

	TYPE OF DIRECTIVE LINE PROCEDURE	NUMBER LP-02B-16 REV.
	SUBJECT JUVENILE ARREST PROCEDURES	EFFECTIVE DATE 07/22/16
	REFERENCE LP-07	RESCINDS LP-02B-16

PURPOSE

To set forth guidelines and procedures for officers to follow when handling juveniles who are in need of protection, who are in violation of status offenses, and/or who have committed delinquent or criminal acts.

DEFINITIONS

For the purposes of this directive, the following terms are defined:

1. Detention Assessment Instrument – A uniform risk assessment instrument established by the Department of Juvenile Justice for use when making a detention decision pursuant to §16.1-248.1 and when making recommendations to the court. Due to placement involving loss of liberty, its use is ideally limited to youth who pose a significant risk to public safety or who are at risk for failure to appear for court appearances.
2. Guardian – Any responsible adult (18 years of age or older) who will accept responsibility for taking custody of the juvenile. This may be an adult sibling, aunt, uncle, stepparent, or grandparent.
3. Juvenile Detention – Henrico County’s Juvenile Detention Center.
4. Juvenile Intake Unit – Unit within the Commonwealth of Virginia’s 14th Court Services Unit, commonly referred to as “Juvenile Intake” or “Intake.”
5. Juvenile Violation Report (JVR) – A Henrico Police Division form that captures information on juveniles, offenses, recommendations by the officer for diversion or petition, and responsible parties, parent, and/or guardian information. A JVR is not an arresting document, only a recommendation. The determination of diversion or issuance of a petition will be made by the Juvenile Court Services Division.
6. Legal Guardian – The person who has been assigned by the court to be legally responsible for a child in place of the natural parent.
7. Natural Parent – The biological or adoptive parent.
8. Residential Care Workers – Normally not legal guardians (such as youth shelter personnel). Caseworkers with the Department of Social Services (DSS) are usually the assigned legal guardians to juveniles at residential care homes. Many juveniles in the custody of DSS and/or placed in a residential care home will be able to articulate who is assigned as

their legal guardian.

PROCEDURES

I. NATURAL PARENTS AND LEGAL GUARDIANS

- A. The Commonwealth of Virginia requires notification to at least one natural parent or, in their absence, a court appointed legal guardian when a juvenile is arrested. In some cases this legal guardian may be a caseworker from the DSS. If releasing a juvenile to any of these persons is not possible, officers may release the juvenile to a guardian who can reasonably take responsibility for the juvenile.
- B. At least one natural parent/legal guardian must be listed on the ICR. If the natural parent(s) does not have custody of the juvenile and the court has assigned custody to a legal guardian or the DSS, the person to whom custody has been given must also be listed on the ICR.

II. JUVENILE COURT DATES/TIMES

A. Traffic Dates/Times

Traffic dates will be assigned by the Court Services Unit and listed in the Master Court Schedule. Times for Juvenile Traffic Court are based on the following schedule:

1. Day and Evening Watches – 1300 hours on Wednesday
2. Midnight Watch and all other assignments – 0900 hours on Friday

B. Arraignment Dates/Times

All arraignment times shall be set for 0815 hours. Arraignment dates are scheduled **30** to 35 calendar days after the date of arrest by the following schedule:

1. Day Watch Officers – Mondays
2. Evening Watch Officers – Tuesdays
3. Midnight Watch Officers – Wednesdays
4. Middle School Resource Officers – Wednesdays
5. High School Resource Officers – Thursdays
6. Officers in all other assignments – Wednesdays

C. Criminal Trial Dates

The court will assign trial dates from the arresting officer's list of available dates listed in the Master Court Schedule on the intranet. Although the courts cannot guarantee the setting of cases at a time convenient to an officer's shift assignment, they will take this into consideration.

III. JUVENILE TRAFFIC CHARGES AND CRIMINAL OFFENSES

- A. An officer shall release a juvenile on a VUS and set a trial date in Juvenile & Domestic Relations Court for violations of traffic laws, violations involving bicycles, hitchhiking, *status offenses*, and other pedestrian offenses. *Status offenses include curfew violations and possession, use, and/or attempt purchase of tobacco by a minor (under 18 years of age) (§18.2-371.2)*. Prepayment of charges and summoning of witnesses for traffic crashes shall follow the same procedure as allowed by the General District Court.
- B. An officer shall release a juvenile to the custody of a parent or legal guardian and shall issue a summons to both the juvenile and the parent or legal guardian to appear before the court with the juvenile for an arraignment date in Juvenile & Domestic Relations District Court for any of the following offenses (§16.1-260):
1. DUI (§18.2-266) and Refusal (§18.2-268);
 2. Reckless Driving in Boats or While Intoxicated (§29.1-738); and
 3. Reckless Driving by Speed 90+ (§46.2-862).
- C. An officer shall release a juvenile on a Juvenile Violation Report (JVR) (HCPD-454) set an arraignment and recommend diversion for any of the following offenses (§16.1-260):
1. Violations of game and fish laws;
 2. Violations of any ordinance establishing animal control violations or littering violations;
 3. Possession of Marijuana (§18.2-250.1); and
 4. Underage Possession of Alcohol (§4.1-305).
- D. For any other criminal offense not specifically listed above (including Disorderly Conduct and Trespassing), the officer shall release a juvenile on a JVR (without taking them into physical custody). *The JVR shall be set for an arraignment and the assigned court date will be listed on the top of the JVR (refer to Section II.B)*. Officers are given broad discretion when recommending diversion or petitions for most offenses; however, officers recommending charges for a juvenile for any of the following types of offenses (as described in the Detention Assessment Instrument) should contact Juvenile Intake to determine if placement in Detention is appropriate (see section V).
1. Firearms offenses, including: use of a firearm, possession of firearm, concealed weapon, or brandishing a firearm;
 2. Robbery;
 3. Malicious wounding;
 4. Murder;
 5. Manslaughter;
 6. Abduction;

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7. Rape;
8. Sex offenses, including: forcible sodomy, aggravated sexual battery, inanimate object sexual penetration, and those where the offender and victim resides in same home or within close proximity of each other;
9. Domestic assault when the offender and victim reside in the same home;
10. Indecent liberties with a child;
11. Burglary of occupied dwelling;
12. Arson of occupied dwelling;
13. Felony assault on police officer;
14. Carjacking;
15. Pursuit with bodily injury accidents (felony);
16. Escapee from a secure placement (Henrico Juvenile Detention);
17. Violations of STOP (court program);
18. Felony drug offenses; and/or
19. Other offenses that, coupled with the unique situation and the juvenile's criminal history, may allow for an override that can trump the score on the Detention Assessment Instrument. Officers must ensure that this extra information is relayed to the Intake Officer handling the situation.

E. Criminal and Traffic/*Status* Charges Placed at the same time:

When an officer encounters a circumstance where both criminal and traffic/*status* charges are to be placed an officer shall:

1. Place the traffic/*status* charge on a VUS set for the officer's next assigned Juvenile Traffic Date.
2. Note the criminal charge on a JVR and complete a Juvenile Packet (refer to section III.G).
3. Forward the VUS and the Juvenile Packet to the Juvenile Court Liaison by the end of the officer's tour.
 - a. If Juvenile Intake determines the criminal charge meets the criteria for diversion, they will divert the criminal charge. The traffic case will be forwarded to the Juvenile Clerk's Office to be placed on the traffic docket. If the criminal charge is placed on a petition for court, then the Juvenile Clerk's Office will place the petition(s) with the traffic charge for trial.
 - b. The officer will be notified by the Juvenile *Court* Liaison as to whether the charges were eligible for diversion or charged on a petition for court.

F An officer who encounters a juvenile who refuses to sign a VUS shall:

1. During normal business hours, contact the Juvenile Intake Unit at **501-4693**.
2. After normal business hours and on holidays, release the juvenile to a guardian (without taking them into physical custody). If a parent or guardian cannot be

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located, the officer shall still release the juvenile after exhausting all attempts to contact a parent or guardian. This shall only apply to infractions and misdemeanors from which custody does not normally apply. The officer shall complete a JVR recommending a petition for the offense, an ICR listing all of the information required in section III.G.1., and two Request for Witness Subpoena forms.

- G. In addition to a VUS or JVR, an officer shall complete the following for criminal offenses only:
1. An Incident/Crime Report (ICR)
 - a. List the natural parent/legal guardian;
 - b. List all witnesses and complete all extended descriptors (*i.e.* height, weight, DOB, SSN, etc.);
 - c. ***The juvenile will be listed on the ICR as a suspect. Juvenile Intake will notify the Court Services Unit and Records Unit with a case update which will be e-mailed to the officer by Court Services. The case will be either diverted or placed on a petition. If placed on a petition the Records Unit will update the ICR changing the juvenile from a suspect to arrested. At that time the officer will need to prepare this case for court by completing the required reports.***
 - d. List the probable cause for all offenses, outlining the elements of each offense, in the narrative of the ICR; and
 - e. Submit the ICR in ICRBuilder and add the “Juvenile Workflow” when eSigning the report. Ensure that for all criminal offenses (refer to section III.E for criminal and traffic), the offense code(s) and description(s) for which the juvenile will be charged are listed in the ICR (*i.e.* §18.2-96: Petit Larceny).
 2. Central Criminal Records Exchange (CCRE) (refer to LP-07)
 - a. Juveniles are not formally charged until a petition or detention order has been issued. Officers shall not take the fingerprints and photographs of a juvenile ***unless the juvenile is currently in custody and a petition or detention order has been issued*** for a delinquent act which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of §19.2-390. ***If the above criteria are met, the juvenile is to be transported to Adult Intake to be photographed and fingerprinted.*** Juveniles shall not be processed on a JVR alone.
 - b. The charges of Petit Larceny/Concealment (Shoplifting), Disorderly Conduct, ABC Violations (*i.e.* underage possession of alcohol), or Trespassing (under 18.2-119) do not require CCRE processing.

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- c. In a situation where an officer places multiple charges simultaneously against a juvenile where one charge requires CCRE processing and one does not, CCRE processing is required for the applicable charge.
- d. ***The Officer may obtain a Search Warrant to retrieve the fingerprints of a juvenile. The juvenile is to be transported to Adult Intake to be fingerprinted after the execution of the Search Warrant.***
- e. ***The Live Scan Fingerprint and Photograph machine at the Juvenile and Domestic Relations Court Building shall only be used by the Sheriff's Deputies during court hours. Juveniles will be fingerprinted and photographed using this machine upon the conclusion of each hearing and for all felonies regardless of the final disposition.***

3. Witness Subpoenas

Complete two Request for Witness Subpoena forms (DC-325) listing all officers, their code numbers, and all witnesses that will be needed. P.O. Boxes are not permissible, only physical addresses. Witness subpoenas are required even when diversion is recommended so that the court has the ability to summons the officer and any witnesses should the case be remanded to the court.

IV. PLACING OF CHARGES DURING FOLLOW-UP INVESTIGATIONS

A. When an officer wishes to place charges against a juvenile and the juvenile is not physically present at that time (such as during the course of a follow-up investigation), the officer shall:

1. Forward a completed JVR recommending diversion or petition, submit two Request for Witness Subpoena forms, and the ICR containing the necessary information described in section III.G.1. to the Juvenile Court Liaison for processing.
2. ***If an officer has exhausted all resources on attempting to locate the juvenile or parent/guardian the officer shall complete a JVR, leave the arraignment date blank then submit the Juvenile Packet. Officers shall note their attempts to locate the juvenile and parent/guardian in the ICR narrative.***
3. The courts will issue a "court summons" in place of a VUS/JVR that will be served on the juvenile and parent by the appropriate law enforcement agency.

B. Exigent Circumstances

When an officer encounters a situation where the juvenile is not present but there is a need to immediately obtain petitions (i.e. serious crimes, time-sensitive cases, the juvenile is a flight risk, etc.), the Juvenile Intake Unit should be consulted at **501-4693** during normal operating hours or after hours by contacting the on-call Juvenile Intake Officer through Communications.

V. PLACING JUVENILES INTO JUVENILE DETENTION

A. During Normal Operating Hours

When an officer wishes to request a detention order during normal Juvenile & Domestic Relations District Court operating hours (Monday through Friday 0800-1630 hours), the officer shall:

1. Call Intake at **501-4693** prior to responding to the Juvenile Intake Unit at the Henrico County Juvenile & Domestic Relations Courthouse. Intake will conduct a screening over the telephone utilizing the Detention Assessment Instrument to determine if the juvenile meets the criteria to be placed into Juvenile Detention. If the juvenile meets the criteria, the officer shall:
 - a. Complete an ICR and **JVR** to provide it to Juvenile Intake prior to processing the juvenile;
 - b. Fingerprint and photograph the juvenile for the charges that are listed on the petition or detention order, in accordance with LP-07;
 - c. Bring the juvenile to Juvenile Intake; and
 - d. Give two Request for Witness Subpoena forms (DC-325) to the Intake Officer.
2. If possible, a natural parent/legal guardian shall be notified of the hearing date and time by the arresting officer.

B. After Normal Operating Hours

When an officer wishes to request a detention order after normal Juvenile & Domestic Relations District Court operating hours (1630 to 0800 hours and weekends/holidays), the officer shall:

1. Contact the on-call Juvenile Intake Officer through Communications. If a detention order is issued after consultation with the Intake Officer, process the juvenile and take the juvenile to Juvenile Detention;
2. Print and leave a copy of the ICR with Juvenile Detention (Detention does not have access to our system so a physical copy needs to be left with detention. ***Officers shall take a copy with them when responding to Detention.***); and
3. Leave two Request for Witness Subpoena forms with Juvenile Detention.
4. ***Complete a JVR and place in the Court Liaison Mailbox at PSB or in inter-office mail addressed to the Court Liaison Officer. Send appropriate copy to records and retain all other copies for case file.***
5. Officers who fail to leave these documents will be required to appear the next day that the Juvenile & Domestic Relations District Court is in session for the juvenile's detention hearing.

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6. If possible, a natural parent/legal guardian shall be notified of the hearing date and time by the arresting officer.

VI. OUTSTANDING PETITIONS AND/OR DETENTION ORDERS

A. Juveniles Wanted in Other Jurisdictions

1. *The* officer shall contact the appropriate jurisdiction and verify that the petition or detention order is in hand.
2. If the jurisdiction is in the Richmond area, arrange for the transfer of custody to the appropriate agency for service of the petition and/or detention order.
3. If the petition and/or detention order is not from the Richmond area, contact a Juvenile Intake Officer and arrange for placement in the Juvenile Detention Center pending a hearing before a Judge.

B. Juveniles Wanted in Henrico County

1. An officer who locates a juvenile wanted for an outstanding detention order from Henrico County will contact the Henrico County Sheriff's Office Warrant Services Unit to verify the detention order is in hand, serve the detention order immediately, and then place the juvenile into the Juvenile Detention Center.
2. Henrico Police officers shall assist outside agencies that locate juveniles when there is a detention order on file. The Henrico Police officer will, when practical, take custody from the outside agency, serve the legal paper, and place the juvenile into the Juvenile Detention Center.

VII. JUVENILE ARREST DOCUMENTS

- A. Each officer is accountable and responsible for submitting completed juvenile arrest documents in a timely manner. The Court Services Unit will be responsible for coordinating the distribution of documents needed to facilitate the obtaining of petitions.

- B. Forward the following documents as a packet to the Court Services Unit for routine submissions. If multiple juveniles are arrested, then a separate packet for each is required:

1. Incident/Crime Report (ICR)

ICRs shall be submitted through ICRBuilder and the "Add Juvenile Workflow" button shall be checked when eSigning the report. This allows the officer to add the Juvenile Court Liaison to ensure the Court Services Unit receives the ICR. If the "Add Juvenile Workflow" button is checked, a copy of the ICR is not necessary for the packet.

2. The top (Court) copy of the VUS and/or JVR; and
3. Two Request for Witness Subpoena forms.

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- C. When completing the JVR (HCPD-454) officers shall confirm the address information collected is accurate by verifying it with a parent, guardian, school staff, or other responsible party. Officers should not rely solely on reviewing the information with the juvenile. A valid address is critical to ensure a petition or summons is properly issued and can be served. Officers shall note in the ICR *and JVR* which party confirmed the address for the juvenile.
- D. Juvenile packets not received by the Court Services Unit by the next court business day will result in the notification of the affected officer's immediate supervisor.
- E. Hard-copy reports and witness statements needed by the Commonwealth's Attorney's Office should be forwarded directly to their office and not through the Court Services Unit. All documents pertaining to an arrest shall be placed in CaseBuilder.
- F. Driving Under the Influence Administrative Suspension forms (DC-210) (along with Operator's Licenses) and Breathalyzer Reports should be placed directly into the Court Liaison Officer's mailbox before the end of the shift.

VIII. DIVERSION OF FELONIES

The Henrico County Juvenile Intake Unit might occasionally choose to divert a juvenile who committed a felony offense. Once the Intake Unit makes the decision to divert these types of cases, the Juvenile Court Liaison Officer will receive written notice. The Juvenile Court Liaison Officer will deliver this notice, along with a copy of the ICR, to the Deputy Commonwealth's Attorney assigned to Juvenile Court. The Deputy Commonwealth's Attorney will review the information and make the decision to pursue charges against a juvenile or let the diversion process proceed.

- A. If the Deputy Commonwealth's Attorney decides to let the charge continue on the diversion path, the arresting officer will be notified in the bi-monthly e-mail of Juvenile Diversion Cases.
- B. If the Deputy Commonwealth's Attorney decides to pursue the felony charge against the juvenile, they shall direct the Juvenile Court Liaison Officer to contact the arresting officer and have him respond to the Henrico County Magistrate's Office to obtain a warrant in that juvenile's name and under that juvenile's personal information for the previously stated offense. The arresting officer will then take all copies of the warrant to the Juvenile Intake Unit by the next business day and hand the warrants to a Juvenile Intake Officer, who will write the petitions for the juvenile. If the officer is assigned to Midnight Shift, the officer may leave all copies of the warrant in the Court Liaison mailbox at PSB. The case will then proceed to Court as determined after the juvenile's arraignment.

By Order of:

Humberto I. Cardounel, Jr.
Chief of Police