

Policy on the Collection of Fingerprints and Reporting of Criminal History Record Information to the Central Criminal Records Exchange

ADULT ARREST FORMS SP-180 & SP-220

REQUIRED REPORT - §19.2-390, Code of Virginia, requires every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it (SP-180 or Live Scan SP-220), of any arrest, including arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on capias or warrant for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is arrested on any of the following charges:

- a. Treason;
- b. Any felony;
- c. Any offense punishable as a misdemeanor under Title 54.1; or
- d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or
- e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 22.1-289.041, 46.2-339, 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, or 63.2-1509.

The CCRE arrest form (SP-180 or SP-220) contains information required by the Exchange including the fingerprints of the individual arrested. Verify (don't just ask) information by review of identification documentation such as driver's license, social security card, school identification, military identification, etc.

In instances where individuals are arrested and released on a summons, in accordance with §19.2-74, the arrest form (SP-180 or SP-220) is not required to be submitted to CCRE until after (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or deferral, the COURT shall remand the individual to the custody of the office of the chief law enforcement officer or his designee to complete the arrest form (SP-180 or SP-220) immediately following conviction.

JUVENILE ARREST FORMS SP-180 & SP-220

§16.1-299, Code of Virginia, provides that arresting authorities shall take, electronically when possible, fingerprints, palm prints and photograph of any juvenile who is taken into custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of §19.2-390. Whenever fingerprints are taken, they shall be maintained separately from adult records and a copy shall be filed with the juvenile court on forms provided by the Central Criminal Records Exchange.

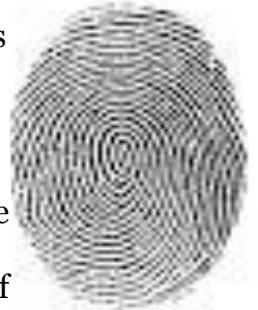


Criminal Justice Information Services Division

Virginia State Police

FINGERPRINTING BEST PRACTICES

1. The subject's fingers should be clean regardless if the suspect is being printed with ink or on a live scan device. If necessary, have the subject wash hands, then thoroughly wipe hands and fingers dry, using a material that is lint free. Dirt, grease, water or perspiration on the fingers will cause the ink not to adhere properly to the fingers. This will result in uneven or poorly reproduced fingerprint impressions.
2. Fingerprints should be submitted electronically when possible. Up to 15 charges can be placed on the Live Scan Card (SP220). Only 1 charge will be recorded per arrest record (SP-180).
3. Rolled impressions: Fingers are rolled individually in the appropriate block on the fingerprint card. It is important that the rolling be done carefully to record the entire fingerprint pattern needed for classification. Fingers should be rolled from nail to nail. It is not necessary to record the pattern on the tip of a finger; however, it is necessary that the finger be rolled slightly below the first joint. Impressions must not be too light or too dark, slightly dark impressions are better than light ones, provided they are not blurred.
4. Fingerprints must be legibly recorded in proper sequence on a fingerprint card to be acceptable by the Central Criminal Records Exchange and the FBI. Smudged, lightly inked impressions, and hurriedly taken fingerprints indicate not only careless workmanship, but can cause costly delays, free the guilty, and can be a factor in life or death. If fingerprints are not legibly recorded, they cannot be classified or entered into MBIS (formally AFIS) to be searched against the database. Poor quality fingerprints will be returned to the contributing agency. This action will mean that the record of the arrest has not been recorded against the record.
5. If using the ink and paper method, roll the finger on the inking plate or pad so the entire fingerprint pattern area is evenly covered with ink. The ink should cover from one edge of the nail to the other and from the crease of the first joint to the tip of the finger. Using the correct amount of ink is vital. Instruct the individual to look away from the fingerprint device, not to assist in the fingerprint process, and to relax. Grasp the individual's right hand at the base of the thumb with your right hand. Cup your hand over the individual's fingers, tucking under those fingers not being printed. Guide the finger being printed with your left hand.
6. Plain impressions: Start with the right hand, and place all four fingers flat - do not roll - on the designated space on the fingerprint card. Repeat the same procedure with the right thumb; repeat the same procedure with the left hand. The utmost care should be used in recording the impressions of all fingers. This is essential for classification purposes. Any defective impressions should be remedied by taking a complete new set of prints. No cutting, stapling or any other action that alters the size or thickness of the card is allowed.
7. It is imperative that all amputations, drawn or crippled fingers, those fingers missing from birth, deformities, paralysis, burns, and cuts be noted on the fingerprint card.



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