

General Order

Houston Police Department



ISSUE DATE:

March 4, 2022

NO.

800-11

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 800-11, dated August 3, 2018

SUBJECT: TCIC/NCIC

POLICY

This General Order provides guidelines for conducting Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) entries and inquiries in accordance with the rules set forth by the Texas Department of Public Safety (DPS) and the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS). The Houston Police Department's participation in the TCIC/NCIC systems is conditional on adherence to the policy set forth in the TCIC/NCIC Operating Manual, which makes the department subject to scheduled audits by the Department of Public Safety and the Federal Bureau of Investigation (FBI).

HPD's Terminal Agency Coordinator (TAC) is responsible for ensuring that all TCIC/NCIC terminal users have the required DPS and Texas Law Enforcement Telecommunications System (TLETS) publications readily accessible to reference. Divisional TACs are responsible for ensuring terminal users within their respective divisions have access to these publications and the NexTest System where they will take their recertification tests.

The department's Intranet Portal serves as a link to the most updated DPS and TLETS resource publications and links.

This General Order applies to all employees.

DEFINITIONS

TCIC/NCIC Person Record Entry. An entry into TCIC/NCIC placing a notification that the Houston Police Department has listed a person as a missing person, subject to a protective order, identified as a violent person, having made threats against a police officer, or as an unidentified person. The Houston Police Department does not list individuals as wanted persons in TCIC/NCIC. Any warrants obtained for the arrest of a person by Houston Police Department personnel will be listed as wanted by the county in which the warrant for their arrest was obtained.

TCIC/NCIC Property Record Entry. An entry into TCIC/NCIC placing a notification on property that it has been reported as stolen to the Houston Police Department. 'Property' includes, but is not limited to, guns, vehicles, license plates, securities, and articles.

1 OBTAINING INFORMATION ON AN INDIVIDUAL FROM TCIC/NCIC

All personnel are reminded that when making inquiries with TCIC/NCIC on individuals using either the Records Management System (RMS) or Computer Aided Dispatch (CAD) system they must provide adequate information as to clearly identify why the inquiry was made, including Reason For Inquiry (RFI), the case number or control number, and the correct Purpose Code.

Employees shall not use "Investigation" or "Inv" for the RFI. At a minimum, RFI will include the type of offense under investigation, and the involvement of the individual being inquired into. For

example, if you are running a suspect in a family violence assault investigation, the RFI entry should be "Assault/FV-Susp". All RFI field entries are subject to audit by DPS and the FBI and must meet minimum standards as outlined above.

If an inquiry is being made in an incident where a case number is yet to be assigned (i.e., traffic stop), employees shall use an incident number or some identifier that will allow for the identification of the incident in the event of an audit.

Purpose Code shall be one of three codes, as indicated below:

- a. "C" shall be for criminal investigations, and CJIS clearance for contractors;
- b. "J" shall be used when running applicants for employment, and for employee evaluations such as Employee Integrity Verifications;
- c. "F" shall be used when returning a firearm to the legal owner

No other Purpose Codes are permitted, per CJIS policy.

2 SECURITY, RESTRICTIONS, AND REQUIREMENTS

All systems capable of accessing TCIC/NCIC shall be kept secure at all times and access shall be restricted to authorized personnel only. All authorized personnel are responsible for ensuring their TCIC/NCIC inquiries are conducted for official criminal justice purposes only.

Required TCIC/NCIC Training

Division commanders are responsible for identifying assignments under their command that require various levels of logical TCIC/NCIC access and training.

All employees shall complete, at a minimum, the *TCIC/TLETS Criminal Justice Practitioner* training/certification and the *CJIS Online Security Awareness* training/certification in order to comply with DPS and FBI regulations. All employees shall also complete the training and recertification test for their respective level of TCIC/TLETS access and the CJIS Online Security Awareness Certification annually during the employee's birth month, in order to maintain this security privilege.

All *non-HPD personnel* (e.g., contractors, vendors, and employees of other City departments) shall complete, at a minimum, the TCIC-NCIC Criminal Justice Practitioner Training Course (Online Video Presentation) in order to comply with DPS and FBI regulations. Additionally, all *non-HPD personnel* shall review the CJIS Compliance Security Awareness Training Course annually in order to maintain this security privilege. A vendor or contractor who is *escorted* by any HPD employee authorized to access CJIS data is exempt from this mandate for *physical access* only, not *logical* (computer) *access*. See General Order 800-06, **CJIS Compliance**, for related definitions and CJIS security requirements.

Any Less Than Full Access (LTFA) employees or authorized *non-HPD personnel* (e.g., contractors) accessing or querying criminal justice information via department computers or mobile computing devices (MCDs) shall be required to complete the *TCIC/NCIC Less Than Full Access* course prior to gaining security privileges allowing access. Additionally recertification

tests for LTFA as well as the *TLETS Mobile Certification* (DL and REG only) test along with the CJIS Online Security Awareness Certification test shall be taken and passed annually during the individual's birth month in order to maintain this security privilege.

Any employee who is responsible for entering, editing, or deleting criminal justice data in the TCIC/NCIC systems or TLETS shall complete the *TCIC/NCIC Full Access* course prior to gaining security privileges at this level. In order to maintain security privileges, all full access users shall take and pass a *Full Access Recertification* test and the CJIS Online Security Awareness Certification test annually during their birth month.

3 TCIC/NCIC ACCESS

Division commanders shall ensure that the Risk Management Division's CJIS Compliance Unit has vetted all non-HPD personnel prior to TCIC/NCIC access being granted within their respective division.

Once the individual has been granted TCIC/NCIC access, they shall obtain the required level of TCIC/NCIC training according to the type of security access needed (see section 2 of this General Order).

For employees, their division commander shall then submit the employee's *Records Management System Security Access Request* form (available on the HPD Intranet Portal) to the HPD Office of Technology Services to complete the individual's access capability. For *non-HPD personnel*, the department's CJIS Compliance Unit shall coordinate with the Office of Technology Services to complete the individual's access capability (see General Order 800-06, **CJIS Compliance**).

In the event an employee (classified or civilian) is relieved of duty, access to the HPD computer system, including TCIC/NCIC, is automatically suspended by Employee Services Division (ESD) until the employee is returned to full duty. When the employee has been returned to full duty, the ESD shall be responsible for restoring the employees TCIC/NCIC Access. See General Order 200-03, **Investigation of Employee Misconduct**, for further information.

Upon separation from the department, employees shall have their TCIC/NCIC access rights terminated by ESD. ESD shall make the proper notifications to the Department of Public Safety by deactivating the DPS identification number in nextTEST®.

4 TCIC/NCIC PROPERTY RECORD ENTRY

Property record entries to TCIC/NCIC shall be made only when a valid theft report is on file or other TCIC/NCIC entry criteria are met. Mandatory property record entries shall be entered as soon as possible after the theft report is documented and on file.

Investigative Division

The concerned investigative division shall:

- a. Ensure that TCIC/NCIC entry criteria are met when an official theft report is made.

- b. Provide the necessary information to the HPD Records Division via original or supplement report as soon as possible.

Records Division

Records Division personnel shall:

- a. Prior to entry, verify that the information on the property screens meets TCIC/NCIC entry requirements.
- b. Record the entry by entering the NCIC number on the appropriate screen (e.g., property, vehicle, boat, gun) in the original incident report, and ensure that the proper ORI of TXHPD0000 is placed in the entered record.

Additionally, Records Division entry operators shall inform a Records Division supervisor about any missing or incorrect data in a report. Entry operators shall enter records once the mandatory field data is available.

Records Division Supervisors

Records Division supervisors shall:

- a. Verify the validity and accuracy of the record.
- b. Ensure the accuracy of the record entry is double checked by a second party.
- c. Ensure that the record is entered as soon as possible after the receipt of the theft report.
- d. Coordinate with the concerned investigative division to obtain complete information when it is not included in the theft report.

5 TCIC/NCIC PERSON RECORD ENTRY

Person record entries to TCIC/NCIC shall be made only when an appropriate report is on file or when TCIC/NCIC entry criteria are met. Missing persons shall be entered into TCIC/NCIC within two hours following notification to law enforcement.

Investigative Division

The concerned investigative division shall:

- a. Ensure an appropriate report is made.
- b. Provide the information to the appropriate entry operator as soon as possible.

Investigative Division Entry Operator

The concerned investigative division's entry operator shall:

- a. Verify that the information in the report meets TCIC/NCIC entry criteria.
- b. Verify identification information with driver license and criminal history checks.
- c. Include all available information including, but not limited to, driver license and criminal history returns in the person record entry. Such information should be added to the entry only when there is a high degree of certainty that the returns are the subject of the warrant.
- d. Notify the Records Division office supervisor about any missing or incorrect data. The entry operator shall enter additional available data, if possible.
- e. Ensure the record is entered as soon as possible after the receipt of report. Entry Operators are reminded that record entry of a missing person is required within two hours following notification to law enforcement and record entry of protective orders is required within seventy-two hours following notification. Ensure that the proper ORI of TXHPD0000 is placed in the entered record.
- f. Have a second party check the entry for accuracy and completeness before the entry is submitted to TCIC/NCIC. TCIC/NCIC requires a second check by another party of any entry made before it is submitted.
- g. Forward a hard copy of the record to the investigating officer for inclusion in the appropriate incident file. The hard copy shall include the date, operator's initials, and a copy of the entry acknowledgment. Copies of motor vehicle registration, driver license, and criminal history checks shall also be included.

Investigative Division Supervisors

The supervisor of the investigative division's entry operator shall:

- a. Ensure the validity of the record and ensure the accuracy of the record entry is double checked by a second party.
- b. Ensure all appropriate data is entered and verified against the report, and against the Department of Motor Vehicle, driver license, and criminal history checks. Verify that the missing person is entered into TCIC/NCIC.
- c. Ensure the record is entered as soon as possible after the receipt of the report. Supervisors are reminded that record entry of a missing person is required within two hours following notification to law enforcement and record entry of protective orders is required within seventy-two hours following notification.
- d. Coordinate with the officers to obtain complete information when it is not included in the report.

6 RECORD CANCELLATION AND MODIFICATION

Employees shall notify the concerned division by supplement report when information becomes available that a TCIC/NCIC record entry is invalid. Additionally, employees shall notify the

Records Division via a supplement report as soon as possible when property listed in a theft report is recovered.

The appropriate entry operator shall clearly mark the incident files to indicate the status of the enclosed theft reports and file the appropriate hard copy teletype returns to document the status of the TCIC/NCIC records involved.

7 QUALITY CONTROL OF RECORDS

The DPS and FBI initiate quality assurance checks on all records entered into TCIC/NCIC for all agencies statewide.

DPS/TCIC Messages

The Emergency Communications Division's (ECD) communications operator on duty at the time that any TCIC messages are received shall immediately forward the messages to the Records Division and the concerned investigative division for handling and resolution.

If the Records Division and the concerned investigative division are unable to resolve the problem, a supervisor from the concerned division shall contact DPS by telephone for assistance and resolution. If the department's records are correct, the concerned division's supervisor shall, if required, notify DPS that the records show the entry to be valid. Additionally, employees shall document modifications to TCIC/NCIC entries by supplementing the appropriate incident report.

The ECD communications operator shall forward quality control messages to Records Division. The Records Division's on-duty supervisor shall forward all quality control messages regarding missing persons or protective orders to the department's Terminal Agency Coordinator (TAC) and to the concerned division.

FBI/NCIC Messages

Error messages received from the FBI will have "\$.E." at the top of the message. The record will already have been canceled by the FBI/NCIC. The concerned division's entry operator shall take immediate action by attempting to resolve the error and re-entering the record if possible. If the operator cannot resolve the problem, the operator shall notify a supervisor of the "\$.E." message.

8 RECORDS VALIDATION

DPS requires that the department regularly validate records on a schedule set forth by DPS. The department's records shall be verified by the concerned division as being accurate, valid, and complete.

Validation of vehicle, boat, securities, boat part, vehicle part, gun, license plate, sex offenders' registration, protective orders, violent persons, threats against officers, unidentified persons, and missing persons entries require the department to confirm the record is complete, accurate, and active. Validation is accomplished by reviewing the original entry and current supporting documents, and by *recent consultation* with the appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate sources. For the purposes of TCIC/NCIC

records validation, *recent consultation* may be accomplished by various means including telephone communication or written notification.

If the concerned division is unsuccessful in its attempts to contact the victim, complainant, etc., the concerned division shall make a determination based on the best information and knowledge available whether or not to retain the original entry in the file. All efforts to validate a vehicle or missing person record shall be documented by completing a supplement report.

TCIC/NCIC records shall be validated between 60 and 90 *calendar* days after they are entered. The TAC shall coordinate the validations with the concerned divisions to meet the stated deadline, however, each concerned division is responsible completing validations of the records they are responsible for. Per DPS requirement, validations are to be double checked by a second party, including the accuracy of the ORI (TXHPD0000).

9 TCIC/NCIC HIT CONFIRMATIONS

Employees shall follow all of the guidelines in this section whenever they are acting on or providing information from the TCIC/NCIC network or requesting hit confirmations from other agencies.

Providing Hit Confirmations

The concerned division or in the absence of the concerned division, Records Division, shall provide written TCIC/NCIC hit confirmation to requesters whenever possible. If it is impossible to do so, confirmation shall be made over the telephone and a teletype message shall be sent when it becomes possible to do so.

Note: Under no circumstances shall employees allow hit confirmation requests to the Houston Police Department to go unanswered.

The concerned division shall reply to all requests for hit confirmations within the time limit specified in the request. If the concerned division is unable to provide the positive or negative confirmation within that time frame, the concerned division shall immediately send a message to the requesting agency giving them a specific amount of time needed to confirm or deny a hit.

The concerned division shall confirm all hits by reviewing the original incident report and supplements or warrant to accomplish the following applicable tasks:

- a. Ensure that the person or property inquired about is identical to the person or property identified in the record by performing a thorough and skillful investigation.
- b. Ensure that any missing persons report or theft report is still outstanding.
- c. Obtain a decision regarding the extradition of any wanted person.
- d. Obtain information regarding the return of any missing person to the appropriate authorities.
- e. Obtain information regarding the return of stolen property to its rightful owner.

f. Obtain information regarding the terms, conditions, and service of a protective order.

Employees having questions about a piece of property or a person's connection to the TCIC/NCIC hit shall consult their supervisor for further assistance.

Requesting Hit Confirmations

A hit **alone** is not probable cause to arrest. The hit confirmed with the originating agency is one factor to be added to other factors at the scene to arrive at an arrest decision.

Officers recovering a vehicle reported stolen by an outside agency must request and receive a hit confirmation via a dispatcher in ECD before taking any action regarding the vehicle. The officer shall contact the Auto Theft Division when confirmation responses are not received in a timely manner.

When an employee assigned to ECD receives a TCIC/NCIC hit confirmation request from an officer to confirm a record, the employee shall do the following:

- a. Notify the requesting officer that the hit confirmation request was received and that confirmation is being requested.
- b. Send a teletype to the agency that originated the entry and fully describe the person or property in custody via a dispatcher in ECD.

If the entering agency does not provide positive or negative confirmation within the time limit specified in the first request, the communications operator shall send another message to the entering agency requesting confirmation. The operator shall enter the number 2 in the request number field. This will cause the message to be sent also to the appropriate state control terminal agency (CTA).

If the agency does not provide the confirmation within the time specified in the second request, the operator shall send another message to the entering agency, and enter the number 3 in the request number field. This will cause the message to be sent also to the appropriate state CTA and the FBI/NCIC in Washington, D.C.

NCIC guidelines outline the hit confirmation policies and procedures. There are no NCIC requirements that the hit confirmations be written; however, HPD shall accept telephone hit confirmation only when teletype confirmation is not possible. In such cases, employees shall insist that the agency provide a teletype confirmation when it becomes possible. However, if telephone hit confirmation is accepted a further teletype request cannot have a number 2 or a number 3 in the request number field.

Officers shall contact dispatch to obtain hit confirmation from the entering agency before taking any of the following actions on hits:

- c. Arresting the wanted person.
- d. Detaining the missing person.
- e. Seizing the stolen property.

General Order 500-08, **Required Booking Information and Procedures**, provides clear guidance in checking the wanted status of any individual who is ticketed, arrested, or jailed. If there is a warrant hit and confirmation is not received within 15 minutes, officers may release the detainee if they do both of the following:

- f. Obtain a supervisor's approval.
- g. Document the detainee's identification information.

Note: Consideration should be given to the nature of the warrant and the circumstances of the detention.

10 PROBLEMS

All problems related to TCIC/NCIC issues shall be handled in the following manner:

- a. All issues or problems related to technical access shall be forwarded to the Office of Technology Services.
- b. All issues or problems related to verification of training shall be forwarded to the Training Division, TCIC/NCIC training coordinator.
- c. Any issues or problems that cannot be resolved using the above resources shall be forwarded to the department's TAC and the Risk Management Division's CJIS Compliance Unit.

11 POLICE RECORDS

Procedures regarding the dissemination of criminal history records and release of police information are outlined in General Order 800-10, **Police Records**.



Troy Finner
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