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Justice System Facing Delays

City lacks staffing in courts

By Graham Rayman
STAFF WRITER

The devastation of the World Trade Center — while the focus of the biggest criminal probe ever — is causing dislocation and delays in the city's criminal justice system.

According to lawyers and officials:

- Around 20 police officers a day are being cleared to testify in grand jury proceedings and trials in Brooklyn when the usual number is more than 100.
- Some 17,000 lawyers with offices between 14th Street and the Bowery in Manhattan have not been able to get to their files. Thousands of documents were destroyed in the attack.
- The lack of FBI agents — all assigned to the attack investigation — has caused other ongoing federal investigations to languish.

Throughout the city's sprawling criminal justice system, at the state and federal levels, officials said yesterday that problems continue in the wake of the attacks. The difficulties are reduced somewhat with the reopening of most of the courthouses and the slow pace of the Jewish holiday. But Chief Judge Judith Kaye, who oversees the vast state courts, said in a prepared statement that every day of delay "vastly complicates the situation."

"All of these things combine to create great confusion and difficulty in meeting court dates," said Jonathan Lippman, chief administrative judge for state courts. "For the courts themselves it's an issue of trying to be as flexible as we can."

With the decline in the availability of police officers, arrests are down substantially — by as much as one-third in Queens, officials said.

The limitation on the number of police officers for grand jury proceedings has rankled some court officials, especially in a borough like Brooklyn, which has a far greater volume of cases than in the Bronx. In the criminal court building at 120 Schermerhorn St., the normally overcrowded lobby was all but empty yesterday, except for the omnipresent court officers.

"We will not be able to begin as many trials," said Michael Pesce, the deputy administrative judge for Kings and Richmond counties. "We may be down to a tenth of what the usual number of trials would be."

Civil court is in much of the same situation, but the delays are easier to absorb, though some lawyers have to replace lost files, Pesce said.

Jack Ryan, a senior prosecutor with the Queens district attorney's office, said people coming to court should check on the status of their cases. "If they are a defendant, obviously they have to come in or they will wind up with warrants," he said.

"They have been a little more understanding and lax on the rules," said Jeffrey Adler, a Brooklyn criminal-defense attorney. "In terms of backlog it seems like they are pushing everything off for a few weeks until things settle down."

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