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MAYOR DE BLASIO SIGNS THE CRIMINAL JUSTICE REFORM ACT

Package of bills builds stronger and safer neighborhoods by reducing arrests and incarceration

NEW YORK—Mayor Bill de Blasio today signed the Criminal Justice Reform Act (CJRA), eight bills that further the administration’s goals of preserving public safety and building stronger and safer neighborhoods by reducing arrests and incarceration.

“For too long, one small wrongdoing came with a huge cost, taking a large toll on New Yorkers’ lives and opportunities. A minor nonviolent act of poor judgment should not determine one’s destiny. Today, we are making sure that key low-level offenses are enforced appropriately – without sacrificing our city’s quality of life or our residents’ safety,” said **Mayor Bill de Blasio**. “I would like to thank Council Speaker Melissa Mark-Viverito and the City Council for moving these essential bills forward.”

“We have worked closely with the Mayor, the Speaker and the Council on this legislation. The new legislation will allow the NYPD to use the full range of enforcement tools we currently have to address these offenses, while still providing us with the additional option to issue a civil summons instead of a criminal summons or arrest in appropriate circumstances,” said **Police Commissioner William J. Bratton**. “This legislation advances the many steps the NYPD has taken to implement precision policing in all communities throughout the City”

“Today, New York City is standing up for justice, for progress and for fairness. The Criminal Justice Reform Act will divert over 100,000 cases from the criminal justice system every year, save almost 10,000 people from a permanent criminal record and prevent approximately 50,000 or more arrest warrants from being issued for low-level, non-violent offenses. It will keep our city safe, ensure proportional penalties that fit the crime and bring more justice to a criminal justice system that needed it for far too long. I thank my Council colleagues, Commissioner Bratton and the NYPD, and the Mayor’s Office of Criminal Justice for working with us on this pivotal legislation,” said **Council Speaker Melissa Mark-Viverito**.

“The key to driving down crime, arrests and the unnecessary use of jail even further is matching the appropriate enforcement response to the situation,” said **Elizabeth Glazer, Director of the Mayor’s Office of Criminal Justice**. “The Criminal Justice Reform Act will further allow the City to match the response to the unique facts of each case, reserving the most serious

enforcement responses for the cases that present the greatest danger and enhancing fairness by allowing for a lighter touch where appropriate.”

“As the City’s central independent administrative court, the Office of Administrative Trials and Hearings (OATH) looks forward to being a court that will administer the hearings on some of these new civil summonses. The new discretion granted to our hearing officers to impose community service is something entirely new for OATH. OATH is proud to have received the confidence of the Speaker, the Council and the Mayor who believe that OATH will administer these hearings fairly and impartially and will issue just decisions in these matters,” said **Fidel F. Del Valle, OATH’s Chief Administrative Law Judge.**

The first bill, Intro. 639-B, requires the NYPD to make publicly available a report on the issuance of both criminal and civil summonses by offense; race, age, and gender of the person to whom the criminal or civil summons was issued; and the borough, precinct and housing area or transit district in which it was issued. In his remarks, the Mayor thanked the bill’s sponsor, Council Member Jumaane D. Williams.

The second bill, Intro. 662-A, adds yet another measure of transparency by requiring the NYPD to make publicly available a report on the issuance of Desk Appearance Tickets (DAT) by offense; race, age, and gender of the person to whom the DAT was issued; and the borough, precinct and housing area or transit district in which it was issued. In his remarks, the Mayor thanked the bill’s sponsor, Council Member Mark Levine.

The third bill, Intro. 1057-A, requires the NYPD to issue guidance to officers on when to use the criminal and when to use the civil summons enforcement option with respect to low-level offenses, such as littering, public urination, many parks offenses and unreasonable noise. The bill also requires that such guidance be made publicly available. In his remarks, the Mayor thanked the bill’s sponsor, Council Speaker Melissa Mark-Viverito.

The fourth bill, Intro. 1059-A, authorizes the Office of Administrative Trials and Hearings (OATH) to offer the option of serving community service in lieu of paying a civil penalty for certain low-level offenses, with the exception of certain offenses that are committed with an underlying commercial purpose. Anyone who begins community service but fails to complete it will have a civil penalty entered against them. Further, administrative law judges and hearing officers at OATH will be able to dismiss civil summonses in the interest of justice after considering specified factors. The bill will also require an annual reporting and analysis of judgements and penalties against those who have been issued civil summonses for low-level offenses such as littering, public urination, offenses in parks and unreasonable noise. In his remarks, the Mayor thanked the bill’s sponsor, Council Speaker Melissa Mark-Viverito.

The fifth bill, Intro. 1067-A, adds the option of a civil penalty of up to \$25 and reduce possible imprisonment from five days to one day for anyone in violation of the City’s prohibition of possession of an open container of alcohol in public. In his remarks, the Mayor thanked the bill’s sponsor, Council Member Vanessa Gibson.

The sixth bill, Intro. 1070-A, establishes a civil penalty of \$75 for first-time offenders for the offenses of littering and public urination. Civil penalties for subsequent offenses within a 12 month period will be \$250 to \$350 for a second offense and \$350 to \$450 for a third offense.

This bill will also reduce the possible imprisonment from ten days to one day. In his remarks, the Mayor thanked the bill's sponsor, Council Member Rory Lancman.

The seventh bill, Intro. 1058-A, reduces the civil penalty amounts for unreasonable noise violations other than those committed in a commercial context or in certain cases by building owners. This bill will establish a civil penalty for a first offense of \$75 to \$150, civil penalty for a second offense within two years of \$150 to \$250, and a civil penalty for a third offense within two years of \$350 to \$500. Currently, the respective civil penalties for unreasonable noise are \$350 to \$450 for the first offense, \$700 to \$2,000 for the second offense and \$1,050 to \$3,000 for the third offense within two years. The civil penalties for unreasonable noise committed in a commercial context or through the use of building machinery will remain the same. In his remarks, the Mayor thanked the bill's sponsor, Council Speaker Melissa Mark-Viverito.

The eighth bill, Intro. 1056-A, changes the penalties when certain rules of the Department of Parks and Recreations are violated. Most rules will be punishable as a violation – which is not considered a crime and does not appear on a person's criminal record – instead of a misdemeanor. Furthermore, the maximum civil penalty for violating most Parks rules will be reduced from \$10,000 to \$300. There will be exceptions for the violation of certain Parks rules, which would remain punishable as a misdemeanor and carry a penalty of up to \$1,000 criminal fine and up to 20 days imprisonment as well as a civil penalty of up to \$5,000 for the first offense and \$10,000 for the second offense committed within 12 months. This misdemeanor treatment is reserved for the more egregious offenses that relate to public safety and other serious matters such as explosives, firearms and weapons, unlawful commercial activity, and exclusive children's playgrounds. Finally, causing significant expense or damage to Parks property, including trees, will be punishable as a misdemeanor and carry a possible criminal penalty of up to six months imprisonment and a criminal fine up to \$15,000, as well as a civil penalty of up to \$10,000. In his remarks, the Mayor thanked the bill's sponsor, Council Speaker Melissa Mark-Viverito.

“Mayor de Blasio and the Council deserve great credit for this visionary package of legislation that frees the criminal justice system from having to waste its resources on non-violent, lesser or technical infractions that can be dealt with far more efficiently outside of the criminal justice arena. Together, these reforms spare people unnecessarily from the consequences of being caught in the criminal justice system, when civil penalties and protocols are far more fitting. Wisely, these reforms free up courts and police officers to focus on serious crimes,” said **Assembly Member Luis Sepúlveda**.

“The Criminal Justice Reform Act of 2016 gives our police force tools to address low-level offenses for what they are: infractions to be taken seriously, but not ones that should yield life altering consequences,” said **Council Member Vanessa Gibson, Chair of the Committee on Public Safety**. “This balanced approach recognizes low-level offenses should have proportionate penalties and will reduce the burden on our criminal court system. Make no mistake, what was illegal yesterday will remain illegal today and will be illegal tomorrow; these bills will not impact New Yorkers' quality of life, but will simply allow our officers to more reasonably penalize those who commit low-level, nonviolent offenses. The CJRA represents this City's push for fairness, dignity and equity in the criminal justice system and was a joint partnership between the Council, the administration and the NYPD. I am proud to have sponsored a bill in this package and thankful that New Yorkers will no longer need to worry about jail time when cited for sensibly drinking from an open container of alcohol. I thank Mayor de Blasio, Speaker

Melissa Mark-Viverito and Police Commissioner Bill Bratton for their leadership and thank all of my colleagues for their ongoing support of measures to realize a more fair and just New York.”

“For our criminal justice system to be truly just, the penalties we impose must be proportional to the offenses committed. But for far too long, our jails have been filled with people – many of them young people of color – who have committed minor offenses or couldn't afford to pay bail,” said **Council Member Mark Levine**. “The simple truth is this doesn't make us any safer. Instead it gives too many young people who we need to help uplift our communities the scarlet letter of a criminal record for life. These reforms are critical to changing this, and I thank Speaker Mark-Viverito and Mayor de Blasio for their fierce advocacy for equal justice.”

“Many of us have rightly identified the disparity in policing practices in particular communities. This bill will allow us to have a tangible record on how some communities are policed. It’s important to note that the bill does not change enforcement or encourage crime; this bill is about equity and improving how communities are engaged by the NYPD. I want to thank Mayor Bill de Blasio, Speaker Melissa Mark-Viverito and Chair of the Committee on Public Safety, Council Member Vanessa L. Gibson for their leadership and commitment to this issue,” said **Council Member Jumaane D. Williams**.

“No one should be put through the criminal justice system for committing a nonviolent, low-level, quality-of-life offense,” said **Council Member Rory I. Lancman, Chair of the Committee on Courts and Legal Service**. “By moving these charges into the civil system, we can keep our city safe and clean, and keep our criminal justice system resources focused on fighting real crime.”

Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice of The Legal Aid Society, said, “The Criminal Justice Reform Act finally removes the certainty of criminalization from offenses long-acknowledged as minor and appropriately directs reporting to the City Council about how minor violations are policed. With close monitoring of the CJRA’s implementation by NYPD, some New Yorkers may finally stop fearing criminal penalties for minor quality of life violations, especially communities of color.”

Kate Rubin, Director of Policy at Youth Represent, said, “The Criminal Justice Reform Act has the potential to reduce some of the most draconian consequences of minor offenses, which are disproportionately felt by youth in low income communities of color. We look forward to working with the City on full implementation of the legislation.”

Alyssa Aguilera, co-Executive Director at VOCAL-NY, said, "Actions which pose virtually no public safety threat should not result in an arrest or jail time. The Criminal Justice Reform Act will help correct the disproportionate penalties for low-level offenses that have long over-criminalized low-income communities of color and bloated our city jails. We look forward to partnering with City Hall to ensure the CJRA's implementation and success."

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