

**Commonwealth of Pennsylvania  
Pennsylvania State Police  
Bureau of Records and Identification**

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# **Guidelines for Mandatory Fingerprinting and Preparation of Pennsylvania State Police Fingerprint Cards**

**Prepared by the  
Pennsylvania State Police  
Central Repository  
January 1, 2018**

## FOREWORD

The importance of accurate and complete criminal history records cannot be overstated. These records are critical to tactical and strategic decision making at virtually every juncture in the criminal justice system and beyond.

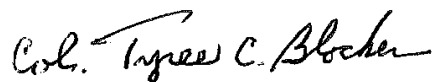
Police officers, prosecutors and other criminal justice entities depend on timely, complete, consistent and accurate criminal history information. The accurate dissemination of criminal history to agencies within the justice system is critical in maintaining public and law enforcement safety. Additionally, criminal justice records are increasingly used for non-criminal justice purposes, including background checks for employment, volunteer programs, licensing, adoption, citizenship and firearm purchases.

A criminal history record is initiated upon an arrest and submission of fingerprints to the Pennsylvania State Police Central Repository (PSPCR). A record of the arrest is not created without submission of fingerprints related to the arrest.

The purpose of this manual is to assist state and local law enforcement agencies in the preparation of the Pennsylvania State Police Arrest and Institution Fingerprint Card, Form SP 4-123, and the Pennsylvania State Police Applicant Fingerprint Card, Form SP 4-124. Instructions are included for completing these forms using Livescan equipment and submitting them electronically, as well as using printer's ink and submitting them by mail. Emphasis is also given to the importance of mandatory fingerprinting.

The efficiency and effectiveness of the process is often negatively affected by rejection of criminal and applicant fingerprint cards due to poor quality fingerprints, as well as missing or inaccurate data. This manual delineates the correct methods of recording data on fingerprint cards and obtaining legible fingerprints, and also explains when fingerprinting is necessary and appropriate.

The Pennsylvania State Police strongly encourages all criminal justice agencies to make full use of this manual. It is especially designed to help law enforcement agencies obtain fingerprints and report the necessary information needed to correctly create or add to an existing criminal history record. The submission of fingerprints and final dispositions is vital to the effective operation of Pennsylvania's criminal justice system and for the safety of law enforcement officers and the public.



Colonel Tyree C. Blocker  
Commissioner

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## I. THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY

### A. An Overview

1. Title 18 Pa. C.S. Chapter 91, Criminal History Record Information, commonly referred to as the CHRIA, designates the Pennsylvania State Police (PSP) as the Central Repository for all criminal justice agencies within Pennsylvania. Refer to Appendix B.
2. The primary responsibilities of the Pennsylvania State Police Central Repository (PSPCR) are to collect, compile, maintain and disseminate statewide criminal history record information pursuant to the provisions of CHRIA and regulations promulgated there under by the Pennsylvania Attorney General (*see Appendixes: B and C*).

### B. Criminal History Records

Every criminal history record retained in the files of the PSPCR is based upon a PSP Arrest and Institution Fingerprint Card(s) received by the PSPCR. Criminal history records are not created or updated if a PSP Arrest and Institution Fingerprint Card is not submitted to the PSPCR.

### C. Statute Code Number (SCN)

The Statute Code Number or "SCN" is a coded description of chargeable offenses. The SCN table provides a unique, alphanumeric code assigned to each chargeable offense appearing in the Computerized Criminal History Record Information (CCHRI) system. The SCN table facilitates entry of a record of arrest to CCHRI submitted through fingerprint cards or via Livescan and generates a criminal record. Each SCN has a literal description field describing the nature of the code. The SCN table should not be confused with statutory citations. Although the SCN codes very often appear consistent with statutory citations, the SCN and literal description in some instances are abbreviated and specially coded because of the field size in the automated system.

### D. Audit of Repositories

The Pennsylvania Office of Attorney General CHRIA Section is headquartered in Norristown, Pennsylvania. The unit is required by statute to conduct annual audits of the PSPCR and representative sample of all criminal justice agency repositories. The audits are conducted to assess compliance with the CHRIA by the Agency. Questions, comments, or concerns may be directed to the Regulatory Compliance and Intelligence Section, Pennsylvania Office of Attorney General, 106 Lowther Street, Lemoyne, Pennsylvania, 17043, or by telephone at 717-712-2020.

**E. Sole Source Contributor**

The PSPCR has been designated, by the Federal Bureau of Investigation (FBI), as the sole source contributor of FBI and PSP Arrest and Institution Fingerprint Cards to the FBI. Under this designation, Pennsylvania criminal justice agencies fingerprinting persons pursuant to 18 Pa. C.S. § 9112 must first submit fingerprint cards to the PSPCR for processing, and subsequent submission to the FBI. The FBI will only accept fingerprint cards that have been processed by the PSPCR.

**F. Interstate Identification Index**

1. Pennsylvania became a participating Interstate Identification Index (III) state in 1983. III is maintained by the FBI and is an automated system designed to provide for the interstate exchange of criminal history record information. The objective of III is to make criminal history records available to the criminal justice community in a timely manner. To accomplish this objective, the records of millions of offenders are indexed in III.
2. All CLEAN terminal operators have access to III and National Crime Information Center (NCIC) RAP sheets.

**G. Expungement of Criminal History Record Information**

1. Criminal history record information is expunged pursuant to 18 Pa. C.S. § 9122 (Expungement) and § 9123 (Juvenile Records).
2. Nonconviction data – When nonconviction data is expunged pursuant to a court expungement order, the court order must contain at least the following, as required by the Rules of Criminal Procedure, Title 234 – Pennsylvania Code, Rule 790:
  - a. The petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;
  - b. The name and address of the judge of the court of common pleas who accepted the guilty plea or heard the case;
  - c. The name and mailing address of the affiant as shown on the complaint, if available;
  - d. The Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;
  - e. The offense tracking number (OTN);  
NOTE: OTNs are not available for arrests prior to 1976.

- f. The date on the compliant, or the date of arrest, and, if available, the criminal justice agency that made the arrest;
  - g. The specific charges, as they appear on the charging document, to be expunged;
  - h. The disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;
  - i. The criminal justice agencies upon which certified copies of the order shall be served;
  - j. The District Justice docket number and the Magisterial District Number, or the Municipal Court docket number;
  - k. The Court of Common Pleas docket number, if any;
  - l. The specific charges, as they appear on the charging document, to be expunged;
  - m. The date of arrest and the criminal justice agency which made the arrest;
  - n. The disposition;
  - o. The reason for expungement.;
3. Conviction data – The PSPCR will only expunge conviction data based upon a Governor’s Pardon and a court expungement order, or pursuant to 18 Pa. C.S. § 9122 (b).
  4. Documents to expunge –
    - a. All documents relating to expunged criminal history record information (e.g., fingerprint cards, photographs, court dispositions, etc.) must be destroyed and all entries in an automated criminal history record information system must be deleted.
    - b. Police criminal investigation reports, news releases, and blotters are not to be destroyed. However, the report should be stamped with a statement that expunged criminal history record information is contained in the report. Additionally, the expunged criminal history record information should be clearly marked to prevent unauthorized dissemination.



**H. Expungement Notification of RAP Sheet**

1. The PSPCR is required to notify all criminal justice agencies who have received a RAP sheet containing expunged criminal history record information. To accomplish this, the PSPCR utilizes Notification of Expungement of RAP Sheet (*See Figure 1*).
2. It is recommended that a criminal justice agency receiving such notification from the PSPCR simply destroy the RAP sheet, and if necessary, obtain a corrected RAP sheet. The Notification of Expungement of Rap Sheet message must be destroyed after complying with the notification.

**I. Correction of Inaccurate Information**

Within 15 days of the detection of inaccurate data in a criminal history record, regardless of the manner of discovery, the criminal justice agency who reported the information shall comply with the following procedures to effect correction (*see 18 Pa. C.S. § 9114*):

1. The criminal justice agency should first correct its own records.
2. Corrections to Criminal History cannot be made via Livescan.
3. Notify the PSPCR of the inaccurate data and the required correction, via fax at 717-346-3375, mail, or email. The PSPCR will notify the FBI of the correction.

**J. Contacting the PSPCR**

1. General information:  
Director, Criminal Records and Identification Division 717-772-1341
2. Questions relating to fingerprint cards:  
Fingerprint Identification Section 717-783-5491
3. Questions relating to criminal history records:  
Criminal Records Section 717-787-9092
4. Questions relating to Automated Fingerprint:  
Identification System – (AFIS) Room 717-783-5515

Address correspondence to:

Director, Criminal Records and Identification Division Pennsylvania  
State Police Central Repository  
1800 Elmerton Avenue  
Harrisburg, Pennsylvania 17110-9758

**K. Request for Emergency Fingerprint Searches**

1. During normal operating hours:

When requesting the PSPCR conducts an emergency fingerprint search during normal operating hours, the request shall be made to the Director, Criminal Records and Identification Division, at 717-772-1341. If the Director is unavailable, please refer to the AFIS Room telephone number.

2. After normal operating hours:

Emergency requests may be made by contacting the PSPCR AFIS Room at 717-783-5515.

**L. Administrative Requests**

Administrative Requests should be sent via fax at 717-705-8844 or email [ra-pspafissupervisor@pa.gov](mailto:ra-pspafissupervisor@pa.gov).

**M. About This Manual**

1. This manual or any part thereof, may be copied by a criminal justice agency for use within that criminal justice agency. Any requests for a copy of this manual by a non-criminal justice agency or individual should be directed to:

Pennsylvania State Police  
Bureau of Records and Identification  
Attention: Director, Criminal Records and Identification Division  
1800 Elmerton Avenue  
Harrisburg, Pennsylvania 17110-9758

2. In the event there is a discrepancy between information contained in this manual and any state statute or regulation, the conflict shall be resolved in favor of such statute or regulation.

### Figure 1: Notification of Expungement of RAP Sheet

SP 4-181 (7-2003)



PENNSYLVANIA STATE POLICE  
CENTRAL REPOSITORY - EXPUNGEMENT UNIT  
1800 ELMERTON AVENUE  
HARRISBURG, PENNSYLVANIA 17110-9758  
717-783-5499

**DATE:**

**RE: NOTIFICATION OF EXPUNGEMENT OF CRIMINAL HISTORY RECORD INFORMATION**

The Central Repository has received a Court Order directing the expungement of criminal history record information pertaining to:

NAME	_____	AKA	_____
DOB	_____	SSN	_____
SID	_____	OCA	_____
ARRESTING AGENCY	_____	ORI	_____
DATE OF ARREST	_____	OTN	_____
CHARGE(S)	_____		

In accordance with 18 Pa.C.S.A., Section 9122(d), you are hereby notified that the above Criminal History Record Information Rap Sheet (Forms SP 4-137 and/or SP 4-137A) furnished to \_\_\_\_\_ on \_\_\_\_\_, shall be expunged.

The record pertaining to the aforementioned charge(s) has been expunged from the files of the Central Repository and the above individual's criminal record has been updated to reflect such action.

Legal mandates require that your agency destroy the aforementioned Rap Sheet and this notification letter.

In the event you require additional information concerning this matter, please direct correspondence to the above address, or telephone the Expungement Unit at 717-783-5499.

Sincerely,

Director, Operational Records Division

## II. AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS)

### A. Purpose

AFIS is a system utilizing computer technology for the storage, retrieval, and matching of fingerprints. The system is capable of storing, matching, and retrieving both latent crime scene fingerprints and ten print cards. For the purpose of this document, the term “fingerprints” also incorporates the storage and ability to search palm prints.

### B. Background

In January 1991, the PSPCR put into operation its new high-tech AFIS. AFIS provides the ability to process over **5,100** fingerprint cards per day and **300** latent fingerprints per day. These fingerprints are searched against a data base containing fingerprints from over **3,100,000** persons. The AFIS Central Site is located within the Bureau of Records and Identification, at the Pennsylvania State Police Department Headquarters in Harrisburg, Pennsylvania. In addition, remote terminals are available to provide AFIS service to all law enforcement agencies within their assigned regions throughout the Commonwealth. AFIS remote terminals are strategically located at Pennsylvania State Police Laboratories in Harrisburg, Bethlehem, Erie, Wyoming, Greensburg, and Lima. A remote terminal is located in the City of Pittsburgh and serves all the Allegheny County Police Departments. Also, a remote terminal is located in Montgomery County and serves all the Montgomery County Police Departments. Remote terminals are also located at Bristol Township Police Department, Chester County Detectives, Cumberland County Forensic Laboratory, Delaware County CID, Harrisburg Police Department, Lancaster County Police Department, Lebanon County, Montgomery Township Police Department, and Warminster Township Police Department.

### C. Benefits

1. Ten Print Fingerprint Cards:
  - a. AFIS provides the PSPCR with the ability to search, store, and retrieve information based upon the submission of a PSP Arrest and Institution Fingerprint Card or a PSP Applicant Fingerprint Card. PSP Applicant Fingerprint Cards are retained for the following: private detectives, security agency employees, persons applying for certification pursuant to the Lethal Weapons Training Act (LWTA) and Municipal Police Training (MPT) Act, Gaming Commission, Horse Racing Commission, and the Harness Racing Commission. With AFIS, this information can be handled in an automated and timely manner.

- b. As a result of AFIS processing, criminal history records (RAP sheets) are created or updated and automatic notification is made to the contributor of criminal history record information.
- c. AFIS provides positive identification of suspects with previous criminal history or those wanted for additional offenses within a time frame before they are released from custody for the current charge.

2. Latent Fingerprints Obtained from Crime Scenes:

AFIS provides the ability to search latent finger and palm prints against the Pennsylvania data base containing over **3,400,000** individual fingerprint records, **1,000,000** individual fingerprint records, **124,000,000** individual fingerprint records, and **20,000,000** individual palm print records. AFIS remote terminals make the processing of latent finger and palm prints an important investigative tool that could lead to a suspect in an unsolved case.

3. Submission of Latent Fingerprints to AFIS:

Latent fingerprints may be submitted directly to the AFIS Section of the appropriate State Police Regional Laboratory, either in person, U.S. Mail, postage service or common carrier. Municipal Police Departments should submit latent prints to their remote terminal location if applicable, or to the State Police Laboratory covering their area. If possible, the known prints of all persons with legitimate access to the crime scene should be included with the submission of the latent prints. The Prelog Request for Forensic Analysis shall accompany all submitted items. Latent prints should be submitted from all cases – not just major crime scenes. **Do not just submit the latent prints as a last resort.**

### III. MANDATORY FINGERPRINTING

#### A. Arresting Authority Responsibilities

1. Legal Requirements to Fingerprint:
  - a. Fingerprints of all persons arrested for a felony, misdemeanor or summary offense, which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the arresting authority (see 18 Pa. C.S. § 9112).
  - b. Fingerprints are required of every person, arrested for any of the above grades of crime, without regard for previous fingerprints submitted to the PSPCR.
  - c. If a child is found to be a delinquent child pursuant to 42 Pa. C.S. § 6341 (relating to adjudication) on the basis of an act designated as a misdemeanor or felony or the child's case is transferred for criminal prosecution pursuant to 42 Pa. C.S. § 6355, the law enforcement agency that alleged the child to be a delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the PSPCR pursuant to 42 Pa. C.S. § 6309 I (relating to juvenile history record information).
  - d. In addition, prior to the commencement of a trial or the entry of a plea, a defendant 16 years of age or older accused of the following summary offenses are required to be fingerprinted:
    - (1) Offenses under 18 Pa. C.S. § 3929 (Retail Theft).
    - (2) Offenses under 18 Pa. C.S. § 3929.1 (Library Theft).
2. When to Fingerprint:
  - a. On-View Arrest:

The arresting officer must always ensure that the accused is fingerprinted prior to being released from custody or the preliminary arraignment.

For exceptions to the on-view arrest rule, the arresting officer must make every attempt to fingerprint the accused prior to being released from custody. If the accused is unable to be fingerprinted at the time of arrest, the officer must, at the

time the complaint is filed, request the issuing authority to direct the defendant to submit for fingerprinting.

b. Arrest by Private Complaint:

Where private complaints for a felony or misdemeanor result in a conviction, the court of proper jurisdiction shall order the defendant to submit for fingerprinting by the municipal police of the jurisdiction in which the offense was allegedly committed, or in the absence of a police department, the State Police. Fingerprints so obtained shall, within 48 hours, be forwarded to the PSPCR in a manner and in such form as may be provided by the PSPCR [see 18 Pa. C.S. § 9112 (b) (1)].

c. Arrest by Summons:

Where defendants named in police complaints are proceeded against by summons, or for offenses under 18 Pa. C.S. § 3929 (Retail Theft), the court of proper jurisdiction shall order the defendant to submit, within five days of such order, for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a municipal police department, the State Police. Fingerprints so obtained shall, within 48 hours, be forwarded to the PSPCR in a manner and in such form as may be provided by the PSPCR [see 18 Pa. C.S. § 9112 (b) (2)].

d. Arrest by Warrant:

(1) Where the serving agency is the arresting authority:

The arresting authority (a police department or other criminal justice agency that initiated the prosecution), must determine if the defendant has been fingerprinted, and if not, obtain fingerprints prior to the defendant being released from custody.

(2) Where the serving agency is not the arresting authority:

Fingerprints are not required to be taken by a serving agency that is not the arresting authority.

- (3) When custody of the defendant is transferred from the serving agency to the arresting authority:

The arresting authority must ensure that the defendant has been fingerprinted, and if not, obtain fingerprints prior to the defendant being released from custody.

- (4) When the defendant posts bail to appear before the issuing authority at a later date:

The arresting authority must at the time of the preliminary arraignment or hearing, ensure that the defendant has been fingerprinted, and if not, request the issuing authority to order the defendant to submit for fingerprinting.

- (5) If fingerprints are taken by a serving agency, other than the arresting authority, it is recommended that:

(a) The contributor block (Block 22) of the PSP Arrest and Institution Fingerprint Card is left blank.

(b) The serving agency returns the fingerprint card to the arresting authority for completion and submission to the PSPCR.

e. Retail Theft:

Prior to the commencement of trial or the entry of a plea of a defendant 16 years of age or older accused of the summary offense of Retail Theft, the issuing authority shall order the defendant to submit within five days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed, or the State Police. Fingerprints so obtained shall be forwarded immediately to the PSPCR for determination as to whether or not the defendant previously has been convicted of the offense of Retail Theft. The results of such determination shall be forwarded to the police department obtaining the fingerprints, if such department is the prosecutor, or to the issuing authority, if the prosecutor is other than a police officer. The issuing authority shall not proceed with the trial or plea in summary cases until the receipt of the determination made by the PSPCR. The District Justice shall use the information obtained solely for the purpose of grading the offense pursuant to 18 Pa. C.S. § 3929 (b).



## f. Juveniles:

- (1) Law enforcement officers shall have the authority to take or cause to have taken the fingerprints or photographs, or both of any child who has been alleged to have committed an act designated as a misdemeanor or felony under the laws of this Commonwealth or of another state if the act occurred in that state or under Federal law. If a child is found to be a delinquent child pursuant to 42 Pa. C.S. § 6341 (relating to adjudication) on the basis of an act designated as a misdemeanor or felony or the child's case is transferred for criminal prosecution pursuant to 42 Pa. C.S. § 6355, the law enforcement agency that alleged the child to be a delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the PSPCR pursuant to 42 Pa. C.S. § 6309 I (relating to juvenile history record information).
- (2) When completing the fingerprint card, check the "Treat as Adult" block if the charge is:
  - (a) Murder.
  - (b) Or any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon as defined in 18 Pa. C.S. § 2301 (relating to definitions) was used during the commission of the offense which, if committed by an adult, would be classified as:
    - i. Rape as defined in 18 Pa. C.S. § 3121.
    - ii. Involuntary deviate sexual intercourse as defined in 18 Pa. C.S. § 3123.
    - iii. Aggravated assault as defined in 18 Pa. C.S. § 2702 (a) (1) or (a) (2).
    - iv. Robbery as defined in 18 Pa. C.S. § 3701 (a) (1) (i), (ii) or (iii).
    - v. Robbery of a motor vehicle as defined in 18 Pa. C.S. § 3702.

- vi. Aggravated indecent assault as defined in 18 Pa. C.S. § 3125.
  - vii. Kidnapping as defined in 18 Pa. C.S. § 2901.
  - viii. Voluntary manslaughter – An attempt, conspiracy, or solicitation to commit murder or any of these crimes as provided in 18 Pa. C.S. § 901, § 902, or § 903.
- (c) Or any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and has been previously adjudicated delinquent of any of the following prohibited conduct which, if committed by an adult, would be classified as:
- i. Rape as defined in 18 Pa. C.S. § 3121.
  - ii. Involuntary deviate sexual intercourse as defined in 18 Pa. C.S. § 3123.
  - iii. Robbery as defined in 18 Pa. C.S. § 3701 (a)(1)(i), (ii), or (iii).
  - iv. Robbery of a motor vehicle as defined in 18 Pa. C.S. § 3702.
  - v. Aggravated indecent assault as defined in 18 Pa. C.S. § 3125.
  - vi. Kidnapping as defined in 18 Pa. C.S. § 2901.
  - vii. Voluntary manslaughter as defined in 18 Pa C.S. § 2503.
  - viii. An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa. C.S. § 901, § 902, or § 903.
- (d) A crime committed by a child who has been found guilty in a criminal proceeding for other than a summary offense.

**NOTE: Refer to the Juvenile Act, 42 Pa. C.S. Chapter 63, for complete details.**

- (3) Fingerprints and photographic records may be disseminated to law enforcement officers of other jurisdictions, the PSP and the FBI and may be used for investigative purposes.
  - (4) Fingerprints and photographic records of children shall be kept separately from records of adults and shall be immediately destroyed upon notice of the court as provided under 42 Pa. C.S. § 6341 (a) (relating to adjudication) by all persons and agencies having these records if the child is not adjudicated delinquent or not found guilty in a criminal proceeding for reason of the alleged acts.
  - (5) The arresting authority shall ensure that the fingerprints and photographs of an alleged delinquent whose fingerprints and photographs which have been taken by an arresting authority pursuant to 42 Pa. C.S. § 6308 I are forwarded to the PSPCR.
- g. Other cases:
- (1) When all charges are dismissed at a preliminary hearing, the arresting officer must ensure that the defendant has been fingerprinted, or if not, request the issuing authority to require the defendant to submit for fingerprinting.
  - (2) When a complaint is refiled against a defendant pursuant to the Rules of Criminal Procedure, the arresting officer must, at the time the complaint is refiled, request the issuing authority to direct the defendant to again submit to fingerprinting.
  - (3) When charges for any of the grades of crime specified in 18 Pa. C.S. § 9112 (Mandatory Fingerprinting) have been dismissed and the defendant has pleaded guilty or was found guilty of a lesser offense not requiring fingerprinting, the arresting officer must ensure that the defendant has been fingerprinted, and if not, request the issuing authority to require the defendant to submit for fingerprinting.

3. Legal Requirements for the Submission of Fingerprints:

Timely submission of fingerprint cards is a statutory requirement pursuant to 18 Pa. C.S. § 9112. The purpose of this requirement is to provide all criminal justice agencies with up-to-date, complete and accurate criminal history record information. The PSPCR is fully aware there may be circumstances beyond the control of the arresting authority, when that authority is unable to submit fingerprint cards within 48 hours of arrest. Therefore, it is essential when circumstances prevent the timely submission of fingerprint cards to the PSPCR, the arresting authority ensures fingerprints are taken and submitted as soon as possible thereafter.

4. Fingerprint Submission Procedures:

An arresting authority shall, within 48 hours of arrest, forward fingerprints to the PSPCR. The PSP Arrest and Institution Fingerprint Card shall be used by an arresting authority to submit fingerprints and arrest data. A complete, accurate and classifiable fingerprint card must be submitted to the PSPCR.

5. Retention of Fingerprint Cards:

Fingerprint cards are not required to be retained by the arresting authority. However, if an arresting authority does retain fingerprint cards, that arresting authority must comply with all the provisions of CHRIA.

**B. Responsibilities of the PSPCR**

The PSPCR is required to provide criminal history record information to the criminal justice agency which submitted a complete, accurate and classifiable fingerprint card. The PSPCR accomplishes this requirement by automatically transmitting the information, via the CLEAN system, during fingerprint card processing. Where there is no existing criminal history record, a message is transmitted to the arresting authority providing the State Identification Number (SID) and advising no prior record. Where there is an existing criminal history record, the new arrest is added to the record and a complete RAP sheet is transmitted to the arresting authority.

#### **IV. ELECTRONIC FINGERPRINT SUBMISSIONS**

##### **A. Background**

Through the cooperative efforts of the Pennsylvania State Police, the Pennsylvania Chiefs of Police Association and local law enforcement agencies, the Commonwealth has been able to procure electronic Livescan fingerprinting equipment. The equipment has been installed by several agencies within the Commonwealth. Livescan equipment provides for the inkless taking of fingerprint impressions. In addition to Livescan, the PSPCR has installed a Global Transaction Controller (GTC). The GTC provides the ability to interface Livescan equipment with the AFIS in an on-line mode. This means that fingerprints taken via Livescan will be transmitted electronically to the computer containing the fingerprint data bases in the PSPCR in real time.

##### **B. Benefits**

1. The ability GTC provides for a direct interface with AFIS and the Computerized Criminal History System (CCH), fingerprints submitted electronically can be responded to within minutes instead of weeks. A direct connection to the FBI allows for transmission of fingerprints to them immediately after the PSP processing takes place. Criminal history records (Rap sheets) and no record responses will be returned over the Commonwealth Law Enforcement Assistance Network (CLEAN) immediately upon completion of processing in the PSPCR. In most cases this is accomplished within minutes.
2. Where problems exist with the fingerprint images, or its associated data, the PSPCR will have the ability to contact the booking agency while the individual is still in custody and effect a correction.
3. Upon successful processing of the arrest in CCH, the PSPCR will automatically notify the Administrative Office of Pennsylvania Courts (AOPC) of the arrest and the associated data. This data will be made available to the district justice via the automated court system.

##### **C. Arresting Authority Responsibilities**

1. Legal Requirements to Fingerprint:
  - a. Fingerprints of all person arrested for a felony, misdemeanor or summary offense, which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the arresting authority (*see 18 Pa. C.S. § 9112*).

- b. Fingerprints are required of every person, arrested for any of the above grades of crime, without regard for previous fingerprints submitted to the PSPCR.
- c. If a child is found to be a delinquent child pursuant to 42 Pa. C.S. § 6341 (relating to adjudication) on the basis of an act designated as a misdemeanor or felony or the child's case is transferred for criminal prosecution pursuant to 42 Pa. C.S. § 6355, the law enforcement agency that alleged the child to be a delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the PSPCR pursuant to 42 Pa. C.S. § 6309 I (relating to juvenile history record information).
- d. In addition, prior to the commencement of a trial or the entry of a plea a defendant 16 years of age or older accused of the following summary offenses is required to be fingerprinted:
  - (1) Offenses under 18 Pa. C.S. § 3929 (Retail Theft).
  - (2) Offenses under 18 Pa. C.S. § 3929.1 (Library Theft).

## 2. When to Fingerprint

### a. On-View Arrest:

- (1) The arresting officer must always ensure that the accused is fingerprinted prior to being released from custody or to the preliminary arraignment.
- (2) For exceptions to the on-view arrest rule, the arresting officer must make every attempt to fingerprint the accused prior to their being released from custody. If the accused is unable to be fingerprinted at the time of the arrest, the officer must, at the time the complaint is filed, request the issuing authority to direct the defendant to submit for fingerprinting. This booking type would be submitted electronically utilizing the CRIMINAL booking type (see 3.a. below).

### b. Arrest by Private Complaint:

When private complaints for a felony or misdemeanor result in a conviction, the court of proper jurisdiction shall order the defendant to submit for fingerprinting by municipal police of the jurisdiction in which the offense was allegedly committed, or in the absence of a municipal police department, the State

Police. Fingerprints so obtained shall, within 48 hours, be forwarded to the PSPCR [see 18 Pa. C.S. § 9112 (b)(1)]. This type of booking will be processed utilizing the CRIMINAL LOCAL booking type (see 3.b. below) and be mailed along with the fingerprint order to the PSPCR.

c. Arrest by Summons:

Where defendants named in police complaints are proceeded against by summons, or for offenses under 18 Pa. C.S. § 3929 (Retail Theft), the court of proper jurisdiction shall order the defendant to submit, within five days of such order, for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a municipal police department, the State Police. Fingerprints so obtained shall be electronically forwarded to the PSPCR in a manner and in such form as may be provided by the PSPCR utilizing the CRIMINAL booking type (see 3.a. below). The police department or State Police initiating the booking may provide the District Justice with the response results (rap sheet or no record) of the booking.

d. Arrest by Warrant:

- (1) Where the serving agency is the arresting authority: The arresting authority (a police department or other criminal justice agency that initiated the prosecution), must determine if the defendant has been fingerprinted, and if not, obtain fingerprints prior to the defendant being released from custody utilizing the CRIMINAL booking type (see 3.a. below) and electronically forwarding that arrest to the PSPCR.
- (2) Where the serving agency is not the arresting authority: Fingerprints are not required to be taken by a serving agency that is not the arresting authority.
- (3) When custody of the defendant is transferred from the serving agency to the arresting authority: The arresting authority must ensure that the defendant has been fingerprinted, and if not, obtain fingerprints prior to the defendant being released from custody and submit the arrest booking electronically to the PSPCR.
- (4) When the defendant posts bail to appear before the issuing authority at a later date: The arresting authority must, at the time of the preliminary

arraignment or hearing, ensure that the defendant has been fingerprinted, and if not, request the issuing authority to order the defendant to submit for fingerprinting.

- (5) If fingerprints are taken by a serving agency, other than the arresting authority, it is recommended that:
  - (a) The booking is done utilizing the CRIMINAL LOCAL booking type (see 3.b. below).
  - (b) The contributor block of the PSP Arrest and Institution Fingerprint Card is completed with the ORI of the arresting authority.
  - (c) The serving agency returns the fingerprint card to the arresting authority for completion and submission to the PSPCR.

e. Retail Theft:

Prior to commencement of trial or the entry of a plea of a defendant 16 years of age or older accused of the summary offense of Retail Theft, the issuing authority shall order the defendant to submit within five days of such order for fingerprinting by municipal police of the jurisdiction in which the offense allegedly was committed, or the State Police. Fingerprints so obtained shall be electronically submitted to the PSPCR using the CRIMINAL booking type (see 3.a. below). The results of such determination shall be forwarded to the police department obtaining the fingerprints. (See Section IV § B.) The issuing authority shall not proceed with the trial or plea in summary cases until receipt of the determination made by the PSPCR. The District Justice shall use the information obtained solely for the purpose of grading the offense pursuant to 18 Pa. C.S. § 3929 (b).

f. Juveniles:

- (1) Law enforcement officers shall have the authority to take or cause to be taken the fingerprints or photographs, or both, of any child who is alleged to have committed an act designated as a misdemeanor or felony under the laws of this Commonwealth or of another state if the act occurred in that state or under Federal law. If a child is found to be a delinquent child pursuant to 42 Pa. C.S. § 6341 (relating to adjudication) on the basis of an act designated as a



misdemeanor or felony or the child's case is transferred for criminal prosecution pursuant to 42 Pa. C.S. § 6355, the law enforcement agency that alleged the child to be a delinquent shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the PSPCR pursuant to 42 Pa. C.S. § 6309 I (relating to juvenile history record information).

- (2) When completing the fingerprint card, check the "Treat as Adult" block if the charge is:
- (a) Murder.
  - (b) Or any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon as defined in 18 Pa. C.S. § 2301 (relating to definitions) was used during the commission of the offense which, if committed by an adult, would be classified as:
    - i. Rape as defined in 18 Pa. C.S. § 3121.
    - ii. Involuntary Deviate Sexual Intercourse as defined in 18 Pa. C.S. § 3123.
    - iii. Rape as defined in 18 Pa. C.S. § 3121.
    - iv. Involuntary Deviate Sexual Intercourse as defined in 18 Pa. C.S. § 3123.
    - v. Robbery of a Motor Vehicle as defined in 18 Pa. C.S. § 3702.
    - vi. Aggravated Indecent Assault as defined in 18 Pa. C.S. § 3125.
    - vii. Kidnapping as defined in 18 Pa. C.S. § 2901.
    - viii. Voluntary Manslaughter as defined in 18 Pa. C.S. § 2503.
    - ix. Attempt, conspiracy or solicitation to commit murder or any of these crimes

as provided in 18 Pa. C.S. § 901, § 902, and § 903.

- (c) Or any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and has been previously adjudicated delinquent of any of the following prohibited conduct which, if committed by an adult, would be classified as:
- i. Rape as defined in 18 Pa. C.S. § 3121.
  - ii. Involuntary Deviate Sexual Intercourse as defined in 18 Pa. C.S. § 3123.
  - iii. Robbery as defined in 18 Pa. C.S. § 3701 (a)(1)(i), (ii), or (iii).
  - iv. Robbery of a Motor Vehicle as defined in 18 Pa. C.S. § 3702.
  - v. Aggravated Indecent Assault as defined in 18 Pa. C.S. § 3125
  - vi. Voluntary Manslaughter as defined in 18 Pa. C.S. § 2503.
  - vii. Attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa. C.S. § 901, § 902, and § 903.
- (d) A crime committed by a child who has been found guilty in a criminal proceeding for other than a summary offense.

**NOTE: Refer to the Juvenile Act, 42 Pa. C.S. Chapter 63, for complete details.**

- (3) Fingerprints and photographic records may be disseminated to law enforcement officers of other jurisdictions, the PSP and the FBI and may be used for investigative purposes.
- (4) Fingerprints and photographic records of children shall be kept separately from records of adults and shall be immediately destroyed upon notice of the court as provided under 42 Pa. C.S. § 6341 (a)

(relating to adjudication) by all persons and agencies having these records if the child is not adjudicated delinquent or not found guilty in a criminal proceeding for reason of the alleged acts.

- (5) The arresting authority shall ensure that the fingerprints and photographs of an alleged delinquent whose fingerprints and photographs which have been taken by an arresting authority pursuant to section 6308 I of the Juvenile Act are forwarded to the PSPCR. The fingerprints taken will be electronically forwarded to the PSPCR by utilizing the CRIMINAL booking type (see 3.a. below). Photographs taken will be forwarded to the PSPCR separately. Each photograph must be labeled on its reverse side with the NAME, OTN and SID of the subject individual.

g. Other Case

- (1) When all charges are dismissed at a preliminary hearing, the arresting officer must ensure that the defendant has been fingerprinted, or if not, request the issuing authority to require the defendant to submit for fingerprinting. Fingerprints shall be taken utilizing the CRIMINAL booking type (where applicable) and forwarded electronically to the PSPCR.
- (2) When a complaint is refiled against a defendant pursuant to the Rules of Criminal Procedure, the arresting officer must, at the time the complaint is refiled, request the issuing authority to direct the defendant to again submit to fingerprinting.
- (3) When charges for any of the grades of crime specified in 18 Pa. C.S. § 9112 (Mandatory fingerprinting) have been dismissed and the defendant has pleaded guilty or was found guilty of a lesser offense not requiring fingerprinting, the arresting officer must ensure that the defendant has been fingerprinted, and if not, request the issuing authority to require the defendant to submit for fingerprinting.

### 3. Booking Type Selections:

Before fingerprints are submitted, a decision must be made concerning what type of booking is to be used to submit them. This is determined by the reason for which the fingerprints are submitted (see 2. Above). The booking types are as follows:

#### a. CRIMINAL ARREST DATABASE:

- (1) CRIMINAL QUERY: The CRIMINAL booking type will result in the transmission of the arrest information to include the fingerprint images to the PSPCR. Information identified on the demographic screen as back colored in yellow is mandatory and must be completed. In addition to the information being transmitted to the PSPCR, a fingerprint card will be printed at the local printer for use by the arresting/booking agency. Fields which are back colored in grayed out or not selected are fields which are read only and will not accept data. In police prosecution cases where a fingerprint order card is issued on an escalating summary offense, i.e., retail theft, library theft, etc., the fingerprint card would be transmitted to the PSPCR for processing, and the order card may be mailed to the PSPCR.
- (2) CRIMINAL LOCAL: The CRIMINAL LOCAL booking type is identical in format and requirements to the CRIMINAL booking. The CRIMINAL LOCAL will not be transmitted to the PSPCR and will not result in electronic fingerprint images being sent to the PSPCR. It is intended for a local police department to utilize whenever it is required to mail a fingerprint card to the PSPCR.

#### b. SUSPECT IDENTIFICATION ONLY:

- (1) This booking type should be utilized when attempting to establish the identity of an individual where there are no arrest charges. This booking type will be transmitted to the PSPCR for a search of both AFIS and CCH but will not be retained in file. Only demographic data has been indicated as being mandatory (yellow backed). The name, date of birth, sex, race, height, weight, eyes and hair, and ORI are mandatory.
- (2) If an individual refuses to provide a name, enter fictitious information to satisfy the edits., i.e., last

name; Refused, first name; Harry. The same would apply to the date of birth.

c. REGISTRATION DATABASE

d. APPLICANT DATABASE (QUERY)

(1) This booking type should be used to satisfy the requirements for a fingerprint card for various types of applications. The only booking selection types that should be used at a booking site in the REASON FINGERPRINTED are:

- (a) Criminal Justice Employment
- (b) Gaming Control Board I
- (c) Liquor Enforcement Officer I
- (d) MPT I
- (e) PA Harness Racing Commission I
- (f) PA Horse Racing Commission I
- (g) Private Detective I
- (h) Private Detective Employee I
- (i) Other (Must Process Under LOCAL)
- (j) State Police Cadet I

(2) The following additional booking types are contracted out to a vendor and should be completed and processed by that vendor only. The current contracted vendor, Idemia, can be contacted by clicking on the following hyperlink: [IdentoGo/IDEMIA](#), or by calling (800) 321-2101.

- (a) Aging
- (b) Agriculture
- (c) Banking
- (d) Education
- (e) Hazmat
- (f) Insurance
- (g) Human Services
- (h) LWTA I
- (i) REAL ID

(3) All of the above applicant types are searched at the PSPCR, except APPLICANT TYPE "OTHER."

(4) All of the above applicant types marked I are retained by the PSPCR.

- (5) All of the above applicant types will be transmitted to the FBI, by PSPCR or Vendor, except for Private Detective, Private Detective Employee, and APPLICANT TYPE "OTHER."
- e. APPLICANT DATABASE (LOCAL): This APPLICANT booking type is identical in format and requirements to the APPLICANT QUERY booking. The APPLICANT card will not transmit to the PSPCR and will not result in electronic fingerprint images being sent to the PSPCR. It is intended for a local police department to utilize whenever it is required to mail a fingerprint card to the PSPCR.
- (1) The booking selection types used in the REASON FINGERPRINTED are:
- (a) Criminal Justice Employment
  - (b) Gaming Control Board I
  - (c) Liquor Enforcement Officer I
  - (d) MPTI
  - (e) OTHER (for reasons other than listed)
  - (f) PA Harness Racing Commission I
  - (g) PA Horse Racing Commission I
  - (h) Private Detective I
  - (i) Private Detective Employee I
  - (j) State Police Cadet I
- (2) The following additional booking types are contracted out to a vendor and should be completed and processed by that vendor only. The current contracted vendor, Idemia, can be contacted by clicking on the following hyperlink: [IdentoGo/IDEMIA](#), or by calling (800) 321-2101.
- (a) Aging
  - (b) Agriculture
  - (c) Banking
  - (d) Education
  - (e) Hazmat
  - (f) Insurance
  - (g) Human Services
  - (h) LWTA I
  - (i) REAL ID
- f. PROBATION/PAROLE: This booking type is reserved for use by the PA Board of Probation and Parole. The Out of State Parolee and Out of State Prisoner types will be searched and retained at the PSPCR. The Out of State Parolee (Local) and Out of State Prisoner (Local) types will

not be transmitted to the PSPCR and will not result in electronic fingerprint images being sent to the PSPCR. They are intended to be utilized whenever it is required to mail a fingerprint card to the PSPCR. The booking selection types used in the REASON FINGERPRINTED are:

- (1) Out of State Parolee
  - (2) Out of State Parolee Local
  - (3) Out of State Prisoner
  - (4) Out of State Prisoner Local
4. Legal Requirements for the Submission of Fingerprints: The requirement for the arresting authority to submit arrest fingerprints to the PSPCR within 48 hours of arrest applies. In a majority of cases, an arrested individual will be fingerprinted electronically prior to arraignment.
  5. Fingerprint Submission Procedures: The OTN field in the entry can contain a valid OTN if one was previously assigned (i.e., on a warrant) or the word NONE will be placed in the OTN field. If no MDJS generated OTN is entered into the OTN field, the PSPCR will assign an "X" prefix number for the OTN. The "X" number will be returned to the contributor as part of the no record response, or the rap sheet response in case of priors. This X, OTN must be indicated in the criminal complaint # field and filed with the District Justice at time of arraignment.

**NOTE: DO NOT SEND MULTIPLE SUBMISSIONS of a booking, unless instructed to do so by the PSPCR.**

6. Fingerprint Retention: Fingerprint cards are not required to be retained by the arresting authority. However, if an arresting authority does retain fingerprint cards, that arresting authority must comply with all the provisions of CHRIA.

#### **D. Responsibilities of the PSPCR**

The PSPCR is required to provide criminal history information to the criminal justice agency which submitted a complete, accurate and classifiable fingerprint card. The PSPCR accomplishes this requirement by automatically transmitting the information, via the CLEAN system, subsequent to the fingerprint card processing. Where there is no existing criminal history record, a message is transmitted to the arresting authority providing the State Identification Number (SID) and advising no prior record. Where there is an existing criminal history record, the new arrest

is added to the record and a complete RAP sheet is transmitted to the arresting authority.

**NOTE: Often times, two OTNs are generated for a single arrest. One is usually a Livescan Offense Tracking Number (LOTN) created and the second is typically created by a Magisterial District Court Judge. It is essential that this situation is corrected. The Administrative Office of Pennsylvania Courts (AOPC) sends disposition information to the PSPCR. If the PSPCR is not aware of the second OTN, the disposition cannot be associated with any record (as the PSPCR will only have the LOTN). This is a situation which can cause the PSPCR to maintain inaccurate criminal history record information. When an agency has two OTNs for the same arrest, they must notify the PSPCR. This notice should be sent to the Fingerprint Card Query/Mailing Unit, via fax at 717-346-3375.**



## **V. FINGERPRINTING**

### **A. Introduction**

The science of fingerprint identification is vital to the effective operation of Pennsylvania's criminal justice system. In order to properly store the thousands of fingerprints received each year, a complete and accurate pattern classification must be obtained for each set of prints. This exact classification can only be calculated if a clear and distinct impression of each fingerprint is procured. Should one or more impressions on a fingerprint card be found to be too indistinct to accurately interpret, the fingerprints will be returned to the contributor.

### **B. Safety Tips When Fingerprinting**

1. The fingerprinting officer's weapon should be removed and secured in a safe location prior to fingerprinting an individual. Do not place the weapon in a non-secured area where the arrested individual would have ready access.
2. A proper position is helpful when fingerprinting an individual. When rolling the right hand, stand to the right of the individual. When rolling the left hand, stand to the left. An individual should not be allowed to stand behind the fingerprinting officer.
3. If possible, have another officer present when fingerprints are being taken.
4. If breaks in the skin and/or bodily fluids are present in either the fingerprinting officer or the individual being printed, take the necessary precautions to prevent the transfer of bodily fluids (e.g., wearing latex gloves).

### **C. Equipment**

1. The basic equipment required for taking fingerprints consists of:
  - a. Tube of black printer's ink, which dries rapidly and can be handled immediately with little danger of smudging.
  - b. A roller.
  - c. An inking plate.
  - d. A card holder.
  - e. Cleansing fluid such as denatured alcohol.
  - f. Cloths for cleaning the inking plate after use.

2. All of the above equipment can be obtained from a fingerprint supply company and is relatively inexpensive.
3. The PSP supplies free of cost: PSP Arrest and Institution Fingerprint Cards and PSP Applicant Fingerprint Cards. The standardized size and format of the arrest and applicant fingerprint cards are essential to the timely processing of the large daily volume of fingerprints received by the PSPCR. Refer to Section VI for instructions on ordering.

#### **D. Taking the Fingerprints**

1. The inking surface should be elevated to a sufficient height to allow the subject's forearm to assume a horizontal position when the fingers are being inked. In such a position, the officer has greater assurance of avoiding accidental strain or pressure on the fingers and will enable procurement of more uniform impressions. The inking plate should also be placed so that the subject's fingers not being printed can be made to "swing" off the inking plate or card to prevent interference with the inking process.
2. In order to obtain clear and distinct fingerprints, it is necessary to ensure that:
  - a. The subject's fingers are clean and dry.
  - b. A small dab of ink should be placed on the inking plate and thoroughly rolled until a very thin, even film covers the entire surface.
  - c. The subject stands in front of and at a forearm's length from the inking plate.
  - d. Rolled impressions are taken individually of the thumb, index, middle, ring and little fingers of each hand in the order specified on the card.
  - e. The finger to be printed is placed on its side, so that the edge of the fingernail itself is almost touching the inking plate or the fingerprint card.
  - f. Using normal pressure, finger is rolled gently (nail to nail, from the end of the finger, to and including, at least one-third of the second joint) while making contact with the inking plate or fingerprint card and stopping only when the opposite edge of the fingernail is reached.

- g. Thumbs are always rolled toward and the fingers away from the body. This process leaves the thumbs and fingers relaxed upon completion of the rolling movement. They may then be raised from the inking plate or fingerprint card without the danger of slipping, which would cause over inking on a portion of the impression or smudged impressions.
3. The smaller impressions at the bottom of the card are taken simultaneously by printing all fingers of each hand and then the thumbs without rolling. These simultaneous or plain impressions are used for checking the sequence and accuracy of the rolled impressions.
4. The degree of pressure to be exerted in inking and taking rolled impressions is important. This may best be determined through experience and observation. It is very important, however, for the subject to be relaxed and refrain from trying to “help” the officer by exerting pressure. This prevents the officer from gauging the amount of pressure needed. One method commonly used to relax the subject during this process is to encourage them to look at a distant object and not their hands.

#### **E. Causes of Unsatisfactory Prints**

1. Failure to sufficiently roll the finger from nail to nail, thereby not printing the focal points (cores and deltas).
2. The bulb of the finger, from tip to below the first joint, has not been completely inked.
3. Allowing the fingers to slip or twist which results in smears or blurs and false-appearing patterns. The subject should be instructed to remain passive throughout the fingerprinting process.
4. The PSPCR will accept fingerprints that are taken with ink, other than printer’s ink, if the prints are classifiable; however, it is highly recommended that printers ink be used. The use of writing or similar ink may result in impressions that are too light or an insufficient contrast to the card.
5. Failure to thoroughly clean the fingers or inking equipment of foreign substances and perspiration may cause the appearance of false markings and the disappearance of ridge characteristics. In warm weather, or when a subject perspires heavily, each finger should be wiped dry of perspiration before inking and printing the finger.

6. The use of too much ink obliterates the ridge detail.
7. Insufficient ink results in the ridges being too light for AFIS entry.

#### **F. Unusual Fingerprinting Situations**

1. In taking fingerprints, the officer may encounter unusual situations due to permanent or temporary problems calling for different fingerprinting techniques. These situations include crippled or broken fingers; deformities, such as webbed or extra fingers, lack of fingers at birth; amputations or advanced age of the subject.
2. In the instances where the subject to be fingerprinted has crippled or deformed fingers, it is not sufficient to merely indicate on the fingerprint card the condition of the fingers such as "bent," "broken" or "crippled." Only in those cases where the finger is so badly bent or crippled that it is touching the palm and cannot be moved is such a notation appropriate. Fortunately, these cases are extremely rare.
  - a. Through the use of special inking devices similar to those used for fingerprinting the deceased, it is possible to obtain clear, classifiable fingerprints from bent or crippled fingers.
  - b. The equipment used for this technique consists of a spatula, small rubber roller, and a curved holder for individual finger block card stock.
    - (1) Each finger is handled individually and after the finger is inked and rolled, the individual finger blocks should be pasted on the fingerprint card in the proper sequence.
    - (2) Worn and indistinct ridges or those bearing numerous creases can be reproduced in the same manner.
    - (3) Webbed and split fingers should be printed in the same manner. An appropriate notation should be made on the fingerprint card concerning any of these deformities.
    - (4) An extra digit, usually an extra thumb or little finger sometimes appears on the extreme outside of either hand. In some instances, it may be necessary to use the procedure described previously for bent and crippled fingers.

- (5) In all cases, a notation should be included on the fingerprint card.
3. Problems resulting from advanced age or occupation (e.g., bricklayers, cement workers, housewives, etc.) present a real challenge to the officer. When it is obvious that the ridges are worn on the first joint of the fingers, consideration should be given to the use of softening agents (oils and creams) or fingerprinting at a later date when the ridges have had an opportunity to reform. It is possible in many instances to obtain legible fingerprints when the ridges are worn by using a very small amount of ink and using very little pressure when rolling the fingers. Practicing this technique should produce satisfactory results.
4. In order to obtain an accurate classification, it is necessary that missing fingers be clearly explained on the fingerprint card.
  - a. Some individuals are born without certain fingers. In those instances, the notation "Missing at birth" should be used.
  - b. Where an individual's finger(s) have been amputated, the notation "AMP" and the approximate date when the amputation occurred should be placed in the applicable finger block(s).
  - c. If a portion of the first joint of the finger has been amputated, the remaining portion should be printed and the notation "Tip AMP" should be noted at the top of the finger block.
  - d. In situations where all ten fingers are amputated, footprints should be obtained.
5. Excessive perspiration will result in the failure of ink to adhere properly to the tips of the fingers. When this situation is encountered, the subject's fingers should be wiped clean individually, then inked and printed immediately. It may also be helpful to wipe the fingers with alcohol or some other drying agent which will temporarily reduce that amount of perspiration, and thus permit the officer to obtain clear, legible fingerprint impressions.
6. Fingerprint cards will be returned to contributing agencies for lack of sufficient detail to completely and accurately classify fingerprint impressions. The cards will also be returned to the contributor because of a lack of complete identifying information such as name, sex, date of birth, OTN and complete charge information.
7. It is the desire of the PSPCR to provide criminal justice and non-criminal justice agencies with the best identification information in the shortest time possible. The submission of clear, legible black

fingerprints on white fingerprint card stock, including complete descriptive and mandatory information by fingerprint contributors, will greatly assist in attaining this goal.

### **G. Livescan Fingerprinting**

1. Livescan fingerprinting is a process by which an individual's fingers are electronically scanned; the fingerprint information is digitized, and submitted to the PSPCR for processing. This process also permits the transmission of fingerprints to remote central site printers. Fingerprints processed using Livescan and electronically submitted to PSPCR will result in an identification being returned to the submitting agency within 10 to 30 minutes.
2. Currently, the PSPCR accepts fingerprint cards produced via Livescan equipment. It is estimated that more than **85%** of all fingerprint cards received from Pennsylvania law enforcement agencies are produced via Livescan equipment.
3. In addition to the fingerprinting methods described in this chapter, the following methods should be applied when using Livescan equipment to obtain classifiable fingerprints:
  - (a) Fingers should be moist.
  - (b) Fingers should be fully rolled and in correct sequence.
  - (c) Slap/Plain impressions should include the tips of the finger above the first joint.
  - (d) Sequencing errors should be corrected. The machine is designed to do a sequencing check (checking the plain/simultaneous impressions against the rolled impressions). If you receive an error message when fingerprinting, then most likely either the finger you are printing is not in the correct sequence or the plain/simultaneous impressions have not been taken correctly and need to be retaken.

**NOTE: When taking plain/simultaneous impressions the system may accept them, as long as there are images in the blocks. You must verify that these impressions have been taken accurately by ensuring that the fingertips are visible with these impressions (See Figure 2).**

4. Fingerprinting methods described in this chapter may be applied when using Livescan equipment to obtain classifiable fingerprints. An officer using Livescan equipment can view the data and fingerprint impressions prior to producing the fingerprint card. This


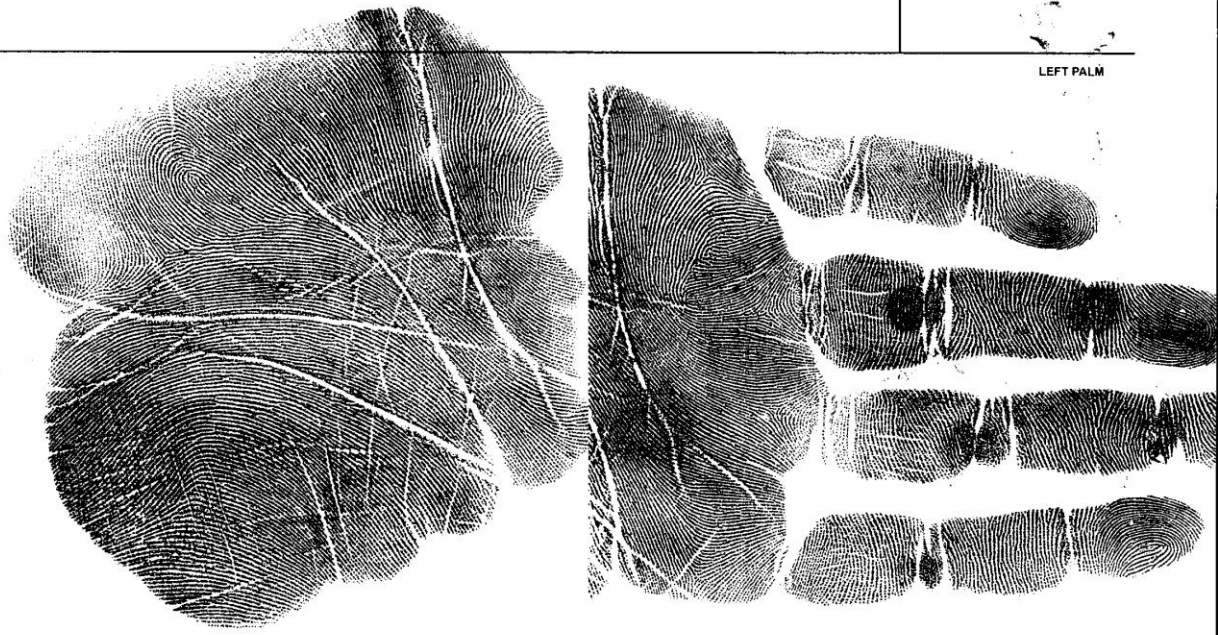
allows the officer to check for poor fingerprint impressions and re-roll only the affected fingers, whereas with ink, all ten fingers would require re-rolling.

5. Upon submission to the PSPCR, the submitting agency will be notified should errors be found during quality control. The submitting agency will then be required to correct these errors and resubmit the corrected print to PSPCR in a timely manner to ensure that accurate completion and updating of CCHRI.




**Figure 2: Acceptable Fingerprint Card Impressions**

TYPE OR PRINT ALL INFORMATION LEAVE BLANK		<b>PSP CARD</b>				LEAVE BLANK								
SID (LEAVE BLANK)		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX												
SIGNATURE OF PERSON FINGERPRINTED			SOCIAL SECURITY NO.			LEAVE BLANK								
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX					1	2	3	4	5	6	7	8	9	10
					AGE	EDIT	IV1	IV2	CV	PV	LSID			
FBI NO.		STATE IDENTIFICATION NO.		DATE OF BIRTH MM DD YY			SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR		
1. R. INDEX		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE						
6. L. INDEX		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE						
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY						

Figure 3: Acceptable Palm Print Card Impressions

IDENTIFICATION NO.	LAST NAME	FIRST NAME	MIDDLE NAME	SID NUMBER	FRI NUMBER
DATE PRINTED	SIGNATURE OF OFFICIAL TAKING PRINTS		ID NUMBER	CONTRIBUTOR (ORI)	
WRITERS PALM IMPRESSION				INDEX FINGER	
					
					
LEFT PALM					
7/12/2017 1:47 PM					



IDENTIFICATION NO.	LAST NAME	FIRST NAME	MIDDLE NAME	SID NUMBER	FBI NUMBER
DATE PRINTED	SIGNATURE OF OFFICIAL TAKING PRINTS	ID NUMBER	CONTRIBUTOR (ORI)		
WRITERS PALM IMPRESSION				INDEX FINGER	
					
RIGHT PALM					
					
7/12/2017 1:47 PM					

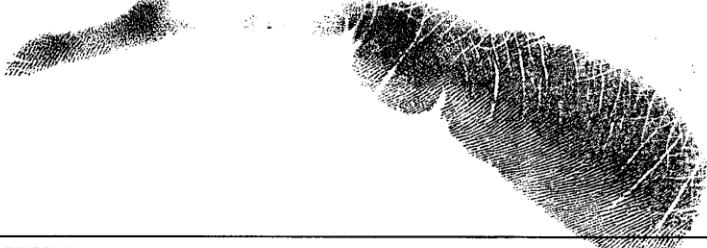


**Figure 4: Unacceptable Fingerprint Card Impressions**

TYPE OR PRINT ALL INFORMATION LEAVE BLANK		<b>PSP CARD</b>				LEAVE BLANK					
SID (LEAVE BLANK)		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX									
SIGNATURE OF PERSON FINGERPRINTED		SOCIAL SECURITY NO.			LEAVE BLANK						
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX		1	2	3	4	5	6	7	8	9	10
		AGE		EDIT	IV1	IV2	CV	PV	LSID GNBA		
FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH MM DD YY			SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	
1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE	6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE		
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB	R. THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY							

Figure 5: Unacceptable Palm Print Card Impressions

IDENTIFICATION NO.	LAST NAME	FIRST NAME	MIDDLE NAME	SIGNATURE	FBI NUMBER
DATE PRINTED	SIGNATURE OF OFFICIAL TAKING PRINTS		ID NUMBER	CONTRIBUTOR (ORI)	
WRITERS PALM IMPRESSION			INDEX FINGER		
LEFT PALM			LEFT PALM		

7/12/2017 1:43 PM

IDENTIFICATION NO.	LAST NAME	FIRST NAME	MIDDLE NAME	SID NUMBER	FPI NUMBER
DATE PRINTED	SIGNATURE OF OFFICIAL TAKING PRINTS	ID NUMBER	CONTRIBUTOR (ORI)		
WRITERS PALM IMPRESSION				INDEX FINGER	
					
RIGHT PALM					
					
7/12/2017 1:43 PM					

## VI. PSP ARREST AND INSTITUTION FINGERPRINT CARD

### A. Purpose

The PSP Arrest and Institution Fingerprint Card, Form SP 4-123 (See *Figure 6*), is used to provide a uniform method of collecting personal data, descriptive identifiers, arrest information and fingerprint impressions for submission to the PSPCR. The PSP Arrest and Institution Fingerprint Card shall be used by all law enforcement agencies for fingerprinting persons pursuant to 18 Pa. C.S. § 9112 (Mandatory Fingerprinting), including fingerprints obtained with Livescan equipment.

### B. Ordering

1. The PSPCR provides the Requisition for Ordering Identification Supplies from PSP, Form SP 4-120, with fingerprint cards shipped to law enforcement agencies. To order a supply of PSP Arrest and Institution Fingerprint Cards, complete the requisition form and mail to Pennsylvania State Police, Print and Mail Services Section, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110-9758. If a requisition form is not available, telephone the Bureau of Staff Services, Print and Mail Services Section, at 717-783-5596 to place an order. When the supply of fingerprint cards is received, retain the requisition form for future reordering.
2. The PSPCR provides the PSP Arrest and Institution Fingerprint Card free of cost and with the arresting agency's Originating Identification Number (ORI), agency name and address printed in the contributor's block (Block 22) of the card. When ordering fingerprint cards, the arresting agency should be sure to provide its ORI number.
3. Arresting agencies utilizing Livescan equipment must specify so when ordering to assure that blank PSP Arrest and Institution Fingerprint Cards are provided. This is necessary to prohibit Livescan from printing over contributor information normally printed in Block 22.

### C. Rejection Criteria

1. Missing/Invalid OTN.

**NOTE: In juvenile cases, where the "Treat as Juvenile" block is marked yes, the OTN is assigned by the PSP upon submission of the juvenile fingerprint record by the arresting agency. The assigned OTN is then returned to the arresting agency by PSP.**

2. Title of Offense/Statutory Citation Number not furnished/differ.

3. Data on state card and FBI card do not match (e.g., name, date of birth, social security number).
4. Date of birth not given/not clear/incomplete/invalid.
5. Date of arrest/Date of offense omitted.
6. ORI missing/invalid (Cannot accept generic ORI PA000000).
7. Name of subject not shown/illegible.
8. When the fingerprints are unclassifiable or unverifiable with no distinguishing characteristics or the fingerprints are missing, the fingerprint card will be returned with a Poor Fingerprint Notice, Form SP 4-144A (See *Figure 7*), with a request that the fingerprints for this arrest be reprinted.
9. Age and year of birth differ.
10. Commitment prints without the arresting agency supplied.
11. Missing object crimes for Solicitation, Attempt, Conspiracy and Permitting under the Vehicle Code.
12. Not being specific when listing drug charges or theft charges.

**D. Fingerprint Card Rejection Notices**

1. Poor Fingerprint Notice, Form SP 4-144A (See *Figure 7*): This form is utilized by the PSPCR to correct poor fingerprint impressions on the PSP Arrest and Institution Fingerprint Card. A Poor Fingerprint Notice listing reasons the fingerprints cannot be classified, along with the PSP Arrest and Institution Fingerprint Card identifying the poor fingerprint impression block(s), is returned to the contributor for correction.
2. Missing or Inaccurate Fingerprint Card Notice, Form SP 4-144B (See *Figure 8*): This form is utilized by the PSPCR to correct missing or inaccurate information in data fields 1-32 of the PSP Arrest and Institution Fingerprint Card. A Missing or Inaccurate Fingerprint Card Data Notice listing the missing or inaccurate information, along with a copy of the PSP Arrest and Institution Fingerprint Card, is returned to the contributor for correction.
3. A contributor receiving one or both of the above fingerprint card rejection notices must take the appropriate action to make all corrections as requested. The fingerprint card rejection notice with the corrected fingerprint card attached to the notice, must be

returned to the PSPCR in a timely manner. This is necessary to ensure the completeness and accuracy of the affected criminal history record. In some cases of poor fingerprint impressions, it may be necessary to fingerprint the person again. In cases of missing or inaccurate data, place the corrected data in the appropriate data field.

#### **E. Preparation**

1. Entering data: This form shall be printed with ballpoint pen or typewritten.
2. Fingerprint impressions: Fingerprint cards shall include both fully rolled and simultaneous impressions which are legible and classifiable. Rolled impressions shall include the entire area above the first joint of the finger rolled from nail to nail. Slap/Plain impressions must include the tips of the fingerprints (*see Figure 2*).
3. Number of fingerprint cards required for criminal arrests:
  - a. One PSP Arrest and Institution Fingerprint Card shall be completed and submitted to PSPCR, and upon completion will be electronically forwarded to the FBI.

**NOTE: When using Livescan equipment for fingerprinting, a blank PSP Arrest and Institution Fingerprint Card must be used as described in paragraph B.3.**

- b. Additional PSP Arrest and Institution Fingerprint Cards, as needed for the arresting authority's own file.
4. Number of fingerprint cards required in specific cases:
  - a. Multiple Originating Identification Number (ORI) numbers/one Offense Tracking Number (OTN): One fingerprint card per agency. All agencies must use the same OTN.
  - b. Multiple OTNs/one Date Of Arrest (DOA): One fingerprint card/one OTN on front of card. List additional OTNs on reverse side in Additional Information block.
  - c. Multiple OTNs/Multiple DOAs: Each DOA requires a fingerprint card. The card can have one or more OTNs. One OTN should be placed in the OTN block and all other OTNs listed in the Additional Information block on the reverse side.

- d. Multiple Dates Of Offenses (DOO)/one DOA/one or multiple OTNs: One fingerprint card. One OTN should be placed in the OTN block and all other OTNs listed in the Additional Information block on the reverse side.
  - e. In all cases, when encountering unusual circumstances and submissions, please contact the PSPCR for further instruction.
  - f. When multiple bookings of the same individual are to be done on Livescan, allow at least 15 minutes between transmissions of data for each booking.
  - g. For juveniles who have been adjudicated delinquent and fingerprints have not been previously taken for the corresponding offense(s) (Post Adjudication Processing), a fingerprint card is required for each petition that results in an adjudication of delinquency. A single petition may include multiple offenses.
5. Fingerprinting Services Provided by Other Agencies: Central booking facilities and police departments that provide fingerprinting services to other police departments or criminal justice agencies should ensure that the arresting agency's ORI, name and address is entered in Block 22 of the PSP Arrest and Institution Fingerprint Card.

#### **F. Block Instructions**

Data fields preceded by an asterisk (\*) must be completed in order for the fingerprint card to be processed by the PSPCR. However, all data fields are important and should be completed if the information is known.

1. Leave Blank.
2. Leave Blank.
3. Leave Blank.
4. This field is limited to 30 characters and should be formatted as follows: LAST NAME, FIRST NAME, MIDDLE NAME, and SUFFIX. If there are two last names, they must be hyphenated. If there are two first names or two middle names, they must be run together or separated by a space.
5. SIGNATURE OF PERSON FINGERPRINTED: The person will be requested to sign their name in this block. If they refuse to do so, enter the word REFUSED.



6. SOCIAL SECURITY NO.: Complete, if known.
7. Leave Blank (Central Repository only).
8. ALIASES/MAIDEN, LAST NAME, FIRST NAME, MIDDLE NAME, and SUFFIX: Enter any known aliases. Include maiden names, street names, excluding one-word street names or nicknames. List any additional aliases as in Block 41. This field must follow the same format at #4 and not be duplicated.
9. \* AGE: Enter the person's age.
10. FBI NO.: Enter the FBI number, if known,
11. STATE IDENTIFICATION NO.: Enter the SID, if known.
12. \* DATE OF BIRTH MM DD YY: Enter the person's date of birth, must be formatted as follows:
  - a. Mailed prints: MM DD CCYY (e.g., 01/01/1969)
  - b. Livescan prints: CCYY MM DD (e.g., 1969/01/01)
13. \* SEX: Enter M or F. If unknown, enter U.
14. \* RACE: Enter the appropriate letter designation as follows:
 

White		W
Black		B
American Indian or Alaskan Native		I
Asian or Pacific Islander		A
15. \* HEIGHT: This field is limited to a range of height from 4 feet, 00 inches – 7 feet, 11 inches.
16. \* WEIGHT: This field is limited to a range of weight from 50 lbs. – 499 lbs.
17. \* EYES: Enter color of eyes as follows:
 

Black	BLK	Blue	BLU
Brown	BRO	Gray	GRY
Green	GRN	Hazel	HAZ
Maroon	MAR	Pink	PNK
18. \* HAIR: Enter color of hair as follows:

Black	BLK
Blond or Strawberry	BLN
Brown	BRO
Gray or Partially Gray	GRY
Red or Auburn	RED
Sandy	SDY
White	WHI
Unknown or Completely Bald	BLD

19. \* FINGERPRINT BLOCKS: Rolled and simultaneous impressions of all fingers must appear on the card, except when a finger is amputated or deformed to the extent that legible printing is impossible. In these cases, a notation shall be made in the appropriate finger block(s). If no fingers are present, palm prints shall be obtained. In the event both hands are amputated, foot prints shall be obtained.
20. COMPLETE FOR JUVENILES ONLY: If a person is arrested and the age is less than 18 years old:
- a. Check "TREAT AS JUVENILE" block if the criterion is not described below in sections (a), (b), (c), or (d) (Exception-Retail Theft 16 and 17 years old and Library Theft, do not mark as Juvenile).
  - b. Check the "TREAT AS ADULT" block if the charge is:
    - (1) Murder.
    - (2) Or any of the flowing prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon as defined in 18 Pa. C.S. § 2301 (relating to definitions) was used during the commission of the offense which, if committed by an adult, would be classified as:
      - (a) Rape as defined in 18 Pa. C.S. § 3121.
      - (b) Involuntary Deviate Sexual Intercourse as defined in 18 Pa. C.S. § 3123.
      - (c) Aggravated Assault as defined in 18 Pa. C.S. § 2702 (a), (1), or (2).
      - (d) Robbery as defined in 18 Pa. C.S. § 3701 (a)(1)(i), (ii), or (iii).
      - (e) Robbery of a Motor Vehicle as defined in 18 Pa. C.S. § 3702.

- (f) Aggravated Indecent Assault as defined in 18 Pa. C.S. § 3125.
  - (g) Kidnapping as defined in 18 Pa. C.S. § 2901.
  - (h) Voluntary Manslaughter as defined in 18 Pa. C.S. § 2503.
  - (i) Attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa. C.S. § 901, § 902, and § 903.
- c. Or any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and has been previously adjudicated delinquent of any of the following prohibited conduct which, if committed by an adult, would be classified as:
- (1) Rape as defined in 18 Pa. C.S. § 3121.
  - (2) Involuntary Deviate Sexual Intercourse as defined in 18 Pa. C.S. § 3123.
  - (3) Robbery as defined in 18 Pa. C.S. § 3701 (a)(1)(i) (ii) or (iii).
  - (4) Robbery of a Motor Vehicle as defined in 18 Pa. C.S. § 3702.
  - (5) Aggravated Indecent Assault as defined in 18 Pa. C.S. § 3125.
  - (6) Kidnapping as defined in 18 Pa. C.S. § 2901.
  - (7) Voluntary Manslaughter as defined in 18 Pa. C.S. § 2503.
  - (8) Attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa. C.S. § 901, § 902, and § 903.
- d. A crime committed by a child who has been found guilty in a criminal proceeding for other than a summary offense.

**NOTE: Refer to the Juvenile Act, 42 Pa. C.S. Chapter 63, for complete details.**

**NOTE: If an individual is transferred back to juvenile court, please notify the PSPCR of the change at 717-783-3727.**

21. \* DATE OF ARREST MM DD YY: Enter the date of the arrest, including the century. Only one date may be entered. **IF MULTIPLE ARRESTS OCCUR ON DIFFERENT DATES, A SEPARATE FINGERPRINT CARD SHALL BE SUBMITTED FOR EACH ARREST.** DATE OF ARREST must be formatted as follows:
- a. Mailed Prints: MM DD CCYY (e.g., 01/01/1969)
  - b. Livescan prints: CCYY MM DD (e.g., 1969/01/01)
22. \* ORI, CONTRIBUTOR, ADDRESS: The Originating Identification Number (ORI) number, name and address of the contributing agency shall be entered in this block.

**NOTE: For private prosecution, the ORI number must be that of the fingerprinting agency.**

**NOTE: Central booking facilities and police departments that provide fingerprinting services to other police departments or criminal justice agencies should ensure that the arresting agency's ORI, name and address is entered in this block and not that of the fingerprinting agency.**

**NOTE: When using Livescan equipment for fingerprinting, be sure to use a blank arrest fingerprint card to avoid printing over preprinted contributor information.**

23. \* OTN(S): Enter the Offense Tracking Number (OTN), including the letter prefix which is preprinted on the District Magistrate Docket Transcript. This number should be obtained at the time of arraignment.

**NOTE: In juvenile cases, where the "TREAT AS JUVENILE" block is marked yes, the OTN is assigned by the PSP upon submission of the juvenile fingerprint record by the arresting agency. The assigned OTN is then returned to the arresting agency by PSP.**

**LIVESCAN USERS ONLY:** Except in the case of a juvenile fingerprint submission, a fingerprint submitted without an OTN will be assigned a Livescan Offense Tracking Number (LOTN). This number will be included on the CLEAN response and shall be used

on the criminal complaint. Device-assigned OTNs will have "X" as a prefix (e.g., XOTN).

24. \*DATE OF OFFENSE MM DD YY: Enter the date the offense took place, including the century. DATE OF OFFENSE must be formatted as follows:
  - a. Mailed prints: MM DD CCYY (e.g., 01/01/1969)
  - b. Livescan prints: CCYY MM DD (e.g., 1969/01/01/)
25. PLACE OF BIRTH (STATE OR COUNTRY): List the state, territorial possession, province (Canadian) or country of birth. Use the correct abbreviation for foreign countries (see Appendix D).
26. U. S. CITIZEN: Self-explanatory.
27. COUNTRY OF CITIZENSHIP: If not a US citizen, indicate the country of citizenship.
28. ALIEN NO.: If not a US citizen, indicate alien registration number, if known.
29. SCARS, MARKS, TATTOOS, AND AMPUTATIONS: Self-explanatory.
30. RESIDENCE/COMPLETE ADDRESS: Enter address obtained from subject's identification.
31. \*OFFICIAL TAKING PRINTS (NAME OR NUMBER & DATE): Self-explanatory.
32. LOCAL IDENTIFICATION/REFERENCE (OCA): Enter the Originating Agency Case Number (OCA) assigned by the arresting authority to the person fingerprinted.

**NOTE: The PSPCR will insert the OCA number on the "rap sheet" to assist the arresting authority in associating the arrest fingerprint card submitted with a specific case or report number.**

33. PHOTO AVAILABLE: Self-explanatory.

**NOTE: Photo(s) shall be retained by the arresting authority.**

34. PALM PRINTS TAKEN: Self-explanatory.

35. EMPLOYER: State company or agency where the individual is employed.
36. OCCUPATION: If available, state occupation of subject.
37. \* CHARGE/CITATION: For Crimes Code violations, enter the numeric prefix, followed by the specific section number, and the literal name of the offense (e.g., CC3929 Retail Theft, CC3502 Burglary, CC3925 Receiving Stolen Property, etc.).

**The more common statutes and their numerical prefixes are as follows:**

**35** = Controlled Substance, Drug Device and Cosmetic Act (e.g., S13a30 Vio. Drug Act)

**72** = Cigarette Tax Act (e.g., CT8271 Vio. Cig. Tax Act)

**3** = Dog Law (e.g., DL602 Vio. Dog Law)

**30** = Fish and Boat Code (e.g., FB2502 Vio. Fish & Boat Code)

**35** = Fireworks Law

**34** = Game Law

**47** = Liquor Law

**63** = Pharmacy Act

**62** = Public Welfare Code

**75** = Vehicle Code

**35** = Solid Waste Management Act

**72** = Taxation and Fiscal Affairs Code

**NOTE: Conspiracy, Solicitation, and Attempt Charges shall be entered with object charges. Both Inchoate and Object Charges must have the same number of counts. Such as:**

<u>18903</u>	Conspiracy
<u>3513a30</u>	Vio. Drug Act

<u>18902</u>	Solicitation
<u>47491-1</u>	Vio. Liquor Law

18901 Attempt  
342505 Vio. Game Law

**NOTE: PERMITTING VIOLATIONS OF THE VEHICLE CODE SHALL BE ENTERED WITH AN OBJECT CHARGE, WHICH MUST BE ANOTHER VIOLATION OF THE VEHICLE CODE (e.g., 751575/753731 PERMITTING/DUI.)**

38. FIREARM ENHANCEMENT: Enter an "X" in the applicable box to indicate whether the defendant possessed or used a firearm during the commission of the offense(s).

**NOTE: The Federal Firearms Law defines a firearm as: "Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive." The term does not include an antique firearm.**

39. PROSECUTION: Enter "Police" or "Private."
40. \* MAGISTERIAL DISTRICT NO.: Enter the magisterial district number in Judicial District Number-Magisterial District Number-Magistrate Number numerical format, (e.g., 06-3-02, etc.).

**NOTE: IF MULTIPLE ARRESTS OCCUR BEFORE DIFFERENT DISTRICT MAGISTRATES, A SEPARATE FINGERPRINT CARD SHALL BE SUBMITTED FOR EACH ARREST.**

41. \* DOMESTIC VIOLENCE: Check the appropriate block whenever charge(s) applies to the Domestic Violence provisions, as indicated in the note listed below:

**LIVESCAN USERS ONLY:** Indicate a "Y" for Yes or an "N" for No as to whether Domestic Violence provisions apply to the charge(s), as indicated in the following note:

**NOTE: Any crime, that under Federal or State law has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian or by a person similarly situated to a spouse, parent, or guardian of the victim. Domestic violence includes all offenses that involve the use or attempted use of physical force, if the offense is committed by one of the defined parties.**

42. \* ARRESTING AGENCY (FOR PRISON USE ONLY).

43. ADDITIONAL INFORMATION/BASIS FOR CAUTION: Self-explanatory.
44. COUNTY OF OFFENSE: Self-explanatory.

**G. Submission**

1. One completed PSP Arrest and Institution Fingerprint Card shall be placed on top of one completed FBI Arrest and Institution Fingerprint Card. Care shall be taken to ensure the evidentiary value of any fingerprint is not damaged. A staple shall be inserted in the lower left- hand corner of the cards. Both cards shall be forwarded by mail to the PSPCR (see Chapter VI (f), FBI Fingerprint Cards, for additional information).
2. PSP Arrest Cards are required to be submitted within 48 hours of arrest to the Director, Criminal Records and Identification Division, Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, Pennsylvania 17110-9758, pursuant to 18 Pa. C.S. § 9112 (Mandatory Fingerprinting).
3. When circumstances prevent the timely submission of fingerprint cards to the PSPCR, it is essential that the arresting authority ensure fingerprints are taken and submitted as soon as possible thereafter.



Figure 6: PSP Arrest and Institution Fingerprint Card

TYPE OR PRINT ALL INFORMATION LEAVE BLANK		<b>PSP CARD</b>				LEAVE BLANK		
SID (LEAVE BLANK)		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX						
SIGNATURE OF PERSON FINGERPRINTED		SOCIAL SECURITY NO.		LEAVE BLANK				
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX		1	2	3	4	5		
		6	7	8	9	10		
		AGE	EDIT	IV 1	IV 2	CV	PV	LSID
FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH MM DD YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING		5. R. LITTLE			
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING		10. L. LITTLE			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB	R. THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY				

**PSP Arrest and Institution Fingerprint Card (Back)**

SUBMIT FINGERPRINT CARDS <u>WITHIN 48 HOURS</u> TO THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758					
COMPLETE FOR JUVENILES ONLY TREAT AS JUVENILE YES <input type="checkbox"/> TREAT AS ADULT YES <input type="checkbox"/>		DATE OF ARREST MM DD YY	ORI  CONTRIBUTOR  ADDRESS		
OTN (S)	DATE OF OFFENSE MM DD YY		PLACE OF BIRTH (STATE OR COUNTRY)	U.S. CITIZEN YES <input type="checkbox"/> NO <input type="checkbox"/>	COUNTRY OF CITIZENSHIP  ALIEN NO.
	SCARS, MARKS, TATTOOS, AND AMPUTATIONS				
	RESIDENCE/COMPLETE ADDRESS			CITY	STATE
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER & DATE)		LOCAL IDENTIFICATION/REFERENCE (OCA)		PHOTO AVAILABLE YES <input type="checkbox"/> PALM PRINTS TAKEN YES <input type="checkbox"/>	
EMPLOYER			OCCUPATION		
CHARGE/CITATION 1.			DISPOSITION 1.		
FIREARM ENHANCEMENT YES _____ NO _____		PROSECUTION POLICE <input type="checkbox"/> PRIVATE <input type="checkbox"/>	MAGISTERIAL DISTRICT NO.	DOMESTIC VIOLENCE YES <input type="checkbox"/> NO <input type="checkbox"/>	ARRESTING AGENCY
ADDITIONAL INFORMATION/BASIS FOR CAUTION				COUNTY OF OFFENSE	
SP 4-123 (5-99) PENNSYLVANIA STATE POLICE ARREST AND INSTITUTION FINGERPRINT CARD					

### Figure 7: Poor Fingerprint Notice (Front)

ISP 4-144A (11-2017)



PENNSYLVANIA STATE POLICE  
CENTRAL REPOSITORY  
1800 ELMERTON AVENUE  
HARRISBURG, PA 17110-9758  
717-783-5515 / 717-705-5505

The fingerprint blocks circled on the attached copy indicate individual finger impressions that cannot be accurately classified due to one or more of the following reasons:

1.  INK UNEVENLY DISTRIBUTED                       TOO MUCH INK                       INSUFFICIENT INK
2.  FINGERS NOT FULLY INKED OR ROLLED
3.  SOME OF THE IMPRESSIONS ARE SMUDGED - POSSIBLY FINGERS SLIPPED WHILE BEING ROLLED, OR FINGERS WERE NOT CLEAN AND DRY
4.  RIDGE CHARACTERISTICS ARE NOT DISTINCT - POSSIBLY DUE TO THE NATURE OF THE INDIVIDUAL'S EMPLOYMENT OR SOME OTHER CAUSE
5.  HANDS HAVE BEEN REVERSED
6.  ONE OR MORE FINGERS PRINTED TWICE                       RIGHT/LEFT HAND PRINTED TWICE
7.  FINGERPRINTS ARE NOT IN SEQUENCE IN SPACES INDICATED
8.  ONE OR MORE IMPRESSIONS ARE MISSING OR PARTIALLY MISSING. PLEASE INDICATE IF THERE IS AN AMPUTATION. IF NO AMPUTATIONS, OBTAIN THESE FINGERPRINTS. IN CASE OF BENT OR PARALYZED FINGERS, IT IS SUGGESTED THAT A SPOON OR SIMILAR INSTRUMENT BE USED AND THE FINGERS BE PRINTED INDIVIDUALLY.
9.  THE PLAIN OR SIMULTANEOUS IMPRESSIONS ARE OF THE SAME HAND
10.  FULL SET OF PRINTS ARE REQUIRED, BOTH ROLLED AND SIMULTANEOUS IMPRESSIONS
11.  OTHER \_\_\_\_\_

**If another set of fingerprints is available on this subject, kindly submit with the enclosed correspondence.**

If another set of fingerprints is not available on this subject, DO NOT resubmit this fingerprint card as it cannot be classified.

In those instances where the fingerprint card is returned for being unclassified, it is recommended the District Attorney and/or the Court of Proper Jurisdiction be notified to ensure compliance with 18 PA C.S. §9112.

**PLEASE TAKE APPROPRIATE ACTION AS SOON AS POSSIBLE**

Thank you for your cooperation in this matter,  
Criminal Records & Identification Division  
Pennsylvania State Police

**PLEASE NOTE INSTRUCTIONS ON REVERSE SIDE**

*An Internationally Accredited Law Enforcement Agency*

## Poor Fingerprint Notice (Back)

### INSTRUCTIONS

Due to the vastness of our fingerprint records, it is imperative that the complete classification formula be employed for searching and filing in each instance. Accurate classifying depends primarily upon the best possible rolled impressions that can be taken.

Fully rolled, clear impressions allow for accurate pattern differentiation, ridge counting, whorl tracing, and interpretation of whorl types.

It is suggested that each newly completed fingerprint card be examined to ascertain if it can be fully classified, bearing in mind the following: (1) loop-type patterns cannot be classified unless the center of the loop, the delta, and the ridges between them are clear; (2) whorl-type patterns cannot be classified unless the deltas and the ridges connecting them are clear; (3) arch-type patterns can be classified as such only if a sufficiently clear impression is obtained to permit identification of the pattern as belonging to the arch category.

While a concerted effort is made to process each fingerprint card forwarded, in some instances this is not possible. The PSP fully recognizes the occurrences of situations which challenge the ingenuity of the identification officer to secure legible impressions. All returned fingerprint cards do not necessarily reflect upon the ability of the operative taking the prints and no returns are made at any time with such a thought in mind.

Your cooperation is solicited in obtaining the best possible impressions in each block on every fingerprint card submitted. By doing so, you are rendering a real service and making a major contribution to all agencies participating in the fingerprint exchange program.



**Figure 8: Missing or Inaccurate Fingerprint Card Notice**

SP 4-144B (8-2002)



PENNSYLVANIA STATE POLICE  
 CENTRAL REPOSITORY  
 1800 ELMERTON AVENUE  
 HARRISBURG, PA 17110-9758

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SECTION 9111 OF THE CRIMINAL HISTORY RECORD INFORMATION ACT, ACT 47 OF 1979 AS AMENDED, REQUIRES EVERY CRIMINAL JUSTICE AGENCY WITHIN THE COMMONWEALTH TO MAINTAIN COMPLETE AND ACCURATE CRIMINAL HISTORY RECORD INFORMATION, AND TO REPORT SUCH INFORMATION AS REQUIRED BY THAT ACT AND OTHER APPLICABLE STATUTES. IN COMPLIANCE WITH THAT MANDATE, THE CENTRAL REPOSITORY WILL NOT COLLECT, COMPILE, MAINTAIN, OR DISSEMINATE CRIMINAL HISTORY RECORD INFORMATION, WHICH INCLUDES FINGERPRINT CARDS, UNLESS IT IS COMPLETE AND ACCURATE.

---

A REVIEW OF THE ENCLOSED FINGERPRINT CARD(S) AT THE CENTRAL REPOSITORY REVEALED THE FOLLOWING DISCREPANCIES.

- NAME OF SUBJECT NOT SHOWN/ILLEGIBLE.
- DATE OF BIRTH NOT GIVEN/NOT CLEAR/INCOMPLETE/INVALID.
- AGE AND YEAR OF BIRTH DIFFER.
- SUMMARY VEHICLE CODE VIOLATIONS SHOULD NOT BE LISTED ON FINGERPRINT CARD.
- DATE OF ARREST/DATE OF OFFENSE OMITTED.
- OTN: MISSING/INVALID.
- STATUTORY CITATION NUMBER(S) INCOMPLETE. COMPLETE SECTION/SUBSECTION/CLAUSE REQUIRED.
- TITLE OF OFFENSE/STATUTORY CITATION NUMBER NOT FURNISHED/DIFFER.
- NO STATUTE AUTHORITY TO RETAIN ATTACHED PRINT AND/OR STATUTE PROHIBITS RETENTION. DO NOT RETURN FINGERPRINT CARD(S).
- DUPLICATE OF FINGERPRINT CARD ALREADY IN OUR FILES FROM SAME ARREST. DO NOT RETURN FINGERPRINT CARD.
- COMPLETE TITLE OF OFFENSE/STATUTORY CITATION NUMBER OF CHARGE ATTEMPTED/SOLICITED/CONSPIRED/OR PERMITTED REQUIRED.
- IF THIS IS A LAW ENFORCEMENT APPLICANT FINGERPRINT CARD(S), PRINT "LAW ENFORCEMENT," IN RED, ON THE UPPER LEFT-HAND CORNER OF EACH FINGERPRINT CARD(S).
- FBI AND STATE FINGERPRINT CARDS DIFFER: DATE OF BIRTH/DATE OF ARREST/ CHARGES/\_\_\_\_\_.
- OTHER

PLEASE RETURN ORIGINAL PRINTS WITH REPRINTS.

EXCEPT WHERE DIRECTED OTHERWISE, PLEASE MAKE THE APPROPRIATE ADDITIONS/CORRECTIONS/DELETIONS ON THE ENCLOSED FINGERPRINT CARD(S), AND RETURN THE CARD(S) AND THIS FORM TO THE CENTRAL REPOSITORY AS SOON AS POSSIBLE. SINCE CRIMINAL RECORDS ARE BASED ON FINGERPRINT CARD SUBMISSIONS, FAILURE TO RETURN THE ENCLOSED CARD(S), WITH COMPLETE AND ACCURATE DATA, WILL RESULT IN NO RECORD BEING CREATED AND CONSEQUENTLY NO INFORMATION AVAILABLE FOR DISSEMINATION.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE NUMBER INDICATED:

- 717-783-3762       717-783-5493

THANK YOU FOR YOUR COOPERATION IN THIS MATTER.

DIRECTOR  
 CRIMINAL RECORDS AND IDENTIFICATION DIVISION  
 PENNSYLVANIA STATE POLICE

## VII. PSP APPLICANT FINGERPRINT CARD

### A. Purpose

The PSP Applicant Fingerprint Card, Form SP 4-124 (See *Figure 9*), is used to provide a uniform method for submitting fingerprints for non-criminal purposes, including but not limited to the following:

1. Persons applying for certification under the provisions of Municipal Police Training (MPTA) Act or Lethal Weapons Training Act (LWTA). PSP Applicant Fingerprint Cards for these purposes shall contain the ORI for the Municipal Police Officers' Education and Training Commission (MPOETC).

**NOTE: LWTA fingerprint processing is handled by an outside vendor.**

2. Persons applying for a private detective license or an employee of a licensed private detective agency, pursuant to the Private Detective Act of 1953. The PSPCR provides PSP Applicant Fingerprint Cards to all County Clerks of Courts with their ORI printed in the contributor block (Block 6) for this purpose.
3. Out-of-state parolees, under the supervision of the Pennsylvania Board of Probation and Parole (PBPP). The PSPCR provides the PSP Applicant Fingerprint Card to PBPP with its ORI printed in the contributor block (Block 6) and "OUT-OF-STATE PAROLEE" printed in the Reason Fingerprinted block (Block 21) for this purpose. Arrival and maximum dates should be entered in the Additional Information block.
4. The PSP Applicant Fingerprint Card must be submitted directly to the PSPCR. **DO NOT RETURN THE FINGERPRINT CARD TO THE OUT-OF-STATE PAROLEE.**
5. A police department honoring a fingerprinting request for any of the aforementioned purposes should additionally:
  - a. Request proper identification. If identification is not provided, the request for fingerprinting should be denied.
  - b. If an error occurs, use a blank PSP Applicant Fingerprint Card; however, ensure all information is transferred including the contributor's ORI (e.g., MPOETC, Clerk of Courts, PBPP, etc.).

**B. Ordering**

1. The PSPCR provides a Requisition for Ordering Identification Supplies from PSP, Form SP 4-120, along with fingerprint cards, which are shipped to law enforcement agencies. To order a supply of PSP Applicant Fingerprint Cards, complete the requisition form and mail to: Pennsylvania State Police, Print and Mail Services Section, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110-9758. If a requisition form is not available, telephone the Fingerprint Identification Section at 717-783-5497 to place an order. When the supply of fingerprint cards is received, retain the requisition form for future reordering.
2. The PSPCR provides the PSP Applicant Fingerprint Card free of cost and with the fingerprinting agency's ORI, agency name and address printed in contributor's block (Block 6) of the card. When ordering fingerprint cards, the fingerprinting agency should be sure to provide its ORI number.
3. Fingerprinting agencies utilizing Livescan should specify so when ordering to assure that blank fingerprint cards are provided. This is necessary to prohibit the Livescan unit from printing over contributor information that normally is printed in Block 6.

**C. Rejection Criteria**

1. Unclassifiable or unverifiable fingerprint impressions.
2. Missing name, invalid name format, or missing date of birth.
3. Missing or inaccurate ORI.
4. Missing reason for fingerprinting.

**D. Fingerprint Card Rejection Notices**

1. Poor Fingerprint Notice, Form SP 4-144A (*See Figure 7*): This form is utilized by the PSPCR to correct poor fingerprint impressions on the PSP Applicant Fingerprint Card. A Poor Fingerprint Notice listing reasons the fingerprints cannot be classified, along with the PSP Applicant Fingerprint Card identifying the poor fingerprint impression block(s), is returned to the contributor for correction.
2. Applicant Fingerprint Card Correction Notice, Form SP 4-144, (*See Figure 10*): This form is utilized by the PSPCR to correct missing or inaccurate information in data fields 1-23 of the PSP Applicant Fingerprint Card. An Applicant Fingerprint Card Correction Notice listing the missing or inaccurate information, along with a copy of

the PSP Applicant Fingerprint Card, is returned to the contributor for correction.

3. A contributor receiving one or both of the above fingerprint card rejection notices, must take the appropriate action to make all corrections as requested. The fingerprint card rejection notice with the corrected fingerprint card attached to the notice, must be returned to the PSPCR in a timely manner. This is necessary to ensure the completeness and accuracy of the affected criminal history record. In some cases of poor fingerprint impressions, it may be necessary to fingerprint the person again. In cases of missing or inaccurate data, place the corrected data in the appropriate data field.

#### **E. Preparation**

1. Entering data:

This form shall be printed with ballpoint pen or typewritten.

2. Fingerprint impression blocks:

Fingerprint cards shall include both fully rolled and simultaneous impressions which are legible and classifiable. Rolled impressions shall include the entire area above the first joint of the finger rolled from nail to nail.

3. Number of applicant cards to prepare:

One applicant fingerprint card shall be completed for submission to the PSPCR. Additional applicant fingerprint cards may be completed as individual agency regulations require.

#### **F. Block Instructions**

Data fields preceded by an asterisk (\*) must be completed in order for the fingerprint card to be processed by the PSPCR. However, all data fields are important and should be completed if the information is known.

1. Leave Blank.
2. \* LAST NAME, FIRST NAME, and MIDDLE NAME: Self-explanatory. If there are two last names, they must be hyphenated. If there are two first names or two middle names, they must be run together or separated by a space.
3. Leave Blank.
4. SIGNATURE OF PERSON FINGERPRINTED: Self-explanatory.



5. ALIASES AKA: Enter known alias. Include maiden names, street names, excluding one word street names or nicknames. This field must follow the same format as #2 and not be duplicated.
6. \* ORI: Enter the ORI, name and address of the fingerprinting agency.
7. AGE: Enter the applicant's age.
8. \* DATE OF BIRTH DOB: Enter the month, day, and year (e.g., 02/21/47). DATE OF BIRTH must be formatted as follows:
  - a. Mailed prints: MM DD CCYY (e.g., 01/01/1969)
  - b. Livescan prints: CCYY MM DD (e.g., 1969/01/01)
9. RESIDENCE OF PERSON FINGERPRINTED: Self-explanatory.
10. SEX: Enter M or F. If unknown, enter U.
11. RACE: Enter the appropriate letter designation as follows:
 

White		W
Black		B
American Indian or Alaskan Native		I
Asian or Pacific Islander		A
12. HGT: Enter height in three-digit format (e.g., six feet three inches shall be entered 603).
13. EYES: Enter the appropriate color designation as follows:
 

Black	BLK	Blue	BLU
Brown	BRO	Gray	GRY
Green	GRN	Hazel	HAZ
Maroon	MAR	Pink	PNK
14. HAIR: Enter the appropriate color designation as follows:
 

Black	BLK
Blond or Strawberry	BLN
Brown	BRO
Gray or Partially Gray	GRY
Red or Auburn	RED
Sandy	SDY
White	WHI
Unknown or Completely Bald	BLD

15. PLACE OF BIRTH POB: List the state, territorial possession, province (Canadian) or country of birth. Use the correct abbreviation for foreign countries (see Appendix D).
16. DATE: Date taken.
17. SIGNATURE OF PERSON TAKING PRINTS: Self-explanatory.
18. Leave blank.
19. EMPLOYER AND ADDRESS: Self-explanatory.
20. \* REASON FINGERPRINTED: Self-explanatory.
21. SOCIAL SECURITY NO. SOC: Self-explanatory.
22. MISCELLANEOUS NO. MNU: To be used by PBPP to place a "P" OTN relating to fingerprinting Out-of State Parolees.
23. Leave Blank.
24. FINGERPRINT BLOCKS: Rolled and simultaneous impressions of all fingers must appear on the card, except when a finger is amputated or deformed to the extent that legible printing is impossible. In these cases, a notation shall be made in the appropriate finger block(s). Include date when amputation or injury occurred.
25. Leave Blank.
26. ADDITIONAL INFORMATION: Enter any additional information.

#### **G. Submission**

There is not a statutory time period for submission of the PSP Applicant Fingerprint Card. However, the contributor should submit PSP Applicant Fingerprint Cards as soon as possible after fingerprinting.

Figure 9: PSP Applicant Fingerprint Card

LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK					FBI		LEAVE BLANK	
		LAST NAME NAM		FIRST NAME		MIDDLE NAME				
SIGNATURE OF PERSON FINGERPRINTED		ALIASES AKA		O R I						
RESIDENCE OF PERSON FINGERPRINTED						AGE		DATE OF BIRTH DOB Month Day Year		
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS				SEX	RACE	HGT.	WGHT.	EYES	
EMPLOYER AND ADDRESS						HAIR		PLACE OF BIRTH POB		
REASON FINGERPRINTED		APPLICANT				LEAVE BLANK				
		SOCIAL SECURITY NO. SOC								
		MISCELLANEOUS NO. MNU								
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE		
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE		
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY				

**PSP Applicant Fingerprint Card (Back)**

LEAVE BLANK

ADDITIONAL INFORMATION

SP 4-124 (3-96) PENNSYLVANIA STATE POLICE APPLICANT FINGERPRINT CARD

### Figure 10: Applicant Fingerprint Card Correction Notice

SP 4-144 (11-2017)



**PENNSYLVANIA STATE POLICE**  
CENTRAL REPOSITORY  
1800 ELMERTON AVENUE  
HARRISBURG, PENNSYLVANIA 17110-9758

THE ENCLOSED FINGERPRINT CARD(S) AND/OR PAYMENT(S) IS BEING RETURNED UNPROCESSED FOR THE REASON(S) INDICATED BELOW:

- INSUFFICIENT PAYMENT**                       **OVERPAYMENT**  
(Fee of \$17.50 required)
- PERSONAL CHECKS ARE NOT ACCEPTED. PAYMENT MUST BE BY CERTIFIED CHECK, CASHIER'S CHECK, OR MONEY ORDER.**
- JNET/CLEAN SUBMISSIONS REQUIRE ONE STATE FINGERPRINT CARD AND ONE FBI FINGERPRINT CARD.**
- SENT BY STATE AGENCY.**
- SENT BY INDIVIDUAL - NOT BY STATE AGENCY.**
- INSUFFICIENT DATA ON FINGERPRINT CARD.**
  - FULL NAME REQUIRED                       SOCIAL SECURITY NUMBER REQUIRED
  - COMPLETE DATE OF BIRTH REQUIRED     REQUESTER IDENTIFICATION UNKNOWN/UNCLEAR
  - SEX REQUIRED                                       REASON FOR REQUEST UNKNOWN/UNCLEAR
  - RACE REQUIRED
- ALL SUBMISSIONS MUST GO THROUGH THE CLERK OF COURTS WHERE YOU ARE LICENSED. SUBMISSION OF FINGERPRINTS AND FEES WILL NOT BE ACCEPTED FROM ANY OTHER SOURCE. IF YOU HAVE QUESTIONS, PLEASE CALL 717-346-1449.**

PLEASE TAKE APPROPRIATE ACTION AS SOON AS POSSIBLE.

THANK YOU FOR YOUR COOPERATION IN THIS MATTER.

CRIMINAL RECORDS & IDENTIFICATION DIVISION  
FINGERPRINT CARD QUERY/MAILING UNIT  
PENNSYLVANIA STATE POLICE  
717-705-1741    717-346-1449

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*An Internationally Accredited Law Enforcement Agency*

## **APPENDIX A**

### **Executive Summary of Fingerprint Card Submission Audit By Ernst & Young**

## FINGERPRINT CARD SUBMISSION AUDIT

### Executive Summary by Ernst & Young.

The objective of this audit was to determine why arrest fingerprint cards were not being submitted to the Pennsylvania State Police Central Repository (PSPCR) for all offenses requiring submission.

To accomplish this objective, a two-phase approach was employed. The first phase involved circulating surveys to all police agencies across the Commonwealth, inquiring as to their perception of the reasons for lack of submission. The second phase involved conducting on-site visits at 30 representative police agencies across the state. Favorable cooperation was received from the police agencies during both phases of the study.

The results from both phases provided a clear picture of the current problems inhibiting the fingerprinting and reporting process. The study team was also able to identify recommendations for remedial actions designed to address those problems. Essentially, there were seven major problem areas:

1. Education and Training

This area seemed to dominate the results of both phases of the study. There appears to be low levels of understanding among police officers in the field as to what is required by Pennsylvania's Criminal History Record Information Act (CHRIA). This problem is further exacerbated by a significant lack of appreciation for the importance of fingerprinting and the timely submission of prints to the PSPCR.

Recommendation: Mandatory education, at both the academy and in-service levels, addressing the requirements and importance of fingerprinting and the submission of fingerprint cards.

2. Practices and Procedures

Currently, there is wide disparity among the departments as to how fingerprinting is accomplished, tracked, and submitted.

Recommendation: Creation of a manual containing standard operating procedures which can be utilized by all state and local police agencies.

3. Reporting Procedures of the PSPCR

There appears to be widespread frustration among police agencies related to what they believe to be awkward, redundant and unrealistic requirements.

Recommendation: The PSPCR should attempt to streamline the reporting process, especially in cases where a defendant is arrested by warrants on multiple charges from multiple police agencies. The fingerprint cards should also be reviewed in order to determine whether they can be made more "user friendly."

4. Lack of Cooperation and Interaction Among Agencies

Currently, there is little coordinated effort among the various criminal justice agencies (involved in handling criminal defendants) relative to fingerprinting. Not only is there little coordination among law enforcement agencies, there is practically no formal cooperation with court agencies, district attorney's offices, county prisons, state correctional institutions, etc.

Recommendation: There should be a comprehensive effort to educate all agencies of the requirements and importance of Pennsylvania's CHRIA. Through better education of all agencies, efforts can be made at all stages of the criminal justice process in order to ensure appropriate compliance (e.g., fingerprinting by the county at the time of sentence or at place of detention, etc.).

5. Need for Changes in Statutes and Rules of Criminal Procedure

Currently, there are few effective means of enforcing compliance with fingerprinting requirements. Presently, when a defendant deliberately decides not to report for fingerprinting, he/she is rarely compelled to do so under normal circumstances.

Recommendation: Changes to the Judicial and Crimes Codes, as well as to the Pennsylvania Rules of Criminal Procedure should be considered in order to provide for effective sanctions for failing to submit to fingerprinting or re-fingerprinting when necessary. There should also be clear and effective rules for the issuance of an arrest warrant when a defendant fails to report for ordered fingerprinting, thereby allowing law enforcement officers to take such a defendant into custody until such time as all fingerprinting requirements have been satisfied.

6. Inadequate Funding

There is a clear need for increased funding for central booking facilities, improved equipment, and specialized training.

Recommendation: Establish initial grants as well as on-going funding sources (e.g., booking fees which would be assessed against defendants as court costs) for the implementation and maintenance of such facilities, equipment and training programs.



7. Statewide Tracking of Fingerprint Cases

Currently, there is no effective mechanism for the PSPCR to routinely monitor compliance and follow-up on cases in which fingerprints have not been submitted.

Recommendation: Solicit the Administrative Office of Pennsylvania Courts (AOPC) to have District Justices enter incident numbers into their computer systems. Then, the PSPCR would be able to routinely contact police agencies and inform them as to which incidents do not have the necessary fingerprint cards submitted. These departments could then either secure the fingerprints or provide an explanation as to why fingerprinting cannot be completed (e.g., the defendant is deceased).

## **APPENDIX B**

"The Criminal History Record Information Act"  
Act of 1980, P.L. 116, No. 47

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**PART III****MISCELLANEOUS PROVISIONS****Chapter 91** Criminal History Record Information

**Enactment.** Part III was added July 16, 1979, P.L. 116, No. 47, Effective January 1, 1980.

**CHAPTER 91****CRIMINAL HISTORY RECORD INFORMATION****Subchapter**

- A.** General Provisions
- B.** Completeness and Accuracy
- C.** Dissemination of Criminal History Record Information
- D.** Security
- E.** Audit
- F.** Individual Right of Access and Review
- G.** Responsibility of Attorney General
- H.** Public Notice
- I.** Sanctions

**Enactment.** Chapter 91 was added July 16, 1979, P.L. 116, No. 47, effective January 1, 1980.

**Cross References.** Chapter 91 is referred to in section 6344 of Title 23 (Domestic Relations); section 6309 of Title 42 (Judiciary and Judicial Procedure).

**SUBCHAPTER A  
GENERAL PROVISIONS****Sec.**

- 9101. Short title of chapter.
- 9102. Definitions.
- 9103. Applicability.
- 9104. Scope.
- 9105. Other criminal justice information.
- 9106. Prohibited information.

**9101. Short Title of chapter.**

This chapter shall be known and may be cited as "The Criminal History Record Information Act."

**9102. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly states otherwise:

**"Administration of criminal justice."** The activities directly concerned with the prevention, control or reduction of crime, the apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders; criminal identification activities; or the collection, storage dissemination or usage of criminal history record information.

**"Audit."** The process of reviewing compliance with applicable Federal and State Laws and regulations related to the privacy and security of criminal history record information.

**"Automated systems."** A computer or other internally programmed device capable of automatically accepting and processing data, including computer programs, data communication links, input and output data and data storage devices.

**"Central repository."** The central location for the collection, compilation, maintenance and dissemination of criminal history record information by the Pennsylvania State Police.

**"Criminal history record information."** Information collected by criminal justice agencies concerning individuals, and arising from the initiation of a criminal proceeding, consisting of identifiable descriptions, dates and notations of arrests, indictments, information or other formal criminal charges and any dispositions arising there from. The term does not include intelligence information, investigative information or treatment information, including medical and psychological information, or information and records specified in section 9104 (relating to scope).

**"Criminal justice agency."** Any court, including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function. Criminal justice agencies include, but are not limited to: organized State and municipal police departments, local detention facilities, county, regional and State correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards and such agencies or subunits thereof, as are declared by the Attorney General to be criminal justice agencies as determined by a review of applicable statutes and the State and Federal Constitutions or both.

**"Disposition."** Information indicating that criminal proceedings have been concluded, including information disclosing that police have elected not to refer a matter for prosecution, that a prosecuting authority has elected not to commence criminal proceedings or that a grand jury has failed to indict and disclosing the nature of the termination of the proceedings; or information disclosing that proceedings have been indefinitely postponed and also disclosing the reason for such postponement. Dispositions of criminal proceedings in the Commonwealth shall include, but not be limited to, acquittal, acquittal by reason of insanity, pretrial probation or diversion, charge dismissed, guilty plea, nolle prosequi, no information filed, nolo contendere plea, convicted, abatement, discharge under rules of the Pennsylvania Rules of Criminal Procedure, demurrer sustained, pardoned, sentence commuted, mistrial-defendant discharged, discharge from probation or parole or correctional supervision.

**"Dissemination."** The oral or written transmission or disclosure of criminal history record information to individuals or agencies other than the criminal justice agency which maintains the information.

**"Expunge."**

- (1) To remove information so that there is no trace or indication that such information existed;
- (2) To eliminate all identifiers which may be used to trace the identity of an individual, allowing remaining data to be used for statistical purposes; or
- (3) Maintenance of certain information required or authorized under the provisions of section 9122 (c) (relating to expungement), when an individual has successfully completed the conditions of any pretrial or post-trial diversion or probation program.

**"Intelligence information."** Information concerning the habits, practices, characteristics, possessions, associations or financial status of any individual compiled in an effort to anticipate, prevent, monitor, investigate or prosecute criminal activity. Notwithstanding the definition of "treatment information" contained in this section, intelligence information may include information on prescribing, dispensing, selling, obtaining or using a controlled substance as defined in the act of April 14, 1972 (P.L. 233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

**"Investigative information."** Information assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information.

**"Police blotter."** A chronological listing of arrests, usually documented contemporaneous with the incident, which may include, but is not limited to, the name and address of the individual charged and the alleged offenses.

**"Repository."** Any location in which criminal history record information is collected, compiled, maintained and disseminated by a criminal justice agency.

**"Treatment information."** Information concerning medical, psychiatric, psychological or other rehabilitative treatment provided, suggested or prescribed for any individual charged with or convicted of a crime.

(Dec. 14, 1979, P.L. 556, No. 127, eff. imd.; June 11, 1982, P.L. 476, No. 138, eff. 180 days; Dec. 19, 1990, P.L., No. 207, eff. imd.)

**1990 Amendment.** Act 207 amended the defs. of "intelligence information" and "treatment information."

**1982 Amendment.** Act 138 amended the defs. of "criminal justice agency," "expunge" and "intelligence information" and added the def. of "police blotter."

**1979 Amendment.** Act 127 amended the def. of "criminal history record information," added the defs. of "automated systems," "intelligence information," "investigative information" and "treatment information" and repealed the def. of "secondary dissemination."

**Cross References.** Section 9102 is referred to in section 6309 of Title 42 (Judiciary and Judicial Procedure).

**9103. Applicability.**

This chapter shall apply to persons within this Commonwealth and to any agency of the Commonwealth or its political subdivisions which collects, maintains, disseminates or receives criminal history record information.

**9104. Scope.**

**(a) General rule.**--Except for the provisions of Subchapter B (relating to completeness and accuracy), Subchapter D (relating to security) and Subchapter F (relating to individual right of access and review), nothing in this chapter shall be construed to apply to:

- (1) Original records of entry compiled chronologically, including, but not limited to, police blotters and press releases that contain criminal history record information and are disseminated contemporaneous with the incident.
- (2) Any documents, records or indices prepared or maintained by or filed in any court of this Commonwealth, including but not limited to the minor judiciary.
- (3) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons.
- (4) Announcements of executive clemency.

**(b) Court dockets, police blotters and press releases.**--Court dockets, police blotters and press releases and information contained therein shall, for the purpose of this chapter, be considered public records.

**(c) Substitutes for court dockets.**--Where court dockets are not maintained any reasonable substitute containing that information traditionally available in court dockets shall, for the purpose of this chapter, be considered public records.

**(d) Certain disclosures authorized.**--Nothing in this chapter shall prohibit a criminal justice agency from disclosing an individual's prior criminal activity to an individual or agency if the information disclosed is based on records set forth in subsection (a).

**(e) Non-criminal justice agencies.**--Information collected by non-criminal justice agencies and individuals from the sources identified in this section shall not be considered criminal history record information.

(Dec. 14, 1979, P.L. 556, No. 127, eff. imd.; June 11, 1982, P.L. 476, No. 138, eff. 180 days)

**1982 Amendment.** Act 138 amended subsec. (a) and (b).

**1979 Amendment.** Act 127 repealed subsec. (d) and relettered subsec. (e) to (d) and subsec. (f) to (e).

**Cross References.** Section 9104 is referred to in sections 9102, 9122 of this title.

**9105. Other criminal justice information.**

Nothing in this chapter shall be construed to apply to information concerning juveniles, except as provided in section 9123 (relating to juvenile records), unless they have been adjudicated as adults, nor shall it apply to intelligence information, investigative information, treatment information,

including medical and psychiatric information, caution indicator information, modus operandi information, wanted persons information, stolen property information, missing persons information, employment history information, personal history information, nor presentence investigation information. Criminal history record information maintained as a part of these records shall not be disseminated unless in compliance with the provisions of this chapter.

**Cross References.** Section 9105 is referred to in section 9123 of this title; section 6309 of Title 42 (Judiciary and Judicial Procedure).

**9106. Information in central repository or automated systems.**

**(a) General rule.--**Intelligence information, investigative information and treatment information shall not be collected in the central repository. This prohibition shall not preclude the collection in the central repository of names, words, numbers, phrases or other similar index keys to serve as indices to investigative reports.

**(b) Collection of protected information.--**

(1) Intelligence information may be placed in an automated or electronic criminal justice system only if the following apply:

(i) The criminal justice agency has reasonable suspicion of criminal activity.

(ii) Access to the intelligence information contained in the automated or electronic criminal justice system is restricted to the authorized employees of the criminal justice agency and cannot be accessed by any other individuals inside or outside of the agency.

(iii) The intelligence information is related to criminal activity that would give rise to prosecution for a State offense graded a misdemeanor or felony, or for a Federal offense for which the penalty is imprisonment for more than one year. Intelligence information shall be categorized based upon subject matter.

(iv) The intelligence information is not collected in violation of State law.

(2) Intelligence information may not be collected or maintained in an automated or electronic criminal justice system concerning participation in a political, religious or social organization, or in the organization or support of any nonviolent demonstration, assembly, protest, rally or similar or similar form of public speech, unless there is a reasonable suspicion that the participation by the subject of the information is related to criminal activity or prison rule violation.

(3) Investigative information and treatment information contained in files of any criminal justice agency may be placed within an automated or electronic criminal justice information system, provided that access to the investigative information and treatment information contained in the automated or electronic criminal justice information system is restricted to authorized employees of that agency and cannot be accessed by individuals outside of the agency.

**(c) Dissemination of protected information.--**

(1) Intelligence information may be placed within an automated or electronic criminal justice information system and disseminated only if the following apply:

(i) The information is reliable as determined by an authorized intelligence officer.

(ii) The department, agency or individual requesting the information is a criminal justice agency which has policies and procedures adopted by the Office of Attorney General in consultation with the Pennsylvania State Police which are consistent with this act and include:

(A) Designation of an intelligence officer or officers by the head of the criminal justice agency or his designee.

(B) Adoption of administrative, technical and physical safeguards, including audit trails, to insure against unauthorized access and against intentional or unintentional damages.

(C) Labeling information to indicate levels of sensitivity and levels of confidence in the information.

(iii) The information is requested in connection with the duties of the criminal justice agency requesting the information, and the request for information is based upon a name, fingerprints, modus operandi, genetic typing, voice print or other identifying characteristic.

(2) If an intelligence officer of a disseminating agency is notified that intelligence information which has been previously disseminated to another criminal justice agency is materially misleading, obsolete or otherwise unreliable, the information shall be corrected and the recipient agency notified of the change within a reasonable period of time.

(3) Criminal justice agencies shall establish retention schedules for intelligence information. Intelligence information shall be purged under the following conditions:

(i) The data is no longer relevant or necessary to the goals and objectives of the criminal justice agency.

(ii) The data has become obsolete, making it unreliable for present purposes and the utility of updating the data would be worthless.

(iii) The data cannot be utilized for strategic or tactical intelligence studies.

(4) Investigative and treatment information shall not be disseminated to any department, agency or individual unless the department, agency or individual requesting the information is a criminal justice agency which requests the information in connection with its duties, and the request is based upon a name, fingerprints, modus operandi, genetic typing, voice print or other identifying characteristic.

(5) Each municipal police department accessing automated information shall file a copy of its procedures with the Pennsylvania State Police for approval. Such plan shall be reviewed within 60 days.



(6) Each district attorney accessing automated information shall file a copy of its procedures with the Office of Attorney General for approval. Such plan shall be reviewed within 60 days.

**(d) Secondary dissemination prohibited.**--A criminal justice agency which possesses information protected by this section, but which is not the source of the information, shall not disseminate or disclose the information to another criminal justice agency but shall refer the requesting agency to the agency which was the source of the information. This prohibition shall not apply if the agency receiving the information is investigating or prosecuting a criminal incident in conjunction with the agency possessing the information. Agencies receiving information protected by this section assume the same level of responsibility for the security of such information as the agency which was the source of the information.

**(e) Notations of the record.**--Criminal justice agencies maintaining intelligence information, investigative information or treatment information must enter, as a permanent part of an individual's information file, a listing of all persons and agencies to whom they have disseminated that particular information, the date of the dissemination and the purpose for which the information was disseminated. This listing shall be maintained separate from the record itself.

**(f) Security requirements.**--Every criminal justice agency collecting, storing or disseminating intelligence information, investigative information or treatment information shall insure the confidentiality and security of such information by providing that, wherever such information is maintained, a criminal justice agency must:

(1) Institute procedures to reasonably protect any repository from theft, fire, sabotage, flood, wind or other natural or manmade disasters;

(2) Select, supervise and train all personnel authorized to have access to intelligence information, investigative information or treatment information;

(3) Insure that, where computerized data processing is employed, the equipment utilized for maintaining intelligence information, investigative information or treatment information is dedicated solely to purposes related to the administration of criminal justice or, if the equipment is not used solely for the administration of criminal justice, the criminal justice agency is accorded equal management participation in computer operations used to maintain the intelligence information, investigative information or treatment information.

**(g) Penalties.**--Any person, including any agency or organization, who violates the provisions of this section shall be subject to the administrative penalties provided in section 9181 (relating to general administrative sanctions) and the civil penalties provided in section 9183 (relating to civil actions) in addition to any other civil or criminal penalty provided by law.

(Dec. 14, 1979, P.L. 566, No. 127, eff. imd.; Dec. 19, 1990, P.L., No. 207, eff. 60 days)

**Cross References.** Section 9106 is referred to in section 9141 of this title.

## SUBCHAPTER B COMPLETENESS AND ACCURACY

### Sec.

- 9111. Duties of criminal justice agencies.
- 9112. Mandatory fingerprinting.
- 9113. Disposition reporting by criminal justice agencies.
- 9114. Correction of inaccurate information.

**Cross References.** Subchapter B is referred to in section 9104 of this title.

### **9111. Duties of criminal justice agencies.**

It shall be the duty of every criminal justice agency within the Commonwealth to maintain complete and accurate criminal history record information and to report such information at such times and in such manner as required by the provisions of this chapter or other applicable statutes.

### **9112. Mandatory fingerprinting.**

**(a) General rule.--**Fingerprints of all persons arrested for a felony, misdemeanor or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the arresting authority, and within 48 hours of the arrest, shall be forwarded to, and in a manner and such a form as provided by, the central repository.

**(b) Other cases.--**

(1) Where private complaints for a felony or misdemeanor result in a conviction, the court of proper jurisdiction shall order the defendant to submit for fingerprinting by the municipal police of the jurisdiction in which the offense was allegedly committed or in the absence of a police department, the State Police. Fingerprints so obtained shall, within 48 hours, be forwarded to the central repository in a manner and in such form as may be provided by the central repository.

(2) Where defendants named in police complaints are proceeded against by summons, or for offenses under section 3929 (relating to retail theft), the court of proper jurisdiction shall order the defendant to submit within five days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a police department, the State Police. Fingerprints so obtained shall, within 48 hours, be forwarded to the central repository in a manner and in such form as may be provided by the central repository.

**(c) Transmittal of information.--**The central repository shall transmit the criminal history record information to the criminal justice agency which submitted a complete, accurate and classifiable fingerprint card.

(Dec. 14, 1979, P.L. 556, No. 127, eff. imd.; June 11, 1982, P.L. 476, No. 138, eff. 180 days)

**Cross References.** Section 9112 is referred to in section 6309 of Title 42 (Judiciary and Judicial Procedure).

**9113. Disposition reporting by criminal justice agencies.**

**(a) Reports of dispositions required.**--All criminal justice agencies, including but not limited to, courts, county, regional and State correctional institutions and parole and probation agencies, shall collect and submit reports of dispositions occurring within their respective agencies for criminal history record information, within 90 days of the date of such disposition to the central repository as provided for in this section.

**(b) Courts.**--Courts shall collect and submit criminal court dispositions as required by the Administrative Office of Pennsylvania Courts.

**(c) Correctional institutions.**--County, regional and State correctional institutions shall collect and submit information regarding the admission, release and length of sentence of individuals sentenced to local and county institutions as required by the Bureau of Correction.

**(d) Probation and parole offices.**--County probation and parole offices shall collect and submit information relating to the length of time and charges for which an individual is placed under and released from the jurisdiction of such agency as required by the Pennsylvania Board of Probation and Parole.

**(e) State agencies.**--The Administrative Office of Pennsylvania Courts, the Bureau of Correction, the Pennsylvania Board of Probation and Parole and the Pennsylvania Board of Pardons shall collect and submit to the central repository such information necessary to maintain complete and accurate criminal history record information. Each State agency listed in this subsection shall submit to the central repository any reports of dispositions occurring within their respective agencies and such information reported from county and local criminal justice agencies.

**Cross References.** Section 9113 is referred to in section 6309 of Title 42 (Judiciary and Judicial Procedure).

**9114. Correction of inaccurate information.**

Within 15 days of the detection of inaccurate data in a criminal history record regardless of the manner of discovery, the criminal justice agency which reported the information shall comply with the following procedures to effect correction:

- (1) Correct its own records.
- (2) Notify all recipients, including the central repository, of the inaccurate data and the required correction.

**SUBCHAPTER C  
DISSEMINATION OF CRIMINAL HISTORY  
RECORD INFORMATION**

**Sec.**

- 9121. General regulations.
- 9122. Expungement.
- 9123. Juvenile records.
- 9124. Use of records by licensing agencies.
- 9125. Use of records for employment.

**9121. General regulations.**

**(a) Dissemination to criminal justice agencies.--**Criminal history record information maintained by any criminal justice agency shall be disseminated without charge to any criminal justice agency or to any non-criminal justice agency that is providing a service for which a criminal justice agency is responsible.

**(b) Dissemination to non-criminal justice agencies and individuals.--**Criminal history record information shall be disseminated by a State or local police department to any individual or non-criminal justice agency only upon request. Except as provided in Subsection (b.1):

(1) A fee may be charged by a State or local police department for each request for criminal history record information by an individual or non-criminal justice agency.

(2) Before a State or local police department disseminates criminal history record information to an individual or non-criminal justice agency, it shall extract from the record all notations of arrests, indictments or other information relating to the initiation of criminal proceedings where:

- (i) Three years have elapsed from the date of arrest;
- (ii) No conviction has occurred; and
- (iii) No proceedings are pending seeking a conviction.

**(b.1) Exception--**Subsection (b)(1) and (2) shall not apply if the request is made by a county children and youth agency of the Department of Welfare in the performance of duties relating to children and youth under the Act of June 24, 1937 (P.L. 2017, no. 396) known as the County Institution District Law, Section 2168 of the Act of August 9, 1955 (P.L. 323, no.130), known as the County Code, the Act of June 13, 1967 (P.L. 31, no. 21), known as the Public Welfare Code, 23 Pa. C.S. Ch. 63 (relating to child protective services) or 42 Pa. C.S. Ch. 63 (relating to juvenile matters).[(b.1) Act 76 passed July 2, 1966, effective in 60 days].

**(c) Data required to be kept.--**Any criminal justice agency which disseminates criminal history record information must indicate to the recipient that the information disseminated is only that information contained in its own file, the date of the last entry, and that a summary of the Statewide criminal history record information may be obtained from the central repository.

**(d) Extracting from the record.--**When criminal history record information is maintained by a criminal justice agency in records containing investigative information, intelligence information, treatment information or other nonpublic information, the agency may extract and disseminate only the criminal history

record information if the dissemination is to be made to a non-criminal justice agency or individual.

**(e) Dissemination procedures.**--Criminal justice agencies may establish reasonable procedures for the dissemination of criminal history record information.

**(f) Notations on record.**--Repositories must enter as a permanent part of an individual's criminal history record information file, a listing of all persons and agencies to whom they have disseminated that particular criminal history record information and the date and purpose for which the information was disseminated. Such listing shall be maintained separate from the record itself.

(Dec. 14, 1979, P.L. 556, No.127, eff. imd.; June 11, 1982, P.L. 476, No.138, eff. 180 days)

**1982 Amendment.** Act 138 amended subsecs. (a) and (b).

**Cross References.** Section 9121 is referred to in section 6344 of Title 23 (Domestic Relations).

**Cross References.** Section 9121 is referred to in Section 6309 of Title 42 (Judiciary and Judicial Procedure).

#### **9122. Expungement.**

**(a) Specific proceedings.**--Criminal history record information shall be expunged in a specific criminal proceeding when:

(1) No disposition has been received or, upon request for criminal history record information, no disposition has been recorded in the repository within 18 months after the date of arrest and the court of proper jurisdiction certifies to the director of the repository that no disposition is available and no action is pending. Expungement shall not occur until the certification from the court is received and the director of the repository authorizes such expungement; or

(2) A court order requires that such nonconviction data be expunged.

**(b) Generally.**--Criminal history record information may be expunged when:

(1) An individual who is the subject of the information reaches 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision; or

(2) An individual who is the subject of the information has been dead for three years.

**(c) Maintenance of certain information required or authorized.**--Notwithstanding any other provision of this chapter, the prosecuting attorney and the central repository shall, and the court may, maintain a list of the names and other criminal history record information of persons whose records are required by law or court rule to be expunged where the individual has successfully completed the conditions of any pretrial or post-trial diversion or probation program. Such information shall be used solely for the purpose of determining subsequent eligibility for such programs and for identifying persons in criminal investigations. Criminal history record information may be expunged as provided in subsection (b) (1) and (2). Such information shall be made available to any court or law enforcement agency upon request.

**(d) Notice of expungement.**--Notice of expungement shall promptly be submitted to the central repository which shall notify all criminal justice agencies which have received the criminal history record information to be expunged.

**(e) Public records.**--Public records listed in section 9104(a) (relating to scope) shall not be expunged.

**(f) District attorney's notice.**--The court shall give ten days prior notice to the district attorney of the county where the original charge was filed of any applications for expungement under the provisions of subsection (a) (2).

(June 11, 1982, P.L. 476, No.138, eff. 180 days; Oct 16, 1996, P.L. 715, No. 128, eff.60days)

**1996 Amendment.** Act 128 amended subsec. (c).

**1982 Amendment.** Act 138 amended subsec. (f).

**Applicability.** Section 4(a) of the act of December 14, 1979, P.L. 556, No.127, provided that subsec. (a) (1) shall not be applicable to criminal proceedings initiated or completed prior to December 14, 1979, unless requested by an individual as provided in Subchapter F.

**Cross References.** Section 9122 is referred to in section 9102 of this title.

### **9123. Juvenile records.**

**(a) Expungement of juvenile records.**--Notwithstanding the provisions of section 9105 (relating to other criminal justice information) and except upon cause shown, expungement of records of juvenile delinquency cases wherever kept or retained shall occur after 30 days' notice to the district attorney, whenever the court upon its motion or upon the motion of a child or the parents or guardian finds:

(1) A complaint is filed which is not substantiated or the petition which is filed as a result of a complaint is dismissed by the court;

(2) Six months have elapsed since the final discharge of the person from supervision under a consent decree and no proceeding seeking adjudication or conviction is pending;

(3) Five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the person has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or

(4) The individual is 18 years of age or older, the attorney for the Commonwealth consents to the expungement and a court orders the expungement after giving consideration to the following factors:

(i) The type of offense;

(ii) The individual's age, history of employment, criminal activity and drug or alcohol problems ;

(iii) Adverse consequences that the individual may suffer if the records are not expunged; and

(iv) whether retention of the record is required for purposes of protection of the public safety.

**(b) Notice of prosecuting attorney.**--The court shall give notice of the applications for the expungement of juvenile records to the prosecuting attorney.

**(c) Dependent children.**--All records of children alleged to be or adjudicated dependent may be expunged upon court order after the child is 21 years of age or older. (Dec. 14, 1979, P.L. 556, No.127, eff. imd.; June 11, 1982, P.L. 476, No.138, eff. 180 days; Dec. 11, 1986, P.L. 1517, No.164, eff. 60 days; Mar. 15, 1995, 1st Sp. Sess., P.L. 978, No. 7 eff. 60 days)

**1986 Amendment.** Act 164 amended subsec. (a).

**Cross References.** Section 9123 is referred to in section 9105 of this title.

#### **9124. Use of records by licensing agencies.**

**(a) State agencies.**--Except as provided by this chapter, a board, commission or department of the Commonwealth, when determining eligibility for licensing, certification, registration or permission to engage in a trade, profession or occupation, may consider convictions of the applicant of crimes but the convictions shall not preclude the issuance of a license, certificate, registration or permit.

**(b) Prohibited use of information.**--The following information shall not be used in consideration of an application for a license, certificate, registration or permit:

- (1) Records of arrest if there is no conviction of a crime based on the arrest.
- (2) Convictions which have been annulled or expunged.
- (3) Convictions of a summary offense.
- (4) Convictions for which the individual has received a pardon from the Governor.
- (5) Convictions which do not relate to the applicant's suitability for the license, certificate, registration or permit.

**(c) State action authorized.**--Boards, commissions or departments of the Commonwealth authorized to license, certify, register or permit the practice of trades, occupations or professions may refuse to grant or renew, or may suspend or revoke any license, certificate, registration or permit for the following causes:

- (1) Where the applicant has been convicted of a felony.
- (2) Where the applicant has been convicted of a misdemeanor which relates to the trade, occupation or profession for which the license, certificate, registration or permit is sought.

**(d) Notice.**--The board, commission or department shall notify the individual in writing of the reasons for a decision which prohibits the applicant from practicing the trade, occupation or profession if such decision is based in whole or part on conviction of any crime. (Dec. 14, 1979, P.L. 556, No.127, eff. imd.)

**1979 Amendment.** Act 127 amended subsec. (b).

#### **9125. Use of records for employment.**

**(a) General rule.**--Whenever an employer is in receipt of information which is part of an employment applicant's criminal history record information file, it may

use that information for the purpose of deciding whether or not to hire the applicant, only in accordance with this section.

**(b) Use of information.**--Felony and misdemeanor convictions may be considered by the employer only to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied.

**(c) Notice.**--The employer shall notify in writing the applicant if the decision not to hire the applicant is based in whole or in part of criminal history record information. (Dec. 14, 1979, P.L. 556, No.127, eff. imd.; June 11, 1982, P.L. 476, No.138, eff. 180 days)

**1982 Amendment.** Act 138 amended subsec. (b).

## SUBCHAPTER D SECURITY

### Sec.

9131. Security requirements for repositories.\

**Cross References.** Subchapter D is referred to in section 9104 of this title.

### **9131. Security requirements for repositories.**

Every criminal justice agency collecting, storing or disseminating criminal history record information shall ensure the confidentiality and security of criminal history record information by providing that wherever such information is maintained, a criminal justice agency must:

(1) Institute procedures to reasonably protect any repository from theft, fire, sabotage, flood, wind or other natural or man-made disasters.

(2) Select, supervise and train all personnel authorized to have access to criminal history record information.

(3) Ensure that, where computerized data processing is employed, the equipment utilized for maintaining criminal history record information is solely dedicated to purposes related to the administration of criminal justice, or, if the equipment is not used solely for the administration of criminal justice, the criminal justice agency shall be accorded equal management participation in computer operations used to maintain the criminal history record information.

(June 11, 1982, P.L. 476, No.138, eff. 180 days)



## SUBCHAPTER E AUDIT

**Sec.**

9141. Annual audit of repositories.

9142. Quality control.

**9141. Audits.****(a) Audit required.--**

(1) The Attorney General shall conduct annual audits of the central repository and of a representative sample of all repositories. The Office of Attorney General shall conduct a review of State criminal justice agencies' automated policies and procedures established pursuant to section 9106 (relating to information in central repository or automated systems) to ensure that the provisions of this chapter are upheld within two years of the effective date of this act.

(2) The Pennsylvania State Police shall conduct an annual audit of at least 5% of all municipal police department plans, policies or procedures which are implemented pursuant to section 9106(c) to ensure that the provisions of this chapter are upheld. The first such audit shall be conducted within two years of the effective date of this act. A copy of the audit shall be submitted to the Attorney General.

**(b) Access to records.--**Persons conducting the audit shall be provided access to all records, reports and listings required to conduct an audit of criminal history record information, and all persons with access to such information or authorized to receive such information shall cooperate with and provide information requested.

**(c) Contents of audit.--**The audit shall contain a report of deficiencies and recommendations for the correction of such deficiencies. Upon the completion of every audit, the audited agency shall carry out the recommendations within a reasonable period of time unless the audit report is appealed to the Attorney General and the appeal is upheld.

**(d) Modification of recommendations.--**The Attorney General shall have the power to modify the corrective measures recommended by the audit.

(Dec. 19, 1990, P.L., No.207, eff. imd.)

**9142. Quality control.**

Each repository shall establish effective procedures, in compliance with rules and regulations promulgated by the Attorney General, for the completeness and accuracy of criminal history record information.

**9143. Regulations.**

It shall be the duty and responsibility of the Attorney General, in consultation with the Pennsylvania State Police, to adopt rules and regulations pursuant to this act. The Office of Attorney General, in consultation with the Pennsylvania State Police, shall have the power and authority to promulgate, adopt, publish and use guidelines for the implementation of this act for a period of one year immediately following the

effective date of this section pending adoption of final rules and regulations. (Dec. 19, 1990, P.L., No.207, eff. imd.)

**1990 Amendment.** Act 207 added section 9143.

## **SUBCHAPTER F INDIVIDUAL RIGHT OF ACCESS AND REVIEW**

### **Sec.**

9151. Right to access and review.

9152. Procedure.

9153. Individual rights on access and review.

**Cross References.** Subchapter F is referred to in section 9104 of this title.

### **9151. Right to access and review.**

**(a) General rule.**--Any individual or his legal representative has the right to review, challenge, correct and appeal the accuracy and completeness of his criminal history record information.

**(b) Prisoners.**--Persons incarcerated in correctional facilities and institutions may authorize a correctional employee to obtain a copy of their criminal history record information for the purpose of review, challenge and appeal.

### **9152. Procedure.**

**(a) Rules and regulations.**--The Attorney General in cooperation with appropriate criminal justice agencies shall promulgate rules and regulations to implement this section and shall establish reasonable fees.

**(b) Requests for information.**--Any individual requesting to review his or her own criminal history record information shall submit proper identification to the criminal justice agency which maintains his or her record. Proper identification shall be determined by the officials of the repository where the request is made. If criminal history record information exists the individual may review a copy of such information without undue delay for the purpose of review and challenge.

**(c) Challenge of accuracy.**--The individual may challenge the accuracy of his or her criminal history record information by specifying which portion of the record is incorrect and what the correct version should be. Failure to challenge any portion of the record in existence at that time will place the burden of proving the inaccuracy of any part subsequently challenged upon the individual. Information subsequently added to such record shall be subject to review, challenge, correction or appeal.

**(d) Review of challenge.**--All criminal justice agencies shall have 60 days to conduct a review of any challenge and shall have the burden of proving the accuracy of the record. If the challenge is deemed valid, the appropriate officials must ensure that:

- (1) The criminal history record information is corrected.

(2) A certified and corrected copy of the criminal history record information is provided to the individual.

(3) Prior erroneous criminal history record information disseminated to criminal justice agencies shall be destroyed or returned and replaced with corrected information.

(4) The individual is supplied with the names of those non-criminal justice agencies and individuals which have received erroneous criminal history record information.

**(e) Appeals.--**

(1) If the challenge is ruled invalid, an individual has the right to appeal the decision to the Attorney General within 30 days of notification of the decision by the criminal justice agency.

(2) The Attorney General shall have the authority to conduct administrative appeal hearings in accordance with the Administrative Agency Law.

(3) The decision of the Attorney General may be appealed to the Commonwealth Court by an aggrieved individual.

**Applicability.** Section 4(b) of the act of December 14, 1979, P.L. 556, No.127, provided that subsec. (d) (3) and (4) shall only apply to criminal history record information disseminated after December 14, 1979.

**9153. Individual rights on access and review.**

Any individual exercising his or her right to access and review under the provisions of this subchapter shall be informed when criminal history record information is made available that he or she is under no obligation to divulge such information to any person or agency.

**SUBCHAPTER G  
RESPONSIBILITY OF ATTORNEY GENERAL**

**Sec.**

9161. Duties of the Attorney General.

**9161. Duties of the Attorney General.**

The Attorney General shall have the power and authority to:

(1) Establish rules and regulations for criminal history record information with respect to security, completeness, accuracy, individual access and review, quality control and audits of repositories.

(2) Establish the maximum fees which may be charged for the costs of reproducing criminal history record information for individual access and review for research or statistical purposes and for access by non-criminal justice agencies and individuals.

(3) Make investigations concerning all matters touching the administration and enforcement of this chapter and the rules and regulations promulgated there under.

- (4) Institute civil proceedings for violations of this chapter and the rules and regulations adopted there under.
- (5) Conduct annual audits of the central repository and of a representative sample of all repositories within the Commonwealth, collecting, compiling, maintaining and disseminating criminal history record information.
- (6) Appoint such employees and agents as it may deem necessary. (June 11, 1982, P.L. 476, No.138, eff. 180 days)

## **SUBCHAPTER H PUBLIC NOTICE**

### **Sec.**

9171. Requirements of repositories relating to public notice.

#### **9171. Requirements of repositories relating to public notice.**

Repositories maintaining criminal history record information shall inform the public and post in a public place, notice of the existence, purpose, use and accessibility of the criminal history record information they maintain and the requirements of the repository for identification on individual access and review.

## **SUBCHAPTER I SANCTIONS**

### **Sec.**

9181. General administrative sanctions.

9182. Criminal penalties (Repealed).

9183. Civil actions.

#### **9181. General administrative sanctions.**

Any person, including any agency or organization, who violates the provisions of this chapter or any regulations or rules promulgated under it may:

- (1) Be denied access to specified criminal history record information for such period of time as the Attorney General deems appropriate.

- (2) Be subject to civil penalties or other remedies as provided for in this chapter.

- (3) In the case of an employee of any agency who violates any provision of this chapter, be administratively disciplined by discharge, suspension, reduction in grade, transfer or other formal disciplinary action as the agency deems appropriate.

(June 11, 1982, P.L. 476, No.138, eff. 180 days)

**Cross References.** Section 9181 is referred to in section 9106 of this title.

**9182. Criminal penalties (Repealed).**

**1978 Repeal Note.** Section 9182 was repealed December 14, 1979, P.L. 556, No.127, effective immediately.

**9183. Civil actions.**

**(a) Injunctions.**--The Attorney General or any other individual or agency may institute an action in a court of proper jurisdiction against any person, agency or organization to enjoin any criminal justice agency, non-criminal justice agency, organization or individual violating the provisions of this chapter or to compel such agency, organization or person to comply with the provisions of this chapter.

**(b) Action for damages.--**

(1) Any person aggrieved by a violation of the provisions of this chapter or of the rules and regulations promulgated under this chapter, shall have the substantive right to bring an action for damages by reason of such violation in a court of competent jurisdiction.

(2) A person found by the court to have been aggrieved by a violation of this chapter or the rules or regulations promulgated under this chapter, shall be entitled to actual and real damages of not less than \$100 for each violation and to reasonable costs of litigation and attorney's fees. Exemplary and punitive damages of not less than \$1,000 nor more than \$10,000 shall be imposed for any violation of this chapter, or the rules or regulations adopted under this chapter, found to be willful.

**Cross References.** Section 9183 is referred to in section 9106 of this title.

## **APPENDIX C**

Regulations Promulgated by the Attorney General

Regulations for the Administration of the Criminal History Record Information Act

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the official published version.

**TITLE 37 OF THE PENNSYLVANIA CODE Subpart****K. CRIMINAL INFORMATION****Chap. Sec.****195. CRIMINAL RECORDS 195.1**

## Source

The provisions of this Subpart K adopted July 6, 1979, effective July 7, 1979, 9 Pa. B. 2260, amended July 27, 1979, effective July 28, 1979, 9 Pa. B. 2449, unless otherwise noted.

**CHAPTER 195 CRIMINAL RECORDS****Sec.**

- 195.1. Definitions.
- 195.2. Completeness and accuracy.
- 195.3. Uniform schedule of fees.
- 195.4. Access and review.
- 195.5. Challenge.
- 195.6. Security.

## Authority

The provisions of this Chapter 195 issued under 18 Pa. C.S. §§ 9102, 9104(d)-(f), 9106, 9112(b), 9121, 9123(a), 9124(b) and 9182, unless otherwise noted.

## Source

The provisions of this Chapter 195 adopted January 4, 1980, effective January 5, 1980, 10 Pa. B. 41, unless otherwise noted.

**§ 195.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

Act--18 Pa. C.S. §§ 9101--9183 (relating to criminal history record information).

*Administration of criminal justice* --The activities directly concerned with the prevention, control, or reduction of crime and the apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders; criminal identification activities; or the collection, storage, dissemination, or usage of criminal history record information.

*Automated systems* --A computer or other internally programmed device capable of automatically accepting and processing data, including computer programs, data communication links, input and output data, and data storage devices.

*Central repository* --The central location for the collection, compilation, maintenance, and dissemination of criminal history record information by the Pennsylvania State Police.

*Criminal history record information* --Information collected by criminal justice agencies concerning individuals and arising from the initiation of a criminal proceeding, consisting of identifiable descriptions, and dates and notations of arrests, indictments, information, or other formal criminal charges and any dispositions arising there from; the term does not include intelligence information, investigative information, treatment information, or information and records specified in 18 Pa. C.S. § 9104.

*Criminal justice agency* --Any court including the minor judiciary with criminal jurisdiction or any other governmental agency or subunit thereof created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function. Criminal justice agencies include, but are not limited to organized State and municipal police departments, local detention facilities, county, regional and State correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, and pardon boards.

*Disposition* --Information indicating that criminal proceedings have been concluded including information disclosing that police have elected not to refer a matter for prosecution, that a prosecuting authority has elected not to commence criminal proceedings, or that a grand jury has failed to indict and disclosing the nature of the termination of the proceedings or information disclosing that proceedings have been indefinitely postponed and also disclosing the reason for such postponement. Dispositions of criminal proceedings in this Commonwealth shall include, but not be limited to acquittal, acquittal by reason of insanity, pretrial probation or diversion, charge dismissed, guilty plea, nolle prosequi, no information filed, nolo contendere plea, convicted, abatement, discharge under the provisions of 234 Pa. Code (relating to rules of criminal procedure), demurrer sustained, pardoned, sentence commuted, mistrial-defendant discharged, discharge from probation or parole, or correctional supervision.

*Dissemination* --The oral or written transmission or disclosure of criminal history record information to individuals or agencies other than the criminal justice agency which maintains the information.

*Expunge* --To remove information so that there is no trace or indication that such information existed; or to eliminate all identifiers which may be used to trace the identity of an individual, allowing remaining data to be used for statistical purposes.

*Intelligence information* --Information concerning the habits, practices, characteristics, history, possessions, associations, or financial status of any individual.

*Investigative information* --Information assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing; the term may include modus operandi information.



*Repository* --Any location in which criminal history record information is collected, compiled, maintained, and disseminated by a criminal justice agency.

*Secondary dissemination* --[Reserved].

*Treatment information* --Information concerning medical, psychiatric, psychological, or other rehabilitative treatment provided, suggested, or prescribed for any individual.

#### Source

The provisions of this §195.1 amended January 4, 1980, effective January 5, 1980, 10 Pa. B. 216.

### **§ 195.2. Completeness and accuracy.**

(a) As to each written indication contained in a repository's records that a criminal charge has been brought against an individual, the repository shall maintain a complete and accurate criminal record as to that charge.

(b) A complete and accurate criminal history record as to a particular criminal charge shall include but shall not be limited to the following:

(1) The full name and any aliases of the individual charged.

(2) An accurate statement of the crime charged, including; the title of the offense; and the statutory citation; and for charges filed after January 1, 1980, the Offense Tracking Number (OTN) --with appropriate prefixes and suffixes --whenever an OTN has been assigned.

(3) The final or latest disposition of the charge.

(4) The sentence imposed for a conviction of the charge.

(c) The timely recording and reporting of dispositions, the taking and filing of fingerprints, the expunging of information, and the correcting of inaccurate information shall be conducted in the manner set forth in 18 Pa. C.S. § 9111 --9114, 9121 --9123, and 9153.

#### Source

The provisions of this § 195.2 amended January 16, 1981, effective January 17, 1981, 11 Pa. B. 354. Immediately preceding text appears at serial page (49347).

### **§ 195.3. Uniform schedule of fees.**

Individuals and non-criminal justice agencies requesting criminal history record information, whether for individual access and reviews or for other purposes, shall pay a nonrefundable fee not to exceed \$10 for each request made; however, no fee shall be charged to recruiting offices of the armed forces of the United States, the Pennsylvania Civil Service Commission, or the Governor's Office of Budget and Administration. The fee shall be paid by check or money order and shall be made payable to the responding repository.

## Source

The provisions of this § 195.3 amended through January 16, 1981, effective January 17, 1981, 11 Pa. B. 354. Immediately preceding text appears at serial page (52576).

**§ 195.4. Access and review.**

(a) An individual shall be permitted to review his own criminal history record information maintained by any repository.

(b) The individual wishing to review his own record shall complete a Request for Review of Criminal History Record Information Form which may be obtained from the Pennsylvania State Police or from any repository. The individual making such a request shall be required to indicate on the application form only his full name including any aliases, his current address, the date and place of his birth, and his social security number. The completed form should then be delivered, by mail or in person, to the repository maintaining the information the individual wishes to review.

(c) An individual exercising his right to review his criminal history record information shall be informed that he is not required to divulge such information or the lack thereof to any person or agency.

(d) If, after a proper search, criminal history record information is not found in the responding repository, the individual shall be so informed, in writing, with 30 days of receipt by the repository of the application form and fee.

(e) If criminal history record information is found in the responding repository, the repository shall, within 30 days of receipt of the application form and fee, deliver by mail to the address indicated on the application form or deliver in person a copy of the information to the individual making the request.

(f) If the individual requests information from a repository other than the central repository, the repository which disseminates the criminal history record information shall indicate to the recipient that the information disseminated is only that information contained in its own files as of the date of the last entry and that a summary of the statewide criminal history record information may be obtained from the central repository.

**§ 195.5. Challenge.**

(a) Enclosed along with the copy of the criminal history record information shall be a postage paid form --the Challenge Form --which is to be completed and returned within 30 days of the date the form is received by the subject of the criminal history record information and which states that the subject has reviewed the criminal history record information and that he understands that those portions of the record not challenged shall be presumed by law to be accurate. The challenge form shall state in bold letters:

**"YOU HAVE 30 DAYS FROM THE DATE OF THIS NOTICE TO  
CHALLENGE THE ACCURACY OF THE INFORMATION  
CONTAINED HEREIN."**

(b) An individual wishing to challenge the accuracy of the reviewed criminal history record information must, within 30 days of the date the information is received, submit the Challenge Form to the repository identifying therein the portion or portions of the record being challenged and providing his correct version of his record and an explanation of why he believes his version to be correct.

(c) Upon receiving such written notification of a challenge, the repository maintaining the criminal history information being challenged shall conduct a review for accuracy, which review shall be completed within 60 days of the date the challenge is received. The responding repository has the burden of showing the accuracy of the information; except that, when the information has been contributed by another repository, the contributing repository shall, upon request by the responding repository, verify or correct such information within 30 days of the date the request for verification is received.

(d) The findings of the repository shall be communicated to the individual. If the repository determines that the record is correct, the repository shall so notify the individual and advise him of his right to appeal. Such notice and advice shall be delivered to the individual at the address indicated on the Challenge Form.

(e) If the challenge is determined to be valid, the repository shall so notify the individual by mail at the address indicated on the challenge form, and the repository shall insure that:

- (1) The record is corrected.
- (2) A certified and corrected copy of the record is provided to the individual.
- (3) Errors in criminal history record information previously disseminated to criminal justice agencies are eliminated and replaced with corrected information.
- (4) The individual is supplied with the names and addresses of those non-criminal justice agencies and individuals which have received erroneous criminal history record information.
- (5) Every reasonable effort is made to notify those individuals and non-criminal justice agencies to whom the erroneous information was disseminated; the notification shall include a certified and corrected copy of the record.

#### **§ 195.6. Security.**

A criminal justice agency which collects, compiles, maintains or disseminates criminal history record information shall develop and implement a plan to insure the security of the information contained in its repositories. The plan shall conform to the requirements of 18 Pa. C.S. §9131 (relating to security requirements for repositories) and a copy of the plan shall be submitted to the Attorney General by March 5, 1980. The Attorney General may approve or disapprove the plan or portions thereof and may require that different procedures be implemented to insure security.

**APPENDIX D**

***STATE AND COUNTRY DATA CODES***

**NOTE:**

**THIS TEXT CONTAINS EXCERPTS FROM  
THE NATIONAL CRIME INFORMATION  
CENTER CODE MANUAL**

**UNITED STATES STATE CODES**

<b>State</b>	<b>Code</b>	<b>State</b>	<b>Code</b>
Alabama	AL	Montana	MT
Alaska	AK	Nebraska	NB
Arizona	AZ	Nevada	NV
Arkansas	AR	New Hampshire	NH
California	CA	New Jersey	NJ
Colorado	CO	New Mexico	NM
Connecticut	CT	New York	NY
Delaware	DE	North Carolina	NC
District of Columbia	DC	North Dakota	ND
Florida	FL	Ohio	OH
Georgia	GA	Oklahoma	OK
Hawaii	HI	Oregon	OR
Idaho	ID	Pennsylvania	PA
Illinois	IL	Rhode Island	RI
Illinois	IL	Rhode Island	RI
Indiana	IN	South Carolina	SC
Iowa	IA	South Dakota	SD
Kansas	KS	Tennessee	TN
Kentucky	KY	Texas	TX
Louisiana	LA	Utah	UT
Maine	ME	Vermont	VT
Maryland	MD	Virginia	VA
Massachusetts	MA	Washington	WA
Michigan	MI	West Virginia	WV
Minnesota	MN	Wisconsin	WI
Mississippi	MS	Wyoming	WY
Missouri	MO		

**UNITED STATES TERRITORIAL POSSESSIONS**

<b>TERRITORIAL POSSESSION</b>	<b>CODE</b>	<b>TERRITORIAL</b>	<b>CODE</b>
American Samoa	AM	Mariana Islands	MK
Baker Island	BK	Marshall Islands	MH
Canal Zone	CZ	Midway Islands	MW
Caroline Islands	CG	Navassa Island	VL
Guam	GM	Northern Mariana Islands	MK
Howland Island	HO	Palmyra Atoll	PL
Jarvis Island	JR	Puerto Rico	PR
Johnston Atoll	JI	Virgin Islands	VI
Kingman Reef	KI	Wake Island	WK

**INDIAN NATIONS**

INDIAN NATION	CODE	INDIAN NATION	CODE
Absentee Shawnee	EE	Muscogee (Creek) Tribe	DT
Apache Tribe	AX	Oglala Sioux	OS
Caddo Tribe	CK	Oneida Tribe of Indians of Wisconsin	OT
Cheyenne & Arapaho Tribes	DA	Otoe-Missouria Tribe	OO
Citizen Band Pottawatomie Tribe	DW	Pawnee Tribe	PW
Comanche Nation	DP	Ponca Tribe	PN
Devil's Lake Sioux Tribe	DL	Red Lake	RL
Fond Du Lac	FC	Sac & Fox	FX
Iowa Tribe	IW	Seminole Nation	SK
Kickapoo Tribe	KK	Seneca-Cayuga Tribes	DV
Kiowa	KW	Shakopee	KP
Lac du Flambeau – Band of	LP	Turtle Mountain Band of Chippewa	UC
Lake Superior Chippewa		White Earth	WE
Leech Lake Band of Chippewa	LL	Wichita Tribe	WT
Menominee	IX	Wyandotte Tribe	WD
Miami Tribe	DS		
Mille Lacs	LC		

**CANADIAN PROVINCES**

CANADIAN PROVINCE	CODE	CANADIAN PROVINCE	CODE
Alberta	AB	Nova Scotia	NS
British Columbia	BC	Ontario	ON
Manitoba	MB	Prince Edward Island	PE
New Brunswick	NK	Quebec	PQ
Newfoundland [Includes Labrador Northwest]	NF	Saskatchewan	SN
Territories	NT	Yukon [Territory]	YT

**MEXICAN STATES**

MEXICAN STATE	CODE	MEXICAN STATE	CODE
Aguascalientes	AG	Morelos	MR
Baja California [Northern Section]	BA	Nayarit	NA
Baja California Sur [Southern Section]	BJ	Nuevo Leon	NL
Campeche	CE	Oaxaca	OA
Chiapas	CI	Puebla	PB
Chihuahua	CH	Queretaro	QU
Coahuila	CU	Quintana Roo	QR
Colima	CL	San Luis Potosi	SL
Distrito Federal [Mexico, D. F.]	DF	Sinaloa	SI
Durango	DO	Sonora	SO
Guanajuato	GU	Tabasco	TB
Guerrero	GR	Tamaulipas	TA
Hidalgo	HL	Tlaxcala	TL
Jalisco	JL	Veracruz	VC
Mexico, D. F.	DF	Yucatan	YU
Mexico [State]	MX	Zacatecas	ZA
Michoacan	MC		

**COUNTRIES/DEPENDENCIES/TERRITORIES**

<b>COUNTRY/DEPENDENCY/TERRITORY</b>	<b>CODE</b>	<b>COUNTRY/DEPENDENCY/TERRITORY</b>	<b>CODE</b>
Afghanistan	AF	Burma	BR
Africa [AC for reference only]	--	Burundi	BI
Albania	AA	Byelarus	BY
Algeria	AN	Cambodia [Formerly Khmer Republic & Kampuchea]	CJ
Andorra	AD	Cameroon	CM
Angola	AO	Canada [See separate list of Canadian Provinces; use code CD only when province is unknown]	CD
Anguilla [Dependent territory of United Kingdom]	AE	Canary Islands	ZI
Antarctica [AY for reference only]	--	Cape Verde Islands	CV
Antigua and Barbuda [Formerly Antigua]	AI	Cayman Islands [Dependent territory of United Kingdom]	CP
Argentina	AT	Central African Republic	CW
Armenia	AP	Ceylon [Now Sri Lanka]	CY
Aruba [Now independent of Netherlands Antilles]	AJ	Chad	CF
Ashmore and Cartier Islands, Territory of [Australian external territory]	AH	Chile, Republic of	CQ
Australia	AS	China [CN for reference only]	--
Austria	AU	China – Peoples Republic of	RC
Azerbaijan	AV	China – Taiwan, Republic of	TW
Azores Islands	AQ	Christmas Island, Territory of [Australian external territory]	HR
Bahamas, The	BD	Clipperton Island [French Possession]	DB
Bahrain/Behrein	BE	Cocos (Keeling) Islands, Territory of [Australian territory]	DD
Balearic Islands	BW	Colombia, Republic of	CB
Bangladesh	BL	Comoros, Federal Islamic Republic of the	DG
Barbados	BB	Congo (or Republic of Congo) [CX for reference only]	RB
Barbuda, Antigua [And formerly Antigua]	AI	Congo Kinshasa, Now Zaire	ZR
Bassas Da India [French possession]	BF	Cook Islands	DI
Belgium	BG	Coral Sea Islands, Territory of [Australian external territory]	DJ
Belize [Formerly British Honduras]	BH	Costa Rica, Republic of	CR
Benin [Formerly Dahomey]	DH	Côte d'Ivoire, Republic of [Ivory Coast]	IY
Bermuda [Dependent territory of United Kingdom]	BM	Croatia	KC
Bhutan	BN	Cuba, Republic of	CC
Bolivia	BV	Curacao [Netherlands Antilles]	NX
Bonaire [Netherlands Antilles]	NX	Cyprus, Republic of	CS
Bosnia and Herzegovina	BP	Czech Republic	EZ
Botswana	BT	Czechoslovakia [CK for reference only]	--
Bouvet Island [Norwegian territory]	BQ	Dahomey (now Benin)	DH
Brazil	BZ	Denmark, Kingdom of	DK
British Honduras [Now Belize]	BH	Djibouti, Republic of	DN
British Indian Ocean Territory [Dependent territory of United Kingdom]	BO	Dominica	DM
British Solomon Islands [Now Solomon Islands]	BS	Dominican Republic	DR
British Virgin Islands	VB	Ducie Islands [DU for reference only; see Pitcairn, Henderson, Ducie and Oeno Islands]	PC
Brunei	BX	East Germany – German Democratic Republic, 1945-1989; [EM for reference only]	--
Bulgaria	BU	Ecuador	EU
Burkina Faso [Known as Burkina, formerly Upper Volta]	UV	Egypt [Formerly United Arab Republic]	EY

COUNTRY/DEPENDENCY/TERRITORY	CODE	COUNTRY/DEPENDENCY/TERRITORY	CODE
El Salvador	EL	Heard Island and McDonald Islands, Territory of (Australian external territory)	HE
Ellice and Gilbert Islands [GL for reference only]	--	Herzegovina, Bosnia and [HC for reference only]	BP
Ellice Islands – Now Tuvalu	TV	Holland (Netherlands)	NE
Gilbert Islands – Now Kiribati	KB	Honduras	HD
England	EN	Hong Kong	HK
Equatorial Guinea	EK	Hungary	HU
Eritrea	ET	Iceland	IC
Estonia	ES	India	II
Ethiopia	EO	Indonesia (Now includes Portugese Timor)	IO
Europa Island [French possession]	ER	Iran	IR
Falkland Islands, Colony of the [Islas Malvinas]	FA	Iraq	IQ
Faroe Islands	FO	Ireland (Does not include Northern Ireland; see Northern Ireland)	IE
Federal Republic of Germany (West Germany, 1945-1989; [WG for reference only])	--	Isle of Man	IB
Fiji	FJ	Israel	IS
Finland	FD	Italy (Includes Sicily and Sardinia)	IT
France	FN	Ivory Coast (Côte d'Ivoire)	IY
French Guiana (Department of Guiana)	FG	Jamaica	JM
French Polynesia, Territory of [French overseas territory]	FP	Jan Mayen (Norweigan territory)	JN
French Southern and Antarctic Lands, Territory of the [French overseas territory]	FR	Japan	JA
Gabon	GB	Jersey, Bailiwick of (British Crown Dependency)	JE
Gambia, The	GK	Jordan	JO
Gaza	GZ	Juan de Nova Island	JU
Georgia [Formerly Gruzinskaya]	GD	Kampuchea (Now Cambodia)	CJ
German Democratic Republic (East Germany, 1945-1989; [EM for reference only])	--	Kazakhstan	KT
Germany (East Germany, 1945-1989; [EM for reference only] West Germany, 1945- 1989; [WG for reference only])	GE	Keeling (Cocos) Islands (Australian Dependency)	DD
Ghana	GG	Kenya	KE
Gibraltar [Dependent territory of United Kingdom]	RG	Khmer Republic (Now Cambodia)	CJ
Gilbert and Ellice Islands [GL for reference only] Gilbert Islands (Now Kiribati) Ellice Islands (Now Tuvalu)	KB TV	Kiribati (Formerly Gilbert Islands)	KB
Gilbert Islands (Now Kiribati)	KB	Korea (KR for reference only) North Korea South Korea	-- KN KO
Glorioso Islands [French Possession]	GO	Kuwait	KU
Great Britain (See England, Scotland, Wales, Northern Ireland)	--	Kurgyzstan	KZ
Greece	GC	Labrador (Included in Newfoundland)	NF
Greenland	GN	Laos	LS
Grenada	GJ	Latvia	LT
Guadeloupe, Department of	GP	Lebanon	LN
Guatemala	GT	Lesotho	LE
Guernsey, Bailiwick of (British Crown Dependency)	GF	Liberia	LB
Guiana, French	FG	Libya	LY
Guinea	GI	Liechtenstein	LI
Guinea-Bissau (Formerly Portugese Guinea)	PG	Lithuania	LH
Guyana	GY	Luxembourg	LX
Haiti	HT	Macao (Now Spelled Macau)	OC



COUNTRY/DEPENDENCY/TERRITORY	CODE	COUNTRY/DEPENDENCY/TERRITORY	CODE
Macau (Formerly spelled Macao)	OC	Pakistan	PK
Macedonia	ZD	Palau, Republic of	PD
Madagascar (Included in Malagasy Republic)	MP	Panama	PM
Madeira Islands	IM	Papua New Guinea (Formerly New Guinea)	NO
Malagasy Republic (Includes Madagascar)	MP	Paracel Islands	PF
Malawi	MF	Paraguay	PV
Malaysia	MZ	Peoples' Democratic Republic of Yemen (ST for reference only)	--
		People's Republic of China	RC
Maldives	MV		
Mali	ML	Peru	PU
Malta	MY	Philippines	PI
Man, Isle of (British Crown Dependency)	IB	Pitcairn, Henderson, Ducie, and Oeno Islands (Dependent territory of United Kingdom)	PC
Manahiki Island	KH	Poland	PO
Martinique	ZB	Polynesia, French	FP
Mauritania	MU	Portugal	PT
Mauritius	UM	Portuguese Guinea (Now Guinea-Bissau)	PG
		Portuguese Timor (Now Included in Indonesia; TI for reference only)	--
Mayotte, Territorial Collectivity of	YO		
McDonald Island and Heard Island	HE	Qatar	QA
Mexico (See separate list of Mexican States; Use Code MM only when state is unknown)	MM	Republic of Congo	RB
Micronesia, Federated States of	FS	Republic of Yemen	RY
Moldova	LD	Reunion, Department of	RE
Monaco	MJ	Rhodesia (Now Zimbabwe)	RH
Mongolia	MG	Romania/Rumania	RU
Montserrat (Dependent territory of United Kingdom)	RR	Russia (USSR; SX for reference only)	RA
Morocco	MQ	Russian Federation	RF
Mozambique	ZO	Rwanda	RW
Namibia (South-West Africa)	SJ	Saint Christopher (or Saint Kitts) and Nevis Saint Helena (Dependent territory of United Kingdom)	TS HS
Nauru	NR		
Napal	NP	Saint Kitts – Anguilla (Now separate)	AE
Netherlands (Holland)	NE	Saint Kitts – Saint Christopher (or Saint Kitts) & Nevis	TS
Netherlands Antilles	NX	Saint Kitts (or Saint Christopher) and Nevis	TS
		Saint Kitts-Nevis-Anquilla (AW for reference only)	--
Nevis and Saint Christopher (or Saint Kitts)	TS		
New Caledonia and Dependencies, Territory of (French overseas territory)	NQ	Saint Lucia	LU
		Saint Pierre and Miquelon, Territorial Collectivity of	PS
New Guinea (Now Papua New Guinea)	NO		
New Hebrides (Now Vanuatu)	HN	Saint Vincent and the Grenadines	VV
New Zealand	NZ	San Marino	SH
Nicaragua	NU	Sao Tome and Principe	TP
Niger	NN	Sardinia (Included in Italy)	IT
Nigeria	NG	Saudi Arabia	SB
Niue	IU	Scotland	SS
Norfolk Island, Territory of (Australian external territory)	OF	Senegal	SG
North Korea	KN	Seychelles	SE
North Vietnam (VN for reference only)	--	Sicily (Included in Italy)	IT
Northern Ireland	NI	Sierre Leone/Sierra Leone	SA
		Sikkim (Now code as India; SK for reference only)	II
Norway	NW		
Okinawa	OI	Singapore	SR
Oman	OM	Slovakia	LF

COUNTRY/DEPENDENCY/TERRITORY	CODE	COUNTRY/DEPENDENCY/TERRITORY	CODE
Slovenia	LO	Turkey	TY
Socialist Republic of Vietnam	RV	Turkmenistan	UR
Solomon Islands (Formerly British Solomon Islands)	BS	Turks and Caicos Islands (Dependent territory of United Kingdom)	TR
Somalia	SM	Tuvalu (Formerly Ellice Islands)	TV
South Africa	SF	Uganda	UG
South Georgia and the South Sandwich Islands	GS	Ukraine	UK
South Korea	KO	United Arab Emirates (Formerly Trucial States)	TC
South Vietnam (For reference only)	--	United Arab Republic (Now Code as Egypt; UA for reference only)	EY
Southern Yemen (Now Republic of Yemen; ST for reference only)	--	United Kingdom (See England, Scotland, Wales, Northern Ireland)	--
South-West Africa (Namibia)	SJ	United States of America (USA)	US
Soviet Union (USSR; SX for reference only)	--	Unknown Place of Birth	XX
Spain	SP	Upper Volta (Now Burkina Faso)	UV
Spanish Sahara (Now Western Sahara)	RS	Uruguay	UY
Sprattly Islands	TE	USSR (Soviet Union; SX for reference only)	--
Sri Lanka (Formerly Ceylon)	CY	Uzbekistan, Republic of	UZ
Sudan	SU	Vanuatu, Republic of (Formerly New Hebrides)	HN
Surinam	AC	Vatican City	VY
Svalbard (Norwegian territory)	SV	Venezuela, Republic of	VZ
Swaziland	SW	Vietnam – North Vietnam (VN for reference only)	--
Sweden	SQ	Vietnam – South Vietnam (VS for reference only)	--
Switzerland	SZ	Vietnam (VM for reference only)	--
Syria	SY	Vietnam, Socialist Republic of	RV
Taiwan, Republic of China	TW	Wales	WL
Tajikistan	TJ	Wallis and Futuna, Territory of the (French overseas territory)	WF
Tanzania, United Republic of	TZ	West Bank	WB
Thailand	TH	West Germany Federal Republic of Germany; 1945-1989 (WG for reference only)	--
Timor, Portuguese (Now included in Indonesia; TI for reference only)	--	West Indies (For West Indies Islands not found in this listing)	WN
Togo	TO	Western Sahara, Independent State of (Formerly Spanish Sahara)	RS
Tokelau (New Zealand territory)	TK	Western Samoa	WS
Tonga	TG	Yemen – People's Democratic Republic of Yemen (ST for reference only)	--
Tongareva	TQ	Yemen Arab Republic (YE for reference only)	--
Trinidad and Tobago	TT	Yemen, Republic of	RY
Tromelin Island (French possession)	TM	Yugoslavia	YG
Trucial States (Now United Arab Emirates)	TC	Zaire, Republic of (Formerly Congo Kinshasa)	ZR
Trust Territory of the Pacific Islands	TD	Zambia, Republic of	ZM
Tuamotu Archipelago	TF	Zimbabwe, Republic of (Formerly Rhodesia)	RH
Tunisia	TU		