



Colorado Springs Police Department

Standard Operating Procedure

DL-1501-01 Portable Fingerprint Scanner

Section 1500 – Police Equipment

Effective Date: 8/22/2024

Supersedes Date: 8/18/2020

.01 Purpose

The purpose of this directive is to provide guidelines for the use of the Portable Fingerprint Scanner (PFS).

.02 Cross Reference

[GO 107 Physical Arrest](#)

[GO 1002 Field Interviews](#)

[GO 1300 Traffic Law Enforcement](#)

[GO 1501 Assigned Equipment](#)

[GO 1510 Mobile Computer Procedures](#)

.03 Definitions

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.04 Procedure

Device Operation

A PFS requires two fingerprints, one from each index finger to function. When both fingerprints are obtained the device submits the prints to the Colorado Bureau of Investigation (CBI) via a USB or Bluetooth connection with a Mobile Data Computer (MDC). An automatic query of the Automated Fingerprint Identification System (AFIS) and the Repository for Individuals of Special Concern (RISC) is initiated, and a response is generated.

Upon receiving a response, the device will display the suspect's name, or will return a "no record found" response. In addition to the suspect's name, the MDC will sometimes receive a response with more detailed information including aliases, physical descriptors, suspect's name, and date

of birth. Received responses may contain criminal and non-criminal entries into AFIS, to include fingerprints obtained for employment purposes.

Fingerprints obtained by a PFS are for identification purposes and shall not be collected for any archival purposes. All fingerprints obtained by a PFS will be purged from the system except when the record is retained and used to identify an arrested individual in a police report.

If the PFS inquiry alerts that the individual has an active arrest warrant, officers must confirm the information through dispatch, or on their MDC, before taking any further action.

Prohibited PFS Use

Persons **not** under arrest (e.g., consensual contacts or detentions), will **NOT** be transported to another location to facilitate the use of the device.

Utilizing PFS

When an officer believes the use of a PFS would be useful during a contact or investigation, they may contact dispatch to have a supervisor respond to their location with the device.

A PFS may be used under the following circumstances:

- When a person voluntarily consents to its use.
 - Persons who have consented to providing their fingerprints may withdraw their permission at any time, prior to one or both index fingerprints being provided.
 - If/when a person withdraws their consent, the use of the PFS must immediately cease unless reasonable suspicion or probable cause that a crime was committed exists.
- When conducting a death investigation with a member of the Coroner's Office present, and no other reasonable means exists for identifying the deceased.
- When in contact with an at-risk person who is unable to provide positive identification, and no other reasonable means exist for identifying the person.
- When probable cause to arrest exists, and it is reasonable to believe fingerprints will assist in the investigation.
- When a lawfully detained person refuses to identify themselves, and no other reasonable means exists to identify the person in a timely manner. Waiting for a PFS to arrive **cannot** be the only reason to continue detainment. Officers must diligently pursue their investigation while awaiting the arrival of the PFS. If reasonable suspicion to detain evaporates prior to the arrival of the PFS, the detained person **must** be released.

- When reasonable suspicion exists that a lawfully detained person is providing false or fictitious identification, and no other reasonable means exists to identify the person in a timely manner.
- When reasonable suspicion exists that a driver is providing false or fictitious identification, and the driver has been lawfully detained.
- When responding to a medical emergency in which the subject is unable to provide positive identification, and no other reasonable means exist for identifying the person.
- When specifically authorized by a valid search warrant or CRS Rule 41.1 - Court Order for Nontestimonial Identification.
- When verifying a subject's identification as part of sex offender registration.
- Persons under arrest, may be transported to another location to facilitate obtaining their prints.
- The use of a PFS does not replace the need to fingerprint arrestees for booking purposes.

Any other use of the PFS device not listed above may only be approved by a patrol lieutenant or officer of a higher rank.

Detainment & Reasonableness

The Supreme Court has determined, per *Rodriguez v. U.S.* (2015), that persons, who have been detained for investigative purposes or during traffic stops, may only be held for a "reasonable" amount of time to complete the investigatory process or to issue a summons. A reasonable amount of time depends on the information available to the officer at the time of the stop. Reasonable time has been limited to approximately 20 minutes in a traffic stop, without the existence of other prolonging circumstances. Officers should request a PFS device as soon as it becomes apparent that one will be needed to complete a consensual contact, detentions, non-custodial detention (issuance of a summons), or an arrest.

Refusal to Cooperate

In situations where reasonable suspicion or probable cause exists, and when a person has refused to provide or has withdrawn their permission to scan, officers must clearly communicate to the person that their failure to further cooperate may result in their arrest for interfering with or obstructing the officers' investigation.

The officers will then attempt to place the person's finger on the PFS device to obtain their fingerprint. If the person continues to refuse to cooperate, the person will be informed they are under arrest for interfering or obstructing. The person will then be advised their continued physical resistance will result in the additional charge of resisting arrest. Officers will apply this charge if/when the refusal persists.

Use of Force when using a PFS

Minimal force **must** be used to obtain fingerprints with the PFS device for reasonable suspicion and probable cause situations.

In situations where there is a signed search warrant or per CRS Rule 41.1, if a person provides physical resistance to prevent officers from scanning their fingerprint, the person physically preventing the scanning will be arrested for interfering or obstructing the investigation.

If the device is being used pursuant to a search warrant or per CRS Rule 41.1, an objectively reasonable amount of force, to the extent necessary to obtain the fingerprints will be used. If the person continues to resist efforts to obtain their fingerprint, and after being informed they are under arrest for interfering or obstructing, they will be charged with resisting arrest.

The Criminal Justice Center (CJC) may be contacted for a person arrested for resisting arrest, to obtain permission to book the person, and their fingerprints will be obtained at the CJC.

Authorized Use and Training

All patrol sergeants will be trained in the use of the PFS. The Colorado Bureau of Investigation has provided CSPD with additional FPS devices. These additional devices have been distributed among the four patrol divisions. With supervisor approval, any patrol officer can be trained to use the FPS device. It is expected that trained personnel consistently check out the FPS device to ensure coverage for their patrol division/shift. Such training will be provided by another patrol sergeant that has been trained in the correct use of the device. The software for the FPS device is in the software center. Additionally, any divisional Technology Officer can assist with the download and training of the FPS software and device.

Only members trained by the department to utilize the PFS may deploy the device. Each device must be checked in through Quartermaster at the end of the user's shift.