



New York State Division of Criminal Justice Services

Policy on the Reuse of Livescan or Cardscan Images

The Division of Criminal Justice Services (DCJS) has received electronic fingerprint submissions from law enforcement agencies that are reusing either livescan images or card scanning fingerprint images from a hardcopy fingerprint card from a prior arrest. As you are aware, the use of fingerprints establishes the positive identity of an individual by matching the fingerprint images from the instant event to a subject's prior criminal history, if one exists.

Reusing existing fingerprints is problematic. The submitting agency's determination that the fingerprints of the individual in custody are definitely the fingerprint images of the individual involved in the prior submission is subject to error. In addition, reuse of fingerprint images may affect the search algorithms of the DCJS Statewide Automated Fingerprint Identification System (SAFIS) to a degree that additional criminal history records may not be produced for comparison and potential matches. Also, as fingerprint images can change over time, the reused images may not be of the highest quality or the individual may have experienced fingerprint scarring or even amputation since the original fingerprint images were taken. Again, these factors may compromise the ability of the SAFIS to search the database to identify all matching records.

DCJS recognizes that there are certain situations that the law enforcement community needs to reuse images. The reuse of existing livescan or hard copy fingerprint images for criminal submissions to DCJS is permitted on:

- **Multiple Arrest Transactions for the Same Individual.** An arresting agency which submits multiple arrest fingerprint transactions for the same individual at the same time because the offenses cover more than one court of preliminary jurisdiction may reuse the livescan or hard copy fingerprint images.
- **Detention Inquiry.** In jurisdictions where an arrestee's fingerprints are transmitted to DCJS by a livescan/cardscan station under the jail's control, the jail may reuse the livescan or hard copy fingerprint images to send a detention inquiry in order to ascertain the individual's identity and any prior criminal history.

Thank you for your cooperation.

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