OFFICE OF THE CHIEF OF POLICE

NOTICE
1.14

August 19, 2021

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS) PURPOSE CODE REQUIREMENT

The purpose of this Notice is to inform Department employees of the new requirements when using the California Law Enforcement Telecommunications System (CLETS). On October 12, 2019, Governor Newsom signed into law Assembly Bill 1747, which requires inquiries submitted on or after July 1, 2021, through CLETS for information other than criminal history shall include a reason and "Purpose Code" for every transaction. This law also authorizes the Attorney General to conduct audits to monitor compliance with this Assembly Bill.

The new valid Purpose Codes are the following:

C = Criminal Justice
I = Immigration Enforcement
U = Investigate Violations of Title 8, Section 1325 of the United States Code

Note: Any CLETS inquiries made through a Mobile Digital Computer or Mobile Dispatch Application will require a Purpose Code henceforth.

Officers are reminded of the Department's commitment to providing unbiased Constitutional Policing, and initiating any police action where the objective is to discover the civil immigration status of a person is prohibited. Officers shall neither arrest nor book persons for violation of Title 8, Section 1325 of the United States Code (U.S.C.) (Improper Entry), unless pursuant to an arrest warrant issued by a federal district court or magistrate judge. In addition, Department personnel shall comply with Office of Chief of Police Notice, *Immigration Enforcement Procedures*, dated December 29, 2017, pertaining to the California Values Act.

A copy of the California Department of Justice (DOJ) Information Bulletin No. 20-03-CJIS is attached for reference. The DOJ will distribute a forthcoming Information Bulletin which will provide detailed definitions and guidance for CLETS operators.

Any questions regarding this Notice shall be directed to the Office of Constitutional Policing and Policy, at (213) 486-8730.

MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

California Department of Justice
CALIFORNIA JUSTICE
INFORMATION SERVICES DIVISION
Joe Dominic, Chief

INFORMATION BULLETIN

Subject:	No.	Contact for information:
Implementation of Assembly Bill (AB) 1747 Pertaining to use of the California Law Enforcement Telecommunications System (CLETS)	20-03-CJIS	Client Services Program dojcsp@doj.ca.gov
	Date: 04-08-2020	

TO: ALL CLETS SUBSCRIBING AGENCIES

The purpose of this Information Bulletin is to notify your agency about new statutory restrictions and requirements governing the use of CLETS. Among other things, starting **July 1, 2021,** your agency will need to implement programming changes to provide a "Purpose Code" for every CLETS transaction.

This bulletin is the first in a series of reference materials that will be provided to your agency about AB 1747's requirements. This bulletin focuses on AB 1747's requirement that, commencing July 1, 2021, "any inquiry for information other than criminal history information submitted through the system shall include a reason for the initiation of the inquiry." (Stats. 2019, ch. 789, Sec. 1 [Gov. Code, § 15160, subd. (b)(2)].) A second Information Bulletin to be issued in the near future will provide more detailed definitions and guidance for CLETS operators. Finally, usage of the new Purpose Codes will be subject to audits similar to existing audit processes already in place for other record types. The Client Services Program (CSP) is developing materials to answer questions about these audits. The audit process will be similar to the existing audits the CSP works with your agency to regularly complete.

A brief summary of the new legislation and upcoming changes to CLETS procedures and technical requirements is provided below:

1. Background

Under existing law, the California Values Act generally prohibits California law enforcement agencies (LEAs) from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including providing personal information for that purpose. (Gov. Code, § 7284.6, subd. (a)(1)(D).) The specific requirements for LEAs under the Values Act are set forth more fully in prior Information Bulletins: 2018-DLE-01, 18-02-CJIS, and 18-10-CJIS.

Pursuant to AB 1747, Government Code Section 15160 has been amended to read:

> *(b) (1) Commencing on January 1, 2020, consistent with the California Values Act (Chapter 17.25 (commencing with Section 7284) of Division 7 of Title 1), no subscribers to the system shall use information other than criminal history information transmitted through the system for immigration enforcement purposes, as defined in subdivision (f) of Section 7284.4. In addition, no subscribers to the system shall use the system for purposes of investigating violations of Section 1325 of Title 8 of the United States Code, if a violation of that section is the only criminal history in an individual's record. This section does not prohibit or restrict any*

government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(b)(2) Commencing on July 1, 2021, any inquiry for information other than criminal history information submitted through the system shall include a reason for the initiation of the inquiry.

(b)(3) Commencing on July 1, 2021, the Attorney General, and personnel they so authorize, may conduct investigations, including inspections and audits, as the Attorney General deems appropriate to monitor compliance with this subdivision. The Attorney General or authorized personnel who are conducting an investigation pursuant to this subdivision shall be authorized to review and inspect case files and any records identified in the investigation process to substantiate a reason given for accessing information other than criminal history information in the system.

(C) For the purposes of this section, "system" means the statewide telecommunications system of communication established pursuant to this chapter.

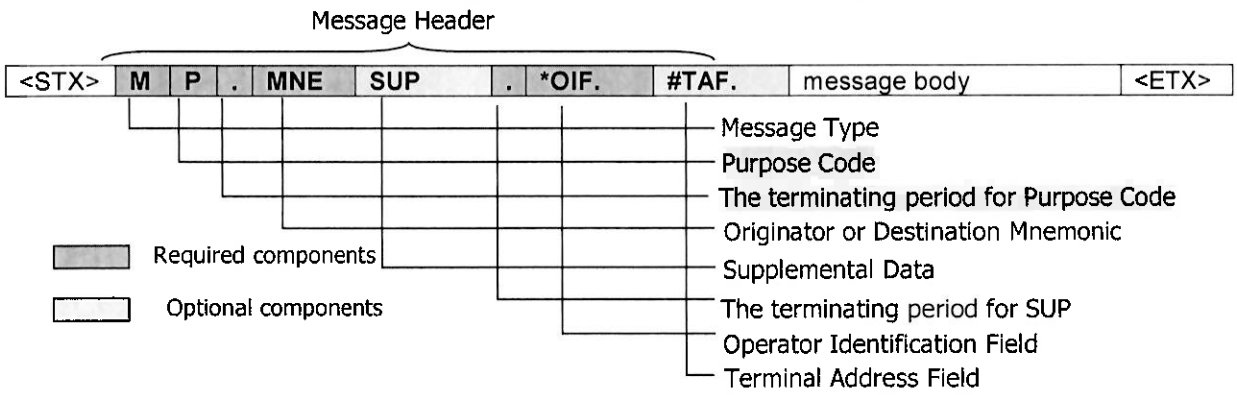
(Stats. 2019, ch. 789, Sec. 1.)

2. Upcoming Programming Changes to CLETS

As noted above, commencing **July 1, 2021**, any inquiries submitted through CLETS will have to include a reason for the inquiry. To implement this requirement, the California Department of Justice (DOJ) will begin enforcing a new message header requirement to include a "Purpose Code" for every transaction submitted through CLETS. For the successful execution of CLETS transactions, any messages that do not meet the header requirements outlined in the CLETS Technical Guide, which is being revised to conform with AB 1747, will be rejected.

The upcoming changes to the CLETS are summarized below:

Message Headers (General Format)



P = the optional Purpose component of the header is mandatory when the Message

Type specifies a request, Message Types 0, 1, or 3. The component's existence is signified by its location and structure: It immediately follows the Message Type and is a single (1) character code followed immediately by a period (".") Purpose components must not exist in the headers of Non-Request Message Types (2 & 4).
The new valid Purpose Codes will be:
C = Criminal Justice
I = Immigration Enforcement
U = Investigate Violations of Title 8, section 1325 of the United States Code

Please refer to detailed message formatting information in the CLETS Technical Guide to ensure all messages sent to CLETS meet these requirements. The CLETS Technical Guide is available on the DOJ's California Law Enforcement Web website at https://clew.doj.ca/gov.

Messages received by CLETS containing an invalid purpose code in the message header will be rejected effective July 1, 2021.

We understand that agencies may have initial questions about the definitions related to the new Purpose Codes. A second Information Bulletin will be released to provide specific guidance and definitions related to the use of these Purpose Codes.

3. Audits

Effective **July 1, 2021**, AB 1747 will also authorize the DOJ to conduct audits related to these CLETS inquiries. As noted above, the audit process will be similar to the existing audits the CSP works with your agency to complete. Over the coming months, additional information will be provided to your Agency CLETS Coordinator, including a Reference Guide to answer questions on what to expect and how to prepare for the AB 1747 audits.

If you have any questions in the meantime, please contact us at dojcsp@doj.ca.gov.

Sincerely,

Joe Dominic

JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General