



ACTON POLICE DEPARTMENT

| DEPARTMENT MANUAL; P&P: Administration | | |
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| POLICY & PROCEDURE # 4.12 | DATE OF ISSUE: 07/16/2014 | EFFECTIVE DATE: 07/16/2014 |
| SUBJECT: CIVIL FINGERPRINTING | ISSUING AUTHORITY: Chief Francis J. Widmayer III | |
| REFERENCE(S): Massachusetts Police Accreditation Commission # None | <input checked="" type="checkbox"/> NEW <input type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS | |

I. PURPOSE

Massachusetts General Law Chapter 6, Section 172 B1/2 provides each municipality of the Commonwealth with the opportunity to adopt a By-Law enabling the local police department the ability to conduct State and Federal Fingerprint Based Criminal History Background Checks within certain licensing procedures. The purpose of such a By-Law is to further protect the safety and property of the municipality's citizens by registering and fingerprinting those individuals applying for specific licenses prior to their issuance.

II. POLICY

This policy is applicable to the civil fingerprinting process for the state and national criminal history screening of applicants for the issuance and renewal of the following municipal licenses pursuant to Chapter W of the General Bylaws:

- Ice Cream Truck Vending pursuant to Bylaw D15

This policy is promulgated in accordance with 28 CFR 20.33(a)(3), Public Law 92-544, M.G.L. c. 6, § 172B½, and Chapter W of the General Bylaws of the Town of Acton.

The civil fingerprinting process for municipal licensing applicants is also subject to the "Massachusetts Department of Criminal Justice Information Services Policies and Procedures for Civil Fingerprinting for Municipal Licensing Applicants."

III. PROCEDURES

- A. Scheduling: applicants must make an appointment for fingerprinting by calling the Acton Police Department at (978) 264-9638. The applicant will only be fingerprinted by an Acton Police Officer at the Acton Police Department, 371 Main Street, Acton, MA 01720. Most fingerprinting will

be done Mondays through Fridays 8 am-4 pm, other times may be made available as scheduling permits.

B. **Verification:** before being fingerprinted, all licensing applicants are required to present government-issued identification. A licensing applicant's fingerprints will not be collected until his or her identity has been verified. The following forms of identification will be accepted:

- Driver's License
- State or government-issued ID bearing the applicant's photo
- Passport
- Military ID
- Permanent Residence Card (Green Card)

C. **Databases:** all licensing applicants' fingerprints will be searched against the Automated Fingerprint Identification System (AFIS) fingerprint database which is maintained by the Massachusetts State Police and the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS) fingerprint database.

D. **Consent:** all licensing applicants must consent to the collection and submission of their fingerprints for the purposes of conducting state and national criminal history screening by completing the "Civil Fingerprinting Consent Form."

E. **Payment:** fingerprinting fees include federal, state, and local fees. Before being fingerprinted, all licensing applicants must pay a statutory fingerprint fee of thirty dollars (\$30.00) with a money order or bank check payable to the "Commonwealth of Massachusetts." In addition to a signature, the money order or bank check shall include the name of the applicant hand-printed in block letters.

Licensing applicants must also pay a municipal fingerprint fee of seventy dollars (\$70.00) by money order, bank check, or personal check payable to the "Town of Acton." This fee is intended to cover the Town and the Police Department's administrative costs in conducting the civil fingerprinting process.

F. **Procedure:** the Police Department may manually or electronically fingerprint applicants. In either case, the "Reason Fingerprinted" block of the fingerprint submission form must contain the applicable section of the Bylaw.

At the time of the fingerprinting, the applicant shall be notified that the fingerprints will be used to check the applicant's criminal history records.

G. Correcting information: all licensing applicants have the right to challenge the information contained within a fingerprint-based state or national criminal history record response.

In order to change, correct, or update the criminal history record in question, the licensing applicant must follow the procedures below:

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections, or updating of the alleged deficiency, he/she should make application directly to the agency that contributed the questioned information.

The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her FBI record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306.

The FBI will then forward the challenge to the agency that submitted the data requesting that agency to verify or correct the challenged entry.

Upon the receipt of an official communication directly from the agency that contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

Each applicant should be provided with a copy of the “FBI Procedure for Changing, Correcting or Updating a Record.”

C. **Storage:** fingerprint-based state and national criminal history record information shall not be retained or stored except for the purpose of allowing an applicant the opportunity to challenge the criminal history record. During the challenge stage, the fingerprint-based state and national criminal history record information shall be stored in a secure location and access to the information shall be restricted to authorized personnel in accordance with the Town’s Identity Theft Prevention & Detection Policy and any other applicable law or regulation.

D. **Handling Information:** fingerprint-based state and national criminal history record information will only be handled and reviewed by authorized personnel in a secure area, out of the view of the public and of all other unauthorized individuals.

Agents or employees of the Town that fail to comply with this provision may be subject to sanctions as provided by law, including, termination or suspension where applicable.

E. **Dissemination:** FBI or other criminal history obtained by the Police Department, the Town, or any person or department on behalf of the Town pursuant to this Chapter shall not be disseminated except as permitted by the General Bylaws, the Policy, the Town’s Identity Theft

Prevention & Detection Policy, and any other applicable law or regulation.

Fingerprint-based State and National Criminal History Records cannot be disseminated outside the municipality except to the person to whom the record pertains and to authorized law enforcement officials

F. **Destruction:** when fingerprint-based state and national criminal history information is no longer needed, it shall be stored and destroyed by the licensing authority in accordance with all federal, state, and local laws, rules, or regulations governing records retention and destruction.

CIVIL FINGERPRINTING INFORMATION

History: Formerly Civil Fingerprinting (4.09)