

SCRANTON POLICE DEPARTMENT POLICY

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Policy Subject:

Mobile Fingerprint Identification Devices

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PLEAC Standard(s):

I. PURPOSE

The purpose of this policy is to provide guidelines of the control, use, maintenance and accountability of Mobile Fingerprint Identification Device. The use of the device is intended to provide law enforcement personnel with automated methods of identifying persons who cannot provide other means of identification or to provide verification of the presented identification documents. The search is directed against criminal justice fingerprint databases.

II. POLICY

It is the policy of the Department that the use of the devices shall be for law enforcement purposes only and done in a manner consistent with local, state and federal laws, training and this policy. Use of the device will increase efficiency and enhance the ability to identify individual(s) who are not properly identified during an encounter with law enforcement.

III. DEFINITIONS

Mobile Fingerprint Identification Device – A mobile device, which can capture an individual's fingerprint and compare that print against files contained in the Automated Fingerprint Identification System (AFIS) database or the Criminal Justice Information System (CJIS) database. Regardless of their design or brand names, the unit will be identified as "the device" throughout this policy.

Device Administrator – An Officer designated by the Chief of Police who provides training, maintenance, and accountability of the device.

IV. PROCEDURES

A. Training

The use of the device is limited to trained personnel. The use of the device shall be consistent with the training received and the guidance of this policy.

B. Restrictions preventing the use of the device

1. The use of the device is based on consent as outlined in procedures for warrantless searches.
2. Consent to submitting to the taking of a subject's fingerprint is implied when the subject is deceased or unconscious. The unconscious person(s) identification could assist in their medical treatment. Under these circumstances, Officers must receive supervisor approval prior to taking the fingerprints. The reason for taking the fingerprints shall be documented.
3. The use of the device will not unreasonably extend the duration of the encounter.
4. Officers shall not use physical force to cause the submission of the person to be fingerprinted by the device.
5. The Device shall not be used when there is no reasonable suspicion of criminal activity.
6. The Device shall not be used when during an encounter based on reasonable suspicion; the individual rescinds their compliance with the fingerprint process and consent is withdrawn.

C. When consent is obtained, the device can be utilized under the following conditions:

1. To identify person(s) needing assistance whose identification is unknown and who cannot be identified through any other reasonable means;
2. During an encounter where an Officer has a lawful right to inquire about the individual's identity due to the reasonable suspicion of criminal activity;
3. To verify the identification of a suspect wanted on a warrant if in the warrant his identification information is sufficient to establish reasonable suspicion that the individual is the suspect identified in the warrant: (e.g., a name, address, DOB, physical description or photograph);

4. If during a reasonable suspicion encounter, the basis for the encounter is lost or eliminated before an Officer request, attempts, or finishes the fingerprint procedure, the suspect shall no longer be detained.
5. The use of a mobile video recorder or body worn camera, when available, shall be utilized. If this is not practical and a Supervisor is working, he shall be contacted and informed of the circumstances of the encounter.

D. Documentation

1. To assess the effectiveness of the device and to maintain relevant data, the use or attempted use of the device will be documented.
2. The device administrator shall be notified by DMS messaging of maintenance issues of the device.

By the Order of:

Chief Carl R. Graziano
Superintendent of Police
Scranton Police Department