

Annual Report Pursuant to Local Law 21 on Efforts to Address Erroneous Criminal & Juvenile Records

February 1, 2021

Submitted by the Mayor's Office of Criminal Justice

Addressing erroneous criminal and juvenile records involves coordination between multiple and independent parts of the criminal justice system such as the state court system, the District Attorneys' offices, the New York State Division of Criminal Justice Services (DCJS), the New York City Police Department (NYPD), and the New York City Department of Information Technology and Telecommunications (DoITT). The sections below outline strategies undertaken to reduce erroneous criminal and juvenile records and create efficient processes to rectify them.

I. Efforts to Ensure the Accuracy of Current Records

Correcting Criminal Disposition Records:

The NYS Office of Court Administration (OCA) centralizes efforts to ensure the timely and accurate reporting of criminal dispositions in its Criminal Disposition Reporting (CDR) Unit. CDR staff provide guidance and technical support to criminal court judges and clerks in disposition reporting, and also identify systemic solutions to aid in the correction of erroneous records. In 2021, the CDR unit's work resulted in hundreds of fixes being applied to specific court cases, resulting in the improvement of the data residing on OCA electronic systems and provided by OCA to partner agencies.

Addressing Undocketed Arrests:

When NYPD voids an arrest, a District Attorney's office declines to prosecute an arrest, or a District Attorney's office consolidates an undocketed arrest to a docketed arrest, these arrests should no longer appear on an individual's criminal record. On a daily basis, OCA uses information to identify and electronically update these arrests and remove them from the record. OCA then sends these updates to DCJS, enabling DCJS to suppress them from RAP sheets. In 2021, this process resulted in thousands of updates to arrest records that would have otherwise remained on individuals' criminal histories.

In addition, in 2021, The NYPD conducted an audit of its arrest record system to ensure that where arrests were voided, that the void notification was sent and received by DCJS to ensure that such arrest would not appear on an individual record of arrest and prosecution. Additionally, the NYPD conducted an audit to ensure that such notifications were received across all other relevant NYPD repositories, such as its photo and fingerprint systems. The NYPD then took steps to promptly correct any discrepancy in the treatment of the voided arrests in these other systems.

Federal Grant (NICS Act Record Improvement Program and National Criminal History Improvement Program) Work:

To ensure accurate records are provided when background checks are conducted on individuals when attempting to purchase firearms, OCA and DCJS receive federal grants and technical assistance from the Bureau of Justice Statistics to jointly engage in ongoing analysis of criminal disposition errors resulting from data and transmission issues. As part of this effort, in 2020, OCA retransmitted tens of thousands of records to DCJS, resulting in data quality and consistency improvements that directly impact the accuracy of an individual's criminal history records.

OCA and DCJS also worked together to revise the arrest feed from DCJS to OCA with additional fields and functionality. The new arrest feed system was implemented in 2020 and resulted in an immediate improvement in arrest data provided to OCA. It will serve as the basis for a new DCJS arrest to OCA docket matching process expected to be implemented in 2021, which will allow for real-time updates to matched records for great record accuracy.

During this same time period, worked together to finalize and document the analysis of the new, overhauled disposition transmission system, which should replace the existing system in the coming years. With the continued support of federal grants, all of these related data quality improvements will be carried forward into the next calendar year and beyond, as DCJS and OCA look to build on the year to year accomplishments to date with the new data transmission systems.

Universal Case Management System Implementation:

In 2021, OCA continued its rollout of the Universal Case Management System (UCMS), a modern, robust, customized case management system with a centralized, statewide database that includes additional functionality for improved criminal disposition reporting. The UCMS aids in the transmission of more timely, accurate and complete criminal and disposition records through providing the following features:

- Significantly improved criminal record capture and reporting procedures;
- Automated sealing of certain convictions, such as convictions of youthful offenders and records of cases resolved through an adjournment in contemplation of dismissal;
- Facilitation of live courtroom data entry, reducing “back office” delayed data entry of dispositions, Orders of Protection, and other court records;
- Near real-time, validated data transmission of disposition data to the state DCJS and federal NCIC data repositories;
- Incorporation of Orders of Protection into the case management system;
- Real-time, validated data transmission of Orders of Protection data to the state police, NCIC Protection Order File, and NICS Index data repositories;
- Tracking capability for Misdemeanor Crimes of Domestic Violence (MCDV) dispositions, as well as real-time, validated data transmission of these records;
- Standardized, consistent statewide data collection including all legislative mandates and legal procedures;
- Automated statewide arrest data feed from DCJS, pre-populating docket initialization procedures;
- Accurate, timely warrant reporting including companion warrant return and vacate actions;
- Single, statewide dictionary of criminal charges provided by DCJS to allow for consistent, accurate reporting and up-to-date reflection of new and repealed criminal charges.

The UCMS is now operational in all NYC criminal courts and in the Kings Supreme Court, Criminal Term. NYC community courts and the remaining NYC supreme courts, criminal terms are scheduled for migration to UCMS in 2021.

Criminal History Record Search Unit (CHRS) Work:

OCA’s CHRS Unit provides hundreds of thousands of background checks annually and investigates each reportable case prior to providing the information to the requester. CHRS staff follow legislation and court policy to determine what constitutes releasable information – for example, in 2019, in accordance

with Judiciary Law section 212(2)(x), CHRS stopped including pending cases in reports (defined as cases with no final disposition and where there hasn't been any activity in the prior five years and there is no open warrant for the defendant's arrest). In March 2020, CHRS stopped including charges that did not result in a conviction and were no longer pending (i.e., arrest charges for charges that were reduced or dismissed). In addition, in 2020, CHRS staff developed a Best Practices guide to ensure that data provided in criminal history reports are consistent, accurate, and as complete as possible.

Reporting Declinations to Prosecute in Family Court

The Corporation Counsel's Family Court Division reports declination to proceed decisions to DCJS and NYPD to enable those agencies to seal their records and pursuant to notification requirements in the Family Court Act. In addition, since 2018, the Corporation Counsel's Family Court Division has also been sending notices of declinations to prosecute directly to OCA for cases referred to it from the Department of Probation, when those cases originated in criminal Youth Part and transferred to the Department of Probation under the Raise the Age law.

II. Efforts to Ensure the Accuracy of Historical Records

NYPD and the City District Attorney's offices periodically send OCA lists of undocketed arrests that need to be marked as voided, declined to be prosecuted, or consolidated. OCA programmatically mark these records as indicated and transmit the data to DCJS so it can update its system and remove these undocketed arrests from criminal history records. This historical cleanup has resulted in thousands of undocketed arrests and hundreds of thousands of cases where the prosecutor declined to prosecute being removed from criminal history records. Additionally, after the passage of Local Law 21, the NYPD evaluated all of its systems to ensure that voided arrest records were treated appropriately. Any discrepancies were corrected.

III. Additional Efforts to Improve Record Accuracy

1. *NYPD Warrant Reconciliation*: OCA and NYPD analytic and technical staff continue to meet regularly to ensure the timely and accurate transmission and processing of warrant data and to ensure alignment of open/vacated warrants between NYPD and OCA.
2. *Quality Control and Error Reports*: All courts statewide have built in data quality reports which identify cases with data errors that are preventing the information from successfully being sent to DCJS. In addition, customized data quality reports have been built to assist court in tracking specific data issues.
3. *Rewrite of the Juvenile Disposition Transmission Feed to DCJS*: Federally-funded work between OCA and DCJS is focused on improving reporting between the two agencies. To accomplish this goal, and relevant to efforts to improve and avoid erroneous records, two major areas of work were completed in 2018:
 - Real time data exchange of juvenile delinquency filing and disposition data to DCJS (formerly file exchanges occurred monthly). This allows cases with a favorable disposition to be suppressed from the RAP sheet much sooner.
 - When docketing a juvenile delinquency or designated felony case with a finger-printable charge, a new process was created to pre-populate arrest identifiers to the case. This allows the courts to find arrest identifiers more easily while improving the court's ability to update and expunge juvenile RAP data when necessary.

- OCA and DCJS meet quarterly to review data and operational issues related to the new juvenile disposition transmission system as well as to review any issues related to adult criminal data.
4. *Furthering Public Transparency:* In order to further transparency, consistency and reliability of court data, downloadable, individual-level data extracts are provided on the Unified Court System's public website for public use. [Court Data and Statistics | NYCOURTS.GOV](https://www.nycourts.gov/court-data-and-statistics)

IV. Expungement of Marijuana Convictions

In late 2019, the State passed a new law mandating that all records of convictions for small amounts of marijuana possession and public consumption (PL 221.05 and 221.10) be expunged, meaning they will no longer show up on criminal records, reports, or searches. Pursuant to the new law, in 2020, OCA successfully expunged (sealed) over 150,000 NYC eligible marijuana convictions from its system. Those convictions were then expunged (sealed) on the individual's criminal history with DCJS. In addition, in July 2020, OCA completed work to no longer display PL 221.10 and PL 221.05 charges on any record.