



**Mayor's Office of Criminal Justice**

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**Statement of Elizabeth Glazer  
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New York City Council  
Committees on Public Safety and Courts and Legal Services  
December 15, 2014**

Good afternoon, Chairpersons Gibson, Lancman and members of the Public Safety and Courts and Legal Services Committees. My name is Elizabeth Glazer and I am the Director for the Mayor's Office of Criminal Justice. I am joined today by Alex Crohn, my Special Counsel. I am glad to have the opportunity to speak with you today about the operations of Summons Court.

The Mayor's Office of Criminal Justice oversees citywide criminal justice policy and develops and implements strategies aimed at achieving three main goals: to reduce crime; to reduce unnecessary incarceration; and to promote fairness. I serve the Mayor as his criminal justice advisor. My office acts as a liaison among the various institutions in New York City's criminal justice system and we work together to keep the system running, evaluate its strengths and weaknesses, implement new initiatives and solve problems. OCA, the Office of Court Administration, the entity that has oversight over the summons courts, is one of our close partners.

My office's functions and the summons courts intersect in two important ways: (1) my office participates in the acquisition and improvement of the physical space used by the summons parts and (2) we have oversight over the Assigned Counsel Plan, also known as the 18B panel, which provides legal representation to defendants who appear in summons court and cannot afford an attorney.

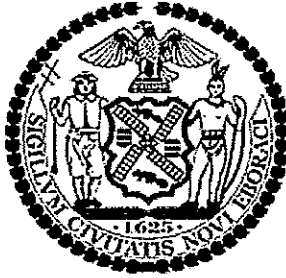
As to the first function I mentioned, MOCJ oversees the capital projects for court facilities in all five boroughs. We work to ensure that our city agencies understand the specific needs of the court system in order to run an efficient and fair justice system. These efforts can range from assisting in the construction of court facilities to upgrading the functions of the courthouses to meet the needs. In terms of summons courts, my office participates in finding space for these parts and improving existing court facilities. As a result of the sale of 346 Broadway from the prior administration, we are currently engaged in relocation efforts for our Manhattan location. While the summons parts deal with our lowest level crimes, it is often the first interaction one has with the Court System and the quality of justice delivered in these parts is very important to us. This is measured, in

part, by the court facility itself and, for example, whether the facility can accommodate the number of defendants appearing on a given day. Thankfully, we are seeing a steady decline in the number of summonses. For the past 7 years, the volume of criminal summonses has declined 22 percent. In fact, so far this year, criminal summonses have dropped 13.5 percent compared to 2013, 22.4 percent compared to 2012 and 32.5 percent compared to 2011.

As to the second way we intersect, the Assigned Counsel Plan was established in 1965 as part of a comprehensive system to provide legal representation to indigent persons in criminal cases. The attorneys who participate in this plan are often referred to as our 18b attorneys, or the 18b panel. The Appellate Division, First Department, which consists of the Bronx and Manhattan, has oversight over the attorneys who practice in the First Department and the Appellate Division, Second Department, which consists of Brooklyn, Queens and Staten Island, has oversight over the attorneys who practice in the Second Department. The First and Second Departments Appellate Divisions have delegated their authority for the day-to-day operations to the 18-b plan Administrators. MOCJ coordinates with both Administrators and the Department of Finance in overseeing the plan's operations. The Assigned Counsel Plan plays an important role in providing low-income New Yorkers legal representation. My office is deeply engaged with the plan's Administrators to evaluate and, where needed, improve the legal services delivered to indigent clients.

Through the two ways in which our functions intersect with the summons part, and more broadly through our role as a coordinator of criminal justice agencies, our Office is committed to working with the courts, law enforcement partners and advocates to ensure the quality of justice delivered continues to service the community effectively. Most recently, the Administration implemented a change in policy so that possession of small amounts of marijuana is a violation instead of a misdemeanor. Instead of arresting an individual for this offense, in most instances, the police will issue a summons instead. This change has broader implications about how the entire criminal justice system works together to ensure the fair administration of justice. We have already engaged with the courts, prosecutors, defense attorneys and advocates in a dialogue about some next steps. We look forward to working with all our partners and the City council to improve the system together.

Thank you for this opportunity to speak to you today. I am happy to take your questions.



**FOR THE RECORD**

**Kenneth P. Thompson**  
District Attorney

**Examining the Operations of New York City's Summons Courts**

New York City Council Hearing  
Committee on Courts and Legal Services and  
Committee on Public Safety

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*December 15, 2014*

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Over 450,000 summonses were filed last year. That high number of tickets naturally raises concerns over their issuance and adjudication. Further, that number will undoubtedly soon soar with the implementation of the New York City Police Department's new policy of issuing tickets rather than making arrests for the possession of small amounts of marijuana. I commend the City Council for holding this hearing to shine a light on the operation of the City's summons courts.

As the chief law enforcement officer in Brooklyn, I must always ask – Are the laws being enforced fairly? Is justice being served, both with regards to an individual accused of an offense and with regards to the community as a whole? Is public safety being advanced? I have asked these questions in the context of the issuance and adjudication of summonses, and I'm troubled by the answers that I have been forced to confront.

Because people of color appear to be receiving a disproportionate number of summonses, the public naturally begins to question the fairness of law enforcement and the criminal justice system as a whole. There is pending federal litigation concerning how the police, in the past, decided to issue summonses. We have a new Mayor and a new Police Commissioner. The Commissioner has publicly stated that it would "probably be appropriate to change" the summons form to include a check

box for the race/ethnicity of the person receiving the summons. It should go without saying that summonses should be issued in a colorblind manner. Going forward, the City Council should monitor whether that practice is in fact followed.

Summonses can ensnare individuals in the criminal justice system and burden them with direct and collateral consequences in a way that is disproportionate to the petty offenses that these individuals are accused of having committed. The assembly-line justice on display in most of the summons court parts only exacerbates the problem, and leaves the public doubting the procedural fairness of our system.

Arrest warrants are routinely issued for individuals who fail to appear in court, irrespective of the reason for any non-appearance. Defendants have little opportunity (often less than 30 seconds, in view and earshot of the entire courtroom) to consult with an attorney and ensure that any guilty plea is truly knowing and intelligent. Convictions, even for violations, and civil judgments against those who fail to pay fines can have wide-ranging and long-lasting ramifications. Ultimately, the collateral consequences of any conviction for these petty offenses can sabotage, rather than advance, the goal of public safety.

Ideally, I would like to see throughout the City more community justice centers, like the one we have in Red Hook, Brooklyn, to handle these kinds of petty

offenses. The Red Hook Community Justice Center processes these cases in a way that has successfully fostered a sense of procedural justice in the community and has reduced recidivism. While the City Council is contemplating how the summons court operation could be ameliorated, I would encourage the Council to consider how it might facilitate the establishment of more such justice centers in other neighborhoods of our City.

# NEW YORK CITY BAR

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## TESTIMONY OF THE CRIMINAL JUSTICE OPERATIONS COMMITTEE CIVIL RIGHTS COMMITTEE AND CRIMINAL COURTS COMMITTEE ON T2014-2177

### “EXAMINING THE OPERATIONS OF NEW YORK CITY’S SUMMONS COURTS”

#### NEW YORK CITY COUNCIL COMMITTEE ON COURTS AND LEGAL SERVICES COMMITTEE ON PUBLIC SAFETY DECEMBER 15, 2014 - 10:00AM

My name is Michael Oppenheimer and I am testifying on behalf of the New York City Bar Association’s Criminal Justice Operations Committee. Thank you for this opportunity to testify about the operations of New York City’s Summons Courts.

The New York City Bar Association, through its Criminal Justice Operations Committee, Civil Rights Committee and Criminal Courts Committee (“the Committees”) recommends further study of the Summons Parts before expanding the number of offenses that are made returnable in those Parts. Last year, based on a concern that due process rights may not be protected in the Summons Parts and that summonses were issued primarily to young men of color in minority neighborhoods, the Criminal Justice Operations Committee and the Civil Rights Committee began an examination of the Summons Parts. While we currently are in the process of collecting data, and do not express a position on Mayor de Blasio’s announced plan to have marijuana violations returnable in the Summons Parts, rather than in Criminal Court, we write to inform the Council about issues of concern that we have been examining.

According to data provided by the Office of Court Administration, over the past 10 years New York City Criminal Courts have processed between 450,000 and 650,000 summons filings each year. Although most summonses are for non-criminal offenses, tens of thousands charge misdemeanors, to which a plea of guilty results in a criminal conviction and all of a conviction’s attendant consequences. Moreover, even a plea of guilty to a violation may have collateral consequences, including significant immigration consequences. Additionally, summonses are almost universally heard by Judicial Hearing Officers, not Criminal Court judges, in crowded courtrooms under tremendous time constraints. On a typical day, over 100 summonses are returnable in each of the Summons Parts of the four most populous boroughs.

Among the concerns the Committees would like the City Council to consider are:

- There is no data collection on the race or ethnicity of the respondents who appear in Summons Parts, and therefore it is difficult to determine whether there is data to support the anecdotal impression that summonses are more likely to be issued to members of minority communities;
- If the respondent does not appear in court on the return date, a warrant will be issued for the respondent's arrest;
- Before entering the court room, respondents are asked to execute a waiver of the right to have their cases heard by a judge, and consent to having their cases adjudicated by a judicial hearing officer; it is doubtful that the vast majority of respondents understand the consequences of this waiver;
- The large numbers of cases, judicial haste, and small number of defense attorneys limit the opportunity for respondents to confer with assigned counsel, and we question whether the respondents can be said to have been provided with the actual right to counsel, rather than simply the questionable benefit of an attorney being present in the part;
- Many of the guilty pleas entered by respondents are entered without a clear understanding of the rights to which they are entitled and which they are giving up by entering a plea of guilty, including the right to a trial, or that there may be collateral consequences attached to entering a plea of guilty, even to a violation;
- Non-U.S. citizens may not be informed by counsel that entering a plea of guilty to a marijuana violation, not even a crime, and paying a fine may subject them to such harsh consequences as removal from the United States, rendering them permanently inadmissible and preventing them from demonstrating the good moral character required for citizenship;
- Entering a plea of guilty to a marijuana violation may render the respondent ineligible for public housing for a period of from two to three years; and
- Although there is a right to file a notice of appeal and to appeal a conviction after entering a plea of guilty, the vast majority of people who enter pleas of guilty to a summons are not informed of their right to appeal.

In conclusion, the City Bar has serious concerns about the protection of due process rights in the Summons Parts. We caution restraint in changing policy to include even more offenses returnable in the Summons Parts, and urge further study.





# NYCLU

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**Testimony of the New York Civil Liberties Union  
Before City Council Public Safety & Courts and Legal Services Committees  
On Summons Court Operations and Impact**

**December 15, 2014**

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony regarding the operations of New York City’s Summons Courts. The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and nearly 50,000 members. The NYCLU’s mission is to defend and promote the fundamental principles, rights, and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the Constitution of the State of New York.

A key component of the NYCLU’s work is to protect New Yorkers against abusive and discriminatory law enforcement practices. For more than a decade, the New York Police Department (“NYPD”) has focused on aggressively enforcing low-level violations and infractions as a major element of its program of “Broken Windows” policing. To this end, the NYPD issues hundreds of thousands of summonses each year to New Yorkers for noncriminal, quality of life violations, such as riding a bicycle on a sidewalk or consuming alcohol in public. Between 2002 and 2013, NYPD issued over six million summonses, including 458,095 in 2013 alone.<sup>1</sup> There are three main categories of summonses: Environmental Control Board (“ECB”) violations, Parking and Moving violations, and “Criminal” summonses that require an appearance in New York City Criminal Court. It is this last category in which the most problems arise and in which there is the greatest need for additional oversight.

As every New Yorker is now poignantly aware, aggressive enforcement of quality of life offenses can have tragic consequences. The death of Eric Garner, who was placed in a chokehold by an NYPD officer who suspected him of selling untaxed cigarettes, demonstrates how police-civilian encounters arising from minor offenses have the potential to escalate into situations involving the use of deadly force. Such a completely avoidable, totally senseless loss of life has dealt a severe blow to community confidence in the NYPD, particularly in communities of color.

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<sup>1</sup> Criminal Court of the City of New York, “Annual Report 2013,” July 2014. Page 33. Available at: <http://www.courts.state.ny.us/COURTS/nyc/criminal/2013%20Annual%20Report%20FINAL%2072214.pdf> [hereinafter 2013 Report].

The NYCLU presents the following testimony today in support of reforming the system for issuing and processing summonses in New York City. We encourage the Council to reconsider the City's approach to enforcing low-level, non-criminal offenses. A wholesale reprioritization is in order if the City wants to reduce the discriminatory impact of Broken Windows policing, and its harmful effects on the lives of tens of thousands of New Yorkers. Intermediate steps should include increasing transparency, exploring alternatives to criminal court appearances, and doing more to blunt the collateral consequences associated with summonses.

## **I. Aggressive Enforcement of Non-Criminal Offenses has a Discriminatory Impact**

Detailed information on summonses is difficult to obtain, as the only comprehensive summons database is maintained by the Office of Court Administration ("OCA"), which is not subject to Freedom of Information requests. Although the OCA issues annual reports that provide excellent general information on the number and types of summonses issued and their dispositions, noticeably lacking from this data is demographic information on summons recipients. Although OCA does record this data when it is provided, summons forms themselves no longer appear to capture information on race or ethnicity. The result has been a steady increase in the number of summonses lacking any recorded demographic information about the defendant. In 2013, 96 percent of summonses provided no information whatsoever on the race or ethnicity of the recipient.<sup>2</sup>

Nevertheless, limited official data and vast amounts of anecdotal information paint a picture of discrimination. Of the more than six million summonses issued between 2002 and 2013, the NYCLU has obtained demographic information for 1.5 million.<sup>3</sup> Within this sample, nearly 85 percent of summons recipients were Black or Latino.<sup>4</sup> In addition, the locus of NYPD summons operations is consistently majority Black and Latino neighborhoods. During the Bloomberg administration, 18 of the 20 neighborhoods with the highest number of summonses were neighborhoods with majority Black and Latino populations.<sup>5</sup> As one journalist described it, "New York is a multiracial city, but judging from the faces in cramped courtrooms, one would think that whites scarcely ever commit the petty offenses that lead to the more than 500,000 summonses issued in the city every year."<sup>6</sup>

In 2012, in an unusual written opinion in a summons case, Judge Noah Dear confronted the issue of discriminatory summons enforcement. Drawing on his own experience after years of hearing criminal cases in Brooklyn, Judge Dear remarked that he could not remember ever having arraigned a white defendant on an open container charge.<sup>7</sup> After reviewing all adjudicated open container summonses involving Brooklyn residents in April 2012, Judge Dear found that more than 85 percent of these summonses were given to Black and Latino New Yorkers, while white recipients made up a mere four percent.<sup>8</sup>

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<sup>2</sup> Taken from data NYCLU received from the Office of Court Administration - January 2014.

<sup>3</sup> Taken from data NYCLU received from the Office of Court Administration - January 2014.

<sup>4</sup> Taken from data NYCLU received from the Office of Court Administration - January 2014.

<sup>5</sup> Taken from data NYCLU received from the Office of Court Administration - January 2014.

<sup>6</sup> Brent Staples, *Inside the Warped World of Summons Court*, N.Y. TIMES, June 16, 2012, available at <http://www.nytimes.com/2012/06/17/opinion/sunday/inside-the-warped-world-of-summons-court.html>

<sup>7</sup> *People v. Figueroa*, 36 Misc.3d 605, 608 (Kings County 2012).

<sup>8</sup> *Id.*

Discriminatory enforcement is also apparent in the NYPD's handling of (formally decriminalized) marijuana offenses. Despite reports indicating that marijuana use is more prevalent among whites than people of color, Black and Latino New Yorkers comprise 86 percent of those charged with misdemeanor marijuana offenses in New York City.<sup>9</sup> Because we lack reliable demographic data for violations, we are forced to rely on misdemeanor arrests as a proxy. Based on this, it is safe to assume that Black and Latino New Yorkers bear the brunt of enforcement for decriminalized marijuana possession.

On November 19, 2014, the NYPD announced it would issue summonses to people found in possession of 25 grams or less of marijuana in public view, a departure from the previous policy of making misdemeanor arrests. While the NYCLU welcomes this shift away from more serious contact with the criminal justice system, we are deeply concerned that the policy change merely moves the NYPD's discrimination to a different forum. A more meaningful change would be to deemphasize enforcement of non-criminal violations across the board.

## **II. Summonses Carry Severe Collateral Consequences**

An arrest, guilty plea, or conviction for a summons level offense generally does not result in prison time. However, summonses can cause severe disruptions to recipients' lives that are far out of proportion to the minor nature of the infraction.

The most obvious impact of a summons is the financial burden that a guilty plea or a conviction may entail. In 2013, New York City collected nearly \$8.8 million in revenue from fines and surcharges associated with summonses.<sup>10</sup> For low income New Yorkers, paying a summons fine and related court fees can cause substantial economic hardship. A summons for riding a bicycle on the sidewalk carries a \$100 penalty and \$125 in court fees, while a summons for disorderly conduct can impose a fine of up to \$250 in addition to \$125 in fees.

While individuals charged with an open container or public urination offense may be eligible to plead guilty and pay a fine by mail, all other criminal summonses require in-person appearances at summons court. Further, any person who wishes to contest the charge or attempt to obtain an adjournment in contemplation of dismissal must appear in person to do so. Because so many arraignments are scheduled for the same time, summons recipients find themselves waiting in the courtroom for hours before their case is called. As a result, they are forced to forego a day of work or school, and families may struggle to find alternative childcare or eldercare arrangements. The loss of wages, coupled with the expense of fines and court fees can be particularly devastating to anyone living paycheck to paycheck.

Worse, although the summons charges only a minor infraction, failure to appear at summons court can result in the issuance of a bench warrant for that person's arrest. Should that

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<sup>9</sup> Drug Policy Alliance, "2010 NYC Marijuana Arrest Numbers Released: 50,383 New Yorkers Arrested for Possessing Small Amounts of Marijuana," Feb. 10, 2011. Available at <http://www.drugpolicy.org/news/2011/02/2010-nyc-marijuana-arrestnumbers-released-50383-new-yorkers-arrested-possessing-small->

<sup>10</sup> 2013 Report, *supra* note 3 at 31.

person later be stopped by the police, he or she would likely be arrested and forced to spend some time in jail, all stemming from an initial noncriminal incident. According to court records, as of February 2013, there were more than one million open bench warrants from New York City summons court, placing as many as one-in-eight New Yorkers at risk of arrest.<sup>11</sup> As of May 2014, more than 73,000 bench warrants had been issued in conjunction with summonses issued the prior year.<sup>12</sup>

But even more devastating, a conviction for some low-level violations can create ripple effects that impact nearly every aspect of a person's life. Federal law allows public housing authorities to evict tenants based on any evidence of drug use, including for non-criminal possession of marijuana, and future applications for public housing will be presumptively denied if any member of the household was previously subject to a drug-related conviction.<sup>13</sup> This places an enormous burden on New York families, and one the City can push back against by issuing fewer summonses for decriminalized marijuana offenses.

In employment, while New York's "Ban the Box" law prohibits public employers from asking about convictions on employment applications, private sector employers in New York City are permitted to inquire about convictions.<sup>14</sup> We recommend the City Council enact Int. 318, which will prohibit any employer from discriminating on the basis of an applicant's criminal history.

Finally, the City's enforcement of non-criminal marijuana laws has serious immigration consequences. Two convictions for marijuana possession, even when charged as noncriminal violations, make an immigrant automatically eligible for deportation under federal law.<sup>15</sup> Making matters worse, immigrants with drug-related convictions are subject to mandatory detention while their deportation proceedings are underway, meaning they can be held for weeks or months away from family members before being deported.<sup>16</sup> An NYCLU client, a Legal Permanent Resident of the Bronx, was held in a Texas detention center for months while awaiting deportation adjudication for two marijuana summonses totaling fines of \$50. If we are to be a true "sanctuary city" we must do more to close this door to deportation.

### **III. The Volume of Summonses Creates a Dysfunctional System**

The sheer volume of summonses issued each year places a tremendous strain on the courts and on the overall fairness of the proceedings. In 2013, there were 458,095 summonses issued throughout the City, with 349,585 ultimately being scheduled for in-person arraignments.<sup>17</sup> Summons courts are characterized by long lines and significant wait times. There is no guaranteed

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<sup>11</sup> Shane Kavanaugh, *1 Million Outstanding Warrants in New York City*, N.Y. DAILY NEWS, Feb. 23, 2013, available at <http://www.nydailynews.com/new-york/1-million-outstanding-warrants-in-nyc-article-1.1271823>.

<sup>12</sup> Kenneth P. Thompson, *Will Pot Pack New York's Courts?* N.Y. TIMES, Nov. 21, 2014, available at <http://nyti.ms/1yBdC4t>.

<sup>13</sup> 24 C.F.R. § 960.204(a)(2)-(3).

<sup>14</sup> N.Y. Exec. Law § 296(16); Executive Order No. 151, Consideration of Criminal Convictions In Hiring, Aug. 4, 2011 (barring City agencies from requiring prior arrest information on job applications).

<sup>15</sup> 8 U.S.C. § 1227(a)(2)(B)(i).

<sup>16</sup> 8 U.S.C. § 1226(c).

<sup>17</sup> 2013 Report, *supra* note 3 at 33.

right to counsel in summons court, and even in those cases where defendants are able to secure counsel, lawyers are so overburdened by their caseloads that their discussions with clients regarding the merits of their cases often last less than 30 seconds.<sup>18</sup>

Compounding the inconveniences caused by having to make arrangements to attend a summons court arraignment, the majority of summonses issued in Brooklyn require defendants to attend court in Manhattan.<sup>19</sup> Whereas Queens, the Bronx, and Staten Island have their own summons courts, the summons court in Manhattan has jurisdiction over summonses issued in both Manhattan and Brooklyn, leading to further crowding and delays in the courtroom and making it even more costly and difficult for Brooklyn residents to answer a summons. While there is no public data on the question, it is likely that Brooklyn residents failing to appear in Manhattan summons court receive a disproportionate share of bench warrants.

Further evidence of a dysfunctional system arises before cases even reach the courtroom, as a significant percentage of summonses are thrown out before ever reaching adjudication. In 2013, nearly 20% of summonses were dismissed by the court for alleging insufficient evidence or containing incomplete information.<sup>20</sup> Rather than attempting to enforce low-level violations through the issuance of improper or insufficient summonses, law enforcement resources would be better spent targeting more serious crimes.

#### **IV. Recommendations**

Below, we outline our recommendations for reforming the issuance and processing of summonses in New York City and for reforming the NYPD's approach to enforcement of low-level violations.

##### **A. The NYPD Must Shift Away from Broken Windows Policing and Make Use of Alternatives to Criminal Court Summonses**

Many of the most commonly charged summons offenses can be cited and enforced outside the criminal court context. Open container violations that occur in New York City parks may be cited with a criminal court summons or with a civil notice of violation returnable to the Environmental Control Board ("ECB").<sup>21</sup> Depending on where the incident is alleged to occur, a summons for public urination may be returnable to either ECB or the Transit Adjudication Bureau ("TAB"), rather than criminal summons court.<sup>22</sup> Other commonly issued summonses that can be directed to the ECB include charges for unlicensed general vendors, riding bicycles on the sidewalks, being present in New York City parks after closing hours, and disregarding lawful instructions from a park official or posted sign.<sup>23</sup>

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<sup>18</sup> *Will Pot Pack New York's Courts?* *supra* note 14.

<sup>19</sup> *Id.*

<sup>20</sup> 2013 Report, *supra* note 3 at 33.

<sup>21</sup> N.Y.C. Code §10-125; N.Y.C. Charter §1049-a.c.

<sup>22</sup> N.Y.C. Admin. Code §16-118(6), (8)-(9).

<sup>23</sup> N.Y.C. Code §§ §19-176(b), 20-472(c)(1); 56 R.C.N.Y. § 1-03(a)(2)-(3)

While TAB and ECB are far from ideal entities, directing summonses to these agencies as opposed to criminal courts would more clearly establish that these violations are not criminal offenses. Both TAB and the ECB allow summons recipients to plea and even contest charges without making an in-person appearance and failure to appear for in-person adjudication, if one is scheduled, does not result in the issuance of a bench warrant. On a broader level, the Council should consider whether the existing penalties, regardless of the venue, for these minor violations are appropriate and use its oversight authority to reduce as much as possible the NYPD's aggressive enforcement of these offenses.

### **B. Eliminate Summonses in Schools**

During the 2012-2013 school year, the School Safety Division of the NYPD issued more than 3 summonses per day in public schools. Nearly 60 percent of those were issued for disorderly conduct and nearly 70 percent were issued to students aged 16 to 18. By requiring young people to miss a day of school to answer a summons, the NYPD is both over-charging and under-serving New York's students. A student who appears in court during school is up to four times more likely to drop out than his peers.<sup>24</sup> At the same time, that student faces a judge, rather than being held accountable to his school community for misbehavior. The phenomenon of teenagers acting disorderly is a fact of life, and one that is far better addressed in an educational setting; it is not a criminal offense. We recommend the City eliminate the use of criminal court summonses against students for conduct that takes place in schools.

### **C. Increase Plea by Mail Options**

Currently, New York City authorizes recipients of open container and public urination summonses to plead by mail and submit payment of the relevant fine without ever having to make an in-person appearance in summons court. Since the program was originally piloted in 2005, there has been a general upward trend in the number of people availing themselves of this option each year, with 20,691 people choosing to plead guilty and submit a fine by mail in 2013.<sup>25</sup> The Criminal Court has touted the program as a way to "more efficiently manage limited staffing resources."<sup>26</sup>

The NYCLU recommends expanding plea by mail options to cover other noncriminal offenses. This would further the court's goals in ensuring a more efficient use of its limited resources, eliminate the inconveniences inherent in having to attend an in-person arraignment, and reduce the number of New Yorkers who are issued bench warrants for failure to appear. However, because the collateral consequences of a guilty plea to even a noncriminal drug-related offense can be dire, particularly in the immigration and public housing contexts, the City should continue to require in-person appearances for marijuana possession summonses to allow those charged to pursue alternative options for relief and have the opportunity to meet with counsel. As the number of people availing themselves of these options decreases the administrative burden at the court, we expect the City to explore ways to improve the summons court experience, such as guaranteeing

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<sup>24</sup> Council of State Governments, *Breaking Schools Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. 2011.

<sup>25</sup> 2013 Report, *supra* note 3 at 36.

<sup>26</sup> *Id.*

counsel to every defendant, and carrying over charges rather than issuing bench warrants on a first missed appearance.

#### **D. Encourage the State Legislature to Pass a Cite and Release Law**

The Criminal Procedure Law (“CPL”) authorizes officers to arrest someone suspected of committing any offense, even noncriminal violations.<sup>27</sup> The CPL further provides that, when an individual is accused of a crime other than a Class A, B, C, or D felony or certain Class E felonies, officers can choose to issue a desk appearance ticket in lieu of making an arrest and taking a suspect into custody.<sup>28</sup> However, this authority is entirely discretionary, and there is nothing that compels an officer to issue a summons or an appearance ticket in such circumstances.

At least four states have recognized that limited law enforcement resources and jail space should be reserved for those accused of more serious crimes. Ohio, Minnesota, Virginia, and Tennessee have all passed legislation mandating the use of summons instead of arrests for most misdemeanor offenses except when an arrest is necessary for medical or safety reasons, when the offender cannot produce evidence of his or her identity, when the offender refuses to sign a citation, and when the offender has previously been issued a citation and has failed to appear in court.<sup>29</sup>

The NYCLU recommends that New York State pass similar legislation mandating that officers issue only summonses or appearance tickets for violation-level offenses, with exceptions similar to those in place in the states referenced above. Violations are not crimes, and arresting people for low-level, quality of life offenses is an inefficient use of resources, contributes to overcrowded jails, and further strains relationships between police officers and the communities they serve. The City Council should explore ways to promote this change at the state level, and work with the NYPD to establish limits on custodial arrests through policy directives.

#### **E. Pass a Data Transparency Law**

While the limited data and anecdotes from advocates suggests a discriminatory pattern in the enforcement of summons offenses, the true extent of the racial disparities will remain unknown so long as the NYPD and the courts are not required to capture and disclose demographic data. New Yorkers are entitled to know the impact that police practices have on our family, friends, and community members. The NYCLU recommends that the City Council pass a data transparency law that requires the NYPD to produce an annual report on the race and age of summons recipients.

We also recommend that the Council require the NYPD to report on each instance where force is used in conjunction with the issuance of a summons. All police-civilian encounters have

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<sup>27</sup> N.Y. C.P.L. §§ 140.10, 140.25.

<sup>28</sup> N.Y. C.P.L. § 150.20.

<sup>29</sup> National Conference of State Legislatures, Citation in Lieu of Arrest, *available at* <http://www.ncsl.org/issues-research/justice/citation-in-lieu-of-arrest.aspx> (last accessed Sept. 27, 2013). Hays County and Travis County Texas also recently enacted discretionary cite-and-release programs. *See also* Sean Kimmons, “Does ‘Cite-and-release’ Work? No One Knows,” SAN MARCOS MERCURY, May 5, 2010, *available at* <http://smmercury.com/2010/05/05/does-%E2%80%98cite-and-release%E2%80%99-work-no-one-knows/>.

the potential to be flashpoints of confrontation, and as we witnessed in the Eric Garner case, enforcement of low-level offenses can lead to the needless loss of life. The Council should demand transparency on use of force in summons enforcement as part of a broader effort to identify and reform problematic police policies and practices. There is no reason enforcement of a low level offense should ever result in injury or death to an officer or civilian.

## **VI. Conclusion**

We thank the Council for the opportunity to offer testimony today on the importance of reforming the summons courts and the City's overall handling of low-level offenses. We look forward to continuing to work with the Council to ensure that all New Yorkers are treated with dignity and respect in their interactions with the justice system and with law enforcement personnel.





**Testimony from the Street Vendor Project  
before the City Council  
“Examining the Operations of NYC’s Summons Courts”  
December 15, 2014**

My name is Matthew Shapiro and I am a staff attorney at the Street Vendor Project at the Urban Justice Center. The Street Vendor Project is a membership-based organization with more than 1,800 members who sell food, merchandise, and artwork from trucks, carts, and tables across the City. We organize vendors to make their voices heard and provide legal representation in civil and criminal hearings for a variety of offenses. Most of our representation takes place at the Environmental Control Board, where most street vendor summonses are adjudicated, but we also represented vendors at the summons part of the criminal courts.

Defendants at the summons part are not treated with respect from the moment they enter the building. Defendants often have to wait in the courtroom for hours, only to have the court spend less than ten seconds on their case. The summonses note that defendants have to show up at 9:30 AM on the date of their hearing, but the court does not even start until 10:00 or 10:30 AM. I know, as an attorney, that it is better to show up later when it is less crowded in order to minimize wait times, but other defendants have no way of knowing this. The court should stagger the appearance time in order to provide for a more streamlined schedule. The courts also do not provide any information about rescheduling a hearing date if the defendant is not able to attend on the date that the issuing officer chooses. There should be a better scheduling mechanism to take into account the availability of the defendant.

Defendants do not even have a chance to meet with their court-appointed attorneys before they see the judge. This is at the least unfair to the defendants and at most a violation of their constitutional right to counsel. More funds should be made available to either provide more court-appointed attorneys or better resources so they can do their job more effectively. To no avail, the Street Vendor Project has also asked that street vendor summonses be scheduled for a single day of the week, so that we can be there to represent our members.

Furthermore, many hearing officers at the summons part are ill equipped to handle the cases that are before them. For example, the rules and regulations for street vendors can be complicated and a lot of the times the judges are not even sure what the law is or which laws apply to general vendors and which laws apply to food vendors. These judges should be better trained in the areas of the law so they are able to fairly decide these cases. The judges also need

to show more respect to the individuals who are appearing before them. Once I witnessed a judge was unable to pronounce the name of an Asian defendant. The judge told him he should change his name to "John Smith." Whether or not this was said as a joke, it was disrespectful. And that is just one example.

The judges at the summons courts do not seem to be accountable to anyone. Whether or not they dismiss a case depends not on what the law actually is, but how they feel about a given case or defendant. There are no written decisions and the judges often give no basis at all for the decisions they make. This differs from the Environmental Control Board, where at least we receive written decisions that we can appeal. Many defendants feel pressured into pleading guilty because they are not informed about the advantages or consequences of taking the case to trial.

Finally, we appreciate that the City Council is examining what happens at the courthouse. But it is important to remember that the cases heard at the summons courts are low level offenses that are enforced by the NYPD, on the street, disproportionately on immigrants and people of color. Examples of such offenses are reckless skateboarding, unlicensed vending, and being in a park after it is closed. The City Council can do its part to change or repeal these laws and pressure the NYPD to end the broken windows system of policing that disproportionately affects New York City's most vulnerable communities.

Thank you for the opportunity to testify here today.



JUSTICE FROM COURTROOM TO COMMUNITY

Oversight: Examining the Operations of New York City's Summons Courts

New York City Council  
Committee on Courts and Legal Services  
Committee on Public Safety

December 15, 2014

Testimony of  
Alison Wilkey, Esq.  
Director of Policy and Legal Services  
Youth Represent

My name is Alison Wilkey and I am the Director of Policy and Legal Services at Youth Represent. Youth Represent provides reentry legal representation to low-income youth who have been involved with the criminal justice system. Youth Represent was founded in 2006 on the belief that involvement with the criminal justice system at a young age should never bar an individual from leading a life of dignity and self-respect. We provide holistic, community-based legal services to youth age 24 and under to ensure these youth have access to fundamental elements of a stable and successful life—housing, employment, education, and family resiliency. Ours is a three-pronged approach: we partner with social service organizations across New York; provide direct representation to youth; and advocate to change laws to make it possible for court-involved New Yorkers to reenter society.

Part of our legal services includes representation in Summons Court. We began providing representation in Summons Court in 2008 because there was such a high level of need. Most of our clients are Black and Latino and come from low-income neighborhoods, thus they are the targets of heavy policing. Many young people have bench warrants for summonses and are befuddled about how to clear those warrants.

Youth Represent is the only non-profit organization that provides representation in Summons Court. We have experience in the Summons Courts of all five boroughs, and although we are a small office, our attorneys are appearing in a Summons Court at least once per week. Through our representation and experience we have identified major constitutional and procedural issues in the daily operations of the Summons Courts.

## **Introduction**

There are twice as many summonses issued in New York City every year as there are misdemeanor arrests. The number of summonses issued peaked in 2005 at almost 650,000; last year, there were 458,095.<sup>1</sup>

We have grave concerns about the Administration's decision to send defendants charged with marijuana possession to Summons Court. Individuals who heed the summons and attempt to make their court appearance suffer numerous Due Process violations, logistical challenges in obtaining access to the court itself, and dehumanizing treatment. Those who fail to appear in court, for any reason, are given bench warrants for their arrest; there are currently more than one million such active warrants. At best, these options represent an uncivil, unreasonable approach to deal with our city's quality-of-life issues. At worst, they are a miscarriage of justice and misallocation of already scant resources dedicated to maintaining public safety and justice.

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<sup>1</sup> Criminal Court of the City of New York, Annual Report 2013, at page 33, *available at* <http://www.courts.state.ny.us/COURTS/nyc/criminal/2013%20Annual%20Report%20FINAL%2072214.pdf>.

From the moment an individual is stopped by an officer to the conclusion of a case, there is the potential for a variety of violations of the Constitution and federal and local law. First, the overwhelming majority of summonses—86%, according to data compiled by the New York Civil Liberties Union—are disproportionately given to people of color.<sup>2</sup> According to research conducted by CUNY School of Law, the 15 neighborhoods with the highest numbers of tickets for disorderly conduct are all majority Black and Latino; similarly, 12 of the 15 neighborhoods with the highest number of tickets for riding a bike on the sidewalk are majority Black and Latino.<sup>3</sup> However, it is immediately apparent from visiting any neighborhood in New York that bikes on the sidewalk are prevalent across all five boroughs. Further, disorderly conduct has evolved to become a sort of catch-all offense and can be handed down for any conduct at all that police deem to be a public annoyance. Thus, it is clear that the conduct of youths of color is being criminalized while that same conduct performed by whites in different neighborhoods goes unpunished.

Taken together, these irregularities, violations of law, and disrespect afforded to the defendants of color amount to a situation where poorer minority citizens are denied due process while richer white citizens face no consequences at all for the same conduct. The issue is certain to be compounded by the hundreds of defendants who will be charged with marijuana possession after the City's new policy takes effect. To document the problems in Summons Courts on a broader scale, just last month we piloted a law school *pro bono* project to have students sit and observe Summons Courts and document their observations. My testimony today will be based on the observations of our attorneys and staff who have been appearing regularly in Summons Court for the past few years, and I would like to highlight the major areas in need of reform.

## I. Issues

### a. The Right to Counsel and Effective Assistance of Counsel

One of the fundamental Constitutional rights—the right to counsel—is severely compromised, and sometimes ignored, in our Summons Courts. The assigned counsel provided currently through the 18-B plan is not adequate to provide effective assistance of counsel. Summons court parts hearing hundreds of cases each day are usually staffed with two attorneys. In a criminal case, defendants should have the opportunity to confer with counsel prior to going before the court. Their attorney should explain the charges against them, possible outcomes, and collateral consequences that could affect employment, housing, and immigration. They should be informed of their right to a trial, and their right to present their own evidence and cross-examine the state's witnesses. Their attorney should also be provided a copy the charging instrument, or

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<sup>2</sup> See EXCLUSIVE: Daily News analysis finds racial disparities in summons for minor violations in 'broken windows' policing, New York Daily News, August 4, 2014, *available at* <http://www.nydailynews.com/new-york/summons-broken-windows-racial-disparity-garner-article-1.1890567>

<sup>3</sup> Criminal Court Summonses in New York City, City University of New York, at page 5, *available at* <http://marijuana-arrests.com/docs/Criminal-Court-Summonses-in-NYC--CUNY-Law-School-April-24-2014.pdf>.

at least have a chance to inspect the summons ticket itself for sufficiency of the police allegations and other defects.

Instead, court officers call out defendants' names and the charges against them in rapid-fire succession. Defendants meet their court-appointed lawyers at the exact moment they stand in front of the Judicial Hearing Officers (JHOs) who typically preside over cases. Most 18-B attorneys do not look at the summons ticket, and the attorneys are not provided a copy. This is in violation of New York Criminal Procedure Law section 170.10(2), which says that at any arraignment where a defendant personally appears, he must be provided with a copy of the accusatory instrument.

It is not unusual to see attorneys simply relay the offer to plead to violations and pay fines from the JHO to their client. If a defendant does not immediately respond, or asks a question, everyone risks being berated by the JHO. Attorneys at Youth Represent have witnessed JHOs lose patience with defendants who ask their 18-B lawyers questions, and force them to come back for another court date for trial simply because they did not plead guilty fast enough.

Even more concerning, on two recent dates, staff at Youth Represent witnessed the JHOs calling cases without any attorneys present. On October 17, 2014 and December 3, 2014, JHOs at 346 Broadway were hearing cases when there were no 18-B lawyers present. In the first instance, the JHO asked people if they wanted to come up without an attorney, telling them that it didn't matter whether they had an attorney or not, and without any further inquiry. On December 3<sup>rd</sup>, the JHO began calling cases from the calendar and was also asking defendants questions such as, "Why do you smoke marijuana?" When the clerk informed the judge that the lawyers were on their way, the JHO replied that he would be done with all of the cases by then.

This violates New York Criminal Procedure Law section 170.10(3), which gives defendants the right to counsel at arraignment and every stage thereafter. Under subsection six of that section, the court may only permit the defendant to proceed without the aid of counsel if it is satisfied the decision is made with knowledge of its significance. Such an inquiry was not made in either instance witnessed by Youth Represent staff—in both instances, it appeared that the court was encouraging defendants to proceed without counsel.

#### **b. Due Process**

There are additional due process concerns that have arisen from Youth Represent's observations in Summons Court. First, in most boroughs, defendants are given a piece of paper when they check in at the clerk's window and are required to sign and hand in that piece of paper as soon as they appear in front of the JHO. Never are they told that by doing so, they are signing away their right to have their case heard by a judge, rather than the JHOs, and they are never given a chance to confer with their court-appointed attorney prior to doing so. Thus, hundreds of New Yorkers

routinely waive an important right every day without consulting with counsel or even understanding the nature of the rights they are giving up.

Compounding the inadequate legal representation is the lack of individualized justice that pervades Summons Courts. Some JHOs will announce upon taking the bench that certain tickets will result in a \$25 fine, others a \$50 fine, and so on. Such a proclamation suggests that many JHOs have little interest in listening to the particulars of the cases before them. In this declaration, one JHO was witnessed saying that “the longer your case goes on, the worse it gets for you.” However, because these are judicial hearing officers and not elected or appointed judges, there is no opportunity to file an ethics complaint, nor an opportunity to provide evidence to a reviewing or appointing body.

Defendants are never properly allocuted when they plead guilty in Summons Court. When a person pleads guilty, the court must make a minimal inquiry about whether the plea is done of the defendant’s own free will, whether the defendant understands the Constitutional rights being waived, and the defendant must be asked if, in fact, he is pleading guilty to a particular charge.<sup>4</sup> The common practice in Summons Court is that after the Judge or JHO relays the court’s plea offer, the attorney tells the court whether the person will “pay today” or whether they need “time to pay.” Then the next case is called, no questions asked.

Ensuring that defendants understand the nature of their guilty pleas and the rights being waived is so paramount that Court of Appeals has said that, “where a deficiency in the plea allocution is so clear from the record that the court’s attention should have been instantly drawn to the problem, the defendant does not have to preserve a claim that the plea was involuntary because ‘the salutary purpose of the preservation rule is arguably not jeopardized’.”<sup>5</sup> Thus, virtually every guilty plea happening in Summons Court could be overturned on appeal even though there are no objections being raised.

An additional due process concern is how much case outcomes vary across boroughs. For example, 26% of summonses in Brooklyn and 22% of summonses in Manhattan are dismissed by courts for facial insufficiency prior to the first appearance; that is, the police officer who wrote out the ticket failed to include sufficient facts to make out a valid complaint against the defendant. However, the rates for dismissal in Queens and Bronx are 14% and 9%, respectively. Rates of defects in the tickets—for example, when officers forget to supply the address of the occurrence, or forget to sign the ticket—are steady across all boroughs, though, which suggests that the reasons behind the facial insufficiency dismissals are due to variations across courthouses, not varied officer performance. Also inconsistent across boroughs is the rate of summonses that ultimately go to trial.

Trials, on the rare occasions when they happen, are generally rampant with violations of criminal and evidentiary laws. In a trial, the JHOs play the role of both the finder of fact and law, and the

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<sup>4</sup> *Boykin v. Alabama*, 395 U.S. 238 (1969); *People v. Tyrell*, 22 N.Y.3d 359 (2013).

<sup>5</sup> *People v. Peque*, 22 NY3d 168, 182 [2013], quoting *People v. Lopez*, 71 NY2d at 665-666.

prosecutor. JHOs direct the police officers in their testimony, and cross-examine defendants when they testify. These trials rarely last more than a few minutes and basic elements of criminal law are ignored. For example, in a recent appeal to the Appellate Term of the Second Department after a conviction following trial for disorderly conduct, the conviction was overturned because there was no evidence about a basic element of the crime. The Appellate Term cited the disorderly conduct statute and thirty years of case law, saying that in order to be guilty of disorderly conduct, the defendant must intend to cause public inconvenience, annoyance or alarm, or recklessly create a risk public disruption. The conviction was overturned because there was no testimony or evidence that there was even a single member of the public present.<sup>6</sup>

### **c. Procedural Injustice**

Once in receipt of a summons many New Yorkers fail to realize they have been summoned to Criminal Court at all, as the ticket more closely resembles a parking ticket than a court order. That its appearance belies its seriousness calls into question whether adequate notice is truly served upon recipients, particularly young people who might be too intimidated to ask the officer follow-up question about the ticket.

If a recipient loses a ticket or cannot read the court date on the carbon-copy ticket, they are forced to travel to a physical courthouse. Limited general information is available on the New York City Court's website, and no one has ever answered any of the phone calls we've placed to one of the numbers listed on that website. Other than the small capacity of Youth Represent, and unless you can afford a private attorney, there are no attorneys that can advise you prior to your court date. It is unsurprising, then, that so many cases turn into bench warrants. Youth Represent has had clients who were issued bench warrants after missing court dates due to school, important tests, and even graduation ceremonies.

Even a person who is determined to be present at their court date faces serious hurdles—the address listed on the ticket does not always match the correct entrance of the courthouse. The entrance to the courthouse at 346 Broadway for Manhattan and Brooklyn summonses is actually through an unmarked door around the corner. The entrance to the Queens Summons Court is at the back of the building. People have to wait on lengthy lines to go through security; these lines often stretch down the block and individuals must wait outdoors, regardless of the weather or any disability they may have. Once inside, defendants are herded through security. Security personnel do not always direct people where they have to go. At 346 Broadway, there are often people wandering through the building and on the wrong floors trying to figure out where to go. All of these difficulties are compounded for those with limited English language proficiency.

### **d. Collateral Consequences**

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<sup>6</sup> People v. Zuckerberg, 2012-1808 K CR, NYLJ 1202665659163, at \*1 (App. Tm., 2nd., NY, Decided July 24, 2014).



Defendants are never informed of the consequences of their pleas and because of the inadequacy of counsel, defendants are never asked about potential collateral consequences. Seemingly low-level violations, such as the unlawful possession of marijuana, can have severe immigration consequences. That same violation conviction could render a young person ineligible for federal student aid, delaying, and potentially foreclosing, a college student's ability to graduate. Until recently, violation convictions would prevent an individual from being eligible to apply for public housing for two years in New York City. While that is no longer the case, they can still be used in eviction proceedings as proof of a tenant's "undesirability."

Bench warrants for a summons can be a major roadblock—one Youth Represent client was almost derailed from the positive progress in her life. She had graduated from a community-based job training program, applied to a job and been made an employment offer, subject to a background check. The company revoked her job offer when the background check showed she had a warrant. She called us immediately, and we discovered that she had a warrant for failing to appear on a summons for being in the park after dark. We were able to move quickly, bring her to court to clear the warrant, and contact the employer. With our advocacy, and proof that the warrant was clear, they re-offered her the job. But, this is only a success story because this young woman had a relationship with us so we could act quickly and resolve the matter within two days. This is not the reality for most New Yorkers.

A person with a bench warrant who is stopped on the street by the police can be taken, in handcuffs, directly to court. These hours in police custody can mean a lost job or missed school exams. There are over 1.1 million outstanding bench warrants for summonses.<sup>7</sup>

## **II. Recommendations**

- a. Require data collection and public reporting on the race or ethnicity of the defendants issued summonses. Require regular reporting of demographics of people issued summonses and geographic distribution.
- b. Court staff should print a copy of the summons for the defendant and his attorney as required by the Criminal Procedure Law. This can be accomplished easily as all summonses are scanned into the Court's summons database prior to the appearance, thus the copy need only be printed and distributed.
- c. The Court should provide for an adequate number of attorneys in each part to ensuring that: (1) defendants have an opportunity to confer with an attorney prior to appearing before the court and have adequate opportunity to discuss collateral consequences and constitutional rights, and (2) defendants only execute the

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<sup>7</sup> Supra footnote 2.

waiver of the right to have the case heard before a criminal court judge with the advice of an attorney.

- d. The Court should provide written notice of the right to appeal after each guilty plea, as is done in other criminal courts.
- e. Create adequate signage in and around courthouses to properly direct people. Train security and court staff to direct people appropriately when they enter court buildings.
- f. Staff clerk phones so inquiries about upcoming court cases and active bench warrants can be handled without a trip to the courthouse.
- g. Staff summons parts with judges or, at a minimum, ensure adequate and ongoing training to JHOs on the law and professionalism. Provide a feedback or complaint mechanism to address unprofessional and unconstitutional behavior of JHOs.
- h. Open a weekend or evening summons part, to ensure those with employment, educational, or child-care responsibilities can be present in court.
- i. Give a substantial grace or “stay” period after a court date before issuing a bench warrant.
- j. Provide for summons bench warrant “amnesty” days regularly in all boroughs.
- k. Advocate with the State Legislature to create an immediately sealed adjournment in contemplation of dismissed (ACD) that can be accepted by mail for summons offenses.



City Council Hearing On Summonses

Monday December 15th, 2015

***NYC Summons Practices: Aggressive, Unjust & Racially Biased***

The city's summons courts are a mess and an embarrassment: long lines and long waits for the accused, court rooms overcrowded, dockets overloaded, little or no due process - cases dismissed or resolved one way or another in seconds.

But the central problem regarding summonses in NYC has to do with policing practices - aggressive, quota driven - "broken windows" policing that targets low-income people of color engaging in low-level infractions or innocuous activities. The police in our city issue summonses to New Yorkers - according to the Daily News, in over 80% of the cases, it is a black or brown person - for these and similar activities:

- Walking between subway cars, sometimes even when the train is stopped
- Riding a bicycle on the sidewalk
- Holding an open alcohol container, though the detained person often claims that it was soda or water
- Occupying multiple seats on a subway, even when the train is mostly empty
- Sleeping on a park bench
- Being homeless
- Jaywalking
- Spitting on the sidewalk

Here's a stark example of the undeniable racial bias that marks the NYPD's summons practices. From 2008-11, the precincts encompassing Red Hook and Park Slope in Brooklyn averaged 8 bike-on-a-sidewalk criminal court summonses a year. For the same period, the precinct covering Bedford—Stuyvesant in Brooklyn averaged 2,050 summonses a year for the same charge.

This kind of policing – effectively criminalizing activities that are victimless, and seen by most people as harmless, and disproportionately charging one group of persons as offenders – breeds cynicism, resentment, and resistance and can lead, in worst case scenarios, to senseless injury and even death.

Robert Gangi  
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**TESTIMONY**

The Council of the City of New York  
Committee on Courts and Legal Services

And

Committee on Public Safety

**Examining the Operations of New York City's Summons Courts**

December 15, 2014  
New York, New York

The Legal Aid Society  
199 Water Street  
New York, NY 10038

Presented by: Justine M. Luongo, Attorney-in-Charge  
Criminal Practice  
William Gibney, Director  
Criminal Practice Special Litigation Unit

Good morning. I am Justine M. Luongo, Attorney-in-Charge of the Legal Aid Society Criminal Practice and with me is William Gibney the Director of the Criminal Practice Special Litigation Unit. We submit this testimony on behalf of The Legal Aid Society, and thank Speaker Melissa Mark-Viverito, and Chairpersons Lancman and Gibson for inviting us to speak about the operations of the New York City Summons Courts. As you know this issue is particularly timely in light of the plan to transfer substantial numbers of marijuana cases into the Summons Courts.

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is an indispensable component of the legal, social and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of criminal, civil and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the Society takes on more cases for more clients than any other legal services organization in the United States, and it brings a depth and breadth of perspective that is unmatched in the legal profession. The Society's law reform/social justice advocacy also benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. The Society accomplishes this with a full-time staff of nearly 1,900, including more than 1,100 lawyers working with over 700 social workers, investigators, paralegals and support and administrative staff through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City. The Legal Aid Society operates three major practices — Criminal, Civil and Juvenile Rights

— and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program.

The Society's Criminal Practice is the primary public defender in the City of New York. During the last year, our Criminal Practice represented over 230,000 indigent New Yorkers accused of unlawful or criminal conduct on trial, appellate, and post-conviction matters. In the context of this practice many of our lawyers exert considerable thought and effort to avoid the worst of the direct and indirect consequences that are associated with a criminal conviction.

The Society's Civil Practice provides comprehensive legal assistance in legal matters involving housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law; consumer law; education law; community development opportunities to help clients move out of poverty; prisoners' rights, and reentry and reintegration matters for clients returning to the community from correctional facilities.

Since the 1980's the Society has operated an Immigration Law Unit (ILU) which is nationally recognized, and provides low-income New Yorkers with free, comprehensive, and high caliber immigration services ranging from deportation defense to adjustment of status to legal permanent residence and citizenship applications. The Unit specializes in the intersection between immigration and criminal law. In addition to comprehensive immigration representation, the Unit works collaboratively with all of the

Society's practice areas to serve our diverse immigrant clients through an integrated service model.

The breadth of The Legal Aid Society's representation places us in a unique position to address the issue before you today. Our perspective comes from our daily contact with people who can experience life altering consequences as a result of an otherwise minor criminal conviction.

## **The New York City Summons Court**

### **Background**

In 2013, as part of the New York City Police Department's reliance on "broken windows" policing and a focus on low level quality of life crimes, police officers and other authorized enforcement agencies issues a staggering 458,095 summonses to New Yorkers, predominantly and disproportionately in communities of color. Out of this total, only 1,185 summonses, one-quarter of one percent, resulted in trials. The remainder resulted in guilty pleas, bench warrants, dismissals, or adjournments in contemplation of dismissal.

Persons issued summonses are required to appear at summons court approximately six weeks after the issuance of the summons. Summons parts are located in each of the counties, except Kings County. Kings county summonses are returnable at 346 Broadway. Summons parts operate Monday through Friday from 9:30am to 5pm. However, summons courts generally finish hearing summonses by 1:00pm, limiting the time in which a person can appear. If a person does not appear, a bench warrant for the person's arrest is issued by the Court. A person who appears in a summons part must

first report to the clerk's office. When an appearance is made, the clerk advises that if the person wants to have the case heard, he or she must waive the right to have the case adjudicated by a judge. If the waiver is signed, as it usually is, the case will be heard by a Judicial Hearing Officer. Many people will sign this waiver without understanding what rights they have just given up, and without an opportunity to speak with an attorney about the effect of signing the waiver. Once the waiver is signed, the person is told by the clerk to report to a courtroom where the case is docketed. Attorneys from the First and Second Department 18B assigned counsel panels are assigned to provide representation for anyone who cannot afford to hire an attorney. While the average number of summonses calendared in each summons part will vary daily, generally there are not less than 350 summonses scheduled on any given day in each of the summons parts. Often this number will exceed 500 per day.

#### **Life-Altering Effects of Pleading Guilty**

Despite a general perception that summonses carry less risk to a person than being arrested, there are significant, often life-altering, consequences of pleading guilty to a summons because many offenses charged via summonses are, in fact, crimes, categorized as unclassified misdemeanors. These crimes, such as, Administrative Code Violation AC 19-176 which criminalizes riding a bicycle on a sidewalk, may be a basis for denying or revoking licenses required by health care workers, security guards, bail bondsmen, bartenders, bingo operators, boxers, check cashiers, electricians, funeral directors, hairdressers, private investigators and others. In general, occupations that require licenses require proof of "good moral character" according to state law. Even though few if any of these convictions would likely be the basis for a finding of poor "moral character," it



cannot be said categorically, with respect to any crime, that there will be no employment consequences. Most problematic is that an applicant who is lawfully asked "have you ever been convicted of a crime?" is subject to sanctions, including firing after employment has begun, if he or she answers "no" to the question and has in fact been convicted of one of these offenses.

Even convictions for offenses such as Disorderly Conduct and Trespass, which are already classified as violations, may have "hidden consequences." Certain public employees, such as firefighters and sanitation workers, can be subject to discipline for conviction of "any legal offense," no matter how minor. Until recently, a "petty offense" conviction resulted in a prohibition on entry to public housing for a specified length of time; these consequences could be imposed again administratively at any time. There may be consequences in other jurisdictions if the person's criminal record becomes an issue in another jurisdiction. One example relates to military enlistment: five convictions of "minor non-traffic offenses," will bar someone from entering the Army.

The immigration consequences of a conviction for possession of even a small amount of marijuana are very severe. Pleas that are made without the advice of qualified counsel can have tragic consequences. The lowest violation level marijuana offense is a controlled substance offense that bars admissibility into the country. Two such convictions mean that a person is deportable regardless of the fact that he or she may be the head of a household and this is the only country of residence the person has ever known.

Convictions for offenses that are classified as involving "moral turpitude" for immigration purposes can lead to deportation. A legal permanent resident is deportable

for the commission of a single offense if it is committed within five years of entry into the United States. Two such convictions committed at any time that do not arise out of a single event render a legal permanent resident deportable.

### **The Problem of Warrants and the Bigger Problem with Plea By Mail**

We understand that, in connection with a recent policy change under which summonses will be issued for marijuana violations, and in recognition of the high number of bench warrants issued for failing to appear on summonses, the City is considering expanding the option of guilty pleas by mail beyond the two offenses for which this is now authorized: public consumption of alcohol, which carries a \$25 fine, and public urination, which carries a \$50 fine. We strongly oppose the use of mail-in pleas to any offenses that are classified as crimes. If mail-in pleas are allowed, the problem of unknown, hidden and collateral consequences will sharply worsen. If given an option between taking time off from work, family obligations or school or mailing in the summons and fine, people will opt for the latter. In these situations, a person will simply check the box indicating that a plea of guilty will be entered and mail in the fine without understanding that the person may have just pled guilty to a crime, or in the case of violations, may have created an issue with regard to current or future employment.

Additionally, the plea by mail option would remove an important due process safeguard that requires a person be charged and convicted on an accusatory instrument that is legally sufficient under the law. The court system's annual report reveals that court clerks often dismiss summonses which are insufficient on their face. This critical review would be removed by instituting a plea by mail option.

A further difficulty in expanding the mail-in plea option is that many offenses, particularly Penal Law offenses, have no specified or “standard” fine amount. The fine for mail-in pleas to “open container” violations is \$25, the statutory maximum. The fine for mail-in pleas to public urination is \$50, the statutory minimum. Disorderly conduct, however, carries a statutory maximum fine of \$250 and no statutory minimum. It is unclear how a fixed “mail-in” fine would be calculated.

### **Even in Summons Parts, People are Denied Effective Representation**

With the staggering number of calendared summonses, the often shortened time in which the summons parts actually hear cases, the requirement that person waive the right to have the case adjudicated before a judge and the lack of time for any meaningful opportunity for the counsel to advise clients of important rights and consequences of pleading guilty, there is serious concern that there is a lack of effective assistance of counsel in summons parts.

In a recent visit to a summons part at 346 Broadway, The Legal Aid Society watched as people appearing on their summonses were called before the court and entered pleas to their summonses without the benefit of ever talking to their assigned counsel. In fact, many had not met with their assigned counsel until their cases was called. The colloquy between the court and attorney lasted at most a minute. Counsel took no notes as to what advice they gave the client or the plea the client entered, In fact it was clear that counsel had no notes from any interview done with the client before the case was called. When the case was over, counsel instructed the person to wait outside to pay the fine or, where the person received an ACD, was told the case would be dismissed

after six months. In cases where the person was offered an ACD, counsel made no inquiry of the person's immigration or employment status. Nor did the judicial hearing office ask whether counsel advised the clients of their rights under *Padilla v Kentucky*.

## **Recommendations**

### **Decriminalization of Many Quality of Life Offenses**

One approach to this problem of "hidden consequences" is that the City Council should reclassify many "unclassified misdemeanors" as violations. It is now extremely difficult for a layperson or even an attorney to learn whether an offense defined in the New York City Administrative Code, or in a city agency's Rules, is a "crime" and therefore potentially carries significant collateral consequences upon conviction. There is no single compilation of offenses defined in City laws and rules that explains, for ready reference, which of these offenses are "crimes" and what penalties they carry.

The collateral consequences can be swept away by reclassifying numerous "unclassified misdemeanors" as violations rather than crimes. While a comprehensive survey of offenses would be useful, the Council could start with the unclassified misdemeanors that are the most frequently charged misdemeanors in the Summons Part, which the court system has identified as:

- Riding bicycle on sidewalk, AC 19-176
- Park curfew violation, PRR 1-03(a)
- Park violations, failure to comply with signs or Police orders, PRR 1-03(c)(2)
- Health Code violation, offensive matter or noxious liquid in streets, HC 153.09
- Unreasonable noise, AC 24-218

### **Avoid Unnecessary Warrants**

There are high rates of non-appearance in summons court because of difficulties involved in taking time off from work, school, or other obligations. These non-appearances, which have a disproportionate impact on people of color, then lead to the issuance of a bench warrant. These warrants cause a person to have a permanent record in criminal databases. They result in a person's spending 24 or more hours in custody going "through the system" if and when he or she is stopped by the Police for a minor traffic infraction that would otherwise yield no more than a ticket. And we have found that even once a warrant is vacated in court, the Police sometimes fail to remove it from their database of active warrants.

To address this issue we recommend the following:

- 1) Establish an aggressive reminder process for appearances in summons court.

Contract with the Criminal Justice Agency to replicate the reminder system for Desk Appearance Tickets and track data on return rates.

- 2) Partner with faith-based and community organizations to encourage and remind their members to go to summons court. Create and widely distribute public education materials.

- 3) Return dates, times and locations should be more flexible. There should be a mechanism for changing a court date in advance where there is a scheduling conflict. Also, the city should consider extending summons court hours to times more convenient for working people, including evening and weekend hours, as well as allowing people to answer summonses in whatever borough/court is most convenient for them.

- 4) Stay warrants for first non-appearance and contact defendants with a new date for their appearance. Criminal Court typically stays warrants at the request of defense counsel. Persons who do not yet have counsel should have the same opportunity.
- 5) Ask the Police Department to reconsider its policy of automatically arresting anyone discovered to have an open warrant for any offense. There may be situations in which a full-blown arrest is not necessary if the individual has proper identification and both the new offense and the “warrant” offense are offenses that would normally result in summonses rather than arrests.
- 6) Expand and institutionalize previously successful community-based “Safe Surrender” programs allowing individuals to clear up old petty-offense warrants without making a trip to the courthouse.

#### **Provide Qualified Legal Representation**

Individuals reporting to the summons court rarely hire private counsel and the summons courts are not sufficiently staffed with attorneys who can provide comprehensive advice on enmeshed penalties or “hidden consequences” of pleas. Appointed attorneys who appear in summons courts often lack the opportunity to confer with people before a case is called, which is when the ramifications of pleas can be carefully and confidentially explored. There must be a drastic increase in the numbers of qualified attorneys assigned to all summons parts in each borough and adequate time for counsel to confer with people before and after the case is called. In addition, institutional providers whose attorneys are specifically trained regarding “hidden consequences,” and

have significant in-house resources to devote to insuring proper advice is given to clients, should have a presence in the summons parts.

### **Eliminate Racial Disparities**

Communities of color and, more generally, more crowded and lower-income communities bear the brunt of much law enforcement and unwarranted racial disparities persist. These disparities have been well-documented in the case of marijuana arrests. Racial data has not been systematically collected in summons matters, but a visit to a Summons Part would confirm the over-representation of black and brown defendants in these courts. Notably, the most-summoned offense is Public Consumption of Alcohol, i.e., “open container” violations, which was the charge in more than five times as many summonses in 2013 as any other single offense. Such summonses are not issued in suburban or suburban-like neighborhoods. They are issued in the inner city, with predictably racially-skewed results.

To help assess and redress these disparities, the Council should ensure that all NYPD summons forms include data collection on ethnicity, age, and sex of the individual charged as well as the precinct and location where the alleged violation occurred. The NYPD should destroy all versions of the summons form that lack these data collection categories and require all officers to fill out demographic info completely. Demographic data should be reported publicly.

More broadly, there should be a working group to devise a plan to address and reduce unwarranted racial disparities in New York City’s criminal justice system, and there should be a review of the procedures and practices of NYPD officers in the

precincts with the most arrests and summonses to ensure that officers' actions are constitutional and fair.

### **Stop Illegal Searches**

The Council should pass Intro 541, which would end the NYPD practice of deceiving people into consenting to unnecessary and unjustified searches and require officers to obtain objective proof of a voluntary consent to a search. As is the case with many trespass arrests, the officer should be required to fill out a detailed report of the facts that led to the issuance of the summons. These forms should be reviewed before the court date for facial sufficiency.

### **Dismiss Stale Warrants**

With great frequency, people are arrested due to a warrant for failure to appear that was issued in the distant past for which the criminal justice system has no continuing interest. We should dismiss warrants for summons offenses after the passage of a reasonable period of time, e.g., two years.

We thank you for the opportunity to testify and are available if you have any questions.



**Written Comments of The Bronx Defenders  
New York City Council  
Joint Hearing of the Committees on Courts & Legal Services and Public Safety  
December 15, 2014**

My name is Jeremy Kaplan-Lyman and I am a staff attorney at The Bronx Defenders. The Bronx Defenders is a community-based public defender office in the South Bronx that provides holistic criminal defense, family defense, civil legal services, and social services to approximately 30,000 Bronx residents every year. On behalf of The Bronx Defenders, I want to thank the Public Safety and the Courts & Legal Services Committees and the City Council for this opportunity to discuss the problems with the summons courts in the Bronx and make recommendations for crucial reforms.

**Summons Court in the Bronx**

“Do I have to come down there and tell you how to do your job?” This was the question a judge in the summons part in the Bronx yelled at an attorney, whose client refused to plead guilty to a crime he did not commit. So goes a typical day in the summons part in the Bronx, which handles approximately 80,000 cases per year, an average of over 300 hundred cases a day. This extreme volume leads judges to put pressure on attorneys to get their clients to plead guilty and makes the process of answering a summons a demoralizing experience that completely lacks due process.

A typical appearance in summons court for a Bronx resident begins with waiting in the courthouse for hours. You might not know what you are accused of doing or what charges you are facing. You do not meet your court assigned attorney until you stand before the judge, who immediately demands to know whether you are pleading guilty. You have seconds to make up your mind. If you delay or want to ask your lawyer a question, the judge will often yell at you and tell you to hurry up. Your attorney may try to explain what is happening or try to answer your questions, but the judge often yells at them for taking too long. If you take your case to trial, you have to come back another day and wait for hours again. Your trial may last a few minutes, as the judge rushes through the hearing. The part regularly handles a dozen trials in under two hours.

This assembly-line model of justice might not be particularly startling to many New Yorkers, who imagine summonses to be similar in severity to parking tickets. But convictions for summons-based offenses can lead to significant, lifelong negative consequences. Many individuals are charged with misdemeanors, such as failure to comply with park signage or Littering (misdemeanors in the Parks Regulations and Health Code, respectively), which can result in a criminal record. A conviction for a summons-based charge can also lead to severe enmeshed consequences, including: deportation; the loss of public housing benefits; and the loss of federal student aid. In these circumstances, individuals must be given time to consult with an attorney and make an informed decision about their cases.

Moreover, a summons court guided by the principles of fairness and due process—including the right to know what you are being accused of and the right to consult with an attorney—is vital precisely because of the underlying racial disparities in the NYPD’s summons policing practices. We do not have exact figures for racial disparities in the NYPD’s summonses practices, largely because many summons forms have no data fields where the race of the defendant can be recorded. However, the limited data we have suggests that summons policing is marked by similar levels of racial disparities as broken windows policing in general.

### **Disproportionate Consequences of Summons Warrants**

Additionally, each year, summons courts issue warrants for hundreds of thousands of individuals who miss their summons court date because they cannot get time off from work, find childcare, or simply forget to appear. Summons warrants have significant consequences. They often show up on criminal history databases, which are used by employers and housing providers to eliminate candidates with criminal histories. Moreover, the issuance of a summons warrant places individuals at risk of arrest and imprisonment when they are encountered by the NYPD again for any reason, including a traffic stop or a stop and frisk encounter that would not otherwise result in an arrest. Once in custody, a person can spend days in jail waiting to see a judge to clear the warrant since the 24 hour arrest to arraignment time does not apply to warrants.

### **Economic Burdens**

For those who do attend their court dates, just the act of appearing in court has significant economic costs, straining the resources of individuals already living on the economic margins. A recent study by The Bronx Defenders found that nearly 70% of people with jobs appearing in Desk Appearance Ticket cases had to miss work to make their court appearances, losing an average of \$128.13 a day. These costs do not account for the cost of childcare or the lost wages of parents accompanying their teenage children to court. Although the study focused on Desk Appearance Tickets, there is no reason to think that similar economic burdens do not fall upon those responding to summonses, who often spend similar lengths of time waiting for their case to be called. On top of the collateral costs associated with these appearances are court-mandated fees and fines that some individuals must pay in order to dispose of the summons.

### **Proposed Changes**

There are a few changes to the summons system that could immediately address some of the problems I have identified.

- Significantly reduce the number of summonses issued by the NYPD in order to reduce the burden on summons courts. The last five years have seen an encouraging downward trend: the NYPD issued over 544,000 summonses in 2009; in 2013 they issued 423,000 summonses. We urge the City and the NYPD to continue the downward trend in the issuance of summonses in order to minimize civil and economic consequences, and ensure due process.
- Require the NYPD to track data related to the race of individuals issued summons and make the resulting data publicly available.
- Regularly monitor the conduct of judicial hearing officers who staff the summons parts and remove hearing officers that show poor judicial temperament.

- Provide mandatory, regular training on enmeshed civil penalties of pleas to common summons offenses for judicial hearing officers and all attorneys who staff the summons part.
- Increase the number of attorneys that staff the summons part. Allow individuals to consult with attorneys before they appear before the judge.
- Expand the range of infractions for which individuals can mail in a small fine if they so choose. However, work closely with the defense bar to ensure that the violations for which people can plead guilty by mail include no enmeshed consequences as a result of a guilty plea and that plea-by-mail does not have an inadvertent net-widening effect.
- For certain offenses, like urinating in public, dismiss the summons charges if individuals first take a webinar educating them about the harm of their conduct.
- Review summonses for facial sufficiency *before* the first appearance date. Notify people whose cases will be dismissed that they do not have to appear in court.
- Stay warrants for individuals who miss their first summons court date and create a notification system to remind individuals of their court dates
- Create a system under which individuals can make their first appearance in a summons case on any date before a date certain, similar to the system employed by the Transit Adjudication Bureau.
- Expand the hours of the summons part, including opening the part in the evening, to enable individuals to avoid missing work to make their court appearance.

### **An Urgent Problem**

The hundreds of thousands of interactions between New Yorkers and the summons courts matter. Summonses are the predominate medium through which New Yorkers interact with their police department and the court system. Scholars have shown that individuals who feel mistreated by the police or the courts see criminal justice institutions as illegitimate, which leads to increased law breaking and unwillingness to cooperate with law enforcement. The problems I have identified lead to the continued deterioration of the relationship between New Yorkers, particularly in those in communities of color, and their police department, courts, and government.

New York City Council  
Courts and Legal Services Committee  
Rory Lancman, Chair  
December 15, 2014.

**Statement of Hon. Melissa Jackson, Administrative Judge of New York City Criminal Court**

Good Morning Councilman Lancman and the rest of this Committee and thank you for inviting me to speak to you today regarding summonses and the way that New York City Criminal Court adjudicates these matters.

As I indicated my name is Melissa Jackson and I am the Administrative Judge of the Criminal Court of the City of New York. Criminal Court is the largest and busiest court of criminal jurisdiction in the United States, if not the world. As chief judicial officer of the Criminal Court, I am responsible for managing and overseeing the operations of the Criminal Court, a Court of citywide jurisdiction with ten (10) courthouses throughout the City. The Court's seventy-five (75) judges with the assistance of almost 1,400 employees adjudicated over 820,000 filings last year. Criminal Court has preliminary jurisdiction over all cases, including felonies, heard in the state criminal justice system in New York City. The Court also has trial jurisdiction over misdemeanor and other petty offenses, keeping these cases from arraignment until verdict or other disposition. Many of these petty offenses are charged by Summons.

The term we use - "summons" - is a misnomer. The document that we are referring to is actually two things - an accusatory instrument (either a complaint or an information)

used to initiate a proceeding in the Criminal Court and an appearance ticket used to instruct a defendant as to what his or her obligations are and how the matter will proceed. Both of these documents are defined by the Criminal Procedure Law and must conform to its requirements. The accusatory instrument part of the summons has the same legal effect as a complaint or information drafted by an assistant district attorney in the various complaint rooms throughout the City. The key difference here is that these accusatory instruments are typically written by law enforcement officers on the street during their interaction with the person being charged.

In 2013 over 458,000 summonses were filed in Criminal Court, out of which almost 350,000 cases were scheduled for arraignment in eight (8) courtrooms - one of Criminal Courts six (6) dedicated summons part or one of our two (2) Community Courts. To put this in perspective, the entire Criminal Court had eighty-six (86) courtrooms devoted to adjudicate the 365,752 cases filed by accusatory instrument in 2013 by the City's prosecutor's offices.

The cases heard in our summons parts are typically petty offenses and often violations of the City's Administrative Code or other City rules, such as public consumption of alcohol, public urination, violation of park rules and riding a bike on the sidewalk. We do hear Penal Law violations, such as disorderly conduct, and some Vehicle and Traffic Law infractions, such reckless driving as well. We also have a centralized part devoted to Building and Fire Code summonses in Manhattan, that handles building and fire code violations charged in Bronx, Kings, New York, and Queens Counties.

Over forty law enforcement agencies are permitted to file summonses in Criminal Court. A lot of work goes into preparing these cases before they can be heard and I would like to briefly take you through the process. Summonses from all over the City are delivered to our Central Receiving Unit at 346 Broadway where they are separated by County and the clerical staff conduct a defect review looking for mistakes on the face of the document such as a missing police officer's signature or a failure to note the return date or location. These defective summonses are returned to the law enforcement agency and not filed with the Court. Our staff notify defendants on these cases that they do not need to appear.

For those summonses that survive defect review, Court staff scan an image of the summons into our database. Data entry staff then enter the information contained in the summons into our database and the matter is docketed and scheduled for the calendar on the return date given to the defendant.

In four out of the City's five (5) counties – Bronx, Kings, New York and Queens – prosecutors do not appear in our summons parts. Because of this, the summonses from these four counties are sent to a judge, weeks prior to the defendant's return date, for a legal review to determine whether they conform to the legal requirements of an accusatory instrument as it is defined in the Criminal Procedure Law. If a judge determines that the summons does not conform to these legal requirements, the judge annotates this on the document and the matter will be dismissed. This is called a facial

sufficiency review. Court staff notifies the defendant by mail prior to his or her appearance that the case will be dismissed and that he or she does not need to appear. This pre-arraignment review is not done in Staten Island since prosecutors there appear on these cases and the Criminal Procedure Law allows prosecutors to cure this type of drafting error before dismissing it.

For those cases that survive defect and legal sufficiency review, the defendant must appear as instructed by their "pink slip" – the defendant's copy of the summons or the appearance ticket. Most defendants are instructed to appear at 9:30 am but some are instructed to appear in the afternoon. Except for the Kings County summons part and our Building and Fire Code violation part, the summons parts are located in the county in which the summons was written. The Kings summons part was collocated with the Manhattan summons part thirteen (13) years ago because of overcrowding at our Brooklyn courthouse.

Defendants check in with our clerical staff on the day of their appearance and are asked whether they agree to have their cases heard by a judicial hearing officer or JHO, a retired judge who receives a per diem fee from the Court System. Those that agree to have the case heard by JHO, and the vast majority do, have their cases heard immediately. Defendants are assigned a lawyer, typically assigned counsel under section 18b of the County Law, and most cases are disposed of on the first appearance. Defendants who want to contest the charges have their cases scheduled for trial before a JHO and the police officer that wrote the summons is required to appear and testify.

Of course a defendant can testify and call other witnesses. The Court held over 1200 summons trials in 2013.

In 2004, the Court implemented its Plea by Mail program that allows defendants charged with certain non-Penal Law violations to plead guilty and send a check by mail rather than appear in Court. In 2013 almost 21,000 defendants chose this option, although that is far less than the approximately 140,000 defendants that were eligible to participate.

In our Community Courts in Red Hook and Midtown, judges preside over summons matters, rather than JHOs, and where appropriate, the judges can fashion dispositions using social service components that have the potential for providing a better outcome for the defendant and the community.

The staff in our summons parts handle a very high volume of cases yet show a remarkable amount of flexibility and commitment to serve Court users. Defendants routinely come in weeks before or after their scheduled appearance dates. Our staff will do whatever they can to accommodate any defendant who comes in our busy courthouses and their cases are immediately added to our busy calendars.

With the hundreds of thousands of summonses that are written each year, it is inevitable that certain defendants will not appear. For those that do not appear an arrest warrant is issued. However, any defendant can come in at any time to vacate these



warrants and virtually none face jail time or any disposition harsher than the one that would normally be offered if they had appeared when directed.

Moreover the Court has participated in numerous, well-publicized "Safe Surrender" events that seek to encourage members of our community with summons warrants to vacate them. In these events, the Court has moved its entire operation - courtroom and back office - to a community center, typically a church, so that we can provide a familiar environment to encourage individuals to vacate their warrants.

Chief Judge Jonathan Lippman has been exploring ways that the Court can improve and modernize our summons operation and make the process easier to navigate. To that end, he has been discussing the operation with and soliciting suggestions from the Mayor's Office of Criminal Justice and other partners.

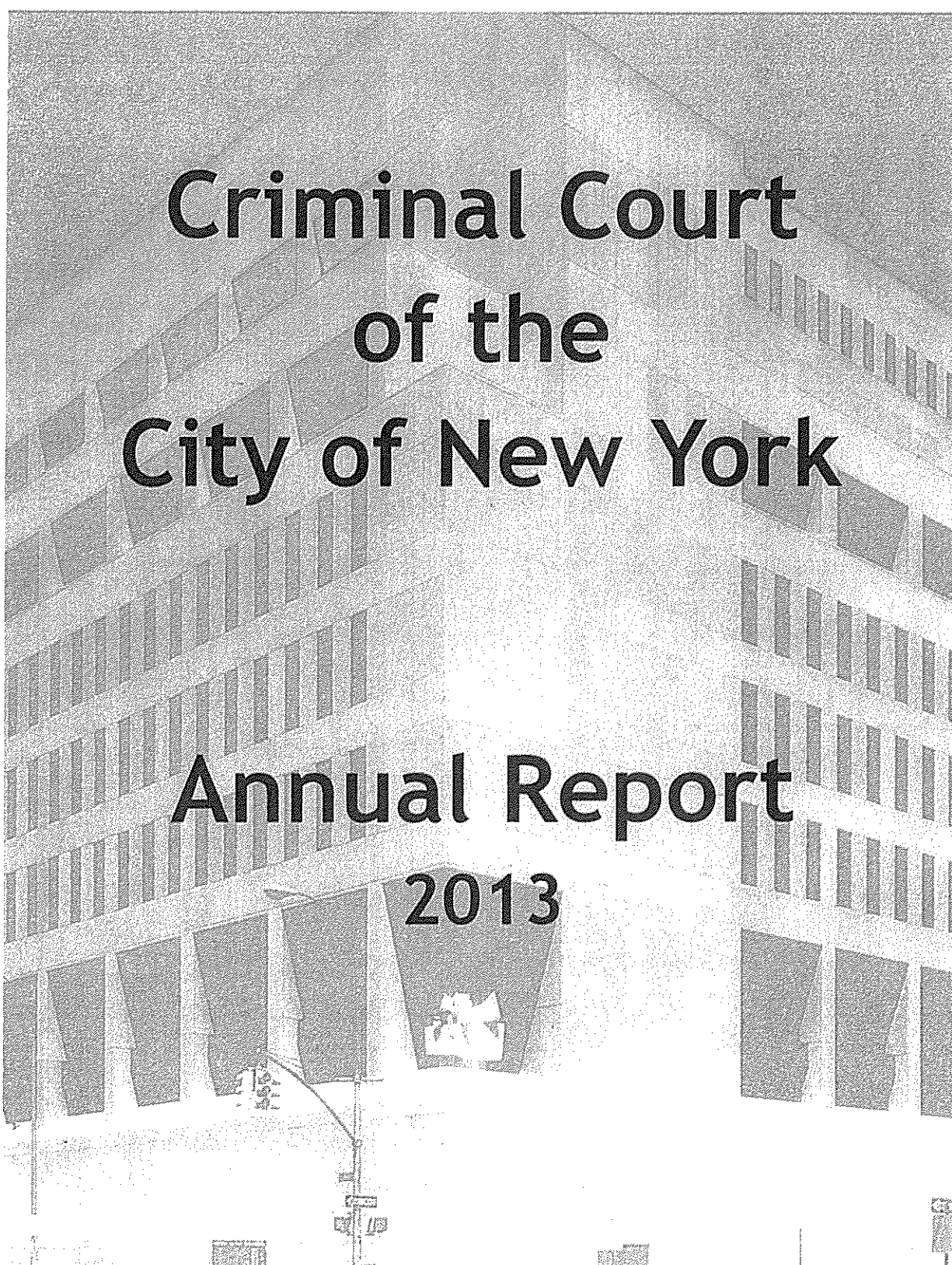
It is critical, however, to look at any proposed modification carefully and not rush to make changes that, on their face may seem convenient but that may have unforeseen consequences. For example, some suggestions have been made concerning the expansion of the number and types of charges eligible for our Plea by Mail program. Pleading guilty by mail is certainly more convenient than showing up in Court and possibly missing a day at work or school, but we must be careful that we do not encourage individuals to plead guilty to an offense with possible collateral consequences, including immigration and housing. Especially when those charges are

ones in which the defendant would receive a more favorable outcome should they appear in Court.

In sum, Criminal Court has for decades provided meaningful justice and due process for millions of New Yorkers charged by summons. Facing often daunting volume, the Court's judges, JHOs and staff efficiently and fairly adjudicate these cases, balancing efficiency, convenience to the defendants, public safety and due process. Yet, using a measured thoughtful approach with our partners in criminal justice including the City Council, the Court System is fully committed to continuing to explore new ways to improve the administration of justice.

#### **Attachments**

1. **New York City Criminal Court Annual Report 2013** (Excerpt, pages 31-36)
2. **Summons Dispositions Year 2013** (Charges with more than 500 Dockets)
3. **Top Twenty Summons Charges 2013** (Citywide and by County)
4. **Arraignments on Top Charge of PL 221.10 2013 and YTD 2014** (DAT and On-Line)
5. **Summons Issued on PL 221.05 2013** (Total and by County)
6. **Open Summons Warrants 1999-2014 YTD** (Date Ordered)
7. **Summons Warrants Vacated 1999-2014 YTD** (Date Vacated)



# **Criminal Court of the City of New York**

## **Annual Report 2013**



## Citywide Summons Operation

In the past year, the personnel supporting the Citywide Summons Operation processed over 450,000 summons filings.

The clerks, data entry and office assistants who comprise the Citywide Summons Operation are responsible for scanning, initializing and docketing every summons case filed with Criminal Court.

Summonses come from over forty certified agencies including the New York City Police Department, Metropolitan Transportation Authority, the New York City Fire Department, the American Society for the Prevention of Cruelty to Animals, Taxi and Limousine Commission, Off Track Betting Corporation, Tax Enforcement, Roosevelt Island Authority and the Unified Court System.

Authorized agencies deliver summonses to the Court's Central Receiving Unit. The Central Receiving Unit separates these summonses by county and appearance date and then looks for serious defects which would prohibit the summons from being docketed, such as a missing signature or narrative, or improper return date. The summonses are then copied into the Court's computer system using high speed scanners which recognize each ticket's bar coded summons number and converts bar code and data into a digital image.

Once the summonses are scanned into the Summons Automated Management System (SAMS), data

entry personnel enter all the pertinent information into the SAMS database and assign each summons a docket number.

After data entry staff log the information and create a docket, the summonses are then forwarded to the appropriate county's summons office where the Associate Court Clerk in charge coordinates with the Supervising Judge's office to ensure that a timely review for legal sufficiency takes place prior to the scheduled arraignment date. Summonses that survive judicial review are then calendared for arraignment.

While individual counties still hear and, if necessary, try the individual summons cases, the Citywide Summons Operation's responsibilities do not end when the cases are sent to the individual counties (Brooklyn and Manhattan cases are heard at 346 Broadway). The Summons team also sends out notices to defendants for cases rejected because of defect or dismissed after judicial review. They are also the central repository for all summons records. Certificates of disposition are given after a review of the SAMS system for cases adjudicated after 1999. For older cases, books and computer printouts are used by the Summons clerical staff to locate and verify summons dispositions going back to 1970.

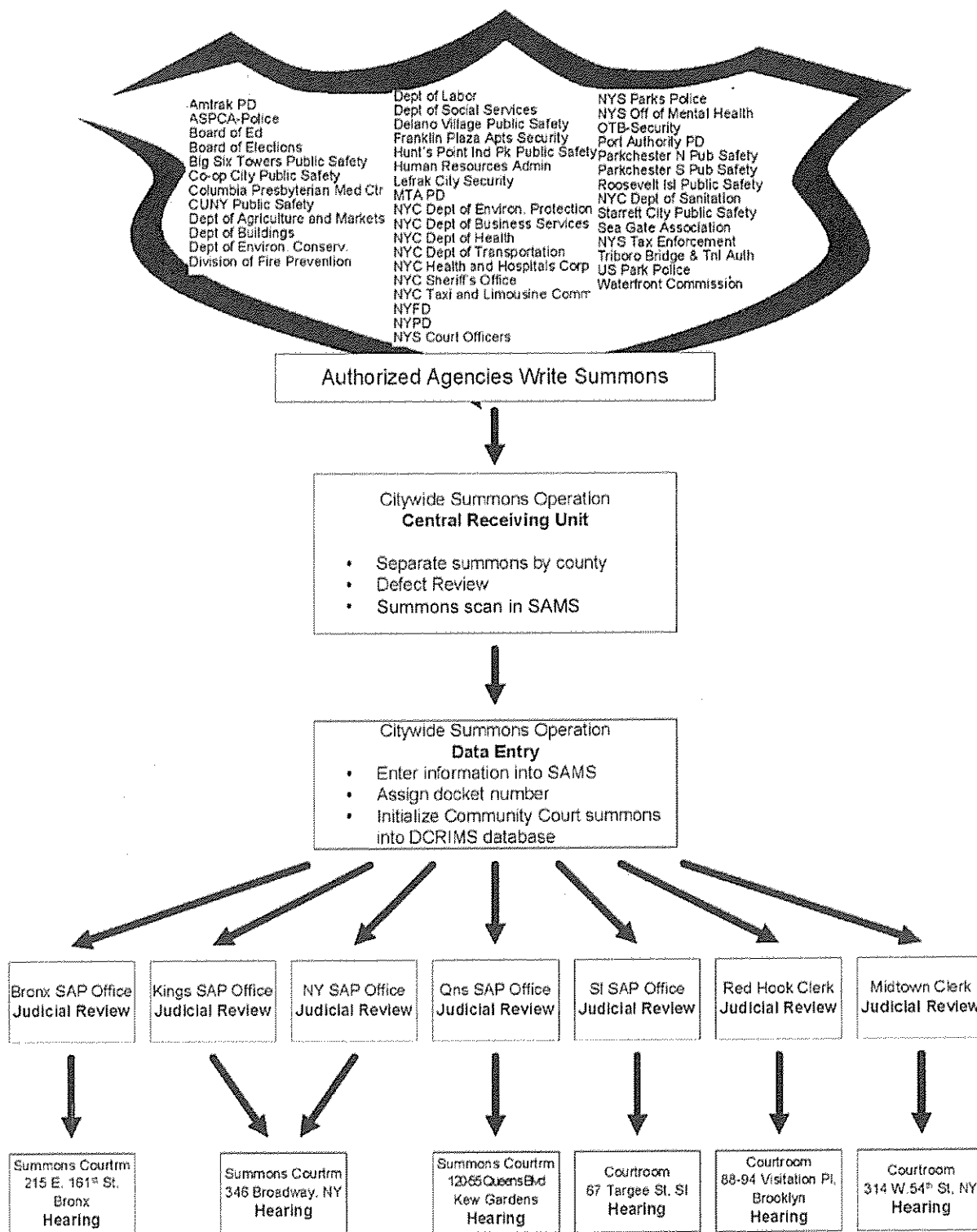
## Summonses — Revenue

Summons Revenue - 2013

	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Fine City	\$5,474,162	\$384,105	\$29,317	\$4,569,540	\$402,775	\$88,425
Fine State	\$3,031,478	\$775,695	\$2,085	\$1,533,385	\$691,463	\$28,850
Surcharge CVAF	\$52,760	\$36,965	\$1,890	\$5,625	\$7,250	\$1,030
Surcharge Misd	\$1,410	\$280	\$0	\$980	\$0	\$150
Surcharge Violation	\$228,150	\$144,580	\$7,045	\$32,040	\$38,730	\$5,755
Surcharge VTL	\$10,248	\$1,220	\$320	\$2,898	\$5,430	\$380
Total	\$8,798,208	\$1,342,845	\$40,657	\$6,144,468	\$1,145,648	\$124,590

\* \*Monies received from summonses issued in Brooklyn that are disposed and paid at 346 Broadway are included in the New York county figures.

## Summonses – From Ticket to Hearing

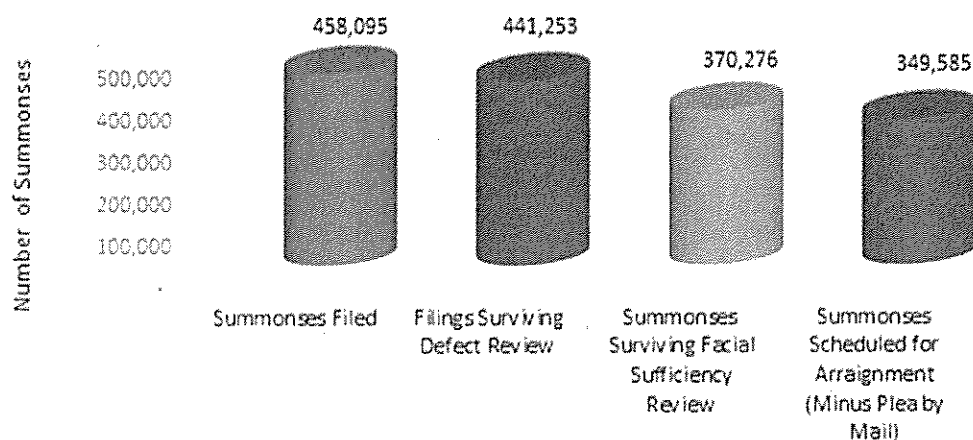




## Summonses — Filings, Docketing and Arraignments

Summary of Summons Filings - 2013								
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Filings	458,095	95,250	115,580	28,938	101,492	89,404	12,379	15,052
Defects (-)	(16,842)	(3,719)	(4,623)	NA	(4,662)	(3,400)	NA	438
Docketed Filings	441,253	91,531	110,957	28,938	96,830	86,004	12,379	14,614
Dism Insuff (-)	(70,977)	(8,250)	(29,172)	NA	(21,518)	(12,037)	NA	NA
Surviving Reviews	370,276	83,281	81,785	28,938	75,312	73,967	12,379	14,614
Plea By Mail (-)	(20,691)	(3,091)	(6,016)	NA	(5,596)	(5,755)	NA	(233)
Scheduled Arraignments	349,585	80,190	75,769	28,938	69,716	68,212	12,379	14,381

Summonses Surviving Defect and Facial Sufficiency Review - Citywide

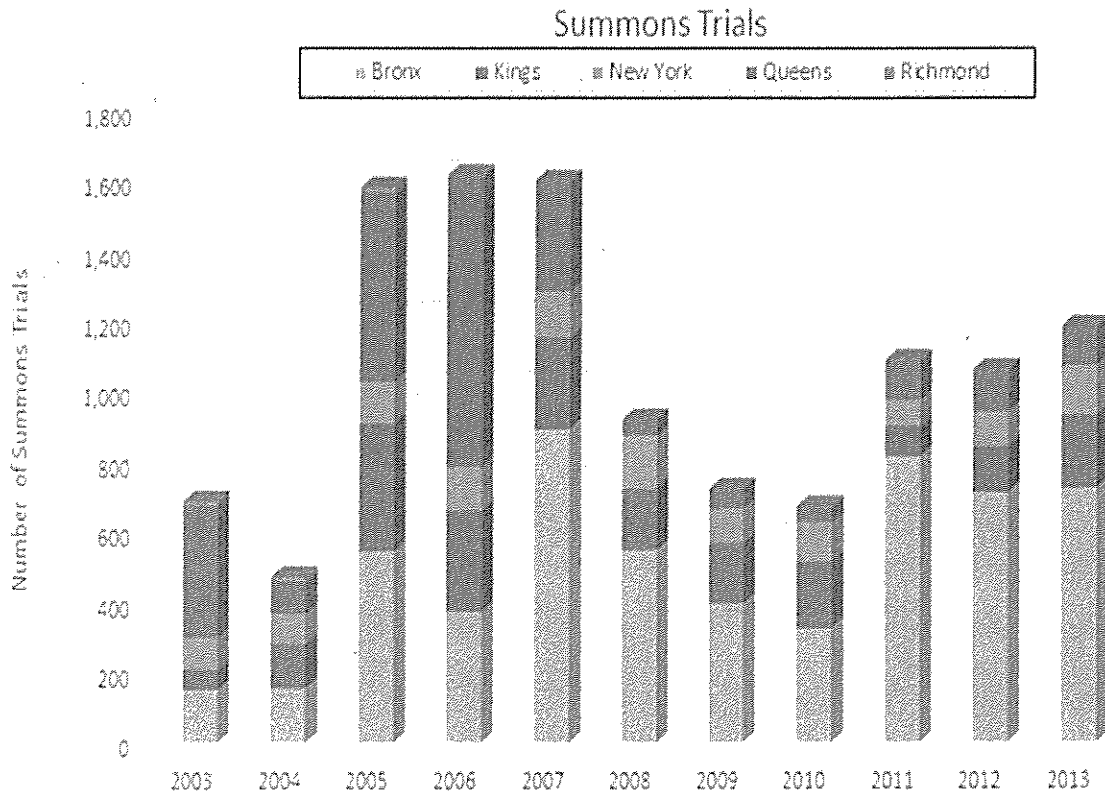


	Summons Filings							
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
2013	458,095	95,250	115,580	28,938	101,492	89,404	12,379	15,052
2012	510,370	115,647	124,649	27,038	117,178	96,276	13,383	16,199
2011	528,618	110,020	130,095	26,730	131,755	99,784	12,747	17,487
2010	577,664	125,945	156,417	22,585	138,832	104,385	12,575	16,925
2009	600,034	131,267	174,642	12,451	146,119	110,426	8,308	16,821
2008	563,157	120,331	161,271	20,131	133,409	101,266	10,830	15,919
2007	601,457	123,034	165,339	18,734	156,882	112,163	10,057	15,248
2006	602,944	128,551	158,444	15,884	157,356	113,018	11,924	17,767
2005	648,638	150,326	170,926	13,170	168,446	114,250	13,467	18,053
2004	581,734	137,907	134,758	16,455	151,372	111,625	10,811	18,806
2003	609,526	166,050	140,713	15,982	139,604	110,996	16,038	20,143

**Note:** Defective Summonses for Midtown and Red Hook are included in the New York and Brooklyn defects. Dism. Insuff represents the number of summonses dismissed as part of the pre-arraignment review (SAP-D calendar). Midtown, Red Hook and Richmond review summonses for legal sufficiency at the scheduled arraignment session.



## Summonses – Trials



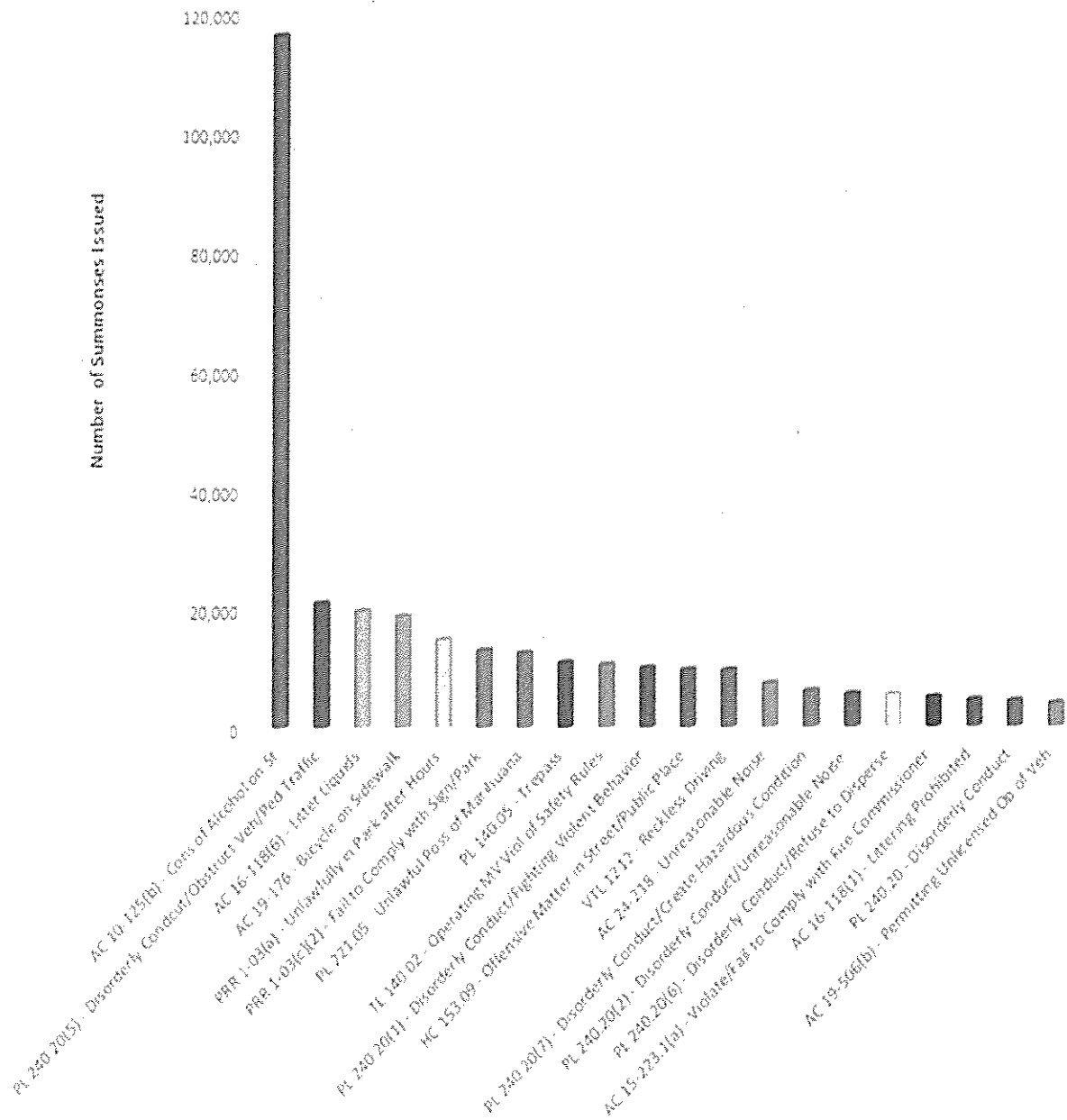
	Summons Trials					
	Citywide	Bronx	Kings	New York	Queens	Richmond
2013	1,185	723	208	141	113	0
2012	1,062	711	130	101	117	3
2011	1,089	814	86	73	113	3
2010	672	325	188	114	43	2
2009	723	395	172	98	56	2
2008	921	547	174	153	46	1
2007	1,596	891	258	131	315	1
2006	1,613	373	286	126	824	4
2005	1,578	544	364	118	535	17
2004	471	155	126	85	92	13
2003	686	151	58	90	374	13

\*\* Years 2001 to 2006 do not include Community Court data.



## Most Frequently Charged Summons Offenses 2013

Most Frequently Charged Summons Offenses - 2013







## Plea By Mail

2005 was the first full calendar year that individuals receiving a Criminal Court summons citing a violation of Section 10-125 (2)(b) of the N.Y.C. Administrative Code—"Consumption of Alcohol on Streets Prohibited" (also known as "Consumption of Alcohol in Public") were eligible to plead guilty and pay a \$25 fine by mail. 2005 also marked the first year that this program, originally piloted in Queens County, expanded to the entire city.

A new summons form adding the additional charge

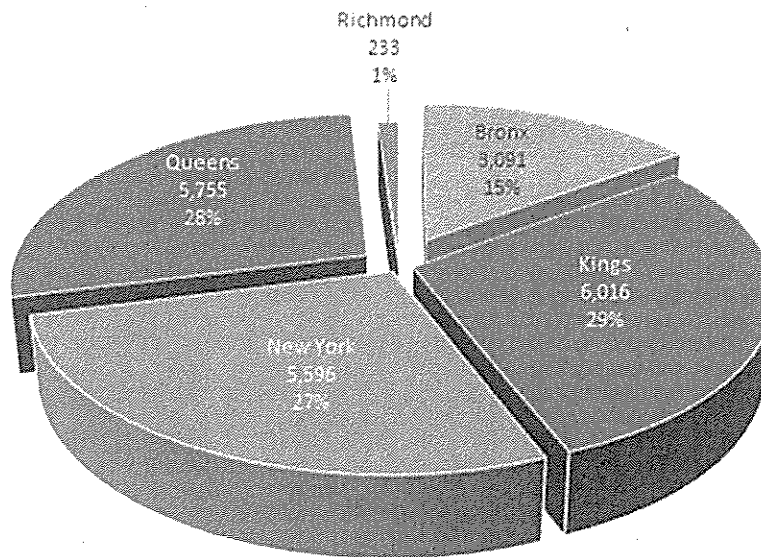
NYC Admin Code 16-118(6) - "Noxious Fluids in a Roadway" (also known as "Public Urination") was piloted in Queens beginning the Fall of 2009 and expanded citywide in the summer of 2010.

In 2013, 20,691 people chose to plead guilty by mail and send a check or money order to the court. These individuals did not appear in court. This program is another example of the new initiatives that Criminal Court has instituted to more efficiently manage limited staffing resources.

Pleas By Mail

	Citywide	Bronx	Kings	New York	Queens	Richmond
2013	20,691	3,091	6,016	5,596	5,755	233
2012	15,074	2,022	5,014	3,834	4,156	48
2011	10,780	1,167	3,626	4,237	1,722	28
2010	13,686	1,148	3,954	4,054	4,511	19
2009	14,554	897	3,268	4,108	6,277	4
2008	13,501	920	3,409	4,745	4,416	11
2007	11,221	887	2,272	3,306	4,743	13
2006	8,554	659	1,803	2,497	3,575	20
2005	9,724	895	1,840	3,055	3,907	27
2004	5,128	319	409	496	3,898	6

Pleas by Mail - 2013



CRIMINAL COURT OF THE CITY OF NEW YORK			
CITYWIDE			
TOP TWENTY SUMMONS CHARGES 2013			
RANK	CHARGE DESCRIPTION	TOP CHARGE	# DOCKETS
1	CONSUMPTION OF ALCOHOL ON STREETS	AC 10-125(b) V	116,054
2	DISORDERLY CONDUCT	PL 240.20 05 0V	20,810
3	LITTER LIQUIDS, NOXIOUS: POUR DISCHARGE	AC 16-118 (6) V	19,612
4	BICYCLE ON SIDEWALK	AC 19-176 UM	18,700
5	UNLAWFULLY IN PARKS/AFTER HOURS	PRR 1-03(a) UM	14,809
6	SIGN, PARK; FAIL TO COMPLY WITH	PRR 1-03(c)(2) UM	12,912
7	UNLAWFUL POSSESSION OF MARIJUANA	PL 221.05 00 0V	12,495
8	TRESPASS	PL 140.05 00 0V	10,867
9	OPER M/V IN VIOL SAFETY RULES	TL 140 02 UM	10,503
10	DISORDERLY CONDUCT	PL 240.20 01 0V	9,981
11	OFFENSIVE MATTER IN STREET/PUBLIC PLACE	HC 153.09 UM	9,629
12	RECKLESS DRIVING	VTL 1212 UM	9,564
13	GENERAL PROHIBITIONS - UNREASONABLE NOISE	AC 24-218 UM	7,288
14	DISORDERLY CONDUCT	PL 240.20 07 0V	6,054
15	DISORDERLY CONDUCT	PL 240.20 02 0V	5,496
16	DISORDERLY CONDUCT	PL 240.20 06 0V	5,416
17	VIOLATE/FAIL TO COMPLY WITH FIRE COMMISSIONER	AC 15-223.1(a) V	4,931
18	LITTERING PROHIBITED	AC 16-118 (1) V	4,457
19	DISORDERLY CONDUCT	PL 240.20 00 0V	4,276
20	PERMITTING UNLICENSED OPERATION OF VEHICLE	AC 19-506(b) UM	3,904

BRONX COUNTY CRIMINAL COURT			
TOP TWENTY SUMMONS CHARGES 2013			
RANK	CHARGE DESCRIPTION	TOP CHARGE	# DOCKETS
1	CONSUMPTION OF ALCOHOL ON STREETS	AC 10-125(b) V	27,628
2	DISORDERLY CONDUCT	PL 240.20 05 0V	6,700
3	LITTER LIQUIDS, NOXIOUS: POUR DISCHARGE	AC 16-118 (6) V	4,219
4	GENERAL PROHIBITIONS - UNREASONABLE NOISE	AC 24-218 UM	3,475
5	UNLAWFUL POSSESSION OF MARIJUANA	PL 221.05 00 0V	3,226
6	DISORDERLY CONDUCT	PL 240.20 01 0V	2,949
7	DISORDERLY CONDUCT	PL 240.20 07 0V	2,827
8	TRESPASS	PL 140.05 00 0V	2,793
9	SIGN, PARK; FAIL TO COMPLY WITH	PRR 1-03(c)(2) UM	2,680
10	RECKLESS DRIVING	VTL 1212 UM	2,464
11	UNLAWFULLY IN PARKS/AFTER HOURS	PRR 1-03(a) UM	2,333
12	BICYCLE ON SIDEWALK	AC 19-176 UM	2,301
13	DISORDERLY CONDUCT	PL 240.20 06 0V	2,256
14	DISORDERLY CONDUCT	PL 240.20 02 0V	1,846
15	OPER M/V IN VIOL SAFETY RULES	TL 140 02 UM	1,649
16	AIR COMPRESSORS	AC 24-236 UM	1,557
17	DISORDERLY CONDUCT	PL 240.20 00 0V	1,407
18	LITTERING PROHIBITED	AC 16-118 (1) V	1,165
19	OFFENSIVE MATTER IN STREET/PUBLIC PLACE	HC 153.09 UM	901
20	SPITTING PROHIBITED	HC 181.03(a) V	776

KINGS COUNTY CRIMINAL COURT			
TOP TWENTY SUMMONS CHARGES 2013			
RANK	CHARGE DESCRIPTION	TOP CHARGE	# DOCKETS
1	CONSUMPTION OF ALCOHOL ON STREETS	AC 10-125(b) V	35,624
2	BICYCLE ON SIDEWALK	AC 19-176 UM	8,371
3	LITTER LIQUIDS, NOXIOUS: POUR DISCHARGE	AC 16-118 (6) V	6,103
4	UNLAWFULLY IN PARKS/AFTER HOURS	PRR 1-03(a) UM	4,395
5	SIGN, PARK; FAIL TO COMPLY WITH	PRR 1-03(c)(2) UM	3,627
6	DISORDERLY CONDUCT	PL 240.20 05 0V	3,506
7	UNLAWFUL POSSESSION OF MARIJUANA	PL 221.05 00 0V	2,758
8	DISORDERLY CONDUCT	PL 240.20 01 0V	2,505
9	TRESPASS	PL 140.05 00 0V	2,369
10	RECKLESS DRIVING	VTL 1212 UM	2,338
11	OPER M/V IN VIOL SAFETY RULES	TL 140 02 UM	1,880
12	TAXI: ACCEPT HAILS WITHOUT LICENSE	AC 19-504(a) UM	1,854
13	OFFENSIVE MATTER IN STREET/PUBLIC PLACE	HC 153.09 UM	1,794
14	OPERATE W/SUSPENDED/REVOKED LICENSE	AC 19-506(d) UM	1,768
15	PERMITTING UNLICENSED OPERATION OF VEHICLE	AC 19-506(b) UM	1,582
16	DISORDERLY CONDUCT	PL 240.20 02 0V	1,490
17	VIOLATE/FAIL TO COMPLY WITH FIRE COMMISSIONER	AC 15-223.1(a) V	1,403
18	LITTERING PROHIBITED	AC 16-118 (1) V	1,280
19	DISORDERLY CONDUCT	PL 240.20 07 0V	1,145
20	GENERAL PROHIBITIONS - UNREASONABLE NOISE	AC 24-218 UM	1,099

NEW YORK COUNTY CRIMINAL COURT			
TOP TWENTY SUMMONS CHARGES 2013			
RANK	CHARGE DESCRIPTION	TOP CHARGE	# DOCKETS
1	CONSUMPTION OF ALCOHOL ON STREETS	AC 10-125(b) V	26,028
2	DISORDERLY CONDUCT	PL 240.20 05 0V	7,246
3	UNLAWFULLY IN PARKS/AFTER HOURS	PRR 1-03(a) UM	5,191
4	LITTER LIQUIDS, NOXIOUS: POUR DISCHARGE	AC 16-118 (6) V	4,883
5	RECKLESS DRIVING	VTL 1212 UM	3,396
6	OPER M/V IN VIOL SAFETY RULES	TL 140 02 UM	3,298
7	BICYCLE ON SIDEWALK	AC 19-176 UM	3,221
8	SIGN, PARK; FAIL TO COMPLY WITH	PRR 1-03(c)(2) UM	2,769
9	UNLAWFUL POSSESSION OF MARIJUANA	PL 221.05 00 0V	2,572
10	TRESPASS	PL 140.05 00 0V	1,976
11	OFFENSIVE MATTER IN STREET/PUBLIC PLACE	HC 153.09 UM	1,740
12	DISORDERLY CONDUCT	PL 240.20 01 0V	1,641
13	VIOLATE/FAIL TO COMPLY WITH FIRE COMMISSIONER	AC 15-223.1(a) V	1,612
14	DISORDERLY CONDUCT	PL 240.20 07 0V	1,313
15	COMMERCIAL BICYCLE OPER. NO ID CARD	AC 10-157 (b) I	1,200
16	COMMERCIAL BICYCLE OPER. NO NAME/ID APPAREL	AC 10-157 (a2) V	1,156
17	DISORDERLY CONDUCT	PL 240.20 06 0V	1,144
18	DISORDERLY CONDUCT	PL 240.20 02 0V	1,139
19	PERMITTING UNLICENSED OPERATION OF VEHICLE	AC 19-506(b) UM	1,125
20	DISORDERLY CONDUCT	PL 240.20 00 0V	1,069

QUEENS COUNTY CRIMINAL COURT			
TOP TWENTY SUMMONS CHARGES 2013			
RANK	CHARGE DESCRIPTION	TOP CHARGE	# DOCKETS
1	CONSUMPTION OF ALCOHOL ON STREETS	AC 10-125(b) V	22,960
2	OFFENSIVE MATTER IN STREET/PUBLIC PLACE	HC 153.09 UM	5,072
3	BICYCLE ON SIDEWALK	AC 19-176 UM	4,452
4	LITTER LIQUIDS, NOXIOUS: POUR DISCHARGE	AC 16-118 (6) V	3,924
5	SIGN, PARK; FAIL TO COMPLY WITH	PRR 1-03(c)(2) UM	3,424
6	DISORDERLY CONDUCT	PL 240.20 05 0V	3,041
7	UNLAWFUL POSSESSION OF MARIJUANA	PL 221.05 00 0V	2,884
8	TRESPASS	PL 140.05 00 0V	2,794
9	OPER M/V IN VIOL SAFETY RULES	TL 140 02 UM	2,520
10	DISORDERLY CONDUCT	PL 240.20 01 0V	2,360
11	UNLAWFULLY IN PARKS/AFTER HOURS	PRR 1-03(a) UM	2,247
12	GENERAL PROHIBITIONS - UNREASONABLE NOISE	AC 24-218 UM	1,588
13	RECKLESS DRIVING	VTL 1212 UM	1,172
14	VIOLATE/FAIL TO COMPLY WITH FIRE COMMISSIONER	AC 15-223.1(a) V	1,069
15	MOTOR VEHICLE ENGINE ON/KEY IN OVER 3 MINUTES	AC 10-111 V	1,018
16	LITTERING PROHIBITED	AC 16-118 (1) V	936
17	DISORDERLY CONDUCT	PL 240.20 06 0V	934
18	AIR COMPRESSORS	AC 24-236 UM	890
19	DISORDERLY CONDUCT	PL 240.20 00 0V	837
20	DISORDERLY CONDUCT	PL 240.20 02 0V	781

RICHMOND COUNTY CRIMINAL COURT			
TOP TWENTY SUMMONS CHARGES 2013			
RANK	CHARGE DESCRIPTION	TOP CHARGE	# DOCKETS
1	CONSUMPTION OF ALCOHOL ON STREETS	AC 10-125(b) V	3,814
2	OPER MV IN VIOL SAFETY RULES	TL 140 02 UM	1,156
3	UNLAWFUL POSSESSION OF MARIJUANA	PL 221.05 00 0V	1,055
4	TRESPASS	PL 140.05 00 0V	935
5	UNLAWFULLY IN PARKS/AFTER HOURS	PRR 1-03(a) UM	643
6	DISORDERLY CONDUCT	PL 240.20 01 0V	526
7	LITTER LIQUIDS, NOXIOUS: POUR DISCHARGE	AC 16-118 (6) V	483
8	SIGN, PARK; FAIL TO COMPLY WITH	PRR 1-03(c)(2) UM	412
9	BICYCLE ON SIDEWALK	AC 19-176 UM	355
10	FAILURE TO PAY FARE	TAR 1050.4(A) V	351
11	DISORDERLY CONDUCT	PL 240.20 05 0V	317
12	DISORDERLY CONDUCT	PL 240.20 06 0V	240
13	DISORDERLY CONDUCT	PL 240.20 02 0V	240
14	UNLAW POSS ALCOHOL PERSON UNDER 21	ABC 065-C 0V	203
15	RECKLESS DRIVING	VTL 1212 UM	194
16	DISORDERLY CONDUCT	PL 240.20 00 0V	171
17	OPERATING MV WITH SUSPENDED REGISTRATION	VTL 0512 UM	169
18	MOTOR VEHICLE ENGINE ON/KEY IN OVER 3 MINUTES	AC 10-111 V	163
19	LITTERING PROHIBITED	AC 16-118 (1) V	151
20	AIR COMPRESSORS	AC 24-236 UM	143

**CRIMINAL COURT OF THE CITY OF NEW YORK  
ARRAIGNMENTS ON TOP CHARGE OF PL 221.10**

		BRONX	KINGS	MIDTOWN	NEW YORK	QUEENS	RED HOOK	RICHMOND	CITYWIDE
YEAR 2013	DESK APPEARANCE TICKET	5,232	4,862	321	3,738	2,971	288	530	17,942
	ON-LINE ARREST	2,504	2,862	89	1,786	1,273	53	261	8,828
	TOTAL	7,736	7,724	410	5,524	4,244	341	791	26,770
YEAR 2014 - YTD NOV. 2	DESK APPEARANCE TICKET	4,082	3,287	207	3,748	2,827	151	560	14,862
	ON-LINE ARREST	1,912	1,753	47	1,083	803	23	196	5,817
	TOTAL	5,994	5,040	254	4,831	3,630	174	756	20,679

SOURCE: CRIMS DATABASE EXTRACT FILES



**NYS Unified Court System**  
**SAMS Warrants Vacated**  
**1999 - 2014 YTD (6/3/14) Date Vacated**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014 YTD
<b>Kings</b>	3,659	42,864	51,049	35,203	31,456	33,214	33,916	31,440	34,187	35,954	36,462	31,992	30,809	30,853	33,385	12,704
<b>New York</b>	14,115	26,657	25,846	23,558	18,639	27,384	23,128	24,660	29,439	30,264	31,702	29,987	30,210	26,716	24,735	9,766
<b>Queens</b>	6,362	23,142	26,689	16,906	20,381	21,944	22,229	21,781	22,878	22,596	26,274	24,484	23,776	26,108	21,030	8,262
<b>Richmond</b>	628	6,204	7,736	5,123	5,024	5,402	4,996	4,611	3,525	3,527	2,257	3,079	3,072	3,391	3,295	1,437
<b>Bronx</b>	3,117	31,521	41,439	31,770	31,541	36,915	33,570	31,616	38,093	38,794	41,072	35,703	48,602	51,398	38,176	16,081
<b>Total</b>	<b>27,881</b>	<b>130,388</b>	<b>152,759</b>	<b>112,560</b>	<b>107,041</b>	<b>124,859</b>	<b>117,839</b>	<b>114,108</b>	<b>128,122</b>	<b>131,135</b>	<b>137,767</b>	<b>125,245</b>	<b>136,469</b>	<b>138,466</b>	<b>120,621</b>	<b>48,250</b>

**NYS Unified Court System**  
**Open SAMS Warrants**  
**1999 - 2014 YTD (5/29/14) Date Ordered**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014 YTD
<b>Kings</b>	5,345	24,668	18,612	14,500	14,795	15,832	18,584	17,504	18,677	18,115	16,855	15,291	13,215	15,874	18,506	8,831
<b>New York</b>	20,479	17,900	16,130	16,376	18,450	18,669	26,354	24,755	25,843	23,119	23,181	22,321	21,045	18,526	18,057	7,741
<b>Queens</b>	5,388	10,351	11,745	13,750	15,683	16,353	19,408	20,627	18,907	16,516	15,685	16,159	16,695	18,602	17,107	7,062
<b>Richmond</b>	866	3,101	2,397	2,116	2,355	2,614	2,732	3,058	2,275	972	1,125	2,160	1,770	2,117	2,537	1,351
<b>Bronx</b>	4,635	21,331	22,610	19,600	24,116	18,253	22,484	18,406	18,303	13,449	13,975	18,046	9,536	11,469	17,185	3,740
<b>Total</b>	<b>36,713</b>	<b>77,351</b>	<b>71,494</b>	<b>66,342</b>	<b>75,399</b>	<b>71,721</b>	<b>89,562</b>	<b>84,350</b>	<b>84,005</b>	<b>72,171</b>	<b>70,821</b>	<b>73,977</b>	<b>62,261</b>	<b>66,588</b>	<b>73,392</b>	<b>28,725</b>

**NYS Unified Court System**  
**SAMS**  
**Summons Issued on PL 221.05 (Marijuana)**  
**Issued 2013**

County	Issued	Dispositions of Summonses Issued in 2013			
		SAP-D	Dismissed not SAP-D	ACD	Pled Guilty
Kings	2,760	886	367	916	304
New York	2,570	1,569	285	301	221
Queens	2,884	1,265	596	736	48
Richmond	1,056	0	420	494	59
Bronx	3,228	343	1,758	570	249
<b>Total</b>	<b>12,498</b>	<b>4,063</b>	<b>3,426</b>	<b>3,017</b>	<b>881</b>

Criminal Court of the City of New York  
Summons Dispositions Year 2013  
Charges in SAMS With More Than 500 Docket Occurrences in 2013

CHARGE	CHARGE DESCRIPTION	# OF DOCKETS	TOTAL DISPOSED		DISM			ACQ			ABATED			DRD/DUD			ACD			JUDENT			PGSI/TFGSI		
		#	#	% OF DOCKET TOTAL	#	% OF DOCKET TOTAL	% OF DSP TOTAL	#	% OF DOCKET TOTAL	% OF DSP TOTAL	#	% OF DOCKET TOTAL	% OF DSP TOTAL	#	% OF DOCKET TOTAL	% OF DSP TOTAL	#	% OF DOCKET TOTAL	% OF DSP TOTAL	#	% OF DOCKET TOTAL	% OF DSP TOTAL	#	% OF DOCKET TOTAL	% OF DSP TOTAL
AC 10-125(b) V	CONSUMPTION OF ALCOHOL ON STREETS	116,054	82,148	70.8	29,105	25.08	35.43	117	0.10	0.14	32	0.03	0.04	864	0.74	1.05	11,720	10.1	14.27	5	0	0.01	40,305	34.73	49.06
PL 240.20 05 0V	DISORDERLY CONDUCT	20,810	17,953	86.3	10,714	51.48	59.68	31	0.15	0.17	3	0.01	0.02	348	1.67	1.94	3,350	16.1	18.66	1	0	0.01	3,506	16.85	19.53
AC 16-118 (6) V	LITTER LIQUIDS, NOXIOUS: POUR DISCHARGE	19,612	13,201	67.3	1,877	9.57	14.22	14	0.07	0.11	1	0.01	0.01	94	0.48	0.71	1,829	9.33	13.86	7	0.04	0.05	9,379	47.82	71.05
AC 19-176 UM	BICYCLE ON SIDEWALK	18,700	15,971	85.4	12,552	67.12	78.59	10	0.05	0.06	1	0.01	0.01	48	0.26	0.30	958	5.12	6	3	0.02	0.02	2,399	12.83	15.02
PRR 1-03(a) UM	UNLAWFULLY IN PARKS/AFTER HOURS	14,809	11,345	76.6	4,112	27.77	36.25	1	0.01	0.01	17	0.11	0.15	123	0.83	1.08	5,585	37.71	49.23	0	0	0	1,507	10.18	13.28
PRR 1-03(c)(2) UM	SIGN, PARK; FAIL TO COMPLY WITH UNLAWFUL POSSESSION OF	12,912	9,823	76.1	3,056	23.67	31.11	2	0.02	0.02	10	0.08	0.10	158	1.22	1.61	4,103	31.78	41.77	0	0	0	2,494	19.32	25.39
PL 221.05 00 0V	MARIJUANA	12,495	10,873	87.0	7,205	57.66	66.27	4	0.03	0.04	2	0.02	0.02	77	0.62	0.71	2,734	21.88	25.14	0	0	0	851	6.81	7.83
PL 140.05 00 0V	TRESPASS	10,867	8,664	79.7	4,985	45.87	57.54	10	0.09	0.12	4	0.04	0.05	159	1.46	1.84	2,609	24.01	30.11	5	0.05	0.06	892	8.21	10.3
TL 140 02 UM	OPER M/V IN VIOL SAFETY RULES	10,503	11,097	105.7	5,857	55.77	52.78	2	0.02	0.02	1	0.01	0.01	813	7.74	7.33	885	8.43	7.98	2,934	27.93	26.44	605	5.76	5.45
PL 240.20 01 0V	DISORDERLY CONDUCT	9,981	7,912	79.3	4,390	43.98	55.49	22	0.22	0.28	2	0.02	0.03	102	1.02	1.29	2,061	20.65	26.05	0	0	0	1,335	13.38	16.87
HC 153.09 UM	OFFENSIVE MATTER IN STREET/PUBLIC PLACE	9,629	6,031	62.6	603	6.26	10.00	9	0.09	0.15	3	0.03	0.05	29	0.30	0.48	685	7.11	11.36	1	0.01	0.02	4,701	48.82	77.95
VTL 1212 UM	RECKLESS DRIVING	9,564	8,529	89.2	2,416	25.26	28.33	14	0.15	0.16	0	0.00	0.00	36	0.38	0.42	548	5.73	6.43	1	0.01	0.01	5,514	57.65	64.65
AC 24-218 UM	GENERAL PROHIBITIONS - UNREASONABLE NOISE	7,288	6,277	86.1	2,656	36.44	42.31	30	0.41	0.48	0	0.00	0.00	47	0.64	0.75	565	7.75	9	5	0.07	0.08	2,974	40.81	47.38
PL 240.20 07 0V	DISORDERLY CONDUCT	6,054	5,084	84.0	2,273	37.55	44.71	14	0.23	0.28	1	0.02	0.02	88	1.45	1.73	708	11.69	13.93	0	0	0	2,000	33.04	39.34
PL 240.20 02 0V	DISORDERLY CONDUCT	5,496	4,724	86.0	3,083	56.10	65.26	16	0.29	0.34	1	0.02	0.02	75	1.36	1.59	725	13.19	15.35	0	0	0	824	14.99	17.44
PL 240.20 06 0V	DISORDERLY CONDUCT	5,416	4,742	87.6	3,189	58.88	67.25	4	0.07	0.08	0	0.00	0.00	103	1.90	2.17	1,153	21.29	24.31	0	0	0	293	5.41	6.18
AC 15-223.1(a) V	VIOLATE/FAIL TO COMPLY WITH FIRE COMMISSIONER	4,931	3,676	74.6	560	11.36	15.23	0	0.00	0.00	0	0.00	0.00	57	1.16	1.55	309	6.27	8.41	1,411	28.61	38.38	1,339	27.15	36.43
AC 16-118 (1) V	LITTERING PROHIBITED	4,457	2,983	66.9	830	18.62	27.82	7	0.16	0.23	1	0.02	0.03	139	3.12	4.66	658	14.76	22.06	12	0.27	0.4	1,336	29.98	44.79
PL 240.20 00 0V	DISORDERLY CONDUCT	4,276	3,599	84.2	2,307	53.95	64.10	7	0.16	0.19	0	0.00	0.00	52	1.22	1.44	733	17.14	20.37	0	0	0	500	11.69	13.89
AC 19-506(b) UM	PERMITTING UNLICENSED OPERATION OF VEHICLE	3,904	3,604	92.3	1,523	39.01	42.26	12	0.31	0.33	1	0.03	0.03	303	7.76	8.41	601	15.39	16.68	0	0	0	1,164	29.82	32.3
AC 24-236 UM	AIR COMPRESSORS	3,574	3,087	86.4	1,891	52.91	61.26	0	0.00	0.00	0	0.00	0.00	23	0.64	0.75	304	8.51	9.85	1	0.03	0.03	868	24.29	28.12
AC 19-506(d) UM	OPERATE W/SUSPENDED/REVOKED LICENSE	3,489	3,167	90.8	1,230	35.25	38.84	6	0.17	0.19	0	0.00	0.00	193	5.53	6.09	512	14.67	16.17	0	0	0	1,226	35.14	38.71
VTL 0512 UM	OPERATING MV WITH SUSPENDED REGISTRATION	3,322	2,317	69.8	1,080	32.51	46.61	0	0.00	0.00	5	0.15	0.22	26	0.78	1.12	406	12.22	17.52	9	0.27	0.39	791	23.81	34.14
AC 19-504(a) UM	TAXI: ACCEPT HAILS WITHOUT LICENSE	3,204	3,013	94.0	1,242	38.76	41.22	6	0.19	0.20	2	0.06	0.07	273	8.52	9.06	603	18.82	20.01	3	0.09	0.1	884	27.59	29.34
AC 20-453 UM	UNLICENSED GENERAL VENDOR	2,644	2,194	83.0	833	31.51	37.97	2	0.08	0.09	3	0.11	0.14	100	3.78	4.56	411	15.54	18.73	0	0	0	845	31.96	38.51
AC 10-111 V	MOTOR VEHICLE ENGINE ON/KEY IN OVER 3 MINUTES	2,232	1,872	83.9	427	19.13	22.81	4	0.18	0.21	2	0.09	0.11	41	1.84	2.19	758	33.96	40.49	1	0.04	0.05	639	28.63	34.13
HC 181.03(a) V	SPITTING PROHIBITED	2,183	1,478	67.7	435	19.93	29.43	6	0.27	0.41	0	0.00	0.00	77	3.53	5.21	446	20.43	30.18	0	0	0	514	23.55	34.78

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ABC 065-C 0V	UNLAW POSS ALCOHOL PERSON UNDER 21	1,935	1,550	80.1	700	36.18	45.16	1	0.05	0.06	0	0.00	0.00	150	7.75	9.68	433	22.38	27.94	7	0.36	0.45	259	13.39	16.71
AC 24-227 UM	EXHAUSTS	1,912	1,720	90.0	1,130	59.10	65.70	4	0.21	0.23	0	0.00	0.00	13	0.68	0.76	153	8	8.9	0	0	0	420	21.97	24.42
HC 161.05 V	FAILURE TO KEEP DOG ON LEASH	1,793	1,163	64.9	234	13.05	20.12	1	0.06	0.09	0	0.00	0.00	17	0.95	1.46	313	17.46	26.91	0	0	0	598	33.35	51.42
AC 10-133 V	KNIVES, ETC.; PUBLIC POSSESSION BY MINORS	1,752	1,388	79.2	532	30.37	38.33	4	0.23	0.29	0	0.00	0.00	17	0.97	1.22	431	24.6	31.05	0	0	0	404	23.06	29.11
PL 240.20 03 0V	DISORDERLY CONDUCT	1,563	1,325	84.8	871	55.73	65.74	6	0.38	0.45	0	0.00	0.00	23	1.47	1.74	290	18.55	21.89	0	0	0	135	8.64	10.19
HC 153.01 UM	LITTERING PROHIBITED	1,531	1,079	70.5	373	24.36	34.57	6	0.39	0.56	0	0.00	0.00	46	3.00	4.26	285	18.62	26.41	10	0.65	0.93	359	23.45	33.27
TL 145-6 V	TRANSPORTATION FOR COMPENSATION W/O PERMISS	1,415	1,341	94.8	568	40.14	42.36	0	0.00	0.00	0	0.00	0.00	92	6.50	6.86	229	16.18	17.08	2	0.14	0.15	450	31.8	33.56
TAR 1050.4(A) V	FAILURE TO PAY FARE	1,223	831	68.0	170	13.90	20.46	0	0.00	0.00	0	0.00	0.00	15	1.23	1.81	367	30.01	44.16	1	0.08	0.12	278	22.73	33.45
AC 10-157 (b) I	COMMERCIAL BICYCLE OPER. NO ID CARD	1,221	545	44.6	356	29.16	65.32	0	0.00	0.00	0	0.00	0.00	58	4.75	10.64	61	5	11.19	20	1.64	3.67	50	4.1	9.17
AC 10-157 (a2) V	COMMERCIAL BICYCLE OPER. NO NAME/ID APPAREL	1,214	551	45.4	190	15.65	34.48	0	0.00	0.00	2	0.16	0.36	38	3.13	6.90	93	7.66	16.88	9	0.74	1.63	219	18.04	39.75
AC 10-127 (b) UM	COMMERCIAL VEHICLE, NO NAME/ADDRESS	1,181	1,034	87.6	387	32.77	37.43	0	0.00	0.00	1	0.08	0.10	55	4.66	5.32	189	16	18.28	113	9.57	10.93	289	24.47	27.95
AC 17-307(b) UM	UNLICENCED FOOD VENDOR VEHICLE/PUSHCART/STAND	1,150	1,027	89.3	298	25.91	29.02	0	0.00	0.00	0	0.00	0.00	162	14.09	15.77	153	13.3	14.9	0	0	0	414	36	40.31
ABC 065.1 AM	SELL/DELIVR/GIVE ALCOH TO PERSON UNDER 21 YRS	1,144	1,053	92.1	489	42.74	46.44	0	0.00	0.00	0	0.00	0.00	25	2.19	2.37	460	40.21	43.68	9	0.79	0.85	70	6.12	6.65
AC 15-216 (a) V	FIRE PREVENTION & CNTRL/PENALTIES(NEGLIGENT)	1,135	1,015	89.4	291	25.64	28.67	1	0.09	0.10	0	0.00	0.00	32	2.82	3.15	186	16.39	18.33	167	14.71	16.45	338	29.78	33.3
AC 16-122(c) V	STREET: OBSTRUCT WITH VEHICLE	1,074	980	91.3	431	40.13	43.98	3	0.28	0.31	1	0.09	0.10	31	2.89	3.16	213	19.83	21.73	0	0	0	301	28.03	30.71
PRR 1-05(r) UM	FAIL TO COMPLY W/AREA USE RESTRICTIONS	1,072	753	70.2	252	23.51	33.47	1	0.09	0.13	1	0.09	0.13	19	1.77	2.52	302	28.17	40.11	0	0	0	178	16.6	23.64
AC 10-118 UM	REMOVE/DESTROY PROPERTY FROM BLDG/STRUCTURE	972	758	78.0	257	26.44	33.91	2	0.21	0.26	1	0.10	0.13	34	3.50	4.49	283	29.12	37.34	2	0.21	0.26	179	18.42	23.61
AC 17-307(a) UM	UNLICENCED FOOD VENDOR	948	775	81.8	234	24.68	30.19	1	0.11	0.13	0	0.00	0.00	107	11.29	13.81	124	13.08	16	0	0	0	309	32.59	39.87
AC 11-809 UM	FAILURE TO PRODUCE TAX STAMP	944	926	98.1	367	38.88	39.63	0	0.00	0.00	1	0.11	0.11	80	8.47	8.64	117	12.39	12.63	223	23.62	24.08	138	14.62	14.9
HC 139.07(a) V	PUBLIC TRANSPORT FACILITY SMOKING PROHIBIT.	926	580	62.6	146	15.77	25.17	0	0.00	0.00	0	0.00	0.00	6	0.65	1.03	215	23.22	37.07	0	0	0	213	23	36.72
AC 19-505(a)(1) UM	DRIVING W/O APPROPRIATE LICENSE	878	799	91.0	340	38.72	42.55	1	0.11	0.13	0	0.00	0.00	83	9.45	10.39	121	13.78	15.14	0	0	0	254	28.93	31.79
AC 19-516 V	PICK UP FARE IN STREET PROHIBITED	861	821	95.4	363	42.16	44.21	1	0.12	0.12	0	0.00	0.00	70	8.13	8.53	149	17.31	18.15	0	0	0	238	27.64	28.99
TR 4-07 (c3i) I	BIKE: OPERATION ON SIDEWALK	813	602	74.1	247	30.38	41.03	4	0.49	0.66	0	0.00	0.00	0	0.00	0.00	66	8.12	10.96	0	0	0	285	35.06	47.34
PRR 1-05(f)(1) UM	ALCOHOL BEV., CNSM./POSS. TO CONT. BY SLF/OTH	753	505	67.1	204	27.09	40.40	0	0.00	0.00	0	0.00	0.00	18	2.39	3.56	89	11.82	17.62	0	0	0	194	25.76	38.42

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GB 89g UM	VIOLATION OF SECURITY GUARD ACT	630	540	85.7	268	42.54	49.63	2	0.32	0.37	0	0.00	0.00	16	2.54	2.96	140	22.22	25.93	21	3.33	3.89	93	14.76	17.22
PL 245.01 00 0V	EXPOSURE OF A PERSON	630	504	80.0	184	29.21	36.51	2	0.32	0.40	0	0.00	0.00	30	4.76	5.95	114	18.1	22.62	0	0	0	174	27.62	34.52
AC 24-122(a) UM	OPERATING CERTIFICATES	622	569	91.5	285	45.82	50.09	4	0.64	0.70	0	0.00	0.00	29	4.66	5.10	174	27.97	30.58	18	2.89	3.16	59	9.49	10.37
PL 165.15 04 0V	THEFT OF SERVICES	616	429	69.6	97	15.75	22.61	1	0.16	0.23	0	0.00	0.00	0	0.00	0.00	144	23.38	33.57	0	0	0	187	30.36	43.59
HC 161.03 V	DOG/ANIMAL NUISANCE	606	394	65.0	77	12.71	19.54	0	0.00	0.00	0	0.00	0.00	6	0.99	1.52	95	15.68	24.11	0	0	0	216	35.64	54.82
TAX 1817 D AM	SALES TAX-NO CERTIF PER 1134	598	475	79.4	247	41.30	52.00	1	0.17	0.21	0	0.00	0.00	60	10.03	12.63	121	20.23	25.47	4	0.67	0.84	42	7.02	8.84
HC 161.05 UM	DOG: UNLEASHED	539	396	73.5	106	19.67	26.77	0	0.00	0.00	0	0.00	0.00	3	0.56	0.76	100	18.55	25.25	0	0	0	187	34.69	47.22
PRR 1-05(n)(1) UM	MOTOR VEH: OPERATE ON UNAUTH. ROAD/AREA	532	446	83.8	81	15.23	18.16	0	0.00	0.00	0	0.00	0.00	3	0.56	0.67	76	14.29	17.04	0	0	0	286	53.76	64.13
AC 16-118 (4) V	LITTER: RECEPTACLES, SPILLING FROM	519	400	77.1	79	15.22	19.75	0	0.00	0.00	0	0.00	0.00	9	1.73	2.25	69	13.29	17.25	0	0	0	243	46.82	60.75
TL 212 UM	LOG BOOK VIOLATIONS	511	485	94.9	266	52.05	54.85	0	0.00	0.00	0	0.00	0.00	47	9.20	9.69	98	19.18	20.21	1	0.2	0.21	73	14.29	15.05
PL 240.35 02 0V	LOITERING	510	407	79.8	186	36.47	45.70	2	0.39	0.49	0	0.00	0.00	8	1.57	1.97	129	25.29	31.7	0	0	0	82	16.08	20.15
TOTAL		364,129	283,530	77.9	121,737	33.43	42.94	398	0.11	0.14	99	0.03	0.03	5,850	1.61	2.06	52,541	14.43	18.53	5,006	1.37	1.77	97,899	26.89	34.53

Source: SAMS summons database

## SUBMITTED TESTIMONY OF

HARRY G. LEVINE

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### HEARINGS OF THE NEW YORK CITY COUNCIL COMMITTEE ON COURTS & LEGAL SERVICES AND COMMITTEE ON PUBLIC SAFETY December 15, 2014

## Examining the Operations of New York City's Summons Courts

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I am a professor of sociology at Queens College and the Graduate Center of the City University of New York. For ten years, several colleagues and I have been researching and writing about misdemeanor arrests for marijuana possession in New York and other large U.S. cities. Our work has focused on how and why police make these arrests, their severe racial disparities, and the damaging consequences they have for the people targeted. Our reports and testimony and much other material is collected at our web site at: <http://marijuana-arrests.com/> Our most recent report: "Race, Class and Marijuana Arrests in Mayor de Blasio's Two New Yorks," released on October 20, 2014, contributed to the announcement on November 10th by the Mayor and Police Commissioner that they would direct the NYPD to stop making most of the large number of lowest-level marijuana arrests. That report is here: <http://marijuana-arrests.com/docs/Race-Class-NYPD-Marijuana-Arrests-Oct-2014.pdf>

Early on in our work, it became clear that the NYPD could continue its aggressive street policing, including searching many people, while following the letter (though not the spirit) of New York State law regarding marijuana possession. Instead of making tens of thousands of arrests for marijuana possession, the NYPD could write many tens of thousands of criminal court summonses for the same offense. To understand what that would mean we also began researching the half a million criminal court summonses that the NYPD has been making every year, and how the criminal court and legal system handles these offenses. Like everyone who looks closely at the city's criminal court summons system, we were appalled by what we learned. We first wrote about this in Testimony to the New York City Council on June 12, 2012, here: <http://marijuana-arrests.com/docs/Testimony-NYCityCouncil-Marijuana-Arrests--Illegal-Searches--Summons-Court-System-June-2012.pdf> Since then we have learned and written more, and encouraged others to do the same. We therefore welcome this Hearing and further investigatory work by the Council about the criminal court summons system.

This testimony presents data and findings from our research with some data we obtained from the Criminal Court, as well as information that has been reported in the media, especially by the *New York Daily News* and the *New York Times*.

Our first and most important point, to put it very bluntly, is that entire summons system of New York City's Criminal Court, and of the New York Police Department, is a vile, despicable monstrosity that that needs to be torn open so everyone can see what it does.

This statement is, of course, somewhat rhetorical, but we also do not mind if it is taken literally because it does capture what we think and feel. We do not blame the police officers who write hundreds of thousands of summons a year for minor offenses, mainly in black and Latino neighborhoods, nor the public servants in the Court who mostly try to make the inhuman system a bit less wretched. For the most part, the police officers, who write the summons under intense pressure from their commanders enforcing formal and informal quotas, and the Court staff, are simply doing their jobs.

The growth of this horrific summons system since the early 1990s has been the achievement of the New York City's Mayor's Office (under Mayors Giuliani and Bloomberg, and now de Blasio), and four Police Commissioners (Bratton, Safir, Kerik and Kelly, and now Bratton again). The City Council can be faulted for failing to exercise oversight or restraint on the various administrations. The Council can also be faulted for failing to require the Mayor's Office and the NYPD to make public the police and court data about where the summonses are written and to whom, about the huge number of criminal arrest warrants written for summonses, about the arrests made on those warrants, and more, especially about the great racial disparities in enforcement and punishment. Hopefully this hearing marks the beginning of a new chapter in the City's understanding of the criminal court summons system and potentially the system's radical reform. Hopefully the Mayor's Office will do everything it can to support the effort.

### **The Lack of Accessible Public Data about New York City's Criminal Court Summons System**

#### **The first essential task for understanding and reforming the New York City's summons system is making public and available the huge amount data about several decades of criminal court summonses.**

Currently, the only printed and on line data that New York City makes available about the total number of summons, and the most common ones, is in the annual reports of the New York City Criminal Court, and that is extremely limited. We have mined those reports for some of the data presented here. Included in this testimony is three pages of graphs and tables drawn from those reports simply tracing the growth of the summons system over the last twenty years.

That data shows that in 1993 New York City had similar numbers of felony arrests, misdemeanor arrests, and criminal court summonses (125,000 to 160,000 a year). In the twenty years since then, felony arrests have declined by thirty percent, misdemeanor arrests have increased by eighty-three percent, but the number of criminal court summonses has more than tripled. By 2012, there were twice as many criminal court summonses as misdemeanor arrests, and nearly six times as many summonses as felony arrests (88,000 felony arrests, 236,000 misdemeanor arrests, and 510,370 criminal court summons, in 2012).

The Criminal Court's annual reports also show that in 2010, for example, the NYPD wrote 577,664 criminal court summonses; the three most common summonses were for: possessing an open alcohol container (or for public consumption), for disorderly conduct, and for riding a bicycle on a sidewalk. For those three petty violations, the NYPD wrote 246,609 criminal court summonses, almost half the total number of summonses for the year. As other



data obtained from the Court by the *New York Daily News* and others shows, those summonses were written primarily in neighborhoods or precincts where the majority of the residents are blacks and Latinos, and approximately eighty percent of the people given the mandatory court appearance summonses were blacks and Latinos.

In February 2014 we prepared a memo to Susan Herman, the then newly appointed NYPD Deputy Commissioner for Collaborative Policing, requesting that data about millions of criminal court summonses (and the hundreds of thousands of warrants and arrests resulting) be posted on the NYPD web site on the same page and in the same format as data about arrests for misdemeanors and felonies. This already posted data for misdemeanors and felonies covers city-wide data and precinct data from 2000 through 2013. This was a modest first proposal using a framework that the NYPD had already established. The memo is included in this testimony.

We now believe this request is too limited and that the same kind of information which is available for felony and misdemeanor arrests, from the New York State Division of Criminal Justice Services, should also be made available for the summonses. This means data should be available back in time for at least twenty years but ideally for thirty or forty years so that the long term patterns and changes can be traced and described. It should also be possible for members of the City Council, other public officials and agencies, civic and public interest advocacy organizations, journalists, news publications, and researchers to request data by sections of the laws and codes pertaining to various offenses. And this data should be obtainable within a few days – which means there needs to be professional staff to handle such data and make it available. This could probably be handled by the New York State Division of Criminal Justice Services, but it could also be handled by the New York Police Department, or by the Criminal Court if it had sufficient resources to do the job.

Although the NYPD has not yet posted or made available such data, in 2014 the *New York Daily News* and the New York Civil Liberties Union filed a detailed freedom of information request and obtained some data on the more than seven million summonses written by the NYPD and handled by the Courts from 2001 through 2013. The *New York Daily News* presented this data in a major cover story and special report on August 4, 2014. We have created a pdf version of this story, here:

<http://marijuana-arrests.com/docs/Beyond-Broken--NYDailyNews-cover-story-NYPD-Aug4-2014.pdf>

Among the findings that the *New York Daily News* reported:

- Writing out violations remains the most frequent activity of the New York City Police Department, far surpassing felony and misdemeanor arrests combined.
- 7.3 million people were issued criminal court summonses between 2001 and 2013. Roughly 81% of the people given these summons were blacks and Latinos.
- "In some precincts, the rate of summonses was more than 1 in 10 residents last year [2013], such as the 25th Precinct (East Harlem North), which is 90% black and Hispanic, where there were 18 summonses per 100 residents; the 40th Precinct (Mott Haven, Bronx), which is 98% black and Hispanic (16 per 100 residents); and the 41st Precinct (Hunts Point, Bronx), which is 98% black and Hispanic, (16 per 100 residents)."

- "As of June [2014], there were 1.1 million open [arrest] warrants out for people who failed to show up to court over these low-level offenses." That is one arrest warrant for every eight New Yorkers.

- "These are tickets that never should have been issued in the first place,' said Joshua Fitch, who's representing some of the plaintiffs in the case, which seeks to reform the way the police dole out summonses. One court staffer, who asked not to be identified, said the racial disparity is 'mind-blowing' at the summons court at 346 Broadway, which serves most of Manhattan and Brooklyn. 'You'll see a disproportionately large percentage of young male blacks and young male Hispanics,' said another veteran court employee. 'It seems that only a certain kind of people are being targeted with this'."

- "Many have taken the day off work to spend hours waiting for their case to be heard. Defendants first wait in line at security, then at a window where they are told to sign a form waiving their right to appear in front of a judge. If they sign the form, they are ushered up to the courtroom to see a judicial hearing officer, typically a retired judge. The defendants know the charge against them, but nothing else. The ticketing officer's version of events is submitted to the judicial hearing officer, but not to the defendant.... 'There's no due process,' said lawyer Susan Tipograph. She said there's not much incentive for reform either, because the court is very profitable. Summonses brought in \$8.7 million last year, the second-largest source of revenue for the city's criminal courts."

On June 16, 2012, the New York Times published an editorial by Brent Staples, "Inside the Warped World of Summons Court." It presented some information that was almost unknown to most regular readers of the paper. Here:

<http://www.nytimes.com/2012/06/17/opinion/sunday/inside-the-warped-world-of-summons-court.html>

#### Some of what the New York Times editorial reported:

"Step into the dingy hallways of New York City summons court in Lower Manhattan and you are instantly struck by the racialized nature of this system. New York is a multiracial city, but judging from the faces in cramped courtrooms, one would think that whites scarcely ever commit the petty offenses that lead to the more than 500,000 summonses issued in the city every year."

"Summons court — which handles offenses like public drinking, riding bicycles on the sidewalk or talking back to the cops, otherwise known as disorderly conduct — is anything but petty. It is a place where low-level offenses can lead to permanent criminal histories and lifelong encumbrances. The system is now the subject of a class-action civil rights lawsuit unfolding in federal court in New York."

"But woe to those who forget the [court] date, even if the violation seems minor, like littering. The summons court will then issue a warrant, which means that the defendant stands a good chance of being handcuffed, fingerprinted and taken to jail, where he could spend days before going in front of a Criminal Court judge."

"In 2011, more than 170,000 warrants were ordered. Once a warrant is issued and recorded in a database, the defendant is at greater risk of having a citizenship application denied or being turned away by potential employers."

We have included in this testimony two documents.

- A ten page report presented at a public forum at the City University of New York Law School on April 24, 2014. This includes data from the Criminal Court's annual reports and data we requested and received about a few of the most common summonses.

- The three page memo to Deputy Police Commissioner Susan Herman requesting the NYPD post data about summonses on its web site on the same page as other data.

We have posted on the web some information and materials about New York City's Criminal Court Summons System.

- The ten page report first presented at the CUNY Law School, including all graphs and tables:  
<http://marijuana-arrests.com/docs/Criminal-Court-Summonses-in-NYC--CUNY-Law-School-April-24-2014.pdf>

- A series of articles from New York newspapers about the summons court system (28 pages)  
<http://marijuana-arrests.com/docs/The-Warped-World-of-Summons-Court-and-other-articles.pdf>

- Our web page with the above is: <http://marijuana-arrests.com/summonsNYPD.html>

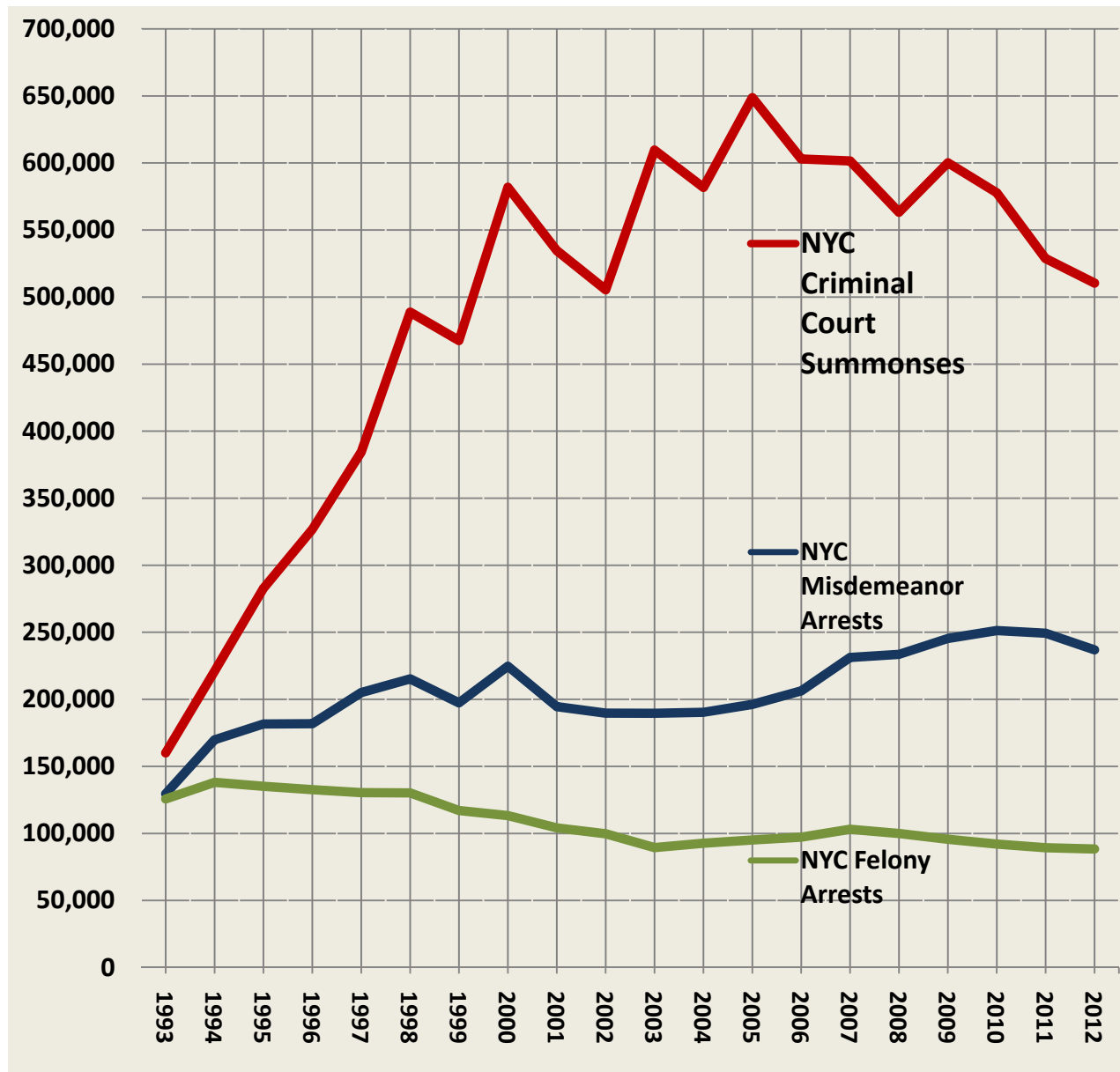
- The annual reports of the New York City Criminal Court (currently the only public information the City makes available about the summons court system) are here:  
<http://www.nycourts.gov/COURTS/nyc/criminal/annual-reports.shtml>

Finally, it worth noting that, as far as we have been able to determine, neither the Mayor's Office, nor the NYPD has ever released a report explaining and justifying the growth of the summons system from 160,000 summonses in 2013 (and likely lower numbers in the previous decade) to an average of over 500,000 summonses a year from 2000 through 2013. With all the computerized data that the NYPD has in its ComStat system, including apparently daily reports of the summonses written, this data has never been used to explain or justify the more than seven million summonses written since just 2001. Occasionally an NYPD representative will claim, in a sentence or two, that the summons help "bring crime down." But beyond such slogans, the city's offices and agencies have offered no evidence-based rationale for this huge, enduring policy carried out daily on the streets of New York and targeting its most vulnerable citizens. An observer might reasonable conclude that this is because there is no serious justification for it.

Acknowledgement also should be made of the few police officers who have openly revealed to reporters and in court testimony (sometimes backed with tape recordings, and always at the cost of their jobs and careers) the enormous pressures that they and others have been put under for all these years to meet the summons quotas. It is clear from their testimony, and that of other officers who speak confidentially to reporters and researchers, including us, that writing summonses for extremely minor offenses, mainly to young black and Latino New Yorkers, is a frequently odious part of their job.

It is said that in East Germany, by the end, almost nobody working in the field for the government's office of political repression believed that it served any social purpose other than its own existence. Nonetheless, the system kept functioning until it was finally stopped by others. Have we have reached that same situation with New York City's inhumane summons system?

# Criminal Court Summonses in New York City



*Presented at the public event: "Summons: The Next Stop and Frisk,"  
CUNY School of Law, Long Island City, NY, April 24, 2014*

*Harry Levine & Loren Siegel  
The Marijuana Arrest Research Project  
<http://marijuana-arrests.com>*

## 20 Years of NYPD

### Criminal Court Summonses and Arrests 1993 - 2012

	NYC Criminal Court Summonses	NYC Misdemeanor Arrests	NYC Felony Arrests
<b>2012</b>	<b>510,370</b>	<b>236,857</b>	<b>88,362</b>
2011	528,618	249,250	89,335
2010	577,664	251,288	92,027
2009	600,034	245,400	95,597
2008	563,157	233,482	99,955
2007	601,457	231,193	103,023
2006	602,944	206,307	97,210
2005	648,638	196,166	95,086
2004	581,734	190,346	92,676
2003	609,526	189,629	89,381
2002	505,331	189,718	99,676
2001	534,586	194,495	104,160
2000	581,841	224,670	113,248
1999	467,591	197,365	116,989
1998	488,651	215,251	130,215
1997	384,434	205,032	130,348
1996	326,708	181,807	132,630
1995	282,676	181,622	135,145
1994	221,000*	169,810	138,052
<b>1993</b>	<b>160,000</b>	<b>129,458</b>	<b>125,699</b>

- Source for misdemeanor and felony arrests: New York State Division of Criminal Justice Services

- Source for summons violations: New York City Criminal Court annual reports

- Source for 1993 violations is from "Police Announce Crackdown On Quality-of-Life Offenses,"  
New York Times, By Norimitsu Onishi, March 13, 1994

<http://www.nytimes.com/1994/03/13/nyregion/police-announce-crackdown-on-quality-of-life-offenses.html>

- \* 1994 summons violations estimate

	<b>15 MOST FREQUENTLY CHARGED SUMMONS OFFENSES IN NEW YORK CITY</b>	<b>2010</b>	<b>2009</b>
1	AC 10-125 (b) - Consumption of Alcohol on Street	140,425	132,225
2	PL 240.20 - Disorderly Conduct	81,036	87,788
3	AC 19-176 - Bicycle on Sidewalk	25,148	22,136
4	PRR 1-03 (c)(2) - Failure to Comply with Sign/Park	17,309	16,693
5	HC 153.09 - Offensive Matter in Street/Public Place	16,196	16,206
6	PL 140.05 00 - Trespass	15,834	15,749
7	TL 140.02 - Operating Motor Vehicle Violation of Safety Rules	13,339	23,176
8	VTL 1212 - Reckless Driving	12,887	13,714
9	AC 16-118(6) - Litter Liquids, [Noxious]	11,833	11,246
10	PRR 1-03 (a) - Unlawfully in Park/After Hours	11,570	11,377
11	PL 221.05 00 - Unlawful Possession Marijuana	8,342	8,629
12	AC 24-218 - Unreasonable Noise	8,331	7,044
13	AC 19-506 (b) - Unlicensed Operation of Motor Vehicle	8,073	7,227
14	AC 20-453 - Unlicensed General Vendor	5,682	5,914
15	VTL 512 - Operating Motor Vehicle with Suspended Registration	4,446	5,564

The top seven summonses account for about half of the summonses written in each year.

AC = Administrative Code

HC = Health Code

PL = Penal Law [criminal law]

PRR = Parks and Recreation

TL = Traffic Law

VTL = Vehicle and Traffic Law

The web page of the New York City Criminal Court is here:

<http://www.nycourts.gov/courts/nyc/criminal/index.shtml>

The annual reports are here:

<http://www.nycourts.gov/COURTS/nyc/criminal/annual-reports.shtml>

The above information comes from the reports for 2010 and 2009

The information page for the courts is here:

<http://www.nycourts.gov/courts/nyc/criminal/generalinfo.shtml>

List of different sections of NY State law is here:

<http://law.justia.com/codes/new-york/2006/> also here: <http://law.onecle.com/new-york/>

This is another good list of NY State laws:

<http://ypdcrime.com/index.htm>

the penal law part is here: <http://ypdcrime.com/penal.law/index.htm>

This document is on line at:

<http://marijuana-arrests.com/summonsNYPD.html>

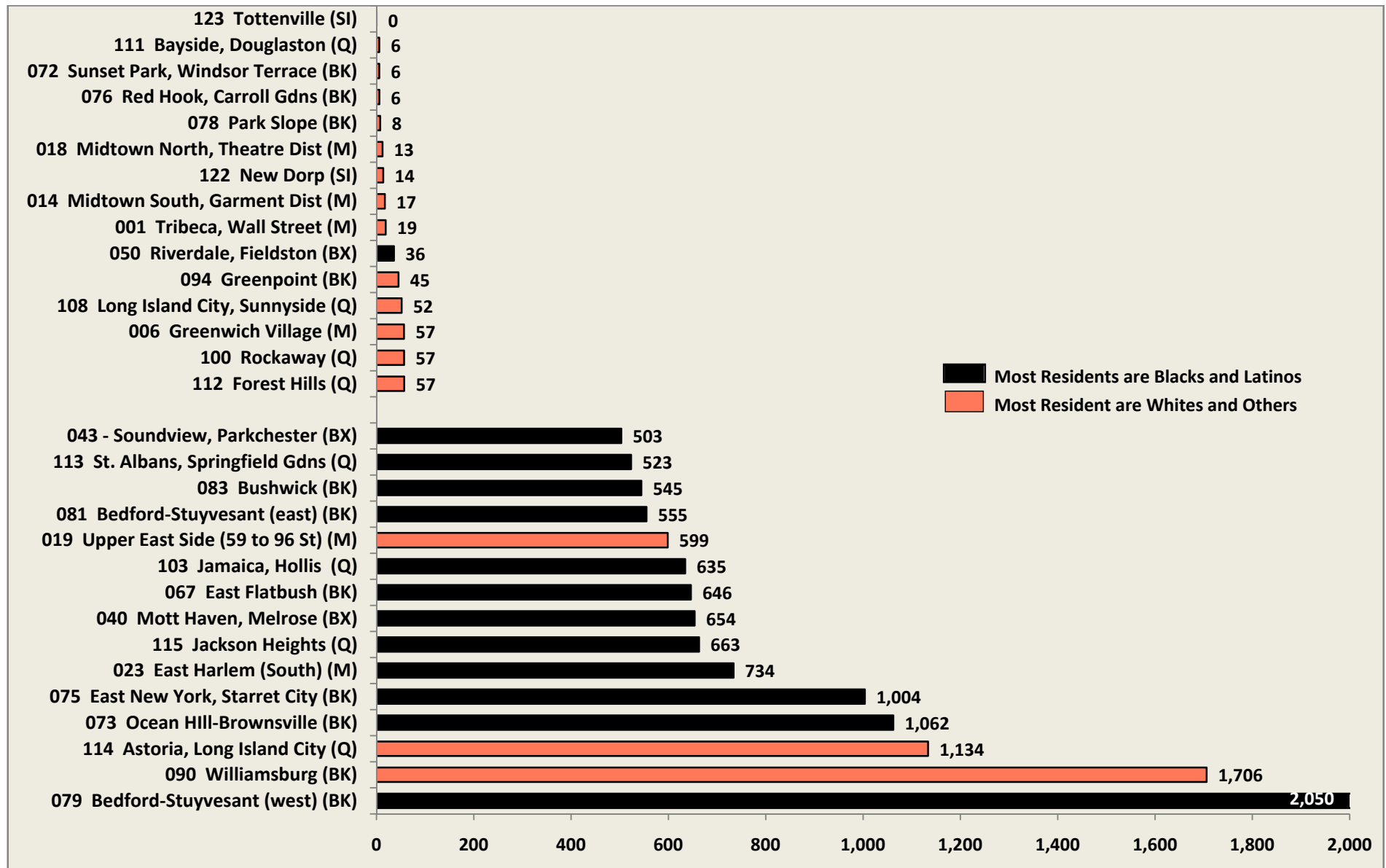
**New York City Criminal Court, Summons Court  
346 Broadway, New York, NY 10013, entrance on Leonard Street**

***People issued a summons earlier line up outside waiting to be admitted to the court to appear before a judge, usually without an attorney.***



**As in these photos, the people lined up for at the summons courts are mostly young black and Latino men, and some Middle Eastern men, especially at the courts for summonses issued in Brooklyn, the Bronx, and Manhattan.**

## Bicycle on Sidewalk Criminal Court Summonses by NYPD Precinct 15 Lowest and 15 Highest Number of Summonses a Year, 2008-2011



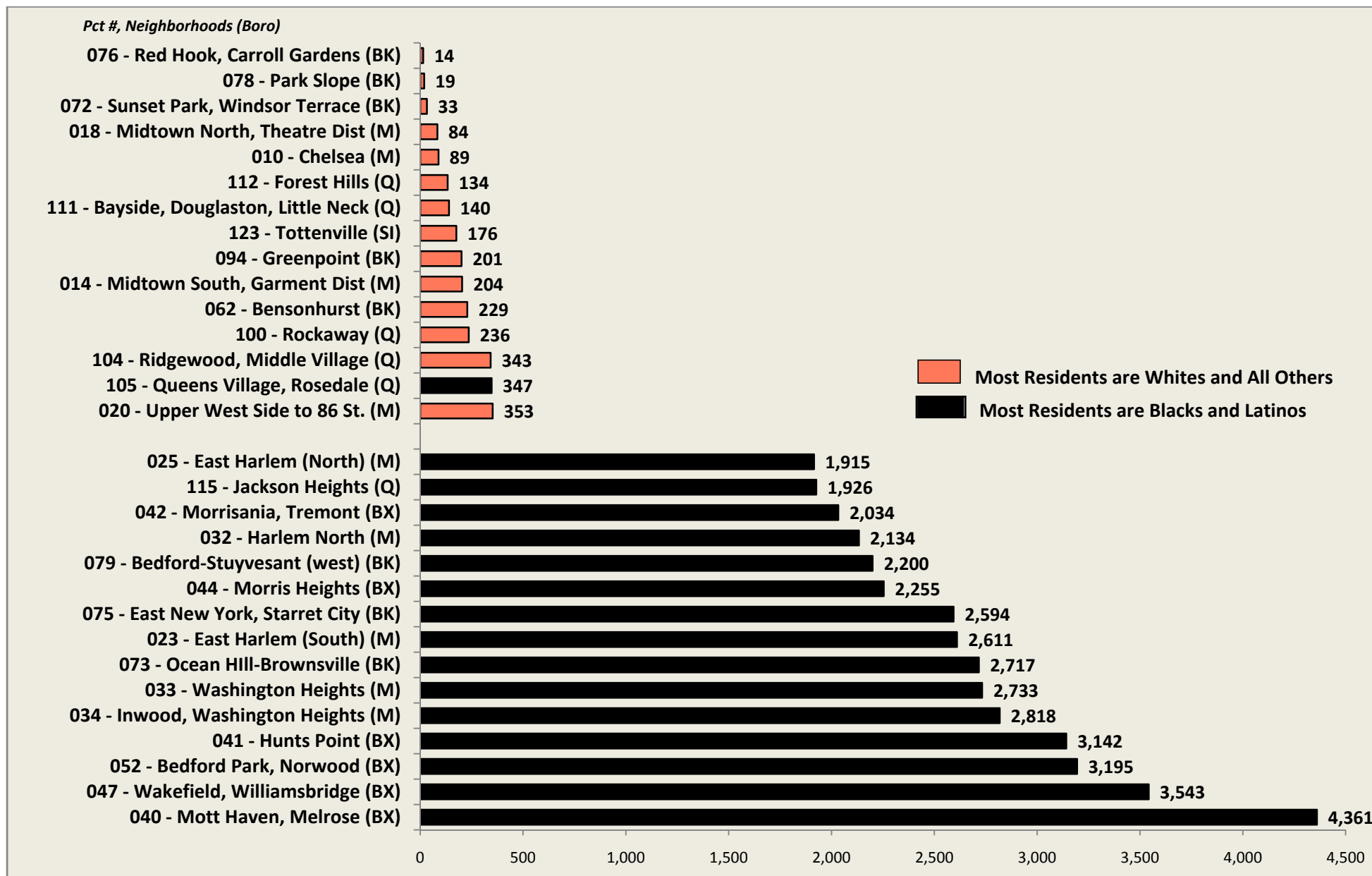
Source: New York Criminal Court and 2010 U.S. Census. Summonses for violating NYC AC 19-176, average number 2008-2011.

Harry G. Levine, Sociology Department, Queens College, City University of New York, and The Marijuana Arrest Research Project: <http://marijuana-arrests.com/>



## Disorderly Conduct Criminal Court Summonses by NYPD Precinct

### 15 Lowest and 15 Highest Number of Summonses in NYPD Precincts, 2008-2011



Source: New York Criminal Court and 2010 U.S. Census. Summonses for violating NYSPL 240.20, average 2008-2011.

Harry G. Levine, Sociology Department, Queens College, City University of New York, and The Marijuana Arrest Research Project: <http://marijuana-arrests.com/>  
 April 2014

## Bicycle on Sidewalk Criminal Court Summonses

### NYPD Precincts With Lowest and Highest Number Per Year

15 Precincts and Neighborhoods with the Lowest Number of Criminal Court Summonses for <u>Bicycle on Sidewalk</u> (Per year, average 2008-2011) Precinct # - Neighborhood	Lowest # of Bicycle on Sidewalk Summonses per year	% of Residents Blacks + Latinos	% of Residents Whites + All Others	Rate of Bicycle on Sidewalk Summonses per 100,000 residents	Population of Precinct / Neighborhood
123 - Tottenville (SI)	0	9%	91%	0	159,102
111 - Bayside, Douglaston, Little Neck (Q)	6	13%	87%	4	128,944
072 - Sunset Park, Windsor Terrace (BK)	6	48%	52%	5	121,307
076 - Red Hook, Carroll Gardens (BK)	6	34%	66%	14	42,009
078 - Park Slope (BK)	8	24%	76%	13	61,334
018 - Midtown North, Theatre District (M)	13	13%	87%	45	27,502
122 - New Dorp (SI)	14	16%	84%	11	131,920
014 - Midtown South, Garment Dist (M)	17	21%	79%	27	63,962
001 - Tribeca, Wall Street (M)	19	11%	89%	29	64,963
050 - Riverdale, Fieldston (BX)	36	52%	48%	37	96,363
094 - Greenpoint (BK)	45	19%	81%	89	50,997
108 - Long Island City, Sunnyside (Q)	52	36%	64%	45	114,354
006 - Greenwich Village (M)	57	9%	91%	65	86,881
100 - Rockaway (Q)	57	37%	63%	112	50,596
112 - Forest Hills (Q)	57	16%	84%	50	113,298
<b>Totals and averages for Howest 15 pcts</b>	<b>T-392 / A-26</b>	<b>24%</b>	<b>76%</b>	<b>30</b>	<b>1,313,532</b>

*The 15 lowest precincts have 16 % of NYC's resident sand received 1.6 % of bike on sidewalk summonses.*

15 Precincts and Neighborhoods with the Highest Number of Criminal Court Summonses for <u>Bicycle on Sidewalk</u> (Per year, average 2008-2011) Precinct # - Neighborhood	Highest # of Bicycle on Sidewalk Summonses per year	% of Residents Blacks + Latinos	% of Residents Whites + All Others	Rate of Bicycle on Sidewalk Summonses per 100,000 residents	Population of Precinct / Neighborhood
043 - Soundview, Parkchester (BX)	503	87%	13%	275	183,110
113 - St. Albans, Springfield Gdns (Q)	523	93%	7%	543	96,338
083 - Bushwick (BK)	545	86%	14%	496	109,769
081 - Bedford-Stuyvesant (east) (BK)	555	93%	7%	856	64,814
019 - Upper East Side (59 to 96 St.) (M)	599	10%	90%	284	210,904
103 - Jamaica, Hollis (Q)	635	77%	23%	526	120,669
067 - East Flatbush (BK)	646	95%	5%	428	151,081
040 - Mott Haven, Melrose (BX)	654	97%	3%	736	88,893
115 - Jackson Heights (Q)	663	69%	31%	386	171,560
023 - East Harlem (South) (M)	734	68%	32%	921	79,704
075 - East New York, Starret City (BK)	1,004	89%	11%	579	173,473
073 - Ocean Hill-Brownsville (BK)	1,062	96%	4%	1,224	86,787
114 - Astoria, Long Island City (Q)	1,134	34%	66%	635	178,544
090 - Williamsburg (BK)	1,706	39%	61%	1,384	123,224
079 - Bedford-Stuyvesant (west) (BK)	2,050	79%	21%	2,279	89,956
<b>Totals and averages for Highest 15 pcts</b>	<b>T: 13,102 A: 867</b>	<b>69%</b>	<b>31%</b>	<b>675</b>	<b>1,928,826</b>

*The 15 highest precincts have 24% of NYC's residents and received 54 % of bike on sidewalk summonses*

Source: New York Criminal Court and 2010 U.S. Census. Summonses for violating AC 119-176, average 2008-2011.

Harry Levine, Sociology Department, Queens College, CUNY / Marijuana Arrest Research Project / April 2014 / <http://marijuana-arrests.com/>

## Disorderly Conduct Criminal Court Summonses

### NYPD Precincts With Lowest and Highest Number Per Year

15 Precincts and Neighborhoods with the <u>Lowest Number</u> of Criminal Court Summonses for <u>Disorderly Conduct</u> (Per year, average 2008-2011) Precinct # - Neighborhood	Lowest # of Disorderly Conduct Summonses per year	% of Residents Blacks + Latinos	% of Residents Whites + All Others	Rate of Disorderly Conduct Summonses per 100,000 residents	Population of Precinct / Neighborhood
076 - Red Hook, Carroll Gardens (BK)	14	34%	66%	34	42,009
078 - Park Slope (BK)	19	24%	76%	31	61,334
072 - Sunset Park, Windsor Terrace (BK)	33	48%	52%	25	128,944
018 - Midtown North, Theatre District (M)	84	13%	87%	304	27,502
010 - Chelsea (M)	89	23%	77%	184	48,499
112 - Forest Hills (Q)	134	16%	84%	118	113,298
111 - Bayside, Douglaston, Little Neck (Q)	140	13%	87%	115	121,307
123 - Tottenville (SI)	176	9%	91%	111	159,102
094 - Greenpoint (BK)	201	19%	81%	395	50,997
014 - Midtown South, Garment Dist (M)	204	21%	79%	319	63,962
062 - Bensonhurst (BK)	229	14%	86%	127	181,079
100 - Rockaway (Q)	236	37%	63%	466	50,596
104 - Ridgewood, Middle Village (Q)	343	36%	64%	205	167,323
105 - Queens Village, Rosedale (Q)	347	67%	33%	188	184,582
020 - Upper West Side to 86 St. (M)	353	12%	88%	379	93,030
<u>Yearly Averages for lowest 15</u>	<u>173</u>	<u>28%</u>	<u>72%</u>	<u>174</u>	<u>99,571</u>
<b>Total</b>	<b>2,601</b>				<b>1,493,564</b>

15 Precincts and Neighborhoods with the <u>Highest Number</u> of Criminal Court Summonses for <u>Disorderly Conduct</u> (Per year, average 2008-2011) Precinct # - Neighborhood	Highest # of Disorderly Conduct Summonses per year	% of Residents Blacks + Latinos	% of Residents Whites + All Others	Rate of Disorderly Conduct Summonses per 100,000 residents	Population of Precinct / Neighborhood
025 - East Harlem (North) (M)	1,915	88%	12%	4,455	42,995
115 - Jackson Heights (Q)	1,926	69%	31%	1,123	171,560
042 - Morrisania, Tremont (BX)	2,034	97%	3%	2,417	84,136
032 - Harlem North (M)	2,134	90%	10%	2,937	72,639
079 - Bedford-Stuyvesant (west) (BK)	2,200	79%	21%	2,446	89,956
044 - Morris Heights (BX)	2,255	95%	5%	1,596	141,216
075 - East New York, Starret City (BK)	2,594	89%	11%	1,495	173,473
023 - East Harlem (South) (M)	2,611	68%	32%	3,275	79,704
073 - Ocean Hill-Brownsville (BK)	2,717	96%	4%	3,131	86,787
033 - Washington Heights (M)	2,733	85%	15%	3,580	76,341
034 - Inwood, Washington Heights (M)	2,818	76%	24%	2,308	122,102
041 - Hunts Point (BX)	3,142	96%	4%	4,877	64,422
052 - Bedford Pk, Fordham, Norwood (BX)	3,195	84%	16%	2,332	137,012
047 - Wakefield, Williamsbridge (BX)	3,543	88%	12%	2,215	159,930
040 - Mott Haven, Melrose (BX)	4,361	97%	3%	4,906	88,893
<u>Yearly Averages for Highest 15</u>	<u>2,678</u>	<u>86%</u>	<u>14%</u>	<u>2,525</u>	<u>106,078</u>
<b>Total</b>	<b>40,176</b>				<b>1,591,166</b>

Source: New York Criminal Court and 2010 U.S. Census. Summonses for violating NYSPL 240.20, average 2008-2011.  
 Harry Levine, Sociology Department, Queens College, CUNY / Marijuana Arrest Research Project / April 2014  
<http://marijuana-arrests.com>

HARRY G. LEVINE  
DEPARTMENT OF SOCIOLOGY, QUEENS COLLEGE  
AND THE GRADUATE CENTER, CITY UNIVERSITY OF NEW YORK  
HARRY.LEVINE@QC.CUNY.EDU

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Feb 27, 2014

To: Commissioner Susan Herman,  
NYPD Deputy Commissioner for Collaborative Policing

Re: Historical Data To Be Made Available, Ideally On The NYPD Web Site  
Criminal Court Summonses For Violations, Arrest Warrants For Criminal Court Summonses for  
Violations, And Custodial Arrests On Warrants for Criminal Court Summonses.

CRIMINAL COURT SUMMONSES FOR VIOLATIONS, ARREST WARRANTS AND ARRESTS.

For over a decade the NYPD has written an average of 500,000 criminal court summonses a year for petty offenses ("violations") such as possessing an open beer can, riding a bike on the sidewalk, and disorderly conduct. When people given a criminal court summons for a violation failed to appear in court at the date they were ordered to appear, the criminal court issued an arrest warrant. When police officers found a person with an outstanding warrant for a criminal court summons, they commonly made a custodial arrest and booked the individual.

We are requesting that basic data about the number of criminal court summonses for violations, their arrest warrants, and the arrests on these warrants, be posted on the NYPD web site, perhaps ideally on the NYPD web page titled "Historical New York City Crime Data."

This data on summonses for violations would be in the same format as data already posted and available on that page for felonies and misdemeanors. This request simply extends to summons (violation) data the same kinds of historical information as for other offenses as recorded by the NYPD.

This includes:

- a. The *total number* of criminal court summonses for violations issued each year from 2000 through the most recent year (now 2013).
- b. The number of the *most common* criminal court summonses for violations issued for each year as above. (A list of the 15 most common summonses for violations from the New York City Criminal Court is attached.)
- c. The total number of criminal court summonses for violations and the 15 most common summonses *for each of the 75 NYPD precincts*.

This also includes

a) Yearly data from 2000 to the most recent year on the *total number of arrest warrants* (bench warrants) issued for criminal court summonses (for non-payment, non-appearance or other reasons).

b) The number of *arrest warrants issued for each of the 15 most common* criminal court summonses for violations for each year from 2000 to the most recent year.

c) The total number of arrest warrants and the number of arrest warrants for each of the 15 most common criminal court summonses *for the 75 police precincts* from 2000 to the most recent year.

Finally, this includes

a) Yearly data from 2000 to the most recent year on the *total number of arrests made on these warrants* for criminal court summonses for violations.

b) Yearly data as above for the number of *arrests* made on warrants *for the 15 most common summonses*

c) Yearly data as above for each of the *75 police precincts* of the total number of arrests made and the number of arrests for each of the 15 most common summonses.

Again, this simply follows the format already used for felonies and misdemeanors and carries it over to criminal court summonses for violations, arrest warrants for criminal court summonses, and custodial arrests made for warrants on criminal court summonses for violations.

Finally, in 2013, the *New York Daily News* reported that the NYPD's criminal databases showed more than one million outstanding bench arrest warrants for petty offences. *What is the current actual number of open bench warrants for criminal court summonses?*

Thank you very much. If I or my colleagues can help you in any way, please let me know.

Sincerely,

Harry G. Levine  
Professor

Below is a chart of the 15 most frequently charged summons offenses for violations as reported in the Criminal Court annual reports.

AC = Administrative Code

HC = Health Code

PL = Penal Law

PRR = Parks and Recreation

TL = Traffic Law

VTL = Vehicle and Traffic Law

	<b>15 MOST FREQUENTLY CHARGED SUMMONS OFFENSES</b>	<b>2010</b>	<b>2009</b>
<b>1</b>	<b>AC 10-125 (b) - Consumption of Alcohol on Street</b>	<b>140,425</b>	<b>132,225</b>
<b>2</b>	<b>PL 240.20 - Disorderly Conduct</b>	<b>81,036</b>	<b>87,788</b>
<b>3</b>	<b>AC 19-176 - Bicycle on Sidewalk</b>	<b>25,148</b>	<b>22,136</b>
<b>4</b>	<b>PRR 1-03 (c)(2) - Failure to Comply with Sign/Park</b>	<b>17,309</b>	<b>16,693</b>
<b>5</b>	<b>HC 153.09 - Offensive Matter in Street/Public Place</b>	<b>16,196</b>	<b>16,206</b>
<b>6</b>	<b>PL 140.05 00 - Trespass</b>	<b>15,834</b>	<b>15,749</b>
<b>7</b>	<b>TL 140.02 - Operating Motor Vehicle Violation of Safety Rules</b>	<b>13,339</b>	<b>23,176</b>
<b>8</b>	<b>VTL 1212 - Reckless Driving</b>	<b>12,887</b>	<b>13,714</b>
<b>9</b>	<b>AC 16-118(6) - Litter Liquids, [Noxious]</b>	<b>11,833</b>	<b>11,246</b>
<b>10</b>	<b>PRR 1-03 (a) - Unlawfully in Park/After Hours</b>	<b>11,570</b>	<b>11,377</b>
<b>11</b>	<b>PL 221.05 00 - Unlawful Possession Marijuana</b>	<b>8,342</b>	<b>8,629</b>
<b>12</b>	<b>AC 24-218 - Unreasonable Noise</b>	<b>8,331</b>	<b>7,044</b>
<b>13</b>	<b>AC 19-506 (b) - Unlicensed Operation of Motor Vehicle</b>	<b>8,073</b>	<b>7,227</b>
<b>14</b>	<b>AC 20-453 - Unlicensed General Vendor</b>	<b>5,682</b>	<b>5,914</b>
<b>15</b>	<b>VTL 512 - Operating Motor Vehicle with Suspended Registration</b>	<b>4,446</b>	<b>5,564</b>

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/15

Name: ROBERT CHANG (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Police Reform

Address: Organizing Project

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: Matthew Shapiro (PLEASE PRINT)

Address: 40 Rector Street, 9FL

NY, NY 10006

I represent: Street Vendor Project - Urban Justice

Address: Center

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: LISA SCHREIBER STORF (PLEASE PRINT) EXEC. DIR.

Address: \_\_\_\_\_

I represent: BROOKLYN DEFENDER SERVICES

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: LISA SCHREIBERSDORF

Address: \_\_\_\_\_

I represent: Brooklyn Defender Service

Address: 177 Gwings St, Bklyn. 11201

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/15/14

(PLEASE PRINT)

Name: VINCENT RIGGINS

Address: \_\_\_\_\_

I represent: BRITE LEADERSHIP COALITION

Address: 1530 Penn. Ave Bklyn NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/15

(PLEASE PRINT)

Name: Johanna Miller

Address: 125 Broad St, 10004

I represent: NYCLU

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/15/14

(PLEASE PRINT)

Name: Alison Wilkey

Address: 43 Saint Marks Ave #2, Bklyn 11217

I represent: Youth Represent

Address: 11 Park Pl., Suite 1512, NY, NY 10007

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Elizabeth Glazer

Address: 1 Centre St.

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/15/2014

(PLEASE PRINT)

Name: Michael Oppenheimer

Address: 264 W 123rd St Apt 1C NY, NY

I represent: The New York City Bar Assoc Criminal Justice Operations

Address: 42 West 44th NY, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12-15-14

(PLEASE PRINT)

Name: WILLIAM GIBNEY

Address: THE 199 WATER ST NY NY

I represent: THE LEGAL AID SOCIETY

Address: 199 WATER ST

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JUSTINE M LONGO

Address: 199 WATER ST NY NY

I represent: THE LEGAL AID SOCIETY

Address: 199 WATER ST NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jeremy Kaplan-Lyman

Address: 360 E 161<sup>st</sup> St. Bronx NY 10451

I represent: The Bronx Defenders

Address: Same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/15/12

(PLEASE PRINT)

Name: Hon. Melissa Jackson

Address: 100 Centre Street, NY, NY

I represent: NYC Criminal Court

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆