

**REPORT OF THE MAYOR'S OFFICE OF OPERATIONS ON CAUSES OF
AND CORRECTIVE ACTIONS TO MINIMIZE DISMISSALS OF CIVIL
PENALTY VIOLATIONS RETURNABLE TO THE OFFICE OF
ADMINISTRATIVE TRIALS AND HEARINGS**

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Summary of Findings

Local Law 64 of 2015 requires that the Mayor's Office of Operations work with the City's enforcement agencies to identify issues that may be causing dismissal of administrative charges adjudicated at the Office of Administrative Trials and Hearings (OATH) and to report on corrective actions taken or to be taken by agencies to minimize dismissals. The Mayor's Office analyzed dispositions of the three categories of charges returnable to OATH's Hearings Division, focusing primarily on charges returnable to the OATH Environmental Control Board (OATH ECB), which receives 70% of all charges delivered to OATH and for which the most comprehensive data are available. A charge may be dismissed because OATH ECB finds no violation or finds the charge was not properly written or served – a "procedural dismissal." Procedural dismissals are of special concern because they are instances of correctable error in an agency's enforcement. As a percentage of all charges issued, the rate of charges dismissed overall by OATH ECB has been reduced over the past three years: 8.4% of charges issued in 2015 were eventually dismissed, compared to 9.8% in 2013. The rate of charges procedurally dismissed has been similarly reduced: 2.3% of charges issued in 2015 were procedurally dismissed, compared to 3.2% in 2013.

Two system-wide improvements have been helpful in reducing dismissals of charges returnable to OATH ECB: the increasing use of handheld devices to create charges and expanded data reports to track charges and dispositions. Further reductions in overall dismissals are expected from forthcoming system-wide improvements: the universal summons OATH is introducing for all City agencies and the move of charge-tracking data to the Citywide Performance Reporting system accessible to all City agencies. Almost all of the eight City enforcement agencies that issue most charges returnable to OATH ECB have made specific improvements to their business practices and reduced the percentage of the charges they issue that are dismissed, both overall and on procedural grounds.

The two remaining categories of charges are those returnable at OATH Vehicle for Hire and Taxi Hearings and at OATH Health and Restaurant Hearings. Currently, data tracking those charges and their dispositions are less comprehensive, so a trend analysis cannot be made. OATH is in the process of

developing those data. However, the City agencies responsible for almost all charges adjudicated at those hearings – the Taxi and Limousine Commission and the Department of Health and Mental Hygiene – have taken significant steps to identify and address causes of dismissals.

Introduction

Section 1 of Local Law 64 of 2015 provides that the Office of Administrative Trials and Hearings (OATH) “shall issue monthly reports relating to dismissals of civil penalty violations in tribunals within [its] jurisdiction”; that “[s]uch reports shall catalogue dismissals for each agency and shall include the reason for each dismissal”; and that “[s]uch reports shall be sent to . . . each agency included in the reports.” Section 2 provides that the Mayor’s Office of Operations “shall work with agencies that receive [such] reports . . . to identify issues that may be causing civil penalty violations to be dismissed”; and that “[t]he issues identified and any corrective action undertaken or to be undertaken by agencies to minimize the occurrence of dismissals of civil penalty violations shall be included in a report” to be prepared by the Office of Operations and delivered no later than September 1, 2016, to the Public Advocate, the Speaker of the Council, and the Mayor.

This report is delivered in fulfillment of that requirement. Since September 2015, OATH has issued a monthly dismissal report covering three types of hearing within the agency’s jurisdiction: Environmental Control Board (OATH ECB) hearings, vehicle for hire¹ and taxi hearings (VFH/Taxi Hearings), and health and restaurant hearings (Health Hearings). These three categories of cases correspond to what were the three constituent tribunals of OATH’s Hearings Division. OATH has consolidated those tribunals into a single unified Hearings Division. For purposes of this report, however, the Division’s caseload breaks down as follows: summonses² that may be adjudicated at OATH ECB are principally issued by eight City agencies, the Department of Sanitation (DSNY), Fire Department (FDNY), Department of Buildings (DOB), Department of Transportation (DOT), Department of Health and Mental Hygiene (DOHMH), Department of Environmental Protection (DEP), Police Department (NYPD), and Department of Parks and Recreation (DPR) (in order of volume of charges returnable to OATH ECB that were issued during

¹ “Vehicle for hire” is OATH’s (not TLC’s) summary term for vehicles other than taxis regulated by TLC.

² Concomitant with its consolidation of the multiple tribunals that now comprise the Hearings Division, OATH is standardizing procedures and terminology for all hearings. Whereas the basic accusatory instrument issued a respondent by an inspector – that is, a “ticket” – has been variously called a *violation*, *notice of violation* or *complaint*, OATH is now using the uniform designation *summons*. In some instances, as described below, a single summons may contain multiple *charges*.

the past year).³ Summonses that may be adjudicated at VFH/Taxi Hearings are issued by two City agencies, the Taxi and Limousine Commission (TLC) and NYPD, and one non-City agency, the Port Authority. Summonses that may be adjudicated at Health Hearings are issued by one City agency, DOHMH. Multiple charges – which may be separately upheld or dismissed – may be included in summonses issued by DOB, DEP, and FDNY; summonses returnable to OATH ECB that are issued by other City agencies are limited to single charges. Multiple charges may be included in summonses that are adjudicated at VFH/Taxi Hearings and at Health Hearings. Because a summons may contain multiple charges, and those charges may have different dispositions, this report’s statistics treat charges, rather than summonses, as the basic unit of analysis.

A *dismissal* is any disposition that terminates a charge in the respondent’s favor. A dismissal may be based on procedural grounds, such as a defective summons or defective service. A dismissal may also be based on substantive grounds: if, after a full hearing on the merits, a hearing officer finds that no violation occurred, the charge is dismissed. This report distinguishes those two types of dismissals, referring to the former as *procedural dismissals* and to the latter as *no-violation findings*. Procedural dismissals are of special concern because they represent instances in which no enforcement action can take place even though the existence of the violating condition alleged has not been disproven. No-violation findings raise a different concern, since they are instances in which costs – in terms of time, effort, aggravation, and perhaps retention of a professional representative – are imposed on a respondent who presumptively did nothing wrong. And in either instance, enforcement resources are wasted. Accordingly, it is important that City enforcement agencies seek to minimize the frequency with which they issue charges that result in either procedural dismissals or no-violation findings.

This report looks primarily at charges returnable to OATH ECB, which constitute the largest category of charges returnable to OATH. Analysis of dismissals is based on data from the OATH ECB case-tracking

³ In 2015, those eight agencies wrote 99.7% of charges returnable to OATH ECB. A few other City agencies, including the Business Integrity Commission, the Department of Information Technology and Telecommunications and the Landmarks Preservation Commission, also issue summonses returnable to OATH ECB. Since those agencies’ issuance is very small, it does not lend itself to statistical analysis and has little impact on the overall quality of summonses adjudicated by OATH.

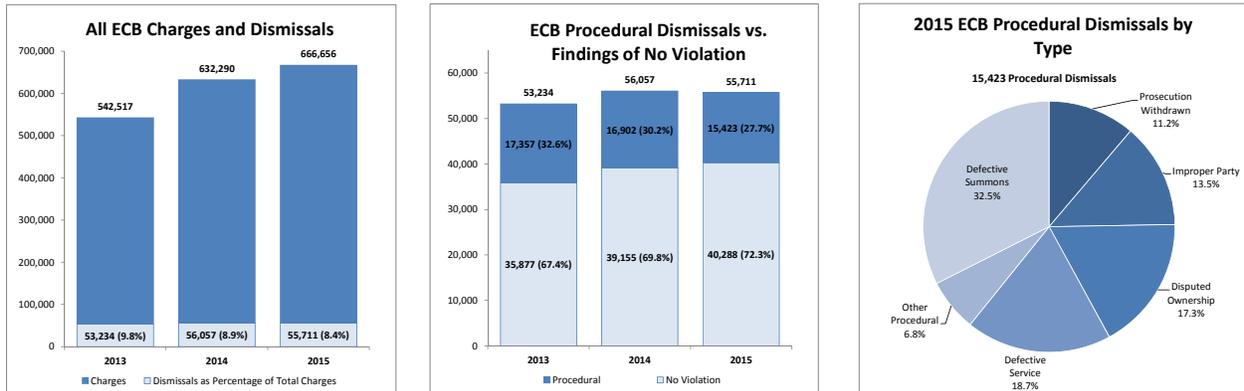
system, AIMS (Automated Information Management System). OATH itself analyzes data from AIMS to report on the frequency with which charges that it hears are dismissed and the bases for dismissal. However, the methodology of this report differs in an important respect from that used by OATH to analyze dismissals: OATH's reports group charges on the basis of *when a hearing officer adjudicated them*, while this report groups them on the basis of *when the relevant enforcement agency issued them*.⁴ By doing so, this report makes it possible to analyze trends in the quality of summons issuance. The analysis shows that, in general, City enforcement agencies have over the past three years achieved a steady improvement in the quality of the summonses returnable to OATH ECB that they issue and a reduction in the percentage of charges dismissed. In particular, enforcement agencies have reduced the rate at which the charges they issue result in procedural dismissals. The agencies have also reduced the rate at which charges result in no-violation findings.

Most charges adjudicated by OATH are filed with OATH ECB: in 2015, OATH ECB received 70.0% of all charges delivered to the OATH Hearings Division. This report also looks briefly at the two other categories of charges adjudicated at the Hearings Division – those adjudicated at VFH/Taxi Hearings and at Health Hearings. OATH did not have jurisdiction over those until 2011, three years after it commenced jurisdiction over OATH ECB, and the case-tracking systems governing them did not have the same level of detail as AIMS. Since OATH became responsible for VFH/Taxi Hearings and Health Hearings, it has begun to collect and analyze data on the reasons for dismissals. However, those data have not yet been collected long enough to analyze trends in the quality of those issuing agencies' summonses. VFH/Taxi Hearings and Health Hearings received 11.8% and 18.2%, respectively, of the all charges delivered to the Hearings Division in 2015.

⁴ Technically, this report indexes charges on the basis of when they are received by OATH. Since most charges returnable to OATH ECB (as well as those subject to adjudication at Health Hearings) are delivered to OATH shortly after issuance, for those charges date of receipt by OATH corresponds closely to date of issuance. In contrast, VFH/Taxi summonses that would be subject to adjudication at OATH are not necessarily delivered to OATH at all; see below.

I. Dismissals of charges returnable to OATH ECB have been reduced

This report focuses on charges issued during calendar years 2013, 2014, and 2015.⁵ Dismissal rates of charges returnable to OATH ECB have declined from 2013 to 2015, even as charges have increased markedly.



As shown in Table 1 below, in 2015 City enforcement agencies issued 666,656 charges returnable to OATH ECB, of which OATH ultimately dismissed 8.4% (55,711). In 2014, the enforcement agencies issued 632,290 charges, of which OATH dismissed 8.9% (56,057). And in 2013, the enforcement agencies issued 542,517 charges, of which OATH dismissed 9.8% (53,234).

Table 1: OATH ECB Hearings: Dismissal Rate, by Enforcement Agency, 2013-2015

Agency	2013			2014			2015		
	Charges Issued	All Dismissals	Dismissal Rate	Charges Issued	All Dismissals	Dismissal Rate	Charges Issued	All Dismissals	Dismissal Rate
DSNY	317,926	26,474	8.3%	399,863	32,486	8.1%	429,664	32,749	7.6%
FDNY	66,899	2,162	3.2%	69,827	1,814	2.6%	60,921	1,627	2.7%
DOB	47,283	6,223	13.2%	53,828	5,822	10.8%	55,390	5,492	9.9%
DOT	34,046	2,540	7.5%	36,088	2,451	6.8%	53,291	3,940	7.4%
DOHMH	29,067	8,246	28.4%	26,799	5,668	21.2%	26,857	5,864	21.8%
DEP	17,023	1,378	8.1%	16,788	1,287	7.7%	18,046	1,054	5.8%
NYPD	21,910	5,056	23.1%	19,464	5,262	27.0%	12,345	3,632	29.4%
DPR	6,551	679	10.4%	7,369	612	8.3%	8,166	820	10.0%
OTHER	1,812	476	26.3%	2,264	655	28.9%	1,976	533	27.0%
Total	542,517	53,234	9.8%	632,290	56,057	8.9%	666,656	55,711	8.4%

⁵ The report is based on adjudications through 6/30/16. A six-month lag is included to allow for disposition of the subject charges at OATH. By 6/30/16, the vast majority of charges issued in 2013-2015 had been adjudicated, and it was therefore possible to distinguish meaningfully between charges that had been dismissed and those that had some other ultimate disposition (admission of liability without a hearing, finding of liability after a hearing, default). By contrast, charges issued in 2016 include many instances in which no final adjudication has occurred: the cases are still “in the system.” Since it is impossible to describe meaningfully the frequency with which very recently issued charges are dismissed, the report does not consider dismissal rates for charges issued in 2016.

Not only has there been a steady reduction in the percentage of all issued charges that are ultimately dismissed, but there has also been a three-year reduction in the percentage of dismissals based on procedural grounds: from 32.6% of all dismissals of charges issued in 2013 to 27.7% in 2015. That change demonstrates overall improvement in the quality of summonses written by City agencies.

As detailed in Table 2, of the 666,656 charges issued in 2015 by City enforcement agencies, OATH dismissed 2.3% (15,423) on procedural grounds, meaning that 6.1% (40,288) resulted in no-violation findings (since no-violation findings are all dismissals that are *not* procedural). In 2014, the agencies issued 632,290 charges, 2.7% (16,902) of which OATH dismissed on procedural grounds, and 6.2% (39,155) of which resulted in no-violation findings. And in 2013, agencies issued 542,517 charges, with 3.2% (17,357) dismissed on procedural grounds, and 6.6% (35,877) resulting in no-violation findings.

Table 2: OATH ECB Hearings: Procedural Dismissal Rate, by Enforcement Agency, 2013-2015

Agency	2013			2014			2015		
	Charges Issued	Procedural Dismissals	Procedural Dismissal Rate	Charges Issued	Procedural Dismissals	Procedural Dismissal Rate	Charges Issued	Procedural Dismissals	Procedural Dismissal Rate
DSNY	317,926	5,037	1.6%	399,863	6,027	1.5%	429,664	6,093	1.4%
FDNY	66,899	1,467	2.2%	69,827	1,220	1.7%	60,921	1,093	1.8%
DOB	47,283	2,659	5.6%	53,828	2,728	5.1%	55,390	2,323	4.2%
DOT	34,046	322	0.9%	36,088	394	1.1%	53,291	598	1.1%
DOHMH	29,067	4,641	16.0%	26,799	2,490	9.3%	26,857	2,378	8.9%
DEP	17,023	645	3.8%	16,788	658	3.9%	18,046	584	3.2%
NYPD	21,910	2,188	10.0%	19,464	3,077	15.8%	12,345	2,046	16.6%
DPR	6,551	239	3.6%	7,369	186	2.5%	8,166	241	3.0%
OTHER	1,812	159	8.8%	2,264	122	5.4%	1,976	67	3.4%
Total	542,517	17,357	3.2%	632,290	16,902	2.7%	666,656	15,423	2.3%

An enforcement system maximizes fairness and efficiency by minimizing issuance of charges that are ultimately dismissed because of procedural errors or because no violation is found to have occurred. That key policy concern is the basis for Local Law 64 and dictates the focus of this report. It is important to note, however, that not every charge that is *not* dismissed results in correction of a violating condition or payment of a civil penalty: many summonses go into default after a respondent fails to attend a hearing,

or otherwise respond to the summons, and then fails to pay the penalty imposed as a consequence. From the standpoint of effectively enforcing City regulatory codes, defaults are problematic outcomes, but they are not the same as dismissals. Sometimes the phenomena giving rise to defaults overlap with those giving rise to dismissals. For example, a defective service process may mean either that a summons never reaches the respondent at all, triggering a default, or that after the summons finally reaches the respondent, it is contested and dismissed on grounds of improper service. On the other hand, some defaults occur for reasons having nothing to do with the quality of the summons or its service. In many instances, a respondent who has been properly served with a well-drafted and supported summons simply ignores the summons, the hearing, and the penalty imposed.

Many properly served, well-drafted, and supported summonses are also paid without being contested. A respondent's election to contest a charge usually reflects, among other factors, a respondent's belief that there is some likelihood the charge will be dismissed. (Not always, however: a respondent may choose to contest an unassailable summons just to delay the obligation to correct a violation or pay a civil penalty.)

Table 3: OATH ECB Hearings: Contested Rate, by Enforcement Agency, 2013-2015

Agency	2013			2014			2015		
	Charges Issued	Charges Contested	Contested Rate	Charges Issued	Charges Contested	Contested Rate	Charges Issued	Charges Contested	Contested Rate
DSNY	317,926	47,150	14.8%	399,863	56,484	14.1%	429,664	57,372	13.4%
FDNY	66,899	53,011	79.2%	69,827	53,374	76.4%	60,921	45,564	74.8%
DOB	47,283	31,812	67.3%	53,828	35,446	65.9%	55,390	37,089	67.0%
DOT	34,046	9,643	28.3%	36,088	6,596	18.3%	53,291	9,366	17.6%
DOHMH	29,067	15,636	53.8%	26,799	12,399	46.3%	26,857	12,814	47.7%
DEP	17,023	7,409	43.5%	16,788	7,676	45.7%	18,046	8,961	49.7%
NYPD	21,910	10,314	47.1%	19,464	10,134	52.1%	12,345	6,932	56.2%
DPR	6,551	1,376	21.0%	7,369	1,520	20.6%	8,166	1,824	22.3%
OTHER	1,812	1,165	64.3%	2,264	1,329	58.7%	1,976	1,018	51.5%
Total	542,517	177,516	32.7%	632,290	184,958	29.3%	666,656	180,940	27.1%

As shown in Table 3, of the 542,517 charges issued in 2013, respondents contested almost a third – 32.7% (177,516). Of the 632,290 charges issued in 2014, respondents contested 29.3% (184,958). And of the 666,656 charges issued in 2015, respondents contested 27.1% (180,940). As those data indicate, there

is a clear trend over the past three years: the number of charges issued has increased, the percentage of issued charges that are contested has dropped, and the percentage of all issued charges that are dismissed has steadily declined. Taken together, those trends support the conclusion that the overall quality of summonses has been improving: over the past three years, enforcement agencies have been able to increase the number of charges they have written while decreasing the percentage of those charges that are contested and ultimately dismissed.

Table 4: OATH ECB Hearings: Contested Dismissal Rate, by Enforcement Agency, 2013-2015

Agency	2013			2014			2015		
	Charges Contested	All Dismissals	Contested Dismissal Rate	Charges Contested	All Dismissals	Contested Dismissal Rate	Charges Contested	All Dismissals	Contested Dismissal Rate
DSNY	47,150	26,474	56.1%	56,484	32,486	57.5%	57,372	32,749	57.1%
FDNY	53,011	2,162	4.1%	53,374	1,814	3.4%	45,564	1,627	3.6%
DOB	31,812	6,223	19.6%	35,446	5,822	16.4%	37,089	5,492	14.8%
DOT	9,643	2,540	26.3%	6,596	2,451	37.2%	9,366	3,940	42.1%
DOHMH	15,636	8,246	52.7%	12,399	5,668	45.7%	12,814	5,864	45.8%
DEP	7,409	1,378	18.6%	7,676	1,287	16.8%	8,961	1,054	11.8%
NYPD	10,314	5,056	49.0%	10,134	5,262	51.9%	6,932	3,632	52.4%
DPR	1,376	679	49.3%	1,520	612	40.3%	1,824	820	45.0%
OTHER	1,165	476	40.9%	1,329	655	49.3%	1,018	533	52.4%
Total	177,516	53,234	30.0%	184,958	56,057	30.3%	180,940	55,711	30.8%

Because the universe of *all* charges issued encompasses charges included in summonses that are paid without being contested or that go into default, as well as charges that are contested and adjudicated, a decrease in the rate of dismissal for *issued* charges does not imply a comparable decrease in the rate of dismissal for *contested* charges. In fact, as Table 4 shows, the rate of dismissal for *contested* charges has been fairly constant over the past three years – for charges issued in 2013, it was 30.0%; for those issued in 2014, it was 30.3%; and for those issued in 2015, it was 30.8% – as it has been for many years prior. To be sure, observing the rate of contested charges that are dismissed is important for certain purposes. For example, it demonstrates that OATH ECB is indeed a neutral forum before which a respondent has a fair opportunity to challenge a City enforcement agency’s summons: almost a third of the charges contested before OATH ECB hearing officers are dismissed, whether on procedural grounds or as no-

violation findings. What drives that rate is, for the most part, respondents' determinations concerning how likely it is they will win their cases, how much is it at stake, and how costly it will be to contest a charge.

In summary: dismissals – especially procedural dismissals – are undesirable outcomes for fair and efficient enforcement. The goal of analyzing and thereby reducing dismissals is, ultimately, to improve the quality of the summonses City enforcement agencies issue. Improving the quality of a summons – that is, increasing the likelihood that a given summons is properly drafted, supported, and served – increases the likelihood that the respondent will pay the penalty without contesting the charges. Improving the quality of a summons also increases the likelihood that a respondent, recognizing that a challenge is unlikely to succeed, will default rather than contest the charges. Thus, it is to be expected that, as the quality of summonses improves, the frequency with which summonses are contested drops. But within the smaller fraction of charges being contested, there is no reason to expect that improving the quality of summonses generally will result in fewer of those *contested* charges being dismissed as long as respondents have the option of not contesting (by paying without contesting or defaulting). To analyze whether enforcement agencies are minimizing dismissals, therefore, we do not look at the rate at which issued charges *that have been contested* are dismissed: instead, we look at the rate at which *all* issued charges, contested or not, are dismissed.

II. System-wide improvements have helped reduce dismissals

Across City enforcement agencies, two system-wide improvements have contributed to reducing the percentage of charges that are ultimately dismissed:

a. Increasing use of handhelds

Since the Small Business First Report was issued by the City in February 2015, it has been City policy to “promote the use of handheld devices for inspections,” as has been done at DEP, DOHMH, DOT, DSNY, and TLC, to facilitate the more efficient and accurate issuance of summonses and provision of information to business owners. City policy prioritizes expanding the use of handhelds to all enforcement agencies whenever practicable. This policy is now incorporated in the recently released NYC Digital Playbook as part of Strategy #10 (“Design for mobile devices first”). Handheld devices generally reduce errors in the writing of summonses and facilitate access to databases for owner, property, and address information, improving the reliability of service.

b. Expanded data products

Since 2011, the Administrative Justice Coordinator – working with the Mayor’s Office of Operations and the Office of Management and Budget – has produced detailed statistical reports on adjudication outcomes of charges returnable to OATH ECB for each of the major enforcement agencies, broken down by violation code and inspector. “Environmental Coordination Statistics” (ECoStat) reports draw on AIMS, the same database OATH ECB maintains and uses for its own statistical reporting. AIMS records dispositions of charges and, where dismissal occurs, the bases for dismissal as indicated by the deciding hearing officer, including a no-violation finding or one of the bases for dismissal described in this report as “procedural”: a defective summons,⁶ defective service, disputed ownership of the property where the violation is alleged to have occurred, citation of an improper party as respondent, a finding that the

⁶ In AIMS (and therefore in current ECoStat reporting), this reason for dismissal is called “defective notice of violation”; in keeping with the terminology consistently adopted in this report, that reason is here called “defective summons.”

allegedly violating work was done by a previous owner, withdrawal of prosecution or failure to prosecute by the issuing agency, lack of jurisdiction, or administrative dismissal. (A summons will be administratively dismissed if it is not filed with OATH ECB in accordance with legal requirements – this most commonly occurs when the summons is not timely filed.) However, unlike OATH’s own data reports, ECoStat reports are designed to provide enforcement agencies with analysis useful in improving the quality of the summonses they issue. The data analysis in this report is based on the ECoStat system. ECoStat reports group charge outcomes not by when the outcomes occur but by when an enforcement agency issued the summonses. That approach allows data analysis to focus on whether the quality of an enforcement agency’s issuance is improving over time. ECoStat reports include breakdowns that show levels of dismissals by type of charge and by issuing officer, allowing enforcement agencies to analyze in more detail where patterns of procedural dismissals occur.

III. Forthcoming improvements will further reduce dismissals

Two forthcoming system-wide improvements should further help reduce enforcement agencies' dismissal rates:

a. OATH universal summons

As part of its standardization of procedures within its Hearings Division, OATH is developing a universal summons that will replace the array of charging instruments currently issued by enforcement agencies. It is expected that the universal summons will improve the overall quality of enforcement agencies' issuance by requiring inclusion of more detail to demonstrate correct service and a finding of liability. Standardization will also streamline hearing officers' adjudication and decision-writing, as well as electronic filing of summonses by enforcement agencies.

b. Citywide Performance Reporting

The Mayor's Office is moving data currently presented in ECoStat reports, with added features, to the Citywide Performance Reporting (CPR) system, the online analytic tool that enables City agencies to access and review data reflecting their performances. In general, ECoStat reports have been designed to help enforcement agencies improve the quality of the summonses they issue – in particular, by reducing the rate that procedural dismissals occur. The ECoStat reporting framework is the basis for this report. The CPR platform will allow enforcement agencies to use the same data but will give them flexibility to design analyses reflecting their own issuance processes. CPR will also add the capacity to further analyze dismissal patterns geographically, including heat maps, and to pinpoint and assess individual summonses, enabling agencies to identify and address with greater specificity where errors have occurred. The Mayor's Office anticipates that by early 2017 it will begin producing the CPR version of ECoStat reports that is currently in development and by the end of 2017 it will produce a CPR version covering charges returnable to VFH/Taxi Hearings and Health Hearings as well.

IV. Analyses of agencies issuing summonses returnable to OATH ECB

System-wide improvements support the overall pattern of increasing quality of summonses and decline in dismissals, especially on procedural grounds. Equally important, though, are the specific steps taken by particular enforcement agencies that have improved the summonses they write. Below, the report describes patterns of dismissals for the eight major enforcement agencies issuing summonses returnable to OATH ECB. Some changes that have notably contributed to the largely positive trend include: DSNY's de-emphasizing the issuance of frequently dismissed charges for illegal posting of a handbill or notice; FDNY's increasing inspector training; DOB's improving affidavits of service to require recitation of critical details; DOT's communication to respondents of photographs to document violations and submission of those photographs at hearings, pre-populating address fields on handheld devices to eliminate input errors, and augmenting training of inspectors and agency representatives appearing at OATH ECB; DEP's and DRP's expanding the numbers and types of hearings at which their respective agency representatives appear; and three enforcement agencies' (DOB, DOT, and DEP) serving corporations through the New York Department of State to reduce dismissals on grounds of defective service. DOHMH's extensive, data-driven strategies to reduce dismissals have focused on Health Hearings, and are therefore addressed in the next section of this report, but have also improved the quality of the agency's summonses returnable to OATH ECB.

a. Department of Sanitation

From 2013 to 2015, the percentage of DSNY-issued charges ultimately dismissed decreased overall, from 8.3% of charges issued in 2013 to 7.6% in 2015. The percentage dismissed on procedural grounds also decreased (from 1.6% of charges issued in 2013 to 1.4% in 2015).

DSNY, which issues more summonses returnable to OATH than any other City agency, accounts for 64.5% of charges returnable to OATH ECB. Of the 429,664 charges issued by DSNY in 2015, 74.1% were for one of twelve infractions: (1) dirty sidewalk abutting a building; (2) dirty area abutting a building; (3) failure to clean from the curb abutting a building 18” into the street; (4) improper storage of waste receptacles; (5) failure to properly put recyclables out for collection (for buildings with one to eight dwelling units); (6) loose rubbish; (7) improper disposal of bedding; (8) recyclables placed for collection with non-recyclables (for buildings with one to eight dwelling units); (9) failure to remove snow, ice, or dirt from sidewalk abutting property; (10) repeat dirty

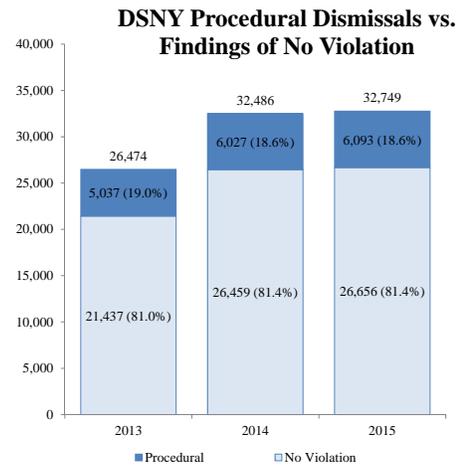
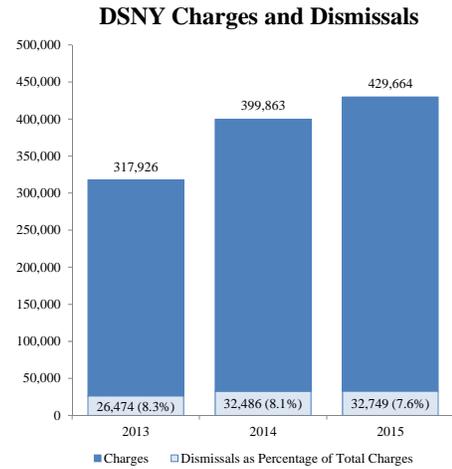


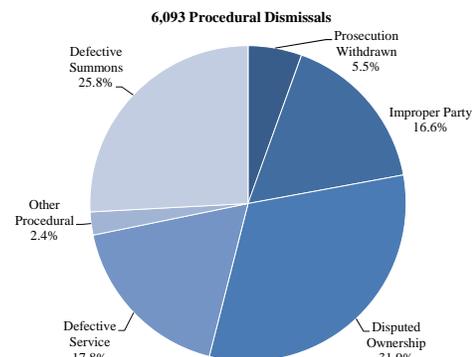
Table 5: DSNY Charges and Dismissals, 2013-2015

Year	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	317,926	8.3%	1.6%
2014	399,863	8.1%	1.5%
2015	429,664	7.6%	1.4%

Table 5a: DSNY Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Disputed Ownership	5.5%	5.3%	5.9%
Defective Summons	3.9%	4.0%	4.8%
Defective Service	4.0%	2.6%	3.3%
Improper Party	2.5%	2.4%	3.1%

2015 DSNY Procedural Dismissals by Reason



sidewalk/area or failure to clean from curb violation; (11) uncovered waste receptacles; and (12) failure to bundle newspapers, magazines, cardboard (for buildings with one to eight dwelling units). The charges with the highest rates of dismissal were those for loose rubbish (14.0%), improper storage of waste receptacles (11.9%), and improper disposal of bedding (10.7%).

Compared to charges issued by other enforcement agencies, charges issued by DSNY are relatively *less likely* to be dismissed: OATH dismissed 7.6% of DSNY charges issued in 2015, as against 9.7% of charges issued by all other City agencies (excluding DSNY) that year.⁷ The relatively high quality of DSNY summonses is supported by widespread use of handheld devices, along with management oversight and training. DSNY recently de-emphasized issuance of charges for illegally posting a handbill or notice (Ad. Code § 10-119). These charges have the highest rate of dismissal among all major DSNY charges – 35.7% for charges issued in 2015. Charges issued under the most commonly cited provision for illegal posting thus dropped from 19,917 issued in 2014 (of which OATH dismissed 20.2%, or 4,020) to 7,481 in 2015 (of which OATH dismissed 1,945).

When they are contested, DSNY charges are more likely than those issued by other enforcement agencies to be dismissed: while the overall rate at which contested charges are dismissed at OATH ECB is 30.8%, for DSNY charges it is 57.1%. But DSNY charges are not usually contested. Of the 429,664 charges issued in the most recent annual period, respondents only contested 13.4% (57,372). By contrast, of the 236,992 charges issued by agencies other than DSNY, respondents contested 52.1% (123,568).

Of the 32,749 charges that DSNY issued in 2015 and that were ultimately dismissed, 81.4% (26,656) were no-violation findings. Of the remaining 6,093 procedural dismissals, the commonest reasons for dismissal were disputed ownership (5.9% of all dismissals), defective summons (4.8%), defective service (3.3%), and improper party cited as respondent (3.1%).

⁷ As noted above, of all charges returnable to OATH ECB issued by enforcement agencies in 2015, OATH ECB ultimately dismissed 8.4%. Since 64.5% of charges returnable to OATH ECB are issued by DSNY, that overall dismissal rate is largely driven by DSNY's disproportionate contribution.

The charges most commonly issued by DSNY are for failing to maintain the cleanliness of areas abutting buildings or other property, charges that are issued based on inspectors' observations of conditions. DSNY generally cannot anticipate a respondent's defense that the respondent exercised "reasonable efforts" to maintain the cleanliness of the area. Similarly, an inspector who issues a charge for improper disposal of bedding cannot anticipate a respondent's defense that the material was placed by a neighbor. Given those realities, DSNY believes that there is a bedrock level of dismissals inherent in its issuance and that significant further reductions in its already low dismissal rate would be difficult to achieve.

b. Fire Department

From 2013 to 2015, the percentage of FDNY-issued charges ultimately dismissed decreased overall (from 3.2% of charges issued in 2013 to 2.7% in 2015). The percentage of those charges dismissed on procedural grounds also decreased (from 2.2% of charges issued in 2013 to 1.8% in 2015). In 2015, FDNY issued 60,921 charges. Of the charges dismissed, 32.8% (534) were no-violation findings. OATH dismissed 1,093 charges on procedural grounds, with the major reasons being defective service (31.4% of all dismissals), improper party cited as respondent (13.3%), and disputed property ownership (10.9%). FDNY has achieved a consistent reduction in the percentage of charges ultimately dismissed. The agency attributes its success to training the inspectors who write summonses and the representatives who appear at OATH ECB. When a charge is dismissed on correctable grounds, the responsible inspector is informed, re-inspects, and (if the violating conditions still exists) issues a correct summons.

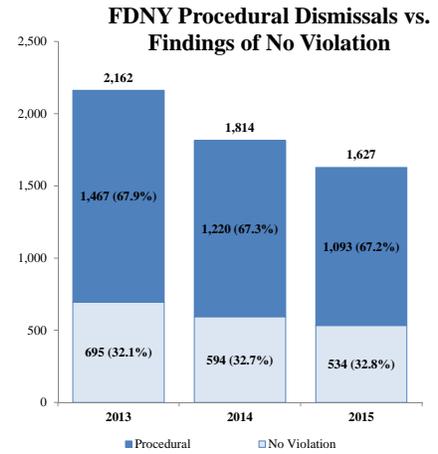
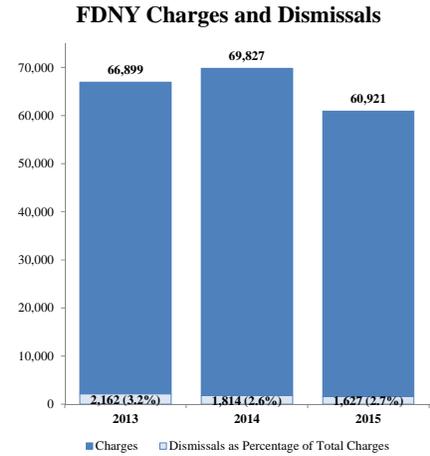


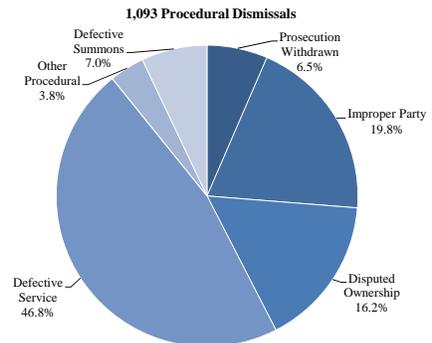
Table 6: FDNY Charges and Dismissals, 2013-2015

	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	66,899	3.2%	2.2%
2014	69,827	2.6%	1.7%
2015	60,921	2.7%	1.8%

Table 6a: FDNY Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Defective Service	17.0%	17.4%	31.4%
Improper Party Cited as Respondent	18.4%	20.0%	13.3%
Disputed Ownership	11.6%	10.6%	10.9%

2015 FDNY Procedural Dismissals by Reason



Continuing improvements in database sources for determining ownership and address information should help achieve further improvements, although the agency notes that there are inherent limits on how much research can be conducted by a non-attorney inspector writing a summons in the field. FDNY is also seeking to achieve further reductions in dismissals by improving service (increasing personal service of violations and service on corporations via the New York Department of State), as well as implementing and using the OATH Hearings Division universal summons to minimize errors.

c. Department of Buildings

From 2013 to 2015, the percentage of DOB-issued charges ultimately dismissed decreased overall (from 13.2% of charges issued in 2013 to 9.9% in 2015).

The percentage of those charges dismissed on procedural grounds also decreased (from 5.6% of all charges issued in 2013 to 4.2% in 2015). In 2015, DOB issued 55,390 charges. Of the charges dismissed, 57.7% (3,169) were no-violation findings. OATH dismissed 2,323 charges on procedural grounds, with the major reasons being withdrawal of prosecution (10.1% of all dismissals), improper party cited as respondent (8.8%), work done by a previous owner (7.9%), disputed property ownership (6.6%), defective service (5.7%), and defective summons (2.5%). DOB has achieved reductions in its dismissal rate by improving service through serving corporations via the New York Department of State; changing affidavits of service to force inspectors to supply more detail about attempts to serve; and focusing on training inspectors on

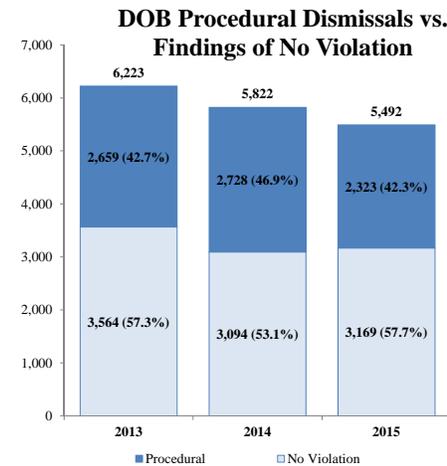
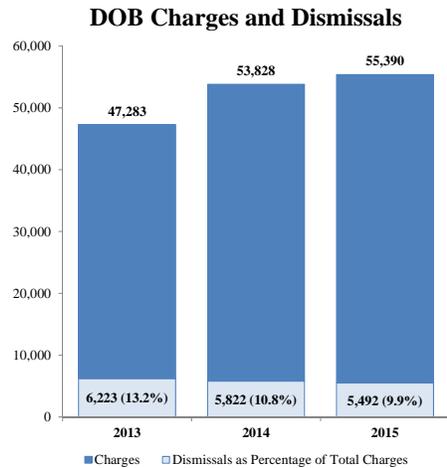


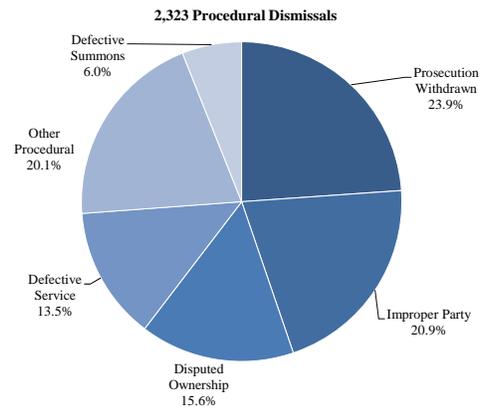
Table 7: DOB Charges and Dismissals, 2013-2015

	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	47,283	13.2%	5.6%
2014	53,828	10.8%	5.1%
2015	55,390	9.9%	4.2%

Table 7a: DOB Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Prosecution Withdrawn	5.5%	8.5%	10.1%
Improper Party Cited as Respondent	8.6%	9.1%	8.8%
Work by Previous Owner	10.8%	11.7%	7.9%
Disputed Ownership	6.2%	6.9%	6.6%
Defective Service	5.0%	3.7%	5.7%
Defective Summons	3.7%	3.3%	2.5%

2015 DOB Procedural Dismissals by Reason



the writing and service of summonses, with training provided by DOB's supervising attorney for OATH ECB hearings. DOB maintains an extensive suite of data products tracking the outcomes of its summonses at OATH ECB.

d. Department of Transportation

From 2013 to 2015, DOT maintained low levels in the percentage of charges it issued that OATH ultimately dismissed (7.5% of charges issued in 2013, and 7.4% in 2015) and in the percentage of those charges dismissed on procedural grounds (0.9% of charges issued in 2013, and 1.1% of charges issued in 2015).

In 2015, DOT issued 53,291 charges. Of the charges dismissed, 84.8% (3,342) were no-violation findings. OATH dismissed 598 summonses on procedural grounds, with the major reasons being defective summons (7.5% of all dismissals), withdrawal of prosecution (3.3%), and improper party cited as respondent (1.7%). DOT has maintained low levels of dismissals, particularly of procedural dismissals, despite increasing its overall issuance by 55.1% since 2013.

DOT attributes its success in maintaining low levels of dismissals primarily to two general approaches: (1) reviewing all OATH decisions and orders it receives, identifying causes of dismissals, making sure issuing officers know why OATH dismissed charges they wrote, and working with them to

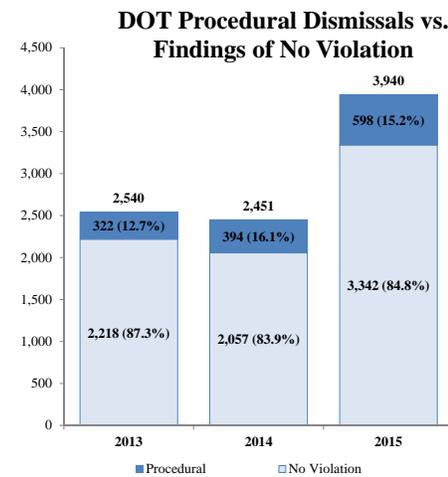
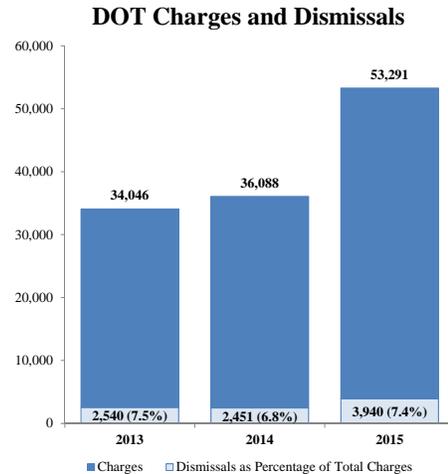


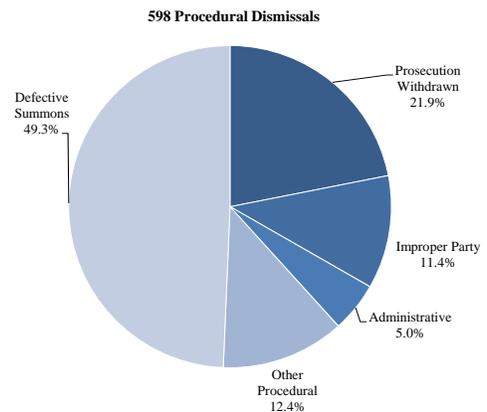
Table 8: DOT Charges and Dismissals, 2013-2015

	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	34,046	7.5%	0.9%
2014	36,088	6.8%	1.1%
2015	53,291	7.4%	1.1%

Table 8a: DOT Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Defective Summons	6.5%	7.1%	7.5%
Prosecution Withdrawn	2.1%	3.8%	3.3%
Improper Party Cited as Respondent	1.3%	2.0%	1.7%

2015 DOT Procedural Dismissals by Reason



pinpoint mistakes and prevent recurrences; and (2) working with the agency's general counsel to identify legal issues arising from dismissals that warrant appeals being filed at OATH or rule changes by DOT. Significant specific steps DOT has taken to reduce dismissals include moving to an electronic summons process which includes pre-population of address fields on handheld devices to eliminate data entry errors; serving corporations through the New York Department of State to ensure effective notice); communication to respondents of photographs to document violations and submission of those photographs at hearings; and improving training for summons-issuing inspectors and agency representatives appearing at OATH.

e. Department of Health and Mental Hygiene summonses returnable to OATH ECB

From 2013 to 2015, there was a decrease in the percentage of DOHMH-issued charges returnable to OATH ECB that were ultimately dismissed, from 28.4% of charges issued in 2013 to 21.8% in 2015. The percentage of charges dismissed on procedural grounds also decreased (from 16.0% of charges issued in 2013 to 8.9% in 2015). In 2015, DOHMH issued 26,857 charges returnable to OATH ECB. Of the charges dismissed, 59.4% (3,486) were no-violation findings. OATH dismissed 2,378 summonses on procedural grounds, with the major reasons being defective summons (22.8% of all dismissals), defective service (6.4%), and withdrawal of prosecution (6.2%). DOHMH has improved the quality of the summonses it issues through a number of steps; since the primary focus of that strategy is on Health Hearings, which is where most DOHMH summonses are adjudicated, those steps are described in the next section of this report.

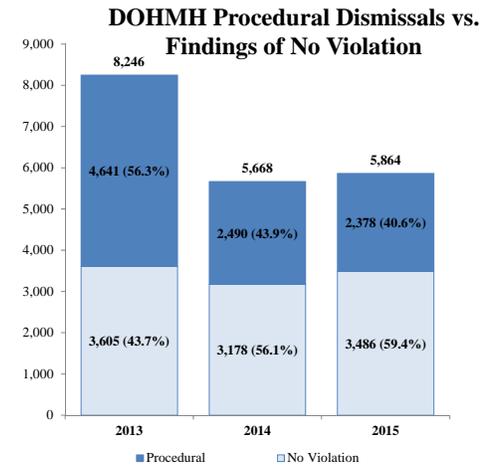
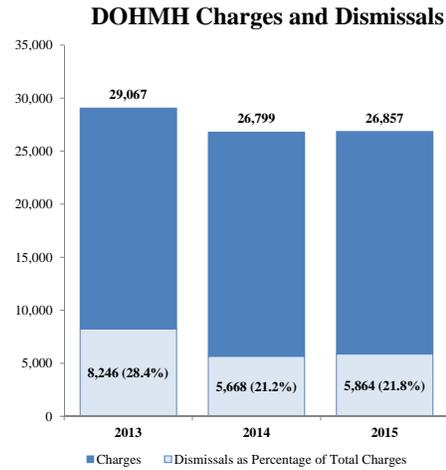


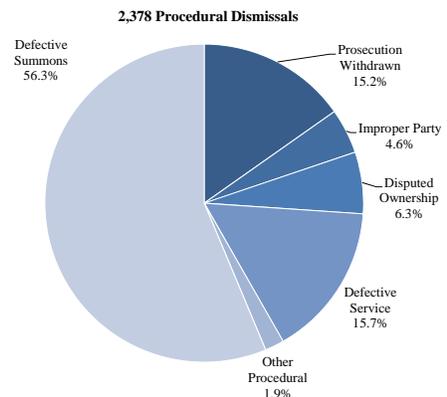
Table 9: DOHMH ECB Charges and Dismissals, 2013-2015

	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	29,067	28.4%	16.0%
2014	26,799	21.2%	9.3%
2015	26,857	21.8%	8.9%

Table 9a: DOHMH Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Defective Summons	32.6%	25.5%	22.8%
Defective Service	9.8%	7.2%	6.4%
Prosecution Withdrawn	1.0%	4.1%	6.2%
Disputed Ownership	2.2%	2.7%	2.5%
Improper Party Cited as Respondent	1.0%	2.3%	1.9%
Administrative Dismissal	9.6%	1.6%	0.1%

2015 DOHMH Procedural Dismissals by Reason



f. Department of Environmental Protection

From 2013 to 2015, the percentage of DEP-issued charges ultimately dismissed decreased, from 8.1% of charges issued in 2013 to 5.8% in 2015. The percentage of DEP-issued charges ultimately dismissed on procedural grounds also decreased (from 3.8% of charges issued in 2013 to 3.2% in 2015).

In 2015, DEP issued 18,046 charges. Of the charges dismissed, 44.6% (470) were no-violation findings. OATH dismissed 584 summonses on procedural grounds, for which the major reasons were withdrawal of prosecution (25.6% of all dismissals), improper party cited as respondent (14.4%), defective summons (4.9%), and disputed property ownership (3.6%).

DEP enforcement comprises six different categories of summonses issued by distinct bureaus: asbestos control, environmental compliance, community right-to-know, sewer systems, water service, and backflow compliance. The pattern of reduced dismissals that characterizes the agency's

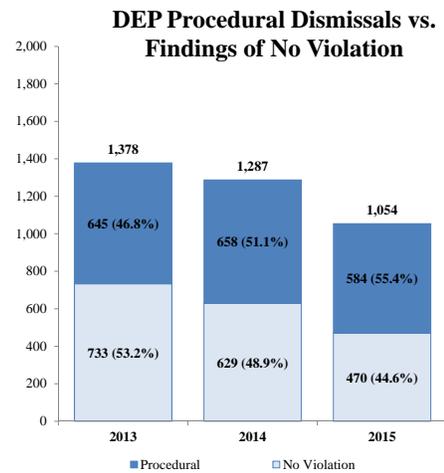
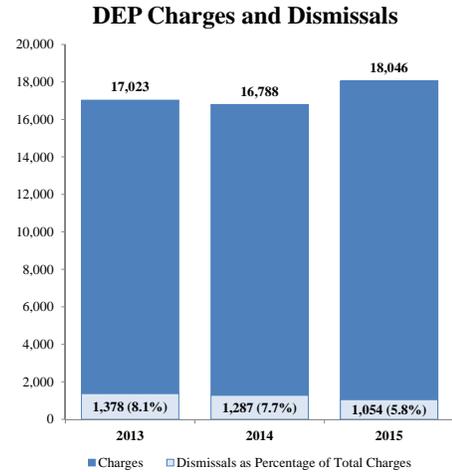


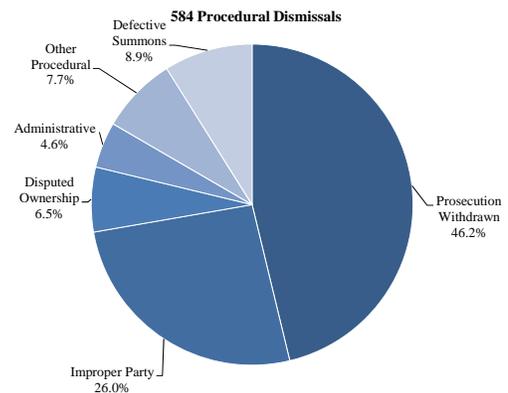
Table 10: DEP Charges and Dismissals, 2013-2015

	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	17,023	8.1%	3.8%
2014	16,788	7.7%	3.9%
2015	18,046	5.8%	3.2%

Table 10a: DEP Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Prosecution Withdrawn	11.0%	21.6%	25.6%
Improper Party Cited as Respondent	10.7%	7.5%	14.4%
Defective Summons	6.6%	6.7%	4.9%
Disputed Ownership	5.5%	6.0%	3.6%
Defective Service	8.4%	6.1%	1.7%

2015 DEP Procedural Dismissals by Reason



issuance overall can generally be seen in looking at the dismissal rates for the individual bureaus. For four bureaus, dismissal rates for charges issued in 2015 were lower than for charges issued in 2013: the dismissal rate for environmental compliance charges (the most commonly issued DEP charges) dropped from 6.7% for charges issued in 2013 to 6.2% for charges issued in 2015; for sewer system charges, the rate dropped from 4.1% to 4.0%; for water service charges, the rate dropped from 20.9% to 9.2%; and for backflow compliance charges (the second most common category of DEP charges), the rate dropped from 7.7% to 4.4%.

During the same time, the dismissal rate for asbestos charges increased from 6.4% to 7.0%. That change relates to an increase in the number of

charges withdrawn, from 13 for 2013 (6.7% of all dismissals of asbestos charges issued that year) to 35 for 2015 (18.6% of all dismissals); if the number of withdrawals had not increased, the dismissal rate for asbestos charges would have declined over the three-year period. Typically, an individual asbestos charge is withdrawn as part of a process in which the respondent admits other charges contained in the same summons or the summons is amended and the withdrawn charge is replaced by another charge. The small increase in the number of individual charges withdrawn does not imply an increase in dismissals of asbestos summonses, which ordinarily contain multiple charges. For community right-to-know charges (the least common category of DEP charges), the dismissal rate increased from 6.6% for charges issued in 2013 to 7.6% for charges issued in 2015. The number of community right-to-know charges is small – only 566 were issued in 2015, and OATH dismissed only 43 of those. The change from 2013 is not significant.

DEP has reduced dismissals of charges generally by increasing the numbers of hearings at which the agency is represented (the agency is now represented at all OATH ECB hearings involving water service summonses), making full corporate service (including service through the New York Department of State) on corporate respondents, and improving the reliability of building owner data. Implementing the OATH Hearings Division universal summons will further serve DEP to reduce defects in summonses.

g. Police Department

From 2013 to 2015, the percentage of NYPD-issued charges ultimately dismissed increased overall, from 23.1% of charges issued in 2013 to 29.4% in 2015. The percentage dismissed on procedural grounds also increased (from 10.0% for charges issued in 2013 to 16.6% in 2015).

In 2015, NYPD issued 12,345 charges returnable to OATH ECB. Of charges dismissed, 43.7% (1,586) were no-violation findings. OATH dismissed 2,046 charges on procedural grounds, the major reasons for which were defective summons (35.6% of all dismissals), defective service (15.2%), and administrative dismissal (4.1%). Unlike other enforcement agencies that issue summonses returnable to OATH ECB, NYPD has not thus far made consistent use of the data reporting described here to guide improvements in issuance. NYPD will be working with the Mayor’s Office of Operations to use these data reports to foster improvements, and it is expected that the dismissal rates for NYPD issuance will decline.

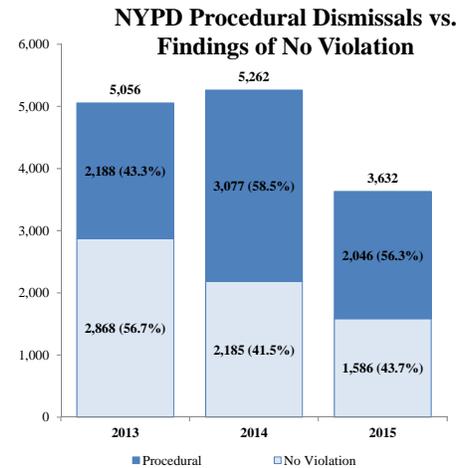
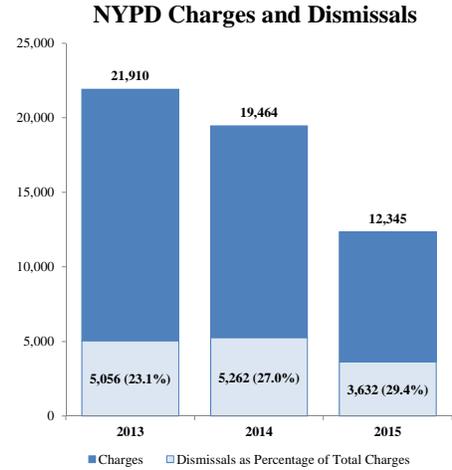


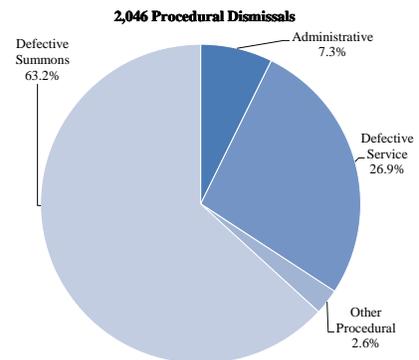
Table 11: NYPD Charges and Dismissals, 2013-2015

	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	21,910	23.1%	10.0%
2014	19,464	27.0%	15.8%
2015	12,345	29.4%	16.6%

Table 11a: NYPD Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Defective Summons	30.1%	38.8%	35.6%
Defective Service	6.9%	12.8%	15.2%
Administrative Dismissal	4.7%	5.1%	4.1%

2015 NYPD Procedural Dismissals by Reason



h. Department of Parks and Recreation

From 2013 to 2015, the percentage of DPR-issued charges ultimately dismissed decreased overall, from 10.4% of charges issued in 2013 to 10.0% in 2015. The percentage of those charges dismissed on procedural grounds also decreased (from 3.6% of all charges issued in 2013 to 3.0% in 2015).

In 2015, DPR issued 8,166 charges returnable to OATH ECB. Of those charges dismissed, 70.6% (579) were no-violation findings. OATH dismissed 241 charges on procedural grounds, the major reason for which was defective summons (24.5% of all dismissals). DPR has identified 21 types of charges as ones for which the appearance of an agency representative at an OATH ECB hearing is critical and ensured that this representation occurs; in addition, for summonses involving tree destruction or damage, a forester appears along with the issuing officer. In general, DPR has achieved improvements in the quality of summonses through reviewing OATH ECB hearing officers' decisions and using that information: to train issuing

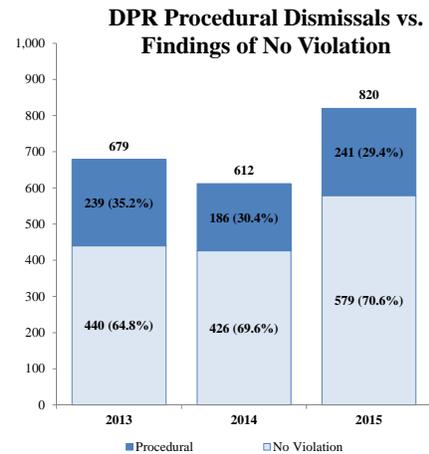
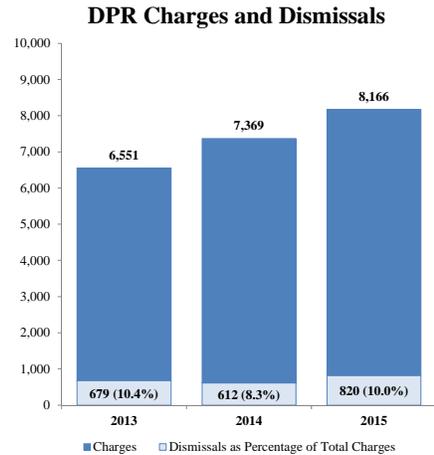


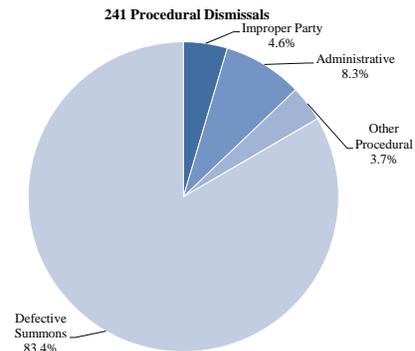
Table 12: DPR Charges and Dismissals, 2013-2015

	Charges Issued	Dismissal Rate (All Grounds)	Procedural Dismissal Rate
2013	6,551	10.4%	3.6%
2014	7,369	8.3%	2.5%
2015	8,166	10.0%	3.0%

Table 12a: DPR Procedural Dismissals Out of all Dismissals, 2013-2015

Procedural Dismissal Types as Percentage of All Dismissals	2013	2014	2015
Defective Summons	25.6%	24.5%	24.5%
Administrative Dismissal	2.9%	2.6%	2.4%
Improper Party Cited as Respondent	2.2%	0.7%	1.3%
Defective Service	3.2%	1.3%	1.0%

2015 DPR Procedural Dismissals by Reason



officers to improve hearing presentations; to analyze defenses raised by respondents and develop appropriate factual narratives to respond at future hearings⁸; and to determine when to take appeals arguing that hearing officers incorrectly interpreted statutes, agency rules, or other applicable law, or made erroneous factual findings.

⁸ For example, in response to hearing officers' acceptance of the defense that summonses failed to identify the place of occurrence as DPR property, DPR has trained officers to particularize that allegation. In response to hearing officers' acceptance of a defense that the respondent in an unleashed dog case was about to leash the dog, DPR has trained officers to particularize that in their observation of the dog and the respondent they saw no effort being made to leash the dog.

V. Dismissals of other charges returnable to OATH

As mentioned above, OATH now collects data concerning dismissals of summonses adjudicated at VFH/Taxi Hearings and Health Hearings; however, those data have not been collected long enough to support detailed analysis of changes in the quality of summonses. As data collection progresses, that analysis will be developed. Eventually, as already noted, data for charges returnable to VFH/Taxi Hearings and Health Hearings will also be included in CPR. For now, however, the following account summarizes patterns of dismissals for these summonses and the steps taken by the issuing agencies to reduce dismissals:

a. VFH/Taxi Hearings

In 2015, the Hearings Division received 112,015 charges returnable at VFH/Taxi Hearings; of those, OATH ultimately dismissed 7,117 (6.4%). Of charges dismissed, OATH dismissed 568 (0.1% of all charges issued) on procedural grounds, while 6,549 (9.2% of all charges issued) were no-violation findings.⁹

In general, TLC prosecutes three types of summonses: *field summonses*, which are issued by inspectors based on their observations; *administrative summonses*, which are issued centrally based on business records alone; and *consumer complaint summonses*. Changes in TLC processes within the past several years have led to reduction of dismissals for each type of summons.

With respect to field summonses, every summons issued in the field is now reviewed by a TLC prosecutor after issuance. If the review identifies defects in the summons, it is withdrawn and, if possible, reissued. In most other instances, a settlement offer is extended to the respondent.

With respect to administrative summonses, TLC has adopted standardized rules to create reliable summonses. For example, these may be based on insurance or Department of Motor Vehicle records.

⁹ In contrast to summonses returnable to OATH ECB, those issued by TLC may be withdrawn before being delivered to the OATH Hearings Division. Accordingly, OATH data do not reflect summonses issued by TLC but resolved (through settlement or otherwise) at a preliminary stage of the process.

Since the summonses are record-based, they are rarely dismissible. In the event of an error, however, summonses are withdrawn before being subject to dismissal.

The process for consumer complaint summonses has also been overhauled. TLC is now represented at all hearings on consumer complaint summonses; the agency has also eliminated what was once an 18-month backlog, which had contributed to dismissals when complainants failed to appear. Complainants' appearances have also been facilitated by OATH's allowing telephone testimony. The agency aggressively seeks to settle meritorious consumer complaints; according to TLC, about 90% of cases are settled without being adjudicated by OATH – in fact, most cases are settled without a summons being issued.

b. Health Hearings

In 2015, the Hearings Division received 173,479 charges returnable at Health Hearings; of those, OATH ultimately dismissed 42,975 (24.8%). Of charges dismissed, OATH dismissed 3,802 (2.2% of all charges issued) on procedural grounds, while 39,173 (22.6% of all charges issued) were no-violation findings.

Since 2012, DOHMH has used case-tracking data (which became available after the launch of a new data system in 2010) to analyze and improve issuance and adjudication outcomes. Using an approach similar to ECoStat (described above), DOHMH groups charges by date of inspection and breaks down hearing outcomes, omitting settlements and defaults, to identify the types of frequently-issued charges that are most commonly dismissed (generally having a dismissal rate greater than 35%). The resulting data analysis permits DOHMH to focus on individual charge outcomes to appeal. More importantly, this analysis enables the agency to develop and target a range of systemic interventions, including: fixing service methods, revising the handheld template (which can actually introduce errors because of its inflexibility), improving charge writing, improving the effectiveness of inspectors' testimony, determining at which hearings the agency should have legal representation, filing appeals on issues with

broad application or where the agency believes hearing officers misconstrued relevant law, and revising agency regulations in response to OATH rulings.

An example of the effectiveness of DOHMH's approach is its issuance of charges against restaurants for maintaining conditions conducive to pests and for actual pest infestations, two separate violations of the same regulation – New York Health Code, Section 81.23(a). For summonses issued in January to June 2013, DOHMH determined that the dismissal rate for those charges was 57% largely because hearing officers were treating them as duplicative. Arguing that the charges are distinct and could be simultaneously maintained, DOHMH took and won key appeals and then incorporated references to the appeal decisions in the template text of those charges in its handhelds. By January to June 2016, the dismissal rate for Section 81.23(a) charges issued during that period had been reduced to 35%.

Conclusion

Across agencies issuing charges returnable to OATH, there is a clear trend toward improvement in the quality of summonses, with a steady decline in dismissals, especially procedural dismissals. The success of system-wide and agency-specific improvements to date demonstrates that the City has viable approaches to achieving reductions of dismissals. However, analysis of individual agencies' performance reveals areas of uneven progress and room for additional improvement. Forthcoming system-wide improvements will address some of those concerns.

The Mayor's Office will continue to work with individual agencies to address all areas of deficiency and enhance the fairness and efficiency of City enforcement processes. The Mayor's Office has also directed OATH to work closely with the Office of Operations to lead a City-wide administrative justice reform effort consistent with the concepts of impartiality, neutrality and equity. The initiative includes: creating a universal summons, to be used by all City enforcement agencies, that the public can easily understand and that will facilitate the development and utilization of summons-writing technology for handheld devices that electronically issue and electronically file the summons with OATH; instituting one process by which all summonses are processed so that all summonses are subject to the same rules and procedures regardless of which enforcement agency issued the summons; and the ability for OATH to hold one hearing on multiple summonses issued by different enforcement agencies and to adjudicate any summons in any one of the five boroughs. Once accomplished, this streamlining effort will produce efficiencies at OATH and convenience for the public. It will also increase the public's understanding of the administrative justice process and increase the public's opportunity to access justice.