



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
DEPARTMENT OF AUDIT
DIVISION OF COUNTY AUDIT
SUITE 1500
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August 22, 2005

MEMORANDUM

TO: County Mayors
Mayors
Sheriffs
Chiefs of Police

FROM: Richard V. Norment 
Assistant to the Comptroller

SUBJECT: Notification of Standard Procedures for Booking Arrestees
And Noncompliance Penalties

Section 8-4-115(e), Tennessee Code Annotated (TCA), requires the comptroller of the treasury to notify annually each county mayor, sheriff, mayor, and chief of police of the requirements for standardized procedures for booking of arrestees and the penalty for noncompliance with the fingerprinting of arrestees.

The standardized booking procedures identified in Section 8-4-115, TCA, are as follows:

1. A photograph of the arrestee;
2. Two (2) sets of fingerprint cards, properly completed and mailed to the Tennessee Bureau of Investigation (TBI). In lieu of submitting two sets of fingerprint cards, the fingerprints can be submitted electronically to the TBI if the local law enforcement agency's electronic fingerprint imaging equipment is compatible with the TBI's equipment and the agency's use of the electronic fingerprint imaging equipment is approved by the TBI;
3. Delivery to the appropriate local law enforcement agency a completed judgment order signed by a judge to be used by the local law enforcement agency for completion of an R-84 Disposition Card. Upon establishment of an automated system for final disposition reporting, clerks of court shall submit final disposition reports electronically to the TBI. Jurisdictions that submit final disposition reports electronically will cease the submission of R-84 Disposition Cards upon advisement from the TBI. The submission of an electronic final disposition report shall have the same force and effect as the submission of an R-84 Disposition Card;

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4. An arrest report; and
5. Delivery to the appropriate court clerk office of a warrant or capias for offense containing the state control number.

The provisions of Section 8-4-115, TCA, further provide that the county or municipal legislative body shall appropriate funds for the respective sheriff's office or police department, including funds for personnel and supplies that are sufficient to comply with the provisions of this law.

The comptroller is required to audit on an annual basis the sheriff's office or police department to determine compliance with the requirements of this statute, including but not limited to two full sets of classifiable fingerprints taken at arrest and the maintenance of at least an 85 percent retention rate by the Tennessee Bureau of Investigation of such fingerprints. The audit that is performed by either the staff of the Comptroller's Office or a contracted certified public accounting firm approved by this office must include appropriate procedures to determine such compliance.

If a sheriff's office or police department does not comply with these provisions, the comptroller must notify the sheriff or police chief and the Tennessee Peace Officer Standards and Training Commission (POST) within 30 days of determining noncompliance. If a sheriff or police chief is in noncompliance with the fingerprint requirements, the POST will decertify the appropriate sheriff or police chief and impound the in-service training supplement provided under Section 38-8-111, TCA. The decertification and impoundment of any salary supplement (except 1/12 of the annual) will be rescinded if the sheriff or police chief can demonstrate compliance within 60 days after decertification.

The district attorney general and state attorney general will review any reports of noncompliance, and if necessary, further investigate for willful misfeasance, malfeasance, or nonfeasance by the sheriff or police chief pursuant to provisions of Title 8, Chapter 47 of TCA.

If you have any questions regarding the requirements for standard procedures for booking arrestees and noncompliance penalties, please contact the appropriate division.

<u>Government Entity</u>	<u>Division Contact</u>	<u>Telephone</u>
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