



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

March 14, 2014

TO: ALL CJIS SYSTEMS OFFICERS AND STATE IDENTIFICATION BUREAU REPRESENTATIVES

RE: Elimination of the requirement that states submit expungement documentation as a prerequisite to expunge state-maintained criminal history records (CHRs) from the Interstate Identification Index (III)

The purpose of this letter is to inform you that the Next Generation Identification (NGI) enhancement, which will eliminate the requirement that a state submit subsequent documentation to finalize a State Identification Number (SID) expungement within 60 days of processing a Delete Record SID (DRS) message to the III system, will be deployed in the NGI Increment 4.

A III state may submit a DRS message to the III system to electronically initiate expungement of a state's entire state-maintained III record. Today, this online notification flags the SID as expunged, places a "pending expungement" flag on the state's active dates of arrest, and stops dissemination of the state's data based either on a III inquiry, fingerprint processing, and/or document processing for 60 days. The III state must promptly submit the expungement documentation to the FBI Criminal Justice Information Services (CJIS) Division for processing. If the documentation is not received and processed within 60 days of the state's DRS deletion message, the state's data in that record will be reactivated. The III sends an unsolicited reactivation (\$A.REA) message advising the state that the record has been reactivated and the "pending expungement" flag removed. The III substitutes an active FBI pseudo-pointer for the state's expunged SID number. When this occurs, the FBI CJIS Division provides the state's data for record requests.

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In May 2009, the FBI Director approved a December 2008 Advisory Policy Board (APB) recommendation to eliminate the requirement that states submit expungement documentation to the FBI CJIS Division as a prerequisite to expunging state-maintained CHRs from the III, and to use the DRS message to fully expunge the CHRs. This modification was intended to streamline the expungement process by rendering the record reactivation and re-suppression processes obsolete, and eliminate the manual work processing associated with the documentation requirement. Due to system requirements needed to facilitate this change, it was necessary to delay the implementation of this streamlined process because the current Integrated Automated Fingerprint Identification System (IAFIS) is being incrementally replaced by the deployment of the NGI, providing new functionality and expanded services. This enhancement to streamline the expungement process was originally scheduled to occur post-NGI, but was moved up and is being included in the May 2014 enhancement due to the fact that nearly 40 percent of electronically expunged records are reactivated after the paperwork is not received and processed in a timely manner. Once implemented, the NGI will generate an electronic message to the state to confirm receipt of the DRS message and advise the state that they have one hour to send a Modify Record SID response to the CJIS Division if the state made an error in expunging the record, and to disregard the DRS message. Once this hour has elapsed, the record will be expunged.

In September 2013, the CJIS APB and the National Crime Prevention and Privacy Compact Council approved the modification to increase the number of days for the state to submit the expungement documentation to 120 days, to be effective in March 2014. This extension was approved in order to allow adequate time for the III states to submit the expungement documentation and for the FBI CJIS staff to process this paperwork, as this is a manual task. Based on the information that the elimination of this paperwork requirement will be implemented with the deployment of Increment 4 of the NGI, tentatively scheduled for May 4, 2014, it is no longer necessary to implement this modification in the time frame.

Increment 4 is the final incremental deployment of full operational capability functionality of the NGI. The first two phases of this deployment are tentatively scheduled to occur on May 4, 2014, and includes the system modification which will eliminate the requirement for states to submit expungement documentation to the FBI CJIS Division as a prerequisite to expunge a state-maintained CHR from the III. Once this deployment is successful, this will substantially streamline the expungement process.

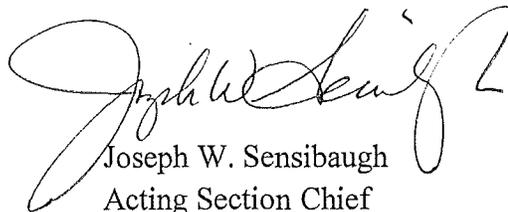
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In addition to the above mentioned enhancement, the following previously approved IAFIS enhancements are also scheduled to be deployed in May 2014:

- Allow for multiple citizenship codes in the IAFIS and amend the Electronic Biometric Transmission Specification accordingly.
- Create a fraudulent identify caveat to indicate when there has been an exact match on the name, date of birth, and social security number, but the fingerprints do not match.
- Update the IAFIS record retention schedule to 110 years of age.
- Utilize state records when states can respond for the purpose for which the record was requested.

For further information or questions regarding the expungement process, please contact the FBI CJIS Division Information and Quality Solutions Team at (304) 625-3652 or email <fbi-iii@leo.gov>.

Sincerely yours,



Joseph W. Sensibaugh
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