

JUSTICE AND PUBLIC SAFETY CABINET

Department of State Police

(Amended at ARRS Committee)

502 KAR 14:010. Provision and maintenance of automated fingerprint identification system equipment and programs in detention centers. Submission of fingerprints by jailers to the Kentucky State Police.

RELATES TO: KRS 17.180, 441.046

STATUTORY AUTHORITY: KRS 17.180, 441.046

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.180 authorizes the Department of Kentucky State Police to promulgate administrative regulations concerning the automated fingerprint identification system equipment and programs to be required at every detention center in the Commonwealth. KRS 441.046 the department to promulgate administrative regulations establishing fingerprint submission requirements for jailers. This administrative regulation establishes requirements for the use of LiveScan fingerprint capture devices and for fingerprint submissions to the department.

Section 1. Definitions.

- (1) "AFIS" means the Automated Fingerprint Identification System which is a computer-based array of systems maintained by the Kentucky State Police that is designed to capture, search, and store fingerprint images and arrest data.
- (2) "Fingerprints" mean graphical representations of the friction ridge skin found on the fingers between the first joint and the fingertip.
- (3) "Fingerprint card" means the ink and paper criminal fingerprint records on standard FBI fingerprint cards (FBI form FD-249) or the KSP-22 fingerprint card.
- (4) "LiveScan fingerprint capture devices" means computer-based devices designed for the electronic capture and transmission of criminal arrest data and fingerprints of subjects taken into custody for criminal offenses.
- (5) "Mug shot" means a photograph of an individual taken as part of the arrest and booking process.
- (6) "Rolled fingerprints" means all friction ridge skin captured from the first joint of the finger to the end of each digit from fingernail to fingernail for all ten (10) fingers of the subject, containing as much of the geographical surface area of the area described above by rolling the finger from fingernail to fingernail.
- (7) "Palm print" means the friction ridge skin found from the base of the fingers to the wrist, including the edge of the palm.

Section 2.

- (1) The Department of Kentucky State Police shall provide and maintain LiveScan fingerprint capture devices in every detention center in the Commonwealth.
- (2) All communication equipment associated with LiveScan fingerprint capture devices, including routers, Channel Service Units, Data Service Units, and telecommunication lines necessary to transmit criminal arrest fingerprint records to the Department of Kentucky State Police repository shall be supplied by the department.
- (3) Depending on factors, such as cost, volume, and site environmental issues, the Department of Kentucky State Police may equip certain LiveScan fingerprint capture devices with laser printers, palm print scanners, digital mug shot cameras, and associated lighting and backdrops to ensure National Institute of Science and Technology (NIST) compliant mug shot packet collection during the booking process.

Section 3.

(1) The following required data elements shall be entered into the LiveScan fingerprint capture devices during the booking process:

- (a) First name;
- (b) Last name;
- (c) Date of birth;
- (d) Sex;
- (e) Race;
- (f) Height;
- (g) Weight;
- (h) Place of birth;
- (i) Skin tone;
- (j) Arresting officer name;
- (k) Arresting officer badge or unit number;
- (l) Arresting agency Originating Agency Identifier (ORI);
- (m) Fingerprinting agency Originating Agency Identifier (ORI);
- (n) Date of arrest;
- (o) Whether mug shot was taken;
- (p) Whether DNA was taken;
- (q) Whether palm prints were taken;
- (r) Violation (UOR) code;
- (s) KRS citation of offense;
- (t) Citation number; and
- (u) Date of offense.

(2) The fourteen (14) fingerprint images shall consist of:

- (a) Rolled fingerprints;
- (b) Simultaneous impressions of the left and right hand four fingers (index, middle, ring, and little) taken in a "straight down" or "flat" method; and
- (c) Simultaneous impressions of the right and left thumbs taken in a "straight down" or "flat" method.

(3) Image specifications shall be in compliance with the Federal Bureau of Investigation's electronic fingerprint transmission specifications, "Electronic Biometric Transmission Specification (EBTS)", in effect at the time of transmission that may be located on the FBI's biometric specification Web site.."

Section 4. Jailers shall electronically submit the fingerprints taken pursuant to KRS 441.046 to the Department of Kentucky State Police via a LiveScan fingerprint capture device. If the LiveScan fingerprint capture device is not functioning due to damage, power failure, or other circumstance beyond the control of the jailer, fingerprints shall be placed on a fingerprint card and sent via U.S. mail, to: AFIS Section, Criminal Identification and Records Branch, Kentucky State Police, 1266 Louisville Road, Frankfort, Kentucky 40601.

Section 5. Fingerprints and criminal arrest data shall be sent to the Department of Kentucky State Police as soon as feasible after the arrest. Fingerprints on a LiveScan fingerprint capture device shall be completed and submitted prior to the subject's release from incarceration. Fingerprints on fingerprint cards may be mailed to the Department of Kentucky State Police on a weekly or semiweekly basis, except the jailer shall not retain fingerprint cards more than thirty (30) days prior to mailing.

Section 6. LiveScan fingerprint capture devices shall be kept in a climate controlled area in a standard office environment that minimizes exposure to foreign substances, such as dust, smoke, and dirt. Electrical circuits for LiveScan fingerprint capture devices shall not have any large ampere draw equipment, such as air conditioners, refrigerators, copy machines, or laser printers on the same circuit. LiveScan fingerprint capture devices shall not be located

in an area exposed to weather elements. Users of LiveScan fingerprint capture devices shall report system problems immediately to the Department of Kentucky State Police.

Section 7. Incorporation by Reference.

(1) "Federal Bureau of Investigation fingerprint card", FD-249, 5/11/99, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686. (25 Ky.R. 2479; Am. 26 Ky.R. 378; eff. 8-16-1999; 37 Ky.R. 1546; 1997; eff. 3-4-2011; 48 Ky.R. 1286, 2038; eff. 4-5-2022.)

FILED WITH LRC: December 9, 2021

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.