



THE NYC 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, 2020 - DECEMBER 31, 2020**

Joni Kletter
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 § 1049(7).

The CJRA created a civil preference for certain low-level quality-of-life offenses previously prosecuted in criminal court, with the goals of preserving public safety while reducing arrests, warrants, incarceration, and negative collateral consequences. The civil preference means that, pursuant to New York City Police Department guidance, police officers have the discretion to write summonses for civil adjudication rather than criminal court adjudications. The civil adjudications of these offenses are 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. Although many of the Administrative Code violations, such as littering, public urination, and unreasonable noise, were previously adjudicated at OATH, 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 Charter § 1049(7), the Chief ALJ hereby submits the following summary of penalties and judgments imposed at OATH for the specified violations¹ set forth in the CJRA for the period from January 1, 2020 to December 31, 2020.

Amount of penalties and judgments accrued by natural persons for specified violations both in total and during the previous year:

During calendar year 2020	\$121,097
During calendar year 2019	\$293,117

¹ “The term ‘specified violation’ means a violation of: subparagraph (i) of paragraph 9 of subdivision a of section 533; section 10-125 of the administrative code; subdivision 1 of section 16-118 of the administrative code; subdivision 6 of section 16-118 of the administrative code, with respect to the act of public urination; section 18-146 of the administrative code, excluding paragraphs 2, 3, 21, 23, and 24 of subdivision c; or subdivision (a) of section 24-218 of the administrative code. Specified violations shall not include violations arising during the course of conducting any commercial activity or violations arising from any activity carried out for a commercial purpose, except that a violation of paragraph 15 of section 18-146 of the administrative code is a specified violation, regardless of whether such violation arose during the course of conducting a commercial activity or from an activity carried out for a commercial purpose.” Charter § 1049(4)(b).

The number of natural persons who have accrued civil penalties and judgments for specified violations in amounts higher than 500 dollars, 750 dollars, 1000 dollars, and 2000 dollars, both in total and during the previous year, for specified violations:

During Calendar Year 2020	
Civil Penalties and Judgments in Amounts from	Natural Persons
\$500 to \$749	34
\$750 to \$999	54
\$1,000 to \$1,999	16
higher than \$2,000*	8

*Note that all but one person who received penalties and/or judgments in amounts higher than \$2,000 had received more than one penalty or judgment.

During Calendar Year 2019	
Civil Penalties and Judgments in Amounts from	Natural Persons
\$500 to \$749	21
\$750 to \$999	50
\$1,000 to \$1,999**	37
higher than \$2,000**	37

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

Pursuant to Charter § 1049(7),² the Chief ALJ recommends no upward or downward modification of the civil penalties imposed for the specified violations prescribed in the CJRA based on her

² The Chief ALJ is also required to include her “recommendation as to whether, based upon the chief administrative law judge’s evaluation, a limit should be enacted by local law on the civil penalties and judgments that may be imposed for specified violations upon a natural person within a particular period of time. This recommendation shall take into account whether the amount of civil penalties or community service imposed for the specified violations on certain natural persons is disproportionate to the harm caused by such specified violations and shall additionally include the chief administrative law judge’s recommendations for which specified violations, if any, should be subject to a limit and the dollar amount of such limit, if any.” Charter § 1049(7).

evaluation of the information collected. To ensure its impartiality, OATH maintains neutrality as to the promulgation of local laws and their associated penalties.

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 and, this past year, OATH began to offer the opportunity to complete the community service option remotely, via computer, giving respondents flexibility and convenience. Moreover, CJRA gives hearing officers discretion to dismiss a specified violation in the interest of justice. We note that the panoply of options in the law – the option to either pay a monetary fine or complete community service and authorizing the adjudicator to dismiss a summons in the interest of justice even after proof of guilt is established – creates safeguards against the imposition of disproportionate penalties.