

NCIC 2000
DEPORTED FELON FILE

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SECTION 1--INTRODUCTION

1.1 DEFINITION

The Deported Felon File contains records on criminal aliens who have been deported for drug trafficking, firearms trafficking, or serious violent crimes. These criminal aliens who have been deported and reenter the United States without permission are in violation of Title 8, USC, Section 1326.

1.2 CRITERIA FOR ENTRY

The Immigration and Naturalization Service (INS) is the only agency authorized to enter and maintain records in the Deported Felon File. A criminal alien entered into the Deported Felon File must be a convicted felon who has been deported for drug trafficking, firearms trafficking, or serious violent crimes.

If INS has reasonable grounds to believe that the subject may be operating a particular vehicle or a vehicle bearing a particular license plate, the vehicle and/or license data may be included in the record.

1.3 MESSAGE KEY (MKE) CODES

Message	MKE	Translation
Entry	EW	DEPORTED FELON
Modify	MW	
Cancel	XW	
Inquiry*	QW ZW QWB QWI QV ZV	
Clear	CW	
Entry of supplemental record	EN	

*There is no specific MKE to query the Deported Felon File; however, a wanted person inquiry will return a hit response on this file if a match occurs.

Message	MKE	Translation
Entry of supplemental stolen/ fraudulent identifiers	ENS	
Cancellation of supplemental record	XN	
Cancellation of stolen/ fraudulent identifiers	XNS	

A caution indicator should be added to the MKE EW when it is known that a deported felon is armed and dangerous, has suicidal tendencies, has previously escaped custody, is a drug addict, or whatever is appropriate to the particular circumstances of the individual. The reason for the caution must be entered in the MIS Field (NCIC format) or in the Caution and Medical Conditions (CMC) Field (NCIC 2000 format). Additional details on the caution indicator can be found in the Wanted Person File chapter.

1.4 RECORD RETENTION PERIOD

Deported Felon records have an unlimited retention period. A deported felon (EW) record will remain on file indefinitely or until action is taken by the INS to clear or cancel the record.

Other exceptions to the record retention periods will occur in the event a serious error is detected in the record on file.

1.5 AUTOMATIC RETIREMENT

Data in the License Plate Number (LIC), License Plate Year of Expiration (LIY), and License Plate Type (LIT) Fields in a Deported Felon record or supplemental record will be purged one year after the license plate expires as indicated in the LIY Field. If the expired license plate is the only searchable identifier in the Deported Felon File record, the entire record will be purged.

A nonexpiring license plate (LIY/NX) contained in a Deported Felon File record will remain on file until action is taken by the INS to remove the license data or clear or cancel the entire record.

1.6 VALIDATION

A portion of Deported Felon File records will be validated monthly as described in the Validation Section of the Introduction chapter of this manual. For NCIC 2000 validation, each Deported Felon File record that has not been validated within the last 90

days and has a Date of Validate Request older than 30 days will be automatically retired. A \$.F. Failure to Validate Notification will be sent to the entering agency's Federal Service Coordinator.

1.7 MESSAGE FIELD EDITS

Code	Field	Edits
DOW	Date of Warrant	Mandatory Blank.
OFF	Offense Code	Must be 8003.

The Wanted Person File chapter contains other pertinent message field codes and edits.

SECTION 2--ENTRY

INS is the only agency authorized to enter and maintain records in the Deported Felon File. The mandatory fields for Deported Felon File records are the same as those for Wanted Person File records. The entry procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 3--MODIFICATION

INS is the only agency authorized to make any modifications to a Deported Felon File record. The modify procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 4--CANCELLATION

INS is the only agency authorized to cancel a Deported Felon File record. The cancel procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 5--INQUIRY**5.1 NCIC 2000 INQUIRY PROCESSING**

When an agency transmits an NCIC 2000 wanted person inquiry (QW, ZW, QWB, or QWI), the data in the Deported Felon File are searched in addition to the data in the other NCIC 2000 person files (except the Unidentified Person File). As a result of an inquiry, a hit may be generated on a Deported Felon File record. Additional details can be found in the Wanted Person File chapter.

5.2 EXAMPLE OF AN INQUIRY

1N01HEADER.QW.MD1012400.NAM/SMITH, JOHN.SEX/M.RAC/W.DOB/19510101

Negative Response:

1L01HEADER
MD1012400

NO NCIC WANT DOB/19510101 NAM/SMITH, JOHN SEX/M RAC/W

Positive Response:

1L01HEADER
MD1012400

WARNING - SUBJECT OF NIC/N307770847 IS A PREVIOUSLY DEPORTED CRIMINAL ALIEN. FEDERAL LAW 8 USC 1252C PROVIDES, IF PERMITTED BY STATE AND LOCAL LAW, A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL MAY ARREST AND DETAIN THE SUBJECT BUT ONLY AFTER THE ALIEN'S STATUS IS CONFIRMED WITH INS. IF PERMITTED WITHIN YOUR JURISDICTION, OR IF SUBJECT HAS BEEN ARRESTED OR DETAINED ON OTHER GROUNDS, CONTACT (202)555-5555 TO CONFIRM HIT. IF SUBJECT IS BEING RELEASED, OBTAIN ADDRESS, VEHICLE, LICENSE, AND ANY OTHER DOCUMENT INFORMATION AND FORWARD TO INS VIA NLETS AT ORI USINS0000.

MKE/DEPORTED FELON

ORI/USINS0000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN DOB/19510101

HGT/510 WGT/180 EYE/BRO HAI/BRO SKN/DRK

SMT/SC LF ARM

SOC/777010000

OFF/SUBJECT IS A DEPORTED CRIMINAL/AGGRAVATED FELON

OCA/ASD1234-T MIS/KNOWN AS JOHNNY BOY

ORI IS US IMMIGRATION & NATURALIZATION HDQTRS WASHINGTON DC 202 555-5555

NIC/N307770847 DTE 19980605 0000 EDT

*****THIS RECORD MAY BE ONLY USED BY CRIMINAL JUSTICE AGENCIES FOR CRIMINAL JUSTICE PURPOSES.

*****END OF DEPORTED FELON FILE RESPONSE*****

5.3 REQUIREMENTS FOR INQUIRY

1. The capability to query only the Deported Felon File does not exist; however, the same procedures used to search the Wanted Person File will also search the Deported Felon File. Complete details can be found in the Wanted Person File chapter.
2. In a positive response, Wanted Person and Foreign Fugitive File records appear first, followed by records from the Missing Person, Violent Gang and Terrorist Organization, Convicted Sexual Offender Registry, Deported Felon, Protection Order, U. S. Secret Service Protective, License Plate, Vehicle, Boat, and Vehicle/Boat Part Files. Complete details can be found in the Wanted Person File chapter.
3. As a part of a positive Deported Felon File response, the receiving agency is warned against action based on the positive response alone.
4. Since the Deported Felon File record is based on a criminal history information, it is subject to dissemination restrictions. A caveat at the end of a record response emphasizes to record recipients that the record may be disseminated only to criminal justice agencies for criminal justice purposes.

5.4 ADDITIONAL GUIDELINES FOR INQUIRY

1. When only one numeric identifier is used in an inquiry, the response(s) will include the record(s) on file containing that specific numeric identifier. For example, if an inquiry contains only the Social Security number, the response will include the record(s) on file with that Social Security number even though there may be other records on file for the same individual which do not contain that particular number.
2. Following a positive response to an inquiry with limited personal descriptors, an agency should make a second inquiry using all identifiers contained in the response record(s). The second inquiry should ensure the receipt of all records which could possibly pertain to the person in question.
3. A response to an inquiry of a Deported Felon File can contain supplemental data on stolen/fraudulent identifiers: names, dates of birth, Social Security numbers, miscellaneous numbers, and operator's license numbers. Complete details can be found in the Wanted Person File chapter.

5.5 INQUIRY USING VEHICULAR DATA

A QV, ZV, QW, or ZW inquiry by license plate number or vehicle identification number will retrieve all person files as well as the Deported Felon File in which the vehicle and/or license has been entered. Additionally, such an inquiry will retrieve data from the Vehicle, Boat, Vehicle/Boat Part, and License Plate Files. It is not necessary to include name in this type of inquiry.

5.6 PROCEDURES FOR HANDLING A HIT

If the inquiry is made on an individual under routine conditions/circumstances (traffic stop, etc.), and the encountering agency has no other reason for detaining the subject, appropriate procedures will depend upon whether state or local laws permit detainment and/or arrest.

1. If permitted in the agency's jurisdiction, the alien's status should be confirmed with INS at (202) 616-5000. After confirmation, the agency should detain/arrest the subject.
2. If not permitted in the agency's jurisdiction, the agency should obtain all pertinent information (address, vehicle, license, or other document information, for example) relating to the subject and forward this information to INS via the National Law Enforcement Telecommunications System, Inc. (NLETS).

SECTION 6--LOCATE

There are no locate procedures for Deported Felon File records.

SECTION 7--CLEAR

INS is the only agency authorized to clear a Deported Felon File record. The clear procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 8--SUPPLEMENTAL RECORDS

INS is the only agency authorized to enter or cancel a Deported Felon File supplemental record. The supplemental record procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.

SECTION 9--STOLEN/FRAUDULENT SUPPLEMENTAL RECORDS

INS is the only agency authorized to enter or cancel a Deported Felon File stolen/fraudulent supplemental record. The stolen/fraudulent supplemental record procedures are the same as those for Wanted Person File records which are detailed in the Wanted Person File chapter.