

March 2017

With Criminal Justice Reforms Taking Effect, Mayor Adds Funds for More Administrative Hearings

The preliminary budget includes an additional \$1.3 million for the Office of Administrative Trials and Hearings (OATH) in 2017 (unless otherwise noted, years refer to fiscal years). The new funds were allocated to cover some of the start-up costs associated with the expected increase in cases to be heard before the civil administrative court when the Criminal Justice Reform Act (CJRA) goes into full effect this June. The reform act is a package of bills enacted by the City Council last spring that allows some criminal law misdemeanors and violations to be treated as civil offenses and added the option of civil law adjudication through OATH as part of the city’s push to reduce arrests and incarceration while maintaining public safety.

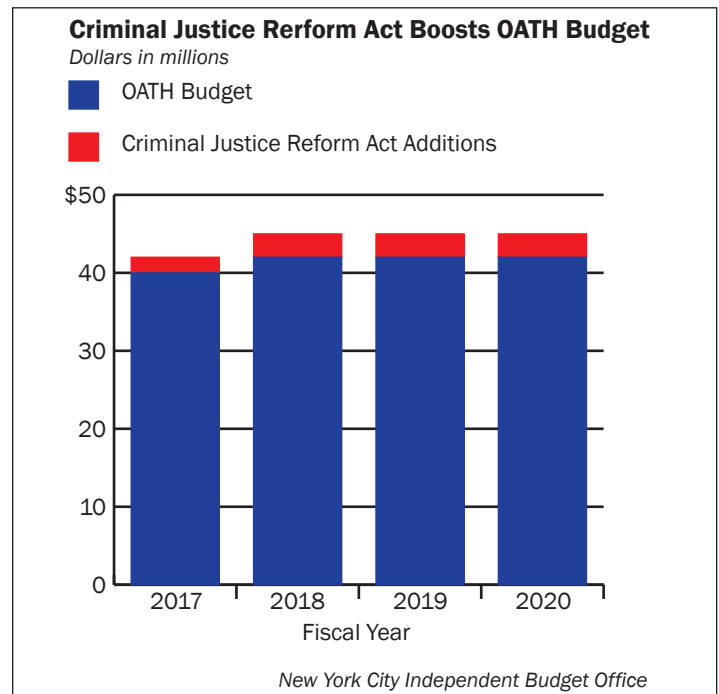
The administrative hearings office expects the change in the law to increase its caseload through the diversion of approximately 48,000 cases in 2018 that would have been handled as criminal proceedings to use OATH’s hearing process instead. This represents a 16 percent increase from the previous average of 300,000 hearings per year that OATH has been handling. (While some of the CJRA bills went into effect upon the law’s signing or soon after, many of those impacting OATH’s caseload go into effect in March and June of this year, pushing most of the impact into 2018 and beyond.)

In order to accommodate this additional caseload, the city’s November financial plan added \$575,000 for 2017 and \$2.7 million each year from 2018 through 2020 to cover the expected increase in hearing costs for OATH. In contrast, the funds added in the 2018 preliminary budget largely cover up-front costs associated with preparing the agency for the law’s implementation, including \$307,000 in additional office supplies, equipment, and training; \$579,000 for facilities renovations and upgrades;

\$350,000 for community service programs; and \$81,000 for additional security.

The Criminal Justice Reform Act consists of eight bills intended to increase transparency within the New York Police Department (NYPD), establish civil penalties for previously low-level criminal offenses, reduce civil penalty amounts for some offenses that were already covered under both criminal and civil law, and authorize OATH to offer community service in lieu of monetary penalties.

The key objective of the CJRA is to reduce the number of criminal summonses issued by police officers or other local enforcement officers for a specific set of nonviolent offenses, including public possession of an open container



of alcohol, public urination, unreasonable noise, littering, and parks-related offenses. Just over half (about 52 percent) of the 297,000 criminal summonses issued by the NYPD in 2015 were for offenses within these categories; the most common offense was possession of an open container of alcohol, which accounted for one-third of all criminal summonses. The CJRA allows, but does not require, law enforcement to issue civil instead of criminal summonses for some offenses. These civil summonses are adjudicated in a civil rather than criminal proceeding through OATH.

If a person fails to appear in court for a criminal summons, the court may issue a warrant for their arrest. As of December 2015, there were 1.5 million open summons

arrest warrants in New York City, many of which originated with relatively minor offenses. Officers do not often actively seek out people with open summons arrest warrants, but they are required to arrest an individual if they discover an open warrant during normal police activity. As a result, many people have been arrested due to minor traffic offenses or turnstile jumping in the subway. The reform act has the potential to reduce the rate at which warrants are issued and thereby reduce the burden on—and cost to—the NYPD of arresting and processing these individuals. In addition, the CJRA should reduce Department of Correction costs associated with maintaining custody of detainees.

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