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| <p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p> | <p>SUBJECT: JUVENILE PROCEDURES</p> | | <p>NUMBER: 610</p> |
| | <p>EFFECTIVE DATE: April 21 2023</p> | <p>REVIEW: April 2026</p> | |
| <p>RESPONSIBLE ENTITY: SCHOOL LIAISON COMMANDER</p> | | | <p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 605 <input type="checkbox"/> Revised</p> |
| <p>ACCREDITATION STANDARDS</p> | <p>CALEA: 1.1.3, 1.2.6, 1.2.7, 41.2.6, 44.1.1, 44.2.1 44.2.2, 44.2.3, 82.1.2</p> <p>VLEPSC: ADM.02.03, OPR.04.01, OPR.04.02, OPR.04.03, OPR.07.03, OPR.08.07</p> | | |

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for officers who encounter juveniles in need of protection, are in violation of status offenses, or charged with criminal and/or traffic offenses.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) to follow community policing principles as it pertains to juvenile offenders. Proper disposition of juvenile cases may help prevent criminal recidivism, whereas improper handling can create mistaken impressions contrary to procedural justice principles. The Department shall be committed to participation in all programs designed to prevent and/or reduce juvenile delinquency and expects all officers to handle juvenile incidents in accordance with both Department training and applicable law. Officers are expected to set positive examples for juvenile community members and shall never encourage them to engage in activities inconsistent with Department goals and expectations. When appropriate, officers are expected to process delinquent juveniles informally through the criminal justice system, particularly those juveniles who commit status offenses, those in need of protection, and those suspected of committing minor and non-violent criminal infractions in lieu of criminal prosecution.

III. DEFINITIONS

- A. Alternative Accountability Program: A pre-court diversion program enabled by a [Memorandum of Understanding \(MOU\)](#) that represents a collaboration between the Fairfax County Police Department, Fairfax City Police Department, Town of Vienna Police Department, Town of Herndon Police Department, Fairfax County Public Schools, the Fairfax County Juvenile and Domestic Relations District Court, Fairfax County Department of Neighborhood and Community Services, and Northern Virginia Mediation Service, Inc. The purpose is to afford juvenile offenders suspected of certain criminal offenses the opportunity to participate in

community-based diversion programs in lieu of criminal prosecution (while still holding them accountable) and provide (1) victims with the opportunity to be actively involved in case resolution, (2) reduce the rate of recidivism with young offenders, and (3) reduce the disparate rate of minority offenders from entering the juvenile justice system.

- B. Child in Need of Services: Any juvenile whose behavior, conduct, or condition presents a serious threat to their well-being or physical safety, or a juvenile under the age of fourteen (14) whose behavior, conduct, or condition presents a serious threat to their well-being or physical safety of themselves or another.
- C. Child in Need of Supervision: A juvenile who (1) is subject to mandatory school attendance and is habitually absent without valid excuse, (2) habitually runs away from their family or guardian, and/or (3) escapes or remains away from a residential care facility they are ordered to remain at by the court.
- D. Clearinghouse: A Juvenile Intake decision-making process for all juvenile offenders referred outside of the Department. Juvenile Intake applies universal eligibility criteria to determine if a case will be handled through the Alternative Accountability Program, Intake Diversion, or the filing of a petition.
- E. Custodial Interrogation: Whenever an individual is questioned by a law enforcement officer after being taken into custody or otherwise deprived of their freedom of movement and action in any significant way.
- F. Delinquent Acts: Acts designated as crimes under the laws of the Commonwealth of Virginia or ordinance of any city, county, town, or service district, or under federal law, but not status offenses.
- G. Intake Officer: A juvenile probation officer designated by law as having quasi-judicial authority to determine probable cause, divert a juvenile from the criminal justice process, or petition the court.
- H. Juvenile: Any individual who is less than eighteen (18) years of age.
- I. Juvenile and Domestic Relations District Court: The court responsible for judicial processing of juvenile offenders and determination of abuse and neglect cases.
- J. Miranda Warnings: Procedural safeguards requiring officers to warn a criminal defendant, prior to any questioning, that they have (1) the right to remain silent, (2) that anything they say can be used against them in a court of law, (3) that they have the right to the assistance of an attorney, and that (4) if they cannot afford an attorney, one may be provided prior to questioning if they so desire.
- K. Petition: Legal document that contains a written statement that brings a case involving a juvenile before the court. Petitions contain facts and circumstances

surrounding a case and request a hearing to assess the veracity of these facts in order to implement appropriate measures permitted by law.

- L. Probable Cause: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe that a crime is being, has been, or is about to be committed and that a particular person committed it or that evidence of a crime is in a particular place to be searched.
- M. Responsible Adult: Any responsible adult eighteen (18) years of age or older, who, in the absence of a juvenile's parent(s) or legal guardian, is responsible for the physical custody of a juvenile, or who is an adult acquaintance of the juvenile's parent(s) or legal guardian and agrees and reasonably demonstrates the ability to provide proper supervision for the juvenile until the parent(s), guardian(s), or next of kin can assume responsibility.
- N. Secure Detention: Physical confinement of an individual in law enforcement custody in a locked room(s) or designated area used specifically for the purpose of securely detaining individuals in law enforcement custody.
- O. Shelter Care: Temporary care of juveniles in a physically non-restrictive facility.
- P. Shelter Care Order: Commitment order issued by a judge, intake officer, or magistrate that places a juvenile in a shelter care facility.
- Q. Status Offender: A juvenile who commits an act (status offense) which is only considered unlawful if committed by a juvenile. Examples include, (1) habitual absence (truancy) from compulsory school attendance without justification and (2) a juvenile who habitually deserts or runs away from home.
- R. Warrant: A legal document accusing an individual of committing a crime that requires them to be criminally arrested, brought before a magistrate for a pretrial release (bail) hearing, and required to appear in court to answer the accusation.

IV. GENERAL JUVENILE PROCEDURES

- A. Officers shall treat juveniles with respect and ensure all constitutional rights are afforded to them during any encounter. When appropriate, officers should divert juveniles from the criminal justice system and may choose to handle juvenile incidents either formally or informally. In making this determination, officers shall consider (1) the seriousness of the offense, (2) the juvenile's prior record, (3) the juvenile's age, (4) the cooperation and demeanor of all involved parties, to include the juvenile, their parent, and any victim, (5) the likelihood of the offense being repeated, (6) any degree of criminal intent, violence, premeditation, and/or knowledge of the violation, and (7) the appropriateness and likelihood of referral of the juvenile and/or parent(s) to a social service agency.

1. **Informal Handling Guidelines:** Where an officer encounters a victim or complainant who requests a juvenile offender be brought before the Juvenile and Domestic Relations (JDR) Court and an officer believes the matter should instead be handled informally, they shall contact an Intake Officer for guidance. Officers shall ensure that any informal handling of a juvenile offender includes proper notification to the juvenile's parent(s).
 - a. All constitutionally protected rights, to include the right to privacy, shall be afforded to juvenile offenders. Information obtained through the course of an investigation shall only be provided to others for law enforcement purposes and in compliance with federal and state laws.
 - b. First offenses of a minor nature are typically handled informally, and officers are expected to exercise proper discretion in assessment of the situation. Informal handling of cases does not prevent officers from conducting later follow-up or referral to a social service agency.
 - c. Sample offenses considered appropriate for informal handling include (1) harassing telephone calls, (2) drunk in public, (3) noise ordinance violations, (4) disorderly conduct, and (5) other minor offenses.
2. **Formal Handling Guidelines:** Formal handling occurs whenever a juvenile is brought before an intake officer or the court for disposition of a charge. Offenses that are typically handled formally include (1) delinquent acts, that if, committed by an adult would constitute a felony crime against a person, (2) delinquent acts involving weapons, or (3) delinquent acts committed by juveniles under probation or parole.

Note: Felony property crimes, such as burglary, grand larceny, or destruction of property, may ultimately be handled informally at Central Intake.

- B. **Taking a Juvenile into Immediate Custody:** Per the [Code of Virginia](#), no juvenile may be taken into immediate custody except under the following:
1. With a detention or shelter care order issued by a judge or intake officer or warrant issued by a magistrate.
 2. When the juvenile is alleged to be in need of services or supervision and there is clear and substantial danger to the juvenile's life or health or custody is necessary to ensure the juvenile appears in court.
 3. When, in the arresting officer's presence, the juvenile commits a crime and the officer believes custody is necessary to protect the public interest.
 4. The officer has probable cause to believe a juvenile has committed an offense which, if committed by an adult, would be a felony.

5. When a juvenile has committed one of the following misdemeanor offenses in the presence of the officer or is based upon probable cause of a reasonable complaint made by an individual who observed the juvenile commit:
 - a. [Shoplifting](#)
 - b. [Assault and Battery](#)
 - c. [Carrying a Weapon on School Property.](#)
 6. Where an officer has probable cause to believe that a juvenile has:
 - a. Run away from home or is without adult supervision under such circumstances that an officer reasonably concludes there is clear and substantial danger to the juvenile's welfare.
 - b. Has run away from or escaped from a jail, detention home, residential facility, juvenile-care facility, or home where they were placed by either court order or an appropriate social services agency.
 - c. Is believed to be [in need of inpatient treatment for a mental health issue.](#)
- C. **Guidelines for Taking Juveniles Into Custody:** Prior to enacting custody over a juvenile, officers should ask appropriate questions and only detain a juvenile for a reasonable amount of time in which the purpose of the stop can be effectuated.
1. **School Facilities:** Juveniles who require being questioned or taken into custody at a school facility shall be processed in accordance with FCPD General Order 611, Police Policies Related to Fairfax County Public School Facilities.
 2. **Parental Notification:** Officers shall take prompt and reasonable measures to notify the parent(s), guardian(s), or any other responsible adult of any juvenile taken into custody, transported, or lawfully detained and brought into a police, medical, or judicial facility and further inform that individual of the reasons for custody and where the juvenile is being held. Notification may be made by telephone or in-person, or where a juvenile does not reside in Fairfax County, through the appropriate local law enforcement agency.
- D. **Interviewing and Questioning of Juveniles:** Officers shall not unnecessarily prolong interviews beyond what is reasonable to complete their investigation or ultimately determine that a juvenile will not be cooperative. Only a reasonable number of officers to ensure officer safety may be present to conduct juvenile interviews or interrogations.
1. **Non-Custodial Questioning:** Whenever conducting an interview or interrogation with a juvenile, officer shall consider the duration of questioning and the juvenile's age, mental capacity, education, and life experience.

Officers shall inform the juvenile and their parent(s) or guardian(s) that the juvenile is not in custody and may leave at any time, nor are they required to answer any questions.

2. **Custodial Questioning:** Officers shall read any juvenile in custody their *Miranda* warnings prior to initiating any questioning. The *Miranda* reading should also be explained in the presence of the juvenile's parents, guardian, or counsel as applicable. Officers shall account for the juvenile's age, maturity and cognitive ability, experience with the criminal justice system, and any other factor that might impede or affect a juvenile's informed decision to understand or potentially waive their *Miranda* rights. Parental consent is generally not required to question a juvenile in custody; however, the [Code of Virginia](#) requires officers to notify a juvenile offender's parent, guardian, or legal custodian prior to initiating questioning for the [following offenses](#):
 - a. Any crime requiring custody committed in the officer's presence, or
 - b. A misdemeanor crime not committed in the officer's presence, but the arrest is based upon probable cause of the reasonable complaint of an individual who observed the alleged offense(s) of (1) shoplifting, (2) assault and battery, (3) carrying a weapon on school property, or (4) any crime which, if committed by an adult, would constitute a felony offense.

Whenever an officer has a juvenile in custody under these circumstances, the officer must notify the juvenile's parent, guardian, or legal custodian of the arrest via electronic communication, telephone, or video conference and allow the juvenile to have contact with that individual.

- E. **Notification Requirement Exceptions:** Exceptions to the notification requirement include where (1) the parent, guardian, or legal custodian is a co-defendant of the juvenile, (2) the parent, guardian, or legal custodian is being investigated for or has been arrested or charged with a crime against the juvenile, (3) the officer has made every reasonable effort to notify the parent, guardian, or legal custodian and provide contact with the juvenile, but the individual cannot be located or refuses contact with the juvenile, or (4) the officer reasonably believes the information sought is necessary to protect life, limb, or property from imminent danger and the questioning is strictly limited to obtaining that information.
- F. **Transportation of Juveniles:** Officers transporting a juvenile shall abide by all directives pertaining to care and custody of prisoners outlined in [FCPD General Order 203](#), Prisoner Care and Custody. Prior to initiating transport of a juvenile, officers shall notify the Department of Public Safety Communications (DPSC) via CAD or radio of their mileage prior to the start of transport and update their mileage accordingly once the transport ends. The updates to DPSC shall be as timely as possible as these events occur. Officers may never transport a juvenile

in the same vehicle as an adult suspected of or charged with any criminal act.

1. **Patrol Wagon:** Officers may not transport any juvenile, to include mass arrest situations, known or believed to be less than fifteen (15) years of age in a police patrol wagon without supervisor approval.
2. **Intoxicants and/or Drugs:** Officers shall request Emergency Medical Services (EMS) respond for any juvenile believed to be under the influence of an intoxicant. If possible, the juvenile's parent(s) or guardian(s) should be notified prior to any resulting or subsequent medical transport.

G. **Release of Juveniles In Custody:** Officers shall make all reasonable efforts to release juveniles to a parent, guardian, or responsible adult who is available and willing to take custody, and should only consider detention as a last resort when one of these individuals is unavailable or unwilling to assume custody.

H. **Required Reporting and Documentation:** Officers shall document in the current Records Management System (RMS) all encounters with juveniles that include (1) when petitions are filed or contemplated, (2) transport and field contacts, (3) juveniles in the company of other individuals when a criminal offense occurs, and (4) other circumstances as determined by a supervisor. Documentation should include the following:

1. Notifications or efforts made to a parent, guardian, or other responsible adult and that individual's complete personal information, to include home address, phone number(s), email, and other contact information.
2. Results of any steps taken to arrange for the return of the juvenile to their home or other appropriate care and supervision and applicable conditions.
3. Any medical care provided to the juvenile.
4. If taken into custody, the details of the release, to include the name of the facility the juvenile was released to (ex: Juvenile Detention or Shelter Care), or the name of the parent, guardian, or responsible adult the juvenile was released to and their full contact information.
5. **Interviews and/or Interrogations:** Whenever an officer conducts a juvenile interview or interrogation, the incident report shall include the following:
 - a. Any notification/efforts made to the juvenile's parent or legal guardian.
 - b. The providing of *Miranda* warnings to the juvenile and whether it was done so in the presence of a parent, legal guardian, or legal counsel.
 - c. Duration (to include start time and conclusion), location of the interview

(ex: school, residence, police facility), and whether any part of the interview was video or audio recorded.

- d. Any other individuals present during the interview, to include family members, counsel, teachers, interpreters, officers, and court personnel.

V. JUVENILE INTAKE

- A. Juvenile Intake will generally only detain juveniles when they constitute a (1) danger to themselves, others, or property, (2) if they are a flight risk or have violated previously imposed conditions of release and the officer cannot locate a parent or legal guardian, or (3) if they commit a felony against another individual (ex: malicious wounding, robbery, assault on law enforcement).

- B. **Required Information for Juvenile Intake Referrals:** Officers shall provide the following information for Juvenile Intake Referrals:

1. **Involved Juvenile's Information:** Full legal name (no nicknames), date of birth, address, phone number(s), general description (race, gender, height, weight, hair, eye color), and language(s) spoken.
2. **Parent/Legal Guardian Information:** Full legal name, address, phone number(s), language(s) spoken, email address.
3. **Victim's Information:** Full legal name, date of birth, address, phone number(s), language(s) spoken, parental information (if victim is a juvenile).
4. **Co-Defendants:** (Including adults).
5. **Interpreters:** For all involved parties and what language(s) are needed.
6. **Statement of Probable Cause:** To include a detailed account of facts, circumstances, level of involvement of each individual, and whether the involved juvenile admitted guilt or involvement.
7. **Any Sought Restitution:** Specify the desired amount, item, or outcome.

- C. **Filing Options:** Officers may utilize the following filing options for a petition:

1. **In-Person:** Officers should call ahead when seeking petitions, as Intake Officers work on appointment basis or occasionally, walk-in openings. Officers with a juvenile in custody will be seen promptly at Central Intake.
2. **E-mail:** Officers should complete an Intake Form and email the form and incident report to Central Intake at JDRDC-IntakeDropBox@fairfaxcounty.gov.

3. **Digital Portal:** For non-in person referrals, once available.

Note: Petitions may be signed at any Intake Office, so the preferred location should be designated by officers when filing. If no preferred location is indicated, the officer will be asked to sign the petition at the Courthouse. Petitions must be signed within two (2) weeks, at which point Juvenile Intake typically will contact the officer to request signature. If the officer fails to respond, Juvenile Intake will dispose of the case and the seeking officer will have to file again.

D. **Community Members Seeking Petitions:** Where officers lack probable cause to charge a juvenile, they may advise a victim on how to file for a petition. Community members may not file petitions in felony cases, except for (1) parents in authorized use of a motor vehicle cases and (2) loss-prevention officers in cases of grand larceny or possession of burglarious tools.

E. **Appeal Process for Denied Petitions:** Where an Intake Officer denies an officer's request for a petition solely based upon the finding that no probable cause exists, the seeking officer may request to speak to the Intake Officer's supervisor if they desire clarification on the Intake Officer's decision. If an officer still believes the charges should be sought, the following shall apply:

1. **Felony or Class 1 Misdemeanor Cases:** Obtain written notification from the Intake Officer stating a petition was refused based solely upon their determination that no probable cause exists. The officer may then seek a warrant from a magistrate within ten (10) days of the issuance of written notification of refusal by the Intake Officer and must provide a copy of the Intake Officer's written notification at the time the warrant is sought. The magistrate's decision shall be final, and where a warrant is issued, it shall be returned to the JDR court and served as a petition.

Note: Per the [Code of Virginia](#), where an Intake Officer finds probable cause exists, but refuses to authorize a petition after determining the matter is more appropriate for diversion, their decision is final and the officer may not apply to a magistrate for a warrant.

2. **Class 2, 3, or 4 Misdemeanors:** Officers may not appeal an Intake Officer's refusal to issue a petition for Class 2, 3, and 4 Misdemeanor offenses.

VI. CUSTODY AND ARREST SITUATIONS

A. Officers shall remain with juveniles they have taken into custody until released to a parent or legal guardian or detained in either [Juvenile Detention](#) or [Shelter Care](#).

B. **Voluntary Custody:** Officers with juveniles voluntarily in custody shall document the event in an incident report in the current RMS. The report shall include the circumstances in which the juvenile came to police attention, any steps taken to

arrange for a return to either home or other appropriate care and supervision, and under what circumstances the juvenile eventually left police custody.

C. **Warnings:** Where an officer determines a warning is appropriate for a juvenile offense, the officer shall:

1. Notify by telephone, in-person, or written notice the parent(s) or legal guardian(s) that the juvenile was warned for committing a minor offense.
2. **Documentation:** Officers shall complete an incident report in the current RMS containing the facts and circumstances of the case that led the officer to believe a warning was appropriate. The case status and disposition shall be marked "**CLOSED EXCEPTIONAL-JUVENILE/NO CUSTODY.**" No arrest record is required in these situations, and no summons is required to be issued to either the juvenile or their parent.

D. **Oral Counseling:** Where an officer determines that an oral counseling is appropriate for a juvenile offense, the officer shall:

1. Notify by telephone or in-person the parent(s) or legal guardian(s) that the juvenile was in police custody.
2. **Documentation:** Officers shall complete an incident report containing the facts and circumstances of the case that led the officer to believe that an oral counseling was appropriate. The case IBR status shall be marked "**CLOSED/CLEARED,**" and the disposition should be "**CLOSED BY ARREST.**" The arrest module shall be completed to document arrest of the juvenile, with a disposition of "**HANDLED WITHIN DEPARTMENT.**" The officer should enter "**ORAL_COUN**" to indicate the charge is an oral counseling, and the Arrest Number field should be left blank. No summons is required to be issued to the juvenile or their parent for an oral counseling.

E. **Written Citation/Summons:** Where an officer determines that issuance of a Virginia Uniform Summons is appropriate for a juvenile offense, the officer shall:

1. Notify by telephone or in-person the parent(s) or legal guardian(s) that the juvenile was in police custody.
2. **Documentation:** Officers shall complete an incident report in the current RMS containing the facts and circumstances of the case that led the officer to believe that issuance of a summons was appropriate. The case IBR status shall be marked "**CLOSED/CLEARED,**" and the disposition should be "**CLOSED BY ARREST.**" The arrest module shall be completed to document the arrest, with a disposition of "**REFERRED TO OTHER AUTHORITIES.**"

Note: Certain offenses may be documented within the arrest module without

the need for an incident report in the current RMS. Officers are not required to complete an incident report where criteria for a 10-98A (Arrest Record Only) disposition is met in accordance with the [Report Writing Manual](#).

3. Officers may elect to issue a summons to a juvenile for any offense that is specifically authorized for juvenile summons release per the [Code of Virginia](#). Other appropriate offenses for juvenile release on a summons include:
 - a. Violation of traffic laws, to include those occurring from a traffic accident.
 - b. Violation of animal control ordinances.
 - c. Violation of game and fish laws.
 - d. Littering violations.
 - e. Violation of tobacco and/or alcohol laws.
 - f. Class 3 and 4 Misdemeanors, where notice of the summons is mailed by the officer to the juvenile's parent(s) within five (5) days after issuance.

F. **Law Enforcement Referral to Juvenile Intake:** Law enforcement referrals to Juvenile Intake follow a clearinghouse model, which allocates determination for the necessary level of court involvement or eligibility for diversion programs in a particular case solely to Juvenile Intake. After receiving a clearinghouse referral, Juvenile Intake may elect to refer the matter for (1) a petition, (2) the [Alternative Accountability Program \(AAP\)](#), or (3) Intake Diversion.

1. Only first-time juvenile offenders are eligible for AAP. AAP should not be considered for minor offenses (ex: tobacco and minor drug offenses) since alternatives exist for these crimes, nor will AAP hear traffic offenses as they are DMV-reportable. Although officers can recommend AAP for a juvenile offender, the final determination is made by Juvenile Intake.
2. **Documentation:** Officers shall complete an incident report in the current RMS containing the facts and circumstances of the case that led the officer to believe that referral to Juvenile Intake was appropriate. The case IBR status shall be marked "**CLOSED/CLEARED,**" and the disposition should be "**CLOSED BY ARREST.**" An arrest record shall be completed to document the arrest with a disposition of "**REFERRED TO OTHER AUTHORITIES.**" The arrest type field shall be "**SUMMONED/CITED.**" Officers must also complete a Law Enforcement Referral for Juvenile Offender form.
3. Juvenile Intake will notify seeking officers about the juvenile's eligibility for AAP and, if eligible, make the appropriate referral. Officers are not required to attend AAP meetings, however, their attendance is encouraged and authorized per the [Code of Virginia](#) to provide pertinent information to those responsible for the meetings, to include providing incident reports, photographs, verbal statements, or other case-related information, and officers shall cooperate with AAP staff or other county agency requests as needed to ensure diversion efforts are productive. Attendance at AAP

meetings when the officer is off duty is considered to be court overtime.

4. Where a juvenile offender fails to participate in or complete court-ordered diversion, the case will be returned to Juvenile Intake where the officer may be directed to pursue criminal charges. If the juvenile offender fails to meet criteria for diversion, Juvenile Intake will issue a petition. Where this occurs, officer shall complete a supplement to the original incident report detailing any relevant information pertaining to the issuance or refusal of issuance by the intake officer of the petition, any charge(s) placed, and the court date. The case disposition shall remain **"CLOSED/CLEARED-CLOSED BY ARREST,"** regardless of the determination by the intake officer.
 5. **CCRE Offenses:** For CCRE offenses, the officer shall complete a summons and appropriate fingerprint cards and photographs. A summons is not required to be issued to the juvenile for non-CCRE reportable offenses.
- G. **Immediate Custody:** Officers who take juveniles into immediate custody shall either (1) transport the juvenile without delay to meet with an Intake Officer (during normal business hours) or the Juvenile Detention Center when Central Intake is closed, (2) or released to a parent or legal guardian whenever appropriate under the circumstances.
1. The officer shall provide either an oral or written statement of the reason(s) the juvenile was taken into custody to the parent or otherwise responsible adult and inform the intake officer of whether that person has received notice of the juvenile's arrest. Where notice cannot be given prior to transporting the juvenile to Juvenile Intake, repeat attempts shall be made by assisting officers and Juvenile Intake may also make attempts to contact the juvenile's parent(s) or legal guardian(s). Once placement is determined, the officer should ensure the intake process is completed and the juvenile is served with a copy of the detention order, warrant, shelter care order, or capias.
 2. **Documentation:** Officers shall complete an incident report in the current RMS documenting the facts and circumstances of the arrest. The case IBR status shall be **"CLOSED/CLEARED,"** and disposition should be **"CLOSED BY ARREST."** An arrest record shall be completed to document the arrest with a disposition of **"REFERRED TO OTHER AUTHORITIES."** The Arrest Type Field shall be **"ON-VIEW ARREST."**
 3. **CCRE Offenses:** For CCRE offenses, the officer shall complete a summons and appropriate fingerprint cards and photographs.
- I. **Wanted Juveniles:** Officers who encounter juveniles with outstanding warrants, detention or shelter care orders, or capias, shall follow proper verification, confirmation, and location of the paperwork, processes through DPSC. Upon receiving confirmation, officers should follow all procedures listed above in

Subsection G, Immediate Custody. In these cases, the arrest type field shall be listed as **"TAKEN INTO CUSTODY."**

- J. **Escapee Procedures:** Officers who encounter juveniles who have escaped from a jail, detention home, or other facility they were placed in by virtue of court order, Child Protective Services (CPS) determination, or other licensed child welfare agency shall take the juvenile into custody immediately. The officer shall then verify if a Shelter Care or Detention Order, or *capias* was issued prior to returning the juvenile to the same facility from where they fled in order to confirm that the juvenile is still required to return to the original facility. If the juvenile is not to be returned to the original facility, the officer shall contact the Intake Officer of the court who will determine placement.

VII. STATUS OFFENSES

- A. **Runaway/Missing Juveniles:** In accordance with [FCPD General Order 527](#), Missing Persons, officers shall treat any missing or juvenile complaint as time-sensitive and make diligent efforts to locate the juvenile. Complainants are not required to wait for a designated amount of time for the juvenile to return before they can make a report.

1. Complaints shall be accepted whenever the missing juvenile is:

- a. Domiciled in Fairfax County, even when missing in another jurisdiction.
- b. A suspected victim of criminal acts occurring or originating in Fairfax County.
- c. Being sought by another law enforcement agency and that agency requests assistance from the Department.
- d. Last seen or known to be in Fairfax County and the jurisdiction from which the juvenile disappeared refuses or is incapable of investigating the case.

2. Officers taking initial reports shall:

- a. Review and investigate the facts and circumstances to ensure the juvenile's disappearance appears to be voluntary.
- b. Immediately notify a supervisor where the juvenile (1) meets criteria for being classified as endangered, (2) is under the age of thirteen, (3) left under circumstances that do not appear to be voluntary, or (4) any other reason the officer feels to be significant. Upon being notified, supervisors shall assess the proper course of action, any needed resources, and notify the (1) district station commander or staff Duty Officer and (2) DPSC. Notified commanders and supervisors shall assess what resources

beyond patrol (ex: K9, Helicopter, Search and Rescue) are needed and if the Major Crimes Bureau (MCB) should be requested to respond. Where MCB is not called out, the MCB-Missing and Exploited Persons Squad supervisor, or on-call MCB supervisor (if after hours), shall be notified.

- c. Complete a [Virginia Missing Children Information Clearinghouse Report \(SP-183\)](#), have the completed form signed by the complainant, and attach the form to the incident report in PDF format.
 - d. Per the [Code of Virginia](#), officers who take initial reports of runaway or missing juveniles shall contact the DSPC Teletype Section promptly, but no later than within two hours of receipt of the report. The officer shall fax the completed SP-183 to Teletype and personally call to verify the form has been received and the juvenile will be entered into NCIC/VCIN. The Teletype message number generated by the Teletype Section shall be entered into the incident report and written on the SP-183. If NCIC/VCIN entry is not possible prior to submission of the incident report, this shall be noted in the narrative.
 - e. Obtain a recent photograph of the missing juvenile whenever available.
 - f. Broadcast a local lookout for the missing juvenile and notify or request other jurisdictions to check possible locations where the juvenile is believed to have gone.
 - g. Unless otherwise directed by a supervisor or assigned MCB detective, follow up on any possible leads discovered at a later time.
3. **Documentation:** Officers shall complete an incident report in the current RMS with the following requirements:
- a. Where the juvenile's disappearance appears to be voluntary, the event type shall be classified as **"SERVICE-RUNAWAY JUVENILE."** Officers shall list the runaway juvenile as an **"OFFENDER/ARRESTED (OF)"** in the report and do not need to list a victim.
 - b. Where the juvenile's disappearance appears to be involuntary, suspicious, or the juvenile is endangered, the event type shall be classified as **"SERVICE-MISSING JUVENILE."** Officers shall list the missing juvenile as **"INVOLVED, OTHER (IO)"**
 - c. No other events may be added to Runaway or Missing juvenile reports. Upon return of the juvenile, the case shall be closed as a service.
4. **Investigative Responsibility:** MCB-Missing Persons Squad shall have investigative responsibilities for all missing and runaway juveniles. Officers

taking initial reports shall TOT the incident report, the SP-183, and the juvenile's photograph to MCB-Missing Persons Squad via interoffice mail.

- B. **Taking a Runaway Into Custody:** Where probable cause exists that a juvenile has run away from home, officers shall take the juvenile into custody and verify their runaway status. Officers may then release the juvenile to a parent, guardian, or legal custodian, unless a detention or shelter care order is on file.
1. **Local Runaways:** Officers shall notify Teletype of the juvenile's apprehension for removal from NCIC/VCIN and cancel any lookouts generated. Officers shall complete a supplement to the original incident report (or create a new incident if one does not already exist) and forward the case to MCB-Missing Persons squad for closure. MCB-Missing Persons shall generate the arrest module for confirmed runaways.
 2. **Other Jurisdiction Runaways:** Officers shall complete an incident report in the current RMS with the event of "**SERVICE-POLICE SERVICE**," and forward the report to MCB-Missing Persons Squad for informational purposes. Officers must also notify Teletype of the apprehension for notification to the originating jurisdiction.
 3. **Truancy:** Where custody is assumed over a juvenile reported truant by school officials, or an officer reasonably believes a juvenile to be truant, the juvenile shall be transported to appropriate school personnel and released. Officers shall complete an incident report or field contact which includes the name of the individual who notified the parent or legal guardian of the truancy and to whom the juvenile was released to.

VIII. SPECIAL SITUATIONS

- A. **Abused or Neglected Children:** Officers shall process cases involving abused or neglected juveniles in accordance with [FCPD General Order 608](#), Assistance to Abused or Neglected Children.
- B. **Domestic Violence:** Officers shall process cases involving juveniles suspected of committing domestic assault in accordance with [FCPD General Order 602](#), Domestic Incidents and Protective Orders. Where probable cause for arrest of a juvenile for domestic assault exists, officers should contact Juvenile Intake prior to establishing custody to determine if the juvenile is eligible for diversion. If the juvenile may be safely kept at home, the officer does not need to transport them to Juvenile Intake and a complaint can be submitted to Intake once the report is complete. If the juvenile cannot be safely maintained at home, and there are no alternatively appropriate placements available (ex: family, friend, neighbor, etc.), the juvenile shall be brought to Juvenile Intake.
1. **Custodial Arrests:** Where custodial arrests occur, officers shall explain to

the juvenile's parent or legal guardian the process for domestic violence cases and direct them to follow or meet the officer at Juvenile Intake. Officers should then transport the juvenile to Juvenile Intake where they will be screened for diversion eligibility or potential return to the home. Juveniles who are eligible for diversion, but who cannot be safely returned back to the home, will have the option to be placed in Respite at Shelter Care. Juveniles who are not eligible for diversion will be issued a petition and either return home, be taken to alternative placement, or kept at Shelter Care or Detention.

- C. **Alcohol-Related Offenses**: Officers may utilize a Virginia Uniform Summons for alcohol-related offenses if a parent or legal guardian is available to sign the summons. Any officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile as well as the parent or legal guardian requiring them to appear with the juvenile before the court. A Notice of Right to Consideration for Diversion form must also be served on the juvenile, along with a summons, or the court will dismiss the summons without prejudice.
- D. **Marijuana Offenses**: Individuals under the age of 21 are prohibited from possessing or attempting to consume or possess marijuana or marijuana products. Individuals between 18-21 years of age may be released upon a summons and subject to civil penalty, however, actions for juvenile possession of marijuana must be initiated by petition per the [Code of Virginia](#). Officers should determine whether the offense constitutes a felony or misdemeanor offense and follow proper procedures. For civil offenses where a juvenile does not meet criteria for a "child in need of services" case, parents or legal guardians should be contacted prior to release of the juvenile. These cases may be handled informally or sought by requesting petition through Juvenile Intake.

IX. FINGERPRINTS AND PHOTOGRAPHS

- A. Per the [Code of Virginia](#), juvenile fingerprints and photographs may be taken and filed in whenever a juvenile is charged with a delinquent act, which, if committed by an adult would [have to be reported to Central Criminal Records Exchange \(CCRE\)](#). In these instances, officers shall adhere to the following procedures:
1. Complete one CCRE form for each reportable offense. Full fingerprints shall be taken on all subsequent forms where multiple charges are placed.
 2. Send the original page one of the CCRE form (white copy) to NOVARIS via interoffice mail and retain the remainder CCRE pages (second and third pages) to provide to Juvenile Intake if obtaining a petition. Juvenile Intake will forward the CCRE to the Clerk of the Juvenile Court if a petition is issued.
 3. Where a juvenile is released to their parent or a responsible adult, the juvenile must sign their name in the CCRE "Signature of Person Fingerprinted" block. The parent or responsible adult must sign below the juvenile's name and print

their name below the signature, and a photocopy of the first page of the CCRE must be provided to the accepting adult.

4. Where a petition is denied, the officer shall write “**PETITION DENIED**” in all-capitalization lettering across page two of the CCRE. Pages two and three of the CCRE shall then be sent to NOVARIS for destruction.
5. Complete one FBI fingerprint card and one palm print card (for felonies only) and send the cards to NOVARIS via county interoffice mail.
6. Case numbers should be entered on all documents in the appropriate blocks.
7. **Photographs:** Arrest photographs must be taken by officers at Juvenile Intake with the provided camera. Officers must use the photo board provided, which should have “**JUV**” written in the top corner. Officers must write the juvenile’s name, date of birth, and date of arrest on the board in the provided locations. Once the photograph is taken, the picture should be left on the camera in Juvenile Intake for a MCB detective to download and file.

- B. **Physical Samples:** Physical samples (ex: blood, hair, urine, nails, breath, stomach contents, handwriting, etc.) may be taken from a juvenile for identification purposes only after the seeking officer has conferred with both the Juvenile Court and Office of the Commonwealth’s Attorney for advice and assistance on proper procedures for obtaining such samples. DNA samples are processed in similar methods as adults after commission of certain criminal acts.

X. DISSEMINATION AND RETENTION OF FINGERPRINT CARDS AND PHOTOGRAPHS

- A. Dissemination and retention of juvenile records, to include fingerprint cards and photographs, is the sole responsibility of NOVARIS.
- B. Fingerprint cards and photographs shall be destroyed if no petition or warrant is filed within sixty (60) days against a juvenile whose fingerprints and/or photograph has been taken in connection with an alleged violation of law, or within six (6) months of a juvenile or circuit court’s finding that a juvenile is not guilty of a violation of the law pursuant to court order.
- C. As juvenile fingerprint cards and photographs that are authorized for retention are maintained separately in NOVARIS, and access is restricted to official use only. The public and other law enforcement agencies may only access these materials pursuant to court order in accordance with the [Code of Virginia](#).

XI. CONFIDENTIALITY AND RELEASE OF JUVENILE RECORDS OR INFORMATION

- A. Officers shall take special precautions to ensure law enforcement records pertaining to a juvenile are protected against disclosure to any unauthorized person and may only be destroyed via court notification per the [Code of Virginia](#).
- B. Officers may release upon request, to themselves and other local, state and/or federal law enforcement officers for current investigatory purposes only, information on juvenile arrests that are limited to name, address, physical description, date of arrest, and charge(s).
- C. All public release of information on a juvenile, to include the media, shall be conducted in accordance with [FCPD General Order 402](#), Release of Information.

XII. LEGAL REFERENCES

- A. [Va. Code Ann. §4.1-1100](#), Possession, etc., of marijuana and marijuana products by persons 21 years of age or older lawful; penalties.
- B. [Va. Code Ann. §4.1-1105.1](#), Possession of marijuana or marijuana products unlawful in certain cases; venue; exceptions; penalties; treatment and education programs and services.
- C. [Va. Code Ann. §4.1-1109](#), Consuming or possessing marijuana products in or on public school grounds; penalty.
- D. [Va. Code Ann. §4.1-1112](#), Limitation on carrying marijuana or marijuana products in motor vehicle transporting passengers for hire; penalty.
- E. [Va. Code Ann § 15.2-1718](#), Receipt of missing child reports.
- F. [Va. Code Ann. § 16.1-227](#), Purpose and Intent.
- G. [Va. Code Ann. § 16.1-228](#), Definitions
- H. [Va. Code Ann. § 16.1-246](#), When and how child may be taken into immediate custody.
- I. [Va. Code Ann. § 16.1-247](#), Duties of person taking child into custody.
- J. [Va. Code Ann. § 16.1-256](#), Limitations as to issuance of warrants for juveniles; detention orders.
- K. [Va. Code Ann. § 16.1-260](#), Intake; petition; investigation.
- L. [Va. Code Ann. § 16.1-299](#), Fingerprints and photographs of juveniles.

- M. [Va. Code Ann. § 16.1-301](#), Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.
- N. [Va. Code Ann. § 16.1-306](#), Expungement of court records.
- O. [Va. Code Ann. § 16.1-340](#), Emergency custody; issuance and execution of order.
- P. [Va. Code Ann. § 19.2-81](#), Arrest without warrant authorized in certain cases.
- Q. [Va. Code Ann. § 22.1-266](#), Law-enforcement officers and truant children.
- R. [*Miranda v. Arizona*, 384 U.S. 436 \(1966\)](#).
- S. [*Grogg v. Commonwealth*, 6 Va. App. 598 \(1988\)](#).

General Order 610 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive