

Do's and Don'ts

- **Don't reuse OTN's.** Each arrest has its own unique Offense Tracking Number.
- There should be only one SID per person and one unique OTN for each arrest.
- Don't use the nontraffic citation numbers as the OTN.
- Don't fingerprint a Juvenile transferred to Adult court again if he has already been fingerprinted. Juvenile OTN's can be used in adult court. Supply the Juvenile OTN to the courts.
- Make sure the booking center enters the **arresting agency ORI** not the booking center's own ORI on the arrest.
- If the court has assigned another OTN number for that arrest, the court will enter the arresting OTN into their system as a linking OTN.
- If the offender has not been fingerprinted by the time he appears before the court, the arresting agency should use the OTN assigned by the court when the offender is fingerprinted.
- When fingerprinting, use the date of offense, arrest date, name, date of birth from the criminal complaint. If this information is not the same as what the court recorded in the case management system, the disposition will not be applied to Criminal History when it is received from AOPC.
- If the offender is fingerprinted and not taken to the MDJ for an arraignment, or a criminal complaint is not being filed at the MDJ court, purge the fingerprints.

*This brochure is a summary of the requirements and important aspects of fingerprinting criminal suspects. For more detailed information please refer to the PSP **Guidelines for Mandatory Fingerprinting and Preparation of PSP Fingerprint Cards** manual and the statutes and rules cited in this brochure.*

You may also want to take the "Livescan" and "Fingerprint Compliance" online training courses offered on the PAVTN virtual training network. Go to: <http://www.pavtn.net>



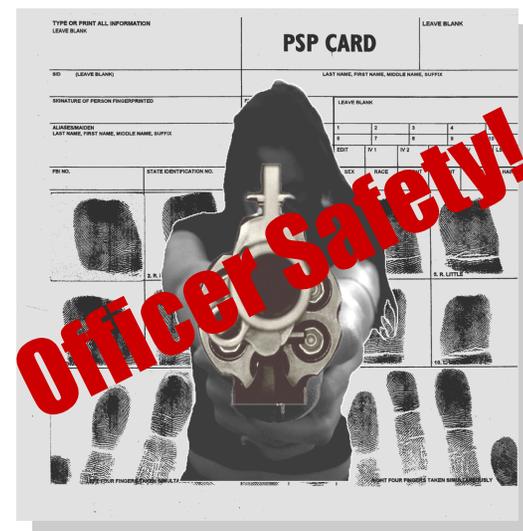
This brochure is a work product of the Pennsylvania Commission on Crime and Delinquency's Fingerprint Compliance Workgroup. Members of the Workgroup include representatives from the Administrative Office of Pennsylvania Courts, Pennsylvania State Attorney General's Office, Pennsylvania Chiefs of Police Association, Pennsylvania State Police, and the Pennsylvania Commission on Crime and Delinquency.



Pennsylvania Chiefs of Police Association
3905 N. Front Street
Harrisburg, Pa 17110
717-236-1059
www.pachiefs.org

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Why is Fingerprinting Important?



Do You Know When to Fingerprint?



Why is fingerprinting important?

- “A criminal history record is initiated upon an arrest **and** submission of fingerprints to the Pennsylvania State Police Central Repository (PSPCR). **“A record of the arrest is not created without submission of fingerprints related to the arrest.”** (*Guidelines for Mandatory Fingerprinting and Preparation of PSP Fingerprint Cards manual*)
- A complete Criminal History Record is important to law enforcement for investigative purposes. A key benefit of accurate data is having up to-date records of convicted felons. A complete Criminal History Record is also important for noncriminal background checks for employment, licensing, adoption, citizenship, volunteer programs, and firearms purchases.
- Fingerprinting is the only positive form of ID. The offender could be wanted and give a false name.
- PSP is the sole source contributor of PA arrest fingerprint cards to the FBI. If an arrested person is not fingerprinted, he/she will not be on III and National Crime Information Center (NCIC) RAP sheets.
- When fingerprints are submitted to PSP they are also entered into the PSP AFIS and can be searched against by remote AFIS terminals when a latent fingerprint obtained at a crime scene is introduced.
- Arrest fingerprints are legally required under the Crimes Code, 18 Pa.C.S. § 9112.

What can happen if you don't fingerprint an offender?

- If the offender is not fingerprinted, PSP has no record of that arrest, and the arrest will not appear on the rap sheet.
- **Officer safety is compromised. Officers may unknowingly confront a dangerous subject.**
- With the large increase in non-criminal background checks, the risk of lawsuits increases when a person is hired and his/her criminal history record is not accurate.

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- The public is at risk if the offender is hired due to a lack of arrest data.
- **Latent fingerprints cannot be compared to the suspect if his/her fingerprints are not in AFIS.** Crimes he/she has committed may never be solved.

When should fingerprinting occur?

- **Fingerprint when you have the offender in custody.**
- Fingerprint the offender before being released when he/she appears for arraignment and has not been fingerprinted for the charged offense.
- Fingerprint before the offender is taken to the MDJ court. This will verify identity so the criminal complaint can be accurately completed.
- Legal Requirements to Fingerprint:
 - a. Fingerprints of all persons arrested for a felony, misdemeanor or summary offense, which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the arresting authority (*see Crimes Code, 18 Pa.C.S. § 9112*).
 - b. Fingerprints are required of every person, arrested for any of the above grades of crime, without regard for previous fingerprints submitted to the PSPCR.
 - c. If a child is found to be a delinquent child pursuant to 42 Pa.C.S. §6341 in accordance with 42 Pa.C.S. §6308(c) & Pa.R.J.C.P. 409 (A)(2)(b)(i) & (ii).
 - d. In addition, prior to the commencement of a trial or the entry of a plea, a defendant 16 years of age or older accused of the following summary offenses is required to be fingerprinted:
 - (1) Offenses under 18 Pa.C.S. §3929 (Retail Theft).
 - (2) Offenses under 18 Pa.C.S. §3929.1 (Library Theft).
- Timely submission of fingerprint cards is a statutory requirement pursuant to the Crimes Code, 18 Pa.C.S. §9112. **An arresting authority shall, within 48 hours of arrest, forward fingerprints to the PSPCR.** This can be done either by livescan equipment or inked cards.

What are the causes of missing fingerprints?

- The offenses were reduced to a summary and the fingerprints were not taken before the grade was changed. Consequently no fingerprint order is issued because of the reduction in the grade of the offense.
- The arresting agency released a defendant from custody pursuant to Pa. R. Crim. P.519 without fingerprinting the defendant, but instructs him/her to go to a central booking center to be printed. The defendant fails to do so, is issued a fingerprint order but never responds to it.
- The defendant was not fingerprinted after a conviction on charges filed on a private criminal complaint.
- Make sure the defendant is fingerprint compliant before the preliminary hearing.
- The defendant was too intoxicated and the officer did not take the prints.
- The charges were dismissed and the defendant was never fingerprinted.
- Record was expunged and the defendant was never printed.
- The arresting agency never fingerprinted the defendant and was not aware that the case proceeded by summons.
- The victim did not want to press charges and the charges are dismissed or withdrawn.
- The defendant is now deceased and was not fingerprinted.
- Officer called out on another call and doesn't fingerprint.
- Booking center is busy, and/or does not want to print other departments cases.

