

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

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WHAT IS CCH?

Chapter 60, Code of Criminal Procedure (CCP) defines the Computerized Criminal History System (CCH) as the statewide repository of criminal history data reported to DPS by local criminal justice agencies in Texas. CCH is one component 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 60, CCP requires that information on arrests, prosecutions and the disposition of the case for persons arrested for Class B misdemeanor or greater violation of Texas criminal statutes be included in CCH. The statute identifies many of the actual data elements. In addition, although not required by statute, CCH has traditionally included limited supervision data reported to DPS by DCJ.

Of special note is that Chapter 60, CCP creates an Incident Tracking Number (TRN) and Incident Tracking Number Suffix (TRS) as the 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, but establishing this capability

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

WHO MUST REPORT DATA TO CCH

Chapter 60, 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 higher violation of a Texas statute is required by Ch. 60, 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 other data required by statute.

The preferred method of reporting arrests captures the person's fingerprints via "live scan" fingerprinting devices, captures the

demographic and arrest data from the booking agency's own automated booking system, and sends 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 causes the CCH to be updated much more quickly than paper reporting.

A critical component of successful reporting is cooperation within the county. A large part of that cooperation is 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 60, 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, as received from the arresting agency.

Court Clerks

Chapter 60, CCP requires that County Clerks, District Clerks, or others clerks whose courts try Class B misdemeanor 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 (2009-2013), by the Department in January, 2016 95% 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 "suspense" 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 must begin the process with the fingerprint submission. That event must be reported to DPS and to the prosecutor. The DPS Criminal History Reporting Form (CR-43) contains all the required information,

except the State Identification Number, which must be received back 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 INFORMATION IN CCH USED

Chapter 411, Subchapter F, Texas Government Code controls the use of CCH by DPS. That statute follows the national model established in federal regulations for the nationwide criminal history file managed by the FBI. In addition, certain federal statutes affect the use of Texas CCH. *The CCH data 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 background 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 CCH for non-criminal justice purposes. In 2003, for example, the legislature granted access for criminal history searches on 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 non-criminal justice purposes.

WHERE IS MORE INFORMATION AVAILABLE?

Texas Department of Public Safety
Crime Records Service
CJIS Field Representatives
P.O. Box 4143
Austin, Texas 78765
Phone: (512) 424-2478
Email: afis_cjis@txdps.state.tx.us