



NEW YORK STATE  
OFFICE *for the* PREVENTION of DOMESTIC VIOLENCE

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## An Overview of a Valuable *No-Cost* Tool for Law Enforcement: The DIR Repository

### What is the New York State Domestic Incident Report Repository (DIRR)?

The NYS DIRR is an electronic database, available via the eJustice Integrated Justice portal (IJ Portal), containing all DIRs submitted to DCJS by police and sheriff's departments in the 57 counties outside of New York City. Currently, DCJS receives more than 200,000 DIRs per year, which are scanned within 48 hours of receipt by DCJS and then able to be searched by registered users. All DIRs submitted to DCJS from January 2010 to present are currently available in the DIRR.

### Who can register for access to the DIRR?

Any law enforcement agency (a police agency, sheriff's office, district attorney's office, office of the attorney general, federal law enforcement on tribal grounds, probation department, community supervisions agency) or any dispatch/911 Call Center located within a police agency or sheriff's office.

### How can the DIR Repository aid law enforcement professionals?

- **Enhances safety for all.** A more complete history of suspect's reported abuse can show a pattern of incidents and escalating dangerousness/risk of dangerousness.
- **Provides crucial information to responding officers.** Police dispatchers/communications staff can advise responding police officers of safety risks from prior DIRs involving the same location such as: weapons, threats to kill, etc.
- **Assists in determining the primary physical aggressor.** Prior DIRs can show abuse history, threats of additional harm, and context of self-defense allegations.
- **Enables charging and prosecuting course-of-conduct crimes.** Identifying context within a pattern of abuse can support felony and misdemeanor charges (e.g., coercion, witness intimidation and tampering, stalking, menacing).
- **Enables comprehensive pre-sentence investigation reports for probation.** Scanned DIRs provide Probation departments with immediate access to collateral contact information, defendant behaviors, threats and weapons, injuries, and additional evidence.
- **Assists probation and parole in determining sanctions against their clients.** Probation and Parole can access all documented, scanned past and current probationer and parolee behaviors – including any new DIRs resulting in police contact – in order to monitor and sanction supervisees according to the conditions of supervision.
- **Improves collaboration between law enforcement and victim services.** Repository information identifies risk factors and interventions for victims/children and assists with policy development, coordination, and additional victim resources.

## The DIRR: Application, Registration, and Navigation

### Registration for access to the DIRR has been greatly streamlined! (rev. 1/14)

- The agency Terminal Agency Coordinator (TAC) logs on to the eJusticeNY Integrated Justice (IJ) Portal at [www.ejusticenyny.gov](http://www.ejusticenyny.gov)
  - If the agency has not yet designated a TAC, or does not have access to the eJusticeNY Integrated Justice (IJ) Portal, email the DCJS Customer Contact Center (CCC) at [CCCenter@dcjs.ny.gov](mailto:CCCenter@dcjs.ny.gov) for assistance.
- On the Home page of the IJ Portal, The TAC selects **Resources** on the top bar, and then selects **News** and then **Announcements** from the drop-down bars. The TAC then scrolls down the **Announcements** list and selects **2013-03-18: Modified DIR Registration** and reviews the **Domestic Incident Report (DIR) Repository Policies and Procedures Manual**.
- The Agency executive completes the simplified one-page User Agreement at the end of the Policies and Procedures Manual and scans or emails the form to the DCJS Customer Contact Center (CCC) at [CCCenter@dcjs.ny.gov](mailto:CCCenter@dcjs.ny.gov)
- The CCC will notify the TAC when the agency has access to the DIRR.
- All agency users will be responsible for compliance with the terms and conditions governing the use of the DIRR and all other applicable laws and regulations.

### What DIR data is available in the Repository?

- Page 1 of all DIRs sent to DCJS are scanned into the DIRR.
- Name, address, and document number tabs allow for automated searches.
- Victim and offender names and incident location are “hot-linked” to show all DIRs connected to that victim, offender, or location.

### What do automated searches by name, address, & document number provide?

- **Name** –shows searched name (*and similar names*) of victim, suspect, or witness on prior DIRs.
- **Address** –shows searched address (*and similar addresses*) of address of the occurrence, victim, or suspect on prior DIRs.
- **Document number** – search document by Incident #, Complaint #, or Arrest #.

### How can police agencies ensure that the data in the DIR Repository is accurate and complete?

- Routinely check DIRs to ensure that they are legible, complete, and accurate.
- Report DIRR errors to DCJS at [CCCenter@dcjs.ny.gov](mailto:CCCenter@dcjs.ny.gov)
- Submit DIRs to DCJS as soon as possible to ensure the DIRR provides the most timely information

# **DOMESTIC INCIDENT REPORT (DIR) REPOSITORY**

**POLICIES & PROCEDURES MANUAL**

## 1.0 GENERAL PROVISIONS:

- 1.01 The purpose of the DIR Repository Policies and Procedures Manual is to set forth the terms and conditions governing use of the DIR Repository.
- 1.02 The Domestic Incident Report (DIR) Repository System (DIR Repository) allows authorized users to directly access the names and addresses of victims and suspects, addresses of incident locations and document numbers captured from DIR forms and scanned copies of the DIRs.
- 1.03 The purpose of the DIR Repository is to enable authorized users to effectively investigate and prosecute crimes of domestic violence across jurisdictions and allow supervising agencies to effectively supervise domestic violence suspects, while recognizing the need to maintain the confidentiality of information contained in the DIR Repository to protect victims of domestic violence.
- 1.04 The DIR Repository has three different search capabilities based on three different levels of authorized use, which allows authorized users to search the electronic database and obtain different levels of information. The levels are delineated below:
  - (a) **DIR Summary** – Grants access to “DIR Search and Retrieve Summary” to search an incident address to get a summary of all DIR Activity at that location including the number of reports filed and if there are any “red flag” indicators. This level is intended primarily for use by dispatchers.
  - (b) **DIR Search** – Grants access to “DIR Search and Retrieve” to view the results list with victim and suspect names and addresses, but there is no access to the scanned image.
  - (c) **DIR Access To Image** – Grants further access in “DIR Search and Retrieve” to allow the user to open the actual scanned image which is “hotlinked” from the results list.
- 1.05 Authorized users agree to abide by the terms and conditions governing the use of the DIR Repository and all other applicable laws and regulations.
- 1.06 Users of the DIR Repository must have network connectivity to *eJusticeNY* Integrated Justice Portal.

## 2.0 DEFINITIONS

For the purpose of this policy the following definitions apply:

- 2.01 Law Enforcement Agency (LEA): A police agency, sheriff’s office, district attorney’s office, office of the attorney general, federal law enforcement on tribal grounds, probation department, community supervisions agency or any

dispatch/911 Call Center contained within a police agency or sheriff's office.

- 2.02 911 Call Center: A Non-Criminal Justice affiliated 911 Center that is not housed within a law enforcement agency but that has been sponsored by a local law enforcement agency to enter into a management control agreement with the State CJIS Systems Office (CSO). Personnel within a 911 Call Center will have access only to the DIR Summary level of the DIR Repository.
- 2.03 Investigation: An investigation or prosecution within the LEA's jurisdiction of a crime, or suspected criminal activity, conducted by the LEA.
- 2.04 Subject of Interest: An individual who is: relevant to an active investigation; wanted pursuant to a sworn arrest warrant; a witness to a crime or suspected criminal activity and his/her whereabouts are unknown; or a missing person due to a crime or suspected criminal activity.
- 2.05 Probation Services: Individuals under criminal court ordered investigation or supervision including pre-trial release and interim probation supervision, as well as individuals under investigation or supervision and/or diversion services pursuant to Family Court. (i.e. Family Offense, Juvenile Delinquency, Persons in Need of Supervision, Custody, Adoption, Support and Visitation).
- 2.06 Red Flag Indicators: Summary of certain sections of the DIR including but not limited to: Suspect Information Section: Prior DV History, Access to Weapons, Arrest Made; Offense Involved Section: Felony, Misdemeanor, Violation, OP Violated; Investigation Section: Guns in House, Guns Seized, Gun Permit Seized; Suspect Actions Section: Forced Entry, Forcible Restraint, Homicide, Shooting, Stabbing, Suicide or Attempt, Violated Visitations/Custody Actions; Threats Section: Injure/Kill Persons, Injure/Kill Self, Take Child, Choke/Strangle; and Threat with Weapon Section: Gun, Sharp Instrument.
- 2.07 DIR Scanned Image: A scanned image of an original, hardcopy DIR form along with any attachments or an electronic facsimile rendered from data captured in a DIR system operated by a law enforcement agency.
- 2.08 Community Supervision: Individuals under the jurisdiction of the Department of Corrections and Community Supervision who are in the community through a grant of temporary release, presumptive release, parole, conditional release or serving a period of post release supervision. This shall include individuals who are supervised by the Department of Corrections and Community Supervision pursuant to the Interstate Compact for Adult Offender supervision, Executive Law §§ 259-mm or those subject to a regimen of strict and intensive supervision and treatment pursuant to Article 10 of the Mental Hygiene Law.

### **3.0 ADMINISTRATION**

- 3.01 The DIR Repository is maintained by NYS Division of Criminal Justice Services (DCJS).
- 3.02 The DIR Repository is the property of DCJS, not the LEA or the 911 Call Center. Should the LEA or the 911 Call Center receive Freedom of Information Law requests pertaining to DIRs, the LEA or 911 Call Center must comply with their internal procedures pertaining to FOIL requests. If it is determined that any part of a DIR must be provided, the LEA must provide its copy of the DIR, not the copy from the DIR Repository.
- 3.03 Each local, state and federal agency wishing to access the DIR Repository must submit an application and be approved for access by DCJS.

### **4.0 SYSTEM SUPPORT SERVICES**

- 4.01 All questions concerning access, connectivity or system maintenance shall be submitted to the DCJS Customer Contact Center at 518-457-5837 or 1-800-262-3257.
- 4.02 All service related issues will be addressed by the DCJS Customer Services Group in a timely manner during normal business hours.

### **5.0 APPLICATION**

- 5.01 To apply for access to the DIR Repository, the LEA's or 911 Call Center's Executive Officer or Chief must complete and submit the following forms:
  - “DIR Repository User Agreement” (Appendix A)
- 5.02 The completed forms may be e-mailed to the Customer Contact Center – [CCCenter@dcjs.ny.gov](mailto:CCCenter@dcjs.ny.gov), or faxed to 518-457-5617.
- 5.03 Agency eligibility to access the DIR Repository will be based on procedures to be established by the commissioner of DCJS<sup>1</sup>.
- 5.04 A written response to the applicant pertaining to eligibility to access the DIR Repository will be mailed, e-mailed or faxed back to the LEA's or the 911 Call Center's Executive Officer or Chief.

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<sup>1</sup> Applications will be considered from all LEA and all 911 Call Centers.

## 6.0 USER AGREEMENT

- 6.01 By signing the DIR Repository User Agreement, the LEA or 911 Call Center Executive Officer or Chief agrees that the agency will abide by the terms and conditions governing the use of the DIR Repository, that it will comply with all other applicable laws and regulations and that the LEA and/or the 911 Call Center recognizes the need to maintain the confidentiality of the information contained in the Repository to protect victims of domestic violence.
- 6.02 By signing the DIR Repository User Agreement, the LEA or 911 Call Center Executive Officer or Chief understands that the unauthorized acquisition of information maintained in the DIR Repository may require that notification of the unauthorized acquisition be given to the subject of interest pursuant to the Information Security Breach Notification Act (NYS Technology Law §208) [attached].

## 7.0 SUBMISSIONS VIA *eJusticeNY Integrated Justice Portal*

- 7.01 To obtain a DIR scanned image or DIR Search Information using the DIR Repository, the authorized user must submit the following information:
- 7.01.01 Requestor Name;
  - 7.01.02 Request Detail (e.g., LEA Case Number, Name of subject of interest, other comments);
  - 7.01.03 Reason for Request;
  - 7.01.04 All elements from the search request parameters (Name, Gender, DOB, Address, etc.)
- 7.02 Permissible reasons (“reason code”) for requesting information from the DIR Search or DIR Access to Image levels of the DIR Repository are:
- 7.02.01 **Criminal Investigation** – defined as: an investigation of a crime, or suspected criminal activity, occurring within the LEA’s jurisdiction;
  - 7.02.02 **Warrant Investigation** – defined as: subject of interest is wanted pursuant to a sworn arrest warrant;
  - 7.02.03 **Witness Investigation** – defined as: subject of interest is a witness to a crime or suspected criminal activity occurring within the LEA’s jurisdiction and his/her whereabouts are unknown;
  - 7.02.04 **Missing Person Investigation** – defined as: subject of interest is missing due to a crime or suspected criminal activity occurring within the LEA’s jurisdiction.
  - 7.02.05 **Victim Request**- defined as: subject of interest is listed as a

victim/party on the DIR and would like a copy of the DIR. <sup>1</sup>

- 7.02.06 **Probation Services**: defined as: subject of interest is under criminal court ordered investigation or supervision including pre-trial release and interim probation supervision, as well as individuals under investigation or supervision and/or diversion services pursuant to Family Court.
- 7.02.07 **Office of Probation and Correctional Alternatives (OPCA) Audit/Practice Review** – defined as: cases brought to the attention of OPCA via formal complaint, Critical Incident Report or audit and analysis.
- 7.02.08 **Corrections/Community Supervision**—defined as: subject of interest is an inmate under release consideration, pending release, or currently in supervision status with the Department of Corrections and Community Supervision.
- 7.02.09 **Tactical and Operational Analysis**: defined as: utilization of the repository to assist with law enforcement’s tactical and operational response through the identification of repeat offenders, victims and addresses.
- 7.02.10 **Personnel Investigation**: defined as: subject of interest is law enforcement personnel identified as a suspect in the repository and there is an ongoing personnel investigation into said suspect’s actions pertaining to the domestic incident.

## **8.0 PERMISSIBLE USES OF DIR REPOSITORY INFORMATION**

- 8.01 DIR scanned images or information obtained from the DIR Search level of the DIR Repository can only be used for investigation and prosecution purposes or other reasons delineated in § 7.02.

## **9.0 IMPERMISSIBLE USES OF DIR SCANNED IMAGES**

- 9.01 DIR scanned images or information obtained from the DIR Search level of the DIR Repository **SHALL NOT** be saved in a database or stored in any manner for secondary or subsequent use unrelated to the original request.
- 9.02 DIR scanned images or information obtained from the DIR Search level of the DIR

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<sup>1</sup> Executive Law §837 (15) requires that the DIR is “prepared in multiple parts, one of which shall be immediately provided to the victim”.



Repository **SHALL NOT** be used in more than one investigation. If the information has been previously requested for a permissible reason, a new request must be submitted and properly documented prior to making a subsequent request for the DIR scanned image or information obtained from the DIR Search level of the DIR Repository.

- 9.03 DIR scanned images or information obtained from the DIR Search level of the DIR Repository cannot be disseminated outside of the LEA, and can only be shared within the LEA with authorized users of the DIR Repository, requesting officer or the requesting officer's supervisor as may be necessary to further the active investigation or prosecution. The only exceptions are when a copy is provided to the victim per § 7.02.05 or to a court or an ALJ by probation or parole pursuant to their supervisory responsibility as outlined in §7.02.06 and § 7.02.08 respectively.
- 9.04 It is **NOT** permissible to use the DIR Repository to obtain a DIR scanned image or information obtained from the DIR Search level of the DIR Repository for non-active investigation or prosecution purposes including but not limited to:
  - 9.04.01 personal use;
  - 9.04.02 sale, publication or disclosure for commercial purposes; or
  - 9.04.03 release to the public.
- 9.05 Accessing and/or releasing a DIR scanned image or information obtained from the DIR Search level of the DIR Repository for an impermissible purpose may subject the requestor and/or the individual responsible for its unauthorized release to administrative and/or criminal prosecution.
- 9.06 Hard copies of all DIR reports should be retained only as long as is necessary to document the circumstances of the case/investigation at the time of the inquiry. Thereafter, such information must be destroyed in a secure manner so as to preclude unauthorized access/use.

## **10.0 SECURITY / AUDIT**

- 10.01 To ensure that the DIR Repository will be used for active investigation and prosecutions or for other reasons delineated in § 7.02, an electronic audit log of each request submitted by individual authorized users will be maintained by the DIR Repository.
- 10.02 The DIR Repository audit log will capture the following information for every submission:
  - 10.02.01 LEA's ORI;
  - 10.02.02 *eJusticeNY* Integrated Justice Portal user ID the user logged on the system;
  - 10.02.03 Requestor Name;
  - 10.02.04 Request Detail (e.g., LEA Case Number, Name of subject of interest, other comments);

- 10.02.05 Reason for Request;
- 10.02.06 Date and time of request;
- 10.02.07 DIR transaction number (for image requests only); and
- 10.02.08 All elements from the search request parameters (Name, Gender, DOB, Address, etc.)

- 10.03 A DIR Repository audit log, specific to each LEA or 911 Call Center, will be available on the *eJusticeNY Integrated Justice Portal*. To access the audit log, the individual designated by the LEA or 911 Call Center to internally audit use of the DIR Repository must access the “Agency Administration” suite on *eJusticeNY Integrated Justice Portal*, click “Audit Log” and select “DIR Repository Audit Request Log”. The LEA or 911 Call Center shall use the audit log to review each submission to the DIR Repository and to certify that all submissions were made for active investigation, prosecution or other permissible purposes delineated in § 7.02.
- 10.04 Remote audits of the DIR Repository usage by the LEA or 911 Call Center will be conducted to identify potential misuse of the system. Should possible misuse be revealed by a remote audit or other means, an on-site audit of the LEA or the 911 Call Center will then be performed.
- 10.05 Regular on-site audits of the DIR Repository usage will be performed every three years by DCJS in conjunction with their routine audits of *eJusticeNY* use. Site audits, which may or may not be announced, will require the LEA or the 911 Call Center to make available to the DIR Repository auditors information corresponding to every request submitted to the DIR Repository during the previous three years.

## **11.0 CONCLUSION**

- 11.01 Should it be established that a LEA or 911 Call Center has used a scanned image or any other information obtained from the DIR Repository in violation of the terms and conditions set forth in this Policies and Procedures Manual or any other applicable laws or regulations, further access by that agency to the DIR Repository will be suspended immediately.

# DOMESTIC INCIDENT REPORT (DIR) REPOSITORY *USER AGREEMENT*

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**(hereinafter referred to as The Participating Agency)**

agrees to conform to all rules and policies established by the New York State Division of Criminal Justice Services (DCJS) concerning the use of the DIR Repository as set forth in the DIR Repository Policies and Procedures Manual.

The Participating Agency agrees to:

Abide by the terms and conditions governing the use of the DIR Repository, that it will comply with all other applicable laws and regulations and that the LEA and/or the 911 Call Center recognizes the need to maintain the confidentiality of the information contained in the Repository to protect victims of domestic violence.

It is understood by the Participating Agency:

- That the unauthorized acquisition of information maintained in the DIR Repository may require that notification of the unauthorized acquisition be given to the subject of interest pursuant to the Information Security Breach Notification Act (NYS Technology Law §208).
- That remote audits of DIR Repository usage will be conducted by DCJS and that periodic site audits (announced/unannounced) of DIR Repository usage may be performed by DCJS in conjunction with their audits of *eJusticeNY Integrated Justice Portal* usage.
- That a violation of the rules, policies, practices and procedures set forth in the DIR Repository Policies and Procedures Manual will result in the immediate suspension or removal from participation in the DIR Repository Program, as deemed appropriate by DCJS.

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**LEA Executive Officer or Chief or 911 Call Center Executive (Title/Name)**

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**Signature**

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**Date**

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**Agency ORI**

**\*\*This form may be scanned and emailed to the Customer Contact Center at [CCCenter@dcjs.ny.gov](mailto:CCCenter@dcjs.ny.gov) or faxed to 518-457-5617, or send as an attachment in the IJ Portal Feedback.**