

# FWC Division of Law Enforcement Interim Policy Memorandum IPM 10-01

May 18, 2010

**TO:** All Division members

**FROM:** Colonel Jim Brown  
Director, Division of Law Enforcement

**THROUGH:** Major Brett Norton  
Field Services Section Leader

**SUBJECT:** Rapid ID Devices Policy and Procedures

This Interim Policy Memorandum (IPM) establishes the Division of Law Enforcement's policies and procedures on the use of the Rapid ID Device, a handheld digital fingerprint reader. This IPM will provide guidance on the issuance and use of the Rapid ID Device until these policies and procedures are incorporated in an existing General Order.

## **Section 1 (Policy)**

- A** The issuance and use of the Rapid ID Device (RIDD) is intended to provide members with a specialized tool to assist in the positive identification of individuals under appropriate circumstances.
- B** A Rapid ID Device may be used in a variety of situations and circumstances; however, the FWC Division of Law Enforcement prescribes specific requirements and procedures regarding its use.

### **C Definitions**

- (1) Rapid ID Device (RIDD)** – A RIDD is a handheld digital fingerprint reader that communicates with the Florida Department of Law Enforcement's Rapid ID (FALCON) system via the Mobile Computer Terminal (MCT). The device checks two fingerprints obtained from suspects encountered in the field or on the water against outstanding warrants and can provide positive identification and a criminal history if electronic prints exist in FDLE's system.

## **Section 2 (Responsibilities)**

- A** Only the Field Services Section Leader or his/her designee has the authority to approve or issue Rapid ID Devices to Division members.
- B** Only devices that conform to the standards set forth by the Florida Department of Law Enforcement will be approved.
- C** The Field Services Section Leader or his/her designee shall be responsible for overseeing the development and administration of the training process for assuring proficiency of instructors and operators with the Rapid ID Device. This shall include but not be limited to:
  - (1)** Ensuring lesson plans and any necessary forms are developed and maintained based

## IPM 10-01

on manufacturer's recommendations, Florida Department of Law Enforcement guidelines, and appropriate legal mandates.

- (2) Maintaining Training Records:
    - (a) Ensuring that proficiency training is received by each user and;
    - (b) Training is documented and training records are forwarded to the Division's Training Section for entry in the member's official training record.
  - (3) Reviewing and revising all applicable training criteria on an as needed basis.
- D** Supervisors shall ensure that members follow established policies and procedures for the use and maintenance of the Rapid ID Device.
- E** Members, whose Rapid ID Devices are in need of repair or replacement, shall inform their immediate supervisor and coordinate repair and replacement with the Division's Field Services Section.
- F** Members are responsible for using and maintaining their assigned Rapid ID Devices in accordance with the established RIDD policies and procedures.

### **Section 3 (Procedures)**

#### **A Issuance of the Rapid ID Device:**

- (1) A Rapid ID Device will be issued only to members that have had training on the operation of the unit. Training shall include considerations and requirements for use of the device under various circumstances.
- (2) All Rapid ID Device units must be properly maintained in accordance with the manufacturer's recommendations as detailed in the training provided prior to use.

#### **B Training**

- (1) Prior to issuance of a Rapid ID Device, members will complete a Division-approved Rapid ID Device course and demonstrate proficiency on the unit.
- (2) Training will be based on manufacturer's recommendations and suggestions from the Division's Field Services Section Leader and Training Section Leader.
- (3) Training will include at a minimum:
  - (a) Setup and maintenance procedures;
  - (b) Proper use guidelines;
  - (c) Legal issues involved with the use of the Rapid ID Device;
  - (d) Reporting requirements;
  - (e) Other issues as deemed necessary and established by the Division's Field Services Section Leader and Training Section Leader.

#### **C Guidelines for Use of the Rapid ID Device**

- (1) The Rapid ID Device may be used in situations where the subject to be fingerprinted has given a knowing and willing voluntary consent or permission for the member to use the device. This may include consent given during lawful encounters, such as traffic stops, etc.

## IPM 10-01

- (a) As with other forms of consent, the consent can be limited or withdrawn at any point by the subject.
  - (b) If consent is withdrawn, use of the Rapid ID is **not** authorized and its use must stop immediately. Members shall not force or coerce anyone to submit to the scan.
- (2) The Rapid ID Device may be used in situations where reasonable suspicion can be articulated that the subject to be printed has committed, or is about to commit a criminal act, when there is a justifiable and reasonable belief that such printing via the Rapid ID will either establish or nullify the subject's connection with that crime. The key here is that the use of the Rapid ID Device is used as quickly as possible after reasonable suspicion is established.
  - (a) Failure to comply with the request to provide a Rapid ID scan under these circumstances may constitute a form of obstruction; however, it may be more appropriate to use the failure to comply as further evidence of suspicion for the suspect crime and simply proceed with the investigation without the scan.
  - (b) The Rapid ID may be used in situations where the subject to be printed would otherwise be required to give traditional fingerprint samples. Some examples are:
    1. Probable cause criminal arrest situations.
    2. Required sentencing fingerprints for court.
    3. When a subject is issued a citation (if the citation requires fingerprint(s) to be affixed), a Rapid ID might be used to rapidly ensure the identity given by the subject matched his prints, since proof of his correct identity is already in question and is the cause for placing the print on the citation in the first place.
- (3) The Rapid ID may be used in situations where the use of the device has been specifically authorized pursuant to a valid subpoena; however, if the subpoena is not for immediate compliance, the subject should be allowed to appear for fingerprinting at the future time indicated on the subpoena.
  - (a) Members should be aware that the subject may be able to move to quash the subpoena.
  - (b) Failure to honor a subpoena for Rapid ID use should be addressed in court and not be handled by attempting to force compliance via enforcement actions at the time of the refusal to comply.
- (4) The Rapid ID may be used in situations where the use of the device has been specifically authorized pursuant to a valid court order.
  - (a) Where a court order requiring the use has been ordained, reasonable and safe efforts to gain compliance may be employed.
  - (b) Failure to comply may constitute contempt of court and may constitute obstruction of justice.
- (5) Use of the Rapid ID Device for random or generalized investigative or intelligence gathering, with no focused case or other reason is **not** authorized. Special care should be taken to ensure devices are not used for purposes that may lend themselves to the inference of improper "profiling" or biased policing.
  - (a) Any specialized non-standard use of the Rapid ID Device shall require notification and authorization by the member's immediate supervisor. If the

## IPM 10-01

immediate supervisor is not available, the request will be forwarded to the next available supervisor.

- (b) Examples of non-standard use may include, but are not necessarily limited to:
1. Request from an outside agency to fingerprint a suspect in custody. (As long as the requesting agency complies with the procedures set forth in this policy.)
  2. Attempts to identify an unconscious or otherwise incapacitated subject who cannot be identified by any other means.
  3. Death investigations in which there is no other identifying paperwork or other evidence that may assist in the identification of the victim.
- (6) Guidelines cannot be written to encompass every possible application for the use of a Rapid ID Device. Members, therefore, should keep in mind the guidelines set forth in this IPM to assist them in deciding whether the device may be used or not.
- (7) Members are expected to be able to justify, based on these guidelines, their training, experience, and assessment of the circumstances, how they determined that use of the Rapid ID Device was justified under the circumstances.
- (8) Members shall document the use of the Rapid ID Device in the appropriate place, i.e. Incident Summary Report (FWC/DLE-045) or the comment section of a citation.

JB/BN/CS/asg