



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

100 CHURCH STREET, 12TH FLOOR, NEW YORK, NEW YORK 10007

**CRIMINAL JUSTICE REFORM ACT:
ANNUAL SUMMARY
OF PENALTIES AND JUDGMENTS**

**SUBMITTED BY THE CHIEF ADMINISTRATIVE LAW JUDGE OF
OATH**

FOR THE PERIOD

JANUARY 1, 2018 - DECEMBER 31, 2018

Fidel F. Del Valle
Commissioner
Chief Administrative Law Judge

The Criminal Justice Reform Act (CJRA) of 2016 created an obligation on the part of the Chief Administrative Law Judge of OATH (“Chief ALJ”) to conduct a yearly evaluation of penalties and judgments imposed that year upon natural persons and to submit a report to the Mayor and City Council no later than 45 days after year end. That obligation is set forth in Charter Section 1049(7). This is the second such report. The CJRA created a civil preference for certain low level offenses previously prosecuted in criminal court, with the goals of preserving public safety while reducing arrests, warrants, incarceration, and negative collateral consequences. The law provides that, for certain specified violations and pursuant to New York City Police Department guidance, police officers have the discretion to write summonses for civil adjudication rather than criminal court adjudications. Thus, the civil preference means an increase in the number of civil adjudications of these offenses, which will be conducted at OATH. Effective June 13, 2017, the NYPD began issuing civil summonses returnable to OATH for violations of certain sections of the New York City Administrative Code, and Title 56 of the Rules of the City of New York (New York City Park Rules), as specified in the CJRA. Many of the Administrative Code violations, such as littering, public urination, and unreasonable noise, had previously been adjudicated at OATH. However, the CJRA created new civil violations for consumption of alcohol on streets (open container) and for spitting, and it reduced civil penalties for some violations already adjudicated at OATH. Importantly, the CJRA also created a community service option in lieu of the monetary civil penalty and created a category of dismissal in the interest of justice, an option under specified circumstances.

As mandated by the CJRA, the Chief ALJ hereby submits the following summary of penalties and judgments, grouped by dollar amount, that were imposed at OATH for the specified violations set forth in the law. *See* Charter § 1049(7). The data reflects the number of persons and the aggregate amount of civil penalties they accrued for specified violations from the date of January 1, 2018 to December 31, 2018.

Civil penalties and judgments in amounts from \$500 to \$749: 22 natural persons

Civil penalties and judgments in amounts from \$750 to \$999: 36 natural persons

Civil penalties and judgments in amounts from \$1,000 to \$1,999: 36 natural persons

Civil penalties and judgments in amounts higher than \$2,000: 30 natural persons

Note that all persons who received penalties and/or judgments in amounts higher than \$1,000 had received more than one penalty or judgment.

This report is being submitted in accordance with Local Law 73 of 2016, which requires the Chief ALJ to evaluate and issue a recommendation as to whether a limit should be placed on the civil penalties imposed for the specified violations covered under the Criminal Justice Reform Act (CJRA), taking into account whether any such penalty is disproportionate to the harm caused. An evaluation of the information collected indicates there is nothing that points either to any upward or downward modification of the limits placed on the civil penalties imposed for the specified violations prescribed in the CJRA.

To ensure impartiality, due process, and a fair hearing process, the Chief ALJ at OATH must maintain a neutral position on the promulgation of any laws and their associated penalties. OATH decisions speak for themselves. The CJRA penalty schedule, promulgated by OATH as set forth in Chapter 7 of Title 48 of the Rules of the City of New York (RCNY), offers a community service option, which will soon also include the opportunity to complete said community service remotely, via computer, giving respondents flexibility and choices. Moreover, CJRA gives hearing officers discretion to dismiss a specified violation in the interest of justice. Therefore, an unbiased conclusion to be drawn is that the imposition of a judgment providing the recipient of the penalty the option to either pay a monetary fine or complete community service and further authorizing the adjudicator to dismiss a summons in the interest of justice, irrespective of proof of guilt, establishes a safeguard against violations with disproportionate penalties.