

12.905 FINGERPRINTING AND PHOTOGRAPHING OF JUVENILES

Reference:

Ohio Revised Code - Section 109.60
Ohio Revised Code - Section 109.61
Ohio Revised Code - Section 2151.313
Standards Manual - 82.1.1

Purpose:

To establish a uniform Department policy governing the collection and preservation of fingerprints, photographs, and reports required when taking a juvenile into custody.

To establish a countywide database of critical information needed to aid in the investigation and prosecution of juvenile offenders.

Policy:

Department members will comply with Ohio Revised Code's (ORC) *mandatory* and *discretionary* guidelines for the fingerprinting and photographing of juveniles taken into custody.

Procedure:

- A. Process for Fingerprinting or Photographing Juveniles:
1. Fingerprint and photograph all juveniles arrested or taken into custody for the commission of a felony or an offense of violence.
 2. Permission from a Juvenile Court judge is **not** required to fingerprint or photograph juveniles when all of the following apply:
 - a. The child is arrested or taken into custody.
 - b. The offense is a felony, or an offense other than a minor misdemeanor or traffic offense.
 - c. There is probable cause to believe the child may have been involved in the commission of this offense other than a minor misdemeanor or traffic offense.
 3. Permission from a supervisor is required to fingerprint and photograph a juvenile when there is probable cause to believe the child may have committed a misdemeanor violation other than offenses of violence or a felony (Refer to section A.5.a.-ff. for a complete list of offenses). In all other cases, fingerprinting and photographing a juvenile requires permission from a Juvenile Court judge.
 - a. Call Juvenile Court, Docketing and Case Management Office, during normal business hours for permission.

- 1) If permission is granted over the phone, the officer must complete the Cincinnati Police Department Fingerprints and Photographs Report (Form 189) and send it to Juvenile Court as indicated on the form.
- b. After normal working hours, an officer may contact a Juvenile Court judge through the Juvenile Court night clerk.
4. The Hamilton County Juvenile Court Youth Center (HCJCYC) authorities will fingerprint and photograph all juveniles who are:
 - a. Physically incarcerated for a felony.
 - b. Physically incarcerated for an offense of violence.
 - c. Physically incarcerated for a Parole Violation.
5. A juvenile arrested for any of the following offenses will be fingerprinted and photographed. Upon a delinquent adjudication, fingerprints will be entered into the Automated Fingerprint Identification System (AFIS) by the Hamilton County Sheriff's Identification Unit (HCSIU).
 - a. (2903.01) Aggravated Murder
 - b. (2903.02) Murder
 - c. (2903.03) Voluntary Manslaughter
 - d. (2903.04) Involuntary Manslaughter
 - e. (2903.11) Felonious Assault
 - f. (2903.12) Aggravated Assault
 - g. (2903.13) Assault
 - h. (2903.21) Aggravated Menacing
 - i. (2903.211) Menacing by Stalking
 - j. (2903.22) Menacing
 - k. (2905.01) Kidnapping
 - l. (2905.02) Abduction
 - m. (2905.11) Extortion
 - n. (2907.05) Rape
 - o. (2907.03) Sexual Battery
 - p. (2907.05) Gross Sexual Imposition

- q. (2907.12) Felonious Sexual Penetration- *Repealed*
 - r. (2909.02) Aggravated Arson
 - s. (2909.03) Arson
 - t. (2911.01) Aggravated Robbery
 - u. (2911.02) Robbery
 - v. (2911.11) Aggravated Burglary
 - w. (2911.12) Burglary
 - x. (2917.01) Inciting to Violence
 - y. (2917.01) Aggravated Riot
 - z. (2917.03) Riot
 - aa. (2917.31) Inducing Panic
 - bb. (2919.25) Domestic Violence
 - cc. (2921.03) Intimidation
 - dd. (2917.04) Intimidation of a Crime Victim or Witness
 - ee. (2921.34) Escape
 - ff. 2923.161) Improperly Discharging Firearm at or into a Habitation or School
6. The district/section/unit making the juvenile arrest is responsible for fingerprinting the juvenile following each arrest for a felony or an offense of violence. This applies to situations where the officer has custody of the juvenile and issues a Notice To Appear (Form 314) citation to court in lieu of a physical arrest. Enter the juvenile arrest into the blotter.
- a. Make three ten-print Fingerprint Cards (Form 12FB, FW, MB, or MW), (one local and one Bureau of Criminal Identification and Investigation (BCI&I)), one FBI ten print card, and one set of Palm print Cards (Form 12P) of the arrested juvenile.
 - b. Districts- The District Investigative lieutenant is responsible for quality control and routing of the fingerprints.
 - c. Section/units- The Section/Unit Commander or his designee is responsible for quality control and routing of the fingerprints.
7. Each morning with the property run, districts/sections/units will send the following information of juveniles arrested for felonies and offenses of violence:

- a. Copies of the fingerprints, copies of palm prints, and a copy of the Arrest and Investigation Report to the Juvenile Court Clerks Office, 800 Broadway.
- b. Original fingerprints, original palm prints, and a copy of the 527 to HCSIU, room 101 of the Hamilton County Justice Center. List the Juvenile Court Identification number in the "Jacket Number" box on the Form 527.

B. Reporting Requirements:

1. The District Investigative Unit Commander/Section Commander or his designee must forward the Form 189 to the Director of Docketing at Juvenile Court for all photographs taken, forward the Form 189 to HCSIU and the Director of Docketing at Juvenile Court for fingerprints taken, no later than the Juvenile Court's next business day, complete with:
 - a. Identity of juvenile: name, address, birth date, parent's or guardian's name.
 - b. The offense under investigation.
 - c. The date and time fingerprints and photographs were taken.
 - d. The number of fingerprint/photograph sets taken.
 - e. The name, address, and agency of each person who has custody of the fingerprints or photographs.
2. The investigating officer is under a continuing duty to report, no later than the Juvenile Court's next business day, the name and address of any additional officer or agency to which the fingerprints/photographs are released.
3. Failure of a law enforcement officer to comply with the reporting requirements of ORC 2151.313 is a misdemeanor offense.

C. Limitations on Use and Release of Fingerprints and Photographs:

1. Before filing a complaint regarding the offense:
 - a. The fingerprints/photographs may only be used in the investigation of the original offense.
 - b. The fingerprints/photographs may only be released to the court.
2. After filing the complaint, the officer may use the fingerprints or photographs to:
 - a. Investigate the original offense.
 - b. Investigate any other juvenile delinquency offense if the child is a suspect in that crime.

3. If a child is adjudicated delinquent of an offense, other than a traffic offense or a minor misdemeanor, the officer may use the fingerprints and photographs:
 - a. In an investigation if the child is a suspect.
 - b. In a photo array if the child is a suspect.
- D. Storage of Files:
1. The officer taking fingerprints or photographs will complete a Form 189.
 - a. The officer is responsible for storage and security of the photographs.
 - b. The District Investigative supervisor/Section Commander or his designee will file the Form 189 in a master file.
 - c. The investigative supervisor will monitor the master file to ensure compliance with the retention periods in Section E.
- E. Retention Periods:
1. If no complaint regarding the offense under investigation is filed within 30 days, the investigating officer must return the fingerprints and photographs to Juvenile Court.
 2. If the complaint is filed and subsequently dismissed, the District Investigative unit Commander/Section Commander or his designee will:
 - a. Deliver all fingerprints and photographs, including copies, to Juvenile Court within 30 days of the dismissal.
 3. If the case is pending or the juvenile is found guilty, the unit may retain the fingerprints or photographs for two years or until the juvenile reaches age 18, whichever is earlier. Upon expiration, deliver them to Juvenile Court.
- F. Expungement Orders:
1. Upon notification by Juvenile Court of any sealing, destruction, or expungement order, units will immediately comply by forwarding all such records to Juvenile Court.