



## Division of Criminal Justice Services

### Certification of Decline to Prosecute

INSTRUCTIONS: This form is to be used if the prosecutor elects not to proceed further with an adult arrest which would constitute a termination in favor of the defendant pursuant to Criminal Procedure Law §160.50(3)(i) or if the appropriate presentment agency does not originate a proceeding for a juvenile arrest pursuant to FCA §354.1(3).

The completed form may be sent by fax to (518) 457-4928 or mailed (DCJS Office of Criminal Justice Records, A.E. Smith Bldg., 80 S. Swan St., Albany, NY 12210).

\*Please check the appropriate box:

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**Adult Decline to Prosecute (Criminal Procedure Law §160.50(3)(i))**

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**Juvenile Decline to Prosecute (Family Court Act §354.1(3))**

#### Agency

Name of Agency/ORI Number: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

#### Arrest Information

Arrest Date: \_\_\_\_\_

\*Criminal Justice Tracking Number (CJTN): \_\_\_\_\_

Place of Arrest: \_\_\_\_\_

Arrestee Name: \_\_\_\_\_

DOB: \_\_\_\_\_ \*NYSID: \_\_\_\_\_

\*Indicates a required field

CPL §160.50(3)(i) - Prior to the filing of an accusatory instrument in a local criminal court against such person, the prosecutor elects not to prosecute such person. In such event, the prosecutor shall serve a certification of such disposition upon the division of criminal justice services and upon the appropriate police department or law enforcement agency which, upon receipt thereof, shall comply with the provisions of paragraphs (a), (b), (c) and (d) of subdivision one of this section in the same manner as is required thereunder with respect to an order of a court entered pursuant to said subdivision one.

FCA §354.1 - If the appropriate presentment agency does not originate a proceeding under section 310.1 for a case in which the potential respondent's fingerprints were taken pursuant to section 306.1, the presentment agency shall serve a certification of such action upon the division of criminal justice services, and upon the appropriate police department or law enforcement agency.