



# Your rights and mobile fingerprinting

This page serves as an overview for dealing with requests for fingerprinting from police on the street. This reference was developed by [NETPOL](#).

### When can police take fingerprints with a mobile device?

- If you are under arrest and you are taken to a police station, the police have the power to take your fingerprints (by force if necessary).
- The police can take fingerprints away from a police station **ONLY** if they have reason to suspect you have committed an offence **AND** they have reason to doubt that you have provided your real name and address.
- If the police have grounds to take fingerprints, they must first give you an opportunity to give your details. They can fingerprint you only if there are 'reasonable grounds' to doubt you have given your real name and address.
- If you have provided a document showing your name and address, they must tell you why this is not sufficient on its own to prove your identity.
- If you refuse to give your fingerprints (and the police have 'reasonable suspicion'), they have the power to take fingerprints without consent, or to arrest you for the offence you are suspected of, and take you to the police station.

### What if I haven't committed an offence?

- To lawfully take your fingerprints the police must suspect that you have committed an offence. They **MUST** tell you what offence you are reasonably suspected of having committed and why you are reasonably suspected of committing it. If the police will not or cannot do this, you **SHOULD NOT** provide your fingerprints (or your name and address).
- If the police allege that you have committed an offence, **MAKE SURE** they explain what offence it is that has been committed, and what reason they have for suspecting you.
- Being stopped and searched, **DOES NOT** by itself give the police powers to take your fingerprints **OR** your name and address.
- Being detained to prevent a breach of the peace, or held in a protest kettle, **DOES NOT** by itself give the police powers to take your fingerprints **OR** your name and address.
- If the police have suspicion that you are breaching bail conditions, they have the power to arrest you. A suspicion that you are breaching bail conditions **DOES NOT** give them the power to take your fingerprints on a mobile scanner, as this is **NOT** an offence.

### What if I am suspected of Anti-social behaviour?

- If the police allege that you have engaged in anti-social behaviour\*, **INSIST** they tell you what they 'reasonably believe' you have done that was likely to cause harassment, alarm and distress.\*\*
- If the police cannot or will not tell you why they believe you were likely to cause harassment alarm or distress, the police do **NOT** have powers to take your fingerprints, and you **SHOULD NOT** give a name and address.
- If the police **DO** have reason to believe you have engaged in anti-social behaviour, they **DO** have the power to demand your name and address. The police **WILL** then have the power to take your fingerprints **IF** you refuse to provide your name and address, **OR** they suspect you of providing a false name and address\*\*\*.

\* Anti-social behaviour is any behaviour likely to cause harassment alarm or distress to a member of the public. If what you did was not likely to do that, it was not anti-social behaviour. Non-violent protest is **NOT** anti-social behaviour, even if it is unlawful.

\*\* Swearing in front of a police officer probably **ISNT** anti-social behaviour as the law says that police officers are unlikely to be caused 'harassment alarm or distress' by bad language. (This may not be the case if other people could hear.)

\*\*\*Under s50 Police Reform Act, you commit an offence if you do not provide your name and address when a police officer reasonably believes you have engaged in anti-social behaviour.

### What happens if I give my fingerprints?

- The device will scan your fingerprints and check them against the police database. They should return a result within two minutes. The scan taken by the mobile fingerprint device is **NOT** kept, and **DOES NOT** stay on the system.
- If your prints are already on record, the police will be able to see your details. These will include your name, last known address, warning markers and whether or not you are wanted for any outstanding offences.
- If the offence you are suspected of committing is a minor one, and you have given your prints, the police **SHOULD** consider alternatives to arrest eg summons, fixed penalty notice or words of advice.
- If your prints are not already on the database, this will mean that the police cannot verify your details. What the police do then is up to them – depending on the situation they may accept the details you have given as true, or they may arrest you for the offence you are suspected of committing. If you are arrested your prints will be taken in the police station, and these will be retained on the system.