



TRIBAL ACCESS PROGRAM

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

Applying for an Originating Agency Identifier (ORI)

Non-Criminal Justice Agencies (NCJA) aka “Civil” Agencies



Department of Justice
Office of the Chief Information Officer
Office of Tribal Justice

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

What is an ORI?



- The ORI is a nine-character identifier containing both alpha and numeric characters assigned by FBI CJIS which validates legal authorization to access Criminal Justice Information (CJI) and identifies the agency in all transactions.

- Law enforcement ORIs

AZDIT0100

End in a 00

- Non criminal justice agency ORIs

AZDIT000Z

End with an Alpha character

ORIs for Civil (NCJA) Agencies



D	Civil Courts (Domestic Violence/ Stalking and entry of orders of protection)	S	Child Support Enforcement
F	Governmental social service agencies which investigate or respond to reports of child abuse, neglect, or exploitation	X	Civil Courts (entry of NICS prohibitors)
Q	Public housing agencies	Z	Other – e.g. Agencies whose personnel and volunteers have regular contact with or control over Indian children

Why ORIs are Important?



- Identifies the agency that is requesting criminal justice information
- Restricts access to CJI based upon the duties and responsibilities of the agency
- Acts as an agency identifier to route information to/from FBI CJIS and DOJ CJIN systems



What is the ORI Vetting Process



- Administrative process by which an agency demonstrates a need to access criminal justice information based upon a legal authority. This process is used by FBI CJIS and DOJ to:
 - Review documentation submitted by an agency to establish legal authority to access CJI
 - Determine the appropriate ORI for the agency to access information
 - Submit ORI Request Package through your BRM

ORI Request Package - Process



1) Agency TAC

- Gathers Required Documents
- Converts to a PDF Package
- Sends ORI Request Package to DOJ



2) BRM

- Reviews ORI Request Package
- Recommends for CSO Signature

**Each Agency
Submits Separate
ORI Requests**



4) FBI CJIS

- Approves and Assigns ORI



3) DOJ CJIS Systems Officer (CSO)

- Approves and Signs ORI Request Package
- Sends ORI Package to FBI CJIS

Approved !!

Yes

No

Hold

**MOA
Complete?**



- **Law Enforcement-Criminal Justice Agency (LE-CJA)**
 - Police, Marshal Service, Public Safety, Game Wardens
- **Non-Law Enforcement-Criminal Justice Agency (NLE-CJA)**
 - Criminal Courts, Prosecutor's office, Probation, Corrections
- **Non-Criminal Justice Agencies (NCJA)**
 - Social Service Agencies, HR, Public Housing, Civil Courts



- **Documentation Checklist for each agency type and ORI package examples may be found here:**

<https://www.justice.gov/tribal/onboarding-and-vetting>

Password - tribal2019

Due by November 9

Step 2: Obtain ORIs for Criminal and Civil Agencies

- Start to collect necessary agency vetting documentation for the following checklists:
 - **LE-CJA Documentation Requirements Checklist***
 - **NLE-CJA Documentation Requirements Checklist***
 - **NCJA Documentation Requirements Checklist***
- **Sample Onboarding and Vetting Packages**
 - **Law Enforcement – ORI Package Example**
 - **Criminal Court – ORI Package Example**
 - **Office of the Prosecutor – ORI Package Example**
 - **Probation – ORI Package Example**
 - **Civil Court – ORI Package Example**
 - **Human Resources – ORI Package Example**
 - **CPS – ORI Package Example**
 - **Child Welfare (Z ORI) – ORI Package Example**
 - **Housing Department – ORI Package Example**



ORI Request Package

Documentation required by ALL NCJA/Civil Agencies

Documentation required by ALL NCJAs



			Documentation to obtain ORI		
Type of Agency	Legal Authority to access CJJ	Type of Access	Proof Governmental Agency	Proof of Funding	Training Requirements Met before ORI issued
1. Social Service Agency (Foster Care) or Human Resources or Centralized Background Units	PL 101-630	Fingerprint-based background checks on employees, potential employees, volunteers with contact control over Indian Children	Yes	Yes	N/A
2. Social service Agency (CPS)	PL 109-248	Name-based criminal history checks in cases of child, abuse, neglect or exploitation	Yes	N/A	Yes
3. Public Housing	25 USC 4138	Fingerprint-based background checks on employees, tenants and prospective tenants in Tribal public housing	Yes	Yes	N/A
4. Civil Courts (Domestic Violence/Stalking)	PL 103-159	Name-based criminal history checks in cases domestic abuse and stalking	Yes	N/A	N/A
5. Child Support Enforcement	*consult TAP team	Nlets access to check drivers license and vehicle registration information	Yes	N/A	N/A



1. Proof that the agency is an official governmental agency

- **Common examples of documentation for legal authority.**
 - Tribal documents that creates the agency such as:
 - An executive order, ordinance, or resolution
 - The specific statute from tribal constitution creating and granting authority to the agency
 - An organizational chart

Proof of being an Official Governmental Agency Example 1



TITLE 2 – GOVERNMENT ADMINISTRATION PART II – DEPARTMENTS; DIVISIONS CHAPTER 2-7 HUMAN RESOURCES

Legislative History: Enacted on September 24, 2008 by Resolution No. C09-223-08 and Ord.No 31-08

Amended on August 10, 2011 by Resolution No. C08-233-11 and Ord. No. 19-11

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Purpose (2 PYTC § 2-7-10)

The purpose of this subchapter is to establish the Human Resources Department of the Pascua Yaqui Tribe and to provide authorization and guidance for its operation.

Section 20 Short Title; Codification (2PYTC § 2-7-20)

This ordinance shall be known as the “Pascua Yaqui Human Resources Ordinance of 2008”

Section 30 Establishment of the Human Resources Department (2PYTC § 2-7-30)

- (A) The organizational division to be known as the Pascua Yaqui Human Resources Department is hereby created as a division of the Executive Branch of the Pascua Yaqui Tribal Government.
- (B) If any section or part of this Chapter is later determined to be void or unenforceable, the remainder of this Chapter shall nevertheless remain in full force and effect, unless this Chapter, without said void or unenforceable section or part, fails in its purpose.



TITLE 1 [REDACTED] CODE OF LAWS TRIBAL COURT ESTABLISHMENT AND ADMINISTRATION

Chapter 1.01 Establishment of Courts

1.01.010 Establishment of Courts

There is hereby established for the [REDACTED] Nation on the [REDACTED] Reservation in the State of [REDACTED] a court to be known as the [REDACTED] Tribal Court, hereafter referred to as the Tribal Court, and [REDACTED] Tribal Court of Appeals, hereafter referred to as the Tribal Court of Appeals. It is the duty of all courts established under this Code to review, interpret, and enforce the laws of the [REDACTED] Nation.

Chapter 1.02 Jurisdiction and Sovereign Immunity

1.02.010 [REDACTED] Tribal Court Jurisdiction Defined

The jurisdiction of the Tribal Court and the effective area of this Code shall include all territory within the [REDACTED] Reservation boundaries, including fee patented lands, allotments, assignments, roads, waters, bridges.

1.02.010 of this Code shall be deemed equivalent to and construed to be an acceptance of the jurisdiction of the Tribal Court and a consent to such jurisdiction over his person concerning any legal action pursuant to this Code and shall further be deemed a consent to a service of summons or process by registered mail with return receipt requested at his last known address.

1.02.040 Means to Carry Jurisdiction Into Effect

When jurisdiction is vested in the Court, all the means necessary to carry it into effect are also given, and in the exercise of this jurisdiction, if the course of proceeding be not specifically pointed out by this code, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of Tribal Law.

1.02.050 Limited Waiver of Sovereign Immunity



Documentation Required by Individual Agencies

Each Agency has Additional Unique Requirements



			Documentation to obtain ORI			
Type of Agency	Legal Authority to access CJJ	Type of Access	Proof Govt Agency	Proof of Funding	Training Reqs Met before ORI issued	Other
1. Social Service Agency (Foster Care) or Human Resources or Centralized Background Units	PL 101-630	Fingerprint-based background checks on employees, potential employees, volunteers with contact control over Indian Children	Yes	Yes	N/A	N/A
2. Social service Agency (CPS)	PL 109-248	Name-based criminal history checks in cases of child, abuse, neglect or exploitation	Yes	N/A	Yes	N/A
3. Public Housing	25 USC 4138	Fingerprint-based background checks on employees, tenants and prospective tenants in Tribal public housing	Yes	Yes	N/A	N/A
4. Civil Courts (Domestic Violence/Stalking)	PL 103-159	Name-based criminal history checks in cases domestic abuse and stalking	Yes	N/A	N/A	Proof that case load involves DV cases
5. Child Support Enforcement	*consult TAP team	Nlets access to check drivers license and vehicle registration information	Yes	N/A	N/A	Initially apply for U ending ORI

1. Social Service Agencies or HR



A. Access

- A. Social Service Agencies or agencies contracted by the social services agencies to conduct fingerprint based record checks of employees, prospective employees, or volunteers who have contact with or control over children to include but not limited to child placement or foster care, health care, after school programs, daycare or schools.

B. Additional Documentation

- Proof that the tribe receives funds under the *Indian Self Determination and Education Assistance Act, Title 25, United States Code (U.S.C.), Section 450 et seq. or the Tribally Controlled Schools Act of 1988, 25 U.S.C. 2501 et seq.*
- Examples:
 - PL 93-638 Contract
 - Budget Material
 - Funding letter from associated funding agency

Social Services/HR: Proof of Funding Example 1



Re: **ANNUAL FUNDING AGREEMENT OF FY 17 CTGP
A16AV00387 BETWEEN THE SECRETARY AND [REDACTED]
[REDACTED] TRIBE**

Dear Mr. [REDACTED]

Enclosed for your approval is the [REDACTED] Tribe's Annual Funding Agreement for FY 17 CTGP the above referenced contract. The Tribal council approved this document on June 8, 2016.

It will not be necessary to submit Scopes of Work and position descriptions for each program in the Tribe's Annual Funding Agreement for FY 2017 unless there are changes.

The Tribe utilized the [REDACTED] Region Fund Status Report dated April 11, 2016.

The budget will be modified and incorporated in this Annual Funding Agreement when final FY 2017 allocations are provided to the Tribe. The Tribe reserves the right to negotiate acceptance in the event the Tribe determines that TPA funding for FY 2017 is not adequate.

The Tribe requests a lump sum payment no later than January 30, 2017. Direct and Indirect Costs are stated in the agreement.



MULTI-YEAR FUNDING AGREEMENT FOR 2016 – 2020

BETWEEN

THE [REDACTED]

AND

THE UNITED STATES OF AMERICA

Section 1

Negotiated Agreement - Pursuant to Title IV of P.L. 93-638 as amended, the [REDACTED] (herein referred to as Tribe), and the United States of America, through the Secretary of the Interior (herein referred to as the Secretary) have negotiated the following Agreement for the assumption of responsibilities by the Tribe for the various programs, services, functions, and activities (PSFAs) as specified in this Agreement. This Agreement includes programs which are funded by or flow through the Bureau of Indian Affairs (herein referred to as BIA) for the benefit of the Tribe.



2. Child Protective Services (CPS)

A. Access

- A. Social Service Agencies may only use this authority when investigating or responding to allegations of child abuse, neglect, or exploitation. They may access criminal histories of the subjects of investigation

B. Additional ORI Requirements

- Proof that the agency is responsible for investigating or responding to allegations of child abuse, neglect, or exploitation
- Proof that the required training, certification, and fingerprint based record checks have been completed for all personnel that will have access to CJI. CJIS requires that the agency verify completion prior to granting access under this legal authority.
 - CJIS Security Awareness Training (CSAT) and Certification
 - NCIC Training and Certification
 - Fingerprint-based background check completed in the past 5 years
- Examples
 - Document outlining responsibilities of Child Protective Services Agency
 - Letter affirming completion of all requirements above, signed by Director

CPS: Proof that the agency is responsible for investigating Child Abuse Example



██████████ TRIBE CHILDREN'S ORDINANCE

Pursuant to its authority under Article IV, Section 5 of the ██████████ Constitution, as certified on November 24, 1993, the ██████████ Council hereby enacts the following ordinance to express the Tribe's sovereign right to protect future generations and affirming the Tribe's intent to handle all matters of child welfare internally and according to ██████████ culture, tradition, and family values.

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CHAPTER 2. ABUSE

SECTION 1201. Physical Abuse

For the purposes of this Ordinance, the term “physical abuse” includes where a parent or other caretaker inflicts, causes another to inflict, or fails to make reasonable efforts to prevent the infliction of physical injury upon a child when the parent or caretaker knows or reasonably should know that a child is in danger of physical abuse.

- (a) The term “physical injury” includes, but is not limited to, any case in which:
 - (1) The child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture, sprain or dislocation of any bone, subdural hematoma, soft tissue swelling, lacerations, disfigurement, impairment of bodily organs or functions, severe pain, or intentional overdosing or withholding of prescription medications or administration of illegal drugs or alcohol; and

CPS: Letter Affirming Completion of All Training Requirements Example



My name is [REDACTED] and I am the Child and Family Services Manager for the Social Services Department of the [REDACTED]

This letter is to certify that I and my staff that will be accessing NCIC: [REDACTED] and [REDACTED] have met the following requirements for this issuance on an "F" ending ORI:

- *Completion of CJIS Security Awareness Training and certification test via DoJ's Training Portal*
- *Completion of NCIC Training and certification test via DoJ's Training Portal*
- *Successful completion of a Fingerprint-based background check within the past 5 years*

I appreciate the opportunity to put measures in place through the TAP program which will ensure the safety of our abused and neglected children who are being placed out of their home. If you have any questions or concerns please feel free to contact me or my TAP POC, [REDACTED]

Sincerely,

[REDACTED]

Child and Family Services Manager

3. Public Housing Agencies



A. Access

- **Name-based Checks** - Law enforcement agencies may perform initial name-based background NCIC checks on behalf of housing authority agencies for checks of employees/prospective employees of the Public Housing Agency and adult applicants or tenants who are receiving housing assistance for the purpose of screening, lease enforcement, or eviction
- **Fingerprint-based Checks** - Law enforcement agencies will only advise of the probable existence or nonexistence of criminal history record information from the name-based background NCIC check. If there is criminal history record information, the Public Housing Agency must submit fingerprints to obtain that information.

B. Additional ORI Requirements

- Proof that the tribe receives funds under the *Native American Housing Assistance and Self-Determination Act of 1996, Title 25 United States Code (U.S.C.) Section 4111 et seq.*
- Examples
 - Budget / Financial Materials
 - Funding letter from appropriate funding source

3. Public Housing Funding Proof Example 1



March 14, 2016

Mr. [REDACTED]
Executive Director

[REDACTED]

RECEIVED
MAR 18 2016
[REDACTED] Housing

Dear [REDACTED]

Subject: Federal Fiscal Year (FFY) 2016 Indian Housing Block Grant

The U.S. Department of Housing and Urban Development (HUD), Eastern Woodlands Office of Native American Programs (EWONAP) is pleased to inform the [REDACTED] Housing Authority that funds are now available for the FFY 2016 Indian Housing Plan (IHP) which was found to be in compliance with the requirements of Section 102 of the Native American Housing Assistance and Self-Determination Act (NAHASDA) on December 9, 2015.

The final funding allocation is \$2,741,434. While the final funding allocation is different from the amount estimated in the IHP it is not necessary to amend the IHP unless funds allocated to maintain 1937 Housing Act units are reduced or a new activity is added.

[REDACTED] Housing Authority will be able to access funds through the eLOCCS when the enclosed completed forms are returned to EWONAP. In order to expedite the

3. Public Housing Funding Proof Example 2



Funding Approval/Agreement

Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104-330)
 Title I - Indian Housing Block Grant
 Title VI - Federal Guarantees For Financing Tribal Housing Activities

U.S. Department of Housing and Urban Development
 Office of Native American Programs

[Redacted]

1. Name of Recipient [Redacted] Housing Authority	3. Recipient's 9-digit Tax Identification No. [Redacted]	4. Reserved FFY 2017
2. Recipient's Complete Address [Redacted]	5. Program/Grant Number [Redacted]	6. Amount Approved IHBG [Redacted] Title VI Loan Guarantee

This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Recipient is made pursuant to the authority of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.). The Recipient's submissions for NAHASDA assistance, the NAHASDA statute (as now in effect and as may be amended by Congress), the HUD regulations at 24 CFR Part 1000 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Recipient upon execution of the Agreement by the parties. The Indian Tribe has agreed to assume all of the responsibilities for environmental review, decision making, and actions as specified and required in regulations issued by the Secretary consistent with and pursuant to Section 105 of NAHASDA. (If the Indian Tribe did not agree to assume these responsibilities, these responsibilities are retained by HUD). The Recipient further acknowledges its responsibility for adherence to the Agreement by entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development	Recipient
Name [Redacted]	[Redacted]
Signature [Redacted]	[Redacted]
Title Administrator	[Redacted]

7. Special conditions	8a. Date HUD Received Submission	9. (check one)	10. Amount of Indian Housing Block Grant
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4. Civil Courts



A. Access

- Civil Court may run name-based criminal history checks in cases of domestic violence and stalking.
- Civil Court may enter Civil Orders of Protection into NCIC
- Civil Court may also enter prohibitors to prevent weapons purchases by entering prohibited persons in the National Instant Criminal Background Check System (NICS) Indices

B. Additional ORI Requirements

- Proof that the civil court is responsible for adjudicating a significant number of domestic violence and stalking cases. Common Examples:
 - A copy of the most recent year's case report showing the court's handling of domestic violence and stalking cases.
 - Letter from Chief Judge affirming number of domestic violence and stalking cases

Civil Courts: Letter from Chief Judge Showing DV Caseload Example 1



March 2, 2017

TO WHOM IT MAY CONCERN:

Re: Domestic Violence Cases in the [REDACTED] Court for the past year

Dear Sir/Madam:

During the past year the [REDACTED] Court saw 36 filings for civil protection orders alleging domestic violence or stalking and prosecuted 90 cases of domestic abuse, assault and battery upon a domestic partner or engaging in disorderly conduct designed to cause a domestic partner to fear harm.

I hope this information is helpful in the Tribe's request for funding under the TAP program.

Sincerely yours

[REDACTED]

Chief Judge



██████████ Tribal Court ██████████

Court Cases By Date
From 01/01/2017 to 11/06/2017
Case Type Civil with Protection-DV Sub-Type
All Clerks
All Judges
Totals Only

Judge: ██████████	
Judge Case Total:	37
<hr/>	
Judge: ██████████	
Judge Case Total:	1
<hr/>	
Total Cases:	38

5. Child Support Enforcement



A. Access (S-Ending ORI)

- Child Support Enforcement Agencies may check interstate drivers license and vehicle registration information via Nlets in cases of enforcing child support payments from delinquent parents, but are prohibited from accessing NCIC and criminal history data.

B. Additional ORI Requirements

- Child Support Enforcement Agencies must initially apply to NCIC for a U-ending ORI.
- CJIS must reject the ORI request.
- DOJ can then submit an 'Nlets S-ORI Application' form, including a copy of the CJIS reject notification to the Nlets Director who will review the request and either approve or deny the request.



How to Submit your ORI Request Package



▪ **Completeness**

- Include all documents on the checklist for your agency type

▪ **Simplicity**

- Sometimes “Less is More”. If there are 2-3 paragraphs in 20 page ordinance, just send the pages containing the 2-3 paragraphs plus the cover page to identify the document. If there are other pages that are not pertinent to the question, don’t include them. Sometimes more information may slow things down as reviewers have more to review and more to question.
 - ORI Request Samples from may be found on the TAP Documentation site

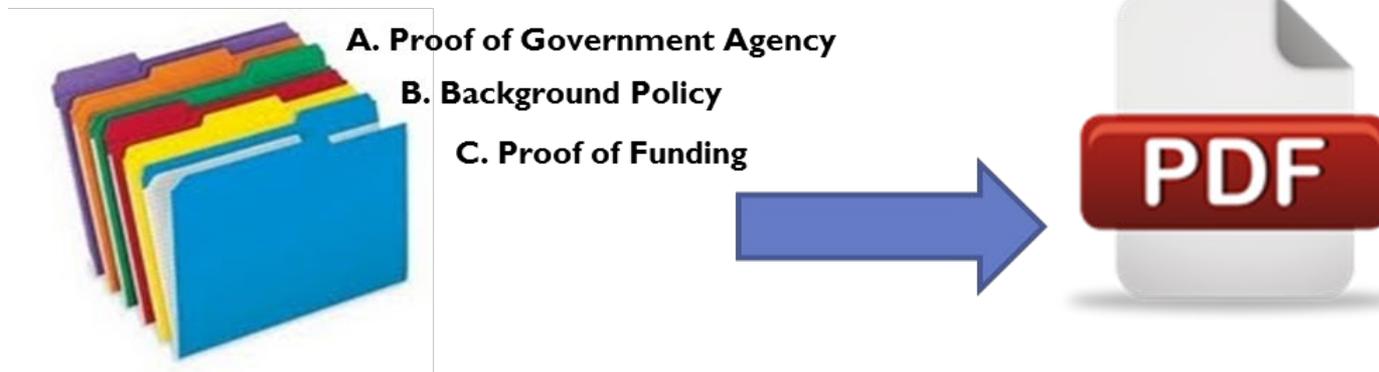
▪ **Ask Questions**

- If unsure about any item, talk to your BRM. Perhaps send the BRM a copy to ask if the planned item is relevant.

How to Submit your Agency Vetting Package



- Complete agency vetting package documentation should be emailed as **one, single PDF** for each agency by the Tribal POC:
 - Provide a Cover Page to indicate what is contained in the package.
 - Clearly mark by each of the various sections, for example:
 - Appendix A: Proof that the agency is a governmental agency
 - Appendix B: Proof that agency received funding under specified law



- Subject line of email should read “Tribe Name – Agency Name – Vetting Documentation” and be sent to tribalaccess@usdoj.gov



- 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>