

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Juvenile Procedures	NUMBER: GO 2-29
EFFECTIVE DATE: March 13, 2019	REVIEW DATE: January 14, 2019
AMENDS/SUPERSEDES: GO 2-29, April 14, 2008	APPROVED:  Sheriff
VLEPSC: OPR.04.01, OPR.04.02, OPR.04.03, OPR.08.07	

1 **INDEX WORDS**

- 2
- 3 Confidentiality of information
- 4 Confinement of juveniles
- 5 Custody; of juveniles
- 6 Fingerprints
- 7 Incurable juvenile: see Status offenses
- 8 Juveniles;
- 9 • escapees
- 10 • handling of (formal)
- 11 • handling of (general)
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- 13 • procedures for handling
- 14 • crimes committed by
- 15 Photographs
- 16 Questioning
- 17 Runaways
- 18 Status offenses
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- 22 Warrants

23

24 **POLICY**

25

26 The York-Poquoson Sheriff's Office is committed to the development and perpetuation of

27 programs designed to prevent and control juvenile delinquency. The agency's interests

28 concerning juvenile offenders reflect those of the community with a goal to prevent and

29 control juvenile delinquency. The Sheriff expects deputies to handle juveniles consistently

30 with common sense and the requirements of law. Sheriff's Office policy includes the

31 identification, apprehension, and conviction of juveniles charged with crimes. The best

32 interests of juveniles and the community dictate a limited application of our arrest powers

33 against juveniles who are charged with status offenses. Deputies may handle errant

34 juveniles informally, particularly status offenders, those in need of protection, and those

35 suspected of committing minor criminal offenses. The authority to carry out the provisions

36 of this order is derived from Sections [16.1-246](#), Code of Virginia, when and how a child
37 may be taken into custody. Section [16.1-247](#), Code of Virginia, duties of person taking child
38 into custody, and Section [16.1-299](#), Code of Virginia, fingerprints and photographs of
39 juveniles. In case of minor or status offenses, deputies should divert juveniles from the
40 formal criminal justice process, and instead choose community referral.

41 42 **PURPOSE**

43
44 To establish guidelines and procedures for handling juveniles who are in need of protection,
45 in violation of status offenses, and those charged with criminal offenses.

46 47 **DEFINITIONS**

- 48
- 49 • Child, juvenile, minor
 - 50 ○ A person who is less than eighteen years of age.
 - 51 ○ Physical appearance, maturity, marriage, or the seriousness of an offense does
 - 52 not affect a juvenile's legal status.
 - 53 ○ Confer with the commonwealth's attorney on the handling of emancipated
 - 54 juveniles.
 - 55
 - 56 • Delinquent acts
 - 57 ○ Acts designated as a violation of a law of the Commonwealth of Virginia or an
 - 58 ordinance of any city, county, town, or federal law, but not to include status
 - 59 offenses.
 - 60 ○ Refer to Section [16.1-228](#), Code of Virginia, for a legal definition of the term.
 - 61
 - 62 • Delinquent child
 - 63 ○ A child who has committed a delinquent act or an adult who had committed a
 - 64 delinquent act prior to his or her 18th birthday.
 - 65
 - 66 • Intake officer
 - 67 ○ A juvenile probation officer appointed as such pursuant to Section [16.1-228](#),
 - 68 Code of Virginia.
 - 69
 - 70 • Juvenile court
 - 71 ○ The name by which the Juvenile and Domestic Relations District Court is often
 - 72 called.
 - 73 ○ This court is responsible for the judicial processing of juvenile offenders, and
 - 74 the determination of abuse and neglect cases.
 - 75 ○ All juvenile offenses occurring in York County/City of Poquoson are heard in the
 - 76 Juvenile and Domestic Relations District Court located at 300 Ballard
 - 77 Street, Yorktown, VA 23690.
 - 78
 - 79 • Loco parentis
 - 80 ○ Person acting for a parent such as:
 - 81 ■ A teacher,

- 82 ▪ Relative over the age of eighteen but not a legal guardian, or
- 83 ▪ Any adult willing to accept the responsibility for the juvenile.

84

85 **PROCEDURES**

- 86
- 87 • Overview
 - 88 ○ The Sheriff’s Office has the following school liaison programs:
 - 89 • D.A.R.E., [GO 2-18B, Dare Program](#), and
 - 90 • High school and middle school resource officers (SRO’s).
 - 91
 - 92 ○ One of the goals of the D.A.R.E. program and SRO’s is:
 - 93 ▪ Act as a resource with respect to delinquency prevention, and
 - 94 ▪ Explaining law enforcement’s role in society.
 - 95
 - 96 ○ The goals of the D.A.R.E. and SRO programs is accomplished through the
 - 97 following:
 - 98 ▪ D.A.R.E. “Keeping it Real” program in elementary and middle schools.
 - 99 ▪ “VA Rules” in high schools.
 - 100 ▪ “3D Drunk and Distracted Driving” program in high schools.
 - 101
 - 102 ○ As a part of their assigned duties, all Sheriff’s Office personnel shall be
 - 103 responsible for participating in or supporting the Sheriff’s Office juvenile
 - 104 operations functions and programs.
 - 105 ○ Deputies shall cooperate with the juvenile justice system and support activities.
 - 106 ○ All Sheriff’s Office personnel shall thoroughly understand and practice the
 - 107 provisions of this order.
 - 108
 - 109 • Handling of Juvenile Offenders
 - 110 ○ Juvenile offenders shall be handled with fairness and respect which sets the tone
 - 111 for the entire processing of the juvenile's case.
 - 112 ○ The contact a juvenile has with law enforcement is his or her first impression of
 - 113 society's law enforcement system.
 - 114 ○ The deputy’s proper handling may prevent the recurrence of anti-social
 - 115 behavior.
 - 116 ▪ A deputy’s warning is often all that is required to keep the juvenile from
 - 117 having to appear in juvenile court.
 - 118 ▪ Improper handling often creates the mistaken but lasting impression that all
 - 119 deputies and other government officials are unfair, untrustworthy, and
 - 120 inflexible, and may result in the juvenile's complete rejection of lawful
 - 121 authority.
 - 122
 - 123 ○ See Section [16.1-227](#), Code of Virginia which describes the purposes and
 - 124 objectives of juvenile justice in Virginia.
 - 125 ○ The juvenile justice system and laws are designed to give the child a chance to
 - 126 mature without bearing the stigma of a criminal record.

- 127 ○ The juvenile justice system emphasizes confidentiality of records and the
128 privacy of an adjudicatory hearing.
- 129 ○ Terms such as "take into custody" and "not innocent" substitute for "arrest" and
130 "guilty" to avoid giving the juvenile's behavior a criminal label.
- 131 ○ In dealing with juvenile offenders, deputies shall use the least coercive among
132 reasonable alternatives.
- 133 ○ Where appropriate, Deputies shall reasonably try to keep juveniles out of the
134 criminal justice system.
- 135 ○ When the deputy encounters a victim/complainant who demands that the
136 juvenile be brought before the juvenile court, and the deputy wishes the matter
137 handled informally, the deputy shall contact the intake officer for assistance.
- 138 ○ Deputies may handle a juvenile either informally or formally.
- 139 ○ The options under informal handling are detailed below under Informal
140 Handling.
- 141 ○ Formal handling occurs when the juvenile is issued a summons/citation or
142 brought before the juvenile court or an intake officer for further processing.
- 143 ○ The options under formal handling are detailed below under Formal Handling.
- 144 ○ In making the decision to handle the juvenile either informally or formally, the
145 deputy shall consider the following:
- 146 ▪ Seriousness of offenses.
- 147 ▪ Prior record of child.
- 148 ▪ Child's age.
- 149 ▪ Cooperation and attitude of all parties (child, parent, victim).
- 150 ▪ The possibility of the offense being repeated.
- 151 ▪ Degree of wrongful intent, violence, premeditation, knowledge of violation.
- 152 ▪ Likelihood that the child or parent can be successfully referred to a helping
153 agency.
- 154
- 155 ● Supervisory responsibilities
- 156 ○ The supervisor shall:
- 157 ▪ Review and approve all paperwork and the handling of the case by the
158 arresting deputy.
- 159
- 160 ● Informal handling
- 161 ○ Informal handling includes the deputy's use of the following measures:
- 162 ▪ Warning and outright release to a parent or guardian with no further action.
- 163 ▪ Requiring the parents, guardian or responsible adult to pick up the juvenile.
- 164 ▪ Referring the family to a community service agency.
- 165
- 166 ○ Guidelines for informal handling
- 167 ▪ Respect a juvenile's right of privacy.
- 168 ▪ Information gained should be provided to others only on a "need to know"
169 basis.
- 170 ▪ When the deputy encounters a victim/complainant who demands that the
171 juvenile be brought before the juvenile court, and the deputy believes, based

172 on the circumstances, the matter may be better handled informally, the
173 deputy shall contact the intake officer for assistance.

- 174 ■ Even when the incident is being handled informally, the juvenile has all the
175 constitutional rights that an adult would have in the same situation.
- 176 ■ Deputies shall decide without delay whether formal or informal handling is
177 in order, then apply the appropriate guidelines of this order.
- 178 ■ Even if deputies handle a case informally, they may still follow-up on the
179 case at a later time or, at any time, refer the juvenile and his or her parents to
180 an appropriate social service agency.
- 181 ■ Deputies who release juveniles after issuance of a warning for a criminal
182 offense shall complete an incident report in the Sheriff's Office RMS.
183 Deputies who release juveniles after issuance of a warning for a traffic
184 offense shall complete a field contact entry in RMS.

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- 186 ○ Sample offenses for informal handling
 - 187 ■ Generally, first instances of the following types of offenses shall be handled
188 informally; however, the list is not complete and deputy's good judgment is
189 a major consideration.
 - 190 ❖ Annoying telephone calls.
 - 191 ❖ Cursing and abuse.
 - 192 ❖ Disorderly conduct.
 - 193 ❖ Curfew violation and other status offenses.

194

- 195 ● Formal handling
 - 196 ○ Formal handling occurs when the juvenile is referred to juvenile court or an
197 intake officer for their decision on the proper disposition.
 - 198 ○ Generally, the following situations require formal handling of the juvenile:
 - 199 ■ Delinquent acts that if committed by an adult would be felonies.
 - 200 ■ Delinquent acts involving weapons.
 - 201 ■ Delinquent acts involving aggravated assaults and batteries.

202

- 203 ○ Taking juveniles into custody
 - 204 ■ Section [16.1-246](#), Code of Virginia states that no juvenile may be taken into
205 immediate custody except under the following circumstances:
 - 206 ■ With a detention order issued by:
 - 207 ❖ The judge,
 - 208 ❖ Intake officer, or
 - 209 ❖ Clerk, when authorized by the judge, of the Juvenile and Domestic
210 Relation District Court, or
 - 211 ❖ With a warrant issued by a magistrate.
 - 212
 - 213 ■ When the child is alleged to be in need of services or supervision, and either:
 - 214 ❖ There is clear and substantial danger to child's life or health, or
 - 215 ❖ Custody is necessary to insure child's appearance before court.

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- When, in the arresting deputy’s presence, a child commits a crime and the deputy believes custody is necessary for protection of the public interest, or
 - The deputy has probable cause to believe a child has committed an offense, which if done by an adult would be a felony, or
 - The deputy has probable cause to believe a child has committed a misdemeanor offense involving shoplifting under Section [18.2-103](#) Code of Virginia, assault/battery, or carrying a weapon on school property under Section [18.2-308.1](#), Code of Virginia, or
 - The deputy has probable cause to believe that a child has either run away from home or is without adult supervision at such hours of the night and under such circumstances where the deputy reasonably concludes that there is a clear and substantial danger to the child's welfare, or
 - The deputy has probable cause to believe that a person committed to the Department of Juvenile Justice as a child has run away or has escaped from a jail or detention home, or
 - The deputy has probable cause to believe that a child has run away from a residential facility, child caring facility, or home where he or she had been placed by the court or an appropriate social services or child welfare agency.
 - The child is believed to be in need of inpatient treatment for mental illness in accordance with Section [16.1-340](#), Code of Virginia.
 - General guidelines for taking juvenile into custody
 - Deputies shall 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.
 - When stopping them on the street, detain juveniles 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 time.
 - If it is necessary to take the juvenile into custody, do so with the least possible embarrassment to the juvenile and his or her family.
 - Ensure that the constitutional rights of juveniles are protected.
 - Section [16.1-247](#), Code of Virginia, provides for a specific duties of the deputy taking a juvenile into custody when the juvenile court offices are open or closed.
 - Regardless of the disposition of the juvenile in custody, deputies shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances.
 - Ninth District Intake Protocol and Procedural Guidelines, Normal Business Hours
 - After arresting a juvenile, the law enforcement officer should contact the local Court Service unit for a preliminary case screening.
 - The following will be needed by the intake officer:
 - ❖ Parent/Guardian contact compliance information,
 - ❖ Probable cause statement,

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- ❖ Physical and mental health status of the juvenile,
 - ❖ Completion and receipt of a [Juvenile Referral/Complaint form](#) which can be found in the Forms Folder of Power DMS.
- An appropriate course of action will be determined by the local Court Services unit and may direct one of the following:
 - ❖ Release the juvenile to a parent/guardian or other responsible adult and submit a [Juvenile Referral/Complaint form](#) to the local Court Services unit, or
 - ❖ Bring the juvenile to the local Court Services unit, or
 - ❖ Bring the juvenile to the Merrimac Juvenile Detention Center.
 - The local Court Services Unit will handle all Class 1 Misdemeanor and Felony cases where detention is necessary.
 - ❖ Any Class 1 Misdemeanor or felony offense involving a weapon, as defined in Section [18.2-308](#), Code of Virginia, will automatically be processed by the local Court Services Unit.
 - ❖ Under guidelines established by the Juvenile and Domestic Relations Court judges of the Ninth Judicial District, juveniles involved in crimes which involve firearms will be placed into secure detention by the local Court Services unit or Video Intake unit.
 - Law enforcement officers should contact the local Court Services Unit for assistance regarding status offenses such as those outlined in Section [16.1-278.5](#), Code of Virginia, Children in need of supervision and Section [16.1-278.6](#), Code of Virginia, Status offenders.
 - Violations of probation or parole, with the local Court Services Unit Probation/Parole Officer available as the petitioner, can be completed by the local Court Services unit.
 - Out of state runaway cases that have existing detention orders from the other State can be handled by the local Court Services unit.
 - ❖ In any instance where a juvenile is taken into custody and the parent or guardian of the juvenile refuses to participate in the intake process or indicates that they will not take custody of the child, Child Protective Services shall be contacted and notified of the circumstances prior to calling the local Court Services unit.
- Ninth District Protocol and Procedural Guidelines, After Normal Business Hours
 - The Merrimac Juvenile Detention Center is the location where On-Call Video Intake officer services are available.
 - After arresting a juvenile, the law enforcement officer should contact, through the 911 Emergency Communications Center, the On-Call Video Intake officer for a preliminary case screening.
 - The following will be ascertained:
 - ❖ Parent/Guardian contact information,
 - ❖ Probable cause statement,

- 309 ❖ Physical and mental health status of the juvenile,
310 ❖ Completion and receipt of a [Juvenile Referral/Complaint form](#) which
311 can be found in the Forms Folder of Power DMS.
312
- 313 ■ The on call Video Intake officer will provide a fax number and email
314 address where the [Juvenile Referral/Complaint](#) form is to be forwarded.
315 ■ An appropriate course of action will be determined by the video intake on-
316 call officer and may direct one of the following:
317 ❖ Release the juvenile to a parent/guardian or other responsible adult and
318 submit a [Juvenile Referral/Complaint form](#) to the local Court Services
319 unit, or
320 ❖ Bring the juvenile to the Merrimac Center.
321 ➤ The parent/guardian shall be directed to respond to the Merrimac
322 Center if the On-Call Video Intake officer directs the juvenile to be
323 brought to that location.
324
- 325 ■ Law enforcement officers should contact the local On-Call Video Intake
326 officer for assistance regarding status offenses such as outlined in the
327 Section [16.1-278.5](#), Code of Virginia, Children in need of supervision and
328 Section, [16.1-278.6](#), Code of Virginia, Status offenders.
329 ■ Violations of probation or parole, with the local Court Services Unit
330 Probation/Parole Officer available as the petitioner, can be completed by
331 the On-Call Video Intake Officer.
332 ■ Out of state runaway cases that have existing detention orders from the
333 other State can be handled by the On-Call Video Intake Officer.
334 ❖ In any instance where a juvenile is taken into custody and the parent or
335 guardian of the juvenile refuses to participate in the intake process or
336 indicates that they will not take custody of the child, Child Protective
337 Services shall be contacted and notified of the circumstances prior to
338 calling the local Video Intake on-call officer.
339
- 340 ■ In the event the On-Call Video Intake Officer does not respond to the call
341 within 30 minutes, the Supervisor of the local Court Services unit shall be
342 contacted, through the 911 Emergency Communications Center, for
343 guidance.
344 ■ Video Intake officer will conduct a face to face interview or Video
345 teleconference with the law enforcement officer, juvenile and/or parent(s)
346 to make a decision that is in the best interest of the juvenile that will
347 ensure public safety.
348 ■ If the juvenile is detained the parent(s) should be told to contact the local
349 Court Services unit office after 8:00 a.m. for information regarding the
350 detention hearing.
351 ■ The petition(s) and detention order will be faxed to the Merrimac Juvenile
352 Detention Center with the Video Intake officer's signature wherein the law
353 enforcement officer has sworn to the truthfulness of the petition.

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- The facsimile will become an original petition and detention order pursuant to Section [16.1-260](#), Code of Virginia.
 - Deputies shall sign the faxed petition and execute service on the faxed copy of the detention order with the petition(s) attached.
 - The deputy shall serve the juvenile and parent(s) with the petition(s) and detention order prior to placing the juvenile in the custody of the detention facility.
 - Served copies of the petition(s) and detention order will be left with the personnel at the Merrimac Juvenile Detention Center.
 - The Video Intake officer will fax copies of all paperwork including the referral complaint form, probable cause statement, petition and detention order to the local Court Services unit and the Juvenile and Domestic Relations District Court clerk's office
 - The Video Intake Unit is also available for law enforcement officers, who may work the night shift or weekends, to come in and sign a petition(s) entered by a daytime intake officer, provided the law enforcement officer has a fax indicating their petition(s) is ready.
- Transportation of juveniles
 - In accordance with Section [16.1-254](#), Code of Virginia, no juvenile under 18 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
 - No juvenile who is known or believed to be under 15 years of age shall be transported in a patrol wagon.
 - A patrol wagon is a van or vehicle used to transport several prisoners at a time.
 - See [GO 2-7, Prisoner Restraints](#) and [GO 2-8, Prisoner Transportation](#) for additional information regarding handcuffing procedures and policy regarding transportation of prisoners.
 - Deputies shall transport juveniles to intake or other holding facilities without delay, unless the juvenile is in need of emergency medical treatment. See, [GO 2-8, Prisoner Transportation](#).
 - Legal aspects of confinement of juveniles
 - Virginia law requires juveniles who are taken into custody to be released to a suitable parent or guardian or otherwise suitable person, after the facts have been ascertained and under certain conditions.
 - After consideration of the seriousness or the offense, pending charges and previous adjudications of delinquency, detention of the juvenile is permissible under the following circumstances in accordance with Section [16.1-248.1](#), Code of Virginia:
 - The juvenile is alleged to have:
 - ❖ Violated the terms of his probation or Parole when the charge for which he was placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult, or

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- ❖ Committed an act that would be a felony or Class 1 misdemeanor if committed by an adult, and there is clear and convincing evidence that:
 - The liberty of the juvenile, constitutes a clear and substantial threat to the person or property of others;
 - The liberty of the juvenile would present a clear and substantial threat of serious harm to such juvenile's life or health; or
 - The juvenile has threatened to abscond from the court's jurisdiction during the pendency of the instant proceedings or has a record of willful failure to appear at a court hearing within the immediately preceding 12 months.
 - Section [16.1-249](#), Code of Virginia, puts certain restrictions on the place of confinement.
 - No person known or alleged to be under the age of 18 shall be confined in any jail or other facility with adults except under certain circumstances as detailed in the statute.
 - Section [16.1-249](#), Code of Virginia, states that if a juvenile 14 years of age or older is charged with an offense which, if committed by an adult, would be a felony or Class 1 misdemeanor, and the judge or juvenile intake officer determines that secure detention is required, the child may be detained not longer than six hours in a temporary lock-up or juvenile ward pending transfer to a juvenile facility.
 - This room or ward may be located in a building with a jail but the room or ward must be separate and removed from adults, must be under constant supervision, and must be approved by the State Board of Corrections for the detention of juveniles.
 - The courthouse holding area does not classify as a juvenile holding area, and as such, should not be used for this purpose.
 - Questioning juveniles
 - When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed.
 - Under no circumstances shall a juvenile be compelled to answer questions either by physical force or psychological pressure or deceptions.
 - Consult [GO 2-1, Constitutional Safeguards](#) for additional legal guidelines.
 - While the deputy 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 deputy shall consider:
 - The duration of the questioning, and
 - The number of deputies present during the interview, and
 - The juvenile's age, and
 - The juvenile's mental capacity, and
 - The juvenile's education, and experience.

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- If practical, deputies may contact the parents or guardians of a juvenile prior to questioning and the parents given an opportunity to both understand what the questioning will cover and to be present during questioning.
 - If this is not feasible or if the juvenile prefers not to include the parent(s) or guardian(s), the deputy may go ahead and question anyway, but must very carefully ensure that all rights of the juvenile are protected.
 - Prior to questioning a juvenile where Miranda warnings are required, juveniles shall be advised they have the right to have their parents(s) or guardian present.
 - Deputies shall honor a juvenile’s request to speak with a parent or guardian before waiving his/her rights.
 - No juvenile can be compelled to answer any questions, which may tend to incriminate him or her.
 - Juveniles are entitled to the full *Miranda* warnings and these rights must be explained and not just routinely read.
 - 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 feasible, the interrogation should be handled by no more than two deputies if at all possible.
 - This increases the defense that an interrogated juvenile was not intimidated or pressured.
 - If a deputy interrogates a juvenile of the opposite sex, the deputy should request the presence of another officer of the same sex if one is available.
 - If a deputy of the same sex as the juvenile being interrogated is not available, two (2) deputies shall be present during the interview.
 - Because in many cases, juveniles may not understand what is happening to them during the interrogation process, the deputy should explain the following to the fullest extent possible:
 - What the individual should expect as far as juvenile justice procedures are concerned, and;
 - How the juvenile court system works.
 - Deputies are reminded that the rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.
 - Refer to [GO 2-41, Interview Rooms](#) and [GO 2-42, Mobile Video/Audio Recording](#), for guidelines regarding recording of interviews and interrogations.
- Written citations/summonses
 - A deputy may use the Virginia Uniform Summons form, just as for an adult, in the following situations without taking a juvenile into custody:

- 491 ▪ Violation of the traffic laws, including offenses involving bicycles or
- 492 hitchhiking.
- 493 ▪ Violation of county ordinances establishing curfew violations or animal
- 494 control violations.
- 495 ▪ Violation of game and fish laws.
- 496 ▪ An arrest for any alcohol-related offense where a parent/legal guardian is
- 497 available to sign the summons.
- 498 ▪ Violation of tobacco laws.
- 499
- 500 • Fingerprints and photographs of juveniles
- 501 ○ Section [16.1-299](#), Code of Virginia, provides that fingerprints and photographs
- 502 of juveniles may be taken and filed under the following circumstances:
- 503 ▪ The juvenile is taken into custody and charged with a delinquent act an
- 504 arrest for which, if committed by an adult is required to be reported to the
- 505 Central Criminal Records Exchange pursuant to Section [19.2-390](#), Code of
- 506 Virginia.
- 507 ▪ The juvenile is convicted of a felony, regardless of age.
- 508 ▪ The juvenile is adjudicated delinquent of an offense that would be a felony if
- 509 committed by an adult.
- 510 ▪ The juvenile has a case involving an offense, which would be a felony if
- 511 committed by an adult that is dismissed pursuant to a deferred disposition.
- 512 ▪ The juvenile is convicted or adjudicated delinquent of any offense for which
- 513 a report to the Central Criminal Records Exchange is required.
- 514
- 515 • Dissemination/Retention/Release of Juvenile Fingerprints and Photographs
- 516 ○ The Sheriff is responsible for the agency’s compliance with Code of Virginia
- 517 requirements on dissemination and retention of juvenile records including
- 518 fingerprints and photographs.
- 519 ○ Section [16.1-301](#), Code of Virginia, provides that law-enforcement agencies
- 520 must take precautions to avoid the disclosure of juvenile criminal records to
- 521 unauthorized persons.
- 522 ○ Juvenile criminal records are not available for public dissemination unless a
- 523 juvenile 14 years old or older has been charged with a violent felony, and
- 524 charged as an adult pursuant to Section [16.1-269.1](#), Code of Virginia.
- 525 ○ Deputies may release, upon request, to one another and to other local state or
- 526 federal law-enforcement agencies, and to law enforcement agencies of other
- 527 states, current information on juvenile arrests.
- 528 ▪ This information may only be used for current investigations pursuant to
- 529 Section [16.1-301](#), Code of Virginia, and shall not result in the creation of
- 530 new files or records on individual juveniles on the part of the receiving
- 531 agency.
- 532
- 533 ○ Fingerprint cards and photographs shall be destroyed in accordance with Section
- 534 [16.1-299](#), Code of Virginia, under the following circumstances:

- 535 ▪ No petition or warrant is filed within 60 days against a juvenile whose
- 536 fingerprints or photographs have been taken in connection with an alleged
- 537 violation of law.
- 538 ▪ Within six months if a juvenile charged with a delinquent act other than a
- 539 violent felony or crime ancillary thereto is found not guilty, or
- 540 ▪ In any other case resulting in a disposition for which fingerprints are not
- 541 required to be forwarded to the Central Criminal Records Exchange, upon
- 542 order of the court.
- 543 ○ Juvenile fingerprint cards and photographs, authorized for retention, shall be
- 544 separately and securely maintained.
- 545 ○ Access to these records shall be restricted to official use.
- 546 ○ Destruction of fingerprint cards and photographs shall occur upon receipt of an
- 547 order of expungement by the court, pursuant to Section [16.1-306](#), Code of
- 548 Virginia.
- 549 ○ For release of juvenile information to the media and public, see [RR 1-13, Media](#)
- 550 [Relations](#) and Section [16.1-309.1](#), Code of Virginia.
- 551
- 552 • Confidentiality of records/release of information
- 553 ○ Section [16.1-301](#), Code of Virginia requires that all law-enforcement agencies
- 554 take special precautions to ensure that law-enforcement records concerning a
- 555 child are protected against disclosure to any unauthorized person.
- 556 ○ Juvenile records are to be destroyed only upon receipt of an order of
- 557 expungement by the court pursuant to Section [16.1-306](#), Code of Virginia.
- 558
- 559 • Child protection
- 560 ○ When probable cause exists that a juvenile is without adult supervision at such
- 561 hours of the night and under circumstances that the deputy concludes that a clear
- 562 and substantial danger to the juvenile's welfare exists, the deputy shall:
- 563 ▪ Take the child into immediate custody.
- 564 ▪ Notify the on-duty supervisor.
- 565 ▪ Upon receiving supervisor's approval contact Child Protective Services via
- 566 the 911 Emergency Communications Center.
- 567 ▪ The deputy shall complete an offense/incident report on the matter.
- 568
- 569 ○ For additional guidance, see criteria for detention or shelter care for a child,
- 570 pursuant to Section [16.1-248.1](#), Code of Virginia and the procedure for a
- 571 detention hearing, pursuant to Section [16.1-250](#), Code of Virginia or an
- 572 emergency removal order, pursuant to Section [16.1-251](#), Code of Virginia.
- 573

STATUS OFFENSES

- 574
- 575
- 576 • Status offenses – general
- 577 ○ A juvenile who commits an act (status offense), which is unlawful only if
- 578 committed by a juvenile.
- 579 ○ Examples of status offenses:
- 580 ▪ Truancy

- 581 ❖ A juvenile who is subject to compulsory school attendance but is
582 habitually absent without justification.
583
- 584 ■ Runaway
585 ❖ A juvenile who remains away from or who habitually deserts or
586 abandons the family.
587
- 588 ■ Curfew Violation
589 ❖ A juvenile who is in public, away from their residence, past the time
590 established by a local law or ordinance.
591
- 592 ○ Note that some federal offenses are status offenses as well.
593 ○ In custodial situations, deputies will determine whether or not juveniles have
594 engaged in either criminal behavior or status offenses and follow appropriate
595 procedures.
596 ○ When taking juveniles into custody, deputies must be cognizant of their actual
597 authority for doing so.
598
- 599 ● Investigations of runaways
600 ○ When probable cause exists that a juvenile has run away from home, the deputy
601 shall perform the following:
602 ■ Complete an incident report and a [SP 183 Missing Children Clearinghouse](#)
603 [Report](#).
604 ■ Have the parent or guardian review the [SP-183 Missing Children](#)
605 [Clearinghouse Report](#) for its accuracy, particularly for verification that the
606 birth date and physical description of the child are as stated.
607 ■ Have the parent or guardian sign the [SP 183 Missing Children](#)
608 [Clearinghouse Report](#).
609 ■ Obtain a current photograph of the runaway juvenile from the parent(s) or
610 guardian.
611 ■ Deliver the [SP183 Missing Children Clearinghouse Report](#) and photograph
612 to the 911 Emergency Communications Center for entry into NCI/VCIN.
613 ■ Have the 911 Emergency Communications Center broadcast a lookout for
614 the runaway juvenile.
615
- 616 ● Taking runaway into custody
617 ○ Runaway is found in York County:
618 ■ Verify that runaway is still a juvenile.
619 ■ Take juvenile into custody.
620 ■ Make contact with parents or guardian and arrange for release.
621 ■ In cases where the juvenile is from another nearby jurisdiction, notify the
622 law enforcement agency who entered the juvenile as a runaway.
623 ■ Contact the parent or guardian of the juvenile and arrange for release.
624 ❖ If problems arise in dealing with another jurisdiction or in contacting the
625 family, notify juvenile intake officer for guidance, if needed.
626

- 627 ▪ Contact Child Protective Services and the Court Services Intake Officer if
- 628 the runaway is located out of state and the parent or guardian is unable to
- 629 arrange to pick up the runaway.
- 630 ▪ In any event, deputies shall complete incident reports for any runways taken
- 631 into custody.
- 632
- 633 ○ Runaway from York County found in another jurisdiction
- 634 ▪ Notify the parent or guardian and advise the location where they can pick up
- 635 the juvenile if no charges are pending and if not already advised by the
- 636 jurisdiction where the child is found.
- 637 ❖ If the parent or guardian cannot be contacted or refuse to pick up the
- 638 juvenile, contact Child Protective Services followed by the Court
- 639 Services Intake officer.
- 640 ❖ The intake officer will then determine what the next step will be.
- 641 ❖ The deputy shall:
- 642 ➤ Follow the intake officer's instructions for detention or child
- 643 placement.
- 644
- 645 ▪ In-state runaways may be housed in a juvenile detention center for a period
- 646 not to exceed 24 hours, excluding weekends and holidays.
- 647 ▪ Pursuant to the Interstate Compact Act, out-of-state runaways may be
- 648 housed in a juvenile detention center until they can be released to a parent or
- 649 guardian.
- 650
- 651 ● Truancy
- 652 ○ When custody occurs because a juvenile is a reported truant by school officials,
- 653 or a deputy reasonably determines because of the child's age and circumstances
- 654 that a juvenile is a suspected truant, the juvenile shall be taken into custody and
- 655 delivered to the appropriate school personnel and released.
- 656 ○ The deputy shall complete an incident report which includes the name of the
- 657 person notifying the parent of the truancy and the name of the person to whom
- 658 the juvenile was released.
- 659
- 660 ● Curfew violations
- 661 ○ York County Code Section [16-2](#) establishes a curfew between the hours of
- 662 12:30 am and 5:00 am daily for persons under 18 years of age.
- 663 ○ The following are exceptions to the County curfew ordinance:
- 664 ▪ Minors accompanied by their parent, guardian or other adult person having
- 665 care and custody of the minor, or
- 666 ▪ When the minor is on an emergency errand or legitimate business directed
- 667 by their parent, guardian or other adult having care and custody of the minor.
- 668 ❖ Contact the parent or guardian and arrange for either:
- 669 ➤ The parent or guardian or other responsible adult to respond to the
- 670 location to pick up the child, or
- 671 ➤ Contact the Court Services Intake officer for disposition if other
- 672 delinquent acts have been committed besides the curfew violation.

- 673 ➤ Contact Child Protective Services if unable to contact a
674 parent/guardian or other responsible adult to take custody of the
675 child.
676 ➤ Minors who are members of the armed forces shall be released to a
677 member of their command.
678

679 **DETENTION ORDERS AND WARRANTS**

- 680
- 681 • Release or detention of juveniles charged with delinquent acts
 - 682 ○ Whenever possible, for non-violent misdemeanors, deputies shall release a
683 juvenile to a parent, guardian or person acting for a parent, who:
 - 684 ▪ Is available and willing to provide supervision and care; and
 - 685 ▪ Promises to bring the juvenile before the court when requested.
686
 - 687 ○ The arresting deputy shall seek a petition and detention order from the intake
688 officer to detain a juvenile whenever there is probable cause to believe that the
689 juvenile committed a felony.
 - 690 ○ In the event the intake officer refuses to issue a petition deputies shall do the
691 following:
 - 692 ▪ Obtain a written denial from the Intake officer,
 - 693 ▪ Contact the Commonwealth’s Attorney and advise of the denial.
 - 694 ▪ Unless advised otherwise by the Commonwealth’s Attorney, take the written
695 denial along with a criminal complaint establishing probable cause to the
696 magistrate.
 - 697 ▪ If the magistrate finds probable cause and issues a warrant, take the warrant
698 to the intake office who shall then issue a petition and if circumstances exist
699 a detention order.
700
 - 701 • Execution of Detention Orders
 - 702 ○ Deputies taking a juvenile into custody in response to a detention order shall:
 - 703 ▪ Deliver the juvenile, in accordance with the instructions of the detention
704 order to:
 - 705 ❖ The specified court, or
 - 706 ❖ The specified Court Services unit, or
 - 707 ❖ The secure or less secure juvenile detention facility specified in the
708 order, or
 - 709 ❖ To a law enforcement officer from the jurisdiction where the detention
710 order was issued.
711
 - 712 • Handling of escapees
 - 713 ○ Immediate custody of escapees:
 - 714 ▪ Juveniles who are escapees from jail, a detention home, or other institution
715 in which they were placed by order of Juvenile Court, Child Protection
716 Services, or other licensed child welfare agency may be taken into
717 immediate custody when:

- 718 ❖ A detention order or warrant is known to be on file in this or another
719 jurisdiction.
- 720 ❖ A deputy has probable cause to believe that a juvenile has escaped or run
721 away from a jail, detention home, residential child care facility, or home
722 in which they were placed by the court, the Department of Social
723 Services, or a licensed child welfare agency.
- 724
- 725 • Return or placement of escapees
- 726 ○ Whether juvenile court is open or closed, the juvenile may be returned and
727 released to the facility from which the juvenile escaped or fled.
- 728 ○ If the juvenile is cannot be released to the facility from which the juvenile
729 escaped or fled, the deputy shall contact the intake officer of the court who will
730 determine where the juvenile will be placed.
- 731
- 732 • Reporting requirements
- 733 ○ The deputy shall complete an offense report with all required supplements.
- 734 ○ When a locally-placed juvenile runs away from an unsecured group home, no
735 matter where that home is located, the deputy shall:
- 736 ■ Take an offense report for a missing juvenile (runaway).
- 737 ■ Complete a Virginia [SP-183 Missing Children Information Clearinghouse](#)
738 [Report](#).
- 739 ❖ The adult reporting the juvenile missing will sign the report.
- 740
- 741 ■ Initiate a search and broadcast a lookout for any juvenile reported missing or
742 escaped from a local facility.
- 743
- 744 ○ When an out-of-town-placed juvenile has either escaped from the detention
745 home or run away from a local group home, the deputy shall:
- 746 ■ Initiate a search and have the 911 Emergency Communications Center
747 broadcast a lookout for any juvenile reported missing or escaped from a
748 local facility.
- 749 ■ Notify the administrator reporting the missing juvenile to contact the
750 jurisdiction, which placed the juvenile in the facility to make the original
751 report.
- 752 ■ Complete an offense report including a suspect description.
- 753
- 754 ○ When an escaped juvenile or one that has run away from a group home is
755 apprehended, the deputy shall:
- 756 ■ Complete a supplement to the original report, if a locally-placed juvenile.
757 (In most cases the juvenile court will have filed already a detention order on
758 the juvenile.)
- 759 ■ Complete an original offense report including a suspect description, if an
760 out-of-town juvenile is from an out-of-town facility.
- 761 ■ Notify the jurisdiction that placed the juvenile of the apprehension, if an out-
762 of-town-placed juvenile escaped or ran away from a local facility.