

PERSONNEL SERVICES BULLETINS (PSBs)

100-11

Subject: Model Agency Arrest/Conviction Reporting Policy

Date: November 23, 2009

I. Background

In an effort to standardize the manner in which employees of City agencies report arrests and convictions to their respective agencies, the New York City Department of Investigation ("DOI") has assisted the New York City Department of Administrative Services ("DCAS") in developing a Model Agency Arrest/Conviction Reporting Policy to be considered by each agency.

DCAS strongly encourages each agency to promulgate, to the extent possible, an agency arrest/conviction reporting policy which comports in all substantive ways with the Model Agency Arrest/Conviction Reporting Policy. Further, DCAS recommends that, where an agency believes it needs to deviate from the Model Agency Arrest/Conviction Reporting Policy, it consult first with DOI or DCAS. For example, if an agency does not have, at a particular point in time, an Inspector General, the agency should speak with DOI to consider other ways to have this information reported to DOI.

II. Model Agency Arrest/Conviction Reporting Policy

A. Definitions

- Arrest – Being taken into custody, lawfully detained or deprived of liberty by legal authority, to answer a criminal charge.
- Conviction – A finding of guilty by a court of competent jurisdiction, whether upon a plea of guilty, a jury verdict, or a decision by the court without a jury. Pleas of "nolo contendere" or "no contest" are considered convictions.
- Criminal Charge – Any felony or misdemeanor, classified or unclassified, and in any degree. Charges relating to any criminal offense, including a violation, are included.
- Employee – Includes employees serving in any jurisdictional classification (competitive, non-competitive, exempt or labor class), and serving by any kind of appointment (permanent, provisional, seasonal or temporary) and includes full-time and part-time employees, and managerial employees. It includes such positions as Urban Fellows, "co-op" students, and interns. For the purposes of this policy, volunteers must comply with the specified requirements in the same manner as employees.

B. Reporting Requirements

All employees are required to notify both the Agency Personnel Officer and the Office of the Inspector General, in writing of the following:

- Any arrest for any criminal charge, within three (3) days of the date of arrest.
- Any indictment on any criminal charge, within three (3) days of the arraignment on the indictment.
- The receipt of any criminal summons, within three (3) days of the date of the issuance of the criminal summons.
- Any finding of guilt for any criminal charge, whether by plea of guilty or by verdict by a judge or jury, within three (3) days of the date of the finding of guilt.
- The sentence conferred regarding any finding of guilt for any criminal charge, within three (3) days of being sentenced.
- The disposition of the arrest, summons, indictment, or criminal charge, regardless of whether there was a conviction, within three (3) days of the disposition. A Certificate of Disposition must be submitted to both the Agency Personnel Officer and the Office of the

Inspector General within seven (7) days of the date of the disposition.

C. **Dissemination and Notifications**

It is recommended that Agency Personnel Officers make all agency employees aware of the arrest/conviction reporting policy which the agency promulgates in the following manners:

- Inclusion in each agency's Code of Conduct.
- Inclusion in new City employee materials.

The Model Agency Arrest/Conviction Reporting Policy also requires that all Agency Personnel Officers report all employee arrests of which they become aware to DOI, regardless of whether they become aware of an arrest directly from the arrested employee or by some other means.

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