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POILEAS ALBA

Fingerprints

Standard Operating Procedure

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4.00	Minor amendment to Telephone Number in Appendix 'A'	21/08/2017
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1. Purpose

- 1.1 This Standard Operating Procedure (SOP) supports the Police Service of Scotland, hereafter referred to as Police Scotland, Policy for Crime Investigation.
- 1.2 This SOP aims to give Police Officers and Police Staff guidance and instruction on the circumstances when fingerprints should be taken.
- 1.3 There are several reasons for a person's fingerprints to be lawfully taken:
 - Arrested persons;
 - Voluntarily;
 - For elimination purposes;
 - Identification of deceased persons; or
 - For emigration, employment and educational visas.
- 1.4 It is the responsibility of the custody supervisor to ensure that fingerprints, palm prints and photographs are taken from all persons arrested for all crimes, including children, each time they are apprehended.
- 1.5 It is not necessarily the primary responsibility of custody staff to take the fingerprints. This will depend upon location, circumstances and divisional arrangements.

2. Arrested Persons

- 2.1 Section 18 of the Criminal Procedure (Scotland) Act, 1995 amended by the Crime and Punishment (Scotland) Act 1997 Section 47 (1) and the Criminal Justice (Scotland) Act 2016 empowers a constable, or at a constable's direction a Police Custody and Support Officer (PCSO):

'where a person has been arrested and is in custody to take from the person, or require the person to provide him with, such physical data as the constable may, having regards to the circumstances of the suspected offence in respect of which the person has been arrested reasonably consider it appropriate to take'.
- 2.2 This effectively means the taking of fingerprints, palm prints or any print or impression, of an external part of the body, via ink and paper or created by a device approved by the Secretary of State (Livescan).

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- 2.3 All fingerprints are taken either physically, by ink and paper, or electronically by Livescan. Inked prints should be conveyed as soon as possible to Livescan / Tenprint Department, Scottish Crime Campus, Block 2, Level 1, Craignethan Drive, Gartcosh G69 8AE (or if by Livescan images are automatically sent and a hard copy printed off) for verification to confirm identity if the person has a fingerprint record. Location of Livescan terminals are detailed in Appendix 'B'.
- 2.4 Fingerprints and palm prints should be taken from all persons arrested for all crimes, **including juveniles**, each time they are apprehended.
- 2.5 Finger and palm prints, if necessary, will be taken from those arrested at the request of the arresting officer or enquiry officer or representative from Forensic Services based at the following 4 locations:
- Aberdeen, Nelson Street
 - Dundee, Rushton Court
 - Edinburgh, Howdenhall
 - Glasgow, Scottish Crime Campus
- 2.6 However, it is stressed that these impressions can only be used for furthering enquiries into the crime for which the individual has been arrested.
- 2.7 Fingerprinting of terror suspects will be carried out by trained officers from the Organised Crime and Counter Terrorism Unit at the Scottish Terrorist Detention Centre, Helen Street, Glasgow, or at one of the designated Interim Detention Facilities.
- 2.8 Where fingerprinting is required under The Immigration and Asylum Act 1999, Sections 141-144, the officer can instigate this directly from the Livescan terminal. It is not always necessary to liaise with UK Visas and Immigration.
- 2.9 Section 19 of The Criminal Procedure (Scotland) Act 1995 allows for fingerprints and samples to be taken in certain circumstances from convicted persons who have been convicted of an offence but have not been through police custody or in cases where fingerprints have been omitted to be taken. Officers should be guided by the Procurator Fiscal in these circumstances.

2.10 Methodology

- 2.10.1 The preferred method of taking finger and palm prints from an arrested person is by a device approved by the Secretary of State i.e. by Livescan. All arrested persons will be finger and palm printed by Livescan unless the devices are out of order. If this is the case they will be taken by ink on appropriate fingerprint forms.
- 2.10.2 All employees taking the finger and palm prints of any persons must have received appropriate training in advance.

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3. Fingerprints Offered Voluntarily

- 3.1 It is competent for any person who has given their consent, for the purposes of elimination from an enquiry or if some doubt as to their involvement in an enquiry is raised, to have their finger and palm prints taken. These impressions must be retained for no longer than is necessary for that enquiry. These impressions can be taken either via Livescan or ink as appropriate.

4. Fingerprint Identifications

- 4.1 When fingerprint identification is made by Fingerprints staff, the matter will be reported to the local Crime Managements / Officer in Charge (OIC) / Procurator Fiscal (PF).
- 4.2 In order to obtain a new fingerprint record set competent for court procedures the enquiry officer should proceed as follows:
- Enquiry Officers should review the circumstances and identify any potential legitimate reason(s) for the fingerprints being found at the location;
 - Efforts to trace the suspect should be made and these should be recorded on the Crime Report / Crime File (or equivalent);
 - Once traced, he/she should be interviewed under caution. However, this should not be done until they have been given the opportunity to have access to a solicitor. Refer to the Crime Investigation SOP for further guidance;
 - Where there is no sufficient explanation for the fingerprint being found, the identified person should be arrested under Section 1 of the Criminal Justice (Scotland) Act 2016;
 - The suspect should be interviewed under caution and any further evidence obtained. However, this should not be done until they have been given the opportunity to have access to a solicitor. Refer to the Crime Investigation SOP for further guidance;
 - The suspect can either be released without charge, subject to Interim Liberation or arrested and further fingerprints and samples taken for the purposes of presenting in court; and
 - If the suspect cannot be traced they must be reported to the Procurator Fiscal for the purposes of obtaining a warrant to arrest and secure the necessary fingerprint form for court purposes.

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5. Elimination Fingerprints

5.1 Taking Elimination Prints

- 5.1.1 When productions or finger or palm prints are obtained from a crime scene, elimination prints must be obtained at the earliest opportunity from persons who have legitimate access to the scene of the crime or productions handled.
- 5.1.2 Elimination prints should be taken either on Livescan or on an Elimination Fingerprint Form.
- 5.1.3 It is the responsibility of the Officer submitting fingerprint casework to Forensic Services to ensure that all elimination prints have been gathered or arrangements have been made to secure them.
- 5.1.4 This must include palm prints unless it is clear that the impressions found are only from a finger or sequence of fingers and definitely not a palm print. If an item is submitted for chemical fingerprint development, finger and palm elimination prints must be submitted with the item.

5.2 Elimination Print Statement

- 5.2.1 All submissions to the fingerprint bureau must include an '**elimination print statement**' on the request paperwork.
- 5.2.2 This **elimination print statement** must include:
- details of elimination prints included
 - names of people who have yet to provide elimination prints
 - arrangements made to take elimination prints
 - the reason why no elimination prints have been taken
- 5.2.3 A Scene Examiner (SE) will endeavour to obtain elimination prints at the locus. However, the enquiry officer has overall responsibility for obtaining elimination prints if this is not possible.

5.3 Responsibilities

- 5.3.1 The submission of elimination prints after the SE has attended a scene allows fingerprint officers to compare the marks gathered with the elimination prints and thereby remove identified fingerprints from the investigation. This saves significant time and will have a substantial impact on the direction of the enquiry.
- 5.3.2 When a SE attends a scene of crime it is imperative that (where possible) elimination prints are obtained from all parties who have legitimate access to the part of the property where the impression was found.

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- 5.3.3 If this is not practicable the SE must ensure the requirement for arranging elimination prints is passed to the reporting officer. The reporting officer must then make arrangements to obtain the necessary elimination prints.
- 5.3.4 In the case of vehicle crime, particularly when the vehicle has been removed under the Vehicle Recovery Scheme, the SE rarely comes into contact with the complainer. When fingerprints have been found, it is important that the reporting officer assists with the process and ensures that elimination prints are obtained.
- 5.3.5 The person taking the fingerprints is responsible for explaining this procedure, particularly in relation to arrangements for destruction and there is a declaration on each fingerprint form that must be signed by the donor.
- 5.3.6 Only those trained to take finger and palm impressions should do so.

5.4 Automatic Searching

- 5.4.1 Unidentified marks of a suitable quality will be left on the Fingerprint database allowing subsequent automatic searching against newly arrested persons.

5.5 Disposal

- 5.5.1 At the conclusion of the fingerprint examination the fingerprints will be filed with the case and destroyed when the case itself is destroyed.
- 5.5.2 If someone wishes to have their elimination fingerprints destroyed sooner, this must be made clear to the fingerprint department when they are submitted. In these circumstances the prints will be returned to the Officer in Charge (OIC). The return of the elimination prints will be recorded in the case paperwork.
- 5.5.3 Elimination prints will not be returned to the individual but can, if necessary be destroyed in their presence.

6. Retention of Fingerprint and Palm Print Forms

- 6.1 The legislation which controls the taking of finger impressions also controls the disposal of those records. Refer to Record Retention SOP.

7. Identification of Deceased Persons

- 7.1 In the event of a need to identify a deceased person by their fingerprints, the duty SE will be contacted and allocated the task of taking the prints from the deceased. There will be liaison with the reporting officer with a view to obtaining suitable comparison material and facilitating the identification. The PF may also have an input and in certain cases, British Transport Police (BTP) will be involved. Depending on circumstances surrounding the incident, fingerprint staff may be called upon to assist in this process.

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8. Emigration, Employment and Educational Visas

8.1 Typically, persons requesting fingerprints will require clearance from a Police Authority overseas, as they will be seeking emigration, foreign employment, or a Student Visa etc.

8.2 Reference should be made to Appendix 'A' for appointment arrangements on occasions when members of the public request to have ink fingerprints taken.

8.3 Identification Required

8.3.1 Fingerprints will only be provided for persons who can produce either of the following means of photographic identification:

- Current Passport (any country); or
- Full new style UK Driving Licence with photograph.

8.4 Fingerprints for Emigration Purposes

8.4.1 Police are empowered to take fingerprints for emigration purposes in order that the individual can send them to a foreign country to obtain a certificate of good conduct from that country in respect of a period of residence there.

8.4.2 Two conditions must apply before these fingerprints can be taken:

- The applicant must produce a letter from the Police, Government, Embassy or Consulate of the foreign country which contains a request for the fingerprints. If a letter cannot be produced the applicant should be referred back to the Embassy of the country concerned.
- The applicant must produce a current passport or immigration document as evidence of identity or a letter of authority from the Home Office giving reasons why the passport is not in possession of the person concerned.

8.4.3 **Inked fingerprints** should be taken on an Elimination Fingerprint Form and mark them "**Taken for Emigration Purposes only**", unless the requestor presents a bespoke official form. Once completed, the prints should be handed over to the person to attach to their documents.

8.4.4 When more than one set of fingerprints is to be provided, each set will be an original. Photocopies will never be provided.

8.4.5 Police Scotland will not retain a copy of any fingerprints taken.

8.5 Fingerprints for Employment and Education Visas

8.5.1 After producing the appropriate identification as detailed at 8.3 the fingerprints will be captured in ink on an Elimination Print Form and provided to the person.

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8.5.2 Several countries require their own specific fingerprint form to be used. In these scenarios, the person requesting the service will require to obtain the form.

8.5.3 When more than one set of fingerprints is to be provided, each set will be an original. Photocopies will never be provided.

8.5.4 Police Scotland will not retain a copy of any fingerprints taken.

8.6 Fee

8.6.1 A charge is applied for this service.

8.6.2 Advice from HM Revenue and Customs (HMRC) is that the service provision of fingerprints could be made in competition with other service providers and therefore fees for this service are taxable at the standard rate of VAT. For more advice and confirmation of the existing rate of VAT, members of staff should contact their local business units.

8.6.3 A fee of £70 plus the standard rate of VAT (currently 20% - see paragraph 8.6.2) will be charged for this service with an additional charge of £30 (VAT also to be included) for every additional set requested, i.e. 1 set = £70; 2 sets = £100, 3 sets = £130 and so on. A receipt should be handed to or sent to the person being provided the service as appropriate.

8.6.4 The exception is when the country requiring the fingerprints specifies that they must be taken by a police force. In this instance HMRC have outlined that as the police are obliged to provide the fingerprints then the service should be treated as non-business and no VAT should be charged. This currently applies to:

- Japan
- Zambia
- United Arab Emirates (UAE)
- Qatar
- Zimbabwe
- Nigeria
- Abu Dhabi
- Jamaica

8.7 Costs

8.7.1 Any costs incurred by a person travelling to / from Police Scotland premises for the purposes of obtaining fingerprints cannot be reclaimed from Police Scotland.

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8.8 Other Fingerprint Requests

8.8.1 There may be occasions when persons request fingerprints for reasons not previously referred to in this Standard Operating Procedure. This may include requests such as:

- Adoption Certificate;
- Non-UK citizens wishing to work with children in the UK;
- Foreign professional exams (for example, N-PLEX - nursing);
- Working in the UK for countries that trade overseas;
- Customers undergoing adoption procedures abroad, particularly in the USA;
- Customers wishing to conduct business in or within the USA in various jobs or professions;
- Part of an evidence kit for people working in countries with unstable regimes;
- For people who own racehorses that will be trained in the USA
- To obtain the Security Industry Authority (SIA) Licence to work within the security industry.

8.8.1 It is permissible to provide fingerprints as requested subject to the fee outlined in paragraph 8.6.3 above.

8.8.2 Police Scotland will **not** provide fingerprints for: -

- Criminal Proceedings;
- Passport Validation;
- Character Enquiries / Identity Checks

9. Immigration / Asylum Seekers / Foreign Nationals

9.1 Home Office Immigration Enforcement is responsible for obtaining fingerprints for all asylum applicants and those seeking leave to remain in the UK.

9.2 Immigration / Asylum Seekers now undergo biometric enrolment (photos and prints) at nominated Post Offices in Scotland. If any such persons are unable to do so, through exceptional circumstances, alternative arrangements are made centrally for deployment of mobile biometric enrolment units. Full location information can be found on the Post Office website, www.postoffice.co.uk or by phoning 0845 722 3344.

9.3 All immigration offenders detected would routinely be photographed and fingerprinted by immigration enforcement staff, usually within police station facilities.

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- 9.4 However, routinely when immigration enforcement staff are notified of the arrest of a foreign national by police, they would ask (for the purposes of identifying the individual and to establish if there are any existing trace of criminality/warning markers) for the individual to be **'Livescanned'** and any results passed back, before a decision is taken regarding whether an immigration enforcement officer is required to attend to interview/process that person.
- 9.5 Only in **exceptional circumstances** would immigration enforcement require a foreign national to attend at a police station for the purposes of undertaking the task of wet ink fingerprinting for immigration purposes.

Divisional Arrangements

<p>A Division:</p>	<p>All Police Staff at Queen Street Public Office will be trained to take fingerprints in ink. The service is to be provided exclusively at that location, so persons must be prepared to travel to Queen Street Public Office, Aberdeen.</p> <p>However, should exceptional circumstances be encountered whereby it is completely impractical or impossible for someone to travel, for example as a result of severe disability, then reasonable adjustments can be considered to facilitate the provision of the service. The Supervisor, Queen Street Public Office, will consider such circumstances on an individual basis.</p> <p>The taking of fingerprints will be on an appointment based system. Persons who present themselves at Queen Street Public Office without a pre-arranged appointment may be accommodated at that time, but will also have to accept that they may be required to make an appointment to re-attend.</p> <p>Arrangements can be made telephoning: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 (c) Prejudice to Effective Conduct of Public Affairs.</p>
<p>C Division:</p>	<p>Fingerprints can be taken by appropriately trained Police Officers / Police Staff at Stirling or Falkirk Police Stations.</p> <p>Arrangements can be made telephoning: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 (c) Prejudice to Effective Conduct of Public Affairs.</p>
<p>D Division:</p>	<p>On occasions when members of the public request to have ink fingerprints taken they should be advised to contact administration staff on the following telephone numbers to arrange an appointment: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 (c) Prejudice to Effective Conduct of Public Affairs.</p>
<p>E and J Divisions:</p>	<p>Prior arrangement should be made for custody staff to take fingerprints at an agreed venue. Arrangements can be made telephoning: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 (c) Prejudice to Effective Conduct of Public Affairs.</p>

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G, K, L, Q, U Divisions:	<p>Police Officers / Police Staff should record all prints on an Elimination Print Form and endorsed: “FOR IMMIGRATION VISA PURPOSES ONLY”. It will be the responsibility of Custody staff to take these fingerprints.</p> <p>Refer to the National Contact Directory for contact details of the appropriate Divisional Police Station.</p>
N Division:	<p>Prior arrangement should be made for fingerprints to be taken at Burnett Road Police Station, Inverness. Arrangements can be made telephoning:</p> <p>Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 (c) Prejudice to Effective Conduct of Public Affairs.</p>
P Division:	<p>Fingerprints should only be taken at one of the following three custody centres:</p> <p>Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 (c) Prejudice to Effective Conduct of Public Affairs.</p> <p>The prints will either be taken via Livescan or ink depending on the circumstances / timescale of the request.</p>
V Division:	<p>Inked fingerprints will be taken by Scene Examiners by appointment at Loreburn Street Police Station, Dumfries. Arrangements can be made telephoning:</p> <p>Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 (c) Prejudice to Effective Conduct of Public Affairs.</p>

Location of Livescan Terminals

Region	Custody Centre	Telephone Number	Terminal Id No.
WEST	Stewart Street		5X
WEST	Partick		5Z
WEST	Maryhill		5U
WEST	Baird Street		5L
WEST	London Road		5T
WEST	Helen Street		5R
WEST	Cathcart		5J
WEST	Paisley		5W
WEST	Greenock	Information has	5P
WEST	Clydebank	been removed	5M
WEST	Motherwell	due to its	5V
WEST	Coatbridge	content being	5N
WEST	Hamilton	exempt in terms	5Q
WEST	Saltcoats	of the Freedom	5Y
WEST	Kilmarnock	of Information	5S
WEST	Ayr	(Scotland) Act	5K
WEST	STDC	2002, Section 30(c)	5F
WEST	Dumfries	Prejudice to	4P
WEST	Stranraer	Effective Conduct	4Q
WEST	Lockerbie	of Public Affairs	4R
WEST	Scottish Crime Campus		6D
EAST	St Leonards		5D
EAST	Livingston		5C
EAST	Dalkeith		4Z
EAST	Drylaw		5A
EAST	Dunfermline		4S
EAST	Falkirk		4M
EAST	Levenmouth		4U
EAST	Hawick		5B
EAST	Kirkcaldy		4T
EAST	Stirling		4N
EAST	Wester Hailes		5E
NORTH	Aberdeen 1		M5
NORTH	Aberdeen 2		4W
NORTH	Arbroath		6C
NORTH	Wick		5H
NORTH	Dundee		6A
NORTH	Elgin		4Y
NORTH	Fraserburgh		4X
NORTH	Inverness		5G
NORTH	Perth		6B

Livescan terminals are supplied and maintained by Northrop Grumman Ltd. Advice on the maintenance, upgrading or reporting of faults with Livescan terminals should be directed to Northrop Grumman, 24-Hour Help Desk, Tel No: 0845 872 3460.

List of Associated Legislation

- Criminal Procedure (Scotland) Act, 1995 (Section 18) amended by the Crime and Punishment (Scotland) Act 1997 Section 47 (1)
- Criminal Procedure (Scotland) Act 1995 (Section 19)
- The Immigration and Asylum Act 1999, Sec 141-144
- Criminal Justice (Scotland) Act 2016

List of Associated Reference Documents

Policy

- Crime Investigation Policy

Standard Operating Procedures

- Crime Investigation SOP
- Record Retention SOP