


LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL		
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Title: JUVENILE OPERATIONS		
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I. ADMINISTRATION

A. Organizational Commitment/Responsibility.

1. The Department is committed to the development, implementation and maintenance of programs designed to prevent and control juvenile delinquency. When possible, juveniles will be referred to organizations other than the formal juvenile justice system or the Juvenile Court's Informal Hearing Program, for non-serious or social problems. Parental notification/involvement shall be made in all cases involving juveniles. Both public and private social service agencies, school associations and components of law enforcement agencies may be more effective than the juvenile court in changing juvenile behavior. Solving individual and community problems with local resources is the goal and ambition of the Leesburg Police.
2. The Operational Support Section supervisor or designee will be responsible for designing and implementing programs intended to prevent and control delinquent and criminal behavior by juveniles.
3. All officers of the Department must participate in and support juvenile operations. It is imperative that officers closely monitor juvenile activities in the community and stay knowledgeable of services available to assist in solving the many problems faced by our juvenile population.
4. The Information Services Section supervisor shall ensure that a current list of agencies and telephone numbers is maintained in the Communications Section and is available to all officers. The list of agencies may include but is not limited to:
 - a. Child Abuse and Neglect Hotline
 - b. Al-anon and Alateen
 - c. Loudoun County Alcohol and Drug Services (ADS)
 - d. Loudoun County Mental Health Center
 - e. Alternative House
 - f. Juvenile Court Services
 - g. National Runaway Switchboard
 - h. Teen Walk-In Counseling
 - i. Child Protective Services
 - j. Other agencies or organizations as deemed appropriate

II. OPERATIONS

A. Alternatives to Prosecution.

1. Officers will use the least coercive action among reasonable alternatives, consistent with preserving the public safety, order, and individual liberty, when dealing with juvenile offenders. Officers seeking an alternative to Juvenile Court referral may, if they deem appropriate:

- a. Notify parent or guardian and release with no further action.
 - b. Release to a parent or guardian with a warning.
 - c. Release to a parent or guardian with a voluntary referral to a social services agency.
 - d. Release and contact Juvenile Court Services Unit for listing of alternative programs.
2. Officers should take into account the following variables when deciding whether to prosecute a juvenile:
 - a. Seriousness of the offense
 - b. Age of the juvenile
 - c. Criminal history of the juvenile
 - d. Availability of rehabilitation programs to the juvenile and the likelihood the juvenile would voluntarily participate in the program
 - e. Attitude of the victim or complainant concerning prosecution of the juvenile
 3. Juveniles are only taken into custody in accordance with the Code of Virginia, 16.1-246. When possible, summonses are utilized for notifications to appear in court. Other court notifications are issued by the Loudoun County Juvenile Court Intake Office. Detention orders must be obtained from an intake officer or a Juvenile Court judge. Officers may take juveniles into custody but are not empowered to determine whether or not the juveniles will be placed into detention.
 4. Official referrals to the Loudoun County Juvenile Court Intake will be made when any of the following conditions exist. (Referrals are not limited to these situations):
 - a. The complainant or victim wishes to prosecute the juvenile offender.
 - b. A juvenile has committed an act that if committed by an adult would be a felony.
 - c. A juvenile has committed a threatening or harmful act with a weapon.
 - d. A juvenile has committed a serious gang-related act that if committed by an adult would be a criminal offense.
 - e. While on probation or parole a juvenile has committed an act that if committed by an adult would be a criminal offense.
 - f. A juvenile has committed an act that if committed by an adult would be a criminal offense while there is a case pending against the juvenile, or the juvenile has committed a repeat offense within a 12 month time period.
 - g. A juvenile has committed an act that if committed by an adult would be a criminal offense and parental supervision is ineffective, or the juvenile refuses to voluntarily participate in an alternative program.
- B. Taking Juveniles into Custody/ Juvenile Arrests.
1. Juvenile Arrests.
 - a. Juveniles may be taken into immediate police custody when one or more of the following conditions are present:
 - (1) There is probable cause to believe that the juvenile has committed an offense which would be a felony if committed by an adult.
 - (2) In the presence of the officer, the juvenile commits an act which would be a misdemeanor if committed by an adult, and the officer believes that it is necessary for the protection of the public interest to take the juvenile into custody.
 - (3) When based on probable cause on a reasonable complaint of a person who observed the offense, the juvenile commits a misdemeanor offense involving shoplifting.
 - (4) On the authority of a detention order or warrant known to be on file in this or a foreign jurisdiction.
 - (5) Probable cause exists that the juvenile has run away from home.
 - (6) The officer determines the juvenile is truant or is engaged in non-criminal misbehavior.
 - (7) Probable cause exists that the juvenile is without adult supervision and the officer determines that the lack of supervision causes a clear and substantial danger to the welfare of the juvenile or it is alleged that the juvenile has been harmed or is in danger of harm.
 - (8) Probable cause exists that the juvenile has escaped or run away from jail, detention home or any facility appointed by the court to care for and supervise the juvenile.

- (9) The juvenile agrees, voluntarily, without threat or coercion, to accompany the officer to the police station for the purpose of returning the juvenile to the home or providing for proper care and supervision.
- b. Without any of the preceding conditions, officers shall not unnecessarily detain juveniles. All reasonable efforts to release juveniles to a parent or a person acting as a parent, who is available, able, and willing to take custody of the juvenile, shall be exhausted before an attempt to detain is made. The following guidelines are provided to govern the release of juveniles after being taken into custody:
 - (1) When the juvenile has been detained under the authority of a detention order or warrant, before leaving the location of the detainment, the police officer shall have the communications center contact the Loudoun County Juvenile Intake Office and request that a Juvenile Intake Officer contact the police officer via telephone. The Juvenile Intake Officer will ascertain information from the police officer and parents, when possible, concerning the juvenile's medical condition, drug/alcohol use and mental status. As soon as possible the officer shall notify a parent or adult responsible for the juvenile if one is not at the scene.
The Juvenile Intake Officer will direct the police officer where to transport the juvenile, i.e. hospital, Juvenile Intake Office or Loudoun County Juvenile Detention Center. If the Juvenile Intake Officer requests transport to the Juvenile Detention Center, it is the responsibility of the Juvenile Intake Officer to contact the Juvenile Detention Center and advise of the detainment.
As a last resort, if a Juvenile Intake Officer is not available, the officer shall take the juvenile before a magistrate for detainment/release directions.
 - (2) When the juvenile has been detained based on an offense committed in the officer's presence or on probable cause, the juvenile shall be released to a parent or adult responsible for the juvenile as soon as practical. If the officer feels the juvenile should not be released, the officer will follow the procedures described in B.1.b.1.
 - (3) When the juvenile has been detained based on probable cause that the juvenile has escaped from a jail, detention center, or appointed court facility, the officer may return the juvenile to the facility if practical. If this transport is not practical, the officer shall follow procedures described in B.1.b.1.
 - (4) When the juvenile has been detained based on probable cause that the juvenile is a runaway, or to protect the child's welfare, the officer shall contact an intake officer. The intake officer will determine whether a petition or detention order will be issued. If neither is issued, the officer shall release the juvenile to a parent or an adult acting as a parent. If an adult cannot be contacted, the juvenile must still be released. If the child is determined to be in need of services and no responsible party can be located, Child Protective Services should be consulted.
 - (5) When the juvenile is taken into custody for a truancy violation, the juvenile shall be released to the appropriate school personnel.
2. Officers will follow these procedures when taking a juvenile into custody:
 - a. Immediately explain to the juvenile their constitutional rights, if necessary.
 - b. Notify the juvenile's parent or guardian as soon as practical.
 - c. Arrange for an interpreter as soon as possible, if necessary.
 - d. Release the juvenile, interrogate the juvenile in accordance with this General Order, or transport the juvenile in accordance with direction from the Juvenile Intake Office or Magistrate.
3. Fingerprinting and Photographing Juveniles.
 - a. Fingerprints and photographs are to be taken under the guidelines specified in the Code of Virginia §16.1-299.
4. Juvenile Case Reporting Procedures.
 - a. Juveniles voluntarily in custody shall be documented by an Incident Report or Supplemental Report, whichever is appropriate.
 - b. Juveniles released from custody after a verbal warning shall be documented by an Incident Report, Supplemental Report or noted in CAD, whichever is appropriate.
 - c. Juveniles released from custody with the officer intending to secure a petition will be documented by an Incident Report. A Supplemental Report shall be completed as soon as the officer appears before an intake officer.

- d. Juveniles taken into custody for runaway or truancy will be documented with an Incident Report or Supplemental Report, whichever is appropriate.
 - e. In accordance with Code of Virginia, § 16.1.260, in instances of traffic infractions, DWI as provided in Code of Virginia, § 18.2-266 or any other alcohol related offense, provided the juvenile is released to the custody of a parent or legal guardian, a Virginia Uniform Summons shall be issued to the juvenile and to the parent or legal guardian, requiring the parent or legal guardian to appear before the court with the juvenile. In cases of offenses which, if committed by an adult would be punishable as a class 3 or 4 misdemeanor, such as possession of tobacco by a minor or curfew violation, a Virginia Uniform Summons may also be issued. Parental notification shall be made in every instance that a minor child is served with legal process.
 - f. In instances where a juvenile is taken into custody for their own protection, these cases shall be documented on an Incident Report.
 - g. All instances in which a juvenile is taken into custody for a violation of law shall be documented on an Incident Report or Supplemental Report, whichever is appropriate.
 - h.. In all cases when a juvenile is interviewed or in any of the preceding situations, all attempts to contact the parents or legal guardians shall be made, unless such notification would compromise an investigation of the parents or legal guardians.
5. Juvenile Petitions and Warrants.
- a. A detention order shall be sought in all cases in which a juvenile is taken into custody for an act which if committed by an adult would be a felony. If Juvenile Court is closed and no intake officer is available, but the arresting officer feels the juvenile should be detained, a warrant shall be sought from a magistrate. When a warrant is issued it will be returnable to the Juvenile Court.
 - b. A petition may be sought in all other cases where a juvenile is taken into custody.
 - c. Juveniles physically arrested for traffic violations shall be issued a summons for the violation and released to their parent.
 - d. Juvenile status offenses include truancy, beyond parental control, and runaway. Limits on the authority of police officers to take custody of status offenders are governed by the Code of Virginia, §16.1-246. Reports of runaways shall be investigated in accordance with General Order 201.

C. School Liaison.

The Leesburg Police Department has an established School Resource Program. One School Resource Officer will be assigned to all the middle schools and high schools in the Town of Leesburg. The School Resource Officers will maintain constant contact with the students, principals and staff of the schools to provide various services from our department. The School Resource Officers may teach classes, or arrange for classes, in the schools that may include but are not limited to:

- 1. Substance Abuse Prevention
- 2. Gang Resistance
- 3. Juvenile Law
- 4. Child Safety
- 5. Bicycle Safety
- 6. Internet Safety
- 7. Personal Safety

Officers shall take the opportunity when instructing juveniles to offer the resources of the Leesburg Police with the respect to delinquency prevention, to offer guidance on ethical issues, to explain the role of law enforcement in today's society and to provide the opportunity for individual counseling to all juveniles that express an interest.

D. Recreational Youth Programs.

The Department supports and encourages personnel to actively participate in youth activity programs. Personnel that do participate should attempt to recruit juveniles into these programs channeling idle time into constructive beneficial activities. The relationships that develop from these programs frequently last a lifetime.

E. Child Physical or Sexual Abuse or Neglect.

- 1. The safety and welfare of all children is a primary duty of the Department. This responsibility must be met with an awareness of the necessity for coordination between the

Department, the Loudoun County Juvenile and Domestic Relations Court, and the Loudoun County Department of Family Services. Child Protective Services (CPS), a division of the Department of Family Services, serves as the focus for coordinating all activity related to investigating child physical or sexual abuse or neglect.

2. **Communications Center Responsibility.**

Reports of alleged child physical or sexual abuse or neglect received by Communications Center personnel shall be handled as any report of a crime. If the communications technician cannot obtain the complainant's name, address, telephone number, or other pertinent information concerning the abuse or neglect, the communications technician will encourage the complainant to talk with a police officer. If the complainant refuses, the communications technician will attempt to have the complainant contact CPS.
3. **Investigating Officer's Responsibility.**

An officer who is dispatched to a reported child physical or sexual abuse or neglect, or an officer who discovers child physical or sexual abuse or neglect, shall document their findings in an Incident Report.
4. If an officer finds a child in a situation which presents an imminent danger to the child's life or health, the officer may take the child into custody without prior approval of the parents or guardian. Protective custody is authorized in the Code of Virginia, §63.2-1517, when a child is abused or neglected as defined in this directive. If a child is abandoned or is placed in a situation of immediate risk, protective custody shall be used. When possible, CPS will be contacted prior to the child being taken into custody to enable a CPS worker to do an assessment on whether to remove the child. Code of Virginia, §63-2.1517 mandates the criteria that must be satisfied for a physician, protective service worker, or law enforcement officer to take protective custody of a child without prior approval of parents or guardian.
 - a. When an officer takes a child into protective custody and is unable to contact CPS prior to removal of the child, the officer shall bring the child to police headquarters, the Loudoun Child Advocacy Center, or other child safe environment and contact CPS. If the crime is serious in nature, the team supervisor shall ensure that the Criminal Investigations Section is contacted and a detective will assume responsibility for the investigation.
5. If an officer arrests a parent or guardian and the arrest leaves a child without proper care or supervision, the officer shall contact CPS to care for the child.
6. **Criminal Investigations Section Responsibility.**
 - a. In cases where criminal conduct is suspected in a matter that CPS is investigating, it is paramount that the LPD and CPS investigations be integrated. The LPD will conduct joint investigations with CPS in the following circumstances:
 1. CPS requests assistance in an investigation.
 2. There is a reasonable belief that there is a violation of law, and
 3. The offense happened within the jurisdiction of the Town of Leesburg.
 - b. In cases where the suspected child physical or sexual abuse or neglect is initially identified by an officer of the LPD, CPS will be notified and offered to join the investigation. The LPD investigating officer will coordinate the investigation with CPS. Cases of suspected child physical or sexual abuse or neglect that do not fit the criteria for criminal investigation will be forwarded to CPS for possible investigation. LPD officers who have cases that they believe should be referred to CPS will fax the report (and in cases of domestic violence, a copy of LPD Form 338 Domestic Violence Supplement) to CPS.
 - c. In the event CPS is in need of immediate investigative assistance, the CPS investigator will call LPD Communications. Follow up forms and other documents may be faxed to the Communications Section at (703) 771-4531. Investigations requiring immediate response will be treated as calls for service. The responding officer will evaluate the case and proceed with the investigation in accordance with LPD policies and general orders. If immediate CIS response is warranted the CIS call out procedures under General Order 301 – Criminal Investigations will be followed.
 - d. Routine requests by CPS for investigative assistance will be managed by the CIS Commander and assigned to a CIS detective for investigation. The assigned detective will coordinate a joint investigation with CPS.

- e. Emergency requests for CPS assistance will be referred to the CPS local hotline at (703) 771-5437 during regular business hours, or the on-call CPS worker after business hours and weekends.
 - f. All abuse/neglect complaints filed with CPS that occurred within the boundaries of the Town of Leesburg will be forwarded to the Criminal Investigations Section Supervisor(s).
 - g. It is the responsibility of the Detective (s) to attend the multi-disciplinary team meetings and to maintain liaison with its members.
7. The following do not require notification to Child Protective Services:
- a. Abuse or neglect of a child committed by an adult who is not the parent, guardian, or other person responsible for the care of the child.
 - b. Marital conflict confined to the parents where no abuse or neglect has been directed to the child.
 - c. Conflict between parent and child with no indication of neglect or abuse.
 - d. Delinquency.
 - e. Truancy unless due to parental neglect.
8. The Loudoun Child Advocacy Center (CAC).
- The Loudoun CAC is a comfortable, private, child-friendly setting that provides a safe place for child victims or witnesses to be interviewed. The purpose of the CAC is to provide a well-coordinated multi-disciplinary team (MDT) response to allegations of child abuse or victimization, beginning with a forensic interview and including case management services for children and their non-offending family members or guardians.
- a. The Criminal Investigations Section Commander or designee, is the Department's representative on the Loudoun CAC Advisory Board.
 - b. The Leesburg Police Department will participate in the Loudoun CAC Multi-disciplinary Team.
 - c. All child victims and witnesses will be interviewed at the Loudoun CAC when practicable.

F. SHOCAP.

- 1. The Serious Habitual Offender Comprehensive Action Program (SHOCAP) is an inter-agency approach to dealing with the small percentage of juvenile offenders responsible for much of the crime committed by juveniles. The program involves sharing information on a need-to-know basis between agencies in order to track these individuals and deal with them effectively.
- 2. The Criminal Investigation Section Supervisor or designee, will provide personnel representation for the administration of the SHOCAP Program.
- 3. Officers who feel that a juvenile may meet the requirements for inclusion in the program should contact the Criminal Investigations Section Supervisor(s) or designee. The Criminal Investigations Section Supervisor or designee, will make all submissions for eligibility determination.
- 4. All records created and used for this program, including but not limited to SHOCAP lists or booklets, and profiles and master files, are records concerning juveniles and are, therefore, confidential under the law. Such information may only be used by employees in accordance with law. Unauthorized disclosure of information contained in any SHOCAP record to any person is a violation of the Code of Virginia, §16.1-309.
- 5. No employee, other than the Criminal Investigations Section Supervisor or designee, will duplicate any SHOCAP record without the prior approval of the Commonwealth's Attorney.
- 6. The terms "Serious Habitual Offender, SHO, AND SHOCAP", will not be used in court presentations. The court has stated its desire not to hear these terms, as they tend to be prejudicial while conveying little useful information.

G. Custodial Interrogation.

When officers conduct interrogations, and the juvenile is not free to leave, or the juvenile perceives that he or she is not free to leave, the following procedures must be followed:

- 1. Notification must be made to the parents or guardians when possible. The adults will be allowed to attend the questioning. If the adults do not attend they shall be informed on what the interrogation will cover. No such notification shall be made if it would compromise an investigation of the parents or legal guardians;

2. The juvenile's constitutional rights will always be protected;
3. Physical force or physical intimidation will not be utilized to attempt to compel the juvenile to respond to questions;
4. The interrogation will be completed without delay and shall not be prolonged in an attempt to tire the juvenile;
5. Only one officer shall interrogate the juvenile to decrease the feeling of intimidation;
6. Officers shall ensure that juveniles understand the events that are taking place and realize how the criminal justice system operates.