New York’s Criminal Justice System
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Carolina Academic Press
Durham, North Carolina
We dedicate this book to our students—past, present and future—who undertake the hard work of their own transformation in our classrooms. May we always provide them, by our words and by our example, an education that helps them seek justice.

We especially honor former students NYPD Detective Omar Edwards and NYPD Detective Brian Moore who were killed in the line of duty. We should take to heart their examples as people for others and re-commit ourselves to serving one another.

All royalties of this book will be directly paid to the NYPD Detective Omar Edwards Scholarship and NYPD Detective Brian Moore Scholarship which help pay the tuition of Nassau Community College students studying criminal justice who aspire to careers in law enforcement. We thank the Fraternal Order of Police Surgeons & Associates Lodge (SA #03) for their sponsorship of these scholarships and the Nassau Community College Foundation for their management.

Omar Edwards  
Brian Moore
Contents

List of Figures, Tables, and Charts  xxi
Series Note  xxiii
Preface  xxv

Chapter 1 · Crime Trends in New York State  3
   Learning Objectives  3
   Key Terms  3
   Introduction: Crime: Definitions, Perceptions, and Realities  4
      Strengths and Weaknesses with the UCR and UCR Data  6
      Recent Developments with the UCR  8
      Fixing the Dark Figure of Crime: The National Crime
      Victimization Survey  11
      UCR vs. NCVS: What Are the Differences?  12
   Crime in New York State  13
      Recent Data: Crime in New York State in 2016  13
      Change of Crime Rates in New York State: 2007 vs. 2016  15
      Trends in Regional Crime: 2007 to 2016  15
      Statewide Crime Trends: 2015 vs. 2016  17
      Regional Crime Trends: 2015 vs. 2016  17
      Trends in Violent Crimes by Firearm, 2015 vs. 2016  19
      Special Focus: Homicide  19
      Domestic Homicide  20
      Gender Differences in Homicide Victimization  21
      Race and Ethnicity Differences in Homicide Victimization  24
   Conclusions  24
   Key Terms and Definitions  26
   Websites  28
### CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Questions</td>
<td>28</td>
</tr>
<tr>
<td>Critical Thinking Questions</td>
<td>28</td>
</tr>
<tr>
<td>References</td>
<td>29</td>
</tr>
<tr>
<td>Chapter 2 · The Criminal Justice Process in New York State</td>
<td>31</td>
</tr>
<tr>
<td>Learning Objectives</td>
<td>31</td>
</tr>
<tr>
<td>Key Terms</td>
<td>31</td>
</tr>
<tr>
<td>Introduction</td>
<td>32</td>
</tr>
<tr>
<td>General Terminology</td>
<td>33</td>
</tr>
<tr>
<td>Jurisdiction and Venue</td>
<td>33</td>
</tr>
<tr>
<td>Limitations on Prosecution</td>
<td>34</td>
</tr>
<tr>
<td>Probable Cause</td>
<td>35</td>
</tr>
<tr>
<td>Report and Investigation of the Crime</td>
<td>36</td>
</tr>
<tr>
<td>Searches and Search Warrants</td>
<td>37</td>
</tr>
<tr>
<td>Arrests and Arrest Warrants</td>
<td>38</td>
</tr>
<tr>
<td>Booking</td>
<td>40</td>
</tr>
<tr>
<td>Pretrial Procedures</td>
<td>40</td>
</tr>
<tr>
<td>Preliminary Hearing</td>
<td>42</td>
</tr>
<tr>
<td>Grand Jury Indictment</td>
<td>42</td>
</tr>
<tr>
<td>Formal Arraignment</td>
<td>43</td>
</tr>
<tr>
<td>Plea Agreements</td>
<td>44</td>
</tr>
<tr>
<td>Pretrial Motions</td>
<td>44</td>
</tr>
<tr>
<td>Criminal Trial</td>
<td>46</td>
</tr>
<tr>
<td>Jury Selection</td>
<td>47</td>
</tr>
<tr>
<td>Presentation of Evidence</td>
<td>48</td>
</tr>
<tr>
<td>Jury Deliberations</td>
<td>49</td>
</tr>
<tr>
<td>Sentencing and Corrections</td>
<td>50</td>
</tr>
<tr>
<td>Punishments</td>
<td>50</td>
</tr>
<tr>
<td>Corrections</td>
<td>51</td>
</tr>
<tr>
<td>Conclusions</td>
<td>51</td>
</tr>
<tr>
<td>Key Terms and Definitions</td>
<td>52</td>
</tr>
<tr>
<td>Websites</td>
<td>53</td>
</tr>
<tr>
<td>Review Questions</td>
<td>53</td>
</tr>
<tr>
<td>Critical Thinking Questions</td>
<td>53</td>
</tr>
<tr>
<td>References</td>
<td>54</td>
</tr>
<tr>
<td>Chapter 3 · New York Criminal Law</td>
<td>57</td>
</tr>
<tr>
<td>Learning Objectives</td>
<td>57</td>
</tr>
<tr>
<td>Key Terms</td>
<td>57</td>
</tr>
<tr>
<td>Introduction</td>
<td>58</td>
</tr>
</tbody>
</table>
Enacting a Criminal Law  58
The Penal Law of the State of New York  59
   Organization of the NYS Penal Law  59
   Classification of Crimes  60
The Elements of Crimes  61
   Actus reus  61
   Mens rea  62
   Aggravating Factors  63
Crimes in New York State  64
   Offenses against the Person  64
      Homicide: PL Article 125  64
      Assault: PL Article 120  65
      Sex Offenses: PL Article 130  66
   Sexual Conduct  66
   Lack of Legal Consent  67
Offenses Involving Theft  68
   Larceny and Criminal Possession of Stolen Property:
      PL Articles 155 and 165  68
      Robbery: PL Article 160  69
   Offenses Involving Damage to and Intrusion upon Property  70
      Criminal Mischief: PL Article 145  70
      Trespass and Burglary: PL Article 140  71
   Offenses against Public Health  72
      Controlled Substances Offenses: PL Article 220  72
      Offenses Involving Marihuana: PL Article 221  73
   Offenses against Public Safety  74
      Firearms and Other Dangerous Weapons: PL Article 265  74
Anticipatory Offenses  75
   Attempt: PL Article 110  76
   Criminal Solicitation: PL Article 100  76
   Criminal Facilitation: PL Article 115  77
   Conspiracy: PL Article 105  77
Defenses  78
   Alibi  79
   Infancy  79
   Mental Disease or Defect  79
   Entrapment  80
   Justification  81
      Defense of a Person: PL 35.15  81
      Defense of Premises: PL 35.20  81
Defense of Personal Property: PL 35.25  
Use of Force by an Officer: PL 35.30  
Conclusions  
Key Terms and Definitions  
Websites  
Review Questions  
Critical Thinking Questions  
References

Chapter 4 · New York State Law Enforcement Agencies  
Learning Objectives  
Key Terms  
Introduction  
Police Training and Accreditation in New York State  
Recruit Training  
Statewide Law Enforcement Agencies  
History of the New York State Police  
NYSP Units and Functions  
Other Statewide Law Enforcement Agencies in New York  
Attorney General’s Office  
Environmental Conservation Police  
New York State Park Police  
New York State Forest Rangers  
New York State Office of Mental Health Police  
New York State University Police  
Metropolitan Transportation Authority Police  
Palisades Interstate Parkway Police  
Port Authority Police  
Triborough Bridge and Tunnel Police  
Amtrak Police  
NYPD History  
Other Large Municipal Police Departments  
Conclusions  
Key Terms and Definitions  
Websites  
Review Questions  
Critical Thinking Questions  
References
Conclusions 133
Key Terms and Definitions 134
Websites 136
Review Questions 136
Critical Thinking Questions 136
References 137

Chapter 6 · The Corrections System in New York State 143
Learning Objectives 143
Key Terms 143
Introduction 144
  Functions of Punishment 144
  Offense Types 146
  Sentencing and Criminal Justice Policy 147
  Incarceration in the United States 150
  Incarceration in New York 150
  Federal Corrections 151
  Federal Correctional Facilities in New York State 152
  New York State's Correctional System 156
  Prisons in New York State 157
  Local Corrections 164
  Community-Based Corrections 165
  Shock Incarceration 166
  Temporary Release 166
  Women in Prison 167
  Sex Offenders 167
  Juveniles and Corrections in New York State 168
  Recidivism and Correctional Initiatives 171
Conclusions 173
Key Terms and Definitions 173
Websites 175
Review Questions 175
Critical Thinking Questions 176
References 176

Chapter 7 · The Juvenile Justice System in New York State 179
Learning Objectives 179
Key Terms 179
Introduction 180
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>JPMorgan Chase and the Princeling Case (FCPA)</td>
<td>220</td>
</tr>
<tr>
<td>Recent White-Collar Financial Crimes and Media Attention</td>
<td>220</td>
</tr>
<tr>
<td>Mossack Fonseca, a.k.a. the Panama Papers (AML, Beneficial Ownership, Shell Companies)</td>
<td>221</td>
</tr>
<tr>
<td>The 1MDB Scandal (AML)</td>
<td>221</td>
</tr>
<tr>
<td>Measuring and Studying White-Collar Crime</td>
<td>222</td>
</tr>
<tr>
<td>The UCR Summary Reporting System and White-Collar Crime</td>
<td>223</td>
</tr>
<tr>
<td>The National Incident Based Reporting System and White-Collar Crime</td>
<td>224</td>
</tr>
<tr>
<td>The Costs and Consequences of White-Collar Crime:</td>
<td>225</td>
</tr>
<tr>
<td>Personal and Societal</td>
<td></td>
</tr>
<tr>
<td>How to Get Started in New York with a Career Fighting</td>
<td>227</td>
</tr>
<tr>
<td>White-Collar Crime</td>
<td></td>
</tr>
<tr>
<td>FBI</td>
<td>227</td>
</tr>
<tr>
<td>Federal Regulatory Agencies</td>
<td>228</td>
</tr>
<tr>
<td>Certified Fraud Examiners (CFEs)</td>
<td>228</td>
</tr>
<tr>
<td>Certified Anti-Money Laundering Specialists (CAMS)</td>
<td>229</td>
</tr>
<tr>
<td>Risk Managers</td>
<td>229</td>
</tr>
<tr>
<td>Compliance Officers</td>
<td>229</td>
</tr>
<tr>
<td>Investigators</td>
<td>229</td>
</tr>
<tr>
<td>Paralegals</td>
<td>230</td>
</tr>
<tr>
<td>Conclusion</td>
<td>230</td>
</tr>
<tr>
<td>Key Terms and Definitions</td>
<td>231</td>
</tr>
<tr>
<td>Websites</td>
<td>232</td>
</tr>
<tr>
<td>Review Questions</td>
<td>233</td>
</tr>
<tr>
<td>Critical Thinking Questions</td>
<td>234</td>
</tr>
<tr>
<td>References</td>
<td>234</td>
</tr>
</tbody>
</table>

**Chapter 9 · Spotlight on Terrorism in New York State: 9/11 and Beyond**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learning Objectives</td>
<td>241</td>
</tr>
<tr>
<td>Key Terms</td>
<td>241</td>
</tr>
<tr>
<td>Introduction</td>
<td>242</td>
</tr>
<tr>
<td>Acts of Terrorism in New York State Prior to 9/11</td>
<td>243</td>
</tr>
<tr>
<td>The Post-9/11 Criminal Justice Mission</td>
<td>246</td>
</tr>
<tr>
<td>The Concept of “Homeland Security”</td>
<td>248</td>
</tr>
<tr>
<td>The Operational Response to Terrorism</td>
<td>248</td>
</tr>
<tr>
<td>Interagency Coordination</td>
<td>249</td>
</tr>
<tr>
<td>NYPD Operation Sentry</td>
<td>250</td>
</tr>
</tbody>
</table>
CONTENTS

Radiological and Nuclear Threat 251
Anti-Terrorism Tactical Patrols 252
Border Security 252
Intelligence Sharing 253
The New York State Intelligence Center 253
Lower-Manhattan Security Initiative 254
Safeguard New York 254
Public/Private Information Sharing Partnerships 255
New York State Terrorism Laws 256
Select Penal Law Definitions 257
Act of Terrorism (PEN § 490.05) 257
Select Biological Agents 257
Select Chemical Agents 257
NYS Penal Law Terrorism Offenses 258
Soliciting or Providing Support for an Act of Terrorism 258
Making a Terroristic Threat 258
Crime of Terrorism 258
Hindering Prosecution of Terrorism 259
Criminal Possession of a Chemical Weapon or Biological Weapon 259
Criminal Use of a Chemical Weapon or Biological Weapon 259
Money Laundering in Support of Terrorism 260
Conclusions 260
Key Terms and Definitions 261
Websites 262
Review Questions 263
Critical Thinking Questions 263
References 264

Chapter 10 · Criminal Justice Policy in New York State 269
Learning Objectives 269
Key Terms 269
Introduction 270
The Legislative Process of New York State 270
Major Criminal Legislation of New York State 273
The Rockefeller Drug Laws 273
The Death Penalty 276
Juvenile Justice 278
Sentencing 280
The Legislative Process of Local Governments: Cities and Counties 282
   New York City 282
   Nassau County 283
Other Major Criminal Justice Policies in New York City 283
   “Broken Windows” Theory 283
   Zero-Tolerance Policing 284
   Stop-Question-Frisk 285
Conclusions 286
Key Terms and Definitions 286
Websites 287
Review Questions 287
Critical Thinking Questions 288
References 288

Chapter 11 · Special Issues of Law Enforcement in New York State 291
Learning Objectives 291
Key Terms 291
The Use of New Technologies in Law Enforcement 292
The Changing Landscape of Law Enforcement in New York State 294
Internal Review and Civilian Oversight 297
   New York City’s Civilian Complaint Review Board 297
   Police Corruption 299
Conclusions 302
Key Terms and Definitions 302
Websites 303
Review Questions 303
Critical Thinking Questions 303
References 304

Chapter 12 · Criminal Justice Employment within New York State 307
Learning Objectives 307
Key Terms 307
Introduction 308
New York State Civil Service Law 309
Police 310
   New York State Police (Troopers) 310
   Municipal Police Officers 312
   Deputy Sheriff 315
   Constables 316
New York State Courts Employment 317
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>About the Authors</td>
<td>377</td>
</tr>
<tr>
<td>Glossary</td>
<td>383</td>
</tr>
<tr>
<td>Index</td>
<td>397</td>
</tr>
</tbody>
</table>
List of Figures, Tables, and Charts

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 1.1</td>
<td>New York State Index Crime Counts</td>
<td>14</td>
</tr>
<tr>
<td>Figure 1.2</td>
<td>Percentage Change in Crime Rates 2007 vs 2016</td>
<td>15</td>
</tr>
<tr>
<td>Figure 1.3</td>
<td>Regional Trends in Index Crime</td>
<td>16</td>
</tr>
<tr>
<td>Figure 1.4</td>
<td>Regional Trends in Violent Crime</td>
<td>16</td>
</tr>
<tr>
<td>Figure 1.5</td>
<td>Percentage Change in Crime Volume</td>
<td>17</td>
</tr>
<tr>
<td>Figure 1.6</td>
<td>Regional Crime Trends in New York City 2015 vs. 2016</td>
<td>18</td>
</tr>
<tr>
<td>Figure 1.7</td>
<td>Regional Crime Trends in Rest of State 2015 vs. 2016</td>
<td>18</td>
</tr>
<tr>
<td>Figure 1.8</td>
<td>Violent Crime by Firearm</td>
<td>19</td>
</tr>
<tr>
<td>Figure 1.9</td>
<td>New York State Homicides 2007–2016</td>
<td>20</td>
</tr>
<tr>
<td>Figure 1.10</td>
<td>Total Homicides and Domestic Homicides by Type of Relationship in New York State</td>
<td>21</td>
</tr>
<tr>
<td>Figure 1.11</td>
<td>Domestic Homicides and Other Homicides by Type of Relationships and Region</td>
<td>22</td>
</tr>
<tr>
<td>Figure 1.12</td>
<td>Victims of Homicide (Age 16 and Older) by Gender and Region</td>
<td>22</td>
</tr>
<tr>
<td>Figure 1.13</td>
<td>Domestic Homicides and Other Homicides of All Female Victims by Type of Relationship in New York State</td>
<td>23</td>
</tr>
<tr>
<td>Figure 1.14</td>
<td>Domestic Homicides and Other Homicides of All Male Victims by Type of Relationship in New York State</td>
<td>24</td>
</tr>
<tr>
<td>Figure 1.15</td>
<td>Domestic Homicides and Other Homicides by Victim Demographics and Region</td>
<td>25</td>
</tr>
<tr>
<td>Figure 13.1</td>
<td>Example of Two Counties with Low Segregation (Left) and High Segregation (Right) on the Dissimilarity Index</td>
<td>343</td>
</tr>
</tbody>
</table>
LIST OF FIGURES, TABLES, AND CHARTS

Figure 13.2  The Racialized Place Inequality Framework 350
Figure 13.3  Historical NYC Uniform Crime Report Murder Count 359
Figure 13.4  Percentage of NYC Homicides by Victim’s Race/Ethnicity, 2003–2011 361
Figure 13.5  Percentage of NYC Homicides by Perpetrator’s Race/Ethnicity, 2003–2011 361
Figure 13.6a  Percent Homicides by Borough, 2003–2011 362
Figure 13.6b  Homicide Rate per 100,000 by Borough, 2003–2011 362
Figure 13.7  Number of Homicides across New York City Zillow Neighborhoods, 2003–2011 363

Table 1.1  Index Crimes/Part I Uniform Crime Report 7
Table 1.2  Non-Index Crimes/Part II Uniform Crime Report* 9

Table 4.1  105
Table 4.2  105

Table 5.1  120
Table 5.2  Criminal Court Structure 127

Table 6.1  147
Table 6.2  149
Table 6.3  161
Table 6.4  Parole Board Decision Making Guidelines 162

Table 9.1  257

Chart 10.1  271
Chart 10.2  275
Series Note

Carolina Academic Press’s state-specific criminal justice series fills a gap in the field of criminal justice education. One drawback with many current introduction to criminal justice texts is that they pertain to the essentially non-existent “American” criminal justice system and ignore the local landscape. Each state has its unique legislature, executive branch, law enforcement system, court and appellate review system, state supreme court, correctional system, and juvenile justice apparatus. Since many criminal justice students embark upon careers in their home states, they are better served by being exposed to their own states’ criminal justice systems. Texts in this series are designed to be used as primary texts or as supplements to more general introductory criminal justice texts.
Preface

As the fourth most populous American state, New York has a large influence on national issues of criminal justice. Despite New York’s reputation as a high-crime area—much of which is based on the perception of New York City, the country’s largest urban center and home to approximately 8.5 million people—the state’s violent crime rate is only 1.6 percent higher than the national median, with a property crime rate 40.1 percent lower than the national median. New York spends a great deal of money on its criminal justice system, with over $3.5 billion allocated to criminal justice in 2018. The system of courts—including special Problem-Solving Courts—is complex and comprehensive, and law enforcement agencies are numerous and far-reaching.

New York State employs hundreds of thousands of people in law enforcement, the courts, law, and criminal justice education and training. Additionally, with over 51,000 people incarcerated—a disproportionate amount of whom are black men—the state’s prisons, jails, and the Department of Corrections are all large employers.

Because of New York’s prominence on the national scene, criminal justice issues tend to make headlines; in this, New York is not without controversy. New York City’s controversial stop-and-frisk practices were constantly called into question, with data showing almost no correlation between the dubious legal practice and the drop in crime rates. Opponents argued that the practice was racist and constituted harassment. But when something happens in New York, the rest of the country—and often the rest of the world—takes notice.

“If You See Something, Say Something” is a campaign that was originated by the New York Metropolitan Transit Authority in the wake of the September 11, 2001, terrorist attacks, empowering people to report suspicious activity or behavior in the service of making their city safer. The campaign has since been adopted by the national Department of Homeland Security as a way of combating terrorism. As with many other policies, as goes New York, so goes the country.

When readers have finished with this book they should have a thorough understanding of the disparate parts of New York State’s criminal justice system and how the various parts function together as part of a collective and interdependent whole. A number of chapters in the book highlight criminal justice issues unique to New York—for instance, the state’s response to 9/11 and ongoing counter-terrorism measures—as well as the challenge of addressing crime in both the high density of New York City and the low-density rural areas of the northern and far western parts of the state. Often considered two states in one, New Yorkers refer to “downstate” and “upstate” as separate populations with unique challenges and resources. As a result, New York is in the unique position of being able to set an example for both other national urban centers as well as rural, agricultural areas of the country.

**Organization and Contents of the Book**

This book is broken into thirteen chapters, with each chapter exploring a specific area of the New York State criminal justice system. Each chapter includes a list of learning objectives and key terms to help readers better understand the topics covered, as well as a discussion of the current operation of the state’s justice system and the interconnected parts thereof.

Chapter 1 provides an overall picture of crime trends in New York State, taking into account the dramatic differences in crime rates in New York City versus those in the rest of the state.

The second chapter gives an overview of the criminal justice process in New York State from initial arrest through to the trial and sentencing processes, while Chapter 3 details New York State criminal law by explaining laws, statutes, legal language concerning intent, and possible defenses.

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The fourth chapter provides a broad overview of the law enforcement agencies of New York State, as well as a history of the formation of the New York State Police. This chapter also defines the roles and responsibilities of the various law enforcement agencies, their independent divisions, and how they operate as part of a larger whole.

Chapter 5 explores the court system of New York State, including the difference between trial courts and appellate courts as well as the roles of prosecutors, defense attorneys, and judges. The chapter also provides an overview of Problem-Solving Courts tasked with addressing crimes related to a specific area (i.e., Sex Offense Courts or Veteran’s Courts).

In Chapter 6, readers will explore the corrections system in New York State and the effects of incarceration on recidivism, state budget, and policy, while Chapter 7 focuses on the juvenile justice system, including the age of criminal responsibility and the process by which a juvenile offender progresses through the criminal justice system. Of particular note is the focus on alternatives to incarceration for juveniles.

The eighth and ninth chapters spotlight New York-centric issues. Chapter 8 focuses on white-collar, or financial crime in New York. Readers will understand how to differentiate it from street crime, and learn the most common types of financial crime as well as what protections exist in New York State for whistleblowers. In Chapter 9, the focus is on terrorism in New York State after the attacks of September 11, 2001, and the various law enforcement specialty agencies tasked with preventing and responding to terrorism.

Chapter 10 provides a historical perspective for the development and enactment of criminal justice policy in New York State, including the history of the death penalty in New York and the Rockefeller Drug Laws.

The next chapter, Chapter 11, covers special issues of law enforcement, many of them unique to New York State. Because of New York’s position on the leading edge of law enforcement, the state has adopted many new technologies and techniques to fight crime; they are detailed in this chapter.

Chapter 12 is an overview of New York State’s criminal justice system as an employer. The chapter details the requirements for many criminal justice jobs as well as a list of positions available in the courts, law enforcement, and corrections.

Finally, the last chapter provides a special focus on segregation and homicide in New York State from the Racialized Place Inequality Framework, a multilevel theoretical model that puts into context both the causes of racial and ethnic disparity and the life chances of various segregated groups including criminal or violent behavior.
Taken as a whole, these thirteen chapters will provide a comprehensive, holistic picture of the criminal justice system of New York State. Readers will explore each component of the system independently and learn how it relates to the interconnected whole. Because of New York’s national standing as a bellwether for law enforcement and criminal justice, and the state’s unique demographic and density makeup, an understanding of the criminal justice system of New York will help readers to better grasp the role of criminal justice nationwide.

Robert Costello
January 24, 2019