Evaluating the Impact of New York City's Criminal Justice Reform Act:

Summons Issuance and Outcomes in the 18 Months after Implementation

February 2020

Shannon Tomascak, M.A., Edwin Grimsley, B.A., Kerry Mulligan, Ph.D., & Preeti Chauhan, Ph.D.

DATA COLLABORATIVE for JUSTICE
STRENGTH IN NUMBERS
at JOHN JAY COLLEGE

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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KEY FINDINGS

1. In the first year after CJRA, there was a:
   - **94% decline in issuance of criminal summonses for CJRA offenses** and a 93% decline in associated warrants for failure to appear.
   - 48% decline in the combined issuance of criminal and civil summonses for CJRA offenses.
2. Based on our projections, CJRA likely resulted in approximately **123,000 fewer criminal summonses** and approximately **58,000 fewer warrants** being issued citywide in the 18 months post-implementation.
3. Eighty-seven percent (87%) of summonses for CJRA offenses are now being issued as civil summonses.
   - Precincts in the Bronx and Staten Island had the greatest percent of CJRA offenses issued as criminal rather than civil summonses.
4. **Rates of court appearance are similar** for CJRA summonses in criminal and civil court, post-CJRA.
5. Over one in three (38%) recipients of a civil summons opt to pay prior to a hearing or appearing in court.
6. Community service utilization in lieu of a fine was high (73%), particularly for females, 16-17 year-olds, and summonses issued for public urination.

An Overview of New York City's Criminal Justice Reform Act

Before the implementation of the Criminal Justice Reform Act (CJRA), individuals in New York City were issued criminal summonses for a number of lower-level quality of life offenses. Summons cases are started when a law enforcement officer issues an appearance ticket to a defendant with instructions to report to court on a certain date. Typically, the defendant is not detained prior to a release and no fingerprints are taken. A complaint is then filed with the Criminal Court to commence the case.[1]

The legislation went into effect in New York City on June 13, 2017.

The CJRA shifted summonses from the criminal to civil courts for five offenses:

- Public consumption of alcohol (AC 10-125 b)
- Public urination (AC 16-118 6; HC 153.09)
- Littering (AC 16-118 1a-b)
- Unreasonable noise (AC 24-218)
- NYC Parks Rules offenses (all RCNY/PRR codes)

The CJRA is intended to prevent negative outcomes that individuals may experience as a result of a criminal summons for these lower-level offenses, including an open warrant for failing to appear in criminal court and other potential collateral consequences related to housing, employment, and immigration. The CJRA also reduced the financial burdens associated with penalties by creating a new option where individuals found in-violation for a civil summons are given the option to complete community service in lieu of paying a fine.

While the CJRA creates a presumption that civil summonses should be issued for eligible acts of misconduct, there are certain exclusionary criteria that allow an officer to issue a criminal summons for CJRA offenses. These criteria include: (1) the individual having an open warrant, (2) the individual having three or more unanswered civil summonses in the last eight years, (3) the individual having two or more felony arrests in the past two years, (4) the individual being on parole or probation, (5) the issuing officer articulating a legitimate law enforcement reason to issue a criminal summons (which is approved by a supervisor), or (6) the CJRA summons is being co-issued with a summons for another charge that requires an appearance in criminal court.

In 2016, the year before the CJRA went into effect, summonses issued for the five offenses identified in the CJRA accounted for 52% of all docketed criminal summonses. Therefore, while a number of lower-level offenses are still enforced with criminal summonses, the CJRA has shifted a large portion of summonses for lower-level offenses from the criminal to the civil arena. These civil summonses are returnable to the Office of Administrative Trials and Hearings (OATH), which, in contrast to criminal summons court, provides additional flexibility in responding to a summons including remote hearings, flexible hearing dates, and the ability to pay online. Further, summonses in OATH do not have the possibility of resulting in a warrant for failure to appear in court.

In this report, using data from the Office of Court Administration (OCA) and OATH, we analyzed summonses issued by the New York City Police Department for CJRA offenses.[2] First, we present issuance over time and then provide a projected estimate of criminal summonses and associated warrants that would have been issued had the CJRA not gone into effect. Second, we examine criminal and civil summons issuance by offense type, demographics, borough, and precincts. Third, we examine outcomes including dispositions for criminal and civil summonses and warrants related to non-appearance for criminal summonses. Lastly, we examine community service utilization by offense type and demographics.

The Data Collaborative for Justice was contracted by the New York City Mayor's Office of Criminal Justice (MOCJ) to conduct an independent evaluation of the CJRA. The summons data used in this report was provided by and belongs to the New York City Office of Administrative Trials and Hearings (OATH) and the Office of Court Administration (OCA). Any further use of this data must be approved by these agencies. Findings of this evaluation and points of view or opinions within this document are those of the authors and do not necessarily represent the official position or policies of MOCJ, OATH, or OCA.

Acknowledgements: We are grateful to MOCJ, especially Director Elizabeth Glazer, for support of the CJRA evaluation, and to Kwan-Lamar Blount-Hill and Brenda Velazquez for their valuable feedback. We are also thankful to our partners at OATH and OCA for providing and helping us understand the data used in this report including: Chief Clerk Justin Barry, Director of Court Research Karen Kane, and Senior IT Analyst Carolyn Cadoret at OCA and First Deputy Commissioner John Burns, Deputy Commissioners Joseph Hughes and Linda May, and Pro Se Clerk Kieran Holohan at OATH. Special thanks to the New York City Police Department for their contributions as stakeholders. We would also like to thank DCJ team members Allie Meizlish and Erica Bond for their thoughtful comments on earlier versions of this report.

The criminal and civil CJRA summons adjudication processes are substantially different. Most notably, the assessment of defectiveness and legal sufficiency occur prior to the hearing in criminal court but after missing a hearing in civil court. Further, only criminal summonses can result in a warrant for failure to appear in court. A summons can be found defective for a number of reasons and typically includes if the summons was filled out incompletely and did not include the date or time to appear in court.

Figure 1. The Criminal Summons Process in New York City

In New York City, after a criminal summons is issued, there is a review for defectiveness. If defective, the individual is sent a letter indicating they do not need to appear in court. If a summons is not defective, the summons is docketed and moves on to a judge for a legal sufficiency review. Again, if a summons is found legally insufficient, the individual receives a letter indicating they do not need to appear in court. If the summons passes these two reviews, the individual is required to have a hearing.[3] If an individual does not appear, a warrant is issued. This process differs substantially from the civil CJRA summons process.

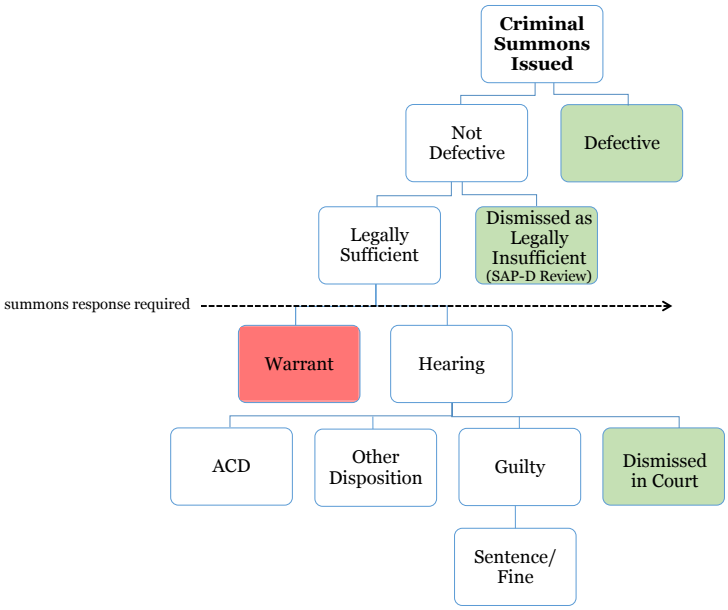
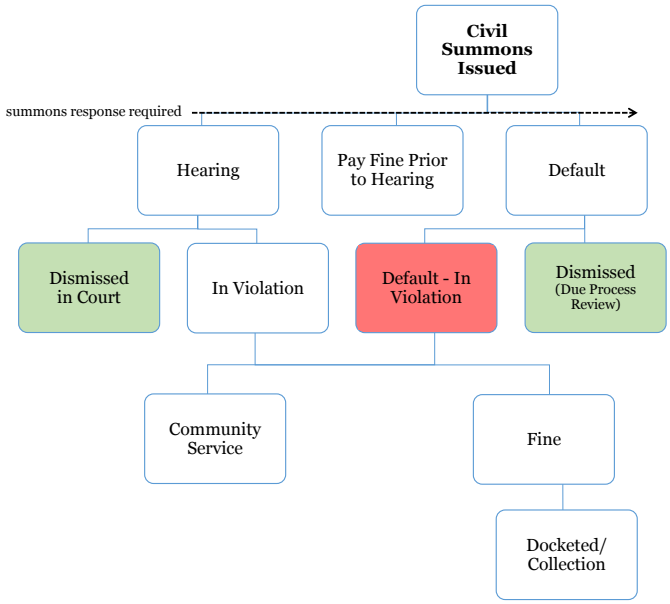


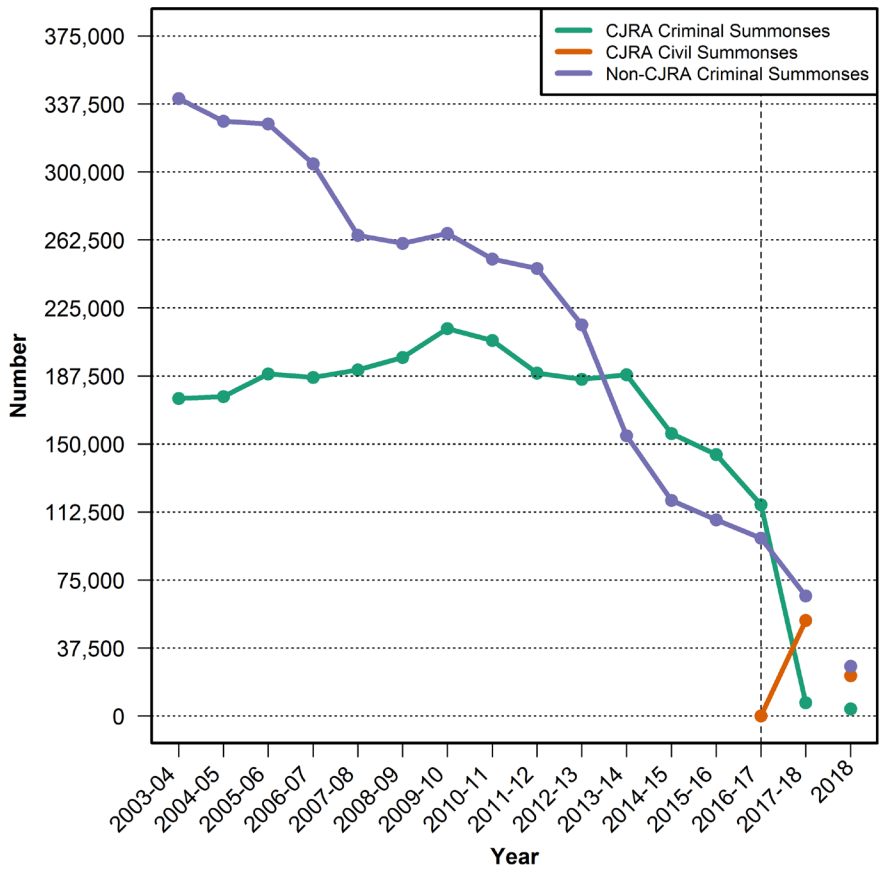
Figure 2. The Civil CJRA Summons Process in New York City



Once a civil summons is issued, an individual has an opportunity to request a hearing by phone, by mail, or online instead of appearing in court. Additionally, an individual may pay a fine prior to a hearing. Community service is an option in lieu of a fine. At the time of this report, the community service option was only available to individuals who appear in court and are found "in-violation."[4] If an individual does not respond to a civil summons, it is considered to be in "default." At this point, the summons goes through an internal due process review where it is assessed for defectiveness or legal sufficiency. If it is defective or legally insufficient, the summons is dismissed. If not, the summons is found "default - in violation." Summonses are "docketed" when the civil summons recipient fails to respond to the summons or pay an outstanding fine that occurs after a "default" or "in-violation" finding.

After the CJRA went into effect, criminal summonses for CJRA offenses plummeted. Even when combined with the new use of civil summonses, the overall enforcement of CJRA offenses significantly declined.

Figure 3. Annual Summons Issuance by Summons Type, 2003-04 to 2018



Data Sources: Office of Court Administration & Office of Administrative Trials and Hearings
Notes: Includes only summonses issued by NYPD. Issuance counts calculated from June 13 - June 12. Issuance for 2018 includes June 13, 2018 - Dec 31, 2018. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

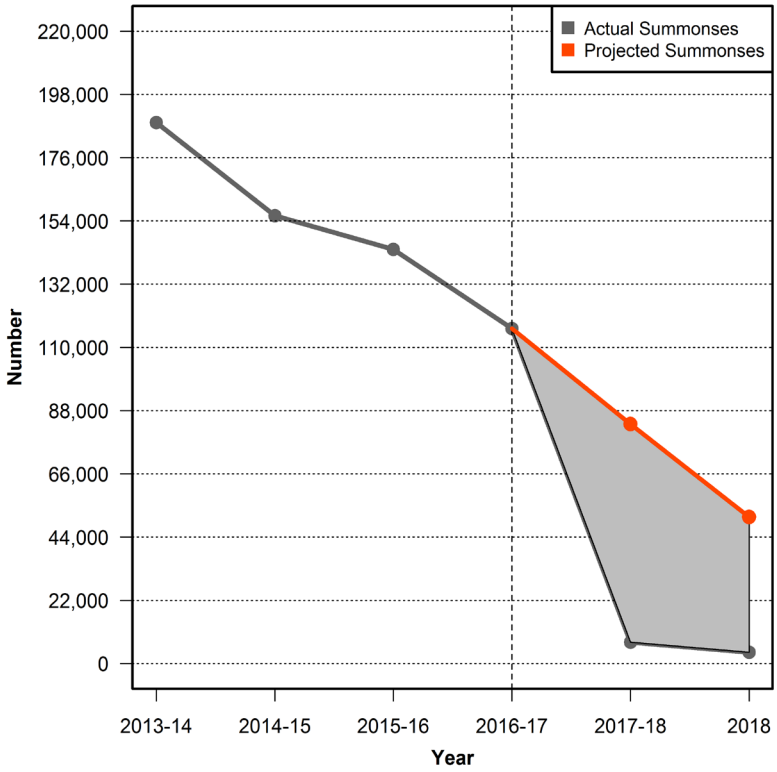
In the first year after the CJRA went into effect, there was a **94% reduction in the number of criminal summonses issued for CJRA offenses**. While there were 116,517 criminal summonses issued for CJRA offenses in the year preceding the CJRA (June 13, 2016 – June 12, 2017), there were just 7,403 criminal summonses issued for CJRA offenses in the year after implementation (June 13, 2017 - June 12, 2018).

In addition to the decline in criminal summonses for CJRA offenses, there was a reduction in overall summons enforcement for CJRA offenses. Enforcement with both criminal and civil CJRA offenses **declined 48% in the first year after the CJRA** went into effect. Criminal summons issuance for non-CJRA offenses also declined (33%).

In the 18 months after CJRA, there were a total of 86,227 summonses issued for CJRA offenses (74,915 civil and 11,312 criminal).

We projected a dramatic reduction in the issuance of criminal summonses as a result of CJRA. This decline also led to a significant decrease in the associated warrants issued for failure to appear in criminal courts.

Figure 4. Estimating the Impact of CJRA: Actual vs. Projected Criminal CJRA Summonses, 2013-14 to 2018



Data Sources: Office of Court Administration
Notes: Includes only criminal CJRA summonses issued by NYPD. Issuance counts calculated from June 13 - June 12. Issuance for 2018 includes June 13, 2018 - Dec 31, 2018. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

How was this projection calculated?

The projection was estimated using the *HoltWinters* function for forecasting time series data in the *Forecast* package in R. This estimate was based on biannual issuance counts from June 13, 2013 to June 12, 2017, accounting for the trend and seasonal components of the data. The forecasting function was used to estimate the number of criminal CJRA summonses that would have been issued in the three time points after CJRA went into effect (every six months). The number of actual criminal CJRA summonses issued in this 18-month period was subtracted from the projected estimate to calculate how many fewer criminal CJRA summonses were issued as a result of the CJRA. The number of associated warrants was calculated presuming the rate of court appearance for these summonses remained at pre-CJRA levels (47.2%).

The CJRA not only shifted criminal summonses to the civil arena, this policy change preceded a precipitous decline in overall summons enforcement for these five offenses. Presuming that declining trends in the issuance of criminal summonses for the three years (six time points) before the CJRA went into effect would have continued if the reform had not been implemented, we projected that the CJRA likely resulted in **122,928 fewer criminal summonses** being issued citywide 18 months post-implementation. Assuming rates of failure to appear in court remained at pre-CJRA levels, this reduction in criminal summons issuance is associated with an estimated **58,087 fewer warrants**.

Consistent with trends before the CJRA went into effect, public consumption of alcohol continued to be the highest issuance CJRA offense after implementation, although the overall number of summonses issued dropped significantly.

Table 1. Summons Issuance by Offense Type, Pre- and Post-CJRA Implementation

	Pre-CJRA (18 months)		**Post-CJRA (18 months)**				
	Criminal		Criminal		Civil		% Criminal
	n	%	n	%	n	%	
Public Consumption	145,893	67%	7,809	69%	50,394	67%	13%
Parks Offenses	34,061	16%	1,573	14%	12,798	17%	11%
Public Urination	30,423	14%	1,154	10%	8,743	12%	12%
Littering	4,332	2%	471	4%	1,956	3%	19%
Unreasonable Noise	2,929	1%	305	3%	1,021	1%	23%

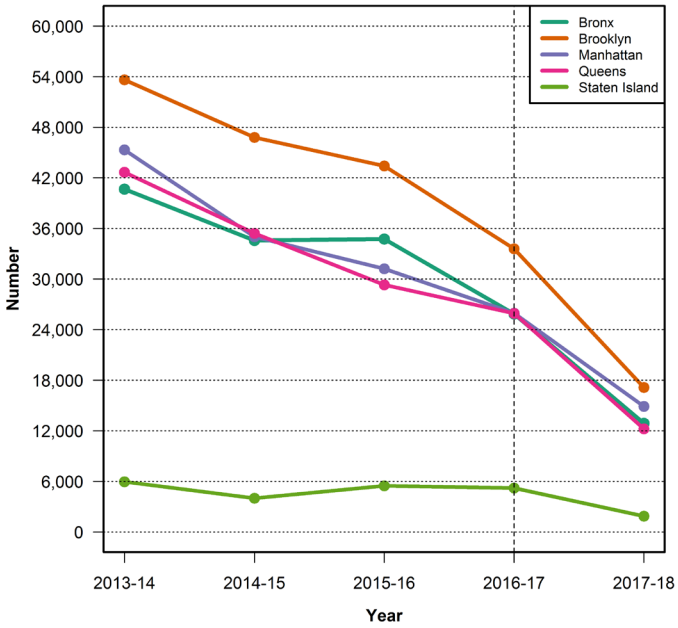
Data Sources: Office of Court Administration & Office of Administrative Trials and Hearings
Notes: Includes only criminal and civil CJRA summonses issued by NYPD. Pre-CJRA counts include summonses issued June 13, 2015 - Dec 31, 2016. Post-CJRA counts include summonses issued June 13, 2017 - Dec 31, 2018.

The largest volume of CJRA summonses was consistently issued for public consumption of alcohol, both before (67%) and after the CJRA (69% of criminal; 67% of civil) was implemented. In fact, while the number of summonses declined significantly after the CJRA, the distribution of summonses among each of the five offenses remained relatively stable.

In addition to identifying the distribution of CJRA summonses among criminal and civil summonses, we calculated the proportion issued as criminal within offense type during the post-CJRA time period (e.g., the proportion issued as criminal for littering is calculated by dividing the number of criminal CJRA summonses issued for littering by the total number of criminal and civil CJRA summonses for littering, during the post-CJRA period). After the CJRA went into effect, **about one quarter of summonses issued for unreasonable noise were issued as criminal summonses, while less than one in nine summonses for parks offenses were issued as criminal**.

As a volume and rate, CJRA summons issuance varied in New York City's five boroughs after CJRA went into effect.

Figure 5. CJRA Summons Issuance Count by Borough, 2013-14 to 2017-18

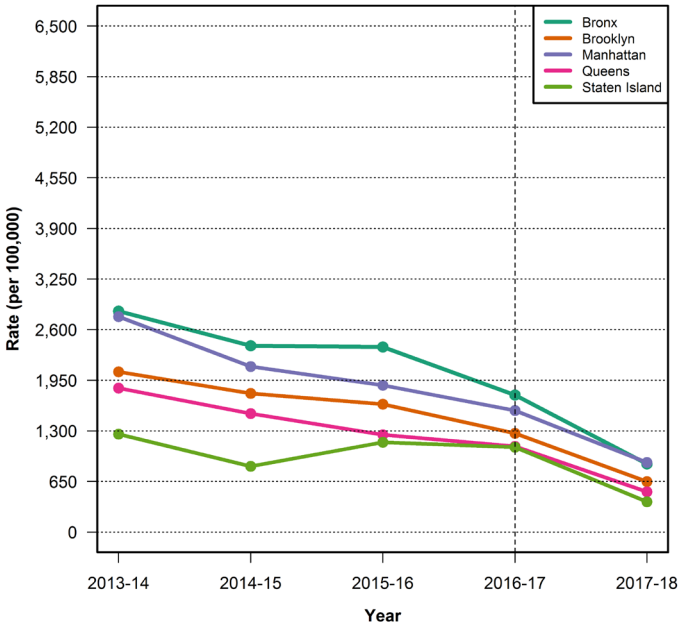


Data Sources: Office of Court Administration & Office of Administrative Trials and Hearings
Notes: Includes criminal and civil CJRA summonses issued by NYPD. Issuance counts calculated from June 13 - June 12. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

Trends in the issuance of total CJRA summonses (criminal and civil) varied by geography. While the largest number of CJRA summonses were issued in Brooklyn, the smallest number were issued in Staten Island. The number trends differ from the rate trends, depicted below. The rate of issuance (accounting for the resident population)[5] was highest in the Bronx and Manhattan and lowest in Staten Island and Queens.

Figure 6. CJRA Summons Issuance Rate by Borough, 2013-14 to 2017-18

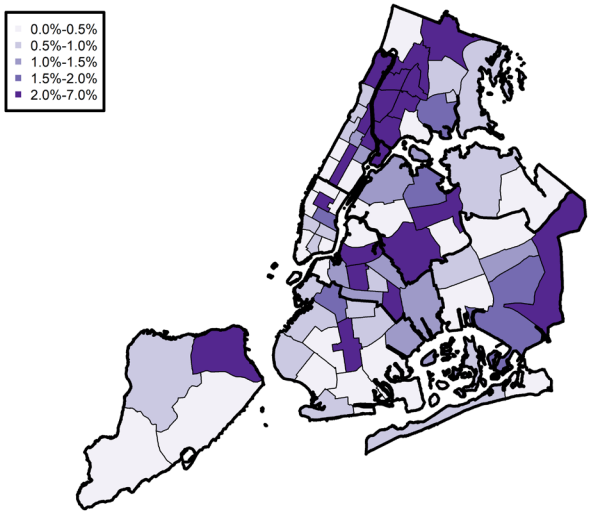
The impact of the CJRA on issuance also varied. In the first year after the CJRA went into effect, **the borough with the greatest decline in the rate of CJRA criminal and civil summons issuance was Staten Island (64%)**. Manhattan, had the smallest decline in issuance rate (43%).



Data Sources: Office of Court Administration, Office of Administrative Trials and Hearings, & American Community Survey
Notes: Includes criminal and civil CJRA summonses issued by NYPD. Issuance counts calculated from June 13 - June 12. Census counts are based on calendar year. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

Summons issuance varied widely across precincts in New York City after the CJRA went into effect. Twelve out of 77 precincts issued over 28% of CJRA summonses as criminal rather than civil. Nine of the 12 precincts were located in the Bronx or Staten Island.

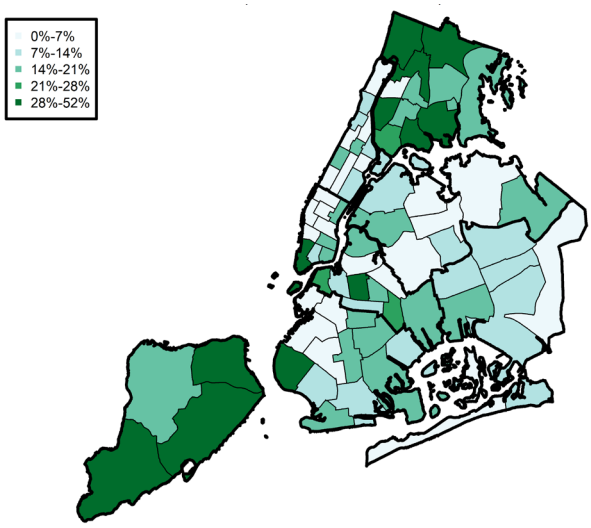
Figure 7. Percentage of Criminal and Civil CJRA Summonses Issued by Precinct, Post-CJRA Implementation



Data Sources: Office of Court Administration & Office of Administrative Trials and Hearings
Notes: Includes criminal and civil CJRA summonses issued by NYPD from June 13, 2017 - Dec 31, 2018.

$$\frac{\text{\# of criminal and civil CJRA summonses in precinct}}{\text{\# of criminal and civil CJRA summonses citywide}}$$

Figure 8. Percentage of CJRA Summonses Issued as Criminal by Precinct, Post-CJRA Implementation



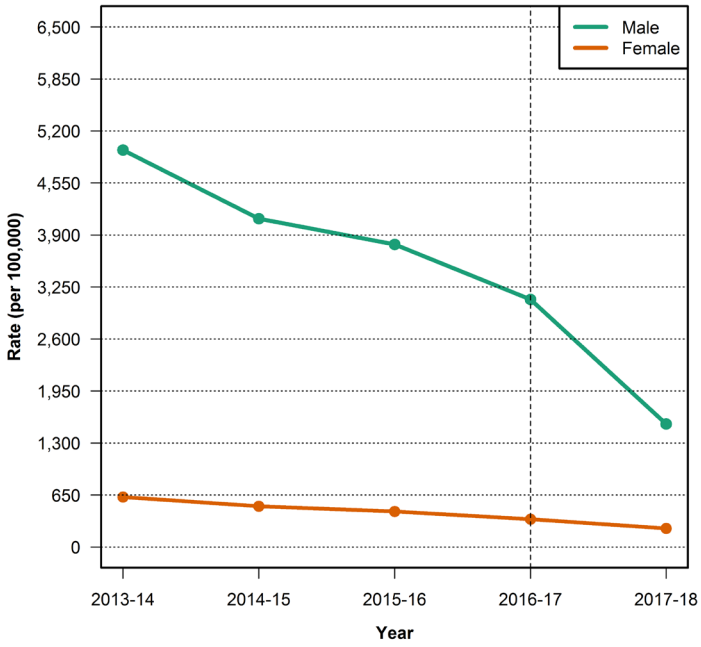
Data Sources: Office of Court Administration & Office of Administrative Trials and Hearings
Notes: Includes criminal and civil CJRA summonses issued by NYPD from June 13, 2017 - Dec 31, 2018.

$$\frac{\text{\# of criminal CJRA summonses in precinct}}{\text{\# of criminal and civil CJRA summonses in precinct}}$$

The number of summonses for CJRA offenses varied widely across police precincts. In the 18 months after the CJRA was implemented, there were five precincts in which officers issued fewer than 100 summonses for CJRA offenses (criminal and civil). Central Park, precinct 22, issued over 5,800 criminal and civil summonses for CJRA offenses.

Citywide, 13% of summonses issued for CJRA offenses in the 18 months after implementation were issued as a criminal summons.[6] The proportion of CJRA summonses issued as criminal summonses varied markedly by precinct. In Sunset Park, precinct 72, and Carroll Gardens/Red Hook, precinct 76, under 1% of summonses for CJRA offenses were issued as criminal. Further, although Central Park, precinct 22, had over 5,800 CJRA summonses issued, under 2% were issued as criminal summonses. In contrast, over 50% of CJRA summonses were issued as criminal rather than civil in Hunts Point, South Bronx, precinct 41, and three out of the four precincts in Staten Island issued between 37% - 47% as criminal summonses. Notably, Staten Island has a lower issuance of CJRA summonses relative to the other four boroughs, as depicted in Figures 5 and 6.

Figure 9. CJRA Summons Issuance Rate by Sex, 2013-14 to 2017-18



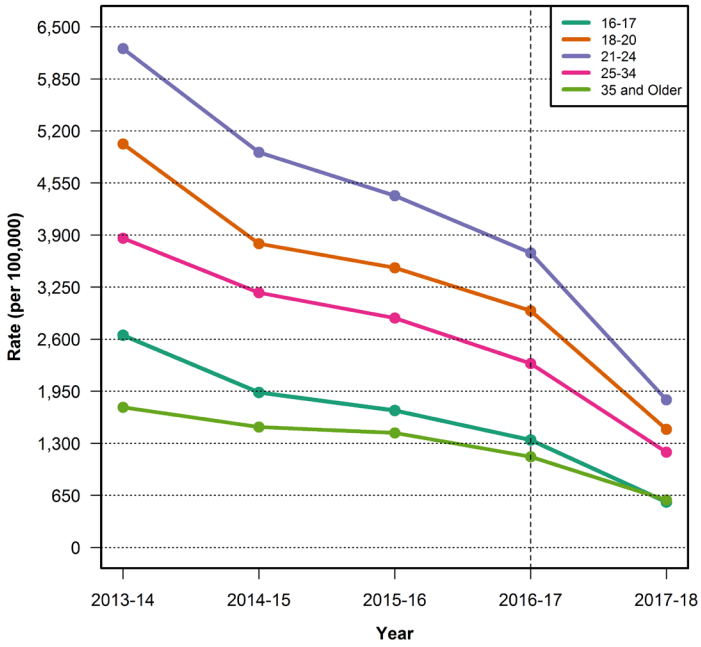
Data Sources: Office of Court Administration, Office of Administrative Trials and Hearings, & American Community Survey
Notes: Includes criminal and civil CJRA summonses issued by NYPD. Issuance counts calculated from June 13 - June 12. Census counts are based on calendar year. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

The rate of summons issuance for CJRA offenses declined over time for all sex and age groups.

Declines were greater for males (50%) relative to females (33%).

Figure 10. CJRA Summons Issuance Rate by Age Group, 2013-14 to 2017-18

Declines in issuance rates for criminal and civil CJRA summonses were greatest for 16-17 year-olds (58%) and lower for 25-34 year-olds (48%) and individuals 35 and older (48%).



Data Sources: Office of Court Administration, Office of Administrative Trials and Hearings, & American Community Survey
Notes: Includes criminal and civil CJRA summonses issued by NYPD. Issuance counts calculated from June 13 - June 12. Census counts are based on calendar year. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

Males and individuals 35 and older continued to receive the highest percentage of CJRA summonses after the CJRA went into effect.

Table 2. CJRA Summons Issuance by Demographics, Pre- and Post-CJRA Implementation

	Pre-CJRA (6 months)		Post-CJRA (6 months)				
	Criminal		Criminal		Civil		% Criminal
	n	%	n	%	n	%	
Male	64,255	87%	3,421	88%	18,834	85%	15%
Female	8,115	11%	390	10%	3,157	14%	11%
missing sex	1,133	2%	98	3%	253	1%	-
16-17	1,495	2%	55	1%	233	1%	19%
18-20	5,533	8%	221	6%	1,054	5%	17%
21-24	10,805	15%	375	10%	2,654	12%	12%
25-34	22,294	30%	1,105	28%	6,528	29%	15%
35 and over	32,725	45%	2,087	53%	11,185	50%	16%
missing age	651	1%	66	2%	590	3%	-
Black			1,378	35%	6,929	31%	17%
Hispanic			1,099	28%	9,160	41%	11%
White			246	6%	3,204	14%	7%
Other			80	2%	805	4%	9%
missing race/ethnicity			1,106	28%	2,146	10%	-

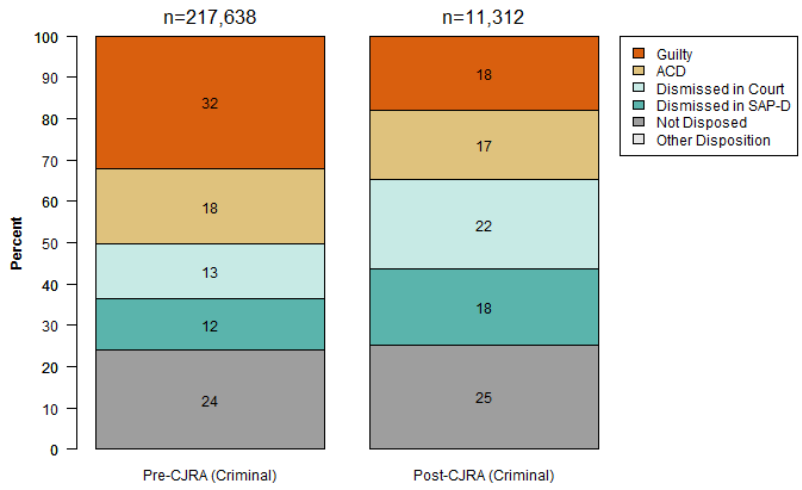
Data Sources: Office of Court Administration & Office of Administrative Trials and Hearings
Notes: Includes criminal and civil CJRA summonses issued by the NYPD for 6 month time periods. We used the most recent 6 months of data due to over 41% missing race/ethnicity for the total 18 month post-CJRA period for criminal summonses. Further, race/ethnicity is not included in the 6 month pre-CJRA analysis due to over 75% of the data missing. Pre-CJRA counts include summonses issued June 13, 2016 - Dec 31, 2016. Post-CJRA counts include summonses issued June 13, 2018 - Dec 31, 2018.

The volume of CJRA summonses issued pre- and post-implementation was consistently higher for males and individuals 35 years and older. Information on race/ethnicity was largely missing in the pre-CJRA data and a sizeable percentage was missing in the post-CJRA criminal summons records (28%). In the post-CJRA period, the largest proportion of criminal summonses were issued to individuals who were Black and the largest proportion of civil summonses were issued to individuals who were Hispanic.

In addition to identifying the distribution of CJRA summonses across demographic groups, we calculated the proportion issued as criminal within demographic groups during the post-CJRA time period. There was notable variation in this proportion across demographic groups. For example, nearly **one in five (19%) summonses issued to 16-17 year-olds for CJRA offenses were criminal** compared to almost one in eight (12%) for 21-24 year-olds. Of the limited race/ethnicity data that was available, 17% of summonses issued for CJRA offenses were issued as criminal for Black individuals compared to 7% for White individuals.

After the CJRA went into effect, the most common disposition for criminal CJRA summonses was a dismissal and the most common disposition for civil CJRA summonses was for the recipient to pay before the hearing.

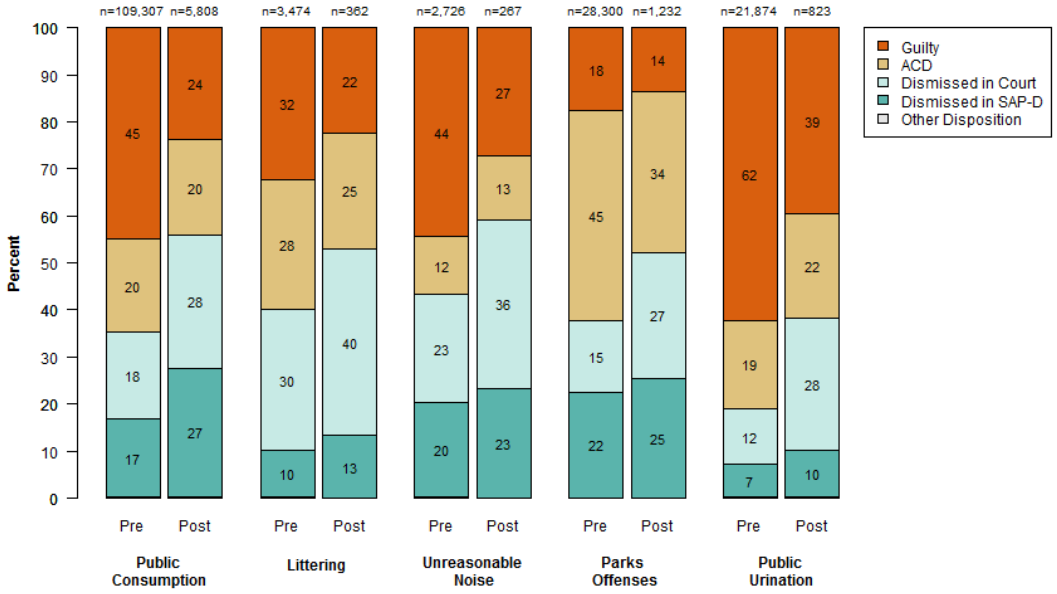
Figure 11. Dispositions for Criminal CJRA Summonses, Pre- and Post-CJRA Implementation



Data Sources: Office of Court Administration
Notes: Includes only criminal CJRA summonses issued by NYPD. Pre-CJRA includes June 13, 2015 - Dec 31, 2016. Post-CJRA includes June 13, 2017 - Dec 31, 2018.

In the 18 months preceding the CJRA, the most common disposition for criminal CJRA summonses was guilty (32%). After the CJRA went into effect, the most common disposition was dismissal in court (22%). In the 18 months after the CJRA went into effect, criminal summonses for CJRA offenses were **57% more likely to result in a dismissal**[7] (22% in court and 18% through the legal sufficiency review) and **44% less likely to result in a guilty disposition**.

Figure 12. Dispositions for Criminal CJRA Summonses by Offense Type, Pre- and Post-CJRA Implementation



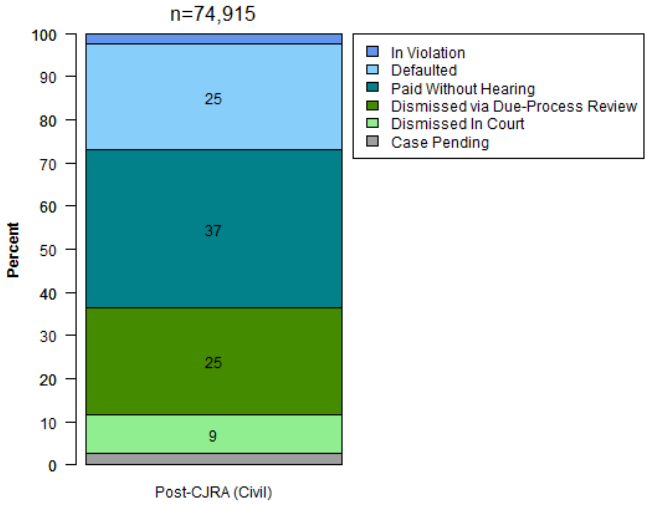
Data Sources: Office of Court Administration
Notes: Includes only criminal CJRA summonses issued by NYPD. Pre-CJRA includes June 13, 2015 - Dec 31, 2016. Post-CJRA includes June 13, 2017 - Dec 31, 2018.

Among four of the five CJRA offenses, the most common disposition for criminal CJRA summonses post-implementation was a dismissal. There is also notable variation in dispositions by offense type. While 39% of criminal public urination summonses resulted in a disposition of guilty, just 14% of criminal summonses for parks offenses resulted in a guilty disposition.

The increased percentage of criminal CJRA summonses being dismissed in court and the decreased guilty dispositions after implementation was observed for all CJRA offenses. The proportional increase in dismissals was greatest for public urination (102% increase) and the decline in guilty dispositions was greatest for public consumption (47% decline).

Figure 13. Dispositions for Civil CJRA Summonses, Post-CJRA Implementation

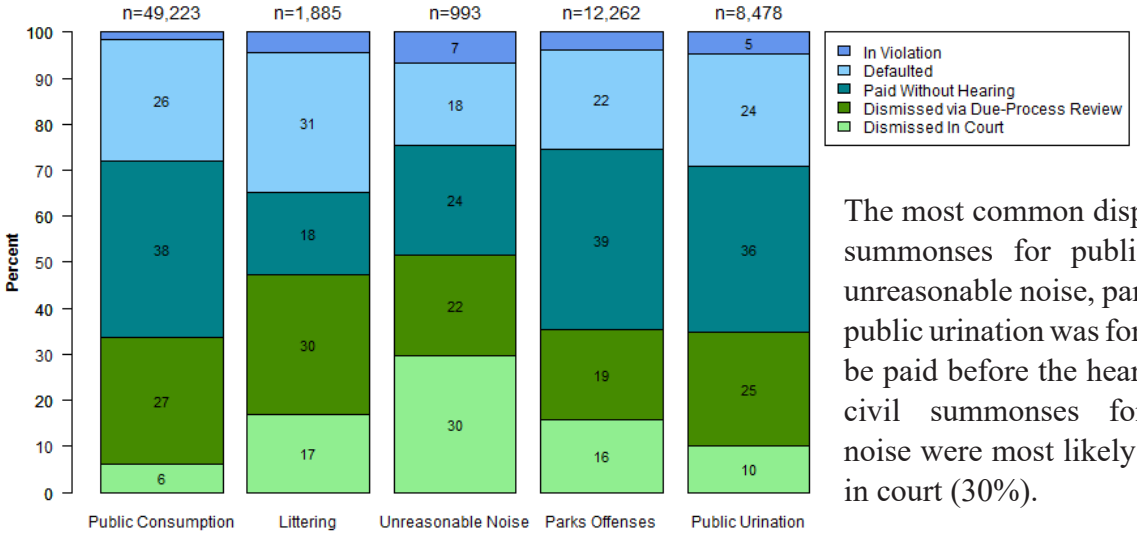
While criminal summonses generally require an appearance in court,[8] recipients of a civil summons are able to resolve the summons charge without an appearance - by paying the associated fine online, by mail, or by phone. In the 18 months post-implementation, over **27,000 (37%) of civil CJRA summonses were paid before the hearing date,** the most common disposition for civil CJRA summonses.



Data Sources: Office of Administrative Trials and Hearings
Notes: Includes only civil CJRA summonses issued by NYPD from June 13, 2017 - Dec 31, 2018.

Civil CJRA summonses that are not responded to prior to the required date undergo a due process review for legal sufficiency and are either dismissed (25%) or the recipient is determined to be in-violation of the charge and the summons is labeled as in default (25%). For those that do appear in court for civil CJRA summonses, a small proportion are found in-violation (3%) and a slightly larger proportion are dismissed through a hearing in court (9%).

Figure 14. Dispositions for Civil CJRA Summonses by Offense Type, Post-CJRA Implementation

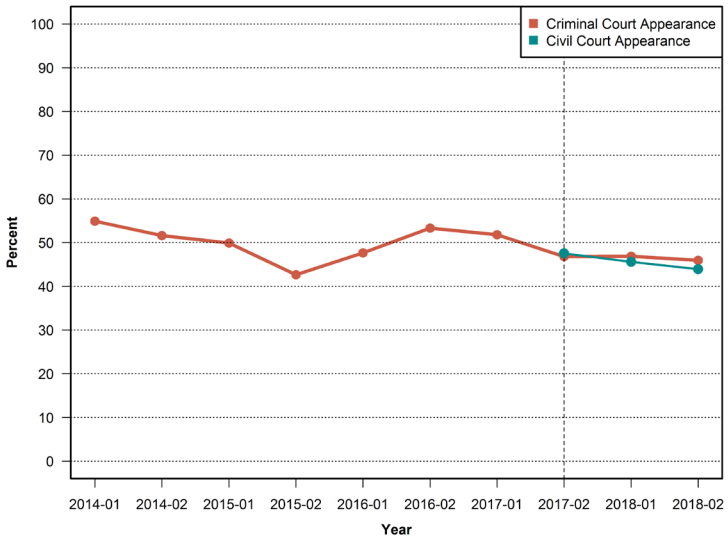


The most common disposition for civil summonses for public consumption, unreasonable noise, parks offenses, and public urination was for the summons to be paid before the hearing. In contrast, civil summonses for unreasonable noise were most likely to be dismissed in court (30%).

Data Sources: Office of Administrative Trials and Hearings
Notes: Includes only civil CJRA summonses issued by NYPD from June 13, 2017 - Dec 31, 2018.

Our analysis of court appearance demonstrates that court appearance rates continued to fluctuate after the CJRA went into effect.

Figure 15. Trends in Court Appearance for CJRA Summonses, Biannually from 2014 to 2018



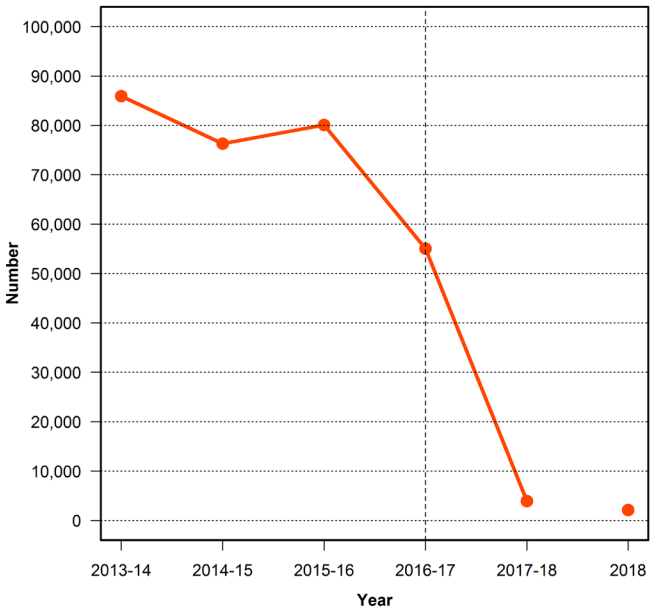
Data Sources: Office of Court Administration & Office of Administrative Trials and Hearings
Notes: Includes criminal and civil CJRA summonses issued by NYPD. Issuance counts calculated biannnually; 01 = Jan 1 - June 12 and 02 = June 13 - Dec 31. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

Rates of court appearance for CJRA summonses fluctuated both before and after the implementation of the CJRA, with a high of 55% appearance in the first half of 2014 and a low of 43% appearance in the second half of 2015. While rates of appearance were around 53% in the second half of 2016, they began to decline in 2017 and the decline continued into the post-CJRA period. In the first six-months after the CJRA was implemented, appearance rates for criminal summonses were 47%, which declined to 46% in the second half of 2018. The appearance rate for civil summonses was around 48% in the first six months after CJRA and then decreased to 44% in the second half of 2018.

Warrants for criminal summonses declined significantly after the CJRA went into effect.

Figure 16. Number of Warrants Issued for Criminal CJRA Summonses, 2013-14 to 2018

There was a **93% reduction in the issuance of warrants** associated with criminal summonses in the year following the CJRA (from 55,058 to 3,937 warrants). In the full year and a half after the CJRA went into effect, there were 6,051 warrants issued for criminal CJRA summonses.



Data Sources: Office of Court Administration
Notes: Includes only warrants issued for criminal CJRA summonses issued by NYPD. Issuance counts calculated from June 13 - June 12. Issuance for 2018 includes June 13, 2018 - Dec 31, 2018. The vertical dotted line indicates the year the CJRA went into effect (mid 2017).

For those individuals who did appear in court in response to a civil summons and were found "in-violation", a significant proportion (73%) opted for the community service option in lieu of a fine. Although the number of individuals is low, the utilization rate for those who chose this option is high, especially for females and 16-17 year-olds, as well as for individuals issued a civil summons for public urination.

Table 3. Community Service Utilization by Offense Type, Post-CJRA Implementation

	# of Community Service Participants	Utilization Rate (% of civil summonses)
Public Consumption	296	44%
Public Urination	209	62%
Parks Offenses	178	56%
Littering	31	44%
Unreasonable Noise	16	30%

Data Sources: Office of Administrative Trials and Hearings
Notes: Includes only civil CJRA summonses issued by NYPD from June 13, 2017 - Dec 31, 2018.
30% of the community service data are missing offense type and therefore these numbers may underestimate community service completion by offense type.

How was community service utilization calculated?

The community service count was calculated by individuals who were marked as "successful/completed" in the community service dataset. To calculate the utilization rate, we divided the count of the offense type or demographic group by those who appeared in civil court and were found "in-violation." We do so because only those recipients were given the option of community service (e.g., the count of females who completed community service divided by the count of females with a civil summons who appeared in court and were found "in-violation").

Table 4. Community Service Utilization by Demographics, Post-CJRA Implementation

	# of Community Service Participants	Utilization Rate (% of civil summonses)
Female	155	92%
Male	904	71%
16-17	25	71%
18-20	36	53%
21-24	63	49%
25-34	133	42%
35 and older	446	52%

Data Sources: Office of Administrative Trials and Hearings
Notes: Includes only civil CJRA summonses issued by NYPD from June 13, 2017 - Dec 31, 2018.

Conclusion

This report documents dramatic changes in summons enforcement for five categories of lower-level offenses in New York City, following the implementation of the CJRA. This includes a 94% decline in criminal summonses in the first year after the CJRA went into effect and a 93% decline in associated warrants for failure to appear in criminal court.

We found that 87% of CJRA offenses are now being issued as civil summonses rather than a criminal summons. Further, without the threat of warrant, the appearance rates for civil summonses did not vary much from the appearance rates for criminal summonses in the post-CJRA period. Additionally, the majority of civil summons recipients opt to pay before hearing (37%). We hope that our documentation of these changes in issuance and outcomes will serve as a resource for policymakers, researchers, and members of the public to enhance their understanding of how this policy and legislative change impacted summons enforcement, adjudication, and court appearance rates in New York City.

Questions for Future Research

1. Will the trend of declining summons enforcement continue in subsequent years, and will the rate of decline continue to be steeper for CJRA offenses relative to other criminal summons offenses?

2. What exclusionary criteria are predominant for CJRA offenses that are still being issued as criminal?

3. To what extent do warrants (in criminal courts) and flexible response options (in civil court) encourage timely response to summonses? Would flexible response options increase appearance rates in criminal court?

4. Will the option of remote community service modify the proportion of people paying online?

5. How, if at all, will the New York State 2020 reforms[9] impact summons issuance?

Appendix I. Data

This brief examines summonses issued for offenses impacted by the CJRA, both before and after the legislation went into effect on June 13, 2017. These offenses include public consumption of alcohol (AC 10-125 b), public urination (AC 16-118 6; HC 153.09), littering/spitting (AC 16-118 1a-b), excessive noise (AC 24-218), and all NYC Park Rules offenses (all RCNY/ PRR codes).

The criminal summons data analyzed in this report was provided by the Office of Court Administration (OCA). These data include variables on the summons issuance (date, offense type, borough, and precinct) and outcomes (disposition, sentence, and warrant status). The data also include demographic information on the summons recipient (age, race/ethnicity, and sex). The warrant data indicate whether a warrant has been issued and vacated on a specific summons and whether a warrant is currently open on that summons.

This report focuses exclusively on summonses issued to individuals and therefore, excludes the criminal summonses that were issued to corporations (6% of all criminal summonses issued 2003-2018 and just 0.03% of summonses issued for CJRA offenses). We also received a dataset with a smaller set of variables for summonses that were identified as defective before being docketed. The defective data does not include information on offense type of the summons, and could not be included in this analysis.

The civil summons data analyzed in this report was provided by the Office of Administrative Trials and Hearings (OATH). The OATH data includes all summonses issued for CJRA offenses and returnable to the hearings division at one of the five OATH borough courts. The OATH data includes variables on the summons issuance (date, offense type, issuing agency, borough, and precinct), the summons recipient (age, race/ethnicity, and sex), and summons outcomes (disposition and fine amount). Dispositions for civil summonses include hearing, due-process review dismissal, dismissal in court, paid without an OATH appearance, default, and in violation.

Consistent with our prior research, we focused exclusively on summonses that were issued by the New York City Police Department. Criminal summonses that went through community courts did not have a variable that indicated issuing agency and were therefore not included in our analyses (6.5% of all criminal summonses issued 2003-2018).

Endnotes

[1] See Criminal Court of the City of New York: Annual Report 2017, p.3. Retrieved from https://www.nycourts.gov/LegacyPDFs/COURTS/nyc/criminal/2017-Annual-Report.pdf

[2] Ninety seven percent (97.3%) of summonses during this time period were issued by the New York City Police Department.

[3] Responding to a criminal summons usually requires an in-court appearance on a specific date (except public consumption of alcohol and public urination, which can be pled by mail).

[4] OATH is creating a remote community service option for individuals which will go into effect in 2020.

[5] Issuance rates are calculated based on the resident population of New York City by demographics (sex and age group) and borough. Resident population was estimated using the American Community Survey (ACS) annual population counts by age ranges (e.g. 20 to 24 years). We used the single-year age distribution of the last Decennial Census to estimate a single-year population count from the age ranges provided by the ACS. Rate calculations in this report are based on population estimates for all individuals over the age of 16, as this was the age of criminal responsibility in New York State during the bulk of the study period. Lastly, we calculated 2017-2018 rates using the 2016 estimates.

[6] This proportion of CJRA summonses issued as criminal - calculated by looking at the total number of criminal CJRA summonses divided by the total number of criminal and civil CJRA summonses - differs from the 15% found when calculating an average proportion issued as criminal across precincts. This difference may be due to missing data at the precinct-level.

[7] Criminal summonses can be dismissed for legal insufficiency prior to their hearing date through a review process called Summons All Purpose Part-Dismissed (SAP-D), where the Supervising Judge reviews the criminal summonses for legal sufficiency. If the summons is found legally insufficient during the SAP-D process, the recipient of the summons is sent a letter indicating that the individual does not need to appear in court. Summonses can also be dismissed by the presiding judge through a hearing.

[8] Recipients of criminal summonses for public consumption of alcohol (AC 10-125 b) and public urination (AC 16-118 6) are able to plead guilty and pay by mail within 10 days of the date the summons was issued, presuming no other summonses were issued to the individual at the same time. According to the 2016 Annual Report of the Criminal Court of the City New York, approximately 15% of criminal summonses for these two offenses were paid by mail in 2016. See https://www.nycourts.gov/COURTS/nyc/criminal/2016-Annual-Report-Final.pdf

[9] On April 1, 2019, New York State passed extensive legislative reforms aimed at transforming the criminal justice system and its impact on New Yorkers. The three main areas of reform center around bail, nost notably eliminating cash bail for misdemeanors and non-violent felonies, the right to a speedy trial, and the discovery process. See https://www.ny.gov/fy-2020-new-york-state-budget/highlights-fy-2020-budget#criminaljustice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