

Division of Criminal Justice Services Transparency Plan

Current Public Engagement

The Division of Criminal Justice Services (DCJS) has a variety of responsibilities, including law enforcement training; collection and analysis of crime data; maintenance of criminal history information and fingerprints; funding and oversight of probation departments; and administration of federal and state grant funding, among others. Its key constituents are law enforcement professionals including police, prosecutors and probation officers, and other professionals who work throughout the state's criminal justice system: defense attorneys, victim advocates and alternatives to incarceration professionals, for example.

Analysis and Availability of Data

Data collected, maintained and analyzed by the agency is used by a wide range of stakeholders, including but not limited to media, researchers, private citizens and policy makers. Given the significant interest in data, the agency routinely identifies new data sets for posting and recently reorganized data online to make it easier to access.

The agency currently posts 37 different crime, arrest, jail and disposition data sets on its website, including, but not limited to: crime reported in categories defined by the FBI and used by all states to monitor trends; hate crime incidents, monthly shooting incidents, shooting victims and shooting deaths; monthly and annual jail population; annual adult arrests by sex and race/ethnicity; and annual youth arrests/criminal activity by age, sex and race/ethnicity. Of those 37 data sets, 17 have been added within the past three years.

In addition to providing data online, DCJS routinely provides data upon request outside the FOIL process to the public, media, nonprofit organizations, private citizens, government officials, educational and research institutions. The requests are frequently fulfilled on the same day the request is made; this has been standard agency practice for more than 30 years.

The agency also publicly posts the following data and information related to law enforcement: race, ethnicity and sex of sworn and civilian and full- and part-time employees of police departments and sheriff's offices; incident-level use of force data; police and peace officers whose basic training has been decertified; model policies; agencies that have obtained voluntary accreditation; the names of officers included on the state's Police Officers Memorial. There is no statutory requirement to provide Police Officer Memorial, accredited agency or model policy information online. Decertification information also is not required to be posted; the agency did so given significant public interest in police accountability. The agency also has contributed to the state's Open Data portal since 2013. There are currently 12 data sets posted, providing the public with access to long-term, multi-decade data trends.

Within the next six months, DCJS will post statutorily required information about discovery reform implementation, case-level data about pre-trial release decisions, and arrest-related deaths.

Publication of Required Reports

The agency publishes 19 statutorily required reports, including six reports that analyze specific data as required by law, and a report that analyzes intimate partner and other domestic

homicides, which is not required but published to further inform state and local policies related to domestic violence.

Support of Statutorily Mandated Councils and Commissions

DCJS provides staff support to nine statutorily established councils and commissions, which are required to follow the state's Open Meeting Law when they convene. Agendas and meeting materials are available on the agency's website at least 24 hours in advance of each meeting. Meetings also are livestreamed and archived on the agency's YouTube channel.

Promulgation of Regulations

The agency must seek public input when promulgating new or amending existing state regulations, which are required to operationalize statutory responsibilities. In addition to publishing those proposals as required in the State Register, the agency posts them on its website to make them more accessible to the public for comment and feedback.

Maintenance of Criminal History Records (rap sheets)

DCJS streamlined the process by which individuals could determine whether records on their criminal histories are sealed. In the past, individuals were required to request, and pay for, a full criminal history record review. Since 2018, individuals complete a simple form, at no charge, to verify that a record(s) has been sealed. In addition to being simple and free, this process ensures that criminal convictions have been sealed and no longer pose an immediate bar to employment, professional licensure or housing.

Administration of the Sex Offender Registry

The most common reason for visiting the agency's website is to access information about registered sex offenders. DCJS is statutorily required to maintain the state's Sex Offender Registry and provide information to the public as required by law, including, but not limited to, an offender's photograph, residence address, employment address, and convictions requiring registration. If one offender reports multiple photos, residence and/or employment addresses, and/or multiple convictions requiring registration, DCJS makes that information available to the public. Residence and employment addresses can be viewed on a map, and the website also includes the number of registered sex offenders by county and risk level.

Engagement of Key Constituencies

The councils and commissions supported by DCJS not only serve as a forum for public participation but set standards, guidelines and policies in various areas of criminal justice practice, including probation supervision, access to the state's DNA Databank, police officer hiring, and law enforcement training, among others. Agency personnel also routinely interact with executives from its key constituencies – police chiefs, sheriffs, district attorneys, probation directors and legal aid attorneys, among others – to seek their input and keep them apprised of proposed or enacted changes to statutes, regulations and/or agency policies and procedures.

Language Access

The agency has identified and translated 10 documents critical to ensuring access to information for non-English or limited English proficiency speakers, and routinely reminds staff

about the process for accessing interpretation services when necessary. The agency also has trained all public-facing staff in language access policies and procedures.

Proposed Plan to Expand Transparency and Expected Timeline

As noted, DCJS is required to publish 19 reports. DCJS is committed to working with Chamber to further streamline the review process so that these reports are published and available to the public in a timely fashion. In some cases, however, statutorily required deadlines occur prior to the availability of relevant data and information: for example, annual reports for the preceding year due on Jan. 1. The agency completes those reports as soon as information and data necessary are reported and validated. In the past, a lengthy Chamber approval process also has hampered the agency's efforts to publish reports in a timely fashion.

To improve this process, DCJS recommends:

- Partnering with Chamber Public Safety to streamline the approval process for all reports, but especially those that analyze data so information is provided to the public in a more timely and efficient manner.
- Proposing new deadlines for reports that can't be met because data and information are not yet available.
- Requiring sunset dates or periodic reviewing of the utility of statutorily required reports. The agency is often required to produce reports when new crimes are created, for example, but decades later these reports have likely outlived their usefulness. The agency's resources would be better spent analyzing data related to timely and/or emerging criminal justice issues.

The agency's first deputy commissioner communicates with Project Sunlight and ensures that DCJS complies with its reporting requirements by sending quarterly reminders to covered individuals. The agency will add a link to Project Sunlight on its website.

DCJS tracks all Freedom of Information Law requests and their status (new, pending or closed) and staff review requests weekly to ensure that they are addressed within the statutory timeframe or with as few extensions as practicable. The agency's Public Information Office also works with the media seeking information under FOIL to further streamline that process: for example, advising media that nearly all data requests do not require FOILs; and checking with a program area to determine if the agency has responsive records before a FOIL is filed, rather than requiring a FOIL and have staff subsequently determine no records exist. These conversations save time, eliminate unnecessary FOILs and expedite the process when a FOIL is required.

The agency does not charge individuals for FOIL requests unless customized programming is required to compile data. The agency processes about 400 requests for data, approximately 90 percent of which are handled without FOILs, and all at no charge. In addition, DCJS in 2020 eliminated the fees it had charged bona fide researchers to obtain data files to conduct their research.

DCJS will continue to identify new data sets and information to be posted online based on frequency of requests and/or to inform current or emerging public policy debates. For example, the agency is reviewing how to publicly provide a list of surplus equipment that local law enforcement agencies obtain through the federal 1033 Program, which DCJS administers. The agency also is training staff to use Tableau for data display and visualization so data available

online is more accessible to the public. Training to implement this is in progress and initial dashboards are slated to be available during the summer of 2022.

DCJS provides staff support to the state's Municipal Police Training Council, among other statutorily required councils and commissions. Given the heightened interest in police reform, accountability and training, the agency will update its website to highlight the significant improvements and enhancements to police recruit and in-service training made by the Council and DCJS. The agency will aim to have these updates completed by the first quarter of 2022. Training curricula, however, will continue to be available through FOIL since courses often include law enforcement-sensitive tactics and investigative techniques.

As the repository of New York State's criminal history records, DCJS must provide those records in accordance with statute or regulation. Individuals are entitled to obtain their own criminal history records. While the agency currently has information online about this process, the agency routinely receives questions from individuals unsure about what to do. To address this, DCJS will revise the information so it is user friendly and streamlined by Dec. 31, 2021.

The agency also will:

- Review its contact information online quarterly to ensure it remains current and all services available to the public are represented.
- Share notice of public meetings through social media, in addition to other notifications required under Open Meetings Law.
- Add short bios of the DCJS leadership team to the agency's website so the public has information about individuals making decisions.

Measures of Success and Long-term Monitoring

DCJS is committed to ongoing process improvement, both internally and externally. In addition, the agency has a robust strategic plan that guides all aspects of its work and consists of three sections: core functions and systems; initiatives and special projects; and staff development. That plan is periodically reviewed and revised as work is accomplished, priorities are modified or changed; and new initiatives emerge.

The agency will track all data sets online and ensure data are updated as required, either monthly or annually.

Offices and units within DCJS responsible for coordinating public meetings of statutorily required councils and commissions will track meeting agendas and documents to ensure they are posted at least 48 hours in advance of all meetings.

PIO will develop a calendar to ensure that notice of public meetings is shared through social media at least 48 hours in advance of all meetings.

DCJS has an active and engaged LEAN program, which will continue working with offices and units to develop new, and/or evaluate and revise existing processes, tracking systems and metrics.