



TRIBAL ACCESS PROGRAM

**FOR NATIONAL CRIME INFORMATION
ENSURING THE EXCHANGE OF CRITICAL DATA**

Tribal Decisions for TAP-LIGHT Tribes



Department of Justice
Office of the Chief Information Officer

WEB: WWW.JUSTICE.GOV/TRIBAL/TAP
EMAIL: TRIBALACCESS@USDOJ.GOV



- Tribes must make decisions that govern the use of TAP
- Customized to individual Tribes and communities
- Decisions in three categories:
 1. Participating Agencies and Use
 2. Information to be Entered into National Crime Information Systems
 3. Information Technology – Where to place OpenFox Messenger



1. Participating Agencies and Use

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Criminal Justice Agencies

- Law Enforcement
- Criminal Courts
- Prosecutors
- Pretrial Services
- Probation and Parole



Civil Agencies

- Civil Courts
- Child Protection Services
- Child Support Enforcement



- There is no federal legal authority for use by gaming entities, elder care, election boards, or related agencies

1. Participating Agencies and Use (cont'd)



B. What agencies will do with TAP

- Agency access depends on:
 - Agency type
 - Law Enforcement Criminal Justice Agency (LE-CJA)
 - Non-Law Enforcement Criminal Justice Agency (NLE-CJA)
 - Non-Criminal Justice Agency (NCJA) aka Civil Agency
 - Federal authority given to access Criminal Justice Information (CJI) and under what circumstances

1. Participating Agencies and Use (cont'd)



- **All criminal justice agencies, law enforcement and non-law enforcement can:**
 - Access criminal history records by conducting name-based criminal history checks
 - Enter NICS Prohibitors
 - Access N-DEx
- **In addition:**
 - **Criminal courts** can enter arrest warrants into national databases for on and off reservation awareness and enforcement (*NCIC via OpenFox Messenger*)
 - **Prosecutors** can enter charging documents and dispositions for criminal charges to keep prohibited individuals from purchasing firearms; e.g., misdemeanor domestic violence convictions (*NICS via OpenFox Messenger*)
 - **Pretrial services** can obtain complete criminal histories to make release recommendations (*Ill via OpenFox Messenger*)
 - **Probation and parole officers** can conduct name-based criminal history checks to determine if supervised individuals have new charges (*Ill via OpenFox Messenger*)

1. Participating Agencies and Use (cont'd)



- **Civil Courts** (*OpenFox Messenger Only*)
 - Enter orders of protection
 - Run name-based criminal history checks in cases of domestic violence and/or stalking
 - Enter information on prohibited persons in the NICS Index
- **Children's Protective Services** (*OpenFox Messenger Only*)
 - Conduct name-based record checks of individuals under investigation and in response to reports of child abuse, neglect, or exploitation
- **Child Support Enforcement** (*Limited NLETS access via OpenFox Messenger*)
 - Conduct drivers' license and vehicle registration checks in support of Child Support Enforcement activities



C. Will agencies query or enter information on other agencies' behalf

- Agencies may query/enter information on behalf of another agency
- Decisions based on volume, workload, staffing resources, and expertise
- Does not always have to be law enforcement
- Service Models
 - **Self-Service**
 - Agency performs fingerprint-based background checks; name-based record check for themselves
 - **Serviced Agency**
 - Servicing Agency performs fingerprint-based background checks; name based record checks, or transaction for the Serviced Agency and transfers CJI to the Serviced Agency
 - **Go/No Go**
 - Serviced Agency determines baseline acceptance criteria
 - Servicing Agency runs transactions on behalf of another agency and makes a "Go/No Go" decision based on criteria provided by the serviced agencies.
 - No CJI is transferred



D. Who in each agency will enter or query information

- **Begin to think early about who will perform specific tasks**
 - Entering warrants and protection orders
 - Validating entries into national crime information systems
- **Identify possible “trainers” – knowledgeable staff to assist others post-deployment**
- **Any and all persons with potential access to CJI must meet CJIS requirements**
 - Complete CJIS Security Awareness Training (CSAT)
 - Have a completed fingerprint-based background check

2. Information to be Entered



2. Information to be Entered into National Crime Information Systems

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▪ Information Entry Decisions

- Persons & Property in National Crime Information Center (NCIC)
- Persons prohibited from purchasing weapons - National Instant Background Check System (NICS) Indices
- Sex Offender Registration and Notification Act (SORNA) (NCIC/NSOR portion only)
- Document/Update these decisions in tribal policy documents

2. Information to be Entered (cont'd)



A. Persons and Property in National Crime Information Center (NCIC)

- Type of information that may be entered:
 - Person Files (14 files) – Wanted, Missing, Protection Order, Violent Persons, etc.
 - Property Files (7 files) – Cars, Guns, Boats, Items, Parts, Securities, etc.
- IF information is entered into NCIC, THEN
 - Tribe must provide 24/7 hit confirmation support if that person or property is located by another jurisdiction (How will this be done?*)
 - Tribe must provide periodic validation of entered information to confirm that the record is complete, accurate, and still outstanding or active (Who will do this?)
- **Historical Records – Records Not Previously Entered into National System**
 - Active records (e.g. orders of protection and warrants) not previously entered into national systems
 - Old records that may prevent a prohibited person from purchasing a firearm (e.g. domestic violence convictions)

**Job Aid may be found in CJIN Training and Learning Center - <https://nextest.just.jmd.usdoj.gov/cjin/>*

2. Information to be Entered (cont'd)



B. National Instant Background Check System (NICS) Indices

- Enter information to prevent weapons purchases by prohibited persons (e.g. court adjudicated mental health issues; self-admitted drug abuse)

C. SORNA

- Federal law requires fingerprints and palm prints to be submitted to NGI and information about sex offenders to be submitted to the National Sex Offender Registry (NSOR)
 - TAP-LIGHT provides access to sex offender information into NSOR only
 - Fingerprints/Palm prints would need to be submitted via the state or another method
- SORNA officers need to make decisions regarding who will validate records and how to ensure quality of data entry
- How to incorporate the use of TAP into current process of sex offender registration

2. Information to be Entered (cont'd)



E. Develop/update tribal policy to document decisions

- What information will be entered into national crime databases
- What agency will be entering that information
- Who within the agency will be entering information
- Information Entry Worksheet – helpful tool

Information Entry Worksheet



Information Type	Considerations for Tribes	What agency will enter that information? Who in agency will make entry?	Policy
Entry of property files (i.e. stolen cars, stolen guns, stolen articles) (NCIC)	Will agencies make entries as part of their regular course of business into NCIC? 24x7 hit confirmation Second Party Check Validation	Police Department	Agencies need to follow NCIC Second Party Check, Validation and 24x7 hit confirmation
Entry of person files (i.e. wanted person, orders of protection, missing person, etc.) (NCIC)	Will agencies make entries as part of their regular course of business into NCIC? 24x7 hit confirmation Second Party Check Validation	Police Department or Courts	Agencies need to follow NCIC Second Party Check, Validation and 24x7 hit confirmation
Entry/Registration of convicted sex offenders (NCIC/NSOR)	How to incorporate the use of TAP into current process	What agency will enter SORNA registrations - Police Department, Probation	Work with SMART office to implement Agencies need to follow NCIC Second Party Check, Validation and 24x7 hit confirmation

Information Entry Worksheet (cont'd)



Transaction Type	Considerations for Tribe	What agency will enter that information Who in agency will make entry	Policy
Do you want records to be sent to N-DEx?	<p>Will the tribe allow data sharing for criminal investigative purposes?</p> <p>If yes, what information is the tribe willing to share and with whom?</p>	Tribal IT department works with N-DEx to set up data transfer through an Automated Record Management System (RMS)	Develop information sharing agreement
<p>Entry of historical records – records not previously entered into national crime databases</p> <p>(NCIC)</p>	Will tribe enter historical records such as Orders of Protection, Warrants of Arrest, DV Conviction and for what time period	Can be entered by any CJA	Establish time lines for retroactive entry
<p>Entry of prohibitors to prevent prohibited persons from buying firearms (i.e., mental health adjudication, substance abuser)</p> <p>(NICS)</p>	<p>Agencies must choose under what conditions to enter:</p> <p>An individual who is an unlawful user of, or addicted to, any controlled substance.</p> <p>An individual who has court adjudicated mental health issues</p>	Can be entered by any CJA	Establish internal policy outlining procedures and circumstance



3. IT Decisions

3. Where to Place 2 copies of OFM



- Must be in a physically secure location
- Provide tribally owned PCs that meet specifications

OpenFox Messenger

The DOJ CJIN software application which allows Terminal Operators to perform **NAME-BASED** interactions with the following systems



III



Criminal History

A national index of name-based criminal histories, or rap sheets.

Nlets



State Databases

International Justice and Public Safety Network

NCIC



People and Property

Criminal database containing information on property and persons

NICS



Firearms & Explosives

Used to determine eligibility to possess firearms and/or explosives. Participating TAP agencies contribute information to NICS.



- Every Tribe is assigned a Business Relationship Manager (BRM)
- When emailing BRM, always cc: tribalaccess@usdoj.gov
 - Please use the title in the subject line “Tribe Name: Subject”
- TAP Onboarding and Vetting Documentation Site :
www.justice.gov/tribal/onboarding-and-vetting and password is tribal2019
- CJIN Training and Learning Center:
<https://nextest.just.jmd.usdoj.gov/cjin/index.php>