


# The Tarrant County College District Police Department

## GENERAL ORDER

|   |  |                      |
|---|--|----------------------|
|  | SUBJECT                                    | GENERAL ORDER NUMBER |
|   | <b>CRIMINAL HISTORY RECORD INFORMATION</b> | <b>118.00</b>        |
|   | SYSTEM STANDARDS                           | EFFECTIVE DATE       |
|   |  | <b>May 1, 2015</b>   |
| APPROVAL  | PAGES                                      |                      |
| <b>Shaun Williams, Chief of Police</b>  | <b>3</b>                                   |                      |

**Policy Statement** - This policy is established pursuant to the mandates under Texas Government Code for the Department of Public Safety to maintain, control, disseminate the information and determine who has access to **Criminal History Record Information (CHRI)**.

**Purpose** - This policy provides guidelines for the release of criminal offender information security of that information and persons authorized to release that information (*Texas Government Code § 411.086 and 411.087*).

### 118.01 - DEFINITIONS

**Authorized Recipient** – Any person or agency authorized by court order, statute or case law to receive CHRI.

**Criminal History Record Information (CHRI)** – Information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information(s) and other formal criminal charges and their dispositions (*Texas Government Code § 411.082(2)*).

**Criminal Justice Agency** – Is a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial portion of its annual budget to the administration of criminal justice; or a nongovernmental railroad or campus police department that has obtained an originating agency identifier from the FBI (*Texas Government Code § 411.082(3)*).

**Criminal Justice Purpose** – An activity that is included in the administration of criminal justice; or screening of applicants for employment with a criminal justice agency (*Texas Government Code § 411.082(4)*).

**Need to Know** – Arises when a necessity exists to obtain CHRI in order to execute official responsibilities.

**Right to Know** – Are persons or agencies authorized by court order, statute or decisional case law to receive the information.

### 118.02 – AUTHORIZED RECIPIENTS OF CHRI

Criminal History Record Information may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients if they have an official need to know.

The Texas Department of Public Safety has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Public Safety list are not authorized recipients and shall not receive CHRI.

#### **118.03 - CRIMINAL RECORD SECURITY OFFICER**

The Communications Supervisor is the designated Criminal Record Security Officer for the Tarrant County College Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CHRI.

#### **118.04 - RELEASE OF CHRI**

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- A. Criminal Records Security Officer
- B. Communications Supervisor
- C. Fulltime employees of Central Communications
- D. Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer.

#### **118.05 – RELEASE OF CHRI TO FIELD PERSONNEL**

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not generally be transmitted by radio, cellular phone or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect; a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

#### **118.06 – JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law or the policies and orders of both the county's juvenile board and the designated juvenile court regarding the release of juvenile offender records. Juvenile records and information are confidential and may only be disclosed pursuant to *Texas Family Code § 58.005*.

#### **118.07 – REVIEW OF CRIMINAL OFFENDER RECORD**

The Texas Department of Public Safety provides the authority and procedure whereby an individual may review his/her own criminal history record (*Texas Government Code 411.135*). Fingerprints may be submitted either electronically or by mail to the Crime Records Service Access and Dissemination Division. The requirements and fees can be found at <http://www.txdps.state.tx.us>. Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

#### **118.08 – PROTECTION OF CHRI**

The CHRI shall be stored in Central Communications where constant personnel coverage will be provided; CHRI stored elsewhere shall be secured in locked desks, locked file cabinets or in locked rooms.

Direct access to CHRI stored in Central Communications shall be restricted to the Central Communications personnel authorized to release it. Direct access to CHRI stored in desks, file cabinets and rooms outside Central Communications shall be restricted to those persons who possess both the right to know and the need to know the information.

#### **118.09 – COMPUTER TERMINAL SECURITY**

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Central Communications to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

#### **118.10 – DESTRUCTION OF CHRI**

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CHRI documents he/she receives.

#### **118.11 – TRAINING PROGRAM**

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Professional Standards Division shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

#### **118.12 – PENALTIES FOR MISUSE OF RECORDS**

The *Texas Government Code § 411.085* makes it a crime to obtain CHRI in an unauthorized manner, to use the information for an unauthorized purpose, to disclose the information to a person who is not entitled to the information or to provide a person with a copy of the person's criminal history record information or to violate any rule pertaining to CHRI adopted by Department of Public Safety under state law.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of *General Order Manual § 908.12 Disciplinary Matrix Appendix A and Appendix B* (Miscellaneous).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of *General Order Manual § 908.12 Appendix A and Appendix B*.