

The following presentation highlights an example of how information use rules are employed in an information-intensive government agency.

Information is a huge part of the NYS Department of Criminal Justice Systems' (DCJS) business. The Department maintains a criminal history database, identifies criminals through fingerprints, provides training for local criminal justice agencies, conducts criminal justice research, and administers grants. And all of these activities require managing, distributing, storing, and using copious amounts of data. The management of this information is complicated by the fact that New York is a "closed records" state in which specific authority is required for access to criminal history records for both criminal justice and other purposes. Criminal justice agencies have detailed use and dissemination agreements that specify who can access what information under which conditions.

The Department has 4.7 million criminal and non-criminal fingerprint-based records in its database. About 3.1 million of those records are about people who have committed crimes. The other 1.6 million records are about non-criminals, such as people who have applied for pistol permits and state employees who were fingerprinted because of their job requirements.

Due to the state's closed status, sealing and expungement laws restrict access to criminal history events. When a record is sealed, access to that record is prohibited. Sealing occurs in cases where criminal charges are dismissed or someone pleads guilty to a non-fingerprintable offense. About half of all criminal history events are sealed in New York. When a record is expunged, that record is completely destroyed. Expungement often occurs in juvenile cases. Sometimes the sealing and expungement laws conflict, which leads to inconsistent application of the regulations.

Rapsheets are information intensive and an important part of the decision making process for criminal justice officials. A rapsheet contains the complete record of an individual's criminal history and is used at several points during arrest, judicial, and custody processing. Rapsheets are used throughout the criminal justice process and they are increasingly being used for non-criminal justice purposes (such as background checks).

There are two ways DCJS can conduct searches of its database, by fingerprints and by name. In 1998, DCJS processed about 922,500 fingerprint cards on individuals and 1.22 million name search inquiries. The Department prefers to check by fingerprints, because it provides much more accurate identification.

While identification via fingerprints is the most reliable method, there are obstacles. When cases are sealed or expunged, the fingerprints are destroyed. This weakens the database's ability to accurately identify offenders and sets up the potential for misidentifications based on simple name searches. Without fingerprints, there is no way to correctly identify someone in the database with absolute certainty.

There are several administrative issues the Department deals with related to its criminal history database files. The failure of court agencies to submit case dispositions is credited to the lack of training on procedures and policies, the lack of personnel resources, and the lack of adequate software and hardware. The failure to fingerprint individuals or submit the fingerprint cards can be attributed to: the lack of training, skill, and practice of taking fingerprints; police belief that the arrest will be sealed, so why bother submitting the prints; and the difficulty in fingerprinting suspects who are intoxicated. When fingerprint cards aren't submitted, it results in a series of actions: rapsheets aren't updated, searches aren't conducted against fingerprint files, wanted checks aren't done, hit notices aren't generated, and deported criminal alien notices aren't sent to arresting agencies. DCJS decided to develop a standard practices manual - which includes best practices, the criminal history records process, education and training programs, and compliance information to deal with these issues [Slide 4].

Slide 4

One of the major technological hurdles is the lack of an efficient mechanism for delivering rapsheets to the courts in time for arraignments and sentencing. This problem has several causes, including the length of time it takes to process and mail fingerprint cards and the failure to forward rapsheets to the courts. In order to solve the problem DCJS created Secure Services, a system that provides name search rapsheets that can be used for arraignments and sentencing hearings [Slide 5]. Rapsheets are now mailed directly to the courts, which is a quicker process. And, the Card Scan and Live Scan systems now in use also speed up the process of providing rapsheets at arraignments.

Slide 5

Use of Criminal History Information

By employing sound records management policies and using technology to speed up certain processes, the Division of Criminal Justice Services is able to provide the information necessary for New York's criminal justice system to operate while complying with the state's "closed record" status.