

## 1344 PHOTOGRAPHING DELINQUENT MINORS AND CHILDREN IN NEED OF SERVICES

Chapter: **Juvenile Justice Field Services**

Section: **Youth Supervision**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **18-21**

Effective Date: **June 2018**

Scheduled Review Date:

Approved:

A handwritten signature in black ink, appearing to read "J. Ribsam".

Joseph E. Ribsam, Jr., DCYF Director

Related Statute(s): [RSA 169-A](#), [RSA 169-B](#),  
[RSA 169-D](#), [RSA 170-G](#), [RSA 170-H](#), and [RSA 621](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s):

Bridges' Screen(s) and Attachment(s):

DCYF is committed to professionalism in its delivery of Juvenile Justice Services. Through the application of balanced and restorative justice principles, the development and imposition of graduated sanctions, and consistent with public safety, JJS promotes personal accountability and acceptance of responsibility by youth who commit offenses. Photographic documentation of the appearance and physical characteristics of youth who are referred to Juvenile Justice Services (JJS) for supervision and monitoring provides a visual record that enables agency employees and others with a need to know, the ability to readily identify youth. This policy is established to support this commitment.

### Purpose

This policy establishes guidelines for photographing delinquent minors and children in need of services (CHINS).

### Definitions

**"DCYF"** or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

**"JJS"** means the Bureau of Field Services' Juvenile Justice Services within DCYF.

**"JPPO"** or **"Juvenile Probation and Parole Officer"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Juvenile Probation and Parole Officer.

**"JPPS"** or **"Juvenile Probation and Parole Supervisor"** means the job classification of a person with the powers and authority granted under RSA 170-G:16, employed to perform supervisory-level Juvenile Probation and Parole functions under the supervision of a Juvenile Justice Services Field Administrator.

### Policy

- I. All youth referred to Juvenile Justice Services for supervision or monitoring purposes shall be photographed by the JPPO, including those:
  - A. Supervised on "conditional release" pursuant to RSA 169-B:19, or RSA 169-D:17 (see policy [1341 Conditional Release Supervision](#));

- B. Released from the Sununu Youth Services Center on “administrative release to parole” or “parole” as defined in RSA 170-H, and RSA 621:3, I (see policy [1345 Parole Supervision](#));
  - C. Supervised on “probation” or “parole” pursuant to RSA 169-A:2, Article VII (“Cooperative Supervision of Probationers and Parolees”) of the *Interstate Compact on Juveniles* (see policies [1593 ICJ Supervision Transfer from New Hampshire](#) and [1594 ICJ Supervision Transfer to New Hampshire](#));
  - D. Ordered by the court to be supervised by a JPPO, prior to being placed on “conditional release;” or
  - E. Referred by court order for placement services pursuant to RSA 169-B:19 or RSA 169-D:17.
  - F. Transferring supervision from one NH JJS office to another pursuant to policy [1398 Intrastate Transfer of JJS Cases](#);
  - G. Cooperating with an official investigation being conducted by a law enforcement agency;
  - H. Reporting a crime or act of juvenile delinquency; or
  - I. Locating and apprehending of a runaway, escapee or absconder.
- II. Only photographic equipment issued by the Division and in proper working condition shall be used for photographs taken pursuant to this policy.
- A. Staff utilizing a state-issued smartphone camera application must adhere to policy [1080 Mobile Devices](#).
  - B. Photographs taken with a state-issued smartphone are to be transferred to the JPPO’s electronic drive at the office within 48 business hours.
- III. Photographs of the youth shall be taken by the JPPO at the initiation of supervision.
- IV. Subsequent photographs shall be taken:
- A. At least once a year;
  - B. Following the youth’s return from a runaway episode; or
  - C. When in the judgment of the JPPO, the youth’s appearance changes significantly.
- V. Photographs taken pursuant to this policy shall be retained in Bridges, and the case file consistent with policy [1450 JJS Case Records](#).
- VI. Photographs taken pursuant to this policy shall be safeguarded consistent with RSA 170-G:8-a (“Record Content; Confidentiality; Rulemaking”).
- VII. Except as provided by RSA 169-B:37, II, publication of photographs taken pursuant to this policy is prohibited.

**Procedures**

- I. The JPPO takes a full-face photograph of the youth from the chest up.

- A. Youth should be asked to remove any accessories that inhibit the ability to identify the youth.
- II. If a youth has a distinguishing mark (e.g. scar, tattoo, etc) that is openly visible, the JPPO should take a picture for further identification.
- III. For identification purposes, the JPPO only permits DHHS co-workers, National Center for Missing and Exploited Children (NCMEC), and law enforcement officers with a legitimate, authorized "need to know" to view or obtain copies of the youth's photograph(s) from the case record upon request.

### **Practice Guidance**

#### **What do I do if a youth and parent refuse to have the youth's picture taken?**

- The JPPO shall motion the court to order the youth's picture be taken. If the court denies the motion the JPPO will consult with their JPPS on the appropriate next steps.

#### **Do I have to take a picture of a youth who has a petition entered for CHINS Runaway, prior to Adjudication?**

- If a youth has been arraigned on a CHINS petition for running away and the youth will return home pending adjudication, it is best practice for the JPPO to take a picture to have on file.
- If a court has not ordered that the Division takes a picture, the JPPO may only take a picture with the parent/guardian's consent.

#### **What do I do with other pictures of the youth, the home, or other circumstances that are not for the purpose of identifying the youth?**

- If a JPPO takes a picture for Juvenile Justice evidentiary purposes, the picture should be handled pursuant to policy 1346 Search and Seizure.
- All other pictures not covered in this policy or policy 1346 should be discussed with their JPPS and Field Administrator to determine the appropriate steps.