

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

February 1, 2022

### 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.

##### *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 2021, OCA continued to review and ensure that the data quality and consistency improvements performed in the previous reporting year resulted in more accurate 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 2022, which will allow for real-time updates to matched records for great record accuracy.

During the 2021 reporting period, OCA and DCJS worked together to finalize and document the technical documentation and approach for 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 completed 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 is now operational in all NYC criminal and superior courts.

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.

#### *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.

### **III. Additional Efforts to Improve Record Accuracy**

1. *NYPD Warrant Reconciliation:* OCA and NYPD analytic and technical staff continue to communicate 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. *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)