staten Island had the highest number of new filings and dispositions per clerk as well as the most trials commenced, verdicts, and days on trial per clerk.<sup>56</sup> Similarly, Manhattan had the highest levels of activity on most court activity measures per court officer, while recognizing that available measures collected in the resource analysis do not capture much of the work for which court officers are responsible.<sup>57</sup> (Results for court clerks

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<sup>56</sup> For this analysis, no distinction was made among categories of clerks. Internal divisions between in-court and back office clerks exist and are often consistent day-to-day, but clerks can be moved among posts with minimal training.

<sup>57</sup> Court officers in each borough are responsible for security in the lobby of their respective court house/entrance, including the magnetometer posts; hallways, outside perimeter; garage/parking lot; and courtrooms. They also escort incarcerated defendants between a designated area near the holding cells under Department of Correction (DOC) control and the courtrooms. Some boroughs have a small number of officers assigned to additional posts such as video conference units, control rooms and cashier desks. Court Officers move between posts frequently, often within the same day, although some officers will be posted in the same court part or in the lobby with regularity. The frequent movement is decided by sergeants and lieutenants who respond in real-time to court flow changes throughout the day. The lobby of each courthouse usually requires more security personnel first thing in the morning and after the lunch break. Court parts may require additional officers at different points in the day when there are complicated cases, such as the presence of a witness or cases with multiple defendants. Cases with incarcerated defendants also require additional security officers. Thus, the number of officers stationed in each court part can change throughout the day. Although OCA established standards for the minimum number of court officers needed in parts, respondents reported that this number is not currently achieved

and officers are in Appendix A-29.) Despite the greatest amount of caseload activity among judicial and non-judicial staff in the Manhattan Supreme Court—made necessary since Manhattan has the largest caseload of indicted cases of the five boroughs—Manhattan still achieves the most efficient average case processing times of the four large boroughs, as shown in previous findings. Accordingly, Supreme Court caseloads do not currently appear to constrain or limit case processing outcomes.

**Table 6.7. Court Activity by Judicial Officer in 2015**

	Bronx	Brooklyn	Manhattan	Queens	Staten Island
<b>TOTALS PER JUDGE<sup>1</sup></b>					
New Filings	137	141	196	114	136
Dispositions	142	128	213	126	130
Trials Commenced	6	6	13	9	4
Verdicts	5	5	11	8	2
Days on Trial	60	45	77	59	32
Hearings Commenced	11	17	26	33	12
Days on Hearing	21	20	33	34	18
Pending Dispositions	133	92	122	52	64

<sup>1</sup>Including judges and judicial hearing officers assigned to Supreme Court

### **Finding #36. All boroughs have sufficient jurors to meet their current trial**

**needs.** Data provided by the Jury Support Office of the Office of Court Administration and county clerks plus census data indicates that each county is able to qualify and summon a

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in any borough. Key players in each borough reported difficulties fully staffing the courthouse with officers, and the major in each borough expressed a degree of concern about the potential dangers presented by leaving posts insufficiently filled. Each borough's major uses an internal standard for the minimum number of officers needed in order to open a part; infrequently, a Supreme Court part will not be able to open due to lack of court officer availability. In contrast, respondents report that Criminal Court parts frequently have to close due to unavailability of court officers, significantly impairing efficiency of court operations. Supreme Court Officers do not interchange with Criminal, Civil or Family Court Officers. In courthouses that include more than one type of court, there is typically a clear division of responsibility between different types of court officers. For example, in Manhattan, Criminal Court officers are responsible for lobby security at 100 Centre Street, and Supreme Court officers are responsible at 111 Centre Street. Officers will occasionally help out other departments with a particular situation or need, but these are rare exceptions.

sufficient number of jurors for both civil and criminal cases. Although there are some differences in the demographic characteristics of the counties, these do not result in significant differences in the percentage of the population potentially eligible to serve as jurors. Similarly, the differences among the counties in the rates at which potential jurors are determined to be qualified or unqualified or who are not found or are excluded for cause do not affect the counties' ability to summon a sufficient number of jurors.

County clerks employ different practices in summoning jurors: In Manhattan<sup>58</sup> and the Bronx, jurors are summoned for two days or one trial (jurors are excused after two days of service if not empaneled); in Brooklyn, jurors are summoned for one day or one trial; and in Queens and Staten Island, summoned jurors are on telephone standby for up to five days and, if required to appear in person, will report for one day or one trial.<sup>59</sup> The voir dire process is in the hands of individual judges and is not affected by the practices of the county clerks or their jury administrators.<sup>60</sup> See Appendix F for detailed statistics on each component of the jury process by county.

## Current Pending Caseload in the Supreme Court

**Finding #37. The Bronx Supreme Court has the largest pending caseload per judge and per non-judicial personnel, reflecting aforementioned findings regarding the longer average time required for Supreme Court cases to reach**

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<sup>58</sup> The New York County Clerk currently only summonses jurors to report on Mondays and Wednesdays. If judges need jurors summoned on Wednesday to remain for a third day, they must notify the county clerk by mid-afternoon on Thursday.

<sup>59</sup> Procedures for summoning jurors in Kings, Queens and Richmond Counties are consistent with national best practice standards for juries. New York and Bronx Counties are the only two counties in New York not adhering to best practice standards. [Pfau, A. (2011). First Annual Report Pursuant to Section 528 of the Judiciary Law, [http://www.nycourts.gov/publications/pdfs/528\\_ReportNov2011.pdf](http://www.nycourts.gov/publications/pdfs/528_ReportNov2011.pdf); Lippman, J. & Pfau, A. (2009). New York State Unified Court System Best Practices for Jury System Operations, <http://www.nycourts.gov/publications/pdfs/JuryBestPractices.pdf>.]

<sup>60</sup> On average, the number of hours to empanel a civil jury ranges from a low of four in the Bronx to seven in New York County; the number of hours required to empanel a criminal jury ranges from a low of seven in Kings and New York Counties to a high of 18 in the Bronx. To empanel a civil jury, the average number of jurors called for voir dire ranges from 24 jurors (Bronx and Kings) to 41 (Richmond); to empanel a criminal jury ranges from 62 (Queens) to 107 (Bronx). Notwithstanding these differences in the number of jurors who will be called for voir dire, the number that reports for duty in each borough is more than enough to generate sufficient jurors for the current volume of civil and criminal trials.

**a disposition in the Bronx.** As the borough with the largest number of indicted cases per year, Manhattan is a close second to the Bronx on the size of the pending caseload per judge, clerk, and court officer. Queens has the lowest pending caseload per staff member. As discussed previously, the size of the pending caseload reflects both the number of newly indicted cases per year—which is largest in Manhattan—and average case processing time per case—which is longest in the Bronx. Prior findings indicate that the size of the caseload overall and per staff member does not currently constrain the capacity of any borough to process Supreme Court cases efficiently.

Concerning the number of cases pending in each borough for more than one year as of March 25, 2016, the Bronx Supreme Court had a total of 1,649 such cases, representing 47% of the citywide total; as a subset of this total, the Bronx had 531 one-year or older cases in pretrial detention, representing 41% of the citywide detained total. Among other boroughs, the numbers pending for more than one year as of March 25, 2016, with detained numbers in parentheses, were 816 (326) in Manhattan, 628 (268) in Brooklyn, 397 (154) in Queens, and 53 (21) in Staten Island.<sup>61</sup>

## Calendar Management

In explaining case processing delays, national research tends to place significant emphasis on judges' everyday practices in managing their court calendars, screening and triaging their cases, setting firm trial dates when necessary, and holding attorneys and other players accountable for making progress. Although the effects of effective calendar management practices could not be quantified, Appendix G describes what these practices might look like in the New York City Supreme Court, based on a combination of interviews with select Supreme Court judges and prior research on this topic by the National Center for State Courts.<sup>62</sup>

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<sup>61</sup> Data provided by the New York State Office of Court Administration and disseminated to the citywide case processing committee by the New York City Mayor's Office of Criminal Justice on April 5, 2016.

<sup>62</sup> See, especially, Steelman, D. C., and Griller, G. M. (2013). *Rethinking Felony Caseflow Management to Create a Culture of High Court Performance*. Williamsburg, VA: National Center for State Courts; Steelman, D. C., with Goerdt, J. A. and McMillan, J. E. (2000). *Caseflow Management: The Heart of Court Management in the New Millennium*. Williamsburg, VA: National Center for State Courts. Van Duizend, R., Steelman, D. & Suskin, L. (2011). *Model Time Standards for State Trial Courts*. Williamsburg, VA: National Center for State Courts.

## Chapter 7

# Quantifiable Predictors of Case Outcomes and Future Projections

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This chapter lends further quantitative rigor to some of the aforementioned findings, reporting the results of multivariable analyses predicting case duration. The chapter concludes with results from a hypothetical reform scenario.

## Quantifiable Predictors of Case Outcomes

The multivariable results presented in Table 7.1 utilize different numbers of “+” and “-” signs to convey the direction and relative importance of each of several quantifiable factors that are associated with case duration (see explanatory footnotes at the bottom of the table). Results for each factor are valid after controlling for the effects of all others in the table.

### Predictors of Adjournment Length

As shown in the first column of Table 7.1, barely any characteristics were strongly associated with variations in adjournment length, with four major exceptions. Adjournment length was: (1) far longer in the Bronx than elsewhere (five “+” signs); (2) even longer in the Bronx when 18-b or private attorneys represented the case; (3) not as long with detained cases; and (4) variable based on which court part—i.e., judge—presided over the case.

### Predictors of Case Duration

Of available quantifiable measures, the following factors were most strongly associated with case duration (mainly listed in order of appearance in Table 7.1, not in order of impact):<sup>63</sup>

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<sup>63</sup> With several exceptions, factors associated with the number of Supreme Court appearances were broadly comparable to factors associated with overall case duration. All results are in Table 7.1, but the narrative in this chapter underlines major findings related to case duration.

- **Borough Differences:** Case duration was significantly longer in the Bronx (strong impact), somewhat longer in Queens, and shorter in Staten Island than other boroughs.
- **Charge:** Homicides ran much longer (strong impact) than cases with other charges. Sex offense cases also ran significantly longer than other violent felony offenses (VFOs); and, in turn, other VFOs lasted significantly longer than nonviolent felonies.
- **Defense Provider:** There was little difference in case duration between cases represented by the Legal Aid Society and the alternative institutional providers. Cases represented by the 18-b panel, however, ran significantly longer than others. Furthermore, relative to 18-b attorneys generally, average case duration among cases represented by 18-b attorneys in the Bronx was especially long (even after controlling for other factors, including that cases in the Bronx lasted longer than in other counties generally). As discussed previously, private attorneys may be the source of scheduling-related delays not seen with attorneys from the institutional defense provider agencies. Yet, clear attribution is challenging, as 18-b attorneys also generally represented more complex cases than other attorneys in ways that could not always be quantified. (The data allowed some, though not all, aspects of case complexity to be taken into account; and, for example, cases handled 18-b attorneys took longer than cases handled by other attorneys even after controlling for charge type, charge severity, and whether or not the case involved multiple defendants.)
- **Change in Defense Provider:** Among cases initially arraigned on felony charges, having a change in the type of defense provider during case processing (most often from the Legal Aid Society to 18-b) was strongly associated with longer case length.
- **Indictment Status:** In predicting the case length of all cases initially arraigned on felony charges, just two variables that hinged on the case having been indicted—whether or not there was an indictment and the number of days from arraignment to indictment—explained 8.6% of overall variation in case duration, a relatively high percentage of variation explained for only two variables.
- **Adjournment Length:** Overall adjournment length was among the most powerful quantifiable predictors of case duration (five “+” signs). In the Bronx, the length of the adjournment between the Supreme Court arraignment and the next appearance—which often runs extremely long, as discussed in the previous chapter—was also strongly associated with overall case duration.
- **Trial Status:** Cases decided by trial verdict averaged a far longer case duration than cases not decided at trial (four or five “+” signs in the two analyses reported in Table 7.1 that predict case duration). However, since Manhattan is speedier than other boroughs in bringing cases to trial and resolving such cases, trial status had less of an impact on case duration in Manhattan than elsewhere. Manhattan’s efficiency in



bringing cases to trial combines with evidence from the preceding chapter in indicating that the court part structure in the Manhattan Supreme Court may be advantageous.

- **Other Significant Predictors:** The identity of the Supreme Court part (i.e., judge) had a significant impact on case duration, although this factor explained a relatively small amount of the overall variation. Cases involved in 730 (fitness) proceedings averaged a significantly longer duration than others, although because there were so few such cases, this factor too ultimately explained extremely little variation. Similarly, detained cases averaged a significantly shorter duration than released cases; yet, the magnitude of this impact was small in general and smaller than would be desired, given the contemporary policy focus on reducing the jail population. Finally, multiple defendant cases did *not* have significantly longer case processing time than others.

Appendix A-30 provides further details, presenting beta coefficients for a series of multivariable models predicting case duration from initial arraignment to disposition.

Figure 7.1 graphically illustrates the key drivers of case length for indicted felonies.<sup>64</sup> The factors most strongly and directly associated with a longer case duration are in the middle column, where thicker lines indicate a more powerful impact and black lines indicate a negative effect. The significant direct predictors of case processing time (middle column, from the top to bottom of the figure) are: days from initial arraignment to indictment; case disposed by trial verdict—but as shown in the third box down Manhattan processes trial cases in significantly *less* time than other boroughs; attorney changes; longer time from first to second court appearance in the Bronx Supreme Court (where early motion practice adjournments run particularly long); and average adjournment length overall (all boroughs).

Moving back to the first column of Figure 7.1 enables understanding how borough and charge-related characteristics affect the measures in the middle column, which in turn affect case processing time. For instance, the thick blue line from the Bronx to adjournment length signifies that average adjournment length is far longer among cases heard in the Bronx than in other boroughs—which in turn largely explains *why* cases in the Bronx average more case processing time than in other boroughs.

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<sup>64</sup> The path model was fitted using AMOS, a statistical software program. The model explains 20% of the variance in case processing length. Standardized estimates less than .05 are not reported. Standardized estimates between .05 and .09 indicate very small effect size (depicted by dashed lines); .1-.19 is small (narrow line); .2 to .29 is moderate (medium-sized line) and larger than .4 is a strong effect (wide line).

**Table 7.1. Factors Associated with Felony Case Processing Outcomes: Cases Arraigned on a Felony in Criminal Court and Disposed in 2014**

Population for Analysis	Indicted Cases Only			All Felony Arraignments
Case Processing Outcome Measure (Dependent Variable)	Adjournment Length	Supreme Court Appearances	Time in Supreme Court	Total Case Duration
Maximum Number of Cases	16,701	16,701	16,701	50,445
Mean Outcome (Standard Deviation)	32.2 (18.0) days	9.6 (8.7) apps.	291 (257) days	199 (148) days
<b>MODEL 1: BOROUGH<sup>1</sup></b>	09.6%	02.0%	07.5%	5.7%
Bronx	+++++	++	+++	++
Brooklyn	--	-	0	-
Manhattan	++	+	0	+
Queens	--	++	+	++
Staten Island	--	0	-	-
<b>MODEL 2: TOP CHARGE<sup>2</sup></b>	9.7% (0.1%)	15.8% (13.8%)	16.2% (08.7%)	14.3% (8.6%)
<b>Charge Severity</b>				
Violent Felony Offense (VFO) Charge	0	++	++	++
<b>Charge Type<sup>3</sup></b>				
Homicide	-	++++	++++	+++
Sex Offense	0	+	++	+
Assault (non-domestic violence)	0	+	+	+
Burglary (non-VFO)	-	0	0	0
Grand Larceny and other Property	-	-	-	-
Drug Sales or Possession	-	-	-	-
Driving While Intoxicated (DWI)	-	-	-	-
Firearms or other Weapons	0	+	0	0
<b>MODEL 3: DEFENSE PROVIDER<sup>4</sup></b>	9.9% (0.2%)	20.7% (4.9%)	20.1% (3.9%)	22.6% (8.3%)
Legal Aid	0	0	0	+
Alternative Institutional Provider	0	0	0	-
18-b Panel or Private (citywide)	0	+++	++++	+++
18-b Panel or Private in the Bronx	++	0	++	+
At least one change of provider	0	+++	0	+++

**Table 7.1. Factors Associated with Felony Case Processing Outcomes (Continued)**

Population for Analysis	Indicted Cases Only			All Felony Arraignments
<b>MODEL 4: DETENTION STATUS</b>	11.2% (1.3%)	21.1% (.4%)	20.1% (.0%)	24.1% (1.5%)
Detained at arraignment				-
Detained Part of Time in S.C.	--	+	0	0
Detained All of Time in S.C.	--	+	-	-
<b>MODEL 5: INDICTMENT STATUS</b>				32.7% (8.6%)
Indicted <sup>6</sup>				++
Days to indictment ( <i>if indicted</i> )				+++
<b>MODEL 6: 730 STATUS</b>	11.4% (0.2%)	22.6% (1.4%)	20.4% (0.3%)	32.8% (0.1%)
730 Fitness Exam Ordered	--	+++	++	+
<b>MODEL 7: SUPREME COURT PART<sup>6</sup></b> <b>(Calendar part involved in processing)</b>	13.0% (1.6%)	24.8% (2.2%)	22.7% (2.3%)	34.3% (1.5%)
Significant parts in the Bronx	3	3	3	3
Significant parts in Brooklyn	4	4	4	4
Significant parts in Manhattan	6	5	8	8
Significant parts in Queens	0	2	2	2
Significant parts in Staten Island	0	0	0	0
<b>MODEL 8: SUPREME COURT PROCESSING</b>		37.9% (13.1%)	30.7% (8.0%)	40.8% (6.5%)
Disposed at Trial (citywide; yes/no)		+++++++	+++++	++++
Disposed at trial in Manhattan (yes/no)		-	--	-
Days, Indictment to S.C. Arraignment		-	0	+
Days, 1st to 2nd Appearance (citywide)		--	+	0
Days, 1st to 2nd Appearance in Bronx		++	++++	++++
Average adjournment length			+++++	+++++

*Note:* All results are based on OLS regressions, with parameters entered additively as blocks based on section breaks in the table (i.e., for each numbered Model). The numbers are R<sup>2</sup> statistics, provided for cumulative models, with the R<sup>2</sup> for the most recent block in parentheses. The + and - notations indicate direction and strength of effect. Specifically, + and - notations are exclusively provided if an effect is statistically significant (.05 level or better). One + or - = absolute value of the beta coefficient is less than .050; two +'s or -'s = absolute value from .050 to .099; three +'s or -'s = absolute value from .100 to .149, four = .150 to .199; five = .200 to .249; six = .250 to .299; and seven = .300 to .388. (One beta reached .388: disposed at trial in explaining the number of court appearances).

<sup>1</sup> The final reference was Brooklyn, but test models were used to generate coefficients for Manhattan.

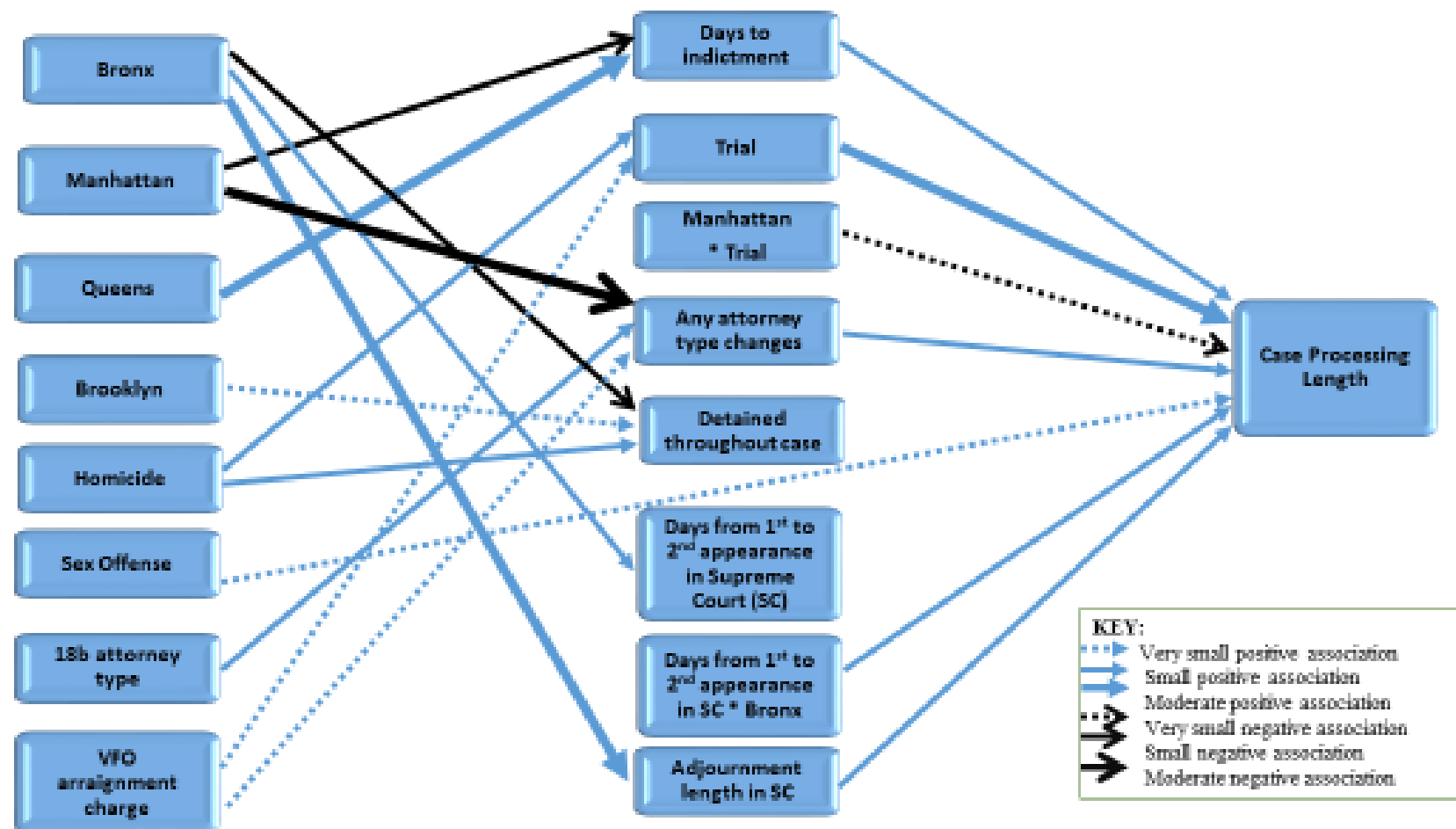
<sup>3</sup> Omitted charge types were not significant (in test models). All charge types not shown were combined to be the reference category.

<sup>4</sup> Due to greater reliability and accuracy, defense provider at disposition rather than at initial arraignment was used. The interaction term Bronx\*18-b was added based on strong significance in exploratory models. Conversely, since change of provider did not approach significance in test models explaining adjournment length or days in Supreme Court, the change of attorney parameter was omitted from final models for those two outcomes. (Most changes of attorney were in Criminal Court, not after a case was indicted and processed in Supreme Court).

<sup>5</sup> Court parts were entered into final models based on exploratory test models with additional parameters.

<sup>6</sup> Indicted cases were compared to both cases resolved through a Superior Court Information (SCI) and cases otherwise resolved in Criminal Court.

Figure 7.1. Path Model Explaining Case Processing Length for Indicted Felonies Disposed in 2014



## From Multivariable Modeling to Future Projections: Hypothetical Reform Scenario

What might average case duration look like were improvements made strictly to the quantifiable factors identified in Table 7.1—and, thus, not to any of the other many other factors discussed in prior chapters that could not be quantified in this chapter’s analysis? This section provides a single simple illustration of the potential for a relatively small number of reforms to generate a sizable impact. To create a relatively parsimonious reform scenario, three sets of assumptions were made:<sup>65</sup>

- (1) Average adjournment length, interval from indictment to Supreme Court arraignment, and interval from Supreme Court arraignment to next court appearance were all made equal to the average results presently achieved in Staten Island.
- (2) The average duration of cases decided by trial verdict were all made equal to the average duration presently achieved in Manhattan.
- (3) The citywide indictment rate was assumed to decline by six percent, based on a 15% reduction in the Bronx and a ten percent reduction in Manhattan (and after taking into account the relative size of the felony caseloads in these two boroughs compared to the three others). Changes in the indictment rate were not assumed in other boroughs.

These assumptions may seem overly strong, but again, there are few of them, as they rely exclusively on a limited subset of the quantifiable factors considered in this chapter, omitting other quantifiable factors and numerous additional reform areas discussed throughout the preceding chapters and in Chapter 8 below (e.g., court part structure, judicial practices, discovery, DNA, special handling of detained cases, other prosecutorial or defense practices,

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<sup>65</sup> Given the assumptions provided, projections were quantified based on results in the multivariable model predicting case duration for all cases originally arraigned on a felony (Appendix A-30, right-most column) and, for indicted cases only, a model nearly identical to that whose results are summarized above in the third column of Table 7.1. Specifically, *B* coefficients were used from Appendix A-30, right-most column for all cases arraigned on felony charges; and in a comparable fashion, *B* coefficients were used from the underlying multivariable model displayed in the third column of Table 7.1. All predictors of case duration other than those subject to the aforementioned assumptions were set to their citywide mean. Borough-specific projections, however, were designed to take into account the respective composition of the cases in each borough, especially with respect to charge type and severity.

etc.). Accordingly, these projections are best viewed as relatively—and perhaps even extremely—*conservative in nature*, meaning that a full panoply of reform strategies that respond to findings to date could produce greater cumulative impacts.

Under the proposed scenario, the average case arraigned on felony charges would have a case duration of 165 days, 17% less than the status quo of 199 days, and the average indicted case would have a total duration from initial arraignment to disposition of 260 days, 20% less than the status quo of 325 days. However, the impact of the aforementioned reforms would vary by borough, with a 28% reduction in felony case processing time in the Bronx—which therefore has the most to gain relative to its current performance—and with less dramatic improvements in the four other boroughs.<sup>66</sup>

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<sup>66</sup> Borough-specific computations take into account a range of additional and potentially mitigating borough-specific factors, including each borough's distribution of charge severities and types.

## Chapter 8

# Potential Action Steps

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Based on findings contained in the preceding chapters, an array of reforms might help to reduce felony case processing time in New York City. This chapter introduces 16 potential action steps. An initial section first describes progress to date in reducing the number of Supreme Court cases pending one year or longer since the case processing initiative began.

## Progress to Date

Statistical reports produced by the Mayor's Office of Criminal Justice and distributed monthly to citywide coordinating committee members suggest that in some boroughs, modest progress has already been achieved regarding case processing time in the Supreme Court. According to the latest report,<sup>67</sup> over a 14-month period from March 2015 to May 2016, the number of indicted felonies pending in Supreme Court for one year or longer did not change statistically (decreasing by 1%). However, at the borough level, the number of one-year cases declined in Brooklyn (by 10%), Manhattan (by 12%), and Queens (by 8%), gains that were offset by increases in the Bronx and Staten Island. When isolating the subset of one-year cases that involve detained defendants, there was a decline of 8% citywide, driven by declines in Brooklyn (by 16%) and Queens (by 32%). Of course, variations on such summary performance measures should be interpreted with caution. They may reflect the impact of new case processing policies and practices or may simply reflect changes in the underlying caseload (e.g., more or fewer felony arrests, arraignments, or indicted cases in the first place, which would in turn influence the volume of cases reaching the one-year mark).

## Future Action Steps

Each potential action step is listed and briefly introduced, with footnotes referencing one or more of the 37 findings from previous chapters that indicate why the step was proposed.

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<sup>67</sup> Mayor's Office of Criminal Justice, *Case Processing Project: Monthly Report*, June 8, 2016 (distributed by e-mail to coordinating committee members on June 9, 2016).

## Dispositions before Indictment

**Action Step #1. Increase the percentage of felony arraignments disposed through misdemeanor pleas in Criminal Court and through SCIs.** Among the largest drivers of overall case duration is whether a felony is indicted (32% citywide, with wide borough variations). Whereas the parties have due discretion to devise prosecution and defense strategies that seem appropriate, with post-indictment adjudication a legally valid option, pleading appropriate cases down to misdemeanors in Criminal Court or increasing SCI pleas could significantly reduce average case processing time. Interview respondents reported, for example, that prosecutors’ attention to unindicted felony cases increases as the cases near the CPL 30.30 date, suggesting that prosecutors should be encouraged to take earlier action to identify appropriate cases and offer misdemeanor or SCI pleas.

## Standards and Goals

**Action Step #2. Establish and monitor meaningful standards and goals for felony cases, including interim milestones and differentiated benchmarks for cases assigned to simple, standard, and complex tracks.** Establishment of credible standards and goals would promote much-needed system accountability, aiding the capacity of court administrators, District Attorneys, and indigent defense agencies to monitor case processing performance on an ongoing basis. Recognizing that some cases are more complex than others (e.g., based on charge severity and type, defendant’s prior criminal history, presence of multiple defendants, mental health problems potentially leading to 730 proceedings, and other factors), a *differentiated case management system* with multiple tracks could help to avoid overly uniform benchmarks that do not take into account what makes some cases necessarily require more time than others. As important as recognizing that some cases take longer than others is identifying cases that are *less complex* and taking steps to move them along quickly, rather than have such cases “wait in line” for a hearing, trial, or other disposition issue to be addressed after more complicated cases. The judiciary and county-level District Attorneys, and indigent defense agencies could collaborate—drawing on their experience in tandem with findings in this report—in defining case and defendant characteristics that would be appropriate for each of the three proposed tracks. The players could then define meaningful “time to disposition” benchmarks for each track as well interim benchmarks spanning both the pre- and post-indictment periods.



## Adjournment Length

**Action Step #3. Adhere to short case processing milestones at three early periods: (1) 72 hours from grand jury vote to filing of the indictment in Supreme Court; (2) 14 days from filing of the indictment to Supreme Court arraignment; and (3) 30 days from Supreme Court arraignment to the next court appearance (or 45 days for complex cases).** Results indicate that long adjournments are especially common early in Supreme Court processing—from indictment to Supreme Court arraignment; and from Supreme Court arraignment to the next court appearance. These intervals are longest—and are, in fact extremely long in many cases—in the Bronx; and shortest in Staten Island. In the Bronx, Manhattan and Queens, the interval between Supreme Court arraignment and the next court appearance typically includes *motion practice*: defendant’s omnibus motions, the prosecutor’s reply, and the judge’s decision. The 30-day target for simple and standard cases<sup>68</sup> and the 45-day target for complex cases requires agreement by the defense attorney to file omnibus motions within less than the statutory timeframe. The even shorter timeframe (21 days) that has already been achieved in Staten Island should be maintained. (In Staten Island, the second court date is currently used for conferencing the case to see if a plea agreement is feasible, and motion practice is deferred until after that initial conference.) In Brooklyn, where omnibus motions are waived, and the prosecutor consents to hearings on standard motions, the period between Supreme Court arraignment and the next court appearance is used for producing discovery material and grand jury minutes. Changes in the production of discovery material from the New York Police Department to the District Attorney’s Office might help shorten that timeframe.

As further discussed under the next action step, in order to reduce the jail population held pretrial, prior to a conviction or other case disposition, additional efforts would ideally be undertaken to shorten early processing in the Supreme Court when the defendant is detained—focusing especially on the use of brief motion practice adjournments when only standard omnibus motions are involved.

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<sup>68</sup> This target would apply to cases involving routine motions that arise in nearly every case (e.g., probable cause and admissibility of statements or identification evidence) but could obviously be waived in cases that might be classified as expedited or standard overall, yet have more complex discovery issues.

**Action Step #4. Establish a four-week maximum adjournment length, with adjournment dates shorter than four weeks wherever (a) the parties require less time to complete between-appearance tasks or (b) the defendant is detained pretrial.**

Virtually all data sources in this report—official court data, the practitioner survey, and structured court observations—converged around excessive adjournment length (averaging 35 days citywide) as a principal driver of felony case processing delays. Data analysis makes clear that high adjournment length plays an outsized role in extending case processing time in the Bronx Supreme Court especially, meaning that reforms in this area would have their most powerful effects in the one borough that currently averages the longest case processing times overall.

Facilitating the institutional capacity of the Supreme Court to reduce adjournment length and hold more frequent court appearances,<sup>69</sup> official data and court observation findings both independently indicate that current court appearance volume is not at or close to capacity in any borough’s Supreme Court (with the possible exception of Manhattan).<sup>70</sup>

In order to reduce the jail population, judges might consider employing especially short adjournments with the defendant is detained.<sup>71</sup> Presently, results provided in this report

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<sup>69</sup> A corollary is that courts should seek to increase their percentage of adjournments under three weeks, two weeks, and one week. At the other end of the spectrum, some judges and attorneys expressed in interviews that in some cases, an adjournment longer than four weeks may be necessary, for instance if the parties are waiting for an action, such as a report from an expert, that they know will take longer than four weeks to arrive. Hence, the general objective is for adjournment length always to minimize the interval between appearances based upon what needs to happen from one appearance to the next.

<sup>70</sup> In some boroughs, reductions in adjournment length may need to be accompanied by a revised court part structure that distributes the workload more efficient across individual parts and judges. For example, TAP A in Queens may already be close to capacity and, therefore, unable to schedule more appearances that could result from shorter adjournments, whereas other parts in Queens are currently underutilized.

<sup>71</sup> As noted previously, judges and prosecutors did not always embrace the goal of shortening pretrial detention stays. Some prosecutors are unconcerned with whether incarceration is pretrial or post-sentence if they believe that incarceration is fundamentally appropriate in the case. Some judges do not think that the City’s perceived desire to reduce local correctional costs are an appropriate concern of the judiciary—although judges were more responsive to concerns about the deprivation of liberty of individuals who are still presumed innocent and to the rights of victims. As expressed in interviews, defense interests are also often contrary to the speedier case processing of detained defendants, considering that case outcomes are generally more favorable to the defense as case duration increases (confirmed in this report—although not necessarily in homicides or in Brooklyn). Further, many defendants prefer spending as much of their incarceration as possible in New York City, where it is easier for family and friends to visit. For defendants who are facing lengthy prison sentences and want to spend as much time in New York City as

indicate that the impact of detention status on case processing time is largest at the beginning of the case. Cases detained at arraignment are indicted in approximately half the time as compared to cases released at arraignment, largely attributable to 180.80 requirements. However, among indicted cases, post-indictment differences in case processing time between detained and released cases are marginal. Reforms could include specialized calendars (“rocket dockets”) that engage in aggressive calendaring practices with detained cases in the Supreme Court (e.g., shorter adjournments) as well as tighter standards and goals for detained cases on the three tracks proposed above.

### **Recent Reforms in Kings County (Brooklyn)**

Kings County (Brooklyn) Administrative Judge Matthew D’Emic recently issued a memorandum to all judges in the Kings County Supreme Court promulgating four-week adjournments as the policy of the courthouse and stating: “This will insure close judicial oversight of case milestones in discovery, receipt of expert reports (including DNA and psychiatric), plea negotiations, trial readiness and other matters.” The same memorandum outlined a range of other policies, which included measuring performance against formal standards and goals; utilizing “court part ticklers” to aid case processing performance and generate earlier trial readiness; and setting adjournment dates between plea and sentence of no longer than 14 days.

**Action Step #5. Adhere to a 14-day standard adjournment from disposition to sentencing in cases when the defendant is detained.** Research indicates that citywide adjournment length from disposition to sentencing often significantly exceeds the time that the Department of Probation needs to complete pre-sentence investigation reports (10 days in the cases of detained defendants, 14 days in the cases of non-detained defendants). Defense attorneys point out the importance of separately submitted pre-sentence

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possible, there may be little motivation to accept a plea and speed up the process. Accordingly, for this action step to materialize, it may be necessary for leadership from the top of the state judiciary, District Attorney’s Offices, and indigent defense agencies to affirm that lengthy pretrial detention prior to a conviction is a legitimate concern.

memorandums as a means of communicating important information about a defendant receiving a prison sentence and explained that they often need input from social workers or other mental health professionals to prepare these memorandums, adding time to the process. Judges and others who were interviewed noted that this work can commence before disposition, especially when the defense sees that a disposition by plea is likely. Accordingly, especially in detained cases, it should be feasible to adhere to a 14-day timeframe as a general standard.

## **Borough-Specific Action Steps**

**Action Step #6. Pilot aggressive reform strategies in the Bronx.** Although some players in the Bronx perceived that it would be more difficult to implement other action steps due to the size of the pending caseload, hard data on judicial resource availability in the Bronx does not support the view that the caseload is the problem. Nonetheless, in an effort both to reduce the caseload and move pending and new cases more quickly, the new Bronx District Attorney is already considering a number of reforms, including a court part at the Rikers Island jail complex to hear cases originating at Rikers Island. Ultimately, given the number and magnitude of problems that are especially pronounced in the Bronx, the most effective strategy is likely to be for the players to act aggressively to pilot variants of many of the action steps proposed in this chapter (and others).

**Action Step #7. Engage key players in Queens in identifying ways to reduce Supreme Court appearances and time to disposition.** Once cases reach the Supreme Court, they average significantly more court appearances in Queens relative to other boroughs—especially in more serious cases. Perhaps contributing to this outcome, Queens has the least balanced court part structure of any borough, with TAP A serving as the initial calendar part for the vast majority of cases. In this regard, cases in Queens also average the greatest number of court part transfers during Supreme Court processing, reflecting that TAP A often serves as the first stop but is too overburdened to resolve the majority of cases without a later transfer. The judiciary, District Attorney, and indigent defense agencies in Queens might consider a court part structure moving at least somewhat closer to Manhattan’s—or might engage in further county-based investigation of case processing delays unique to the Queens Supreme Court.

## Court Part Structure and Trial Capacity

**Action Step #8. Review court part structures—especially whether there is an insufficient number of calendar parts—to identify opportunities to use judicial resources more efficiently and increase trial capacity, especially in the Bronx, Brooklyn, and Queens.** Findings in this report document that the Manhattan Supreme Court part structure facilitates a relatively efficient distribution of the caseload across judges and court parts. Manhattan’s structure involves 16 judges in devoting one or two days per week hearing cases in the pretrial stages, while reserving other days for hearings and trials. Several other judges in Manhattan are reserved exclusively for hearing trials. As discussed above, the three other large boroughs assign far fewer judges to calendar parts that hear cases in the pretrial stages. It is conceivable that other boroughs would benefit from spreading the pretrial caseload across a larger number of judges, although it remains an empirical question whether what has worked in Manhattan would work elsewhere: Some administrative judges and attorneys noted in interviews that some judges are particularly effective at preparing cases for trial, some at moving the parties to agree on a plea, and some at conducting trials; fewer judges are strong on all dimensions.

**Action Step #9. Reduce as much as possible the amount of time that trial judges are not holding hearings or trials.** A relatively small fraction of Supreme Court cases are decided at trial, but those cases average close to double the Supreme Court processing time as others. In this regard, interview respondents reported inefficiencies in trial scheduling and management. Relative to cases not decided at trial, Manhattan resolves trial cases in the least added time, whereas the Bronx adds the most time. Further research makes clear that trial part judges average extremely few court appearances or none on many days, pointing to an inefficient use of judicial resources, while judges presumably await trial-ready cases or navigate scheduling delays related to attorneys, witnesses, or others. Manhattan addresses this problem by having most judges who hear trials also hear a sizable calendar of Supreme Court cases that are still in pretrial proceedings on one or two days per week.

Besides contemplating significant adjustments to court part structure outside of Manhattan (and Staten Island), interviews also pointed to inmate production problems as a barrier to trial productivity: Trials cannot start until inmates have been produced from jail and brought up to the courtroom, but court players reported that it is common for defendants on trial not to make it to the courtroom until well past 10:00 a.m.

Lastly, to the extent feasible, court administrators and judges may consider setting dates certain for trial or setting clear priorities each week among trial-ready cases so that attorneys and witnesses can have a greater degree of certainty about which cases will go forward.

## **Alternatives to Incarceration**

**Action Step #10. Expand the availability and increase the use of pre- and post-indictment alternatives to incarceration.** Pre-indictment alternative to incarceration (ATI) options are limited in felony cases, although practitioner survey respondents believed that options were greater in Brooklyn than elsewhere. Moreover, many prosecutors remain reluctant to approve treatment-based alternatives to incarceration. The courts and the City might consider collaborating on a broad-based educational initiative for judges, prosecutors, and the defense bar on the evidence base for ATI programs.<sup>72</sup> In addition, explicit linkages should be forged between ongoing efforts led by the Mayor's Office of Criminal Justice to expand post-dispositional ATI options and the need to design such options to be available early—ideally, pre-indictment—as a means of reducing case processing time.

**Action Step #11. Increase the speed of (a) referrals to existing pre- and post-indictment alternatives to incarceration and (b) program eligibility determinations.** Three key steps determine the time from Criminal Court arraignment to enrollment in a specialized court or other ATI program: initial referral to the program, determining a defendant's eligibility, and lining up appropriate community-based services. Currently, there is no oversight mechanism, within any individual borough or citywide, for tracking the time that elapses between each of these three periods. Tracking and instituting reforms to shorten these timeframes is largely under the control of court personnel, attorneys, and clinicians who support the ATI programs. Reform opportunities are more difficult, but worth exploring, for expediting placements with community-based service providers.

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<sup>72</sup> The educational programs would cover: Positive results of drug courts and mental health courts in promoting treatment engagement and reducing recidivism; participant characteristics (e.g., moderate-to-high-risk) and program components (e.g., treatment options for multiple criminogenic needs, trauma-sensitive treatments, and use of cognitive-behavioral approaches) associated with successful outcomes.

## Discovery and Motion Practice

**Action Step #12. Encourage early discovery, paired with rigorous analysis to determine the impact on case processing time.** Although the available data does not establish whether or how discovery policies affect time to disposition, many interview respondents expressed the view that time spent by attorneys making and responding to discovery demands or motions could be spent more constructively on other case activities. Expanded pilots of early voluntary discovery programs (that do not impose significant disincentives on defendants to participate) coupled with proactive judicial approaches to hold parties to discovery deadlines may yield useful information on the relationship between discovery practices and speed of disposition. Initial discovery reform measures could focus on cases that do not involve civilian witnesses or where the complainant or other witnesses have already been identified and are known to the defendant (as in domestic violence cases and some assaults and burglaries.) Recognizing that the role of early discovery in case processing delay has not been quantified, discovery reforms should be paired with rigorous research to determine whether they do or do not affect case processing outcomes.

**Action Step #13. Improve production of information from the New York Police Department (NYPD) to the District Attorney's Offices.** Information needed from the NYPD by the District Attorney is currently obtained in-person from the applicable police precinct. Paper files require duplication and assembly on the part of busy precincts. Specific suggestions from interview respondents included standardizing forms for electronic information that are acceptable to all District Attorneys' Offices and developing more efficient ways for District Attorney's Offices to obtain non-electronic information.

**Action Step #14. Shorten the time to produce grand jury minutes.** Timeliness of the production of grand jury minutes is largely a function of resources within the District Attorneys' Offices. Shortages of grand jury reporters should be monitored and addressed.

## DNA Testing and Discovery

**Action Step #15. Engage in multiple steps to reduce DNA-related delays.** Current management at the Office of the Chief Medical Examiner (OCME) has dramatically reduced the volume of pending DNA tests and accelerated the production of DNA reports. Additional measures would help sustain these improvements: (a) maintain sufficient staffing at the OCME to sustain current turn-around times on DNA tests; (b) encourage prompter

requests by prosecutors for defendant swabs and OCME testing of deferred samples; and (c) establish discovery-by-stipulation protocols for OCME case reports and forensic biology files, including redaction by District Attorney's Offices and delivery to defense within one week of receipt from OCME. DNA-related motion practice, though, is likely to continue to add months to many cases. Potential actions to reduce time on motions include: (a) reduce the number of motions for protective orders by agreeing to categories of defendants whose DNA samples will not be run through the Local DNA Indexing System (LDIS) for cold hits or stored in LDIS; and (b) encourage judges to take speedy action on *Frye* motions.

## **Fitness to Proceed (Proceedings under Article 730 of the Criminal Procedure Law)**

**Action Step #16. Reduce fitness to proceed (730-related) delays.** Time savings can be achieved at five stages of case processing:

- **Examination process.** (a) Improve communication between courts and forensic clinics on setting due dates, explaining reasons if due dates are not met, and delivering reports before scheduled court appearances; (b) develop an effective tracking mechanism to facilitate collection of data for quality control and communication between courts and clinics; (c) set and enforce standards for 80% of reports to be delivered within 28 days of court order; and (d) provide refresher training to judges, attorneys, and clerks on 730 law and procedures.
- **Legal determination of fitness or unfitness.** Implement procedures for confirming or controverting fitness promptly after the delivery of reports from the forensic clinics and for scheduling and completing hearings promptly after the need for a hearing has been established.
- **Transfer to a forensic hospital.** Create a shared tracking system for the courts, the Office of Mental Health, the Correctional Health division of Health & Hospitals, and the Department of Correction.
- **Restoration of fitness and return to court.** Whenever possible, utilize the time that a defendant is in an OMH hospital to make progress on his or her case, including: (a) for defendants who are candidates for ATI programs, the defense attorney, ATI program staff, and OMH should collaborate on completion of the ATI treatment plan; (b) discovery should be completed while the defendant is at the OMH hospital; and (c) if the prosecutor plans to make a plea offer, it should occur as soon as court proceedings recommence. The first court appearance following the defendant's restoration to fitness should take place within no more than ten days from OMH's



notice to the court that the defendant is no longer incapacitated, and should be set for a date acceptable to the court, the prosecutor, and the defense attorney.

- **Maintenance of fitness.** Recent initiatives implemented at the Rikers Island jail complex—a new PACE unit and a care coordination team—should be monitored and (if effective) supported. The judge, the prosecutor, and the defense attorney should move the case forward expeditiously, whether toward trial or a treatment-focused disposition, in order to avoid decompensation by the defendant and possible re-occurrence of the 730 process.

Each of these initiatives would require coordination among multiple parties, including judges, clerks, the forensic court clinics, defense attorneys, prosecutors, the New York City Department of Health and Mental Hygiene, the Office of Mental Health, Health & Hospitals, and the Department of Correction. No one entity has primary responsibility for each of the stages described above, so multiple champions may be needed to lead the implementation of different action steps.

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# Supplemental Quantitative Tables

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**Table A-1. Total Case Length by Indictment Charge Type**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Total number of indicted cases disposed in 2014</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>ALL INDICTED CASES</b>						
Mean time to disposition (days)	425	302	251	385	222	325
Median time to disposition (days)	361	249	200	325	188	259
<b>KEY INDICTMENT CHARGE TYPE</b>						
<b>Homicide (Total cases)</b>	<b>282</b>	<b>199</b>	<b>85</b>	<b>107</b>	<b>26</b>	<b>699</b>
Mean time to disposition (days)	736	520	562	753	378	642
Median time to disposition (days)	630	507	428	645	336	545
<b>Domestic Violence (Total cases)</b>	<b>43</b>	<b>242</b>	<b>203</b>	<b>57</b>	<b>15</b>	<b>560</b>
Mean time to disposition (days)	323	235	226	298	126	242
Median time to disposition (days)	294	195	184	279	119	202
<b>Sex Offense (Total cases)</b>	<b>71</b>	<b>182</b>	<b>65</b>	<b>47</b>	<b>10</b>	<b>375</b>
Mean time to disposition (days)	641	426	349	594	266	470
Median time to disposition (days)	609	398	251	567	285	409
<b>Assault/non-DV (Total cases)</b>	<b>413</b>	<b>391</b>	<b>400</b>	<b>130</b>	<b>36</b>	<b>1,370</b>
Mean time to disposition (days)	451	365	333	452	275	387
Median time to disposition (days)	424	340	288	432	228	351
<b>VFO Robbery (Total cases)</b>	<b>762</b>	<b>678</b>	<b>473</b>	<b>324</b>	<b>31</b>	<b>2,268</b>
Mean time to disposition (days)	463	284	314	445	232	373
Median time to disposition (days)	420	245	257	386	202	321
<b>VFO Burglary (Total cases)</b>	<b>182</b>	<b>216</b>	<b>162</b>	<b>130</b>	<b>27</b>	<b>717</b>
Mean time to disposition (days)	424	270	275	398	197	331
Median time to disposition (days)	404	243	243	359	159	291
<b>Non-VFO Robbery (Total cases)</b>	<b>67</b>	<b>47</b>	<b>87</b>	<b>21</b>	<b>5</b>	<b>227</b>
Mean time to disposition (days)	376	222	237	343	149	283
Median time to disposition (days)	308	179	197	341	163	225
<b>Non-VFO Burglary (Total cases)</b>	<b>59</b>	<b>81</b>	<b>215</b>	<b>48</b>	<b>9</b>	<b>412</b>
Mean time to disposition (days)	342	239	188	309	195	234
Median time to disposition (days)	276	175	168	257	201	183

**Table A-1. Total Case Length by Indictment Charge Type (Continued)**

<b>Grand Larceny and Other Property (Total cases)</b>	<b>169</b>	<b>262</b>	<b>841</b>	<b>149</b>	<b>25</b>	<b>1,446</b>
Mean time to disposition (days)	408	233	208	292	229	245
Median time to disposition (days)	347	166	171	238	245	189
<b>Drug Sale or Possession (Total cases)</b>	<b>1,756</b>	<b>750</b>	<b>2,084</b>	<b>311</b>	<b>121</b>	<b>5,022</b>
Mean time to disposition (days)	359	242	229	347	175	282
Median time to disposition (days)	290	187	180	315	163	219
<b>DWI (Total cases)</b>	<b>64</b>	<b>95</b>	<b>56</b>	<b>70</b>	<b>2</b>	<b>287</b>
Mean time to disposition (days)	385	256	249	249	380	282
Median time to disposition (days)	332	210	218	226	380	236
<b>Firearms or Other Weapons Charges (Total cases)</b>	<b>295</b>	<b>479</b>	<b>244</b>	<b>177</b>	<b>28</b>	<b>1,223</b>
Mean time to disposition (days)	421	336	283	479	230	364
Median time to disposition (days)	359	272	229	432	199	297
<b>Other Felony (Total cases)</b>	<b>401</b>	<b>336</b>	<b>878</b>	<b>281</b>	<b>36</b>	<b>1,932</b>
Mean time to disposition (days)	412	318	231	199	249	280
Median time to disposition (days)	315	256	186	91	205	215
<b>Indicted on Misdemeanor (after felony arraignment)</b>	<b>20</b>	<b>22</b>	<b>113</b>	<b>8</b>	<b>0</b>	<b>163</b>
Mean time to disposition (days)	389	296	339	482	-	346
Median time to disposition (days)	348	303	285	509	-	295

**Table A-2. Processing Time in Supreme Court for Indicted Cases**

<b>CASE PROCESSING OUTCOMES</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhattan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>All (Total Cases)</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>DAYS TO DISPOSITION IN SUPREME COURT</b>						
<b>All Cases</b>						
Mean (days)	400	275	229	296	186	295
Median (days)	328	223	179	220	154	222
25th percentile (days)	157	89	97	94	77	107
75th percentile (days)	563	392	298	406	254	400
Disposed within six months in Supreme Court	29%	43%	51%	43%	60%	42%
Disposed within nine months in Supreme Court	43%	59%	71%	58%	77%	59%
Disposed within one year in Supreme Court	56%	72%	83%	69%	88%	71%
Disposed within two years in Supreme Court	87%	95%	97%	94%	100%	94%
<b>Indicted on Nonviolent Felony Charge</b>						
Mean (days)	338	219	205	200	152	240
Median (days)	259	160	162	148	136	177
25th percentile (days)	118	49	87	49	62	84
75th percentile (days)	467	310	271	287	200	321
Disposed within six months in Supreme Court	37%	55%	56%	57%	71%	52%
Disposed within nine months in Supreme Court	53%	70%	76%	74%	85%	69%
Disposed within one year in Supreme Court	65%	82%	86%	84%	95%	80%
Disposed within two years in Supreme Court	90%	96%	98%	98%	100%	96%
<b>Indicted on a VFO, Excluding Homicide Cases</b>						
Mean (days)	439	302	290	352	204	343
Median (days)	391	259	239	298	176	289
25th percentile (days)	215	128	145	154	95	154
75th percentile (days)	616	423	378	477	287	468
Disposed within six months in Supreme Court	21%	36%	36%	31%	53%	31%
Disposed within nine months in Supreme Court	33%	53%	58%	46%	73%	48%
Disposed within one year in Supreme Court	47%	68%	73%	59%	84%	62%
Disposed within two years in Supreme Court	85%	95%	96%	93%	100%	92%
<b>Homicide</b>						
Mean (days)	725	511	555	676	362	623
Median (days)	624	489	417	601	332	527
25th percentile (days)	386	334	208	356	229	335
75th percentile (days)	956	645	717	841	481	799
Disposed within six months in Supreme Court	6%	12%	20%	11%	15%	10%
Disposed within nine months in Supreme Court	14%	19%	35%	16%	31%	19%
Disposed within one year in Supreme Court	23%	31%	41%	25%	54%	29%
Disposed within two years in Supreme Court	61%	83%	77%	64%	100%	71%

**Table A-3. Supreme Court Processing Time by Indictment Charge Type**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>All (Total Cases)</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
Mean time to disposition (days)	402	278	229	296	186	295
Median time to disposition (days)	328	223	179	220	154	222
<b>KEY INDICTMENT CHARGE TYPE</b>						
<b>Homicide (Total cases)</b>	<b>282</b>	<b>199</b>	<b>85</b>	<b>107</b>	<b>26</b>	<b>699</b>
Mean time to disposition (days)	725	511	555	676	362	623
Median time to disposition (days)	624	489	417	601	332	527
<b>Domestic Violence (Total cases)</b>	<b>43</b>	<b>242</b>	<b>203</b>	<b>57</b>	<b>15</b>	<b>560</b>
Mean time to disposition (days)	283	204	202	234	93	210
Median time to disposition (days)	216	183	172	212	106	174
<b>Sex Offense (Total cases)</b>	<b>71</b>	<b>182</b>	<b>65</b>	<b>47</b>	<b>10</b>	<b>375</b>
Mean time to disposition (days)	627	407	333	465	216	438
Median time to disposition (days)	546	374	218	443	210	377
<b>Assault/non-DV (Total cases)</b>	<b>413</b>	<b>391</b>	<b>400</b>	<b>130</b>	<b>36</b>	<b>1,370</b>
Mean time to disposition (days)	430	347	305	337	231	356
Median time to disposition (days)	393	302	254	323	188	303
<b>VFO Robbery (Total cases)</b>	<b>762</b>	<b>678</b>	<b>473</b>	<b>324</b>	<b>31</b>	<b>2,268</b>
Mean time to disposition (days)	447	264	303	349	203	345
Median time to disposition (days)	401	222	246	294	177	291
<b>VFO Burglary (Total cases)</b>	<b>182</b>	<b>216</b>	<b>162</b>	<b>130</b>	<b>27</b>	<b>717</b>
Mean time to disposition (days)	403	246	261	305	185	298
Median time to disposition (days)	373	217	225	250	140	260
<b>Non-VFO Robbery (Total cases)</b>	<b>67</b>	<b>47</b>	<b>87</b>	<b>21</b>	<b>5</b>	<b>227</b>
Mean time to disposition (days)	355	208	218	203	121	253
Median time to disposition (days)	279	139	177	154	124	190
<b>Non-VFO Burglary (Total cases)</b>	<b>59</b>	<b>81</b>	<b>215</b>	<b>48</b>	<b>9</b>	<b>412</b>
Mean time to disposition (days)	306	219	172	220	172	206
Median time to disposition (days)	242	148	155	161	156	158

**Table A-3. Supreme Court Processing Time by Indictment Charge Type (Continued)**

<b>Grand Larceny and Other Property (Total cases)</b>	<b>169</b>	<b>262</b>	<b>841</b>	<b>149</b>	<b>25</b>	<b>1,446</b>
Mean time to disposition (days)	372	201	182	191	185	209
Median time to disposition (days)	310	128	150	135	179	157
<b>Drug Sale or Possession (Total cases)</b>	<b>1,756</b>	<b>750</b>	<b>2,084</b>	<b>311</b>	<b>121</b>	<b>5,022</b>
Mean time to disposition (days)	335	213	209	249	128	254
Median time to disposition (days)	248	146	162	214	124	183
<b>DWI (Total cases)</b>	<b>64</b>	<b>95</b>	<b>56</b>	<b>70</b>	<b>2</b>	<b>287</b>
Mean time to disposition (days)	323	184	220	144	295	213
Median time to disposition (days)	244	144	202	111	295	168
<b>Firearms or Other Weapons Charges (Total cases)</b>	<b>295</b>	<b>479</b>	<b>244</b>	<b>177</b>	<b>28</b>	<b>1,223</b>
Mean time to disposition (days)	399	312	259	382	194	330
Median time to disposition (days)	340	251	212	323	189	261
<b>Other Felony (Total cases)</b>	<b>401</b>	<b>336</b>	<b>878</b>	<b>281</b>	<b>36</b>	<b>1,932</b>
Mean time to disposition (days)	382	296	204	157	221	251
Median time to disposition (days)	282	238	157	79	186	179
<b>Indicted on Misdemeanor (Total cases)</b>	<b>20</b>	<b>22</b>	<b>113</b>	<b>8</b>	<b>-</b>	<b>163</b>
Mean time to disposition (days)	356	263	298	382	-	304
Median time to disposition (days)	319	293	270	394	-	279

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

*Note:* Cases included all indicted felony cases disposed in 2014, as provided by the Unified Court System.



**Table A-4. Court Appearances for Indicted Cases**

<b>CASE PROCESSING OUTCOMES</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Total number of indicted cases disposed in 2014</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>TOTAL APPEARANCES TO DISPOSITION: CRIMINAL COURT AND SUPREME COURT<sup>1</sup></b>						
<b>All Cases</b>						
Mean (appearances)	12.4	11.8	10.8	16.4	12.2	12.1
Median (appearances)	11.0	10.0	9.0	14.0	10.0	10.0
<b>Non-VFO</b>						
Mean (appearances)	10.6	10.1	9.7	11.7	10.4	10.2
Median (appearances)	9.0	8.0	8.0	10.0	10.0	9.0
<b>VFO (excluding homicide)</b>						
Mean (appearances)	13.3	12.3	13.4	19.4	13.3	13.8
Median (appearances)	12.0	11.0	11.0	17.0	11.0	12.0
<b>Homicide</b>						
Mean (appearances)	23.2	22.2	29.2	33.4	21.2	25.1
Median (appearances)	19.0	20.0	24.0	30.0	17.0	21.0
<b>TOTAL APPEARANCES IN SUPREME COURT</b>						
<b>All Cases</b>						
Mean (appearances)	10.1	9.3	8.7	12.1	9.7	9.7
Median (appearances)	8.0	7.0	7.0	9.0	8.0	7.0
25th percentile (appearances)	4.0	3.0	4.0	4.0	5.0	4.0
75th percentile (appearances)	13.0	13.0	11.0	17.0	12.0	13.0
Breakdown for number of court appearances:						
1 to 3	20%	25%	21%	22%	12%	21%
4 to 6	22%	20%	28%	19%	24%	23%
7 to 9	19%	18%	20%	12%	26%	18%
10 to 12	13%	12%	11%	11%	14%	12%
13 to 15	9%	8%	7%	8%	12%	8%
15+	18%	17%	13%	29%	12%	17%
<b>Non-VFO</b>						
Mean (appearances)	8.2	7.6	7.6	7.9	8.0	7.8
Median (appearances)	7.0	6.0	6.0	5.0	7.0	6.0
25th percentile (appearances)	4.0	3.0	4.0	3.0	4.0	3.0
75th percentile (appearances)	11.0	10.0	10.0	11.0	10.0	10.0
<b>VFO (excluding homicide)</b>						
Mean (appearances)	11.1	9.9	11.3	14.5	10.5	11.2
Median (appearances)	9.0	8.0	9.0	12.0	8.0	9.0
25th percentile (appearances)	5.0	4.0	6.0	6.0	5.0	5.0
75th percentile (appearances)	15.0	13.0	15.0	22.0	13.0	15.0

**Table A-4. Court Appearances for Indicted Cases (Continued)**

<b>CASE PROCESSING OUTCOMES</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Homicide</b>						
Mean (appearances)	21.6	20.2	27.7	29.5	19.3	23.1
Median (appearances)	17.5	18.0	22.0	26.0	15.0	19.0
25th percentile (appearances)	9.0	11.0	11.5	16.0	9.8	10.0
75th percentile (appearances)	28.0	26.0	37.0	40.0	24.0	30.0
<b>APPEARANCE IN SUPREME COURT BY INDICTMENT CHARGE CATEGORY</b>						
<b>Homicide (Total cases)</b>	<b>282</b>	<b>199</b>	<b>85</b>	<b>107</b>	<b>26</b>	<b>699</b>
Mean number of SC appearances (days)	22	20	28	30	19	23
Median number of SC appearances (days)	18	18	22	26	15	19
<b>Domestic Violence (Total cases)</b>	<b>43</b>	<b>242</b>	<b>203</b>	<b>57</b>	<b>15</b>	<b>560</b>
Mean number of SC appearances (days)	8	8	8	10	6	8
Median number of SC appearances (days)	7	7	6	8	6	7
<b>Sex Offense (Total cases)</b>	<b>71</b>	<b>182</b>	<b>65</b>	<b>47</b>	<b>10</b>	<b>375</b>
Mean number of SC appearances (days)	17	13	12	19	11	14
Median number of SC appearances (days)	14	12	10	17	11	12
<b>Assault/non-DV (Total cases)</b>	<b>413</b>	<b>391</b>	<b>400</b>	<b>130</b>	<b>36</b>	<b>1,370</b>
Mean number of SC appearances (days)	11	11	12	14	11	11
Median number of SC appearances (days)	9	9	10	14	10	9
<b>VFO Robbery (Total cases)</b>	<b>762</b>	<b>678</b>	<b>473</b>	<b>324</b>	<b>31</b>	<b>2,268</b>
Mean number of SC appearances (days)	11	9	12	14	10	11
Median number of SC appearances (days)	9	7	9	12	8	9
<b>VFO Burglary (Total cases)</b>	<b>182</b>	<b>216</b>	<b>162</b>	<b>130</b>	<b>27</b>	<b>717</b>
Mean number of SC appearances (days)	10	8	10	13	9	10
Median number of SC appearances (days)	9	7	9	10	8	8
<b>Non-VFO Robbery (Total cases)</b>	<b>67</b>	<b>47</b>	<b>87</b>	<b>21</b>	<b>5</b>	<b>227</b>
Mean number of SC appearances (days)	10	7	9	8	8	9
Median number of SC appearances (days)	8	5	7	5	7	7
<b>Non-VFO Burglary (Total cases)</b>	<b>59</b>	<b>81</b>	<b>215</b>	<b>48</b>	<b>9</b>	<b>412</b>
Mean number of SC appearances (days)	8	8	7	10	9	8
Median number of SC appearances (days)	7	5	6	6	8	6
<b>Grand Larceny and Other Property (Total cases)</b>	<b>169</b>	<b>262</b>	<b>841</b>	<b>149</b>	<b>25</b>	<b>1,446</b>
Mean number of SC appearances (days)	9	7	7	7	9	7
Median number of SC appearances (days)	8	5	6	5	8	6

**Table A-4. Court Appearances for Indicted Cases (Continued)**

<b>CASE PROCESSING OUTCOMES</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Drug Sale or Possession (Total cases)</b>	<b>1,756</b>	<b>750</b>	<b>2,084</b>	<b>311</b>	<b>121</b>	<b>5,022</b>
Mean number of SC appearances (days)	8	7	8	10	7	8
Median number of SC appearances (days)	7	5	6	8	7	6
<b>DWI (Total cases)</b>	<b>64</b>	<b>95</b>	<b>56</b>	<b>70</b>	<b>2</b>	<b>287</b>
Mean number of SC appearances (days)	8	7	7	6	5	7
Median number of SC appearances (days)	6	6	6	4	5	6
<b>Firearms or Other Weapons Charges (Total cases)</b>	<b>295</b>	<b>479</b>	<b>244</b>	<b>177</b>	<b>28</b>	<b>1,223</b>
Mean number of SC appearances (days)	11	10	10	16	12	11
Median number of SC appearances (days)	9	8	8	13	10	9
<b>Other Felony (Total cases)</b>	<b>401</b>	<b>336</b>	<b>878</b>	<b>281</b>	<b>36</b>	<b>1,932</b>
Mean number of SC appearances (days)	9	10	7	6	11	8
Median number of SC appearances (days)	7	7	6	4	9	6
<b>Indicted on Misdemeanor (Total cases)</b>	<b>20</b>	<b>22</b>	<b>113</b>	<b>8</b>	<b>-</b>	<b>163</b>
Mean number of SC appearances (days)	8	7	11	10	-	10
Median number of SC appearances (days)	6	7	9	8	-	8

<sup>1</sup> Six percent of cases were missing data for the number of court appearances within the Criminal Court.

**Table A-5. Days from Criminal Court Arraignment to Indictment**

<b>Borough</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Indicted cases disposed in 2014</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>DAYS TO INDICTMENT<sup>1</sup></b>						
<b>All Cases</b>						
Mean (days)	41	38	25	91	43	41
Median (days)	26	28	10	76	9	20
25th percentile (days)	15	15	5	12	0	8
75th percentile (days)	40	41	19	137	27	40
<b>Non-VFO</b>						
Mean (days)	49	40	26	80	47	40
Median (days)	29	29	10	65	7	18
25th percentile (days)	18	13	5	0	0	6
75th percentile (days)	58	46	19	131	29	42
<b>VFO (excluding homicide)</b>						
Mean (days)	33	38	23	104	41	43
Median (days)	23	28	11	84	11	24
25th percentile (days)	14	17	6	31	5	11
75th percentile (days)	32	39	19	146	25	40
<b>Homicide</b>						
Mean (days)	22	33	14	86	21	34
Median (days)	21	21	6	45	8	19
25th percentile (days)	0	8	0	9	3	1
75th percentile (days)	29	34	14	118	23	32

<sup>1</sup> One percent of cases were missing data for days from the Criminal Court arraignment to indictment period.

**Table A-6. Days from Criminal Court Arraignment to Indictment for Cases Detained and Released at Arraignment**

CASE PROCESSING OUTCOMES	Bronx		Brooklyn		Manhattan	
	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained
<b>Felony Cases Indicted in Supreme Court (Total cases)</b>	<b>1,726</b>	<b>2,833</b>	<b>2,100</b>	<b>1,859</b>	<b>3,048</b>	<b>2,828</b>
Non-VFO (Total cases)	834	1,721	800	973	2,193	2,282
VFO / excluding homicide (Total cases)	712	1,014	1,125	863	773	543
Homicide (Total cases)	180	98	175	23	82	3
<b>DAYS FROM ARRAIGNMENT TO INDICTMENT<sup>1</sup></b>						
<b>All Cases</b>						
Mean (days)	30	48	30	48	18	34
Median (days)	21	29	25	33	9	12
<b>Non-VFO</b>						
Mean (days)	37	54	27	50	19	34
Median (days)	23	33	23	35	9	11
<b>VFO (excluding homicide)</b>						
Mean (days)	25	39	32	46	17	33
Median (days)	19	26	26	31	10	13
<b>Homicide</b>						
Mean (days)	19	29	34	28	14	11
Median (days)	18	26	20	33	6	5
<b>INDICTED WITHIN 6 DAYS OF ARRAIGNMENT</b>						
<b>All Cases</b>	<b>1,388</b>	<b>1,364</b>	<b>1,911</b>	<b>791</b>	<b>2,657</b>	<b>1,619</b>
Percent indicted within 6 days	26%	2%	19%	1%	35%	17%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	68%		84%		88%	
<b>Non-VFO (N)</b>	<b>619</b>	<b>696</b>	<b>705</b>	<b>351</b>	<b>1,902</b>	<b>1,230</b>
Percent indicted within 6 days	24%	1%	29%	1%	35%	17%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	75%		85%		89%	

**Table A-6. Days from Criminal Court Arraignment to Indictment for Cases Detained and Released at Arraignment (*Cont'd*)**

<b>VFO (excluding homicide) (N)</b>	<b>599</b>	<b>596</b>	<b>1,035</b>	<b>423</b>	<b>676</b>	<b>388</b>
Percent indicted within 6 days	27%	2%	11%	1%	33%	16%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	51%		85%		84%	
<b>Homicide (N)</b>	<b>170</b>	<b>72</b>	<b>171</b>	<b>17</b>	<b>79</b>	<b>1</b>
Percent indicted within 6 days	33%	0%	25%	6%	52%	100%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	-		67%		-	

<sup>1</sup> One percent of cases were missing data for days from the Criminal Court arraignment to indictment period.

<sup>2</sup> In the analysis, if the data indicated that a case had been released within eight days it was counted as released within six to allow for occasional delays between a court order to release and actual discharge from the Rikers Island jail complex.

**Table A-6. Days from Criminal Court Arraignment to Indictment for Cases Detained and Released at Arraignment (*Cont'd*)**

CASE PROCESSING OUTCOMES	Queens		Staten Island		New York City	
	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained
<b>Felony Cases Indicted in Supreme Court (Total cases)</b>	<b>1,043</b>	<b>745</b>	<b>206</b>	<b>165</b>	<b>8,123</b>	<b>8,430</b>
Non-VFO (Total cases)	458	394	117	93	4,402	5,463
VFO / excluding homicide (Total cases)	493	337	71	64	3,174	2,821
Homicide (Total cases)	92	14	18	8	547	146
<b>DAYS FROM ARRAIGNMENT TO INDICTMENT<sup>1</sup></b>						
<b>All Cases</b>						
Mean (days)	72	127	28	63	31	50
Median (days)	55	114	6	15	15	26
<b>Non-VFO</b>						
Mean (days)	59	119	29	71	28	50
Median (days)	30	115	0	17	12	25
<b>VFO (excluding homicide)</b>						
Mean (days)	82	136	29	55	35	52
Median (days)	69	113	11	12	20	27
<b>Homicide</b>						
Mean (days)	81	122	12	43	33	38
Median (days)	47	59	7	21	17	28
<b>INDICTED WITHIN 6 DAYS OF ARRAIGNMENT</b>						
<b>All Cases</b>	<b>933</b>	<b>381</b>	<b>193</b>	<b>103</b>	<b>7,082</b>	<b>4,258</b>
Percent indicted within 6 days	20%	0%	53%	21%	27%	8%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	12%		80%		68%	
<b>Non-VFO (N)</b>	<b>406</b>	<b>175</b>	<b>107</b>	<b>49</b>	<b>3,739</b>	<b>2,501</b>
Percent indicted within 6 days	35%	1%	65%	12%	33%	9%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	20%		79%		74%	

**Table A-6. Days from Criminal Court Arraignment to Indictment for Cases Detained and Released at Arraignment (Cont'd)**

<b>VFO (excluding homicide) (N)</b>	<b>440</b>	<b>194</b>	<b>68</b>	<b>47</b>	<b>2,818</b>	<b>1,648</b>
Percent indicted within 6 days	7%	0%	35%	30%	19%	6%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	-		82%		57%	
<b>Homicide (N)</b>	<b>87</b>	<b>12</b>	<b>18</b>	<b>7</b>	<b>525</b>	<b>109</b>
Percent indicted within 6 days	24%	0%	50%	29%	32%	4%
If not indicted within 6 days, percent released by 180.80 day <sup>2</sup>	-		-		30%	

<sup>1</sup> One percent of cases were missing data for days from the Criminal Court arraignment to indictment period.

<sup>2</sup> In the analysis, if the data indicated that a case had been released within eight days it was counted as released within six to allow for occasional delays between a court order to release and actual discharge from the Rikers Island jail complex.



## Appendix A-7. Case Processing Delay Scores by Role

Name of Factor	Sig.	Judges	Prosecutors	Defense Attorneys
Lengthy adjournments by the judge	*	2.43	2.85	3.02
Availability of judges, non-judicial staff, or courtrooms	*	2.52	2.74	2.41
Prosecutors' plea- and discovery-related policies and practices	***	2.82	2.11	3.27
Defense strategy	***	2.85	3.26	2.44
Lack of alternative to incarceration options	***	2.52	2.00	3.23
DNA-related delays	***	2.89	2.63	3.04
Transportation from Rikers Island jail to courthouse and preparation for appearance		2.55	2.46	2.46
Defendant mental illness or involvement in 730 process		3.08	2.80	2.73
Next appearance delays due to attorneys' schedules	***	2.93	2.47	2.79
Coordination with police and other witness schedules		2.71	2.64	2.68
Defendant- and case-related complexities		3.17	2.81	2.85
Seriousness of charges and defendant criminal history	***	3.05	2.54	3.20

\* p < .05 \*\* p < .01 \*\*\* p < .001 (One-way ANOVA results)

*Note:* Since neither judges nor prosecutors responded from Brooklyn, the comparison by role excludes responses from Brooklyn.

**Appendix A-8. Case Processing Delay Scores by Borough as Perceived by Defense Attorneys (Dark Shading = Most Problematic Borough, Light = Least Problematic)**

Name of Factor	Sig.	Bronx	Brooklyn	Manhattan	Queens	Staten Island
Lengthy adjournments by the judge	***	3.47	2.73	2.60	2.71	2.25
Availability of judges, non-judicial staff, or courtrooms	***	3.02	2.06	2.11	2.16	2.35
Prosecutors' plea- and discovery-related policies and practices	***	3.48	3.15	3.16	3.32	3.02
Defense strategy	*	2.59	2.36	2.34	2.42	2.42
Lack of alternative to incarceration options		3.20	2.88	3.27	3.22	3.01
DNA-related delays		3.10	3.30	2.83	2.98	3.06
Transportation from Rikers Island jail to courthouse and preparation for appearance	***	2.85	2.28	2.28	2.26	2.07
Defendant mental illness or involvement in 730 process	***	2.76	2.79	2.72	2.59	2.73
Next appearance delays due to attorneys' schedules	**	2.55	2.26	2.32	2.81	2.14
Coordination with police and other witness schedules	***	2.98	2.79	2.57	2.62	2.33
Defendant- and case-related complexities	***	3.07	2.59	2.45	2.16	2.35
Seriousness of charges and defendant criminal history		3.41	3.32	3.09	3.18	3.14

\* p < .05 \*\* p < .01 \*\*\* p < .001 (One-way ANOVA results)

*Note:* Only defense attorney respondents were represented in all five boroughs; hence this table is limited to defense attorney respondents.

**Appendix A-9. Case Processing Delay Scores by Borough as Perceived by Prosecutors  
(Dark Shading = Most Problematic Borough, Light = Least Problematic)**

Name of Factor	Sig.	Bronx	Manhattan	Queens
Lengthy adjournments by the judge	*	3.38	2.97	2.75
Availability of judges, non-judicial staff, or courtrooms	*	3.02	2.81	2.46
Prosecutors' plea- and discovery-related policies and practices	**	2.31	2.03	1.97
Defense strategy	**	3.47	3.10	3.22
Lack of alternative to incarceration options	*	2.45	1.99	1.70
DNA-related delays		2.78	2.56	2.64
Transportation from Rikers Island jail to courthouse and preparation for appearance	**	2.73	2.45	2.31
Defendant mental illness or involvement in 730 process		2.95	2.88	2.63
Next appearance delays due to attorneys' schedules		2.78	2.63	2.99
Coordination with police and other witness schedules	*	2.78	2.71	2.40
Defendant- and case-related complexities	***	3.24	2.59	2.71
Seriousness of charges and defendant criminal history		2.91	2.32	2.46

\* p < .05 \*\* p < .01 \*\*\* p < .001 (One-way ANOVA results)

*Note:* A sufficient number of prosecutor respondents were only available in the three boroughs represented (there were none from Brooklyn and only 6 from Staten Island).

**Appendix A-10. Reasons for Delay in Case Processing: Results from Practitioner Survey (Shading = Top 10 Reasons in Category)**

<b>Number (based on Delay Score)</b>	<b>Reason for Delay</b>	<b>Frequency of Reason (1-5 Scale)</b>	<b>Length of Delay (1-7 Scale)</b>	<b>Delay Score (Standardized 1-5 Scale)</b>	<b>Reform Potential (1-5 Scale)</b>	<b>Actionability (1-5 Scale)</b>
1	Defense interest in delaying adjudication to await better plea offer	3.39	4.97	3.55	2.36	2.95
2	Multiple defendants in the case	3.29	5.11	3.54	1.68	2.61
3	Defense interest in delaying adjudication for reasons other than awaiting better plea offer	2.87	4.86	3.26	2.25	2.76
4	Delays obtaining results from DNA lab or other DNA related issues	2.88	4.81	3.25	2.38	2.81
5	Case involves 730 proceedings and the defendant decompensates after return to Rikers	2.54	5.07	3.23	1.71	2.47
6	Case involves 730 proceedings and there are delays in scheduling psychiatric clinic exams	2.32	4.27	3.17	2.36	2.77
7	Seriousness of charges	2.84	4.50	3.14	1.69	2.41
8	Defendant's mental health (issues other than fitness to proceed)	2.49	4.77	3.08	1.63	2.35
9	Defendant is a cooperating witness in another case	2.04	5.21	3.06	1.51	2.28
10	Case involves 730 proceedings and there are delays in issuance of reports by psych clinic	2.32	3.85	3.05	2.46	2.76
11	Initial plea offer is too high	2.87	4.20	3.00	2.71	2.86
12	Prosecutor makes plea offer conditional on co-defendant taking a plea	2.32	5.04	2.99	2.27	2.63
13	Defendant picks up additional cases or charges	2.52	4.39	2.98	1.77	2.38
14	Routine use of lengthy adjournment intervals (exceeding the time that parties should reasonably require before next court date) don't knowI	2.70	4.15	2.93	2.88	2.91
15	Defendant has cases pending in multiple courthouses or jurisdictions	2.35	4.17	2.93	1.97	2.45
16	Assigned 18b attorney committed on other cases, leading to delay in setting trial date	2.83	3.97	2.90	2.12	2.51

**Appendix A-10. Reasons for Delay in Case Processing: Results from Practitioner Survey (Continued)**

Number	Reason for Delay	Frequency	Length	Delay Score	Reform	Actionability
17	Defense counsel other than 18b committed on other cases, leading to delay in setting trial date	2.75	4.02	2.90	2.10	2.50
18	Lack of open file discovery policies	3.04	3.67	2.88	3.01	2.95
19	Shortage of judges generally	2.80	3.85	2.88	2.99	2.94
20	Prosecutor policies and practices generally regarding plea offers	2.72	4.02	2.87	2.61	2.74
21	Prosecutor requests new DNA swab even though the DNA database already includes the defendant	2.44	4.13	2.82	2.53	2.67
22	Seriousness of defendant's criminal history	2.51	3.97	2.78	1.66	2.22
23	Apart from commitments on other cases, problems in coordination of schedules of all parties in setting next court appearance date	2.76	3.69	2.77	1.96	2.37
24	Defendant has links to a gang	2.32	3.68	2.77	1.82	2.29
25	Delay in prosecutor response to defense requests for discovery	2.75	3.75	2.77	3.08	2.92
26	Police witness schedules for hearing/trial (e.g., officer RDO, officer testifying in another case, etc.)	2.91	3.43	2.75	2.28	2.51
27	Defense attorney is reluctant to set a trial date until receiving and reviewing discovery material	2.74	3.53	2.71	2.80	2.76
28	Prosecutor removes or limits plea offer after indictment	2.71	3.59	2.70	2.50	2.60
29	Lack of available judge when a case is ready for trial	2.68	3.52	2.70	2.92	2.81
30	Lack of safe and effective alternatives to incarceration that might result in more pre-indictment dispositions	2.46	3.86	2.68	2.51	2.59
31	Case adjourned for longer than the period requested by prosecutor or defense	2.63	3.49	2.67	2.86	2.76
32	Assigned 18b attorney committed on other cases, leading to delay in setting next court appearance date	2.65	3.55	2.67	2.19	2.43
33	Defense counsel other than 18b committed on other cases, leading to delay in setting next court appearance date	2.61	3.61	2.67	2.19	2.43

**Appendix A-10. Reasons for Delay in Case Processing: Results from Practitioner Survey (Continued)**

Number	Reason for Delay	Frequency	Length	Delay Score	Reform	Actionability
34	Insufficient use of existing alternatives to incarceration that might result in more pre-indictment dispositions	2.35	3.83	2.66	2.76	2.71
35	Insufficient conferencing of cases prior to scheduled court appearances to determine whether acceptable plea offer exists or case should be scheduled for trial	2.71	3.41	2.65	2.96	2.81
36	Defendant decides not get on the bus from Rikers or get off the bus at the courthouse due to personal reasons (i.e., religious, illness, being "difficult")	2.17	3.39	2.63	2.20	2.41
37	Defendant requests multiple attorneys over the course of the case	2.09	4.18	2.62	1.72	2.17
38	Delays in defense attorneys submitting pre-pleading memos regarding treatment programs due to lack of social workers or other resources	2.40	3.64	2.62	2.90	2.76
39	Prosecutor committed on other cases, leading to delay in setting trial date	2.45	3.65	2.60	2.26	2.43
40	Bottlenecks moving inmates from buses into the courthouse	3.26	2.43	2.59	3.13	2.86
41	Delays in prosecutor supervision/managerial approval of plea offers	2.30	3.90	2.59	2.87	2.73
42	Delay in DA submission of DNA for testing	2.01	4.11	2.59	2.79	2.69
43	Too few interview rooms for detained defendants to meet with defense attorneys in advance of court appearances	3.18	2.48	2.56	2.85	2.71
44	Defense attorney delays in responding to plea offer	2.36	3.54	2.54	2.62	2.58
45	Delays in defense attorneys submitting pre-pleading memos regarding treatment programs due to other reasons	2.23	3.52	2.49	2.71	2.60
46	Upon receiving discovery and/or Rosario material from the prosecutor shortly before the trial, the defense attorney requests an adjournment for investigation and/or discussion with client	2.49	3.11	2.47	2.73	2.60
47	Defendant was not transported from Rikers Island jail for one or more scheduled appearances	2.53	3.11	2.47	3.06	2.76
48	Defense attorney files motions late in the process that could have been filed earlier	2.22	3.61	2.47	2.83	2.65
49	Non-police witness schedules for cases on trial	2.42	3.32	2.47	1.97	2.22
50	Institutional defender identifies a conflict of interest well into pretrial proceedings, necessitating assignment of a new attorney	1.86	3.97	2.46	2.51	2.49

**Appendix A-10. Reasons for Delay in Case Processing: Results from Practitioner Survey (Continued)**

Number	Reason for Delay	Frequency	Length	Delay Score	Reform	Actionability
51	Lack of judicial enforcement of statutory time limits (e.g. omnibus motions, speedy trial, etc)	2.31	3.41	2.46	2.98	2.72
52	Delays due to difficulties in hiring non-attorney experts and support in cases (including current rates, related delays in payment)	2.06	3.69	2.45	2.32	2.38
53	Shortage of non-judicial court staff generally	2.48	2.78	2.41	3.02	2.71
54	Delays meeting rule-based motions timelines (e.g., 45 days)	2.17	3.43	2.41	3.03	2.72
55	Adjournments are too infrequently charged to the prosecutor for speedy trial time	2.25	3.27	2.40	2.55	2.47
56	Restrictions on overtime for non-judicial court staff	2.87	2.50	2.38	3.30	2.84
57	Defendant is in federal or state custody, precluding production at courthouse and timely adjudication	2.25	4.98	2.38	1.94	2.16
58	Shortage of ADAs who can try homicides/complex cases	2.07	3.47	2.37	2.45	2.41
59	Prosecutor delays in making a plea offer of any kind	2.04	3.55	2.37	2.80	2.58
60	Lack of available courtroom when a case is ready for trial - Frequency of occurrence	2.20	3.07	2.34	2.84	2.59
61	Prosecutor files motions late in the proceedings that could have been filed earlier	1.98	3.49	2.34	3.07	2.70
62	Shortage of Legal Aid or alternative institutional provider attorneys who can try homicides/complex cases	2.09	3.43	2.33	2.41	2.37
63	Upon receiving discovery and/or Rosario material from the prosecutor shortly before the trial, the defense attorney identifies issues for new motions	2.11	3.29	2.33	2.76	2.54
64	Delays obtaining grand jury minutes	2.21	3.07	2.30	3.23	2.76
65	18b attorneys not present at scheduled court appearance dates	2.15	3.16	2.29	2.99	2.64
66	Delays due to finding a date when non-attorneys (experts, investigators, etc.) are available to testify on cases represented by 18b that are set for trial	1.96	3.31	2.26	2.16	2.21
67	Prosecutor committed on other cases, leading to delay in setting next court appearance date	2.12	3.05	2.24	2.44	2.34
68	Extensive interval between court appearances for motion practice	1.96	3.14	2.23	2.82	2.53

**Appendix A-10. Reasons for Delay in Case Processing: Results from Practitioner Survey (Continued)**

Number	Reason for Delay	Frequency	Length	Delay Score	Reform	Actionability
69	Legal Aid attorneys not present at scheduled appearance dates	2.16	2.96	2.23	3.23	2.73
70	Delays due to finding a date when non-attorneys (experts, investigators, etc.) are available to testify on cases represented by attorneys other than 18b attorneys that are set for trial	1.92	3.27	2.22	2.14	2.18
71	Lack of available non-judicial staff when a case is ready for trial	2.25	2.60	2.21	2.93	2.57
72	Shortage of 18b attorneys who can try homicides/complex cases	1.88	3.34	2.21	2.50	2.35
73	Attorneys unfamiliar with the case stand up on it at a court appearance	2.15	2.91	2.19	2.60	2.40
74	Case involves 730 proceedings and there are delays in transferring defendants from Rikers to OMH custody	1.88	3.22	2.18	2.64	2.41
75	Intentionally light calendars on Fridays, limiting when appearances can be scheduled	2.22	2.59	2.16	3.17	2.67
76	Other institutional defender (not Legal Aid or 18b) not present at scheduled appearance dates	1.97	2.98	2.16	3.19	2.67
77	Case involves 730 proceedings in general (questions surrounding defendant's fitness to proceed)	2.33	5.17	2.15	1.77	1.96
78	Delays bringing detained defendants from holding cells to courtroom	2.65	2.06	2.14	3.24	2.69
79	Long lines for jurors, defendants, witnesses, etc. at magnetometers	2.84	1.72	2.09	3.17	2.63
80	Excessive adjournment interval between disposition and sentencing	1.79	2.98	2.08	2.87	2.48
81	Lack of available jury when a case is ready for trial	2.09	2.38	2.03	2.95	2.49
82	Delays in completing pre-sentencing investigations (aka probation report)	1.77	2.84	2.01	3.23	2.62
83	The judge taking excessive time deciding motions	1.66	2.90	1.97	3.08	2.52
84	Waiting for appeals to be decided regarding motions	1.21	3.49	1.95	2.08	2.01
85	Closing time of courthouse	2.26	2.06	1.95	3.36	2.65



**Appendix A-10. Reasons for Delay in Case Processing: Results from Practitioner Survey (Continued)**

Number	Reason for Delay	Frequency	Length	Delay Score	Reform	Actionability
86	Limited availability of interpreters for non-English speaking defendants or witnesses	2.01	2.32	1.93	3.04	2.49
87	Too few interview rooms for out defendants to meet with defense attorneys in advance of court appearances	2.27	1.82	1.85	3.18	2.52
88	Too few 18b attorneys listed on the 18b panel for the judicial department	1.67	2.45	1.84	3.06	2.45
89	Court waives defendant appearance, delaying opportunities for defendant and attorney to consult	1.71	2.35	1.82	3.01	2.41
90	Defendant is produced in an orange jumpsuit	1.78	1.91	1.69	3.64	2.66
91	Defendant is produced at the wrong building	1.43	1.80	1.47	3.42	2.44
92	Court does not forward necessary paperwork to parties in a timely fashion	1.25	1.87	1.43	3.27	2.50

**Table A-11. Adjournment Length (Interval between Supreme Court Appearances)**

<b>CASE PROCESSING OUTCOMES</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhattan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Total number of indicted cases<sup>1</sup></b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>ALL CASES</b>						
Mean (days)	45	32	32	28	22	35
Median (days)	42	31	30	26	21	32
25th percentile (days)	30	22	23	19	17	23
75th percentile (days)	53	40	38	34	27	43
<b>INDICTMENT CHARGE SEVERITY</b>						
<b>Nonviolent Felony</b>						
Mean (days)	46	33	33	30	21	35
Median (days)	42	29	31	27	21	32
25th percentile (days)	30	20	24	19	16	23
75th percentile (days)	55	40	40	37	26	43
<b>VFO (excluding homicide)</b>						
Mean (days)	44	34	30	27	23	34
Median (days)	43	33	30	25	21	33
25th percentile (days)	33	25	22	19	17	24
75th percentile (days)	52	41	37	32	27	43
<b>Homicide</b>						
Mean (days)	41	29	24	25	23	32
Median (days)	40	29	25	24	23	30
25th percentile (days)	29	22	17	18	18	22
75th percentile (days)	48	37	33	31	27	41
<b>INDICTMENT CHARGE TYPE</b>						
<b>Domestic Violence</b>						
Mean adjournment length (days)	36	29	32	28	24	30
Median adjournment length (days)	33	29	30	27	22	29
<b>Sex Offense</b>						
Mean adjournment length (days)	40	34	32	26	22	34
Median adjournment length (days)	42	34	29	29	25	33
<b>Assault/non-DV</b>						
Mean adjournment length (days)	45	34	31	26	24	35
Median adjournment length (days)	42	33	30	24	21	33

**Table A-11. Adjournment Length (Continued)**

<b>CASE PROCESSING OUTCOMES</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>VFO Robbery</b>						
Mean adjournment length (days)	44	33	30	26	27	35
Median adjournment length (days)	43	32	29	25	25	33
<b>VFO Burglary</b>						
Mean adjournment length (days)	46	32	30	28	22	34
Median adjournment length (days)	42	31	29	25	21	31
<b>Non-VFO Robbery</b>						
Mean adjournment length (days)	45	35	30	38	18	36
Median adjournment length (days)	41	33	29	25	19	32
<b>Non-VFO Burglary</b>						
Mean adjournment length (days)	42	26	31	28	19	31
Median adjournment length (days)	39	24	29	25	20	28
<b>Grand Larceny and Other Property</b>						
Mean adjournment length (days)	48	30	34	30	26	34
Median adjournment length (days)	41	28	31	26	22	31
<b>Drug Sale or Possession</b>						
Mean adjournment length (days)	46	32	32	31	19	36
Median adjournment length (days)	41	28	30	27	20	32
<b>DWI</b>						
Mean adjournment length (days)	49	32	38	32	30	37
Median adjournment length (days)	47	28	37	29	30	35
<b>Firearms or Other Weapons Charges</b>						
Mean adjournment length (days)	44	34	30	27	20	34
Median adjournment length (days)	42	33	30	26	19	33
<b>Other Felony</b>						
Mean adjournment length (days)	52	31	34	28	22	36
Median adjournment length (days)	42	31	32	26	21	32
<b>Indicted on Misdemeanor</b>						
Mean adjournment length (days)	63	46	35	34	-	40
Median adjournment length (days)	54	49	33	29	-	35

<sup>1</sup> Five percent of cases were missing information necessary to calculate Supreme Court adjournment length.

**Appendix A-12. Early Case Processing Milestones: Indictment to Supreme Court Arraignment and Supreme Court Arraignment to Next Court Appearance**

<b>BOROUGH</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Total number of indicted cases</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>INDICTMENT TO SUPREME COURT ARRAIGNMENT<sup>1</sup></b>						
<b>All Cases</b>						
Mean (days)	87	60	62	167	13	79
Median (days)	49	21	21	17	6	23
25th percentile (days)	25	17	13	9	5	15
75th percentile (days)	95	27	29	33	9	39
<b>Non-VFO</b>						
Mean (days)	104	88	72	308	15	104
Median (days)	55	22	21	20	6	24
25th percentile (days)	28	18	13	10	5	15
75th percentile (days)	98	28	29	40	9	40
<b>VFO (excluding homicide)</b>						
Mean (days)	66	40	32	30	9	44
Median (days)	42	21	20	14	6	22
25th percentile (days)	21	18	12	9	6	15
75th percentile (days)	88	27	28	28	8	35
<b>Homicide</b>						
Mean (days)	75	24	19	16	9	42
Median (days)	55	19	20	12	8	21
25th percentile (days)	25	15	12	7	6	13
75th percentile (days)	100	23	26	19	12	44
<b>SUPREME COURT ARRAIGNMENT TO NEXT APPEARANCE<sup>2</sup></b>						
<b>All Cases</b>						
Mean (days)	48	36	37	37	24	40
Median (days)	49	42	36	35	21	42
25th percentile (days)	21	14	21	10	14	18
75th percentile (days)	70	55	55	59	32	56

## Appendix A-12. Early Case Processing Milestones (*Continued*)

<b>BOROUGH</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>SUPREME COURT ARRAIGNMENT TO NEXT APPEARANCE (<i>Continued</i>)<sup>2</sup></b>						
<b>Non-VFO</b>						
Mean (days)	45	33	37	37	24	38
Median (days)	42	34	35	33	21	35
25th percentile (days)	21	11	21	11	13	16
75th percentile (days)	70	52	51	60	33	56
<b>VFO (excluding homicide)</b>						
Mean (days)	51	38	38	37	23	41
Median (days)	56	42	42	37	21	42
25th percentile (days)	28	19	21	10	14	20
75th percentile (days)	70	55	56	59	29	58
<b>Homicide</b>						
Mean (days)	52	40	38	34	29	43
Median (days)	56	43	42	32	26	47
25th percentile (days)	33	20	22	9	22	22
75th percentile (days)	70	56	56	56	37	63

<sup>1</sup> Two percent of cases were missing data for the indictment to Supreme Court arraignment period.

<sup>2</sup> One percent of cases were missing data for the Supreme Court arraignment to next appearance period. Several cases (67) had longer than 4,000 days between indictment to Supreme Court arraignment, indicating that average lengths are skewed upwards.

### Appendix A-13. Reasons for Next Adjournment Date in Observed Court Appearances

	Bronx	Brooklyn	Manhattan	Queens	New York City
<b>Total Appearances Observed</b>	261	182	754	78	1,275
<b>Total Appearances Ending in Adjournment</b>	243	172	686	69	1,173
<b>ADJOURNMENT LENGTH</b>					
Mean days adjourned for continued adjudication	49.9	37.5	38.7	31.8	40.5
<b>REASON FOR ADJOURNMENT DATE (as coded)</b>					
Earliest time for parties to complete between-appearance tasks	17%	27%	17%	15%	18%
Earliest date possible due to judge and attorneys' schedules	16%	8%	28%	21%	22%
Earliest available trial date	6%	1%	5%	3%	4%
Standard length of adjournment (time for tasks not considered) <sup>1</sup>	17%	33%	31%	21%	28%
Greater than judge's proposed date due to defense schedule <sup>2</sup>	13%	2%	5%	12%	6%
Greater than proposed date due to prosecutor schedule <sup>2</sup>	4%	2%	1%	6%	2%
Other reason	25%	23%	12%	6%	16%

<sup>1</sup> A "standard length of adjournment" was defined as a typical number of days adjourned without taking into account the possibility of completing tasks earlier.

<sup>2</sup> Whereas the adjournment date was lengthened due to attorneys' schedules, the initial date proposed by the judge was not the earliest possible based on between-appearance tasks.

# Appendix A-14. Adjournment Length from Disposition to Sentencing

BOROUGH	Bronx	Brooklyn	Manhat- tan	Queens	Staten Island	New York City
Total number of indicted cases	4,584	3,980	5,906	1,860	371	16,701
<b>DISPOSITION TO SENTENCE</b>						
<b>All Cases</b>						
Mean (days)	60	75	62	62	92	65
Median (days)	41	45	42	42	44	42
25th percentile (days)	21	21	21	21	21	21
75th percentile (days)	64	78	63	61	104	66
<b>Non-VFO</b>						
Mean (days)	67	88	62	73	100	69
Median (days)	43	51	42	42	50	43
25th percentile (days)	22	29	21	21	21	22
75th percentile (days)	70	92	63	69	122	70
<b>VFO (excluding homicide)</b>						
Mean (days)	55	68	62	54	91	62
Median (days)	37	42	37	35	44	41
25th percentile (days)	21	20	21	20	21	21
75th percentile (days)	61	71	62	55	91	63
Maximum (days)	476	616	1,420	616	687	1,420
<b>Homicide</b>						
Mean (days)	48	42	43	43	43	44
Median (days)	32	24	40	33	35	29
25th percentile (days)	19	16	22	22	21	19
75th percentile (days)	60	43	52	47	60	51

### Appendix A-15. Days from Disposition to Sentencing by Detention Status at Time of Disposition

CASE PROCESSING OUTCOMES	Bronx		Brooklyn		Manhattan		Queens	
	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained
<b>Felony Cases Indicted in Supreme Court (Total cases)*</b>	<b>809</b>	<b>802</b>	<b>858</b>	<b>1,233</b>	<b>2,212</b>	<b>1,464</b>	<b>556</b>	<b>323</b>
Non-VFO (Total cases)	329	410	258	655	1,587	1,224	210	202
VFO / excluding homicide (Total cases)	366	351	474	550	571	234	295	115
Homicide (Total cases)	114	41	126	28	54	6	51	6
<b>DAYS FROM DISPOSITION TO SENTENCE</b>								
<b>All Cases</b>								
Mean (days)	46	73	34	104	40	94	42	97
Median (days)	28	52	21	61	28	56	23	52
<b>Non-VFO</b>								
Mean (days)	49	82	37	108	37	94	39	107
Median (days)	27	56	21	62	27	56	22	55
<b>VFO (excluding homicide)</b>								
Mean (days)	44	66	33	99	48	98	43	82
Median (days)	28	47	21	59	28	56	24	51
<b>Homicide</b>								
Mean (days)	45	56	30	95	42	51	43	44
Median (days)	32	30	22	58	38	51	33	40

*Note:* The samples for this analysis include cases sentenced one or more days after the disposition date.



**Appendix A-15. Days from Disposition to Sentencing by Detention Status at Time of Disposition (Continued)**

<b>CASE PROCESSING OUTCOMES</b>	<b>Staten Island</b>		<b>New York City</b>	
	<b>Detained</b>	<b>Not Detained</b>	<b>Detained</b>	<b>Not Detained</b>
<b>Felony Cases Indicted in Supreme Court (Total cases)*</b>	<b>139</b>	<b>113</b>	<b>4,574</b>	<b>3,935</b>
Non-VFO (Total cases)	70	76	2,454	2,567
VFO / excluding homicide (Total cases)	54	32	1,760	1,282
Homicide (Total cases)	15	5	360	86
<b>DAYS FROM DISPOSITION TO SENTENCE</b>				
<b>All Cases</b>				
Mean (days)	48	147	40	95
Median (days)	28	90	25	56
<b>Non-VFO</b>				
Mean (days)	54	142	39	98
Median (days)	25	90	25	58
<b>VFO (excluding homicide)</b>				
Mean (days)	44	171	42	90
Median (days)	29	97	25	55
<b>Homicide</b>				
Mean (days)	34	70	39	68
Median (days)	30	64	28	49

*Note:* The samples for this analysis include cases sentenced one or more days after the disposition date.

## Appendix A-16. Trials among Indicted Cases

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>Number of Dispositions</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>Number of Trial Verdicts</b>	<b>146</b>	<b>216</b>	<b>327</b>	<b>236</b>	<b>9</b>	<b>934</b>
<b>Percent of Citywide Total (Trial Verdicts)</b>	<b>16%</b>	<b>23%</b>	<b>35%</b>	<b>25%</b>	<b>1%</b>	<b>100%</b>
<b>FREQUENCY OF TRIALS</b>						
Percent of cases disposed at trial	3.2%	5.4%	5.5%	12.7%	2.4%	5.6%
<b>VERDICT AT TRIAL</b>	<b>146</b>	<b>216</b>	<b>327</b>	<b>236</b>	<b>9</b>	<b>934</b>
Found guilty	46%	76%	77%	73%	89%	71%
Acquitted	54%	24%	23%	27%	11%	29%
<b>TIME TO DISPOSITION</b>						
<b>Days in Supreme Court to disposition</b>						
Disposed at trial: Mean (days)	732	575	400	547	446	530
Not disposed at trial: Mean (days)	392	261	219	259	179	281
<b>DAYS IN SUPREME COURT BEFORE FIRST TRIAL PART APPEARANCE (excludes mixed calendar/trial parts)<sup>1</sup></b>						
Mean	708	538	384	428	378	498
Median	580	497	344	412	320	445
<b>KEY PERFORMANCE INDICATORS FOR TRIAL CASES BY INDICTMENT CHARGE</b>						
<b>VFO</b>						
Percent of cases disposed at trial	5.4%	7.8%	11.8%	18.1%	5.1%	9.3%
Found guilty	46%	76%	80%	70%	88%	70%
Disposed at trial: Mean (days)	740	566	440	589	455	568
<b>NON-VFO</b>						
Percent of cases disposed at trial	1.4%	2.6%	3.6%	7.2%	0.5%	3.1%
Found guilty	46%	74%	74%	79%	100%	72%
Disposed at trial: Mean (days)	706	607	359	443	375	455

**Appendix A-16. Trials among Indicted Cases (*Continued*)**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>KEY PERFORMANCE INDICATORS FOR TRIAL CASES BY INDICTMENT CHARGE (<i>Continued</i>)</b>						
<b>Homicide</b>						
Percent of cases disposed at trial	18%	31%	35%	35%	15%	26%
Found guilty	61%	94%	87%	70%	75%	78%
Disposed at trial: Mean (days)	902	659	700	851	544	769
<b>Domestic Violence</b>						
Percent of cases disposed at trial	2.3%	2.9%	6.4%	5.3%	0.0%	4.3%
Found guilty	100%	86%	77%	67%	-	79%
Disposed at trial: Mean (days)	327	329	372	460	-	369
<b>Sex Offense</b>						
Percent of cases disposed at trial	8%	13%	11%	15%	10%	12%
Found guilty	67%	70%	71%	71%	100%	70%
Disposed at trial: Mean (days)	817	581	202	688	526	569
<b>Assault (non-DV)</b>						
Percent of cases disposed at trial	2.9%	7.7%	12.0%	18.5%	2.8%	8.4%
Found guilty	42%	57%	73%	63%	100%	63%
Disposed at trial: Mean (days)	634	444	409	438	449	448
<b>VFO Robbery</b>						
Percent of cases disposed at trial	3.5%	4.9%	9.5%	16.0%	3.2%	7.0%
Found guilty	37%	82%	80%	75%	100%	72%
Disposed at trial: Mean (days)	655	565	427	525	91	525
<b>VFO Burglary</b>						
Percent of cases disposed at trial	2.2%	1.4%	12.3%	16.2%	0.0%	6.7%
Found guilty	0%	100%	85%	67%	-	71%
Disposed at trial: Mean (days)	427	458	322	460	-	400
<b>Non-VFO Robbery</b>						
Percent of cases disposed at trial	1.5%	0.0%	6.9%	9.5%	0.0%	4.0%
Found guilty	0%	-	100%	100%	-	89%
Disposed at trial: Mean (days)	705	-	327	278	-	358
<b>Non-VFO Burglary</b>						
Percent of cases disposed at trial	0.0%	2.5%	2.8%	6.3%	0.0%	2.7%
Found guilty	-	100%	83%	100%	-	91%
Disposed at trial: Mean (days)	-	381	255	321	-	296

**Appendix A-16. Trials among Indicted Cases (*Continued*)**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>KEY PERFORMANCE INDICATORS FOR TRIAL CASES BY INDICTMENT CHARGE (<i>Continued</i>)</b>						
<b>Grand Larceny and Other Property</b>						
Percent of cases disposed at trial	4.1%	3.1%	2.9%	9.4%	0.0%	3.7%
Found guilty	57%	88%	88%	79%	-	81%
Disposed at trial: Mean (days)	617	830	347	517	-	501
<b>Drug Sale or Possession</b>						
Percent of cases disposed at trial	0.6%	1.2%	3.1%	8.7%	0.0%	2.2%
Found guilty	36%	33%	66%	70%	-	62%
Disposed at trial: Mean (days)	642	561	370	398	-	419
<b>DWI</b>						
Percent of cases disposed at trial	3.1%	3.2%	7.1%	4.3%	0.0%	4.2%
Found guilty	0%	67%	100%	100%	-	75%
Disposed at trial: Mean (days)	349	491	361	372	-	394
<b>Firearms or Other Weapons Charges</b>						
Percent of cases disposed at trial	4.1%	4.2%	6.1%	17.5%	3.6%	6.5%
Found guilty	8%	50%	73%	74%	100%	58%
Disposed at trial: Mean (days)	618	538	226	563	399	499
<b>Other Felony</b>						
Percent of cases disposed at trial	3.0%	4.8%	3.6%	3.6%	2.8%	3.7%
Found guilty	58%	81%	91%	70%	100%	80%
Disposed at trial: Mean (days)	697	600	389	508	375	505
<b>Indicted on Misdemeanor</b>						
Percent of cases disposed at trial	0.0%	0.0%	10.6%	25.0%	-	8.6%
Found guilty	-	-	42%	100%	-	50%
Disposed at trial: Mean (days)	-	-	418	440	-	421

<sup>1</sup> Results are computed only if the case was disposed at trial and the disposition court part was not same as Supreme Court arraignment part.

**Appendix A-16. Trials among Indicted Cases (Continued)**

	Bronx	Brooklyn	Manhat- tan	Queens	Staten Island	New York City
<b>KEY PERFORMANCE INDICATORS FOR TRIAL CASES BY INDICTMENT CHARGE (Continued)</b>						
<b>Homicide</b>						
Percent of cases disposed at trial	18%	31%	35%	35%	15%	26%
Found guilty	61%	94%	87%	70%	75%	78%
Disposed at trial: Mean (days)	902	659	700	851	544	769
<b>Domestic Violence</b>						
Percent of cases disposed at trial	2.3%	2.9%	6.4%	5.3%	0.0%	4.3%
Found guilty	100%	86%	77%	67%	-	79%
Disposed at trial: Mean (days)	327	329	372	460	-	369
<b>Sex Offense</b>						
Percent of cases disposed at trial	8%	13%	11%	15%	10%	12%
Found guilty	67%	70%	71%	71%	100%	70%
Disposed at trial: Mean (days)	817	581	202	688	526	569
<b>Assault (non-DV)</b>						
Percent of cases disposed at trial	2.9%	7.7%	12.0%	18.5%	2.8%	8.4%
Found guilty	42%	57%	73%	63%	100%	63%
Disposed at trial: Mean (days)	634	444	409	438	449	448
<b>VFO Robbery</b>						
Percent of cases disposed at trial	3.5%	4.9%	9.5%	16.0%	3.2%	7.0%
Found guilty	37%	82%	80%	75%	100%	72%
Disposed at trial: Mean (days)	655	565	427	525	91	525
<b>VFO Burglary</b>						
Percent of cases disposed at trial	2.2%	1.4%	12.3%	16.2%	0.0%	6.7%
Found guilty	0%	100%	85%	67%	-	71%
Disposed at trial: Mean (days)	427	458	322	460	-	400
<b>Non-VFO Robbery</b>						
Percent of cases disposed at trial	1.5%	0.0%	6.9%	9.5%	0.0%	4.0%
Found guilty	0%	-	100%	100%	-	89%
Disposed at trial: Mean (days)	705	-	327	278	-	358
<b>Non-VFO Burglary</b>						
Percent of cases disposed at trial	0.0%	2.5%	2.8%	6.3%	0.0%	2.7%
Found guilty	-	100%	83%	100%	-	91%
Disposed at trial: Mean (days)	-	381	255	321	-	296

**Appendix A-16. Trials among Indicted Cases (Continued)**

	Bronx	Brooklyn	Manhat- tan	Queens	Staten Island	New York City
<b>KEY PERFORMANCE INDICATORS FOR TRIAL CASES BY INDICTMENT CHARGE (Continued)</b>						
<b>Grand Larceny and Other Property</b>						
Percent of cases disposed at trial	4.1%	3.1%	2.9%	9.4%	0.0%	3.7%
Found guilty	57%	88%	88%	79%	-	81%
Disposed at trial: Mean (days)	617	830	347	517	-	501
<b>Drug Sale or Possession</b>						
Percent of cases disposed at trial	0.6%	1.2%	3.1%	8.7%	0.0%	2.2%
Found guilty	36%	33%	66%	70%	-	62%
Disposed at trial: Mean (days)	642	561	370	398	-	419
<b>DWI</b>						
Percent of cases disposed at trial	3.1%	3.2%	7.1%	4.3%	0.0%	4.2%
Found guilty	0%	67%	100%	100%	-	75%
Disposed at trial: Mean (days)	349	491	361	372	-	394
<b>Firearms or Other Weapons Charges</b>						
Percent of cases disposed at trial	4.1%	4.2%	6.1%	17.5%	3.6%	6.5%
Found guilty	8%	50%	73%	74%	100%	58%
Disposed at trial: Mean (days)	618	538	226	563	399	499
<b>Other Felony</b>						
Percent of cases disposed at trial	3.0%	4.8%	3.6%	3.6%	2.8%	3.7%
Found guilty	58%	81%	91%	70%	100%	80%
Disposed at trial: Mean (days)	697	600	389	508	375	505
<b>Indicted on Misdemeanor</b>						
Percent of cases disposed at trial	0.0%	0.0%	10.6%	25.0%	-	8.6%
Found guilty	-	-	42%	100%	-	50%
Disposed at trial: Mean (days)	-	-	418	440	-	421

<sup>1</sup> Results are computed only if the case was disposed at trial and the disposition court part was not same as Supreme Court arraignment part.

**Table A-17. Type of Defense Provider and Changes of Provider**

<b>CASE PROCESSING OUTCOMES</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Indicted cases (valid cases)</b>	<b>4,570</b>	<b>3,977</b>	<b>5,900</b>	<b>1,827</b>	<b>371</b>	<b>16,645</b>
<b>Attorney Type at Original Arraignment</b>						
Legal Aid Society	58%	50%	43%	40%	40%	48%
Alternative Institutional Defender	22%	21%	16% <sup>1</sup>	13%	0%	17%
Private & 18b	20%	28%	41%	47%	59%	33%
Pro Se (excluded from analysis below)	-	-	-	-	1%	0%
<b>Attorney Type at Disposition</b>						
Legal Aid Society	32%	31%	36%	21%	22%	32%
Alternative Institutional Defender	22%	20%	17% <sup>2</sup>	12%	2%	18%
Private & 18b	45%	49%	47%	67%	75%	50%
Pro Se (excluded from analysis below)	-	-	0%	-	2%	0%
<b>Number of Attorney Type Changes</b>						
0 attorney type change	67%	68%	90%	65%	64%	75%
1 attorney type change	33%	30%	10%	32%	30%	24%
2 attorney type changes	0%	2%	0%	2%	4%	1%
3 attorney type changes	0%	0%	0%	0%	2%	0%
<b>Timing of Attorney Type Changes</b>						
Percent with at least 1 change	33%	32%	10%	34%	36%	25%
Percent with change in Criminal Court	32%	18%	7%	15%	8%	18%
Percent with change in Supreme Court	1%	14%	3%	20%	30%	7%

*Note:* Based upon conversations with staff at the Division of Technology of the New York State Unified Court System and at the New York City Mayor's Office of Criminal Justice, we believe that data for attorney type is inexact, with errors less likely for attorney type at disposition than at initial arraignment and, therefore, with the possibility that the data somewhat overstates attorney type changes. Data quality-related errors are unlikely to influence general themes and findings that the reported figures reveal.

<sup>1</sup> For Manhattan, the percentage sub-divides into 12% New York Defender Services and 4% Neighborhood Defender Service of Harlem.

<sup>2</sup> For Manhattan, the percentage sub-divides into 12% New York Defender Services and 5% Neighborhood Defender Service of Harlem.

**Table A-18. Type of Defense Provider and Changes by Indictment Charge Severity**

<b>Charge Severity</b>	<b>Nonviolent</b>	<b>VFO/Not Homicide</b>	<b>Homicide</b>	<b>Total</b>
<b>Number of Cases</b>	<b>9,936</b>	<b>6,011</b>	<b>698</b>	<b>16,645</b>
<b>Attorney Type at Original Arraignment</b>				
Legal Aid Society	47%	52%	44%	48%
Private & 18b	36%	28%	43%	33%
Bronx Defenders	5%	7%	7%	6%
Brooklyn Defender Services	4%	8%	4%	5%
Neighborhood Defender Services for Harlem	2%	1%	0%	1%
New York Defender Services	5%	3%	1%	4%
Queens Law Associates	1%	2%	1%	1%
Pro Se	0%	0%	0%	0%
<b>Attorney Type at Disposition</b>				
Legal Aid Society	33%	31%	16%	32%
Private & 18b	49%	49%	73%	50%
Bronx Defenders	6%	7%	6%	6%
Brooklyn Defender Services	4%	7%	2%	5%
Neighborhood Defender Services for Harlem	2%	1%	1%	2%
New York Defender Services	5%	3%	2%	4%
Queens Law Associates	1%	2%	0%	1%
Pro Se	0%	0%	0%	0%
<b>Attorney Type at Disposition (Trial only)</b>				
Legal Aid Society	21%	21%	9%	19%
Private & 18b	65%	66%	86%	69%
Bronx Defenders	2%	3%	3%	3%
Brooklyn Defender Services	2%	3%	-	2%
Neighborhood Defender Services for Harlem	3%	2%	-	2%
New York Defender Services	7%	2%	3%	4%
Queens Law Associates	1%	2%	-	2%
Pro Se	-	0%	-	0%
<b>Number of attorney type change (Total cases)<sup>1</sup></b>				
0 attorney type change	80%	69%	57%	75%
1 attorney type change	19%	29%	41%	24%
2 attorney type change	1%	1%	2%	1%
3 attorney type change	0%	0%	0%	0%
4 attorney type change	0%	0%	0%	0%

*Note:* Based upon conversations with staff at the Division of Technology of the New York State Unified Court System and at the New York City Mayor's Office of Criminal Justice, we believe that data for attorney type is inexact, with errors less likely for attorney type at disposition than at initial arraignment and, therefore, with the possibility that the data somewhat overstates attorney type changes. Data quality-related errors are unlikely to influence general themes and findings that the reported figures reveal.



# Appendix A-19. Supreme Court Adjournment Length in Select Calendar Parts (i.e., Judges)

Court Part/Judge	Adjournment Length	
	Median	Mean
<b>Within each borough, court parts are listed from lowest to highest in average adjournment length:</b>		
<b>BRONX</b>		
A	31	36
B	30	37
C	39	41
D	42	44
<b>BROOKLYN</b>		
A	26	25
B	30	32
C	32	34
D	34	35
<b>MANHATTAN</b>		
A	22	22
B	22	23
C	26	26
D	30	31
E	31	32
F	32	33
G	35	35
H	35	35
I	26	36
J	35	36
K	35	36
L	35	36
M	36	37
N	38	38
O	38	38
P	42	43
<b>QUEENS</b>		
A	23	24
B	29	32
C	30	35
D	31	36
<b>STATEN ISLAND</b>		
A	25	26

## Appendix A-20. Reasons for Next Adjournment Date and Proactive Judicial Actions in Observed Court Appearances

	Bronx	Brooklyn	Manhattan	Queens	New York City
<b>Total Appearances Observed</b>	261	182	754	78	1,275
<b>Total Appearances Ending in Adjournment</b>	243	172	686	69	1,173
<b>REASONS FOR ADJOURNMENT</b> <i>(if case was adjourned)</i> <sup>1</sup>					
Adjourned for trial/hearing	21%	11%	18%	9%	17%
Adjourned for possible disposition	9%	6%	17%	3%	13%
Prosecution not ready to proceed	18%	14%	10%	24%	13%
Defense not ready to proceed	16%	14%	12%	12%	13%
Defense taking time to file motions	5%	5%	11%	6%	9%
Discovery-related delays	6%	5%	2%	3%	4%
<b>JUDICIAL ACTIONS TO REACH PLEA OFFER OR SPEEDIER DISPOSITION</b>					
Judge provided offer or lowered the prosecutor's offer	4%	0%	3%	5%	3%
Judge encouraged parties to arrive at a plea agreement	7%	5%	5%	8%	6%
Judge set trial date (e.g., given lack of plea agreement)	11%	4%	8%	8%	8%
Judge encouraged parties to limit adjournment length	7%	5%	4%	5%	4%
Judge reprimanded the prosecutor for lack of preparation	4%	2%	4%	20%	4%
Judge reprimanded the defense for lack of preparation	3%	2%	2%	0%	2%
<i>At least one of the above actions</i>	27%	14%	22%	38%	22%

<sup>1</sup> An "other" category included reasons that were each found to be present in less than 5% of cases observed, including: Prosecution taking time to respond to motions; waiting for the probation report; judge taking time to decide motions; discovery issues; awaiting DNA evidence; Psychological/730 issues; witness not present; main defense attorney not present; trial part; jury or judge not available; defendant has another pending case; new ADA or defense attorney on the case.

**Appendix A-21. Proactive Judicial Actions in Observed Court Appearances by Judge/Court Part (Shaded results indicate relatively high frequency)**

Judge/Court Part Name	Number of Observed Appearances (total n = 1,250)	Judge provided offer or lowered the prosecutor's plea offer	Judge provided offer or encouraged parties to reach plea	Judge set a trial date (given lack of plea deal)	Judge encouraged parties to limit length of adjournment	Judge reprimanded prosecutor	Judge reprimanded defense	Appearance had at least one of the preceding judicial actions
<b>Bronx</b>								
A	97	2%	13%	2%	1%	4%	2%	20%
B	32	0%	6%	28%	28%	0%	0%	58%
C	43	2%	5%	2%	2%	2%	5%	27%
D	34	0%	0%	15%	12%	6%	6%	42%
E	27	4%	4%	33%	4%	4%	0%	41%
F	28	0%	18%	0%	4%	4%	0%	24%
<b>Brooklyn</b>								
A	11	0%	0%	27%	18%	9%	0%	33%
B	18	0%	6%	0%	0%	11%	17%	20%
C	51	0%	6%	2%	0%	0%	0%	3%
D	18	0%	0%	11%	0%	0%	1%	9%
E	38	0%	0%	0%	8%	0%	0%	18%
F	21	0%	24%	0%	5%	0%	0%	33%
<b>Manhattan</b>								
A	64	0%	7%	0%	2%	0%	0%	2%
B	29	0%	0%	0%	0%	0%	28%	28%
C	54	0%	6%	2%	2%	0%	2%	9%
D	33	0%	3%	0%	12%	3%	18%	15%
E	85	5%	1%	1%	1%	2%	13%	16%

**Appendix A-21. Proactive Judicial Actions (Continued)**

Judge/Court Part Name	Number of Observed Appearances (total n = 1,250)	Judge provided offer or lowered the prosecutor's plea offer	Judge provided offer or encouraged parties to reach plea	Judge set a trial date (given lack of plea deal)	Judge encouraged parties to limit length of adjournment	Judge reprimanded prosecutor	Judge reprimanded defense	Appearance had at least one of the preceding judicial actions
<b>Bronx (ctd.)</b>								
F	53	0%	2%	38%	0%	6%	30%	44%
G	82	0%	3%	7%	5%	9%	5%	28%
H	59	5%	10%	3%	2%	0%	29%	19%
I	48	0%	8%	6%	15%	0%	15%	31%
J	47	2%	2%	2%	0%	2%	11%	14%
K	29	0%	10%	35%	0%	17%	7%	54%
L	27	0%	7%	4%	4%	4%	19%	29%
M	21	0%	0%	0%	0%	0%	24%	24%
N	68	2%	28%	9%	4%	10%	7%	62%
O	55	0%	0%	0%	0%	0%	11%	11%
<b>Queens</b>								
A	61	0%	6%	0%	8%	23%	5%	48%
B	17	0%	6%	18%	6%	0%	0%	30%

# Appendix A-22. Summary Statistics for Each Observed Calendar Part

Part #	Date Observed	# of cases observed	Average minutes per appearance	Court start time	Break for lunch
<b>Bronx</b>					
A	6/8/2015	20	10.5	10:10 AM	1:05 PM
B	7/1/2015	23	6.04	9:51 AM	1:00 PM
C	6/26/2015	34	3.41	10:28 AM	1:00 PM
D	6/11/2015	50	3.35	10:10 AM	12:44 PM
E	6/8/2015	32	4.10	10:26 AM	1:15 PM
F	7/1/2015	27	3.67	9:57 AM	12:37 PM
G	6/8/2015	28	6.04	11:17 AM	12:53 PM
		214	5.30	10:19 AM	12:56 PM
<b>Brooklyn</b>					
A	6/17/2015	18	5.06	10:15 AM	1:45 PM
B	6/23/2015	38	4.24	10:02 AM	1:11 PM
C	6/16/2015	21	6.78	10:23 AM	12:46 PM
D	6/16/2015	25	4.22	10:15 AM	12:30 PM
E	6/24/2015	26	5.13	10:15 AM	1:45 PM
F	6/16/2015	18	5.61	10:00 AM	1:10 PM
G	6/18/2015	11	5.91	11:15 AM	1:15 PM
		157	5.28	10:20 AM	1:11 PM
<b>Manhattan</b>					
A	6/25/2015	25	3.84	12:00 PM	1:13 PM
B	6/23/2015	27	3.35	9:30 AM	12:50 PM
C	6/24/2015	31	6.45	10:15 AM	12:50 PM
D	6/25/2015	22	7.86	10:00 AM	12:50 PM
E	6/29/2015	29	5.03	10:00 AM	1:35 PM
F	6/23/2015	85	4.34	9:43 AM	1:02 PM
G	6/24/2015	85	3.79	10:19 AM	1:04 PM
H	6/25/2015	47	5.09	9:52 AM	1:12 PM
I	6/24/2015	55	3.39	9:40 AM	1:00 PM
J	6/25/2015	48	5.06	9:57 AM	1:05 PM
K	6/23/2015	33	5.45	9:40 AM	1:10 PM
L	6/25/2015	65	3.53	9:48 AM	12:59 PM
M	6/25/2015	59	4.83	9:50 AM	1:10 PM
N	6/29/2015	21	4.40	9:44 AM	12:57 PM
O	6/24/2015	29	4.72	10:06 AM	1:00 PM
P	6/24/2015	64	3.75	10:01 AM	1:03 PM
Q	6/23/2015	54	3.85	9:35 AM	12:45 PM
		779	4.63	10:00 AM	1:02 PM
<b>Queens</b>					
A	6/30/2015	17	8.63	10:27 AM	1:10 PM
B	6/23/2015	61	2.70	9:37 AM	1:00 PM
		78	5.67	10:02 AM	1:05 PM
Average		38	4.5	10:07 AM	
S.D		19.2	4.3		

**Appendix A-22. Summary Statistics by Calendar Part (Continued)**

Part #	Back from lunch	End for the day	Total time in session - minus lunch (hr:min)	Total time hearing cases (hr:min)	Total session time waiting between cases (hr:min)
<b>Bronx</b>					
A	2:35 PM	3:45 PM	4:05	3:30	0:35
B	2:36 PM	4:28 PM	5:01	2:19	2:42
C		1:00 PM	2:32	1:56	0:36
D	2:15 PM	3:45 PM	4:04	2:47	1:17
E	2:58 PM	3:45 PM	3:36	1:11	2:25
F	2:21 PM	3:14 PM	3:33	1:39	1:54
G	2:52 PM	5:23 PM	4:07	2:49	1:18
	2:36 PM	3:37 PM	3:51	2:18	1:32
<b>Brooklyn</b>					
A		1:45 PM	3:30	1:31	1:59
B		1:11 PM	3:09	2:41	0:28
C		12:46 PM	2:23	2:22	0:01
D		12:30 PM	2:15	1:46	0:29
E		1:45 PM	3:30	2:10	1:20
F		1:10 PM	3:10	1:41	1:29
G		1:15 PM	2:00	1:05	0:55
		1:11 PM	2:51	1:53	0:57
<b>Manhattan</b>					
A	2:48 PM	3:49 PM	2:14	1:36	0:38
B	2:26 PM	4:25 PM	5:19	1:31	3:48
C	2:15 PM	4:05 PM	4:25	3:20	1:05
D	2:20 PM	3:25 PM	3:55	2:53	1:02
E		1:35 PM	3:35	2:26	1:09
F	2:17 PM	5:15 PM	6:17	6:09	0:08
G	2:25 PM	5:37 PM	5:57	5:22	0:35
H	2:48 PM	4:09 PM	4:41	3:59	0:42
I	2:37 PM	4:17 PM	5:00	3:07	1:53
J	2:40 PM	4:40 PM	5:08	4:03	1:05
K	2:35 PM	5:30 PM	6:25	3:00	3:25
L	2:38 PM	4:15 PM	4:48	3:49	0:59
M	2:45 PM	5:10 PM	5:45	4:45	1:00
N		12:57 PM	3:13	1:32	1:41
O	2:55 PM	4:10 PM	4:09	2:17	1:52
P	2:49 PM	4:53 PM	5:06	4:00	1:06
Q	2:24 PM	3:44 PM	4:30	3:28	1:02
	2:34 PM	4:06 PM	4:43	3:22	1:21
<b>Queens</b>					
A	2:45 PM	3:30 PM	3:28	2:27	1:01
B	2:34 PM	3:05 PM	3:54	2:45	1:09
	2:39 PM	3:17 PM	3:41	2:36	1:05
Average		3:23 PM	4:11	2:58	1:13
S.D			1:08	1:24	

# Appendix A-23.1 Court Appearances in Bronx Supreme Court in January 2015: 30 Arraignment, Calendar, and Trial Parts

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
<b>Calendar</b>										
A	31	32	58	59	22	45	35	24	24	8
B	46	0	0	0	0	54	52	49	52	41
C	0	1	42	41	34	43	41	45	47	40
D	2	2	0	3	62	4	0	3	5	73
<i>Sub-total</i>	79	35	100	103	118	146	128	121	128	162
<b>Specialized (Arraignment, Calendar, and Trial)</b>										
E	14	17	81	17	19	16	21	80	14	25
F	5	11	3	73	3	5	3	2	78	4
G	1	5	1	0	40	1	1	1	4	41
H	32	14	13	22	60	17	36	25	17	38
I	0	34	7	4	0	2	44	8	2	3
J	3	6	2	4	2	34	5	7	3	2
K	1	0	1	2	1	6	5	9	2	6
L	10	18	34	33	22	45	25	42	9	34
<i>Sub-total</i>	66	105	142	155	147	126	140	174	129	153
<b>Trial/Other</b>										
M	1	3	5	0	2	3	0	7	0	0
N	1	2	3	2	1	3	2	2	2	1
O	9	12	5	15	10	14	28	13	29	11
P	7	0	0	7	5	5	0	6	5	0
Q	1	0	1	0	0	6	0	1	0	0
R	0	1	1	1	1	1	0	1	5	4
S	0	0	0	0	0	3	1	4	1	1
T	3	1	2	4	1	3	1	3	1	0
U	5	3	3	0	1	7	0	0	2	2

**Appendix A-23.1. Court Appearances in Bronx Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
33	51	44	21	34	25	43	44	30	663	34.9	0%
48	49	43	34	53	51	40	49	37	698	36.7	21%
35	38	41	32	38	45	35	38	34	670	35.3	5%
4	13	10	76	14	4	1	5	111	392	20.6	11%
120	151	138	163	139	125	119	136	212	2,423	31.9	9%
19	68	17	26	19	23	71	21	16	584	30.7	0%
3	2	80	3	3	0	0	77	2	357	18.8	11%
1	0	4	0	0	1	9	1	46	157	8.3	21%
63	21	45	31	23	56	10	14	34	571	30.1	0%
19	1	3	1	1	36	2	1	3	171	9.0	11%
10	10	0	4	34	11	5	6	4	152	8.0	5%
3	3	3	2	6	0	2	2	0	54	2.8	16%
19	40	18	39	38	29	20	28	25	528	27.8	0%
137	145	170	106	124	156	119	150	130	2,574	16.9	8%
1	7	0	0	0	0	8	0	0	37	1.9	47%
1	2	4	4	4	0	4	4	4	46	2.4	5%
19	9	18	1	9	25	9	17	1	254	13.4	0%
6	4	4	4	5	2	4	4	11	79	4.2	21%
12	7	0	0	12	2	2	4	0	48	2.5	47%
1	1	1	1	1	0	4	1	1	26	1.4	16%
2	3	1	1	2	0	2	1	1	23	1.2	32%
1	2	1	1	5	0	3	3	1	36	1.9	11%
0	2	2	0	3	1	0	2	4	37	1.9	32%



**Appendix A-23.1 Court Appearances in Bronx Supreme Court in January 2015 (Continued)**

	Appearance Date					Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
V	0	1	1	2	0	0	1	7	3	1
W	1	1	0	1	0	5	3	1	1	1
X	2	3	3	3	3	3	3	3	3	4
Y	0	0	2	1	0	0	1	6	0	2
Z	1	0	0	1	2	0	0	0	0	2
AA	6	7	1	1	2	0	6	5	2	2
BB	1	1	3	2	2	0	4	0	3	2
CC	3	1	0	1	1	0	1	2	0	2
DD	19	2	42	3	0	13	4	46	4	0
<i>Sub-total</i>	60	38	72	44	31	66	55	107	61	35
<b>Total</b>	205	178	314	302	296	338	323	402	318	350

**Appendix A-23.1. Court Appearances in Bronx Supreme Court in January 2015 (Continued)**

Appearance Date				Appearance Date					Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
4	5	5	0	1	0	1	2	1	35	1.8	16%
4	1	1	1	3	0	1	1	2	28	1.5	16%
3	3	5	0	5	0	3	4	0	53	2.8	16%
0	9	1	2	1	0	13	2	2	42	2.2	37%
1	1	1	1	0	0	1	0	0	11	0.6	53%
5	0	1	0	5	3	0	0	0	46	2.4	32%
3	3	3	2	0	1	1	1	1	33	1.7	16%
1	0	7	10	2	0	1	1	0	33	1.7	26%
3	46	2	6	1	2	34	2	7	236	12.4	11%
67	105	57	34	59	36	91	49	36	1,103	3.2	24%
324	401	365	303	322	317	329	335	378	6,100	10.7 (321 across all parts per day)	18%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in January 2015. Weekend or holiday appearances are not counted in the table; there were 6 weekend or holiday appearances in one part, 1 in another part, and 2 in a third part.

**Appendix A-23.2. Court Appearances in Brooklyn Supreme Court in January 2015: 36 Arraignment, Calendar, and Trial**

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
<b>Calendar (Including Arraignment)</b>										
A	28	35	40	37	27	36	35	33	33	28
B	21	28	27	28	15	25	26	24	14	19
C	22	35	36	33	25	44	39	43	35	33
D	31	37	33	26	18	27	30	43	28	29
E	19	26	29	34	26	24	22	31	34	22
<i>Sub-total</i>	121	161	165	158	111	156	152	174	144	131
<b>Specialized</b>										
F	32	28	31	65	19	34	35	40	31	15
G	28	26	14	23	10	21	32	27	32	4
H	20	67	26	32	19	28	71	23	32	10
I	3	6	7	13	1	13	1	0	11	4
J	6	9	0	0	0	2	0	0	0	0
K	2	12	2	8	10	13	23	6	8	9
<i>Sub-total</i>	91	148	80	141	59	111	162	96	114	42
<b>Trial Readiness and Trials</b>										
L	5	4	7	2	12	2	3	4	2	22
M	1	1	0	3	7	3	3	1	1	6
N	1	6	5	3	2	4	5	2	4	3
O	5	10	45	13	9	3	2	60	20	5
P	2	3	0	2	17	2	1	2	4	18
Q	1	2	1	1	6	3	1	0	3	3
<i>Sub-total</i>	15	26	58	24	53	17	15	69	34	57

**Appendix A-23.2. Court Appearances in Brooklyn Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
35	32	36	22	31	33	42	33	19	615	32.4	0%
19	23	25	23	27	0	66	29	14	453	23.8	5%
34	36	31	25	33	32	30	31	22	619	32.6	0%
27	33	29	30	21	0	55	28	30	555	29.2	5%
34	34	38	23	31	28	32	34	19	683	35.9	0%
149	158	159	123	143	93	225	155	104	2,925	30.8	2%
40	27	49	16	34	26	23	29	8	582	30.6	0%
32	26	47	9	37	0	48	26	6	448	23.6	5%
71	27	30	13	11	51	14	9	16	570	30.0	11%
5	15	10	5	4	0	25	4	0	127	6.7	16%
22	18	13	0	8	1	2	6	0	87	4.6	42%
15	7	3	9	13	0	19	11	5	175	9.2	5%
185	120	152	52	107	78	131	85	35	1,989	17.4	13%
5	1	1	18	4	3	1	2	19	117	6.2	0%
1	1	1	6	2	0	0	2	5	44	2.3	16%
6	5	4	3	1	5	5	3	3	70	3.7	0%
12	53	6	10	7	9	56	28	7	360	18.9	0%
2	0	0	11	0	0	0	2	13	79	4.2	32%
2	2	3	7	4	0	2	2	10	53	2.8	11%
28	62	15	55	18	17	64	39	57	723	6.3	10%

**Appendix A-23.2. Court Appearances in Brooklyn Supreme Court in January 2015 (Continued)**

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
<b>Other Trial Parts</b>										
R	0	0	1	1	10	2	1	2	0	7
S	0	0	0	1	1	1	1	1	1	1
T	0	1	0	7	0	1	0	3	4	2
U	0	0	2	0	6	1	1	0	3	7
V	0	1	1	0	8	3	1	4	1	1
W	1	3	5	3	1	1	3	2	3	1
X	0	1	0	1	0	2	1	5	1	0
Y	8	1	0	0	0	0	0	0	0	0
Z	1	0	1	2	0	4	2	1	2	1
AA	1	4	3	0	1	1	3	2	2	2
BB	1	6	1	5	7	0	0	0	0	0
CC	2	3	3	1	0	2	2	1	2	0
DD	9	7	9	9	12	7	5	5	10	9
EE	0	2	0	2	1	8	1	6	8	9
FF	1	1	4	2	7	6	0	3	1	5
GG	0	0	5	3	1	0	3	0	1	0
HH	0	0	2	0	0	0	0	1	0	0
II	0	0	1	0	0	0	0	5	2	0
JJ	0	0	6	0	0	0	0	6	0	0
<i>Sub-total</i>	24	30	44	37	55	39	24	47	41	45
<b>Total</b>	251	365	347	360	278	323	353	386	333	275

**Appendix A-23.2. Court Appearances in Brooklyn Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
0	2	1	7	3	0	1	0	11	49	2.6	32%
1	1	0	0	1	0	0	1	0	11	0.6	42%
7	4	3	0	4	0	2	2	0	40	2.1	37%
4	6	1	7	4	1	1	1	8	53	2.8	21%
2	1	1	4	1	0	1	0	0	30	1.6	26%
2	2	8	2	2	0	3	3	2	47	2.5	5%
1	1	1	1	1	0	0	1	2	19	1.0	32%
0	1	1	0	1	0	1	1	0	14	0.7	58%
3	8	5	2	4	0	0	3	0	39	2.1	26%
1	1	1	1	2	0	2	3	2	32	1.7	11%
2	1	1	2	2	0	1	3	0	32	1.7	37%
7	4	2	1	3	0	5	1	2	41	2.2	16%
8	5	5	7	6	7	12	7	1	140	7.4	0%
8	0	3	7	0	0	2	1	0	58	3.1	32%
2	3	1	5	2	1	5	2	4	55	2.9	5%
3	3	1	2	2	0	7	7	1	39	2.1	26%
0	4	2	0	1	0	1	0	0	11	0.6	68%
1	0	0	0	0	0	4	0	0	13	0.7	74%
0	3	0	0	0	0	0	0	0	15	0.8	84%
52	50	37	48	39	9	48	36	33	738	2.0	33%
414	390	363	278	307	197	468	315	229	6,375	9.3 (328 across all parts per day)	22%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in January 2015. Weekend or holiday appearances are not counted in the table; there were 2 weekend or holiday appearances in one part, 1 in another part, and 2 each in two additional parts.

### Appendix A-23.3. Court Appearances in Manhattan Supreme Court in January 2015: 31 Arraignment, Calendar, and Trial

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
<b>Calendar (Arraignment, Calendar, and Trial)</b>										
A	7	43	8	0	3	0	42	3	1	1
B	4	4	29	9	1	2	2	36	1	4
C	57	12	6	3	5	64	20	6	3	4
D	6	103	12	6	7	2	107	12	6	0
E	5	4	87	12	6	10	6	92	8	6
F	1	0	25	54	12	22	7	10	62	11
G	12	3	67	1	5	2	1	73	5	3
H	12	7	3	50	13	5	11	5	49	4
I	8	53	8	5	3	6	50	2	2	1
J	15	10	3	71	21	16	8	3	77	13
K	17	9	4	49	2	3	2	14	58	9
L	47	8	7	4	0	62	9	8	1	9
M	0	0	46	7	5	3	2	53	1	0
N	0	0	72	3	0	19	10	98	11	11
O	0	9	0	0	0	4	80	8	10	10
P	12	10	4	9	8	12	12	18	12	13
<i>Sub-total</i>	203	275	381	283	91	232	369	441	307	99
<b>Specialized Parts</b>										
Q	0	0	55	0	37	0	0	54	0	23
R	5	2	1	62	3	7	1	2	64	3
S	1	2	1	0	18	2	3	1	2	16
T	1	11	0	3	1	5	9	1	1	4
U	10	11	6	8	4	13	12	12	3	9
V	4	7	30	13	12	3	8	28	18	11
W	6	16	31	16	5	7	11	28	7	9
<i>Sub-total</i>	27	49	124	102	302	37	44	126	95	302

**Appendix A-23.3. Court Appearances in Manhattan Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
21	5	5	2	1	47	10	4	0	203	10.7	16%
4	38	1	14	3	0	37	27	4	220	11.6	5%
47	4	4	6	59	0	8	4	3	315	16.6	5%
96	2	3	4	3	92	3	17	8	489	25.7	5%
10	98	8	5	4	7	82	5	3	458	24.1	5%
11	10	75	11	17	3	5	69	9	414	21.8	5%
6	85	1	1	2	0	90	4	4	365	19.2	5%
11	6	52	3	5	0	4	51	15	306	16.1	5%
57	0	3	3	6	67	13	15	3	305	16.1	5%
10	4	90	3	7	0	6	91	12	460	24.2	5%
12	11	63	7	20	7	9	64	13	373	19.6	0%
43	6	8	1	76	2	1	2	2	296	15.6	5%
5	57	3	2	4	0	53	1	1	243	12.8	21%
13	95	12	0	12	0	71	5	4	436	22.9	21%
95	13	5	3	18	81	17	6	2	361	19.0	21%
11	6	9	10	13	1	12	7	18	197	10.4	0%
452	440	342	75	250	307	421	372	101	5,441	17.9	8%
0	48	0	29	0	0	49	1	35	331	17.4	53%
4	0	59	2	2	0	4	61	1	283	14.9	11%
4	3	1	20	1	0	1	1	12	89	4.7	11%
10	1	1	2	9	1	5	2	3	70	3.7	5%
12	2	6	0	7	4	7	7	0	133	7.0	11%
9	24	16	5	12	2	23	16	10	251	13.2	0%
9	23	6	5	7	13	35	16	3	253	13.3	0%
48	101	89	540	38	20	124	104	286	1,410	10.6	13%



**Appendix A-23.3. Court Appearances in Manhattan Supreme Court in January 2015 (Continued)**

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
<b>Trial (General Trial Parts)</b>										
X	3	1	2	1	6	1	1	1	1	2
Y	8	1	2	4	1	1	2	1	4	5
Z	0	0	0	2	19	1	3	1	0	19
AA	1	1	4	2	3	5	8	4	4	1
BB	4	1	3	3	4	3	3	3	3	5
CC	23	12	12	24	7	1	18	13	32	9
DD	2	0	2	1	0	0	1	0	1	0
EE	2	3	4	1	3	2	1	4	1	1
<i>Sub-total</i>	43	19	29	38	43	14	37	27	46	42
<b>Total</b>	273	343	534	423	214	283	450	594	448	216

**Appendix A-23.3. Court Appearances in Manhattan Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
1	2	1	4	1	1	1	4	0	34	1.8	5%
1	1	6	1	2	0	5	1	11	57	3.0	5%
1	1	3	21	1	0	1	1	23	97	5.1	21%
4	6	2	1	4	1	2	2	0	55	2.9	5%
3	3	3	3	3	0	3	3	4	57	3.0	5%
28	15	16	12	16	12	10	10	3	273	14.4	0%
3	1	3	3	1	1	0	1	2	22	1.2	32%
1	1	1	2	3	0	0	1	5	36	1.9	11%
42	30	35	47	31	15	22	23	48	631	4.2	11%
542	571	466	185	319	342	567	499	213	7,482	12.7 (394 across all parts per day)	10%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in January 2015. Weekend or holiday appearances are not counted in the table; there were 2 weekend or holiday appearances in one part, 5 in another part, and 1 in a third part.

**Appendix A-23.4. Court Appearances in Queens Supreme Court in January 2015: 23 Arraignment, Calendar, and Trial**

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
<b>Calendar (Arraignment &amp; Calendar)</b>										
A <sup>1</sup>	84	63	69	82	57	73	61	73	61	34
B	6	13	10	6	9	9	14	4	4	8
C	3	2	5	5	4	2	7	5	0	1
D	3	8	5	4	2	8	5	14	5	3
<i>Sub-total</i>	96	86	89	97	72	92	87	96	70	46
<b>Specialized</b>										
E	26	40	48	42	29	26	47	42	33	14
F	3	6	1	4	0	1	3	3	5	4
G	13	3	1	16	8	6	6	7	8	6
<i>Sub-total</i>	42	49	50	62	37	33	56	52	46	24
<b>Trial Parts</b>										
H	0	1	6	2	0	1	3	3	0	0
I	0	4	2	1	5	4	1	3	1	5
J	2	1	1	1	0	1	0	1	3	2
K	4	6	14	10	5	5	9	8	4	2
L	5	5	1	0	1	9	2	2	11	0
M	2	1	4	3	1	1	2	2	6	0
N	8	4	4	14	4	14	14	10	5	1
O	0	0	5	3	3	5	6	6	8	1
P	12	19	13	18	46	11	13	6	14	12
Q	1	3	1	5	1	6	6	3	0	2
R	0	0	0	0	0	0	0	0	0	1

**Appendix A-23.4. Court Appearances in Queens Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
72	67	68	46	69	53	49	49	29	1,159	61.0	0%
6	7	4	3	15	12	4	6	4	144	7.6	0%
6	16	6	2	5	7	10	4	5	95	5.0	5%
2	10	4	7	1	5	8	3	0	97	5.1	5%
86	100	82	58	90	77	71	62	38	1,495	19.7	3%
26	22	32	11	29	28	25	30	6	556	29.3	0%
4	6	4	0	9	0	5	1	3	62	3.3	11%
23	15	19	4	9	9	18	3	87	261	13.7	0%
53	43	55	15	47	37	48	34	96	879	15.4	4%
2	0	2	0	1	0	3	4	1	29	1.5	37%
2	0	2	0	4	0	3	1	3	41	2.2	21%
2	3	1	1	0	0	3	2	0	24	1.3	26%
3	7	8	2	8	0	1	4	1	101	5.3	5%
0	0	0	0	4	0	16	12	1	69	3.6	37%
0	0	1	0	1	0	1	12	4	41	2.2	26%
2	1	2	4	4	0	1	3	2	97	5.1	5%
7	2	6	1	5	0	4	9	6	77	4.1	16%
11	20	11	21	11	10	5	9	3	265	13.9	0%
3	0	2	3	6	3	5	7	4	61	3.2	11%
2	2	0	0	0	0	0	2	0	7	0.4	79%

**Appendix A-23.4. Court Appearances in Queens Supreme Court in January 2015 (Continued)**

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
S	0	0	0	0	0	1	0	1	6	0
T	7	4	2	4	1	7	1	1	3	3
U	7	1	1	0	0	2	0	1	2	1
V	1	2	1	2	2	1	2	4	1	4
W	7	6	2	7	2	2	6	2	6	4
<i>Sub-total</i>	56	57	57	70	71	70	65	53	70	38
<b>Total</b>	194	192	196	229	180	195	208	201	186	108

**Appendix A-23.4. Court Appearances in Queens Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
1	0	0	0	0	0	1	0	0	10	0.5	74%
3	1	4	0	6	0	2	3	1	53	2.8	11%
4	1	1	1	2	0	3	3	3	33	1.7	21%
2	3	3	5	1	2	2	3	2	43	2.3	0%
2	2	4	3	6	0	0	0	4	65	3.4	16%
46	42	47	41	59	15	50	74	35	1,016	3.3	24%
185	185	184	114	196	129	169	170	169	3,390	7.8 (178 across all parts per day)	18%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in January 2015. Weekend or holiday appearances are not counted in the table (except as noted in the following footnote); there was 1 weekend or holiday appearances in one court part.

<sup>1</sup> This part was open on 1/2/2015 and saw 23 cases that day. Given this volume, the cases were added to the 1/5/2015 total for the purpose of incorporating these cases into the totals represented in the chart without adding a new column for the 1/2/2015 date.

**Appendix A-23.5. Court Appearances in Staten Island Supreme Court in January 2015: 5 Arraignment, Calendar, & Trial**

	Week 1: Appearance Date					Week 2: Appearance Date				
	1/05/2015	1/06/2015	1/07/2015	1/08/2015	1/09/2015	1/12/2015	1/13/2015	1/14/2015	1/15/2015	1/16/2015
<b>Calendar (Arraignment &amp; Calendar)</b>										
A	11	20	32	19	35	14	15	7	26	14
<i>Sub-total</i>	11	20	32	19	35	14	15	7	26	14
<b>Specialized</b>										
B	1	1	4	1	1	2	1	3	1	0
C	12	8	0	0	0	9	2	0	0	0
<i>Sub-total</i>	13	9	4	1	1	11	3	3	1	0
<b>Trial</b>										
D	2	0	0	0	0	0	0	0	0	0
E	1	1	0	6	0	2	1	3	2	0
<i>Sub-total</i>	3	1	0	6	0	2	1	3	2	0
<b>Total</b>	27	30	36	26	36	27	19	13	29	14

**Appendix A-23.5. Court Appearances in Staten Island Supreme Court in January 2015 (Continued)**

Week 3: Appearance Date				Week 4: Appearance Date					January Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
1/20/2015	1/21/2015	1/22/2015	1/23/2015	1/26/2015	1/27/2015	1/28/2015	1/29/2015	1/30/2015			
15	12	24	19	24	1	7	26	28	349	18.4	0%
15	12	24	19	24	1	7	26	28	349	18.4	0%
1	3	5	1	2	0	12	2	2	43	2.3	11%
2	0	0	0	17	0	0	0	0	50	2.6	68%
3	3	5	1	19	0	12	2	2	93	2.4	40%
0	0	0	0	0	0	1	1	3	7	0.4	79%
4	0	0	0	3	0	0	1	1	25	1.3	42%
4	0	0	0	3	0	1	2	4	32	0.8	61%
22	15	29	20	46	1	20	30	34	474	5.0 (25 across all parts per day)	40%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in January 2015. Weekend or holiday appearances are not counted in the table. There was 1 appearance in one part on 1/2/2015. Note that Part SITC-F, which is the Richmond County Treatment Court, has a Criminal Court judge and is therefore not included in this table.



**Appendix A-24.1. Court Appearances in Bronx Supreme Court in June 2015: 34 Arraignment, Calendar, and Trial Parts**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
<b>Calendar</b>										
A	14	16	28	27	14	36	40	51	30	18
B	0	2	2	0	29	46	32	39	38	31
C	0	0	0	0	15	41	73	38	48	50
D	18	15	5	18	0	12	18	23	5	4
E	3	0	0	0	26	16	6	1	4	14
<i>Sub-total</i>	35	33	35	45	84	151	169	152	125	117
<b>Specialized (Arraignment, Calendar, and Trial)</b>										
F	12	9	82	6	7	13	3	75	13	9
G	0	0	0	5	0	1	4	1	78	6
H	1	1	1	1	0	0	0	0	0	38
I	0	0	0	0	16	26	50	28	22	16
J	1	31	1	3	2	3	41	3	3	1
K	32	6	7	9	5	24	6	6	6	5
L	1	0	0	0	0	8	8	5	5	3
M	0	3	0	0	21	50	44	29	44	35
<i>Sub-total</i>	47	50	91	24	51	125	156	147	171	113
<b>Trial/Other</b>										
N	0	0	3	0	0	0	0	10	0	0
O	0	0	0	0	0	0	0	13	0	0
P	1	2	3	1	2	1	2	2	1	1
Q	7	12	11	18	2	14	26	15	15	6
R	0	0	0	0	0	0	0	0	0	0
S	0	0	2	2	0	0	1	0	0	0
T	2	0	0	2	1	3	3	3	1	0
U	0	0	0	0	0	0	0	0	0	0

**Appendix A-24.1. Court Appearances in Bronx Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
6/15/ 2015	6/16/ 2015	6/17/201 5	6/18/201 5	6/19/ 2015	6/22/201 5	6/23/201 5	6/24/201 5	6/25/201 5	6/26/201 5	6/29/1 5	6/30/1 5			
33	40	29	41	11	50	36	27	41	7	28	34	651	29.6	0%
37	30	34	33	16	27	32	32	31	13	43	33	580	26.4	9%
37	27	37	35	26	0	0	0	3	0	38	37	505	23.0	36%
19	11	25	6	7	22	13	18	1	19	10	26	295	13.4	5%
5	7	0	6	48	7	1	3	8	46	6	7	214	9.7	18%
131	115	125	121	108	106	82	80	84	85	125	137	2,245	20.4	14%
12	5	72	15	1	12	12	71	11	14	10	15	479	21.8	0%
1	2	0	82	2	0	5	1	82	3	0	0	273	12.4	36%
1	6	0	0	22	0	3	3	0	23	21	0	121	5.5	45%
40	59	39	30	31	0	1	0	0	0	0	0	358	16.3	45%
3	36	5	8	0	0	0	0	0	0	0	0	141	6.4	36%
29	8	15	0	0	0	0	0	4	0	2	0	163	7.4	32%
8	7	2	5	0	0	3	7	2	6	2	3	75	3.4	27%
45	30	41	30	24	31	39	37	30	21	10	28	592	26.9	14%
139	153	174	170	80	43	63	119	129	67	45	46	2,202	100.1	29%
1	0	2	0	2	0	0	4	2	1	0	0	25	1.1	64%
0	0	12	0	0	0	0	10	0	0	0	3	38	1.7	82%
1	1	1	1	1	1	0	3	2	3	0	0	30	1.4	14%
10	21	18	15	11	4	21	17	17	3	2	15	280	12.7	0%
1	1	3	1	1	3	1	2	1	3	2	1	20	0.9	45%
0	0	0	0	0	0	1	1	0	0	0	3	10	0.5	73%
5	1	3	2	8	7	2	6	1	0	1	4	55	2.5	18%
0	0	0	0	0	0	4	4	3	1	3	3	18	0.8	73%

**Appendix A-24.1. Court Appearances in Bronx Supreme Court in June 2015 (Continued)**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
V	4	5	4	4	0	4	4	5	4	3
W	0	0	0	0	0	1	1	0	1	0
X	0	0	0	0	0	1	0	0	0	0
Y	0	0	0	0	0	1	0	2	3	0
Z	2	0	1	3	1	1	1	1	2	0
AA	0	0	0	0	0	0	0	1	0	0
BB	3	3	0	3	3	3	3	3	3	0
CC	0	0	1	1	3	1	0	0	1	3
DD	2	0	0	0	4	4	1	1	0	1
EE	3	6	1	4	5	2	2	2	9	1
FF	1	1	13	3	8	4	1	11	0	1
GG	0	0	0	0	0	0	0	1	0	0
HH	0	0	0	0	3	10	3	32	1	3
<i>Sub-total</i>	25	29	39	41	32	50	48	102	41	19
<b>Total</b>	107	112	165	110	167	326	373	401	337	249

**Appendix A-24.1. Court Appearances in Bronx Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
6/15/2015	6/16/2015	6/17/2015	6/18/2015	6/19/2015	6/22/2015	6/23/2015	6/24/2015	6/25/2015	6/26/2015	6/29/15	6/30/15			
4	4	4	4	0	0	0	5	1	0	6	4	69	3.1	23%
1	1	1	1	0	1	2	1	1	0	1	1	14	0.6	41%
3	3	0	3	0	3	4	3	3	3	3	3	32	1.5	50%
1	0	7	7	0	0	0	6	0	4	5	1	37	1.7	55%
0	1	3	4	0	4	1	0	0	0	1	0	26	1.2	36%
0	0	0	0	1	0	1	1	1	1	1	1	8	0.4	64%
1	1	0	1	1	1	1	2	6	0	1	2	41	1.9	82%
0	0	0	0	0	1	2	2	0	2	0	0	17	0.8	55%
0	0	0	4	2	2	1	0	0	2	7	7	38	1.7	41%
0	6	1	2	3	7	9	1	2	0	1	2	69	3.1	9%
0	0	0	0	10	0	1	0	0	0	1	1	56	2.5	41%
0	0	0	0	0	0	1	0	0	0	0	0	2	0.1	91%
1	1	37	5	4	5	3	8	10	11	8	4	149	6.8	18%
29	41	92	50	44	39	55	76	50	34	43	55	1,034	2.2	46%
299	309	391	341	232	188	200	275	263	186	213	238	5,481	7.3 (249 across all parts per day)	38%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in June 2015. Weekend appearances are not counted in the table; there was 1 such appearance in one part (on 6/20/2015). Another part heard 4 appearances in June 2015, but based on data pointing to an overlapping judge with a third part, those 4 appearances are grouped under the third part.

**Appendix A-24.2. Court Appearances in Brooklyn Supreme Court in June 2015: 36 Arraignment, Calendar, & Trial Parts**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
<b>Calendar (Including Arraignment)</b>										
A	37	31	35	35	20	33	26	33	31	21
B	18	24	18	23	27	19	10	31	29	12
C	2	4	0	1	0	45	46	41	0	0
D	30	23	23	31	9	31	26	36	25	15
E	33	27	22	35	29	36	34	29	24	1
<i>Sub-total</i>	120	109	98	125	85	164	142	170	109	49
<b>Specialized</b>										
F	22	18	9	25	11	39	51	39	33	13
G	7	31	30	29	17	24	23	15	32	13
H	18	59	26	31	10	20	74	18	43	14
I	12	9	8	10	0	11	11	7	3	8
J	0	0	0	0	1	10	7	26	2	4
K	10	12	12	20	0	9	7	12	5	0
<i>Sub-total</i>	69	129	85	115	39	113	173	117	118	52
<b>Trial Readiness and Trials</b>										
L	6	4	1	5	16	3	3	3	2	10
M	1	2	0	0	8	0	0	2	2	1
N	1	3	3	3	3	6	4	1	1	1
O	6	10	55	3	7	5	4	58	8	1
P	0	0	0	0	7	0	1	0	0	24
Q	0	0	0	0	2	9	5	4	3	0
<i>Sub-total</i>	14	19	59	11	43	23	17	68	16	37

**Appendix A-24.2. Court Appearances in Brooklyn Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekday without Activity
6/15/2015	6/16/2015	6/17/2015	6/18/2015	6/19/2015	6/22/2015	6/23/2015	6/24/2015	6/25/2015	6/26/2015	6/29/15	6/30/15			
34	33	30	30	19	30	37	29	31	26	41	35	678	30.8	0%
24	13	31	2	5	20	21	25	2	16	23	20	413	18.8	0%
4	0	1	1	2	44	49	41	50	21	46	38	436	19.8	23%
23	26	31	34	29	1	2	1	2	1	3	1	403	18.3	0%
38	25	21	37	36	28	32	28	33	5	52	30	625	28.4	0%
123	97	114	104	91	123	141	124	118	69	165	124	2,555	23.2	5%
41	34	28	36	6	24	55	28	44	20	21	26	372	16.9	0%
16	18	21	28	10	27	33	32	34	13	22	28	503	22.9	0%
25	86	27	34	15	16	50	35	18	26	19	47	718	32.6	0%
8	9	7	8	7	10	9	4	5	0	11	18	175	8.0	9%
0	0	0	0	0	3	11	7	11	1	4	14	101	4.6	41%
2	11	13	0	0	0	0	7	1	0	0	3	124	5.6	36%
92	158	96	106	38	80	158	113	113	60	77	136	1,993	15.1	14%
6	3	2	2	11	3	0	0	5	13	4	7	109	5.0	9%
1	2	1	3	3	1	1	1	2	5	0	1	37	1.7	23%
5	2	3	2	2	4	3	1	2	3	3	0	56	2.5	5%
0	3	57	16	4	18	17	58	9	0	1	0	331	15.0	14%
6	5	2	2	10	7	4	0	3	28	0	0	99	4.5	45%
4	0	1	1	2	6	3	4	2	0	7	0	53	2.4	36%
22	15	66	26	32	39	28	64	23	49	11	0	685	5.2	22%

**Appendix A-24.2. Court Appearances in Brooklyn Supreme Court in June 2015 (Continued)**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
<b>Other Trial Parts</b>										
R	3	3	4	1	2	0	1	0	1	9
S	2	1	1	1	0	1	2	1	1	0
T	0	1	0	6	1	0	1	1	3	2
U	4	1	1	2	5	0	0	1	1	6
V	3	1	1	1	3	3	2	1	3	2
W	4	0	5	5	0	4	5	4	4	0
X	4	5	3	4	0	3	3	3	4	0
Y	4	7	1	6	1	1	4	0	5	5
Z	0	0	0	0	0	4	3	2	1	1
AA	2	1	0	0	1	0	1	3	1	0
BB	0	0	0	0	0	0	0	0	4	0
CC	0	0	1	1	0	2	2	0	2	0
DD	14	2	3	19	0	3	2	4	5	2
EE	0	0	0	1	0	0	0	0	1	0
FF	0	1	0	1	0	2	2	0	0	0
GG	4	1	1	6	0	7	5	2	0	1
HH	0	0	0	0	0	1	1	7	0	0
II	0	0	4	0	0	0	0	13	0	0
JJ	0	0	1	0	0	0	0	0	0	0
<i>Sub-total</i>	44	24	26	54	13	31	34	42	36	28
<b>Total</b>	247	281	268	305	180	331	366	397	279	166

**Appendix A-24.2. Court Appearances in Brooklyn Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
6/15/2015	6/16/2015	6/17/2015	6/18/2015	6/19/2015	6/22/2015	6/23/2015	6/24/2015	6/25/2015	6/26/2015	6/29/15	6/30/15			
0	2	0	1	5	1	0	0	2	11	4	7	57	2.6	27%
0	0	0	0	0	0	2	1	3	0	1	0	17	0.8	45%
3	1	3	2	1	2	3	1	2	1	0	0	34	1.5	23%
2	1	1	0	2	0	2	1	1	7	1	2	41	1.9	18%
3	2	2	4	1	1	4	1	2	4	2	2	48	2.2	0%
6	4	4	5	5	4	4	4	3	0	0	0	70	3.2	27%
3	3	3	3	0	7	6	3	0	0	3	4	64	2.9	23%
0	0	0	0	0	3	1	2	2	1	0	0	43	2.0	36%
4	0	0	0	1	3	6	0	3	0	1	4	33	1.5	45%
0	0	4	0	2	4	2	5	2	2	3	1	34	1.5	32%
0	0	0	0	4	0	0	0	0	0	0	0	8	0.4	91%
3	5	2	4	0	1	6	0	0	0	0	3	33	1.5	45%
6	3	3	5	0	8	5	3	4	0	4	0	80	3.6	18%
0	0	0	0	0	0	0	0	0	13	0	0	32	1.5	86%
2	2	0	1	1	2	0	1	0	0	1	2	18	0.8	86%
0	4	2	4	2	1	2	8	5	6	3	4	65	3.0	14%
1	1	1	1	0	0	0	2	0	0	0	1	16	0.7	59%
0	0	5	0	0	0	0	2	0	0	0	0	24	1.1	82%
0	0	3	0	0	0	0	1	0	0	0	0	5	0.2	86%
33	28	33	30	24	37	43	35	29	45	23	30	722	1.7	44%
270	298	309	266	185	279	370	336	283	223	280	298	5955	7.5 (157 across all parts per day)	30%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in June 2015. There were not any weekend or holiday appearances.



**Appendix A-24.3. Court Appearances in Manhattan Supreme Court in June 2015: 35 Arraignment, Calendar, and Trial**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
<b>Calendar (Arraignment, Calendar, and Trial)</b>										
A	1	5	0	0	2	0	61	8	1	2
B	1	0	0	0	0	4	2	57	5	4
C	3	0	0	0	0	53	9	4	3	5
D	6	97	1	5	4	69	26	6	1	0
E	9	1	71	1	2	7	5	98	7	6
F	4	12	7	53	4	9	9	5	49	9
G	7	11	89	11	4	5	5	55	2	3
H	15	2	1	51	14	14	3	5	65	6
I	7	0	0	0	0	14	68	8	2	0
J	4	12	1	67	1	1	17	11	78	19
K	0	7	9	61	0	14	14	18	64	6
L	20	0	0	0	4	67	10	8	1	0
M	3	3	48	0	2	3	4	51	3	2
N	20	20	63	6	3	15	16	75	21	3
O	17	67	8	8	0	9	76	4	6	2
P	0	0	0	0	3	8	20	14	14	12
<i>Sub-total</i>	117	237	298	263	43	292	345	427	322	79
<b>Specialized Parts</b>										
Q	0	0	2	7	29	7	0	0	0	1
R	0	0	0	0	0	2	2	1	4	0
S	5	5	6	7	20	3	3	3	4	25
T	1	8	1	1	2	3	6	0	0	4
U	3	7	5	6	0	12	8	5	12	0
V	17	10	11	17	13	11	11	15	16	13
W	2	7	76	14	7	17	29	25	62	4
<i>Sub-total</i>	28	37	101	52	218	55	59	49	98	261

**Appendix A-24.3. Court Appearances in Manhattan Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
6/15/15	6/16/15	6/17/15	6/18/15	6/19/15	6/22/15	6/23/15	6/24/15	6/25/15	6/26/15	6/29/15	6/30/15			
9	51	8	0	0	5	39	0	4	1	1	39	237	10.8	27%
1	13	51	1	3	2	0	37	25	4	1	0	211	9.6	22%
56	7	16	6	2	49	2	3	7	6	46	5	282	12.8	18%
0	99	0	1	1	2	92	0	0	0	0	96	506	23.0	32%
8	4	65	3	0	10	4	93	8	8	3	2	415	18.9	5%
5	8	4	65	4	18	6	12	62	7	7	3	362	16.5	0%
6	2	67	8	3	2	1	73	11	10	2	3	380	17.3	0%
9	15	7	70	10	5	4	9	54	15	13	8	395	18.0	0%
11	67	8	30	2	1	59	4	4	1	29	77	392	17.8	23%
8	3	14	74	11	18	13	1	89	4	19	16	481	21.9	0%
1	0	2	80	15	17	10	9	68	6	14	6	421	19.1	9%
64	8	6	2	2	43	1	4	5	2	46	7	300	13.6	18%
6	4	46	4	2	8	5	49	5	5	6	4	263	12.0	5%
14	19	80	11	7	21	18	82	11	1	17	8	531	24.1	0%
8	69	1	11	1	8	83	8	0	1	9	75	471	21.4	9%
4	17	10	6	9	10	10	13	8	15	1	5	179	8.1	18%
210	386	385	372	72	219	347	397	361	86	214	354	5,826	16.6	12%
0	2	2	7	22	2	1	1	6	21	0	5	115	5.2	31%
4	1	2	4	0	1	1	1	8	1	1	1	34	1.5	31%
4	4	3	5	22	3	1	1	6	25	2	2	159	7.2	0%
1	11	2	3	1	0	6	2	2	0	2	7	63	2.9	18%
7	7	3	13	0	10	8	0	3	0	0	11	120	5.5	27%
5	15	25	16	18	7	8	25	10	5	8	7	283	12.9	0%
11	17	78	58	3	11	19	74	50	2	7	20	603	27.4	0%
32	57	115	465	66	34	44	104	248	54	20	53	1,377	8.9	15%

**Appendix A-24.3. Court Appearances in Manhattan Supreme Court in June 2015 (Continued)**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
<b>Trial (General Trial Parts)</b>										
X	0	0	0	0	0	0	0	0	0	0
Y	0	0	0	0	0	0	0	0	0	0
Z	0	0	0	0	0	0	0	0	0	0
AA	0	0	0	0	0	0	0	0	0	0
BB	3	1	1	0	0	1	2	2	1	1
CC	0	0	0	0	0	7	2	0	0	0
DD	0	0	0	0	16	2	1	0	0	17
EE	1	3	5	4	1	2	1	1	5	1
FF	3	3	3	3	3	0	0	0	0	9
GG	8	13	8	8	11	9	23	8	10	9
HH	5	3	3	3	1	1	4	2	1	0
II	2	2	1	0	0	1	1	2	1	1
<i>Sub-total</i>	22	25	21	18	32	23	34	15	18	38
<b>Total</b>	167	299	420	333	146	370	438	491	438	164

**Appendix A-24.3. Court Appearances in Manhattan Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
6/15/2015	6/16/2015	6/17/2015	6/18/2015	6/19/2015	6/22/2015	6/23/2015	6/24/2015	6/25/2015	6/26/2015	6/29/15	6/30/15			
0	1	1	2	0	0	0	0	0	0	0	0	4	0.2	86%
2	2	0	4	2	1	2	0	2	9	0	6	30	1.4	59%
0	1	1	2	0	0	0	0	0	0	0	0	4	0.2	86%
2	2	0	4	2	1	2	0	2	9	0	6	30	1.4	59%
2	2	1	1	1	1	1	0	2	0	1	1	25	1.1	18%
0	0	0	0	0	2	3	1	5	2	0	3	25	1.1	64%
1	0	0	0	20	0	0	0	0	0	0	0	57	2.6	73%
4	0	2	2	0	4	2	1	2	3	3	2	49	2.2	9%
2	2	1	0	1	1	1	3	0	1	0	0	36	1.6	36%
10	15	11	10	10	9	36	12	9	8	14	21	272	12.4	0%
1	1	6	3	4	0	0	0	0	0	0	0	38	1.7	36%
1	2	2	1	1	2	0	0	1	1	4	3	29	1.3	18%
25	28	25	29	41	21	47	17	23	33	22	42	599	2.3	45%
267	471	525	507	179	274	438	518	469	173	256	449	7,802	10.1 (355 across all parts per day)	24%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in June 2015. There were not any weekend or holiday appearances.

**Appendix A-24.4. Court Appearances in Queens Supreme Court in June 2015: 24 Arraignment, Calendar, and Trial Parts**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
<b>Calendar (Arraignment &amp; Calendar)</b>										
A	51	45	42	36	40	59	57	59	73	41
B	6	8	6	11	4	9	7	5	3	4
C	4	7	4	6	1	3	5	3	2	3
D	3	4	8	5	0	6	4	9	3	0
<i>Sub-total</i>	64	64	60	58	45	77	73	76	81	48
<b>Specialized</b>										
E	14	33	12	19	8	28	38	43	31	20
F	0	0	0	0	1	7	2	3	6	4
G	0	19	8	13	11	13	13	23	11	4
<i>Sub-total</i>	14	52	20	32	20	48	53	69	48	28
<b>Trial Parts</b>										
H	0	0	3	2	0	3	3	1	2	0
I	1	1	1	1	1	0	4	2	0	0
J	3	2	3	3	2	3	0	5	2	2
K	3	3	3	1	1	4	5	10	11	3
L	2	2	7	2	1	2	3	2	2	1
M	2	1	1	2	0	1	1	5	1	0
N	1	1	0	0	6	3	2	4	5	7
O	0	0	0	1	1	8	9	5	12	7
P	2	0	0	0	0	0	0	6	7	1
Q	0	0	0	3	10	8	13	0	0	8
R	2	3	3	4	0	1	3	2	1	0

**Appendix A-24.4. Court Appearances in Queens Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekday s without Activity
6/15/2015	6/16/2015	6/17/2015	6/18/2015	6/19/2015	6/22/2015	6/23/2015	6/24/2015	6/25/2015	6/26/2015	6/29/15	6/30/15			
56	70	67	61	27	70	78	58	68	31	60	56	1205	54.8	0%
6	7	16	3	4	5	11	5	10	5	8	8	151	6.9	0%
3	4	5	7	0	4	7	5	3	4	4	4	88	4.0	5%
8	2	5	4	1	1	4	4	1	0	2	7	81	3.7	14%
73	83	93	75	32	80	100	72	82	40	74	75	1,525	17.3	5%
16	28	25	25	14	16	43	34	35	15	39	30	564	25.6	0%
5	4	0	1	4	5	6	0	3	0	8	3	62	2.8	32%
10	19	12	9	1	17	11	18	8	2	16	22	260	11.8	5%
31	51	37	35	19	38	60	52	46	17	63	55	886	13.4	12%
1	4	1	1	0	4	2	1	2	2	1	6	39	1.8	23%
0	1	2	4	0	0	3	6	2	2	3	6	40	1.8	27%
3	4	3	0	4	4	5	2	4	1	4	5	64	2.9	9%
9	3	9	0	0	3	0	1	0	0	7	11	87	4.0	23%
4	2	2	0	0	3	1	0	1	1	1	2	41	1.9	14%
1	3	1	3	0	1	2	4	0	0	5	2	36	1.6	23%
6	0	5	2	0	3	1	1	4	3	1	4	59	2.7	18%
6	8	7	6	7	8	5	3	10	3	8	5	119	5.4	14%
7	1	5	7	2	0	2	3	4	0	1	3	51	2.3	36%
0	0	12	7	8	7	17	3	0	12	7	12	127	5.8	36%
1	3	4	3	0	2	0	0	1	0	2	5	40	1.8	27%

**Appendix A-24.4. Court Appearances in Queens Supreme Court in June 2015 (Continued)**

	Week 1: Appearance Date					Week 2: Appearance Date				
	6/1/2015	6/2/2015	6/3/2015	6/4/2015	6/5/2015	6/8/2015	6/9/2015	6/10/2015	6/11/2015	6/12/2015
S	0	0	0	0	0	0	0	2	1	1
T	1	4	1	2	0	1	2	1	2	1
U	0	0	0	0	0	2	4	4	5	1
V	1	1	0	4	1	0	5	1	0	0
W	4	2	4	2	6	1	4	3	0	1
X	6	3	10	3	1	1	1	2	0	1
<i>Sub-total</i>	28	23	36	30	30	38	59	55	51	34
<b>Total</b>	106	139	116	120	95	163	185	200	180	110

**Appendix A-24.4. Court Appearances in Queens Supreme Court in June 2015 (Continued)**

Week 3: Appearance Date					Week 4: Appearance Date					Week 5: Date		June Total	Appearances per Weekday per Part	Percent of Weekdays without Activity
6/15/15	6/16/15	6/17/15	6/18/15	6/19/15	6/22/15	6/23/15	6/24/15	6/25/15	6/26/15	6/29/15	6/30/15			
0	1	0	1	0	0	0	2	1	1	1	0	11	0.5	59%
0	0	1	1	0	8	3	4	1	0	3	1	37	1.7	23%
1	2	5	3	0	7	4	2	2	2	7	7	58	2.6	27%
1	1	2	0	0	2	3	3	1	0	1	3	30	1.4	32%
2	4	0	1	0	1	0	3	2	1	2	3	46	2.1	18%
4	3	1	2	2	2	3	5	6	2	1	5	64	2.9	5%
46	40	60	41	23	55	51	43	41	30	55	80	949	2.5	24%
150	174	190	151	74	173	211	167	169	87	192	210	3,360	6.4 (153 across all parts per day)	20%

*Note:* All calendar and trial parts are included provided they held at least one calendared court appearance in June 2015. There were not any weekend or holiday appearances.



**Appendix A-25. Supreme Court Trials Reaching a Verdict in 2014**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Number of Trial Verdicts</b>	<b>146</b>	<b>216</b>	<b>327</b>	<b>236</b>	<b>9</b>	<b>934</b>
<b>Percent of Citywide Total</b>	<b>15%</b>	<b>23%</b>	<b>35%</b>	<b>25%</b>	<b>1%</b>	<b>100%</b>
<b>TRIALS IN 2014 BY COURT PART</b>						
A	0	12	0	0	0	
B	0	9	0	0	0	
C	1	18	0	0	4	
D	0	7	0	0	0	
E	13	11	0	0	0	
F	6	0	0	0	0	
G	0	1	0	0	0	
H	8	1	0	0	0	
I	4	12	0	0	0	
J	5	13	0	0	0	
K	0	9	0	0	0	
L	10	10	8	0	0	
M	0	10	13	0	0	
N	9	0	5	0	0	
O	5	0	0	0	0	
P	0	20	0	0	0	
Q	3	12	0	0	0	
R	7	9	0	0	0	
S	0	11	0	0	0	
T	5	0	0	0	0	
U	0	6	0	0	0	
V	7	0	7	0	0	
W	0	0	12	0	0	
X	5	7	0	0	0	
Y	0	10	0	0	0	
Z	0	1	0	0	0	
AA	0	0	6	0	0	
BB	0	0	10	0	0	
CC	0	0	17	0	0	
DD	0	0	26	0	0	
EE	0	0	3	0	0	

**Appendix A-25. Supreme Court Trials Reaching a Verdict (Continued)**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
FF	0	2	0	0	5	
GG	0	0	7	0	0	
HH	0	0	9	0	0	
II	0	0	15	0	0	
JJ	0	0	18	0	0	
KK	3	0	0	0	0	
LL	0	0	10	0	0	
MM	0	0	6	0	0	
NN	0	0	15	0	0	
OO	0	0	29	0	0	
PP	0	12	0	0	0	
QQ	4	0	5	0	0	
RR	0	0	13	0	0	
SS	6	0	0	0	0	
TT	3	0	0	0	0	
UU	6	0	0	0	0	
VV	7	0	0	0	0	
WW	6	0	0	0	0	
XX	0	6	0	0	0	
YY	0	0	11	0	0	
ZZ	0	0	6	0	0	
AAA	0	0	6	0	0	
BBB	0	0	6	0	0	
CCC	0	7	0	0	0	
DDD	6	0	9	0	0	
EEE	0	0	9	0	0	
FFF	7	0	23	0	0	
GGG	2	0	19	0	0	
HHH	3	0	4	0	0	
III	4	0	0	0	0	
JJJ	1	0	0	0	0	
KKK	0	0	0	11	0	
LLL	0	0	0	14	0	
MMM	0	0	0	14	0	
NNN	0	0	0	10	0	

**Appendix A-25. Supreme Court Trials Reaching a Verdict (*Continued*)**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhattan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
OOO	0	0	0	24	0	
PPP	0	0	0	11	0	
QQQ	0	0	0	10	0	
RRR	0	0	0	18	0	
SSS	0	0	0	9	0	
TTT	0	0	0	14	0	
UUU	0	0	0	28	0	
VVV	0	0	0	9	0	
WWW	0	0	0	12	0	
XXX	0	0	0	2	0	
YYY	0	0	0	23	0	
ZZZ	0	0	0	8	0	
AAAA	0	0	0	12	0	
BBBB	0	0	0	7	0	
<b>Total number of trials</b>	146	216	327	236	9	934
<b>Number of court parts holding trials</b>	27	24	29	18	2	100
<b>Average trials per court part (<i>if &gt; 1</i>)</b>	5.4	9.0	11.3	13.1	4.5	9.3

## Appendix A-26. Frequency of Adjournments to Other Court Parts in Supreme Court

	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
<b>Number of Dispositions</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>FREQUENCY OF PART CHANGES IN SUPREME COURT</b>						
No Court Part Changes	28%	28%	51%	29%	64%	37%
Any Part Change	72%	72%	49%	71%	36%	63%
1-2 court part changes	57%	46%	39%	31%	26%	44%
3-4 court part changes	13%	16%	8%	23%	7%	13%
5-6 court part changes	2%	7%	2%	12%	2%	4%
7 or more court part changes	0%	3%	0%	6%	0%	1%

*Note:* Court part changes are likely overstated systematically, due to occasional errors in Supreme Court data provided by the Office of Court Administration, and in turn in coding such data, whereby the change from the court part that heard the indictment to the first Supreme Court part could count as a court part change. However, this occasional error was seen in all boroughs and is therefore unlikely to create systematic bias in the general pattern when comparing the boroughs.

## Appendix A-27.1. Case Dispositions by Timing of Case Resolution: Citywide

	Total	Resolved in Criminal Court	SCI	Indicted only			
				All Indicted	Resolved within 12 months	Resolved 12-24 months	Resolved after 24 months
<b>Felony Cases (Total cases)</b>	<b>50,445</b>	<b>30,470</b>	<b>3,763</b>	<b>16,212</b>	<b>10,632</b>	<b>4,325</b>	<b>1,255</b>
<b>All Cases</b>							
Pled to top charge or tried & convicted	18%	-	40%	45%	48%	40%	35%
Pled to lesser felony	11%	-	42%	23%	23%	24%	25%
Pled to misdemeanor or lesser offense	43%	61%	9%	18%	18%	19%	15%
Dismissed / Acquitted <sup>1</sup>	28%	39%	8%	14%	11%	18%	24%
<b>Nonviolent felony</b>							
Pled to top charge or tried & convicted	14%	-	17%	35%	35%	35%	32%
Pled to lesser felony	16%	-	74%	32%	36%	28%	27%
Pled to misdemeanor or lesser offense	34%	46%	7%	18%	18%	19%	15%
Dismissed / Acquitted <sup>1</sup>	37%	54%	2%	15%	11%	18%	26%
<b>VFO (excluding homicide)</b>							
Pled to top charge or tried & convicted	19%	0%	51%	52%	55%	45%	36%
Pled to lesser felony	7%	-	28%	16%	16%	17%	15%
Pled to misdemeanor or lesser offense	50%	69%	10%	19%	19%	20%	22%
Dismissed / Acquitted <sup>1</sup>	24%	31%	11%	13%	10%	18%	27%
<b>Homicide</b>							
Pled to top charge or tried & convicted	33%	-	10%	41%	36%	44%	43%
Pled to lesser felony	34%	-	88%	38%	40%	34%	40%
Pled to misdemeanor or lesser offense	5%	9%	3%	4%	7%	4%	2%
Dismissed / Acquitted <sup>1</sup>	28%	91%	-	17%	17%	18%	15%

*Note:* Reported percentages exclude cases with unknown case outcome (N = 952).

<sup>1</sup> Dismissed or acquitted cases include three sub-categories: (1) straight dismissals; (2) adjournments in contemplation of dismissal (ACDs), which are typically dismissed some time later, generally six months or one year depending on the charge, except in rare instances when the prosecutor acts to re-open the case due to alleged violations of the terms of the ACD; and (3) acquittals at trial. Additional analysis indicated that 5% of all cases resolved in Criminal Court, less than 1% of all cases resolved with an SCI, and 2% of indicted cases are ultimately resolved with an adjournment in contemplation of dismissal.

**Appendix A-27.2. Case Dispositions by Timing of Case Resolution: Bronx**

	Total	Resolved in Criminal Court	SCI	Indicted only			
				All Indicted	Resolved within 12 months	Resolved 12 to 24 months	Resolved after 24 months
<b>Felony Cases (Total cases)</b>	<b>11,761</b>	<b>6,646</b>	<b>601</b>	<b>4,514</b>	<b>2,271</b>	<b>1,605</b>	<b>638</b>
<b>All Cases</b>							
Pled to top charge or tried & convicted	14.7%	0.1%	34.8%	33.8%	38.4%	30.3%	25.8%
Pled to lesser felony	11.2%	-	38.7%	24.0%	21.1%	25.6%	30.3%
Pled to misdemeanor or lesser offense	36.0%	47.8%	19.1%	20.9%	22.6%	19.6%	18.4%
Dismissed / Acquitted	38.1%	52.2%	7.4%	21.3%	17.9%	24.4%	25.5%
<b>Non-VFO</b>							
Pled to top charge or tried & convicted	11.3%	0.2%	18.6%	24.7%	28.8%	23.7%	16.5%
Pled to lesser felony	16.9%	-	64.9%	33.2%	33.0%	32.3%	36.4%
Pled to misdemeanor or lesser offense	25.2%	30.0%	11.7%	20.6%	20.8%	20.4%	20.6%
Dismissed / Acquitted	46.6%	69.9%	4.8%	21.6%	17.5%	23.6%	26.5%
<b>VFO (excluding homicide)</b>							
Pled to top charge or tried & convicted	16.5%	-	43.6%	41.2%	43.8%	38.4%	33.9%
Pled to lesser felony	6.4%	-	24.2%	15.0%	14.1%	16.5%	15.7%
Pled to misdemeanor or lesser offense	43.8%	57.4%	23.2%	23.0%	24.1%	20.6%	23.2%
Dismissed / Acquitted	33.3%	42.6%	8.9%	20.8%	18.0%	24.5%	27.2%
<b>Homicide</b>							
Pled to top charge or tried & convicted	19.4%	-	-	24.8%	20.0%	22.3%	30.0%
Pled to lesser felony	39.3%	-	100.0%	46.1%	51.7%	40.2%	49.1%
Pled to misdemeanor or lesser offense	5.5%	7.5%	-	5.3%	6.7%	8.0%	1.8%
Dismissed / Acquitted	35.7%	92.5%	-	23.8%	21.7%	29.5%	19.1%

*Note:* Reported percentages exclude cases with unknown case outcome (N = 84).

**Appendix A-27.3. Case Dispositions by Timing of Case Resolution: Brooklyn**

	Total	Resolved in Criminal Court	SCI	Indicted only			
				All Indicted	Resolved within 12 months	Resolved 12 to 24 months	Resolved after 24 months
<b>Felony Cases (Total cases)</b>	<b>13,454</b>	<b>8,995</b>	<b>626</b>	<b>3,833</b>	<b>2,584</b>	<b>1,021</b>	<b>228</b>
<b>All Cases</b>							
Pled to top charge or tried & convicted	9.3%	0.1%	27.3%	27.5%	25.5%	30.6%	36.1%
Pled to lesser felony	9.9%	-	41.9%	27.5%	27.9%	27.4%	23.8%
Pled to misdemeanor or lesser offense	51.0%	61.5%	13.0%	33.1%	35.8%	29.1%	20.3%
Dismissed / Acquitted	29.8%	38.4%	17.8%	11.9%	10.8%	13.0%	19.8%
<b>Non-VFO</b>							
Pled to top charge or tried & convicted	8.4%	0.0%	5.4%	23.2%	20.9%	26.8%	28.7%
Pled to lesser felony	15.3%	-	80.8%	36.4%	40.6%	29.5%	27.0%
Pled to misdemeanor or lesser offense	39.3%	46.8%	12.0%	28.4%	28.4%	30.3%	19.1%
Dismissed / Acquitted	37.0%	53.2%	1.8%	12.0%	10.1%	13.5%	25.2%
<b>VFO (excluding homicide)</b>							
Pled to top charge or tried & convicted	8.8%	0.1%	35.5%	30.0%	30.0%	29.7%	31.2%
Pled to lesser felony	5.1%	-	27.3%	15.5%	14.0%	21.0%	18.2%
Pled to misdemeanor or lesser offense	61.9%	71.9%	13.4%	42.7%	44.9%	36.6%	29.9%
Dismissed / Acquitted	24.2%	28.0%	23.8%	11.8%	11.1%	12.7%	20.8%
<b>Homicide</b>							
Pled to top charge or tried & convicted	40.8%	-	-	50.0%	29.2%	55.8%	71.4%
Pled to lesser felony	27.6%	-	100.0%	32.8%	38.5%	31.7%	25.7%
Pled to misdemeanor or lesser offense	6.0%	6.8%	-	5.9%	13.8%	1.9%	2.9%
Dismissed / Acquitted	25.6%	93.2%	-	11.3%	18.5%	10.6%	-

*Note:* Reported percentages exclude cases with unknown case outcome (N = 261).

**Appendix A-27.4. Case Dispositions by Timing of Case Resolution: Manhattan**

	Total	Resolved in Criminal Court	SCI	Indicted only			
				All Indicted	Resolved within 12 months	Resolved 12 to 24 months	Resolved after 24 months
<b>Felony Cases (Total cases)</b>	<b>13,979</b>	<b>7,576</b>	<b>667</b>	<b>5,736</b>	<b>4,530</b>	<b>1,020</b>	<b>186</b>
<b>All Cases</b>							
Pled to top charge or tried & convicted	27.8%	0.1%	50.2%	61.6%	63.3%	56.0%	51.4%
Pled to lesser felony	10.1%	-	33.2%	20.8%	21.3%	20.1%	11.4%
Pled to misdemeanor or lesser offense	36.1%	59.4%	13.4%	8.1%	7.7%	9.5%	7.6%
Dismissed / Acquitted	26.0%	40.4%	3.2%	9.6%	7.7%	14.4%	29.7%
<b>Non-VFO</b>							
Pled to top charge or tried & convicted	22.0%	0.3%	33.3%	51.0%	50.4%	51.0%	58.7%
Pled to lesser felony	14.6%	-	63.2%	31.5%	35.4%	25.9%	8.0%
Pled to misdemeanor or lesser offense	25.6%	40.9%	3.4%	6.0%	6.3%	6.1%	1.3%
Dismissed / Acquitted	37.8%	58.9%		11.5%	7.9%	17.0%	32.0%
<b>VFO (excluding homicide)</b>							
Pled to top charge or tried & convicted	29.5%	0.1%	53.1%	65.1%	66.9%	58.5%	41.6%
Pled to lesser felony	8.5%	-	28.0%	17.0%	17.3%	16.4%	11.2%
Pled to misdemeanor or lesser offense	39.9%	66.0%	15.1%	8.9%	8.2%	11.9%	14.6%
Dismissed / Acquitted	22.1%	33.9%	3.7%	9.0%	7.6%	13.2%	32.6%
<b>Homicide</b>							
Pled to top charge or tried & convicted	51.4%	-	-	62.1%	58.3%	63.3%	66.7%
Pled to lesser felony	27.6%	-	100.0%	29.9%	36.1%	26.7%	23.8%
Pled to misdemeanor or lesser offense	1.9%	13.3%	-	-	-	-	-
Dismissed / Acquitted	19.0%	86.7%	-	8.0%	5.6%	10.0%	9.5%

*Note:* Reported percentages exclude cases with unknown case outcome (N = 252).



**Appendix A-27.5. Case Dispositions by Timing of Case Resolution: Queens**

	Total	Resolved in Criminal Court	SCI	Indicted only			
				All Indicted	Resolved within 12 months	Resolved 12 to 24 months	Resolved after 24 months
<b>Felony Cases (Total cases)</b>	<b>9,282</b>	<b>5,966</b>	<b>1,547</b>	<b>1,769</b>	<b>950</b>	<b>618</b>	<b>201</b>
<b>All Cases</b>							
Pled to top charge or tried & convicted	18.9%	0.0%	42.6%	59.1%	64.4%	53.9%	50.8%
Pled to lesser felony	11.1%	-	47.3%	15.5%	13.7%	16.4%	21.6%
Pled to misdemeanor or lesser offense	52.0%	77.2%	3.4%	13.0%	13.7%	13.7%	7.5%
Dismissed / Acquitted	18.0%	22.8%	6.7%	12.3%	8.3%	16.0%	20.1%
<b>Non-VFO</b>							
Pled to top charge or tried & convicted	17.8%	-	18.3%	57.0%	59.7%	55.7%	53.0%
Pled to lesser felony	18.2%	-	75.0%	18.5%	19.0%	17.5%	19.7%
Pled to misdemeanor or lesser offense	42.4%	68.5%	5.2%	10.6%	11.2%	10.9%	7.7%
Dismissed / Acquitted	21.6%	31.5%	1.5%	13.9%	10.1%	15.9%	19.7%
<b>VFO (excluding homicide)</b>							
Pled to top charge or tried & convicted	19.0%	0.1%	58.9%	62.7%	67.5%	51.2%	55.9%
Pled to lesser felony	6.3%	-	28.7%	10.2%	9.8%	11.5%	8.8%
Pled to misdemeanor or lesser offense	59.0%	81.8%	2.2%	16.8%	15.6%	20.3%	14.7%
Dismissed / Acquitted	15.7%	18.2%	10.2%	10.3%	7.1%	17.1%	20.6%
<b>Homicide</b>							
Pled to top charge or tried & convicted	36.7%	-	18.2%	48.5%	58.8%	52.6%	41.7%
Pled to lesser felony	35.4%	-	77.3%	34.0%	29.4%	34.2%	35.4%
Pled to misdemeanor or lesser offense	4.1%	13.6%	-	1.9%	-	2.6%	2.1%
Dismissed / Acquitted	23.8%	86.4%	-	15.5%	11.8%	10.5%	20.8%

*Note:* Reported percentages exclude cases with unknown case outcome (N = 332).

**Appendix A-27.6. Case Dispositions by Timing of Case Resolution: Staten Island**

	Total	Resolved in Criminal Court	SCI	Indicted only			
				All Indicted	Resolved within 12 months	Resolved 12 to 24 months	Resolved after 24 months
<b>Felony Cases (Total cases)</b>	<b>1,969</b>	<b>1,287</b>	<b>322</b>	<b>360</b>	<b>297</b>	<b>61</b>	<b>2</b>
<b>All Cases</b>							
Pled to top charge or tried & convicted	15.2%	-	44.7%	43.4%	43.2%	44.3%	50.0%
Pled to lesser felony	13.6%	-	42.5%	36.3%	37.0%	32.8%	50.0%
Pled to misdemeanor or lesser offense	42.8%	61.4%	1.9%	12.7%	12.7%	13.1%	-
Dismissed / Acquitted	28.4%	38.6%	11.0%	7.6%	7.2%	9.8%	-
<b>Non-VFO</b>							
Pled to top charge or tried & convicted	7.8%	-	14.3%	29.1%	26.8%	34.5%	100.0%
Pled to lesser felony	20.7%	-	83.3%	47.2%	51.5%	34.5%	-
Pled to misdemeanor or lesser offense	32.1%	42.5%	2.4%	17.3%	16.5%	20.7%	-
Dismissed / Acquitted	39.4%	57.5%		6.3%	5.2%	10.3%	-
<b>VFO (excluding homicide)</b>							
Pled to top charge or tried & convicted	18.0%	-	55.8%	50.7%	51.6%	45.0%	-
Pled to lesser felony	9.8%	-	27.5%	31.0%	30.2%	35.0%	100.0%
Pled to misdemeanor or lesser offense	48.9%	70.6%	1.7%	11.3%	11.5%	10.0%	-
Dismissed / Acquitted	23.3%	29.4%	15.0%	6.9%	6.6%	10.0%	-
<b>Homicide</b>							
Pled to top charge or tried & convicted	53.8%	-	-	56.0%	46.2%	66.7%	-
Pled to lesser felony	26.9%	-	100.0%	24.0%	23.1%	25.0%	-
Pled to misdemeanor or lesser offense	-	-	-	-	-	-	-
Dismissed / Acquitted	19.2%	-	-	20.0%	30.8%	8.3%	-

*Note:* Reported percentages exclude cases with unknown case outcome (N = 23).

Appendix A-28. Time to Disposition among Indicted Cases by Detention Status: Detained throughout vs. Released for Part or All of Case

BOROUGH AND DETENTION STATUS	Bronx		Brooklyn		Manhattan		Queens		Staten Island		New York City	
	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained	Detained	Not Detained
Indicted Cases: Disposed 2014	1,726	2,833	2,100	1,859	3,048	2,828	1,043	745	206	165	8,123	8,430
<b>DAYS TO DISPOSITION (FROM CRIMINAL COURT ARRAIGNMENT)</b>												
<b>All Cases</b>												
Mean (days)	432	419	305	300	236	268	389	414	208	239	314	338
Median (days)	349	368	248	252	185	218	315	368	173	204	239	282
<b>Non-VFO</b>												
Mean (days)	344	380	248	257	203	254	253	358	174	219	242	301
Median (days)	251	324	179	204	161	208	216	323	148	201	179	245
<b>VFO (excluding homicide)</b>												
Mean (days)	443	469	310	344	299	321	446	464	222	250	356	397
Median (days)	393	430	264	305	250	265	396	434	176	211	300	354
<b>Homicide</b>												
Mean (days)	799	598	528	465	552	852	758	767	377	380	654	586
Median (days)	713	539	517	488	426	974	629	825	380	336	557	525
<b>DAYS IN SUPREME COURT (FROM INDICTMENT)</b>												
<b>All Cases</b>												
Mean (days)	411	391	292	257	224	235	322	285	190	180	295	295
Median (days)	324	332	235	209	173	185	243	221	158	150	215	230
<b>Non-VFO</b>												
Mean (days)	315	347	233	208	190	221	200	234	155	147	222	258
Median (days)	210	278	163	159	151	175	152	188	139	135	159	197

**Appendix A-28. Time to Disposition among Indicted Cases by Detention Status (*Continued*)**

<b>BOROUGH AND DETENTION STATUS</b>	<b>Bronx</b>		<b>Brooklyn</b>		<b>Manhattan</b>		<b>Queens</b>		<b>Staten Island</b>		<b>New York City</b>	
	<b>Detained</b>	<b>Not Detained</b>	<b>Detained</b>	<b>Not Detained</b>	<b>Detained</b>	<b>Not Detained</b>	<b>Detained</b>	<b>Not Detained</b>	<b>Detained</b>	<b>Not Detained</b>	<b>Detained</b>	<b>Not Detained</b>
<b>DAYS IN SUPREME COURT (<i>CONTINUED</i>) VFO (excluding homicide)</b>												
Mean (days)	428	446	297	307	288	293	368	329	202	207	333	355
Median (days)	369	406	251	272	242	237	310	287	165	186	278	308
<b>Homicide</b>												
Mean (days)	790	583	520	445	545	849	688	645	371	341	636	559
Median (days)	707	527	509	456	417	969	594	749	349	332	535	503

<sup>1</sup> Four percent of cases were missing data for adjournment lengthy between Supreme Court appearances.

**Appendix A-29. Fitness-to-stand-trial (730) Exams in Supreme Court**

	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>New York City</b>
<b>Number of Dispositions</b>	<b>4,584</b>	<b>3,980</b>	<b>5,906</b>	<b>1,860</b>	<b>371</b>	<b>16,701</b>
<b>Percent of Citywide Total</b>	<b>27%</b>	<b>24%</b>	<b>35%</b>	<b>11%</b>	<b>2%</b>	<b>100%</b>
Percent of cases with 730 exam ordered	1%	2%	3%	3%	5%	2%
Days from exam ordered to disposition	452	283	300	545	35	339
Mean (days)	452	283	300	545	35	339
Median (days)	282	260	233	323	135	252

# Appendix A-30. Factors Associated with Total Case Length: Cases Arraigned on a Felony in Criminal Court and Disposed in 2014

Outcome (Dependent Variable)	Total Case Length (Arraignment to Disposition)			
Maximum Cases	50,110 valid cases out of 50,445			
Mean Outcome (Standard Deviation)	199 (148) days			
Model	Model 1	Model 2	Model 3	
R Squared	22.4%	32.3%	40.9%	
<b>Parameter Estimates:</b>	<b>Beta</b>	<b>Beta</b>	<b>Beta</b>	<b>B<sup>3</sup></b>
<b>Borough (Reference = Brooklyn)</b>				
Bronx	.198	.168	.088	51.029
Manhattan	.042	.023	.030	16.148
Queens	.006 ns	.082	.093	62.841
Staten Island	-.079	-.028	-.002 ns	-2.313
<b>Arraignment Charge Severity = VFO</b>	.092	.089	.071	36.614
<b>Arraignment Charge Type</b>				
Homicide	.168	.163	.123	179.8
Sex Offense	.065	.054	.046	84.209
Assault (non-domestic violence)	.045	.028	.023	21.927
Grand Larceny and other Property	-.025	-.024	-.020	-16.779
Drug Sales or Possession	-.051	-.048	-.038	-20.632
Driving While Intoxicated (DWI)	-.013	-.017	-.018	-32.868
Firearms or other Weapons	.029	.018	.012	12.361
<b>Defense (Ref. = Alt. Institutional Provider)<sup>1</sup></b>				
Legal Aid	.029	.027	.028	14.736
18-b Panel or Private (citywide)	.175	.139	.129	65.168
18-b Panel or Private in the Bronx	.016 ns	.036	.026	20.915
At least one change of provider	.207	.150	.118	71.735
<b>Detained following arraignment</b>		-.081	-.045	-24.597
<b>Indictment Status<sup>1</sup></b>				
Indicted		.281	.088	55.967
Days to indictment (if indicted)		.109	.114	.469
<b>Detention status in Supreme Court</b>				
Detained Part of Time in Supreme Court			-.007 ns	4.327
Detained All of Time in Supreme Court			-.040	-23.520
<b>730 Fitness Exam Ordered</b>			.043	75.496
<b>Supreme Court calendar part<sup>2</sup></b>			multiple sig. parts <sup>3</sup>	multiple sig. parts <sup>3</sup>
<b>Supreme Court adjournment length</b>				
Days, Indictment to S.C. Arraignment			.007 ns	.006
Days, 1st to 2nd Appearance (citywide)			.000 ns	-.004
Days, 1st to 2nd Appearance in the Bronx			.171	1.798
Overall average adjournment length			.220	2.653
<b>Trial status</b>				
Disposed at Trial (citywide; yes/no)			.185	224.054
Disposed at trial in Manhattan (yes/no)			-.039	-78.907

Note: All results are based on OLS regressions. Parameter estimates are standardized beta coefficients, except for the last column, which provides the B coefficients used in the formula necessary to make projections (that formula also included coefficients for each of 21 Supreme Court parts, which are not shown). An "ns" indication means not statistically significant at p < .05. All other effects are significant.

<sup>1</sup> Due to greater reliability and accuracy of the data, defense provider at disposition rather than at initial arraignment was used. The interaction term for Bronx\*18-b was added based on strong significance in exploratory models.

<sup>2</sup> The model includes 21 court part parameters.

<sup>3</sup> The constant is 34.657.

Appendix B.

# Complete Survey Instrument

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## CASE PROCESSING SURVEY

[The actual survey was administered in a user-friendly online format at SurveyMonkey.]

In collaboration with the New York State Unified Court System and the Mayor's Office of Criminal Justice, the Center for Court Innovation is conducting research on reasons for delays in court processing. As part of the research, we are interested in hearing from practitioners about what they believe are the greatest causes of delay and how feasible it might be to address those delays. The survey will take approximately 10 minutes. The survey is confidential and responses will only be reported in aggregate. Thank you in advance for your time.

1. Borough in which you work (*check all that apply*)
  - ☐ Bronx
  - ☐ Brooklyn
  - ☐ Manhattan
  - ☐ Queens
  - ☐ Staten Island
  - ☐ Citywide/statewide
2. Role/Affiliation
  - ☐ Prosecution
  - ☐ Defense – Legal Aid Society
  - ☐ Defense – Institutional Defender organization other than LAS
  - ☐ Defense – private attorney on the 18b panel
  - ☐ Judge
  - ☐ Non-judicial court staff
  - ☐ Department of Probation
  - ☐ Department of Correction
  - ☐ Other: \_\_\_\_\_
3. Are you on the *Justice Reboot* coordinating committee or a borough team?
  - ☐ Yes
  - ☐ No
4. How many years of experience do you have handling cases in or otherwise working with the NYC court system? \_\_\_\_\_
5. In which jurisdiction(s) do you currently handle cases?
  - ☐ Criminal Court
  - ☐ Supreme Court



- ☐ Both  
☐ Neither

6. Please give your best estimate on how often you believe the following factors lead to an increase in case processing time in a typical case (first column), how much of an increase typically results (second column), and the extent to which you believe reforms are feasible (third column).

(This table is repeated for each question –more concise on the survey monkey form)

Frequency of occurrence	Amount of increase in case processing time (best estimate)	Feasibility of reform
<input type="checkbox"/> Never or rarely	<input type="checkbox"/> No increase	<input type="checkbox"/> Not feasible
<input type="checkbox"/> Sometimes	<input type="checkbox"/> A few days	<input type="checkbox"/> Feasible but difficult
<input type="checkbox"/> Often	<input type="checkbox"/> 1 – 4 weeks	<input type="checkbox"/> Feasible
<input type="checkbox"/> Very often	<input type="checkbox"/> 4 – 8 weeks	<input type="checkbox"/> Easy
<input type="checkbox"/> Almost always	<input type="checkbox"/> 2 – 6 months	<input type="checkbox"/> Very easy
	<input type="checkbox"/> 6 – 12 months	
	<input type="checkbox"/> More than one year	
	<input type="checkbox"/> Difficult to quantify	

6a. Defendant requests multiple attorneys over the course of the case

6b. Prosecutor policies and practices generally regarding plea offers

6c. Prosecutor provides excessive plea offer towards outset of the case

6d. Prosecutor removes or limits plea offer after indictment

6e. Prosecutor delays in making a plea offer of any kind

6f. Prosecutor makes plea offer conditional on co-defendant taking a plea

6g. Delays in DA supervision/managerial approval of plea offers

6h. Defense attorney delays in responding to plea offer

6i. Defense attorney and defendant interest in delaying adjudication to await better plea offer

6j. Defense attorney and defendant interest in delaying adjudication for reasons other than awaiting better plea offer

7. Please give your best estimate on how often you believe the following factors lead to an increase in case processing time in a typical case (first column), how much of an increase typically results (second column), and the extent to which you believe reforms are feasible (third column).

(This table is repeated for each question –more concise on the survey monkey form)

Frequency of occurrence	Amount of increase in case processing time (best estimate)	Feasibility of reform
<input type="checkbox"/> Never or rarely	<input type="checkbox"/> No increase	<input type="checkbox"/> Not feasible
<input type="checkbox"/> Sometimes	<input type="checkbox"/> A few days	<input type="checkbox"/> Feasible but difficult
<input type="checkbox"/> Often	<input type="checkbox"/> 1 – 4 weeks	<input type="checkbox"/> Feasible
<input type="checkbox"/> Very often	<input type="checkbox"/> 4 – 8 weeks	<input type="checkbox"/> Easy
<input type="checkbox"/> Almost always	<input type="checkbox"/> 2 – 6 months	<input type="checkbox"/> Very easy
	<input type="checkbox"/> 6 – 12 months	
	<input type="checkbox"/> More than one year	
	<input type="checkbox"/> Difficult to quantify	

7a. Delays meeting rule-based motions timelines (e.g., 45 days)

7b. Prosecutor files motions late in the proceedings that could have been filed earlier

7c. Defense attorney files motions late in the process that could have been filed earlier

7d. The judge taking excessive time deciding motions

- 7e. Waiting for appeals to be decided regarding motions
- 7f. Defense attorneys use full amount of time permitted by statute to file omnibus motions
- 7g. Delay in DA response to defense requests for discovery
- 7h. Necessary paperwork not copied or forwarded to parties in a timely fashion
- 7i. Lack of judicial enforcement of statutory time limits (e.g. omnibus motions, speedy trial, etc)
- 7j. Prosecutor requests new DNA swab even though the DNA database already includes the defendant
- 7k. Delays obtaining results from DNA lab or other DNA related issues
- 7l. Delays obtaining grand jury minutes
- 7m. Lack of open file discovery policies
- 7n. Delays in defense attorneys submitting pre-pleading memos regarding treatment programs due to lack of social workers or other resources
- 7o. Delays in defense attorneys submitting pre-pleading memos regarding treatment programs due to other reasons
- 7p. Legal Aid attorneys not present at scheduled appearance dates
- 7q. 18b attorneys not present at scheduled court appearance dates
- 7r. Other institutional defender (not Legal Aid or 18b) not present at scheduled appearance dates
- 7s. Delays in completing pre-sentencing investigations (aka probation report)
- 7t. Insufficient use of existing alternatives to incarceration that might result in more pre-indictment dispositions

7u. Institutional defender identifies a conflict well into pretrial proceedings, necessitating assignment of a new attorney

8. Please give your best estimate on how often you believe the following scheduling factors lead to an increase in case processing time in a typical case (first column), how much of an increase typically results (second column), and the extent to which you believe reforms are feasible (third column).

(This table is repeated for each question – much more concise on the survey monkey form)

Frequency of occurrence	Amount of increase in case processing time (best estimate)	Feasibility of reform
<input type="checkbox"/> Never or rarely	<input type="checkbox"/> No increase	<input type="checkbox"/> Not feasible
<input type="checkbox"/> Sometimes	<input type="checkbox"/> A few days	<input type="checkbox"/> Feasible but difficult
<input type="checkbox"/> Often	<input type="checkbox"/> 1 – 4 weeks	<input type="checkbox"/> Feasible
<input type="checkbox"/> Very often	<input type="checkbox"/> 4 – 8 weeks	<input type="checkbox"/> Easy
<input type="checkbox"/> Almost always	<input type="checkbox"/> 2 – 6 months	<input type="checkbox"/> Very easy
	<input type="checkbox"/> 6 – 12 months	
	<input type="checkbox"/> More than one year	
	<input type="checkbox"/> Difficult to quantify	

8a. Routine use of lengthy adjournment intervals (exceeding the time that parties should reasonably require before next court date)

8b. Intentionally light calendars on Fridays, limiting when appearances can be scheduled

8c. Case adjourned for longer than the period requested by prosecutor or defense

8d. Defense counsel other than 18b committed on other cases, leading to delay in setting next court appearance date

8e. Defense counsel other than 18b committed on other cases, leading to delay in setting trial date

8f. Assigned 18b attorney committed on other cases, leading to delay in setting next court appearance date

8g. Assigned 18b attorney committed on other cases, leading to delay in setting trial date

8h. Prosecutor committed on other cases, leading to delay in setting next court appearance date

8i. Prosecutor committed on other cases, leading to delay in setting trial date

8j. Apart from commitment of others on other cases, problems in coordination of schedules of all parties in setting next court appearance date

8k. Assigned defense attorney from institutional defense provider agencies committed on other cases, leading to delay in setting trial date

8l. Assigned prosecutor committed on other cases, leading to delay in setting trial date

8m. Adjournments are too infrequently charged to the DA for speedy trial time

8n. Insufficient conferencing of cases prior to scheduled court appearances to determine whether acceptable plea offer exists or case should be scheduled for trial

8o. Excessive adjournment interval between disposition and sentencing

8p. Delays in completing pre-sentencing investigations

8q. Police witness schedules for cases

8r. Non-police witness schedules for cases on trial

8s. Delays related to non-attorney (experts, investigators, etc.) on cases represented by 18b attorneys that are set for trial

8t. Delays related to non-attorney (experts, investigators, etc.) on cases represented by attorneys other than 18b attorneys that are set for trial

9. Please give your best estimate on how often you believe the following scheduling factors lead to an increase in case processing time in a typical case (first column), how much of an increase typically results (second column), and the extent to which you believe reforms are feasible (third column).

(This table is repeated for each question – much more concise on the survey monkey form)

Frequency of occurrence	Amount of increase in case processing time (best estimate)	Feasibility of reform
<input type="checkbox"/> Never or rarely	<input type="checkbox"/> No increase	<input type="checkbox"/> Not feasible
<input type="checkbox"/> Sometimes	<input type="checkbox"/> A few days	<input type="checkbox"/> Feasible but difficult
<input type="checkbox"/> Often	<input type="checkbox"/> 1 – 4 weeks	<input type="checkbox"/> Feasible
<input type="checkbox"/> Very often	<input type="checkbox"/> 4 – 8 weeks	<input type="checkbox"/> Easy
<input type="checkbox"/> Almost always	<input type="checkbox"/> 2 – 6 months	<input type="checkbox"/> Very easy
	<input type="checkbox"/> 6 – 12 months	
	<input type="checkbox"/> More than one year	
	<input type="checkbox"/> Difficult to quantify	

9a. Shortage of ADAs who can try homicides/complex cases

9b. Shortage of Legal Aid or alternative institutional provider attorneys who can try homicides/complex cases

9c. Shortage of 18b attorneys who can try homicides/complex cases

9d. Too few 18b attorneys listed on the 18b panel for the judicial department

9e. Shortage of judges generally

9f. Lack of available judge when a case is ready for trial

9g. Shortage of non-judicial court staff generally

9h. Lack of available non-judicial staff when a case is ready for trial

9i. Lack of available jury when a case is ready for trial

9j. Limited availability of interpreters for non-English speaking defendants or witnesses

9k. Lack of safe and effective alternatives to incarceration that might result in more pre-indictment dispositions

10. Please give your best estimate on how often you believe the following scheduling factors lead to an increase in case processing time in a typical case (first column), how much of an increase typically results (second column), and the extent to which you believe reforms are feasible (third column).

(this table is repeated for each question – much more concise on the survey monkey form)

Frequency of occurrence	Amount of increase in case processing time (best estimate)	Feasibility of reform
<input type="checkbox"/> Never or rarely	<input type="checkbox"/> No increase	<input type="checkbox"/> Not feasible
<input type="checkbox"/> Sometimes	<input type="checkbox"/> A few days	<input type="checkbox"/> Feasible but difficult
<input type="checkbox"/> Often	<input type="checkbox"/> 1 – 4 weeks	<input type="checkbox"/> Feasible
<input type="checkbox"/> Very often	<input type="checkbox"/> 4 – 8 weeks	<input type="checkbox"/> Easy
<input type="checkbox"/> Almost always	<input type="checkbox"/> 2 – 6 months	<input type="checkbox"/> Very easy
	<input type="checkbox"/> 6 – 12 months	
	<input type="checkbox"/> More than one year	
	<input type="checkbox"/> Difficult to quantify	

10a. Bottlenecks moving inmates from buses into the courthouse

10b. Long lines for jurors, defendants, witnesses, etc. at magnetometers

10c. Too few interview rooms for *detained defendants* to meet with defense attorneys in advance of court appearances

10d. Too few interview rooms for *out defendants* to meet with defense attorneys in advance of court appearances

10e. Closing time of courthouse

10f. Restrictions on overtime for non-judicial court staff

10g. Defendant was not transported from Rikers Island jail for one or more scheduled appearances

10h. Delays bringing detained defendants from holding cells to courtroom

10i. Defendant is produced at the wrong building

10j. Defendant is produced in an orange jumpsuit

11. Please give your best estimate on how often you believe the following scheduling factors lead to an increase in case processing time in a typical case (first column), how much of an increase typically results (second column), and the extent to which you believe reforms are feasible (third column).

(this table is repeated for each question – much more concise on the survey monkey form)

Frequency of occurrence	Amount of increase in case processing time (best estimate)	Feasibility of reform
<input type="checkbox"/> Never or rarely	<input type="checkbox"/> No increase	<input type="checkbox"/> Not feasible
<input type="checkbox"/> Sometimes	<input type="checkbox"/> A few days	<input type="checkbox"/> Feasible but difficult
<input type="checkbox"/> Often	<input type="checkbox"/> 1 – 4 weeks	<input type="checkbox"/> Feasible
<input type="checkbox"/> Very often	<input type="checkbox"/> 4 – 8 weeks	<input type="checkbox"/> Easy
<input type="checkbox"/> Almost always	<input type="checkbox"/> 2 – 6 months	<input type="checkbox"/> Very easy
	<input type="checkbox"/> 6 – 12 months	
	<input type="checkbox"/> More than one year	



	<input type="checkbox"/> Difficult to quantify	
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11a. Seriousness of charges

11b. Seriousness of defendant's criminal history

11c. Multiple defendants in the case

11d. Defendant has links to a gang

11e. Defendant has cases pending in multiple courthouses or jurisdictions

11f. Defendant is in federal or state custody, precluding production at courthouse and timely adjudication

11g. Defendant is a cooperating witness in another case

11h. Defendant decides not get on the bus from Rikers or get off the bus at the courthouse due to personal reasons (i.e., religious, illness, being "difficult")

11i. 730 proceedings generally (questions surrounding defendant's fitness to proceed)

11j. 730 proceedings - delays scheduling psychiatric clinic exams

11k. 730 proceedings - delays in issuance of reports by psych clinic

11l. 730 proceedings - delays in transferring defendants from Rikers to OMH custody

11m. 730 proceedings - defendant decompensates after return to Rikers

11n. Defendant's mental health (issues other than fitness to proceed)

12. What do you think are the top 5 reasons for delays in case processing?

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

13. What do you think are the top 5 reforms that could reduce case processing delays?

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

14. Final thoughts or comments:

Appendix C.

## Reasons for Case Processing Delay Reported by Survey Respondents

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## **Appendix C. Reasons for Delay Classified within Each General Category**

### **Lengthy adjournments by the judge (alpha = .762)**

Routine use of lengthy adjournment intervals (exceeding the time that parties should reasonably require

before next court date)

Case adjourned for longer than the period requested by prosecutor or defense

### **Availability of judges, non-judicial staff, or courtrooms (alpha = .810)**

Shortage of judges generally

Lack of available judge when a case is ready for trial

Shortage of non-judicial court staff generally

Lack of available courtroom when a case is ready for trial

### **Prosecutors' plea- and discovery-related policies and practices (alpha = .890)**

Prosecutor policies and practices generally regarding plea offers

Initial plea offer is too high

Prosecutor removes or limits plea offer after indictment

Prosecutor makes plea offer conditional on co-defendant taking a plea

Delays in prosecutor supervision/managerial approval of plea offers

Delay in prosecutor response to defense requests for discovery

Lack of open file discovery policies

Adjournments are too infrequently charged to the prosecutor for speedy trial time

Prosecutor delays in making a plea offer of any kind

Prosecutor files motions late in the proceedings that could have been filed earlier

### **Defense strategy (alpha = .810)**

Defense attorney delays in responding to plea offer

Defense interest in delaying adjudication to await better plea offer

Defense interest in delaying adjudication for reasons other than awaiting better plea offer

Defense attorney files motions late in the process that could have been filed earlier

### **Lack of alternative to incarceration options (alpha = .848)**

Lack of safe & effective alternatives to incarceration that might result in more pre-indictment dispositions

Insufficient use of existing alternatives to incarceration that might result in more pre-indictment dispositions

### **DNA-related delays (alpha = .730)**

Prosecutor requests new DNA swab even though the DNA database already includes defendant

Delays obtaining results from DNA lab or other DNA related issues

Delay in DA submission of DNA for testing

## **Appendix C. Reasons for Delay Classified within Each General Category (*Continued*)**

### **Transportation from Rikers Island jail to courthouse and preparation for appearance (alpha = .777)**

Defendant was not transported from Rikers Island jail for one or more court appearances

Bottlenecks moving inmates from buses into the courthouse

Defendant decides not get on the bus from Rikers or get off the bus at the courthouse due to personal reasons (i.e., religious, illness, being "difficult")

Too few interview rooms for detained defendants to meet with defense attorneys in advance of court appearances

### **Defendant mental illness or involvement in 730 process (alpha = .787)**

Case involves 730 proceedings and the defendant decompensates after return to Rikers

Case involves 730 proceedings and there are delays in scheduling psychiatric clinic exam

Case involves 730 proceedings and there are delays in issuance of reports by psychologist/clinic

Defendant's mental health (issues other than fitness to proceed)

### **Next appearance delays due to attorneys' schedules (alpha = .872)**

Defense counsel other than 18b committed on other cases, leading to delay in scheduling next appearance

Defense counsel other than 18b committed on other cases, leading to delay in setting trial date

18b attorney committed on other cases, leading to delay in setting next court appearance date

18b attorney committed on other cases, leading to delay in setting trial date

Prosecutor committed on other cases, leading to delay in setting trial date

### **Coordination with police and other witness schedules (alpha = .650)**

Police witness schedules for hearing/trial (e.g., officer RDO, testifying in another case, etc.)

Non-police witness schedules for cases on trial

Apart from attorney commitments on other cases, problems in coordination of schedules of all parties in setting next court appearance date

### **Defendant- and case-related complexities (alpha = .851)**

Multiple defendants in the case

Defendant has links to a gang

Defendant has cases pending in multiple courthouses or jurisdictions

Defendant picks up additional cases or charges

Defendant is in federal or state custody, precluding production and timely adjudication

Defendant is a cooperating witness in another case

Shortage of ADAs who can try homicides/complex cases

### **Seriousness of charges and defendant criminal history (alpha = .866)**

Seriousness of charges

Seriousness of defendant's criminal history

## Appendix D.

# Court Observation Forms

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**CENTER FOR COURT INNOVATION**  
**Case Processing in New York City**

**Court Observation: Session Form**

Name of Observer: \_\_\_\_\_ Date: \_\_\_\_\_

County: \_\_\_\_\_ Court Part: \_\_\_\_\_ Judge: \_\_\_\_\_

Start Time of Morning Session (*first case is called*): \_\_\_\_\_

End Time of Morning Session (*court is in recess for lunch*): \_\_\_\_\_

Start Time of Afternoon Session (*first case is called*): \_\_\_\_\_

End Time of Afternoon Session (*court closes for the day*): \_\_\_\_\_

A. TOTAL TIME FROM MORNING START TO AFTERNOON END \_\_\_\_\_

B. TOTAL NUMBER OF COURT APPEARANCES (see appearance form) \_\_\_\_\_

C. AVERAGE TIME PER APPEARANCE (calculate from appearance form) \_\_\_\_\_

D. TOTAL COURT OPERATION TIME (B\*C)  
\_\_\_\_\_

*Answer all questions below no later than immediately after the court session ends.*

1. Describe the physical layout of the courtroom (e.g., dimensions, lighting, number of rows in the gallery, size of audience, and audibility):

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2. If applicable, explain the reasons for any waiting time in the courtroom between appearances.

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3. In general, were there any delays related to needing an interpreter? Yes No

If yes, was any case not heard by the end of the day because an interpreter could not be located? Yes No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. In general, were any delays related to police or other type of witnesses not being present? Yes No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. In general, were any delays related to DNA testing? Yes No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Did any cases involve multiple defendants? Yes No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. In general, did it appear that any discovery-related delays had contributed to delays in case processing?

Yes No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



8. Please describe any salient discussions you observed related to plea negotiations (e.g., where the parties negotiated an offer and the case was disposed or parties could not agree on a plea offer)?

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9. Please describe any salient discussions you observed related to whether or not a case should have a trial date set. In particular, describe any delays you observed related to starting a trial. For example, were there any discussions about whether one or both sides were not ready for trial? Were cases adjourned to another part for trial? If the date set for a trial was more than a week from the date of the court observation, what was the reason?

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10. Did the judge typically propose a next adjournment date to the attorneys? Yes No

If yes, prior to setting an adjournment date, did previous discussions make implicit or explicit, or did the judge expressly ask questions to ascertain, about when might be the soonest time the attorneys would be ready to have the next appearance, based on what had to take place in the interim?

Yes No Depends

If depends, please briefly comment on what you observed regarding efforts to ascertain the soonest possible adjournment date:

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11. Did the initially proposed adjournment date (e.g., by the judge) usually reflect?

- ☐ A standard period of time (indicating an approximately standard interval between appearances)?
- ☐ The earliest period of time possible, given knowledge of what had to happen between appearances
- ☐ Either or both of the above, split about evenly in overall influence throughout the court session
- ☐ Other considerations

12. Please describe the process of arriving at a next adjournment date, including both factors influencing an initial proposal of an adjournment date and any further delays in the date that you often observed (e.g., based on needing to accommodate attorney schedules)? Please comment on the relative role of the prosecutor and defense attorney in arriving at a final date.

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13. Were there any cases that were calendared that were not heard? Yes No

If yes, mark all the reasons that you think apply in at least one case:

- ☐ Court went down before the scheduled time at either lunch (typically 1:00 pm) or in the afternoon (typically 4:30 pm)
- ☐ Court went down at the scheduled time but before all cases could be heard
- ☐ Defendant was not present and court did not waive the defendant's presence
- ☐ Defense attorney was not present
- ☐ Defendant not produced
- ☐ Other

If yes to any of the above, please explain exactly what you observed: \_\_\_\_\_

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14. Were there any cases that were calendared and heard but about which substantive deliberations or decisions did not take place (for instance, no motion was decided, no new motions or discovery requests were presented or argued, case was not disposed or sentenced, a trial date was not set, and the attorneys did not advance substantive arguments that had not been raised earlier)?

Yes      No

Please explain what happened in cases that did not involve substantive deliberations or decisions? For instance, were the parties waiting for previous discovery requests or motions to be acted upon? Was there missing information of some kind that precluded deliberations or decisions? Or other dynamics?

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15. If not covered above, do you have anything further to add regarding deliberations related to determining whether a case is ready for trial and adjourning the case so that the trial can begin? If so, please elaborate.

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16.      Other General Notes and Observations about Case Processing Delays:

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**CENTER FOR COURT INNOVATION**  
**Case Processing in New York City**

**Court Observation: Appearance Form**

Notes and observations:

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Length of appearance (*round to nearest minute; start when case is called*): \_\_\_\_\_

Custody Status:     ☐ In    ☐ Out

No show/non-appearance:

- ☐ Defendant & Defense attorney present
- ☐ Defendant not present – appearance waived
- ☐ Defendant not present – not produced; unable to proceed without defendant
- ☐ Defendant not present - warrant ordered
- ☐ Defense attorney not present

Multiple defendants in this case?     ☐ Yes   ☐ No

Type of Defense Provider:

- |  |   |
|--|---|
| <input type="checkbox"/> Legal Aid                         | <input type="checkbox"/> Neighborhood Defender Service of Harlem                      |
| <input type="checkbox"/> Bronx Defenders                   | <input type="checkbox"/> 18b  |
| <input type="checkbox"/> Brooklyn Defender Services        | <input type="checkbox"/> Private Attorney ( <i>check 18b if not clear which one</i> ) |
| <input type="checkbox"/> New York County Defender Services | <input type="checkbox"/> Unknown/Couldn't hear  |
| <input type="checkbox"/> Queens Law Associates             |   |

Type of case (charge or penal code): \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Scheduled appearance (most cases) | <input type="checkbox"/> Return on warrant     |
| <input type="checkbox"/> Supreme Court arraignment         | <input type="checkbox"/> Compliance monitoring |
| <input type="checkbox"/> Bail hearing                      | <input type="checkbox"/> Other: _____          |

Did the defendant request or need an interpreter? (*Check if yes.*)

If yes, an interpreter was available in the courtroom

- ☐ Yes  
☐ Yes   ☐ No

Appearance outcome:

- |  |  |
|--|--|
| <input type="checkbox"/> Adjournment to same part                      | <input type="checkbox"/> Sentencing ( <i>pled or convicted at prior appearance</i> ) |
| <input type="checkbox"/> Adjournment to another part (e.g., for trial) | <input type="checkbox"/> Plea and Sentence   |
| <input type="checkbox"/> Dismissal                                     |  |
| <input type="checkbox"/> Plea or verdict/adjourned for sentencing      |  |

If adjourned, reasons for adjournment (*check all that apply*):

- |  |   |
|--|---|
| <input type="checkbox"/> ADA not ready to proceed                              | <input type="checkbox"/> ADA has not provided discovery   |
| <input type="checkbox"/> Defense not ready to proceed                          | <input type="checkbox"/> Awaiting DNA evidence  |
| <input type="checkbox"/> Interpreter not present/adjourned to another day      | <input type="checkbox"/> Adjourned for trial  |
| <input type="checkbox"/> Judge did not have time to hear the case              | <input type="checkbox"/> Adjourned for possible disposition (e.g. probable that a plea deal can be reached) |
| <input type="checkbox"/> Waiting for pre-sentence investigation report         | <input type="checkbox"/> Trial part, judge, or jury not available   |
| <input type="checkbox"/> Prosecution taking time to file or respond to motions | <input type="checkbox"/> NYPD witness not present   |
| <input type="checkbox"/> Defense taking time to file or respond to motions     | <input type="checkbox"/> Non-NYPD witness not present   |
| <input type="checkbox"/> Judge taking time to decide motion                    | <input type="checkbox"/> Don't know/couldn't hear   |
|  | <input type="checkbox"/> Other: _____   |

If sentenced, type of sentence and length (*check all that apply*):

- |  |   |
|--|---|
| <input type="checkbox"/> Prison: _____ | <input type="checkbox"/> Supervision (Probation or Parole): _____ |
| <input type="checkbox"/> Jail: _____   | <input type="checkbox"/> Other: _____                             |
| <input type="checkbox"/> Time served   |   |

If plea was accepted, what was the plea: \_\_\_\_\_

Please indicate if you observed any of the following:

- ☐ Plea offer existed (either referenced during appearance or had clearly been advanced in prior appearance and was still available)
- ☐ Prosecution changed a previous offer
- ☐ Judge lowered prosecution's offer
- ☐ Judge provided offer
- ☐ Judge encouraged the parties to arrive at a plea agreement
- ☐ Judge set a trial date (e.g., given lack of plea agreement)
- ☐ Judge encouraged the parties to limit the length of the adjournment
- ☐ Judge criticized or reprimanded the prosecutor for lack of preparation or for other processing related reason.
- ☐ Judge criticized or reprimanded the defense attorney for lack of preparation or for other processing related reason.

Next adjournment date (and part, if not same part): \_\_\_\_\_

Reason for that date (*check more than one factor if necessary but try to limit to main factor(s) only*):

- ☐ Earliest possible time for parties to complete between-appearance tasks (assuming efficiency and diligence)
- ☐ Earliest possible time for all parties to meet in light of scheduling limitations
- ☐ Standard length of adjournment (~30 days or some other interval that appeared to be routinely proposed)
- ☐ Greater than the judge's initially proposed date due to large caseload in the court part
- ☐ Greater than the judge's initially proposed date due to conflicting defense attorney commitments
- ☐ Greater than the judge's initially proposed date due to conflicting prosecutor commitments
- ☐ Judge extended adjournment date further than the necessary time to complete tasks
- ☐ Earliest available trial date (or earliest date for adjournment to trial part)
- ☐ Don't know
- ☐ Other: \_\_\_\_\_

Appendix E.

## **Summary of Cases 1000+ Days Old at Start of Project**

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**APPENDIX E. SUMMARY OF CASES 1,000+ DAYS OLD AT START OF PROJECT**

	Bronx	Brooklyn	Manhattan	Queens	New York City
<b>CASES ON PROJECT LIST</b>					
# of items <sup>1</sup>	81	25	38	39	183
# of indictments	71	21	33	31	156
# of defendants	73	23	36	35	167
<b>CASES REVIEWED<sup>2</sup></b>					
# of items	43	25	35	39	142
# of indictments	37	21	30	31	119
# of defendants	41	23	30	35	129
<b>DEFENSE ATTORNEY AFFILIATION</b>					
18B	65%	48%	49%	64%	58%
LAS	0%	20%	0%	10%	6%
Other institutional defender	16%	0%	0%	0%	5%
Private	12%	24%	17%	10%	15%
Unknown <sup>3</sup>	7%	8%	34%	15%	16%
<b>TOP CHARGE</b>					
Murder, att. murder, manslaughter	56%	36%	63%	72%	58%
Sex offense	5%	16%	3%	3%	6%
Robbery or assault	16%	32%	17%	18%	20%
CPW	7%	8%	3%	3%	5%
Other	16%	8%	14%	5%	11%
<b>TOP SEVERITY</b>					
A felony	56%	36%	74%	67%	60%
B felony	21%	44%	9%	23%	23%
Other	23%	20%	17%	10%	18%
<b>OTHER ISSUES</b>					
730 issues	14%	32%	9%	8%	14%
Multiple defendants	35%	40%	49%	49%	43%
Multiple defense attorneys	47%	40%	34%	18%	35%
DNA issues	14%	28%	29%	21%	22%
Other motions	21%	16%	37%	46%	31%
New charge	33%	12%	9%	8%	16%
Appeals/mistrial/jmt vacated	9%	4%	14%	5%	8%

<sup>1</sup> Excludes cases that are sealed or in which cooperating witnesses might be identified.

<sup>2</sup> Reviews in Brooklyn, Manhattan and Queens included open and closed cases. In the Bronx, most closed cases were not reviewed.

<sup>3</sup> All “unknown” attorneys are in private practice, but court records are unclear on whether the attorney is 18B or retained.

## **Additional Findings and Commentary**

### **Seriousness of charges and new arrests**

- Citywide, nearly 60% of the top charges are murder, attempted murder or manslaughter, which are not subject to CPL 30.30 (speedy trial statute).
- Citywide, nearly 60% of the top charges are A felonies, including (in addition to murder, attempted murder, and manslaughter) kidnapping, predatory sexual assault against a child, drug trafficking, and 1st degree possession of a controlled substance.
- Citywide, 18% of the cases were C, D or F felonies. Nearly two-thirds of these involved defendants who had a separate indictment on the old case list for an A or B felony or a new arrest – often for an A or B felony – in a case that is not yet three years old.
- Charges on new arrests include murder, assault, robbery, burglary, gun possession, arson, and conspiracy. In most instances, the new arrest occurred while the defendant was out on bail, but in at least a couple of instances, the new arrest arose while the defendant was incarcerated; those charges included witness tampering and gang assault within a youth detention facility.
- The small number of cases with C, D and E felony charges that did not have a more recent A or B felony charge had other factors contributing to lengthy case processing, such as 730 proceedings, a co-defendant facing A or B felony charges, or complicated motion practice.

### **Multiple defendants**

- Nearly half of the defendants on the list are involved in multiple-defendant cases, under either the same indictment or separate indictments (some consolidated, some not). Cases with multiple defendants represent 47% of the defendants and 43% of the total items on the old case list.
- 60% of the multiple-defendant cases involve two or three defendants. The remainder involve four to 70 defendants.
- Two distinct factors contribute to lengthy case processing in multiple-defendant cases:
  - Scheduling court appearances, given all the different attorneys involved (please see the next section for additional information related to attorney affiliation)
  - Some defendants will not take a plea until co-defendants' cases have been resolved.

### **Defense attorney affiliation**

- Nearly 90% of the defense attorneys on the old case list are in private practice, either retained by defendants or assigned through the 18B panel.
- This high percentage is not surprising the large number of the following types of cases on the list:



- Murder cases: Indigent defendants charged with murder are assigned an attorney from the 18B homicide panel; New York City's contracts with institutional public defenders exclude murder cases.
- Multiple-defendant cases: 18B attorneys are involved in virtually all cases with multiple indigent defendants, in order to avoid conflicts of interest with institutional defenders representing other defendants
- Defendants who have had multiple defense attorneys during an individual case: see discussion on this factor below
- Scheduling issues:
  - Most attorneys in private practice cannot rely on a colleague to appear in court on their behalf
  - Although 18B attorneys can only be on the assigned counsel panel in one county, they may have private clients in other counties
  - Many of the more experienced 18B attorneys, especially those on the homicide panel, handle a lot of trials and have limited availability for calendar days<sup>730</sup> issues
- 4 defendants had more than one 730 exam during the pendency of their cases
- For the 11 defendants who were found fit, the median time from the judicial order for the exam to the filing of reports in court was 6 weeks.
- Of the 5 defendants who were found unfit:
  - 1 defendant had at least 10 commitments over 13 years; he took a not responsible plea 14 years after his Supreme Court arraignment.
  - 1 defendant has had 3 exams where he was found unfit; in each instance, the People have controverted the finding of unfitness. That defendant's 3rd 730 hearing was pending as of the old case file review.
  - 3 defendants cycled through the entire 730 process (from exams to commitment to restoration) in 5 to 12 months
- Brooklyn had the highest rate of old cases with 730 issues. This is consistent with 730 practice generally; Brooklyn had the highest volume of felony 730 exams of all of the court clinics in 2012, 2013 and 2014.

## **Multiple defense attorneys**

- Defendants who go through multiple defense attorneys are often characterized by judges, court personnel, and attorneys as "difficult," and some 18B attorneys believe that the institutional defenders dump difficult clients on the 18B panel. Judges have described ways that they try to manage defendants who request new attorneys multiple times but cannot completely prohibit attorney changes. They also might try to assign attorneys who have a better track record with difficult clients.
- Detail was not always available on whether the defendant had initiated the change of attorney (by retaining new counsel or requesting a new public defender or assigned attorney) or whether the attorney had requested to be relieved.

## DNA issues

- DNA issues were identified in 22% of the old cases, but the case files provided very inconsistent amounts of detail about the steps in the process or specific issues that were raised.
- The cases reviewed provided examples of each of the reasons that DNA evidence can add time to felony case processing:
  - People's requests or motions for swabs from the defendant coming long after indictment
  - Defense motion practice
    - Opposition to the People's motion to compel swabs
    - Motions for protective orders to keep defendants' DNA out of the local database
    - Discovery motions to get raw data from OCME
  - Delays in getting swabs from defendants
  - Delays in receiving lab reports

The information in the old case files was not complete or detailed enough for us to quantify the frequency of any of these issues or the amount of time they added to case processing.

- Two factors might have inflated the number of DNA cases on the old case list
  - Some cases might have been prolonged due to the judges holding off on deciding Frye motions until receiving Judge Dwyer's ruling in two Brooklyn cases which had had a two-year Frye hearing. Judge Dwyer issued an oral decision in November 2014 and a written decision in July 2015. Attorneys specializing in DNA issues report that cases with pending Frye motions are now all moving forward.
  - Some cases might have been prolonged due to lab testing backlogs at OCME. OCME has implemented new business processes and has cleared most of the DNA test backlog.

## Motion practice

The old case review flagged cases that involved (1) motions other than omnibus motions or DNA-related motions and (2) omnibus motions that were made unusually late or took an unusually long time to be resolved. Nearly one-third of the old cases involved such motion practice. Specific issues included severance and consolidation, discovery issues, evidentiary issues (including non-DNA *Frye* issues and use of experts on false confessions and eyewitness unreliability), *Brady* material, attorney conflict, and speedy trial. The range of issues raised was too varied to do meaningful analysis of the point in the cases when motions were brought or the amount of time involved in hearings, written submissions, and judicial decisions; it also was not feasible to make any judgments as to the appropriateness of any of the motions.

## Other factors

Only 12 cases on the list – less than 10% of the items reviewed – had none of the factors described above. In a handful of instances, the judge, court attorney or clerk discussing the case noted that there was no discernable reason a case was so old except for scheduling issues. But most of the 12 cases – along with quite a number of the other cases reviewed – presented additional issues that we did not quantify but that merit mention.

- Assistant district attorney changes: Changes in the assigned ADA occur less frequently than changes in defense counsel, but they can add time to a case as a new ADA gets up to speed
- Individual attorney caseloads: a handful of defense attorneys represented three or more defendants on the old case lists, and personnel in each county told of times that administrative judges have created a part just to get better control over the schedule of an individual defense attorney. Court personnel also reported instances of individual ADAs having particularly challenging calendars; these are often the trial attorneys on the most serious or complex cases.
- Defendant characteristics
  - Criminal history affecting a defendant's potential sentence: While the old case review was not able to capture defendants' criminal histories, court personnel reported many instances where a defendant's status as, for example, a predicate felon or a persistent violent offender affected his willingness to consider a plea offer.
  - Current incarceration: One example is a defendant in New York County currently serving a 38-year prison sentence who is unwilling to consider any plea offer.
  - Psychiatric issues (independent of 730 exams) were identified in at least nine defendants. These may contribute to:
    - Problems between the defendant and defense attorney working together and multiple requests for a change of counsel
    - Non-production at court
    - Lengthy time frames to get medical and psychiatric records
    - Lengthy time frames to line up expert witnesses and complete exams
  - Medical issues
  - Potential cooperation in the instant case (if there are multiple defendants) or other cases
- Witness issues
  - Cooperating witnesses
  - Incarceration in other jurisdictions
  - Out of the country
  - Police witnesses unavailable due to military service or retirement
- Child victims: delays in getting medical/counseling records; reluctance to put them on the witness stand.

## Appendix F.

# Jurors

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## JURORS

**Question 1:** Are there any significant differences in the counties' ability to get a sufficient number of qualified jurors to report to fill the jury panels needed for civil and criminal trials?

**Relevant data:** Number of jurors needed

		<b>Bronx</b>	<b>Kings</b>	<b>New York</b>	<b>Queens</b>	<b>Richmond</b>
<b>A. Number of trials commenced (2014)<sup>i</sup></b>	Supreme Court Civil	373	742	326	609	122
	Supreme Court Criminal	179	219	342	206	13
	City Court	25	76	1	139	25
	Criminal Court	28	41	61	25	7
	<b>Total</b>	<b>605</b>	<b>1,078</b>	<b>730</b>	<b>979</b>	<b>167</b>
<b>B. Average number of qualified jurors called for voir dire per trial<sup>ii</sup></b>	Criminal	107	67	84	62	97
	Civil	24	24	37	28	41
<b>C. Total number of qualified jurors needed to meet anticipated trial demand (A x B = C)</b>	Criminal	22,149	17,420	33,852	14,322	1,940
	Civil	9,552	19,632	12,099	20,944	6,027
	<b>Total</b>	<b>31,701</b>	<b>37,052</b>	<b>45,951</b>	<b>35,266</b>	<b>7,967</b>

**Relevant data:** Number of jurors reporting for jury duty

		<b>Bronx</b>	<b>Kings</b>	<b>New York</b>	<b>Queens</b>	<b>Richmond</b>
<b>D. Number of summonses sent in 2014 (some jurors received more than one summons)<sup>iii</sup></b>	Petit jury	145,153	NA	NA	186,495	NA
	Grand jury	9,457	NA	NA	9,610	NA
	<b>Total</b>	154,640	205,798	255,540	196,104	44,051
<b>E. Number and percent of summoned jurors who reported but were then disqualified <sup>iv</sup></b>		7,732	6,174	10,222	13,727	NA
		5%	3%	4%	7%	NA
<b>F. Number and percent of summoned jurors who reported for jury service and served in 2014<sup>iv</sup></b>		41,753	84,377	86,884	54,909	10,572
		27%	41%	34%	28%	24%
					An additional 12% -- 23,532 – on telephone standby did not need to report but received service credit	An additional 28% -- 12,334 – on telephone standby did not need to report but received service credit

**Analysis:** If the county has more qualified jurors reporting for jury duty than the number needed (if  $F > C$ ), then the county has sufficient qualified jurors to meet the anticipate trial demand. As the data shows, in every county, significantly *more* jurors report and serve for jury duty than are needed to meet the trial demand.

	Bronx	Kings	New York	Queens	Richmond
<b>Jurors needed to meet demand</b>	31,701	37,052	45,951	35,266	7,967
<b>Summoned jurors who reported &amp; served</b>	41,753	84,377	86,884	54,909	10,572
<b>Excess (number and percent)</b>	10,052	47,325	40,933	19,643	2,605
	32%	128%	89%	56%	33%

**Question 2:** Are there any significant differences in the demographic characteristics of the counties affecting the percentage of the population potentially eligible to serve as jurors? Qualified jurors must be citizens 18 or older who are able to understand and communicate in English and are not convicted felons.

**Relevant data:** Demographics

	Bronx	Kings	New York	Queens	Richmond
<b>Total population (2014)<sup>v</sup></b>	1,438,159	2,621,793	1,636,268	2,321,580	473,279
<b>Number and percent of population who are citizens 18 and older<sup>v</sup></b>	822,770	1,600,867	1,162,569	1,372,983	NA
	57%	61%	71%	59%	NA
<b>Number and percent of population who do not speak English at home (proxy for the ability to understand and communicate in English) <sup>v</sup></b>	821,189	1,213,890	661,052	1,311,693	143,404
	57%	46%	40%	57%	30%
<b>Percent of population who are convicted felons<sup>iv</sup></b>	< 1%	< 1%	< 1%	< 1%	< 1%

**Question 3:** Are there any significant differences across the counties in the juror qualification process? The qualification process involves sending questionnaires to individuals who are not already qualified to serve. An individual who has been qualified to serve remains eligible to be summoned for 18 months.

**Relevant data:** Juror qualification process

	Bronx	Kings	New York	Queens	Richmond
<b>Number (rounded) of questionnaires sent to prospective jurors in 2014<sup>iv</sup></b>	265,000	564,000	222,000	439,000	NA
<b>Distribution of responses</b>					
<b>Qualified<sup>iv</sup></b>	66,250	135,360	79,920	131,700	NA
	25%	24%	36%	30%	
<b>Disqualified<sup>iv</sup></b>	37,100	107,160	42,180	100,970	NA
	14%	19%	19%	23%	
<b>Not responding<sup>iv</sup></b>	106,000	219,960	31,080	149,260	NA
	40%	39%	14%	34%	
<b>Not found or undeliverable<sup>iv</sup></b>	47,700	73,320	46,620	43,900	NA
	18%	13%	21%	10%	
<b>Other exclusions (excused, deceased, duplicate, prior good service)<sup>iv</sup></b>	10,600	28,200	22,200	17,560	NA
	4%	5%	10%	4%	



**Question 4:** Are there any significant differences across the counties in the process of summoning jurors or the rate at which jurors respond to summonses?

**Relevant data:** Summoning procedures; length and frequency of jury service; number of jurors responding to summonses

	<b>Bronx</b>	<b>Kings</b>	<b>New York</b>	<b>Queens</b>	<b>Richmond</b>
<b>Schedule/procedures for summoning jurors; length of jury service<sup>iv, vi</sup></b>	Jurors are summoned on 2 days out of the week and are required to report in person for 2 days or 1 trial (excused after 2 days if not empaneled)	Jurors are summoned on 5 days out of the week and are required to report in person for 1 day or 1 trial (excused after 1 day if not empaneled)	Jurors are summoned on 2 days out of the week and are required to report in person for 2 days or 1 trial (excused after 2 days if not empaneled)	Telephone standby up to 5 days. If required to report in person, will serve for 1 day or 1 trial. Jurors receive service credit whether or not they are required to report	Telephone standby up to 5 days. If required to report in person, will serve for 1 day or 1 trial. Jurors receive service credit whether or not they are required to report
<b>Frequency of service<sup>iii</sup></b>	For those who serve < 10 days, 6 years. For those who serve > 10 days, 8 years.	8 years	6 years (minimum)	4 years	NA
<b>Number and percent of summoned jurors who reported for jury service and served in 2014<sup>iv</sup> (same as 1F above)</b>	41,753	84,377	86,884	54,909	10,572
	27%	41%	34%	28%	24%
				An additional 12% -- 23,532 -- on telephone standby did not need to report but received service credit	An additional 28% -- 12,334 -- on telephone standby did not need to report but received service credit

**Question 5:** Are there any significant differences across the counties in empaneling jurors from among those who report?

**Relevant data:** Number of jurors needed; hours required to select a jury

		<b>Bronx</b>	<b>Kings</b>	<b>New York</b>	<b>Queens</b>	<b>Richmond</b>
<b>Average number of qualified jurors called for voir dire per trial<sup>ii</sup></b> (same as 1B above)	Criminal	107	67	84	62	97
	Civil	24	24	37	28	41
<b>Average number of hours needed to select a jury<sup>ii</sup></b>	Criminal	4	6	7	6	5
	Civil	18	7	7	10	8

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<sup>i</sup> Published OCA reports

<sup>ii</sup> Jury Support Office of the Office of Court Administration, using survey data collected from courts through 2012

<sup>iii</sup> Jury administrators in the County Clerk's offices (2014 data except in New York County, which is based on first 6 months of 2015)

<sup>iv</sup> Jury Support Office of the Office of Court Administration

<sup>v</sup> US Census data

<sup>vi</sup> First Annual Report pursuant to Section 528 of the Judiciary Law, 2011

## Appendix G.

# Best Practices in Calendar Management

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Drawing largely on select, qualitative interviews of current Supreme Court judges, the results of structured courtroom observations conducted in 2014 (reported on above), and recommendations of the National Center for State Courts,<sup>73</sup> this appendix outlines best practice strategies and recommendations for calendar management.

- **Early Triage:** Beginning prior to Supreme Court arraignment and, again, prior to the first appearance after Supreme Court arraignment, judges should triage their caseload, distinguishing cases that are resolvable by plea or dismissal at next appearance, those that are likely to go to trial, those that require only routine omnibus discovery motions versus those that pose complex discovery issues, and those that may be appropriate for a risk-needs assessment and/or rapid resolution through alternatives to incarceration. Judges should adopt a proactive role to move the simpler cases to disposition as soon as possible. Similarly, whenever a case is adjourned to a new court part and judge in mid-processing, the new judge should initiate review and triage prior to hearing the case for the first time.
- **Shorter Motion Practice Adjournments:** Based on triage and/or direct interaction with the attorneys at the Supreme Court arraignment, cases that require little more than omnibus motions should have a short motion practice adjournment (e.g., perhaps two weeks or less). Lengthier motion practice adjournments (e.g., closer to four weeks) should be set only when the case involves complex motion and discovery issues.
- **Hard Deadlines and Timeline Monitoring:** Beginning before, at, or immediately following arraignment, judges should work with the attorneys to set due dates for key events, such as completing motions and discovery, receiving third party exam reports, finalizing plea negotiations, securing expert witnesses, and scheduling trials. Prosecutors and defense attorneys should then be held accountable for completing tasks on schedule. The schedule should be referenced during future court dates, with valid reasons provided for any delays.

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<sup>73</sup> See, especially, Steelman, D. C., and Griller, G. M. (2013). *Rethinking Felony Caseflow Management to Create a Culture of High Court Performance*. Williamsburg, VA: National Center for State Courts; Steelman, D. C., with Goerdts, J. A. and McMillan, J. E. (2000). *Caseflow Management: The Heart of Court Management in the New Millennium*. Williamsburg, VA: National Center for State Courts. Van Duizend, R., Steelman, D. & Suskin, L. (2011). *Model Time Standards for State Trial Courts*. Williamsburg, VA: National Center for State Courts.

- **Tracking of Standards and Goals Adherence:** Judges should closely track days pending for all cases on their pretrial calendar. Ideally, at each court date, the judge might announce how long the case has been pending since indictment and might announce on the record when cases are close to or past the point of noncompliance with standards and goals. To aid judges, the court system’s Division of Technology might devise a user-friendly technology solution, such as ordering and color-coding each judge’s cases based on elapsed time against standards.
- **Conferencing:** A useful tool—routinely employed after Supreme Court arraignment in Staten Island—is to conference cases in between appearances to discuss potential plea offers or determine if a plea is unreachable and the case is headed for trial (and, if so, to establish a timeline for any final pretrial motions). In general, case conferences might be held citywide before and/or after Supreme Court arraignment and, again, throughout case processing where cases are not rapidly disposed. Conferences can be led by a law clerk in lieu of the judge where appropriate.
- **Same-Day Second Calls:** For cases that are close to reaching a plea agreement, or have minor discovery-related or other pending issues that are resolvable on the same day, judges should hold “second calls.” In these cases, the attorneys should be expected to return prepared. In general, judges should make liberal use of “second calls” whenever same-day progress is possible. Moreover, judges should make it a routine, whenever there is doubt about the potential to negotiate a plea deal, to request that the attorneys find time to meet on the same day and then return to court that day as part of a “second call.”
- **Adjournments:** Each adjournment should have a purpose, and judges should hold attorneys accountable for completing between-appearance tasks on time. When the parties believe that between-appearance tasks will require a particularly long time, judges should *still* set “control dates”—with gaps never exceeding 30 days except in special, extenuating circumstances—on the premise that each appearance provides an opportunity for the parties to reach a plea agreement, for the judge to verify that attorneys are making progress, or for third-party agencies who may owe reports (e.g., related to DNA results) to be prodded or held to account.
- **Firm Trial Dates:** Judges should take aggressive measures to move trial-bound cases to trial, including: hard target benchmarks for allowable time prior to commencing a trial and date-certain trial dates with little judicial tolerance for postponements requested by either attorney. A majority of trials should begin on the first scheduled trial date.
- **Booking Trial Dates:** Trial judges should seek to schedule trial start dates as close together as possible. Appropriate technological aids should be developed to allow all court clerks and judges ready access to all other judges’ trial schedules. Such tools could aid in setting trial dates with little delay and adhering to them by moving trials from unavailable to available judges when necessary.

- **Sanctions:** Judges should endeavor to utilize their knowledge, at each court appearance, of what is supposed to happen (and what should have happened in the time leading up to the appearance). Judges might then note where one or more attorneys or outside parties have not submitted necessary reports or have not otherwise come prepared. Sanctions should be imposed on attorneys or others whose excessive delinquency thwarts timely justice.
- **Training and Technical Assistance:** Ideally, investments would be made in ongoing training and technical assistance to work with judges on adapting calendar management principles to the realities of everyday demands in the New York City Supreme Court.

## Appendix H.

# Court Part Structure

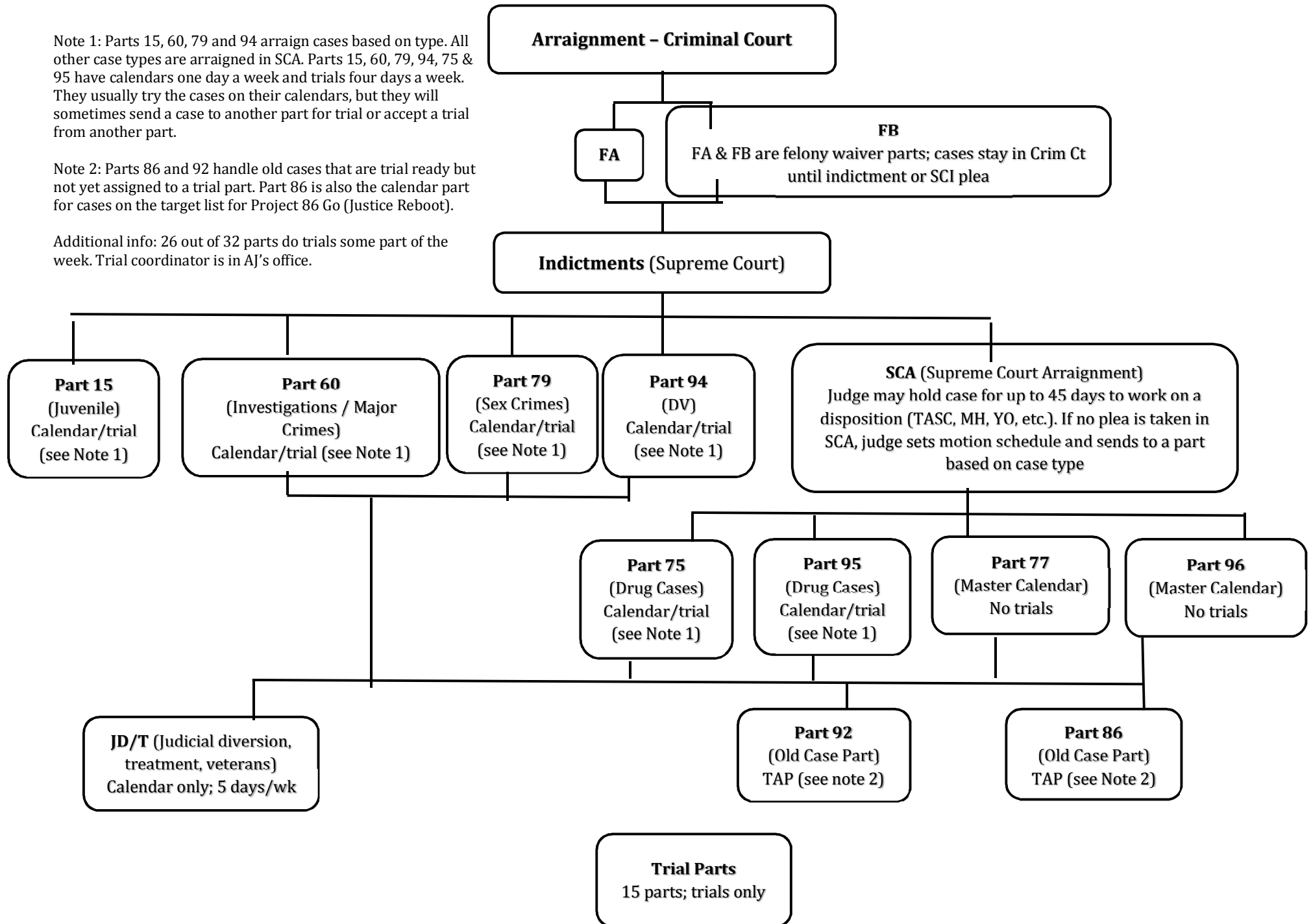
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# Bronx Felony Complaints

Note 1: Parts 15, 60, 79 and 94 arraign cases based on type. All other case types are arraigned in SCA. Parts 15, 60, 79, 94, 75 & 95 have calendars one day a week and trials four days a week. They usually try the cases on their calendars, but they will sometimes send a case to another part for trial or accept a trial from another part.

Note 2: Parts 86 and 92 handle old cases that are trial ready but not yet assigned to a trial part. Part 86 is also the calendar part for cases on the target list for Project 86 Go (Justice Reboot).

Additional info: 26 out of 32 parts do trials some part of the week. Trial coordinator is in AJ's office.



# BROOKLYN FELONY COMPLAINTS

## CRIMINAL COURT

Arraignment

AP F1

No indictment: SCI plea

Indictment

## SUPREME COURT

Upfront Part 10 & Part 20: Cases from Blue & Gray Zones combined before one judge  
- Felony arraignment  
- Motion schedule set  
- Motions  
- Hearings  
- Case leaves Part 10 or 20 when motions are complete and case > 1 year

Upfront Part 30: Cases from Red Zone; DWI cases; AG cases  
- Felony arraignment  
- Motion schedule set  
- Motions  
- Hearings  
- Case leaves Part 30 when motions are complete and case > 1 year

Upfront Part 40: Cases from Green Zone and gang cases prosecuted by the Violent Crim Enterprise (VCE) unit  
- Felony arraignment  
- Motion schedule set  
- Motions  
- Hearings  
- Case leaves Part 40 when motions are complete and case > 1 year

Upfront Part 50: Cases from Orange Zone and sex crime cases  
- Felony arraignment  
- Motion schedule set  
- Motions  
- Hearings  
- Case leaves Part 50 when motions are complete and case > 1 year

Part 85  
- Felony arraignment  
- 15 cases/day  
- Motions  
- Hearings  
- Case leaves Part 85 when motions are complete and case > 1 year

Misc. Motions  
- 4 judges; 3-month rotations  
- Each judge keeps any case that comes in during his/her rotation  
- Long-term investigations: wiretaps, confid. informants, etc.

Trial Readiness Parts: receives cases from upfront parts that are < 1 year old and ready for trial but are waiting for judge and jury

TR Part 7: homicides  
- trial readiness  
- trials

TR Part 13: some trial readiness  
- mostly trials

TR Part 14/ Trial TAP  
- mostly trial readiness  
- some trials

TR Part 19  
- long-term investigations  
- civil rights cases  
- sex trafficking  
- trial readiness  
- trials

Specialty parts

MD1 & MD2: Bk Mental Health Court and TADD cases  
- Pleas  
- Monitoring  
- Sentencing

JO: Specialty & general trial part  
- Arr.  
- Ded. ADA  
- Motions  
- Hearings  
- Trials  
- Will also hear trials from other parts or send cases

Special Victims: Specialty & general trial part  
- Arr.  
- Ded. ADA  
- Motions  
- Hearings  
- Trials  
- Will also hear trials from other parts or send cases to

DV & IDV Courts  
- Arr.  
- Ded. ADA  
- Motions  
- Hearings  
- Trials/pleas  
- Monitoring

BTC  
- Arr.  
- Ded. ADA  
- Pleas  
- Monitoring  
- Sentencing

Old case parts: receives cases from upfront, trial readiness, or specialty parts that are open > 1 year and not ready for trial

TAP/Old Cases  
- Calendar only; no trials

Part 4: AI-TAP (detained cases only) - Calendar only; no trials

Trial parts: receives trial-ready cases from  
- upfront parts  
- trial readiness parts  
- specialty parts  
- old case parts



**NEW YORK COUNTY  
SUPREME COURT – CRIMINAL TERM  
COURT PARTS**

**Criminal Court**

**Arraignment part**

**Two parts for cases awaiting indictment**

**Part F:** Non-narcotics cases.

- For detained defendants, first court appearance in Part F is the 180.80 day. If defendant is out, first court appearance is usually later.
- If defendant is indicted, case is transferred to Supreme Court.
- If defendant is going to take an SCI plea, it is transferred to Part 1 in Supreme Court for the SCI and plea.

**Part N:** Narcotics cases; felony waiver part. Judge is hybrid (Criminal Court and Acting Supreme Court judge).

- For detained defendants, first court appearance in Part N is the 180.80 day. If defendant is out, first court appearance is usually later.
- If defendant is indicted, case is transferred to Supreme Court.
- SCI pleas remain in Part N.

**Supreme Court**

**Part 1**

Hybrid judge (Criminal Court and Acting Supreme Court)

Felony waiver part for non-narcotics SCIs

Empanels and supervises regular grand juries

Habeas writs

Special proceedings

Extradition

Reporter Shield Law

Back-up judge for returns on warrants if judge handling defendant's case is out

If there is capacity, suppression hearings for both Supreme Court and Criminal Court

**Calendar Parts – 22 judges**

Most calendar part judges have a calendar 1 day/week and do hearings and trials 4 days/week.

They do their own trials and trials from other parts; they might also send their cases out to other parts for trial

### 15 regular calendar parts

3 parts for cases from the Special Narcotics Prosecutor (SNP's); 1 of the parts also handles DWI cases and cases from SNP's Violent Gang Unit

- Arraignments
- Motions
- Pleas
- Trials

12 parts are organized in line with the 6 trial bureaus in the DA's Office; each calendar part takes half of a trial bureau.

Parts 21, 22 and 23 – SNP

Parts 31 and 32 – DANY Trial Bureau 30

Parts 41 and 42 – TB 40

Parts 51 and 52 – TB 50

Parts 61 and 62 – TB 60

Parts 71 and 72 – TB 70

Parts 80 and 81 – TB 80

Each of the 15 regular calendar parts takes indicted cases, assigned round robin, from the unaffiliated units of the DA's Office: elder abuse, Medicaid fraud, cybercrime, etc.

### Special calendar parts

Part 73 (J. Padro):

- Youth Part (2 days/week)
- Drug diversion (1 day/week)
- No hearings or trials

Part 92 (J. Nunez)

- Drug diversion calendar (1 day/week)
- Hearings & trials – other cases (4 days/week)

Part N (hybrid part – Criminal Court & Supreme Court)

- Drug diversion

Part 45 (J. Allen)

- 5 days/week: hearing & trials
- Also has calendar caseload from the Special Investigations Bureau (SIB) of the Special Narcotics Prosecutor's Office, plus other matters (these fit into the daily schedule)

Part 59 (J. Merchan)

- Manhattan Mental Health Court (1/2 day/week)
- 4-1/2 days/week: hearings & trials

Part 63 (J. McLaughlin): entire caseload is Violent Criminal Enterprise Unit (VCEU) cases

- Calendar for VCEU cases could be 1/2 or 1 day/week
- 4 or 4-1/2 days/week: hearings and trials

IDV Part: no felony trials

Part 95 (J. Conviser): Article 10 Mental Hygiene Law cases presumptively go to Part 95, but all judges could take these cases

Part 51 and 51A (J. Obus)

- Part 51: normal calendar part, hearings & trials
- Part 51A: old cases referred by other judges to Judge Obus (*i.e.*, overbooked lawyers, too many lawyers to coordinate easily)

JHO 1 day/week: suppression hearings

### **Trial Parts – 11 judges**

- None of the trial parts are specialized
- Hearings & trials 5 days/week
- Expeditors send cases from the calendar parts to trial parts
- Trial parts also handle special grand juries involving multiple-defendant cases (for example, white collar or enterprise corruption cases)

**Post-conviction motions:** These go back to the judge who presided over the trial, unless that judge is no longer on the bench. Term-by-term rotation among the trial parts.

## QUEENS FELONY COMPLAINTS

