

# NC BLET Fingerprinting & Photographing Arrestees Study Guide

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## Legal Authority for Fingerprinting and Photographing

- **N.C.G.S. 15A-501 and 15A-502** grant officers the authority to photograph and fingerprint individuals arrested for a felony or misdemeanor. This can be done:
    - When the person is **arrested** or **committed to a detention facility**.
    - **Upon conviction of a crime**, including felonies and certain misdemeanors.
    - If the arrestee **cannot be identified** by a valid form of ID, especially in cases like impaired driving or driving while license is revoked.
    - For **motor vehicle moving violations** where the person cannot produce valid identification, a waist-up photograph can be taken (must be destroyed after case disposition).
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## Exceptions to Fingerprinting and Photographing

- Fingerprints and photographs **cannot** be taken if the offense is a **Class 2 or 3 misdemeanor** related to motor vehicles (Chapter 20).
  - Juveniles generally aren't photographed or fingerprinted unless meeting criteria under **Article 21 of Chapter 7B**.
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## Definition and Reporting of Disposition (G.S. 15A-1381 & G.S. 15A-1382)

- **Disposition** refers to any action that ends or suspends a criminal charge, including:
    - Dismissal, a no probable cause finding, guilty plea, or a return of a verdict.
  - Agencies must report **case dispositions** to the **State Bureau of Investigation (SBI)** within **60 days** of the disposition. This report is filed on an SBI-supplied form.
  - If a **convicted felon** wasn't fingerprinted before, fingerprints must be collected and sent with the disposition report to SBI.
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## Juvenile Fingerprinting and Photographing

- Under **G.S. 7B-2102**, a law enforcement officer must fingerprint and photograph a juvenile when:
  - A complaint has been prepared for filing as a petition.
  - The offense charged is one of the **non-divertible offenses** listed in G.S. 7B-1701.
  - The juvenile is **at least 10 years old** at the time of the offense.
  - The juvenile is in the **custody** of law enforcement or juvenile justice authorities.

- For juveniles **transferred to Superior Court** (per **G.S. 7B-2201**), the SBI must receive their fingerprints. These records are not public and remain separate from the Clerk of Court's records.
  - Juveniles with previous felony convictions who re-offend after conviction are treated as adults (known as “**once an adult, always an adult**”), meaning they can be fingerprinted and photographed without juvenile protections.
  - Never send fingerprints electronically
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### DNA Collection Requirements

- A **DNA sample** is required for specific offenses upon arrest, unless there is already a DNA record for the individual. The sample is typically collected by **cheek swab**, unless a court orders otherwise.
  - At the time of DNA collection, the officer records **date and time, personal details**, and the offense on a Crime Lab form. Arrestees must be given information on expunction procedures after DNA collection.
  - The **Crime Laboratory** maintains DNA records and samples, stored in the **State DNA Databank**.
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### Importance of Fingerprinting in Criminal Justice

- Fingerprints are **unique** identifiers, considered both infallible and impeccable for individual identification.
  - North Carolina uses the **Automated Fingerprint Identification System (AFIS)** to store and retrieve fingerprint minutiae, expanding from the previous manual Henry Classification System.
  - AFIS enables **searches of latent fingerprints** as well as ten-print cards and compiles its database mainly from **arrest cards**.
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### Submission Procedures for Fingerprint Cards and Final Disposition Reports

- **Methods of Submission:**
    - **First Class Mail** addressed to the SBI Criminal Information and Identification Section.
    - **Interagency Courier Service.**
    - **In-person** submission at designated SBI offices.
    - **Electronic transmission** using a live-scan device for immediate and higher-quality fingerprint submission.
  - Using **live-scan** devices accelerates the identification process, often yielding responses in less than **30 minutes** from SBI or ICE, and if no record is found, **automatic forwarding to the FBI** within **two hours**.
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## Preparation of the SBI Arrest Fingerprint Card

- Complete all fields with **legible, inked, nail-to-nail rolled fingerprints**. Essential fields include:
    - Full name, **date of birth**, **sex**, arrest charges, and **date of arrest**.
    - For agency records, include **citation number**, **officer's name and ID**, and **jurisdictional county**.
  - If the arrestee has a **temporary injury**, mark as "Bandaged Finger" or "Temporary Injury." If fingers are missing, indicate "Amp" or "Tip Amp" accordingly.
  - For **multiple counts** of the same charge, indicate the number beside the charge without listing each separately. Different charges should be listed individually in separate charge blocks, and for each arrest date, a new fingerprint set is required.
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## Handling Rejected Fingerprint Cards

- If a fingerprint card is rejected due to poor quality, obtain a new set of fingerprints and resubmit.
    - **Criminal Fingerprints**: Coordinate with the District Attorney if necessary, making it a condition for final disposition.
    - **Applicant Fingerprints**: Notify the applicant to resubmit prints, and send new cards with the rejection letter back to SBI.
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## Important Considerations for Live-Scan Fingerprinting

- Live-scan submissions reduce errors and provide high-resolution images for **immediate processing**.
  - Agencies should always print an SBI card for local records and prepare a **final disposition report** for submission to the Clerk of Court.
  - Upon receiving the card, the SBI's **Criminal Information and Identification Section (CIIS)** inputs fingerprint data into a computerized format and cross-checks with **Unsolved Latent Files (ULF)** for potential matches in unsolved cases.
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