



Tribal Access Program for National Crime Information (TAP) Frequently Asked Questions (FAQ)

TAP Deployment Phases

May additional tribes participate in the User Feedback Phase?

- No, the User Feedback Phase is already underway. DOJ accepted Expression of Interest submissions from tribes beginning August through October 16. DOJ selected 10 tribes in early November – a link to the [press release](#) is on the TAP website.

What did DOJ seek in User Feedback Phase candidates?

- DOJ desired a strong cross-section of tribes with a variety of needs and capacities to help test the TAP hardware, software, and services to verify the information access needed by tribes is fully delivered.
- Tribes needed to have:
 - A sex offender registry pursuant to Sexual Offender Registration and Notification Act (SORNA);
 - A tribal, not BIA direct-service, law enforcement agency;
 - A tribal criminal court;
 - A demonstrated need to access criminal history record information for civil (non-criminal justice) purposes, such as the screening of tribal government personnel, social services, medical, and school personnel; screening of tribal housing authority employees and current/prospective tenants; screening for child placement, or for screening of personnel working with vulnerable populations such as children, the elderly, or the disabled.

When will future phases of TAP begin?

- DOJ envisions incremental expansion of the program, incorporating input from User Feedback Phase tribes, using existing funding, while seeking additional funding and legislative action from Congress.

Tribal Preparations

What legislative or policy determinations will tribes need to make regarding entering information into national crime information systems?

- Each tribe must determine what information will be entered into national crime information systems. Tribes should enter information into national crime databases for many reasons; such as to prevent prohibited persons from buying firearms, to have other officers across the country enforce tribal orders of protection, to register sexual offenders, to find missing juveniles, or to recover stolen property. Tribes have the ability to indicate the status of a person (such as wanted, missing, endangered, sex offender, gang member) or property (stolen, lost, or recovered). Tribes should determine if law enforcement and jails will process bookings that



capture finger and palm-prints, mugshots, and scars/marks/tattoos (SMTs) for arrests. Tribes must also determine what dispositions (action regarded by the criminal justice system to be final, for example the arrest charges have been modified, dropped, or reports the findings of a court) will be added to criminal history records. Information in national systems will be available to other authorized agencies and may be subject to the Freedom of Information Act (FOIA) and Privacy Act.

What are the availability requirements for agencies entering records in NCIC?

- Every agency entering records into the National Crime Information Center (NCIC) must be available to respond to queries 24 hours a day, seven days a week. Record entering agencies may respond to inquiries by 1) staffing a dispatch center which monitors system messages or 2) through phone contact, which may be accomplished by on-duty staff or by on-call staff immediately available on a duty cell phone.

What costs are associated with TAP?

- Tribes may incur the following costs:
 - Tribes must pay CJIS directly through a reimbursable agreement for any fingerprint-based civil background checks conducted.
 - Tribes must provide high-speed Internet access.
 - There are no other direct costs to tribes.
- However, tribes must ensure users are trained and process all appropriate background checks required for those users, including fingerprint-based civil background checks.

TAP Implementation

What training does the Tribal Access Program offer?

- TAP provides an integrated training package that includes self-paced on-line learning modules which will be followed-up by the instructor-led, hands-on training at the TAP tribe's location. Some of the on-line courses must be completed prior to on-site training. The hands-on training will include instruction on NCIC and the NGI fingerprint biometric data capture system using the tribe's own data.
- On-line modules include:
 - CJIS Security Awareness Training and Test
 - DOJ Criminal Justice Information Network Systems Overview
 - National Crime Information Center (NCIC) Certification Course and Test
 - Next Generation Identification (NGI) system Overview
 - National Data Exchange (N-DEx)
 - National Instant Criminal Background Check System (NICS)
 - Law Enforcement Enterprise Portal (LEEP)
 - Interstate Identification Index (III)
- Additional resources include step-by-step directions for commonly used transactions called job aids, fact sheets for focused treatment of policy or implementation issues, documentation



addressing the responsibilities of the Terminal Agency Coordinator (TAC), and video and documentation resources regarding the use of NGI and NCIC in support of tribal Sex Offender Registration and Notification Act (SORNA) responsibilities.

May a tribal gaming agency obtain access to the U.S. Department of Justice (DOJ) Criminal Justice Information Network (CJIN) through the Tribal Access Program (TAP) for the purpose of processing gaming-related background checks?

- No. TAP provides access to National Crime Information systems for Criminal Justice Agencies (CJAs) and certain Non-Criminal Justice Agencies (NCJAs) that have a need to perform criminal background checks to meet federal regulations or support federally funded programs, such as child protection, social services, and housing. However, DOJ CJIN does not have the requisite legal authority to provide access to national crime information in support of gaming-related background checks of any gaming enterprise. In addition, since tribal gaming agencies are not NCJAs, they may not perform their own background checks or do background checks for other tribal agencies who are NCJAs through TAP.

US DOJ Support for Federally Recognized Tribes

Is this the first DOJ initiative to assist tribes with access to national crime information databases?

- No, this is the third in a series of efforts aimed at ensuring tribes have the access to national crime information databases they need to protect their communities.
- In 2010, DOJ recognized some tribes lacked access via their state law enforcement network to the National Crime Information Center (NCIC) and began a pilot project to improve connectivity. This program has been extended and remains ongoing with approximately 23 tribes today. Known as the JUST Pilot and sponsored by COPS, this pilot program is expected to expire at the end of 2016. COPS and TAP are collaborating to identify a process to transition JUST tribes into the TAP program.
- Also in 2010, DOJ piloted a biometric program that supported access to Integrated Automated Fingerprint Identification System (IAFIS). Access to IAFIS is important because the submission of fingerprints to national databases is the starting point for acquiring FBI numbers, and thus the production of criminal histories. Fingerprint stations allow for biometric identification of a subject and acquisition of a biometrically based Identity History Summary (criminal history record rap sheet). Access to both NCIC and the Next Generation Identification (NGI) system—the successor to IAFIS—is required for tribes to comply with the Sexual Offender Registration and Notification Act (SORNA). This pilot program has expired.
- Leveraging the lessons learned from the two DOJ pilot programs, in 2014, DOJ and the U.S. Department of the Interior (DOI) formed a working group to assess the impact of the Violence Against Women Act (VAWA) and the Tribal Law and Order Act (TLOA) and to identify long-term sustainable solutions that address both criminal and civil needs of tribes to access national crime information databases. DOJ also held meetings with tribal representatives to discuss the informational needs of both tribal criminal and non-criminal justice agencies. TAP was an



outcome of this collaboration. The Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) Purpose Code X Program, a companion program offered by DOI, is another program created as a result of this partnership.

What lessons did DOJ learn from its pilot programs?

- DOJ learned that acquiring hardware and software that is integrated with the appropriate peripherals is essential, as is providing better technical support and maintenance for the workstations. The pilot programs also revealed the importance of tribally-focused coaching support and training assistance.