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**OFFICE OF CRIMINAL
JUSTICE OPERATIONS**

Best Practices Bulletin 09-001 January 5, 2009

Best Practices for Sealing Electronic Arrest Data

BEST PRACTICES FOR SEALING ELECTRONIC ARREST DATA

Over the past few years there has been a proliferation of livescan and cardscan devices throughout New York State and an increase in the electronic transmission of arrest data to DCJS. As a best practice, you may wish to review how your agency is addressing compliance with CPL 160.50 and 160.55 in the sealing of stored electronic arrest data. The capture and transmission of electronic criminal fingerprint submissions to DCJS via store-and-forward often results in a digital copy of the submitted data being stored in your agency's files. Depending on how your booking system is configured, the digitized submission may also be stored in your local livescan/cardscan capture device, your records management system, and/or a server shared among several agencies. Please be aware that CPL 160.50 and 160.55 calls for the return or destruction of photographs, palm prints and fingerprints upon the termination of an action in favor of the accused, and, in fact, applies to all digitized copies of such submissions.

Each agency is encouraged to speak to legal counsel about how the sealing provisions of the CPL should be applied to your systems. You may also wish to discuss this issue with your livescan/cardscan vendor for further guidance regarding available tools to help keep your sealed records current.

If you have any additional questions, please contact the DCJS Customer Contact Center (CCC) at 1-800-262-DCJS.