

Tribal Access Program: Next Generation Identification (NGI) Audit Checklist

The NGI Audit ensures compliance with:

- Interstate Identification Index (III)/National Fingerprint File (NFF) participation standards
- Federal laws and regulations on the use and dissemination of criminal history record information (CHRI)
- National Crime Prevention and Privacy Compact (Compact) rules and procedures

Applicable agencies: Any criminal or non-criminal justice agency that submits fingerprint-based record checks for civil purposes.

System Integrity

- Ensure there is a servicing agreement in place (e.g. Information Exchange Agreement) if the agency submits transactions for another agency
- Ensure agencies have an Information Protection Agreement in place to document policies for storage, dissemination, and destruction of criminal justice information (CJI)

Training and Certification

- Ensure the agency Terminal Agency Coordinators (TAC) maintains records of user training
- Ensure all personnel, including IT, with access to criminal justice information have completed:
 - Fingerprint-based record check within the past 5 years (HR is exempt)
 - CJIS Security and Awareness Training (every two years)

Fingerprinting/Application Process

- Ensure the agency uses the correct ORI and Reason Fingerprinted (RFP) codes/legal authorities for each fingerprint-based submission
- Ensure servicing agencies understand which ORI and Reason Fingerprinted (RFP) should be used for serviced agencies
- Ensure the agency notifies individuals fingerprinted *in writing* that the fingerprints will be used to check the Criminal History Records of the FBI (28 C.F.R. 50.12(b))
- Ensure all applicants receive and acknowledge receipt of the Privacy Act statement prior to the submission of fingerprints
 - Notice of Criminal History Check and Right to Challenge template is available on the TAP Onboarding and Vetting page

Receipt of Criminal History Record Information (CHRI)

- Ensure users submitting fingerprints have active LEEP accounts and use their @leo.gov account to submit fingerprint-based record checks to FBI CJIS via submit@cas.usdoj.gov
- Ensure users understand the definition of CHRI and that an indication of “no record” is considered CHRI

Use of Criminal History Record Information (CHRI)

- Ensure the agency is only using CHRI for the purpose it was originally requested
- Ensure the agency is not sharing CHRI for unrelated purposes (i.e. Human resources cannot share CHRI with Public Housing)
- Ensure the agency is not re-using CHRI. Best practice is to re-submit fingerprints

Adjudications

- Ensure the agency has a policy for notifying other agencies of adjudication that prevents users from sharing CHRI
- Ensure the agency is aware how to obtain disposition information if needed and not available (i.e. reach out to other jurisdictions to determine the status of the charge)

Applicant Involvement

- Ensure the agency has a policy on whether the results of the fingerprint-based record check are shared with the subject
 - If shared, ensure agency outlines procedures for verifying the identity of the subject before CHRI is released
 - Recommended that a copy of CHRI be given and stamped “Copy”
- Ensure the agency maintains a dissemination log to record the data, purpose, and to whom the record was released
- Ensure subjects of fingerprint-based record checks receive and sign the Notice of Applicant’s Rights to Challenge the Accuracy of Criminal History Record
 - [Notice of Criminal History Check and Right to Challenge](#) template is available on the TAP Onboarding and Vetting page
- Ensure the agency advises the applicants of the procedures for obtaining a change, correction, or update of an FBI identification record, as set forth in 28 C.F.R. 16.34 (Departmental Order Process) (28 C.F.R. 50.12(b))
 - [Notice of Criminal History Check and Right to Challenge](#) template is available on the TAP Onboarding and Vetting page

Handling of CHRI

- Ensure the agency is aware that CHRI should not be publically disseminated
- Ensure that only authorized personnel meeting minimum screening requirements have access to CHRI
- Ensure the agency has an Information Protection Agreement that outlines policy for storage, dissemination, and disposal of CHRI

Name-Based CHRI Checks – Social Services Agencies

- Ensure the agency uses Purpose Code C for name-based CHRI checks submitted for investigations of child abuse, neglect, or exploitation
- Ensure criminal justice uses such as child protective services are kept separate from non-criminal justice functions (i.e. Indian Child Welfare)
- Ensure the agency has a policy that prevents sharing of CHRI for non-authorized purposes (i.e. Child Protective Services cannot share CHRI with Indian Child Welfare)

- Ensure the agency is aware of BIA Purpose Code X program requirements
- Ensure the agency follows up BIA Purpose Code X name-based checks with a fingerprint-based record check if the child remains in the home after 15 days
- Ensure the agency conducts fingerprint-based record checks for authorized purposes only (e.g. employees, prospective employees, volunteers with regular contact or control over Indian Children)

Name-Based CHRI Checks – Law Enforcement Agencies/Public Housing Agencies

- Ensure servicing law enforcement agencies submit name-based CHRI checks using Purpose Code H
- Ensure Tribe has Go/No-Go policy in place when law enforcement services public housing for name-based checks. Law Enforcement is authorized to conduct name-based criminal index inquiries (QH) of employees or prospective employees, and on adult applicants or tenants receiving housing assistance for the purpose of screening, lease enforcement, or eviction. An affirmative or negative response is provided only.
- Ensure Information Exchange Agreement is in place between the two agencies

Additional resources are located at: www.justice.gov/tribal/onboarding-and-vetting/