

TO: ALL CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS) SUBSCRIBING AGENCIES

This Information Bulletin (IB) provides updated guidance to CLETS operators on the use of Purpose Codes in CLETS transactions. Since July 1, 2021, Government Code section 15160 (enacted by Assembly Bill 1747) has required that "any inquiry for information other than criminal history information submitted through [CLETS] shall include a reason for the initiation of the inquiry." (Gov. Code, § 15160, subd. (b)(2).) IB 20-03-CJIS described three Purpose Codes ("C," "I,", and "U") to be used to indicate the reason for an inquiry.

To reduce confusion regarding the "U" Purpose Code, going forward, agencies should select from either Purpose Code C or I, as described below. Agencies should no longer select Purpose Code "U" and are reminded that Government Code section 15160 prohibits the use of CLETS to investigate violations of 8 U.S.C. section 1325, if a violation of that section is the only criminal history in an individual's record.

Please note Government Code section 15160 does not prohibit or restrict the sending or receiving of information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to 8 U.S.C. sections 1373 and 1644.

<u>C = Criminal Justice (non-immigration enforcement)</u>

Use Purpose Code "C" for all inquiries made for purposes **other than "immigration enforcement**" as that term is defined in Government Code section 7284.4, subdivision (f) ("any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States").

I = Immigration Enforcement

Use Purpose Code "I" for inquiries made for the purpose of "immigration enforcement" (as defined in Government Code section 7284.4, subdivision (f) – see paragraph above). Per Government Code section 15160, **only criminal history information may be used for immigration enforcement purposes**. Information other than criminal history information—such as DMV records, including information obtained through Cal-Photo, or personal information, including home or work address—may not be used for immigration enforcement purposes.

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If you have any questions in the meantime, please contact the Client Services, CJIS Audit Program at <u>AB1747@doj.ca.gov</u>.

Sincerely,

Veronica Gilliard

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For ROB BONTA Attorney General