



Chapter: Arrests, Use of Force, Care of Prisoners
Subject: 05-31 – Fingerprinting of Adult and Juvenile Offenders
Effective: April 19, 2022
Supersedes: Official Order 29, Sections 29.1.1-29.1.3 and 29.1.5, dated February 26, 2021
 Official Order 31, Section 31.1.2 I, dated October 1, 2021
Distribution: Department Members

PURPOSE: This Order defines the duties of members for fingerprinting persons and processing fingerprints. This Order also defines the responsibilities of members as they relate to criminal history information and changes to criminal record information maintained by the Criminal Justice Information Center (CJIC).

05-31-1 ARREST FINGERPRINTING OF ADULT AND JUVENILE OFFENDERS

- A. [MCL 28.241](#) designates the department as the state central repository for collection and filing of criminal and juvenile history records. The [Bureau of Criminal Identification and Records Act](#) specifies that local law enforcement agencies shall fingerprint any adult or juvenile arrested for a felony, high court misdemeanor, or ordinance that directly corresponds to a state statute.
- (1) Arrest fingerprints shall be taken using a Live Scan machine and submitted electronically. Palm prints must be taken when the electronic capability is available.
 - (2) The work unit commander shall coordinate with local criminal justice officials to ensure that arrest and charging information is properly reported to the CJIC.
- B. Individuals arrested for felonies, misdemeanors punishable by imprisonment that exceeds 92 days, local ordinance violations, and violations of Personal Protection Orders shall be fingerprinted. Individuals who refuse to allow or resist the taking of their fingerprints or palm prints may be charged with a misdemeanor according to [MCL 28.243a](#).
- C. Per [MCL 28.243\(5\)](#) enforcement members may fingerprint individuals arrested for a misdemeanor punishable by imprisonment for 92 days or less as provided in MCL 28.243(5); per MCL 28.243(13) it is not permitted to forward fingerprints of persons convicted under the Michigan vehicle code (MCL 257.1 to 257.923) unless the first or subsequent offense of the conviction is punishable for more than 92 days.
- D. Individuals missing all ten fingers or with very poor fingerprints, may not have classifiable fingerprints available. Criminal History Records that do not have identifiable prints are indicated on the identification segment of the record stating "AFIS PRINTS AVAILABLE: NO."

- E. Federal fingerprints which are unclassifiable will be rejected back to the Live Scan site where the prints were collected.

Work unit commanders shall determine whether the subject is still available for fingerprinting. If the subject is available, they shall be re-fingerprinted.

F. Palm Printing

- (1) Department work units shall palm print all subjects they arrest when capture capability is available via Live Scan.
- (2) A Law Enforcement Information Network (LEIN) inquiry of the criminal history record will identify the existence of palm prints in Automated Fingerprint Identification System (AFIS) at the Biometrics and Identification Division (BID).
- (3) Palm print files are accessible on request by e-mail to FPLOOKUP@MICHIGAN.GOV, written correspondence, facsimile, or telephone.

05-31-2 MODIFICATION AND DELETION OF ARREST PRINTS

- A. Members shall immediately notify the CJIC, via LEIN, to delete fingerprints related to a subject if the subject is not charged for prosecution or petitioned into probate court as a juvenile offender.

The notification for modification of arrest prints is completed by using the forms tab in LEIN. Select "Criminal History", then "Modify Arrest to REL" (Release). When the form appears, enter the Transaction Control Number (TCN), Agency Case Number (OCA), Arresting Agency ORI, and confirm the Arrest Disposition Code is REL, then transmit. The transaction and the incident are closed and retained as a non-public record, until such time that the CJIC deletes the arrest incident.

- B. [MCL 28.243\(11\)](#) requires reporting of final disposition from the clerk of the court. For cases when the finding was "not guilty," or the juvenile adjudication was dropped, this statute provides for the destruction of the fingerprint image if the subject was not arraigned for any of the offenses specified in [MCL 28.243\(14\)](#) and has no prior conviction other than traffic on file.

- (1) The CJIC shall notify the Federal Bureau of Investigation (FBI) to remove the arrest image at the same time.
- (2) The department work unit which provided the arrest information will not be notified.

- C. Unless the return or destruction of fingerprints is specifically required by MCL 28.243, the CJIC and the BID shall only destroy the fingerprints by order of the court of jurisdiction.

- (1) A copy of the court order is submitted to the CJIC by the court of jurisdiction.
- (2) The CJIC shall request the BID to remove the fingerprints from AFIS.
- (3) The department work unit which provided the arrest information will not be notified by the CJIC of the destruction of the images.

- D. When an original conviction is dismissed through appeal and a new trial, the court of final jurisdiction will provide the modified disposition to the CJIC, which shall request the BID to remove the fingerprints from the AFIS.

05-31-3 MISDEMEANOR ARRESTS

- A. [MCL 28.243\(1\)](#) specifies that when a person is arrested for a misdemeanor punishable by more than 92 days or a \$1,000 fine, including violations of the Michigan Vehicle Code, the person's fingerprints shall be taken and submitted within 72 hours. The arresting worksite shall submit fingerprints electronically through Live Scan in order to create a criminal history record. The department work unit should notify the court of jurisdiction that this information has been submitted.
- B. The following traffic misdemeanors must be submitted electronically via Live Scan, regardless of the maximum sentence. This same requirement applies to any local ordinances that correspond to these state statutes.

PACC Charge Code	MCL No.	Description
257.6251- A	257.625(1)	Operating While Intoxicated (OWI)
257.6258	257.625(8)	Operating With Any Presence of Drugs (OWPD)
257.6253- A	257.625(3)	Operating Impaired
257.9041B	257.904(1)(b)	Operating license suspended, revoked, denied &/or allowing suspended person to operate
257.9041- A	257.904(1)(a)	Operating--suspended for failure to answer citation

05-31-4 FUGITIVE ARRESTS

- A. Only warrant-holding agencies should submit arrest fingerprints.
- B. Subjects held for out-of-state extradition may be submitted as an ID only (Retention = N).
- C. The Michigan Department of Corrections (MDOC) is the warrant holding agency for subjects who are apprehended and charged for prison escape. The MDOC will be carried as the arresting department.
- D. When using Live Scan to process a subject arrested on a failure to appear bench warrant, the subject's criminal history record shall be checked to determine whether they had been previously fingerprinted for the incident.
- (1) If the arrested subject had not been previously fingerprinted, their fingerprints shall be submitted as a record build (Retention = Y).
 - (2) If the arrested subject had been previously fingerprinted, their fingerprints shall either not be submitted or submitted as an ID Only (Retention = N).

05-31-5 FINGERPRINTING AND PHOTOGRAPHING OF JUVENILE OFFENDERS

- A. Fingerprinting in accordance with [MCL 28.241, et seq.](#)
- (1) All juveniles apprehended for a misdemeanor punishable by 93 days or more in jail, or for a felony, shall be fingerprinted using a live scan device.

- a. The arrest information, including the Transaction Control Number (TCN), shall be forwarded with the petition to the prosecutor/court.
- (2) If the petition is not authorized and the fingerprints have already been submitted, the investigating enforcement member shall immediately notify the CJIC, via LEIN, to delete the fingerprints related to the juvenile.

The notification for modification of arrest prints is completed by using the forms tab in LEIN. Select "Criminal History", then "Modify Arrest to REL" (Release). When the form appears, enter the Transaction Control Number (TCN), Agency Case Number (OCA), Arresting Agency ORI, and confirm the Arrest Disposition Code is REL, then transmit. The transaction and the incident are closed and retained as a non-public record until such time that the CJIC deletes the arrest incident.

- (3) If a fugitive arrest is made of a juvenile who is charged with a printable offense, the juvenile does not need to be fingerprinted by the enforcement member making the fugitive arrest since it is presumed that the originating agency will fingerprint and process the juvenile.

B. Court ordered fingerprinting in accordance with [MCL 712A.11](#).

At the time a petition is authorized, the court shall order that the juvenile offender be fingerprinted if examination of the court file shows that fingerprints were not taken at the time of apprehension.

- (1) The order will require the juvenile to submit themselves to be fingerprinted at the worksite that apprehended or obtained the petition for the apprehension.
- (2) The worksite shall verify that the arrest has not already been created on the criminal history by running a query via LEIN utilizing the criminal tracking number or the subject's name from the order.
 - a. If it is determined that fingerprints have already been submitted for the incident, a copy of the documentation shall be attached to the order and returned to the court of jurisdiction
 - b. If there is no evidence the subject has been fingerprinted for the incident, the subject's fingerprints shall be collected and submitted via Live Scan.
- (3) Confirmation that the print has been submitted and retained by CJIC shall be provided to the family division of circuit court.

C. Photographs

Mug photos shall be taken of all juveniles who are fingerprinted, as outlined in procedure manual related to department photography.

DIRECTOR

Annual Review Responsibility: Criminal Justice Information Center

Accreditation Standards: CALEA 83.2.3