



Recent Updates from the FBI CJIS Division

Compact Council updated the Reuse of Noncriminal Justice Fingerprints for Noncriminal Justice Purposes Policy (from CJIS Information Letter 25-2)

In May 2024, the National Crime Prevention and Privacy Compact Council (Council) approved the following policy regarding the reuse of noncriminal justice fingerprints for noncriminal justice purposes:

When approved by the appropriate state or federal official, an agency or entity may be authorized to reuse applicant fingerprints for submission to the FBI when each of the following criteria are met:

1. *The agency or entity is authorized by law to conduct the national fingerprint-based background check and retain the fingerprints.*
2. *The applicant is initiating the request for which the agency or entity is authorized to submit fingerprints.*
3. *A biometric identity verification is conducted prior to reuse of the fingerprints.*
4. *The applicant fingerprints were not previously rejected by the FBI for image quality standards.*

For the Reuse of Noncriminal Justice Fingerprints for Noncriminal Justice Purposes Policy, the Council defines agency, entity, state official, and federal official as:

Agency—*a governmental federal, state, local, or tribal organization authorized by law to conduct national fingerprint-based background checks as approved by the governing state or federal official.*

Entity—*a nongovernmental or private organization authorized by law to conduct national fingerprint based background checks as approved by the governing state or federal official.*

State official—*the State Compact Officer, the CJIS Systems Officer, or the State Identification Bureau Chief.*

Federal official—*the CJIS Systems Officer, the Interface Agency official, or the FBI Compact Officer¹.*

The use of the policy is voluntary and requires the appropriate state or federal official's approval; however, agencies must consider the following technical requirements and best practices before implementing the policy.

Technical Requirements

Before an agency or entity can implement the Reuse of Noncriminal Justice Fingerprints for Noncriminal Justice Purposes Policy, it must fulfill the following technical requirements:

Date Printed—The Date Printed field (2.038 DPR) contains the date that the subject's biometric(s) were captured. While the date that the fingerprint transaction is submitted will vary, the DPR must remain the same throughout the reuse (e.g., if the individual was fingerprinted on 01/01/2025, this date will be used in the DPR field for all future reuse). Agencies and entities must have the ability to capture and maintain this DPR throughout the continued reuse of the noncriminal justice fingerprints.

(Continued on page #2)

¹ A minor amendment was made to the definition of federal official during the Compact Council's November 2024 meeting. The language as shown reflects the amendment.

Recent Updates from the FBI CJIS Division

Compact Council updated the Reuse of Noncriminal Justice Fingerprints for Noncriminal Justice Purposes Policy (from CJIS Information Letter 25-2)

(Continued from page #1)

Originating Agency Identifier and Controlling Agency Identifier—The Originating Agency Identifier field (1.008 ORI) and the Controlling Agency Identifier field (2.073 CRI) must accurately reflect the submitting agency or entity for each submission throughout the reuse of the noncriminal justice fingerprints. The CRI contains the ORI of the organization controlling the transaction. The CRI may be different from the submitting agency or entity's ORI (e.g., CJIS Systems Agency, State Identification Bureau, Interface Agency), which shall be placed in the ORI field. When the controlling agency or entity is also the submitting agency or entity, both the ORI and CRI fields shall be submitted with the same identifier.

Reason Fingerprinted—The Reason Fingerprinted field (2.037 RFP) is assigned by the FBI's CJIS Division and used to indicate the authorized purpose of a noncriminal justice fingerprint submission. If the noncriminal justice fingerprint transaction was originally submitted pursuant to one statutory authority and is now being reused and submitted for a different statutory authority, the RFP must accurately reflect the current purpose in the reused noncriminal justice fingerprint transaction.

Fingerprint Quality—As required by the policy, noncriminal justice fingerprint submissions that were previously rejected at the FBI for image quality may not be resubmitted for future reuse. Therefore, agencies and entities must have a mechanism in place to track when a fingerprint submission is rejected for image quality, so it is not reused. Although the fingerprint transaction may successfully pass the agency or entity's standards, the noncriminal justice fingerprints must be flagged if the FBI rejects the submission to indicate they cannot be reused, and a new set of fingerprints must be collected.

Authorized agencies and entities submitting noncriminal justice background checks using an FBI-approved Channeler (a contractor that serves as the conduit for submitting fingerprints to the FBI and receiving FBI criminal history record information on behalf of an authorized recipient for authorized noncriminal justice purposes) must also consider how submissions will be stored and resubmitted with the accurate information if approved to use the policy. Any authorized agency or entity approved to submit through an FBI-approved Channeler and interested in using this policy [REDACTED] [REDACTED] to coordinate approval.

Best Practices

Agencies and entities should consider the risks associated with reusing noncriminal justice fingerprints, which include:

Change in Fingerprint Characteristics—Reused noncriminal justice fingerprints may not be an accurate representation of an individual's current fingerprint characteristics. For example, an individual may have new scars, amputations, or intentional mutilations that were not present at the time of the original fingerprint capture. Therefore, as a best practice, agencies and entities are encouraged to collect a new set of fingerprints when the fingerprint characteristics have changed.

Time Limits—Agencies and entities are encouraged to establish a timeframe for when fingerprints may be reused and new fingerprints must be collected (e.g., every 3 years, 5 years, etc.). Reusing the same noncriminal justice fingerprints indefinitely limits opportunities for better quality fingerprints and the capture of updated fingerprint characteristics.

(Continued on page #3)

Recent Updates from the FBI CJIS Division

Compact Council updated the Reuse of Noncriminal Justice Fingerprints for Noncriminal Justice Purposes Policy (from CJIS Information Letter 25-2)

(Continued from page #2)

Negative Impacts to the Criminal Justice Community—Latent fingerprints collected from crime scenes or improvised explosive devices can often be small and only represent a portion of the fingerprint pattern area. These variances add to the complexity of latent print searches and examinations, making fingerprint captures from known subjects critical for optimal results. While one fingerprint event for an individual may not contain the necessary friction ridge for comparison purposes, other fingerprint events for the same individual (i.e., civil retain events) may contain that specific and corresponding friction ridge detail. Collecting a variety of fingerprint captures for an individual provides additional opportunities to produce candidates and make identifications in investigations. Failure to produce a candidate within a latent fingerprint search can prevent law enforcement from identifying viable suspects within criminal and terrorism investigations.

This Reuse of Noncriminal Justice Fingerprints for Noncriminal Justice Purposes Policy replaces the FBI Reuse Policy from 2010 that allowed for the reuse of fingerprints for the same purpose as the original fingerprint submission.

In addition to the policy and technical requirements for the Reuse of Noncriminal Justice fingerprints for Noncriminal Justice Purposes policy, all other policies and requirements surrounding the submission of noncriminal justice fingerprints apply.

Questions concerning the policy regarding the reuse of noncriminal justice fingerprints for noncriminal justice purposes should be directed to [REDACTED].