

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUPERSEDES: 12/15/12

SUBJECT: DEPARTMENT OF PUBLIC SAFETY (DPS) INQUIRY FOR CRIMINAL HISTORY REPORTS

AUTHORITY: CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) POLICY, VERSION 5.8, TEXAS CODE OF CRIMINAL PROCEDURES, ARTICLE 66.201

PURPOSE: To establish procedures for accessing, reviewing, and protecting criminal history data in accordance to CJIS guidelines.

DEFINITIONS:

Criminal History Record Information (CHRI): Electronic or printed criminal data collected from the Texas Computerized Criminal History (CCH) or Federal Bureau of Investigation Interstate Identification Index (III) files.

Flash Notices: A DPS notification received in the Offender Information Management System (OIMS) when a client's criminal history is updated with a new charge or arrest.

Record of Arrest and Prosecution (RAP) Sheet: A full criminal history report of arrests, detentions, criminal charges, and dispositions, to include information reported by local, state, and federal law enforcement agencies.

Texas Department of Public Safety (DPS) Inquiry: Any Texas Law Enforcement Telecommunication System (TLETS) query used to determine the existence of a criminal history record.

Texas Law Enforcement Telecommunication System (TLETS): The DPS telecommunication system permitting access to CCH and III criminal records stored in the National Crime Information System (NCIC) and Texas Crime Information Center (TCIC) databases.

Wanted Person Inquiry: A DPS query to determine the existence of a warrant. Wanted Person records may also include information related to sex offender registration, gang activity, immigration violations, or protection orders.

PROCEDURE:

I. ACCESS

- A. All employees must satisfy the DPS training requirements within six (6) months of hire and biannually thereafter in accordance to job assignment and permitted level of access to CHRI as indicated below:
 - 1. TCIC Criminal Justice Practitioner (CJP): Required for employees authorized to handle, receive, and/or have physical access to CHRI, but not authorized to make entries or inquiries in the TLETS. Certification is granted upon successful completion of the CJP online training course (2 hours) and exam.
 - 2. TCIC Mobile Operator: Required for employees authorized to access the TLETS for purposes of submitting DPS queries. Certification is granted upon successful completion of the Mobile Operator Access Training Course (8 hours) and exam.
 - 3. TCIC Full Access: Required for employees authorized to perform unlimited TCIC/NCIC functions such as warrant entries, modifications, and withdrawals. Certification is granted upon successful completion of the Full Access Operator Training Course (24 hours) and exam.
- B. CJIS Security Awareness training is mandatory for all employees and must be completed annually in conjunction with any of the above access levels. The course is designed to equip personnel with basic tools for protecting CHRI. Certification is granted upon successful completion of the CJIS Security Awareness online training and exam.
- C. Supervisors shall send an email to parole.ncic@tdcj.texas.gov in the event an employee is not in compliance with DPS training requirements.

II. RAP AND WANTED PERSON INQUIRIES

- A. Routine criminal history reviews shall rely on information obtained from the current RAP and Wanted Person records. RAP and Wanted Person inquiries are justified under the following circumstances:
 - 1. When case file material is not available, in accordance with PD/POP 3.1.1, *Initial Interview and Final Summary*.
 - 2. When submitting an Interstate Transfer Request and within three (3) business days prior to client transferring out of state in accordance with PD/POP 3.10.3, *Interstate Transfer Investigations*.
 - 3. At the discretion of the supervising parole officer when there is reason to believe the client has been arrested, charged, or convicted of an offense.

4. Prior to field staff requesting a warrant closure in accordance with PD/POP 3.10.3, *Warrant Closure/Return to Supervision*.
 5. Every quarter for clients assigned to the Super-Intensive Supervision Program (SISP) caseload or the Sex Offender (SO) Program caseload.
 6. Every six (6) months for clients on Annual Report Status and Early Release from Supervision.
 7. Every six (6) months on detainer/deportation cases assigned to the Central Coordination Unit.
 8. Prior to request for withdrawal of the SISP or Electronic Monitoring (EM) special condition in accordance with PD/POP 3.5.1, *Electronic Monitoring Program* or PD/POP 3.15.1, *Super-Intensive Supervision Program (SISP)-Administrative Guidelines*.
- B. The parole officer shall attach the DPS inquiry to the clients (OIMS) record each time an inquiry is completed on a client.
 - C. The parole officer shall thoroughly review the RAP sheets and Wanted Person records for criminal events occurring before and/or after (as applicable) the client is placed under supervision. Suspected or alleged pre-revocation violations shall be investigated in accordance with PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*.
 - D. Criminal History Summary reports shall not be used as a substitute for a RAP sheet unless a RAP Sheet inquiry does not return a record.

III. FLASH NOTICES

- A. Flash notices are automatically routed to the case owner and the case owner's supervisor through the OIMS.
- B. Upon receipt of a flash notice, the parole officer shall investigate and take action in accordance with PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*.

IV. PROPER ACCESS, USE, AND DISSEMINATION OF CHRI

- A. CHRI must remain securely stored and inaccessible to unauthorized personnel.
- B. Employees shall access CHRI for authorized purposes only.
- C. Dissemination of CHRI is not authorized to individuals or agencies not approved by the Terminal Agency Coordinator (TAC).

- D. Employees must exercise appropriate technical and physical safeguards such locking computer screens when away from desk and restricting visitors view of both electronic and printed criminal history content.

V. PENALTY

- A. It is a crime for any person to generate or disseminate criminal history information to unauthorized persons. Any person observing or who becomes aware of any employee who has obtained or disseminated criminal history information illegally, shall refer the information to the Region Director, the Warrants Section Director, the TAC, and the Office of Inspector General (OIG).
- B. The penalty for generating or illegally disseminating criminal history information is determined by (CJIS), which has oversight of the NCIC.

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