

**IOWA System
and
Criminal History Data
Dissemination/Re-dissemination Guide**



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CRIMINAL HISTORY INQUIRIES

The following is a consolidation of numerous verbal and written opinions, policies, and newsletter articles concerning CCH/III inquiries.

Airplane Manifest

Authorized for Customs and Border Protection Only. III checks are limited to non-US citizens unless there is reasonable suspicion of criminal activity.

Airport Security

Background checks may be conducted on airport security personnel directly through the Iowa DCI.

Alcohol and Beverage Sales Licensing – (see Liquor Licenses)

Animal Control – (see Dog Catcher)

Army Corps of Engineers

CCH/III is prohibited for employee background checks of Army Corps of Engineer personnel. The department must go directly through the DCI.

Associates

PUR/J is used when screening associates of applicants for criminal justice employment. **Associates** include those with whom the applicant/employee presently has or formerly had a business relationship or close personal relationship (roommate).

Such results cannot be re-disseminated outside the criminal justice agency, nor can results be re-disseminated to the employee/applicant.

PUR/C is used to conduct III on associates of individuals currently on parole or probation to ensure they are not associating with known offenders. These checks are authorized because they are considered correctional supervision and rehabilitation of accused persons or criminal offenders.

Attorneys

Prosecuting attorneys are entitled to CCH/III for criminal justice purposes using PUR/C. They may not make inquiries for use in their private practice. All inquiries may be made for criminal trials and not civil litigation. Background checks to CCH/III may be made on new prosecuting attorneys using PUR/J.

Defense attorneys, including public defenders, may receive criminal history information from the prosecution as part of the discovery process if the case file already contains the criminal history information. These same rights are extended to self-represented criminal defendants. They may not go directly to a local law enforcement agency to receive the data and may not request criminal history data if it is not in the case file.

Auxiliary/Reserve Police

PUR/J is authorized for this query.

Bail Bondsmen

Not authorized for this purpose.

Bank Employees

Not authorized for this purpose.

Bar Examination Applicants

Background checks may be conducted on bar examination applicants directly through the Iowa DCI.

Big Brothers/Big Sisters Volunteers

Not authorized for this purpose.

Bounty Hunters

Not authorized for this purpose.

Boy Scout/Girl Scout Volunteers

Not authorized for this purpose.

Business Licensing

Not authorized for this purpose.

Casino Workers/Gaming Industry Personnel – (see Gaming Employees)**Challenging a Record by Individual**

Not authorized for this purpose.

Citizen's Academy Personnel/Ride-Along Programs

CCH/III inquiries using PUR/C may be made on non-criminal justice persons attending citizen academies or ride-along programs. Program must be supported by law enforcement and the results cannot be disseminated outside law enforcement.

City/County/Federal Employees (Non-criminal Justice)

CCH/III is prohibited for city/county/federal employee background checks. The department must go directly through the Iowa DCI.

Civil Courts and Defendants, Witnesses, Victims or Jurors

Not authorized for this purpose. Civil courts do not have the same authorities as a criminal court.

Children In Need of Assistance (CINA) - (see Emergency Placement of Children)**Criminal Justice/Law Enforcement Site Security**

PUR/C is authorized for these queries.

Confinement Facility/Jail Visitors

PUR/C is authorized for these queries.

Contractors/Volunteers working with or around children in school

Not authorized for this purpose.

County Conservation Officers

County conservation officers certified through ILEA are entitled to CCH/III.

Court Appointed Special Advocates (CASA)/Guardian Ad Litem

Not authorized for this purpose.

Courts Hearing Domestic Violence/Stalking Cases

PUR/D is authorized for this purpose. Civil courts may qualify for an FBI assigned ORI for access to the NCIC Wanted Person and Protection Order File, and III for use in domestic violence and stalking cases only. These agencies are assigned an ORI ending in "D".

Court Personnel not associated with Criminal Justice (stenographers, technicians, etc.)

Not authorized for this purpose. If the person is employed by a criminal court, checks would be authorized PUR/J.

Crime Prevention Programs

PUR/C is authorized for these queries. Limited to law enforcement agencies for programs such as neighborhood watches or SAFE House. Checks can be performed on the participants, but the results cannot be disseminated outside law enforcement.

Crime Victim Reparations Programs/Crime Victims Compensation Board

Not authorized for this purpose.

Criminal Courts, Defendants, Witnesses, Victims, Jurors, or Experts

PUR/C is authorized for these queries.

Criminal Investigations

Inquiries made for criminal investigative purposes use PUR/C. Investigations can include active criminal cases as well as inactive cases. They can include traffic stops (see Traffic Stops) if there is a reasonable/articulable suspicion of criminal activity.

Criminal Justice Employees

CCH/III inquiries using PUR/J are required when hiring criminal justice employees even if they are employed by another agency. These persons ***must*** be fingerprinted using one blue applicant fingerprint card. The fingerprint card must be forwarded to the DCI. FYI: For states that do not respond to purpose code J, the FBI will respond with the record maintained by the FBI.

Daycare Workers

Not authorized for this purpose.

Defense Attorneys, Public Defenders, Individuals Acting as Their Own Defense (see Attorneys)

Department of Human Services

DHS child abuse investigators engaged in a joint investigation with a criminal justice agency may receive CCH/III information. This usually takes the form of a re-dissemination. Child abuse investigators not engaged in a joint investigation and other DHS workers should be referred to the DCI for access to CCH information.

Department of Mental Health

Not authorized for this purpose.

Dog Catcher

Not authorized for the purpose, unless the person is employed by the law enforcement agency using PUR/J.

Domestic Violence Prevention Advocates

Not authorized for this purpose.

Election Candidates

Not authorized for this purpose.

Emergency Placement of Children

PUR/X is authorized for this inquiry. Iowa does not currently support PUR/X.

Emergency Management

According to CJIS Access Integrity, few homeland security offices fall under the definition of criminal justice, especially since their primary purpose is emergency planning; therefore, less than 50% of their time/budget is spent on security matters. To obtain CCH/III they must go directly through the DCI.

Explorers

CCH/III inquiries using **PUR/J** shall be made on all explorers and other type of volunteers providing criminal justice functions such as traffic control, patrol, and volunteer dispatchers.

Explosive Permits

Authorized using PUR/F.

Federal Firearms Licensees

Authorized using PUR/F.

Fire Department/Ambulance Service/EMS Personnel

These checks are not authorized.

Firearms Training

CCH/III inquiries using PUR/C may be made to screen persons handling firearms at law enforcement-sponsored firearms training classes held at a public firing range or at a law enforcement facility.

Firefighters

Sworn Arson Investigators

Some departments may have a sworn peace officer who serves as an arson investigator. CCH/III inquiries made on an arson investigator's behalf for criminal justice investigations should use PUR/C. PUR/J is used when conducting a background for employment on a sworn arson investigator.

Non-Sworn Firefighters

Use of CCH/III for background checks on other firefighters, full-time or volunteer, is prohibited. While they are involved in public safety, they are not considered criminal justice employees.

Foster Parents

These checks are not authorized.

Friends/Relatives/Associates of Criminal Justice Employees or Applicants

PUR/J is used when screening applicants for criminal justice employment. "Friends" applies to those persons identified on an application as a reference, and those revealed during background interviews as being "friends" of the applicant or employee. These inquiries can include **friends** (current and former as identified by the applicant).

Relatives include blood relatives, as well as adopted/foster, in-laws, fiancé/fiancée, and former spouses. Associates applies to those with whom the applicant/employee presently has or formerly had a business relationship or close personal relationship with, i.e., roommate.

Such results cannot be re-disseminated outside the criminal justice agency, nor can results be re-disseminated to the employee/applicant.

Gaming Employees

While background checks are conducted on gaming employees, these inquiries are made directly through the DCI.

Gun Permits- (see Weapon Permits)

Hospital Employees

Checks are not authorized.

HUD (Department of Housing and Urban Development)

CCH/III is prohibited for HUD employee background checks. The department must go directly through the Iowa DCI.

In-Home Care Providers

Checks are not authorized.

Information Technology Personnel with Access to CJIS Systems

PUR/J is authorized.

Inmates

CCH/III inquiries using PUR/C may be made on all inmates.

Inmate Mailing Lists

CCH/III inquiries using PUR/C may be made on persons on an inmate's mailing list only if they are currently suspected of criminal activity.

Insurance Agents

Not authorized.

Interns

PUR/J shall be made on all interns at criminal justice agencies who perform criminal justice functions. These functions can include volunteer dispatchers, volunteer administrative assistants, and volunteers working at a confinement facility, etc.

PUR/C may be used for interns who perform duties not directly related to criminal justice functions.

Jail Classification

PUR/C is authorized for these inquiries.

Judicial Candidates

Authorized using PUR/J. Checks may be conducted to screen candidates for state judicial office if the court performs criminal Justice. However, dissemination to the legislative branch (committees for courts of justice of the Senate and the House) is not permitted.

Juries

CCH/III inquiries using PUR/C can be used for jury selections of **only criminal cases** when there is a reasonable basis for believing that a prospective juror's criminal history may contain information that is pertinent to the individual's selection as a juror and is unlikely to be disclosed through questioning by the Judge or Prosecuting Attorney.

Juvenile Youth Services

Not authorized.

Licensing (see separate headings for type of license)

Liquor Licenses

This is not a valid purpose of III per the *Federal Code of Regulations*.

Iowa CCH inquiries using PUR/C are allowed only if the law enforcement agency administers the program and issues the permit/license. If another entity issues the permit/license, Iowa CCH inquiries are not permissible.

Lottery Employees

While background checks are conducted on lottery employees, these inquiries are made directly through the Iowa DCI.

Mayor's Office, City Hall, or County Office Personnel

Not authorized for this purpose.

Medical Examiner/Coroner

Authorized using PUR/C.

Military Base Visitors

Authorized by using PUR/C. Checks are permitted as long as the individual has not been subjected to another kind of background check. This can include persons applying for housing on a military installation, persons applying for positions on the base, i.e., day care, commissary, base exchange. The check must be to determine if the person can access base, not for employment eligibility.

Neighborhood Watch Programs

Only if administered by law enforcement are checks authorized using PUR/C. Results cannot be disseminated outside law enforcement.

Pawned Weapons

CCH/III inquiries using PUR/F may be made to ensure that a person with a criminal record cannot possess a pawned firearm. A law enforcement agency would initiate this check once the firearm has been pawned; the pawnshop will conduct a NICS check through the NICS Center prior to it being sold or redeemed. The pawn shop owner cannot go through a law enforcement agency to initiate any of these checks.

Peddler Permits

CCH/III inquiries are not allowed since the law enforcement agency does not issue the license, a board such as the county board of supervisors or a city council issues the license.

Pre-Release from Jail

Authorized using PUR/C.

Private Investigators

Not authorized for this purpose.

Persons in Possession of a Firearm

CCH/III inquiries using PUR/F may be made to ensure that a person in possession of a firearm has no criminal record which would disqualify him/her from such possession.

Recruiters

CCH/III cannot be provided to recruiters.

Reinstatement of Firearm Rights

This process is handled by the Governor's Office and includes a background check by the DCI. However, sometimes the petition starts at the local level with help by the county attorney or law enforcement agency. CCH/III may be queried using PUR/F.

Relatives (see Friends/Relatives/Associates of Criminal Justice Employees or Applicants)

Repairmen, Technicians, or General Maintenance Personnel at the criminal justice agency (not employees)

Authorized using PUR/C.

Reserve Officers

CCH/III inquiries using PUR/J shall be made on all reserve officers. These persons should also be fingerprinted using one blue applicant fingerprint card. The card must be forwarded to the DCI. Reserve officers on duty may request and receive criminal history information (PUR/C) related to cases on which they are assisting. Reserve officers not on duty are private citizens and may not request and/or receive criminal history information.

Restoration of Civil Rights

Authorized using PUR/C.

Retired Peace Officers

CCH/III inquiries cannot be made on retirees wishing a retirement ID card to facilitate gun purchases. An agency can make CCH/III inquiries prior to his/her retirement using PUR/J.

Returning Firearms to Lawful Owner

CCH/III inquiries using PUR/F may be made by a law enforcement agency before returning firearms to the lawful owner or the family.

Ride-Alongs/Job Shadows

CCH/III inquiries using PUR/C shall be made on non-criminal justice persons who participate in ride-alongs and job shadows with law enforcement personnel.

Safe House Programs

CCH/III inquiries using PUR/C are allowed only if the law enforcement agency administers the program. If a school or another board administers the program, CCH/III inquiries are not permissible. Checks are permitted on the participants but cannot be disseminated outside of the law enforcement agency.

School bus drivers and chaperones

Not authorized for this purpose.

Secondary Employment

CCH/III inquiries cannot be made for secondary employment such as private security, building manager, server/bartender, etc.

Security of Governor's Mansion

Authorized using PUR/C. Site security is not the authority to conduct these checks. Instead, access for the protection of VIPs is authorized. Therefore, this authorization does not include checks for visitors or tour groups at the mansion except when they may have direct interaction with the Governor.

Sex Offender Registration and Annual Address Verification

Authorized using PUR/C.

Taxi Cab Licenses

This is not a valid purpose of III per the *Federal Code of Regulations*.

Iowa CCH inquiries using PUR/C are allowed only if the law enforcement agency administers the program and issues the permit/license. If another board issues the permit/license, Iowa CCH inquiries are not permissible.

Tow Truck Operators

Authorized using PUR/C as long as the criminal justice agency has a contract with the tow company.

Traffic Stops

Inquiries made for traffic stop purposes use PUR/C. There should be a reasonable/articulable suspicion of criminal activity to make the inquiry. These inquiries are not to be conducted as a matter of routine.

Vendors/Contractors

CCH and III background inquiries using PUR/J should be made on vendors, contractors or public employees at the criminal justice agency **who are involved** with the actual administration of criminal justice at the criminal justice agency (e.g., computer maintenance, upgrading record systems, data entry, jailers, etc.).

CCH and III background inquiries using PUR/C should be made on vendors, contractors or public employees **who are not involved** with the actual administration of criminal justice at the criminal justice agency (e.g., carpet cleaners, maintenance personnel, vending machine personnel, cooks, etc.). Also, requires fingerprints per CJIS Security Policy.

VIP Potential Site Visit

Authorized using PUR/C. Protective services pertain to the physical protection of authorized person. Extends to local officials. Checks can be performed on meeting participants as well as staff at the meeting site.

Visitors to Confinement Facilities

CCH and III inquiries using PUR/C may be made on all visitors to jails, correctional facilities, prisons, etc.

Volunteers

CCH/III inquiries using **PUR/J** shall be made on all volunteers at criminal justice agencies who perform criminal justice functions. These functions can include volunteer dispatchers, volunteer administrative assistants, and volunteers working at a confinement facility, etc.

PUR/C may be used for volunteers who perform duties not directly related to criminal justice functions such as working at a confinement facility providing inmate rehabilitation (teaching a trade), pastoral counseling, Alcoholics Anonymous classes, site security, etc. Checks can also be performed on volunteers/contractors who clean carpets, maintain vending machines, etc.

Warrant Enhancement

CCH and III inquiries using PUR/C should be made prior to entering warrants greater than a simple misdemeanor to obtain additional identifiers for the person. It is a good idea for audit purposes to make a notation in the ATN field or RED field that the inquiry was for warrant enhancement.

Weapon Permits

Background checks on applicants for weapon permits cannot be made using CCH/III. The NICS transactions QNP and QNR should be used. Follow-up inquiries to obtain disposition from an agency may be made using PUR/F.

Witnesses

The county attorney or law enforcement agency may make CCH/III inquiries using PUR/C on their witness list for a criminal trial only.

A defense attorney may not submit a similar request; however, a defense attorney may obtain the information as part of the discovery process if the information is contained in the case file.

Secondary Dissemination or Re-dissemination

The *CJIS Security Policy* defines secondary dissemination as:

The re-dissemination of FBI CJIS data or records from an authorized agency that has direct access to the data to another authorized agency.

Re-dissemination of criminal history (CCH and/or III) may take the form of:

- A simple “**yes**” or “**no**” regarding the existence of a record. This includes any verbal communication via any electronic device such as phone, radio, email, etc.
- A written summary, digest, or excerpt of the criminal history record.
- A copy of the criminal history record.
- The original criminal history response itself.

PLEASE NOTE: Secondary dissemination of the original criminal history response or a copy of the criminal history record requires manually logging the re-dissemination. The log is to be retained for one year from the date of request. The log can be kept electronically as long as it can be reproduced in hard-copy form upon request.

Dissemination/Re-dissemination of IOWA System and Criminal History Record Information Via Radio, Wireless Devices, FAX, or Electronic Mail

As a reminder, all IOWA System information is sensitive and classified. Whenever possible, criminal justice employees should avoid being overheard by non-criminal justice personnel.

The following clarification is being provided regarding how driver licenses (including driver license photos), vehicle registrations, IOWA and NCIC information including CCH/III, may be disseminated and re-disseminated.

AIDS/HIV, Hepatitis C, and Zika

Consistent with previous legal opinion and CJIS Division guidance regarding AIDS/HIV, Hepatitis C, and Zika, virus information should not be contained in IOWA/NCIC entries. Tuberculosis (TB) information may be entered into the MIS/SMT Field(s), but the information needs to be verified during validation. Law enforcement should remove the TB indicator if the person is no longer infected with TB.

Radio

Although NCIC considers Gang File, Threat Screening Center File, and Sex Offender Registry records to be criminal history information, this data may be disseminated via radio if officer safety is a concern.

Wireless Devices (Cellular Telephones/iPads/Tablets/Laptops)

At no time may IOWA System data, including driver's license photos, be disseminated by way of a personal wireless device. IOWA System data may only be disseminated to and from wireless devices issued, owned and managed by the law enforcement/criminal justice agency and then only when properly encrypted. Before any IOWA System data is disseminated via wireless devices, Iowa DPS must be contacted to review, assess, and confirm proper encryption is being employed.

This does not exclude providing IOWA System information verbally to an officer via cell phone when necessary in the course of their duties, or when officer safety is a concern.

Facsimile (FAX) Machine

The sender should ensure that the proper FAX number is being used. The receiving FAX machine should be located either within the secure confines of a criminal justice agency, or the requester should be waiting at the FAX machine to receive the data. For example, if a FAX machine utilized by the police department is located in city hall, an officer must be present to receive the FAX. If the officer advises he/she is in route to the office to retrieve the data, wait until they are actually on-scene before sending a FAX.

Electronic Mail (E-mail)

IOWA System data cannot be sent by e-mail unless it is properly encrypted or there is a shared agency server.

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