




Division of Criminal Justice Services

MEMORANDUM

TO: District Attorney and County Attorneys

FROM: Michael C. Green 
Executive Deputy Commissioner

DATE: October 5, 2017

SUBJECT: Certification of Decline to Prosecute Prior to Arraignment

Pursuant to Criminal Procedure Law (CPL) §160.50.3(i), a presentment agency is statutorily responsible for notifying the New York State Division of Criminal Justice Services (DCJS) and the appropriate police department or law enforcement agency when it elects not to prosecute an individual prior to the filing of an accusatory instrument. Upon notification, DCJS will seal the related arrest record in accordance with the law. It is essential that DCJS be notified in a timely manner as the failure to notify DCJS may result in an arrest record remaining open on an individual's criminal history when it should have been sealed as required by statute. In order to standardize the process and ensure the quality of DCJS records, DCJS has developed the attached form for use by all presentment agencies to provide notice to DCJS in accordance with CPL §160.50.3(i). This form should be mailed or faxed as indicated. Please note the Criminal Justice Tracking Number (CJTN) and New York State Identification (NYSID) numbers are required fields which will ensure that the arrestee and their corresponding arrest cycle are properly identified.

The attached form (Certification of Decline to Prosecute – Sealing Order: DCJS form 1975) can also be found under Forms and Publications in the Law Enforcement Suite of the eJustice Integrated Justice Portal.

Thank you for your anticipated cooperation. If you require assistance or have any questions, please contact Melanie Ramos, Office of Criminal Justice Records, at (518) 457-6158 or by email at Melanie.Ramos@dcjs.ny.gov.