# **Vocational Rehabilitation Services Manual Section B-400**

Revised January 16, 2024

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## **B-405: Computerized Criminal History Checks**

VR has authority to obtain a Computerized Criminal History check (CCH) on customers from the Texas Department of Public Safety (DPS) (Texas Government Code, §411.117) for the purpose of employment planning. See VRSM A-207: Confidentiality and Use of Customer Records and Information for more information.

### **B-405-1: Obtaining and Maintaining Computerized Criminal History Check Results**

Occupations requiring a license, permit, or other credential may include a CCH as part of the credentialing process.

If a customer wants to work in an occupation or participate in a training program requiring a license, permit, or other type of credentialing, the VRC should explain to the customer why the CCH is necessary and document in a case note the reasons for obtaining the CCH, along with a summary of the discussion with the customer.

Requests for the CCH can be submitted only on cases determined eligible or that are in active status.

#### **When to Request a CCH**

Request a CCH using the VR1510, Request for Customer Computerized Criminal History (CCH) Search, after an eligibility determination has been made, when:

* At the customer's request, if a customer has reported to the counselor difficulty in obtaining employment due to a history of felony conviction or
* Prior to signing an Individualized Plan for Employment (IPE), if a customer wants to work in an occupation that requires a license or other credential and he or she does not hold a valid license or credential in that occupation
  + Provide the customer with information about the impact of certain criminal offenses on whether the person will be eligible to obtain the required credentials to engage in specific employment outcomes.
  + If a customer's CCH shows a criminal history and the occupational goal is licensed by the Texas Department of Licensing and Regulation (TDLR), you must request a criminal history evaluation to determine whether the customer's criminal history will prevent him or her from being licensed in that occupation. (See the [TDLR Criminal History Evaluation Letter page](http://www.tdlr.texas.gov/crimHistoryEval.htm) for more information.)
  + For occupations not licensed by TDLR, contact the appropriate licensing entity to determine if it is feasible for the customer to be licensed.
  + Do NOT select as a vocational goal any occupation for which TDLR or any other licensing entity has determined that the customer may not be licensed.

The CCH can be used in planning for the possible use of Employment Service Criminal Background Premium.

#### **Making the Name-Based CCH Request**

Complete the VR1510, Request for Customer Computerized Criminal History (CCH) Search and email it to the regional point of contact with the following subject line (to ensure encryption): "<ENCRYPT> Background Check Request". To find the list of regional points of contact for CCH, see POCs for Computerized Criminal History Reports.

Refer to VRSM A-208-2: Release of Customer Criminal History Records for policy and procedure regarding the release of a CCH.

### **B-405-2: Referrals to the Criss Cole Rehabilitation Center**

Once a VR counselor refers a customer to the Criss Cole Rehabilitation Center (CCRC), the designated CCRC admissions staff member will run the CCH report. For more information, refer to VRSM C-500: Criss Cole Rehabilitation Center.

### **B-405-3: When Fingerprinting Is Needed**

If a name-based CCH search reveals any result, to clear any possible misidentification, the VR counselor contacts the state office points of contact to obtain a fingerprint-based CCH search at VR's expense. Alternatively, the customer may go to the Texas Department of Public Safety independently to obtain a fingerprint-based CCH; however, VR will not pay for this cost.

If a customer reports to be from another state in the United States, a fingerprint-based CCH is recommended.

For additional information on making a fingerprint-based CCH, refer to VRSM D-510-6: Fingerprint Procedures.

### **B-405-4: Evaluating and Documenting Computerized Criminal History Results**

#### **CCH Documentation**

To document a CCH in ReHabWorks (RHW), the VR counselor does the following:

1. Enters a case note explaining what counseling and guidance was offered to the customer about selecting his or her vocational goal and obtaining a CCH before the customer and the VR counselor agree to the content of the IPE.
2. Enters a case note confirming that a CCH was requested using the procedure indicated and why it was requested. Any RHW case note topic may be used, but "CCH Request" must be included in the Add to Topic section of the case note.
3. After the CCH results are received, the VR counselor is only allowed to discuss the implications of the fingerprint-based CCH search results with the customer. If a name-based CCH search reveals any result, to clear any possible misidentification, the VR counselor contacts the state office point of contacts to obtain a fingerprint-based CCH search.
4. Documents how the implications of the CCH affect the selection of the vocational goal. Do not cut and paste or otherwise include the specific details obtained from the CCS, for example, the dates and types of convictions, in the case note.

The VR counselor must use the following process to handle and destroy CCH results:

1. The CCH results must be purged and destroyed (for example, deleting from email and then deleting from the Deleted folder in the email application, such as Outlook) immediately after the criminal history record has served the immediate purpose for which it was obtained. For example, after the VR counselor discusses the implication of the fingerprint-based CCH results with the customer, the VR counselor immediately destroys the CCH results.
2. VR may release the fingerprint-based CCH results to the customer or customer’s representative if there is a valid release or written request prior to the destruction of the fingerprint CCH results by the VR counselor.
3. The name-based CCH results are not to be printed for any reason.
4. The CCH results are not to be stored in a paper case file or the customer’s virtual case file under any circumstances.

CCH reports are often incomplete and difficult to interpret. For assistance, refer to the guidance document on interpreting CCHs or consult the regional office CCH representative, the VR supervisor, the state office points of contact, or TWC's Office of General Counsel (OCG).

After the VR counselor obtains OGC's interpretation of the CCH report and determines that a customer's criminal history would preclude the customer from obtaining a license through the Texas Department of Licensing and Regulation (TDLR), the VR counselor must notify the customer of the determination. The customer may request a criminal history evaluation directly from TDLR.  For instructions on how to submit a request to TDLR, refer to the [TDLR Criminal History Evaluation Letter](https://www.tdlr.texas.gov/crimHistoryEval.htm).

For occupations not licensed by TDLR, the VR counselor contacts the appropriate licensing entity to obtain an opinion about licensing as it relates to criminal history. The VR counselor must not support or include a vocational goal on an IPE for any occupation for which TDLR or another licensing agent has determined that the customer may not be licensed. The VR counselor documents the result of the customer's inquiry to TDLR or other licensing entity.

#### **Releasing the CCH Results**

For additional information on releasing CCH results, refer to VRSM A-208-2: Release of Customer Criminal History Records.

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