

ARREST PROCESSING, FINGERPRINTING, AND PHOTOGRAPHING

32.01 PURPOSE

This regulation sets forth policies and procedures for the processing of individuals pursuant to lawful arrest, and for the fingerprinting of applicants and registrants.

32.02 SCOPE

The provisions of this regulation shall apply to both members and enforcement officers. For the purpose of this regulation, the term "arresting officer" shall include both members and enforcement officers; the term "fingerprint card" shall include both hard-copy fingerprint cards and fingerprints/data submitted via Livescan; and the terms "fingerprints" and "fingerprinting" shall include the taking of palm prints in accordance with Livescan capabilities and availability. The Director, Bureau of Records and Identification (BRI) shall ensure this regulation is reviewed periodically for accuracy.

32.03 CRIMINAL ARREST PROCESSING

- A. Fingerprinting and Photographing: It shall be the responsibility of the arresting officer to ensure fingerprints and photographs are taken of all persons arrested by that officer for a felony, misdemeanor, or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense (refer to Title 18, Crimes Code, Section 9112).
1. Fingerprints are required of every person arrested for any of the above grades of crime, without regard for previous fingerprints submitted to the Pennsylvania State Police Central Repository (PSPCR).
 2. Photographs shall be taken of all persons arrested for any of the above grades of crime, concurrent with the fingerprinting process.
 - a. Personnel at Stations equipped with Commonwealth Photo Imaging Network (CPIN) equipment shall take CPIN photographs of all

arrestees. When appropriate, photographs of scars, marks, and tattoos shall also be obtained and added to the CPIN arrest database.

- b. Personnel at Stations or other facilities not equipped with CPIN equipment shall take digital photographs of all arrestees. Digital photographs shall be immediately transferred to and electronically stored on a password-protected local or shared drive on a Department network computer. Under no circumstances shall the digital photographs be left on the camera's removable storage device. Additionally, the stored digital photographs shall not be forwarded to BRI, since they cannot be transferred to the CPIN database. The stored digital photographs shall be purged at the discretion of the appropriate Section, Station, District Office, or Gaming Office Commander.

NOTE: In accordance with Criminal History Record Information Act (CHRIA) requirements, stored digital arrest photographs shall not be disseminated to any other law enforcement agency without first notifying the Fingerprint Identification Section, BRI, at 717-783-5491.

- B. Guidelines and Procedures: The *Guidelines for Mandatory Fingerprinting and Preparation of Pennsylvania State Police Fingerprint Cards* manual is available via the PSPiNet home page under the Patrol & Criminal Investigations – Services & Support link, or by selecting the following hyperlink: [PSP Fingerprint Manual](#). Chapter IV of this manual contains procedures for electronic booking and Livescan imaging.

32.04 INCIDENT NUMBERS

The Automated Fingerprint Identification System (AFIS) is capable of accepting only nine alphanumeric characters in the Originating Agency Case number (OCA) field. Therefore, incident numbers shall be entered in the OCA field without the "0" after the first alpha character in the prefix (e.g., the incident number T05-0101010 shall be entered as T5-0101010).

NOTE: Incident numbers shall also be recorded without the "0" after the first alpha character in the prefix in the OCA Block on hard-copy fingerprint cards.

32.05 SUBMISSION OF FINGERPRINTS

An arresting officer shall, within 48 hours of arrest, forward fingerprints to the PSPCR. A hard copy of the Pennsylvania State Police Arrest and Institution Fingerprint Card, Form SP 4-123, or an electronic fingerprint submission via Livescan shall be used by an arresting officer to submit fingerprints and arrest data. A complete, accurate, and classifiable fingerprint card must be submitted to the PSPCR. Timely submission of fingerprint cards is a statutory requirement pursuant to Title 18, Crimes Code, Section 9112. The purpose of this requirement is to provide all criminal justice agencies with up-to-date, complete, and accurate criminal history record information. The PSPCR is fully aware that there may be circumstances beyond the control of the arresting officer when that officer is unable to submit fingerprint cards within 48 hours of arrest. Therefore, it is essential when circumstances prevent the timely submission of fingerprint cards to the PSPCR, the arresting officer ensures that fingerprints are taken and submitted as soon as possible thereafter.

32.06 DUTIES OF THE PSPCR

The PSPCR will provide criminal history record information to the arresting officer's assigned location which submitted a complete, accurate, and classifiable fingerprint card. The PSPCR accomplishes this by automatically transmitting the information, via the Commonwealth Law Enforcement Assistance Network (CLEAN) system, during fingerprint card processing. Where there is no existing criminal history record, a message is transmitted to the designated CLEAN terminal providing the State Identification number (SID) and advising no prior record. Where there is an existing criminal history record, the new arrest is added to the record and a complete Record of Arrest and Prosecution (RAP sheet) is transmitted to the designated CLEAN terminal.

32.07 WHEN TO FINGERPRINT

- A. On-View Arrest: The arresting officer shall ensure that the accused is fingerprinted prior to being released from custody or the preliminary arraignment.

NOTE: For exceptions to the on-view arrest rule, the arresting officer shall make every attempt to fingerprint the accused prior to being released from custody. If the accused is unable to be fingerprinted at the time of arrest, the officer shall, at the time the complaint is filed, request the issuing authority to direct the defendant to appear for fingerprinting.

- B. Arrest by Private Complaint: Where private complaints for a felony or misdemeanor result in a conviction, the court of proper jurisdiction shall order the defendant to submit to fingerprinting by the municipal police of the jurisdiction in which the offense was committed or, in the absence of a police department, the Pennsylvania State Police (PSP). Fingerprints obtained shall, within 48 hours, be forwarded to the PSPCR in a manner and in such form as may be provided by the PSPCR (refer to Title 18, Crimes Code, Section 9112[b][1]).
- C. Arrest by Summons: Where defendants named in police complaints are proceeded against by summons, or for offenses under Title 18, Crimes Code, Section 3929 (Retail Theft), the court of proper jurisdiction shall order the defendant to submit, within five days of such order, to fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a police department, the PSP. Fingerprints obtained shall, within 48 hours, be forwarded to the PSPCR in a manner and in such form as may be provided by the PSPCR (refer to Title 18, Crimes Code, Section 9112[b][2]).
- D. Retail Theft: Prior to the commencement of trial or the entry of a plea by a defendant 16 years of age or older, accused of the summary offense of Retail Theft, the issuing authority shall order the defendant to submit, within five days of such order, for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a police department, the PSP. Fingerprints obtained shall be forwarded immediately to the PSPCR for determination as to whether or not the defendant had been previously convicted of the offense of Retail Theft. The results of such determination shall be forwarded to the location obtaining the fingerprints if the PSP is the prosecuting agency or to the issuing authority if the prosecuting agency is other than the PSP. The issuing authority shall not proceed with the trial or plea in summary cases until the receipt of the determination is made by the PSPCR. The Magisterial District Judge shall use the

information obtained solely for the purpose of grading the offense pursuant to Title 18, Crimes Code, Section 3929(b).

E. Juveniles:

1. Officers have the authority to take or cause to have taken the fingerprints or photographs, or both, of any juvenile who has alleged to have committed an act designated as a misdemeanor or felony under the laws of this Commonwealth.
2. It shall be the policy of the PSP to fingerprint and photograph juveniles upon the initiation of procedures alleging a violation of a misdemeanor or felony offense. Only under exigent circumstances should the juvenile be released without being processed. If the juvenile is not to be processed due to exigent circumstances, fingerprints and photographs shall be taken upon an adjudication of delinquency or upon the transfer of the case to criminal proceedings.
3. When completing the fingerprint card, check the "Treat as Adult" Block if a juvenile who is 15 years of age or older is arrested and the charge is:
 - a. Murder.
 - b. Any of the following offenses if the juvenile used a deadly weapon during the commission of the offense:
 - (1) Rape.
 - (2) Involuntary Deviate Sexual Intercourse.
 - (3) Aggravated Assault.
 - (4) Robbery.
 - (5) Robbery of a Motor Vehicle.
 - (6) Aggravated Indecent Assault.
 - (7) Kidnapping.
 - (8) Voluntary Manslaughter.

- (9) Attempt, conspiracy, or solicitation to commit murder or any of the above offenses.
- c. Any of the following offenses if the juvenile has previously been adjudicated delinquent of any of the following offenses:
- (1) Rape.
 - (2) Involuntary Deviate Sexual Intercourse.
 - (3) Robbery.
 - (4) Robbery of a Motor Vehicle.
 - (5) Aggravated Indecent Assault.
 - (6) Kidnapping.
 - (7) Voluntary Manslaughter.
 - (8) Attempt, conspiracy, or solicitation to commit murder or any of the above offenses.

NOTE: Refer to Act 33, effective 03/16/96, for complete details.

4. Fingerprints and photographic records may be disseminated to law enforcement officers of other jurisdictions, the PSP, and as requested by the Federal Bureau of Investigation (FBI) for investigative purposes.
5. Only in the case of a juvenile being treated as an adult will the fingerprints of a juvenile be forwarded to the FBI for retention. FBI dissemination procedures preclude the forwarding of juvenile criminal history.
6. Fingerprints and photographic records of juveniles shall be kept separately from records of adults. They shall be immediately destroyed upon notice of the court as provided under Title 42, Judicial Code, Section 6341(a) of the Juvenile Act (relating to adjudication) by all persons and agencies having these records, if the

juvenile is not adjudicated delinquent, or not found guilty in a criminal proceeding for reason of the alleged acts.

7. The arresting officer shall ensure that the fingerprints and photographs of an alleged delinquent whose fingerprints and photographs have been taken pursuant to Title 42, Judicial Code, Section 6308(c) of the Juvenile Act, are forwarded to the PSPCR.
 8. Fingerprinting of juveniles is determined pursuant to the Juvenile Act and procedures established by the County Juvenile Court. Fingerprinting of juveniles shall also occur in all of the following instances:
 - a. Offenses under Title 18, Crimes Code, Section 3929 (Retail theft).
 - b. Offenses under Title 18, Crimes Code, Section 3929.1 (Library theft).
 - c. Offenses under Title 18, Crimes Code, Section 6501(a) (Scattering rubbish).
- F. Out-of-State Parolees: The Department and the Pennsylvania Board of Probation and Parole (PBPP) have established procedures to enter out-of-state parolee fingerprint card data into the Automated Master Name Index (AMNI) and AFIS of the PSPCR.
1. The Department has provided preprinted Pennsylvania State Police Applicant Fingerprint Cards, Form SP 4-124, and a series of Offense Tracking numbers (OTNs) preceded by a "P" to the PBPP. The PBPP will give one of the cards to each out-of-state parolee.
 2. When an out-of-state parolee appears at a Department facility for fingerprinting, they shall be required to produce proof of identity and furnish the preprinted applicant fingerprint card.
 3. The out-of-state parolee shall be fingerprinted in the usual manner using the preprinted card. If an error occurs during printing, a blank fingerprint card shall be used and the preprinted card shall be destroyed. The prefix "P," the OTN, and any other information preprinted on the fingerprint card obtained from the PBPP shall be

entered in the appropriate spaces on the blank fingerprint card. The completed fingerprint card shall be forwarded directly to the PSPCR in accordance with established procedures.

G. Other Cases:

1. When all charges are dismissed at a preliminary hearing, the arresting officer shall ensure that the defendant has been fingerprinted or, if not, request the issuing authority to require the defendant to submit to fingerprinting.
2. When a complaint is refiled against a defendant pursuant to the Rules of Criminal Procedure, the arresting officer shall, at the time the complaint is refiled, request the issuing authority to direct the defendant to AGAIN submit to fingerprinting.
3. When charges for any of the grades of crime specified in Title 18, Crimes Code, Section 9112 (Mandatory fingerprinting) have been dismissed and the defendant has pleaded guilty or was found guilty of a lesser offense not requiring fingerprinting, the arresting officer shall ensure that the defendant has been fingerprinted and, if not, request the issuing authority to require the defendant to submit to fingerprinting.

32.08 APPLICANT/REGISTRANT FINGERPRINT PROCESSING

A. General: Members shall process individuals who appear for fingerprinting at any Troop Headquarters (excluding Troop T) or Station for any of the following purposes:

1. Municipal Police Officers' Education and Training Commission (MPOETC) application: Fingerprints may be taken via Livescan or ink using one FBI Applicant Fingerprint Card and one PSP Applicant Fingerprint Card. Members processing MPOETC applicants shall use the following ORI: PAPSP0100. Questions concerning this process may be directed to MPOETC, at 717-346-4086.

NOTE: Application packets must be submitted to MPOETC by the applicant's employer whenever an

officer is required to attend basic police training or when a waiver of training is requested.

2. Sexual offenders: Fingerprints and palm prints are required in order to generate a SID number when needed and to positively identify the sexual offender.
 - a. Sexual offenders who are newly registered at a PSP facility or who are already registered, but have not had palm prints taken, shall be fingerprinted via Livescan. Members shall select “Megan’s Law Registration” when prompted.
 - b. For additional information on sexual offender registration and instructions for processing sexual offenders in instances when Livescan equipment is inoperable and/or unavailable, refer to [AR 9-30, Sex Offender Registration](#).

NOTE: Newly convicted sexual offenders will generally be registered and fingerprinted by the Office of Probation and Parole in the county of conviction; however, the PSP will provide fingerprint services to newly registered out-of-state offenders, offenders convicted under federal statute or the Uniform Code of Military Justice, and/or initial registrations in the event the county official is unable to process a new sexual offender as a result of equipment failure. The PSP will also fingerprint current registrants where it is determined palm prints are required.

3. Any of the following:
 - a. Federal firearms license.
 - b. Identity theft.
 - c. Information technology vendors with PSP authorization letter.
 - d. Out-of-state license to carry firearm requests, if the request requires law enforcement to process the applicant and the individual resides in a PSP service area.
 - e. Name change.

- f. Private detective licensing, registration, or employment.
- g. PSP civilian/Cadet applicant.

NOTE: An Applicant/Registrant Fingerprinting Quick Guide is available for members processing individuals in accordance with Section 32.08.A of this regulation. The guide can be found under the Patrol & Criminal Investigations – Services & Support section of the PSPiNet.

- B. Pennsylvania Gaming Control Board, Pennsylvania State Harness Racing Commission, and Pennsylvania State Horse Racing Commission:
 - 1. Pennsylvania Gaming Control Board: The applicant must be processed at a PSP Bureau of Gaming Enforcement Office. Questions concerning this process may be directed to the Bureau of Gaming Enforcement, at 717-346-9784.
 - 2. Pennsylvania State Harness Racing Commission: The applicant must be processed at a PSP Bureau of Gaming Enforcement Office at one of Pennsylvania's racetrack/casinos. Questions concerning this process may be directed to the Bureau of Gaming Enforcement, at 717-346-9784.
 - 3. Pennsylvania State Horse Racing Commission: The applicant must be processed at a PSP Bureau of Gaming Enforcement Office at one of Pennsylvania's racetrack/casinos. Questions concerning this process may be directed to the Bureau of Gaming Enforcement, at 717-346-9784.
- C. Exclusions: The PSP is not the appropriate service provider for applicant/registrant fingerprint processing requests not listed in this regulation. Individuals requesting fingerprinting services not listed in this regulation shall be directed to the PSP public website, at www.psp.state.pa.us, to determine the appropriate service provider. Fingerprint service information is listed on the website under the Public Services tab.