

	Operational General Order	6.07 Juvenile Legal Issues	PAGE 1 OF 3
	SUBJECT		EFFECTIVE DATE
	Virginia Beach Police Department General Order Chapter 6 - Constitutional Issues		09/01/2009
			ORIGINATOR/REVIEW Professional Development & Training
DISTRIBUTION	CALEA: 1.1.3, 44.2.1, 44.2.2		
ALL			
BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>James A. Coonan</i>	

Purpose

This policy will promulgate department and legal guidance to officers for disposition of juvenile offender cases.

Definitions

Juvenile - A juvenile is defined as anyone under the age of 18. If an individual under 18 has been emancipated, the individual will be handled in accordance with Virginia Code [§16.1-333](#).

Policy (CALEA 1.1.3, 44.2.1)

Sworn members are in a position to have a tremendous impact, either positively or negatively, on the Department's efforts in handling juveniles. Sworn members must recognize this responsibility and remain current on matters relating to juvenile delinquency and non-criminal alternatives for dealing with juveniles. Additionally, sworn members have a responsibility to protect juveniles, prevent delinquency and hold juveniles accountable for the commission of criminal and status offenses.

Officers dealing with juveniles shall use the least coercive but reasonable alternative to reach a conclusion. Criteria for determining the means to achieve a resolution include, but are not limited to:

- The nature of the offense,
- The age and circumstances of the offender,
- The offender's record,
- The availability of community-based rehabilitation programs, and
- Recommendations for diversion from complainants or victims.

Diversion alternatives include:

- Outright release to the juvenile's parents with no further action
- The filing of a request for the juvenile to attend counseling at Juvenile Intake
- Referral to the Juvenile Court through the issuance of a summons or the filing of a formal petition

Issuance of Summons

Whenever appropriate, juveniles should be released on traffic or misdemeanor summons in accordance with Virginia Code [§16.1-260](#). A copy of the summons may be delivered to the juvenile's parents or guardians. Summonses may be issued for the following offenses: traffic laws including offenses involving bicycles, hitchhiking, and other pedestrian offenses; game and fish laws; surfing; curfew; animal control violations, and littering.

While the curfew code authorizes release on a summons, it is not appropriate to release the juvenile after the summons has been signed since to do so would produce a continuing violation of the statute. Regardless of whether or not a summons has been issued for a violation of the curfew statute, the officer shall cause the juvenile to be taken to the home, place of residence, police facility, or to a non-secure state certified crisis center and released to the parents, guardian or legal custodian.

Referral to Juvenile Intake / Court (CALEA 44.2.1 B, C & D)

Officers prosecuting juveniles for offenses when release on a summons is not authorized will complete the Adult Arrest/Juvenile Detention Worksheet (PD-180) and submit it in accordance with General Order 7.01 (Field Reporting). When notified by Juvenile Intake, the officer will respond to Intake, prepare and sign the affidavit and sign the petition.

Virginia Code §[16.1-246](#) provides authority and criteria for taking a juvenile into immediate custody. Referral for formal legal proceedings should be limited to those cases involving serious criminal conduct or repeated criminal violations. When officers reasonably believe that a juvenile should be detained, Juvenile Intake will be contacted by telephone to screen the case. Juvenile Intake will make the final determination whether or not a juvenile will be detained or released to a capable guardian.

Taking Juveniles into Custody (CALEA 44.2.2)

When a juvenile is alleged to be in need of services or suspected of a status offense or criminal offense, and taken into custody by an officer, the following procedure shall be adhered to:

- In all instances, the constitutional rights and protections of juveniles will be adhered to.
- Officers questioning juveniles should also refer to General Order 6.03 (Interview and Interrogation).
- Officers shall inquire and consider whether or not the juvenile is alleged to have been harmed or is in danger of harm or is the victim of a crime.
- If the child is in need of medical treatment or it is suspected that the child has ingested alcohol or drugs, the child will be transported to a medical facility for evaluation prior to transportation to Intake.
- An investigator shall be called at the discretion of a supervisor, when it is determined that follow-up investigation may be required.
- If the child has committed a status offense (e.g., a non-criminal offense if committed by an adult) and it is in the best interest of the child or the public in general, the child should be returned to his parents with a warning, referral for counseling or until the matter can be heard in court.
- In all cases, prior to placing a child into the Juvenile Detention Facility, or another facility designed for pre-trial detention, the juvenile will be brought to the Intake Department or the Intake Department will be consulted.
- In all cases, regardless of the disposition, the parents or guardians of the juvenile will be informed of the juvenile's status.
- In all cases where a juvenile is taken into custody and arrested, whether the child is released into the custody of a parent or guardian, or turned over to juvenile intake or the court, the officer shall explain police department and juvenile justice system procedures to the juvenile, and if possible the parent or guardian.
- When an adult is taken into police custody pursuant to a detention order issued for an offense that occurred when the detainee was a juvenile, the officer shall contact either a judge (if court is open) or an Intake Officer for guidance.

Processing Juveniles

Virginia State Code §[16.1-299](#) provides the procedures for the processing of juveniles:

- Officers shall take fingerprints and photographs of any juvenile who is taken into custody and charged with a delinquent act an arrest for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to Virginia Code §[19.2-390](#), subsection A.
- Records generated from the processing of juveniles will be distributed in accordance with General Order 4.01 (Records Management).

Child Abuse and Neglect

The Code of Virginia §[63.2-100](#) defines sworn officers as mandated reporters of child abuse and neglect. Virginia Code §[63.2-1509](#) requires mandated reporters to report cases of suspected abuse and neglect immediately to the Department of Social Services. The officer shall also complete an IBR report for any criminal offenses.

The Detective Bureau Special Victims Unit conducts joint investigations with the Department of Social Services in certain circumstances, including intra-family sexual abuse (e.g., incest or the family member is in custodial care at the time of the offense), non-family sexual abuse, and aggravated physical abuse or neglect.

In death investigations involving a juvenile, the officer, through his/her immediate supervisor shall notify the Homicide Unit supervisor. The Homicide Unit supervisor, or his/her designee, will be responsible for notifying the Child Protective Services supervisor who will assign a Child Protective Services investigator to assist in the death investigation.