

OVERLAND PARK POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE



NUMBER: 1130
TOPIC: FINGERPRINTS, PHOTOGRAPHS AND IDENTIFICATION OF ARRESTED PERSONS
EFFECTIVE DATE: 02/11/2020
SUPERCEDES: 01/11/2019

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CALEA references: None

I. PURPOSE

It is this Department's policy for officers to comply with [KSA 21-2501](#) and amendments thereto, and to attempt to positively identify persons they arrest or have contact with in the field as part of an investigation into criminal activity.

II. PROCEDURE

A. FINGERPRINTS & PHOTOGRAPHS REQUIREMENT

Fingerprints and photographs (mug shots) will be taken pursuant to [KSA 21-2501](#) if the adult person:

- Is wanted for the commission of a felony, class A or B misdemeanor or equivalency, or an Assault.
- Is believed to be a fugitive from justice.
- May be in possession at the time of arrest of any goods or property reasonably believed to have been stolen by the person.
- Is in possession of firearms or other concealed weapons, burglary tools, high explosives or other appliances believed to be used solely for criminal purposes.
- Is wanted for any offense which involves:
 - Sexual conduct prohibited by law
 - A violation of the uniform controlled substances act.
- Is suspected of being or known to be a habitual criminal or violator of the intoxicating liquor law.

- The court will ensure, upon the offender's first appearance, or in any event before final disposition of a felony or an A or B misdemeanor or a violation of a county resolution which prohibits an act which is prohibited by a class A or B misdemeanor, that the offender has been processed, fingerprinted, and palm printed.
- Except as provided in section II-A this requirement will not be construed to include violators of County Resolutions or City Ordinance.

Unless circumstances dictate otherwise, non-Kansas residents and persons without an acceptable form of identification will be transported to an Overland Park Booking facility to be fingerprinted and photographed per [KSA 21-2501](#). After the booking process is completed the arrestee will be released after signing a Personal Recognizance (PR) bond.

Persons arrested for misdemeanor violations who are not being transported in a custodial manner, may be released in the field at the officer's discretion with a Notice to Appear (NTA) or E-Ticket. PR bonds will not be allowed in the field and will only be offered after the booking process is completed at an Overland Park Police Station.

If the officer is not able to confirm the arrestee's identity or the person is a non-Kansas resident, then fingerprints and photographs will be taken as outlined in this policy. As a reminder, violations marked by an asterisk (*) allow the officer to release the person in the field on an NTA. All persons will be allowed the opportunity to be released from custody after signing a PR bond.

If a person has been arrested by the issuance of an NTA or E-Ticket and released, fingerprints and photographs will be obtained by the court per section II- A, above.

Examples of discretionary field release, though not all-inclusive, are as follows:

- Shoplifting arrests
- Third party complaints
- Minor controlled substance or alcohol violations such as:
 - Minor in possession of alcohol
 - Possession of open containers of alcohol
 - Misdemeanor possession – A small quantity (personal use) of marijuana.

B. FINGERPRINT PROCESS

Every time a person is arrested a new set of mug shots and fingerprints will be taken in compliance with this and other applicable policies. If a camera (other than the mug shot camera), is used to record prisoner photographs, the memory card/stick will be used to upload the photos into RMS.

The arresting officer will record full sets of fingerprints using the fingerprint machine, which transmits the fingerprint records electronically to the KBI. Prior to completion of the booking process, fingerprint records must be locked and transmitted. When using the booking room for fingerprinting and photographing an adult prisoner, officers must close the door leading from the Juvenile Holding area to the booking room and turn on the red warning light to

indicate the booking room is occupied. Conversely when fingerprinting and photographing a juvenile detainee, the officer must close the door leading from the Adult Holding area to the booking room and turn on the red warning light to indicate the booking room is occupied.

After completing the booking process, the officer(s) will remove the prisoner from the booking room and turn off the red warning light.

If the fingerprint machine malfunctions officers should:

- Report the malfunction to the IT Help Desk as soon as practicable.
- Contact Court Security, during standard work hours, and ask if their fingerprint machine is available for OPPD use.
- Record prints using ink and print cards (stored in the booking room), if no electronic fingerprint machine is available. Inked fingerprints should be turned into the Records Unit for submission to the KBI.

C. QUESTIONABLE IDENTIFICATION FOLLOW-UP

If the arrested person's identification is questionable, the arresting officer will:

- Complete the fingerprint process.
- Use all known or potential identifiers to conduct KCJIS and NCIC computer inquiries.
- Contact the Johnson County Crime Lab (JCCL) for assistance. (During normal business hours call the JCCL directly. After hours call the Sheriff's Dispatch).

** The JCCL should only be contacted if "expedited" circumstances exist.*

If an officer learns an arrested person used an alias or false name the officer should initiate a computer check then:

- Contact the appropriate prosecuting attorney's office (JO CO District Attorney's or OP City Prosecutor) and request the warrants be recalled and new warrants be issued with the correct information.
- File appropriate criminal charges against the suspect.
- Detail the follow-up in a supplemental report and copy:
 - The Records Unit Captain and Records supervisor to ensure correction of RMS issues created by the use of a false name or alias.
 - CAU to resolve issues related to KBIRS compliance, Master Name Index, report title and resulting report content.
 - The assigned detective.

D. RECORDS UNIT PERSONNEL DUTIES

When the Records Unit receives notice of inaccurate arrest information or an alias was used, a Records clerk will be assigned to:

- Update REJIS
- Cancel the incorrect arrest information from the computer and re-enter it correctly.

- Enter the alias information.
- If warrants resulted from the false name and the appropriate court and prosecutors have not been previously notified, make that notification
- Contact an on-duty Dispatch supervisor to ensure any OP warrants are promptly pulled from the warrant file.

E. JUVENILE FINGERPRINTS & MUGS

See [SOP 1140, *Juvenile Arrest & Holding*](#).

F. FIELD IDENTIFICATION SCANNER

A field ID scanner is a handheld, wireless, identification device used to take digital fingerprints. This instrument can be used to identify a suspect or identify lost adults who need assistance while in the field without having to return to the station. Once scanned, the fingerprints are transmitted via cellular phone to the KBI Automated Fingerprint Identification System (AFIS) and the FBI Repository for Individuals of Special Concern (RISC) databases to search for matches.

These units will be assigned to select Police Department Units and will be used as follows.

The units may be utilized if a person is arrested and the identity of the arrestee cannot be confirmed or if an officer has reasonable suspicion that a person is, or has been, involved in criminal activity. The officer must reasonably believe that determining identity will establish or negate that person's involvement with the criminal activity. Such circumstances are commonly referred to as "Terry stops."

Although consent is preferred, it is not necessarily required as long as the officer has reasonable suspicion that a person is, or has been, involved in criminal activity, and reasonably believes that determining identity will establish or negate a person's involvement with such activity. If an officer has no reasonable suspicion that a person is, or has been, involved in criminal activity, the officer will not utilize the field ID scanner. The field ID scanner may be used in situations involving lost/or endangered adults who need assistance and are not able to identify themselves.

The ID scanner generates a report on each submission. Anytime a written report is required per [SOP 2220, *Report Writing & HBO*](#), and the ID scanner is used the report generated by the ID scanner should be saved and imaged. If any special circumstances exist requiring a variance from the above criteria, contact a supervisor for guidance.

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