



## Policy and Procedure

Policy Number

11.43

Chapter

Law Enforcement Operations

Article

Use of Portable Fingerprint Scanner (PFS)

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### PURPOSE

This policy sets forth the guidelines and limitations for using the portable fingerprint scanner (PFS) to obtain information to assist with an investigation or positive identification of an individual.

### POLICY

Officers may use a Department portable fingerprint scanner (PFS) to obtain additional information to assist with an investigation or identification of an individual. The Department will keep secure all information obtained through the PFS. The PFS is only an aid to the identification of a person. Officers shall not use the PFS as the sole grounds for establishing probable cause for arrest, nor random or general investigative or intelligence gathering.

### DEFINITIONS

**Officer** as used in this policy means sworn and community service officers.

**Portable Fingerprint Scanners (PFS)** are handheld devices used to capture an individual's fingerprint in the field and provide a rapid positive identification through the Colorado Bureau of Investigation's (CBI) Automated Fingerprint Identification System (AFIS). The scanner checks two fingerprints obtained from a suspect and can provide positive identification if the fingerprints exist in AFIS.

**Repository of Individuals of Special Concern (RISC)** is a subset of the FBI's Criminal Master File with the ability to quickly assess a subject's threat level response within seconds.

### GENERAL GUIDELINES

#### Training required

Only officers trained in the use of the PFS may use them. The Criminal Investigations Unit (CIU) property sergeant will assign a PFS to officers from various shifts. These assigned officers/sergeants will maintain and track the units and distribute them as needed to maximize their use and effectiveness. Officers shall immediately report any problems or damage to the PFS to the CIU property sergeant.

#### Retention of information obtained <CALEA 1.2.5b>

Fingerprints obtained by a PFS are for identification purposes and shall not be collected for any archival purposes. Only those fingerprints obtained by the PFS used to identify an arrested individual will be retained. In that case, officers shall provide a copy of the PFS printout to Records to be retained with the police report to show how the individual was identified. If the PFS inquiry shows the individual is wanted or an arrest warrant is active, members must confirm this information through dispatch or a MDT before taking any further action. Officers shall delete the fingerprints from the device once the information is printed out or when no information is found.





### Permitted uses

Officers may use a PFS when:

- Probable cause to arrest exists and there is reason to believe that obtaining fingerprints will assist with the investigation or to complete the booking process.
- Reasonable suspicion that a subject is providing false or fictitious information about their identity or trying to conceal their identity.
- The subject voluntarily consents to provide fingerprints for the purpose of determining their identity, warrant status, RISC status, or furthering some other investigation.
- During a death investigation in conjunction with a Coroner's investigation, where an immediate identity of the subject will assist with the investigation or provide information to notify the next of kin.
- A subject is otherwise unable to provide positive identification information.

### Consent

If a subject consents, the subject may withdraw consent at any time prior to scanning the second index finger. If the subject withdraws consent, the officer must immediately stop using the PFS.

Officers may use a PFS without consent and with reasonable force when:

- The subject is arrested
- Authorized in the execution of a valid search warrant
- If specifically required by statute or pursuant to court order

### Juveniles <C.R.S. §19-2-503.5> <CALEA 82.1.2b>

An officer may not use a PFS on a subject who is known or reasonably believed to be a juvenile detained for a status offense or taken into temporary protective custody. The above procedures may be used for juveniles suspected of committing a crime that if committed by an adult, would be a felony, Class 1 misdemeanor, a misdemeanor under 42-4-1301 et seq or crime of domestic violence.

