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## **Broken Justice in the Bronx**

By **THE EDITORIAL BOARD**

Quietly over time, the gleaming glass building near Yankee Stadium that houses the Bronx criminal courts has become a place where delay and dysfunction are the norm and central ideals of the American justice system — especially the promise of a speedy trial — have been disgracefully subverted.

The state court system has a guideline that requires most felony cases to go to trial or be resolved within 180 days of the suspect's indictment. While criminal courts in every borough in New York City violate that guideline, in the Bronx, the city's poorest borough, 73 percent of all felony cases exceeded the 180-day limit, as of January.

In recent years, there were more defendants waiting years in jail for their trials in the Bronx than in the rest of the boroughs combined. The Bronx accounted for more than half of the cases in the city's criminal courts that were more than two years old, and for two-thirds of people held for more than five years awaiting trial.

A powerful [series](#) by William Glaberson of The Times has painted a devastating portrait of a lackadaisical court culture in which the main actors in the Bronx seem utterly paralyzed or incompetent. None appear to have the necessary drive to ensure that justice is done for the defendants, the victims or the public.

The Bronx district attorney, Robert Johnson, and the prosecutors serving under him show little sense of urgency as cases age. In one ludicrous case, an assistant district attorney actually left on vacation in the middle of a trial she was working on. Defense lawyers have been allowed to exploit delays to help their clients, since witnesses can move away and evidence can become tainted; sometimes the defense lawyers simply delay cases to suit their own schedules. And there are the judges — many elected through a political machine-controlled process — who are unable or unwilling to exert strong control over their courtrooms to resolve cases in a reasonable time.

The inordinate delays impose heavy tolls. Innocent people remain in jail for crimes they did not commit. Memories fade, evidence dries up, and witnesses disappear, making convicting the guilty harder. Victims and their families suffer, as does faith in the justice system's ability to protect the public.

In one case, as reported by Mr. Glaberson, Bronx prosecutors did not try a defendant accused of murder until five years after the crime. The defendant ended up going free

after the first police officer to testify answered that he could not remember numerous details under questioning by the defense lawyer. In another murder case, which also resulted in a not-guilty verdict, the star witness at the trial four years after the crime testified that he could no longer be sure who pulled the trigger.

As old cases have piled up in the Bronx, conviction rates have declined to less than half in jury trials, far lower than elsewhere in the city and well below the national rate. In 2011, Bronx prosecutors won guilty verdicts in 46 percent of their jury trials, court data shows, down from 67 percent in 1989, when Mr. Johnson took office.

While that dismal record may be partly a product of the skepticism Bronx juries have of the police, it also raises questions about whether the breakdown in the borough's court system is letting dangerous criminals go free. Like many other states, New York has slashed court budgets in the past few years in the face of a harsh recession. But the problem in the Bronx began festering long before that and goes beyond a shortage of resources.

Because of budget problems, the court day has been shortened and now ends at 4:30. But a lot more could be accomplished if judges required all participants in proceedings to show up on time — something that rarely happens now — and stopped accepting prosecutors' and defense lawyers' weak excuses for delays.

Part of the blame for the current mess belongs to state court administrators. They should have acted sooner to dismantle the well-meaning but unsuccessful reorganization plan put in place in 2004 by Judith Kaye, then the state's chief judge, and take muscular action to address the Bronx backlog. In a positive step in January, the state's current chief judge, Jonathan Lippman, dispatched a "SWAT team" of judges to deal with the delays. According to court officials, they have already cut the number of cases two years or older by 21 percent, mostly by arranging plea deals and dismissing cases.

But the problem runs deep. Changing the culture will require a new commitment by Mr. Johnson, Bronx criminal court judges and court administrators to improve the management and work ethic in every part of the system. It will also require enlisting more seasoned defense lawyers to take cases in the Bronx. Some additional financing for court employees will be needed, too. But no management reform will be sufficient or lasting unless the city's political and judicial leaders raise expectations about what a well-functioning criminal justice system requires.