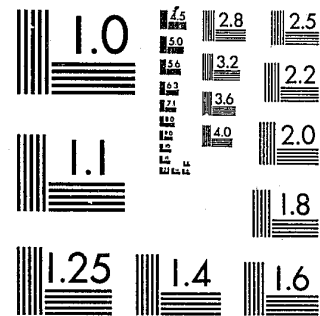


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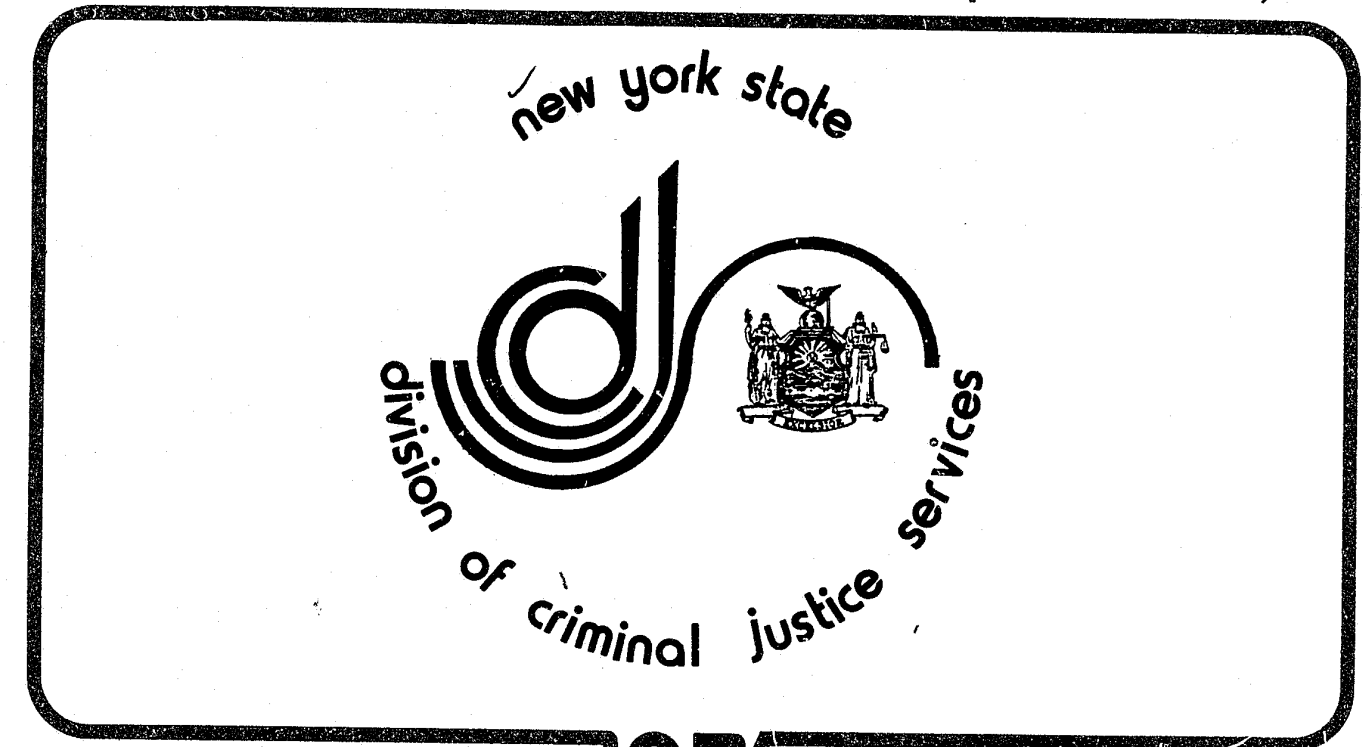
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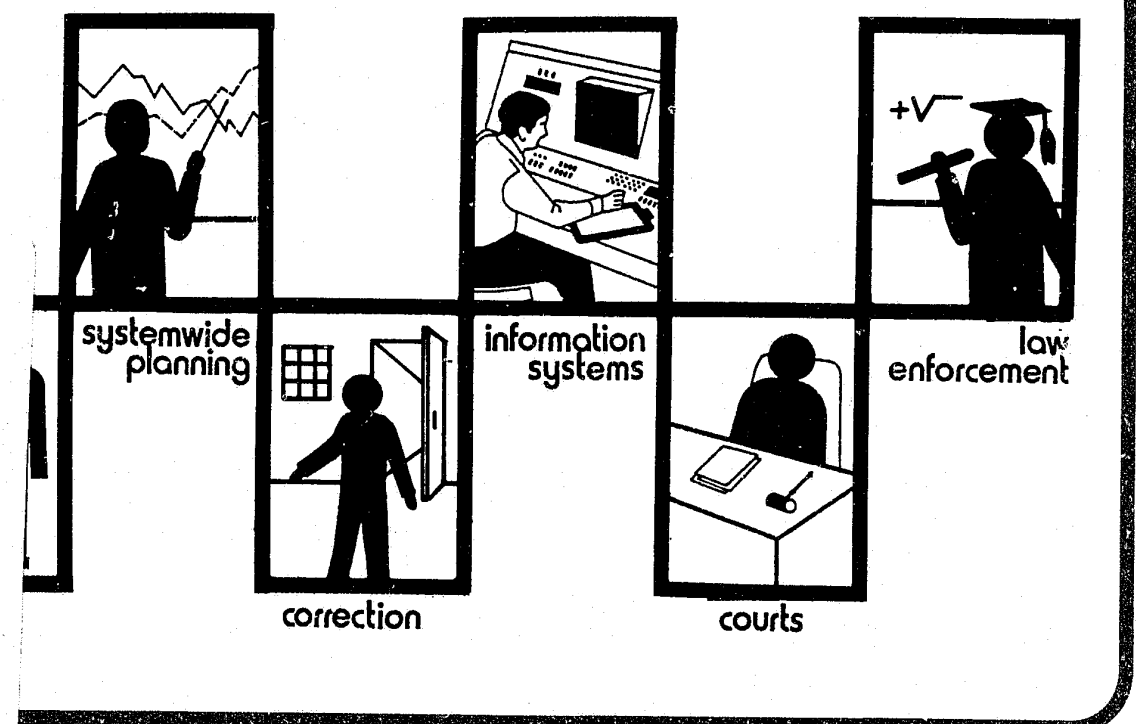
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1976 annual report





STATE OF NEW YORK
 DIVISION OF CRIMINAL JUSTICE SERVICES
 EXECUTIVE PARK TOWER
 STUYVESANT PLAZA
 ALBANY, NEW YORK 12203



FRANK J. ROGERS
 COMMISSIONER

U.S. Department of Justice
 National Institute of Justice

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The Honorable Hugh L. Carey
 Governor

The Honorable Warren Anderson
 Majority Leader of the Senate

The Honorable Stanley Steingut
 Speaker of the Assembly

Gentlemen:

The work of the Division of Criminal Justice Services has moved ahead significantly during 1976. We hope our efforts have assisted the entire criminal justice system to proceed more expeditiously and fairly while serving the needs of the people of the State. During the coming year we will expand our efforts to improve the quality of justice.

Sincerely,

Frank J. Rogers
 Frank J. Rogers
 Commissioner

NCJRS
 MAY 11 1981
 ACQUISITIONS

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INTRODUCTION

This is the fourth Annual Report of the Division of Criminal Justice Services, issued in accordance with Section 837(12) of the Executive Law.

The New York State Division of Criminal Justice Services was created by Chapter 399 of the Laws of 1972. The legislation consolidated the Division for Local Police, the New York State Identification and Intelligence System and the Division of Criminal Justice which was then in the Office of Planning Services. The new agency came into being September 1, 1972.

The Division is organized into three major units:

The Office of Planning and Program Assistance (OPPA);

The Bureau of Identification and Information Services (IIS); and

The Office of Special Services, whose largest unit is the Bureau for Municipal Police. As noted in the body of the report, each of the unit's work is, in varying degrees, directed and guided by a Board, whose members are appointed by the Governor.

The Division of Criminal Justice Services' goals and objectives are to:

1. Advise and assist the Governor in developing policies, plans and programs for improving the coordination, administration and effectiveness of the criminal justice system;
2. Make recommendations to agencies in the criminal justice system for improving their administration and effectiveness;
3. Act as the official state planning agency pursuant to certain Federal Acts and in accordance therewith, prepare, evaluate and revise statewide crime control and juvenile delinquency prevention plans; receive and disburse funds from the Federal Government, for and on behalf of the Crime Control Planning Board;
4. Undertake research, studies and analysis of the administration of criminal justice, using the personnel of the Division or in cooperation with any public or private agencies, and act as a central repository, clearinghouse and disseminator of research studies and information relating to the administration of criminal justice;

5. Conduct studies and analyses of the administration or operations of any criminal justice agency when requested by the head of such agency, and make the results available for the benefit of such agency;
6. Establish, through electronic data processing and related procedures, a central data facility with a communication network serving qualified agencies throughout the State, so that they may contribute and have access to information contained in the central data facility; the information shall include, among other things, criminal records, personal appearance data, fingerprints, photographs and handwriting samples;
7. Receive, process and file fingerprints, photographs and other descriptive data for the purpose of establishing the identity and previous criminal record of arrested persons;
8. Adopt appropriate measures to assure the security and privacy of its files;
9. Accept and contract as agency of the State for grants and gifts that are consistent with the purposes of the Division.



Commissioner Benjamin Ward, Department of Correctional Services, and Commissioner Frank J. Rogers, DCJS, get tricks of the TV trade from Tyrone Dilligard, student in a DCJS-funded, inmate-manned, color TV studio.

The Bureau of Prosecution and Defense Services' Advisory Board consists of the following:

JOHN F. KEENAN, Special Prosecutor, State of New York
 KENNETH GRIBETZ, District Attorney, Rockland County
 JOHN FINNERTY, District Attorney, Steuben County
 ARCHIBALD R. MURRAY, Executive Director & Attorney-In-Chief,
 Legal Aid Society of New York
 WILFRED O'CONNOR, President of the New York State Defenders'
 Association
 MARK FOX

Judicial members include:

FRANCIS T. MURPHY, JR., Presiding Justice, Appellate Division,
 First Department
 HAROLD BURNS, Associate Justice, Appellate Division, First
 Department
 DANIEL SULLIVAN, Justice, Criminal Court of the City of New York
 SUSAN ACKERMAN GOLTZ, Legal Officer, United States Supreme Court
 PAUL KELLY, Assistant Director, Legal Division, Waterfront
 Commission of New York and New Jersey
 MICHAEL McENENY, Training Coordinator, New York State Office
 of Court Administration
 JOSEPH M. McLAUGHLIN, Dean, Fordham University Law School
 PETER O'CONNOR, Professor of Law, Fordham University School of Law

The Board assists the staff in planning future training programs and recommends speakers and materials to be utilized in these programs. In addition, the Board advises on project funding, staff resource allocation, and expansion of services.

One project, the New York City City-wide Anti-Crime Patrol, was recognized by LEAA as an Exemplary Project for its outstanding success in reducing street crime through the use of undercover decoy teams in high crime areas. The decoy teams employed many forms of sophisticated communications equipment to offset these arrests, which resulted in the extremely high conviction rate of 95%.

In another area the State's concern for speedy and fair juvenile judicial proceeding was addressed through a Family Court Monitoring Project. Citizen volunteers, oriented to the workings of the Court, observed the processing of juveniles. They then related their observations and concerns to the judiciary resulting in a statewide report for improving the operations of the Family Court.

1976 saw the State's continued concern for the well being of its senior citizens. DCJS committed resources to protect senior citizens from crimes committed by juveniles, as well as launching an indepth, statewide effort to prevent senior citizens from being victimized in the first place.

During 1977, state and federal funds will be allocated through the newly created Office of Crime and Delinquency Prevention within DCJS in an attempt to reduce the likelihood of senior citizens being victimized.

THE OFFICE OF PLANNING AND PROGRAM ASSISTANCE

AND

THE CRIME CONTROL PLANNING BOARD

In order to receive federal funds from the Law Enforcement Assistance Administration under the Crime Control Act of 1973 and the Juvenile Justice and Delinquency Prevention Act of 1974, a state must maintain a "state planning agency" to oversee criminal and juvenile justice planning and supervise the distribution of funds in the state. In New York, the Crime Control Planning Board and the Office of Planning and Program Assistance are the components of DCJS which constitute New York State's approved planning agency for administering funds received by the State under the LEAA programs.

During 1976, the staff of OPPA recommended and the Crime Control Planning Board endorsed the funding of a variety of programs. In total, the Board recommended the funding of over 316 projects totalling \$54,010,080.

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The principal activities of the Office of Planning and Program Assistance are to prepare an annual comprehensive crime control plan for the State and to work with a network of local and State agency planners to develop, administer, monitor and evaluate demonstration programs. The role of the Crime Control Planning Board is to review and approve particular programs for funding out of federal monies and to recommend general policies for the containment of crime and delinquency to the Governor and the Commissioner. In addition, the Crime Control Planning Board and the Office of Planning and Program Assistance have become increasingly involved with general planning, program development, policy-making, budgeting and evaluative matters in the criminal and juvenile justice areas. Composed of representatives of State and local government, and professional and citizen interests, the Board assists in the coordination of activities relating to law enforcement and juvenile delinquency control, and advises the Governor and the Commissioner of the Division of Criminal Justice Services regarding crime control planning and program development.



Crime Control Planning Board meeting: Richard L. Gelb, Chairman, William G. Connelie, Superintendent, New York State Police, Commissioner Frank J. Rogers, DCJS, Henry S. Dogin, Jerome McElroy and Robert Schlanger of DCJS.

MEMBERS OF THE CRIME CONTROL PLANNING BOARD

- RICHARD L. GELB, CHAIRMAN, Chairman, Bristol Myers Corporation
 RICHARD J. BARTLETT, New York State Administrative Judge
 STEPHEN J. CHINLUND, Chairman, Commission of Correction
 JUNE JACKSON CHRISTMAS, Commissioner, New York City Department of Mental Health & Mental Retardation Services
 MICHAEL J. CODD, Commissioner, New York City Police Department
 WILLIAM G. CONNELIE, Superintendent, New York State Police
 CARL J. COSTANTINO, Director, Niagara County Probation Department
 JUDIANNE DENSEN-GERBER, Executive Director, Odyssey House
 MICHAEL F. DILLON, Justice, State Supreme Court, Appellate Division, Fourth Department
 PETER B. EDELMAN, Director, New York State Division for Youth
 PAULINE FEINGOLD, Program Coordinator in Criminal Justice, New York Urban Coalition
 DONALD J. FINLAY, Police Chief, Southampton Village
 DANIEL J. GREENWALD, President, Nassau County Police Benevolent Association
 JOHN V. N. KLEIN, County Executive, Suffolk County
 DANIEL R. KLEPAK, Commissioner, New York State Office of Drug Abuse Services
 LOUIS J. LEFKOWITZ, Attorney General, New York State
 BENJAMIN MALCOLM, Commissioner, New York City Department of Corrections
 JOHN M. MARTIN, Professor, Fordham University
 MARIO MEROLA, District Attorney, Bronx County
 THOMAS RYAN, JR., Mayor, City of Rochester
 THOMAS J. SARDINO, Chief, Syracuse Police Department
 NICHOLAS SCOPPETTA, Deputy Mayor, New York City Mayor's Office
 T. GEORGE SILCOTT, Director, Wiltwyck School for Boys
 SIDNEY M. SPECTOR, President, Westchester County Legal Aid Society
 HERBERT J. STURZ, Director, Vera Institute of Justice
 ANTHONY VILLELLA, Sheriff, Niagara County
 BENJAMIN WARD, Commissioner, New York State Department of Correctional Services
 PEGGY WOOD, Director of Public Health and Social Work, Onondaga County Department of Health

Ex-Officio

PETER GOLDMARK, Director, New York State Division of the Budget

*Lou Glasse, Director, New York State Office for the Aging, was added by Chapter 182 of the Laws of 1977.

As a result of a 1976 amendment to the Crime Control Act, the New York State Office of Court Administration established a Judicial Planning Committee which will develop an annual State Judicial Plan for the improvement of the courts within the State. The Committee will also act as an advisory body to the Crime Control Planning Board.

Another body which currently acts in an advisory capacity to the Crime Control Planning Board is the Juvenile Justice Advisory Board (JJAB), established in February of 1976 to advise the CCPB in its deliberations on matters relating to the juvenile justice system, and to insure optimum coordination of youth services provided by state and local youth serving agencies. The JJAB members were appointed by the Governor, in conformance with the requirements of the Juvenile Justice and Delinquency Prevention Act. The following is a list of the members of the Juvenile Justice Advisory Board:

MEMBERS OF THE JUVENILE JUSTICE ADVISORY BOARD

CHARLES SCHINITSKY, CHAIRMAN, Attorney-In-Charge, New York City Legal Aid Society, Juvenile Rights Division
GORDON M. AMBACH, Commissioner, New York State Department of Education
MICHAEL G. KALOGERAKIS, M.D., Associate Commissioner, New York State Department of Mental Hygiene
GREGORY L. COLER, Associate Commissioner, Bureau of Children's Services, New York State Department of Social Services
JOSEPH MAIORANA, Executive Director, Erie County Youth Board
CAROL PARRY, Assistant Administrator, New York City Department of Social Services
BERNARD GIFFORD, Former Deputy Chancellor, Brooklyn Board of Education
THERESA MELCHIONE, Professor, John Jay College
PATRICK LOONEY, Deputy Inspector, Community Officer, Juvenile Aid Bureau, Nassau County Police Department
MARY GALBREATH, Director of Program Planning, Office of the Suffolk County Executive
HOWARD LEVINE, Judge of the Family Court, Schenectady County
ROBERT MORGENTHAU, District Attorney, New York County
JOSEPH MURPHY, President, New York State Bar Association
RENA K. UVILLER, Director, Juvenile Rights Project, American Civil Liberties Union
MARIA RIVERA DE BUCHANAN, Director, Juventud Y Justicia
DANIEL SUTTON, Sutton Real Estate Company
CONNIE MITCHELL, Manager, Job Development, Rochester Jobs, Inc.
EDWIN MILLARD, Director, Albany Home for Children
JOSEPH B. GAVRIN, Executive Director, New York State Council of Voluntary Child Care Agencies
BERNARD M. SCHIFFMAN, Executive Director, Community Council of Greater New York
ROBERT P. POLLACK, Child Care Worker, Bershire Farm Center
GLEN SPELLER, Student
ROBERT C. BONEBERG, Planning Consultant, Northwest Buffalo Community Council
NANCY ASCH, Student
MIGUEL MEDINA, Counselor, Mobilization for Youth
ADRIENE L. FLIPSE, Nassau County Youth Board
GERALD GROSS, Social Worker, Bushwick Group Home
SUZY L. NAGIN-KLASS, Student

GEORGE AVENAUT, Student
SHEILA ANDERSON, President, New York State National Association for the Advancement of Colored People Youth Group
BEN GALLOWAY, Student

Ex-Officio

PETER B. EDELMAN, Director, New York State Division for Youth
T. GEORGE SILCOTT, Executive Director, Wiltwyck School for Boys
FLORA ROTHMAN, Member, National Advisory Committee on Juvenile Justice and Delinquency

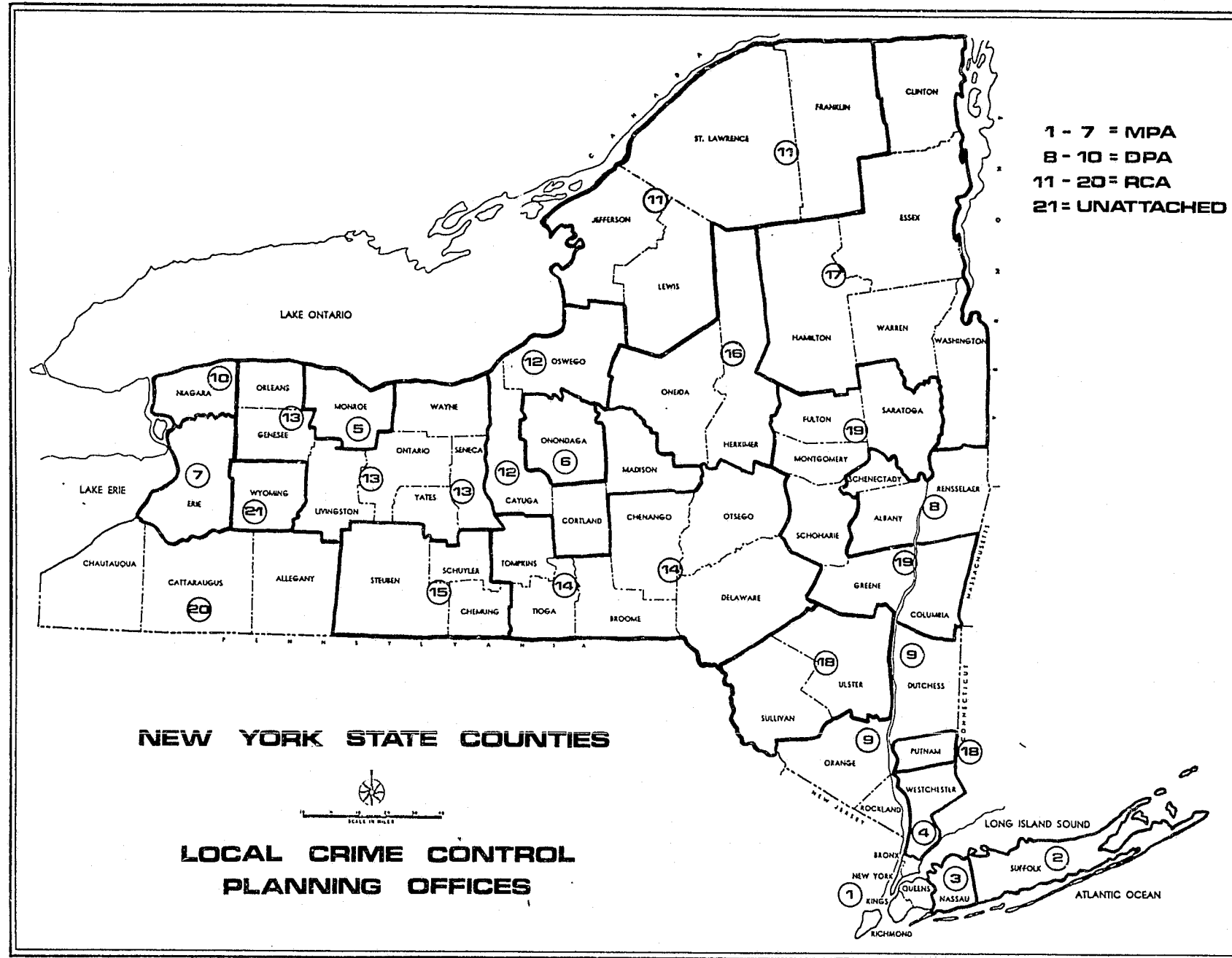
The duties of the JJAB include reviewing the juvenile justice sections of the annual Comprehensive Crime Control Plan; reviewing all grant applications for juvenile justice programs seeking LEAA and Juvenile Justice Delinquency Prevention funds; reviewing standards and goals relating to juvenile matters developed by the DCJS Standards and Goals Unit; and considering all juvenile justice matters referred to them by the Crime Control Planning Board or the Commissioner of DCJS.

The Crime Control Planning Board meets six times each year to consider applications for funding, and once a year to review and approve the DCJS Comprehensive Crime Control Plan. In addition to approving applications for funding and reviewing the Plan, the Board advises the Governor and the Commissioner of DCJS in criminal justice matters. Furthermore, an Executive Committee has been formed to advise the full Board on policy matters and to review appeals from staff decisions. The Board also has an Evaluation Committee, which works with DCJS staff to develop evaluation policy and procedures.

During 1976, the Board approved, for the first time, the awarding of indirect costs for projects funded with federal money for fiscal years 1974-77. Additional innovations included the approval of guidelines for use of local plans as funding documents and the development of funding criteria for programs requesting a fourth year of funding. In 1976 the Board also approved, for the first time, a maximum allocation of 60% in Part B LEAA funds for State Agency usage.

OFFICE OF PLANNING AND PROGRAM ASSISTANCE

A Deputy Commissioner of DCJS serves as the Administrator of the Office of Planning and Program Assistance (OPPA). The staff, located in New York City, consists of approximately fifty professional members, including sociologists, systems specialists, attorneys, accountants, engineers and researchers, as well as persons with considerable operational experience in criminal



justice agencies. The primary responsibilities of OPPA are to prepare an annual State Comprehensive Plan to work with a network of local, court and State agency planners and program developers to develop, implement, fund and administer action programs designed to meet the objectives of the State Plan.

Activities of OPPA

In April 1976, OPPA staff completed a survey of expenditures for all FFY 1974 grants. As a result of this survey, funds in danger of reverting to the Federal Government were identified and action was initiated to disencumber and re-award these funds in a timely fashion. In addition, efforts were completed to define OPPA's fiscal position with respect to FFY 1974, 1975 and 1976 block grants. The grant listings developed for this purpose have been distributed to the Crime Control Planning Board, the Juvenile Justice Advisory Board, and all local and State agency planning offices.

In December 1976, the Crime Control Planning Board agreed to reallocate federal fiscal year 1975 accruals. The Board outlined a list of priorities which included the Office of Court Administration (\$100,000), Nassau County (\$400,000), MPA planning offices for their administration (\$300,000), Syracuse/Onondaga MPA, and all local planning offices (\$668,000). The Board agreed to distribute any remaining accruals to State agencies and local units of government on the basis of the 1975 State Comprehensive Crime Control Plan. The State agencies' share, however, would be divided according to the 1977 Plan which, for the first time, mandated specific allocations.

In July 1976, LEAA issued a legal opinion clearly authorizing the use of Part C funds by New York State for programs for neglected and abused juveniles on the grounds that it would enhance the needs of those neglected and abused youths who come within its jurisdiction and will ultimately result in the prevention of juvenile delinquency. Therefore, OPPA has funded and contemplates continued funding in this important area.

A Federal District Court opinion in December made it almost impossible for New York City to re-open the Manhattan House of Detention (The Tombs). LEAA had promised DCJS that it would make 1973 reversionary funds available for expenses necessary to re-open the Tombs. Hence, in an effort to recapture the previously earmarked 1973 funds, DCJS is exploring the possibility of establishing special juvenile justice units in the offices of the New York City District Attorneys to prosecute juveniles (14-15 years old) accused of committing serious designated felonies.

OPPA has completed preparation of an Applicant and Grantee Guide. This document will assist prospective applicants in applying for block grant funds through DCJS and will serve as a manual for project management once federal funds have been awarded. The Guide, which was issued in April 1976, is the first

such document prepared by New York State for applicants and grantees of LEAA funds since the inception of the Safe Streets Program in 1969.

DCJS has taken steps to implement a Management Information System within the agency, and DCJS has agreed to participate in the National Conference of State Criminal Justice Planning Administrators' Management Information System Project. The Conference will, over the next year, design and install an automated system in DCJS which will provide the agency with key management information data.

LEAA Audit of OPPA

Between June 1974 and June 1975 the LEAA Washington Audit and Investigation Field Office (AIFO) conducted an audit of OPPA. After lengthy delays, AIFO sent to OPPA in late August and September of 1976, a series of preliminary audit reports. AIFO conducted an exit conference in October 1976, and the final report was received in April 1977, almost two years after the original audit was conducted.

The audit report identified a number of deficiencies that existed at OPPA during the winter and spring of 1975. The report described problems with respect to fiscal management, fiscal record-keeping, the maintenance of project files and records, the organization of OPPA, the absence of written procedures manuals and other aspects of OPPA's administration. However, the report did not describe the administrative initiatives undertaken by OPPA in 1976 to address these problems.

Since the summer of 1975, a great deal has been accomplished by the OPPA including: The complete reconstruction of OPPA's fiscal files going back to FFY 1969; provision for completely reconstructing ledgers and other books for fiscal accountability for each fiscal year since 1969 (this is being done with the assistance of a consultant and will be completed by December, 1977); the preparation of a completely new table of organization for OPPA, including all backup material and job descriptions; the preparation and dissemination of an Applicant's Guide; the preparation and review of a draft procedures manual for OPPA; the development and implementation of a central file system; the development of a framework and procedures for combining the application and contract into a single document; the establishment and implementation of a Monitoring Unit for OPPA; the implementation of a Performance Evaluation System and Unit within OPPA; the design and delivery of training programs to OPPA staff; and the design of a request for proposal in order to hire a consultant to develop a computerized management information system.

OPPA's basic strategy is to monitor every active grant in New York State during the Monitoring Unit's first full year of operation. The Unit began its functions by monitoring those projects submitted for refunding at the April, June, September and December meetings of the New York State Crime Control Planning Board. At the same time as refundings were being

monitored, internal OPPA staff were continuously canvassed to determine which projects were in need of immediate monitoring.

Currently, the Financial Management Unit maintains responsibility for the audit function of OPPA. The Chief Financial Officer supervises the daily operations of the Auditing Unit and reports directly to the OPPA Administrator. At the present time, there are two auditors on the OPPA staff and this number is clearly inadequate in light of the number of active grants. The proposed table of organization for OPPA, if approved, will create a unit of five auditors within OPPA. With five auditors on staff, supplemented by local audit capabilities, OPPA will be able to complete 150 to 200 audits per year. OPPA is hopeful therefore, of its future capacity to meet the minimum federal requirements of monitoring 25% of the total number of annual awards, and 50% of the total dollars value of annual awards.

During 1976, the Chief of Financial Management developed an audit policy and set of procedures for conducting audits. Included in this manual are the procedural guidelines for scheduling, performing, and controlling subgrant audits, as well as information necessary for the clearance of audit exceptions and the follow-up actions to be taken.

Essentially, the LEAA audit criticized the SPA for not maintaining financial records in sufficient detail to adequately account for the expenditure of \$11.9 million in Part B Planning funds during federal fiscal years 1971 through 1974. This criticism was well taken and is a further extension of earlier audit criticisms of the OPPA's financial management procedures and records for the years cited.

During 1976 OPPA addressed this generic problem. OPPA staff began this task with the reconstruction of grant fiscal files for FFY 1973 and 1974. This was done by staff pursuant to a format developed by the Chief of the Fiscal Unit. The same format was used for the maintenance of fiscal files for FFY 1975 and 1976. Staff then continued the file reconstruction back through FFY 1969.

Technical Assistance

Under the Omnibus Crime Control and Safe Streets Act of 1973, OPPA is required each year to develop a Technical Assistance Plan as a component of the annual Comprehensive Crime Control Plan. The Technical Assistance Plan attempted to do the following:

1. Identify the technical assistance needs throughout the New York State criminal justice system;
2. Establish priorities within those needs;
3. Identify technical assistance resources throughout the State;

4. Match technical assistance needs with available resources;
5. Identify those needs for which no resources within the State have been identified; and
6. Develop a technical assistance delivery procedure.

The initial effort to identify the Technical Assistance (TA) needs and resources within the State involved the distribution of questionnaires to each of the local crime control planning offices as well as to the major criminal justice State agencies. These bodies were asked to identify the technical assistance needs facing the criminal justice system within their area, for which short term technical assistance (i.e., ten consulting days or less) would suffice. In addition, they were requested to inventory the available technical assistance resources within their area. As requests were received by the Technical Assistance Coordinator, they were recorded and an attempt was made to match the needs listing with the technical assistance resource listing. In those cases where no resources could be identified in New York State after employing the system described above, requests for technical assistance were forwarded to the LEAA Regional Office for their action.

A total of forty-six technical assistance needs and thirty potential resources were identified as a result of the initial query. Responses were received from all but one of the seventeen planning areas throughout the State. In addition, responses were received from the New York State Department of Correctional Services, Commission of Correction, Department of Probation, Division for Youth, Division of State Police, and Office of Court Administration.

The needs identified included requests for: architectural planning; systems analysis; management information system development; and training in the various criminal justice functional areas of law enforcement, juvenile justice, corrections, probation, and courts. The resources identified also reflected a cross-section of the criminal justice system, with offers of expertise in such areas as police training, data systems, monitoring and evaluation, crime prevention, and juvenile justice.

Upgrading of Correctional Facilities

OPPA has been instrumental in assisting eleven localities in their submission of over \$13,000,000 in applications for Economic Development Administration-Public Works funding to renovate local corrections facilities, so that these facilities would meet the Commission of Correction (COC) mandated minimum standards.

The following is a list of those localities that OPPA assisted and the amount of funds they requested:

Albany	\$ 603,000
Onondaga	525,000
Jefferson	802,000
Westchester	1,200,000
Livingston	3,800,000
Wayne	2,082,000
Greene	588,471
Herkimer	1,082,305
Oneida	500,000
Otsego	247,640
Montgomery	296,000
New York City	1,400,000
TOTAL:	\$13,126,416

Assistance was provided in several areas, among them:

1. Successfully petitioning, in person, the Deputy Assistant Secretary of Commerce to extend the submission deadline from December 3 to December 9; this, after OPPA and the localities had failed to gain such approval from the Regional EDA Director;

2. Demonstrating to the Deputy Assistant Secretary that because the local corrections applications gave the promise of long-term benefits to the community and, further, were consistent with Statewide plans such as DCJS' Comprehensive Crime Control Plan and COC's Minimum Standards;

3. Utilizing DCJS and COC architectural staff in reviewing and advising on architectural plans prepared by general purpose local architects and hand-carrying blueprints and accompanying material to the National Clearinghouse on Criminal Justice Architecture in Illinois for their review and certification;

4. Preparing program descriptions for submission to LEAA for approval and certification, and negotiating conditional approval agreements with LEAA for those counties that were unable to fully comply with all LEAA requirements at this time.

Through the efforts provided by DCJS and COC, several localities (Westchester, Otsego, Livingston and Wayne), which otherwise could not have submitted acceptable applications, were able to do so. Other localities (New York City, Onondaga and Greene Counties) that were having difficulty in submitting and might not have been able to submit absent DCJS assistance, especially as regards the deadline date and LEAA certification, were also able to submit. Finally, all localities, including those that were able to submit on their own (Herkimer, Oneida, Jefferson and Montgomery Counties), are likely to have their funding chances enhanced on the basis of DCJS' efforts.

On December 24th, EDA amended its award and Herkimer and Otsego were accepted for funding. In addition, all twelve were accepted for future funding eligibility.

DCJS will work with COC, the State Sheriffs' Association and all interested localities to insure that in the public works funding program in 1977 more localities will be in a position to apply for jail renovations projects. Fully a score of counties have expressed a keen interest in this regard and more are likely to do so. OPPA anticipates that under the 1977 Public Works Bill, six of those not funded in 1976 will receive funding in the summer of 1977.

Standards and Goals Program

Since the National Advisory Commission on Criminal Justice Standards and Goals completed and published its work, LEAA has encouraged State Planning Agencies (SPA's) to develop comprehensive goals and standards for the operation of the criminal justice system in each state. DCJS is currently developing such a standards and goals program for the State of New York.

The program will:

1. Focus the attention of all governments, agencies, and citizen groups on priority problems in criminal justice;
2. Provide widespread input into and subsequent support for Statewide standards and goals related to these priority problems;
3. Provide all elements of the criminal justice system and related non-criminal justice systems with the opportunity to coordinate their planning and operations around a commonly understood set of goals, objectives and standards;
4. Provide for more effective and directed use of LEAA funds and other federal resources related to the crime problem;
5. Enable OPPA and all interested agencies to assess Statewide progress in achieving objectives, and to evaluate the impact on the overall goals of reducing serious crime and assuring the quality of justice.

The Standards and Goals Unit is divided into five sub-systems groups: Police, Prosecution and Defense, Juvenile Justice, Corrections, and Community Crime Prevention. Each area is staffed with one administrator and one research analyst, and will be complemented by three support groups: Task Forces appointed by the Commissioner of DCJS, Advisory Panels appointed by the Commissioner, and an in-house Unit Team composed of various staff specialists within DCJS.

The input of local planners is crucial to the standards and goals development process, and representatives of Metropolitan, Regional and Developmental Planning areas are strategically placed on each Task Force and Advisory Panel. Priority problems identified in local plans will determine the initial areas of Task Force investigation, and as the project progresses, periodic briefings and local comment on draft documents will shape the final standards and goals product. In the final stage, statewide dissemination of the preliminary standards and goals documents will be coordinated with local planners and technical advisory bodies to allow maximum opportunities for informed comment and dialogue at public hearings. Comments will be systematically collected and analyzed by standards and goals program staff before final documents are approved by the Task Force and presented to the Crime Control Planning Board for ratification.

Grant Management Information System (GMIS)

In June, 1975, a group of management consultants visited DCJS to assist New York, as one of the 15 largest states, in designing and implementing a Grant Management Information System (GMIS). In light of the LEAA findings, and OPPA's own assessments of its needs, it was immediately agreed that the management and administrative problems of OPPA would have to be resolved before a computerized GMIS could be installed. Toward that end, OPPA assisted by the LEAA consultants and Regional Office staff developed an extensive work plan for accomplishing the following objectives:

- (a) Analyze the feasibility of combining the current application and subgrant documents into a single document;
- (b) Formalize and commit to writing and chart form the new organizational structure;
- (c) Draft a procedures manual covering all new divisions, sections and units;
- (d) Design and implement a central records system;
- (e) Produce and disseminate a Subgrantee Guide;
- (f) Develop training programs for OPPA staff regarding the new organization and procedures; and
- (g) Develop sound financial management controls in the OPPA on which an effective MIS can be constructed.

Juvenile Justice Delinquency Prevention Act Compliance

With the submission of its Juvenile Justice Plan in August, 1975, New York State committed itself to the Juvenile Justice and Delinquency Prevention Act of 1974, regarding the deinstitutionalization of status offenders from juvenile detention and

correctional facilities and the separation of juveniles from adults in adult facilities.

Substantial progress has already been made through changes in New York State's Family Court Act, the awarding of various federal grants, and other efforts on the part of both State and local agencies.

New York State has taken various steps, and through DCJS has already awarded grants in excess of \$5 million to assist the removal of PINS youth from juvenile correctional facilities and secure detention. Only the New York State Division for Youth administered training schools fall under the definition of a juvenile "correctional" facility. The Juvenile Justice Reform Act, effective July 1, 1976, prohibits the placement of PINS in DFY training schools. The last status offender was transferred from the New York State Division for Youth training school on December 1, 1976. New York State is therefore in 100% compliance with this portion of the Act.

In support of these legislative changes, DCJS awarded \$1.7 million to DFY to aid in the development of alternatives to the training schools for adjudicated PINS. This grant provided for a variety of programs including: a specialized day service program for PINS able to remain at home; an enriched foster care program to provide recruitment and training of staff for specialized foster homes; independent living program for older youth through a variety of models including hotels, college dorms, and YMCA's; an urban home program that developed experimental homes based on a particular need or category of needs; and a temporary residential program to provide short-term residences for PINS in any of the above programs.

To initiate and encourage the development of non-secure detention on a statewide basis as an alternative to secure detention, DFY was awarded funds to undertake a quantified assessment of non-secure detention bed space needs throughout the State and determine the number and type of non-secure facilities most appropriate to each county. DCJS has also awarded funds to the six MPA counties and New York City for the development of non-secure detention alternatives. As of July 1, 1977, there was a 23% reduction in the number of PINS in secure detention over the 1975 statistics. Legislative changes to the Juvenile Reform Act of 1976 amending the Family Court Act preclude the confinement of juveniles in adult correctional facilities. This legislative change brings New York into Statutory Compliance with the JJDP Act. Both the Juvenile Reform Act and the revised Division for Youth regulations lessen the occasion for detaining juveniles in adult jails and county lockups.

With regard to detention of juveniles in adult facilities, the following steps are being taken to eliminate the need to detain any juveniles with adults and insure New York State compliance with this federal mandate:

--Criteria within DFY are being tightened to guarantee that placement of juveniles in adult detention facilities will be utilized only as a last resort.

--DFY is developing a regional approach for secure detention for juveniles.

--The development of a variety of non-secure alternatives for PINS will ensure sufficient detention bed space for JD's again, reducing the need to use adult facilities.

--Procedures are being formulated to safeguard against comingling of juveniles and adults in these facilities.

New York State has again taken several steps to ensure that it has an adequate system to monitor its jails, detention facilities, and prisons. Grants were awarded to DCJS, DFY and the Commission of Correction to provide staff to monitor this mandate.

Evaluation of Funded Programs

In 1976, the Crime Control Planning Board authorized the Office of Planning and Program Assistance to implement two new evaluative programs--Intensive Evaluation and Performance Evaluation.

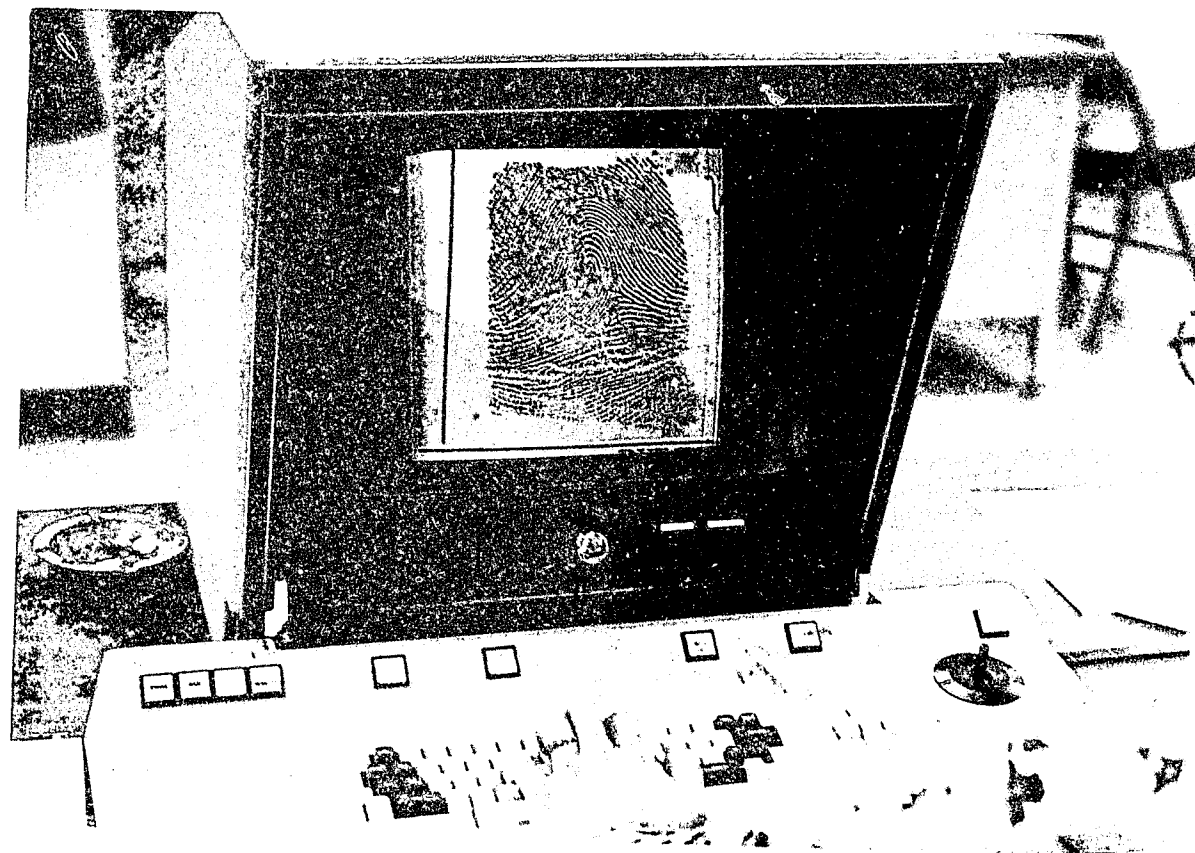
The Intensive Evaluation Program selects a small number of action programs that are priorities of the Crime Control Planning Board and of the subgrantees, for intensive study. These assessments determine the effectiveness of these programs and determine the transferability of successful programs to other localities or functional areas.

The Board provided three grants in 1976 to evaluate intensively six action projects: The Monroe County Pre-Trial Services Project, Westchester County Pre-Trial Services Project, Nassau County Project Intercept, Nassau County Child Abuse Project, and the State Division of Probation's Training Academy Project, and the Program Analysis and Review Team Project. The success of this program is reflected in the results reported from the Monroe County Project. The Intensive Evaluation of Monroe Pre-Trial Services was funded to obtain data to support future program planning in the area of pre-trial services. Detailed studies of the cost benefit ratio, the process of these projects, and its relation to impact on appearance, sentencing, and crimes committed while on parole (release on recognizance) are being conducted. The data has shown that the project generated or saved \$1.7 in criminal justice services for every dollar spent on the project thus demonstrating the favorable cost-benefit ratio of this project.

The second new evaluation program begun during the last quarter of 1976 is called the Performance Evaluation Program. Through this program, OPPA is developing a performance evaluation information system that will regularly report on the objective

achievement of every project funded by the Crime Control Planning Board.

To complement the work of this staff and to provide major subgrantees with performance evaluation analyses of funded projects, the Board awarded performance evaluation subgrants to over a dozen subgrantees in 1976: New York City, Nassau, Suffolk, Westchester, Onondaga, Monroe and Erie Counties, the Cities of Buffalo, Rochester, Syracuse and Yonkers, and the State Division for Youth and the Division of Probation. Each of these grants supported a small staff assigned to cooperate at the subgrantee level with the OPPA staff in its system design work and to provide local executives and planners with evaluative information concerning the performance of Board-funded projects within local jurisdictions in achieving their objectives.



Semi-automated classification of fingerprint.

BUREAU OF IDENTIFICATION AND INFORMATION SERVICES

The Division of Criminal Justice Services has as one of its primary functions the dissemination of criminal history information to law enforcement agencies. To provide this service the agency utilizes a combination of modern technologies including a facsimile network for the transmission of fingerprint impressions, semi-automated classification and analysis techniques, and computer capability for storing and retrieving information.

An increasingly important additional function has been the analysis and publication of the criminal history data base. As this analysis becomes more sophisticated and specific, it will help shape New York State's efforts in allocating resources among and between criminal justice agencies.

Through three units, Identification and Information Services, Research and Development, and Data Systems, the Identification and Information Services Bureau of the Division (hereafter referred to as DCJS/IIS) has made many improvements. The following is an outline of its major accomplishments in 1976.

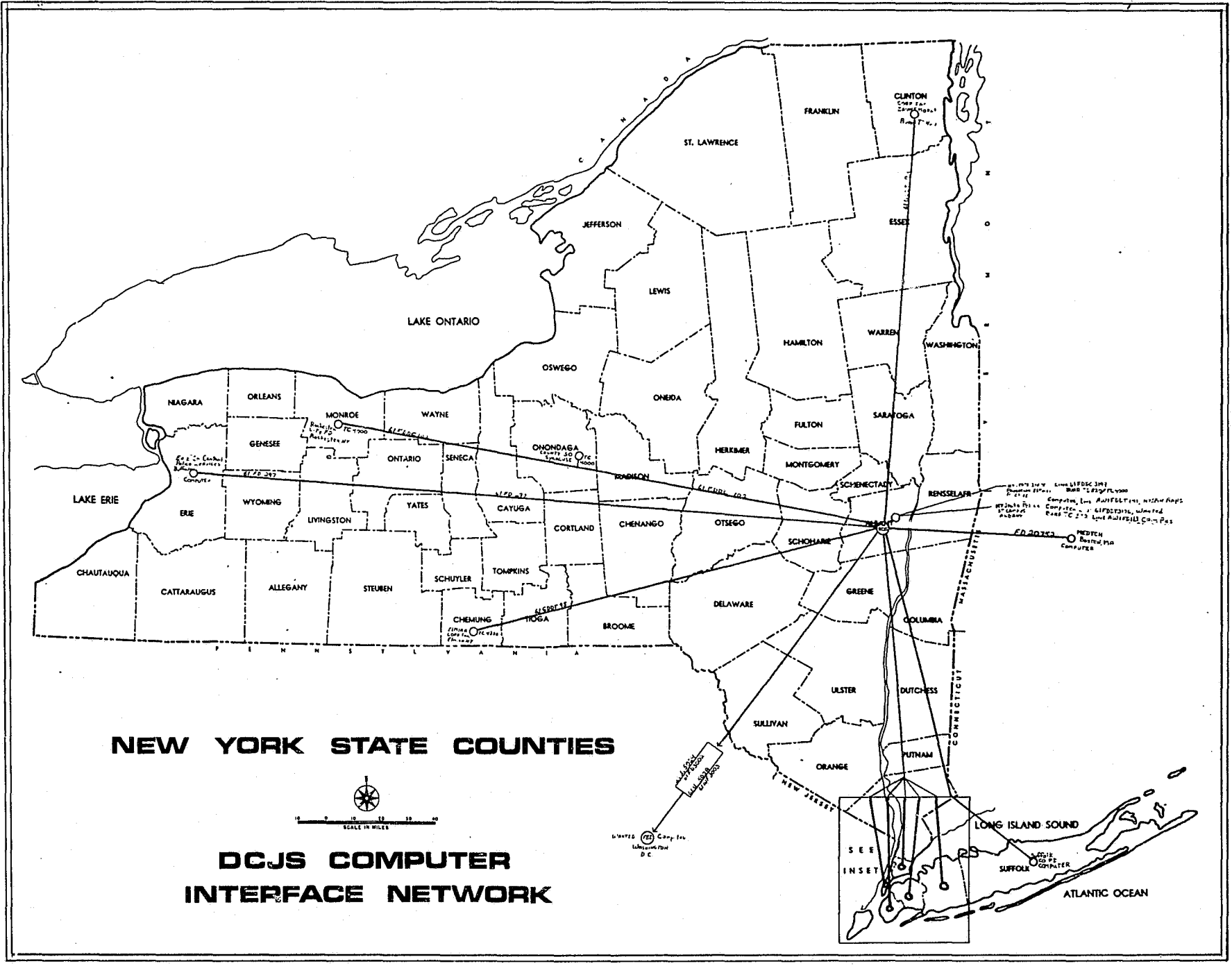
Improvements in Service

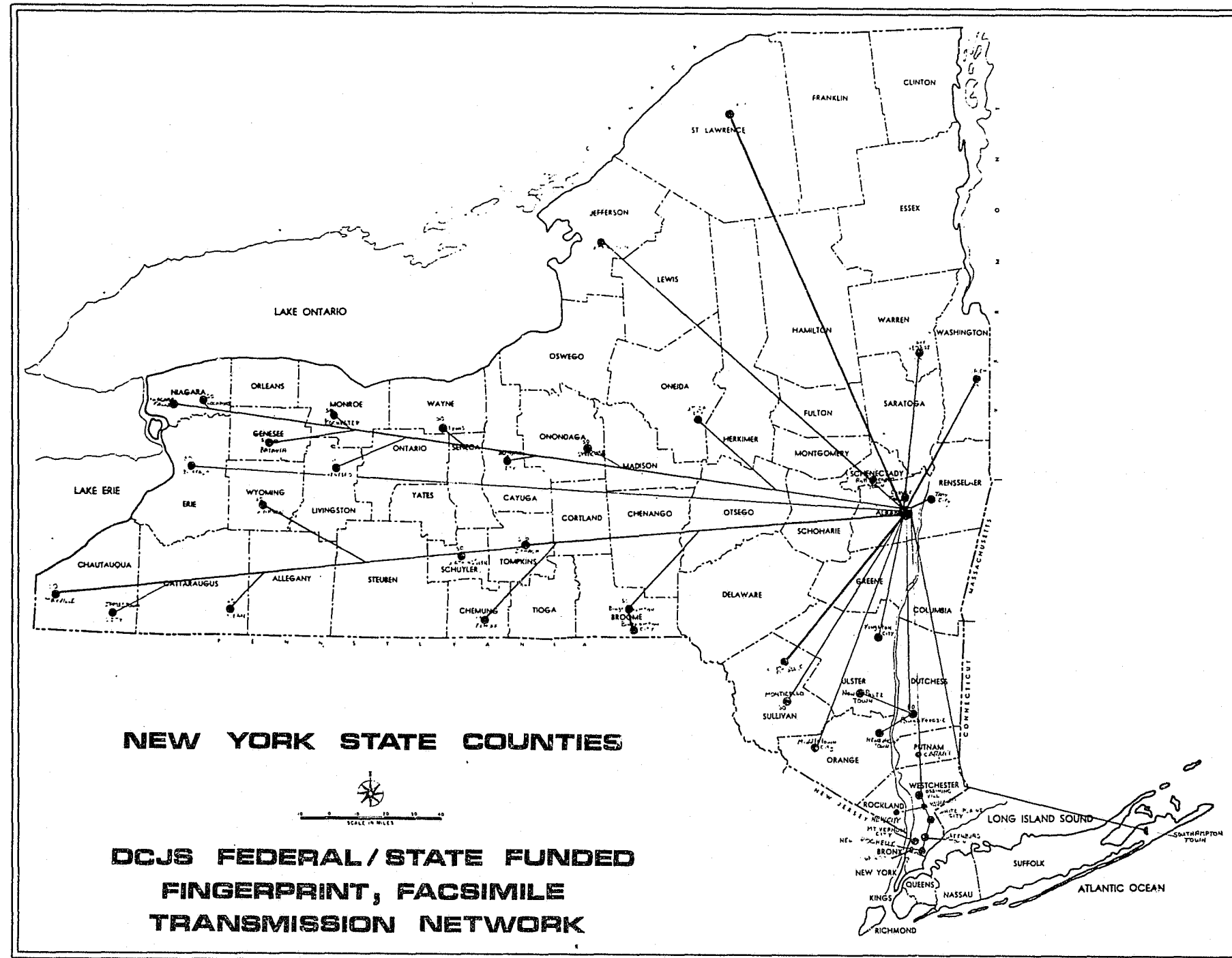
A. Improvement in the Response Times of Criminal and Non-Criminal Fingerprint Processing, 1976 vs. 1975

Significant progress was made in improving the response time of criminal and non-criminal fingerprint processing. Response time (or turnaround time) represents the time required to process fingerprint documents from the time they are received until the time the Criminal History reports are transmitted to the contributing agencies. The following table illustrates the number of documents processed in specified time periods and the cumulative percentages of responses generated in that time for 1976 and 1975.

<u>Response Time</u>	<u>1976</u>		<u>1975</u>	
	<u>#</u>	<u>Cum %</u>	<u>#</u>	<u>Cum %</u>
Under 24 Hours	242,820	47	228,761	44
1-3 Days	28,525	53	28,608	49
3-7 Days	73,315	67	70,606	63
7-14 Days	102,173	87	74,105	77
14-21 Days	39,191	95	46,622	86
21-30 Days	14,116	98	33,155	92

The improvement in response times for all fingerprint documents processed in 1976 vs. 1975 is a reliable indication of the degree of improved service being provided.





B. Backlog Reduction 1976 vs. 1975

Work in Process represents the number of documents requiring identification processing and response which are within the agency at any one particular time. This information is also compiled and reported each week for purposes of monitoring operational performance. The 43% reduction indicated by the following figures substantiates the degree of improved service being provided.

<u>Highest Backlog</u> <u>Week</u>	<u>Lowest Backlog</u> <u>Week</u>	<u>Average Backlog</u> <u>For Year</u>
1976-March 29, 1976 12,188	October 12, 1976 1,707	6,583
1975-August 20, 1975 19,550	November 3, 1975 6,926	11,648

C. On-Line Criminal History Responses to Onondaga and Nassau Counties

On September 24, 1976, an on-line computer printer interface became operational between DCJS/IIS and Onondaga County. With the installation of the printer in the Communications Center of the Onondaga County Sheriff's Office, DCJS/IIS was able to respond via on-line printer for facsimile arrest prints received from the County.

On July 1, 1976, the Nassau County Police Department Record Bureau and the Nassau County Court Liaison Division installed an on-line computer printer interface with DCJS/IIS. DCJS/IIS now responds via these on-line printers to all facsimile arrest prints which have a computerized record.

This expansion of on-line printer interface capability to larger contributors has decreased turnaround time and increased the accessibility of Criminal History responses to authorized agencies around the State.

During 1977, DCJS plans to further expand its remote printing capability to the Rochester Police Department and the Suffolk County Police Department.

D. Manhattan Project

The Manhattan Project is a joint experimental effort by the New York City Police Department and DCJS. The primary objective of the project is to reduce the time from arrest to arraignment in Manhattan through an improvement in criminal history response time for arrest prints.

To achieve the objective, a number of processing changes were tested. These include:

Improving the preliminary analysis of fingerprints to reduce both the number of facsimile transmission resends required and the quantity of fingerprint card reprints necessary.

Overlapping facsimile transmission time with operational processing time for reduced total processing time.

Combining a number of preliminary DCJS operations and perform these operations at the Manhattan location to eliminate delay times between functions that normally exist in the DCJS Albany operation.

Improving facsimile equipment at Manhattan Center to reduce backlogging of transmissions during peak hours.

The project began in March, 1976, with the assignment of three DCJS employees to the NYCPD Manhattan Facsimile Unit. By October, 1976, programming was completed so that Data Entry could be performed from the Manhattan site on a round-the-clock basis.

Since DCJS officially assumed control of the Manhattan Facsimile Unit in August, the unit has processed 20,535 arrest prints. This total represents a 14% increase in volume over May 1 - August 22, 1976, and a 30% increase in volume over September - December 1975. In addition, the unit has processed 4,979 Desk Appearance Ticket Prints.

The fingerprint rejection rate has dropped from 12% to approximately 5%, and the average response time has been reduced from 3 hours 7 minutes to 2 hours 43 minutes. Since the experimental project has not had adequate time to fully test the results of the proposed new processing system, additional Federal funding was received to allow an additional year of operation.

E. Development of Training Programs For DCJS/IIS Employees

The beginning level training course for Identification Clerks has been revised and expanded. This course was formerly entitled "Classification and Interpretation of Fingerprints" and involved approximately thirty hours of classroom training. The revised training course, "Name and Fingerprint Searching Techniques", involves approximately sixty hours.

Modernization and Expansion of Equipment and Operations

A. Installation, Testing and Acceptance of the B7700

A Burroughs 7700 was installed in April 1976. The system has proven to be approximately twice as fast as the preceding computer configuration and thus far has established a good operating record.

B. Uninterruptible Power Supply Installation

The uninterruptible power system, purchased largely through use of federal funding, was ordered in calendar year 1975 and installed and ready for use in June 1976. The storage battery system furnishes the entire power requirements of the B7700 system for 45 minutes following an electrical supply failure. During several months' experience, the system has proven invaluable to the Division by delivering constantly regulated power to the computer system even during severe electrical storms, which had in the past, been the cause of considerable computer failure.

C. Conversion to New Model Computer Terminals

On February 1, 1976, conversion and installation of new computer terminals throughout the Division was initiated. These new TC-4000 terminals and 820 Cathode Ray Tubes (CRT's) will increase the reliability and efficiency of the Sections computer operations. In addition to increased reliability, the TC-4000 terminal prints sixty characters per second versus the fifteen characters per second of the TC-500 terminal. This will result in a 400% greater output and increased efficiency of the computer terminals.

D. Design and Implementation of an Enlarged Dial-Up Facsimile System

The facsimile system, which transmits fingerprints to the Division, was technically improved in 1975 to utilize dial-up WATS (Wide-Area Telecommunications Service) rather than dedicated lines for moderate volume users in the Up-state area. The new design, which became operational in October, 1976, provided thirty-eight new facsimile installations in geographic locations where volume requirements would permit multi-agency use.

A computer to computer interface between the State Police Computer System and DCJS eliminated the need for facsimile message receivers at the dial-up installations. Over three hundred New York State Police Information Network terminals can receive computer and manual criminal history information. This system provides law enforcement agencies

with responses within twenty-four hours rather than the two to three week response time associated with mailed prints and responses. It is expected that the enlarged system will increase the facsimile input to the Division by approximately 30,000 prints during 1977.

E. Installation of Remote Terminals in Other State Agencies

In addition to the enlarged data communications capability afforded by increasing the facsimile network size, terminal equipment was installed in selected probation and correctional facilities. The installation of this terminal equipment will provide more timely dissemination of information. As additional financing is arranged, it is hoped that other locations may be outfitted to receive direct communication through the use of terminal equipment.

Program/Processing Activities

A. Redesign of the DCJS Computerized Criminal History Base and Processing System

The DCJS processing system has evolved over the years into an on-line, real-time criminal history retrieval system. Since the existing data base structure and design does not lend itself to on-line accessing and expedient handling of requests for statistics, DCJS requested and received a federal grant to develop an Offender Based Transaction Statistics (OBTS) System. This five year project will produce a system to track offenders as they pass through the criminal justice system and to statistically record at what point they exit from the system and for what reasons. The implementation of the OBTS system would require that many additional data elements be collected and stored on the DCJS criminal history data base. In order to accomplish this task, it would be necessary to expand the existing data to accommodate these new elements. This led to the decision to undertake the redesign of the data base. Accordingly, a redesign group was formed in the spring of 1976 to undertake this effort.

By July 1976, the data element study was completed and documentation was approved by the OBTS Working Committee, which consists of representatives from every segment of the criminal justice community. Preliminary design of the new file structures was completed in August.

During the fall and winter of 1976, work progressed in the design of the new law files and agency files, and redesign of and storage requirements for offender personal identification information.

B. On-Line Collection of Dispositions

During 1975, the Office of Court Administration (OCA) entered into negotiations with the Pre-Trial Services Unit of the Vera Institute to establish a means of collecting disposition information directly from the courts, using on-line terminal devices. In January, 1976, OCA agreed to assume responsibility for the project and to utilize software and hardware provided by the Meditech Corporation, Cambridge, Massachusetts. It is anticipated that the system will become fully operational throughout New York City early in 1977 and incrementally operational throughout the other major metropolitan areas of the state during the balance of 1977.

In less populated areas of the state, OCA expects to implement by mid-1977, a new paper disposition reporting system which has been successfully tested. DCJS is presently transmitting arrest data on-line for four pilot counties and will add others as the paper system expands.

The receipt of complete, accurate and timely disposition information has long been the joint goal of DCJS and the OCA. The implementation of this new system will mark a giant step toward attaining that goal.

C. Probation Registrant System

During 1976, DCJS and the NYS Division of Probation developed and implemented an on-line Probation Registrant System under OBTS funding. The system became operational in November 1976 and provides for the on-line entry of persons on probation into a data base maintained on the DCJS computer system. During the processing of arrest fingerprints at DCJS, the Probation Registrant System is also searched. If the arrestee is found to be an active probationer, an automatic notification is prepared by the computer system and transmitted on-line to the appropriate probation office terminal device.

By the end of the year, probation registrants totalled 10,705. At the present time, there are six terminal locations. New York City Probation is serviced by terminals in Bronx, Queens and Manhattan offices. A terminal to service the counties of Westchester, Nassau and Suffolk is located in the New York City Division Office at the World Trade Center. The State Probation direct service counties, as well as other counties, will be serviced by a terminal located at State Probation central office in Albany. This terminal will become operational in 1977.

The immediate notification of probationer re-arrests will result in considerable time saving in the investigation process necessitated by a probable violation of the conditions of

probation. The Division of Probation anticipates that the new automated system will also provide management and administrative reports to assist in such areas as: work-sheet analysis, resource allocations, planning and coordination, budgeting, and recidivism rates.

D. Automated Fingerprint Image Storage, Retrieval and Display System

The need for an automated fingerprint image retrieval system capable of storing, retrieving, and displaying micro-image fingerprints for comparison purposes has long been identified in DCJS. Initial design and development was accomplished using a Law Enforcement Assistance Administration (LEAA) federal grant. The design involved an integration of a microimage retrieval system within an operational processing environment. The microimage retrieval system incorporates microimage, electronic video, mechanical, optical, digital, and computer technologies. Analysis indicates that, once implemented, it will provide a cost benefit approaching \$200,000 per year.

E. Changes in Fingerprint Processing System

All fingerprint searches are now being entered into the computer search system. (Previously, certain classifications of prints were only searched manually.) The computer search output now indicates which prints will require a subsequent manual backup search. This has provided some control of the file sections where the fingerprint search is conducted and has eliminated the previous errors associated with the decision of which file to search.

F. Research Projects

During the course of the year, several public and private organizations requested criminal history information contained in DCJS files for research projects. The Criminal Justice Coordinating Council (CJCC), acting as liaison for Private Concerns, Inc., an employment agency for ex-offenders, obtained the recidivism rate of ex-offenders placed on jobs by the latter agency. Utilizing criminal history information obtained from DCJS/IIS, Private Concerns, Inc. was able to determine various statistics relative to the number of clients rearrested. A similar project was requested by the Community Treatment Foundation (CTF) to determine criminal history information on historical patients for the purpose of deriving new methods of treatment for current patients for similar offenses.

G. Discontinuance/Limitation of Telephone Record Checks

Effective September 1, 1976, telephone requests for criminal history information were discontinued except for Secret Service matters involving the President and very

serious criminal investigations, where immediate access is vital. This curtailment resulted from three major problems inherent in telephone requests. First, there was a lack of security; second, such requests were not subject to close review and measurement; and third, a few users took advantage of telephone service at the expense of those users who operated within the formal system.

Record File Management

A. Age Purge Project

A special federally funded one year project started April 1, 1976, for the purpose of purging all information from the Division's files pertaining to individuals over 75 years old who had not been arrested within the last six years and who were not in prison, on parole or probation. This project will result in the removal of dead records and increase the amount of physical space available for expanding active files.

Accomplishments during nine months of 1976 include:

1. 506,561 fingerprint documents purged from the master fingerprint file.
2. 6,708 name cards purged from the manual name search unit.
3. 49,170 record folders purged from Central Files.

B. Extension of Non-Criminal Purge Project

The primary objective of the federally funded Non-Criminal Purge Project which ended on September 1, 1976, was to purge all records, both computer and manual, relating solely to individuals whose entire record is non-criminal, unless retention is specifically authorized by statute. As a result of the project, a total of 1,775,392 fingerprint documents were purged.

Second year federal funds have been committed to correct problems discovered during that purge. Serious deficiencies were discovered in the computer fingerprint search and Summary Case History (SCH) Directory Status files which will be corrected during the extension period. These deficiencies result in the periodic production of "False" suspects from the computer fingerprint search program and the absence of correct identification suspects from that program in other cases.

In order to solve these problems, the involved files will be reconciled against each other. Records of individuals with an inactive SCH Directory Status that are present on the

computer fingerprint search file will be deleted. Records will be added for individuals with an active SCH Directory Status that are not contained on the computer fingerprint search file.

C. Wanted File Validations

On November 15, 1976, Wanted File Validation lists were mailed to all agencies with Wanted Notices on file with DCJS/IIS and National Crime Information Center (NCIC). DCJS/IIS requires each agency to review its wanted notices and to notify DCJS of any required updates or cancels. Completion is expected by January 1, 1977.

D. Master Fingerprint Files Renovation

During July 1976, the Identification Section received fifty-two filing units specially designed to store the most active master fingerprint cards. These units, which were purchased through a federal grant, house approximately 1,500,000 fingerprint cards, about one-half of the DCJS total master fingerprint cards.

These new files reduce the costs for space to store the fingerprints, improve the protection of this critical file in the event of a catastrophe, improved worker productivity, and improved work quality through enhancements in methods of access and filing.

Research and Development Innovations

A. Computer Assisted Fingerprint Classification

An experimental system was developed to demonstrate and evaluate the potential utility of a computer-based system designed to assist in more rapid and accurate classification of arrest fingerprints.

The system employs a high resolution, closed-circuit television camera and monitor to display each fingerprint individually from the fingerprint card. The fingerprint image appearing on the monitor is enlarged ten times and electronically enhanced to improve the image contrast and definition.

A mini-computer, programmed to compute and record classification data, is also employed along with a graphic input device and keyboard. These devices permit the location and automatic recording of all necessary classification data.

Special computer programming generates and superimposes over the fingerprint image displayed on the monitor all the conventional, plus additional, visual aids used by the fingerprint classifier.

Evaluation results and simulation studies indicate that accuracy, reproducibility of data, and classification times are considerably improved using this design as an aid to the fingerprint classification operation. Substantial potential savings for this activity appear to be a reasonable expectation from an operational capability of this type.

A federal grant of \$250,000 has been obtained to design, develop and install a multi-terminal, multiplexed operating system in the Bureau of Identification. Construction of the system is currently nearing completion with delivery and system start-up scheduled for 1977.

B. Computer-Assisted Crime Scene Fingerprint Identification System

A computer-based latent fingerprint identification system was developed within the research and development unit. Structured upon several recent advancements in fingerprint identification made by the research and development staff, the system permits the rapid and systematic searching of topographical data obtained from chance fingerprint impressions left at a crime scene against similar data included in the computer-automated master fingerprint file. In addition, unidentified latents can be automatically scanned each day with new arrests and potential matching candidates selected.

Installed on a pilot basis within a twelve-county upstate area, a spectacular increase in identifications has been realized. A \$392,000 federal grant was obtained in 1976 to upgrade the system and evaluate its utility as a statewide resource.

In 1976, the first full year of operation, 57 identifications were effected, compared to 31 identifications in 1974, the last full year of manual operation. The most significant aspect of the new system was the 42 (74%) search identifications where no suspects were known. In the prior manual system, most of the identifications resulted from suspect names supplied by the investigators. Two of the major identifications during the year involved an identification of a latent fingerprint from a car used in a bank robbery and the identification of three partial fingerprints from a badly decomposed homicide victim found in the Hudson River.

1976 Legislative Enactments and Statewide Regulation

A. A new section was added to the Criminal Procedure Law, Section 160.50, which drastically changed the processing of requests for return of arrest fingerprints. Previously, fingerprints were returned and

criminal records expunged upon request when all charges were dismissed and certain other criteria were met. This section was repealed on September 1, 1976, and the new law provides for automatic direction from the courts to DCJS for return of fingerprints and sealing of criminal records upon a finding in favor of the defendant. In the past, DCJS/IIS processed approximately 12,000 return print requests per year under Section 79-e. Input under CPL 160.50 exceeded 10,000 during the four months it was in effect during 1976. A processing backlog exceeding 6,500 had accumulated by the end of the year. The number of seal orders received under CPL 160.50 is expected to reach upwards of 150,000 a year and the new law has a retroactive provision that could greatly add to the number of requests received.

B. Chapter 548 of the Laws of 1976, otherwise known as the "fee bill", added a new subdivision 8-A to the DCJS enabling legislation. The new legislation empowers the Division to charge a fingerprint processing fee (not to exceed \$10) for employment license and pistol permit applications. The fee collection process was initiated on September 10. A total of \$169,610 was collected and transferred to the General Purposes Fund during the three-and-one-half months of 1976 that the fee bill was in effect.

C. The last piece of legislation of importance to DCJS/IIS was an amendment to the Social Services Law granting qualified child care agencies access to DCJS services for the purpose of checking the criminal records of people who would be in contact with children. Although internal procedures have been developed to handle such requests, as of December 1976, no qualified child care agency had formally requested access.

D. Record Review Regulations

A formal procedure granting the individual the right to review and, where appropriate, challenge his/her own criminal record was filed in March 1976, (Part 6050 of the Official Compilation: Codes Rules and Regulations of the State of New York).

These regulations require that an individual has the right (upon verification of identity) to review criminal history information, examine the record for the purpose of challenge or correction, and upon request, be advised of any non-criminal justice agencies to whom data has been given if

he/she successfully challenges such information and has the record corrected. In addition, once a record has been corrected, DCJS must notify all criminal justice recipients of the corrected information.

E. Law Enforcement Assistance Administration (LEAA) Regulations

During 1977, criminal justice agencies and other organizations that deal with Criminal History Record Information will bring their agency procedures into compliance with the Department of Justice Title 28 Regulations. Full compliance with these requirements is not mandated until December 31, 1977, at which time LEAA may initiate cut-off procedures against recipients of LEAA assistance and levy a fine not to exceed \$10,000. To insure full compliance with the letter and spirit of the law, the Identification Section has already met the following operational requirements:

Maintains listings in the computer and manual files of any non-criminal justice agency which has received information concerning an individual.

Maintains a computer and manual record of any criminal justice agency receiving information on an individual.

Prepares the requisite number of copies of a corrected record and directs them to each criminal justice agency which has received such incorrect information in the past, along with a notice specifying the importance of correcting locally maintained files.

Provides certified copies of the current and the corrected data within an individual's criminal history record upon satisfactory establishment of identity.

Provides a listing of all non-criminal justice agencies which have received information on an individual, following successful challenge and correction of such information.

Since January 1976, DCJS/IIS has serviced over 100 record review requests. These reviews are conducted at various correctional facilities throughout the State and at DCJS offices in Albany, Rochester, Syracuse, and New York City.

Data Systems Bureau

A Data Systems Bureau was established within the Division in April 1976, to direct and coordinate the establishment of a Comprehensive Data System for New York State. In addition to producing offender-based transaction statistics, the Bureau includes Uniform Crime Reporting, Statistics Analysis Center and Statistics Unit (including Felony Processing).

The Bureau also oversees the development of a Master Plan for Criminal Justice Information Systems in New York State. In addition, the Bureau is supervising a project to collect outstanding court dispositions for arrests effected prior to 1973.

A. Uniform Crime Reporting Unit

Uniform Crime Reporting (UCR) is a national data reporting program based on statistics from law enforcement agencies throughout the country. Chapter 654 of the Executive Laws of 1974 transferred from the Department of Correctional Services to the Division of Criminal Justice Services, the responsibility for the collection of data concerning crimes and arrests in New York State effective January 1, 1975. Simultaneously, the Division assumed the role of New York State coordinator for the Federal Bureau of Investigation's Uniform Crime Reports. In the early stages of the UCR Program, it was not mandatory for the arresting agencies to submit forms. However, beginning January 1, 1976, by law, all arresting agencies in New York State were required to submit Uniform Crime Reports. From 1974 to 1976, the participation in the UCR Program has increased from 266 regularly reporting agencies to 542. A monthly statistical printout is produced and distributed to each county. Special requests for offense data and for arrest information are produced for various contributing agencies.

In 1976, several new reporting procedures were established for the UCR Program. Because of the numerous requests for data at the county level, reporting by county was extended to include arrests effected by the State Police and offenses and arrests in New York City. In addition, there was some question as to the completeness of reporting of criminal offenses occurring in areas under the jurisdiction of specified police agencies and arrests by county was initiated for the Transit Authority Police, Housing Authority Police, Port Authority Police, Marine and Aviation Police and Staten Island Rapid Transit Police in New York City. To provide more

detailed arrest data concerning juveniles, arrests of 14 year olds were reported as a separate item. Part II offenses, those not included in the FBI/UCR Program, were incorporated in New York State Programs. To eliminate duplication of reporting, the reports of Part I Offenses and Part I and Part II Arrests, required under the Department of Correctional Services Program, were discontinued.

Discretionary federal funds were received for the second year of the Uniform Crime Reporting Program effective March 1, 1976. Much of the effort during the second year has been focused on completing the design and writing the computer programs for the new UCR Program. During 1976, the following objectives have been completed:

1. A prototype computerized UCR System was implemented and operated for several months. This interim system provided for the on-line entry of monthly UCR reports from six agencies during this period.

When the prototype system is expanded statewide on January 1, 1977, the UCR data will be edited and added to the UCR data base files. Monthly, a program will be run which extracts the data from the data base files and prepares a magnetic tape for processing by the FBI.

2. New UCR entry forms, tally books and instructions have been prepared for use in 1977 on a statewide basis.
3. Training sessions have been held throughout the State in preparation for the implementation throughout the State in 1977.
4. Personnel data was collected to produce a computerized profile report of each police agency in the State.
5. A Computerized Arrest Report was developed and produced for use in auditing mandatory fingerprint card input to the Division.

In October, the 1975 Annual Crime Report, Crime and Justice was released. This is a comprehensive document containing not only the UCR data but also information showing indictments, dispositions, and sentences resulting from felony arrests.

B. Statistical Analysis Center

The Statistical Analysis Center (SAC) began operations in July 1976. A research agenda, including a study of statewide sentencing patterns, has been designed. Research to date demonstrates sentencing disparity among counties for convictions for the same offense and among defendants with the same characteristics and the same prior arrest records. Also included on the research agenda is a study of the statewide distribution of offenses, arrests and criminal justice resources. To date, this research has identified types of geographic areas which combine demographic, economic and urban characteristics. These areas will now be studied to determine the extent to which offense rates are associated with arrests and criminal justice resources.

SAC has consulted with other projects to design samples for a study of marijuana arrests and for survey of the manual arrest files. In addition, projections of the population of state prisons were provided to the Department of Correction. The projections were based on arrest rates of the population categorized by age and sex and on estimates of the future populations of New York State. Discussions have begun with the Director of OBTS for the purpose of designing research which will utilize the new OBTS data elements. Other projects or agencies with whom research collaboration have begun include the State Planning Agency and the Division of Probation.

C. Criminal Statistics Unit

The Criminal Statistics Unit, through its various sections, is responsible for the collection, summarization, analysis and dissemination of statistical data on criminal offenses, arrests, lower court dispositions, Grand Jury actions, and higher court dispositions as required by law. Sources of data are the Return A-E series, Justice Court Reports, and the Felony Processing System. The Unit is also involved in the planning of new or revised systems for collecting data and in the design of reports summarizing this data.

Return A-E are monthly reports submitted by criminal justice agencies in New York State; Justice Court Reports are monthly reports prepared from Department of Audit and Control Records by a member of the Unit stationed in Audit and Control; and the Felony Processing System is based on individual transaction reports submitted by the District Attorneys and Special Prosecutors.

Current reporting programs reflect the consolidation in 1976 of earlier reporting systems operating either at the Department of Correctional Services or at the Division of Criminal Justice Services prior to the transfer of the Unit from the Department of Correctional Services in 1975.

These consolidated systems were designed to eliminate duplicate reporting by criminal justice agencies: Return A was replaced by the Uniform Crime Report, a monthly report from police agencies; and the Felony Processing System was expanded to include data on Grand Jury action formerly covered by the Return C report.

The Unit worked with computer programmers to effect the conversion of the Felony Processing input system to the new report form and to design new summary reports for the system. This conversion also required the design and maintenance of control studies in order to maintain the integrity of the data.

Data is disseminated to the public through publications and response to individual requests. The Unit prepared and disseminated four issues of the publication "New York State Felony Processing Quarterly Report" as mandated by Chapter 603 of the Laws of 1973. Also, professional and technical assistance were rendered in the preparation of the 1975 Annual Report - Crime and Justice. A total of 247 requests for statistical data were handled during the year. Over half of these requests were from criminal justice agencies and nearly 13% involved data for news media. These requests represent only those handled by the Unit and are not a summary of all crime statistics requested of the agency. In addition to special requests from outside agencies, data was provided to units within the Division and special studies were undertaken.

D. Criminal Justice Information Systems Master Plan

In 1976, the Criminal Justice Information Systems Master Plan completed its Phase I Report, which provided considerable detail on the computerized information systems capabilities of major state and local criminal justice agencies. By mid-year, a Master Plan Users' Committee has been appointed and research began on the Phase II Report, defining the data system needs and objectives of the major criminal justice agencies.

The Phase II effort began with a survey of agency priorities for computerization and then followed up with collection of more detail on interface, budget and hardware characteristics. Several nationwide surveys were initiated during the latter part of the year, the results of which are now being studied. Throughout the year, Master Plan staff members were also involved in the review and analysis of grants relating to computer systems development for a number of agencies within the State.

E. Case Disposition Reporting II

In 1976, the Data Systems Bureau assumed responsibility for the Case Disposition Reporting II project which was made possible by an Action Grant approved by the Office of Planning and Program Assistance, effective October 1,

1975. This project is aimed at collecting outstanding court dispositions for felony arrests effected prior to 1973, except for New York City. It is a follow-up to a grant which had previously been funded to collect dispositions from fourteen counties. Both grants were designed to collect dispositions by utilizing records at county district attorneys' offices.

By the end of the year, a total of 41,561 dispositions had been obtained, leaving a balance of 26,291 still to be collected. In the latter part of the year, the grant period was extended to March 4, 1977, without any increase in funds. The remaining period of the grant will be spent trying to collect as many of the outstanding dispositions as possible.



DCJS computer bank for criminal justice information system.

OFFICE OF SPECIAL SERVICES

In 1976, the New York State Division of the Budget authorized DCJS to establish an Office of Special Services (OSS). This new office consists of the following six units:

- a) The Bureau for Municipal Police
- b) The Bureau of Prosecution and Defense Services
- c) Special Court Projects Unit
- d) Juvenile Justice Institute
- e) Special Program for Detained Inmates
- f) Special Project Monitors - State Liquor Authority

All of these units were operating within DCJS prior to the establishment of the OSS, except for the latter two units which were formed last year.

Bureau for Municipal Police (BMP)

Chapter 399 of the Laws of 1972, effective September 1, 1972, transferred the Municipal Police Training Council from the Office of Local Government to the newly created Division of Criminal Justice Services; at the same time, all the functions and duties of the Division of Local Police, its Director, and the Executive Director of the Municipal Police Training Council were transferred to DCJS. The new Bureau for Municipal Police was then created within the Division of Criminal Justice Services and now serves as the staff support to the Commissioner and to the Municipal Police Training Council.

The Municipal Police Training Council recommends to the Governor rules and regulations governing the approval of local police training schools, requirements for training of local police officers for initial appointment, and approval of advanced in-service training programs for local police officers. The Council advises and makes recommendations to the Commissioner of DCJS with respect to municipal police training problems, and recommends studies and reports to be made by the Division concerning such problems. The Council also establishes standards governing the height, weight, and physical fitness of police candidates.

The Council consists of eight members (as listed below) appointed by the Governor for terms of two years.

MUNICIPAL POLICE TRAINING COUNCIL

THOMAS R. BLAIR, Chairman, Commissioner, Buffalo Police Department
CORNELIUS J. BEHAN, New York City Police Department
WILLIAM M. LOMBARD, Sheriff, Monroe County
WALTER F. RUCKGABER, Chief of Police, Lake Success
WILLIAM G. CONNELIE, Superintendent, New York State Police
J. WALLACE LaPRADE, Assistant Director, FBI, New York City
JOHN M. KENNEDY, Mayor, City of Elmira
RAYNOR WEIZENECKER, Sheriff, Putnam County

The Council must include the Police Commissioner of the City of New York, or a member of his department nominated by him, and two nominees each of the New York State Sheriffs' Association and the New York State Association of Chiefs of Police, chosen by the Governor from a panel of six experienced incumbent law enforcement officers nominated by each of the two associations. The other three members are appointed by the Governor without any statutory limitation concerning source of nomination. The Chairman is designated by the Governor. Members receive no compensation other than expenses.

Basic responsibility of the Bureau for Municipal Police (BMP) lies in the area of training and police administrative services. The 1976-77 State Purposes budget for the Bureau was \$335,659; in addition, BMP's training and administrative functions were additionally supported by approximately \$350,000 in LEAA funds, and over one million dollars in Federal Highway Safety funds. The 1977-78 State Purposes budget will be \$319,200. A more detailed description of the Bureau's responsibilities follows below.

Training

BMP, working with the policy guidance of the Municipal Police Training Council, is responsible for administering training for local law enforcement officers outside of the City of New York. The format of schools certified by the Municipal Police Training Council and coordinated by the Bureau for Municipal Police has been regional. The student body for each school is drawn from police departments and sheriffs' departments within the region and the instruction is offered by experienced personnel drawn from federal, state and local agencies whose competence in the subject matter has been reviewed and certified by the Division beforehand. The regional approach to training is an important aspect of Division policy because it fosters interdepartmental cooperation, an important aspect of the criminal justice system.

In 1961, there were 81 training courses offered and they consisted of four types, i.e., basic, supervision, intermediate and executive development. In the calendar year of 1976, these numbers increased dramatically to a total of 230 training courses of 30 different types, and graduating 6,048 students. Specialized police training courses included, among others, arson investigation, organized crime intelligence, ethical awareness workshops for police instructors, bombs and bomb threats, advanced latent fingerprint, and traffic accident investigation. The listing below details the number of municipal police officers satisfactorily completing each course:

Basic Training	632
Supervisory Training	234
Intermediate and Advanced In-Service	1,295
General In-Service	222
Specialized In-Service	1,315
Traffic (Highway Safety)	2,350
Total	6,048

One aspect of the Municipal Police Training Council warrants specific attention because of its innovative dimension. This year saw the creation of a part-time basic school for part-time police officers. Part-time officers are prevalent in many municipal police agencies throughout the State, and invariably the majority of them are not trained due to the fact that the majority of part-time officers had other full-time employment and were unable to attend a full-time school. Recognizing the problem, the Municipal Police Training Council authorized a part-time basic school as a pilot project. It was given in two four-hour evening sessions and one full day on the weekend, making a total of 15 training hours a week. The pilot project proved to be successful and in a memorandum of May 7, 1976, the Council published guidelines for future part-time schools. A total of two part-time schools were completed in 1976, and by the end of the year eight part-time schools were in operation.

Highway Safety

Training by the Bureau for Municipal Police can be divided into two areas: The first is one of general police education and training which includes basic, supervisory, general in-service and specialized in-service training, while the second is in the specialized area of highway safety (a program which is federally funded). Three activities in the highway safety area are particularly noteworthy.

1. Alcohol Abuse Workshop - A pilot workshop, for a series of statewide workshops on the problem of the drunken driver, was held. Eventually, these workshops are to be given to groups of state officials, law enforcement personnel, members of the judiciary, and rehabilitation and treatment personnel. The purposes of the workshops are to make the attendees aware of the nature and magnitude of the problem of alcohol and highway safety; the characteristics of the alcohol-impaired driver; the role each of the attendees plays in combatting the problem of the drinking driver; and, the courses of action available to each. It is hoped that these workshops will help to remove community opposition to enforcement measures, implement plans to detect drinking drivers, and ultimately discourage drinking drivers from driving while impaired by alcohol.

2. Speed and Alcohol Detection Education Program - Four separate programs were conducted for town and village justices at the request of the Office of Court Administration. The purpose of these programs was to familiarize the justices with the use, application, and operations of various radar and alcohol testing devices.

3. Police Traffic Service Surveys - Surveys are presently conducted under a federal Highway Safety Program with the goal of identifying police departments with traffic services and highway safety problems and also in need of training and/or equipment to participate in sound enforcement programs. Seventy-nine surveys were completed resulting in the issuance of equipment to 50 departments. An additional 21 departments are scheduled to receive equipment. The equipment issued to date consists of:

79 radar units
98 pre-arrest alcohol screening devices
14 alcohol evidentiary units
40 simulators

The following table reflects the training activities of the Bureau for Municipal Police for 1976. However, it does not reflect all of the police training in the State of New York. Many police departments and academies carried on training activities from the 20 minute roll call training to more structured and sophisticated courses on various subjects. This table only reflects the training which met the Bureau's minimum standards and for which certificates were issued to students.

RECAPITULATION OF MUNICIPAL POLICE TRAINING

FOR CALENDAR YEAR 1976

COURSE	NUMBER OF SCHOOLS	AVERAGE HOURS PER COURSE	NUMBER OF GRADUATES	HOURS OF INSTRUCTION
BASIC*	26	351	632	9,126
SUPERVISORY	13	70	234	910
GENERAL IN-SERVICE	9	35	222	315
INTERMEDIATE	7	70	158	490
ADVANCED IN-SERVICE	47	35	1,137	1,645
SPECIALIZED IN-SERVICE TRNG.				
ADVANCED ARSON INVEST.	1	35	30	35
ADVANCED LATENT FINGER-PRINT	3	35	50	105
ARSON INVESTIGATION	1	35	47	35
BASIC FINGERPRINT	4	35	70	140
BOMB INVESTIGATION	1	24	45	24
CAMPUS SECURITY	1	70	11	70
CRIMINAL INVESTIGATION	4	35	88	140
EMPLOYEE RELATIONS WKSP	4	24	86	96
ETHICAL AWARENESS	11	24	216	264
HOSTAGE NEGOTIATION	2	35	71	70
INSTRUCTOR DEVELOPMENT	10	70	250	700
INSTRUCTOR DEVELOPMENT - CRISIS INTERVENTION	2	35	35	70
NARCOTICS	1	35	21	35

*Two of these basic schools were part-time schools for part-time police officers.

ORGANIZED CRIME INTELL.	5	70	92	350
PHOTOGRAPHY	8	35	117	280
SPECIAL WEAPONS AND TACTICS	4	35	86	140
SUB-TOTALS	164	1,193	3,698	15,080

HIGHWAY SAFETY PROGRAM

COURSE	Number of Schools	Hr. Length of Course	Numbers of Graduates	Hours of Instruction
ACCIDENT INVESTIGATION	8	70	226	560
BREATH TEST OPERATOR	32	40	779	1,280
BREATH TEST OPERATOR REFRESHER	8	7	725	56
BREATH TEST OPERATOR RETRAINING	1	10	154	10
CRASH MANAGEMENT (BASIC)	4	63	100	252
RADAR CERTIFICATION	8	7	200	56
SELECTIVE TRAFFIC LAW ENFORCEMENT	1	28	30	28
TRAFFIC LAW ENFORCEMENT	4	28	136	112
SUB-TOTALS	66	253	2350	2354
TRAINING GRAND TOTALS	230	1446	6048	17,394

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Police Administrative Services

The Bureau has done work for more than half of the counties, towns, cities, and villages that have police departments. In addition, this unit complies with requests from communities having no local police departments to determine the feasibility and possible costs of creating a police department. Of all the municipalities served by this Bureau, approximately 50% have been repeat requests for assistance different from their prior request.

Fifty-seven different municipalities now operate with records systems either installed by or improved by the Bureau. One hundred and forty-eight law enforcement agencies operate with the rules of conduct written for them by this Bureau. New Building studies have been done for thirty-seven law enforcement agencies.

The number of studies encompassed within the activity report for the year 1976 totals forty-six. This represents a decrease from the year 1975; however, the actual volume of work has increased due to the fact that the nature of the requests have necessitated more indepth study. This, in turn, required additional man-hours and travel time. The increase in the volume of work is reflected in the number of requests for complete administrative surveys which for the year 1976 totalled 19. The studies completed in 1976 required a total of 4,374 working days, providing an average 145.8 days to complete any kind of study from the date of receiving the initial request to closing the case.

BMP has recently instituted a system whereby staff can evaluate the effects of its work. Each police department served is visited or telephoned six months after completion of services in order to ascertain whether BMP recommendations were accepted, either partially or wholly; if recommendations were not accepted, the reason for such action is discussed. In carrying out these evaluations, the Bureau also seeks suggestions for improvement of services. Overall, approximately 90% of the recommendations made by BMP over the past nine years have been implemented by law enforcement agencies.

As of December 31, 1976, there were 16 assignments which were not completed although preliminary work had already taken place on seven of these 16 assignments. The Bureau continues its policy of not releasing any information as to the identity of the agencies requesting assistance unless and until the agency gives permission to do so, or when they themselves have released the Bureau's report to the media.

The activities of the Police Administration Unit for 1976 showing the law enforcement municipalities which have been assisted this past year, the nature of the assistance and the dates that the requests were received and completed are listed in the following chart:

DEPARTMENT	TYPE OF REQUEST	DATE RECEIVED	DATE COMPLETED
Town of New Windsor	Administrative Sur.	3-13-75	4-16-76
Town of Cornwall	Manpower Analysis	8-30-75	4- 1-76
Village of Woodridge	Combined Services	9-12-75	3- 4-76
Village of Westhampton	Administrative Sur.	11- 8-75	6-23-76
Town of East Hampton	Manpower Analysis Bldg. Facility	11-13-75	5- 1-76
City of Fulton	Rules of Procedure	12- 3-75	4-15-76
Schoharie Co. S.O.	Evaluation of Police Resources in Co.	12-11-75	6-11-76
Village of Rockville Ctr.	Administrative Sur.	12-17-75	5- 5-76
Village of Little Valley	Feasibility of Combined Services	1-14-76	6-23-76
St. Lawrence Co. S.O.	Records Analysis	1-16-76	3-18-76
Village of Athens	Manpower Analysis	1-19-76	4-10-76
Town of Shawangunk	Need for P.D.	1-23-76	9-23-76
Town of Clifton Park	Need for P.D.	2-13-76	6- 2-76
Town of Webb	Rules of Conduct	2-27-76	4- 1-76
City of Glens Falls	Administrative Sur.	3- 3-76	11-15-76
Town of Greenburgh	Rules of Conduct	3- 3-76	8-16-76
Town of Saugerties	Administrative Sur.	3- 8-76	11-17-76
City of Troy	Administrative Sur.	3-17-76	9-10-76
Town of Yorktown	Rules of Conduct	3-31-76	5-20-76
Town of Alden	Need for P.D.	4- 5-76	12-14-76
City of Albany	Records Analysis	4-16-76	8-16-76
City of Gloversville	Scheduling	4-26-76	8-11-76
City of Saratoga Springs	Administrative Sur.	5- 1-76	12-15-76
Troy Housing Authority	Manpower Analysis	5-24-76	
Village of Cambridge	Rules of Conduct	6- 2-76	6-18-76
Village of Mineo	Administrative Sur.	6- 4-76	9-30-76
Village of Fishkill	Rules of Conduct	6-14-76	7- 7-76
Town of Waterford	Administrative Sur.	7- 7-76	

DEPARTMENT	TYPE OF REQUEST	DATE RECEIVED	DATE COMPLETED
Village of Youngstown	Rules of Conduct	7- 8-76	8-23-76
Village of Floral Park	Manpower Analysis	8- 6-76	11- 8-76
Village of Lynbrook	Administrative Sur.	8-16-76	
City of Ogdensburg	Building Facility	8-19-76	12-14-76
City of Binghamton	Administrative Sur.	8-23-76	
Village of Kinderhook	Need for P.D.	9- 1-76	
City of Rome	Records Analysis	9- 7-76	9-30-76
Town of Brighton	Administrative Sur.	10- 1-76	
Village of Walden	Administrative Sur.	10- 6-76	
Village of Herkimer	Manpower Analysis	10-26-76	
Village of Canastota	Administrative Sur.	10-27-76	
City of Peekskill	Administrative Sur.	11- 5-76	
Town of Newfane	Need for P.D.	11- 5-76	
Town of Bedford	Record Analysis	11- 9-76	
Village of Buchanan	Administrative Sur.	11-18-76	
Village of Saugerties	Administrative Sur.	12- 1-76	
Village of Monroe	Manpower Analysis	12- 9-76	
Village of Chittenengo	Administrative Sur.	12-10-76	

Bureau of Prosecution and Defense Services (BPDS)

The Bureau of Prosecution and Defense Services was funded with three separate federal grants totalling approximately \$500,000. BPDS developed and conducted training programs and provided educational support manuals and materials for New York State's district attorneys and the public defense bar. The Criminal Justice Appellate Reference Service (CJARS), a sub-unit of BPDS, was established to provide research assistance to both groups and to provide needed appellate assistance for the smaller district attorneys' offices. The Prosecutors Technical Assistance Unit (PTAU), another sub-unit of BPDS, provided management and technical assistance to district attorneys' offices located throughout New York State.

The staff of the Bureau consists of 18 persons, including six lawyers and five part-time law student research assistants. The size of the staff and funding for the Bureau signify an expansion of services which the Bureau now renders to the public defense bar. Previously, support services in the areas of training, educational support services and research assistance were available only to New York State's prosecutors.

During 1976, BPDS achieved the following:

A five-day course designed to provide intensive training in criminal law problems for prosecutors was conducted from August 23-27, 1976, in Syracuse and from September 27-October 1, 1976 in New York City. Approximately 550 participants attended both sessions. Lectures and demonstrations were provided on such topics as Ethics and Responsibilities, Screening, Grand Jury and Immunity, Evidence, Discovery, Preparation for Trial, Voir Dire, Opening Statements, Search With and Without a Warrant, Wiretapping Investigation, Wade and Huntley Hearings, Direct and Cross-Examination, Handling Experts, Meeting Defenses, Summations, and Appellate Practice. A 400-page coursebook was developed and provided to each attendee.

One two-day program designed to acquaint the public defense bar with local criminal court practice was conducted on December 1-2, 1976 in Syracuse. Topics included Accusatory Instruments, Bail, Discovery, Preliminary Hearings, Plea Negotiations, Trial, Presentence Responsibilities, and Appellate Practice. A 225-page coursebook was developed and provided to each of the 150 attendees.

One two-day program dealing with prosecution problems in the local criminal courts was conducted on December 16-17, 1976 in Albany. Subjects included Administration of the Local Criminal Courts, Accusatory Instruments, Preliminary Hearings, Pretrial Motion Practice, Plea Negotiations and Problems, and Trial of Vehicle and Traffic Cases. A 250-page coursebook was developed and distributed to each of the 150 attendees.

A series of lectures was developed to focus on recent changes in criminal law and procedure and how they affect the role, functions and responsibilities of prosecutors and public defense attorneys. The first lecture, Recent Advancements in Forensic Sciences, was conducted on December 13, 1976 in New York City and was attended by approximately 325 prosecutors and members of the public defense bar.

A comprehensive and innovative series of continuing legal education programs are planned for the first half of 1977. Included among these are The Trial of a Homicide Case, Criminal Justice Training for Law Students, and lectures in the Recent Developments in the Criminal Law series on Scientific Lie Detection, Voice Identification, and Recent Criminal Law Decisions and Legislation.

Educational support manuals and materials to be developed by BPDS include a Topic Case Index, Homicide Manual, Office Policy Manual Outline, and more expanded versions of Local Criminal Court Practice Manuals for both prosecutors and public defense attorneys.

Criminal Justice Appellate Reference Service (Research and Appellate Assistance)

The Criminal Justice Appellate Reference Service publishes the New York State Criminal Law Review on a monthly basis. The Review, an outgrowth of the District Attorney Newsletter, contains digests of recent court decisions, legislative changes, summaries of cases pending in the New York State Court of Appeals and other items of interest to its readers, who constitute over three thousand persons active in the criminal justice system.

Initiated in August, 1976, the publication is the first of its kind in New York State to be distributed free of charge to every prosecutor, public defender and Legal Aid Lawyer in the State. In addition, many private attorneys, police officials, judges, law school teachers and persons active in the criminal justice system receive the publication.

Each issue of the Review offers a memorandum of law on a subject of topical interest, researched and written by the law student research assistants. Copies of legal memoranda that have been offered include The Requirements For Disqualification Of A Judge In A Criminal Case, The Proper Boundaries Of Cross-Examination Under the Sandoval Decision, Admissibility Of A Witness' Testimony Which Consists Of Declarations Made To Him By An Unindicted Co-Conspirator Against Defendant-Conspirator, and Admissibility of Police Records Under The Business Records Exception To The Hearsay Rule.

One of the significant accomplishments of CJARS in 1976 was the initiation of an indexing system for the Criminal Law Review. Its predecessor publication, the District Attorney

Newsletter, which was initiated in 1971 and was published by several different agencies in the ensuing years, never published an index to its issues. This quarterly index will be continued and should prove an invaluable aid to its readers.

The Review periodically advertises the availability of appellate briefs prepared by prosecutors and public defense lawyers. These appellate briefs are stored in a brief bank which CJARS maintains for both groups. In 1976, the number of briefs stored in the brief bank exceeded 350. CJARS is in the process of developing an indexing system to make access to the bank easier and has obtained permission from the West Publishing Company to use the West Key Number System for this purpose.

In addition to its other services, CJARS provides brief writing and appellate assistance to district attorneys' offices with professional staffs of ten or less. In 1976, more than 20 different district attorneys availed themselves of these support services. Brief writing assistance was rendered in more than 50 different cases.

In an evaluation of the unit's publication, more than 90 percent of those who utilized CJARS' research assistance rated the New York State Criminal Law Review excellent or very good. More than 85 percent of these lawyers rated the quality of the research materials received from this office either excellent or very good. All of the lawyers that responded stated the research material they requested was forwarded promptly upon request. It is contemplated that beginning some time in 1977, the New York State Criminal Law Review will be distributed to every New York State judge above the justice court level. It is also hoped that a similar appellate service can be developed for the State's small public defenders' offices.

Prosecutors Technical Assistance Unit (Management and Technical Assistance)

The Bureau of Prosecution and Defense Services is assisted by an Advisory Board consisting of the following members:

JOHN F. KEENAN, Special Prosecutor, State of New York
KENNETH GRIBETZ, District Attorney, Rockland County
JOHN FINNERTY, District Attorney, Steuben County
ARCHIBALD R. MURRAY, Executive Director & Attorney-In-Chief,
Legal Aid Society of New York
WILFRED O'CONNOR, President of the New York State Defenders'
Association
MARK FOX, Attorney
FRANCIS T. MURPHY, JR., Presiding Justice, Appellate Division,
First Department
HAROLD BURNS, Associate Justice, Appellate Division, First
Department
DANIEL SULLIVAN, Justice, Criminal Court of the City of New York

SUSAN ACKERMAN GOLTZ, Legal Officer, United States Supreme Court
PAUL KELLY, Assistant Director, Legal Division, Waterfront
Commission of New York and New Jersey
MICHAEL McENENY, Training Coordinator, New York State Office
of Court Administration
JOSEPH M. McLAUGHLIN, Dean, Fordham University Law School
PETER O'CONNOR, Professor of Law, Fordham University School of Law

The Board assists the staff in planning future training programs and recommends speakers and materials to be utilized in these programs. In addition, the Board advises on project funding, staff resource allocation, and expansion of services.

During 1976, the Prosecutors Technical Assistance Unit continued to develop resources and provide technical assistance to district attorneys in the areas of administration, management and planning. Among the objectives successfully attained by PTAU during 1976 were the following.

Five district attorneys' offices of varying sizes and locations were assessed by technical assistance teams. A management needs analysis report was submitted to each district attorney which identified management needs on a priority basis, identified available techniques and resources to combat problems, and described a plan by which the district attorney could evaluate his efforts to combat existing and future management problems.

Personnel interview guides, interview evaluation guides, and interview evaluations were developed for both legal and non-legal personnel to be utilized in district attorneys' offices to improve the efficiency of their hiring system. Most district attorneys had no objective method to adequately assess employee performance. Comprehensive performance evaluations were developed for both legal and non-legal personnel to enable district attorneys to properly and systematically perform this essential function. Time and effort in small district attorneys' offices was saved through the use of standardized legal forms. Three model forms were developed and distributed, namely, the Model Case Jacket, Model Grand Jury Case Report (with supplemental Criminal Transactions Section), and Model Witness Control Form. These forms have since been adopted or adapted by numerous district attorneys throughout the State.

PTAU developed and distributed to all district attorneys a manual designed to enable them to screen cases at the point of intake into the court system and to draft criminal complaints and informations for the most common crimes and fact situations. This manual should materially improve the quality and efficiency of prosecution case screening in all jurisdictions in the State.

Intensive training for district attorneys in the form of three, one-day seminars was provided on such subjects as Fundamentals of Professional Management, Manpower Planning and Control, Budget Preparation and Statistics, Grantsmanship, Case Processing Systems, Utilization of Equipment, and Utilization of Paralegals. Through the vehicle of these training conferences, PTAU was able to focus on management problems and to build an awareness of techniques and tools available to district attorneys to improve both performance and efficiency in their offices.

Special Court Projects Unit

This unit administered the non-court components of three programs which operate felony court parts throughout New York State. These programs, the Special Narcotics Program, the State Felony Program (formerly known as Dangerous Drug), and the Emergency Felony Case Processing Program, were created by the legislature in response to crises in narcotics law enforcement and the processing of felony cases. Components of these programs operated by DCJS consist of district attorneys' offices, public defenders offices, probation departments, police laboratories and corrections agencies. The Special Court Projects Unit coordinates with the Office of Court Administration, which operates the court component of these programs.

The primary responsibilities of the Special Court Projects Unit include planning and development of facilities, budgeting and allocating of resources, collection and compilation of

statistical data, and liaison with the various components funded throughout the State. The 76 court parts (total for the three programs) are distributed among the counties of Albany, Erie, Monroe, Nassau, Onondaga, Suffolk and Westchester, as well as New York, Kings, Bronx and Queens. The unit undertook an intensive study of staffing and funding patterns in each component in an attempt to equalize funding in areas of similar size and crime problems. A more detailed description of each of the programs is provided below.

(1) Special Narcotics Program - The Special Narcotics Program (SNP) began in 1971 as a legislative response to the need for a strengthened narcotics law enforcement operation in the City of New York.

Pursuant to this program, the five New York City District Attorneys formulated a plan to establish a Special Narcotics Prosecutor's Office with city-wide jurisdiction. A Special Assistant District Attorney was appointed to head this office. His staff consisted of Assistant District Attorneys and support personnel assigned to him by the five County District Attorneys. Twelve court parts, concerned solely with the handling of narcotics related cases, were created.

In 1976, 110 defendants were convicted after trial by the Special Narcotics Prosecutor's Office and 41 were acquitted, for a conviction rate of 73 percent. In addition, 899 defendants pleaded guilty before trial during 1976 and 52 percent of the defendants convicted were sentenced to state prison. This was a marked change from the 9 percent who had been sentenced to state prisons at the beginning of this program. Also in 1976, the Special Narcotics Grand Jury indicted 878 defendants and the Special Prosecutors Office took in 591 cases from New York County; there are now about 50 investigations pending. In addition, in 1976 the Unit, in conjunction with the Office of Court Administration, undertook a survey to re-evaluate and redistribute some of the parts as a result of its experience to date. It resulted in the transfer of the Niagara County part to Suffolk County, and the termination of funds to the non-court components in Niagara as of December 31, 1976.

(2) State Felony Program - In the year 1976, the Division of Criminal Justice Services (DCJS) and the Office of Court Administration (OCA) jointly administered the State's State Felony Program (also known as the Emergency Dangerous Drug Control Program).

The legislation required that the Administrative Board of the Judicial Conference adopt a plan, based upon the recommendations of the Office of Court Administration and the Division of Criminal Justice Services, for opening the authorized new court parts as the need for additional parts was demonstrated.

During the last three months of 1973, 22 new felony court parts were opened across the State. In 1974, an additional 27 court parts became fully operational.

In 1976, the 49 original dangerous drug control parts were maintained as allocated in the following chart and no new parts were opened. However, as of December 31, 1976 Niagara County's part was transferred to Suffolk County.

The distribution of the 49 operational State Felony Parts is as follows:

DISTRIBUTION OF STATE FELONY PARTS

<u>Locality</u>	<u>Number of Court Parts</u>
<u>New York City</u>	
Bronx	8
Brooklyn	11
Manhattan	9
Queens	3
TOTAL NYC	31
<u>Upstate & Suburban Counties</u>	
Albany	1
Erie	3
Monroe	3
Nassau	4
Onondaga	1
Suffolk	3
Westchester	3
TOTAL UPSTATE & SUBURBAN	18
GRAND TOTAL NEW YORK STATE	49

During 1976, funding for the State Police Laboratory was approved and seven regional crime laboratories (located in Buffalo, New York City and Syracuse, as well as in Monroe, Nassau, Suffolk and Westchester Counties) continued to be funded with State Felony Program monies.

Conviction rates in 1976 under the law remained high. The rate was 72% of the total drug felonies disposed of statewide, compared with 70% in 1975. The State prison rate increased from 32.8% in 1975 to 40.0% in 1976.

Several studies were released in 1976 evaluating the impact of the 1973 drug laws. The most extensive was conducted by the Drug Law Evaluation Project of the Association of the Bar of the City of New York. A staff report, issued in August, 1976, indicated that the class A felony plea bargaining

restrictions in the law produced larger backlogs in New York City which did not subside until late 1975. (The change in plea bargaining restrictions on July, 1976 of course, further alleviated this condition). The report's discussion of the lagging New York City Drug Parts did not seem to place the blame entirely on the law itself. While the vastly increased trial rate for A felonies played a major role in creating a logjam, the report also pointed to the sheer immensity of the New York City court system, the need for modern management techniques, the fact that inexperienced judges were initially assigned to the drug parts, and the original assignment of "possible predicate felonies" which distorted the caseload in the parts. It concluded that while the parts may have been idle at the outset, the backlogs would not have risen as much if only drug cases and cases with a predicate felony conviction had been assigned. Mention is made in the report of the change from assigning 80% drug cases to the parts to their handling any serious felonies. However, it states that while the outlook is now brighter, "pressure to dispose of drug cases must be maintained." A final report of the project is due to be released in mid-1977.

(3) Emergency Felony Case Processing Program - On determining that an emergency of acute proportions existed in the processing of felony cases in the metropolitan counties of the State (especially in New York City) during the 1972 session, the Legislature created the Emergency Felony Case Processing Program (EFP). Subject to the approval of the Administrative Board of the Judicial Conference, the Legislature mandated that the State Administrator of the Courts and the Division of Criminal Justice Services jointly prepare a plan to implement a program designed to reduce the time in the processing of felony matters.

The basic accomplishments of the EFP have been:

- the establishment of 15 new criminal term parts of the Supreme Court in New York City (4 in New York County, 8 in Kings County, and 3 in Bronx County), made possible by the conversion of civil term parts to criminal term parts and adding to them the necessary non-judicial and ancillary personnel;

- the adoption by the Administrative Board of uniform standards for all Supreme Court, criminal terms;

- an immediate and thorough study of the processing of felony cases in New York City in order to develop programs for federal funding dealing with case processing priorities, case preparation, the use of the grand juries, and the organization of the courts and ancillary services;

- the design and implementation of a case disposition monitoring system for felony matters in New York City;

- a review of the policies and procedures for the assignment of judges to criminal term parts in New York City; and

- the conversion of all Supreme Court, civil term trial parts in the four principal boroughs to Individual Calendar parts.

The State Administrator and the Commissioner of DCJS assisted by their respective staffs, worked with representatives of the Appellate Division, the Supreme Court, the three concerned district attorneys, the Legal Aid Society, the City and State Probation Departments, the City's Bureau of the Budget and the City's Criminal Justice Coordinating Council to develop specific staffing, budgeting, and facilities plans.

Inasmuch as an immediate and more substantial crisis existed in the delivery of Supreme Court probation services in Kings County, 35 additional probation officers and 11 transcribing typists were hired by the City pursuant to the EFP. Also, five mobile units of two persons each were established within the State Division of Probation to concentrate initially on completing the backlog of felony presentence reports for jailed defendants in Kings County. Thereafter, the units were made available to supplement probation offices in the rest of the City whenever a backlog built up.

The District Attorneys of New York, Bronx and Kings Counties were authorized an additional assistant district attorney per every two felony parts allocated under the EFP to his county. The district attorneys of the involved counties also agreed to take part in a productivity experiment aimed at weighing the costs and benefits of assigning more than two assistants to a criminal part. Additional assistant district attorneys were assigned to each of the new parts to aid in this productivity experiment.

The Legal Aid Society of New York City was authorized to hire additional staff attorneys and support personnel. Court officers, senior court officers, court clerks and typists were authorized to be hired by the Court Administration, in addition to those persons already employed and assigned to the civil parts which were to be converted into criminal court parts. Monies were also expended for equipment and furnishings.

In addition to the creation of 15 new criminal court parts and staffing thereof, the EFP was responsible for the following innovations:

- improved case processing programs such as priority setting and case screening and preparation were developed within the district attorneys' offices;

- a case monitoring system to monitor case backlog, intake and dispositions in criminal matters was developed;

- some felony parts were converted to deal exclusively with Legal Aid Society representation;

- EFP funds were used to aid in the running of additional criminal parts during the summer; and

- the EFP improved cooperation between the court and the agencies of government jointly responsible for the processing of criminal matters.

Juvenile Justice Institute - The Office of Children's Services was transferred to DCJS from the Office of Court Administration in 1975 and reconstituted as the Juvenile Justice Institute. Seven staff members operate the JJI with an annual budget of \$172,000. The Juvenile Justice Institute conducts research and prepares reports on a variety of topics in the field of juvenile justice for DCJS and upon request for other agencies such as the Office of the Governor and Department of Mental Hygiene.

Other responsibilities of the Institute include monitoring public and private residential facilities for children, assisting in the development of New York State's comprehensive plan for implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, and providing technical assistance to the Juvenile Justice Unit of OPPA.

During 1976, the Institute issued several reports dealing with violent and delinquent youth. The major report, Juvenile Violence, provided detailed and previously unobtainable information on the scope of the problem in New York City; it also provided information on Family Court handling of violent delinquents. This report, in conjunction with material provided to the Governor's Panel on Juvenile Violence, strongly influenced the drafting of the recently enacted Juvenile Justice Reform Act. Research for a follow-up report to this study has been completed and is now in draft stage.

The Juvenile Justice Institute prepared a second report in 1976 on violent youth; this report, Children in New York City Hospital Wards, 1975 deals with the psychiatric hospitalization of youths and the extent of their violent behavior. The report was prepared by the JJI at the request of the New York State Department of Mental Hygiene.

Staff of the Institute also participated in intensive monitoring of the LEAA funded Court Related Unit at Bronx State Hospital. This Unit, operated jointly by the State Department of Mental Hygiene and the State Division for Youth, provides psychiatric services to male youths who have been adjudicated delinquent for a designated felony act, placed with DFY Title III, and who have exhibited behavior showing a need for a psychiatric workup to determine mental illness.

Special Program for Detained Inmates

In response to an inflammatory situation in NYC Detention Facilities at Rikers Island caused by overcrowding due to serious trial delays, in 1976, discretionary funding was sought to supplement NYC courts in the handling of cases over one year of age. The Special Program for Detained Inmates was funded with \$4.8 million in 1973 LEAA reversionary money. The program established nine court parts (three parts each in New York County, Kings County, and Bronx County) for the adjudication of cases which involved long-term detainees (six months or more). Since its inception to March 31, 1977, the number of long-term detainees in NYC has been reduced from 630 to 307.

Discretionary funding for the second year will be requested this year.

State Liquor Authority Monitoring Unit

The State Liquor Authority Monitoring Unit consists of two persons operating out of DCJS, but paid by the State Liquor Authority. These persons monitor and evaluate the effect of Senate Bill (#1027A) which was passed in September 1976. The bill gives the State Liquor Authority power to deal with unlicensed premises, and provides for an increase in filing fees, cyclical billing fees, price schedule listing fees, brand label registration fees and certain others. The bill also brought about a new provision whereby additional fees for renewals of certain licenses could be charged, and authorized the State Liquor Authority to engage investigators for purposes of enforcing the new law. In addition, it made the provision that an arresting agency notify the SLA and District Attorney of specific information relating to arrests and enumerated crimes occurring on licensed premises.

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