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C. Preston Niblack
Deputy Director

February 17, 2006

The Hon. Martin J. Golden
New York State Senate
7403 5th Avenue
Brooklyn, NY 11209
FAX: (718) 238-6170

Re: Parking Violations Hearing-by-Mail Dispositions

Dear Senator Golden:

The following is in reponse to your request concerning differences in dispositions for cases heard in person versus by mail for parking violations.

There were approximately 1.2 million parking violations hearings for non-commercial vehicles in calendar year 2005. Another 400,000 hearings were requested but ultimately not heard either because the violation was dismissed as defective, or because the respondent opted to plead guilty and pay a lower fine under a new settlement program, described in more detail below.

Hearings may be held in person before an administrative law judge (ALJ) on a walk-in basis at one of the Department of Finance's (DOF) five borough-based business centers, or a respondent may request a hearing by mail, in which case s/he mails in evidence, which may include photographs, police reports, insurance company reports, witness testimony, or other forms of evidence.

With respect to your principal question regarding hearing dispositions, we found a significant difference in outcomes between in-person hearings and hearings-by-mail in 2005. Respondents were 32 percent more likely to be found guilty in a hearing by mail than in an in-person hearing, and 18 percent less likely to be found not guilty.

Parking Violation Hearing Dispositions, 2005				
	Not Guilty	Guilty	Fine	
			Reduced	Mitigated
Hearings by mail	40.6%	38.8%	17.8%	2.8%
Hearings in person	49.4%	29.4%	19.8%	1.4%
All hearings	46.0%	33.0%	19.0%	2.0%

SOURCES: IBO, Department of Finance.
NOTE: "Fine Reduced" indicates that some interest and penalties were waived;
"Mitigated" means a portion of the base fine was waived.

The Department of Finance initiated two new policies/procedures in their walk-in centers in January 2005, with the goal of reducing wait times. First, DOF has been more aggressive in dismissing tickets with defects (such as incorrect vehicle type). Here again, there was a difference in outcomes. There was a slight difference in the rate at which tickets were dismissed prior to hearings. For hearings submitted by mail, automated software is used to review the ticket for defects, resulting in 5.4 percent of tickets being dismissed. Respondents who appear in person at a DOF business center have their tickets reviewed by a parking settlement clerk, which resulted in a lower rate of dismissals—3.4 percent. (It should be noted that up to 15 percent to 20 percent of non-guilty verdicts in hearings also result from dismissals by judges.)

Second, DOF began a settlement program whereby, for all but the most serious violations, drivers who request a hearing are offered the option to plead guilty and pay a reduced fine. During 2005, about 1 in 5 respondents who requested hearings chose the settlement option. As Finance has extended the settlement program citywide, the number of respondents taking a settlement has risen to about 1 in 3, according to DOF, and the waiting time for walk-in hearings now averages 45 minutes, down from 90 minutes.

In June 2005, facing a backlog of about 300,000 unheard summonses and an average 11-month wait for a hearing decision, Finance extended the settlement program to hearings-by-mail as well. The hearing-by-mail backlog has now been eliminated, according to DOF, and the average turnaround time is 30 to 50 days.

I hope this information is helpful to you. If you would like further information on this issue we would be happy to provide it to you. The IBO staff contact is Michael Jacobs, who may be reached at (212) 442-0597, or michaelj@ibo.nyc.ny.us.

Sincerely,



C. Preston Niblack

Copies: J. Caras
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