

4.1.7 Juvenile Act

I. POLICY

It is the policy of the Johnstown Police Department to comply with section 6308 of the Pennsylvania Juvenile Act [42 Pa. C.S.A. 6301, et seq.] in regard to juvenile law enforcement records.

II. PURPOSE

To provide police personnel with guidelines on the Pennsylvania Juvenile Act, as it relates to law enforcement records.

III. PROCEDURES

A. Law Enforcement Records

Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 relating to transfer to criminal proceedings, or the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public. Exception to public availability is found in subsection [a] of section 6308 of the Pennsylvania Juvenile Act. Inspection of the records is permitted by:

1. The court having the child before it in any proceeding.
2. Counsel for a party to the proceeding.
3. The officers of institutions or agencies to whom the child is committed.
4. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.
5. A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he/she is committed, or by a parole board in considering his/her parole or discharge or in exercising supervision over the child.

4.1.7 continued

B. Fingerprints & Photographs

Law enforcement officers shall have the authority to take or cause to be taken the fingerprints or photographs or both of any child who is alleged to have committed an act designated as a misdemeanor or felony under the laws of this Commonwealth or of another state if the act occurred in that state or under Federal law. If a child is found to be delinquent child pursuant to section 6341 relating to adjudication on the basis of an act designated as a misdemeanor or felony or the child's case is transferred for criminal prosecution to section 6355 relating to transfer to criminal proceedings, the law enforcement agency that alleged the child to be delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case and ensure that these records are forwarded to the central repository pursuant to section 6309[c] relating to juvenile history record information. If a child was alleged to be delinquent by other than a law enforcement agency, the court shall direct the juvenile probation department to ensure that the delinquent child's fingerprints and photographs are taken by a law enforcement agency.

1. Fingerprint and photographic records may be disseminated to law enforcement officers of other jurisdiction, the Pennsylvania State Police and the Federal Bureau of Investigation and may be used for investigative purposes.
2. Fingerprints and photographic records of children shall be kept separately from adults and shall be immediately destroyed upon notice of the court as provided under section 6341[a] relating to adjudication by all persons and agencies having these records if the child is not adjudicated delinquent or not found guilty in a criminal proceeding for the alleged act[s].

Effective Date:

Date: October 1, 2010

By Order Of:

Craig Foust
Chief Of Police