

**NIAGARA FALLS POLICE DEPARTMENT**  
GENERAL ORDER

EFFECTIVE DATE: 09/27/2013	SUBJECT:  <b>FINGERPRINTING AND PHOTOGRAPHING DEFENDANTS</b>	Number 331.00 (NYSLEAP O-50-8)
RESCINDS: 04/15/2003		Number of pages 3

I. Policy:

- A. It is the policy of the Niagara Falls Police Department that all persons will be fingerprinted in accordance with Section 160.10 of the Criminal Procedure Law.
- B. The arresting officers will generally perform the fingerprinting function but other trained personnel may perform this task if necessary.
- C. The Crime Scene Unit Lieutenant shall be responsible for the electronic submission of fingerprint data when completed to the Department of Criminal Justice Services and Federal Bureau of Investigation.
- D. It is the policy of the Niagara Falls Police Department that all defendants legally required to fingerprinted shall also be photographed.
- E. The Crime Scene Unit shall maintain all adult fingerprint records and photographs as required by law. Juvenile records shall be maintained within the NFPD Impact Computer System in a secure location accessible only to authorized Youth Aid Division members.

II. Procedures:

- A. New York State Law requires fingerprints:
  1. For any Felony;
  2. For any Misdemeanor defined in the P. L.; and
  3. For any Misdemeanor defined in a Law other than the P.L. that would constitute a Felony if the arrestee had a previous conviction for a crime; these include
    - a. ABC Law Section 152 (Sale of Illicit Alcohol Beverage)

- b. ABC Law Section 154 (Premises Used for Manufacture or Storage of Illicit Alcoholic Beverage)
  - c. Election Law Article 17 (violations of Elective Franchise)
  - d. General Business Law Section 354 (Examination of Witnesses and Preliminary Injunction)
  - e. Social Services Law Section 374.6 (Acceptance of Fees for Placing out Children by Authorized Agencies)
  - f. Tax Law, Section 481 (Sale, Possession, Transportation or Unstamped or Unlawfully Stamped Cigarettes)
  - g. VTL, Section 392 (a) (Sale of False or Fraudulent License, Registration or Number Plate)
  - h. Section 1192 Sub, 2, 3, and 4 (DWI); and
  - i. For the P.L. violation, Section 240.35, Sub 3, (Loiters or Remains in a Public Place for the purpose of Engaging or Soliciting another Person to Engage in Deviant Sexual Intercourse or other Sexual Behavior in a Deviant Nature)
  - j. For the P.L. Violation, Section 240.37, Sub 2, (Loitering for the Purpose of Engaging in a Prostitution Offense)
- B. Fingerprints are permissible for non-fingerprintable offenses when:
- 1. You are unable to learn an arrested person's true identity; or
  - 2. You reasonably suspect that the identification given you by an arrested person is not accurate; or
  - 3. You reasonably suspect that an arrested person is being sought by law enforcement officials for the commission of some other offense.
- C. Criminal Summons:
- 1. If a Criminal Summons issued as a result of a police officer's complaint, the Court, upon appearance of the Defendant, must direct that the Defendant be fingerprinted, if required by law.
- D. If the Criminal Summons was issued as a result of a citizen's complaint, fingerprints are not required to be taken.

E. Appearance Ticket:

1. When an Appearance Ticket is issued, and fingerprints are required, the following procedures shall be followed:
  - a. If a Defendant posts pre-arraignment bail or is released on his/her own recognizance, fingerprints and photographs shall be taken by the Booking Officer before release.
  - b. If the defendant has not been booked at the time of release, a notation shall be made on the appearance ticket that the defendant shall appear at the City Jail for fingerprinting and photographs at a specific date and time prior to arraignment.

F. Family Court Act (F.C.A. - Juveniles):

1. Under the F.C.A., arrestees under age sixteen (16) are required to be fingerprinted when the following conditions exist:
2. The arrested person is at least eleven (11) years old and he/she has committed an act, that if done by an adult, would constitute a Class A or Class B Felony; or
3. The arrested person is at least thirteen (13) years old and has committed an act that if done by an adult, would constitute a Class A, B, or C Felony.