

JUVENILE MATTERS

Procedures for Collecting Juvenile Fingerprints and Photographs

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Responsibilities of a Law Enforcement Agency which Files Delinquency Charges (Charging Agency)

When a juvenile who is fourteen or older is charged with an offense that would be a crime if committed by an adult, the charging agency shall take all reasonable steps to fingerprint the juvenile. This is permitted by N.J.S.A. 2A:4A-61a(3). "Fourteen or older" means that the juvenile was fourteen or older at the time the charged offense was committed. "Charging agency" shall include a law enforcement agency which files a delinquency complaint signed by a private citizen. "All reasonable steps" shall include taking the juvenile into custody pursuant to law or having the juvenile voluntarily respond to the charging agency. It should be rare for juveniles who are fourteen or older and charged with delinquency for a crime not to be fingerprinted by the charging agency. In those rare cases, if the juvenile is later adjudicated delinquent for an offense which would be a crime, an appropriate county law enforcement agency will fingerprint the juvenile at the time of adjudication.

The charging agency shall complete a state criminal arrest fingerprint card and an FBI criminal arrest fingerprint card and provide the requested information. The charging agency may also complete one or more additional fingerprint cards to be retained locally, pursuant to local procedures. The charging agency shall make two copies of both fingerprint cards and retain one copy for criminal identification purposes. The second copy shall be submitted to the County Prosecutor pursuant to the procedures contained in section A. 5 below.

The charging agency shall photograph the juvenile for criminal identification purposes. N.J.S.A. 2A:4A-61b. The charging agency shall make two copies of the photograph and retain one copy for criminal identification purposes. The second copy shall be submitted to the County Prosecutor pursuant to the procedures contained in section A. 5 below.

The charging agency shall immediately transmit both original fingerprint cards and an original photograph of the juvenile to the State Bureau of Identification within the Division of State Police.

The charging agency shall send a copy of the fingerprint cards and photograph to the County Prosecutor with the other paperwork on the case. This will verify that the juvenile's fingerprints and photograph have been taken and forwarded to the State Bureau of Identification. If county procedures require that all paperwork on the case be submitted to the Family Court, and then forwarded by the Court to the County Prosecutor, the copy of the fingerprint cards and photograph may be included with the paperwork submitted to the Family Court.

Caution: Juveniles charged with delinquency who are under the age of fourteen at the time of the offense may not be fingerprinted by the charging agency under N.J.S.A. 2A:4A-61a(3). In addition, juveniles who are charged with disorderly persons offenses or petty disorderly persons offenses may not be fingerprinted under N.J.S.A. 2A:4A-61a(3). However, under N.J.S.A. 2A:4A-61a(1), fingerprints may be taken for juveniles of any age for comparison to latent fingerprints, either with the consent of the court, or of the juvenile and parent or guardian. N.J.S.A. 2A:4A-61a(1) also provides that such prints "... shall be destroyed when the purpose for the taking of fingerprints has been fulfilled." If a juvenile who has been fingerprinted under section a(1) for comparison with latent fingerprints is fourteen or older and is later charged with delinquency for a crime, the juvenile's fingerprints shall be taken and submitted to the State Bureau of Identification as set forth in paragraph A1 of this directive.

Responsibilities of County Law Enforcement and Prosecuting Agencies

It is the responsibility of County Prosecutors to develop procedures, consistent with those described below, requiring that immediately upon adjudication for an offense that would be a crime if committed by an adult, any juvenile who was under the age of fourteen at the time of the offense, is to be escorted to an appropriate county law enforcement officer for fingerprinting. N.J.S.A. 2A:4A-61c.

Fingerprints should also be taken at adjudication for juveniles fourteen or older at the time of the offense who are adjudicated delinquent of an offense which would be a crime if committed by an adult and for whom there is no copy of a fingerprint card in the County Prosecutor's file. If possible, the juvenile's record should be checked in the CCH system. If there is no record that the juvenile has been fingerprinted in the CCH system, the juvenile should be fingerprinted.

For juveniles who must be fingerprinted pursuant to paragraphs B1 or B2 above, an appropriate county law enforcement agency shall complete a state criminal arrest fingerprint card and an FBI criminal arrest fingerprint card and provide the requested information. The county law enforcement agency shall retain copies of the fingerprint cards for criminal identification purposes.

The county law enforcement agency shall immediately transmit both original fingerprint cards to the State Bureau of Identification within the Division of State Police.

The county law enforcement agency is encouraged, though not required, to photograph juveniles fourteen or older at the time of an offense, who are adjudicated delinquent for an offense that would be a crime if committed by an adult. The New Jersey Code of Juvenile Justice forbids photographing juveniles under the age of fourteen "...for criminal identification purposes without the consent of the court, or of the juvenile and his parent or guardian." N.J.S.A. 2A:4A-61b. Most juveniles fingerprinted by the county law enforcement agency should fall into this category since juveniles fourteen or over will already have been fingerprinted and photographed by local police. However, if a juvenile fourteen or older at the time of an offense that would be a crime if committed by an adult, is photographed by the county law enforcement

agency, an original photograph should be submitted to the State Bureau of Identification within the Division of State Police.

In those cases where the court enters a formal adjournment of disposition for a juvenile, who has committed an offense that would be a crime if committed by an adult, fingerprinting should be delayed. If the adjournment period is successfully completed, the complaint will be dismissed and no fingerprints should be taken. If the juvenile reoffends and the disposition is changed, fingerprints shall be taken when the juvenile returns to court for the entry of a formal disposition.

In juvenile or adult cases where a criminal history of a witness or codefendant is provided to a defendant as part of a discovery package pursuant to R. 3:133(c)(7), the assistant prosecutor shall review the criminal history and determine whether any juvenile information contained in the criminal history must be redacted. R. 3:13-3(c)(7) provides only for the transmittal of relevant records of prior convictions. Juvenile delinquency records are confidential pursuant to N.J.S.A. 2A:4A-60. However, while defendants are not entitled to juvenile records for the purpose of impeaching the general credibility of a witness, they may be entitled to juvenile information for the limited purpose of making a specific attack on credibility. *State v. Brown*, 132 NJ Super. 584 (Law Div. 1975). See also *State v. Allen*, 70 NJ 474 (1976); *State v. Ramos*, 169 NJ Super. 573 (Law Div. 1979).

Note: For informal hearings, also called "counsel not mandatory," at which assistant prosecutors are not present, each County Prosecutor shall respectfully request the Presiding Judge of the Family Court to implement a procedure whereby the Court notifies the appropriate county law enforcement agency when a juvenile, who was less than fourteen years old at the time of the offense, is adjudicated for an offense which would be a crime if committed by an adult.