
	GAITHERSBURG POLICE DEPARTMENT		
	Mobile Automated Fingerprint Identification System (Mobile AFIS)		
	GENERAL ORDER	601.5	
	Effective Date	05/08/2017	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE <i>Mark Sroka</i>	DATE 05/08/2017

I. PURPOSE

The purpose of this directive is to establish policy and procedures for the training, deployment and use of Mobile Automated Fingerprint Identification System devices (Mobile AFIS).

II. POLICY

Use of Mobile AFIS will allow officers to perform rapid identification of individuals during field encounters, via fingerprint searches through local, state and federal AFIS databases. The Fourth Amendment implications, associated with new and emerging technologies such as this, have not yet been fully considered and ruled upon by the courts. Great care must be exercised in the utilization of such systems, so as not to infringe upon individual liberties.

III. DEFINITIONS

Within the contents of this directive, the following terms shall have the following meanings:

- A. **AFIS** – Within the context of this directive, the term “Automated Fingerprint Identification System (AFIS)” is a system used to capture, scan, search and identify subject matter fingerprints and photo images electronically.
- B. **Mobile AFIS** – Within the context of this directive, the term “Mobile AFIS” refers to the hand-held scanning device used to capture fingerprints and conduct a search through the local AFIS databases and verify the identity of scanned subjects.

IV. PROCEDURE

A. **Authorized Use**

- 1. For constitutional reasons, strict limitations must be placed upon the scope of Mobile AFIS use. The use of this device must be considered equivalent to a search. As such, authorized use of this technology would include:

- a) Identification, or verifying the identification, of individuals who are under arrest;
 - b) Identification of John/Jane Doe decedents, upon request from an investigating detective;
 - c) Identification of unconscious John/Jane Doe victims (such as in a medical emergency).
2. Absent probable cause of criminal activity, officers shall obtain the individual's verbal voluntary consent during encounters other than those listed above, prior to the use of a Mobile AFIS device.
 3. Officer shall not use Mobile AFIS devices for intelligence gathering or for other purposes that lend themselves to the appearance of illegal "profiling."
 4. Officers shall not use the Mobile AFIS to determine a person's immigration status.
 5. When assisting allied agencies, Mobile AFIS operators shall adhere to the requirements of this Department's directives, regardless of any policies or procedures of the allied agency requesting assistance.
 6. Officers are not permitted to use physical force to capture a subject's fingerprints.

B. Training

1. Officers assigned a Mobile AFIS device will operate and maintain it in accordance with the manufacturer's specifications.
2. Officers assigned a Mobile AFIS device will complete AFIS Department training prior to the device being deployed or utilized.

C. Documentation

1. All uses of a Mobile AFIS device will be documented through the AFIS reporting data site.
 - a) Officers assigned a Mobile AFIS device will be responsible for documenting each and every use of the device, regardless of the outcome.
 - 1) Officers will be able to access the AFIS reporting

data site in one of two ways:

- i. A shortcut placed on their MDC's, or
 - ii. In City Applications, Police Department Folder, Montgomery County Police. The application will be titled, "AFIS Mobile Log."
 - 2) When completing the AFIS Mobile Log, all requesting information will be completed accurately.
 - b) When the use of a Mobile AFIS device involves:
 - 1) A subject with limited English proficiency, the translating officer's name and ID number shall be recorded in the text box of the AFIS reporting data site form.
 - 2) When assisting an officer from an allied agency, the name and ID number of the officer and name of the agency being assisted shall be recorded in the text box of the AFIS reporting data site form.
 - c) If identification is made and confirmed, the following should be included in the text box of the AFIS reporting data site form, but not limited to:
 - 1) Name;
 - 2) Date of Birth;
 - 3) CR #; or
 - 4) Other identifiable information.
2. Use of a Mobile AFIS device shall be documented within the narrative of any associated event report, by including a statement articulating the following:
- a) The reason or legal justification (e.g. consent, incident to arrest, medical emergency) for use; and
 - b) The nature of information received in the response (e.g. identification only, NCIC hit, no record, etc.).