

Fingerprint ruling will be appealed

EDMONTON (CP) — A Court of Queen's Bench ruling that police have the right to fingerprint juveniles under the Young Offenders Act will be appealed, lawyer David Midanik said yesterday.

The case involves a 13-year-old who was fingerprinted after being charged with theft under \$200. Judge Tevie Miller ruled last week against Mr. Midanik's challenge under Section 12 of the Charter of Rights and Freedoms.

The lawyer said it was cruel and unusual punishment, contravened a person's right to life, liberty and security and represented unreasonable search and seizure.

The case now will go to the Alberta Court of Appeal.

Police spokesmen defend the practice, saying it can serve as a deterrent. They also say files developed from juveniles already fingerprinted have helped solve several cases.

But Alan Welsh, managing director of the Alberta Human Rights and Civil Liberties Association, said the association believes juveniles should not be fingerprinted until convicted of a crime.

The Young Offenders Act, proclaimed in April, replaced the Juvenile Delinquents Act of 1908. Police, unsure of where they stood legally, seldom took juveniles' fingerprints under the old law.

The new act permits liberal use of fingerprinting but it also specifies that records must be destroyed if the offender stays out of trouble for a certain time.

Records of those convicted of less serious summary offences must be destroyed after two years. For indictable offences, records are kept on file for five years.

As well, records must be destroyed if a young person is acquitted, if charges are dismissed or if proceedings are dropped.