1   [Urging the San Francisco Superior Court to Prioritize Criminal Trials and Safely Open
    Courtrooms to Uphold Justice-Involved Individuals' Speedy Trial Rights]

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3   **Resolution urging the San Francisco Superior Court to prioritize assignment of**

4   **criminal trials and safely open more courtrooms to ensure that the speedy trial rights**

5   **of both defendants and victims are upheld.**

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7   WHEREAS, The United States and the California Constitution guarantee that a

8   defendant in a criminal trial has a right to a speedy trial without unnecessary delay (U.S.

9   Const. VI; Cal. Const. Art. I §15); and

10   WHEREAS, When this speedy trial right is violated, the court must dismiss the case

11 and release the defendant unless good cause is shown; and

12   WHEREAS, The California legislature found that "…criminal courts are becoming

13 increasingly congested with resulting adverse consequences to the welfare of the people and

14 defendant. Excessive continuances contribute substantially to this congestion and cause

15 substantial hardship to victims and other witnesses. Continuances also lead to longer periods

16 of presentence confinement for those defendants in custody, and the concomitant

17 overcrowding and increased expense of local jails…" (Penal Code, Section 1050(a)); and

18   WHEREAS, Because of these adverse consequences, the California legislature

19 created a requirement that courts give precedence to criminal cases over civil cases and that

20 courts "…expedite these proceedings to the greatest degree that is consistent with the ends of

21 justice…" (Penal Code, Section 1050(a)); and

22   WHEREAS, On February 25, 2020, San Francisco Mayor London Breed declared a

23 state of emergency and less than a month later, the California Superior Court ("Court") shut

24 down all criminal trial courtrooms as San Francisco implemented its shelter in place order;

25 and

1   WHEREAS, In June 2020, after the shelter in place was lifted, the Court opened four

2   courtrooms for felony trials to be conducted at the Hall of Justice ("HOJ"); and

3   WHEREAS, By July 9, 2020, because of continuances and a lack of courtroom

4   availability, the Court had a backlog of 135 cases that had been continued past the last

5   required day for trial with 31 of those cases involving a defendant in custody; and

6   WHEREAS, In April 2021, the Court began sending out-of-custody misdemeanor cases

7   to the Civic Center Courthouse while in-custody felony defendants remained in jail only to

8   have their cases continued again and again by the Court; and

9   WHEREAS, By June 2021, California and San Francisco removed all social distancing

10   requirements and lifted restrictions for most businesses and activities; and

11   WHEREAS, On June 28, 2021, the Court posted an operations update on its website

12   indicating "beginning June 28 the court will be fully open with services re-expanded to pre-

13   pandemic levels;" and

14   WHEREAS, Despite indicating that the Court would return services to "pre-pandemic

15   levels," it opened only 9 departments at the HOJ, as opposed to the 12 departments that held

16   criminal trials prior to the pandemic; and

17   WHEREAS, By October 19, 2021, the Court's backlog had reached 437 felony cases

18   with 248 of those defendants in-custody pre-pretrial past their statutory trial date; and

19   WHEREAS, Continuing cases under the facade of "good cause" due to the pandemic

20   has detrimental consequences for both defendants and for victims; and

21   WHEREAS, Allowing a person to be caged for an extended period of time when they

22   have not been convicted of a crime is contradictory to one of our nation's most basic rights

23   and principles - that a person is innocent unless and until the government proves the case

24   against them beyond a reasonable doubt; and

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1   WHEREAS, Victims involved in the criminal justice system also have a right to a

2   speedy trial and a prompt and conclusion of the case (Cal. Const. Art. I §28(b)); and

3   WHEREAS, Unnecessary delay of a case detrimentally affects victims because as time

4   goes on witnesses' memories fade, evidence can be lost, and victims can continue to

5   experience emotional distress caused by a lack of closure of their case; and

6   WHEREAS, By continuing these cases well past their statutory trial date, the Court is

7   essentially stripping away the rights of both defendants and victims without any recourse for

8   these violations; and

9   WHEREAS, The Court cannot continue criminal trials citing the pandemic as good

10   cause given that pandemic related restrictions have eased, including the requirement to

11   socially distance; and

12   WHEREAS, These presumptively innocent people who have asserted their right to a

13   speedy trial are languishing in jail while the Court cites safety concerns, court congestion, or

14   staffing issues, none of which constitute good cause, to continue criminal cases; and

15   WHEREAS, Other institutions such as schools, hospitals, gyms, concert halls, bars,

16   restaurants, and San Francisco's City Hall have updated COVID 19 protocols to safely open

17   and operate; and

18   WHEREAS, The Court has historically held felony trials for defendants who are

19   incarcerated pre-trial at the Civic Center Courthouse; and

20   WHEREAS, The Court has 37 departments at the Civic Center Courthouse, almost all

21   of which are currently being used for civil trials as opposed to criminal; and

22   WHEREAS, The Court has failed to use the Civic Center Courthouse to conduct in-

23   custody felony trials to clear this backlog; now, therefore, be it

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1   RESOLVED, That the Board of Supervisors urges the Court to prioritize assignment of

2   criminal trials over non-urgent civil and safely open additional courtrooms to deal with the

3   backlog caused by the pandemic; and, be it

4   FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board

5   to transmit copies of this of this Resolution to Samuel K. Feng, the presiding judge of the

6   Court, with a request to take all actions necessary to achieve the objectives of this resolution.

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