A. Purpose

The purpose and use of a mobile identification device (MorphoIdent) is to scan fingerprints from a subject to be compared against existing prints in the AZDPS Automated Fingerprint Identification System (AZAFIS) and the FBI Repository of Individuals of Special Concern (RISC) and provide a rapid positive identification to the officer in the field.

B. Policy

The mobile identification device is designed to aid law enforcement personnel in the identification of persons through the evaluation of fingerprints. Information received from the mobile identification device shall not be used as the sole grounds for establishing probable cause for arrest. Law enforcement officers and others accessing the identification data shall ensure that 4th amendment rights are not violated and that all local policies and procedures are followed.

C. Definitions

1. Arizona Automated Fingerprint Identification System (AZAFIS) - the computerized biometric matching system that stores the identifying fingerprints currently on file and operated by the Arizona Department of Public Safety (AZDPS).

2. Mobile Identification Device (MorphoIdent) - a handheld scanning device that communicates with the AZDPS AFIS database.

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3. Repository of Individuals of Special Concern (RISC) - a limited population of the FBI IAFIS, which includes but is not limited to wanted persons, sex offender registry subjects, and known or suspected terrorist.

D. General Considerations

1. The possible identifications will be limited to the subjects maintained in the searched databases and do not preclude a record from existing in other biometric or name-based repositories.

2. For the purposes of mobile identification, AFIS will provide a hit (red) or no-hit (green) response to a mobile ID device.

3. For the purposes of mobile identification, RISC will provide a hit (red) or no-hit (green) response to a mobile ID device.

4. A hit response will also provide name, unique identifier (i.e., FBI number or processing control number) and other identifying information determined by AZDPS.

E. Procedures

1. Consent

   a. Prior to an arrest, the mobile identification device may be used in situations where the subject to be fingerprinted gives a knowing and willing voluntary consent.

      1) The suspect may limit or withdraw consent at any time.

      2) If consent is withdrawn, use of the mobile identification device is not authorized, its use must stop immediately, and the officer may not force or coerce the suspect to submit to the use of the mobile identification device.

   b. The mobile identification device may be used without the consent upon arrest of the suspect, the execution of a valid search warrant, or if

specifically required by statute.

2. Authorized Use

a. An officer must be able to articulate and justify, based on the policy, training, experience and assessment of the circumstances, the authorized and appropriate use of the mobile identification device.

b. Prior to an arrest or during a lawful detention, the mobile identification device may be used *with* the consent of the suspect when:

   1) The officer has reasonable suspicion the suspect to be printed has committed, or is about to commit a criminal offense and there is a justifiable and reasonable belief the fingerprint scan will establish or nullify the suspect's connection to the criminal offense;

   2) The officer has reasonable suspicion the suspect to be printed is subject to an arrest warrant and there is a justifiable and reasonable belief the fingerprint scan will establish or nullify the suspect's identity in the execution of the warrant;

   3) The officer is going to cite the individual or the officer lawfully detained the person and has reasonable suspicion the subject intentionally gave a false or fictitious name or date of birth to the officer.

      a) Officers should first identify a subject through documents provided (i.e., driver's license or other form of documentation).

      b) If the suspect is being charged with an offense meeting cite and release criteria, he/she will be fingerprinted to verify identification only. Statutory requirements of cite and release must still be met.

c. Subsequent to an arrest, the mobile identification device may be used *without* the consent of the arrested suspect to verify the identity of the suspect to assist the officer in determining the appropriate handling, transporting and routing of the suspect.

d. Any use of the mobile identification device not specifically authorized by this policy shall require notification and authorization by the officer's immediate supervisor. If the immediate supervisor is unavailable, the request will be forwarded to an acting supervisor or the second level supervisor.

e. Use of the mobile identification device is intended for Tempe Police Department personnel only and any use by an outside agency must first have supervisor approval.

3. Unauthorized Use

a. The mobile identification device may not be used for random or general investigative or intelligence gathering.

b. The mobile identification device may not be used for non-criminal justice purpose or personal inquiries.

c. Officers shall adhere to all department policies when using a mobile identification device, including those addressing improper or racial profiling.

d. Any unauthorized use of the mobile identification device by an officer may result in disciplinary action.

4. Hospitals Identification Requests

Per ARS § 41-2414 Arizona hospitals may request assistance from criminal justice agencies to assist with determining the identity of an incapacitated or deceased patient through fingerprints. A criminal justice agency may provide the name of the unidentified patient but shall not provide any of the patient's criminal history record.

a. The Tempe Police Department will only assist hospitals with this request if a legitimate law enforcement purpose can be identified (e.g., homicide investigation, missing person report, etc.).

b. When a request is made by a hospital for assistance in identifying an incapacitated or deceased person:

1) If a legitimate law enforcement purpose can be identified, a call for service may be entered and an officer with a mobile identification device will be dispatched to the location.

2) If a legitimate law enforcement purpose cannot be identified by the initial call information, an officer may be dispatched in order to assess the need to assist.

3) When a legitimate law enforcement purpose is identified:

   a) Fingerprints may be taken and if a record is identified, ONLY the name and date of birth of the subject may be provided to the hospital staff. No other information will be provided from the mobile identification response.

   b) A General Offense report must be completed to document the incident in compliance with Arizona Criminal Justice Information System (ACJIS) guidelines. If the identification is related to a Tempe Police investigation, a supplement will be completed as required.

4) When a legitimate law enforcement purpose cannot be identified, no fingerprints will be taken, and the hospital will be advised the request cannot be completed.

5. Release of Records

a. The release of records from the AZAFIS Databases is restricted to authorized criminal justice and non-criminal justice purposes, as governed by Arizona Revised Statutes, ARS § 41-1750 and ARS § 41-2413.

b. AZAFIS databases include, but are not limited to: Arizona Automated Fingerprint Identification System (AZAFSI), Optical Print and Photo Imaging Subsytem (OPPIS), Livescan devices, Card Scanners/Booking Stations, Rapid ID/2-finger identification devices, DigiScan Web devices, Mug

Photo Capture and Investigative workstations, and any other device connected to the AZAFIS network.