

**RE: 2DRAFT CA Response -RE: Secure Communities and "non-arrests"**

[Redacted]

**Sent:** Thursday, May 19, 2011 12:14 PM

**To:** [Redacted]

**Cc:** [Redacted]

b6  
b7C

Thanks [Redacted]

I finally read the questions. I'm going to forward the questions only to [Redacted] so he and the FO have a heads up, but will wait until the final review of answers is complete. I agree with your assessment on question 1. The proposed response did not answer the question and we need to make sure we are being transparent and answer the question even if the answer is going to create an issue. We just need to be prepared to deal with the issue.

thanks  
V/R

[Redacted]

FBI, CJIS, Global Initiatives Unit

[Redacted]

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\*\*\*\*\*

**From:** [Redacted]

**Sent:** Wednesday, May 18, 2011 6:41 PM

**To:** [Redacted]

**Subject:** FW: 2DRAFT CA Response -RE: Secure Communities and "non-arrests"

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[Redacted]

Below are the three questions from CA and the first rough draft of the response. These have been sent to BSS Customer Service Group, [Redacted] AIU, and MPG for review and input from an operational, legal, and PR standpoint. It was forwarded prior to my review.

As we discussed earlier, we have since been advised the CA AG will be sending a letter to Mr. Roberts. They have advised they want to go on record as working with FBI CJIS to resolve some of these concerns.

Question #1 needs revised as it really doesn't answer the question. Question #3 needs to be further clarified.

[Redacted] is aware and they will be working to make revisions and get up for review. If we have the questions

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https://[Redacted]

6/10/2011

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vetted, it shouldn't take long to respond to the letter once we get it.

Thanks,

[Redacted]

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**From:** [Redacted]  
**Sent:** Wednesday, May 18, 2011 11:53 AM  
**To:** [Redacted]  
**Subject:** FW: 2DRAFT CA Response -RE: Secure Communities and "non-arrests"

[Redacted]

Attached is the proposed response that [Redacted] has forwarded for review.

**From:** [Redacted]  
**Sent:** Wednesday, May 18, 2011 9:27 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: 2DRAFT CA Response -RE: Secure Communities and "non-arrests"  
**Importance:** High

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To all,

IIU received the following questions from CALDOJ on 5/3/11 and we need your assistance in the review as we want to ensure that we are correct and responsive to their questions. Can you please review and provide comments by COB Thursday, 5/19/11? We would like to forward this to CALDOJ by this Friday 5/20/11.

Please let me know if you have any questions.

Thank you

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:** The FBI was required to develop a fully integrated means to share law enforcement and intelligence information with DHS regardless of Secure Communities. Currently, all criminal 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.

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- 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 Crininal 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 an application requesting such transactions to search IDENT is authorized by

**DHS US-VISIT.**

[Redacted]

*FBI CJIS Division  
Interoperability Initiatives Unit*

[Redacted]

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