

**Re: Final DRAFT CA Response -RE: Secure Communities and "non-arrests"**

[redacted] (CJIS)(FBI)

**Sent:** Thursday, May 26, 2011 6:35 PM

**To:** [redacted] Pender, Jerome M.; [redacted]  
**Cc:** [redacted]@leo.gov; [redacted]; Rudge, Robert C. Jr.; [redacted]

No problem. Will take care of it tomorrow.

VIR

[redacted]  
FBI, CJIS, GIU  
[redacted]  
[redacted]@ic.fbi.gov  
SIPR [redacted]@fbi.sgov.gov

Sent from my Blackberry

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b6  
b7c

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**From:** Morris, Stephen L.

**To:** [redacted] (CJIS)(FBI); Pender, Jerome M.; [redacted]  
**Cc:** [redacted]@leo.gov; [redacted]@leo.gov; [redacted] Rudge, Robert C. Jr.; [redacted]  
**Sent:** Thu May 26 15:47:33 2011  
**Subject:** RE: Final DRAFT CA Response -RE: Secure Communities and "non-arrests"

In the interest of time, I simply ask that we let ICE review our response and have a chance to opine. It's evident this is a complex issue and it won't get resolved in emails. To my earlier position on SC inquiries...coordinate our response with ICE before we send out. I do not want to imply that we can change anything without seeking ICE's input as these changes could adversely impact ICE and SC.

[redacted] Do not send this out til re get ICE input.

**From:** [redacted]

**Sent:** Thursday, May 26, 2011 3:02 PM  
**To:** Morris, Stephen L.; [redacted] (CJIS)(FBI); Pender, Jerome M.; [redacted]  
**Cc:** [redacted]@leo.gov; [redacted]; Rudge, Robert C. Jr.  
**Subject:** Re: Final DRAFT CA Response -RE: Secure Communities and "non-arrests"

Mr. Morris, FBI-SC-FPL-134 Re-Release

It is our understanding that the QID transactions are queries for info vs a booking transaction. It is also our understanding that the submissions are converted at the state level and sent to IAFIS as a Criminal Answer Required (CAR) non-retain Type of transaction. As for IDNs we are unsure.

At this time, when a submission is received in IAFIS, the retention field is not considered as all CAR transactions are forwarded to IDENT for a search.

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It is uncertain whether or not we can assume that they are considering booking these individuals as the question mentions "This would help us in our message to our local jurisdictions that the Program will only affect persons who are arrested for a crime, and not those who may simply be stopped at a drivers license checkpoint." In regards to your point regarding whether these violate policy, we would have to verify.

if you would like to discuss, please let us know.

[Redacted]

b6  
b7C

[Redacted]

Supervisory Management and Program Analyst  
Interoperability Initiatives Unit  
FBI CJIS Division

[Redacted]

@leo.gov

---

**From:** Morris, Stephen L.

**To:** [Redacted] (CJIS)(FBI); Pender, Jerome M. [Redacted]

**Cc:** [Redacted]@leo.gov <[Redacted]@leo.gov>; [Redacted] Rudge, Robert C. Jr

**Sent:** Wed May 25 18:25:55 2011

**Subject:** RE: Final DRAFT CA Response -RE: Secure Communities and "non-arrests"

Im okay with the response for 2-3. However, I think #1 can be easily answered by simply confirming what DHS/ICE makes abundantly clear (and I assume is correct)...SC is only for individuals being booked into jail? Without understanding exactly what IDN and QID entails, I can only assume these are queries for info vs. a booking transaction? Am I correct to assume they are considering "booking" certain individuals using an IDN or QID transaction? If so, wont that violate user policy? Furthermore, I dont understand how retention plays a role. Does SC only accept retained submissions?

[Redacted]

Your thoughts?

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**From:** [Redacted] (CJIS)(FBI)

**Sent:** Wednesday, May 25, 2011 4:55 PM

**To:** Morris, Stephen L.

**Cc:** [Redacted]@leo.gov; [Redacted] Rudge, Robert C. Jr

**Subject:** FW: Final DRAFT CA Response -RE: Secure Communities and "non-arrests"

Steve,

Below is a proposed response to CALDOJ's secure communities information request. There is one sentence in the answer to question #1 that may cross the fine line of speaking about Secure Communities as a program which I have underlined. The reason I left it in for your decision is because I thought it might tend to be favorable to the FBI. However, I recognize potential still exists for the response to create issues. We can take it out if you prefer. When you let me know, IIU will either edit or send out the reply.

thanks

V/R

[Redacted]

FBI, CJIS, Global Initiatives Unit

ofc - [Redacted]

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FBI-SC-FPL-135

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**From:** [redacted]  
**Sent:** Wednesday, May 25, 2011 8:13 AM  
**To:** [redacted] (CJIS)(FBI); [redacted] Rudge, Robert C. Jr  
**Cc:** [redacted]@leo.gov  
**Subject:** Fw: Final DRAFT CA Response -RE: Secure Communities and "non-arrests"

[redacted]

Attached below please find the responses to the CalDoJ questions for Executive Management review.

[redacted]

Supervisory Management and Program Analyst  
Interoperability Initiatives Unit  
FBI CJIS Division

[redacted]@leo.gov

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b7c

**From:** [redacted]@leo.gov>  
**To:** [redacted]@leo.gov>  
**Cc:** [redacted]  
**Sent:** Mon May 23 13:39:06 2011  
**Subject:** Final DRAFT CA Response -RE: Secure Communities and "non-arrests"

[redacted]

This is the soft copy of the information [redacted] reviewed and approved today. I will wait to send this email until you say it has been authorized to do so by management.

Thanks

FBI-SC-FPL-136 Re-Release

QUESTIONS

- 1) Since Secure Communities was deployed to focus on "arrestees" and these subjects (IDNs and QIDs) are not being arrested, would it be possible for the FBI to NOT send a transaction to DHS when it sees an "N" in the RET field? This would help us in our message to our local jurisdictions that the Program will only affect persons who are arrested for a crime, and not those who may simply be stopped at a drivers license checkpoint.

**Response:** *It is technically possible to change the functionality to not send a transaction to DHS when "N" appears in the RET field, however, this change would require system*

**changes that could possibly impact the established requirements for the FBI's Next Generation Identification (NGI) and mandates for FBI CJIS. Various legislations required the FBI to develop a fully integrated means to share law enforcement and intelligence information with DHS regardless of Secure Communities. Currently, all Criminal Answer Required (CAR) submissions from participating jurisdictions are sent to DHS for a search of the IDENT system. Only information from biometric matches in IDENT are sent to ICE. With the deployment of the NGI system, all criminal submissions will be sent to DHS for a search of IDENT.**

- 2) When the FBI gets a "non-retainable" fingerprint transaction ("N" in the "RET" field), do you keep ANY information from that transaction? For instance if it hits on a current FBI record, and the images are better than the images you already have for the person, do you keep any of the images? Or if there is a different name or SSN, would you add that to your record?

***Response: The Retention (RET) Field 2.005 permits agencies to indicate, by selecting Y or N, whether the FBI CJIS Division should retain the submission as a permanent part of the FBI's fingerprint database. When the IAFIS processes a fingerprint submission with a RET Field code of N, the system does not add arrest data to an existing criminal history record or establish a new FBI record. If there is a match with a criminal record in IAFIS, the record will be updated with descriptive information. The image, if better than those on file, will be kept in the Criminal Master File. For civil applicant fingerprint submissions, agencies should use the RET Field to indicate whether the CJIS Division should retain the submission in the civil fingerprint files. (When the IAFIS makes a criminal identification from a civil fingerprint submission, the CJIS Division will in some cases retain the record regardless of the code in the RET Field.)***

- 3) Can we assume that when the FBI starts retaining civil fingerprint transactions, since they are not CARs, they will NOT be sent to DHS? (Just trying to cover all bases here).

***Response: Civil fingerprint transactions will not be sent to DHS for a search of the IDENT system unless the State Identification Bureau or the state agency submits an application requesting such transactions to search IDENT and the request is authorized by DHS US-VISIT.***

[Redacted]

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FBI CJIS Division  
Interoperability Initiatives Unit

[Redacted]

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FBI-SC-FPL-137

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