



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



380.01 FINGERPRINTING NON-ARRESTED SUBJECTS 01-27-17

PURPOSE

The purpose of this order is to establish procedures for fingerprinting non-arrested subjects.

POLICY

It shall be the policy of the Sacramento Police Department that any person under investigation but not under arrest may voluntarily submit to having their finger/palm prints taken for identification (ID) or comparison purposes.

PROCEDURE

A. GENERAL

1. Officers must have legal authority to obtain fingerprints from non-arrested subjects. To obtain fingerprints, officers shall obtain consent, a court order, or a search warrant; or the subject must be on parole or searchable probation.
2. Finger/palm prints obtained with knowledgeable voluntary consent shall be used for:
 - a. the verification of ID.
 - b. comparisons against latent prints from a specific crime or a specific series of crimes.

B. CONSENT

1. ADULTS

- a. Before fingerprinting adults, officers shall:
 - (1) obtain knowledgeable voluntary consent.
 - (2) complete a Fingerprint Consent form (SPD 839) for verification of consent.

2. JUVENILES

- a. Before fingerprinting juveniles, officers shall:
 - (1) obtain knowledgeable voluntary consent from the juvenile.
 - (2) attempt to obtain knowledgeable voluntary consent from the juvenile's parents or guardians.
 - (3) complete an SPD 839 form for verification of consent.
 - b. Before having a juvenile voluntarily fingerprinted without parental consent, the officer's supervisor shall make an appraisal of the juvenile's consent by assessing the juvenile's:
 - (1) age
 - (2) experience with law enforcement
 - (3) level of intelligence/education
 - (4) mental and physical conditions at the time of questioning
 - (5) other factors.
 - c. If the supervisor determines that the juvenile has knowledge of both the criminal law process and of their right to refuse to be fingerprinted, the supervisor shall sign the SPD 839 form along with the officer as a witness before the juvenile is fingerprinted. The officer shall document such action with a supplemental report to the appropriate case number.
 - d. The juvenile shall not be fingerprinted if there is any doubt in the mind of the supervisor or the requesting officer as to the willingness of the juvenile to submit to their requested fingerprints.
3. Medical personnel may request the fingerprinting of an individual who cannot give knowledgeable consent for the purpose of identification.
 - a. The medical personnel shall sign the SPD 839 form.
 - b. The person shall be fingerprinted for identification purposes only.
 4. When the SPD 839 form has been completed, the Forensic Investigator shall fingerprint the subject.

C. REFUSALS BY SUBJECTS OBLIGATED TO PROVIDE FINGERPRINTS

1. In situations where a subject is legally obligated to provide their fingerprints (i.e. parole, probation, search warrant) and they offer only verbal objections to the fingerprinting, the Forensic Investigator



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shall obtain the fingerprints.

2. If the subject either passively or actively resists, the Forensic Investigator shall not attempt to conduct the fingerprinting.
3. In significant cases involving a signed search warrant with probable cause for fingerprints in which the subject passively or actively resists, the affiant may return to the issuing judge after the refusal to obtain specific authorization to use reasonable force to obtain the fingerprints.

D. DISPOSITION OF LATENT PRINT COMPARISON

1. If a Latent Fingerprint Request form (SPD 633) has not been received within 30 days and/or if the latent print comparison yields negative results, the fingerprints shall be routed back to the appropriate Office of Investigations unit supervisor for destruction.
2. If the latent print comparison yields positive results, the fingerprints shall be filed in the latent case file subject to court presentation.
3. When there is an offense number assigned to the request for verification of ID, the SPD 839 shall be forwarded to the Records Section for file retention and the inked card retained by the ID Section.
4. When there is no offense number assigned to the request for verification of ID and there are negative results, the SPD 839 form shall be returned to the requesting officer/Detective and the inked card shall be destroyed.