

Annual Report on Efforts to Address Erroneous Criminal & Juvenile Records

Addressing erroneous criminal and juvenile records requires 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 the strategies that many of these entities have undertaken to reduce erroneous criminal and juvenile records and create an 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. The CDR Unit helps to correct thousands of criminal disposition records annually.

Addressing Undocketed Arrests:

When NYPD has voided an arrest, the District Attorneys' office has declined to prosecute an arrest, or the District Attorneys' offices has consolidated an undocketed arrest to a docketed arrest, these arrests should not appear on an individual's criminal record. On a daily basis, OCA leverages information provided by the New York City Department of Information Technology and Telecommunications (DoITT) to identify and electronically update these arrests and remove them from the record. OCA processes thousands of undocketed arrests annually.

Federal Grant (NARIP and NCHIP) Work:

To ensure accurate records are provided when background checks are conducted on individuals when attempting to purchase firearms, OCA receives federal grants to work with DCJS to engage in ongoing analysis of criminal disposition errors resulting from data and transmission issues. This partnership has resulted in the re-transmission of hundreds of thousands of criminal disposition records to DCJS to update and correct criminal histories.

Universal Case Management System Implementation:

OCA is in the process of implementing a modern, robust, customized case management system with a centralized, statewide database that includes additional functionality for improved criminal disposition reporting in all five boroughs. The Universal Case Management System (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;
- 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.

II. Efforts to Ensure the Accuracy of Historical Records

NYPD and the New York City DAs' 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 being removed from criminal history records.

III. Additional Efforts to Improve Record Accuracy

1. *NYPD Warrant Reconciliation*: OCA and NYPD analytic and technical staff 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 collaboration between OCA and DCJS is focused on improving reporting between the two agencies. To accomplish this goal, 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).
 - When docketing a juvenile delinquency or designated felony case with a finger-printable charge, a new process has been 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.

IV. Future Efforts to Address Erroneous Criminal & Juvenile Records

The strategies outlined above represent efforts by multiple system actors to ensure criminal and juvenile records are reported in a timely and accurate manner, and to actively identify and correct erroneous records. In anticipation that legislation related to marijuana legalization would be considered by the State Legislature this current year, the City issued “A Fair Approach to Marijuana: Recommendations from the Mayor’s Task Force on Cannabis Legalization.” The Task Force recommends that the state take action to allow automatic expungement as central to mitigating disparities and reducing harms of past cannabis criminalization.