

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

I. PURPOSE

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

II. POLICY

The Department's interests concerning juvenile offenders reflect those of the community, and it is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. Responsibility for participating in, and supporting, the agency's juvenile procedures is shared by all of the Department's components and personnel. The Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The Department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. The best interests of juveniles and the community, however, dictate a limited application of our arrest powers against juveniles who are charged with status offenses. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. The authority to carry out the provisions of this order derive from *Code of Virginia* §§16.1-246, 16.1-247, and 16.1-299. In cases of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral.

III. DEFINITIONS

Child, Juvenile, Minor: A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status.

Child in Need of Services: A juvenile whose behavior, conduct or condition presents or results in a serious threat to the wellbeing or physical safety of the child or another person.

Child in Need of Supervision: A juvenile that meets one of these criteria:

- A juvenile subject to mandatory school attendance, is habitually absent without valid excuse.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

- A juvenile who habitually remains away from his family or guardian.
- A juvenile who escapes or remains away from a residential care facility ordered by the court.

Delinquent Acts: Acts designated as crime under the laws of the Commonwealth of Virginia or an ordinance of any city, county, town or service district, or under federal law, but not acts which would be an offense only if committed by a juvenile.

Detention Order: A commitment order issued by a judge, intake officer or magistrate requiring the juvenile to be taken into custody.

Intake Officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer, per §16.1-228.

Juvenile Court: The name by which the Juvenile and Domestic Relations District Court is often called. This court is responsible for the judicial processing of juvenile offenders, and the determination of abuse and neglect cases. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, guardians or next of kin can assume responsibility.

Petition: A legal document containing the written statement that brings the case involving a juvenile into court. The petition contains facts concerning the case and requests a hearing to determine the truth of these facts and to take whatever action is appropriate and permitted by law.

Secure Detention: A secure detention or confinement has occurred within a facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

Shelter Care: The temporary care of children in physically unrestricting facilities.

Shelter Care Order: A commitment order issued by a judge, intake officer or magistrate placing a juvenile in a shelter care facility.

Status Offender: In accordance with §16.1-228, a juvenile who commits an act (status offense) which is unlawful only if committed by a juvenile. Examples of status offenses include:

- A juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant).
- A juvenile who remains away from or who habitually deserts or abandons the family (runaway).

Warrant: A legal document accusing a person of committing crimes, requiring that the person be arrested, be brought before a magistrate for a pretrial release (bail) hearing, and be required to appear in court to answer the accusations.

IV. PROCEDURES – GENERAL

A. Overview

1. All members of the Department will cooperate with juvenile justice and support activities. Department policies regarding juvenile procedures will be provided to local juvenile court personnel for review and comments and suggestions as to ways the procedures can be improved.
2. The juvenile justice system and juvenile laws are designed to give children a chance to mature without bearing the stigma of a criminal record. Judges, intake officers and police officers are given a great deal of flexibility in handling situations involving children. Officers shall set examples for children within the community. Officers shall not engage in activities or encourage children to engage in activities that are not consistent with acceptable community behaviors.
3. Officers shall treat juveniles with respect and ensure that all constitutional rights are afforded to them. Officers are reminded that the

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles. See General Order 540.2, Police Citizen Contacts, for legal guidance.

4. All Department personnel must thoroughly understand and practice the provisions of this order.

B. Handling of Juvenile Offenders – General

1. A juvenile offender shall be handled with firmness and respect; this sets the tone for the entire processing of the juvenile's case. The contact a juvenile has with law enforcement is his or her first impression of society's enforcement system. The officer's proper handling may help to prevent the recurrence of anti-social behavior. An officer's warning is often all that is required to keep the juvenile from having to appear in juvenile court. Improper handling often creates the mistaken but lasting impression that all officers and other government officials are unfair, untrustworthy, and inflexible, and may result in the juvenile's complete rejection of lawful authority. See §16.1-227 for a discussion of the purposes and objectives of juvenile justice in Virginia.
2. The officer may handle a juvenile either informally or formally. The options under informal handling are detailed under section C, below. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing. The options under formal handling are detailed under section D below. When appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
3. In making the decision to handle the juvenile either informally or formally, the officer shall consider the following:
 - a. Seriousness of offenses.
 - b. Prior record of child.
 - c. Child's age.
 - d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

- e. Degree of wrongful intent, violence, premeditation, knowledge of violation.
- f. Likelihood that the child or parent can be successfully referred to a helping agency.

C. Informal Handling

1. Informal handling includes the officer's use of the following measures:
 - a. Warning or oral counseling and releasing to a parent or guardian.
 - b. Requiring the parents to pick up the juvenile.
 - c. Taking the youth home and informing the parents of the reasons for his being picked up.
 - d. Referring the family to a community social service agency.
 - e. When handling the juvenile informally, the police officer shall ensure that the parents are notified.
2. Guidelines for informal handling:
 - a. A juvenile's right to privacy must be respected. Information gained should be provided to others only on a "need to know" basis and consistent with state and federal laws.
 - b. When the officer encounters a victim or complainant who demands to bring a child before the juvenile court, and the officer believes the matter should be handled informally, the officer shall contact the intake officer for assistance.
 - c. When a juvenile is handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

- d. If officers handle a case informally, officers may still follow-up on the case at a later time or, at any time, refer the juvenile and the parents to an appropriate social service agency.
3. Sample offenses for informal handling:

Generally, first instances of the following types of offenses should be handled informally; however, the list is not complete and officers shall use good judgment in assessing the situation.

- a. Annoying telephone calls;
- b. Curse and abuse;
- c. Drunkenness;
- d. Noise ordinance violation;
- e. Disorderly conduct;
- f. Other minor offenses.

D. Formal Handling

- 1. Formal handling occurs when the juvenile is taken before the juvenile court or intake officer for a decision on the proper disposition.
- 2. Generally, the following situations require formal handling of the juvenile:
 - a. Delinquent acts that if committed by an adult would be a felony.
 - b. Delinquent acts involving weapons.
 - c. Delinquent acts involving aggravated assaults and batteries.
 - d. Delinquent acts committed by juveniles under probation or parole.

E. Taking a Juvenile into Immediate Custody

GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

In accordance with §16.1-246, no juvenile may be taken into immediate custody except under the following circumstances:

1. With a detention order or shelter care order issued by a judge or intake officer.
2. With a warrant issued by a magistrate.
3. When the child is alleged to be in need of services or supervision, and:
 - a. There is clear and substantial danger to child's life or health; or
 - b. Custody is necessary to insure the child's appearance before court.
4. When, in the arresting officer's presence, a child commits a crime and the officer believes custody is necessary for protection of the public interest.
5. The officer has probable cause to believe a child has committed an offense, which if done by an adult, would be a felony.
6. When a juvenile has committed one of the following misdemeanor offenses:
 - a. Shoplifting in violation of *Code of Virginia* §18.2-103
 - b. Assault and battery
 - c. Carrying a weapon on school property in violation of *Code of Virginia* §18.2-308.1

Although the offense was not committed in the presence of the arresting officer, the arrest is based on probable cause on reasonable complaint of a person who observed the alleged offense.

7. The officer has probable cause to believe that a child has either run away from home or is without adult supervision at such hours of the night and under such circumstances that the officer reasonably

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

concludes that there is a clear and substantial danger to the child's welfare.

8. The officer has probable cause to believe that a person committed to the Department of Juvenile Justice as a juvenile has run away or has escaped from a jail or detention home.
9. The officer has probable cause to believe that a child has run away from a residential facility, child-caring facility or home where he or she had been placed by the court or an appropriate social services agency.
10. The child is believed to be in need of inpatient treatment for mental illness (§16.1-340).

F. General Guidelines for Taking Juveniles into Custody

1. Do not take custody of a juvenile or assume an overly authoritative position when the purpose can be accomplished by asking appropriate, permissible questions at the location of contact.
2. When stopping them on the street, detain juveniles for the briefest time that will permit the purpose of the stop to be accomplished. The decision of either formal or informal handling shall be made in a reasonable amount of time.
3. All situations where juveniles may need to be taken into custody at a school facility shall be processed under the provisions of General Order 601.5, Service, Investigations, and Arrests at County Public School Facilities.

G. Notification to Parents

1. When a juvenile has been detained, brought into a police or juvenile facility, or has been transported by an officer, that officer shall take immediate steps to notify the juvenile's parent, guardian, or a responsible adult that the juvenile is in custody and the place where he is being held, was transported or temporarily detained.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

2. Regardless of the disposition of the juvenile in custody, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances.
3. To encourage and support the use of parental authority, it shall be the policy of the Department to notify the parent or other responsible adult, of the specific act or acts, other than a traffic violation, which brings a juvenile into police custody.
4. Notification shall be made by telephone or in person, as soon as reasonably possible after the juvenile is taken into custody. If the juvenile resides out of town and notification cannot be made by telephone, officers shall arrange for notification through the appropriate local law enforcement agency.

H. Interviewing and Questioning of Juveniles

1. Normally, officers should contact the juvenile's parent or guardian before questioning and explain the reason for questioning. If this is not feasible, the officer may question the child, but must ensure that all rights of the juvenile are protected.
2. While the officer may be conducting a non-custodial interview, the juvenile may construe it to be a custodial interrogation. When conducting an interview or an interrogation with a juvenile, the officer shall consider the duration of the questioning, and the juvenile's age, mental capacity, education, and experience. Officers must ensure that the juvenile and, if applicable, his parent or guardian, understand that the juvenile is not in custody, is free to leave, and is not required to answer any questions.
3. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. No juvenile can be compelled to answer any questions which may tend to incriminate him or her. Juveniles are entitled to the full Miranda warnings and these rights should be explained in the presence of parents, guardian or counsel, depending on the circumstances. When determining whether a parent or legal guardian needs to be present, officers shall consider the juvenile's age, maturity, cognitive ability, experience with

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

the criminal justice system and any other relevant factor that would affect or impair a juvenile's ability to understand his rights.

In *Grogg v. Commonwealth* (1988), the court ruled that "the absence of a parent does not necessarily invalidate a waiver, but instead constitutes a circumstance and factor to be considered in the totality of the circumstances." The court further states "Although it is desirable to have a parent, counsel or some other interested adult or guardian present when a juvenile waives fundamental constitutional rights and confesses to a serious crime...the mere absence of a parent or counsel does not render a waiver invalid."

4. When questioning a juvenile, officers shall not prolong the interview beyond what is needed in order to complete the investigation or to determine that the child is not going to be cooperative. The number of officers/detectives engaging in the interview will be held to a minimum in order to lessen the chance of the juvenile feeling intimidated or pressured.

I. Transportation of Juveniles

1. No juvenile who is known or believed to be less than fifteen years of age shall be transported or conveyed in a police patrol wagon, without supervisory approval.
2. In situations involving mass arrest, juveniles may be transported in a police patrol wagon with a supervisor's approval.
3. No juvenile under the age of eighteen shall be transported in the same vehicle with adults suspected of, or charged with criminal acts.
4. Officers shall ascertain that the juvenile is not in need of immediate medical attention or under the influence of drugs or alcohol. Officers should request rescue or transport juveniles who are in need of immediate medical attention or under the influence of drugs or alcohol to appropriate services such as community hospitals or mental health facilities. If possible, notify a parent or legal guardian prior to transport.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

5. Officers transporting juveniles shall communicate to the Department of Public Safety Communications (DPSC) through MCT or radio, the vehicle mileage at the start of the transport and update the vehicle mileage at the conclusion of the transport. These updates should take place as close to the actual times starting and completing the transport as possible. In the event of a delay, the officer shall notify DPSC of the actual start and stop times.
6. The care and custody of juveniles is subject to the rules and regulations in General Order 203, Prisoner Care and Custody.

J. Release of Juveniles in Custody

To prevent the unnecessary detention of juveniles, it shall be the policy of the Department to make all reasonable efforts to release juveniles to a parent or a responsible adult who is available, able, and willing to take custody. In making the decision to release a juvenile from police custody, the least restrictive option should always be considered with detention being the last resort.

Officers are required to ensure the safety of the juvenile in their care or custody. Officers shall consider factors such as time of day, location of release, and the age and known vulnerability of the juvenile in determining the best circumstances for releasing that juvenile.

K. Required Reporting and Documentation

Officers shall document all circumstances in which a juvenile comes to police attention. Juvenile contacts include but are not limited to: when petitions are filed or contemplated; transports of juveniles; field contacts of juveniles; juveniles in the company of others at the proximate time an offense was committed; and other circumstances, as determined by a supervisor.

Officers should include the following details in the incident and supplement reports:

1. Officers shall include in their incident report how notification was made or what actions the officer took in attempting to notify parents, legal guardians or other responsible adult.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

2. The incident report shall include the complete personal information of the juvenile's parent(s) or legal guardian(s), to include their home address, home phone number, work phone number, cellular phone number, email address and any other obtainable contact information such as place and address of employment.
3. The officer shall document the result of any steps taken to arrange for a return to the home or other appropriate care and supervision, and under what conditions.
4. The officer shall document any medical care provided to an injured juvenile.
5. When a juvenile is taken into police custody, the details of the release shall be documented to include the name of the facility the juvenile was released to, such as Juvenile Detention or Shelter Care, or the name of the parent or responsible adult the juvenile was released to, including their full contact information.
6. When an officer conducts a juvenile interview or an interrogation, the incident report narrative shall include the following specific details:
 - a. Was a parent or legal guardian notified prior to the interview/interrogation?
 - b. Was the juvenile provided his Miranda warnings at any time prior to or during the interview? If so, was Miranda provided in the presence of a parent or legal guardian?
 - c. The duration of the interview, to include the start date and time and the end date and time of the interview.
 - d. The location of the interview (i.e., school, residence or police facility).
 - e. Any other individuals present during the interview to include, but not limited to the juvenile's family members, the juvenile's lawyer, the juvenile's teacher, interpreters, other officers, or court personnel.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

f. If any part of the interview was video or audio recorded.

V. PROCEDURES – JUVENILE INTAKE

A. Location and Hours of Service

- **Central Intake (Courthouse):**
0700 to 2400 hours Monday through Friday
703-246-2495 Fax: 703-278-9339
4110 Chain Bridge Rd., Suite 104, Fairfax, VA 22030
- **Juvenile Detention Center:**
2400 to 0700 hours Monday through Friday
All day on weekends and holidays; during inclement weather or another disaster that would result in Central Intake's closure.
703-246-2884 or 703-246-2801
10650 Page Ave., Fairfax, VA 22030
- **North County Office:**
0800 to 1600 hours Monday through Friday
703-481-4014
1850 Cameron Glen Dr., Suite 400, Reston, VA 20190
- **East County Office:**
0800 to 1600 hours Monday through Friday
703-204-1016
2812 Old Lee Hwy, Suite 100, Fairfax, VA 22031
- **South County Office:**
0800-1600 hours Monday through Friday
703-704-6004
8350 Richmond Hwy, Suite 119, Alexandria, VA 22306

B. What an officer needs to file:

1. Involved juvenile's information:
 - Full legal name (no nicknames)

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

- Date of birth
 - Address
 - Phone number
 - Description (race, sex, height, weight, hair and eye color)
 - Language spoken
2. Information on at least one parent/legal guardian:
- Full legal name
 - Address
 - Phone numbers (home, work and cellular)
 - Language spoken
3. Victim's information:
- Full legal name
 - Date of birth
 - Address
 - Phone number
 - Language spoken
 - Parental information if victim is a juvenile
4. Names of all co-defendants (even adults)
5. Interpreter needed for anyone involved with the case
- May be for involved juvenile, parent, victim or witness
 - Need to know language needed
6. Probable Cause:
- Detailed account of what happened and level of involvement of each person (items stolen and value, amount of damage, injuries, etc.)
 - Did juvenile admit guilt or involvement?
7. Is restitution being sought in this case? If so, in what amount?

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

C. Juveniles in Custody

1. Once an officer takes a juvenile into custody, the officer is responsible for remaining with the juvenile until he is released to a parent or legal guardian or until he is detained in either Juvenile Detention or Shelter Care.
2. Juvenile Intake will only detain a juvenile in the following situations:
 - The child is a danger to himself, the child is a danger to others or property, the child is a flight risk or has violated previously imposed conditions of release
 - The officer is unable to locate the parent or guardian
 - The juvenile has committed a felony against a person (malicious wounding, robbery, assault on law enforcement officer, etc.)

D. Options for filing

1. In Person
 - All offices work on an appointment basis. The officer may call ahead to see if there is an opening for a walk-in.
 - Officers with a juvenile in custody will be seen immediately at Central Intake.
2. By Fax – Misdemeanor Cases Only
 - Complete intake form
 - Fax a copy of the intake form and incident report to Central Intake
 - These are usually completed within 48 hours by Juvenile Intake
3. By Email – JDRDC-IntakeDropBox@fairfaxcounty.gov
 - Complete the intake form
 - Email a copy of the intake form and incident report to Central Intake
 - These are usually completed within 48 hours by Juvenile Intake

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

4. Petitions may be signed at any Intake Office. Officers should designate their location preference when filing. If no designation is provided, then the officer will be asked to sign the petition at the Courthouse location.
5. Petitions must be signed within two weeks or the case will be closed and the officer will have to start over and file again.

E. Diversion

The Juvenile Court offers three distinct forms of diversion: diversion hearings, monitored diversion and restorative justice. All hold the juvenile accountable for his actions, as well as offer services which may benefit the child and his family. The goal is to decrease the chance of the child returning to the juvenile court. The juvenile must be a first time offender and an admission of guilt is required for a case to be diverted and diversion is voluntary. If the involved juvenile chooses not to participate in diversion because he wants to go to trial, a petition will be issued.

Juvenile Intake may request officers attend diversion proceedings. Officers shall cooperate with court services in these instances.

1. Diversion Hearing

The juvenile and his parent or legal guardian are required to appear before the Hearing Officer who will issue a consequence directly related to his offense. They will have 90 days to comply with the consequence. If they comply and stay out of trouble, the case will be closed at the end of the 90 days and the complaint will be removed from their court record when they turn eighteen. If the juvenile fails to comply with the consequence and/or receives any additional charges within the 90 days, the case may be referred for formal court action.

The benefits of a diversion hearing include: it is a non-adversarial process, no formal criminal charges, no criminal conviction or record, quicker process for all parties, no need to present evidence, removal from the juvenile's record is often earlier than if convicted by a judge; attorneys are not required to be present but may attend with limited involvement.

The possible consequences that a juvenile may receive from the

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

Hearing Officer include: paying restitution (up to \$500), performing community service, STOP (Shoplifter Theft Offender Program), SAFE (Substance Abuse Focused Education Program) or ADS (Alcohol and Drug Services), Firestop (arson intervention program), victim impact class, counseling, jail tour, or other court sponsored programs.

2. Monitored Diversion

If it can be determined that a juvenile's actions were due to mitigating circumstances, then the juvenile may be referred for monitored diversion. Mitigating circumstances may include, but not be limited to, items such as mental health, family issues, or involvement with alcohol or drugs. Juveniles placed on monitored diversion will be monitored by a Diversion Probation Officer for a period of 90 to 120 days.

The probation officer may impose a consequence as in a diversion hearing and may also require the juvenile and the parent or legal guardian to participate in or attend services. The probation officer will facilitate access to those services, as needed. The juvenile and the parent or legal guardian must sign a set of rules and maintain compliance for the duration of the diversion.

If the juvenile becomes non-compliant or receives any additional charges, the case may be referred for formal court action. If the juvenile complies and stays out of trouble, the case is closed at the end of the diversion period and the complaint is removed from the juvenile's court record when he turns 18.

3. Restorative Justice

The purpose of restorative justice is to involve those most affected by the crime. This includes the involved juvenile, the victim, and key supporters. There will be a scheduled face to face meeting to facilitate a written agreement between the involved parties that helps repair the harm and hopefully decreases the chances of reoffending. If an officer believes that a case is appropriate for restorative justice, he should indicate this to Juvenile Intake at the time of filing.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

F. Citizens Seeking Petitions

As in adult cases, officers may encounter situations where they do not have probable cause to charge a juvenile and may advise the victim on how to file a petition. Citizens may not file petitions in felony cases except in cases of unauthorized use of a vehicle, or a loss prevention officer may file in cases of grand larceny or possession of burglarious tools.

G. Appeal Process for Denied Petitions

In cases where the intake officer denies an officer's request for a petition, the officer should request to speak to an Intake Officer's supervisor about the situation. The purpose of speaking with the supervisor is not to complain on the intake officer, but to better facilitate an understanding about the situation between the officer and the intake officer.

After hearing the intake officer's reasons for refusing to issue a petition and discussing it with the intake officer's supervisor, if the arresting officer continues to believe the charge initially sought should be pursued, the officer shall:

- In felony or Class 1 misdemeanor cases, the arresting officer shall immediately appeal the refusal to a magistrate.
- The officer shall include, with the material presented to the magistrate, written notice from the intake officer of the refusal.
- There is no appeal from an intake officer's refusal for Class 2, 3, or 4 misdemeanors.
- A magistrate's finding is final. If a warrant is issued, it shall be returnable to the Juvenile Court and served as a petition.

VI. PROCEDURES – CUSTODY AND ARREST SITUATIONS

A. Juveniles Voluntarily in Custody

An officer with a juvenile voluntarily in custody shall complete an incident report only. The report shall include the circumstances in which the juvenile came to police attention, the result of any steps taken to arrange for a return to the home

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

or other appropriate care and supervision, and under what conditions the juvenile left police custody.

B. Warnings

An officer who comes into contact with a juvenile for an offense which the officer determines a warning is appropriate shall:

1. Notify, by telephone, in person, or by written notice, the parent or legal guardian that the juvenile was warned for committing a minor offense.
2. Complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release was appropriate. The case status and disposition would be **CLOSED EXCEPTIONAL – JUVENILE/NO CUSTODY**.
3. No Arrest Record is required in this situation.
4. A summons is not issued to the juvenile or parent in these situations.

C. Juvenile Diversion (Department Referral)

1. An officer may opt to refer a juvenile for juvenile diversion in certain circumstances. Departmental referral to Juvenile Diversion is only available at this time to officers located at the district stations of Fair Oaks, Mason, McLean, and Sully. Officers should confirm that the referral process is available prior to making a referral. The referral should be based on the following profile of the offender:
 - The juvenile is 13 to 17 years of age.
 - No prior criminal conviction or oral counseling record (special cases are considered).
 - Criminal offense is that of a misdemeanor (special cases are considered).
 - The juvenile must be enrolled in school or an alternative education program.

GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

- The juvenile must not dispute guilt.
- The juvenile has not previously participated in a diversion program within the County.
- The referring officer must believe that the juvenile is just beginning to make poor choices in regards to criminal activity and would benefit from the investment of time and resources of the diversion program.

The officer will be notified in the following circumstances after a juvenile has been referred to the program:

- The offender does not respond to contact letters.
- The offender does not qualify during the interview.
- The offender fails to meet the requirements of the program.
- The offender successfully completes the program.

In all but the last circumstance, the referring officer must consider whether to file the original charge.

2. An officer who comes into contact with a juvenile for an offense which the officer determines that juvenile diversion is appropriate shall:
 - Notify the parent or legal guardian that the juvenile is a candidate for the juvenile diversion program and provide a copy of the Juvenile Diversion Information Referral Sheet. Inform the parent or legal guardian that they will be contacted via mail by the Fairfax County Learning for Life Juvenile Diversion representative. The officer should explain that if the parent or legal guardian does not respond to the letter, the original charge will be pursued in court.
 - Complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

was appropriate. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST.**

- Send a link from the incident report to the Role of **In Box – Sros**. The subject of the link shall include the text of “Juvenile Diversion”.
- A summons is not issued to the juvenile or parent in these situations.
- An arrest record for the juvenile shall be completed to document the arrest. The juvenile disposition for the arrest will be selected as **REFERRED TO OTHER AUTHORITIES**. The Summons # field in the arrest record shall be entered as **DIVERSION** to indicate that this charge was submitted for diversion. The Arrest # field should be left blank.
- In the situation where the juvenile does not successfully complete the program, a supplemental incident report shall be completed to document any further actions taken by the referring officer. The case status and disposition should also be updated, as appropriate, according the actions taken.
- If the youth does not complete the juvenile diversion program and the officer pursues the original charge, a new arrest record shall be completed to document the arrest.

D. Oral Counseling

An officer who comes into contact with a juvenile for an offense which the officer determines that oral counseling is appropriate shall:

1. Seek to notify, by telephone or in person, the parent or legal guardian that the juvenile was in police custody.
2. The officer shall complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release was appropriate. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST.**

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

3. An arrest record for the juvenile will be completed to document the arrest. The juvenile disposition for the arrest will be selected as **HANDLED WITHIN DEPARTMENT**. The Summons # field in the Arrest Record shall be entered as **ORAL COUN** to indicate that this charge is an oral counseling. The Arrest # field should be left blank.
4. A summons is not required to be issued to the juvenile or parent in these situations.

E. Written Citations/Summons

1. Not all misdemeanor offenses can be released on a summons. Most offenses that are summons releasable for an adult are not for a juvenile. Only those offenses listed in the *Code of Virginia* §16.1-260 are summons releasable. Officers shall follow the procedure in Section VI of this General Order for securing a petition when appropriate to charge a juvenile, immediate custody is not necessary and he cannot be released on a summons.
2. An officer may use the Virginia Uniform Summons form, just as for an adult, in the following situations, in accordance with *Code of Virginia* § 16.1-260:
 - Violation of the traffic laws, including offenses involving bicycles, hitchhiking, or other pedestrian offenses.
 - Violation of animal control ordinances.
 - Violation of game and fish laws.
 - An arrest for any alcohol-related offense where a parent or legal guardian is available to sign the summons. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile.
 - Littering violations.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

- Violation of tobacco laws.
 - An officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.
 - Class 3 and 4 misdemeanors, provided that notification of the summons is mailed by the officer to the child's parents within five days after the issuance of the summons.
3. The officer shall seek to notify, by telephone or in person, the parent or legal guardian that the juvenile was in police custody.
 4. The officer shall complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release was appropriate for any offense other than traffic charges. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.
 5. An arrest record for the juvenile shall be completed to document the arrest. The juvenile disposition for the arrest will be selected as **REFERRED TO OUTSIDE AUTHORITIES**.

There are certain offenses that can be completely documented within the arrest module without the need for an incident report. The officer may not need to complete the incident report if the criteria for a 10-98A (Arrest Record Only) disposition have been satisfied in compliance with the Report Writing Manual.

F. Diversion Hearing (Juvenile Intake Referral for Diversion)

1. When an officer has the intent to request a diversion hearing or an intake officer refers a juvenile for a diversion hearing, the juvenile is considered to be arrested at that time.
2. The officer shall complete an incident report containing all details relating to the facts that led the officer or intake officer to conclude that this form of release was appropriate. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

3. The arrest module shall be completed to document the arrest. The Arrest Type field would be listed as **SUMMONED/CITED**. The juvenile disposition field is set to the code of **REFERRED TO OUTSIDE AUTHORITIES**. The Summons # field in the Arrest Record shall be entered as **PETITION** to indicate that the juvenile will be issued a summons to appear in court for this charge.
4. A summons shall be completed.

G. Petitions

An officer who comes into contact with a juvenile for an offense which the officer determines this form of release is appropriate shall:

1. Notify, by telephone or in person, the parent or legal guardian that the juvenile was in police custody.
2. The petition shall be sought no later than ten days after the release from custody.
3. Complete an incident report. The narrative shall contain complete information concerning the case, including a concise statement indicating the arresting officer's intent to secure petitions. The case status and disposition will be held as **CLOSED/CLEARED – CLOSED BY ARREST**.
4. Once petitions are secured, a supplemental incident report shall be completed. The narrative shall contain information pertaining to the issuance or refusal of issuance by the intake officer of the petition. It shall also include the charge(s) placed and the court date. The case will remain **CLOSED/CLEARED – CLOSED BY ARREST** regardless of the outcome with the Intake Officer.
5. An arrest record for the juvenile shall be completed at the time the juvenile was taken into custody to document the arrest. The Juvenile Disposition for the arrest will be selected as **REFERRED TO OTHER AUTHORITIES**. The Summons # field in the arrest record shall be entered as **PETITION** to indicate that the juvenile will be issued a petition for this charge. The Arrest # field should be left blank.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

6. A summons is not required to be issued to the juvenile for non-CCRE reportable offenses.
7. For CCRE offenses, the officer shall complete a summons and the appropriate fingerprint cards and photographs outlined in section XI. B.

H. Immediate Custody

Juveniles may be taken into immediate custody according to the provisions of Section IV. E. of this General Order. Under the circumstances where this type of action is necessary, the officer shall:

1. Transport juveniles without delay to Juvenile Intake to meet with an intake officer. The juvenile will be transported to Central Intake during Central Intake's open business hours or the Juvenile Detention Center to see an intake officer when Central Intake is closed.
2. An oral or written statement of the reasons for taking the juvenile into custody should be given to a parent or other responsible adult. The officer should inform the intake officer whether the parent or custodian was notified of the juvenile's arrest. In cases where notice is not given prior to transporting the juvenile to the Juvenile Intake, the intake officer should contact the parent or legal guardian.
3. Once the juvenile's physical placement is decided, the police officer should ensure that the intake process is completed and/or the juvenile is served with a copy of the detention order, warrant or shelter care order or capias.
4. The officer shall complete an incident report. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.
5. An arrest record for the juvenile shall be completed at the time the juvenile was taken into custody to document the arrest. The Juvenile Disposition for the arrest will be selected as **REFERRED TO OUTSIDE AUTHORITIES**. The Arrest Type field is listed as **TAKEN INTO CUSTODY**.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

6. For CCRE offenses, the officer shall complete a summons and the appropriate fingerprint cards and photographs outlined in section XI. B.

I. Wanted Juveniles

In situations where an officer encounters juveniles with outstanding warrants, detentions orders, shelter care order or capias, he shall proceed by verifying the validity and location of the paperwork through DPSC personnel, just as he would if the wanted subject was an adult. Once the verification is complete, the officer shall follow the provisions of section H above.

J. Handling of Escapees

When an officer encounters a juvenile who is an escapee from jail, a detention home, or other institution in which he was placed by an order of the juvenile court, Child Protection Services, or other licensed child welfare agency, the officer shall take the juvenile into immediate custody. The officer may return and release the juvenile to the facility from which the juvenile escaped or fled. If the juvenile is not released to the facility from which the juvenile escaped or fled, the officer shall contact the intake officer of the court who will determine where the juvenile will be placed.

VII. PROCEDURES – STATUS OFFENSES

A. Runaway / Missing Juvenile Investigations

Personnel shall treat all runaway and missing juvenile complaints as a serious matter and will make a diligent effort to locate the juvenile. There is no requirement that a subject be missing any stated period of time before a report can be taken.

1. Within the following guidelines, a complaint shall be accepted:
 - A missing juvenile is domiciled in Fairfax County, even though the last known location may have been in another jurisdiction.
 - A missing juvenile is a suspected victim of criminal acts which occur or originate in Fairfax County.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

- A missing juvenile is being sought by another law enforcement agency and such agency requests assistance from this Department.
- A missing juvenile is last seen or known to be in Fairfax County and the jurisdiction from which the person disappeared refuses or is incapable of investigating the case.

2. The officer taking the initial report shall:

- a. Review the facts and investigate the circumstances surrounding the disappearance to ensure the child left voluntarily.
- b. Notify a supervisor immediately, if the juvenile meets the criteria for being classified as endangered, is under the age of thirteen, there are indications that a child did not leave voluntarily, or for any other reason the officer feels is significant.
 - 1) Upon notification and briefing by the preliminary officer, the supervisor will determine what the next immediate course of action should be, what resources are needed, and notify the district station commander or staff duty officer and DPSC.
 - 2) During the conference with the station commander or staff duty officer, a decision should be made as to what resources beyond patrol (e.g., K-9 and Helicopter) should be utilized and if CIB should be requested to respond. If CIB is not called out, the Child Exploitation Squad supervisor, or on call CIB supervisor, if after hours, shall be notified.
- c. Complete a Virginia Missing Children Information Clearing House Report (PD135J) and have completed form signed by the complainant. The form shall be attached to the I/LEADS incident report in PDF format.
- d. Officers taking the initial report shall contact the DPSC Teletype Section within two hours of receipt of a report that a juvenile is missing in accordance with *Code of Virginia*, §15.2-1718. The

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

officer shall fax the completed and signed PD135J to Teletype and then call for verification that the juvenile will be entered into NCIC/VCIN.

- e. The teletype message number generated by the Teletype Section shall be entered into the incident report and written on the PD 135J. If NCIC/ VCIN entry is not possible prior to the submission of the incident report, this shall be noted in the narrative of the incident report.
- f. A photograph of the missing juvenile shall be obtained when available.
- g. Broadcast a local lookout for the missing juvenile.
- h. Contact or request other jurisdictions check any locations where the child may have gone.
- i. Follow up on all possible leads with permission of the patrol supervisor, unless the assigned CIB detective or CIB supervisor directs the officer otherwise.
- j. The officer shall complete an incident report.
 - 1) The event type will be classified as **SERVICE – RUNAWAY JUVENILE** when the juvenile's disappearance is voluntary or **SERVICE – MISSING JUVENILE** when there is an indication the disappearance is involuntary, suspicious or endangered.
 - 2) In all cases where an incident report is created to document a Missing/Runaway juvenile, no other event types shall be added to the same incident report. A Missing/Runaway juvenile report needs to be independent of any other event type. This ensures an independent investigation by the Major Crimes Division and the ability to close the case as service when the juvenile is located and cleared from NCIC.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

- 3) Officers generating a runaway juvenile report shall list the juvenile as an **OF, OFFENDER/ARRESTED**. No victim is required in the incident report.
- 4) Missing juveniles who cannot be confirmed as a runaway but deemed endangered shall be entered as **IO, INVOLVED, OTHER**.

3. Investigative Responsibility

The CIB Child Exploitation Squad shall have complete investigative responsibility for missing and runaway juveniles. The officer taking the initial report shall TOT the incident report along with the Virginia Missing Children Information Clearinghouse Report and juvenile's photograph to CIB.

B. Taking a Runaway into Custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Take the child into custody and verify the runaway juvenile status.
2. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent or if a detention order or shelter care order is on file, follow the procedures for Immediate Custody in section VI. H. of this General Order.
3. Local Runaways
 - a. The officer shall complete a supplement to the original incident report or create a new one if a case does not exist. The report will be forwarded to CIB Child Exploitation for case closure.
 - b. The Child Exploitation Squad shall be responsible for generating the Arrest Module for all confirmed runaways.
 - c. The officer shall notify Teletype of the juvenile's apprehension for removal from NCIC/VCIN.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

d. The officer shall cancel all lookouts or electronic messages reference the missing juvenile.

4. Other Jurisdiction Runaways

a. The officer shall complete an incident report with an event type of **SERVICE – POLICE SERVICE**. The report will be forwarded to CIB Child Exploitation for information.

b. The officer shall notify Teletype of the juvenile’s apprehension for notification to the originating jurisdiction.

C. Truant

1. When custody occurs because a juvenile is a reported truant by school officials, or an officer reasonably determines because of the child's age and circumstances that a juvenile is a suspected truant, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.

2. The officer shall complete an incident report or field contact which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

VIII. PROCEDURES – SPECIAL SITUATIONS

A. Abused and Neglected Children

All cases involving alleged abuse or neglect of juveniles shall be processed under the provisions of General Order 603.2, Assistance to Abused or Neglected Children.

B. Domestic Violence

All cases involving juveniles in domestic assault situations shall be processed under the provisions of General Order 601.4, Domestic Violence Policy.

Upon a custodial arrest of a juvenile for domestic assault, officers shall explain to the juvenile’s parent or legal guardian that unless the arrest is for a

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

felony, like malicious wounding, that the juvenile is unlikely to be held in secure detention. The officer should have the juvenile's parent or legal guardian follow or meet the officer at Juvenile Intake. Once the intake process is complete, the juvenile will be released to the parent. If the parents or legal guardian are unwilling or unable to take possession of their child, then the parent should find an alternative responsible adult to release the child.

C. Possession of Marijuana

As of July 1, 2011 possession of marijuana for a juvenile is a summons releasable offense. However, the new law requires that a Notice of Right to Consideration for Diversion form be submitted along with the summons or the case "shall be dismissed". The law does not require that officers use a summons for this offense. An officer may still file directly with Juvenile Intake.

Explanations of filing options:

1. Option 1: Summons

- Issue the juvenile a summons with a listed court date
- Issue the juvenile a copy of the Notice of Right to Consideration of Diversion
- Submit the summons along with a second completed copy of the Notice of Right to Consideration of Diversion to the court

The JDR Clerk's office will maintain the original summons and diversion notice. In order for the juvenile to exercise his right to consideration for diversion, he must submit the signed notice to the Clerk's Office at least ten days prior to the listed court date. The Clerk's Office will contact Juvenile Intake to determine if the juvenile is eligible for diversion and will then send the juvenile a letter advising if his request was accepted or denied. Officers will also receive a copy of the letter as notice. If the juvenile is eligible, they must contact Central Intake within five days. Juvenile Intake will determine if the juvenile is willing to admit guilt, and if so, the case will be set for a diversion hearing. The officer will then be contacted to provide a copy of the incident report for probable cause. If the juvenile is not willing to admit guilt, the Clerk's Office is notified to re-docket the original

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

summons.

2. Option 2: File Directly with Juvenile Intake (Preferred Method)

- Issue the juvenile a summons with an "OPEN" or "TBD" court date
- Follow Juvenile Intake procedures to file in person or via fax

With this option, Juvenile Intake will determine if the juvenile is eligible for diversion when filing. If the juvenile is eligible, the case will be set for a diversion hearing and if the juvenile is not eligible, the officer will be notified to come sign a petition. The benefits of this option are that the case is not likely to be dismissed due to procedural error (i.e. failing to provide the juvenile a Notice of Right to Consideration of Diversion) and an eligible juvenile will not miss out on an opportunity for a diversion hearing because of a failure to respond within five days to his notice.

D. Shoplifting

All cases involving juveniles in shoplifting situations shall be processed under the provisions of General Order 602.1, Arrest and Detention for Shoplifting.

IX. FINGERPRINTS AND PHOTOGRAPHS

A. Virginia Code §16.1-299 provides that fingerprints and photographs may be taken and filed under the following circumstances:

1. Any child who is charged with a delinquent act which, if committed by an adult, is required to be reported to Central Criminal Records Exchange (CCRE), pursuant to §19.2-390.
2. Any child fourteen years of age or older charged with a "violent juvenile felony" (per §16.1-228).
3. Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the Juvenile Court or the Commonwealth's Attorney for advice and assistance as to the

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

legalities and proper procedure for obtaining such samples. Samples include, but are not limited to: hair, blood, urine, nails, breath, stomach contents, handwriting, etc.

On the issue of juveniles and DNA samples, they are processed the same as adults after certain selected criminal acts. For further guidance see Sections 19.2-310.2:1, 19.2-310.3:1, and 16.1-299.1, *Code of Virginia*.

B. When a juvenile is taken into police custody and charged with a delinquent act which would be reportable to the CCRE if committed by an adult, they shall be fingerprinted and photographed as follows:

1. Complete CCRE Form:

- One CCRE form for each offense that would be reportable to the CCRE if committed by an adult.
- The CCRE form will be completed exactly the same way as for an adult, except a full set of fingerprints must be taken on each subsequent CCRE form if multiple charges are placed.
- The arresting officer shall send the original page one of the CCRE (white copy) to NOVARIS via county interoffice mail.
- The arresting officer shall retain the remainder of the CCRE pages (second and third page) to provide to Juvenile Intake when obtaining a petition. Juvenile Intake will then forward the CCRE to the Clerk of the Juvenile Court if a petition is issued.
- When a juvenile is released to his parents or other responsible adult, the juvenile shall sign their name in the CCRE, "Signature of Person Fingerprinted" block. The person accepting the juvenile shall sign below the juvenile's name and print their name below their signature. A photocopy of the first page of the CCRE shall then be given to the accepting adult.
- If the petition is denied, the officer shall write in large, bold letters, PETITION DENIED, across the face of page two of the

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

CCRE. The second and third pages of the CCRE shall then be sent to NOVARIS for destruction.

2. Complete one FBI fingerprint card (the same as adult).

The officer shall send the FBI fingerprint card to NOVARIS via county interoffice mail.

3. Complete one palm print card (for felony offenses only).

The officer shall send the palm print card to NOVARIS via county interoffice mail.

4. A case number shall be obtained for the juvenile and entered on these documents in the appropriate blocks.

5. Additional guidance regarding the fingerprinting and photographing of juveniles arrested for criminal offenses may be located in the Report Writing Manual.

Arrest photographs shall be taken by the officer at Juvenile Intake with the camera provided. A photo board is available and shall bear JUV in the top to allow for separate filing. The officer shall update the juvenile's name, date of birth and date of arrest on the board in the designated locations provided. The officer shall leave the photograph on the camera in Juvenile Intake for a CIB Child Exploitation detective to download and file in accordance with Section X of this General Order.

X. DISSEMINATION AND RETENTION OF FINGERPRINT CARDS AND PHOTOGRAPHS

- A. Dissemination and retention of juvenile records to include fingerprint cards and photographs shall be the responsibility of NOVARIS and shall be in accordance with *Code of Virginia* §16.1-299.
- B. Fingerprint cards and photographs will be destroyed under the following circumstances, in accordance with *Code of Virginia* §16.1-299 when:

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES

NUMBER: 602.2

CANCELS ORDER DATED: 7-1-12

DATE: 4-1-13

1. No petition or warrant is filed within 60 days against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law. The fingerprint cards and photographs shall be destroyed no later than 60 days after fingerprints were taken.
 2. Within six months of a juvenile or circuit court finding a juvenile not guilty of a violation of the law, pursuant to a court order.
- C. Juvenile fingerprint cards and photographs authorized for retention will be maintained separately and securely in NOVARIS. Access to these records will be restricted to official use, and may be viewed by the public and other law enforcement agencies only on the authority of a court order pursuant to *Code of Virginia* §16.1-301. NOVARIS is located in a secure facility with access restricted to NOVARIS personnel only, through a secure access point utilizing proximity access cards.
- D. Fingerprints and photographs shall be retained, and copies of the fingerprints forwarded to the CCRE, when the court finds that a juvenile has committed an offense which would be reportable to the CCRE if committed by an adult.

XI. CONFIDENTIALITY OF RECORDS AND RELEASE OF INFORMATION

- A. *Code of Virginia* §16.1-301 requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person. Juvenile records are to be destroyed only upon notification by the court per §16.1-306.
- B. Officers may release, upon request to one another and to other local, state, or federal law enforcement officers, current information on juvenile arrests limited to name, address, physical description, date of arrest, and charge. Such information may only be used for current investigations (§16.1-306).
- C. For release of juvenile information to the media, see General Order 401, Release of Information.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: JUVENILE PROCEDURES	NUMBER: 602.2
CANCELS ORDER DATED: 7-1-12	DATE: 4-1-13

XII. LEGAL REFERENCES

A. Case Law

Miranda v. Arizona, 384 U.S. (1966)
Grogg v. Commonwealth, 6 VA App (1988)

B. Code of Virginia

15.2-1718	16.1-301
16.1-227	16.1-306
16.1-228	16.1-340
16.1-246	19.2-81
16.1-247	22.1-266
16.1-299	

XIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
25.03	04.01
25.08	04.02
	04.03
	08.07

This General Order becomes effective April 1, 2013, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive