



TRANSIT POLICE FINGERPRINTING – POLICE INVESTIGATIONS

Effective Date: June 5, 2006
 Revised Date: May 26, 2011; July 19, 2017; April 9, 2025
 Reviewed Date:
 Review Frequency: 3 Years
 Office of Primary Responsibility: Inspector Administrative Support Section

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 South Coast British Columbia Transportation Authority Police Service Policies and Procedures Manual

POLICY

Definitions

CCRTIS – Canadian Criminal Real Time Identification Services, operated by the RCMP.

Court Liaison Officer (“CLO”) – For the purpose of this policy, the Transit Police position that manages and monitors court related Transit Police files.

CPIC – Canadian Police Information Centre.

Criminal Code – *Criminal Code of Canada* [RSC 1985, c. C-46].

CSO – Community Safety Officer (Designated Law Enforcement Officer) of the Transit Police.

FPS – Fingerprint Serial Number.

ICA – *Identification of Criminals Act* [RSC 1985, c. I-1].

IMS – Information Management Section.

IntelliBook – An application designed to establish a Criminal Record to represent one subject (subject may then have one or more SID or Booking Records); provides province-wide access to fingerprints and photographs on a single server to police agencies; and enables police agencies to capture electronic fingerprints to submit their Form C-216 to RTID.

JPD – Jurisdictional Police Department.

Member – For the purpose of this policy, Designated Constable (all ranks), Chief Officer, Deputy Chief Officer and Designated Law Enforcement Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The operating name of the South Coast British Columbia Transportation Authority Police Service (Designated Policing Unit and Designated Law Enforcement Unit).

PRIME – Police Records Information Management Environment.

RTID – Real Time Identification System, which is a criminal records and fingerprint repository operated by the RCMP as part of CCRTIS.

SID – Serial Identification Number, a Booking Record created by IntelliBook.

YCJA – *Youth Criminal Justice Act* [SC 2002, c. 1].

Young Person – As defined in the *Youth Criminal Justice Act*, a person who is or, in the absence of evidence to the contrary, appears to be twelve years old or older, but less than eighteen years old and, if the context requires, includes any person who is charged under

this *Act* with having committed an offence while he or she was a young person or who is found guilty of an offence under this *Act*.

Authority

1. The *Identification of Criminals Act* (“ICA”) grants authority to police to obtain fingerprints and photographs of all persons arrested and charged with an offence which may be proceeded by way of indictment (this includes all indictable and dual procedure offences). Fingerprints are necessary in order to register a conviction for an offence on a person’s criminal record.
2. Transit Police use of the PRIME-BC Records Management System and the IntelliBook application is governed by PRIME operational policies and procedures, and any applicable statutory requirements or restrictions.

General

3. There are a number of reasons or circumstances that allow for the taking of fingerprints and photographs; however, in the circumstance of a person charged with an indictable or dual procedure offence, Transit Police will ensure that the person is properly fingerprinted and photographed, and that these records are processed and retained in a manner consistent with legal procedures and associated systems’ protocols.
4. Transit Police will maintain procedures for the processing of requests to destroy fingerprints and photographic records collected pursuant to the provisions of the *ICA*.
5. Transit Police procedures will be guided by the *ICA*, *Criminal Code* and *YCJA* but must additionally consider the policy and procedures of the Jurisdictional Police Department (“JPD”), if applicable.
6. Fingerprints and palmprints being taken by Transit Police will only be taken by qualified staff. Trained CSOs may be assigned to take fingerprints as needed.

PROCEDURES

General

7. Fingerprints may be obtained from an adult in lawful custody prior to an Information being sworn.²
8. When a person is charged (an Information sworn before a Justice) with an indictable offence, whether an adult or young person, they will be fingerprinted and photographed in the first instance.

² *R. v. Beare; R. v. Higgins*, 1988 CanLII 126 (SCC), [1988] 2 SCR 387, [retrieved](#) on 2025-01-28.
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9. Under ss. 501(3) and 509(5) of the *Criminal Code*, a person who is alleged to have committed an indictable offence, but not yet charged, may be directed to appear at a specific time and place for fingerprints and photographs to be taken.
 - (1) S. 2(1)(c) of the *ICA* permits fingerprints and photographs to be taken if a person has been directed to appear for the purposes of the *ICA* by an Appearance Notice, Undertaking, Recognizance of Bail (Recognizance), Summons to Appear (Summons), or Subpoena.
 - (2) The processes issued by a peace officer, named in s. 9(1) above, must be confirmed by a Justice before:
 - a. charges under s. 145 of the *Criminal Code* can be laid; or
 - b. requesting a summons or warrant to arrest should the accused fail to appear as directed for fingerprinting and photographing.
10. When a person is charged with a dual procedure offence, if the Information is sworn before the fingerprint date, the person is compelled by the release document to attend for fingerprinting. Failure to appear for fingerprints may result in a print warrant being issued by the court upon application by CLO.
11. When a person is charged with a summary offence, no fingerprints are required.
12. An arrested person is legally entitled to refuse being fingerprinted/photographed if they have not yet formally been charged (i.e., an Information has not been sworn), in which case force may not be used to fingerprint/photograph the person.
13. If fingerprinting is taking place at a JPD, and the arrested person has provided informed consent to have their fingerprints taken, Members will utilize the consent form provided by the JPD. If taking place at Transit Police, no form is required.
12. Prior to taking fingerprints or photographs under the *ICA*, the Member will ensure that:
 - (1) an Information has been laid charging an indictable (dual procedure) offence; or
 - (2) the person is in custody and has been convicted of the indictable offence for which they are being fingerprinted/photographed; or
 - (3) the person has been directed to appear for fingerprinting/photographing by an Appearance Notice, Undertaking, Recognizance, Summons or Subpoenas, where an Information has been sworn prior to the date returnable; or
 - (4) the allegations against the person support a charge for an indictable (dual procedure) offence:
 - a. inform the person they can provide prints now; or
 - b. if the person explicitly refuses to provide their fingerprints and the Information has not been formally laid, direct the person by way of an Appearance Notice, Undertaking, Recognizance Summons or Subpoenas at a later date and/or time subsequent to the swearing of an Information.

13. When a person objects to being fingerprinted and an Information has been sworn, the Member will discuss with their Supervisor the appropriate action to be taken, such as use of any force, pursuant to s. 27 of this policy chapter for Young Persons.
14. A peace officer is authorized by the *ICA* to use as much force as is necessary to obtain fingerprints from a person who has been directed to appear for the purposes of the *ICA* in accordance with the *Criminal Code*.
15. If fingerprints, photographs, or other measurements, processes, or operations pursuant to the *ICA* were not completed in the first instance, and the reasons for the incompleteness are exceptional, the Member may apply for a summons using Form 6.1 – Application for a Summons under Section 485.2 of the *Criminal Code*, requesting a judge or justice to require an accused or offender to appear at the time and place stated for the purpose of the *ICA*.

Release - Appearance Notice, Undertaking, Summons or Subpoenas

16. Where practicable, when releasing on an Appearance Notice or an Undertaking, Members will attempt to take fingerprints of the arrested person in the first instance.
17. When a Member is releasing a person from custody, having issued an Appearance Notice or an Undertaking, and directed that person to attend a specific location for the purposes of having their fingerprints and photograph obtained, the Member will consult the First Appearance Court Date Chart to ensure that the person appears at the appropriate location and required time (to be prior to the first appearance in court).
 - (1) The Member is to ensure for Transit Police files only that:
 - a. the release document provides the Transit Police address, and date and time to attend; and
 - Dayshift – Tuesday or Thursday @ 0900 hours
 - Afternoon shift– Tuesday or Thursday @ 1800 hours
 - b. where practicable, the release document is reviewed for accuracy by a Supervisor.
18. When an arrested person is released and is to be fingerprinted and photographed at a later date, the Member will attempt to have the person attend on the Member's own scheduled shift, so that the responsibility of fingerprinting an accused is managed by the investigating Member. If an investigating Member cannot attend their own fingerprinting, alternate arrangements can be made through their Supervisor.
19. It is an offence under s.145(5) of the *Criminal Code* to fail to attend (without lawful excuse) for the purpose of fingerprinting and photographs if required by the *ICA*. In such cases, the Member will investigate, including taking the following actions:

The Member will:

- (1) confirm with IMS that the accused did not attend for processing when required to do so;

- (2) conduct a CPIC and PRIME check for the accused; and
- (3) add the PRIME Template ADMIN_INTELLIBOOK FP_UTA OR AN_SURNAME, GIVEN NAME to the GO.

The CLO will:

- (1) ensure that Crown has not already elected to proceed summarily;
 - (2) confirm database queries (i.e., CORNET, JUSTIN,) to ensure that the accused wasn't in custody or deceased, which would have precluded them from complying with the direction to have their prints obtained [seek assistance from IMS in querying those databases in respect of which the Member does not have permission];
 - (3) physically match the General Occurrence ("GO") with the Appearance Notice or Undertaking issued; and
 - (4) document the time and location of the Failure To Appear offence.
20. If a determination is made to obtain a warrant for Failing to Comply with Fingerprints and Photographs under s. 145 of the *Criminal Code*, IMS will:
- (1) complete [Form 6.2](#) (PCR 795 or YTH809 if filed under Youth Court);
 - (2) complete Transit Police Form [OZ0750 – Failure to Appear for Fingerprints](#); and
 - (3) compile those two forms along with a copy of the approved court process (UT, AN, Summons or Subpoena) and a copy of the sworn Information as a package for forwarding to a Justice.
21. Upon arrest of a person for failure to attend for fingerprinting, a Member will immediately, or as soon as practicable, collect the fingerprints and photograph of the person and release the person forthwith (unless detention is required for some other purpose).

Consent to Take Fingerprints/Palmprints as Investigative Aid

22. Members may obtain fingerprints and palmprints from any person as an investigative aid, providing the person clearly consents in writing to providing the fingerprints, using Transit Police Form [OZ0280](#) (or in absence of Form OZ0280, the JPD form in which the investigation is being conducted.)
23. Members will advise the person that the fingerprints/palmprints can only be used for the purposes for which consent was given.

24. Members must obtain the permission of a young person's parent or guardian (or adult of the young person's choice) prior to fingerprinting when the prints are being obtained solely for investigative purposes, and both must also sign the consent form.

NOTE: For investigative purposes, if permission was received for the fingerprinting and photographs, the fingerprints and photographs must be sealed and not be used for any other purpose.

Obstructing a Police Officer

25. When a person is arrested for obstructing a police officer under s. 129 of the *Criminal Code*, the Member will:
- (1) transport the person to the nearest available detention facility;
 - (2) obtain prints and forward to the RTID to locate the identity of the person;
 - (3) remand the person in custody until identification is confirmed;
 - (4) consult with the Supervisor on the circumstances and facts on whether to proceed with a charge of obstruction and whether there is a need for the person to be detained and, if not, proceed with the bail process; and
 - (5) when proceeding with a charge, complete the RTCC for obstructing a police officer.

Criminal Record Check for Deceased Person

[Refer to Transit Police policy chapter [OB080 – Sudden Death](#) for procedures for fingerprinting of a deceased person for the purpose of a criminal record/pending matters check]

Young Persons

26. Members will follow procedures in Transit Police policy chapter [OD180 Young Persons](#) regarding arrest of young persons, identification, and legal parameters (including the *YCJA* and *ICA*).
27. Once an Information has been sworn, Members will fingerprint, palmprint and photograph all young persons aged twelve to seventeen years inclusive, charged under the *YCJA* with an offence which may be proceeded with by way of indictment or dual procedure under the *Criminal Code*. Members do not need consent if the Information was sworn for a hybrid or indictable offence.

NOTE: If Members fail to have a young person fingerprinted, a conviction for that offence will not form part of their criminal records.

28. Members will attempt to fingerprint a young person held in custody, if an Information is sworn, prior to the young person being transported to a Youth Custody Facility. If

the young person refuses to provide fingerprints and photograph, Members will notify Crown so that Crown can make an application to compel the young person to comply. (Only Crown can make this application). In the meantime, the young person will be transported to a Youth Custody Facility to be held in custody.

IntelliBook

29. Members will follow the processing requirements of the IntelliBook application and comply with the policies and procedures of PRIME, CCRTIS and RTID (as well as any specific Transit Police protocols) associated with processing of fingerprinting and photographing of arrested persons.
- (1) Pursuant to CCRTIS policy, criminal fingerprints must not be submitted by Members to RTID until the Information has been sworn and charges have been formally laid.
 - (2) When using the IntelliBook application, the records must be reviewed by the designated supervisor (supervisor function assigned to IMS or as otherwise so determined by the Inspector Administrative Support Section), who will then approve or reject. Approved records are then submitted to RTID.
 - (3) In the event that the Intellibook application is down, or the electronic printing system is unavailable, Members are to perform cold booking or obtain ink prints.

[Refer to Appendix “A” of Transit Police policy chapter [AG030 – Police Facilities and Access Control](#) for procedures on locking the elevator]

Destruction of Fingerprint and Photographic Records

30. A person with no criminal history may request the destruction of their fingerprints and photographs in certain cases. A police department is not required by law to destroy lawfully obtained fingerprints or photographs, but may do so at their discretion based on pre-determined conditions.
31. Taking into account all surrounding circumstances, consideration by the Transit Police of requests for destruction will focus on the public interest and the needs of effective law enforcement. Destruction may be considered in the following circumstances:
- (1) The charges against the person must have been withdrawn, found not guilty, acquitted, dismissed, quashed, discharged, or stayed and the appropriate waiting periods must have passed for the application to be considered. No application is required for charges that were concluded with an absolute or conditional discharge;
 - (2) The purpose for which fingerprints and photographs were taken is fulfilled;
 - (3) There was a decision to utilize alternative measures and the person has successfully fulfilled the requirements, and one year has lapsed since the completion thereof, and the person is not presently, or reasonably likely to be, subject to other criminal charges; or

- (4) Crown did not approve the charges, and one year has lapsed since the offence date, and the person is not presently, or reasonably likely to be subjected to criminal charges for which the fingerprints were taken.

Other criteria that will be considered includes:

- Age requirement: The person was at least 18 years old at the time of the incident.
 - Clean criminal record: The person should have no criminal convictions.
 - No pending charges: The person must not have ongoing court cases.
 - Offence type: The offence must not be categorized as either a primary or secondary designated offence as per section 487.04 of the *Criminal Code*.
 - Peace bond status: Any peace bond must have expired.
32. Upon an application in writing, the Deputy Chief Officer Operations or designate (designated in writing) may consider destruction of the applicant's fingerprints and photographs taken by the Transit Police or at another JPD for a Transit Police file.
 - (1) If another police department as a result of a joint investigation took the fingerprints and photographs, the applicant will be referred to the police department that obtained the fingerprints and photographs, and IMS will notify that department accordingly via E-mail.
 33. Written requests for destruction received by the Transit Police will be directed to the attention of the IMS Manager or their designate, who will then forward the request to the person designated to conduct an investigation, which will include, but is not limited to:
 - (1) determination as to whether the circumstances fall under s. 31 of this policy chapter; and
 - (2) confirmation that the fingerprints were lawfully obtained.
 34. Upon review of the investigation report and consultation with legal counsel (if appropriate), the IMS Manager or their designate will grant or deny the request for destruction.
 35. The Deputy Chief Officer Operations or their designate will inform the applicant in writing of the decision (and the reasons for the decision) regarding the request for destruction.
 - (1) a record of the written decision will be retained as an attachment in the records management system for review and audit purposes.
 36. If the request for destruction is granted, the designated records/information person will do the following:
 - (1) obtain the fingerprint records, original photo negatives and any photographic prints or reproductions;

- a. if the photograph was taken at the JPD for the Transit Police file, contact the JPD to request destruction of any hard copies of the photograph, and confirmation of the action;
- (2) remove any fingerprint or photographic records from the Administrative Support Section;
- (3) IMS will follow procedures of the destruction process to notify CCRTIS of the destruction request and arrange for the records to be electronically purged from the file. [The RCMP will purge the FPS];
- (4) have the documents shredded;
- (5) document on PRIME with a Miscellaneous Notes (“MN”) text page to reflect the destruction of the records; and
- (6) send a confirmation letter, via registered mail, to the applicant that the fingerprint and photographic records have been destroyed.

Fingerprint Records Management

37. The Inspector Administrative Support Section will provide oversight of the Transit Police handling of fingerprints and photographic images, including establishing of internal protocols and training on the procedures and requirements for use of the IntelliBook application and associated systems.
38. Administrative Support Section will be responsible for the maintenance of fingerprints and photographic images placed into records.

References:

Criminal Code of Canada [RSC 1985, c. C-46]

Identification of Criminals Act [RSC 1985, c. I-1]

Youth Criminal Justice Act [SC 2002, c. 1]

PRIME - Operational Policy and Procedures, Part 4 Investigative Functionalities, Chapter 4.5 IntelliBook [2016-11-03]

RCMP - Canadian Criminal Real Time Identification Services (CCRTIS) – Policies and Best Practices on Submitting Criminal Record Information to the RCMP (December 2014, page 5)

Transit Police policy chapter [OB080 – Sudden Death](#)

Transit Police policy chapter [OD080 – Arrests](#)

Transit Police policy chapter [OD180 – Young Persons](#)

APPENDIX “A” FOLLOWS