


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: JUVENILE PROCEDURES		NUMBER: 605.0
	EFFECTIVE DATE: 06/01/2017	REVIEW: Annually - June	
	TOPIC: PURPOSE AND POLICY		
RESPONSIBLE ENTITY: School Liaison Commander			
ACCREDITATION STANDARDS	CALEA: N/A		<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised
	VLEPSC: ADM: 02.03 OPR: 04.01, 04.02		


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 Fairfax County Police Department's interests concerning juvenile offenders reflect those of the community. The Department 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 the proper handling of juveniles charged with crimes. The best interests of juveniles and the community, however, dictate a limited application of arrests of juveniles who commit status offenses. Accordingly, officers are encouraged to handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor, non-violent criminal offenses, in lieu of criminal prosecution. The authority to carry out the provisions of this order derive from Va. Code Ann. §§ 16.1-246, 16.1-247, 16.1-299, and 16.1-301.

The School Liaison Commander shall be responsible for the updates to this policy, as needed, and will be the point of contact for questions or issues regarding this.

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	<p>EFFECTIVE DATE: 06/01/2017</p>	<p>REVIEW: Annually - June</p>	
	<p>TOPIC: DEFINITIONS</p>		
<p>RESPONSIBLE ENTITY: School Liaison Commander</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 44.2.2</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised</p>
	<p>VLEPSC OPR: 04.03</p>		


I. DEFINITIONS

- A. 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.
- B. 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 juvenile or another person.
- C. Child in Need of Supervision: A juvenile who meets one of these criteria: A juvenile subject to mandatory school attendance, is habitually absent without valid excuse.
- 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
- D. Delinquent Acts: Acts designated as crimes 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 status offenses.
- E. Detention Order: A commitment order issued by a judge, intake officer or magistrate requiring the juvenile to be taken into immediate custody.
- F. 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 Va. Code Ann. §16.1-228.
- G. 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


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cases. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

- H. Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is 18 years of age or older and responsible for the physical custody of a juvenile, or who is another adult acquaintance of the juvenile's parents or legal guardian and agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, guardians or next of kin can assume responsibility.
- I. Restorative Justice: A principle of criminal justice that focuses on repairing harm to victims, while ensuring offender rehabilitation through reconciliation., Ideally, such a program would transform people, relationships, and communities. The Alternative Accountability Program (see 605.4, section I, C, 3) is a form of restorative justice.
- J. 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.
- K. Secure Detention: Physical detention or confinement of a juvenile in law enforcement custody 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.
- L. Shelter Care: The temporary care of juveniles in physically unrestricting facilities.
- M. Shelter Care Order: A commitment order issued by a judge, intake officer or magistrate placing a juvenile in a shelter care facility.
- N. Status Offender: In accordance with Va. Code Ann. § 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)

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- O. Warrant: A legal document accusing a person of committing a crime, 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.

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	<p>EFFECTIVE DATE: 06/01/2017</p>	<p>REVIEW: Annually - June</p>	
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<p>RESPONSIBLE ENTITY: School Liaison Commander</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 1.2.5, 1.2.6, 1.2.7, 44.1.2, 44.1.1, 44.1.2, 44.2.1, 44.2.2, 44.2.3</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised</p>
	<p>VLEPSC OPR: 04.01, 04.02, 04.03, 07.03, 08.07</p>		


I. 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 juveniles 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 juveniles. Officers shall set examples for juveniles within the community. Officers shall not engage in activities or encourage juveniles 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 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.

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


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inflexible, and may result in the juvenile's complete rejection of lawful authority. See Va. Code Ann. § 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:
 - Seriousness of offenses
 - Prior record of juvenile
 - Juvenile's age
 - Cooperation and attitude of all parties (juvenile, parent, victim)
 - Likelihood of the offense being repeated
 - Degree of wrongful intent, violence, premeditation, knowledge of violation
 - Likelihood that the juvenile or parent can be successfully referred to a social service agency

C. Informal Handling

1. Informal handling includes the officer's use of the following measures:
 - a. Warning or oral counseling and releasing of the juvenile 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 their contact with the police

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d. Referring the family to a community social service agency

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 juvenile before the juvenile court and the officer believes the matter should be handled informally, the officer shall contact the intake officer for assistance
- c. The juvenile has all the constitutional rights that an adult would have in the same situation
- d. 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
- e. The officer shall ensure that the parents are notified how the juvenile was handled informally

3. Sample offenses for informal handling:

Generally, the first instance of the following types of offenses should be handled informally; however, the list is not inclusive of all offenses, so officers shall use good judgment in assessing the situation.

- Annoying telephone calls
- Drunkenness
- Noise ordinance violation
- Disorderly conduct
- Other minor offenses

D. Formal Handling


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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:
 - Delinquent acts that, if committed by an adult, would be a felony crime against a person. Felony property offenses (e.g., burglary, grand larceny, destruction) may be handled informally at Central Intake
 - Delinquent acts involving weapons
 - Delinquent acts committed by juveniles under probation or parole

E. Taking a Juvenile into Immediate Custody

In accordance with Va. Code Ann. § 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 juvenile is alleged to be in need of services or supervision, and:
 - a. There is clear and substantial danger to juvenile's life or health; or
 - b. Custody is necessary to insure the juvenile's appearance before court
4. When, in the arresting officer's presence, a juvenile 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 juvenile has committed an offense, which, if committed by an adult, would be a felony.
6. When a juvenile has committed one of the following misdemeanor offenses:
 - a. Shoplifting in violation of Va. Code Ann. § 18.2-103
 - b. Assault and battery

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- c. Carrying a weapon on school property in violation of Va. Code Ann. § 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 juvenile 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 concludes that there is a clear and substantial danger to the juvenile'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 juvenile has run away from a residential facility, juvenile -caring facility or home where he or she had been placed by the court or an appropriate social services agency.
10. The juvenile is believed to be in need of inpatient treatment for a mental illness episode (Va. Code Ann. § 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 a juvenile, detain them 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


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adult that the juvenile is in custody and the place where he is being held, was transported or temporarily detained.

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


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The Court of Appeals of Virginia in *Grogg v. Commonwealth*, 6 Va. App. 598 (1988), held that, while it is desirable to have a parent, counsel, or other interested adult or guardian present when the police interrogate a juvenile (and even more so if a juvenile waives fundamental constitutional rights and confesses to a serious crime) the mere absence of a parent or counsel does not necessarily render a waiver invalid. The absence of either parent or counsel is a factor to be considered within the totality of the circumstances when determining whether or not a waiver is both knowing and intelligent, and is weighted against the admissibility of the confession.

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 juvenile 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.
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

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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 take reasonable steps 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 they have contact with a juvenile. 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.
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.

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

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RESPONSIBLE ENTITY: School Liaison Commander			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised
ACCREDITATION STANDARDS	CALEA: N/A		
	VLEPSC: N/A		


I. JUVENILE INTAKE

A. Juvenile Intake will only detain a juvenile in the following situations:

- The juvenile is a danger to his/her self, *or*
- The juvenile is a danger to others or property, *or*
- The juvenile is a flight risk, or has violated previously imposed conditions of release and the officer is unable to locate the parent or guardian, *or*
- The juvenile has committed a felony against a person (malicious wounding, robbery, assault on law enforcement officer, etc.)

B. 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 Road, Suite 104
 Fairfax, VA 22030
- **Juvenile Detention Center:**
 2400 to 0700 hours Monday through Friday
 All day on weekends and holidays, and during inclement weather or another disaster that would result in Central Intake's closure.
 703-246-2884 or 703-246-2801
 10650 Page Avenue
 Fairfax, VA 22030

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- **North County Office:**
0800 to 1600 hours Monday through Friday
703-481-4014
1850 Cameron Glen Drive, 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


C. Information required to file for petitions:

1. Involved juvenile's information:

- Full legal name (no nicknames)
- 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)

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- 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?

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

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- 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 at 703-278-9339. These requests are usually completed within 48 hours
 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
 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. 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; however, parents may file in cases of unauthorized use of a vehicle by their juvenile, and a loss-prevention officer may file in cases of grand larceny or possession of burglarious tools.


E. 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 about the intake officer, but to better facilitate an understanding about the situation between the officer and the intake officer.

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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

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	<p>TOPIC: CUSTODY & ARREST SITUATIONS</p>			
<p>RESPONSIBLE ENTITY: School Liaison Commander</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised</p>		
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I. CUSTODY AND ARREST SITUATIONS

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.


A. Voluntary 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 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** in the Records Management System (RMS).
3. No arrest record is required to be completed in the RMS in this situation.
4. A summons is not issued to the juvenile or parent in these situations.

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C. Juvenile Diversion (Department Referral)

The Juvenile Court offers three distinct forms of diversion: Diversion hearings, monitored diversion, and restorative justice. Each holds the juvenile accountable for their actions as well as offers services that may benefit the juvenile and their family. The goal is to decrease the chance of the juvenile returning to court. The juvenile must be a first-time offender and acknowledge their involvement for a case to be diverted, and diversion is voluntary. If the involved juvenile chooses not to participate in diversion, but instead wants to go to trial, a petition will be issued.

An officer may opt to refer a juvenile for diversion assessment in certain circumstances. Subsequently, Juvenile Intake may request officers attend diversion proceedings. Officers shall cooperate with court services in these instances.


Those juveniles referred for diversion will be given two assessments by Intake personnel to determine their eligibility, risk level and appropriate type of diversion. Juveniles deemed “moderate risk” receive diversion hearings or, if more assistance is necessary, monitored diversion. All juveniles deemed “high risk” receive monitored diversion.

1. Diversion Hearing

The juvenile and parent or legal guardian are required to appear before the Hearing Officer, who will issue a sanction. The juvenile will have 90 days to comply with the sanction. If they comply and commit no other offenses, the case will be closed at the end of the 90 days. Diversion records are maintained until the individual turns 21 years of age, at which time the complaint will be removed from the Court Services Unit (CSU) record. If the juvenile fails to comply with the sanction 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 are that no formal criminal charges are placed; no finding of delinquency on the juvenile’s court record; the process is quicker for all parties; there is no need to present evidence; and attorneys are not required to be present but may attend with limited involvement.

The possible sanctions that a juvenile may receive from the Hearing Officer are based on the risk factors identified in the screening assessment. As a result, the sanction may not directly correlate to the offense (other than for arson) and may include performing community service; STOP (Shoplifter

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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, status offenses, 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 sanction 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 commits no further infractions, the case is closed at the end of the diversion period and the complaint is removed from the Court Services Unit record at age 21.

For Diversion Hearings and Monitored Diversion, the referral should be based on the following profile of the offender:

- The juvenile is 10 to 17 years of age.
- No prior finding of delinquency or oral counseling record (special cases are considered).
- Misdemeanor criminal offenses and some non-violent felonies (special cases are considered).
- The juvenile must not dispute guilt.
- The juvenile has not previously participated in a diversion program within the County.

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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.

An officer who comes into contact with a juvenile for an offense which the officer believes that diversion is appropriate shall:

- Notify the parent or legal guardian that the juvenile may be a candidate for the juvenile diversion program and that the referral will be made to Central Intake. Inform the parent or legal guardian that they will be contacted by an intake officer with the Fairfax County Juvenile and Domestic Relations Court, and if they do not respond, the original charge will be pursued in court.
- A summons is not issued to the juvenile or parent in these situations.
- 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 IBR status should be **CLOSED/CLEARED**, and the disposition should be **CLOSED BY ARREST** in the RMS.
- The arrest module in the RMS shall be completed to document the arrest of the juvenile. The disposition of the arrest should be **REFERRED TO OTHER AUTHORITIES**. The officer should enter **DIVERSION** in the Summons # field of the arrest record to indicate that this charge was submitted for diversion. The Arrest # field should be left blank.
- In the RMS, send a link from the incident report to **ROLES, In Box – SROs**. The subject of the link shall include the text of “Juvenile Diversion”.

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- In a situation where the juvenile does not successfully complete the program, Juvenile Intake will notify the referring officer who shall then submit a supplemental incident report to document any further actions taken by that officer. The case status and disposition should also be updated, as appropriate, according to 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 in I/LEADS to document the arrest.


3. Restorative Justice – Alternative Accountability Program

The Alternative Accountability Program (AAP) is based on the principles of restorative justice. AAP is a collaborative effort between the Fairfax County Police Department (FCPD), Fairfax City Police Department (FPD), Fairfax County Public Schools (FCPS), the Fairfax County Juvenile and Domestic Relations District Court (JDRDC), Fairfax County Department of Neighborhood and Community Services (NCS), and Northern Virginia Mediation Service, Inc. (NVMS). This program is enabled by a Memorandum of Understanding (MOU) among the aforementioned entities. The MOU has a term of one year and is reviewed annually in June for renewal. The School Liaison Commander shall be responsible for the updates of the MOU, as needed, and will be the point of contact for questions or issues regarding this program.

The purpose of the AAP is to afford juvenile offenders suspected of certain criminal offenses the opportunity to participate in an alternative diversion program in lieu of criminal prosecution. AAP has been designed with the intent to

- Provide victims with an opportunity to be actively involved in the resolution of their case,
- Reduce the rate of recidivism with young offenders, and
- Reduce the disparate rate of minority offenders from entering the juvenile justice system.

By doing so, first-time juvenile offenders are held accountable for their actions by repairing the harm done while avoiding formal criminal

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proceedings.

When an officer investigates or witnesses a criminal violation committed by a juvenile, the officer will have the opportunity to seek AAP as an alternative to criminal prosecution of the offense. Officers can do so via the following procedure:


a. Determine Eligibility

Contact Juvenile Intake (703-246-2495) to determine the juvenile's eligibility for AAP.

Only first-time juvenile offenders are eligible for the AAP. Minor offenses (such as tobacco, or minor drug offenses) should not be considered for the AAP, as other alternatives already exist for addressing such violations. Traffic offenses are excluded from the AAP, because they are DMV reportable. The following criminal offenses (felony or misdemeanor) may be suitable for the AAP:

- Assault (non-domestic and misdemeanor only)
- Check/Credit Card Fraud
- Destruction of Property
- Disorderly Conduct
- Larceny
- Shooting/Throwing a Missile
- Vehicle Tampering
- Telephone Abuse/Computer Harassment
- Unlawful Entry
- Unlawful Video Taping/Photography

This list is not inclusive of all charges eligible for the AAP. If an officer encounters a case they believe may be appropriate for the AAP, they are encouraged to consult with a Juvenile Intake officer for possible

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referral.


b. Reporting Requirements

The following information is necessary for proper processing through Juvenile Intake and should be included at the conclusion of the narrative of the incident report:

- Parents name(s) – both, if available, and their contact information
- Note whether the victim wishes to cooperate in the AAP in lieu of prosecution. The victim's willingness to cooperate will not dictate whether diversion occurs
- The specific charge(s) for which the officer is seeking diversion
- The name of the school the offender attends
- For offenses occurring on school property or during school events, list the name of the school administrator who the officer spoke to during the investigation of the incident
- The specific charge(s) for which the officer is seeking diversion
- The name of the school the offender attends
- For offenses occurring on school property or during school events, list the name of the school administrator who the officer spoke to during the investigation of the incident.


A summons is not issued to the juvenile or parent in these situations.

- 1) 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 IBR status should be **CLOSED/CLEARED**, and the disposition should be **CLOSED BY ARREST** in the RMS.
- 2) The arrest module in the RMS shall be completed to document the arrest of the juvenile. The disposition of the arrest should be **REFERRED TO OTHER AUTHORITIES**. The officer should enter **AAP** in the Summons # field of the arrest record to indicate that this

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charge was submitted for diversion. The Arrest # field should be left blank.

- 3) In the RMS, send a link from the incident report to **ROLES, In Box –SROs**. The subject of the link shall include the text of “Juvenile Diversion”.
- 4) The officer will complete an AAP referral form and email the form along with the incident report and any other associated case reports and information to Juvenile Intake at the following email address: JDRDC-RJDROPOBOX@fairfaxcounty.gov. In the text of the email, it should be clear that the officer is seeking AAP diversion of the juvenile offender.
- 5) Should an officer encounter a first-time juvenile offender, and the officer opts not to use AAP as a diversion, the officer shall document the reasons for such in the narrative of their report.
 - c. Upon receipt of the email and review of the information, Juvenile Intake will make a determination based on the facts of the case. This will include a review of the prior record of the offender in determining eligibility for the AAP.
 - d. If the offender is eligible for AAP diversion, the officer will be notified, and Juvenile Intake will forward the AAP referral form to NVMS.
 - e. If the offender is not eligible for diversion, the officer will be notified by Juvenile Intake. The incident report shall be reopened and the officer will proceed with the criminal complaint.
 - f. While officers are not required to attend the AAP conferences or meetings, they shall share all necessary and pertinent information with those who are responsible for such conferences and meetings. This includes providing incident reports, photographs, verbal information, or other relevant case related documentation as necessary. The sharing of such information is authorized by Va. Code Ann. § 16.1-301 paragraph G.
 - g. Once NVMS receives an AAP case, they may contact the investigating officer for additional information. Officers shall cooperate with NVMS staff to ensure that the diversion program is successful. While the officer is not required to attend the AAP diversion meeting,

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they are encouraged to do so as their attendance could prove beneficial to the process.


- h. An officer's attendance at or preparation for an AAP conference or meeting while that officer is off-duty is considered court overtime.
- i. Should the juvenile offender fail to participate in or complete the AAP, the case will be returned to Juvenile Intake. Upon being notified of this by Juvenile Intake, the investigating officer may be directed to pursue criminal charges.
- j. Supervisor Responsibility

First-line supervisors are to review all police reports involving juvenile offenders. For cases where the AAP is not being sought, the supervisor shall inquire of the officer as to their reasons for not seeking diversion. Supervisors shall ensure those reasons are documented in the narrative of the report. The purpose for this is to ensure a fair and consistent use of the AAP for those juvenile offenders who are eligible.

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. A summons is not required to be issued to the juvenile or parent in these situations.
3. 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 IBR status should be **CLOSED/CLEARED**, and the disposition should be **CLOSED BY ARREST** in the RMS.
4. The arrest module in the RMS shall be completed to document the arrest of the juvenile. The disposition of the arrest should be **HANDLED WITHIN DEPARTMENT**. The officer should enter **ORAL_COUN** to indicate that this charge is an oral counseling. The Arrest # field should be left blank.

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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 Va. Code Ann. § 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 Va. Code Ann. § 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.
 - 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 juvenile parents within five days after the issuance of the summons.


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- Possession of marijuana: Refer to section VIII, C for preferred handling of these cases.
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. 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 IBR status should be **CLOSED/CLEARED**, and the disposition should be **CLOSED BY ARREST** in the RMS.
 5. The arrest module in the RMS shall be completed to document the arrest of the juvenile. The disposition of the arrest should be **REFERRED TO OTHER AUTHORITIES**.
 6. 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 accordance with the Report Writing Manual.

F. 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 containing all details relating to the facts that led the officer to seek a petition. The case IBR status should be **CLOSED/CLEARED**, and the disposition should be **CLOSED BY ARREST** in the RMS.
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

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disposition will remain **CLOSED/CLEARED – CLOSED BY ARREST**, regardless of the outcome with the intake officer.

5. The arrest module in the RMS shall be completed to document the arrest of the juvenile. The disposition of the arrest should be **REFERRED TO OTHER AUTHORITIES**. The officer should enter **PETITION** to indicate that the juvenile will be issued a petition for this charge. The Arrest # field should be left blank.
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 General Order 605.7.

G. Immediate Custody

Juveniles may be taken into immediate custody according to the provisions of General Order 605.2, I, E. In 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 IBR status should be **CLOSED/CLEARED**, and the disposition should be **CLOSED BY ARREST** in the RMS.

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5. An arrest record for the juvenile shall be completed in the RMS at the time the juvenile was taken into custody to document the arrest. The disposition of the arrest should be **REFERRED TO OTHER AUTHORITIES**. The Arrest Type field should be **TAKEN INTO CUSTODY**.
6. For CCRE offenses, the officer shall complete a summons and the appropriate fingerprint cards and photographs outlined in General Order 605.7.

H. 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.

I. 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.

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	EFFECTIVE DATE: 06/01/2017	REVIEW: Annually - June	
	TOPIC: STATUS OFFENSES		
RESPONSIBLE ENTITY: School Liaison Commander			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised
ACCREDITATION STANDARDS	CALEA: 41.2.6, 44.2.2		
	VLEPSC OPR: 04.03		

I. 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
- 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 juvenile 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 juvenile did not leave voluntarily, or for any other reason the officer feels is significant

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- 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 Department of Public Safety Communications (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 Criminal Investigations Bureau (CIB) General Investigations 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 RMS 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 Va. Code Ann., § 15.2-1718. The 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 juvenile 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

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- 1) The event type will be classified the RMS 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.
- 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 General Investigations 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 juvenile 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 General Order 605.4, I, H.
3. Local Runaways.

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- 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 General Investigations Squad for case closure
 - b. The CIB General Investigations 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
 - d. The officer shall cancel all lookouts or electronic messages reference the missing juvenile
2. Other Jurisdiction Runaways
- a. The officer shall complete an incident report in the RMS with an event type of **SERVICE – POLICE SERVICE**. The report will be forwarded to CIB General Investigations Squad for information
 - b. The officer shall notify Teletype of the juvenile's apprehension for notification to the originating jurisdiction
3. Truant
- a. When custody occurs because a juvenile is a reported truant by school officials, or an officer reasonably determines because of the juvenile 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
 - b. 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

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	EFFECTIVE DATE: 06/01/2017	REVIEW: Annually - June	
	TOPIC: SPECIAL SITUATIONS		
RESPONSIBLE ENTITY: School Liaison Commander			
ACCREDITATION STANDARDS	CALEA: N/A		<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised
	VLEPSC: N/A		

I. 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 the process for these cases and direct them to follow or meet at Juvenile Intake:

- Juvenile will be transported to Juvenile Intake where they will be screened to determine eligibility for diversion and whether it is safe to return to the home
- Diversion-eligible juveniles who cannot safely be released back home will have the option of being placed in Respite at Shelter Care
- Juveniles who are not eligible for diversion will be issued a petition and either be returned home with parent/guardian, go to an alternative placement or be detained at Shelter Care or Detention

C. Possession of Marijuana

While a summons may be issued for possession of marijuana (Va. Code Ann. § 18.2-250.1), Central Intake prefers to receive complaint of such offenses directly from the officer. If a summons is issued by the officer in lieu of consulting with Intake, the officer is required to comply with Va. Code Ann. §

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16.1-260, H, 3, by releasing a juvenile to the custody of a parent or legal guardian; issuing a summons to the juvenile and also issuing a summons requiring the parent or legal guardian to appear before the court with the juvenile; *and* serve upon the juvenile written notice of the right to have the charge referred to Intake on a form DC-524, Notice of Right to Consideration of Diversion, as noted below.


Va. Code Ann. § 16.1-260, H, 3, states, “When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court [DC-524, Notice of Right to Consideration of Diversion] and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.”

Options for charging juveniles for possession of marijuana:

1. File for a petition directly through 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. Diversion eligibility is based solely on whether or not the juvenile has any prior criminal court involvement. If eligible and they admit guilt, the juvenile will be assessed and results will determine how the case will proceed. Juveniles deemed “low risk” get referred to either Community Services Board for mental health or substance abuse assessment or the Core Values seminar. “Moderate risk” assessment results in a diversion hearing or possibly monitored diversion. Juveniles deemed “high risk” receive monitored diversion.

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 an opportunity for a diversion hearing because of a failure to respond within five days to his notice.

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2. Summons

- Issue the juvenile a summons with a listed court date and release juvenile to the custody of a parent or legal guardian
- Issue a summons to the parent or legal guardian requiring them to appear before the court with the juvenile
- 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 Clerk's Office of the Juvenile and Domestic Relations Court will maintain the original summons and diversion notice. In order for the juvenile to exercise their right to consideration for diversion, they 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 an assessment appointment. 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 summons.

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.

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	SUBJECT: JUVENILE PROCEDURES		NUMBER: 605.7	
	EFFECTIVE DATE: 06/01/2017	REVIEW: Annually - June		
	TOPIC: FINGERPRINTS & PHOTOGRAPHS			
RESPONSIBLE ENTITY: School Liaison Commander		<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised		
ACCREDITATION STANDARDS	CALEA: 1.2.5, 82.1.2			
	VLEPSC ADM: 25.08			

I. FINGERPRINTS AND PHOTOGRAPHS


A. Va. Code Ann. §1 6.1-299 provides that fingerprints and photographs may be taken and filed under the following circumstances:

1. Any juvenile 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 juvenile fourteen years of age or older charged with a “violent juvenile felony” (per Va. Code Ann. § 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 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 Va. Code Ann. § 19.2-310.2:1, § 19.2-310.3:1, and § 16.1-299.1.

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

<p>FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p>GENERAL ORDER</p>	<p>SUBJECT: JUVENILE PROCEDURES</p>	<p>NUMBER: 605.7</p>
	<p>TOPICS: FINGERPRINTS & PHOTOGRAPHS</p>	

- 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 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.


FAIRFAX COUNTY POLICE DEPARTMENT	SUBJECT: JUVENILE PROCEDURES	NUMBER: 605.7
 GENERAL ORDER	TOPICS: FINGERPRINTS & PHOTOGRAPHS	

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 Criminal Investigations Bureau General Investigations Section detective to download and file in accordance with General Order 605.8.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: JUVENILE PROCEDURES		NUMBER: 605.8
	EFFECTIVE DATE: 06/01/2017	REVIEW: Annually - June	
	TOPIC: DISSEMINATION & RETENTION OF FINGERPRINT CARDS & PHOTOGRAPHS		
RESPONSIBLE ENTITY: School Liaison Commander			
ACCREDITATION STANDARDS	CALEA: 1.2.5, 82.1.2		<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised
	VLEPSC ADM: 25.03		


I. 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 Va. Code Ann. § 16.1-299.
- B. Fingerprint cards and photographs will be destroyed under the following circumstances, in accordance with Va. Code Ann. § 16.1-299 when:
 - 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 Va. Code Ann. § 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.

<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: JUVENILE PROCEDURES</p>		<p>NUMBER: 605.9</p>
	<p>EFFECTIVE DATE: 06/01/2017</p>	<p>REVIEW: Annually - June</p>	
	<p>TOPIC: CONFIDENTIALITY OF RECORDS & RELEASE OF INFORMATION</p>		
<p>RESPONSIBLE ENTITY: School Liaison Commander</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: 1.2.5, 82.1.2</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised</p>
	<p>VLEPSC ADM: 25.03</p>		

I. CONFIDENTIALITY OF RECORDS AND RELEASE OF INFORMATION

- A. Va. Code Ann. § 16.1-301 requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a juvenile 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 (Va. Code Ann. § 16.1-306).
- C. For release of juvenile information to the media, see General Order 401, Media Relations Bureau.


<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: JUVENILE PROCEDURES</p>		<p>NUMBER: 605.10</p>
	<p>EFFECTIVE DATE: 06/01/2017</p>	<p>REVIEW: Annually - June</p>	
	<p>TOPIC: LEGAL REFERENCES</p>		
<p>RESPONSIBLE ENTITY: School Liaison Commander</p>			
<p>ACCREDITATION STANDARDS</p>	<p>CALEA: N/A</p>		<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.2 <input type="checkbox"/> Revised</p>
	<p>VLEPSC ADM: N/A</p>		

I. LEGAL REFERENCES

A. Case Law

The U.S. Supreme Court stated in *Miranda v. Arizona*, 384 U.S. 436 (1966), that the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. Custodial interrogation includes questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. Procedural safeguards refer the warning of a defendant prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. This is commonly referred to as “Miranda rights” or a “Miranda warning.”

The Court of Appeals of Virginia in *Grogg v. Commonwealth*, 6 Va. App. 598 (1988), held that, while it is desirable to have a parent, counsel, or other interested adult or guardian present when the police interrogate a juvenile (and even more so if a juvenile waives fundamental constitutional rights and confesses to a serious crime) the mere absence of a parent or counsel does not necessarily render a waiver invalid. The absence of either parent or counsel is a factor to be considered within the totality of the circumstances when determining whether or not a waiver is both knowing and intelligent, and is weighted against the admissibility of the confession.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: JUVENILE PROCEDURES	NUMBER: 605.10
	TOPICS: LEGAL REFERENCES	

B. Virginia Code Annotated §§

15.2-1718
16.1-227
16.1-228
16.1-246
16.1-247
16.1-299
16.1-260
16.1-301
16.1-306
16.1-340
19.2-81
22.1-266


General Orders 605.0 through 605.10 become effective June 1, 2017, and rescind all previous rules and regulations pertaining to the subjects.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive