

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-3.1.8

DATE: 12/05/12

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SUPERSEDES: 03/16/00

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

AUTHORITY: N/A

PURPOSE: To establish policy and procedures for requests of Texas Crime Information Center/National Crime Information Center (TCIC/NCIC) Criminal History/Wanted Persons reports.

DEFINITIONS:

Criminal History: Information collected by a criminal justice agency, which identifies arrest or detentions, criminal charges, and dispositions.

Flash Notice: A notification that is automatically generated to the assigned case owner and their supervisor in the Offender Information Management System (OIMS) when an offender's criminal history is updated with a new charge or arrest.

TCIC/NCIC check: Shall consist of a current criminal history to ensure there are no new arrests since the last check.

Wanted Person Request: A search conducted to indicate any outstanding warrants on file issued on a person, as a result of a charge or arrest.

PROCEDURE:

I. ACCESS

- A. All parole officer series staff must meet and maintain Texas Law Enforcement Telecommunications System (TLETS) access eligibility for continued employment, as a minimum qualification, as outlined in the job description.

- B. An email shall be forwarded to the Terminal Agency Coordinator (TAC), the Assistant Director of the Warrants Section, in the event a staff member does not have access to complete TCIC/NCIC checks.

II. CRIMINAL HISTORY AND WANTED PERSONS REQUEST

A criminal history and wanted persons request shall be completed in the following instances:

- A. When offender case file material is not available.
- B. When submitting an Interstate Transfer Request.
- C. Within three (3) business days prior to transfer out of state.
- D. At the discretion of the supervising parole officer when the officer has reason to believe the offender has been arrested, charged, or convicted of an offense.
- E. Prior to clearing the warrant out of TCIC/NCIC or a warrant closure request by field staff.
- F. Every quarter for offenders assigned to the Super-Intensive Supervision Program (SISP) caseload and the Sex Offender (SO) Program caseload.
- G. Every six (6) months for offenders on Annual Report Status and Early Release from Supervision.
- H. Every six (6) months on detainer/deportation cases assigned to the Central Coordination Unit.
- I. Prior to request for withdrawal of the SISP or Electronic Monitoring (EM) special condition.

The parole officer shall attach the DPS inquiry to the offender's Offender Information Management System (OIMS) record each time an inquiry is completed on an offender.

III. FLASH NOTICES

The Texas DPS computer interfaces with the Agency's OIMS to receive criminal history information daily, related to offender arrests.

- A. All information concerning arrest for persons identified as released on parole or mandatory supervision are routed to the case owner and the case owner's supervisor through the OIMS.

- B. After receipt of a flash notice, the parole officer shall take action in accordance with PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*.

IV. PENALTY

- A. It is a crime for any person to generate or illegally 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 and the Office of Inspector General (OIG).
- B. The penalty for generating or illegally disseminating criminal history information is determined by the FBI's Criminal Justice Information Services Division (CJIS), which has oversight of the NCIC.

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