



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

100 CHURCH STREET, 12TH FLOOR, NEW YORK, NEW YORK 10007

CRIMINAL JUSTICE REFORM ACT

QUARTERLY REPORT

VOL. 1

QUARTER ENDING JUNE 30, 2017

Fidel F. Del Valle
Commissioner
Chief Administrative Law Judge

Executive Summary

The Criminal Justice Reform Act (CJRA) of 2016 created a civil preference for certain low level offenses previously prosecuted in criminal court, with the dual goal of preserving public safety while reducing arrests and incarceration. The law provides that, for certain specified violations and pursuant to Department Guidance, police officers have the discretion to write summonses for civil adjudication rather than criminal prosecution. Thus, the civil preference means an increase in the number of civil adjudications of these offenses, which will be conducted at OATH. Effective June 13, 2017, the NYPD began issuing civil summonses returnable to OATH for violations of certain sections of the New York City Administrative Code, and Title 56 of the Rules of the City of New York (New York City Park Rules), as specified in the CJRA. Many of the Administrative Code violations, such as littering, public urination, and unreasonable noise, had previously been adjudicated at OATH. However, the CJRA created new civil violations for consumption of alcohol on streets (open container) and for spitting, and it reduced civil penalties for some violations already adjudicated at OATH. Importantly, the CJRA also created a community service option in lieu of the monetary civil penalty and created a category of dismissal in the interest of justice, which will be an option under specified circumstances.

As mandated by the CJRA, the Chief Administrative Law Judge is required to submit to the Mayor and City Council, no later than 20 days after the end of each quarter, and post to the Office of Administrative Trials and Hearings' website a report regarding adjudications for the specified violations set forth in the law. *See* Charter § 1049(6) (setting forth reporting requirement). In accordance with that requirement, this report contains the number and percentage of adjudications, in total and disaggregated by violation, in which:

- (a) the respondent appeared, in total and disaggregated by whether such appearance was made in person or by another method;
- (b) the respondent accepted the option to perform community service pursuant to subdivision 4 of this section, in total and disaggregated by whether such service was performed;
- (c) a pre-adjudication withdrawal was made by the agency;
- (d) a decision was rendered after a hearing;
- (e) a civil penalty was ordered, disaggregated by numerical ranges of penalty amounts;
- (f) the violation was dismissed;
- (g) the violation was dismissed in the interest of justice pursuant to subdivision 5 of this section;

(h) the respondent paid the civil penalties imposed, in whole or in part; and

(i) a default judgment was ordered due to the respondent's failure to appear for a hearing.

The following Tables 1 – 8 present the data mandated by the CJRA. It should be noted that reporting requirements for subdivisions “f” (violations dismissed) and “g” (violations dismissed in the interest of justice) have been combined into one table (Table 6) as the number and percentage of violations dismissed in the interest of justice is presented as a subset of all dismissed violations.

OATH is uniquely qualified to conduct these adjudications and has worked diligently to implement the innovations set forth in the law, by promulgating a new community service rule, by contracting a vendor -- the Center for Court Innovation -- to devise our community service program, by enlisting an independent neutral evaluator of the program, and by training over 270 Hearing Officers in the provisions of the CJRA and the new OATH procedures resulting therefrom. We present the attached data with the *caveat* that the two-week period included reflects a short period of time since implementation and does not provide a representative sampling.

Executive Summary						
Period: June 13 2017 - June 30, 2017						
Specified Violation	Paid Prior to Hearing		Appeared		Defaulted	
	Number	Percent	Number	Percent	Number	Percent
AA01 - 56RCNY1-03(A)(3) - UNAUTHORIZED PRESENCE IN PARK WHEN CLOSED TO PUBLIC	5		1	1.54%	0	0.00%
AA04 - 56RCNY1-03(C)(3) - FAILURE TO COMPLY WITH DIRECTIONS/PROHIBITIONS ON SIGNS	3	4.62%	0	0.00%	0	0.00%
AA18 - 56RCNY1-04(I) - UNLEASHED/UNCONTROLLED ANIMALS IN PARK	2	3.08%	0	0.00%	0	0.00%
AA28 - 56RCNY1-05(B) - UNLAWFUL VENDING	1	1.54%	0	0.00%	0	0.00%
AA35 - 56RCNY1-05(F)(1) - UNAUTHORIZED CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGE	1	1.54%	1	1.54%	0	0.00%
AA74 - 56RCNY1-05(I) - FAILURE TO COMPLY WITH BICYCLE RIDING AND/OR PEDICAB RESTRICTIONS	3	4.62%	0	0.00%	0	0.00%
AA83 - 56RCNY1-04(L)(9) - DISORDERLY BEHAVIOR OPERATION OF BIKE,MOTOR VEHICLE,ETC.THAT ENDANGERS	0	0.00%	1	1.54%	0	0.00%
AN04 - 24-218(A) - CAUSING OR PERMITTING UNREASONABLE NOISE (10PM TO 7AM) 1ST	0	0.00%	1	1.54%	0	0.00%
AS03 - 16-118(1)(A) - LITTERING 1ST OFFENSE	7	10.77%	0	0.00%	0	0.00%
AS05 - 16-118(1)(A) - THROW-OUT 1ST OFFENSE	2	3.08%	0	0.00%	0	0.00%
AS9I - 16-118(6) - PUBLIC URINATION 1ST OFFENSE	6	9.23%	0	0.00%	0	0.00%
AX25 - AC10-125 - OPEN CONTAINER/CONSUMPTION OF ALCOHOL ON STREETS	27	41.54%	4	6.15%	0	0.00%
Total	57	87.69%	8	12.31%	0	0.00%

Table 1: Respondents who Appeared

Period: June 13 2017 - June 30, 2017

Specified Violation	Paid Before Hearing		Appeared at Hearing In-Person		Appeared at Hearing Remotely		Appeared Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
AA01 - 56RCNY1-03(A)(3) - UNAUTHORIZED PRESENCE IN PARK WHEN CLOSED TO PUBLIC	5	7.69%	1	1.54%	0	0.00%	1	1.54%
AA04 - 56RCNY1-03(C)(3) - FAILURE TO COMPLY WITH DIRECTIONS/PROHIBITIONS ON SIGNS	3	4.62%	0	0.00%	0	0.00%	0	0.00%
AA18 - 56RCNY1-04(I) - UNLEASHED/UNCONTROLLED ANIMALS IN PARK	2	3.08%	0	0.00%	0	0.00%	0	0.00%
AA28 - 56RCNY1-05(B) - UNLAWFUL VENDING	1	1.54%	0	0.00%	0	0.00%	0	0.00%
AA35 - 56RCNY1-05(F)(1) - UNAUTHORIZED CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGE	1	1.54%	1	1.54%	0	0.00%	1	1.54%
AA74 - 56RCNY1-05(I) - FAILURE TO COMPLY WITH BICYCLE RIDING AND/OR PEDICAB RESTRICTIONS	3	4.62%	0	0.00%	0	0.00%	0	0.00%
AA83 - 56RCNY1-04(L)(9) - DISORDERLY BEHAVIOR OPERATION OF BIKE, MOTOR VEHICLE, ETC. THAT ENDANGERS	0	0.00%	1	1.54%	0	0.00%	1	1.54%
AN04 - 24-218(A) - CAUSING OR PERMITTING UNREASONABLE NOISE (10PM TO 7AM) 1ST	0	0.00%	1	1.54%	0	0.00%	1	1.54%
AS03 - 16-118(1)(A) - LITTERING 1ST OFFENSE	7	10.77%	0	0.00%	0	0.00%	0	0.00%
AS05 - 16-118(1)(A) - THROW-OUT 1ST OFFENSE	2	3.08%	0	0.00%	0	0.00%	0	0.00%
AS9I - 16-118(6) - PUBLIC URINATION 1ST OFFENSE	6	9.23%	0	0.00%	0	0.00%	0	0.00%
AX25 - AC10-125 - OPEN CONTAINER/CONSUMPTION OF ALCOHOL ON STREETS	27	41.54%	4	6.15%	0	0.00%	4	6.15%
Total	57	87.69%	8	12.31%	0	0.00%	65	100.00%

The percent of paid before hearing, in-person, remote and appeared total is of the total who paid before their CJRA hearing and CJRA hearings scheduled during the reporting period

Table 3: Pre-Adjudication Withdrawal Made by Agency

Period: June 13 - June 30, 2017

Pre-Adjudication Withdrawal		
Specified Violation	Number	Percent
	0	0%
Total		

The percent of pre-adjudication withdrawals is of the total number of CJRA hearings scheduled during the reporting period

Table 4: Decision Rendered After a Hearing

Period: Jun 13 - June 30, 2017

Specified Violation	Decision Rendered After Hearing	
	Number	Percent
AA01 - 56RCNY1-03(A)(3) - UNAUTHORIZED PRESENCE IN PARK WHEN CLOSED TO PUBLIC	1	12.50%
AA35 - 56RCNY1-05(F)(1) - UNAUTHORIZED CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGE	1	12.50%
AA83 - 56RCNY1-04(L)(9) - DISORDERLY BEHAVIOR OPERATION OF BIKE,MOTOR VEHICLE,ETC.THAT ENDANGERS	1	12.50%
AN04 - 24-218(A) - CAUSING OR PERMITTING UNREASONABLE NOISE (10PM TO 7AM) 1ST	1	12.50%
AX25 - AC10-125 - OPEN CONTAINER/CONSUMPTION OF ALCOHOL ON STREETS	3	37.50%
Total	7	87.50%

The percent of decisions rendered after a hearing is of the total number of CJRA hearings scheduled during the reporting

Table 5: Civil Penalty Ordered		
Period: June 13 2017 - June 30, 2017		
	Civil Penalty Ordered	
Penalty Amount Range	Number	Percent
\$1 - \$75	2	66.67%
\$76 - \$150	0	0.00%
\$151 - \$300	0	0.00%
\$301 - \$500	1	33.33%
\$501 - \$700	0	0.00%
\$701 - \$1,000	0	0.00%
\$1000+	0	0.00%
Total	3	100.00%

The percent of civil penalties ordered is of the total number of CJRA decisions issued during the reporting period

Table 6: Dismissed Violations

Period: June 13 2017 - June 30, 2017

Specified Violation	Dismissed		Dismissed in Interest of Justice	
	Number	Percent	Number	Percent
AA01 - 56RCNY1-03(A)(3) - UNAUTHORIZED PRESENCE IN PARK WHEN CLOSED TO PUBLIC	1	12.50%	0	0.00%
AA35 - 56RCNY1-05(F)(1) - UNAUTHORIZED CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGE	1	12.50%	0	0.00%
AN04 - 24-218(A) - CAUSING OR PERMITTING UNREASONABLE NOISE (10PM TO 7AM) 1ST	1	12.50%	0	0.00%
AX25 - AC10-125 - OPEN CONTAINER/CONSUMPTION OF ALCOHOL ON STREETS	1	12.50%	0	0.00%
Total	4	50.00%	0	0.00%

The percent of dismissed violations is of the total number of CJRA hearings during the reporting period
The percent of violations dismissed in the interest of justice is of the total number of violations dismissed

Table 7: Civil Penalties Paid

Period: June 13 2017 - June 30, 2017

Specified Violation	Paid In Full		Partial Payment	
	Number	Percent	Number	Percent
AA01 - 56RCNY1-03(A)(3) - UNAUTHORIZED PRESENCE IN PARK WHEN CLOSED TO PUBLIC	5	8.33%	0	0.00%
AA04 - 56RCNY1-03(C)(3) - FAILURE TO COMPLY WITH DIRECTIONS/PROHIBITIONS ON SIGNS	3	5.00%	0	0.00%
AA18 - 56RCNY1-04(I) - UNLEASHED/UNCONTROLLED ANIMALS IN PARK	2	3.33%	0	0.00%
AA28 - 56RCNY1-05(B) - UNLAWFUL VENDING	1	1.67%	0	0.00%
AA35 - 56RCNY1-05(F)(1) - UNAUTHORIZED CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGE	1	1.67%	0	0.00%
AA74 - 56RCNY1-05(I) - FAILURE TO COMPLY WITH BICYCLE RIDING AND/OR PEDICAB RESTRICTIONS	3	5.00%	0	0.00%
AS03 - 16-118(1)(A) - LITTERING 1ST OFFENSE	7	11.67%	0	0.00%
AS05 - 16-118(1)(A) - THROW-OUT 1ST OFFENSE	2	3.33%	0	0.00%
AS9I - 16-118(6) - PUBLIC URINATION 1ST OFFENSE	6	10.00%	0	0.00%
AX25 - AC10-125 - OPEN CONTAINER/CONSUMPTION OF ALCOHOL ON STREETS	27	45.00%	1	1.67%
Total	57	95.00%	1	1.67%

The percent of paid in full and partial payment is of the total who paid before their hearing, received a decision and order imposing a penalty and defaulted during the reporting period

Table 8: Default Judgment Ordered for Failure to Appear

Period: June 13 2017 - June 30, 2017

Specified Violation	Default Judgment (FTA)	
	Number	Percent
	0	0.00%
Total	0	0.00%

The percent of default judgments for failure to appear is of the total number of CJRA hearings scheduled during the reporting period