

A BRIEF GUIDE TO THE TEXAS COMPUTERIZED CRIMINAL HISTORY SYSTEM (CCH)

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WHAT IS CCH?

Chapter 66, Code of Criminal Procedure (CCP), defines the Computerized Criminal History System (CCH) as the statewide repository of criminal history record information (CHRI) reported to DPS by local criminal justice agencies in Texas. CCH is one of two components of the Texas Criminal Justice Information System (CJIS). The other component of CJIS is the Corrections Tracking System (CTS) managed by the Department of Criminal Justice (DCJ).

WHAT DATA IS INCLUDED IN CCH?

Chapter 66, CCP requires that information on arrests, prosecutions and the disposition of the case for persons arrested for a Class B misdemeanor or greater violation of Texas criminal statutes to be included in CCH; the statute identifies many of the actual data elements. In addition, though not required by statute, CCH traditionally includes limited supervision data reported to DPS by DCJ.

Of special note: Chapter 66, CCP, creates an Incident Tracking Number (TRN) and Incident Tracking Number Suffix (TRS) as keys for linking charges from arrest through adjudication. Use of the TRN and TRS ensures that the outcome of each arrest charge can be tracked through the system. Establishing this capability

requires each reporting entity to be diligent in its management of cases to include and pass along the TRN and TRS.

WHO MUST REPORT DATA TO CCH

Chapter 66, CCP establishes a flow of information at the local level that is required for successful CCH reporting from each county. The statute places responsibility for reporting to CCH on specific local criminal justice agencies, as follows:

Arresting Agencies:

Police Departments, Sheriff's Offices or any other criminal justice agency in Texas that arrests a person for a Class B misdemeanor or greater violation of a Texas statute is required by Ch. 66, CCP to report that event to DPS within seven days.

The report, if on paper, must be on the Criminal History Reporting form (CR-43) created by DPS. A form created by a local booking system also may be used, if approved by DPS. The report must include the arrested person's fingerprints, the Incident Tracking Number and any other data required by statute.

The preferred method of reporting arrests is to capture the person's fingerprints via a "live scan" fingerprinting device, capture the

demographic and arrest data from the booking agency's own automated booking system, send all the data in an electronic message to DPS for immediate processing. The same data must be included in the electronic transaction as when reported on paper. The electronic submission provides a near-real-time response to the arresting agency and the CCH is updated much more quickly than paper reporting.

Critical to successful reporting is cooperation within the county, in large part to each reporting agency passing the TRN and TRS to the next level. The arresting agency needs to send the TRN and TRS to the prosecuting agency, as indicated below.

Prosecuting Agencies:

Chapter 66, CCP, requires that any County Attorney, District Attorney or other prosecutor receiving a class B misdemeanor or greater offense must report to DPS the decision to accept, reject, change, or add to the charge for trial. As with the arresting agencies, prosecutors may report on paper or electronically. The prosecutor must also include the incident tracking number received from the arresting agency.

Court Clerks

Chapter 66, CCP, requires that County Clerks, District Clerks, or others clerks whose courts try Class B misdemeanors or greater violations

of Texas statutes must report the disposition of the case to DPS. As with prosecutors, the clerks are dependent upon receiving the TRN and TRS from the prior reporting agency. Depending upon the level of automation within the county, court clerks also may report the required data electronically to DPS.

HOW SUCCESSFUL IS CCH REPORTING AT PRESENT?

An analysis of a 5 year period (2011-2015), by the Department in January, 2017 96% of the arrests CCH had a final disposition. The two primary reasons for dispositions being absent from CCH are:

- 1.)The corresponding arrest was not reported. When the disposition is reported, it cannot be matched (via TRN and TRS) to an arrest and must be placed in the DPS name based file to await the receipt of the arrest report. If the arrest is never reported, the dispositions will never be entered into CCH.
- 2.)The court has not reported it because the offense has not been disposed of.

HOW CAN CCH REPORTING BE IMPROVED?

As suggested above, the most important factors contributing to successful CCH reporting are local communication and coordination. The arresting agency begins the process with the fingerprint submission which must be reported to DPS and to the prosecutor. The DPS Criminal History Reporting Form (CR-43) contains all required information

other than the State Identification Number (SID). The SID is received by the arresting agency from DPS after the arrest is reported. The arresting agency and prosecutor must agree on a process for the efficient flow of information via the CR-43 or other appropriate method.

Likewise, the prosecutor must report his/her action to DPS and to the court; as with the arrest information, it may be passed via the CR-43 but, with the proliferation of automated systems, it is often passed via an intra-county system. Internal cooperation and communication is critical to successful CCH reporting at the local level. Each agency must fulfill its responsibility or the succeeding agency may not be able to accurately report the next step in the process. CCH reporting is not the responsibility of a single agency, it is a county-wide responsibility, and the best solutions are developed in counties that have established plans for county-wide communication, coordination and implementation.

HOW IS THE CHRI IN CCH USED?

Chapter 411, Subchapter F, Texas Government Code outlines the access and dissemination of CHRI from DPS. This statute follows the national model established in federal regulations for the access of nationwide CHRI managed by the FBI. CHRI in the Texas state repository at DPS may only be disseminated from DPS:

- (1) To criminal justice agencies for criminal justice purposes, including law enforcement agencies during investigations,*

- (2) To entities identified in the Government Code (and a few other statutes) for criminal history searches for specific non-criminal justice purposes, such as:*

- a. Certain governmental licenses (medical, law, educator, etc.)*
- b. Certain jobs serving vulnerable populations, especially children, the elderly and the disabled (day care centers, nursing homes, hospitals, mental health workers, etc.)*
- c. Certain security sensitive jobs, such as nuclear power plants, financial institutions, etc.*
- d. Brady firearm sales*

- (3) To the person himself or herself*

- (4) For certain research purposes*

Each session, the Texas legislature increases the uses of CHRI for noncriminal justice purposes. In 2003, for example, the legislature granted access for criminal history searches to the many companies that provide in-home services, such as plumbing or electrical repair. Keeping the file accurate and up to- date is a true public safety responsibility for both criminal and noncriminal justice purposes.

WHERE IS MORE INFORMATION AVAILABLE?

Texas Department of Public Safety
Crime Records Service
CJIS Field Auditors
P.O. Box 4143 Austin, Texas 78765
Email: cjisjjis@dps.texas.gov