

Juveniles should be fingerprinted upon being taken into custody for any serious or aggravated misdemeanor or felony charge and the Final Disposition Report started

Livescan electronically submits cards upon completion to the Division of Criminal Investigation
OR
Fingerprint Cards need to be mailed within two working days of being printed

Livescan cards, when received, apply electronically to the DCI & FBI records

Mailed in cards are manually audited, batch scanned and then electronically apply to the DCI and FBI records

Law enforcement sends the Final Disposition Report to the Juvenile Court Officer

The Juvenile Court Officer determines if the case will be handled Informally (not through the court system) or if it will include consent decrees, adjudications or the juvenile being waived to adult court

If the juvenile resides in another jurisdiction, the FDR will be forwarded to the JCO of that jurisdiction for completion or further action

If a case is handled informally, the Juvenile Court Officer needs to advise the DCI requirements have been completed so the DCI can remove the charge information from their records, but the fingerprints remain in AFIS.

If any paperwork is filed through the court, the FDR is forwarded to the Clerk of Court by the JCO so disposition can be entered into ICIS and the records electronically submitted to the DCI, weekly. The disposition links to the appropriate arrest in the computerized criminal history record by matching the tracking number

**CRIMINAL HISTORY RECORDS
FINGERPRINT CARD / DISPOSITION DATA**

JUVENILE

232.148(2) THE SHERIFF OR CHIEF OF POLICE **SHALL** PRINT WHEN A SUBJECT IS TAKEN INTO CUSTODY FOR A PUBLIC OFFENSE WHICH WOULD CONSTITUTE A SERIOUS MISDEMEANOR OR ABOVE IF COMMITTED BY AN ADULT.

IF A JUVENILE IS WAIVED TO ADULT COURT, PRINTS ARE TAKEN AND TREATED AS AN ADULT (232.45A).

JUVENILE PRINTS **SHALL** BE FORWARDED TO DPS WITHIN 2 WORKING DAYS TO BE ENTERED INTO AFIS.

PHOTOS **MAY** BE TAKEN – KEPT LOCALLY OR SUBMITTED WITH PRINTS TO THE DCI.

690.2 IF ADJUDICATED DELINQUENT ON A SERIOUS OR ABOVE OFFENSE, COURT WILL DETERMINE IF FINGERPRINTED, IF NOT, **SHALL** ORDER THAT IT BE DONE.

IF WAIVED TO ADULT COURT AND CONVICTED, THE COURT WILL DETERMINE IF PRINTED, IF NOT, **SHALL** ORDER THAT IT BE DONE.

690.4 PRINTS FROM INSTITUTIONS CAN SERVE AS BASIS TO START A CRIMINAL HISTORY RECORD.

692.2 ANY PERSON MAY OBTAIN A COPY OF AN IOWA CRIMINAL HISTORY RECORD FROM THE CENTRAL REPOSITORY ONLY.

692.15 THE FDR/GREEN SHEET SHALL BE FORWARDED FROM THE LAW ENFORCEMENT AGENCY TO THE COUNTY ATTORNEY, OR AT THE DISCRETION OF THE COUNTY ATTORNEY, TO THE CLERK OF DISTRICT COURT IN THE COUNTY WHERE THE ARREST OR TAKING INTO CUSTODY OCCURRED, OR TO THE JUVENILE COURT OFFICER WHO RECEIVED THE REFERRAL, WHICHEVER IS DEEMED APPROPRIATE UNDER THE CIRCUMSTANCES.

692.16 ANY IOWA ARREST RECORD IN A COMPUTERIZED FILE WITHOUT A DISPOSITION AFTER FOUR (4) YEARS MUST BE EXPUNGED, UNLESS THERE IS AN OUTSTANDING ARREST WARRANT OR DETAINER.

692.17 ALL COMPUTERIZED ARREST INFORMATION MAINTAINED BY THE DPS MUST BE EXPUNGED IF A PERSON IS ACQUITTED OR CHARGES DISMISSED.

FINGERPRINT CARDS SHALL BE RETAINED IN THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM AFTER A CRIMINAL HISTORY RECORD IS EXPUNGED.

RECORDS MUST BE EXPUNGED, IF AT AGE 21, THE SUBJECT HAS NOT BEEN CONVICTED OF A SERIOUS MISDEMEANOR OR ABOVE BETWEEN 18-21 YEARS EXCEPT AS NECESSARY FOR THE PURPOSE OF ADMINISTERING CHAPTER 692A.

JUVENILE INFORMATION

232.2 Definitions

54. "Taking into custody" means an act which would be governed by the laws of arrest under the criminal code if the subject of the act were an adult. The taking into custody of a child is subject to all constitutional and statutory protections which are afforded an adult upon arrest.

If a juvenile is taken into custody but lives in another jurisdiction, the Final Disposition Report /green sheet follows the juvenile. The Juvenile Court Officer in that county receiving the referral (along with the Final Disposition Report/green sheet) completes the FDR/green sheet if informal or forwards it to the clerk to transmit the disposition to DCI. At intake, it is determined if the juvenile will be handled outside of the court system or through the court system.

INFORMAL ADJUSTMENT-

FDR to Juvenile Court Services

No petition filed

Once the Informal Adjustment is *completed*, Juvenile Court Services notes this on the FDR/green sheet and then submits it to the D.C.I.. The charge will then be removed.

The judge, clerk and county attorney are not involved

Juvenile never goes through the court system; however, the court would have a record for any restitution.

CONSENT DECREE –

FDR to Juvenile Court Services

A petition is filed (reason the juvenile is going through the court system)

The clerk receives the information and assigns a case number. The clerk electronically transmits the disposition to the DCI.

Normally left open for six months. (This is similar to an informal adjustment, although a petition is filed and the court is involved, this is not final. It can be dismissed, moved to adjudication or even filed in adult court.)

ADJUDICATED DELINQUENT –

FDR to Juvenile Court Office

A petition is filed, the juvenile goes through the court system and admits to the charge.

The clerk receives the information and assigns a case number. The clerk electronically transmits the court disposition to DCI.

- Juvenile status would apply according to the date of offense, not date of arrest.
- Printing of juveniles for simple misdemeanors of any type are prohibited under Chapters 690.2 and 232.148.
- Juvenile Court Services would refer any information to the juvenile's home county for action on the case.
- Juvenile arrest with an adult conviction will remain on the record permanently.
- Juvenile arrest, with a juvenile status, will be expunged if the individual shows no convictions between the ages of 18 and 21.

Sealing of Juvenile Records. The court can order a record sealed. If the status is an informal adjustment or consent decree with no convictions within a two year period, the clerk and the DCI are required to seal or expunge the record.

The fingerprints will remain in AFIS, regardless of the disposition outcome.

232.148 FINGERPRINTS -- PHOTOGRAPHS.

1. Except as provided in this section, a child shall not be fingerprinted or photographed by a criminal or juvenile justice agency after the child is taken into custody.

2. Fingerprints of a child who has been taken into custody shall be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. In addition, photographs of a child who has been taken into custody may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

3. If a peace officer has reasonable grounds to believe that latent fingerprints found during the investigation of the commission of a public offense are those of a particular child, fingerprints of the child may be taken for immediate comparison with the latent fingerprints regardless of the nature of the offense. If the comparison is negative the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive, the fingerprint card and other copies of the fingerprints taken shall be delivered to the division of criminal investigation of the department of public safety in the manner and on the forms prescribed by the commissioner of public safety within two working days after the fingerprints are taken. After notification by the child or the child's representative that the child has not had a delinquency petition filed against the child or has not entered into an informal adjustment agreement, the fingerprint card and copies of the fingerprints shall be immediately destroyed.

4. Fingerprint and photograph files of children may be inspected by peace officers when necessary for the discharge of their official duties. The juvenile court may authorize other inspections of such files in individual cases upon a showing that inspection is necessary in the public interest.

5. Fingerprints and photographs of a child shall be removed from the file and destroyed upon notification by the child's guardian ad litem or legal counsel to the department of public safety that either of the following situations apply: *a.* A petition alleging the child to be delinquent is not filed and the child has not entered into an informal adjustment, admitting involvement in a delinquent act alleged in the complaint. *b.* After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered into a consent decree and has not been adjudicated delinquent on the basis of

a delinquent act other than one alleged in the petition in question, or the child has not been placed on youthful offender status.

692.15 REPORTS TO DEPARTMENT.

1. If it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense or delinquent act has been committed in its jurisdiction, the law enforcement agency shall report information concerning the public offense or delinquent act to the department on a form to be furnished by the department not more than thirty-five days from the time the public offense or delinquent act first comes to the attention of the law enforcement agency. The reports shall be used to generate crime statistics. The department shall submit statistics to the governor, the general assembly, and the division of criminal and juvenile justice planning of the department of human rights on a quarterly and yearly basis.

2. If a sheriff, police department, or other law enforcement agency makes an arrest or takes a juvenile into custody which is reported to the department, the law enforcement agency making the arrest or taking the juvenile into custody and any other law enforcement agency which obtains custody of the arrested person or juvenile taken into custody shall furnish a disposition report to the department if the arrested person or juvenile taken into custody is transferred to the custody of another law enforcement agency or is released without having a complaint or information or petition under section 232.35 filed with any court.

3. The law enforcement agency making an arrest and securing fingerprints pursuant to section 690.2 or taking a juvenile into custody and securing fingerprints pursuant to section 232.148 shall fill out a final disposition report on each arrest or taking into custody on a form and in the manner prescribed by the commissioner of public safety. The final disposition report shall be forwarded to the county attorney, or at the discretion of the county attorney, to the clerk of the district court, in the county where the arrest or taking into custody occurred, or to the juvenile court officer who received the referral, whichever is deemed appropriate under the circumstances.

4. The county attorney of each county or juvenile court officer who received the referral shall complete the final disposition report and submit it to the department within thirty days if a preliminary information or citation is dismissed without a new charge being filed. If an indictment is returned or a county attorney's information is filed, or a petition is filed under section 232.35, the final disposition form shall be forwarded to either the clerk of the district court or juvenile court of that county.

5. If a criminal complaint or information or petition under section 232.35 is filed in any court, the clerk shall furnish a disposition report of the case.

6. Any disposition report shall be sent to the Department of Public Safety / DCI within thirty days after disposition on a form provided by the department.

7. The hate crimes listed in section 729A.2 are subject to the reporting requirements of this section.

8. The fact that a person was convicted for a sexually predatory offense under chapter 901A shall be reported with other conviction data regarding that person.

***232.35 FILING OF PETITION.**

1. A formal judicial proceeding to determine whether a child has committed a delinquent act shall be initiated by the filing by the county attorney of a petition alleging that a child has committed a delinquent act. After a petition has been filed, service of a summons requiring the child to appear before the court or service of a notice shall be made as provided in section 232.37.

2. If the intake officer determines that a complaint is legally sufficient for the filing of a petition alleging that a child has committed a delinquent act and that the filing of a petition would be in the best interests of the child and the community, the officer shall submit a written request for the filing of a petition to the county attorney. The county attorney may grant or deny the request of the intake officer for the filing of a petition. A determination by the county attorney that a petition should not be filed shall be final.

3. If the intake officer determines that a complaint is not legally sufficient for the filing of a petition or that the filing of a petition would not be in the best interests of the child and the community, the officer shall notify the complainant of the officer's determination and the reasons for such determination, and shall advise the complainant that the complainant may submit the complaint to the county attorney for review. Upon receiving a request for review, the county attorney shall consider the facts presented by the complainant, consult with the intake officer and make the final determination as to whether a petition should be filed. In the absence of a request by the complainant for a review of the intake officer's determination that a petition should not be filed, the officer's determination shall be final, and the intake officer shall inform the county attorney of this decision concerning complaints involving allegations of acts which, if committed by an adult, would constitute an aggravated misdemeanor or a felony.