

The Criminal Justice Reform Act Evaluation:

Post Implementation Changes in Summons Issuance and Outcomes

**A Report of
The Misdemeanor Justice Project
John Jay College of Criminal Justice**

**Released on:
September 5, 2018**

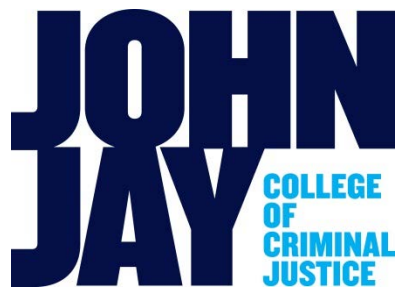


The Criminal Justice Reform Act Evaluation: Post-Implementation Changes in Summons Issuance and Outcomes

Kerry Mulligan, Ph.D.
Celina Cuevas, B.S.
Edwin Grimsley, B.A.
Preeti Chauhan, Ph.D.

September 5, 2018

Suggested citation: Mulligan, K., Cuevas, C., Grimsley, E., & Chauhan, P. (2018, September). *The Criminal Justice Reform Act Evaluation: Post-Implementation Changes in Summons Issuance and Outcomes*. New York: New York.



ACKNOWLEDGEMENTS

We are grateful to the Mayor's Office of Criminal Justice for their funding and support of this evaluation. Special thanks to Elizabeth Glazer, Kwan-Lamar Blount-Hill, Allie Meizlish, Brenda Velazquez, and Andrew Edelman for their partnership and feedback.

We are also thankful to our partners at the Office of Administrative Trials and Hearings (OATH)¹ and the Office of Court Administration (OCA)² for providing the data used for these analyses. Special thanks to First DepFuty Commissioner John Burns, Deputy Commissioners Joseph Hughes and Linda May, and Ombudsperson and Pro Se Clerk Kieran Holohan at OATH for helping us understand the civil summons process and the data. Also thank you to Chief Clerk Justin Barry, Karen Kane, and Carolyn Cadoret at OCA for helping us access, understand, and accurately analyze the data on criminal summonses.

We are also grateful to our other stakeholders for their feedback on preliminary analyses. Thanks to our partners at the New York Police Department, especially Inspector Thomas Taffe, Lieutenant Tara Coffey, Detective Leonard Moscatelli, and Director Douglas Williamson. Thanks also to qualitative researchers on the Criminal Justice Reform Act evaluation, Dr. Carla Barrett and Daniel Bodah. Finally, thanks to all of the other members of the Misdemeanor Justice Project team, especially Shannon Tomascak, Quinn Hood, and Tao "Richie" Lin for their support.

¹This data was provided by and belongs to the New York City Office of Administrative Trials and Hearings. Any further use of this data must be approved by the New York City Office of Administrative Trials and Hearings. Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the New York City Office of Administrative Trials and Hearings.

²The data used in this report were provided by the Office of Court Administration (OCA) and are the property of that agency. Any further use of these data must be approved by the OCA and any views or opinions expressed in this report do not necessarily represent the official position of the OCA.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	3
EXECUTIVE SUMMARY	7
INTRODUCTION.....	9
THE CRIMINAL JUSTICE REFORM ACT AND SUMMONS ENFORCEMENT IN NEW YORK CITY.....	11
The Criminal Justice Reform Act	11
The Criminal Summons Process	12
The Civil Summons Process	13
TRENDS IN SUMMONS ISSUANCE FOR CJRA AND NON-CJRA CHARGES	19
TRENDS IN CJRA SUMMONS ISSUANCE BY DEMOGRAPHICS.....	25
TRENDS IN CJRA SUMMONS ISSUANCE BY GEOGRAPHY	29
DISPOSITIONS FOR CJRA SUMMONSES.....	33
Criminal Summons Dispositions, Pre and Post-Implementation	33
Civil Summons Dispositions	36
COURT APPEARANCE RATES FOR CJRA SUMMONSES	39
Criminal Summons Appearance Rates, Pre and Post-Implementation	39
Civil Summons Appearance Rates.....	42
Appearance Rates by Court Site and CJRA Offense	43
CONCLUSION AND KEY FINDINGS.....	40
APPENDIX.....	47
Appendix A. About the Data Analyzed in this Report	47
Appendix B. Trends in Summons Issuance for Public Consumption of Alcohol	49
Appendix C. Precinct Maps of Summons Issuance for Public Consumption of Alcohol	51
Appendix D. Dispositions and Appearance Status for Comparison Offenses.....	53
Appendix E. Dismissal Reason by Dismissal Type at OATH.....	55

EXECUTIVE SUMMARY

This report analyzes initial changes in the enforcement and court processing of summonses in New York City following the implementation of the Criminal Justice Reform Act (CJRA) on June 13, 2017. The CJRA is a set of legislative and policy changes that shifted five behaviors (public consumption of alcohol, public urination, littering, unreasonable noise, and all NYC Parks Rules offenses) from the criminal courts to the civil/administrative law courts. The majority of criminal summonses issued in 2016, the year the law was enacted, were for these five behaviors. The CJRA is intended to lighten the touch of the criminal justice system and to prevent certain negative outcomes, such as warrants for failure to appear in criminal court in response to a criminal summons. The CJRA also hopes to reduce other collateral consequences that individuals may experience as a result of a criminal summons for these five behaviors.^{3, 4, 5}

While the CJRA creates a presumption that civil summonses should be issued for eligible charges, there are certain exclusionary criteria that allow an officer to issue a criminal summons for a CJRA eligible charge. 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 eligible summons is being co-issued with a summons for another charge that requires an appearance in criminal court.⁶

This report focuses on issuance, disposition, and appearance status six months post-implementation of CJRA. We identify changes in issuance over time. We compare summons dispositions and warrant issuance pre- and post-CJRA implementation in criminal courts. Further, we examine dispositions and defaulting on a civil summons due to a failure to appear in civil/administrative law courts post-CJRA implementation. These analyses reveal five notable trends in summons enforcement and outcomes.

- (1) Overall, there continues to be a decline in the issuance of summonses for the five CJRA behaviors. When issued, the vast majority (89%) of summonses for these five

³ For more information, please visit: <https://council.nyc.gov/legislation/criminal-justice-reform/>

⁴ <https://www1.nyc.gov/office-of-the-mayor/news/530-16/mayor-de-blasio-signs-criminal-justice-reform-act>

⁵ <https://www1.nyc.gov/office-of-the-mayor/news/670-17/mayor-de-blasio-speaker-mark-viverito-90-percent-drop-criminal-court-summonses>

⁶ This information can be found on the NYPD patrol guide (pages 208-209 & 232-234) https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide2.pdf

behaviors were issued as a civil rather than a criminal summons after the law went into effect. This suggests that the law had its intended effect of moving these behaviors into the civil/administrative law courts.

- (2) The New York Police Department (NYPD) continued to issue criminal summonses to a small proportion of individuals. Individuals given a criminal summons post-CJRA implementation were more likely to be male relative to female, ages 35-65 relative to their younger counterparts, and issued a criminal summons in the Bronx or Staten Island compared to the other boroughs. Additionally, behaviors of littering or unreasonable noise were more likely to result in a criminal summons than public consumption of alcohol, public urination, and parks offenses.
- (3) For civil summonses, the most frequent disposition was paid without a hearing (38%). For criminal summonses, the most frequent disposition was dismissed (35%), either through legal sufficiency review or in court.
- (4) While the adjudication process of criminal and civil summonses differ significantly and individuals receiving a civil or a criminal summons differ with regard to prior criminal history, we find that appearance rates at the two court sites are similar for summonses for these five behaviors. Due to failure to appear, half of all civil summonses (51%) defaulted and nearly half of all criminal summonses (49%) resulted in the issuance of a warrant in the six months post-CJRA implementation period.
- (5) Although the proportions in the issuance of warrants are about the same pre and post-CJRA implementation, this change in enforcement strategy led to a significant reduction in the number of warrants issued for criminal summonses for these five behaviors.

These post-implementation analyses reveal that the CJRA had an immediate and sizeable impact on summons issuance in New York City. Further, the intended outcome of a dramatic reduction in the volume of warrants issued in criminal court was achieved. Surprisingly, the appearance rate for civil summonses was low, even though the civil process provides more flexibility with regard to payment and appearance options.

INTRODUCTION

The Misdemeanor Justice Project (MJP) is pleased to publish the second biannual report in the evaluation of the Criminal Justice Reform Act (CJRA). The MJP is a research initiative housed at John Jay College of Criminal Justice and is dedicated to promoting a better understanding of the criminal justice system's response to lower-level offenses from arrest to disposition. We have published reports examining trends in misdemeanor arrests, issuance and dispositions of criminal summonses, pedestrian stops, the mobility of individuals arrested for misdemeanors, and pretrial detention.⁷

John Jay College was selected by the Mayor's Office of Criminal Justice to conduct an independent evaluation of New York City's CJRA. The MJP is conducting quantitative analyses of criminal summons data from the Office of Court Administration (OCA) and civil summons data from the Office of Administrative Trials and Hearings (OATH). The evaluation also includes a qualitative analysis conducted by Dr. Carla Barrett, which examines the implementation of the CJRA at the OATH civil/administrative law court sites, including perceptions of the ease of use and procedural justice of the new adjudication process among system users.

The first CJRA biannual report was released in February 2018 and examined trends in the issuance and outcomes of criminal summonses in the 14-year period (2003-2016) preceding the implementation of the CJRA. That report established baseline trends in summons enforcement, including an overall decline in criminal summons issuance in New York City and the growing representation of CJRA charges as a proportion of all criminal summonses issued in more recent years.

This second biannual report of the CJRA evaluation includes analysis of criminal and civil summons data for the six and a half month period immediately following the implementation of CJRA on June 13, 2017. The analyses presented in this report are intended to provide a better understanding of how the CJRA impacted summons enforcement and adjudication citywide for the five behaviors that have moved into the civil/administrative law courts. We hope these post-implementation findings can inform policymakers, researchers, and members of the public of the notable impact of the CJRA on summons enforcement, an important and high volume contact point between individuals and the justice system in New York City.

In the following section of this report, we present background information on the CJRA legislation as well as describe the criminal and civil summons processes. We believe this context is helpful in understanding the differences in court processing and the potential collateral consequences of civil and criminal courts. Next, we examine summons issuance in New York City and highlight how post-implementation issuance differs from trends in the pre-implementation period. Then, we examine dispositions and appearance status for CJRA eligible criminal summonses pre- and post-CJRA

⁷ Please see <http://misdemeanorjustice.org> for electronic versions of all MJP reports.

implementation and civil summonses post-CJRA implementation. We recognize that the individuals receiving a criminal summons post-CJRA implementation differ, due to exclusionary criteria (see page 5), from individuals receiving a criminal summons pre-implementation or receiving a civil summons post-implementation. Therefore, direct comparisons are not possible, though we highlight some similarities.

THE CRIMINAL JUSTICE REFORM ACT AND SUMMONS ENFORCEMENT IN NEW YORK CITY

The Criminal Justice Reform Act

The Criminal Justice Reform Act (CJRA) is a set of legislative and policy changes passed by the New York City Council and signed into law by Mayor Bill de Blasio on June 13, 2016.⁸ A summons is an appearance ticket issued for an alleged lower-level violation of a law, statute, or regulation. A summons serves as an accusatory instrument, handwritten by a law enforcement official, as well as an appearance ticket given to the recipient instructing him or her to appear in court on a specific date and time to respond to the summons. The CJRA changes the enforcement of some lower-level offenses in New York City by creating the presumption, absent certain exclusionary factors (see page 5), that some behaviors will result in a civil rather than a criminal summons. The behaviors that became eligible for a civil summons under CJRA include public consumption of alcohol, public urination, littering, unreasonable noise, and all NYC Parks Rules offenses. 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 and other potential collateral consequences related to housing, employment, and immigration. It also constrains the financial penalties associated with these charges by creating a standardized fine structure per violation. The CJRA went into effect on June 13, 2017.

Before CJRA, summonses issued to individuals⁹ for lower-level violations and certain misdemeanors, sometimes referred to as “quality of life” offenses, were issued as criminal summonses returnable to the Summons Part of the New York State criminal court system. These summonses were most commonly issued by the New York Police Department (NYPD) and were issued for lower-level “non-fingerprintable” violations of the Penal Law, Administrative Code, Vehicle and Traffic Law, and other law titles. In contrast, civil summonses were historically issued for administrative law violations. These civil summonses were most commonly issued by officers and inspectors from city enforcement agencies, including the Department of Buildings, Department of Sanitation, Department of Health and Mental Hygiene, Department of Transportation and Department of Environmental Protection.

In 2016, summonses issued for the five behaviors identified in the CJRA accounted for 52% of all docketed criminal summonses. Therefore, while a number of lower-level Penal Law and Administrative Code 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.

⁸ For more information on CJRA, please see the Mayor’s Press Release: <http://www1.nyc.gov/office-of-the-mayor/news/530-16/mayor-de-blasio-signs-criminal-justice-reform-act>.

⁹ This report focuses exclusively on criminal summonses issued to individuals and therefore excludes the approximately 5.7% of summonses issued to corporations.

The following section describes the summons adjudication process for criminal and civil summonses, noting differences in the processes and implications for summons dispositions, appearance rates, and warrant outcomes.

The Criminal Summons Process¹⁰

The criminal summons process can be complex. The following section describes the intricacies of the process and various outcomes (see Figure 1).

After a criminal summons has been issued, the agencies that issue summonses drop them off at the Central Receiving Unit where the summonses are reviewed for defects that may prevent them from being docketed. A criminal summons may be found **defective** for a number of reasons; typically, a summons is defective if it was filled out incompletely, such as leaving out the date or time to appear in court. A letter is sent to the recipient of the defective summons indicating that they do not have to appear in court. Defective summonses comprised a small portion (6%) of all summonses filed with the criminal courts between 2003 and 2017.

Next, if the summons is not defective, it is docketed and forwarded to the pertinent court. Criminal summons cases are docketed in the Summons Part of the New York City Criminal Court.¹¹ These docketed summonses then go through a review process called Summons All Purpose Part-Dismissed (SAP-D), where the Supervising Judge reviews the criminal summonses for legal sufficiency. Summonses may be determined to be legally insufficient if, for example, the charge details are incorrect or discrepant, or if there was insufficient information regarding the offense on the written summons form. 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.

If a criminal summons is not found defective or legally insufficient, then it proceeds to an arraignment. This indicates that an individual is expected to appear in court to respond to the summons.¹² If an individual does not respond to the criminal summons

¹⁰ This overview of the summons process is adapted from the MJP's *The Summons Report: Trends in the Issuance and Disposition of Summonses in New York City, 2003-2013*,

<http://misdemeanorjustice.org/wp-content/uploads/2016/08/The-Summons-Report-2003-2013.pdf>.

For additional information on criminal summonses, please see the Criminal Court of the City of New York Annual Reports: <http://www.nycourts.gov/COURTS/nyc/criminal/annual-reports.shtml>

¹¹ There are Summons Courts in the Bronx, Manhattan, Queens, and Staten Island. Summonses issued in Brooklyn are heard in a separate courtroom in the Manhattan Summons Court. Some criminal summonses are also heard in community court. Midtown Community Court in Manhattan processes summonses issued in the 10th, 14th, 18th, and 20th police precincts; Red Hook Community Justice Center in Brooklyn processes summonses issued in the 72nd, 76th, and 78th precincts.

¹² Individuals are able to plea by mail for criminal summonses for two CJRA offenses—public consumption of alcohol and public urination.

by the required date, a **warrant** is ordered, and this warrant remains open until the individual appears in court to respond to the summons.

If an individual comes to the scheduled arraignment, the criminal summons may result in a number of different dispositions. The summons can be **dismissed** or be adjourned in contemplation of dismissal (**ACD**), where if the individual avoids additional contact with the criminal justice system for some set amount of time, typically six months, the case is dismissed. In community courts, a disposition of ACD can also result in a community service requirement. The individual can also plead **guilty**¹³ and be sentenced, usually for a fine. If the individual does not pay the fine within the allotted time, the criminal courts can issue a civil judgment for the fine (note that in the past, a warrant may have been issued in some cases for failure to pay rather than failure to appear for a summons). **Other** dispositions are rare and include but are not limited to acquittals and resentences.

The Civil Summons Process¹⁴

The civil summons process differs from the criminal process in several ways. The following section describes the intricacies of the process and various outcomes (see Figure 2).

Civil summonses for behaviors included in the CJRA are returnable to the Office of Administrative Trials and Hearings (OATH), rather than to criminal court. When a civil summons is issued, the summons indicates a date and time for the summons hearing at OATH.¹⁵ It also indicates that the civil summons may be **paid before the scheduled hearing date** by telephone, online, or mail. In addition to an in-person hearing, individuals receiving a civil summons may request a hearing online, by mail, or by phone.

Individuals are expected to appear (in-person or remotely) on or before the scheduled hearing date at OATH to pay the fine or to contest the summons. At the hearing date, the civil summons is either **dismissed** in court or the individual is found **in-violation**. Individuals found in-violation at the hearing can either agree to pay the fine or they can opt to complete community service in lieu of the financial penalty. The community service option is not available for those who request a hearing by telephone or online. Community service programming is provided by the Center for Court Innovation. Individuals who opt for community service in lieu of paying a fine are generally able to

¹³ An individual can plead not guilty and then be found guilty or acquitted, but this is rare. Most individuals plead guilty when responding to a criminal summons.

¹⁴ For additional information on civil summonses, please see the Office of Administrative Trials and Hearings website: <http://www1.nyc.gov/site/oath/index.page>

¹⁵ There are OATH locations in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island. Individuals may opt to appear for a hearing at any OATH court regardless of the borough a summons was issued.

complete their obligation on the same day as their hearing through onsite community service programs, including e-learning video modules and educational groups.

If an individual does not respond to the civil summons before or on the date of the hearing, the summons goes through a due-process review for defectiveness and legal sufficiency. If the summons is determined to be defective or legally insufficient, it is **dismissed as a due-process review dismissal**. If not, the individual is found in **default**. Individuals found in default receive a letter indicating the status of their summons and the associated fine. Notably, if an individual does not appear on the date of the hearing, OATH follows up with a text message the next day and a letter seven days later. The individual has up to 60 days to re-open the case and request a hearing. After this time, unpaid fines, either for individuals who appeared at the court hearing or who were found in violation via default, are docketed.¹⁶⁻¹⁷ Docketed civil summonses can result in collection efforts by the City's Department of Finance and the forwarding of outstanding fines to a collection agency.

Comparing the Criminal and Civil Summons Process

There are several differences between the criminal and civil summons processes. Most notably, criminal summonses can result in criminal convictions and penalties, while civil summonses do not. Further, a failure to appear (FTA) in response to a criminal summons can result in a bench warrant being issued for an individual's arrest. Individuals who do not answer their civil summons are found in violation by default. While defaults for civil summonses can result in collection actions, there is no warrant associated with a non-response to a civil summons.

There is greater flexibility in the hearings and payment options for a civil summons. In criminal courts, the individual must go to court on a specified day in the Summons Part of the county criminal court in which the summons was issued. Only two charges (public consumption of alcohol and public urination) can be paid prior to a hearing (only by mail). In civil/administrative law court, the individual can go to any of the five OATH offices on or prior to the appearance date. Further, there is flexibility around payment options prior to the hearing date and the ability to contest a summons, remotely.

There are also procedural differences in the stage of the adjudication process at which reviews for defectiveness and legal sufficiency occur. In the criminal courts, reviews for defectiveness and legal sufficiency occur before the hearing date. In the civil/administrative law courts, summonses are reviewed for legal sufficiency following the scheduled hearing date, and only if the individual does not appear for court. For

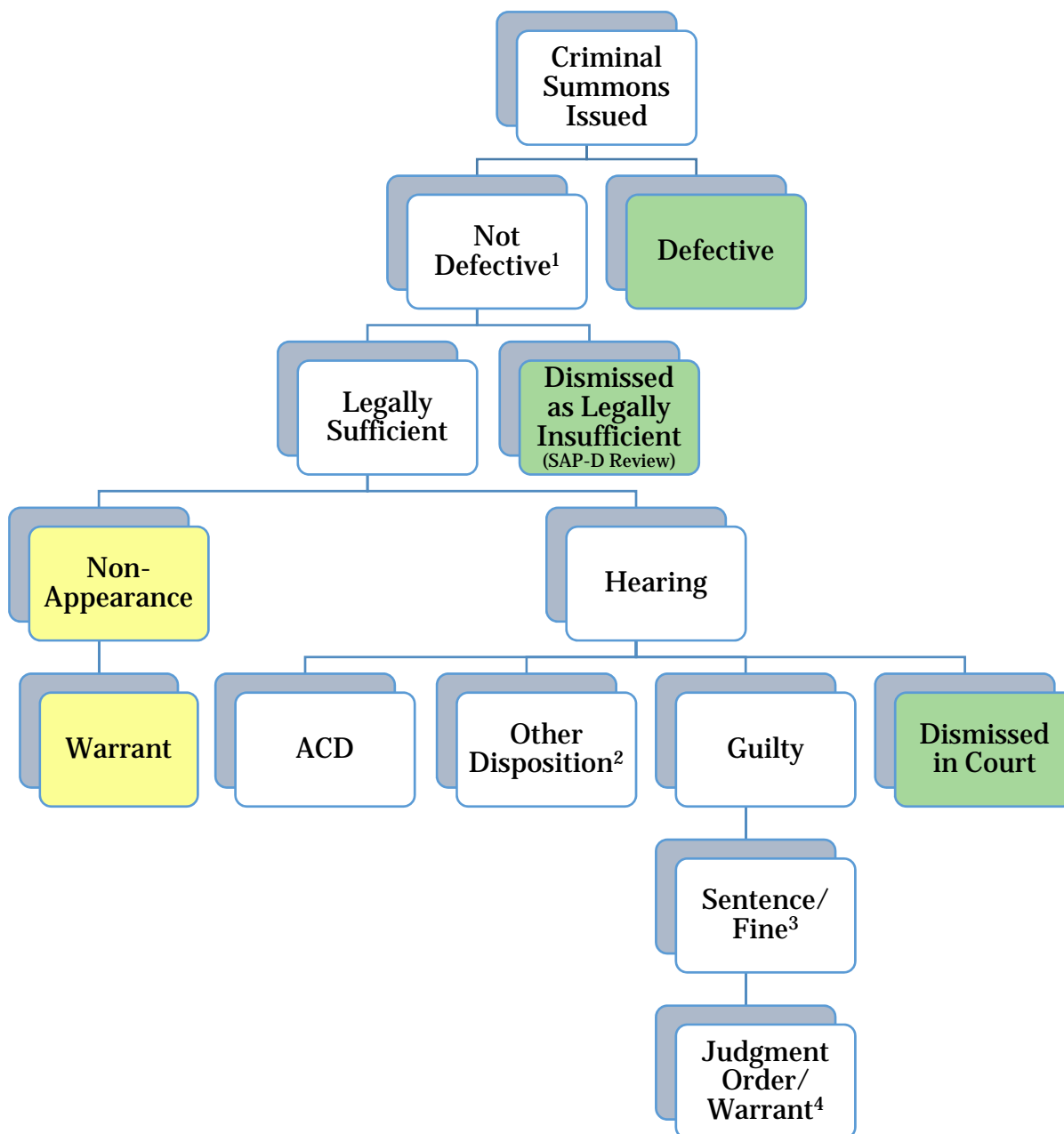
¹⁶ Individuals can request a new hearing following a default in-violation after 60 days and up to 120 days of the original hearing date.

¹⁷ Civil summonses for public consumption of alcohol are not docketed. They are still subject to City collection efforts.

individuals who do appear for a hearing at OATH, the summons is reviewed for legal sufficiency during the hearing.

While fines are the most common outcome for summonses with dispositions of guilty/in-violation in the criminal and civil/administrative law courts, respectively, the financial penalties and availability of community service differ between the two sites. While there is a penalty schedule associated with each charge in the civil/administrative law courts, this is not the case for criminal courts.

Figure 1: Flow Chart of the Criminal Summons Process



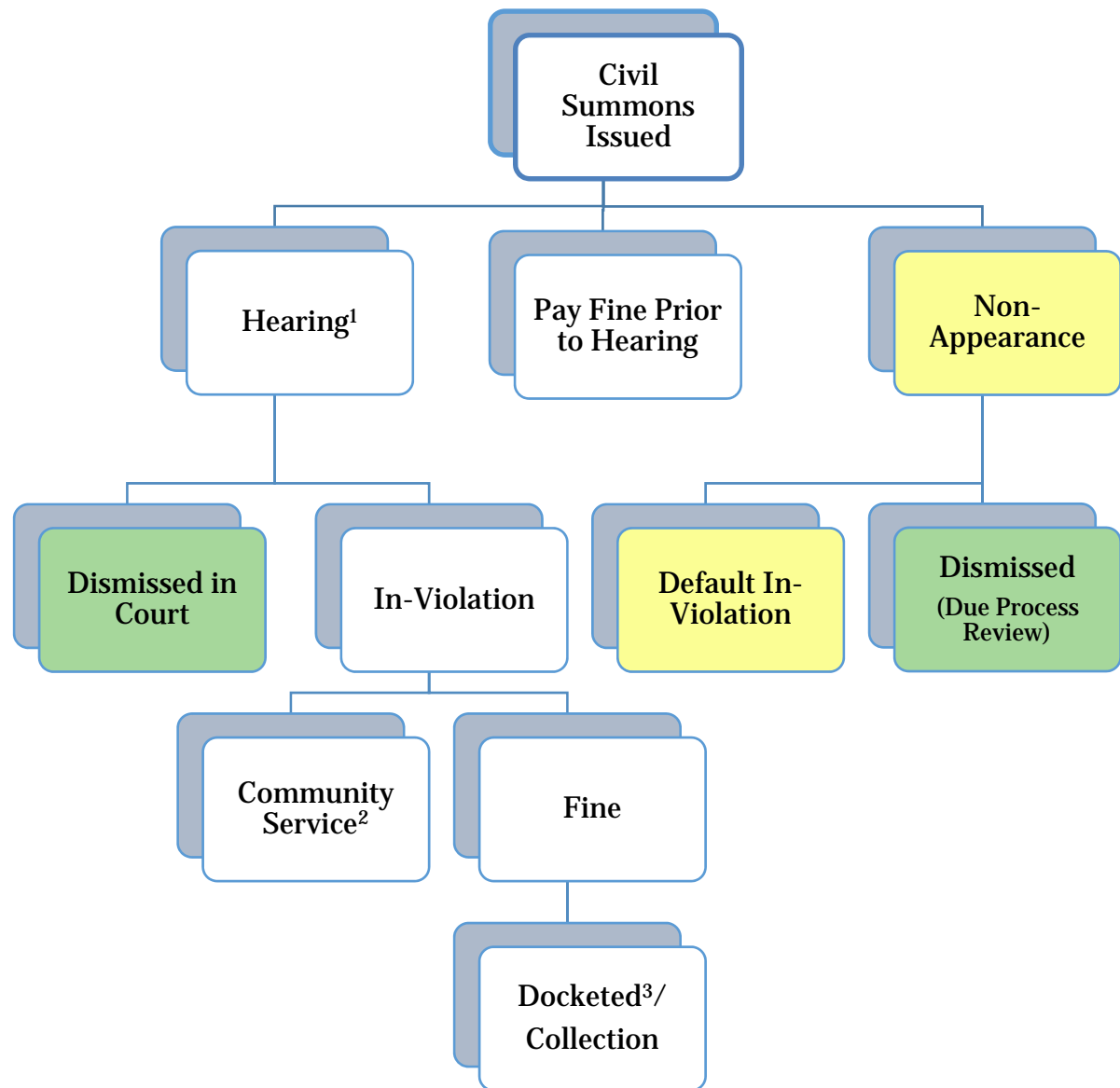
¹ Non-defective summonses are docketed and entered into the court calendar.

² Other dispositions include acquittals, resentences, etc.

³ Multiple sentences and fines are possible.

⁴ A civil judgment order or warrant may be issued if a sentence/fine is not served/paid.

Figure 2: Flow Chart of the Civil Summons Process



¹ OATH hearings can be conducted in person, online, by mail, or by phone.

² Community service in lieu of a fine is only available for in person hearings.

³ At OATH, summonses are docketed and/or made subject to collection efforts.

TRENDS IN SUMMONS ISSUANCE FOR CJRA AND NON-CJRA CHARGES

This section provides an overview of trends in the issuance of criminal and civil summonses for CJRA offenses in New York City. We include analyses of annual issuance between 2003 and 2017, with more focused analyses of issuance in recent years (2014-2017), and comparative analyses of issuance in the post-CJRA period (June 13, 2017-December 31, 2017) relative to the same approximately six and a half month time period in preceding years. Each trend line figure includes a vertical grey dotted line demarcating the post-CJRA implementation time period.

Figure 3: Number of Criminal Summonses Issued to Individuals Annually in New York City

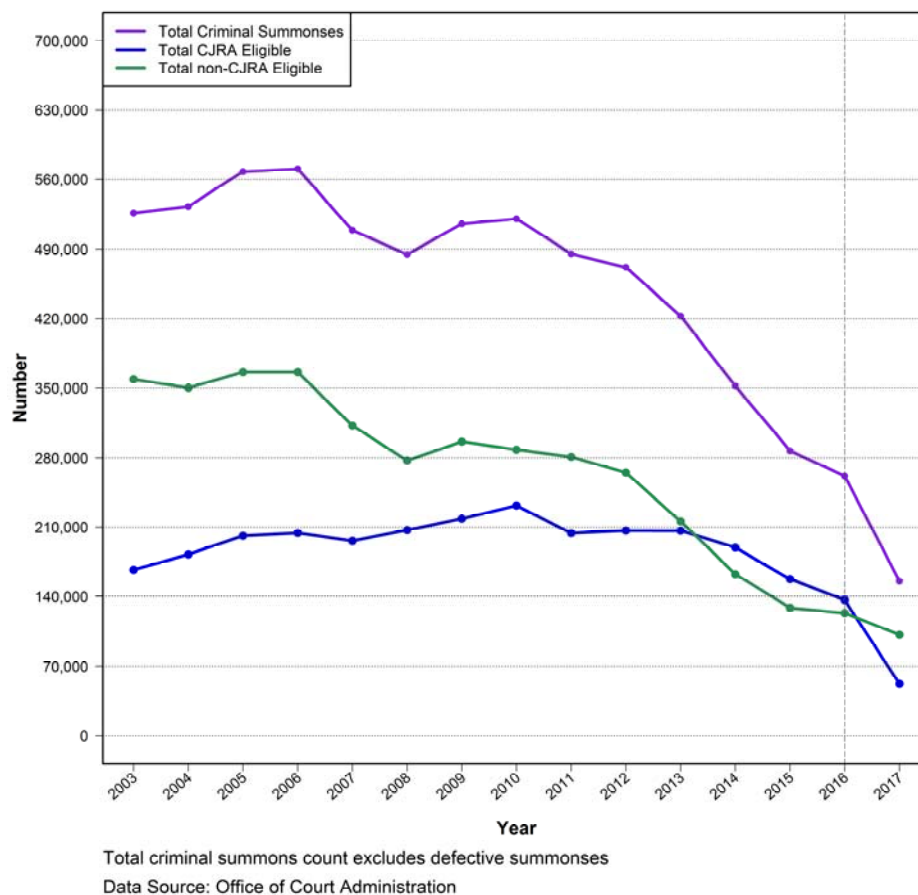


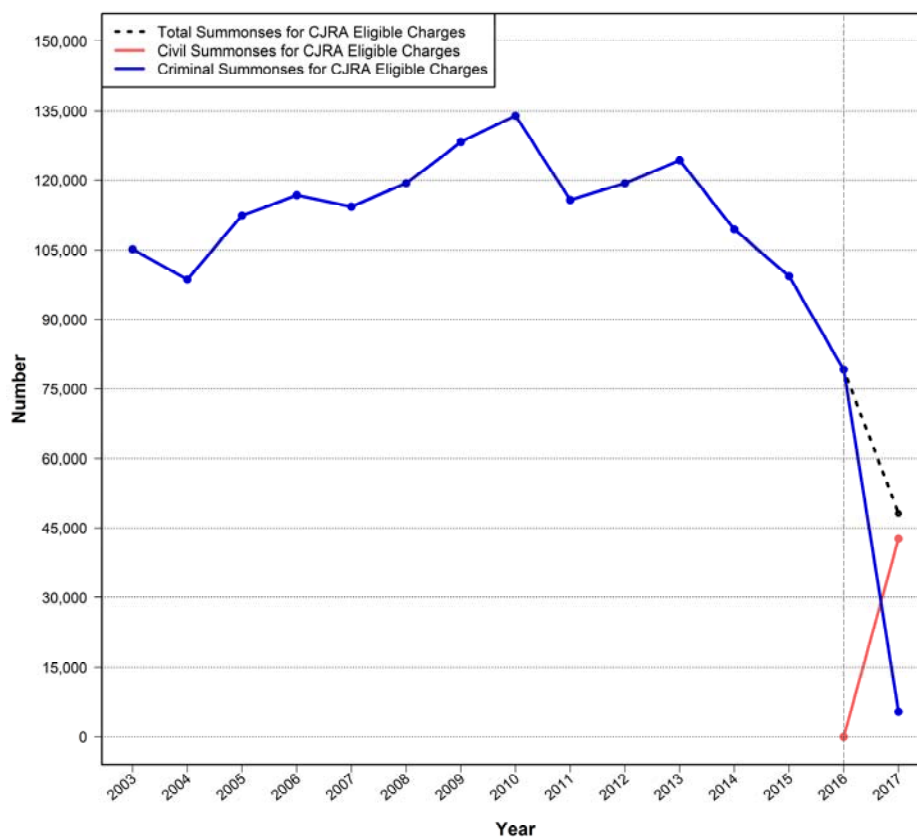
Figure 3 reports the total count of criminal summonses issued to individuals in New York City annually from 2003 and 2017. It also disaggregates this total count into the number of criminal summonses issued for CJRA eligible and non-CJRA eligible charges. In 2003, there were 526,326 criminal summonses issued, with 167,142 being for CJRA

eligible charges and 358,873 being non-CJRA eligible. In 2017, there were 155,639 criminal summonses issued, and 52,384 were CJRA eligible while 101,697 were non-CJRA eligible.

This figure illustrates two notable trends in criminal summons issuance. First, there was an overall decline in the issuance of criminal summonses following the peak of 570,510 summonses issued in 2006, with **73% fewer criminal summonses issued in 2017 relative to 2006**.

When examining time trends with regard to issuance by CJRA eligibility, the proportion of criminal summonses issued for CJRA eligible charges surpassed the proportion issued for non-CJRA eligible charges in 2014, and remained higher through 2016. This trend was reversed in 2017, when there were only 52,384 criminal summonses issued for CJRA eligible charges and 101,697 issued for non-CJRA eligible charges. For the first time in four years, the number of criminal summonses issued for CJRA eligible charges fell below the number issued for non-CJRA eligible charges in 2017.

**Figure 4: Number of Criminal and Civil Summonses for CJRA Charges
Annual Issuance between June 13 and December 31**



Data Source: Office of Court Administration and Office of Administrative Trials and Hearings

Figure 4 displays the count of summonses for CJRA eligible charges issued between June 13 and December 31 for each year of the study period. The June 13-December 31 time period was selected to allow comparison between the approximately six and a half months of post-implementation data relative to this same time period in preceding years. This figure illustrates that CJRA eligible charges are now being issued civil summonses.

All summonses for CJRA eligible charges were issued as criminal summonses prior to the implementation of the CJRA. In 2003, this included 105,197 criminal summonses issued for CJRA eligible charges, which declined to 79,259 criminal summonses for CJRA eligible charges issued in 2016. After 2016 and the implementation of the CJRA, the total number of criminal summonses issued for CJRA eligible charges fell to just 5,486 criminal summonses. This reflects a **93% decline in the issuance of criminal summonses for CJRA charges post-implementation** relative to the same time period in 2016.

There were also **42,697 civil summonses issued for CJRA eligible charges in 2017**. The total number of summonses, including civil and criminal summonses, issued for CJRA eligible charges was 48,183. This reflects a 39% decline in the total number of summonses issued for CJRA charges in 2017, post-CJRA implementation, relative to the same time period in 2016.

Table 1: Post-CJRA Summons Issuance by Issuing Agency (June 13 – December 31, 2017)

Issuing Agency	Civil	Criminal
New York Police Department	35,712 (83.6%)	4,881 (89.0%)
Department of Parks and Recreation	4,920 (11.5%)	0 (0.0%)
Department of Sanitation	1,852 (4.3%)	0 (0.0%)
Other/Missing	213 (0.5%)	605 (11.0%)

Table 1 reports the number of civil and criminal summonses issued by various agencies for CJRA charges. The NYPD accounted for the largest proportion of both civil and criminal summonses issued, with 83.6% of civil summonses issued and 89.0% of criminal summonses issued post-CJRA. Most of the remaining civil summonses issued post-CJRA were issued by the Department of Parks and Recreation (11.5%), followed by the Department of Sanitation (4.3%). Of the 605 criminal summonses labeled as Other/Missing, a little more than half (382) were missing a specified issuing agency.

Although the majority of summonses are issued by the NYPD, approximately 16% of civil summonses are issued by other agencies. Therefore, to illustrate clearer time trends on summons issuance for both criminal and civil summonses, we only focus on summonses issued by the NYPD in the remainder of this section. This strategy also allows us to accurately compare what proportion of summonses are still being issued as criminal, given that the Department of Parks and Recreation and Department of Sanitation do not issue criminal summonses.

**Figure 5: Total Number of Summonses by Charge
Annual Issuance Between June 13 and December 31**

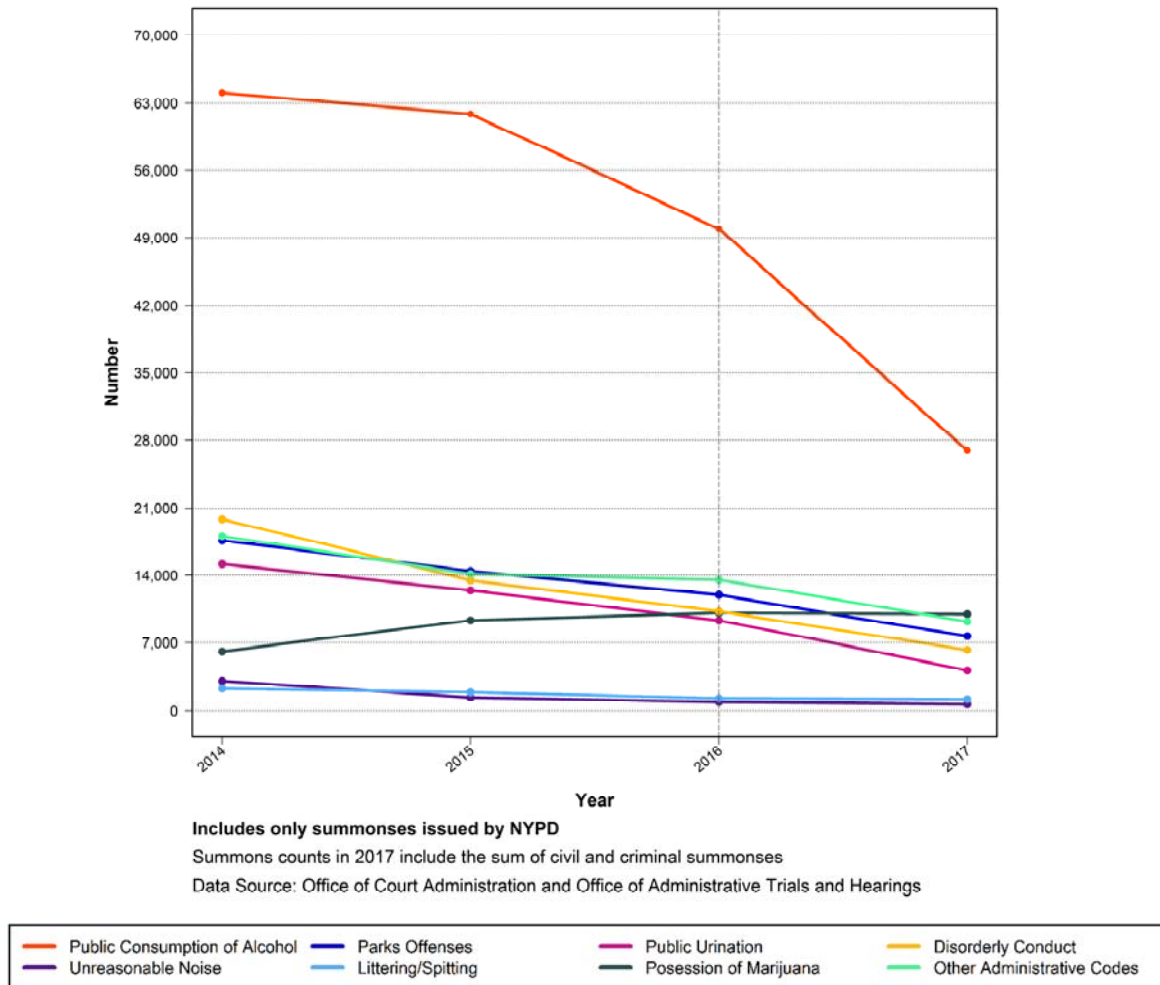


Figure 5 illustrates the number of summonses issued by NYPD between June 13 and December 31 from 2014 to 2017. Issuance counts are disaggregated for each CJRA eligible behavior as well for three comparison charges that were not impacted by the CJRA (specifically possession of marijuana, disorderly conduct, and other administrative codes). As noted above, all summonses for CJRA charges through 2016 were criminal summonses, while total issuance in 2017 includes both civil summonses and criminal summonses for CJRA charges.

This figure reveals a great deal of variation in volume of NYPD issuance across summons charges. Public consumption of alcohol had the highest issuance overall, with 64,055 criminal summonses issued in 2014 and a decline to 26,897 total (civil and criminal) summonses issued in 2017. Among CJRA eligible charges, the next highest summons issuance was for parks offenses (decreasing from 17,603 in 2014 to 7,698 in 2017) and public urination (declining from 15,168 in 2014 to 4,140 in 2017). Both littering and unreasonable noise had significantly lower issuance counts than the other

CJRA charges. In 2014, there were 2,285 summonses issued for littering, which decreased to 1,199 in 2017. Unreasonable noise summonses decreased from 3,049 summonses in 2014 to 659 summonses in 2017.

Among the comparison charges, disorderly conduct and other administrative codes had similar issuance counts in 2014. There were 18,070 summonses issued for other administrative codes in 2014, which decreased to 9,250 in 2017. In 2014, 19,867 summonses were issued for disorderly conduct, which fell to 6,241 summonses in 2017. Criminal summons issuance for possession of marijuana increased from 6,074 in 2014 to 10,023 in 2017.¹⁸

This figure also illustrates that the post-CJRA decline in NYPD summons issuance was not evenly distributed across CJRA charges. There was a **56% decrease in the number of summonses issued for public urination, followed by a 46% decrease in the number of summonses issued for public consumption of alcohol in 2017** relative to issuance for those charges in 2016. There was a smaller proportional decline in issuance for parks offenses (36% decline) and unreasonable noise (27% decline). The smallest decline was for littering, with a 7% decrease in the number of summonses issued in 2017 relative to 2016. Relative to the 2016 pre-CJRA issuance, there was a 1% increase in the number of criminal summonses issued for marijuana possession, a 32% decrease in summonses for other administrative code charges, and a 39% decrease in issuance for disorderly conduct after the implementation of CJRA.

Table 2: Post-CJRA NYPD Summons Issuance by Charge (June 13 – December 31, 2017)

Charge*	Civil	Criminal	% Criminal
Public Consumption	23,527 (65.9%)	3,370 (69.0%)	12.5%
Parks Offenses	7,010 (19.6%)	688 (14.1%)	8.9%
Public Urination	3,685 (10.3%)	455 (9.3%)	11.0%
Littering	964 (2.7%)	235 (4.8%)	19.6%
Unreasonable Noise	526 (1.5%)	133 (2.7%)	20.2%
*Includes only summonses issued by the NYPD			

Table 2 reports the count of criminal and civil summonses issued for CJRA behaviors by NYPD after the CJRA went into effect (and percentage of issued summonses that were criminal). The CJRA behavior with the greatest proportion of summonses issued as criminal post-CJRA was unreasonable noise. One in five summonses issued for unreasonable noise was issued as a criminal summons in 2017. The behavior with the lowest proportion of summonses being issued as criminal summonses was for parks offenses.

¹⁸ Note that NYPD reported a change in their enforcement strategy for marijuana possession in November 2014, when officers began issuing criminal summons rather than making arrests for possession of small amounts (25 grams or less) of marijuana (under Penal Law 221.05).

TRENDS IN CJRA SUMMONS ISSUANCE BY DEMOGRAPHICS

This section provides analyses of CJRA summonses, issued by the NYPD, by the demographic characteristics of the individual receiving the summons. The figures provide insight into changes in issuance after CJRA by comparing issuance in the post-CJRA period (June 13, 2017-December 31, 2017) relative to the same six and a half month time period in the preceding three years. We present issuance trends both in terms of counts and as rates per 100,000 New York City residents over the age of 16.

We also provide a supplemental analysis of summons issuance by demographics and geography for public consumption of alcohol in Appendix B. We focus on this behavior due to its high issuance volume.

Due to data limitations, we do not present analysis on summons issuance by race and ethnicity. The race and ethnicity of the summons recipient was not systematically available in our court data on criminal summonses over the study period (75% of criminal summons court records were missing race/ethnicity data).

**Figure 6: Count and Rate of CJRA Summons Issuance by Sex
Annual Issuance between June 13 and December 31**

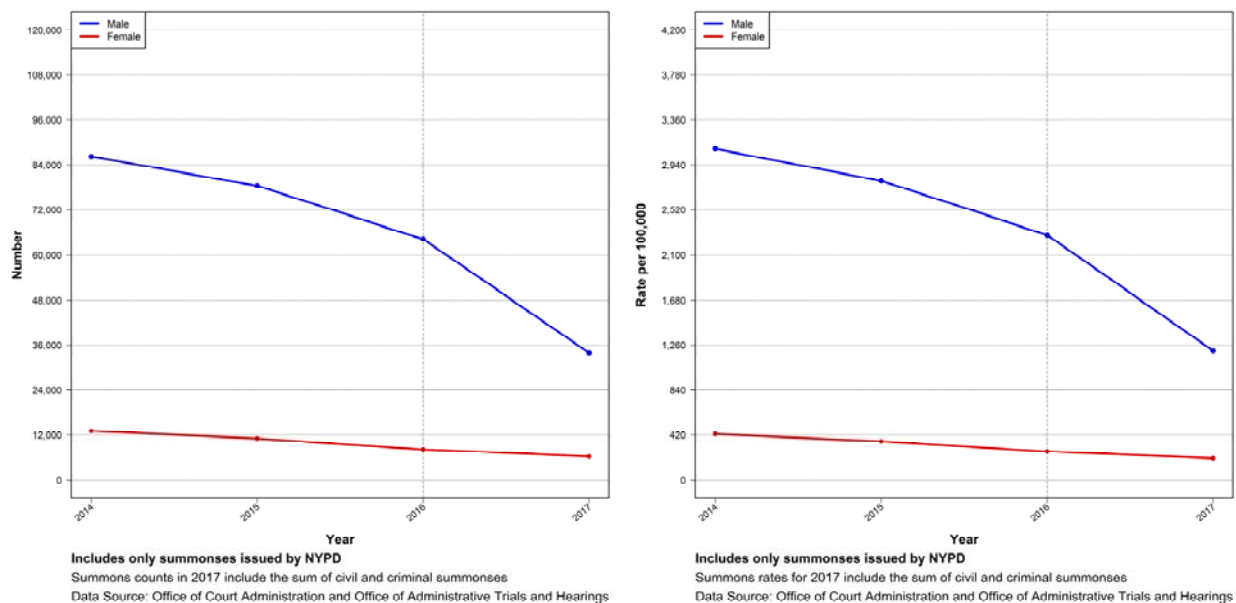


Figure 6 reports the total number and rate of CJRA summonses issued by NYPD between June 13 and December 31 for each year, disaggregated by sex. As these graphs illustrate, males were consistently issued summonses at a higher volume and rate than females. There were 86,320 summonses issued to males for CJRA charges (rate of 3,092 per 100,000 males 16 and older) in 2014, and this decreased to 33,923 summonses (rate of 1,208 per 100,000) in 2017. Females were issued 13,084 summonses for CJRA

charges (rate of 429 per 100,000) in 2014, and issuance declined to 6,234 summonses (rate of 203 per 100,000) in 2017. Notably, **males experienced a greater proportional decline in post-CJRA issuance relative to females**. While the issuance rate declined by 47% for males after the CJRA relative to issuance in the same time period of 2016, the issuance rate declined by only 23% for females.

**Figure 7: Count and Rate of CJRA Summons Issuance by Age Group
Annual Issuance between June 13 and December 31**

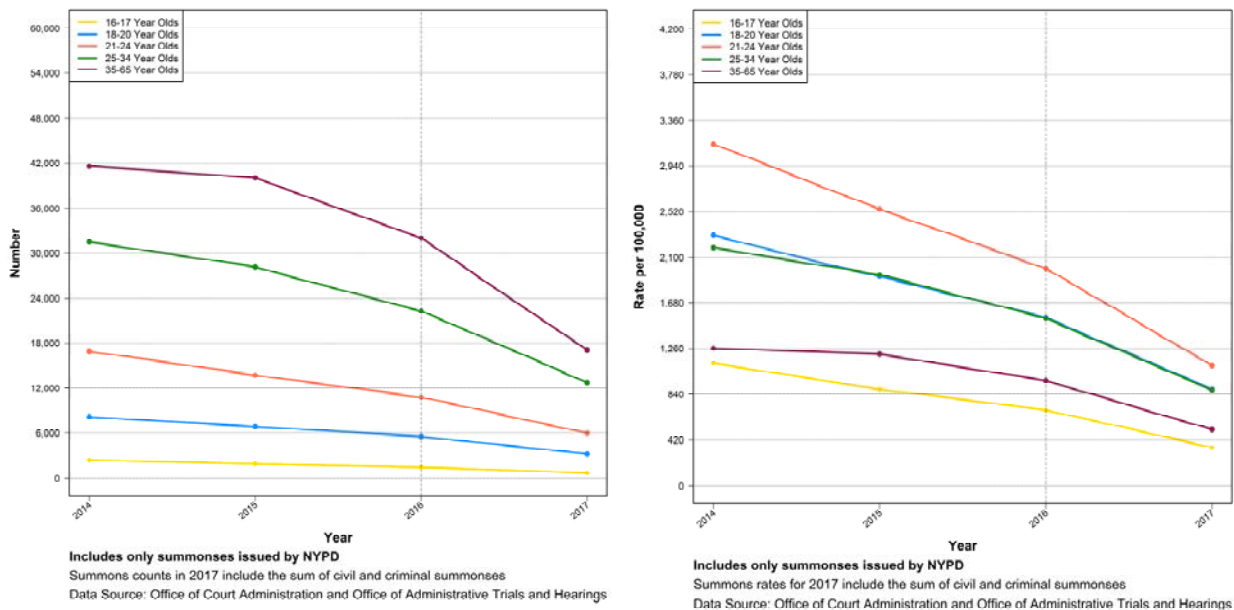


Figure 7 shows the number and rate of CJRA eligible (criminal and civil) summonses, issued by the NYPD, between June 13 and December 31 for each year of the study period, by age group.¹⁹ Throughout the study period, the largest number of summonses for CJRA eligible behaviors were issued to individuals in the oldest age group (35-65 year-olds), with a high of 41,565 (criminal and civil) summonses issued in 2014 to a low of 17,075 (criminal and civil) summonses in 2017. The next oldest age group, 25-34 year-olds, were issued 31,484 summonses in 2014 and 12,754 summonses in 2017. In 2014, 21-24 year-olds were issued 16,889 summonses, which declined to 5,976 summonses issued in 2017. Among 18-20 year-olds, 8,172 summonses were issued in 2014, which decreased to 3,178 summonses in 2017. The youngest age group, 16-17 year-olds, had the lowest issuance at 2,403 summonses in 2014, which declined to 754 summonses in 2017.

¹⁹ These age groupings were selected based on age-related criminal justice policy, including the age of criminal responsibility in New York during the study period, the anticipated age of criminal responsibility as described in New York State's Raise the Age legislation, and the legal drinking age. These groupings also reflect research on developmental patterns in criminal justice involvement (especially lower rates of criminal justice contact among individuals 35 and older). Because just 1% of summonses were issued to individuals 66 and older over the study period, trend lines for this age group are not displayed.

In terms of issuance rates that account for the population base, the 21-24 year-old age group had the highest issuance rate throughout the study period, with a high of 3,143 summonses issued per 100,000 in 2014 and a low of 1,104 in 2017. The age group with the second highest issuance rate was 18-20 year-olds (2,299 in 2014 and 889 in 2017), followed by 25-34 year olds (2,188 in 2014 and 879 in 2017) and 35-65 year olds (1,262 in 2014 to 515 in 2017); the lowest issuance rate was among the youngest age group of 16-17 year olds (1,126 in 2014 to 351 in 2017). **The proportional decline in post-CJRA issuance compared to issuance in the same time period of 2016 was similar across age groups**, with the greatest decline in issuance rates among 16-17 year olds (50% decline) and the smallest proportional decline among 18-20 year olds and 25-34 year olds (43% decline).

Table 3: Post-CJRA NYPD Summons Issuance by Demographics (June 13 – December 31, 2017)

Sex*	Civil	Criminal	% Criminal
Female	5,735 (16.1%)	499 (10.2%)	8.0%
Male	29,643 (83.0%)	4280 (87.7%)	12.6%
Missing	334 (0.9%)	102 (2.1%)	23.4%
Age Group*	Civil	Criminal	% Criminal
16-17	674 (1.9%)	80 (1.6%)	10.6%
18-20	2,856 (8.0%)	322 (6.6%)	10.1%
21-24	5,444 (15.2%)	532 (10.9%)	8.9%
25-34	11,312 (31.7%)	1,442 (29.5%)	11.3%
35-65	14,672 (41.1%)	2,403 (49.2%)	14.1%
Missing	754 (2.1%)	102 (2.1%)	11.9%
*Includes only summonses issued by the NYPD			

Table reports the count of civil and criminal summonses issued by NYPD and percentage of issued summonses that were criminal, after the CJRA went into effect, disaggregated by sex and age group. A greater proportion of summonses issued to males were issued as criminal summonses (12.6%) compared to females (8.0%). There was also notable variation across age groups in the proportion of summonses issued as criminal rather than civil summons. The **greatest proportion of CJRA summonses issued as criminal summonses was among the oldest age of 35-65 year-olds (14.1%)**, while the lowest proportion of CJRA summonses issued as criminal summonses was among summons recipients between 21 and 24 years old (8.9%).

TRENDS IN CJRA SUMMONS ISSUANCE BY GEOGRAPHY

This section provides analyses of CJRA summonses, issued by the NYPD, by the borough and precinct of issuance. The following figures provide insight into how changes in summons issuance were distributed across the City in the post-CJRA period (June 13, 2017-December 31, 2017) relative to the same approximately six and a half month time period in the three preceding years. See Appendix C for maps examining the proportion of CJRA summonses issued for public consumption of alcohol by precinct.

**Figure 8: Count and Rate of CJRA Summons Issuance by Borough
Annual Issuance between June 13 and December 31**

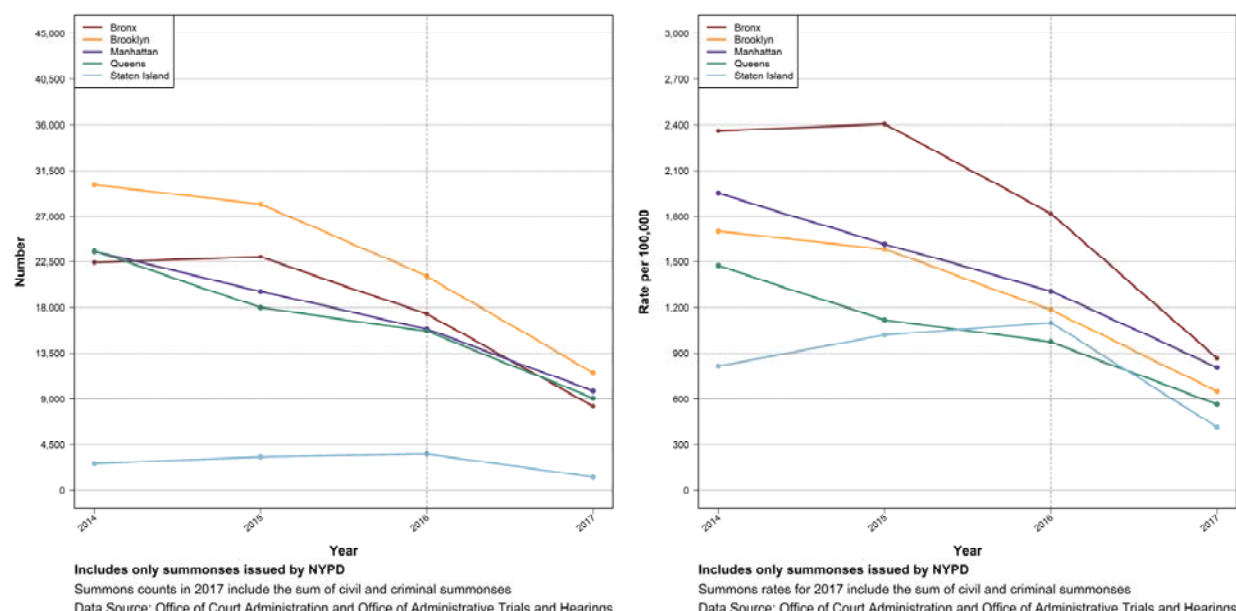


Figure 8 illustrates the number and rate of CJRA eligible summonses issued each year by the NYPD between June 13 and December 31, by borough of issuance.²⁰ Brooklyn had the highest volume of issuance in 2014, with 30,053 criminal summonses issued. Issuance in Brooklyn declined to 11,571 (criminal and civil) summonses in 2017. Queens had the next highest volume of summonses issued, but declined from 23,567 summonses in 2014 to 9,088 summonses in 2017. There were 23,513 summonses issued in Manhattan in 2014, which decreased to 9,786 summonses in 2017. The Bronx had 22,410 summonses issued in 2014, which declined to 8,280 in 2017. Staten Island had

²⁰ Note that borough level rates are based on estimates of the residential population rather than daytime population. Some estimates indicate that Manhattan's population approximately doubles during the daytime, while the outer boroughs all experience decreases in daytime population. In addition, as indicated in MJP's previous report *Mapping Mobility of Individuals Arrested for Misdemeanors in New York City, 2006-2014*, individuals frequently have contact with law enforcement in boroughs that are not their home boroughs. We note this limitation but believe it is important to include borough level rates to account for variation in population across borough and increases in borough populations over the study period.

much lower issuance counts than the other boroughs, with 2,617 summonses issued in 2014 and 1,330 summonses issued in 2017.

Taking the population base of each borough into account, the issuance rate was highest in 2014 for the Bronx (2,361 per 100,000), followed by Manhattan (1,951), Brooklyn (1,701), Queens (1,474) and Staten Island (817). In 2017, CJRA summons issuance rates were highest in the Bronx (867 per 100,000), followed by Manhattan (807), Brooklyn (650), Queens (564), and Staten Island (415). This also reflects that there was sizeable cross-borough variation in the proportional decrease in issuance following the implementation of CJRA. The **proportional decline in 2017 issuance rates relative to 2016 was greatest in Staten Island (62% decline) and lowest in Manhattan (38% decline)**, while issuance declined by 52% in the Bronx, 45% in Brooklyn, and 42% in Queens.

Table 4: Post-CJRA NYPD Summons Issuance by Borough (June 13 – December 31, 2017)

Borough*	Civil	Criminal	% Criminal
Bronx	6,410 (17.9%)	1,870 (38.3%)	22.6%
Brooklyn	10,144 (28.4%)	1,427 (29.2%)	12.3%
Manhattan	9,118 (25.5%)	668 (13.7%)	6.8%
Queens	8,550 (23.9%)	538 (11.0%)	5.9%
Staten Island	952 (2.7%)	378 (7.7%)	28.4%
Missing	538 (1.5%)	0 (0.0%)	0.0%
*Includes only summonses issued by the NYPD			

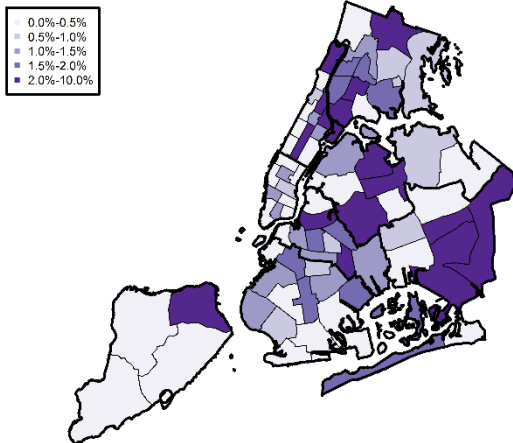
Table 4 reports the count of civil and criminal summonses issued by NYPD and percentage of issued summonses that were criminal by the borough of issuance. In the six and half month period in 2017 after CJRA was implemented, **28.4% of CJRA summonses issued in Staten Island were criminal summonses, while only 5.9% of CJRA summonses in Queens and 6.8% of CJRA summonses in Manhattan** were issued as criminal summonses.

We also disaggregated these borough level findings regarding CJRA criminal and civil summons issuance to the NYPD precinct level in the maps below (see Figure 9).

Figure 9: CJRA Summons Issuance by Precinct

Map 1: Civil Issuance

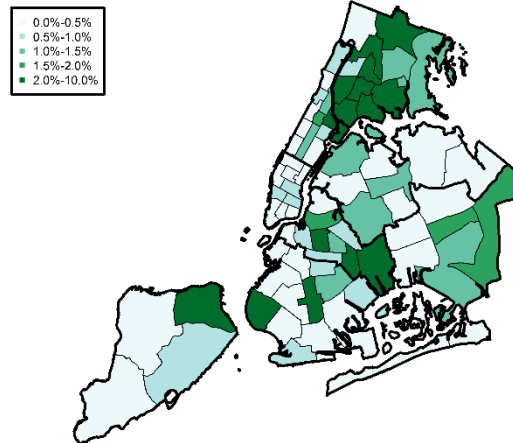
Percentage of Total Civil CJRA Summons Issuance by Precinct
June 13, 2017 - December 31, 2017



Includes only summonses issued by NYPD
Data Source: Office of Administrative Trials and Hearings

Map 2: Criminal Issuance

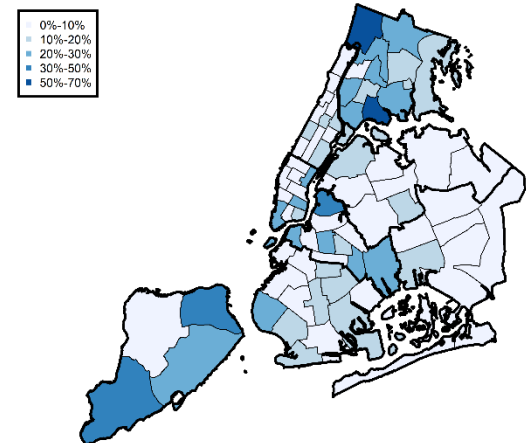
Percentage of Total Criminal CJRA Summons Issuance by Precinct
June 13, 2017 - December 31, 2017



Includes only summonses issued by NYPD
Data Source: Office of Court Administration

Map 3: Percentage Criminal

Percentage of CJRA Summonses Issued as Criminal Summonses by Precinct
June 13, 2017 - December 31, 2017



Includes only summonses issued by NYPD
Data Source: Office of Court Administration and Office of Administrative Trials and Hearings

Figure 9 includes a series of precinct level maps reporting the volume and type of CJRA summons issued by NYPD within each NYPD precinct from June 13, 2017 to December 31, 2017. In Maps 1 and 2, precincts shaded in darker colors reflect a higher volume of summons issuance, while darker shaded precincts in Map 3 reflect a greater proportion of summonses issued as criminal.

Map 1 shows the percentage of all civil summonses for CJRA behaviors that were issued in each precinct by the NYPD. Areas that accounted for the highest percentages of all civil summonses issued for CJRA charges included the south Bronx, northern Manhattan, eastern and parts of northern Queens, and northern Staten Island. The precinct with the highest percentage was the 22nd precinct, which encompasses Central Park, accounting for 8.7 percent of all civil summonses for CJRA charges citywide during this time period.

Map 2 displays the percentage of all criminal summonses for CJRA behaviors that were issued in each precinct by the NYPD. Precincts accounting for the highest percentages of all criminal summonses issued for CJRA charges were mainly concentrated in the Bronx, eastern Brooklyn, and northern Staten Island. The precinct with the highest percentage was the 120th precinct in Staten Island, which accounted for 6.5 percent of all criminal summonses issued by NYPD citywide for CJRA charges during this time period.

Map 3 illustrates the percentage of summonses for CJRA behaviors that were issued as criminal summonses by NYPD within each precinct. While Maps 1 and 2 reflect summons issuance volume, darker shaded precincts in Map 3 illustrate higher criminal summons issuance in relation to civil summons issuance for CJRA charges. Precincts issuing the highest percentages of criminal summonses for CJRA charges were mainly concentrated in the Bronx and Staten Island. Precinct 50 in northern Bronx had the highest percentage of CJRA summonses issued as criminal summonses at 68.8 percent. The precinct with the lowest percentage of CJRA summonses issued as criminal summonses was the 72nd precinct in Brooklyn.

DISPOSITIONS FOR CJRA SUMMONSES

This section examines the distribution of dispositions for criminal and civil summonses for CJRA charges. It includes a comparison of dispositions for criminal summonses for CJRA charges in the criminal courts pre- and post-CJRA implementation. It also includes dispositions in civil/administrative law courts post-CJRA implementation. We recognize that individuals receiving a criminal summons post-CJRA implementation differ, due to exclusionary criteria (see page 5), from individuals receiving a criminal summons pre-implementation, as well as individuals receiving a civil summons post-implementation. Therefore, direct comparisons are not possible, though we highlight some similarities.

Criminal Summons Dispositions, Pre and Post-Implementation

We analyzed dispositions for criminal summonses for CJRA charges pre- and post-CJRA implementation. These figures report disposition outcomes for all non-defective summonses docketed in the criminal courts, as described in the criminal summons process in **Figure 1**.²¹ Docketed summonses may be dismissed before a court appearance is required through the Summons All Purpose Part-Dismissal (SAP-D) review, when the summons is reviewed for legal sufficiency by a Supervising Judge of the criminal courts. Criminal summonses that require a court appearance generally result in a disposition, including dismissed, guilty, adjournment in contemplation of dismissal (ACD), or other disposition (e.g. acquittal or resentencing). Docketed summonses may remain not disposed due to a failure to appear for the scheduled hearing (these summonses generally have an open warrant).

²¹ Note that these analyses exclude the 6% of summonses that are identified as defective when they are received at the Central Receiving Unit of the Criminal Court and are therefore not docketed.

Figure 10: Dispositions for Criminal CJRA Eligible Summonses

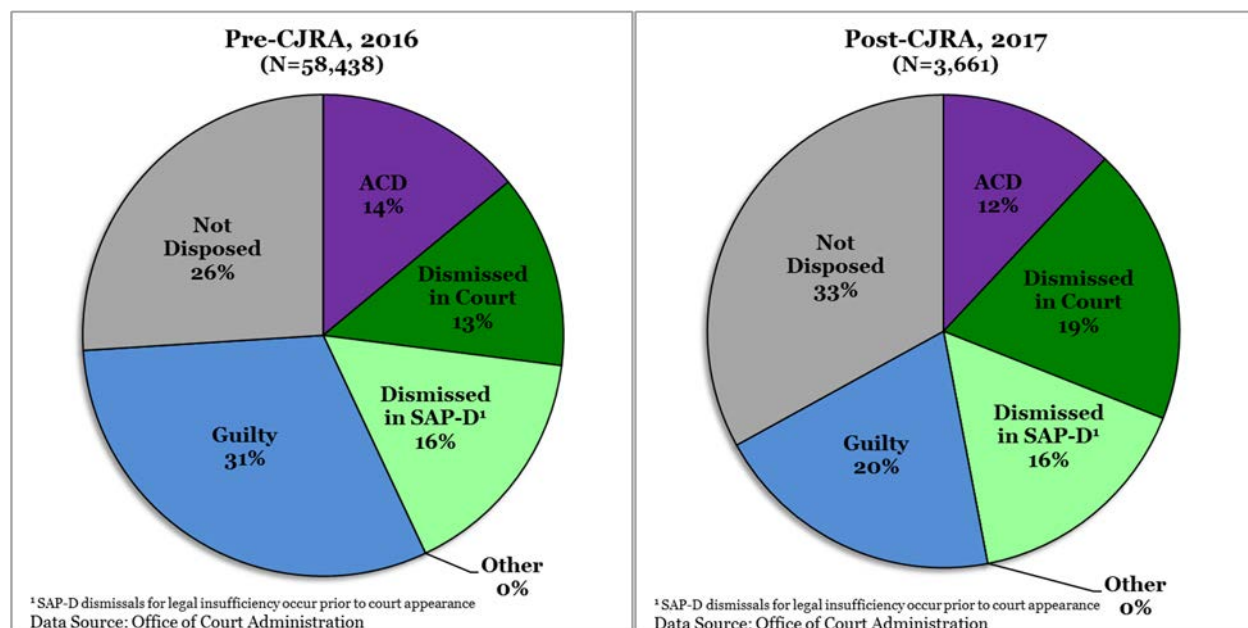


Figure 10 reports the percentage of all criminal summonses issued for CJRA charges resulting in each disposition, both in the pre-CJRA time period (June 13- December 31, 2016) and the post-CJRA time period (June 13- December 31, 2017). We want to note that the sheer volume of summons has decreased dramatically during this reference period.

A considerable proportion of summonses issued in both 2016 and 2017 were not disposed as of the date of the data extraction (March 6, 2018) indicating that the recipient did not appear in court yet to resolve their summons. These figures reflect a time effect in that a larger proportion of recipients had more time to dispose of their case for summonses issued in 2016 relative to 2017.

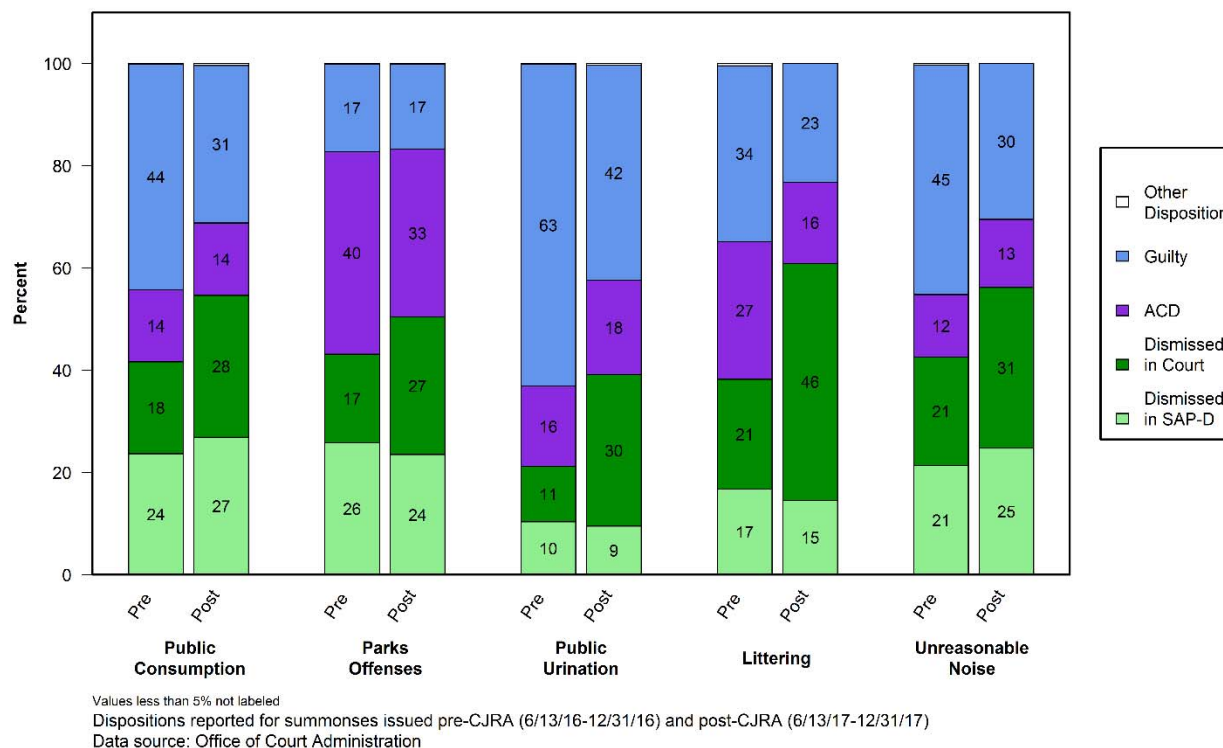
The most common disposition for criminal summonses issued for CJRA charges in 2016 was guilty (31%). The next most common disposition was a dismissal (29%), including 16% of summonses being dismissed during SAP-D review and 13% being dismissed in court. Another 14% of summonses resulted in an ACD. Over one quarter of these summonses issued in 2016 remained not disposed (26%).

Among the criminal summonses issued for CJRA charges in the post-implementation period of 2017, the most common disposition was a dismissal (35%), including 16% of summonses being dismissed during SAP-D review and 19% being dismissed in court. The next most common disposition was guilty (20%) and another 12% resulted in an ACD. Another 33% of these criminal summonses were not disposed in the post-CJRA period.

We recognize that individuals receiving a criminal summons differ pre and post-CJRA implementation. Indeed, it is likely that individuals receiving a criminal summons post-CJRA are more likely to have criminal histories. Interestingly though, these figures demonstrate that **criminal summonses issued for CJRA-eligible charges were more likely to be dismissed in court and less likely to result in a guilty disposition after the CJRA went into effect.**

In order to examine the impact of CJRA on summons dispositions after taking into account the higher proportion that are not disposed in the more recent time period, we examined dispositions among the subset of summonses that were disposed. These findings are reported, disaggregated by summons charge, below.

Figure 11: Dispositions for Disposed Criminal Summonses for CJRA Charges Pre- and Post-CJRA Implementation²²



²² Sample size for disposed summonses are as follows:

Public consumption of alcohol (38,964 disposed pre- and 2,507 disposed post-CJRA implementation), parks offenses (10,571 disposed pre- and 561 disposed post-CJRA implementation), public urination (7,052 disposed pre- and 337 disposed post-CJRA implementation), littering (999 disposed pre- and 151 disposed post-CJRA implementation), and unreasonable noise (852 disposed pre- and 105 disposed post-CJRA implementation).

Figure 11 reports the distribution of dispositions among the subset of disposed criminal summonses by CJRA charge type in the pre- and post-implementation period. There is notable variation in dispositions by summons charge. For example, among post-implementation summonses, 42% of public urination summonses resulted in a disposition of guilty, while just 17% of criminal summonses for parks offenses resulted in a guilty disposition.

For four of the five CJRA charges, the most common disposition among disposed criminal summonses post-implementation was a dismissal. Figure reflects the trend noted in the aggregate above, in that there was an increase in the percentage of criminal summonses being dismissed in court and a decrease in the percentage of summonses resulting in a disposition of guilty for all CJRA charges. The proportional change was greatest for public urination; there was a 173% increase in the proportion dismissed in court and a 33% decline in guilty dispositions for this charge. See Appendix D for analysis of pre- and post-CJRA dispositions for criminal summonses for the three comparison charges.

Civil Summons Dispositions

We analyzed dispositions for civil summonses for CJRA charges post-implementation. These figures report dispositions for all CJRA summonses at OATH, as described in the civil summons process in Figure 2. Recipients of a civil summons for any CJRA behavior are able to admit to the summons charge and pay the associated fine online, by mail, or in person. Summons recipients that pay before the hearing or recipients that default (i.e., do not respond to the summons) are determined to be in-violation of the charge. We distinguish these two outcomes from each other as well as from those that were determined to be in-violation via a hearing for analytic clarity. Civil summonses may also be dismissed, either during a due process review (which occurs within one week of a failure to appear on the hearing date) or dismissed in court.²³ We also note the ways in which the distribution of dispositions reflect the differing adjudication process at OATH relative to the criminal summons court.

²³ See Appendix E for a frequency table reporting dismissal reasons for in court and due process review dismissals.

Figure 12: Dispositions for Civil CJRA Summonses

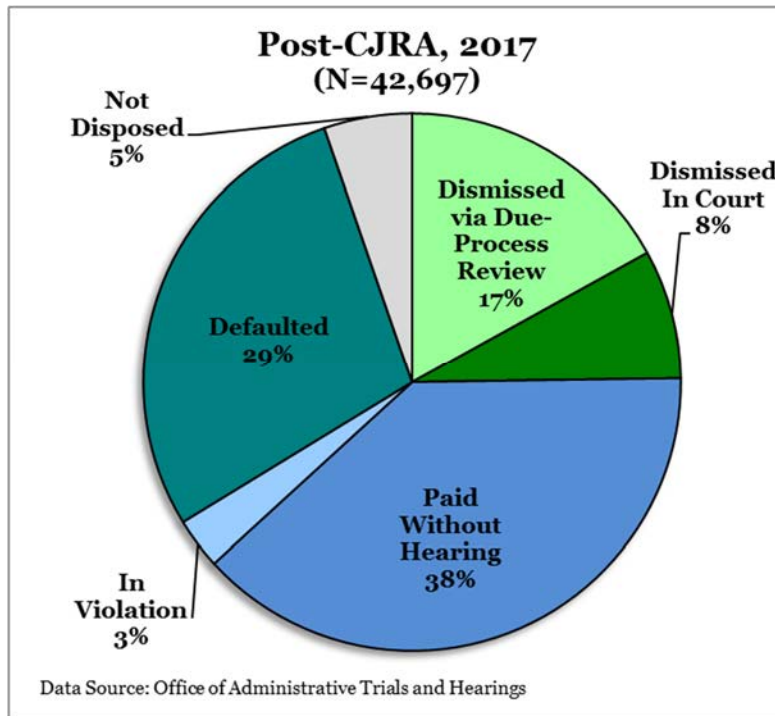
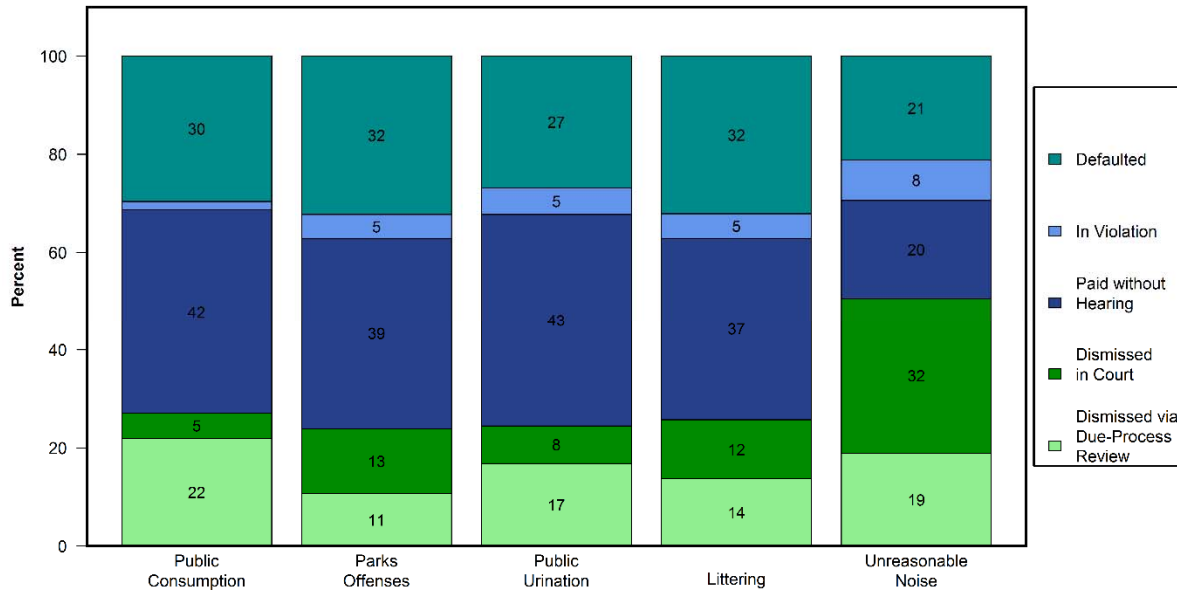


Figure 12 illustrates the distribution of dispositions for all civil summonses issued for CJRA charges in the first six and a half months post-CJRA implementation. The **most common outcome of a civil CJRA summons is to be paid in full before the hearing date (38%)**, followed by defaulted (29%), dismissal via due-process review (17%) dismissal at the OATH hearing (8%), and being in-violation following an OATH hearing (3%).

Figure 13: Dispositions for All Disposed CJRA Civil Summonses²⁴



Values less than 5% not labeled
 Dispositions reported for summonses issued post-CJRA (6/13/17-12/31/17)
 Data source: Office of Administrative Trials and Hearings

Figure 13 disaggregates civil summons dispositions by CJRA charge. This analysis includes only the subset of summonses that have been disposed. The most common disposition for civil summonses for public consumption, parks offenses, public urination, and littering was paid before hearing (between 37% and 43%), while the most common disposition for civil summonses for unreasonable noise was dismissal at an OATH hearing (32%). Across all CJRA charges, between 21% and 32% of civil summonses resulted in a default (e.g., an individual not responding to the summons).

²⁴ Sample size for disposed summonses are as follows: public consumption of alcohol (23,669 summonses), parks offenses (11,977 summonses), public urination (4,688 summonses), littering (1,832 summonses), and unreasonable noise (531 summonses).

COURT APPEARANCE RATES FOR CJRA SUMMONSES

This section analyzes court appearance rates for CJRA summonses in the criminal and civil/administrative law courts. Recipients of both criminal and civil summonses are expected to respond to a summons (e.g. appear in court, pay by mail). However, the adjudication process and consequences of non-appearance differ significantly across court sites. As noted previously, failure to respond to a criminal summons by the scheduled hearing date results in a bench warrant being issued. In contrast, failure to respond to a civil summons at OATH does not result in a criminal warrant. Instead, the civil summons is reviewed for dismissal via a due-process review, and summonses that are not dismissed at this stage are disposed as being in default. Notably, while the methods of appearance and consequences of non-appearance differ significantly across these two court sites, and the court appearance rates are not directly comparable, the post-implementation appearance rates were commensurate for CJRA summonses in the criminal and civil/administrative law courts. The following analysis separates pre- and post-CJRA implementation for the criminal courts and post-implementation for civil/administrative law courts.

Criminal Summons Appearance Rates, Pre- and Post-Implementation

We analyzed appearance rates for criminal summonses in terms of the proportion of summonses that resulted in a warrant being issued.²⁵ We distinguished warrants as either open or vacated and further disaggregated vacated warrants based on the length of time the warrant remained open (one week or less versus those open more than one week).

²⁵ The warrant status is current as of the date of OCA data extraction (March 6, 2018).

Figure 14: Warrant Status for Criminal CJRA Eligible Summonses

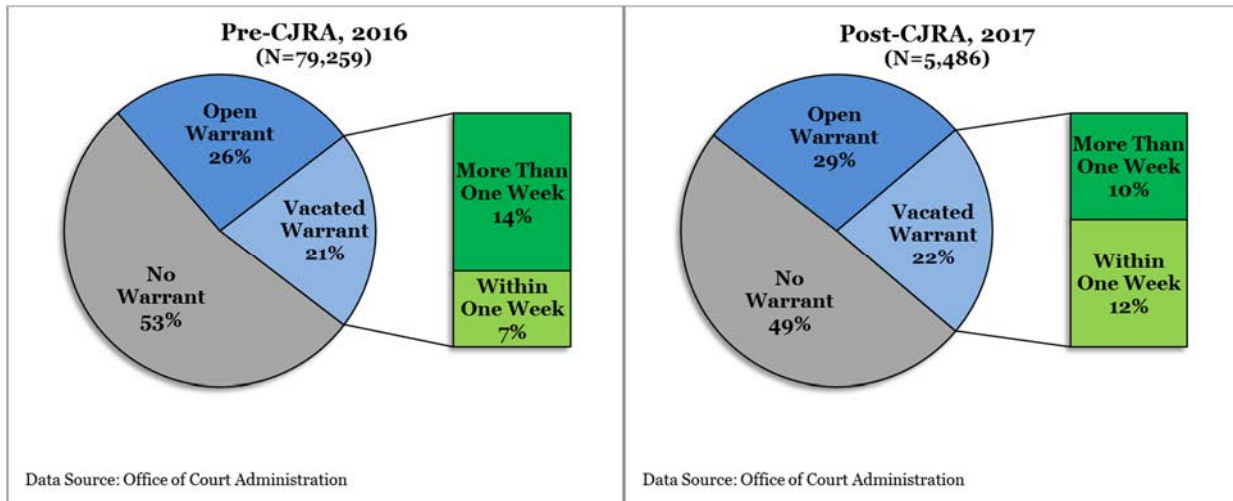


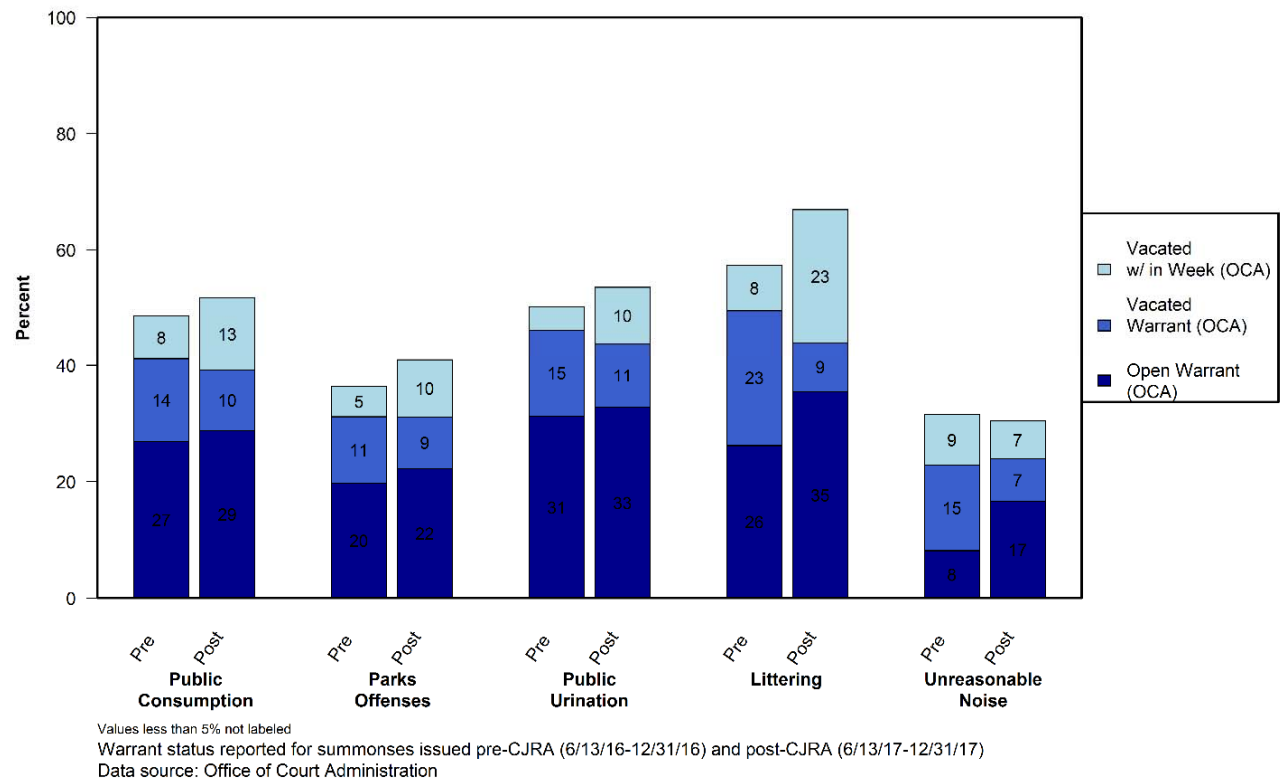
Figure 14 compares the warrant status of criminal summonses issued for the CJRA charges pre- and post-CJRA implementation. The pre-CJRA implementation figure reports the warrant status for the nearly 80,000 criminal summonses issued for these five behaviors in the six and a half month period between June 13, 2016 and December 31, 2016. The post-CJRA figure reports the warrant status for the smaller number (under 5,500) of criminal summonses issued for these behaviors after the implementation of CJRA in 2017.

The proportion of criminal summonses resulting in a warrant was relatively high in both the pre- and post-CJRA implementation period, 47% and 51%, respectively.²⁶⁻²⁷ Despite the small increase in the proportion of warrants issued for criminal CJRA summonses, there was a substantial decrease in the number of warrants issued for these summonses post-CJRA implementation. Between June 13 and December 31, 2016, there were a total of 37,078 warrants (including 20,629 open warrants) issued for summonses for CJRA charges. During this same time period in 2017, there were 2,781 warrants issued for CJRA summonses, including 1,554 open warrants. Therefore, in just the six and half month period after the legislation went into effect, there were **19,075 fewer open warrants for summonses issued for CJRA charges** compared to the same period in 2016. Again, the recipients of criminal summonses post-CJRA implementation only include individuals who met one or more of NYPD's exclusionary criteria for receiving a criminal rather than a civil summons for a CJRA-eligible behavior (see Page 5).

²⁶ See our first biannual report, *The Criminal Justice Reform Act Evaluation: Trends in Criminal Summonses Pre-Implementation, 2003- 2016* for details on the failure to appear rate for criminal summonses by CJRA eligibility, which found that CJRA-impacted offenses have historically had higher rates of warrant issuance relative to criminal summonses for other offenses.

²⁷ See Appendix D for analysis of appearance rates for criminal summonses for the three comparison offenses pre and post-CJRA.

Figure 15: Warrant Status for Criminal Summonses for CJRA Charges, Pre and Post- CJRA Implementation²⁸



In Figure 15, we compared the proportion of warrants issued for criminal summonses for the five behaviors pre- and post-CJRA implementation. Nearly all criminal summonses for CJRA charges (excluding unreasonable noise) had a higher warrant issuance in the post-CJRA implementation period relative to the same period of 2016. In the post-implementation period, the behavior with the greatest proportion of criminal summonses resulting in a warrant was littering (67%) and the lowest was unreasonable noise (31%). Notably, over half of criminal summonses that resulted in a warrant were issued for public consumption of alcohol (52%) and public urination (54%). Again, **while the proportion of warrant issuance is higher, the sheer volume of warrants being issued are dramatically lower.**

²⁸ Sample size for warrants for CJRA charges are as follows:
public consumption of alcohol (18,415 warrants pre- and 1,956 warrants post-CJRA implementation),
parks offenses (3,298 warrants pre- and 305 warrants post-CJRA implementation),
public urination (3,630 warrants pre- and 306 warrants post-CJRA implementation),
littering (463 warrants pre- and 172 warrants post-CJRA implementation), and
unreasonable noise (157 warrants pre- and 42 warrants post-CJRA implementation period).

We also examined the proportion of warrants vacated with distinction in the time frame (e.g., within a week or more than week). A criminal summons can be vacated once the summons recipient appears at the criminal court. This figure shows that nearly all criminal summonses for CJRA charges (excluding unreasonable noise) had a higher proportion of warrants vacated within a week of issuance in the post-implementation period relative to the same time period in 2016.

Civil Summons Default Rates

We included both defaults and due-process review dismissals in our analysis of appearance for civil summonses. A default indicates that the summons recipient failed to respond to the summons on their scheduled hearing date. We disaggregated summonses that were still in default from those summonses which had been in default but another disposition was subsequently recorded (denoted as “default resolved” in the below figures). This category includes summonses where the respondent paid in full or appealed the default disposition by requesting a hearing within 60 days of the default. We also included summonses that were dismissed during a due-process review, as this review occurs if an individual fails to appear for a hearing. Summonses dismissed during this review process are not considered to be defaults, but indicate a failure to respond by the scheduled hearing date.

Figure 16: Default Status for Civil CJRA Summonses

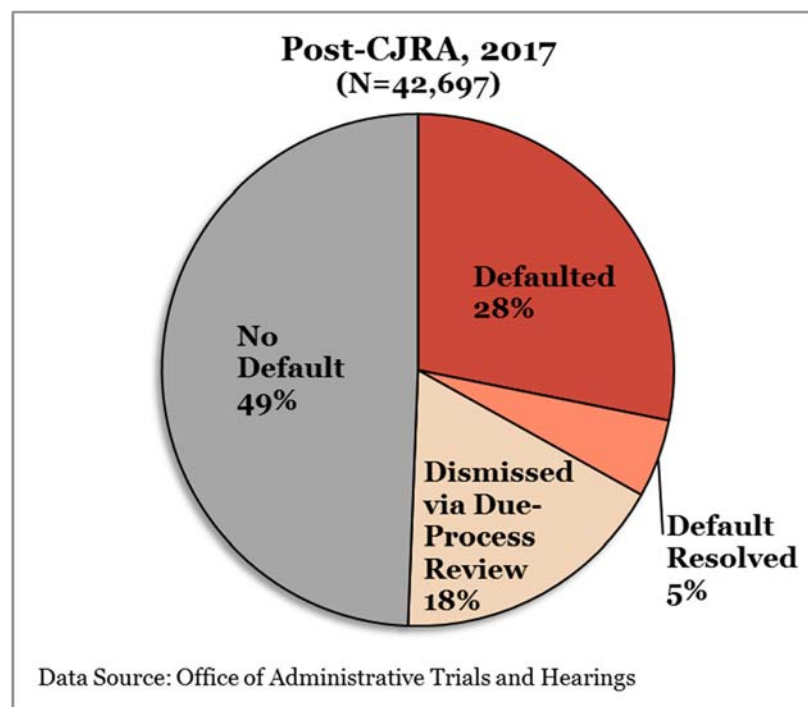
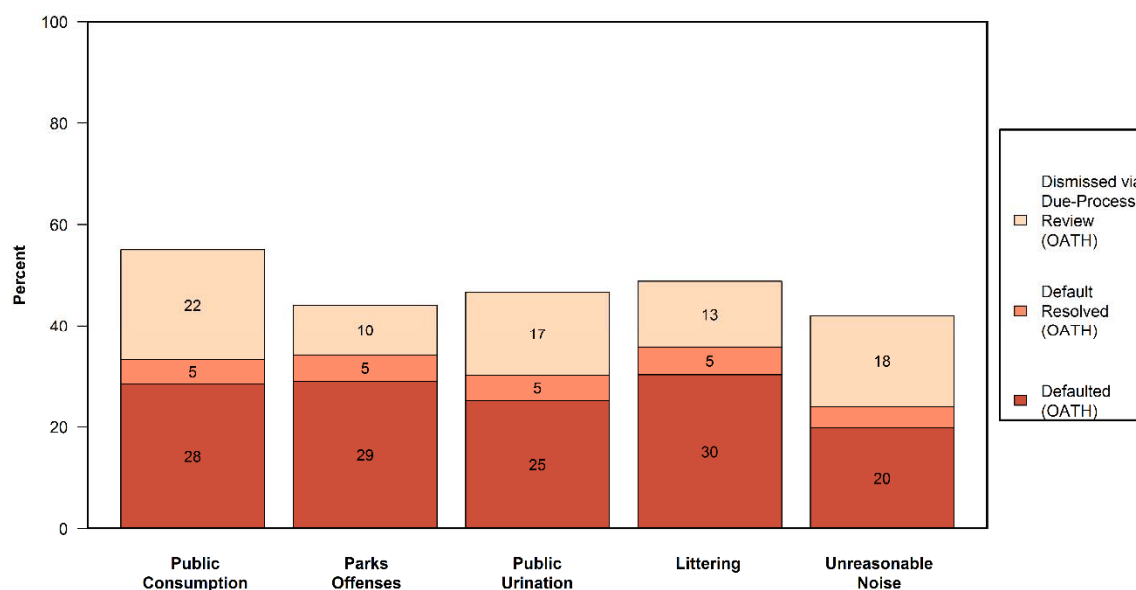


Figure 16 illustrates the default status for civil CJRA summonses issued between June 13, 2017 and December 31, 2017. The recipient appeared in court or otherwise responded to the summons (e.g. paid before the hearing) for 21,081 (49%) of the civil summonses issued for CJRA charges in the post-implementation period. Another 7,471 (18%) of these summonses were dismissed during the due-process review following a non-appearance, and therefore did not result in a default. The remaining 14,145 (33%) of summonses resulted in a default, with 2,118 (5%) of civil summonses having defaulted and then been resolved by the time the data was provided.²⁹

Default Rates for Civil Summonses by CJRA Charge

We examined default statuses for civil summonses issued for the five behaviors in the post-CJRA implementation period and the proportion of civil summonses that resulted in a default and or a due-process dismissal by summons charge in the post-CJRA implementation period. We distinguished defaults as either dismissed during the due-process review, unresolved, or resolved by the time the data was provided.

Figure 17: Default Status for Civil Summonses for CJRA Charges, Post- CJRA Implementation³⁰



Values less than 5% not labeled
 Default status reported for summonses issued post-CJRA (6/13/17-12/31/17)
 Data source: Office of Administrative Trials and Hearings

²⁹ Summons status is current as of the date the OATH data was provided (January 15, 2018).

³⁰ Sample size is as follows: public consumption of alcohol (13,031), parks offenses (5,280), public urination (2,187), littering (895), and unreasonable noise (223).

In Figure 17, the likelihood of appearing in civil/administrative law court (or otherwise responding to a summons) for a civil summons varied across CJRA charges. The CJRA charge with the highest proportion of civil summons recipients failing to appear was public consumption of alcohol (55% failed to appear), which was similar to the non-appearance rate for criminal summonses for this behavior post-CJRA (52% failed to appear). The CJRA charge with the lowest proportion of civil summons recipients failing to appear was unreasonable noise (42% failed to appear).

While not directly comparable, the non-appearance default rate among civil summonses was higher than the non-appearance warrant rate for criminal summonses for three of the five CJRA behaviors in the post-CJRA implementation period (public consumption of alcohol, parks offenses, and unreasonable noise), while the non-appearance default rate for urination and littering was lower for civil summonses than the non-appearance warrant rate for criminal summonses for these charges.

Comparing the appearance statuses illustrated in Figure 14 and Figure 16, we note that the likelihood a summons recipient would appear in court (or otherwise respond to the summons) was similar for criminal summonses in the pre-implementation time period (53% appeared) and post-implementation time period (49% appeared), as well as for civil summonses at OATH after implementation (49% appeared). While criminal and civil/administrative law courts are not directly comparable, we note a striking similarity, **the overall warrant issuance and default rate were identical for criminal and civil CJRA summonses issued after the CJRA went into effect.**

CONCLUSION AND KEY FINDINGS

This report documents dramatic changes in summons enforcement for lower-level “quality of life” offenses in New York City following the implementation of the Criminal Justice Reform Act. This includes a 40% decline in the total issuance of criminal summonses citywide in 2017 relative to issuance in the preceding year. The bulk of this decline was in the issuance of criminal summonses for charges impacted by the CJRA.

We find that the CJRA effectively transferred summons enforcement for the lower-level behaviors identified in the legislation (public consumption of alcohol, public urination, littering, unreasonable noise, and all NYC Parks Rules offenses) from the criminal to the civil arena. The vast majority (89%) of summonses for these five behaviors were issued as civil summonses in the first six and a half months following implementation in 2017. This resulted in a 93% decline in the issuance of criminal summonses for these five behaviors relative to the number of criminal summonses issued in this time period in 2016.

The decline in the issuance of summonses for CJRA charges after implementation occurred in all five boroughs, with the greatest proportional reduction from 2016 to 2017 occurring in Staten Island (62% decline) and the lowest proportional decline in Manhattan (38% decline). The majority of CJRA summonses were issued to males and those who were between 35 and 65 years-old.

A small proportion of CJRA eligible summonses are still issued as criminal summonses instead of civil summonses, due to exclusionary criteria (see Page 5). Individuals more likely to be issued a criminal summons for a CJRA eligible behavior are males rather than females and 35-65 year olds in comparison to younger age groups. Additionally, individuals issued summonses for CJRA behaviors in the Bronx and Staten Island are more likely to be issued a criminal summons than in the other boroughs. CJRA charges of littering and unreasonable noise are also more likely to result in a criminal summons than public consumption of alcohol, parks offenses, and public urination.

We recognize that individuals receiving a criminal summons differ pre- and post-CJRA implementation, as individuals receiving a criminal summons post-CJRA are more likely to have criminal histories. However, when comparing dispositions for criminal summonses pre- and post-CJRA, criminal summonses issued for CJRA-eligible charges were more likely to be dismissed in court and less likely to result in a guilty disposition after the CJRA went into effect.

In the post-implementation period, the most frequent disposition for criminal CJRA summonses was a dismissal (35%), either through legal sufficiency review or dismissal in court. In the civil/administrative law courts, the most frequent disposition was paid without a hearing (38%).

We found that court appearance rates for civil and criminal summonses for CJRA charges are notably similar across the two court sites. Nearly half of all CJRA criminal summons recipients were issued a warrant due to failure to appear. Despite the relatively high non-appearance rates, there was a 92% decline in the total number of warrants issued for summonses for CJRA charges in the first six and a half months of 2017 relative to this same time period in 2016. This decline in warrants reflects the decline in the issuance of criminal CJRA summonses.

This report provides the first comprehensive analysis of changes in the issuance and outcomes of criminal and civil summonses after the implementation of the CJRA. Subsequent reports of the evaluation will examine the impact of the CJRA over a longer period of time, how neighborhood level variation plays a role in the impact of CJRA, as well as a more detailed analysis of the civil summons adjudication process in OATH, including Help Center and Community Service programming in the civil administrative court sites. We hope our work will serve as a resource for policymakers, researchers, and members of the public to enhance understanding of how this policy and legislative change impacted summons enforcement, adjudication, and court appearance rates in New York City.

APPENDIX A: About the Data Analyzed in this Report

This report examines trends in criminal and civil summonses before and after the Criminal Justice Reform Act (CJRA) was implemented, with a focus on analysis of summonses by charge in the period after implementation of CJRA. The post-implementation period includes all summonses issued between June 13, 2017 and December 31, 2017.

The criminal summons data analyzed in this report was provided by the Office of Court Administration (OCA). These OCA summons data comes from three sources. First, all summonses docketed at one of the borough courts are recorded in the Summons Automated Management System (SAMS). Criminal summonses docketed at the two community courts are recorded in the Distributed Criminal Records and Information Management System (DCRIMS). Both the SAMS and DCRIMS data include variables on the summons issuance (date, charge, borough, and precinct), summons recipient³¹ (age and sex), and summons outcomes (disposition, sentence, and warrant status). 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.³² We additionally 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 the offense charged on the summons, and were therefore not included in this analysis. This report focuses exclusively on summonses issued to individuals, and therefore excludes the 5.9% of criminal summonses that were issued to corporations over the study period.

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 charges and returnable to the hearing's division at one of the five OATH borough courts. Civil summons data includes summonses issued by multiple administrative and enforcement agencies in New York City, including the New York City Police Department, Parks, the Department of Buildings, and Sanitation. Similar to the OCA summons data, the OATH data includes variables on the summons issuance (date, charge, issuing agency, borough, and precinct), the summons recipient (age, race/ethnicity, and sex), and summons outcomes (e.g., disposition and fine amount). This data includes the disposition outcomes for the civil summonses for which there was

³¹ The race and ethnicity of the summons recipient is not analyzed in this report, as it was not systematically available for criminal summonses over the study period (75% of criminal summonses records are missing race data). While the collection of race and ethnicity data has improved post-CJRA, race and ethnicity data was missing for nearly half of criminal court records of CJRA summonses in the post-implementation time period

³² The OCA summons data does not allow us to disaggregate warrants issued for a failure to appear and the small proportion of warrants issued for failure to complete a sentence. Analyses in this report include both of these warrant sources. The data on open and vacated warrants is current as of the date of the OCA data extraction (March 16, 2018).

a hearing or due-process review dismissal, as well as the summons status for summonses that were paid without an OATH appearance or that were in default and or/docketed.

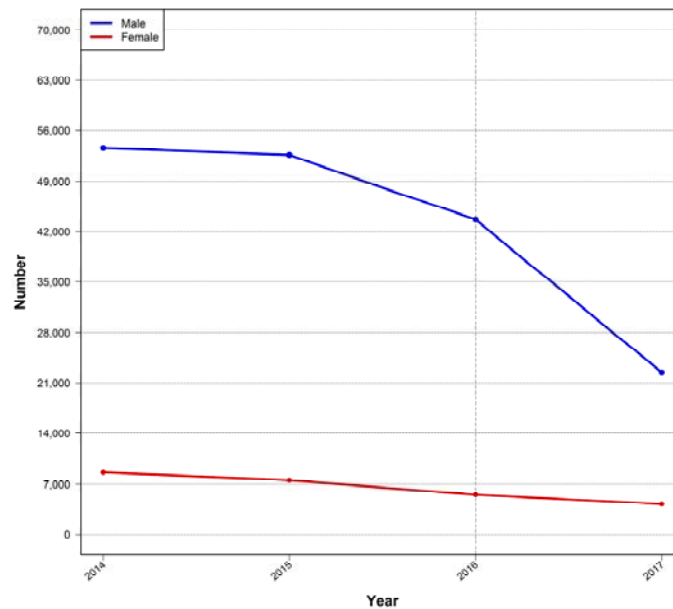
This report examines issuance and outcomes among two groups of summonses: those that were issued for a charge that is eligible for a civil summons post-CJRA (termed “CJRA eligible”) and summonses that were issued under a charge that was not impacted by the CJRA legislation (termed “non-CJRA eligible”). CJRA-eligible charges include public consumption of alcohol (AC 10-125 b), public urination (AC 16-118 6; HC 153.09), littering/spitting (AC 116-118 1a-b), excessive noise (AC 24-218), and all NYC Park Rules offenses (all RCNY/ PRR codes). We also present analysis on issuance and outcomes for a three comparison charges that were not impacted by the CJRA and therefore remained in the criminal courts. These comparison charges include disorderly conduct (PL 240.20), marijuana possession (PL 221.05), and an aggregate category of all other Administrative Code charges.

Finally, we also provide analysis of summons issuance rates for the New York City population by demographic groups (by sex and age group) and by borough. Rates allow for analysis of issuance trends taking into account the changing population base for each demographic and geographic region over the study period. We extracted population counts from U.S. Census Bureau databases from the American FactFinder website for the years 2000 and 2010. Linear interpolation was used to calculate the population base for the years between the end points. For 2011-2016, we used the American Community Survey (ACS) annual population counts by an age range (e.g. 20 to 24 years). We calculated 2017 rates using the 2016 estimates. We used the single-year age distribution of the last Decennial Census to estimate a single-year population count from age ranges provided by the ACS. Rate calculations in this report are based on population estimates for all individuals over the age of 16 years-old, as this is the age of criminal responsibility in New York State during the study period.

Appendix B: Trends in Summons Issuance for Public Consumption of Alcohol

The graphs below illustrate issuance trends for summonses for public consumption of alcohol. Issuance counts and post-CJRA proportional decline for this offense were similar to overall trends for CJRA summonses by sex, age, and borough.

**Figure 18: Count of Public Consumption of Alcohol by Sex
Annual Issuance between June 13 and December 31**

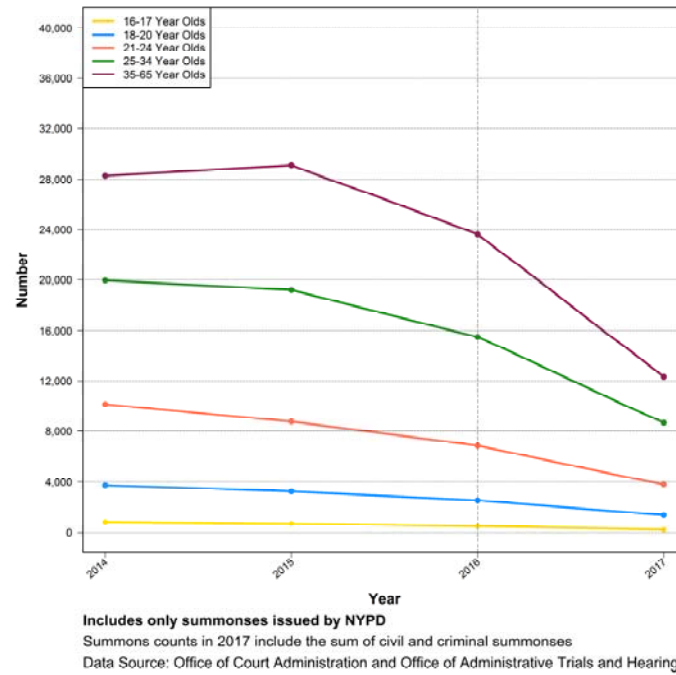


Includes only summonses issued by NYPD

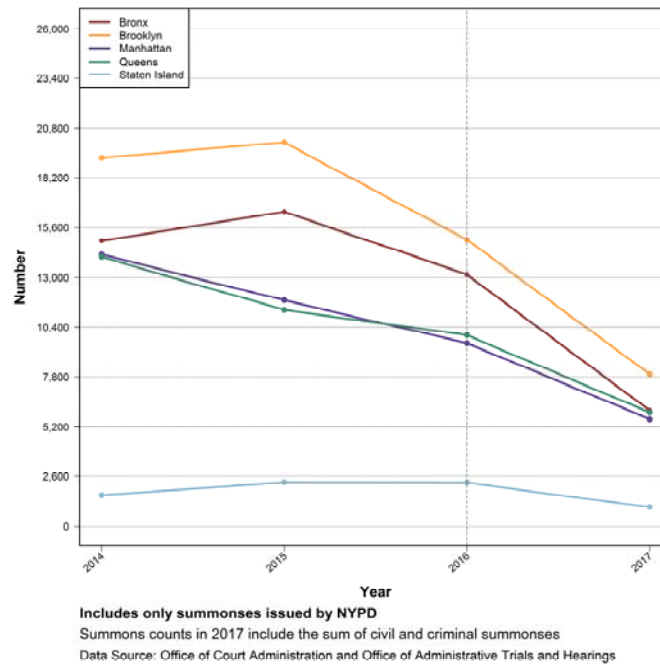
Summons counts in 2017 include the sum of civil and criminal summonses

Data Source: Office of Court Administration and Office of Administrative Trials and Hearings

**Figure 19: Count of Public Consumption of Alcohol by Age
Annual Issuance between June 13 and December 31**



**Figure 20: Count of Public Consumption of Alcohol by Borough
Annual Issuance between June 13 and December 31**

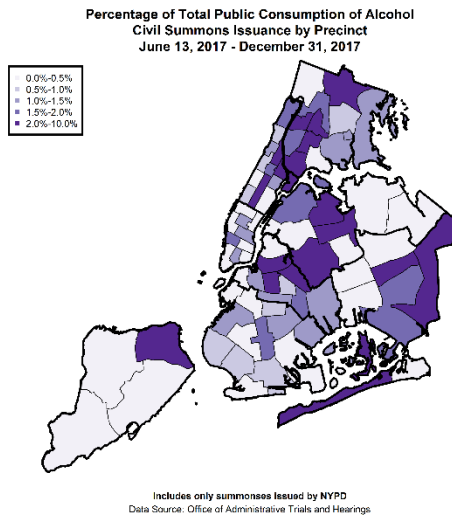


Appendix C: Precinct Maps of Summons Issuance for Public Consumption of Alcohol

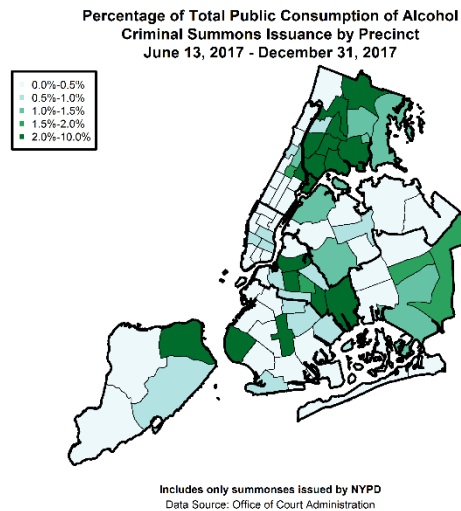
The maps below illustrate the proportion of summonses issued for public consumption of alcohol that were issued in each precinct from June 13, 2017 to December 31, 2017. Map 1 reports the percentage of all civil summonses for public consumption of alcohol that were issued within a precinct. Map 2 reports the percentage of all criminal summonses for public consumption of alcohol that were issued within a precinct. Map 3 reports the percentage of total summonses (combining civil and criminal) for public consumption of alcohol issued within a given precinct that were issued as criminal summonses.

Figure 21: Public Consumption of Alcohol Summons Issuance by Precinct

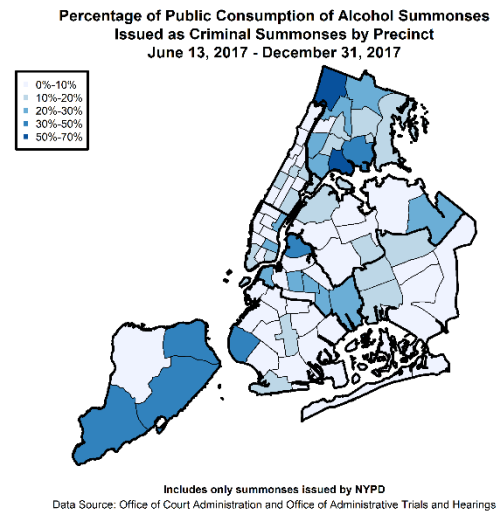
Map 1. Civil Issuance
Public Consumption



Map 2. Criminal Issuance
Public Consumption

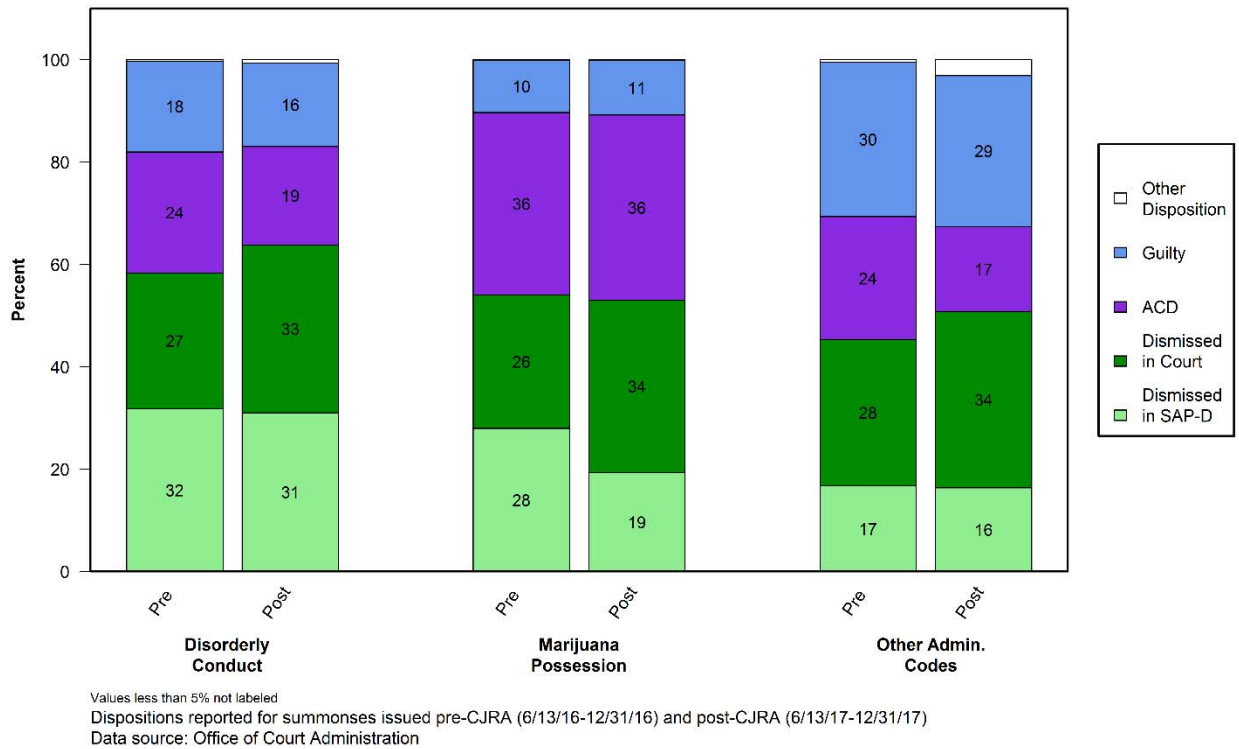


Map 3. Percentage Criminal
Public Consumption



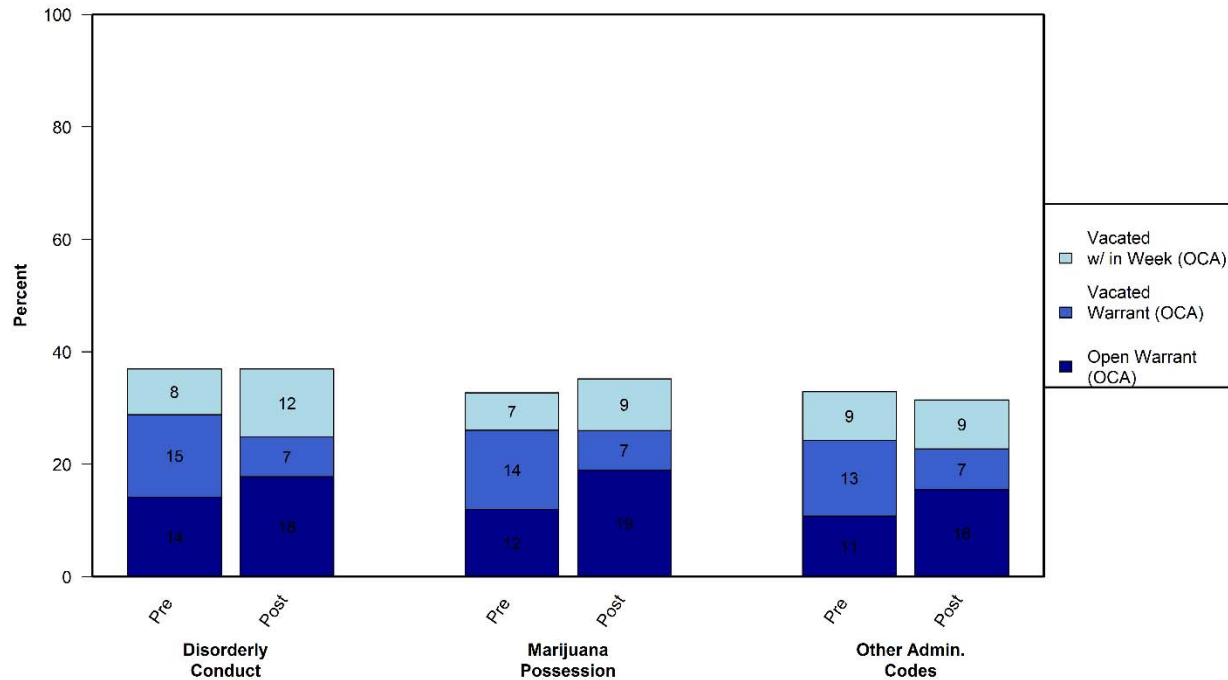
Appendix D: Dispositions and Appearance Status for Comparison Offenses

Figure 22: Dispositions for Disposed Criminal Summonses for Comparison Charges, Pre and Post CJRA Implementation³³



³³ Sample size for disposed summonses are as follows:
Disorderly conduct (10,152 disposed pre- and 5,620 post-CJRA implementation),
marijuana possession (9,533 disposed pre- and 7,890 post-CJRA implementation), and
other administrative codes (15,665 disposed pre- and 8,543 post-CJRA implementation).

Figure 23: Warrant Status for Criminal Summonses for Comparison Charges, Pre- and Post-CJRA Implementation³⁴



Appearance status reported for summonses issued pre-CJRA (6/13/16-12/31/16) and post-CJRA (6/13/17-12/31/17)
Data source: Office of Court Administration

³⁴ Sample size for warrants for comparison charges are as follows:
Disorderly conduct (2,642 warrants pre- and 2,770 warrants post-CJRA implementation),
marijuana possession (2,027 warrants pre- and 3,755 warrants post-CJRA implementation), and
other administrative codes (3,424 warrants pre- and 3,697 warrants post-CJRA implementation).

Appendix E: Dismissal Reason by Dismissal Type at OATH

Dismissal Reason	Dismissed via Due-Process Review		Dismissed In Court	
	Count	Percent	Count	Percent
Administrative Dismissal	0	0.00%	69	2.07%
Defective Service	6,791	93.77%	81	2.43%
Defective Summons	441	6.09%	1,329	39.90%
Dismissed in the Interest of Justice	0	0.00%	5	0.15%
Disputed Ownership	6	0.08%	0	0.00%
Improper Party Cited	0	0.00%	1	0.03%
No OATH Jurisdiction	0	0.00%	24	0.72%
No Prima Facie Case	0	0.00%	511	15.34%
No Violation	4	0.06%	1,309	39.30%
Prosecution Withdrawn	0	0.00%	2	0.06%
Total	7,242	100.00%	3,331	100.00%