

SUBMITTED TESTIMONY OF

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**HEARINGS OF THE NEW YORK CITY COUNCIL
COMMITTEE ON COURTS & LEGAL SERVICES AND COMMITTEE ON PUBLIC SAFETY
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Examining the Operations of New York City's Summons Courts

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 their damaging consequences for the people targeted. Our reports and testimony and much other material are collected on 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 of many minor offenses, 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 continue searching people, often illegally, and write many tens of thousands of criminal court summonses for the same offense. To understand the impact of such a shift, we began researching the half a million criminal court summonses that the NYPD has been making every year, and how the criminal courts and legal system handle 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 welcome this hearing and recommend further investigatory work by the Council about the criminal court summons system.

This testimony presents findings from our research including data we obtained from the criminal court along with 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 the entire summons system of New York City's Criminal Court, and of the New York Police Department, is a vile, despicable monstrosity that needs to be torn open so everyone can see what it does.

This statement is, of course, somewhat rhetorical, but we do not mind if it is taken literally because it does capture what we think and feel. We blame neither the police officers who write hundreds of thousands of summonses a year for minor offenses, mainly in black and Latino neighborhoods, nor the public servants working for the courts who try to make this inhumane system a bit less wretched. For the most part, the court personnel and the police officers who write the summonses (under intense pressure from their commanders enforcing formal and informal quotas), are simply doing their jobs.

The growth of this Kafkaesque summons system since the early 1990s has been the achievement of 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, the NYPD, and the Office of Court Administration to track and make public data about where the summonses are written, about the huge number of criminal arrest warrants issued for the summonses, about the arrests made on those warrants, and more, especially about the enormous 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 the beginning of the system's radical reform. Hopefully the Mayor's Office will do everything it can to support the effort.

The Lack of Public Access to Data about New York City's Criminal Court Summons System

The first essential task for understanding and reforming New York City's summons system is making public and available the huge amount of 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 summonses, and the most common ones, is in the annual reports of the New York City Criminal Court (which is available on the New York State Unified Court System web site), and that is quite limited. We have mined these reports for some of the data presented here. Included in this testimony are three pages of graphs and tables drawn from the reports which simply trace the growth of the summons system over the last twenty years.

The court's 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 summons charges 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 show, 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 from them) be posted on the NYPD web site on the same page and in the same format as data about arrests for misdemeanors and felonies. The information currently posted for misdemeanors and felonies includes both city-wide and precinct data from 2000 through 2013. This memo was a modest first proposal using a framework that the NYPD had already established. The memo to Deputy Commissioner Herman is included in this testimony.

We now believe this request is too limited and that the same information now provided by the New York State Division of Criminal Justice Services (DCJS) about felony and misdemeanor arrests should be made available for summonses as well. As with DCJS, data should be available back in time for at least twenty years, but ideally for thirty or forty years, so that long term patterns and changes can be traced and described. Members of the City Council, other public officials and agencies, civic and public interest organizations, journalists, news publications, and researchers should be able to request summons data by referring to the specific laws proscribing the behavior. Finally, this data should be obtainable within a few days, necessitating a large enough professional staff to respond to such requests. (This could be handled by the New York State Division of Criminal Justice Services, the New York Police Department, or by the New York City Criminal Court with sufficient resources).

Earlier this year the *New York Daily News* and the New York Civil Liberties Union filed a detailed freedom of information request and obtained data on more than seven million criminal court 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>

Key findings reported by the *New York Daily News* include:

- Writing summonses for petty 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 a 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 in 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 information that was 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:

- 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 some information about New York City's Criminal Court Summons System on our web site at <http://marijuana-arrests.com/summonsNYPD.html> including:

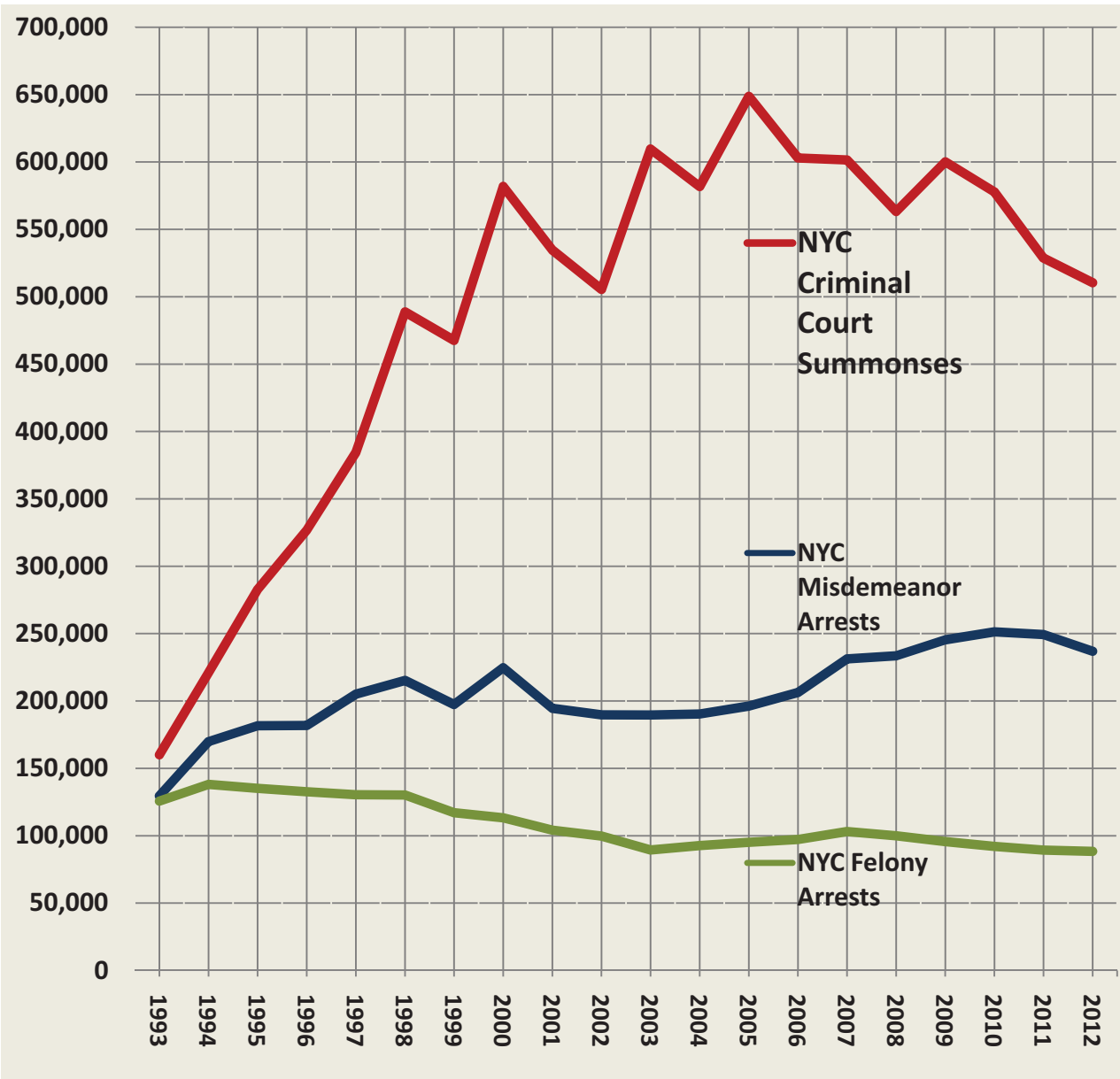
- The ten-page report first presented at the CUNY Law School, including all graphs and tables: <http://marijuana-arrests.com/docs/Criminal-Court-Summonses-in-NYC--CUNY-Law-School-April-24-2014.pdf>
- A series of articles from New York newspapers about the summons court system (28 pages) <http://marijuana-arrests.com/docs/The-Warped-World-of-Summons-Court-and-other-articles.pdf>
- Links to 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 is worth noting that as far as we have been able to determine, neither the Mayor's Office nor the NYPD has ever issued a report or document explaining and justifying the growth of the summons system from 160,000 summonses in 1993 (and likely lower numbers in the previous decade) to an average of over 500,000 summonses a year from 2000 through 2013. Despite 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 and justify the more than seven million summonses written since just 2001. Occasionally an NYPD spokesperson will claim, in a sentence or two, that the summonses 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 reasonably conclude that this is because there is no serious justification for it.

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

It is said that in East Germany, by the end, almost nobody working for the government's agencies of propaganda and political repression believed that the bureaucracies served any social purpose, other than maintaining their own existence. Nonetheless, the system kept functioning for years, until, at last, it was stopped by others. Have we, perhaps, reached that same deadlocked condition 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
2012	510,370	236,857	88,362
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
1993	160,000	129,458	125,699

- 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

15 MOST FREQUENTLY CHARGED SUMMONS OFFENSES IN NEW YORK CITY		2010	2009
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 is document is on line at:

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

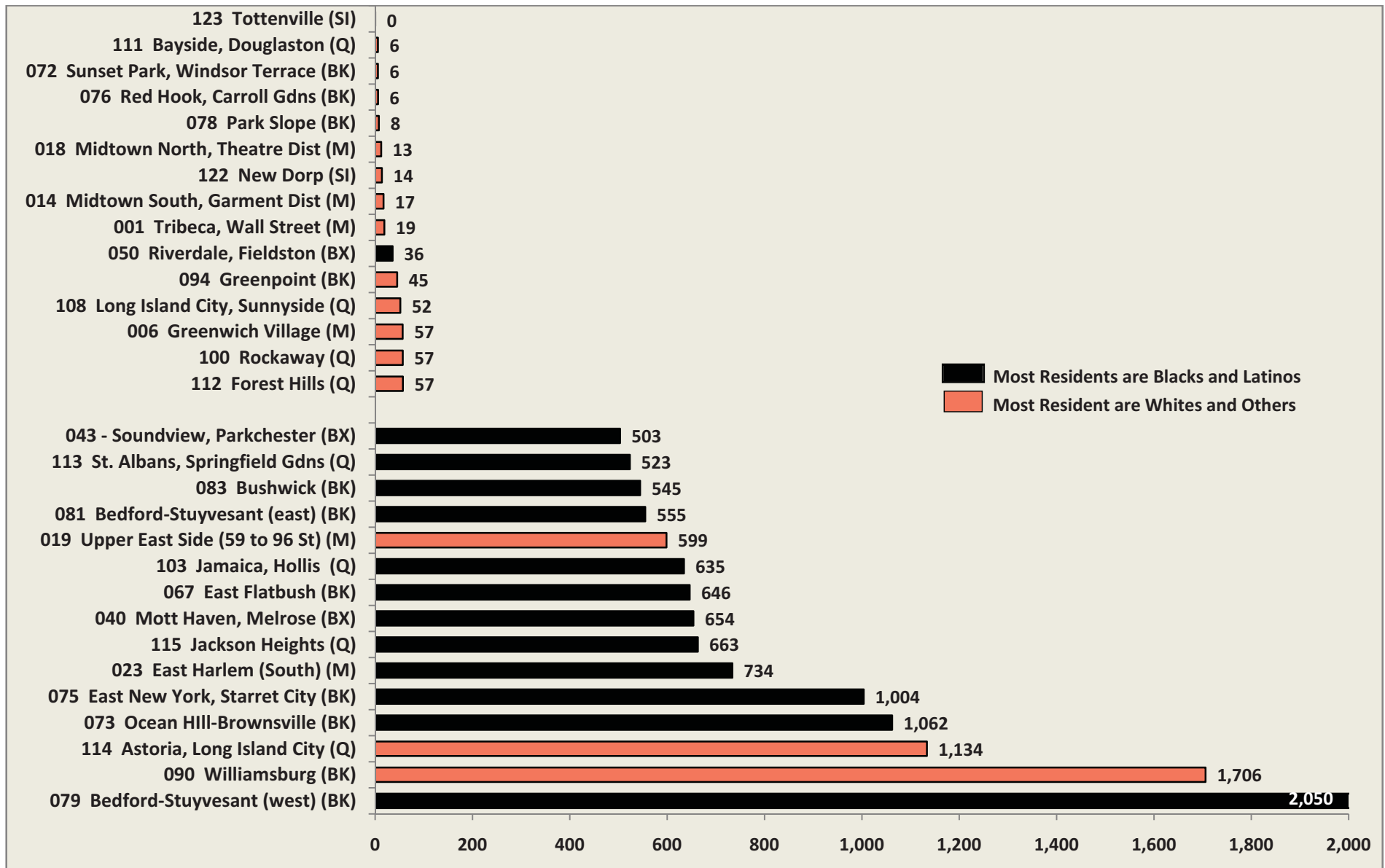
**New York City Criminal Court, Summons Court
346 Broadway, New York, NY 10013, entrance on Leonard Street**

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

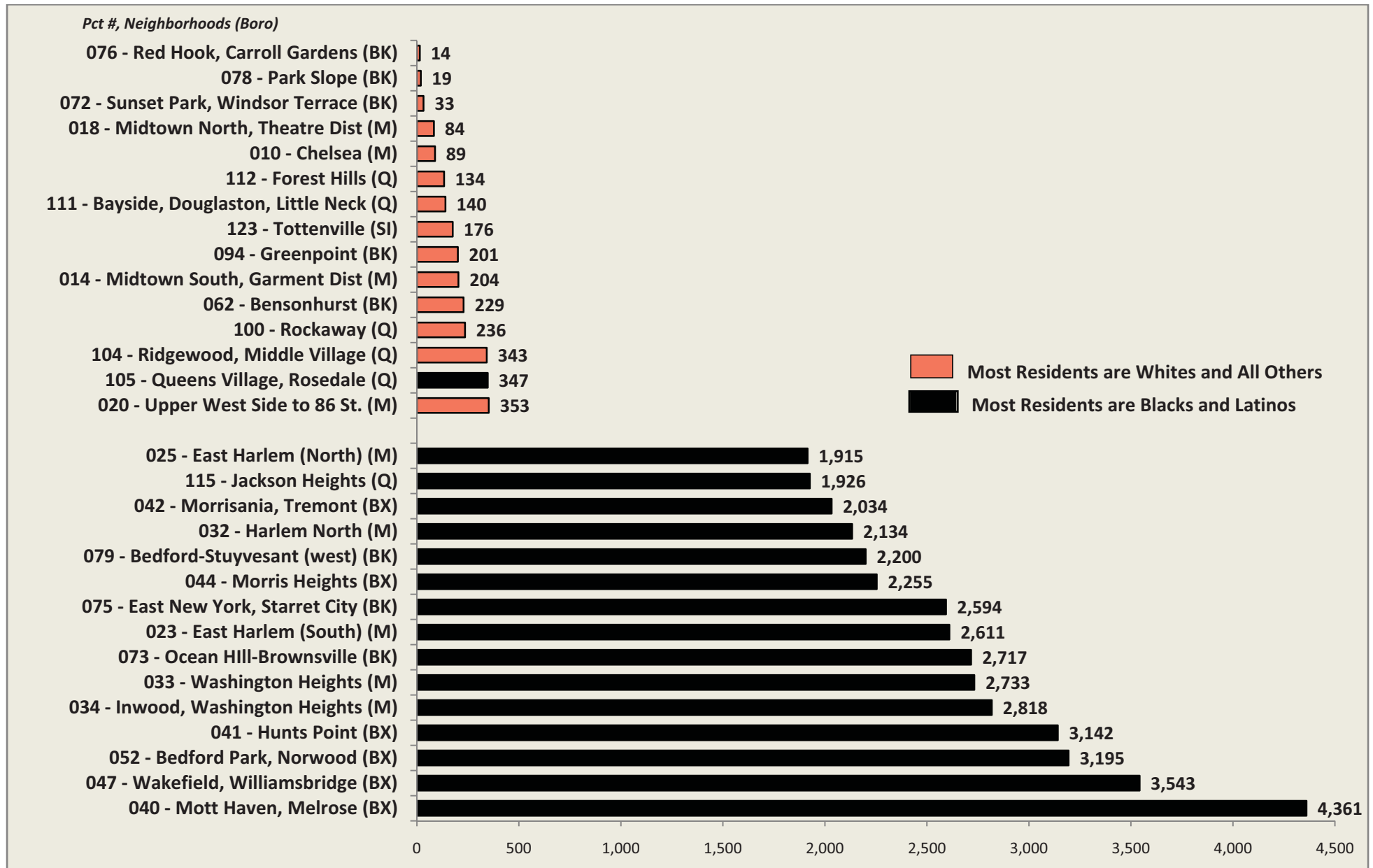


Source: New York Criminal Court and 2010 U.S. Census. Summonses for violating NYC AC 19-176, average number 2008-2011.

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 Bicycle on Sidewalk (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
Totals and averages for Howest 15 pcts	T-392 / A-26	24%	76%	30	1,313,532

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 Bicycle on Sidewalk (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
Totals and averages for Highest 15 pcts	T: 13,102 A: 867	69%	31%	675	1,928,826

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

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>
Total	2,601				1,493,564

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>
Total	40,176				1,591,166

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
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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

	15 MOST FREQUENTLY CHARGED SUMMONS OFFENSES	2010	2009
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

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Inside the Warped World of Summons Court

by Brent Staples, Editorial Board, NY Times

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.

Judge Noach Dear of Brooklyn Criminal Court made this point in a bluntly worded decision last week, noting that every defendant who has ever come before him charged with drinking alcohol in public had been black or Latino. “As hard as I try,” he wrote, “I cannot recall ever arraigning a white defendant for such a violation.”

On one recent morning at court, a 19-year-old black man seemed almost in shock that he had been ticketed and required to attend court for “dropping a piece of paper on the ground.” Another black man, with a heavy French accent, said that he had received a summons for reckless driving when he was trapped by traffic and forced to drive through an intersection when the light turned red. He took the ticket, he said, because “you don’t argue with a cop on Friday night.” And if they are out to get you, he asked, what can you do?

More than a fifth of the summonses issued last year were thrown out either for defects on the ticket or for lack of legal sufficiency. But that left about 400,000 New Yorkers facing a date in summons court, and failure to appear can lead to a legal nightmare.

In other words, 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.

The people who show up in summons court are the fortunate ones; the majority will have their cases dismissed because the charge is not substantiated or because the judge thinks it is nonsense. Some defendants plead guilty and pay fines.

But woe to those who forget the 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.

The New York City Police Department has long described the summons operation as crucial to the “quality of life” initiative that it says discourages serious crime by coming down hard on nuisance offenses. City officials make the same claim for the controversial stop-and-frisk program, though crime has also fallen in recent years in cities that have not adopted such approaches.

The huge number of summons dismissals is at the heart of the civil rights suit, *Stinson v. City of New York*, that was granted class-action status in April by Judge Robert Sweet of Federal District Court in Manhattan. The plaintiffs charge that the high dismissal rate is evidence that bogus summonses are issued without probable cause by officers pressured to meet department quotas. These practices, they say, violated their constitutional rights and subjected them to lost time from work and school, and in many cases, to arrest and detention for crimes that had not been committed.

The plaintiffs also allege that summonses are disproportionately issued in minority neighborhoods. Civil rights lawyers say summonses for public drinking — the most common offense — are often handed out in these neighborhoods, where police officers routinely demand to smell people’s juice containers or coffee cups.

Disorderly conduct is the catchall category, one that can easily mask a summons issued for no reason. The lead plaintiff in the suit, Sharif Stinson, says he was walking out of his aunt’s apartment building in Upper Manhattan on Dec. 31, 2009, when several officers stopped and searched him without cause, then held him in a precinct cell for four hours. He was then given a disorderly conduct summons that was dismissed three months later.

The city has disputed the plaintiffs’ charges and asked Judge Sweet to reconsider his ruling. But the litigation has thrown a spotlight on the summons system, raising grave questions about its fairness and legality.