

## Tribal Access Program (TAP) Worksheet

This worksheet provides some basic information to Tribes about the authorized uses of TAP, so they can determine if the program may be beneficial to them. TAP provides access to Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) databases for the following purposes:

### *Criminal Justice*

- Law Enforcement
- Criminal Courts
- Prosecutor's Office
- Pretrial Services
- Corrections/Detention
- Probation/Parole

### *Non-Criminal Justice/Civil*

- Sex Offender Registry
- Civil Courts (limited)
- Tribal Housing
- Child Protective Services
- Child Social Services (Foster Care)
- Child Support Enforcement (limited)
- Human Resources (limited)

TAP is limited by federal law to allow access to only specific agencies for specific purposes. TAP is not authorized to provide access to any other department or for any other purpose, such as gaming, elections, general human resources, and others.

## **Criminal Justice**

### **A. Law Enforcement**

#### **1. Does the Tribe have a law enforcement agency with arrest powers that enforces Tribal, Federal, and/or State criminal laws?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to B, Criminal Courts)

#### **What Law Enforcement can do with TAP:**

- Process criminal bookings
- Enter and query persons and property, including missing persons, wanted persons, stolen property, recovered guns, and registered sex offenders.
- Find out officer safety-related information, including gang members and known or suspected terrorists
- Conduct queries in the National Data Exchange (N-DEX) to obtain national historical case information and cross-check Law Enforcement reports for investigative purposes
- Conduct fingerprint-based inquiries on people refusing to identify themselves to determine identity and ascertain if they have a criminal history

- Enter persons who have domestic violence convictions, current orders of protection, mental health adjudications and/or unlawful use of or addictions to a controlled substance to help prohibit firearms purchases
- Enter Tribal criminal information including warrants, orders of protection and criminal convictions

**B. Criminal Courts**

**1. Does the Tribe have a criminal court?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to C, Prosecutor’s Office)

**What Criminal Courts can do with TAP:**

- Enter arrest warrants
- Enter criminal case dispositions
- Obtain complete criminal histories before making release/detention decisions in criminal cases
- Enter persons who have domestic violence convictions, current orders of protection, mental health adjudications and/or unlawful use of or addictions to a controlled substance to help prohibit firearms purchases

**C. Prosecutor’s Office**

**1. Does the Tribe have a prosecutor’s office?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to D, Pretrial Services)

**What Prosecutors can do with TAP:**

- Enter criminal case dispositions
- Run record checks of defendants before making charging decisions, recommendations for release/bond
- Obtain complete criminal histories to make release/detention recommendations to courts in criminal cases

**D. Pretrial Services**

**1. Does the Tribe have a pretrial services office?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to E, Corrections/Detention)

**What Pretrial Services can do with TAP:**

- obtain complete criminal histories to make release/detention recommendations to courts in criminal cases

**E. Corrections/Detention/Jail**

**1. Does the Tribe have its own correctional/detention/jail facility?**

- Yes (if yes, then your Tribe can utilize TAP)
- No, indicate where tribal arrestees are held (e.g. contract with local jail)

**What Corrections/Detention/Jail can do with TAP:**

- Conduct fingerprint-based record checks on people refusing to identify themselves during booking
- Conduct checks before releasing after sentence served to make certain there are no other pending charges
- Process criminal bookings of defendants when arrested

**F. Probation/Parole**

**1. Does the Tribe have a probation/parole department?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to the Non-Criminal Justice/Civil Section)

**What Probation/Parole can do with TAP:**

- Conduct name-based checks to determine if supervised individuals have new charges or contact with LE

## **Non-Criminal Justice/Civil**

### **A. Sex Offender Registry**

#### **1. Does the Tribe have a sex offender registry?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to B, Civil Courts)

#### **What Sex Offender Registry can do with TAP:**

- Process complete sex offender registration into the NCIC National Sex Offender Registry (NSOR) ensuring that the sex offender status is available to Law Enforcement and other authorized personnel such as Human Resource directors nationwide
- Collect fingerprints and palm-prints and associate them with the NSOR record
- Conduct mandated sex offender check-ins and update information

### **B. Civil Courts (limited)**

#### **1. Does the Tribe have a civil court that issues orders of protection in domestic violence/stalking cases and/or adjudicates cases of mental health issues?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to C, Indian Tribes or Tribally Designated Housing Entities)

#### **What Civil Courts can do with TAP:**

- Enter orders of protection
- Check the criminal histories of respondents in those cases
- Enter persons who have domestic violence convictions, current orders of protection, mental health adjudications and/or unlawful use of or addictions to a controlled substance to help prohibit firearms purchases

### **C. Indian Tribes or Tribally-Designated Housing Entities (Tribal Housing)**

#### **1. Does the Tribe have a Tribally-designated housing entity that receives funds under the Native American Housing Assistance and Self-Determination Act of 1996, 25 U.S.C. Section 4111, et seq and need to perform background checks on adult applicants for employment or current and prospective tenants for purposes of applicant screening, lease enforcement, and/or eviction?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to D, Child Protective Services)

#### **What Housing can do with TAP:**

- Conduct fingerprint-based record checks for employees or prospective employees of the housing department.
- Conduct fingerprint-based record checks to screen applicants or tenants receiving housing assistance, and for lease enforcement or eviction.

**D. Child Protective Services (responsible for child abuse/neglect investigations)**

**1. Does the Tribe have a child protective services agency?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to E, Child Social Services – Foster/Relative Care)

**What Child Protective Services can do with TAP:**

- Conduct name-based record checks of individuals under investigation and in response to reports of child abuse, neglect, or exploitation.

**E. Child Social Services (Foster/Relative Care)**

**1. Does the Tribe have a child social services agency?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to F, Child Support Enforcement)

**What Child Social Services can do with TAP:**

- Conduct fingerprint-based record checks on employees and volunteers who have regular contact with or control over Indian children, such as foster care, schools, daycare, and school transportation.
- Conduct required follow-up fingerprint-based record checks after emergency placement of children utilizing Purpose Code X, whether through a state or Bureau of Indian Affairs (BIA)

**F. Child Support Enforcement (limited)**

**1. Does the Tribe have a child support enforcement agency?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to G, Human Resources)

**What Child Support Enforcement can do with TAP:**

- Conduct Nlets checks for driver's licenses and vehicle registration information for the purpose of locating parents to enforce child support payments.

**G. Human Resources (limited)**

**1. Does the Tribe have a Human Resources agency that conducts background checks on all tribal employees, prospective employees, or volunteers who have contact with or control over Indian Children?**

- Yes (if yes, then your Tribe can utilize TAP)
- No (if no, go to Section III, Other TAP Requirements)

**What Human Resources can do with TAP:**

- Conduct fingerprint-based record checks for those with contact and control over Indian children; and background checks for criminal justice agencies.