



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

IN REPLY REFER TO:

February 11, 2015

Mrs. Dawn A. Peck
Compact Council Chairman
Manager
Idaho State Police
Suite 120
700 South Stratford Drive
Meridian, ID 83642-6251

Dear Chairman Peck,

The Bureau of Indian Affairs (BIA) on behalf of federally-recognized tribes requests approval under the Fingerprint Submission Requirements Rule (Title 28, Code of Federal Regulations, Sections 901.2 and 901.3), to access the Interstate Identification Index (III) System on a delayed fingerprint submission basis when conducting criminal history record checks of residents with whom children are to be temporarily placed during exigent circumstances. Federally-recognized tribes that receive funds under the Indian Self-Determination and Education Assistance Act (Title 25, United States Code (U.S.C.), § 450, et. seq) or the Tribally Controlled Schools Act (25 U.S.C. § 2501, et. seq) are authorized to access criminal history record information pursuant to Public Law (Pub. L.) 101-630 (25 U.S.C. §§ 3205 and 3207).

In the absence of state laws and procedures governing such background checks, the BIA will facilitate, on behalf of the federally-recognized tribes, access to the III system for the emergency placement of children. To carry out the requirements of the Council's rule, the BIA proposes the following conditions:

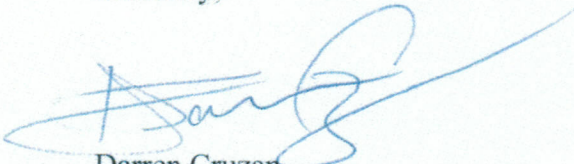
- Each resident in a home where the potential emergency placement is to be made must consent to a preliminary III name-based check to be followed with the submission of fingerprints to the FBI within 15 calendar days from the date that the name-base check was conducted.
- Should any resident on whom a name-based check was conducted fail to provide fingerprints when requested, the child will not be placed or will be immediately removed from the placement home. Alternatively, the child may be placed if the resident refusing to provide fingerprints agrees to leave the home during the child's stay.
- If an emergency placement is denied as a result of the name-based check of a resident and the resident contests the denial, the resident may within 15 calendar days of the denial submit fingerprints for a federal background check.

Similar to the Florida proposal, in which states have been approved to utilize Purpose Code X for the exigent placement of children pursuant to an approved Pub. L. 92-544 statute, the BIA

proposes to utilize the above-referenced federal statutory authority to conduct preliminary name-based checks of the III System to determine whether an applicant presents a risk to children during exigent circumstances when time is of the essence.

The BIA will work with the FBI CJIS Division to address system connectivity, audit requirements, and the fingerprint submission process.

Sincerely,



Darren Cruzan
Director, BIA, Office of Justices Services

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