



# 2008 Study of Criminal Records

Analysis of the Reliability of Texas Department of Public Safety's  
Computerized Criminal History Database

## **Summary**

The State of Texas' primary criminal records database is missing 36% of the criminal records included in an October 2008 study by Imperative Information Group, a Fort Worth-based private investigations firm specializing in background investigations and corporate due diligence.

The Texas Department of Public Safety's (DPS) Computerized Criminal History (CCH) database is relied upon by state licensing agencies and many employers as their primary source for criminal records information on occupational licensing and employment applicants. In many cases, these applicants will be working in safety-sensitive positions including public education, in-home services such as air conditioning repair<sup>1</sup>, and a variety of healthcare related services.

Because of the large number of serious criminal records missing from Texas DPS' CCH database, Texas consumers are at risk when state licensing agencies or employers rely primarily on CCH data as the source for criminal history information.

## **Overview of Study and Use of Texas DPS' CCH System**

According to the Texas Department of Public Safety's website, the CCH system is defined as follows:

"Chapter 60, Code of Criminal Procedure (CCP) defines the Computerized Criminal History System (CCH) as the statewide repository of criminal history data reported to DPS by local criminal justice agencies in Texas."<sup>2</sup>

In other words, the CCH system is a database of criminal information provided to the state by local jurisdictions across Texas. This database is used by licensing agencies and businesses for the purpose of screening applicants for employment purposes. By Texas DPS' own admission, keeping the database "accurate and up-to-date is a true public safety responsibility for both criminal and noncriminal justice purposes."<sup>3</sup>

However, Imperative found that the CCH system is missing more than one in three criminal cases researched in this study. While this failure does fall in part to the state, some failures can be attributed to a lack of information provided to the Texas DPS by local jurisdictions.

The following details explain why relying on the CCH system can be dangerous to any organizations using the state's data as a reliable means of employment-related background checks.

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<sup>1</sup> For example, during the 2007 legislative session, House Bill 463 directed the Texas Department of Licensing and Regulation (TDLR) to conduct background checks on applicants for air conditioning contractor licenses. Texas DPS' CCH system is TDLR's primary criminal records history source.

<sup>2</sup> [https://records.txdps.state.tx.us/DPS\\_WEB/Cch/index.aspx?PageIndex=About](https://records.txdps.state.tx.us/DPS_WEB/Cch/index.aspx?PageIndex=About)

<sup>3</sup> Ibid.

## How Complete is Texas DPS' CCH System?

Of the 562 criminal cases analyzed in this study, 400 involved felony cases and 162 cases involved misdemeanor offenses. The felony cases studied included offenses as extreme as capital murder to lesser offenses such as possession of a controlled substance, forgery, and burglary. The charges for the misdemeanor cases ranged from disorderly conduct to theft by check to driving while intoxicated.

Overall, 36% of the investigated cases did not appear in Texas DPS' CCH system. The table below indicates the percentage of records missing from the CCH database by case type. This table provides a strong indication that the CCH system is consistent in its inaccuracy, failing to report more than one in every three reportable cases, regardless of offense type.

Percentage of Missing Records by Case Type	
Capital Murder	34.1%
Felony	35.9%
Misdemeanor	40.1%

The 361 capital murder cases chosen for the study are associated with offenders on Texas' Death Row as of October 1, 2008. Therefore, at the time of the study, over one-third of the death row population did not appear in Texas DPS' database.

Although the discrepancy in the percentage of missing records was negligible between case types, the difference in the percentages between dispositions varied to a much greater extent. Of the 562 criminal cases studied, the CCH database missed 34% of the cases that ended in guilty convictions but almost 60% of all cases ending with an order of deferred adjudication. The CCH database does not include any cases that are pending before the court or that have been dismissed, even though such records can be crucial to employers in certain situations.

Organizations such as the TLDR have statutes allowing the examination of criminal cases ending with an order of deferred adjudication (in addition to convictions ending in a guilty plea); however, they are relying on a system that misses almost 60% of deferred adjudication cases.<sup>4</sup>

## How Effective are Individual Counties at Reporting Criminal Records?

The Texas DPS indicates on their website that the CCH system obtains the information included in the database from individual counties, local arresting agencies, and prosecuting agencies.

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<sup>4</sup> H.B. 463, Section 2.

The DPS notes that records are absent from the CCH database for either of two reasons:

- A criminal case was reported but the original arrest associated to the case was not, and therefore, the case is placed in the DPS “suspense” file until a matching arrest report is received, or
- The appropriate reporting agency failed to report the case to the state.<sup>5</sup>

In addition to analyzing the completeness of the CCH database, Imperative also surveyed the counties in which the convictions originated for all studied cases. The ten counties included in the following table were responsible for the most cases in this study. They are arranged by the number of cases studied.

<b>Percentage of Missing Records by County</b>		
<b>County</b>	<b># of Cases Studied</b>	<b>% of Records Missing</b>
Harris	125	16.0
Dallas	67	58.2
Tarrant	62	43.5
Bexar	35	48.6
Collin	16	37.5
El Paso	11	36.4
Hidalgo	11	54.5
Travis	10	50.0
Denton	10	70.0
Fort Bend	4	0.00

Harris County had the lowest percentage of missing records (16%) after Fort Bend (0%), even though Harris County was responsible for almost twice the amount of cases than Dallas, one of the four counties that had 50% or more of their records missing from Texas DPS’ system.

A missing record does not necessarily indicate the county failed to report the case to the state; however, it does provide a clear indication of how well each county is communicating with the state.

### **Summary of Results and Implications**

The results of this study indicate that employers who are relying on Texas DPS’ CCH system as a primary source for background investigations have a better than one-in-three chance of missing criminal records.

Direct searches of county court indices is the only way to circumvent the possibility of missing records due to failures in communication between local jurisdictions and the state. Effective criminal background investigations will include county searches in each

<sup>5</sup> [https://records.txdps.state.tx.us/DPS\\_WEB/Cch/index.aspx?PageIndex=About](https://records.txdps.state.tx.us/DPS_WEB/Cch/index.aspx?PageIndex=About)

jurisdiction associated with an applicant's residential history as their primary source of information.

Directly searching the criminal records in each county where an individual has lived, worked, and attended school is the most effective way of obtaining a detailed criminal history. However, use of the Texas DPS CCH provides the opportunity to identify criminal records originating in counties not associated with an applicant's residential history. Any records obtained from a database search should always be verified at the county level in order to avoid the risk of relying on incomplete or out-dated information.

**For More Information:**

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