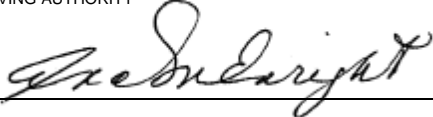
 Corrections and Community Supervision DIRECTIVE	TITLE Criminal History Record Information (CHRI)		NO. 8115
			DATE 12/27/2018
SUPERSEDES DOP P&P Manual Item 8115.00	DISTRIBUTION A	PAGES PAGE 1 OF 6	DATE LAST REVISED
REFERENCES (Include but are not limited to) NYS Executive Law Article 35 - § 837(6) and § 837(8-a); IJ Portal Operating Manual; TAC Guide; Directive #9218	APPROVING AUTHORITY 		

- I. **PURPOSE:** To instruct Community Supervision staff on how to obtain access to Criminal History Record Information (CHRI), the appropriate use and dissemination of CHRI records, and the authorized reasons for requesting CHRI.
- II. **POLICY:** Community Supervision will utilize the CHRI as a tool to gauge whether a parolee is in compliance with the conditions of release. A periodic review of the CHRI report can identify such occurrences as new arrests, warrants issued, Orders of Protections issued, probation assignment notification, sex offender registration, and/or identification in the Violent Gang/Terrorist Organization File.
- III. **DEFINITIONS**
 - A. Criminal History Record Information (CHRI): New York State Executive Law Article 35 - § 837(6) and § 837(8-a) established the New York State Division of Criminal Justice Services (DCJS) as the central repository for criminal history records in New York State. Qualified agencies contribute information and have access to information contained in the central data facility, which includes such information as criminal record, personal appearance data, fingerprints, photographs, etc. Criminal information entered on a CHRI report is recorded based upon arrest fingerprint cards being submitted to DCJS. A CHRI contains a New York State section, and if available, an Interstate Identification Index (III) section and National Crime Information Center (NCIC) postings.
 - B. Criminal Justice Information Services (CJIS): A division of the FBI that serves as the central repository for criminal justice information. NCIC, Uniform Crime Reporting (UCR), and Fingerprint Identification sections are three sub-divisions of CJIS. CJIS is responsible for the following technologies: Integrated Automated Fingerprint Identification System (IAFIS), NCIC 2000, and the National Incident-Based Reporting System (NIBRS).
 - C. Interstate Identification Index (III – pronounced triple eye): An index pointer system for the interstate exchange of criminal history records. All 50 states contribute fingerprint records and expungements to the FBI – CJIS Division; however, only 20 states contribute automatically through the National Fingerprint File Program.
 - D. Integrated Justice Portal – eJustice NY: The Integrated Justice Portal is a browser-based application developed by DCJS. It was designed to give authorized users a single point of access for computerized information within and beyond New York State. Authorized users can easily and quickly obtain criminal history information from a desktop computer.

- E. National Crime Information Center (NCIC): An electronic clearing house of crime data that provides immediate information to criminal justice agencies 24 hours a day. The NCIC database currently consists of 21 files that include person and property files (see Attachment B for a complete list of files). The system responds instantly to an inquiry.
- NOTE: A positive response from NCIC is not probable cause for an officer to take action. NCIC policy requires the inquiring agency to make contact with the entering agency to verify that the information is accurate and up-to-date. Once the record is confirmed, the inquiring agency may take action to arrest a fugitive, return a missing person, charge a subject with violation of a Protection Order, or recover stolen property.
- F. National Fingerprint File Program (NFF): Participating states agree to automatically transmit fingerprint cards and expungements to the FBI. Currently, there are 20 NFF participating states. New York State is an NFF participating state. Non-NFF participating states have to forward fingerprint cards and expungement notices to the FBI, which may result in information that is not up-to-date on the III report (see Attachment A for a list of participating and non-participating states).
- G. Originating Agency Identification Number (ORI): A nine-character identifier assigned to an agency by the FBI – CJIS Division. Each region in Community Supervision is assigned an ORI.
- H. Record of Arrest and Prosecution (RAP): The criminal history record is commonly referred to as the RAP sheet, which stands for Record of Arrest and Prosecution. The term RAP sheet and CHRI report are interchangeable. In New York State, a CHRI or RAP sheet can include both criminal and non-criminal records, such as job/licensing information.
- I. Terminal Agency Coordinator (TAC): Is responsible for organizing, coordinating, and overseeing all eJustice NY Integrated Justice Portal (Portal) related logistics necessary to maintain and support Portal end-users within their agency. Each agency/ORI must have a designated TAC. The TAC can be a sworn or a non-sworn employee who must be a Portal certified Operator.

IV. PROCEDURE

- A. Community Supervision staff may request to become an eJustice Operator through their assigned TAC. eJustice Operators must take the Portal NCIC Certification exam every two years in order to actively receive III and NCIC information. Additionally, all eJustice Operators and staff who have access to CHRI must annually receive the “Confidentiality of Identification Information Data” training. Each eJustice Operator is responsible for ensuring that staff are compliant with the Use and Dissemination Agreement.
- B. Use and Dissemination: Community Supervision has 19 permitted reasons to make inquiries for CHRI (see Attachment C for the list of CHRI codes) and each request for a CHRI must relate to an individual that is under the jurisdiction of the Department (i.e. persons under supervision, Executive Clemency applicants, etc.). All CHRIs are confidential. CHRIs are to be filed in the case folder and secured from non-authorized personnel. Old CHRI reports are to be destroyed. Copies of CHRIs are not to be given to the parolee or any legal representative of the parolee. CHRIs or parts of the CHRI are not to be duplicated and placed in reports that are provided to the parolee. An example of an impermissible use is duplicating the CHRI for the purpose of replacing the criminal history section of the Violation of Release Report. This is strictly prohibited.

- C. Parole Officers should periodically review a parolee's CHRI to determine if there is new information entered either on the New York State portion, III Report, or NCIC. Only 20 states are NFF participants; therefore, non-participating states could update the III report at any time. Information that can be obtained through the CHRI, III, and NCIC include additional identifiers (name, DOB, and SSN), new arrests, disposition information, wanted person (including parole absconders) information, missing person information, Orders of Protection, Deportation Orders, sex offender registration, suspected gang or terrorist information, and/or probation information.

NOTE: All NCIC information received through a CHRI request is based on identifiers and not fingerprints. For example, an NCIC response could be received based upon a match with a social security number or date of birth. Receipt of this type of record does not confirm that the record is the same person as the subject of inquiry. All NCIC records need to be reviewed thoroughly, the identity has to be established, and the record has to be confirmed as active with the entering agency.

- D. Audits are routinely conducted by DCJS to ensure that eJustice Operators are complying with the Use and Dissemination Agreement. When making a CHRI search or inquiry, eJustice Operators are to use a valid reason code provided and enter the purpose within the comments section. Additionally, the request should be documented in CMS or in a log. DCJS can audit records for the preceding three years; therefore, records must be retained for this time period for audit purposes. TACs are to conduct monthly audits and keep a file of such audits that are available for review by DCJS. Inappropriate or misuse of CHRI/III/NCIC by the eJustice Operator or Community Supervision staff could lead to disciplinary proceeding, fines, and/or criminal prosecution.

National Fingerprint File Program (NFF) Participating States:

Colorado
Florida
Georgia
Hawaii
Idaho
Iowa
Kansas
Maryland
Minnesota
Missouri
Montana
North Carolina
New Jersey
New York
Ohio
Oklahoma
Oregon
Tennessee
West Virginia
Wyoming

III PARTICIPATION ONLY:

Alabama	Nebraska
Alaska	Nevada
Arizona	New Hampshire
Arkansas	New Mexico
California	North Dakota
Connecticut	Pennsylvania
Delaware	Rhode Island
District of Columbia	South Carolina
Illinois	South Dakota
Indiana	Texas
Kentucky	Utah
Louisiana	Vermont
Maine	Virginia
Massachusetts	Washington
Michigan	Wisconsin
Mississippi	

NCIC FILES – PERSON (14):

Supervised Release
National Sex Offender Registry
Foreign Fugitive
Immigration Violator
Missing Person
Protection Order
Unidentified Person
Protective Interest
Gang
Known or Appropriately Suspected Terrorist
Wanted Person
Identity Theft
Violent Person
National Instant Criminal Background Check System (NICS) Denied Transaction

NCIC FILES – PROPERTY (7):

Stolen Articles
Boats
Guns
License Plates
Parts
Securities
Vehicles

CHRI Use and Dissemination – Valid Reason Codes (19)

CGC – Certificate of Good Conduct Investigation
CRF – Certificate of Relief Investigation
EDI – Early Discharge Investigation
ECI – Executive Clemency Investigation
DNA – Forensic Services – DNA Charge Verification
TOS – Interstate Investigation
MPI – Minimum Period of Incarceration Investigation
NOV – NYSID #/Check Digit Verification
PAR – Parolee Absconder Investigation
PBR – Parole Board Criminal History Report
PRI – Parole Release Investigation
PSC – Parole Status Check
PAI – Probation/Parolee Associate Investigation
SOR – Sexual Offender Registry
PAV – Violation of Conditions of Parole Investigation
WAR – Warrant Investigation
INC – Institution Admissions
REV – Revocation Investigation
RUP – Request for Record Correction Purposes