



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 43.4

### TITLE: Mobile Fingerprint Readers

**EFFECTIVE: 11/26/2023**

**REVISED: New Chapter**

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#### PURPOSE

This Chapter establishes guidelines for the use of Mobile Fingerprint Reader devices (MFR) to assist with the rapid identification of a person.

#### POLICY STATEMENT

1. Mobile Fingerprint Readers are not intended to be the primary means of identifying subjects. The MFRs are tools used to assist members in the identification of an individual whose identity is in question when other means of identification are unavailable or questionable.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Automated Fingerprint Identification System (AFIS)**—A biometric identification (ID) system that uses digital imaging technology to obtain, store, and analyze fingerprint data.

**Authorized User** – An individual employed as a law enforcement officer, or an authorized NOPD civilian employee, who has received training and is approved by the NOPD to utilize an MFR.

**Mobile Fingerprint Reader (MFR)** – A mobile fingerprint capture device used to scan fingerprints directly from the finger and electronically transmit the capture images to be compared against available AFIS databases.

**Mobile Fingerprint Identification** – The use of a Mobile Fingerprint Reader to attempt to identify an individual whose identity is in question.

**Repository of Individuals of Special Concern (RISC)** – A subset of the FBI's Criminal Master File with the ability to quickly assess subject threat level and positive identification if the person of interest has a record in the RISC system. The RISC system includes wanted persons, national sex offender registry subject, known or suspected terrorists, and other persons of special interest.

#### Authorized Use of Mobile Fingerprint Readers

2. MFRs may only be used during the course and scope of an NOPD employee's lawful duties for a valid law enforcement purpose.
3. No employee may use an MFR until they have been properly trained in the use of the

device.

4. MFRs may be used with the consent of the subject being identified during the course of an employee's lawful duties and when one of the following circumstances exists:
  - (a) The subject is believed to be 17 years of age or older and the consent is audio and video recorded.
  - (b) The subject is under the age of 17 with the written consent of the child and their parent or guardian.
5. MFRs may be used without consent of the subject of any age being identified if one of the following circumstances exist:
  - (a) The user has probable cause to believe the subject has committed a crime for which fingerprinting is allowed by law (see Louisiana RS 15:590).
  - (b) The subject is unable to provide reliable identification due to physical incapacitation or defect, mental incapacitation or defect, or death, and the immediate identification of the subject is necessary for the performance of a law enforcement function.
  - (c) A valid court order exists authorizing the use of the MFR.
  - (d) With the approval of coroner's office staff to identify a deceased individual.
6. Users must obtain supervisory approval prior to using the MFR. The approving supervisor shall be noted in the narrative of the field interview card (FIC) documenting the use of the MFR.
7. Any request for the use of an MFR outside of those listed in this section must be authorized in writing by the requesting employee's supervisor.
8. Officers shall not use force to obtain a subject's fingerprint.

## **PROCESS OF IDENTIFICATION**

9. Once fingerprint images are captured by the MFR, the images are electronically transmitted and searched in the AFIS and FBI RISC databases. After completion of the fingerprint search a response will be returned to the user regarding the identification.
10. If a match was made, the user should take the appropriate steps to verify the hit. A picture and identifying information should be returned to the user to assist in ensuring the accuracy of the match. Officers will still need to query the person of interest through NCIC to determine the person's warrant, protection order, or driving privilege status.
11. If no record was returned, no identification was able to be made.
12. If the device is unable to determine a match, this may mean possible candidates were found, but the fingerprint images obtained were below a defined criteria threshold to confirm a match without human intervention.
13. Users should be aware that identifications are limited to individuals maintained in the Louisiana AFIS and FBI RISC databases.

**DOCUMENTATION**

14. All use of an MFR, including the use of an MFR to assist another law enforcement agency, shall be documented in an FIC. The documentation must include the date, time, location, identity of the subject being identified (if known), the approximate age, race, ethnicity, and gender of the subject, and must state the justification for use of the MFR. The name of the approving supervisor must also be documented in the narrative of the FIC.

**SUPERVISOR RESPONSIBILITIES AND AUDITING**

15. All use of The MFR is subject to be audited on an annual basis by the Professional Standards and Accountability Bureau (PSAB).
16. Supervisors shall be responsible for ensuring all MFRs assigned to their respective units are maintained in good working order.
17. All equipment must be stored in a secure manner to prevent unauthorized use of the MFR.
18. Supervisors shall review all FICs documenting the use of MFRs assigned to their units, ensuring the required information is provided in the FIC.
19. Any loss, theft, or damage of an MFR must be documented in an appropriate police report and forwarded through the Deputy Chief of the Management Services Bureau (MSB).

**UNAUTHORIZED USE**

20. The MFR may not be used for random or general investigative, or intelligence gathering uses.
21. Employees shall adhere to all department policies when using the MFR, including the requirements of [Chapter 41.13 – Bias-Free Policing](#).
22. Misuse or unauthorized use of an MFR may be subject to discipline up to termination and may include revoked access to the AFIS system. There may be additional criminal penalties regarding violations of State or Federal laws regarding the unauthorized use of an MFR.