

The New York Times

http://www.nytimes.com/2012/06/17/opinion/sunday/inside-the-warped-world-of-summons-court.html?_r=0

THE NEW YORK TIMES / June 16, 2012

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.

Law enforcement or reaching quotas?

Stats show NYPD focusing on pot possession, boozing in public

By Rocco Parascandola / DAILY NEWS POLICE BUREAU CHIEF Friday, July 23, 2010,

<http://www.nydailynews.com/news/crime/law-enforcement-reaching-quotas-stats-show-nypd-focusing-pot-possession-boozing-public-article-1.468059>

Pot possession and boozing in public are the top reasons New Yorkers get arrested or ticketed by the cops, new statistics show.

And although marijuana arrests has been the top category for three years running, the number of busts spiked 15% between 2008 and 2009, the Daily News has learned.

The NYPD says the data - including more than 21,000 summonses for riding bicycles on the sidewalk - reflects its emphasis on quality-of-life violations to prevent more serious crime.

"It's often about complaints being generated by the public and us responding to them," said Deputy Commissioner Paul Browne. "Other times, it's just us enforcing violations when we see them."

Critics say the high numbers for weed, beer and other offenses like riding bikes on sidewalks smacks of quotas or harassment in black and Hispanic neighborhoods.

"We've interviewed many young people arrested for marijuana possession and found that these arrests are overwhelmingly a by-product of people being stopped and frisked," said Harry Levine, a Queens College sociologist.

"Plainclothes officers will pull up, say 'Get your hands against the wall,' then go through the person's pockets and, if they find some pot, make an arrest."

Last year, there were 46,491 cases in which fifth-degree marijuana possession was the top arrest charge, according to the Division of Criminal Justice Services. That's up from 40,387 in 2008.

The top spot for those arrests was the 75th Precinct, which had 3,036 last year. It covers Brownsville, the epicenter of the NYPD's stop-and-frisk strategy.

"The police are taking this too far," said Brownsville resident Natalie Robinson, 29. "Everyone knows that poor blacks and Latinos are going to be affected by the police in the worst way."

While marijuana topped the arrest list, violating the open-container law was the No. 1 summons last year - 132,225 were issued, almost a fourth of all NYPD tickets.

That was followed by disorderly conduct, motor vehicle violations and riding bikes on the sidewalk, according to figures from the Office of Court Administration.

There were 21,136 tickets in the bike-riding category, comparable to the number of arrests for theft of service, which includes fare-beating.

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March 20, 2013

Stop-and-Frisk Trial Turns to Claim of Arrest Quotas

By JOSEPH GOLDSTEIN

<http://www.nytimes.com/2013/03/21/nyregion/stop-and-frisk-trial-focuses-on-claim-of-arrest-quotas.html>

For the first two days, the trial focused on sidewalks and street corners from Harlem to Flatbush, as African-American men testified about how they were stopped by the police.

But by the third day, the testimony had veered indoors, as a New York City police officer described scenes from a station house in the South Bronx. There, during the roll call at the start of each shift, a commander addressed the officers, handing out assignments and occasional words of lukewarm encouragement.

It was during those speeches, the police officer testified on Wednesday in Federal District Court in Manhattan, that supervisors and union delegates stressed the need for officers to write more summonses, make arrests, and make stop-and-frisk encounters.

“They want 20 and 1,” Officer Adhyl Polanco of the 41st Precinct testified, explaining that meant “20 summons and one arrest per month.” Officer Polanco appeared as a witness in a class-action suit that claims that the police routinely stop minority men on the street without a legal reason to do so. But his testimony was directed at proving the existence of quotas, a contention that has emerged unexpectedly at the center of the stop-and-frisk trial, which is one of the most significant legal challenges of a major Bloomberg administration policy.

In their opening arguments, lawyers for the city dismissed all talk of quotas as a sideshow, saying that the average officer stops only a handful of people a month. But the plaintiffs have insisted that quotas put officers under pressure to make unconstitutional stops as they seek people to arrest or issue tickets to.

“We were handcuffing kids for no reason,” Officer Polanco said.

He described how he once wrote a summons to a man for not having a dog license, after being directed to do so by his commander. “I did not see the dog,” Officer Polanco said. He later told Internal Affairs Bureau investigators about that episode and others.

After a confrontation with a lieutenant, he was stripped of his gun and badge and faced disciplinary proceedings.

Mr. Polanco is among a handful of officers who have taken to covertly tape-recording station house conversations, and he came to court prepared to discuss recordings that he made nearly three years ago.

In one speech played at the trial, a voice that Officer Polanco said was that of Donald McHugh, the precinct commander at the time, spoke about writing summonses. The commander warned that some people were not “chipping in” and said that those officers were going to be paired with supervisors “to make sure it happens.”

But he also complimented his officers, saying that “the overwhelming majority of people did an outstanding, great job, and I’m saying I appreciate it.”

Much of the discussion about “20 and 1” came from remarks by delegates from the police union who spoke at roll calls that the recordings captured. Those remarks showed how some delegates occupy a back channel between officers and commanders; some officers say that delegates have become too cozy with management. In one recording, a man identified by Officer Polanco as Angel Herran, who was a delegate in the 41st Precinct at the time, could be heard trying to convince officers that it was not unreasonable to be expected to write tickets.

“You have to show something,” he said. “You’re a police officer.”

“You mean to tell me,” he asked, that during a month of work “you haven’t seen any violations on parking, any violation, and any kind of arrest?”

“It’s impossible,” he concluded.

But the tapes also offered a sampling of the tradition of oratory that has developed alongside roll calls. While commanders and precinct delegates occasionally start off by delivering a pep talk, the speeches occasionally fall short of encouraging.

In one speech, Sgt. Mervin Bennett said that even officers disillusioned with the work were expected to “do your 8 hours and 35 minutes a day and go home, and just do your job.”

“You could be disgruntled, fine,” he said. “Welcome to the N.Y.P.D. That’s part of the nature of the job.”

Federal Judge Lets [SUMMONS] Quota Lawsuit Go Forward

By Graham Rayman, Apr. 24 2012 VILLAGE VOICE

http://blogs.villagevoice.com/runninscared/2012/04/nypd_tapes_fede.php

We learned last night that a federal judge has granted class certification to a lawsuit which claims the NYPD's quota policy is unconstitutional and results in summonses and stop and frisks being done without probable cause.

The lawsuit, which could turn into a fairly big problem for Mayor Bloomberg, relies heavily on tape recordings of police supervisors ordering officers to hit specific monthly summons numbers -- all of which was first reported in the Village Voice's award winning "NYPD Tapes" series.

The decision allows the lawsuit, filed by 22 New Yorkers, to move forward, and to in essence speak for all city folks similarly aggrieved.

The underlying claim is that the NYPD's quota system, which officials deny exists, leads street cops to hand out summonses even when no crime or violation has occurred just to meet productivity demands from their bosses.

Cops who don't hit their quota are punished, transferred, marooned to the midnight tour, and lose privileges.

Gerald Cohen, one of the plaintiff's lawyers, says the lawsuit seeks an injunction against quotas, more training for police officers, and new monitoring system, along with the usual monetary damages.

"Plaintiffs motion is granted," wrote U.S. District Judge Robert Sweet. "The class is defined to include individuals who were issued summonses that were later dismissed ... and who were ticketed without probable cause."

Figures supplied to the court by the city indicate that about 6.2 percent of the 3.5 million tickets issued from 2004 to 2009 were dismissed as defective, and 17 percent were dismissed as insufficient.

And there is this curious fact: from 2004 to 2009, 2.2 million summons went through the criminal courts. Some 1.1 million were dismissed.

In other words, more than half the criminal court summonses which received a hearing were dismissed. In other, other words, a lot of criminal court summonses -- for open container, pot smoking, blocking the sidewalk, etc. -- are not worth the paper they are written on.

In his opinion, Sweet quotes from recordings made by police officers Adil Polanco and Adrian Schoolcraft--both of whom provided their recordings to the Voice.

The quota, according to Polanco's tapes, was 20 summonses and one arrest a month. "Until you decide to quit this job and become a pizza delivery man, this is you're going to be doing until then," a supervisor says.

And in the Schoolcraft tapes, a supervisor says, "He wants at least 3 seat belts, 1 cell phone and 11 others."

Now, police officials say there are no quotas. But come on, folks. Honestly?

<http://www.nydailynews.com/new-york/1-million-outstanding-warrants-in-nyc-article-1.1271823>

1 Million Outstanding Warrants In New York City

From Open Alcohol Containers To Littering, One-Eighth Of The City's Population Face Arrest For Unresolved Summonses.

By Shane Dixon Kavanaugh / NEW YORK DAILY NEWS
Saturday, February 23, 2013,

A single beer put Patrick Lamson-Hall behind bars for 27 hours.

In October 2011, the New York University grad student was slapped with a summons and a court date for drinking a can of Pabst Blue Ribbon on a West Village stoop.

He forgot about both until a pair of cops stopped him - months later - for riding his bike on a Brooklyn sidewalk.

Within minutes, Lamson-Hall was placed in handcuffs, tossed into a squad car and taken to the 79th Precinct in Bedford-Stuyvesant - busted on a bench warrant over his failure to appear in court.

"I assumed they'd have me pay a ticket for the open container," said the 25-year-old Oregon native. "It didn't occur to me that I was going to spend the night in jail."

As many as one-in-eight New Yorkers faces a similar fate, as unresolved summonses - from littering to walking a dog without a leash - surge to staggering highs across the city.

There are now more than 1 million open bench warrants against loiterers, boozers and other petty scofflaws in New York, court records show. And while it's unclear how many offenders are deceased or carry multiple offenses, the number of outlaws here nearly matches the population of Dallas.

Many may never get pinched for a forgotten or ignored pink slip. But a legal nightmare looms uncomfortably close for countless others.

"Even if you feel that you were in the right, even if you feel that the summons is ridiculous, you need to come to court to resolve it because there are real consequences if you don't," said David Bookstaver, a spokesman for the court system.

Lamson-Hall soon found that out. He spent the night in a solitary jail cell with no windows, no water and a broken toilet. Cops refused to let him make a phone call before vanishing for hours.

"I was completely terrified," he said. "At one point, I started screaming."

Eventually, Lamson-Hall was transferred to Manhattan and brought before a judge, who dismissed the summons. By the time he left court at about 5:30 p.m. on Jan. 30, 2012, he had been locked up for 27 hours.

Still, such threats don't seem to deter hordes of New Yorkers. There were 299,555 open bench warrants in Manhattan alone and another 245,000 in the Bronx at the beginning of May 2012, the

latest available tally shows. Brooklyn and Queens had 237,000 and 218,000 respectively, while a mere 30,500 warrants hover above the heads of petty criminals on Staten Island.

The idea of locking so many people up is preposterous to some.

“All of this is a tremendous amount of city resources being spent chasing people for conduct that a reasonable person would hardly view as criminal,” said Stephen Banks, the chief attorney for the Legal Aid Society. “It would make more sense to review the outstanding warrants and clear them - particularly when the underlying alleged conduct is hardly a threat to public safety.”

The NYPD disagrees.

“The Warrant Division pursues individuals wanted for crimes and will arrest a person wanted on a bench warrant during the course of an investigation,” a department spokeswoman said.

“Clearly, we see the police department doing what they’re supposed to be doing,” said Bookstaver. “They’re following up on warrants and having people get their day in court. It’s a civics lesson. A good civics lesson.”

That lesson, however, may have been lost on Lamson-Hall.

“Is my civics lesson that the NYPD is arbitrary and brutal or that I should never trust a cop in New York again?” he asked.

Well, maybe not entirely.

“To be fair, I’ve paid every single ticket I’ve received since then. Promptly.”



Patrick Lamson-Hall posing for a portrait. He was once arrested for riding his bike on a sidewalk in Brooklyn. Photo taken in Manhattan, New York on February 15, 2013.

With Rocco Paranscandola

New York Times / April 11, 2013

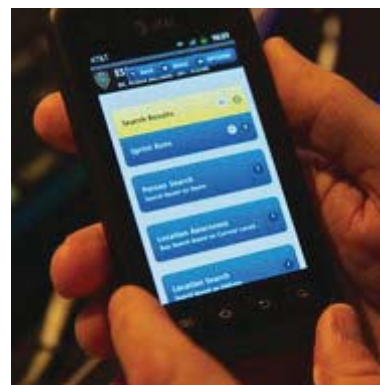
New Tool for Police Officers: Records at Their Fingertips

Wendy Ruderman

http://www.nytimes.com/2013/04/12/nyregion/new-tool-for-police-officers-quick-access-to-information.html?hp&_r=1&



Officer Tom Donaldson, left, and Capt. Jerry O'Sullivan, with a department smartphone that can tell them if a suspect has an arrest record or owns a gun.



The Police Department has distributed about 400 phones to officers.

As the officers walked up to the entrance of a Harlem housing project, a loose knot of people out front scattered into the damp, dark night and a few lingerers cast cold stares at the officers. One of the officers reached into his pocket and pulled out the newest tool in the Police Department's crime-fighting arsenal: a smartphone.

Officer Tom Donaldson typed in the building's street address, and with a few taps of the screen, an astounding array of information bloomed in his palm.

The officers suddenly had access to the names of every resident with an open warrant, arrest record or previous police summons; each apartment with a prior domestic incident report; all residents with orders of protection against them; registered gun owners; and the arrest photographs of every parolee in the building. The officers could even find every video

surveillance camera, whether mounted at the corner deli or on housing property, that was directed at the building.

“You can see that in this one 14-story building there are thousands and thousands of records,” Officer Donaldson said while canvassing the Lincoln Houses on Park Avenue during a 6 p.m.-to-2:30 a.m. tour starting on Wednesday night.

“If I see that in the last month, there have been six arrests on the seventh floor for drug trafficking, maybe I want to hang out on the seventh floor for a while,” he said.

The Police Department has distributed about 400 dedicated Android smartphones to its officers, part of a pilot program begun quietly last summer. The phones, which cannot make or receive calls, enable officers on foot patrol, for the first time, to look up a person’s criminal history and verify their identification by quickly gaining access to computerized arrest files, police photographs, and state Department of Motor Vehicles databases.

The technology offers extraordinary levels of detail about an individual, including whether the person has ever been “a passenger in a motor vehicle accident,” a victim of a crime or in one instance, a drug suspect who has been known by the police to hide crack cocaine “in his left sock,” according to Officer Donaldson.

“I tell them, ‘I’m going to see your picture,’ ” the officer said. “They don’t realize we have this technology. They can’t tell me a lie because I know everything.”

The phone application is significantly different from the computers currently installed in roughly 2,500 patrol cars. With the laptops, the Internet connection can be slow and spotty in some of areas of the city, and officers have to log in to separate databases with multiple passwords to retrieve information.

“With one entry point, you can get to a lot of different databases — quickly,” Police Commissioner Raymond W. Kelly said in an interview on Wednesday.

Without the phone, officers who stop a person for a violation, for example, can sometimes get bare-bones information by radioing in a name to a police dispatcher, police said.

“Our dispatcher will tell us if they have a warrant or not but it’s a simple yes or no answer,” said Officer Donaldson, who is assigned to the Housing Bureau. “I don’t know if the guy is wanted for murder or for not paying a parking summons. We rarely know. Now we know.”

The phone is particularly helpful when officers respond to a call of a domestic dispute. It allows officers to know how many times police have been previously summoned to the residence, providing details on those incidents. Typically, officers do not have this information, Commissioner Kelly said.

Donna Lieberman, the executive director of the New York Civil Liberties Union, said though the new phone technology held “enormous promise to improve policing and public safety,” she had concerns about “whether it will become a vehicle to round up the usual suspects, to harass people” based on information in the police databases.

On a cold, rainy February night, Officer Donaldson said, he along with Capt. Jerry O’Sullivan and another officer, noticed a car, its engine idling, parked on a sidewalk in front of a Harlem housing project. A woman was in the driver’s seat. She had no identification, but said that she had a driver’s license, and gave a name and date of birth.

“There was no license with that name,” Captain O’Sullivan recalled. “We could tell that she wasn’t giving us the right information.”

The officers ran the car’s license plate number through the phone and learned that the registered owner was wanted by the police, suspected of being involved in a scheme targeting men who solicited prostitutes over the Internet to come to their homes. The car owner was suspected of accompanying two women to the victim’s home, where they would rob him at knife point, according to the criminal complaint.

The woman in the car was one of the suspects, the captain said.

“Ordinarily, as a police officer, what would you do if you were out there late at night, in the cold and the rain, and somebody was being evasive with us? We wouldn’t have any answers,” Captain O’Sullivan said. “Here, we had a phone.”

The New York Times

<http://www.nytimes.com/2012/04/29/opinion/sunday/the-cost-of-zero-tolerance.html?ref=brentstaples&r=0>

EDITORIAL | SUNDAY OBSERVER

The Human Cost of 'Zero Tolerance'

April 28, 2012

By Brent Staples

There is no proof that the zero-tolerance policing adopted by New York and other cities in the 1990's had anything to do with the decline in violent crime across the nation. Crime also dropped in jurisdictions that did not use the approach.

Millions of people have been arrested under the policy for minor violations, like possession of small amounts of marijuana. And one thing is beyond dispute: this arrest-first policy has filled the courts to bursting with first-time, minor offenders who do not belong there and wreaked havoc with people's lives. Even when cases are dismissed, people can be shadowed for years by error-ridden criminal records.

The human toll is evident in New York City, where last year 50,000 people — one every 10 minutes — were arrested for possession of small amounts of marijuana. The city downplays the significance, saying these cases are typically dismissed and the record sealed if the person stays out of trouble for a year. But getting tangled in the court system is harrowing. And the record-keeping can be unreliable and far more porous than the city suggests.

An analysis by the Legal Action Center, which assists 2,500 people with criminal records each year, has found that nearly half of its clients' rap sheets have errors. Defense lawyers say that too often the courts and police fail to report to the state about dismissals and other outcomes favorable to defendants.

As for "sealed" records, background-screening companies working for private employers can harvest data at the time of an arrest and there is no guarantee that they will update to reflect dismissals — or expunge the information when records are sealed by the courts. While it is illegal to exclude people from jobs based solely on arrest or convictions, unless there is a compelling business reason for doing so, many employers quickly write off applicants who are flagged in these databases.

New York City drove up its marijuana arrests — from just under 1,500 in 1980 to more than 50,000 a year today — despite the fact that the State Legislature in 1977 decriminalized possession of 25 grams or less of marijuana, making it a violation, roughly akin to a traffic ticket. The problem is that the Legislature made public display of any amount of marijuana a misdemeanor, which can lead to arrest, jail and a record that follows the person for years. And New York's police have been repeatedly accused of arresting people for possession after

forcing them to show “in public” the small amounts they had. Police Commissioner Raymond Kelly tacitly admitted this practice last year, directing officers to make an arrest only when the drug really was in view.

Critics say the fact that 87 percent of those arrested are black or Hispanic suggests that the police are deliberately singling out minority citizens for arrests that push some of them permanently to the very margins of society.

An arrest, even without a conviction, can swiftly unleash disastrous personal consequences. Consider the 2011 case of a 26-year-old single mother from Brooklyn whose lawyers say she was arrested after the police forced her to reveal a small packet of marijuana hidden in her purse. The judge said the charges would be dismissed if she stayed out of trouble for a year. A week later, the woman had been fired from her job as a janitor with the New York City Housing Authority. She has not been rehired.

The city’s Housing Authority convenes a termination hearing when a tenant is arrested. The authority says no one is evicted for low-level marijuana arrests “in and of themselves.” But Steven Banks, attorney-in-chief of the Legal Aid Society, which represents 30,000 people in minor marijuana arrests a year, says these cases often end with the leaseholder ejecting the person arrested — perhaps a son or grandson — to avoid eviction. People convicted of some misdemeanors cannot apply for public housing for three years; those convicted of violations are ineligible for two years.

Young parents have faced neglect accusations in family court after marijuana arrests, even if they are not ultimately charged with any crime. In a case described in *The Times*, a woman’s son and niece were removed from her home by child welfare workers after police found about a third of an ounce of marijuana — below the threshold for a misdemeanor — in a boyfriend’s backpack in her Bronx apartment. The district attorney declined to prosecute, but the children spent time in foster care, and her niece was not returned for over a year.

New York City’s overly zealous marijuana arrests, coupled with the unreliability and porousness of record-keeping, damage the lives of tens of thousands of people a year. The Legislature needs to fix this. It must drop the public-display distinction for marijuana, which invites far too many abuses. It should also press law enforcement officials and the court system to make sure that criminal records are more accurate to start with and that people who are victimized by errors have a plausible way of getting them corrected.

Employers and government agencies also have a responsibility here. They must not rush to their own judgment about minor offenders.

Mayor Michael Bloomberg needs to recognize that zero-tolerance policing is not the panacea his Police Department seems to think it is. The police need to spend more time tracking down serious crime and less on minor offenses. There is nothing minor about a record that can follow people for the rest of their lives.

New York Times

<http://www.nytimes.com/2012/06/15/nyregion/sniff-test-doesnt-prove-public-drinking-judge-says.html>

Sniff Test Does Not Prove Public Drinking, a Judge Rules

By Joseph Goldstein / June 14, 2012

The police in New York City wrote 124,498 summonses last year for drinking in public — far more than for any other violation. After having to adjudicate so many of these public drinking cases, a Brooklyn judge has decided he has had enough.

The judge, **Noach Dear**, has signaled that from now on, he intends to hold the police to a highly impractical standard if they want to issue a summons for drinking alcohol from a cup: **The police must prove that the beverage in question was alcoholic.**



Judge Noach Dear



Julio Figueroa of Brooklyn had an open container citation

The sniff test, he wrote, was not enough.

Judge Dear made his intentions known in a written decision released on Thursday in a run-of-the-mill Criminal Court case: Julio Figueroa, 38, was cited for illegally drinking a cup of beer on a city sidewalk near his home in Greenwood Heights, Brooklyn.

It was not sufficient, the judge wrote, that a police officer had smelled the contents of Mr. Figueroa's cup and detected beer. Nor was it enough that Mr. Figueroa had told the police officer that, yes, the liquid was indeed beer.

In dismissing Mr. Figueroa's case, Judge Dear wrote that the police should be required to adhere to a higher standard of certainty that the drink's alcohol content exceeded 0.5 percent, the threshold under the city's open-container law, before issuing a court summons. One way to do that, he suggested, would be for the New York Police Department to have a laboratory test conducted.

Judge Dear made it clear that he hoped his interpretation of the city's public drinking law would persuade the Police Department to reconsider its enforcement of the ordinance. In his experience, he wrote, the department singled out blacks and Hispanics when issuing public drinking summonses.

“As hard as I try, I cannot recall ever arraigning a white defendant for such a violation,” wrote Judge Dear, a former city councilman who was elected to a judgeship in 2007.

Judge Dear wrote that he had his staff review a month’s worth of past public-drinking summonses issued in Brooklyn, and found that 85 percent of the summonses were issued to blacks and Latinos, while only 4 percent were issued to whites. According to census data, Brooklyn’s population is about 36 percent white.

“I am hereby recommending that the practices and policies of the N.Y.P.D. with respect to enforcement of the open container law be scrutinized and immediately stopped if found to be discriminatory,” he wrote.

The decision of a single judge is not likely to change the ticket-writing habits of the 35,000-member department. The fine that the city collects from such tickets is low compared with the penalty for other offenses — \$25 per ticket — but each summons offers the police an opportunity to check the person for warrants, which police officers say is one of the reasons that the police are so energetic about enforcing quality-of-life violations like public-drinking offenses.

But the zeal with which the police seek out opportunities to write public drinking tickets has angered some New Yorkers, particularly residents of housing projects who in interviews have said they resent it when patrol officers demand to sniff the contents of any plastic foam or paper cup from which they are drinking.

Mr. Figueroa said that on May 12, he poured a beer into a paper cup at his home and went for a stroll outside, stopping outside a bodega as a friend went inside.

“It’s not like I was staggering,” said Mr. Figueroa, noting that that was his first beer of the evening.

As he finished his beer, he said, an unmarked police car pulled up and three officers emerged, asking him what he was drinking.

“I wasn’t going to lie,” Mr. Figueroa said. “They said they could tell it was beer by the way I was drinking it.”

The episode did not end with a ticket. One officer searched a nearby trash can for evidence of a beer can or bottle, while another ran his name through a database for warrants. In the end, Mr. Figueroa was arrested on what the police said was an outstanding warrant, although he said he was later told that there was a mix-up and that he did not have one.

Mr. Figueroa, a chef, said he was of Puerto Rican and Honduran descent. He said that he had received several public drinking tickets in the past, but that this was the first time he had ever been “put through the system.”

He spent about 22 hours in jail before appearing before Judge Dear, who dismissed the case at the time, but issued the decision only this week.

The judge pointed that without direct proof of the alcohol content of the beverage, citizens were at risk of getting a ticket for drinking nonalcoholic beer.

“While the arresting officer’s professional training and sense of smell may be sufficient to support his conclusion that defendant was drinking beer,” he wrote, “such does not support the conclusion that the beer contained more than one-half of one percent of alcohol by volume.”

The NYPD's improbable cause

**Is the NYPD violating New Yorkers civil rights one summons at a time?
What the geography of 350,000 pink slips in New York City reveals.**

BY Maura R. O'Connor / NEW YORK WORLD / September 5, 2012

(The New York World is published by Columbia Journalism School and is named for the paper created by Joseph Pulitzer, who founded the school.)

<http://www.thenewyorkworld.com/2012/09/05/nypd-improbable-cause/>

Lindsey Riddick of Flatbush estimates he's been to 346 Broadway, one of the city's half dozen summonses courts, at least six times to pay off pink slips police officers have handed to him. Trespassing, disorderly conduct, loitering — the charges kept coming. Three years ago, he spent two days in jail after a warrant was issued for his arrest when he failed to pay one of the tickets.

The 36-year-old's experience is far from unusual. In 2011, the New York City Police Department issued more than 350,000 tickets sending recipients to court for minor infractions like these, and in the last 15 years cops have issued literally millions of these tickets.

Still, even Riddick, a substance abuse counselor in-training, was stunned on the August evening that he received a ticket for standing in front of his own home.

Riddick has lived on East 21st Street since he was born: the apartment he shares with his girlfriend and their two children is across the street from the home his parents occupied for 40 years. He was on the sidewalk in front of his building when a cop asked him for identification. Riddick says he provided an ID that showed his address, but the police officer wasn't satisfied. He asked Riddick to prove he lived there by opening the front door with his key, and then his apartment door once inside.

"When I did, my son and my daughter came running to me," recalled Riddick. "I said, 'See, I live here.' He told me then to come outside. I went back outside, my kids followed me and he said, 'I'm giving you two summonses.'"

In the ensuing argument, a portion of which was recorded by Riddick's brother, Michael, the cop can be heard telling Lindsey that he is not allowed to be in the front of the building. "You don't pay for the front of the building. You don't pay for the street. You don't live in the street," said the cop. According to Lindsey Riddick, the officer then threatened to put the brothers in handcuffs if they did not go inside. Riddick received two summonses for loitering and disorderly conduct. His brother got four pink slips. "That's harassment," a bystander can be heard saying with disdain.

“It was totally disrespectful. They violated my rights telling me to go inside the house,” said Riddick recently. “It’s frustrating that we be living in the area for over 40 years and we can’t even sit down in front of our building without cops coming and asking for ID, asking for keys, which apartment we living in...I feel that it’s about time someone does something about it.”

Riddick did. He is one of 22 plaintiffs, all African American, in a lawsuit alleging that the NYPD’s ticketing for quality-of-life offenses violated their constitutional rights. At least five of the plaintiffs were standing in front of or near their own homes when they were given tickets, and most of the summonses were eventually dismissed in court for lack of probable cause.

In the shadow of record-high levels of NYPD stop, question and frisk incidents and ensuing public outcry about their disproportionate toll on black and Latino New Yorkers, the department’s hailstorm of quality-of-life summonses has begun to garner scrutiny on similar grounds, particularly in the courts.

This spring, a federal court granted class action status to Riddick’s case, *Stinson v. New York City*, which seeks to end what the plaintiffs charge is an illegal quota system that forces officers to churn out tickets by the thousands – and ultimately preys on black and Hispanic city residents as targets. (The plaintiffs are represented by the same law firm behind officer Adrian Schoolcraft’s case accusing the NYPD of harassing him after he reported systematic downgrading of serious crimes.) In July, the city filed an appeal that could take up to a year to be decided.

Then in June, Brooklyn judge Noach Dear inflamed the city’s tabloids with a decision that criticized the “sniff test” the NYPD uses to determine when to issue tickets for drinking alcohol in public — and the wide racial gap in the summonses that resulted.

Noting that he could not recall ever seeing a white defendant in court on a public drinking summons, Judge Dear asked his staff to review one month of open-container cases heard in the borough. They found that just 4 percent of defendants were white. Judge Dear proceeded to recommend that the practices and policies of the NYPD be “immediately stopped if found to be discriminatory.”

Judge Dear had to conduct his unorthodox case-by-case survey because the data is otherwise unavailable. While the NYPD tracks the race of defendants who receive summonses, it does not release the information, and the city’s criminal court does not include race or other demographic information in its database.

With data provided by the Criminal Court of the City of New York, however, The New York World has analyzed summonses given by NYPD in every precinct in 2011 that then ended up on the courts’ dockets, providing a portrait of the geographic distribution of the NYPD’s pink slips across the city.

Brooklyn received the most summonses of any borough but the Bronx had the highest number per capita, followed by Manhattan, Brooklyn, Queens and Staten Island.

The analysis shows the majority of summonses that end up before a judge are handed out in NYPD precincts where most of the population is non-white. Out of the 76 police precincts in New York City, 32 are at least 80 percent black, Hispanic and Asian. Those precincts account for more than three in five of all NYPD summonses.

A look at specific offenses reveals steep geographical skewing. The 67th precinct in Brooklyn, where Riddick received the summonses outside his apartment, is 99 percent black and Hispanic, and in 2011, police there issued more than 1,000 summonses for disorderly conduct. In contrast, the 78th Precinct in Park Slope, which is 67 percent white, just 16 summonses for disorderly conduct went to the criminal courts last year.

In all, 70 percent of disorderly conduct summonses that ended up in court last year were in precincts where the population is over 80 percent or more minority.

For sheer volume, the 40th Precinct in Mott Haven, a neighborhood that is 98 percent minority, led the city with more than 13,000 pink slips. Police officers at the 40th Precinct gave over 4,000 summonses for public drinking and 1,432 people received pink slips for unreasonable noise, the highest number of any of the city's precincts.

Citywide, 90 percent of the roughly 7,000 unreasonable noise summonses sent to a judge in 2011 came in precincts that are 70 percent or more minority. The Bronx received two in five of these summonses, even though the borough sent just 8 percent of the city's total noise complaints to the 311 system in 2011. In fact, the borough received more noise summonses from the NYPD than it had noise complaints last year.

A couple of neighborhoods break the general pattern. The 90th Precinct in Williamsburg, 55 percent white, placed second for the total number of summonses, narrowly surpassing the 34th Precinct in Inwood and Washington Heights. It led the city in public drinking summonses, with more than 6,000 issued last year. Residents of Williamsburg also received 1,745 tickets for bicycles on sidewalks, the most of any precinct in the city.

And police at the 69th Precinct in Canarsie, which is 94 percent minority, gave out just 1,971 summonses last year, one of the lowest numbers of summonses for any precinct in Kings County.

Roughly half of all summonses are dismissed in court, Office of Court Administration statistics show. The Stinson plaintiffs claim that police officers are explicitly instructed to issue summonses regardless of whether violations have occurred, in order to "artificially create the statistical appearance of increased 'activity.'"

"It's remarkably consistent: one out of two summonses are dismissed," said Jon Norinsburg, one of the plaintiffs' attorneys in Stinson. "That's why we think they're doing it to meet their numbers. It's inexplicable. We can't come up with a rational explanation."

The NYPD rarely issued summonses until the 1990s, when the Giuliani administration began a crackdown on so-called quality-of-life offenses. “Getting warrants for very minor violations was not something we would have normally done years ago,” recalled John Eterno, a former NYPD captain who is now a criminal justice professor at Molloy College. The Bloomberg administration supersized the summons machine in 2003. That year, the NYPD launched Operation Impact, which floods high-crime neighborhoods with police officers, many of them rookies.

Around the same time, evidence began to emerge suggesting that quality-of-life policing was having a disproportionate effect on black and Hispanic New Yorkers. A Criminal Justice Agency report from 2003 found that the zero-tolerance tactics of the Giuliani administration resulted in older, chronic offenders and young minorities without previous arrest records entering the justice system in higher numbers.

Pushing throngs of cops into high-crime neighborhoods, then demanding they meet targets for policing activity, turned into a recipe for sticking minorities with an overlarge share of summonses, Eterno maintains. “The policy is inherently racist,” he said. “What they are doing is going into some communities and blasting them for summonses for the same activities being done in white areas, for instance smoking marijuana or drinking a beer. Those kids are now getting a record.”

Because the NYPD arrests those who fail to pay for summonses or appear in court, a single pink slip for a minor offense can effectively criminalize an otherwise law-abiding citizen by leading to warrants, hefty fines, jail time and police records. “These tickets are not inconsequential. People say they are like traffic tickets, but they are not, said Harry Levine, a professor of sociology at Queens College. “They are much more like misdemeanors-lite.”

The NYPD did not respond to requests for comment.

Public drinking is historically the single most common ticket: 61 percent of all these summonses were given in precincts with a population that was 80 percent non-white or more. But the second most common summonses is disorderly conduct, a charge under the city’s penal code that has at least eight definitions for offenses such as “disturbing a lawful assembly” or making “unreasonable noise.” The NYPD issued more than 79,000 pink slips for disorderly conduct last year, most in majority non-white precincts.

Some criminal defense lawyers in the city say they’ve seen disorderly conduct charges used as a kind of policing panacea — a catch-all charge officers can use against behavior they don’t like.

But Heather Mac Donald, a fellow at the Manhattan Institute who has written extensively on crime and the NYPD, says summonses are an example of proactive policing that has drastically reduced crime over the last two decades, reductions that have benefited minority neighborhoods in particular.

“The positive effects far outweigh the inconveniences of being stopped when you’re innocent and I don’t think it’s racism that’s sending cops to these neighborhoods. It’s high crime,” said Mac Donald. “People are as concerned about disorder in poor neighborhoods as they are in wealthy neighborhoods, and they have the same right to order in the streets as they do on Park Avenue.”

Reform advocates say they don’t expect changes to the alleged quota system to come from within City Hall or One Police Plaza so long as the current administration is in charge. “The common wisdom is that Bloomberg and Kelly are going to ride this out, they are not going to make any changes in quota-driven policing,” said Robert Gangi director of Police Reform Organizing Project at the Urban Justice Center. “They are committed to it — their legacy and accolades are all tied to this type of policing for better or for worse.”

But stop-and-frisk has already become a topic in the 2013 mayoral race, with most of the Democratic candidates vocally criticizing the NYPD for what they say is overuse of the practice in minority communities. Could summonses also become an issue when Manhattan DA Cyrus Vance or Brooklyn DA Charles Hynes run for reelection in 2013? Gangi predicted that it could, something he said he never considered possible before.

“For decades, the NYPD has gotten away with stark racially biased policing,” he said. “Communities of people of color know that’s true and have accepted it for decades. What’s interesting in what’s happening now is it is actually an issue. Any credible serious candidate for public office has to take a position.”

4/1/ 2008 N.Y.L.J. 2, (col. 3)

New York Law Journal / Volume 239 / Tuesday, April 1, 2008

TIME TO END VIOLATION PLEAS

By Steven Zeidman

Steven Zeidman is a professor of law at CUNY School of Law.

'It is a violation, not a crime.' Any lawyer who works in the New York criminal justice system has heard that phrase thousands of times. Most can recite what comes next: 'You won't have a criminal record,' and 'The file will be sealed.' These are the time-honored words that drive the criminal justice train; the vernacular that paves the way to guilty pleas to the smorgasbord of 'violations' - disorderly conduct, harassment, trespass, etc. In 2007, there were more than 145,000 violation pleas in New York state, 86,938 of them from New York city.

I recently ventured into an 'all-purpose' part in Manhattan Criminal Court, one I knew well from years ago. The audience was still filled with exhausted people of color waiting for the experience to end. Though there have been changes - courtrooms are designated by letters instead of numbers, magnetometers are used and visitors are subject to a search - it was distressingly familiar. The legal jargon used by court officers, defense attorneys, prosecutors and judges has not changed. Above the din echoed the familiar refrain: 'It's a violation, not a crime,' and then the accused was pleading guilty.

The full power and purpose of those words hit me while I sat in an arraignment part. Years ago, thousands of cases ended with the violation plea. Defense attorneys rarely tried to persuade clients to fight, or offer support when clients were inclined to do so. While rampant violation pleas were misguided then, they are unconscionable now with the advent of 'quality-of-life' policing. Not only do misdemeanors and violations comprise the majority of cases coming into the Criminal Court (about 31 percent of reported adult arrests in New York City in 2007 were felonies, down from 56 percent in 1990) but, in the words of one scholar, never before have so many been arrested for so little. Every day people are hauled into court for a bewildering variety of administrative code, health code and other violations, and the nuances of riding a bike on the sidewalk or drinking a beer in public have become core features of criminal practice.

Even more troubling than the volume of these cases is the scourge of collateral consequences that follow from arrest or conviction. It is the inverse relationship between the increasingly relative insignificance of the crimes charged and the burgeoning significance of the potential consequences that demands attention.

Today, even a violation plea might result in deportation, eviction, suspension from school or civil judgment. The collateral consequence list begs the question of whether there has been a

corresponding drop in plea rates, especially at arraignments. Despite the attention and training devoted to collateral consequences, the lure and overstated attractiveness of a violation trumps in the end; plea rates have not changed.

This radical transformation of the Criminal Court raises questions concerning all of its components. Given the omnipresence of the violation plea, does the court play the role of the neutral magistrate heralded by the Constitution? The New York Police Department self-reports that more than 500,000 people were stopped and searched last year. Of those, only 10 percent were arrested or given a summons. What does that say about the other 90 percent and our confidence in the ability of the police to determine probable cause? One would expect that in the face of half-a-million searches there would be a few thousand suppression hearings. Instead, there are tens of thousands of violation pleas as the courts focus on case processing instead of litigation. Police conduct, and whether it comports with the Constitution, is not subject to meaningful judicial scrutiny. Rather, much of it is handily buried in an avalanche of 'violation, not a crime' pleas.

In addition to the obvious impact on the accused, these 'quality-of-life' charges present profoundly important issues. Witness the panhandling prosecution fiasco. A law against panhandling had been declared unconstitutional years ago, but that didn't deter police officers from making arrests, prosecutors from filing complaints, defense attorneys from advising pleas, and judges from meting out sentences. Matthew Jones, for example, was charged with disorderly conduct for, in effect, standing on the sidewalk in Times Square. While the Court of Appeals overturned his conviction, it is noteworthy that he had pleaded guilty at arraignment, as have countless others who were similarly not guilty.

The largest issue is the one that takes a back seat to the celebrated drop in crime - the impact on race. Look more closely at the 500,000 documented searches. Eighty six percent of those stopped and searched were black or Latino. To ignore the quality-of-life initiative's disparate impact on people of color is to ignore one of the primary objections to its implementation.

Some suggest that violation pleas benefit the accused since they often stem from a misdemeanor charge. But does a violation insulate the accused from consequences which can be as devastating as a misdemeanor conviction? These days it appears that nothing short of a dismissal can be considered 'safe.' Perhaps the best antidote to the 'just a violation' school of thought is found in Alexander v. Office of Court Administration. An 18-year-old applied for a job as a cashier at Sears but was rejected. Sears bought his criminal history from OCA for \$52 and learned that he had pleaded guilty a year earlier to disorderly conduct. The suit revealed that OCA provided such information for a fee. With the ubiquitousness of the Internet, is it hard to imagine widespread access to violation pleas?

Many claim that it is generally the accused that wants the plea. After spending close to 24 hours in confinement, many are susceptible to the expediency of anything that frees them

from having to return to court. Yet the standards of professional behavior dictate unequivocally that defense counsel must investigate the law and the facts before advising a client to plead. There is no alternative set of ethical standards for attorneys who regularly work in systems of massive arrests for minor crimes; there is no ethical exception to the duty to investigate the law and facts if the plea is a violation.

Rather than put the onus on individual clients and lawyers, it is time to reconsider the utility and morality of violation pleas. It is time for a moratorium on pleas, especially violation pleas, at arraignments. Every defendant would benefit from the opportunity to shower, sleep, eat, think and talk with family. Counsel's representation would benefit from fact and law investigation, time to confer with the client, and a thorough review of potential collateral consequences.

As a result, defense attorneys in New York would finally conform to extant ethical rules and be able to provide truly effective assistance. Prosecutors will be better able to perform their duties if given time to conduct their own fact and law investigation. In the process, they could discover that things are less or more serious than they appear. And, finally, judges would have the opportunity to make more informed, intelligent and just decisions.

The sole rational objection to a moratorium on arraignment pleas is that the system would collapse under the weight of the caseload. The uber utility of the 'violation not a crime' sermon becomes apparent - even if the speech provides misleading advice, it permits the system to function. As a colleague noted, it may be easier to get a moratorium on the death penalty than it is to get a moratorium on pleas at arraignments.

Eliminating, or limiting, arraignment pleas is hardly a radical idea. In many jurisdictions, arraignment is solely for appointment of counsel and determination of bail. That is precisely why the ethical standards instruct defense counsel to investigate prior to advising a plea; the standards never contemplated a system that allowed for, much less relied upon, pleas at the accused's initial court appearance. It is not the standards that should change; it is the practice.

Those who have spent years toiling in the criminal justice system are realists. Sweeping changes motivated primarily by concerns for the accused are unlikely any time soon. But if we can't have a moratorium on arraignment pleas, perhaps we can at least change the litany. How about this: 'It's a violation, not a crime. You won't have a criminal record. Oh, and a few other things. You might get deported, evicted, lose government benefits, be saddled with a civil judgment, have to provide a DNA sample, and, just in case you were thinking about it, forget that job at Sears.' Then, at least, we'd be truthful.

CRC-3206 (7/09)

Complaint/Information

The People of The State of New York vs.

Name (Last, First, MI) <i>ROSENTHAL, DIONISIO</i>		Apt. No.	
Street Address <i>45 WEST 74th ST</i>			
City <i>NEW YORK</i>		State <i>NY</i>	Zip Code <i>10023</i>
ID/License Number <i>4100770</i>	State	Type/Class	Expires (mm/dd/yy) <i>12/01/11</i>
Date of Birth (mm/dd/yy) <i>10/10/58</i>	Hi	Wt	Eyes - Hair - Plate/Reg
Reg. State	Expires (mm/dd/yy)	Plate Type	Veh. Type - Make - Year - Color

The Person Described Above is Charged as Follows:

Time 24 Hour (hh:mm) <i>0030</i>	Date of Offense (mm/dd/yy) <i>10/21/10</i>	County <i>KINGS</i>				
Place of Occurrence <i>45 WEST 74th STREET</i>		Precinct <i>081</i>				
In Violation of Section <i>160.50</i>	Subsection	VTL <input type="checkbox"/>	Admin. Code <input type="checkbox"/>	Penal Law <input type="checkbox"/>	Park Rules <input type="checkbox"/>	Other

Title of Offense:
POSSESSION OF A WEAPON OFFERED

Bronx Criminal Court - 215 E 161 Street, Bronx, NY 10451
 Kings Criminal Court - 346 Broadway, New York, NY 10013
 Redhook Community Justice Center - 88-94 Visitation Place, Brooklyn, NY 11231
 New York Criminal Court - 346 Broadway, New York, NY 10013
 Midtown Community Court - 314 W 54 Street, New York, NY 10019
 Queens Criminal Court - 120-55 Queens Boulevard, Kew Gardens, NY 11415
 Richmond Criminal Court - 67 Targee Street, Staten Island, NY 10304

Defendant stated in my presence (w/ substance):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed <i>V. CERRE</i>	Print/Full Signature of Complainant <i>[Signature]</i>	Date Affirmed (mm/dd/yy) <i>10/21/10</i>
Agency <i>ADP</i>	Tax Registry # <i>944595</i>	Command Code <i>081</i>

The person described above is summoned to appear at NYC Criminal Court located at:
346 BROADWAY

Date of Appearance (mm/dd/yy)
11/10/10 At 9:30 a.m.

DEFENDANT'S COPY

New York City Criminal Court Summons, issued by uniformed patrol police in Brooklyn.

Below is a chart of the 15 most frequently charged summons offenses as reported in the Criminal Court annual reports. The number refers to the part of the NY State laws for each offense.

	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 (mostly urine)	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

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>

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 information page for the courts is here: <http://www.nycourts.gov/courts/nyc/criminal/generalinfo.shtml>



On Oct 21, 2009, the New York County Lawyer's Association held a public event about New York City's summonses. The²⁷ panelists were some of the people most knowledgeable about the many summonses given out and how the system operates. This is the flyer announcing that event.

The New York County Lawyers' Association's Criminal Justice Section

presents

It's Not Just A Summons!

Each year nearly 600,000 New Yorkers receive a summons to a local criminal court and yet the procedures and issues concerning these criminal cases may be little understood by our citizens. Panelists will examine the New York City summons practice, from issuance to adjudication, and educate the public about the policies, procedures and collateral consequences of these summonses.

Panelists

Hon. Eileen Koretz, FORMER SUPERVISING JUDGE AND PRESIDING JUDGE OF THE
MIDTOWN COMMUNITY COURT, NYC CRIMINAL COURT - NEW YORK COUNTY

Robert Cassidy, SUPERVISORY CLERK, CITYWIDE SUMMONS OPERATION,
NYC CRIMINAL COURT

Gerianne Abriano, BUREAU CHIEF, KINGS COUNTY DISTRICT ATTORNEY'S OFFICE FOR
RED HOOK COMMUNITY JUSTICE CENTER

McGregor Smyth, MANAGING ATTORNEY, CIVIL ACTION PRACTICE & REENTRY NET DIRECTOR,
THE BRONX DEFENDERS

Eve Rosahn, DIRECTOR, PAROLE REVOCATION DEFENSE UNIT, THE LEGAL AID SOCIETY
Conway C. Martindale II, Esq., ASSIGNED COUNSEL

Moderator

Hon. Michael J. Yavinsky

INTERIM JUDGE OF NEW YORK CITY CIVIL COURT, ASSIGNED TO CRIMINAL COURT,

Sponsor

NYCLA's Criminal Justice Section

Co-Sponsors

NYCLA Justice Center and Civil Rights & Liberties Committee

Admission

FREE

Date/Time

Wednesday, October 21, 2009 – 6:00 PM

Place

NYCLA Home of Law – 14 Vesey Street, 2nd floor Auditorium

RSVP: dlamb@nycla.org and write 'October 21 event' in the Subject line. NYCLA events are free and open to the public. For wheelchair access, a ramp is provided. Please call 212-267-6646 at least one day in advance to make arrangements.