



**Division of Criminal  
Justice Services**

# **New York State's Application for Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds – FFY 2016**

**June 30, 2016  
Grant Request: \$9,262,954**

This proposal is for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2016 in the amount of \$9,262,954.

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## **PROGRAM NARRATIVE**

### **I. Statement of the Problem**

In 2015, crime reached an all-time low in New York State. A total of 388,731 Index crimes were reported, the fewest since statewide reporting began in 1975.<sup>1</sup> That milestone — surpassing one set in 2014 — resulted in the state's Index crime rate declining by 21 percent when comparing 2006 vs. 2015. During the same 10-year period, the violent crime rate dropped 13 percent and the property crime rate, 22 percent.

New York State's reduction in crime rate is due to a significant decline in reported crime coupled with an increase in the state's population. In 2015, there were 89,136 fewer crimes reported than in 2006. Meanwhile, the state's population increased by nearly half a million residents during the 10-year period from 2006 to 2015. The volume of reported crime statewide also decreased by 18.7 percent when comparing 2006 and 2015. Index crime totals have declined annually since 2012.

Index crimes in the state's two regions — New York City (five counties, also called boroughs) and non-New York City (the state's remaining 57 counties upstate and on Long Island) — declined when comparing 2006 to 2015. This 10-year period saw a shift in crime trends, with the number of Index crimes reported outside of New York City declining more sharply than those reported in the five boroughs. Between 2006 and 2015, reported Index crime declined 12.4 percent in New York City and 23.3 percent in the 57 counties Upstate and on Long Island. At the same time, the decrease in violent crime in those 57 counties was nearly six times greater than in New York City: 22.1 percent vs. 3.8 percent. In addition, violent crime outside of New York City declined annually from 2006 through 2011, and again from 2012 through 2014. In New York City since 2006, violent crime peaked in 2012 and then declined for two consecutive years. The uptick in violent crime from 2014 to 2015 in both regions was due to the expanded rape definition. The change resulted in 3,516 additional crimes being classified as the Index crime of rape. In years' past, the FBI classified those crimes as Part II sex offenses.

In 2015, the total number of Index crimes reported in New York State decreased 5.2 percent when compared to the year before. Six of the seven Index crimes declined, with the largest reductions reported in burglary (-13.7%) and larceny (-6%). The 3.4 percent increase in violent crime was caused, in part, by the expanded definition of the rape crime category. All other violent crimes — murder, robbery and aggravated assault — decreased in 2015 when compared to 2014.

The total number of Index crimes in New York City decreased by 2.8 percent when comparing 2014 and 2015. The reduction in the five boroughs is attributable to fewer property crimes being

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<sup>1</sup> New York State Division of Criminal Justice Services, New York State Crime Report: Crime in New York State 2015 Preliminary Data.

reported: burglary (-11.4%), larceny (-3.3%) and motor vehicle theft (-4.4%) all declined. In the violent crime category in New York City, reported murders and robberies increased by 5.7 percent and 2.2 percent, respectively. Aggravated assaults decreased by 2.9 percent. Meanwhile, reported crime in the 57 counties Upstate and on Long Island decreased 7.1 percent in 2015 when compared to the year before. Decreases were reported in six Index

crime categories: In the violent crime category, murder (-8.8%) and robbery (-7.5%) decreased significantly while aggravated assaults were flat. Each of the three property crime categories — burglary, larceny and motor vehicle theft — also declined. As noted earlier, percentage differences were not calculated for rape in either region because of the expanded definition of the crime.

The Division of Criminal Justice Services (DCJS) collects data from law enforcement regarding the number of reported violent crimes that involved the use of a firearm. Between 2014 and 2015, violent crimes involving firearms decreased by 6 percent in New York City, with 428 fewer violent crimes reported in 2015 as compared to 2014. During the same time frame, violent crimes involving a firearm in the 57 counties outside of New York City decreased by 5 percent, with 221 fewer crimes reported.

Mirroring the trend in overall Index crime, the number of homicides reported statewide in 2015 reached the lowest point since crime reporting began in 1975. This decline is driven primarily by a decrease in the number of homicides reported in New York City. When comparing 2006 to 2015, homicides statewide decreased by 34 percent (927 vs. 610). Since 2010, the number of homicides has declined in every subsequent year. Homicides by firearm showed a similar trend, declining 5.4 percent over the past 10 years and 26.6 percent between 2010 and 2015.

#### **A. State Strategy and Funding Priorities**

Based on an analysis of crime data and budget information, New York will utilize the federal fiscal year (FFY) 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) to support the following priorities:

1. Improve the quality, accuracy, and timeliness of criminal justice records.
2. Improve the capabilities and quality of work of forensic laboratories in DNA identification, ballistic evidence processing, new technologies, and improved quality.
3. Enhance the quality and effectiveness of violent crime and drug prosecution and enforcement, especially as it relates to gangs and to illegal possession and use or sale of guns, and gun violence reduction initiatives.
4. Improve the comprehensive investigation of non-fatal shooting cases.
5. Establish a New York State Criminal Justice Research Consortium to link criminal justice practitioners with academic researchers.

6. Improve the quality and effectiveness of prosecution and defense services.
7. Provide additional support for the State's Regional Crime Analysis Centers who share information and provide law enforcement with accurate and timely data.
8. Enhance local law enforcement efforts to effectively and efficiently reduce the incidence of crime and violence in their locality through the use of evidence based, proven strategies.
9. Improve procedural justice in law enforcement agencies throughout the State.

The projects to be funded illustrate the comprehensive nature of New York's Byrne JAG Program: a variety of projects to improve the accuracy and completeness of state criminal history records and facilitate electronic data sharing among authorized users; forensic services including the enhancement of ballistic evidence and DNA processing; prosecution and defense programs that handle cases involving guns, gangs, and drugs; crime analysis designed to assist local law enforcement; and law enforcement efforts to reduce crime and gun violence.

#### **B. Award Process and Timeline**

Allocation of Byrne JAG monies in New York, including the determination of specific grantees, is a shared responsibility of the Executive and Legislative branches. Traditionally, the Legislature has identified for distribution approximately two-thirds of the local pass-through funds. While the Executive Deputy Commissioner of DCJS will engage in a collaborative dialogue with legislative leaders to foster a more coordinated funding approach consistent with overall criminal justice goals, it is expected that both houses will continue to be responsive to constituent demands and needs and will fund a broad array of programs consistent with their longstanding patterns and Byrne JAG guidelines.

The timeline for awarding Byrne JAG funds will vary. The State Legislature earmarks certain Byrne JAG funding at their discretion. Byrne JAG funding authorized by the Executive Deputy Commissioner of DCJS will be awarded in varying ways using both directed and competitive methodologies. DCJS will award grants designed to advance the public policy objectives identified under "Priorities" as well as based on emerging crime patterns around the State.

#### **C. Program Descriptions**

1. Improve the quality, accuracy and timeliness of criminal justice records

Each year, a substantial portion of the State's Byrne JAG award is allocated for enhancement of State and local criminal justice records through DCJS administered data access and data quality initiatives and local efforts to automate records and records management systems. A broad range of agencies, including police, prosecutors, public defense agencies, probation departments, parole/corrections and others benefited from these funds. These funds enabled New York law enforcement and other criminal justice agencies to keep pace with the latest

information technology, promote electronic data sharing, and improve data quality. Among the projects funded are:

- Deployment of the DCJS Spectrum Justice System (SJS) records management system in local law enforcement agencies;
- Automation of local probation department records management through deployment of Caseload Explorer;
- Implementation of electronic Palm Print Processing in NYS and forward to the FBI;
- Implementation of Domestic Incident Reports (DIR) and Warrant Notification to Probation;
- Implementation of Integrated Name Search, proving accuracy of records through fewer missed identifications;
- Electronic Submission of DIR;
- Implementation of enhanced Probation Risk Assessments, through the NYCOMPAS;
- Enhancements to the DNA Management System;
- Enhancements to the Electronic Fingerprint Processing System;
- Automation and electronic submission of Sex Offender record data;
- Probation Adjustments for Juvenile Delinquent Cases; and,
- Juvenile cleanup through identification and expunction of legacy juvenile records.

Support for these and other identified efforts will be continued.

In addition, DCJS will continue to use Byrne JAG funding to provide Livescan equipment for electronic fingerprint submission to police departments, sheriffs' offices, and jails throughout the state. Livescan equipment provides better quality fingerprint submissions than traditional ink and roll fingerprints, and the newer models are also capable of processing palm prints. Livescan facilitates more timely receipt of arrest fingerprint search results by law enforcement agencies and the courts while providing greater efficiency for DCJS, as it eliminates the need for DCJS staff to manually enter ink and roll arrest fingerprint cards into the fingerprint repository. The 2016 Byrne JAG funding will be used to update and replace older Livescan equipment with current technology.

2. Improve the capabilities and quality of work of forensic laboratories in DNA identification, ballistic evidence processing, and new technologies

Forensic services supported through the Byrne JAG program have enabled New York to take advantage of the capabilities afforded by the collection and analysis of DNA samples from known offenders and crime scene evidence. The advances in this area have already yielded

impressive dividends, leading to the closure of numerous unsolved cases. These benefits will continue to accrue as state and national DNA databases expand, law enforcement agency skills improve through additional training, and additional resources are devoted to emerging technologies.

DCJS' Office of Forensic Services (OFS) was created following enactment of Executive Law Section 995, et seq., providing for:

- DCJS design and oversight of the DNA Identification Index (synonymously known as the "DNA Databank" throughout the law);
- Management and coordination of the New York State Commission on Forensic Science and its DNA Subcommittee; and
- DCJS activities related to the accreditation of all New York State public forensic laboratories.

The 2012 expansion of the DNA Databank is continuing to show important results. As of April 2016, there were 598,399 unique DNA offender profiles in the Databank. Since inception, there have been more than 21,000 hits to the DNA Databank. A total of 22,122 law enforcement investigations have been aided since August 2000. Byrne JAG funding will continue to be used to supplement State resources devoted to the activities of the DCJS Office of Forensic Services.

3. Enhance the quality and effectiveness of gun and violent crime drug prosecution and enforcement, especially as it relates to gangs and to illegal possession, use or sale of guns, and gun violence reduction initiatives.

The issue of criminal acquisition and subsequent use of firearms in the United States continues to plague law enforcement officials and the communities they serve. The increase and spread of violent crime, in particular crimes committed by juveniles and youth gangs, must be specifically addressed to decrease the number of gun-related deaths and injuries that negatively impact the quality of life in our communities. Research has shown that individuals between the ages of 15 and 24 are more likely to be a victim of gun violence than any other form of violence.

Furthermore, this age group is most at risk for gun violence and has an increased likelihood of being murdered with a gun as compared to persons of other ages.

In 2015, the number of firearm-related violent crimes decreased by approximately 6 percent in New York City and 5 percent in the 57 counties outside of New York City when compared to 2014.

These trends show that law enforcement must continue to employ effective enforcement tactics and policies that include community-based intervention and prevention with an emphasis on collaboration with all vested partners. Research indicates there have been a number of models, initiatives, and programs tried: suppression, deterrence, interventions, demand side versus supply side gun violence strategies; even "carrot and stick" approaches showcased as National Institute of Justice (NIJ) published strategies of the Retailing and Lever Pulling genre.

Over the last several years, New York State has supported a variety of programs under Operation Impact in order to fight crime and reduce violence in the 17 counties that account for over 80% of reported crimes outside of New York City. These programs aim to improve information sharing and partnerships, timeliness and accuracy of crime data, community involvement, and intelligence-based policing. In 2014, DCJS began implementing the Gun-Involved Violence Elimination (GIVE) initiative, which is building on the programs, networks, and collaborations established under Operation Impact to focus more specifically on reducing gun violence in those jurisdictions. GIVE supports evidence based, proven strategies including focused deterrence, hot spot policing, Crime Prevention Through Environmental Design (CPTED), and street outreach work. Problem oriented policing principles are used to develop individual strategies, and procedural justice must be incorporated into the work in each jurisdiction. DCJS has invested heavily in training and technical assistance to assist our local GIVE partners in developing and implementing successful strategies, engaging the National Network for Safe Communities, Justice and Security Strategies Inc. (Craig Uchida), National Crime Prevention Council, Cure Violence, and the Institute for the Study and Practice of Non-Violence (Teny Gross) among others to help deliver the education, training and technical assistance. In 2016, DCJS will continue to work with our partner agencies in the third year of GIVE.

DCJS will use 2016 Byrne JAG funding to continue to evaluate the effectiveness of the programs implemented under the GIVE initiative in order to inform data-driven strategies for reducing gun violence. Funding will also be used to provide technical assistance and oversight for GIVE programs.

In addition, DCJS has supported neighborhood-based gun violence reduction strategies under the SNUG (“GUNS” spelled backwards) initiative since 2010. The SNUG initiative (or Neighborhood Violence Prevention Program) has a goal of reducing gun-related injuries and deaths in selected localities with high rates of such injuries among youth and young adults. The programs are designed around street outreach workers and violence interrupters to connect with at-risk individuals and utilize community based organizations and individuals that are well positioned to work with the highest risk youths and young adults in the community. DCJS will utilize 2016 Byrne JAG funding to fund a Neighborhood Violence Prevention Program Coordinator to provide oversight and technical assistance to the eleven SNUG sites operating around the state under the Cure Violence model.

#### 4. Improve the comprehensive investigation of non-fatal shooting cases

Recognizing that non-fatal shootings are typically solved and prosecuted at much lower rates than homicide cases, DCJS will support a demonstration project aimed at ensuring the comprehensive investigation of all non-fatal shooting cases. The project will focus on bullet-to-body shootings, but other confirmed shooting cases where intended victims were not struck may be included on a case by case determination. Particular attention will be given to circumstances where victims are uncooperative, with emphasis on the “evidence-based” prosecution mindset that is often used in domestic violence cases for the investigative process. Funding will support

investigator positions, a crime analyst position, laboratory analysis of key evidence, and an academic researcher to evaluate the project. A local police department will partner with a district attorney's office to develop documented investigative and prosecutorial protocols to use in these cases and for purposes of program evaluation.

5. Establish a New York State Criminal Justice Research Consortium to link criminal justice practitioners with academic researchers

DCJS will use 2016 Byrne JAG funding to launch a state Criminal Justice Research Consortium that supports practical partnerships between the research community and the criminal justice community. Through the Consortium, New York seeks to bridge the gap between criminal justice research and practice and expand the use of evidence-based practices in local criminal justice agencies. The Consortium will maintain a database of interested researchers consisting of criminology and criminal justice researchers from colleges and universities across New York State, and match them to practitioner requests for assistance. Academic researchers will provide assistance with: research and evaluation; data collection and analysis; or program planning and implementation. DCJS will maintain an inventory of project reports and research findings produced from such partnerships to allow practitioners to learn from others. Three anchor schools throughout NYS will play specialized leadership roles and host regional gatherings for researchers and practitioners to promote the use of evidence-based practices. In addition, DCJS will use JAG funding for small project grants that will support local research and program implementation efforts.

6. Improve the quality and effectiveness of prosecution and defense services

Byrne JAG funding will continue support for both prosecution and defense services designed to enhance the quality and effectiveness of violent crime and drug prosecution; and to improve case outcomes by expediting the flow of drug and violent offenders through the criminal justice system. For over twenty years, Byrne JAG funding has provided additional resources to prosecutors in the State to combat identity theft, violent crime, gangs and the trafficking of illegal guns and drugs, as well as community prosecution programs.

Defense programs have also received Byrne JAG funding to improve the defense of indigent special population groups (drug or alcohol addicted, persons with mental health issues, sex offenders, etc.) or those indigent defendants processed through specialty courts (Drug, Domestic Violence, Sex Offender, etc.), or to enhance early defense intervention strategies and representation during initial court proceedings.

7. Provide additional support and expansion of the State's Regional Crime Analysis Centers who share information and provide law enforcement with accurate and timely data

Byrne JAG funds will continue support to the State's eight Regional Crime Analysis Centers (CACs) for on-site training, guidance and assistance in developing effective intelligence-led crime reduction strategies and for improving local crime analysis capabilities. The Centers are



comprised of law enforcement personnel and crime analysts from federal, state, county and local agencies. The goal of the centers is to share information and provide law enforcement with accurate and timely data, which they can then use to identify patterns, deploy resources and reduce crime throughout the State.

8. Enhance local law enforcement efforts to effectively and efficiently reduce the incidence of crime and violence in their locality

DCJS will competitively award Byrne JAG funds to the jurisdictions in New York that did not qualify for direct awards from the Department of Justice (the less than \$10k jurisdictions) to enhance local law enforcement efforts to effectively and efficiently reduce the incidence of crime and violence in their jurisdiction. 2016 Byrne JAG funds will be used to provide research, training, resources, and program development to the law enforcement agencies throughout the state.

9. Support strategies to improve or enhance procedural justice in law enforcement agencies throughout the State

In recognition of the importance of cooperation and involvement by the public in police operations, DCJS will award Byrne JAG funds to support training and development of strategies to enhance the sense of procedural justice in law enforcement agencies around the State. Procedural justice is a measure of the extent to which members of the public perceive the police to be fair, unbiased, and trustworthy. Procedural justice can impact the public's sense of the legitimacy of a law enforcement agency, or the belief that the agency is competent and deserving of the authority to address problems in the community. DCJS is planning a symposium focusing on procedural justice as well as leadership training with procedural justice components.

## **II. Statewide Planning and Coordination**

The initiatives outlined in this narrative reflect the priorities identified in New York State's 2016-2017 budget. They include improving the effectiveness of statewide enforcement and prosecution efforts against violent crime (including gun and drug trafficking and gang violence), developing local capacity to adopt intelligence-led policing strategies based on real-time crime analysis, and maintaining high quality criminal justice records and forensic laboratory services. Most sources of funding (both State and federal) administered by DCJS will be given to local criminal justice agencies based on a competitive process and contingent upon their creation and implementation of programs designed to impact these priorities.

Some of the requirements imposed by DCJS as a condition of receiving both State and federal funding promote coordination and planning. Two of the State's major initiatives, the GIVE initiative and the Reentry initiative, require recipient jurisdictions to form a local partnership or consortium to develop a local strategy as part of their application to DCJS. In past years, Operation IMPACT required local consortiums whose memberships included the U.S. Attorney as well as federal, state, and local law enforcement agencies. This year, the State will continue

to build upon the success of the first two years of the GIVE Initiative. GIVE is utilizing the partnerships and consortiums developed under Operation IMPACT and the first year of GIVE to address the problem of gun violence, focusing those resources on shootings and homicides. Similarly, the State-supported Reentry Task Forces have a local consortium requirement which assures the perspectives of multiple State and local agencies are reflected in each jurisdiction's plan.

Local task forces and all gun, gang, and drug enforcement and prosecution initiatives funded with Byrne JAG monies, either partly or in whole, will have this same requirement. In addition, the mechanisms that will be employed to fund these programs, combining federal and State dollars from several agencies and funding streams, ensure shared responsibility and ownership. State agencies also will collaborate on research efforts designed to ascertain the efficacy and cost effectiveness of various crime strategies.

The strategic planning process utilized to determine allocation of JAG funds involves a variety of stakeholders at the state and local level. The Governor's Deputy Secretary for Public Safety oversees the activities of all state criminal justice agencies. The Deputy Secretary's role involves determining program and budget priorities in conjunction with agency heads charged with the administration of corrections, parole, probation, juvenile justice, criminal justice information systems such as the criminal history and fingerprint databases and the NYS Sex Offender Registry, and other functions. Support for these programs is provided using a combination of State and federal resources, including JAG funds, although the majority of criminal justice funding is largely the responsibility of localities. Thus, the Deputy Secretary receives input from stakeholders including state agency commissioners and local criminal justice officials (e.g., district attorneys, police, probation), which is factored into the development of the state's criminal justice plan as reflected in the Executive Budget (there is not a separate JAG strategic plan). In addition, many state criminal justice functions are governed by advisory boards that have input as to the distribution of funds for programs involving forensics, juvenile justice, motor vehicle theft and insurance fraud, and other areas.

The NYS Legislature and the Judiciary are separate branches of government; however, they too have an important stake in the State's strategic planning process. For example, through longstanding agreement with the Executive branch, the Legislature allocates a portion of JAG funds each year. Their process reflects input from local stakeholders, including law enforcement agencies, community crime prevention groups, domestic violence organizations, substance abuse service providers, schools, and others. There is also consultation between the Legislature and Executive branches to ensure that unmet needs are satisfied and to avoid duplication of effort.

In summary, NYS takes into consideration and weighs the distribution of the JAG funds in conjunction with numerous state policy makers and based on data-driven statistics. New York State has also used JAG funds as "seed" money, based on the indication of data and research, to start a variety of different public safety initiatives that are then supported with state general

funds in later years. Many of these initiatives involve collaboration with local public safety agencies to implement a funded JAG program.

### **III. Plan for Collecting and Submitting Performance Measurement Data**

Since BJA's PMT system became operational, DCJS has integrated the required performance measures into each Byrne JAG sub-recipient grant contract. DCJS requires each sub-recipient to submit PMT data directly into the PMT system and monitors the submission of such data closely. DCJS also conducts ongoing training for subrecipients and assists them in complying with the reporting requirement.