# PART B, CHAPTER 9:COMPUTERIZED CRIMINAL HISTORY (CCH)

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part B, Chapter 9 | 34 CFR [§361.38](https://www.ecfr.gov/current/title-34/section-361.38), Texas Government Code [§411.117](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.411.htm#411.117), [§411.084](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.411.htm#411.084), and TWC Privacy Manual | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to requesting and using Computerized Criminal History (CCH) records necessary to inform service provision and/or the employment goal of a customer.

## DEFINITIONS

Computerized Criminal History (CCH): Statewide repository of criminal history information reported to the Department of Public Safety (DPS) by local criminal justice agencies in Texas, as defined by the Code of Criminal Procedure.

Criminal Background Premium: A payment made to a contractor in addition to the base rate paid for services to work with a customer who has a qualifying criminal background.

Criminal History Record Information (CHRI): Information collected by criminal justice agencies consisting of personally identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information (e.g., fingerprint records) if such information does not indicate the individual’s involvement with the criminal justice system.

Criminal Justice Information (CJI): Abstract term used to refer to all of the data provided by the Criminal Justice Information Services Division (CJIS) necessary for law enforcement agencies to perform their mission and enforce the laws. This data includes, but is not limited to, biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data. In addition, CJI refers to the CJIS-provided data necessary for civil agencies to perform their mission (e.g., data used to make hiring decisions). Transaction control type numbers (e.g., ORI, NIC, UCN) when not accompanied by information that reveals CJI or Personal Identifiable Information (PII) are exempt from the protection levels required for CJI.

Fingerprint-Based Search: A search of information using both an individual’s biometric information (e.g., fingerprint) and PII (e.g., legal name on identification documents). It is the most accurate method available for returning records based on matching fingerprints.

Name-Based Search: A search for information based on an individual’s name and date of birth. It is considered a "possible match" to the person about whom the search is being conducted. Search results may include partial name or date‐of‐birth matches.

Personally Identifiable Information (PII): Any information connected to a specific individual that can be used to uncover that individual's identify, such as their social security number, full name, maiden name, birthdate, etc.

Requestors: TWC-VR staff members who are authorized to request CCH records.

Secure Site Users: Designated Regional and State Office points of contact for CCH records responsible for confirming CCH record requests from TWC-VR staff are vocationally relevant, or conducting the CCH search and furnishing the CCH record to VR Counselors.

## POLICY

### General Overview

A Computerized Criminal History (CCH) should be considered for any TWC-VR customer if it will support them in choosing and/or achieving their employment goal. A CCH must be used when—

* A customer is participating in a training program for an occupation requiring licensure, permits, or other credentials;
* A customer is seeking an employment goal that requires a license, permit, or other credential that is not already possessed and prior to signing the IPE;
* A customer has reported difficulty obtaining employment due to a history of criminal conviction(s); and/or
* A customer needs to receive Criminal Background Premium services to remove barriers to employment that are directly related to a customer’s criminal history.

### Secure CCH Search

A CCH search must only be conducted through TWC-VR-issued computers. It is administratively prohibited by DPS to access the DPS secure site via a mobile device (e.g., smartphone or tablet). Secure site users (i.e., Regional and State Office points of contact) must handle requests within three business days.

### Paying for CCH Search

TWC-VR may pay for the cost of a CCH search (both Name-Based and Fingerprint-Based) when agreed upon by the VR Counselor and customer prior to completing the request. A TWC-VR customer may go to DPS independently to obtain a fingerprint-based CCH search; however, this cost will not be covered by TWC-VR.

### Releasing CCH Records

* TWC-VR may not release a name-based search to another organization or individual. This includes the customer or customer’s representative unless there is a request contained in a valid subpoena or other valid court order and the release is approved by the Office of General Counsel (OGC).
* Information from a fingerprinting background check may be released by TWC-VR to the customer or customer’s representative if there is a valid release or written request. Requests contained in a valid subpoena or other valid court order may be released after obtaining approval by the OGC.

## PROCEDURES

### Determining CCH Type

TWC-VR staff should discuss with the customer how specific criminal offenses can affect their ability to obtain licensure, permits, or credentials required for particular occupations and employment settings. There are two types of CCH searches and the VR Counselor determines the type of search necessary to meet the circumstances of each customer.

1. Name-Based CCH Search:
	* Has the potential to return multiple records of individuals with same or similar name and DOB;
	* Only returns legal history that occurred in the State of Texas; and
	* Cannot be discussed with or released to customers or other parties.
2. Fingerprint-Based CCH Search:
* Is the best method for returning accurate criminal history records and should be used when—
	+ - A customer has lived out of state or disclosed that a crime was committed in another state;
		- An exact match to the customer could not be made on a name-based CCH search in the State of Texas; and/or
		- Discussing the results of a CCH record with the customer is necessary.

### Requesting a CCH

After determining the type of CCH search, the VR Counselor must complete the *Request for Computerized Criminal History Search form (VR1510)* and obtain the customer’s signature.

1. Name-Based CCH Search: The VR Counselor submits the request and the signed VR1510 to the Regional Office POC via encrypted email with the subject line: <ENCRYPT> Background Check Request.
	* The Regional POC for CCH will conduct the CCH search.
	* The Regional POC for CCH will provide the CCH record to the TWC-VR Counselor, or notify that no records were found, via encrypted email with the subject line <ENCRYPT> CCH Response.
		+ If a customer discloses they have a criminal record but no record is returned, it is possible the local arresting authority did not report the crime to DPS and the VR Counselor should direct the customer to their local authority to handle any disputes.
		+ If verification of a CCH record cannot be made based on a customer's name, the Regional POC instructs the VR Counselor to follow the procedure to request a fingerprint-based CCH search.
		+ If a name-based CCH search reveals any result that needs to be discussed, to clear any possible misidentification, the VR Counselor contacts the State Office POCs to obtain a fingerprint-based CCH search.
		+ Alternatively, the customer may go to DPS independently to obtain a fingerprint-based CCH; however, TWC-VR will not pay for this cost.
2. Fingerprint-based CCH Search: Submit the request and the signed VR1510 to the State Office POC via encrypted email with the subject line: <ENCRYPT> Background Check Request.
	* The State Office Program Specialist(s) for CCH will instruct the VR Counselor on the process for acquiring a fingerprint-based CCH search by email.
	* TWC-VR staff helps the customer schedule the fingerprinting appointment using information provided by the State Office Program Specialist.
	* TWC-VR staff informs the customer that they will be required to pay a service fee (approximately $10-$25) at the time of the fingerprinting appointment. TWC-VR State Office staff pays the cost of the CCH search.
	* TWC-VR staff directs the customer to take a photo ID and Social Security number when the customer goes to the fingerprinting appointment. For additional information, see [Documents to Prove Identity for Fingerprinting (PDF)](https://www.dps.texas.gov/administration/crime_records/docs/ProveIdForFingerprinting.pdf).
	* TWC-VR staff sends an email to the State Office Program Specialist with the following information:
		+ The date and location of the fingerprinting appointment;
		+ The customer's name; and
		+ The case ID.
	* The State Office Program Specialist provides CCH record to the VR Counselor or notifies the VR Counselor that no records were found, via encrypted email with the subject line <ENCRYPT> CCH Response.

### Securing and Destroying CCH Records

TWC-VR staff must adhere to the requirements of the criminal record agency releasing the information. This includes the following:

* It is prohibited to print name-based CCH records.
* Fingerprint-Based CCH records may be printed and released to the customer, or their representative, with a signed *Authorization for Release of Confidential Customer Records and Information form (VR1517-2).*
* Under no circumstances are CCH records to be stored in a paper or virtual case file, or on TWC-VR staff computers.
* All CCH records must be purged and destroyed immediately after a CCH record has served the 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.

### Other Circumstances

The following include other circumstances where the VR Counselor or other TWC-VR staff must follow additional procedures:

* If a CCH record reveals there is no disposition (e.g., a criminal charge has been made but a conviction has not been reached) or the customer does not agree with the information on the CCH record, the TWC-VR staff member refers the customer to the [DPS Criminal History Error Resolution site](https://www.dps.texas.gov/section/crime-records-service/criminal-history-error-resolution) where the customer can access relevant information and take appropriate action.
* If a customer's CCH record reveals a criminal history and the occupational goal is licensed by a certain regulatory entity—
	+ The customer must go through an evaluation process required by that entity. For example, Texas Department of Licensing and Regulation (TDLR) has a criminal history evaluation process to determine whether the customer's criminal history will prevent them from being licensed in that occupation. Another example is the Texas Board of Nursing's (BON) Petition for Declaratory Order (DO) process.
	+ The VR Counselor must not support an employment goal for any occupation in which TDLR or any other regulatory entity has determined that the customer may not be licensed.

### Criss Cole Rehabilitation Center (CCRC)

When a customer is referred to CCRC, the designated CCRC admissions staff member will run the CCH search instead of the Regional Secure Site User before the customer is authorized to attend CCRC.

## APPROVALS & CONSULTATIONS

There are no approvals and consultations for this policy and these procedures; however, consultations with State Office Program Specialists for CCH are available.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |