

POLICE DEPARTMENT CITY OF NEW YORK

NOTICE OF ADOPTION

Pursuant to the authority vested in the Police Commissioner by Section 435(b) of the New York City Charter and in accordance with Section 1043 of the Charter, the New York City Police Department (the "Department") hereby amends Chapter 9 of Title 38 of the Rules of the City of New York regarding the issuance of Good Conduct Certificates.

The rule was first published on September 12, 2012, and a public hearing was held on October 17, 2012.

Statement of Basis and Purpose

Sections 434 (b) and 1043 of the New York City Charter authorize the Police Commissioner to promulgate rules regarding the issuance of Good Conduct Certificates. These certificates give City residents a reliable way to officially document their personal criminal record histories, or lack thereof, in order to secure employment, immigration services and visas, and for various other purposes.

The Department has reviewed the Certificate issuance process and is amending Chapter 9 of Title 38 of the Rules of the City of New York as follows:

1. Better identify the nature of the Certificate.
 - The name of the Certificate is changed from Good Conduct Certificate to Certificate of Conduct, because a certificate may include a listing of an applicant's criminal record.
2. Raise the fee for the Certificate.
 - The required fee is raised for the first time in at least twenty years to better reflect the increased costs incurred by the Police Department.
3. Ensure the Certificate is more secure against fraud and abuse.
 - The amendments delete a provision that allowed former City residents to obtain a Certificate by mail, and change some additional documentation requirements.
 - These changes are necessary in order to help reduce fraudulent applications and prevent individuals from wrongfully using the Certificate in order to obtain documents from other entities. Document security is an important consideration in combating identity theft and terrorism.
4. Create a mechanism for applicants, for immigration purposes only, who are not able to be fingerprinted.
 - The amendments codify existing practice that, for immigration purposes only, certain people, including those who do not have fingerprints, the aged or the infirmed, may be issued a Police Clearance Letter without fingerprints, instead of a Certificate. The Police Clearance Letter would note that it was issued without a

search using the applicant's fingerprints and would be delivered directly to the United States Department of Homeland Security.

5. Change hours of operation.

- The office hours of the Public Inquiry & Request Section at One Police Plaza are changed to allow employees more time to process applications during the workday.

The Department is also amending section 14-04 of Chapter 14 of Title 38 as follows:

- This section sets the fees the Police Department may charge when a person requests fingerprinting for purposes not related to criminal proceedings.
- The Police Department is raising the required fee charged in these circumstances to better reflect increased costs; the fee has not been changed in at least twenty years.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New text is underlined; deleted material is in [brackets].

* * *

Section 1. Chapter 9 of title 38 of the rules of the city of New York is amended to read as follows:

Chapter 9

[Good Conduct Certification] Certificate of Conduct

§ 9-01 Instructions for Obtaining a [Good Conduct] Certificate of Conduct

§ 9-02 [Additional Instructions] Required Documentation

§ 9-01 Instructions for Obtaining a [Good Conduct] Certificate of Conduct

An applicant for a [Good Conduct] Certificate [who is a New York City resident] of Conduct must apply in person at the Public Inquiry & Request Section, located at One Police Plaza, New York, New York, Room 152-A, Monday through Friday, from 9 a.m. to [4:30] 3 p.m. except for legal holidays.

An applicant will be fingerprinted only at the Public Inquiry & Request Section and will be required to present a [thirty (\$30.00)] fifty (\$50.00) dollar Money Order or Certified Check payable to the New York City Police Department, or a valid credit card. This fee covers fingerprinting and application processing costs. Processing takes approximately ten working days. A Certificate of Conduct may not be issued without the taking of fingerprints.

In cases where the taking of fingerprints is an impossibility due to the applicant's physical condition, where the applicant is aged or infirm, or where other conditions exist as determined by the Commissioner that would render the taking of fingerprints a physical hardship, the Department may issue a Police Clearance Letter. Police Clearance Letters will be issued for immigration purposes only and will be issued based solely on a criminal record search using the applicant's name and date of birth. Police Clearance Letters will not be provided directly to the applicant; instead, the Department will deliver the Police Clearance Letter to the United States Department of Homeland Security. Applicants requiring a Police Clearance Letter must pay the same fee that Certificate of Conduct applicants pay.

§ 9-02 [Additional Instructions] Required Documentation

(a) United States Citizens. A United States citizen is required to bring [a letter from the Consulate or requesting source i.e., Adoption Agency, State Liquor Authority, etc. and] the following as proof of citizenship:

- (1) [Birth certificate or] Valid U.S. Passport, OR
- (2) Birth Certificate AND either a valid Driver's License or a DMV-issued Identification Card, OR
- (3) Voter's Registration Card [(3) Passport] AND either a valid Driver's License or a DMV-issued Identification Card, OR
- (4) Naturalization Certificate.

(b) Non-citizens. A Non-citizen is required to bring the following when making application:

- (1) Valid Passport or Alien Registration Card or Employment Authorization Card, OR
- (2) Letter from [the Department of Immigration and Naturalization Service] the Department of Homeland Security (United States Citizenship and Immigration Services) indicating applicant's name, address, alien registration number and current status in this Country AND a valid U.S. government photo identification, OR
- (3) Letter from applicant's Consulate or Attorney which contains applicant's physical description and date of birth AND a valid U.S. government photo identification.

[(c) Former New York City Residents. To obtain a Good Conduct Certificate for someone residing outside New York City, who was formerly a New York City resident, the following must be sent or delivered to the Public Inquiry & Request Section, One Police Plaza, New York, New York 10038-1497, Room 152-A:

(1) An official fingerprint chart bearing applicant's fingerprints from the location where the applicant resides. The chart must contain the signature of the official who fingerprinted the the applicant and the date the applicant was fingerprinted.

(2) Thirty (\$30.00) dollar Money Order or Certified Check, payable to the New York City Police Department.]

§ 2. Section 14-04 of chapter 14 of title 38 of the rules of the city of New York is amended to read as follows:

§14-04 Fees for Non-Criminal Fingerprinting.

When a person requests a member of the Department to take his or her fingerprints for purposes not related to criminal proceedings, the following fees shall be collected:

(a) [Fifteen (\$15.00)] Twenty-five (\$25.00) dollars for first set of fingerprints.

(b) One (\$1.00) dollar for each additional set of prints taken at the time the first set of fingerprints is taken.

(c) The above fees shall be tendered at the time of fingerprinting by Money Order or Certified Check made payable to the New York City Police Department, or a valid credit card.



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Hon. Raymond Kelly
Police Commissioner
One Police Plaza, 14th Floor
New York, N.Y. 10038

Re: Amendment of Rules Governing Issuance of Certificates of
Conduct
No. 2012 RG 50

Dear Commissioner Kelly:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

A handwritten signature in cursive script that reads "Steven J. Goulden".

STEVEN GOULDEN
Acting Corporation Counsel

cc: Oleg Chernyavsky (NYPD)