



Ensuring Timely Trials

Lengthy court case processing times have grown worse in recent years and are contributing to DOC's increased jail population. Aligning with national standards would save up to \$877 million annually and help NYC achieve its commitment to close Rikers Island.

July 2024

Executive Summary

Criminal cases in New York City take significantly longer to process through the court systems than any comparable jail system in the country.¹ These delays leave thousands of individuals awaiting trial in City jails for months or even years longer than necessary, inflating the City's jail population and wasting City taxpayer dollars. The problem has gotten significantly worse over the past several years, jeopardizing the City's commitment to close Rikers Island and detain individuals awaiting trial in modern jail facilities near the courts where their cases will be heard. According to Chief Administrative Judge Joseph A. Zayas, much of these delays are the result of "unprecedented disruption of normal court operations caused by the pandemic" and coinciding transformative changes to New York's discovery laws in 2020.²

To better understand the impact of case delay on New York City's growing jail population and its obligation to close Rikers, the Comptroller's Office analyzed DOC data on 111,000 persons discharged from City custody between 2019 (the last full year of jail activity before the Covid-19 pandemic) and 2023. "Discharges" refers in this report to individuals discharged from City custody after a plea, sentencing (often to a New York State prison), or case dismissal. This analysis finds that:

- Between 2019 to 2023, there was a 179% increase in the number of felony cases in DOC custody that took more than three years to process.
- The average time to process a murder case rose by 37%, by an average of 221 days, from just over nineteen months to almost 27 months.
- While Courts meet their own standard of 6 months to case dispensation for nearly 80% of felony cases in DOC custody, the remaining 21.5% exceed that standard by over nine months on average.
- Case processing timelines in line with national best practices would reduce the number of beds needed in City Jails by 1,728.
- Expediting the processing of non-murder felonies would have the greatest impact on reducing the required capacity of City jails: just a 28-day reduction in processing times (a 26% reduction) would reduce the number of beds needed on annual basis by 1,215.
- The DOC spent \$507,000 per person incarcerated on an annual basis in 2023; reducing case delay could save the City up to \$877 million annually.

While there are myriad factors that contribute to increased processing times, many of which are outside the Courts' control, there are several steps the New York State Unified Court System can take to reduce excessive delays in criminal case processing. To clear the pandemic-era backlog of criminal cases and reduce case delays moving forward, the New York State Unified Court System should:

- Establish a formal, coordinated Working Group charged with the explicit goal to reduce the population at Rikers Island to triage and expedite cases on an ongoing basis and propose and execute systemic reforms
- Adopt enhanced goals to expedite the processing of felony cases in a manner consistent with national best practices, with a particular focus on reducing case processing times for long-staying individuals.
- Invest in and implement 21st Century scheduling software to streamline case management processes, ensure that court dates are adhered to, and reduce delays.

In addition to the above recommendations, the New York City District Attorneys' office and New York Police Department should implement the following to improve implementation of the 2019 Discovery Reform law:

- Implement discovery technology improvements to enhance and expedite access to NYPD records and case files for prosecutors and defenders.

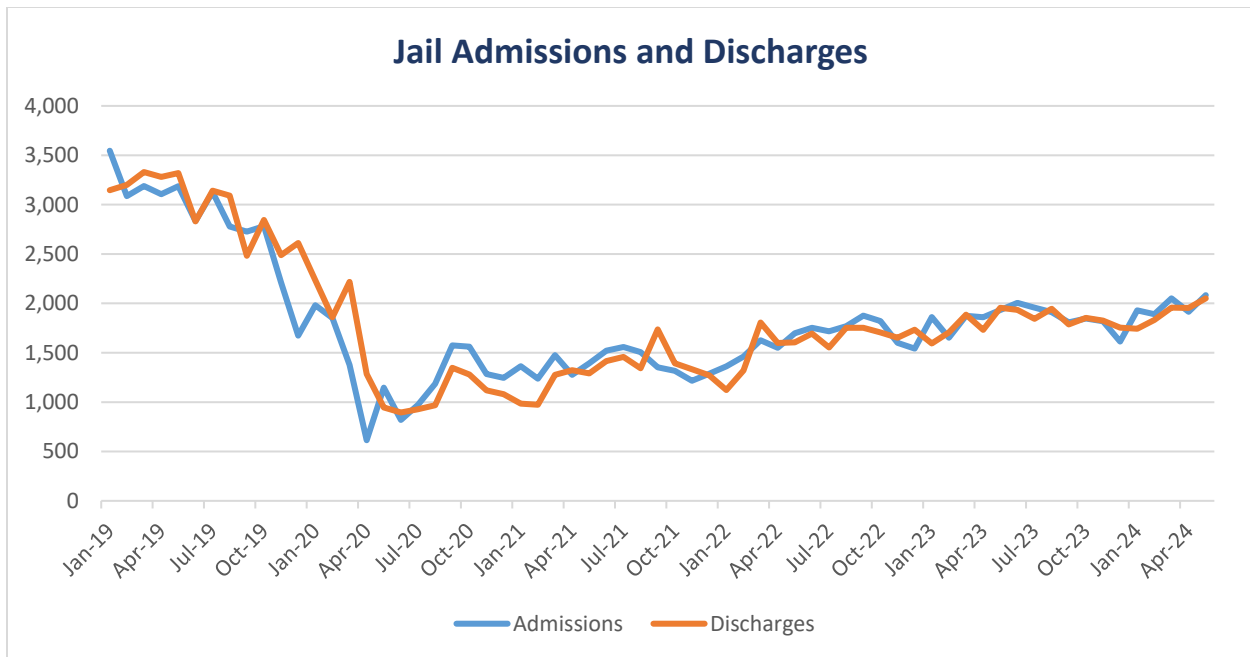
Implementing these recommendations could save the City of New York up to \$877 million annually, meet Constitutionally mandated obligations for timely trials, and significantly expedite the City's ability to meet its commitment to close Rikers Island.

Introduction

In 2019, the New York City Council voted to permanently close Rikers Island and replace it with a more modern, more humane and safe justice system including substantial investments in community safety. The City is currently constructing four Borough Based Jail facilities, located near the courthouses where individuals in detention's cases will be heard, at a total capacity of 4,160 beds – far below the current maximum capacity of Rikers Island which sits at nearly 15,000.

Although the City has significantly reduced its jail population from its 1990 peak of over 21,000,³ the jail population has steadily risen from a low of just under 4,000 in 2020 to [6,307 as of May, 2024](#), nearly double the total capacity of the proposed Borough Based Jails.

One significant driver of the City's increased jail population over this period is increases in the average time for the court system to process cases. Much of these delays can be attributed to pandemic-era mandated social distancing and strict limits on indoor gatherings which significantly constrained the Courts' ability to keep criminal cases moving. These pandemic-era restrictions coincided directly with the implementation of significant reforms to New York's discovery law which governs the process through which prosecutors are required to hand over relevant material to defense attorneys prior to trial. Discovery reform was intended to result in the prompt exchange of information between the prosecution and defense to resolve cases more swiftly, but the effectiveness of those reforms have been hamstrung by implementation challenges, especially with respect to inter-agency sharing of data and police records.



Note: Data exclude sealed cases.

Source: NYC Comptroller’s Office analysis of NYC Open Data, <https://data.cityofnewyork.us/Public-Safety/Inmate-Discharges/94ri-3ium> and <https://data.cityofnewyork.us/Public-Safety/Inmate-Admissions/6teu-xtgp>.

Cases are Taking Longer to Process

In 2023, 16,234 individuals with a felony top charge were discharged from DOC custody; this includes case dismissals, a prison sentence to be served in a state facility, or the completion of a “city sentence” of one year or less.¹ This is 4,302 fewer individuals than were discharged in 2019, representing a 21% decline in the number of individuals discharged over a 4-year period. The reduction in the number of cases discharged was driven primarily by an increase in the overall time it took to process cases and the average length of stay.

Comparing 2019 to 2023, there was a 179% increase in the number of felony cases that took more than three years to process. In 2023, 1,515 cases – 9 percent of the total – required more than one year to resolve. Of these, 243 cases (primarily murder charges) required more than three years to resolve.

¹ According to the State Office of Court Administration, about 6 in 10 criminal cases resolved in 2023 resulted in a dismissal and just over a quarter were resolved through guilty pleas or trial verdicts.

Persons with Felony Charge Discharged from DOC Custody, 2019 and 2023

Time to Discharge	2019	2023	Percent Change
< 1 Day	1,902	1,766	-7%
1-7 Days	5,346	4,022	-25%
8-30 Days	3,389	2,689	-21%
31-60 Days	1,835	1,441	-21%
61-90 Days	1,219	886	-27%
91-180 Days	2,487	1,938	-22%
181-365 Days	2,543	1,977	-22%
1 to 2 Years	1,407	1,010	-28%
2-3 Years	321	262	-18%
3+ Years	87	243	179%
Total	20,449	16,234	-21%

Source: Dept. of Corrections, NYC Comptroller

2023 Felony Cases, Beds Required (Annualized)

Time to Discharge	Persons Discharged	Average Days to Discharge	Beds Required (Annualized)
< 1 Day	1,766	0.4	2
1-7 Days	4,022	3.6	40
8-30 Days	2,689	16.3	120
31-60 Days	1,441	44.1	174
61-90 Days	886	74.0	179
91-180 Days	1,938	129.7	689
181-365 Days	1,977	254.2	1,376
1 to 2 Years	1,010	497.7	1,376
2-3 Years	262	886.6	636
3+ Years	243	1,551.0	1,032
Total	16,234	126.51	5,623.12

Source: Dept. of Corrections, NYC Comptroller

Murder charges were a major driver of increased stay, even though they comprised a relatively small number of cases. Since 2019, the average time to process a murder case has risen by 37%, by an average of 221 days, from just over nineteen months to almost 27 months. Of the 307 murder cases that required more than a year to process in 2023, the average person was in DOC custody for three years. Where an individual is sentenced for a murder charge, they are transferred to a New York State prison to serve their sentence. Lengthening the amount of time an individual spends awaiting trial in a New York City jail does not increase public safety or accountability; it simply delays justice and costs the City more money.

A case may be delayed for a range of reasons: missed court dates, discovery delays, and scheduling challenges can all conspire to make already complex cases even more difficult to resolve. This analysis confirms that long-staying cases in particular have an outsized impact on the number of people in DOC custody on any given day.

Case Processing Aligned with Model National Standards Would Reduce Jail Capacity Need by Over 1,700 Beds

In addition to the City's commitment to reduce its jail population to close Rikers Island, as required by law, expeditious case processing is critical to creating a healthy criminal legal ecosystem. The Unified Court System (UCS) has a published target for case resolutions, referred to as the "Standards and Goals," which set a benchmark of six months (180 days) for dispensation of indicted felonies. In 2023, 3,492 cases with a top charge of felony (21.5% of all felonies) took more than six months from admission to discharge – an average of 462 days. According to data published by the Division of Criminal Services, the median time from arraignment to disposition for all New York City felony cases was 375 days;⁴ in 2019, the comparable median time was 330 days.⁵

The National Center for State Courts (NCSC) reviewed national disposition rates for misdemeanors and felonies and published [model standards](#) for what is achievable in a large, busy court system like New York City's.⁶ The NCSC standards provide a more detailed and granular approach to measuring court efficiency than the UCS when it comes to processing times. According to NCSC, courts should strive to conclude 75% of felony cases within 90 days, 90% within 180 days, and 98% within 365 days. This standard, less stringent than others published by the American Bar Association and Conference of State Court Administrators, is sensitive to the complexity of some felony cases, especially murder trials.

The main differences between the benchmarks set by the Courts and the NCSC lie in their specificity and data usage. New York's standard uses a single time frame (180 days) for all felony cases, focusing on a general goal without considering variations in case complexity. In contrast, the NCSC's benchmarks use multiple time frames and specific percentages to track progress, offering a more nuanced view of court performance.

In 2023, for the subset of persons in the custody of DOC, only 67% of felony-charged cases were discharged within 90 days, 78% within 180 days, and 91% within one year – all of which are well below the standards set by the NCSC.² Discharging 98% of felonies by this standard in 2023 would have meant that just 325 cases exceeded one year in duration – far fewer than the 1,515 felony cases that exceeded one year in reality.

Model Standards for Disposition of Felonies

Incarceration to Discharge	NCSC Model	Dept. of Correction 2023
90 Days	75%	67%
180 Days	90%	78%
365 Days	98%	91%

Source: National Center for State Courts, NYC Department of Correction

Reducing felony stays to the model standards established by the NCSC would mean reducing the average time to process a felony case by 39 days, from 127 to 88 days. This would significantly reduce the number of people in custody on a daily basis, with the potential to bring the City within reach of its target for closing Rikers Island. If the people released from DOC custody in 2023 were processed at rates consistent with NCSC standards, about 4,400 cases would have been processed faster, and 1,728 fewer beds would have been needed.

This would have reduced the number of beds required for felony cases discharged in 2023 below 3,900, bringing the City below the 4,160 beds being built in the borough based jails, and therefore within practical reach of its commitment to close Rikers Island.

Applying NCSC Standards for Felonies in 2023

Duration	Total Discharges		Annual Beds Required	
	2023 Actual	NCSC Standard	2023 Actual	NCSC Standard
Under 90 Days	10,804	12,176	515	854
90 – 180 Days	1,938	2,435	688	1,123
180 – 365 Days	1,977	1,299	1,376	1,266
Greater than One Year	1,515	325	3,044	653
Total			5,623	3,895

Source: Dept. of Corrections, NYC Comptroller

² These figures do not account for any felony cases for non-custodial cases of supervised release, cash bail or other pretrial arrangement.

Murder cases would require the most significant timeline reduction to be consistent with NCSC standards, from an average of 812 days to an average of 422 days (producing a capacity reduction of 516 beds). Non-murder felony cases would have the greatest impact on reducing the jail population: just a 28-day reduction in processing times (a 26% reduction) would reduce the number of beds needed by 1,215.

Dramatic Increases in the Cost of Detention

The cost of incarcerating a person at a DOC facility on an annual basis has grown precipitously in recent years, [as reported previously](#) by the Comptroller's Office. In Fiscal Year 2013, cost of detaining one person for a year was \$182,000. In FY 2023, that number had risen to \$507,317. In the intervening years, expenditures at DOC grew by approximately 47 percent (from \$2.02 billion to \$2.98 billion) while the Average Daily Jail Population fell by over 50 percent (from 11,827 to 5,873). The 1,728 additional beds required by exceeding NCSC's standards represent \$876.7 million of annual spending.

A permanently lower jail population has historically proven to reduce the operating costs of the DOC by hundreds of millions of dollars: For example, in Fiscal Year 2020, as the jail population declined, the City closed certain jail facilities (Brooklyn Detention Center, Eric M. Taylor Center, and others) and reduced the headcount of Correction Officers saving over \$200 million by FY 2022.⁷

Recommendations

This analysis makes clear that case processing delays in our court system are a significant driver of the city's inflated jail population. These delays have resulted in unnecessary taxpayer expenses and compromised public safety without any tangible benefits.

While excessive delays in case processing times are driven by myriad factors, many of which are beyond the Courts' control, addressing case delay through the adoption of best practice goals, improved coordination, and the adoption of advanced scheduling software will significantly contribute to reducing the city's jail population and achieving the goal of closing Rikers Island by 2027. To reduce case delays, reduce the City's jail population, and save taxpayer dollars, the New York State Unified Court System should implement the following recommendations:

1. **Establish a formal, coordinated Working Group charged with the explicit goal to reduce the population at Rikers Island to triage and expedite cases on an ongoing basis and propose and execute systemic reforms.** Coordination and sustained effort across the entire criminal legal system are crucial to reducing the city's jail population. The Courts engage regularly with key stakeholders to discuss and troubleshoot cases, but there is currently no formalized plan or working group dedicated to identifying and confronting systemic challenges or holding the many actors that contribute to case delay, including prosecutors and defense, NYPD, and DOC, accountable. The Courts should institutionalize

its engagement of key stakeholders by establishing a formal, coordinated Working Group to triage and expedite cases, with the explicit charge to reduce the population on Rikers Island . This group could have a recurring standing meeting with a set agenda focused on reducing case delays using a robust statistical analysis to track borough-specific case processing timelines, prepare status reports to pinpoint bottlenecks in the process, monitor progress of the oldest cases, and help develop and execute systemic reforms to speed case delay. These efforts to confront case delay and reduce the population on Rikers Island should be led by the Unified Court System including County Administrative Judges, but should include all relevant stakeholders that have an impact on case delay such as District Attorneys, defense bar, the DOC, the New York City Police Department, and the Mayor’s Office of Criminal Justice.

- 2. Adopt enhanced goals to expedite the processing of felony cases in a manner consistent with national best practices, with a particular focus on reducing case processing times for long-staying individuals.** While nearly 80% of felony cases detained at Rikers Island meet the Court’s existing Standards and Goals 6-month standard for case resolution, the 21.5% of cases that take longer than 6 months to process exceed that standard dramatically, taking an average of 462 days to discharge. Formally adopting the NCSC goals would enable the Courts to take a tiered-approach to its case processing standards, with a particular focus on reducing case processing times for long-staying cases. Adopting the goal to resolve most cases (75%) within 90 days, while allowing more time for a smaller percentage of complex cases acknowledges that not all cases can be resolved within the same time frame due to varying complexities and circumstance--while still setting flexible, achievable goals for those long-staying cases. Setting and regularly monitoring these more specific goals over time would also ensure that long-staying cases receive the attention they deserve. Expediting the processing of non-murder felonies in line with NCSC standards by just 28 days would reduce the number of beds needed in City jails by 1,215. This reduction in delays will help to decrease the jail population, aligning with the City’s goal of closing Rikers Island by 2027. Enhancing the Courts’ existing Standards and Goals to explicitly bring long-staying cases in line with best practices would provide a more comprehensive and data-informed framework for improving case processing times and could help the Courts better manage workloads, reduce backlogs, and ultimately deliver justice more effectively.
- 3. Invest in and implement 21st Century scheduling software.** Modern scheduling software can streamline case management processes, reducing delays and ensuring that court dates are adhered to. Recently framed by Elizabeth Glazer, founder of Vital City and former Director of the Mayor’s Office of Criminal Justice as “OpenTable for court calendaring,” these technological upgrades can facilitate faster case processing, benefiting both the criminal justice system and the incarcerated individuals awaiting trial.⁸ A 21st century scheduling system would minimize adjournments, integrating the schedules of all relevant parties (including judges, prosecutors, defense, the NYPD, and

DOC). The scheduling system should also be integrated with automated reminder systems including robocalls and text messages. Additionally, the Working Group recommended above should use this software to inform its triage of cases, prioritizing cases based on severity and the potential for swift resolution.

In addition to the above recommendations, the New York City District Attorneys' office and New York Police Department should implement the following recommendation to improve implementation of the 2019 Discovery Reform law:

- 4. Implement discovery technology improvements to enhance and expedite access to NYPD records and case files for prosecutors and defenders.** Landmark reforms to New York State's discovery laws have faced significant implementation challenges, which have contributed to case delay in recent years. In May 2023, Governor Hochul announced \$170 million would be invested in supporting improvements to the discovery process for prosecutors and defenders, including \$50 million in capital for discovery technology improvements in New York City. This technology will support compliance with the discovery reform by facilitating the prompt and accurate exchange of information necessary for case preparation and resolution. By improving data accessibility and sharing, prosecutors will be better equipped to meet discovery obligations, thereby reducing delays and contributing to a more efficient criminal justice system. Though funds have been designated for this purpose, technology upgrades have not yet been procured or implemented.

Conclusion

The increased length of time it takes to process cases in New York, the growing cost of detention, and especially the continued dangerous conditions at Rikers Island for detainees and staff have created a dire situation that requires urgent attention and action. As the Independent Rikers Commission 2.0 considers a comprehensive suite of initiatives to reduce the City's jail population and meet the legally-obligated deadline to close Rikers Island by 2027, this report proposes common-sense steps the Courts and other stakeholders within New York's criminal legal system can take to address rampant case delays and significantly reduce trial times. The result would be a fairer criminal justice system more aligned with Constitutional provisions for timely trials, savings of hundreds of millions of dollars annually, and a significant advance in the City's commitment to finally close Rikers Island.

Methodology

The Comptroller's Office received data from the Department of Correction containing all discharges from DOC custody, including sealed cases, from January 2019 to December 2023. These data included the time and date of admission and discharge (format of Day-Month-Year Hour-Minute-Second) the top charge upon admission to a DOC facility (represented as a criminal code citation) and a two letter "Severity" variable (i.e. FA = Class A Felony). The Comptroller's

Office further categorized the felony top charges into [Attempted] Murder (first- and second-degree murder/manslaughter, criminally negligent homicide, and aggravated murder), [Attempted] Violent Felonies, and other Non-Violent Felonies.

To create the measure of annual beds required for each person discharged from city custody, the timestamp of discharge is subtracted from the timestamp of admission and divided by 365.25. For example, a person admitted on November 18, 2021 at 2:30PM and discharged on October 17th, 2023 at 2:16 PM was incarcerated for 697 days and required 1.9 beds on an annual basis.

To achieve a scenario where the DOC complied with NCSC standards, the Comptroller's Office simulated the effects of reducing 1,372 felony cases with between 91 and 180 days detained to exactly 90 days of disposition, 1,868 felonies with between 181 and 365 days detained to exactly 180 days of disposition, and 1,190 cases with greater than one year to disposition to just 365 days. The effects on Murder, Violent Felony and Non-Violent Felony cases were calculated by assuming that each classification would be impacted proportionately to the number of cases discharged in 2023 with no additional case processing. No simulation was run on misdemeanors, parole violators, and "Others," as long-staying persons within these classifications are often serving city sentences and thus are not pre-trial detainees.

Data Limitations: The scope of this report is limited to individuals detained in Department of Correction custody; this methodology will tend to undercount and/or omit any persons not detained for the entire duration prior to their case's disposition in the State's criminal court system in the event that no pre-trial detention was required or the defendant posted bail as set by the court. Because the NCSC standards for case disposition are based on the totality of criminal cases including those not detained pre-trial, observations of a more complete universe will yield different results. The methodology will also tend to overstate the time to disposition for individuals discharged after serving a "city sentence," where the case has reached a conclusion, the defendant has been convicted and must serve the remainder of their sentence in DOC custody.

To calculate the annual cost to detain someone in a DOC facility, the Comptroller's Office summed the actual Personal Services and Other Than Personal Services expended by the Department of Correction in 2023 as well as the estimated fringe benefits and pensions for DOC employees & retirees as reported by the [2025 Executive Message of the Mayor](#). The analysis excluded personnel costs for the operation of the youth Horizon detention facility, debt service, and claims, and included the lump sum allocated to NYC Health + Hospitals for Correctional Health Services in consistency with the Comptroller's 2021 report methodology.

Acknowledgements

This report was authored by Robert Callahan, Director of Policy Analytics; Justyn Richardson, Senior Policy Researcher; and Annie Levers, Deputy Comptroller for Policy. Layout and design were completed by Archer Hutchinson, Creative Director.

Endnotes

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⁴ NY Division of Criminal Justice Services, “Criminal Justice Case Processing Arrest Through Disposition”, July 2020. <https://www.criminaljustice.ny.gov/crimnet/ojsa/dar/dar-4q-2023-newyorkstate.pdf>

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⁶ *National Center for State Courts*, “Model Time Standards for State Courts.” August, 2011. https://www.ncsc.org/_data/assets/pdf_file/0032/18977/model-time-standards-for-state-trial-courts.pdf

⁷ Fiscal Year 2021 Executive Citywide Savings Program, published April 2020 [Citywide Savings Program \(nyc.gov\)](https://www.nyc.gov/citywide-savings-program)

⁸ Glazer, Elizabeth. “Pick a Number: The Facts and Politics Behind New York City Limiting the Jail Population to 3,300 People,” *Vital City*. March 12, 2024.