
	<b><u>SUBJECT</u></b>	<b><u>NUMBER</u></b>
	<b>COMPUTERIZED CRIMINAL HISTORY</b>	<b>402/08</b>
<b>EFFECTIVE DATE:</b>  08-24-09	<b>AMENDS:</b>  07-09-08	<b>RESCINDS:</b>
<b>DISTRIBUTION: Administration, CID, Patrol, Communications, Clerical</b>	<b>REFERENCES:</b> CALEA 82.1.1, 82.3.6 / IACLEA 82.1.1, 82.3.6 TPCFA 5.01.1	

- .10 Criminal history information obtained from the [Texas Crime Information Center](#) (TCIC) computerized criminal history (CCH) and [Federal Bureau of Investigation](#) III (FBI III) files is confidential and subject to restrictions on use and dissemination. TCIC, CCH or FBI III information can only be given to criminal justice agencies for the following purposes:
- A. Criminal justice purposes, defined as "detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders". It does not include non-criminal justice duties that the members of the Department may have at extra jobs or in their off-duty time.
  - B. Criminal justice applicants for employment at any criminal justice agency.
  - C. Criminal history background checks shall not be requested by anyone regardless of rank or status for any other purposes.
- .11 Within the Department, only commissioned officers and other authorized persons can request criminal history checks, however no one shall request inquiries for unauthorized purposes or persons.
- A. Persons outside the Department, although eligible to make CCH requests, shall be referred to the Criminal Investigations Division or the Communications Division, who will have the responsibility for ensuring that the person requesting the CCH is indeed eligible and that proper logging and sign out procedures are followed.
- .20 Members of the Department not assigned to the Criminal Investigations Division or the Administrative Office shall not request CCH information on persons who are not in actual custodial control. For the purpose of this section, "actual custodial control" will mean the following:
- A. A person in custody as a suspect in a reported or discovered crime.
  - B. A person under arrest for a known offense.

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- C. Persons under arrest who have given false information concerning their identity.
  - D. Persons in custody where there is question regarding identity.
- .21 In performing a CCH check on an individual, the Dispatcher will check for criminal history on all alias names, dates of birth, and identifying numbers that come to their attention for each individual. The responses received over the Teletype are possible identifications only: the Department will have to submit fingerprints to the Department of Public Safety to obtain positive identification in some cases.
  - .22 In the Department, the Chief of Police, Deputy Chiefs of Police, Patrol Lieutenant and Criminal Investigators assigned to the Criminal Investigations Division are the only personnel authorized to receive hard copies of criminal history records.
  - .23 The authorized member receiving the CCH hard copy is responsible for keeping the hard copy secure and immediately returning it to the proper file or for returning the hard copy to the Dispatch Office to be destroyed and logged as such.
  - .24 In ever case where an authorized receiver of a CCH hard copy is from outside the Department, the receiver will be required to sign the Log Book. If the authorized receiver is unavailable to pick up the hard copy himself, the hard copy may be passed to him through an appropriate support person who will be required to sign the Log Book for the receiver.
  - .25 The Department will maintain an audit trail of the handling of CCH hard copies within the Department by keeping hard copies with the case file at all times, or by returning hard copies to the Dispatch Office for destruction and appropriate logging when there is no case file or the CCH hard copy is no longer needed.
  - .30 It is the requesting member's responsibility to request criminal history information over the radio only when he had determined that there is an immediate need for the information to further an investigation, or there is a situation affecting the safety of an officer or the general public. (Refer to .20 this section.)



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TPCFA 5.01.1**

- .31 Dispatchers will not indicate over the radio whether or not a subject has a criminal history in situations where a member has not determined a need for the record information.
- .32 Dispatchers will not broadcast criminal history information over any radio channel. Instead, Dispatchers will use a code system for advising members of requested information concerning criminal activity or for giving information necessary for officer safety. The approved code system is as follows:

**A. Code Five - Violent Crimes**

1. Homicide
2. Assault
3. Unlawfully Carrying Weapons
4. Robbery
5. Escape/Evading Arrest
6. Kidnapping
7. Sex Crimes


**B. Code Six - Property Crimes**

1. Burglary
2. Theft
3. Criminal Mischief
4. Forgery

**C. Code Seven - Drug Offenses**

**D. Code Eight - Public Order/Traffic**

1. Disorderly Conduct
2. DWI/DWLS
3. Public Intoxication

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**E. Code Nine - Protective Order Respondent**

**F. Code Ten - Concealed Handgun Permit Holder**

- .41 Members communicating with each other on the radio where a person's criminal history is being discussed shall use the above listed codes to relay information. If more specific information is requested, the request must be made in person.