



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations	Section: 411.3
Subject: Investigations	Topic: Juvenile Operations
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I. PURPOSE

The purpose of this General Order is to set forth guidelines for deputies when dealing with juveniles in specific situations.

II. POLICY

When dealing with a juvenile offender, a deputy must use the least coercive methods from among reasonable alternatives that are consistent with preserving public safety, order, and individual liberty. This policy ensures that the proper procedures are followed when handling juveniles, and serves as a guideline for the deputy in determining how to handle a particular situation involving a juvenile.

III. RESPONSIBILITIES

- A. A substantial portion of the workload of the Sheriff's Office involves dealing with juveniles. Beyond enforcing the law with respect to juvenile offenders, the Sheriff's Office is firmly committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Criminal Investigation Division Commander has overall responsibility for the juvenile operations functions. Included within the functional area of juvenile operations are the following responsibilities:
1. Conducting follow-up investigations of cases involving juvenile offenders;
 2. Follow-up processing of youth arrests
 3. Coordinating or preparing court cases involving juveniles
 4. Diverting juvenile offenders out of the criminal justice system
 5. Designing and implementing programs intended to prevent delinquent and criminal behavior by youths
- B. All agency personnel have responsibilities for, and will be familiar with, juvenile operations and procedures and their support.
- C. The juvenile unit shall be responsible for conducting as many investigations involving juvenile offenders as possible, assisting field officers in juvenile cases and maintaining liaison with other agencies and organizations interested in juvenile matters. This unit shall also be responsible for the areas of the juvenile function

listed above in Paragraph III.A. The crime prevention component shall work in conjunction with the juvenile component to plan and implement the programs to prevent delinquent and criminal behavior of youths.

These two units shall meet at least monthly to ensure coordination between the delinquency, prevention and education programs and the juvenile investigation section.

IV. PROCEDURES

A. General

1. Members of the Loudoun County Sheriff's Office will cooperate with the juvenile justice system and support its policies. Agency policies regarding juvenile operations will be provided to local juvenile court personnel for their review. Their comments and suggestions as to ways that our procedures can be improved will be considered.
2. All personnel have responsibilities for participating in and supporting juvenile operations. Each patrol shift and the Criminal Investigations Division shall be aware of the continuing need to closely monitor juvenile situational developments and services available.
3. The Criminal Investigations Division Commander, in conjunction with the Crime Prevention Section, will annually review and evaluate all enforcement and prevention programs relating to juveniles, and make appropriate recommendations to the Sheriff who will decide whether specific programs will continue to function as is, be modified, or discontinued.
4. All personnel shall forward a copy of any report involving a juvenile victim or suspect, along with arrest report if appropriate, to the juvenile section.

B. Guideline for Informal and Formal Handling of Juvenile Cases

1. The deputy may handle certain juvenile cases either formally or informally.
2. In making the decision to handle either formally or informally, the deputy should consider the following factors:
 - a. The seriousness of offense
 1. This includes status offenses, which are activities that are deemed offenses when committed by juveniles because of their age at the time of the activity.

- b. Prior record of juvenile
 - c. The age of the youth; for juvenile suspects under 12 years of age, the Commonwealth Attorney's Office should be contacted prior to obtaining petitions to ascertain their intentions regarding prosecution of children of that age.
 - d. The cooperation and attitude of all parties (child, parent, victim), and the possibility of the offense being repeated
 - e. The degree of wrongful intent, violence, premeditation, knowledge of violation
 - f. The likelihood that the child and/or parent can be successfully referred to a social service agency
3. The investigating deputy will complete an agency I.B.R. report regardless of whether the case is handled formally or informally.

C. Informal Handling

1. Informal handling includes the deputies' utilization of:
 - a. Warning and release 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 pick up
2. When handling a case informally, deputies should keep in mind that the objective of the juvenile justice system is to rehabilitate rather than punish. Keeping the child in the patrol car to "discuss" the case for an inordinate length of time will appear as punishment to the juvenile. The decision to handle on a formal or informal basis should be made within a reasonable amount of time.
3. When handling a juvenile informally, the deputy should respect the youth's right to privacy. Any information gained should be provided to others only on a "need to know" basis.
4. When a deputy encounters a victim/complainant who demands to bring a child before the juvenile court despite the deputy's belief that it should be handled informally, the intake officer of the court should be contacted for advice.

5. Even when handled informally, a juvenile has all the constitutional rights that an adult would have in the same situation.

D. Formal Handling

1. Formal handling occurs when the juvenile is taken before the juvenile court or intake officer for disposition.
2. Generally, the following situations will require formal handling of the juvenile:
 - a. Delinquent acts that, if committed by an adult, would be felonies
 - b. Delinquent acts involving weapons
 - c. Delinquent acts involving aggravated assaults and batteries
 - d. Delinquent acts committed by a juvenile under probation or parole, or with a case pending
 - e. Delinquent acts that are repeated
 - f. When parental supervision or diversion programs have proved ineffective
 - g. Possession of marijuana (misdemeanor)
 - h. Alcohol violations
 - i. Tobacco violations

E. Taking Juveniles into Custody

1. In accordance with Virginia Code Section 16.1-246, no juvenile may be taken into immediate custody except:
 - a. With a legal detention order
 - b. When a child is alleged to be in need of services and:
 - i. There is clear and substantial danger to the child's life or health

- ii. Custody is necessary to ensure a child's appearance before the court
 - c. When, in the presence of the arresting deputy, a child commits a crime and the deputy believes custody is necessary for protection of the public interest
 - d. When a deputy has probable cause to believe a child has committed an offense that, if committed by an adult, would be a felony
 - e. When a deputy has probable cause to believe a child is an escapee from the Department of Corrections, jail, detention home, or court-placed residential family
 - f. When a deputy has probable cause to believe a child has either run away from home or is without adult supervision at night and in circumstances when a deputy reasonably concludes there is clear and substantial danger to the child's welfare
2. When the Juvenile Court offices are open, a juvenile taken into custody should be transported to the juvenile intake office at the earliest convenience.
 3. The deputy should contact the juvenile intake officer on call for assistance in the disposition of the juvenile. When the Juvenile Court is closed, the deputy may release the juvenile to a parent or guardian depending on the circumstances of the case.
 4. Notification of parents or guardians is required in every case where a juvenile is taken into custody, to inform them of the circumstances and/or to pick up the juvenile.
 5. If it is necessary to take the juvenile into custody, it should be accomplished with the least possible embarrassment to the juvenile and his or her family. The juvenile should be transported to the processing facility with the least possible delay unless the juvenile is in need of emergency medical treatment.
 6. In no case shall a juvenile known or believed to be under the age of 15 years be transported in a prisoner transport van. No child shall be transported with adults suspected of, or charged with, criminal acts.
 7. Deputies who take juveniles into custody must ensure that their constitutional rights are protected.

8. Just prior to transporting a juvenile, the deputy must notify the Emergency Communications Center of the transport, the beginning mileage, and destination. Once the deputy has arrived at the destination, they will advise ECC of the ending mileage.

F. Interviewing Juveniles

1. Normally, deputies should contact the parents or guardians of a juvenile suspect prior to questioning and provide the parents with an opportunity to both understand what the questioning will cover and to be present during the questioning. If this is not feasible, the deputy may go ahead and question anyway, but must carefully ensure that all rights of the juvenile are protected.
2. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. Under no circumstances should the child be compelled to answer questions by physical force.
3. No juvenile can be compelled to answer any questions that may tend to incriminate him. Juveniles are entitled to the full Miranda warnings; these rights must be explained to them prior to custodial interrogation.
4. Deputies should keep in mind that when questioning a juvenile, they should not prolong the interview period any longer than is needed in order to complete their investigation. If possible, one deputy should handle the interrogation in order to lessen the chance of the juvenile feeling intimidated or pressured.
5. In many cases, juveniles may not understand what is happening to them during the interrogation process. The deputy should explain to the child what to expect as far as procedures are concerned and how the court system operates.

G. Written Citations/Summonses

A deputy may use the same Virginia Uniform Summons form for a juvenile as is used for an adult in the following situations:

1. A violation of the traffic laws
2. A violation of County ordinances
3. A violation of game and fish laws

H. Social Agencies

1. The Loudoun County Sheriff's Office encourages the utilization and support of social service agencies in order to divert juveniles from the juvenile court system. Policies and procedures relating to juveniles are developed using any positive feedback/in-put from these supportive agencies. These agencies include, but are not limited to:
 - a. Loudoun County Health Department
 - b. Loudoun County Department of Mental Health/Mental Retardation/ Substance Abuse Services
 - c. Department of Social Services, Child Protective Services
 - d. Alcoholics Anonymous
 - e. Medical and psychological facilities
 - f. Juvenile Intake and Court Services Unit
 - g. Church groups
 - h. Community Criminal Justice Board (CCJB)
2. When investigating cases involving juveniles, and if appropriate, the deputy should recommend to parents and/or attempt to divert the juvenile to one of the social service agencies after it has been determined that one of these agency's services may be of more benefit in correcting the situation than utilizing formal handling through the court system. Similarly, in the formal handling of a juvenile, the deputy may recommend appropriate service agency programs.

I. Juvenile Crime Prevention

1. School Liaison

- a. The Loudoun County Sheriff's Office, through the Juvenile Services Section, will actively encourage and participate in crime prevention and awareness programs in the school system.
- b. The School Resource Officers and the D.A.R.E. Section will maintain liaison with the schools in responding to requests for programs related to crime prevention and control of delinquent and criminal behavior by youths. Agency personnel act as resources with respect to delinquency prevention, provide guidance on ethical issues in a classroom setting, provide individual student counseling, and explain the law enforcement role in society to the students.

- c. All deputies are encouraged to interact with and develop a cooperative relationship with students and to make suggestions on how the Sheriff's Office and deputies as individuals can maintain and control criminal behavior in youths.
- d. While in school or at school activities, necessary communication with juveniles will be initiated by contacting school administrative personnel at the school office prior to dealing with the juvenile.

2. Recreational Youth Programs

- a. The Sheriff's Office strongly supports and encourages participation in the youth activities programs of the Loudoun County Parks and Recreation Departments and all other community groups sponsoring such programs.
- b. Deputies should encourage our youths to participate in the various youth programs offered in order to develop an attitude of cooperation, and to occupy the youths' idle time with constructive activities.
- c. Deputies are encouraged to become involved with organized youth activities being implemented in the County and to individually organize recreation programs that may benefit our youths.

J. Fingerprints and Photographs of Juveniles

1. §16.1-299 of the Code of Virginia provides that fingerprints and photographs shall be taken of any juvenile:
 - a. Taken into custody and charged with a delinquent act which, if committed by an adult, would be required to be reported to the Central Criminal Records Exchange, including:

Treason; any felony; any offense punishable as a misdemeanor under Title 54.1; any Class I or Class II misdemeanor with the exception of trespass.
 - b. Fourteen years of age or older charged with a violent juvenile felony, including: malicious wounding; use of a firearm in committing a felony; attempted poisoning; extortion; robbery; rape; SHOCAP; forcible sodomy; inanimate object, sex penetration; grand larceny; burglary; conspiracies to commit felonies; arson; or murder.

- c. Regardless of age or offense, if a juvenile is taken into custody for and charged with a violation of law and a law enforcement officer has determined that there is probable cause to believe that latent fingerprints found during the investigation of an offense are those of such child.
2. Other physical samples may be taken from a juvenile for identification purposes only after the deputy has conferred with the Juvenile Court and/or the Commonwealth Attorney for advice and assistance as to the legality and proper procedure for obtaining such samples. Necessary samples might include, but are not limited to: Hair; blood; urine or other body fluids; nails; breath; stomach contents; and handwriting.
3. Dissemination/Retention of Fingerprints and Photographs
 - a. The Records Supervisor shall be responsible for agency compliance with Virginia Code requirements on dissemination and retention of juvenile records including fingerprints and photographs.
 - b. Fingerprint cards and photographs will be destroyed when:
 1. No petition is filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law
 2. A juvenile is found not guilty by Juvenile Court or Circuit Court of a charge of delinquency
 2. A juvenile less than 14 years of age who is charged with a violent juvenile felony or a crime ancillary thereto or
 3. Any other case resulting in a disposition for which fingerprints are not required
 - c. Fingerprint cards and photographs may be retained when the court finds that a juvenile 14 years of age or older has committed a delinquent act.
 - d. Fingerprints and photographs may be retained and copies sent to CCRE when:
 - i. A juvenile 15 years of age or older is certified by the Circuit Court as an adult and is found guilty of the offense charged
 - ii. A juvenile 14 years of age or older is found guilty of murder; malicious wounding; aggravated malicious wounding;

felonious injury by mob; abduction; felonious poisoning; adulteration of products; robbery; carjacking; rape; forcible sodomy; or object sexual penetration in a Juvenile Court and is adjudicated delinquent

- e. Juvenile fingerprint cards and photographs, authorized for retention, will be separately and securely maintained. Access to these records will be restricted to official use, and may be viewed by the public only on the authorization of a court order.

K. Confidentiality of Records/Release of Information

- 1. §16.1-301 of the Code of Virginia requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person.
- 2. Law enforcement officers may release, upon request to one another and to other local, state, or federal law enforcement officers, current information on juvenile arrests. The information exchanged shall be used by the receiving agency for current investigation purposes only and shall not result in the creation of new files or records on individual juveniles on the part of the receiving agency.

L. Expungement of Juvenile Records

Juvenile records shall be expunged in accordance with specific orders of the Court in compliance with §16.1-299 of the Code of Virginia.