

# CIVIL FINGERPRINTING POLICY

POLICY & PROCEDURE NO. <b>4.34</b>	ISSUE DATE: 3/17/2025
	EFFECTIVE DATE: 3/17/2025
	REVISION DATE: _____

## I. PURPOSE

It is the goal of the Westford Police Department, as the primary licensing authority for the Town of Westford, to ensure the safety of its citizens and to regulate the use of such licenses to ensure they are used responsibly and that activities are conducted lawfully and that such licensing activities do not detract from the quality of life in neighborhoods or in the Town as a whole. The Regulations contained herein have been promulgated to achieve the above stated safety goals and objectives pursuant to the Town's adoption of the Civil Fingerprinting Bylaw Chapter 159, in accordance with 28 CFR 20.33 (a)(3), Public Law 92-544, M.G.L. c. 6 § 172B ½.

## II. POLICY

1. It is the policy of the Westford Police Department, pursuant to the Bylaw under the authorizing statute, G.L. c. 6 § 172B ½, to require applicants applying for the following licenses to submit their fingerprints for a state and national criminal history screening:
  - a. Hawking and Peddling or Door to Door Solicitors
  - b. Owner or Operator of Public Conveyance
  - c. Hackney Drivers, and
  - d. Ice Cream Truck Vendors
2. The civil fingerprinting process for municipal licensing applicants is also subject to the "Massachusetts Department of Criminal

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Justice Information Services Policies and Procedures for Civil Fingerprinting for Municipal Licensing Applicants.”

### III. FEES

1. Fingerprint fees include federal, state, and local fees. Before being fingerprinted, all licensing applicants must pay the statutory fingerprint fee of thirty dollars (\$30.00) with a money order or bank check payable to the “Commonwealth of Massachusetts.” In addition to a signature, the money order or bank shall include the name of the applicant hand-printed in block letters.
2. In addition, licensing applicants must pay the municipal fingerprint fee of seventy dollars (\$70.00) with a money order or bank check payable to the “Town of Westford”, or in cash. In addition to a signature, the money order or bank check shall include the name of the applicant hand-printed in block letters.
  - a. All cash should be handled pursuant to *Policy and Procedure 4.13 Cash Fund Handling Process*.

### IV. PROCEDURE

1. All applicants required under Section II of this Policy to submit fingerprints prior to action on their license application must submit fingerprints to the Westford Police Department. Licensing applicants shall appear at the Westford Police Department, 53 Main Street, Westford, MA for applicant processing and fingerprint collection by appointment only Monday through Friday between 9 a.m. and 3 p.m., excluding holidays. Submission of fingerprints will be processed by a police supervisor. The Department’s Operations Captain, or his/her designee, will be responsible for scheduling the appointment with the applicant upon receipt of the application. The Operations Captain can be reached at 978-399-2345. The Operations Captain, or his/her designee, will schedule the appointment within ten (10) days of receiving the application.
2. **Consent.** All licensing applicants must consent to the collection and submission of their fingerprints for the purposes of conducting state and national criminal history screening by completing the department’s “Civil Fingerprinting Consent Form.” Consent forms will be retained for at least one year but for no longer than three years.
3. Before fingerprinting, all licensing applicants are required to present government-issued identification. The following forms of identification will be accepted: a state issued driver’s license, a state issued identification card with a photograph, passport, or a military identification card. A licensing applicant’s fingerprints will not be collected until his or her identity has been verified.

4. All licensing applicants' fingerprints will be searched against the Automated Biometric Identification System (ABIS) which is maintained by the Massachusetts State Police and the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS) fingerprint database. All fingerprint submissions pursuant to the Town's Bylaw must contain the Town's Bylaw number in the "Reason Fingerprinted" block of the fingerprint submission form.
5. The results of the state and national criminal history records will be returned directly to the live scan fingerprint device of the submitting department and/or a designated secure website managed by the Massachusetts Department of Criminal Justice Information Services ("DCJIS"). For results that are returned without a disposition to a charge, the submitting department is responsible for gathering the missing disposition(s). DCJIS may be used to contact out-of-state agencies using the International Justice and Public Safety (Nlets) message keys.
6. An application shall be considered "complete" and therefore accepted by the Westford Police Department when all forms required have been fully completed and the necessary fingerprints have been submitted to the Department. The Westford Police Department shall not process or review a license application until it receives information related to the criminal history check, as authorized.
7. Each applicant will be provided with a copy of the "FBI Procedure for Changing, Correcting or Updating a Record."
8. Upon receiving the results of the criminal background check, the licensing authority, or his/her designee, shall review the results of the criminal history check and determine the suitability of the license applicant at its sole discretion.
9. The state and national criminal history records background check for civil licensing purposes may only be conducted based on a fingerprint check authorized by the Town's Bylaw and may not be conducted based on name and date of birth.

## **V. CORRECTING FINGERPRINT-BASED STATE AND NATIONAL CRIMINAL HISTORY INFORMATION**

1. The department shall provide the applicant with written notice of the criminal history results and an opportunity to challenge the accuracy or completeness of the criminal history within ten (10) days of the date of the written notice.
2. All licensing applicants have the right to challenge the information contained within a fingerprint-based state or national criminal history record response. To change, correct, or update a criminal

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history record in question, the licensing applicant must follow the procedures listed below:

- a. If, after reviewing their identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections, or updating the alleged deficiency, they should make application directly to the agency which contributed the questioned information. The subject of a record may also direct their challenge as to the accuracy or completeness of any entry on their FBI record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that the agency verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.
3. The department shall not deny an applicant the license based on information in the record until the applicant has been afforded the opportunity to correct or complete the information, and/or has declined to do so within ten (10) days from the date of the written notice.

## **VI. LICENSING DECISIONS AS A RESULT OF THE CRIMINAL HISTORY CHECK**

1. The department is hereby authorized to deny an application for any license specified herein who is determined unfit for the license due to criminal history information obtained on the applicant after the above provisions have been met.
2. The department shall refuse to register an organization or individual who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The department shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.
3. With respect to criminal history not otherwise listed above, factors that the department may consider in making a determination regarding fitness for the license include, but are not limited to:
  - a. whether the individual has been convicted of, or is under pending indictment for a crime that bears upon said

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- individual's ability or fitness to serve in that capacity, including any felony or misdemeanor that involved force, possession of a controlled substance or a sex-related offense;
  - b. relevance of the records to the license sought;
  - c. time since the conviction;
  - d. age of the individual at the time of the offense;
  - e. the number of offenses;
  - f. the seriousness and specific circumstances of the offense;
  - g. any relevant evidence of rehabilitation or lack thereof; and
  - h. any other relevant information, including information submitted by the individual or requested by the department.
4. The applicant is to be notified of the department's decision and the basis for it in a timely manner in writing.
  5. Any person or organization who is denied registration may appeal by filing a written notice of appeal with the Select Board. Such appeal must be filed within five (5) days after receipt of the notice of denial. The Select Board shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Select Board fails to make a determination within thirty (30) days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

## **VII. STORAGE OF FINGERPRINT-BASED STATE AND NATIONAL CRIMINAL HISTORY INFORMATION**

1. Fingerprint-based state and national criminal history record information shall not be retained or stored except for the purpose of allowing an applicant the opportunity to challenge the criminal history record. During the challenge stage, the fingerprint-based state and national criminal history record information shall be stored in a secure location and access to the information shall be restricted to authorized personnel.
2. Fingerprint-based state and national criminal history record information will only be handled and reviewed by authorized personnel in a secure area, out of the view of the public and of all other unauthorized individuals.
3. When fingerprint-based state and national criminal history information is no longer needed, it shall be destroyed by the licensing authority by burning, shredding, or other methods, rendering the information unreadable.