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| DEPARTMENT OF HEALTH & HUMAN SERVICES DIVISION OF JUVENILE JUSTICE & YOUTH SERVICES POLICY AND PROCEDURES | | |
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| Fingerprints and Photographs | | |
| <p>RATIONALE: Staff are required to comply with state and federal law as well as Division and Department of Health and Human Services’ policies regarding law enforcement investigations and the collection of fingerprints and photographs of minors.</p> <p>Related rule, policy, statute: UCA §80-6-608, Rule 27 Utah Rules for Juvenile Procedure</p> | | |
| Original Effective: May 14, 2015 | Revision: January 23, 2023 | Next Review Due: January 23, 2026 |

I. Policy Statement

The Division shall collect and share certain information regarding minors with allied agencies, including law enforcement and the Juvenile Court. Certain identifiable information regarding a minor shall be entered into the Courts and Agencies Records Exchange (CARE) system.

II. Definitions

“Bureau of Criminal Identification (BCI)” refers to the state agency that maintains a repository of criminal records (submitted by state law enforcement agencies) that is used by criminal justice agencies for criminal investigations and by non-criminal justice agencies for employment and licensing purposes.

“Courts and Agencies Record Exchange (CARE)” refers to Utah’s Juvenile Justice database utilized by the Juvenile Court, the Division of Juvenile Justice and Youth Services, the Division of Child and Family Services, the Office of the Guardian ad Litem and others across Utah’s juvenile justice system.

III. Policy

- A. A minor’s fingerprints and photographs shall be obtained and shared in accordance with Utah Code §80-6-608.

IV. Procedures

A. Fingerprinting

1. Designated trained staff in detention centers shall collect fingerprints of each minor age 14 years or older as follows:
 - a. Staff shall collect fingerprints of each minor, age 14 years or older who is alleged to have committed an offense that would be a felony if committed by a person 18 years or older.
 - b. Staff shall collect fingerprints of each minor, age fourteen (14) years or older, coming to detention with a court order for the purpose of being fingerprinted.
 - c. Staff shall only collect fingerprints of any minor under 14 years of age if there is a valid court order in the form of an oral authorization from a judge must be documented in the minor's file, including the date, time, and the name of the judge.
 - d. Before collecting fingerprints staff shall check CARE Critical Messages under Case Info to determine if fingerprints have already been collected for the minor. This will be indicated by the presence of a "Fingerprinted" Critical Message.
 - e. Staff who collect fingerprints shall forward them to BCI and shall enter a "Fingerprinted" Critical Message in CARE to indicate that the minor's fingerprints have been collected.

B. Photographs

1. Designated staff in detention centers shall take photographs of each minor age fourteen (14) years or older as follows:
 - a. Staff shall photograph each minor, age 14 years or older, who is alleged to have committed an offense that would be a felony if committed by a person 18 years or older.
 - b. Staff shall photograph each minor, age 14 years or older, coming to detention with a court order for the purpose of being photographed.
2. Staff shall only photograph a minor under 14 years of age if there is a valid court order to do so. A court order in the form of an oral authorization from a judge must be documented in the minor's file, including the date, time, and the name of the judge.
3. Staff shall check CARE to determine if a minor already has a photograph in the system, and if so, shall take new photographs at least annually or more often if photos already in the system are outdated or if the minor's appearance has changed significantly.

4. Photographs shall be taken with a division digital camera and uploaded into CARE following the procedures in the operations manual. Photographs from social media shall not be uploaded to CARE as an official photo in CARE of the minor. Photographs shall:
 - a. Be taken in color without filters or editing.
 - b. Be taken in front of a plain white or a solid-colored background.
 - c. Be taken in full-face view directly facing the camera.
 - d. Show a neutral facial expression and both eyes open.
 - e. Be taken in clothing that the minor would normally wear on a daily basis avoiding uniforms if possible.
 - f. Not show hats or head covering that obscures the hair or hairline, unless worn daily for a religious purpose. The full face must be visible and the head covering must not cast any shadows on the youth's face.
 - g. If youth normally wears a hearing device or similar articles, they may be worn in the photo.
 - h. Not be taken with the youth wearing eyeglasses.
 - i. Include in the image the minor's shoulders up to the top of the head.
5. Staff shall refer all requests for photographs to the supervisor or the APD. Photographs may be released to the following individuals or agencies upon valid request:
 - a. State and local law enforcement agencies;
 - b. The Juvenile or District Court; or
 - c. Other facilities or programs within the Division.

V. Continuous Renewal

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Division of Juvenile Justice and Youth Services Executive Management Team, and is approved upon the signature of the Director.


April Graham (Mar 17, 2023 12:13 EDT)

April Graham, Interim Director
Division of Juvenile Justice and Youth Services

03/17/2023

Signature Date