



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: *Mobile Automated Fingerprint Identification System Devices* **Number:** 268

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PURPOSE

To establish and delineate responsibilities associated with the use of Mobile Automated Fingerprint Identification System (AFIS) Devices, prior to formal arrest.

DEFINITIONS

A Mobile Automated Fingerprint Identification System (AFIS) Device is a handheld, wireless supported scanning device that uses a direct cellular or Mobile Computer Device (MCD) connection to access one or more data systems through secure connections provided by the South Carolina State Law Enforcement Division (SLED) and the National Crime Information Center (NCIC). The Mobile AFIS Device is used to digitally scan fingerprints from an individual and submit them for comparison to existing AFIS records. The process can be used to identify individuals at crime scenes, disaster areas, roadside, or any other place rapid identification of people away from permanent CJIS facilities as needed. Enhancements providing access to criminal history and/or wanted person information on individuals checked may be provided in the future.

REGULATION

1. The Chief of Police, or designee, retains authority to approve specific Mobile AFIS Devices for Department issue and establish criteria for issuing devices to personnel and selecting of Mobile AFIS Device operators.
2. Division Commanders will ensure:
 - A. Employees assigned a Mobile AFIS Device follow established guidelines and procedures for the use and maintenance of the device.
 - B. Repairs and replacement of damaged or non-functional Mobile AFIS Devices are documented and coordinated with SLED.
 - C. Any statistical reporting requirements are being completed as required to ensure adequate program evaluation.
 - D. On a monthly basis, reports involving cases in which the Mobile AFIS Device played an integral part in making an arrest or emergency identification are forwarded to the Chief of Police and SLED.
 - E. Employees assigned a Mobile AFIS Device will follow established guidelines and procedures for the use and maintenance of the device.

PROCEDURE

1. GUIDELINES FOR USE OF THE MOBILE AFIS DEVICE
 - A. The Mobile AFIS Device shall only be used for legitimate Law Enforcement purposes.
 - B. The Mobile AFIS Device shall only be used in investigation situations either:
 - 1) Where the person to be fingerprinted has given a knowing and willing voluntary consent or permission for the employee to use the device; or
 - 2) Where the person to be fingerprinted has aroused reasonable suspicion, capable of articulation, that the person to be printed has committed, or is about to commit a criminal act, or when there is a justifiable and reasonable belief that such printing via the Mobile AFIS

Device will either establish or nullify the subject's identity and/or connection with that crime; or

- 3) Where the person to be fingerprinted has been rendered incapacitated or nonresponsive, without available alternative means of identification.

2. USE OF MOBILE AFIS THROUGH VOLUNTARY CONSENT

- A. This consent should either be in writing or may be recorded using an In-Car Video.
- B. As with other forms of consent, the consent can be limited or withdrawn at any point by the subject.
- C. If consent is withdrawn; use of the Mobile AFIS Device is not authorized and its use must stop immediately.
- D. Employees shall not force or coerce anyone to submit to the scan.
- E. If consent is limited, the employee shall conduct the scan within those limitations or if they determine the scan cannot be completed within the limitations they shall not conduct the scan.

3. USE OF MOBILE AFIS THROUGH REASONABLE SUSPICION: IDENTITY/CONNECTION WITH CRIME

- A. The Mobile AFIS Device shall be used as quickly as possible after reasonable suspicion is established.
- B. Failure to comply with the request to provide a Mobile AFIS Device scan under these circumstances may constitute a form of obstruction; however, it may be more appropriate to use the failure to comply as further evidence of suspicion for the suspect crime and simply proceed with the investigation without the scan.
- C. The Mobile AFIS Device may be used in situations where the subject to be printed would otherwise be required to give traditional fingerprint samples. Fingerprint and palm prints will still be obtained for submission from subjects charged with any reportable offense.

4. USE OF MOBILE AFIS DUE TO INCAPACITATED/NONRESPONSIVE PERSON

The Mobile AFIS Device may be used to assist in establishing the identity of deceased or incapacitated persons, e.g., mass casualty incidents, traffic homicide investigations when there is no other identifying paperwork for the

victim, persons in need of medical aid unable to provide identity for medical history, or next- of- kin notification.

5. The use of the Mobile AFIS Device for random or generalized investigative or intelligence gathering, with no focused case or other reason is **not** authorized. Special care should be taken to ensure devices are not used for purpose that may lend themselves to the inference of improper “profiling.”
6. Any specialized non-standard use of the Mobile AFIS Device will require notification and authorization by the employee’s immediate supervisor or a member of the department’s command staff.
7. An employee may fingerprint a suspect at the request from an outside agency providing the outside agency complies with the provisions of this procedure and all applicable laws.
8. No employee shall charge any individual with resisting arrest or obstruction due to their refusal to consent without authorizations from a member of the department’s command staff.
9. Guidelines cannot be written to encompass every possible application for the use of a Mobile AFIS Device. Employees, therefore, should keep in mind the guidelines presented in this procedure to assist them in deciding whether the device may be used or not and if they have any question they should consult their immediate supervisor or a member of the department’s command staff.
10. Employees are expected to be able to justify, based on these guidelines, training, experience, and assessment of the circumstances, how they determined that use of the Mobile AFIS Device was justified under the circumstances.
11. Employees using the Mobile AFIS Device shall submit statistics to their immediate supervisor at the end of each shift. These statistics shall be reported to the Division Commander through the officer’s chain of command. These statistics shall include:
 - a) The number of people asked to consent;
 - b) The number of people fingerprinted
 - c) The number of hit responses;
 - d) The number of wanted person responses;
 - e) The number of photos returned;
 - f) Any significant cases made as a result of using the Mobile AFIS Device.

12. Data recorded onto Mobile AFIS Devices should be maintained on the device in accordance with the guidelines as set out by SLED and NCIC.
13. All employees and administrators will receive appropriate training as authorized and approved by SLED prior to using or maintaining Mobile AFIS Devices and related equipment.
14. Documentation as to all training shall be forwarded to the Training Section for entry in the employee's training file.
15. Any problems with the Mobile AFIS Device equipment or software shall be brought to the attention of the employee's immediate supervisor and forwarded to the Division Commander through the chain of command as soon as possible.