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## Apache Junction Police Department Memorandum

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DATE: October 3, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Thomas E. Kelly, Chief of Police

SUBJECT: ACJC NCHIP Grant Agreement

Attached you will find a grant agreement from the Arizona Criminal Justice Commission ("ACJC") as part of their National Criminal History Improvement Program ("NCHIP"). This Agreement authorizes the City of Apache Junction Police Department ("AJPD") to purchase Livescan Fingerprint Scanning Units using NCHIP grant funds, with a nominal match of city funds.

As you may recall, like devices were procured in 2006 using grant funds. Since that time, we have been able to participate in and submit fingerprints through the Arizona Automated Fingerprint Identification System Full Access System Terminal ("AZAFIS FAST"), maintained by the Arizona Department of Public Safety ("DPS").

Fingerprint submission is mandated by Arizona Revised Statute (A.R.S.) §41-1750(U)(1) which states, in part, "The arresting authority shall take legible ten-print fingerprints of all persons who are arrested for offenses listed in subsection C of this section including persons who are arrested and released pursuant to section 13-3903, subsection C." These fingerprints are analyzed against a nationwide database of stored fingerprints to determine if the printed person is wanted in other jurisdictions or has a criminal history that would be relevant to an ongoing criminal investigation.

Under normal equipment operating conditions, the AJPD Detention Facility utilizes AZAFIS FAST. This terminal submits fingerprints electronically to the DPS upon charging a person with a crime as authorized by A.R.S. §13-3903(C). If an individual is detained for Failure to ID or Providing False ID, the FAST submits the prints through the DPS for immediate verification or match in the database.

Submission of fingerprints to DPS is legally required in order to comply with A.R.S. §41-1750(A)(1). However, all electronic units purchased in 2006 are now broken and/or beyond their serviceable life and that of which the manufacturer will maintain/repair. If we lose the ability to submit fingerprints electronically, we will be forced to use ground delivery sources. This would add days or weeks to fingerprint submissions and would create additional lapses in public safety services and could cause the inadvertent release of a wanted felon or fugitive due to detention limitations.

In the interest of public safety, I thank you in advance for your consideration and subsequent approval pertaining to this agreement.

41-1750. Central state repository; department of public safety; duties; funds; accounts; definitions

(L16, Ch. 138, sec. 9. Eff. until 1/1/17)

A. The department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The department shall:

1. Procure from all criminal justice agencies in this state accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence as defined in section 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.
2. Collect information concerning the number and nature of offenses known to have been committed in this state and of the legal steps taken in connection with these offenses, such other information that is useful in the study of crime and in the administration of criminal justice and all other information deemed necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.
3. Collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.
4. Cooperate with the central state repositories in other states and with the appropriate agency of the federal government in the exchange of information pertinent to violators of the law.
5. Ensure the rapid exchange of information concerning the commission of crime and the detection of violators of the law among the criminal justice agencies of other states and of the federal government.
6. Furnish assistance to peace officers throughout this state in crime scene investigation for the detection of latent fingerprints and in the comparison of latent fingerprints.
7. Conduct periodic operational audits of the central state repository and of a representative sample of other agencies that contribute records to or receive criminal justice information from the central state repository or through the Arizona criminal justice information system.
8. Establish and enforce the necessary physical and system safeguards to ensure that the criminal justice information maintained and disseminated by the central state repository or through the Arizona criminal justice information system is appropriately protected from unauthorized inquiry, modification, destruction or dissemination as required by this section.
9. Aid and encourage coordination and cooperation among criminal justice agencies through the statewide and interstate exchange of criminal justice information.
10. Provide training and proficiency testing on the use of criminal justice information to agencies receiving information from the central state repository or through the Arizona criminal justice information system.
11. Operate and maintain the Arizona automated fingerprint identification system established by section 41-2411.



1. Posters, arrest warrants, announcements or lists for identifying or apprehending fugitives or wanted persons.
2. Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public if these records are organized on a chronological basis.
3. Transcripts or records of judicial proceedings if released by a court or legislative or administrative proceedings.
4. Announcements of executive clemency or pardon.
5. Computer databases, other than the Arizona criminal justice information system, that are specifically designed for community notification of an offender's presence in the community pursuant to section 13-3825 or for public informational purposes authorized by section 13-3827.

T. Nothing in this section prevents a criminal justice agency from disclosing to the public criminal history record information that is reasonably contemporaneous to the event for which an individual is currently within the criminal justice system, including information noted on traffic accident reports concerning citations, blood alcohol tests or arrests made in connection with the traffic accident being investigated.

U. In order to ensure that complete and accurate criminal history record information is maintained and disseminated by the central state repository:

1. **The arresting authority shall take legible ten-print fingerprints of all persons who are arrested for offenses listed in subsection C of this section including persons who are arrested and released pursuant to section 13-3903, subsection C.** The arresting authority may transfer an arrestee to a booking agency for ten-print fingerprinting. If the booking agency cannot determine whether legible ten-print fingerprints were taken from the arrestee, the booking agency shall take the arrestee's ten-print fingerprints. The arresting authority or booking agency shall obtain a process control number and provide to the person fingerprinted a document that indicates proof of the fingerprinting and that informs the person that the document must be presented to the court.

2. The mandatory fingerprint compliance form shall contain the following information:

- (a) Whether ten-print fingerprints have been obtained from the person.
- (b) Whether a process control number was obtained.
- (c) The offense or offenses for which the process control number was obtained.
- (d) Any report number of the arresting authority.
- (e) Instructions on reporting for ten-print fingerprinting, including available times and locations for reporting for ten-print fingerprinting.
- (f) Instructions that direct the person to provide the form to the court at the person's next court appearance.