

# Mobile Identification Device

## 351.1 PURPOSE

The purpose of the Mobile Identification Device (MID) is to aid personnel in the identification of persons through the evaluation of fingerprints.

## 351.2 POLICY

This policy provides guidelines for the issuance and use of Mobile Identification Devices (MID). Only members who have received Department-approved training in the MID shall access or operate an MID. Additionally, an MID shall only be used in circumstances where a Department member has a legal right to obtain or request identification from a subject.

## 351.3 DESCRIPTION AND BACKGROUND

The Mobile ID Device (MID) is a palm-sized computer device that scans a subject's fingerprints and takes a digital picture of the subject for the purpose of identifying that individual where other accepted forms of identification (e.g. valid federal or state identification cards) are not available. The fingerprints and photographs are sent via a wireless connection to the Cal-ID System.

The Orange County Crime Laboratory Cal-ID Bureau operates and maintains the local network automated fingerprint identification system and has been serving Orange County law enforcement since 1985. In that year, the California Department of Justice began a state-wide California Identification Network (Cal-ID) to provide Automated Fingerprint Identification Systems (AFIS) to law enforcement. AFIS systems were established in a county or shared between counties to provide local automated fingerprint identification of subjects booked into jails, to identify suspects in criminal cases when their latent fingerprints were left at crime scenes, and to assist the Coroner in identifying the deceased. Under a Joint Agreement with the cities of Orange County, the OC Crime Lab manages the local system on behalf of all law enforcement in the County. Orange County's AFIS is also networked with databases in several other counties, the California Department of Justice, the FBI and WIN (Western Identification Network – an eight state identification network for the western part of the United States).

If the subject's fingerprints and photographs have previously been entered in the Cal-ID database, the subject's archived data will return with positive matches in the system. Other local, state, and national crime offender databases are also accessed using this system.

Only adult arrestees who have been entered into Cal-ID, or other local, state, and national databases will produce a positive result on the MID. Juveniles are not entered into this database.

Mobile ID users will follow the guidelines as set forth in the California Penal Code and all other state and federal statutes. (Penal Code Sections 502; 11105; 13300- 13305; 11140-11144, and Government Code Section 6200)

## *Mobile Identification Device*

---

### **351.4 MID DEPLOYMENT AND USAGE**

Because the MID will only produce a response from adults who have been entered into Cal-ID, the MID shall not be utilized in an attempt to identify a juvenile subject.

#### **351.4.1 CONSENSUAL USE**

1. Mobile ID fingerprints may be taken when the subject knowingly and voluntarily gives consent. When performing a consensual mobile ID search, the member should have the subject give verbal consent to being fingerprinted and said consent should be captured on the member's BWC.
2. If consent is withdrawn, the use of the MID is not authorized; its use must stop immediately, and the officer may not force or coerce the subject to submit to the use of the MID.

#### **351.4.2 NON-CONSENSUAL USE**

The MID may be used without a subject's consent under the following circumstances:

1. Subsequent to an arrest. The MID may be used to verify the identity of the suspect to assist the officer in determining the appropriate handling, transporting, and routing of the subject.
2. If a subject's fingerprints are required in the execution of a valid search warrant or specifically required by statute.
  - (a) Reasonable force may be used to gain the subject's compliance with the search warrant. Department members shall use the least amount of force reasonably necessary to execute the search warrant.
  - (b) A subject's failure to comply may constitute contempt of court and failure to comply with the lawful order of a peace officer.

#### **351.4.3 SPECIAL DEPLOYMENT OF A MID**

Any special deployment of the MID shall require notification and authorization by the member's immediate supervisor. Examples of special deployments include, but are not limited to, the following:

1. A traffic fatality investigation after consultation with the Orange County Sheriff's Department Coroner's Office in which there are no other reasonable means of identifying a victim and in which the "immediate identity" of the victim is critical to the traffic investigation in pursuit of a possible suspect and/or safety of the community. This does not replace the need for a full set of fingerprints of the deceased for fingerprint confirmation processing by OCSD Coroner's Office.
2. A homicide investigation after consultation with the Orange County Sheriff's Department Coroners Office, in which the 'immediate identity' of the victim is critical to the homicide investigation in pursuit of a possible suspect and/or safety of the community. This does not replace the need for a full set of fingerprints of the deceased for fingerprint confirmation processing by OCSD Coroner's Office.

# Santa Ana Police Department

## Santa Ana PD Policy Manual

### *Mobile Identification Device*

---

#### **351.4.4 UNAUTHORIZED USE**

1. The MID may not be used for random or general investigative or intelligence gathering.
2. Any unauthorized use of the Mobile ID Device may result in:
  - (a) Disciplinary action against the employee up to and including termination.
  - (b) Removal of Mobile ID user privileges authorization.
  - (c) Removal of Mobile ID devices assigned to the department.
  - (d) Legal action: Misuse of such information may adversely affect the individual's civil rights and violates the law.
    - (a) Penal Code Section 502 prescribes the penalties relating to computer crimes.
    - (b) Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released.
    - (c) Penal Code Sections 11140 - 11144 and 13301 - 13305 prescribe the penalties for misuse of criminal history information.
    - (d) Government Code Section 6200 prescribes the felony penalties for misuse of public records and California Law Enforcement Telecommunication System (CLETS) information.

#### **351.5 OPERATIONAL CONSIDERATIONS**

1. The Identification information provided by the use of MID technology is considered to be supplemental information and shall be used to compare, evaluate, and/or corroborate information obtained through other investigative methods. MID shall not be used as the sole criteria for confirming a person's identity.
2. MID data is only an aid to identify a person. Information received from a MID system shall not be used as the sole grounds for establishing probable cause for arrest.
3. The loss or damage of a MID, or any part of the device, must be immediately reported in writing via the chain of command to the member's Bureau Commander.