**TRIBAL JOINT BACKGROUND INVESTIGATION POLICY**

**POLICY REGARDING SCREENING REQUIREMENTS FOR INDIVIDUALS REQUIRING ACCESS TO CRIMINAL JUSTICE INFORMATION THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE (DOJ) JUSTICE CRIMINAL INFORMATION SERVICES (JCIS)**

The below signed individuals in their capacity as heads of departments, programs, or the [NAME OF TRIBE] Court, seeking access to federal criminal justice information through the United States Department of Justice’s Tribal Access Program, agree to abide by the following background check requirements for all individuals, whether direct tribal employees or contractors, within each department, program, or the Court that will have access to Criminal Justice Information (CJI), whether verbal, written, or otherwise, including individuals with only physical or logical access to devices that store, process or transmit unencrypted CJI.

1. As the US DOJ CSA is a federal entity which bypasses state repositories, the User Agency shall conduct national fingerprint-based record checks to establish the identity of the prospective user, and then execute an NLETS CHRI IQ/FQ/AQ query using purpose code C, E, or J depending on the circumstances.
2. Background re-investigations for all relevant personnel shall be conducted at a frequency of no more than every 5 years. At a minimum, the User Agency shall conduct a name-based record check where the appropriate legal authority exists. Alternatively, the User Agency shall conduct a fingerprint based record check. In no case shall a name-based check substitute where a fingerprint based record check is required.
3. A record check of [NAME OF TRIBE] tribal convictions shall also be conducted for any personnel who are members of a federally recognized tribe.
4. All requests for access to CJI shall be made through each User Agency’s Terminal Agency Coordinator (TAC). The TAC shall submit the access request to the US DOJ CJIS Systems Officer (CSO). The CSO or their designee is authorized to approve access to CJI.
5. If a felony conviction of any kind exists, the [NAME OF USER AGENCY] shall deny access to CJI. However, the effected department or program may ask for a review by the US DOJ CSO in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.
6. If a conviction from the [NAME OF TRIBE] or other tribal court exists, the TAC may request the US DOJ CSO to review the conviction to determine if it would have been considered a felony conviction if it had been adjudicated in federal court or the State of [STATE NAME]. If the conviction would have been considered a felony, then access to CJI shall be denied. However, the effected department or program may ask for a review by the US DOJ CSO in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.
7. If a record of any other kind exists, access to CJI shall not be granted until the US DOJ CSO or their designee reviews the matter to determine if access is appropriate.
8. If the person appears to be a fugitive or has an arrest history without conviction, the US DOJ CSO or their designee shall review the matter to determine if access to CJI is appropriate.
9. If the person is employed by a Non-Criminal Justice Agency (NCJA), the US DOJ CSO shall review the matter to determine if CJI access is appropriate. This same procedure applies if this person is found to be a fugitive or has an arrest history without conviction.
10. If the person already has access to CJI and is subsequently arrested and or convicted, continued access to CJI shall be determined by the US DOJ CSO. This does not implicitly grant hiring/firing authority with the US DOJ CJIS Systems Agency (CSA), only the authority to grant access to CJI.
11. If the US DOJ CSO or their designee determines that access to CJI by the person would not be in the public interest, access shall be denied and the appropriate department or program and the [NAME OF TRIBE PERSONNEL DEPARTMENT] shall be notified in writing of the access denial.
12. Support personnel, contractors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a record check as described in (#1), as well as [NAME OF TRIBE] criminal records check, unless these individuals are escorted by authorized personnel at all times.
13. Any relevant personnel, whose employment with the [NAME OF TRIBE] is terminated, shall immediately have their access to CJI terminated. Each department, program, or the Court agree to notify the US DOJ CSO immediately upon termination of an individual who has been granted CJI access.
14. When relevant personnel are reassigned or transferred to other positions within the [NAME OF TRIBE], the Agency’s TAC shall review CJI access for that individual and notify the US DOJ CSO to initiate appropriate actions, such as closing and establishing accounts and changing system access authorizations. Each department, program, or the Court agree to notify the US DOJ CSO immediately when personnel with CJI access approval have been reassigned or transferred to a different position.
15. The [NAME OF TRIBE] Tribal Personnel Policies and Procedures Manual, or where relevant the [NAME OF USER AGENCY] Policies and Procedures Manual, shall apply to any individual failing to comply with established information security policies and procedures. Any failure shall result in some form of formal sanction as authorized in the relevant Manual, up to and including termination by the relevant department, program, or Court.
16. Each agency shall ensure that all the background investigation documents be kept on file for review during audits. (Recommendation, but not a DOJ requirement).

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Director of Public Safety

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief of Police

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[NAME OF TRIBE] Prosecutor

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Chief Judge of the [NAME OF TRIBE] Court

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Director of the Department of Children and Family Services

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Director of the [NAME OF TRIBE] Housing Department

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[NAME OF TRIBE] Deputy Executive Director

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[NAME OF TRIBE] Executive Director