# **Vocational Rehabilitation Services Manual Section D-500**

Revised January 16, 2024

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## D-510: Retrieving and Disseminating Criminal History Record Information

VR has the authority to obtain customers' computerized criminal history (CCH) records from the Texas Department of Public Safety (DPS) for the purpose of employment planning (Texas Government Code §411.117). VR must adhere to the requirements contained in this section (VRSM D-510), in VRSM B-405: Computerized Criminal History Checks, in TWC Privacy Manual Appendix G - Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures, and in the TWC Privacy Incident and Response Plan; the last three resources are on the TWC SharePoint.

### D-510-1: Security

Confidentiality of CCH records is required. Only authorized individuals with DPS Secure Site Access can run a search for records. Authorized individuals without DPS Secure Site Access can only request, obtain, and view CCH records for the purpose of vocational rehabilitation and employment planning purposes. All authorized individuals must complete and maintain a valid security level training certificate from the Criminal Justice Information Services (CJIS) Security Awareness Online Training System.

The term "authorized individual" includes:

* Caseload Carrying VR Staff including Unit Support Coordinators, Transition Vocational Rehabilitation Counselors, Vocational Rehabilitation Counselors, and Caseload Covering Vocational Rehabilitation Counselors.
* Management Unit Staff including Vocational Rehabilitation Supervisors and Vocational Rehabilitation Managers.
* Regional Office Staff including Regional Directors, Deputy Regional Directors, Program Support Managers, Regional Program Specialists, Regional Transition Specialist, Regional Blind Services Specialists, Regional Program Improvement Specialists, Employment Assistance Specialists, and Regional Points of Contact Staff for CCH.
* State Office Staff including the Program Policy and Support (PPS) Program Manager, designated State Office Program Specialist(s) for CCH, and the Director of TWC Business Operations.

An authorized individual must ensure that:

* records cannot be viewed by others, either in hard copy or while visible on the computer screen (hard copies of CCH results obtained prior to 07/01/2022 must be kept in a confidential and secure location); and
* all electronic copies are destroyed by:
	+ deleting them from the Inbox/Sent folder as applicable; and
	+ deleting them from the Deleted folder

Refer to VRSM D-307: Processing Closed Case Files for more information about hard copy destruction requirements.

It is administratively prohibited to access the DPS secure site via a mobile device (for example, a smartphone or tablet).

Employee violations on protecting the confidential nature of customer records are grounds for appropriate disciplinary action. Unauthorized use of the CCH system may result in disciplinary action and/or criminal penalties as outlined in the TWC Privacy Manual and the TWC Personnel Manual, which are both located on the intranet.

### D-510-2: Roles and Responsibilities

DPS account supervisors are responsible for ensuring that DPS Secure Site users are using the site appropriately. Periodic monitoring is required to assess request patterns.

Requestors are VR staff members who request CCH searches. Requestors are responsible for following and complying with VRSM B-405: Computerized Criminal History Checks.

Secure site users ( [Points of Contact for Computerized Criminal History Reports](https://intra.twc.texas.gov/intranet/vrs/docs/criminal-history-request-contacts.docx)) are responsible for ensuring that a request is appropriate (for example, confirming that a CCH search request from field personnel is for a legitimate vocational need for a customer assigned to the individual's caseload). Secure site users are responsible for retrieving criminal history record information (CHRI) for requestors from the assigned region. Secure site users must maintain the VR1510, Request for Computerized Criminal History (CCH) Search, as an auditable file for the purpose of DPS monitoring. The VR1510 must include the name of the requestor, the date of the request, and the justification for the request. Customers must have an open case for a CCH search to be run and been determined eligible for VR services. CCH searches must not be run for customers in initial contact or application. Refer to Points of Contact for Computerized Criminal History Reports located on the intranet.

State office staff:

* serve as a backup to the regional points of contact responsible for CCH searches, oversight, and monitoring;
* provide statewide monthly activity reports due to the TWC accounting department;
* act as a conduit for information and support as needed by other authorized DPS system users; and
* process all fingerprint-based CCH requests directly with field staff.

### D-510-3: Receiving Requests

The requestor fills out the VR1510, Request for Computerized Criminal History Search and sends it to the Regional or State Points of Contact for Computerized Criminal History Reports via encrypted email using the subject line <ENCRYPT> Background Check Request.

A copy of the VR1510 must be kept in a confidential and secure location by the secure site user who retrieved the CHRI from the DPS secure site and must be maintained for audit purposes for seven years after the case is closed. The VR1510 must include the name of the requestor, the request date, and the justification for the request.

For more information, refer to VRSM B-405: Computerized Criminal History Checks.

### D-510-4: Conducting a Search

Note: A CCH search must only be conducted through TWC-issued computers. It is administratively prohibited to access the DPS secure site via a mobile device (for example, a smartphone or tablet).

Staff should search all known names and date of birth first, then use the customer's Social Security, Texas driver license, or Texas ID card number to narrow the results. VR staff may need identifying characteristics such as tattoos or eye color to narrow the results.

Once VR staff obtains a record, if there has been no disposition (for example, the case is still in court and no decision has been reached for months) or the customer does not agree with the information on the record, staff refers the customer to the DPS Crime Records Service site to obtain an error resolution form using the "[Help Us Help You](https://www.dps.texas.gov/sites/default/files/documents/administration/crime_records/pages/helpushelpyou.pdf)" link.

If the customer insists that he or she has a criminal record but no record is returned, it is possible that a local arresting authority has not reported the record to DPS. The customer must be directed back to the local authority. If the crime was in another state, the customer will need to be processed via the fingerprint-based CCH method in order to retrieve the record.

Fingerprint search requests must be directed to the State Office Program Specialist(s) for CCH for instructions on that process. These records are subject to the same security procedures and confidentiality restrictions as CCH searches.

### D-510-5: Responding to a Request

All requests made to secure site users must be handled within three business days.

Secure site users should cut and paste the criminal record, or the search result showing that no criminal record was found, into a blank Word document. The document must then be attached and forwarded to the requestor in an email with the subject line <ENCRYPT> CCH Response to ensure that it will be encrypted automatically.

Secure site users should include the following message in the email:

" The CCH record you requested is attached and is for vocational rehabilitation (VR) planning purposes only. The VR counselor can only discuss the fingerprint-based CCH results with the customer. After discussing fingerprint-based CCH results, the VR counselor must immediately destroy the results (for example, deleting them from email and then deleting them from the Deleted folder in the email application, such as Outlook) immediately after the criminal history record has served its immediate purpose. VR may release the fingerprint-based CCH results to the customer or customer’s representative if there is a valid release or written request prior to the destruction of the fingerprint-based CCH results by the VR counselor. The name-based CCH results are not to be discussed or printed for any reason. For information about release of these records, refer to VRSM A-208-2: Release of Customer Criminal History Records. The name-based or fingerprint-based CCH result must not to be stored in a paper case file or the customer’s virtual case file under any circumstances."

A response template must instruct the requestor to use the same process to delete the criminal history information from the electronic system.

### D-510-6: Fingerprint Procedures

If verification cannot be made based on a customer's name, the secure site user instructs the VR staff to submit a completed and signed VR1510, using the standard encryption method, to the State Office Program Specialist(s) for CCH to complete a fingerprint search request.

The state office program specialist(s) for CCH reviews the VR1510 and the case to ensure that all policies have been followed.

VR staff helps the customer schedule the fingerprinting appointment at <https://uenroll.identogo.com/> using the service code provided by the state office program specialist.

VR staff sends an email to the state program specialist with the following information:

* The date and location of the fingerprinting appointment
* The customer's name
* The case ID
* The purpose of fingerprinting (for example, "for customer's practicum")

VR staff directs the customer to take a photo ID and Social Security number in addition to the dates and information on any arrest history when the customer goes to the fingerprinting appointment. Please refer to the list of [acceptable forms of identification for fingerprinting by DPS](https://www.dps.texas.gov/sites/default/files/documents/administration/crime_records/docs/proveidforfingerprinting.pdf).

VR staff informs the customer that a fee (approximately $15–$25) may be required at the time of the appointment. VR pays the balance of the cost at the State Office.

Once the report is obtained from the secure site, the state office program specialist follows the procedures in VRSM D-510-5: Responding to a Request.

### D-510-7: Procedure for CCH Verification Log

The CCH verification log is required by the Department of Public Safety (DPS) to track CCH requests. The log should be maintained by regional and state points of contact for conducting the initial CCH from Audit to Audit.

Regional points of contact (found on the intranet) keep a copy of the VR1510, Request for Computerized Criminal History (CCH) Search received from requestors in a confidential and secure location. Regional points of contact are also responsible for maintaining the CCH verification log. Regional points of contact submit their monthly CCH verification logs to the State Office Program Specialist(s) for CCH.

When conducting a CCH, the CCH verification log should contain the following information elements:

* Name of customer
* Purpose of CCH
* Reference# (ReHabWorks Case ID)
* Check whether CCH Printed/Not Printed
* Date Printed
* Initials of person conducting the CCH

If the CCH is printed, the log must be updated with the following information when the CCH is destroyed.

* Date Destroyed
* Initials of the person who destroyed the CCH.

The State Office Program Specialist(s) for CCH is responsible for maintenance and retention of monthly CCH logs in a confidential and secure location from Audit to Audit. Once the audit has occurred, logs can be destroyed. Any log moving forward from the day of the audit needs to be kept until the next audit.

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