

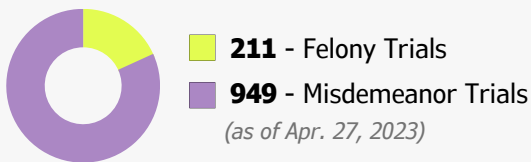


# TRIAL BACKLOG FACTSHEET

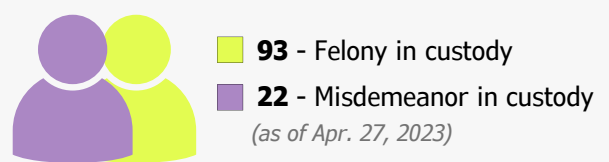
## Background

Every person in criminal court has the constitutional right to a speedy trial and is presumed innocent until or unless they are proven guilty. However, since the beginning of the pandemic in March 2020, San Francisco Superior Court has adopted a practice of “continuing” criminal cases for months past the trial deadline, creating a massive backlog of criminal trials. While California state law prioritizes trials for people being held in custody, San Francisco has continued to use nearly half of its limited courtroom space to hold jury trials in non-urgent civil cases. As a direct consequence, hundreds of community members have languished in jail, many locked in cramped cells for 23 hours a day, while the Court continues to delay their trials. Some have been locked up for a year or more past their trial deadlines. Each additional day of incarceration and delay exacts an irreversible toll on people awaiting trial and their families, whether that is the loss of a job, housing, or family stability.

### Trials Overdue = 1160



### Jailed without Trial = 115



## Q&A on Trial Delays

### **What does it mean to have a “right to a speedy trial”? And why is this being denied?**

The right to a speedy trial is enshrined in the U.S. Constitution. The Sixth Amendment guarantees an individual accused of a crime the right to “a speedy and public trial” without unnecessary delay. But courtroom closures – initially caused by the pandemic – led to backlogs as courts found “good cause” to continue cases beyond their “last day” for trial. Three years later, long after the City has returned to normal in many respects, a lack of urgency and indifference by SF Superior Court has caused the backlog to explode, obliterating trial deadlines for public defender clients, often at significant cost to the well-being and mental health of the incarcerated individual and their loved ones. These delays disproportionately impact poor people, people of color, their families and communities.

### **How does the court backlog in SF compare with surrounding counties?**

In San Francisco, the backlog has been extreme, far worse than in surrounding counties. Today, there are nearly 1,000 trials overdue, including over 120 people caged without trial for months beyond their speedy trial deadlines. Hundreds more are awaiting trial while out of custody, often tethered to ankle monitors that restrict their ability to work and care for their families. By contrast, in nearby Contra Costa County, the court cut its trial backlog in half by March 2022. Other counties have used alternative venues for trial proceedings, such as the San Mateo County convention center and the Sonoma County fairgrounds. Meanwhile, San Francisco Superior Court never explored alternative venues and has refused to use all available courtroom space.

### **What has been done so far to address this crisis?**

The problem in San Francisco became so severe that Mano Raju, the San Francisco Public Defender, filed a lawsuit in September 2021, seeking to end the Court’s now-routine practice of continuing criminal cases (where people’s liberty is at stake) for months past the trial deadline while holding a variety of non-urgent civil cases, and calling for a ruling requiring the court to eliminate the backlog of criminal cases through all means necessary.

San Francisco Public Defender Mano Raju and his office continue to take multiple legal actions to compel SF Superior Court to uphold Constitutional rights and follow state law to prioritize criminal trials for people in custody. Several litigation efforts are ongoing or under appeal, but none have yet resulted in a reduction in the backlog. The courts still refuse to dismiss cases or free people trapped in jail beyond their trial deadline. While pressure from public defender press rallies and public comment at the California Judicial Council has resulted in a slight increase in the number of trials taking place, the backlog continues to grow.

### **Why is this a human rights issue?**

The trial backlog disproportionately affects the poor and communities of color. Though Black residents comprise roughly 6% of San Francisco’s total population, they make up about 45% of the county jail population. Moreover, jail conditions during the pandemic became more isolating than ever – subjecting people to 23-hour lockdowns, no exposure to sunlight, almost nonexistent opportunities to attend programs, and in-person visits were halted for 2.5 years. These terrifying constraints continue to harm the physical and mental health of incarcerated people and their family members. The courts have the authority to take all necessary measures to address the backlog, and we must demand that they uphold our Constitutional rights.