



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 431	Effective Date: December 1, 2021
Subject: Fingerprints and Photographs	
Reference Standards: 50.4, 50.8	
Rescinds: GO 431 dated March 19, 2021	
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I. POLICY

- A. The policy of the Macedon Police Department is to adhere to New York State laws pertaining to fingerprinting and photographing of criminal suspects/defendants, juvenile suspects/defendants, and civilian requests for fingerprinting.

II. FINGERPRINTS AND PHOTOGRAPHS REQUIRED BY LAW—CRIMINAL SUSPECTS/DEFENDANTS

- A. The arresting officer or other appropriate qualified fingerprint technician (i.e., civilian technician or booking clerk) must take (or cause to be taken) fingerprints of the arrested person/defendant if the offense which is the subject of the arrest or which is charged in the accusatory instrument is:
1. A felony.
 2. A misdemeanor defined outside the Penal Law that would constitute a felony if such person had a previous judgment of conviction for a crime (DWI/NYS V&T Law).
 3. A misdemeanor as defined under any NYS Law.
 4. Loitering for the purpose of engaging in prostitution as defined under the NYS

Penal Law, Section 240.37.

5. Loitering as defined under the NYS Penal Law, Section 240.35 (3), Loitering-deviate sexual activity.
- B. Additional cases where fingerprints may be taken; when a police officer makes an arrest for an offense (either with or without a warrant) and the officer:
1. Is unable to ascertain such person's identity.
 2. Reasonably suspects that the identification given by the arrested person is not accurate.
 3. Reasonably suspects that the person arrested is being sought by law enforcement officials for the commission of some other offense.
- C. Whenever fingerprinting is allowed or required, photographs of the arrested person/defendant will be taken.
- D. Whenever fingerprinting is allowed or required, the palm prints of the arrested person/defendant may be taken.
- E. In the case where the arrested person/defendant has been charged with any **felony** as described in the NYS Penal Law, the arresting officer must take (or cause to be taken) palm prints of such person.
- F. Summons and Appearance Tickets
1. When the Court directs a defendant at arraignment, who had not been arrested, and whose court appearance had been secured by a summons or appearance ticket (under the circumstances described in Section 130.60 and 150.70 of the NYS Criminal Procedure Law), an officer or qualified fingerprint technician will take or cause to be taken fingerprints and photographs as directed by the Court, if such arraignment would result in an arrest falling under the criteria set forth above.
- G. Voluntary Fingerprints and Photographs
1. An officer not making an immediate arrest may request that a suspect/witness/victim voluntarily submit to a comparative set of rolled fingerprints, palm prints, and/or photographs.

2. If it is necessary to obtain a set of fingerprints, palm prints and/or photographs from a suspect, and the suspect does not volunteer same, it may then be necessary for the officer to obtain a Court Order.
 - a. The officer is to contact the District Attorney's Office to obtain an order to compel the suspect to comply with the printing and photographing procedure.

III. JUVENILE FINGERPRINTS AND PHOTOGRAPHS

- A. Pursuant to § 306-1 of the Family Court Act the following procedures will be followed in the fingerprinting and photographing of juveniles.

- B. Voluntary

1. Permission to fingerprint, palm print and/or photograph a juvenile will be requested from the juvenile and his/her parent(s) only if the juvenile is being arrested or is the prime suspect in a crime.
 - a. In cases of voluntary printing and/or photographing the investigating officer will obtain a Voluntary Permission Form signed by the juvenile and by the juvenile's parent or guardian.
 - b. Every reasonable effort must be made to locate the juvenile's parent or guardian. These efforts must be documented. If the parent or guardian cannot be located, the signature of the juvenile is all that is required.

- C. Involuntary

1. Following the arrest of a child alleged to be a juvenile delinquent or juvenile offender, or the filing of a delinquency petition involving a child who has not been arrested, the arresting officer or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if:
 - a. The child is eleven or twelve years of age and the crime that is the subject of the arrest or that is charged in the petition constitutes a class A or B felony.
 - b. The child is thirteen years of age or older and the crime that is the subject of the arrest or that is charged in the petition constitutes a class E felony or above (not Attempt E).
 - c. Whenever fingerprints are required to be taken pursuant to C1, the photograph and palm prints of the arrested child may be taken.
 - d. The taking of fingerprints, palm prints, photographs, and related information concerning the child and the facts and circumstances of the acts

charged in the juvenile delinquency or juvenile offender proceeding shall be in accordance with standards established by the Commissioner of the Division of Criminal Justice Services and by applicable provisions of this article.

- e. Upon the taking of fingerprints pursuant to C1, an officer or agency shall, without unnecessary delay, forward such fingerprints to the Division of Criminal Justice Services and shall not retain such fingerprints or any copy thereof.

(1) Copies of photographs and palm prints taken pursuant to this section shall be kept confidential and only in the exclusive possession of such law enforcement agency, separate and apart from files of adults.

- f. It is the responsibility of the investigating officer to ensure that a juvenile offender's photograph is submitted to LiveScan.

(1) Photographs are only taken for those designated offenses as outlined in the NYS Family Court Act §306-1

NOTE: Fingerprint Juvenile Offenders on Adult Arrest Cards. All other fingerprintable juveniles- fingerprint on one (1) Juvenile Arrest Card.

IV. CITIZEN REQUEST FOR FINGERPRINTS (changed to reflect new policy re: Live Scan)

- A. It is the policy of the Macedon Police Department to assist Town residents in securing their fingerprints as they may find necessary to comply with job applications, permits, licenses, etc.
- B. Fingerprinting will be done for only when the fingerprinting is not required to be completed through the live scan system. The citizen will supply the necessary fingerprint card to comply with his/her needs.
- C. The fee for this service is set by the Chief of Police.

V. EXCEPTIONS TO THE LISTED PROCEDURES

- A. In the event that an officer has made an arrest and the subject is not physically and/or emotionally capable of submitting to the fingerprint and/or photographing procedure (DWI with physical incapacity); or at the time of the arrest it is not feasible for the officer to complete the fingerprinting and/or photographing procedure (an arrest where the subject is given an appearance ticket in the field), the officer will make complete a "request for processing form" to be placed in the subject's arrest package or juvenile folder.

- B. At the arrested subject's first court appearance, the court will direct the arrested subject to the Macedon Police Department where an officer or qualified fingerprint technician will take or cause to be taken the fingerprints and/or photograph of the arrested subject.

VI. FINGERPRINTING AND PHOTOGRAPHING PROCEDURE

- A. Fingerprints will be taken for criminal offenses as listed above.
 - 1. Fingerprints will be taken using the electronic fingerprint enrollment device currently in place in the processing area.
 - 2. The defendant will sign the electronic signature pad.
 - 3. The Officer taking the fingerprints will ensure the fingerprints have been scanned correctly and are submitted with the booking.
- B. The standard fingerprint scan requires two types of impressions.
 - 1. Rolled impressions of the last segment of each individual finger and thumb that should start and finish the print well up the sides of the finger.
 - 2. Flat impressions of all four fingers on each hand taken simultaneously and flat impressions of each thumb.
 - 3. Double thumbs or webbed fingers should be printed together as one.
 - 4. If a person has a missing or amputated finger, the officer fingerprinting the individual should save an empty space for the missing finger. When finished fingerprinting all of the individual's other fingers, click done. The officer should then hover the mouse over the empty space of the amputated finger, right click, and then choose the reason the finger was not printed from the menu that appears.
- C. If the arrested subject has been charged with a felony as defined under the NYS Penal Law, the officer will also utilize a standard department Palm Print Card.
 - 1. The palm prints will be completely filled out and submitted with the arrest package.
- D. Photographs will be taken for Criminal Offenses as listed above.
 - 1. The subject will have one full face photograph taken utilizing the LiveScan digital camera located in the prisoner processing area.
 - 2. If there are special circumstances, (i.e. a facial scar, blemish or haircut), requiring other facial views the mug shot format will allow these other views.

- E. When taking criminal fingerprints, officers will ensure their firearm is removed from their duty belt and secured in a locker or secure office space.

By Order of the Chief of Police

John P. Colella

John P. Colella (Nov 26, 2021 08:27 EST)

John P. Colella
Chief of Police

Dated this 26th day of November, 2021