

City of Virginia Beach Police Department Interactions with Juveniles Field Guide



A Guide for Department Personnel

Guidelines for Investigating and Arresting Juvenile Offenders

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Purpose: (CALEA 44.1.1)

The Virginia Beach Police Department is committed to approaching juvenile crime with a focus toward preventing and controlling juvenile delinquency and deterring future criminality. Officers should always keep in mind what is in the best interest of the juvenile with whom the officer has encountered. With this commitment in mind, officers are afforded a great degree of latitude and discretion when encountering youth offenders.

General Considerations

The department should cooperate actively with all other agencies, public or private, that can be of assistance in deterring and controlling juvenile delinquency.

Most juvenile offenders are still in their developmental and learning stages. The fundamental principle underlying this policy is that juveniles should be given an opportunity to learn from their mistakes. Often this form of learning creates a deeper and more lasting impression. In the adult system, we tend to punish those who violate the law, relying on the assumption that adults should be held responsible for their actions. Under appropriate circumstances, it is generally more productive and beneficial to allow juveniles to understand that they will be held responsible through some constructive corrective action, rather than strictly relying on a punitive approach.

As detailed in this guide, a juvenile, for purposes of the criminal law, is anyone under the age of 18 (§16.1-228). Police officers should be aware that a juvenile possesses the same constitutional rights as an adult. However, juveniles' merit greater legal protection, especially in the area of questioning, custodial interview, and waiver of any fourth, fifth, or sixth amendment rights.

Section I: Juvenile Health and Safety

Responsibility to Provide Care

Officers who encounter an unattended child shall inquire and consider whether the juvenile is alleged to have been harmed, is in danger of harm, or the victim of a crime. The legal doctrine of *parens patriae* grants the inherent power and authority of the state to protect persons who are legally unable to act on their own behalf. This legal concept authorizes officers to act, if necessary, for the protection, care, custody, and maintenance of children for safety and welfare. In circumstances where the child is unattended and away from the care of their family, the officer shall see to the safe return of the child to their home or school and shall contact the parent or guardian of the child to advise of the circumstances of the encounter.

Affording Medical Care

Pursuant to Virginia Code § 54.1-2969, whenever a minor who has been separated from the custody of their parent or guardian is in need of surgical or medical treatment, a police officer standing in loco parentis may authorize surgical or medical treatment of that child. In the event of a medical emergency, do not delay emergency medical

treatment or services in order to locate a parent. When a minor 14 years of age or older is physically capable of giving consent, consent must be obtained before surgical treatment, medical treatment, or transportation to a hospital.

Responding to Abuse, Neglect, or Criminal Victimization

When responding to a report of a crime, and in accordance with the provisions of General Order 11.03 (Patrol Operations), officers shall ensure the earliest notification possible of the parent or guardian of any children involved unless the suspect of the alleged abuse is the parent or guardian.

If it is suspected that a juvenile is a victim of neglect or abuse, the officer, as a mandated reporter under the Code of Virginia shall notify Child Protective Services as soon as practical, but within 24 hours. The officer shall complete an incident report and either investigate the case or request assistance from the Detective Bureau.

Juveniles and Mental Health (CALEA 41.2.7 A, B, C)

Officers shall refer to the Virginia Beach Police Department's Field Guide on Response to Persons with Mental Illness for guidance on these matters. A few reminders regarding mental health treatment for juveniles:

- A. The age of consent for mental health treatment is 14 years old.
- B. If a child is under the age of 14, an ECO/TDO is not required if the parent or guardian wants the child to receive treatment.
- C. If the child is 14 or older, an ECO/TDO will be required, just as it is with an adult.
- D. An ECO and TDO for a juvenile are obtained from the magistrate, just as they are for adults.
- E. An officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a juvenile meets the criteria for emergency custody may take that juvenile into custody and transport that juvenile to an appropriate location to assess the need for hospitalization or treatment without prior authorization.
- F. The period of custody pursuant to an ECO is valid for a period of 8 hours from the time of execution.

Section II: Interviewing Juveniles

Interviewing Juveniles (CALEA 44.2.2 C, 44.2.3)

Officers must exercise care when questioning juveniles. Most juveniles will have had little to no prior contact with the police and speaking with an authority figure such as a police officer can be very intimidating to a child. Therefore, officers should be professional, respectful, compassionate, caring, and empathetic when speaking to victims or witnesses of criminal acts.

The following general tips are offered for successful interviews of children:

- A. Introduce yourself – explain why you are there. Answer questions to the best of your ability.
- B. Create a comfortable environment for the juvenile so they feel comfortable to disclose private and potentially embarrassing information. This is accomplished physically and by verbal and non-verbal means.
- C. The first few minutes are crucial to building trust. The investigator should focus on putting the juvenile at ease.
- D. Start the conversation with non-threatening, less serious topics.
- E. Follow the juvenile's lead and allow them to tell their story without interruption.
- F. Be an active listener by nodding in agreement and making encouraging comments. Be sure to use calm body language that conveys openness.
- G. Recognize the juvenile's strengths and talk about things they have done well.
- H. Ask for the juvenile's opinion and express interest in an area the juvenile has expertise in.
- I. Find common interests and let the juvenile talk about them.
- J. Do not take the juvenile's behavior personally. They may be responding with fear to an unfamiliar or threatening situation. Past experiences may also play a role in their attitude.
- K. Use the "pacing" technique by matching the body posture and movements of the juvenile. This is not effective if the juvenile is tense or rigid. If the juvenile is tense, the investigator should maintain a calm body posture, respiratory rhythm, speed of conversation and tone of voice and volume.
- L. Match the verbs and words used to explain actions or conditions with those being used by the juvenile.
- M. Invite the juvenile to ask questions at any time during the interview.
- N. Work on building and maintaining a rapport throughout the interview.
- O. Do not say things just to be liked. If the juvenile perceives the investigator as being disingenuous, they will be less likely to answer questions.
- P. Avoid long questions with a lot of information loaded in them.
- Q. Avoid giving more than one option in a question.
- R. Use visual props to facilitate conversation.
- S. Avoid asking for abstract thinking.
- T. Avoid analogies.

- U. Ask open-ended questions and avoid questions that can be answered with a “yes/no,” “okay” or shrug.
- V. Ask questions for clarification or when you do not understand.
- W. Do not start questions with “why” or “how could you,” as they are accusatory and provoke defensiveness.
- X. Do not move too quickly into inquiring about offense-related matters.
- Y. When possible, avoid having two adults interviewing a juvenile, as this can be overwhelming for the juvenile.

When interviewing juveniles who are victims of a crime, **other than child abuse, neglect, or sexual assault**:

- A. Determine if the child is injured and summon medical assistance if necessary.
- B. After obtaining basic information to determine if an offense has taken place and other exigent details of any possible crime committed, parents shall be notified, if possible, and if time and circumstances permit, prior to more detailed questioning of the juvenile victim(s).
- C. Remember that victims and witnesses have experienced something upsetting and/or traumatic.
- D. With assistance from another officer, if possible, remove the juvenile(s) from the situation and area in order to afford some privacy and to help to calm the victim(s). Some juveniles may not want to be seen by their peers talking to or cooperating with police, so speaking with them in private may allow victims to be more forthcoming about events.
- E. Patience must be practiced as juveniles are often hesitant to talk with adults, especially about sensitive matters. Make sure the child understands the purpose of the interview and make them as comfortable as possible. Adjust tone, volume, language, and inflection to help the child understand. Communicate in a compassionate and non-judgmental tone and do not impose your value system or blame the victim.

Interviewing Children Who Are Victims of Child Abuse, Neglect, or Sexual Assault

The initial and forensic interviewing of a child is critical to the integrity of the investigation and resulting prosecution. Therefore, officers should follow these procedures:

- A. Upon arrival, check and verify that the child is not physically injured. If he/she is injured, provide medical attention, and call for rescue. Take notes about the injuries. To the extent possible, refrain from interviewing the child about any allegation.
- B. If you have identified that serious physical abuse has occurred (severe laceration, broken bone(s) etc.), or the child has been a victim of a sexual assault, notify the Detective Bureau and Child Protective Services as soon as feasible. While at the

scene, obtain as much information as you can about what happened to the child. Speak to any witnesses and to the child's parent(s), guardian(s), or caregiver(s), (separately if there is more than one caregiver). Do not conduct any interviews in front of the child.

- C. If the child disclosed information to an adult, determine *exactly* what the child said to the adult (parent, guardian, teacher, etc.). Ask them to tell you what happened (who, what where, when, why, how).
- D. In a child sexual assault case, identify and talk to the first person to whom the child disclosed (teacher, day care worker, parent, etc.). Do not talk with those who did not hear the information directly from the child (i.e., talking to a school nurse when the child disclosed to a teacher). Document what you were told. Obtain the minimal facts.
- E. Do not allow contact between the child and the alleged offender, even if the offender is a parent/guardian. This may mean not allowing a parent to pick up their child from school. CPS will make arrangements for the placement of the child.
- F. To the extent possible, do not talk to the child about the alleged incident. Do reassure them that they are not in trouble and that they did not do anything wrong. Let them know that you are there to help them. If they do begin talking to you, listen, but do not make promises of confidentiality. Do not react surprised, angry, or shocked. The child will pick up on your reaction and may not want to talk again. Document exactly what the child said. Use their words and do not paraphrase.
- G. Do not make negative comments about the alleged offender. You do not know the emotional attachment of the victim to the offender. Often in abuse cases, the victim will want to protect the offender, return home with the offender, or continue to visit the offender because of this attachment. Victims often continue to care about the offender even after all that has happened. Children usually do not want the offender taken away from them. They just want the abuse to stop.
- H. Do Not interview the alleged offender. This will be done by the detective(s)/CPS at a later time. Do not give any information to the identified offender and direct the family and reporting person to do the same. Document any spontaneous statements made by the alleged offender and report them to the assigned detective. Refer questions from the alleged offender to the detective.

Interviewing Juvenile Witnesses

Parents shall be notified as soon as practical prior to questioning a juvenile witness to a crime. It should be noted that some parents may not want their child involved as a witness to a crime and this may require further consultation with the parent and Office of the Commonwealth's Attorney, if necessary.

As with victims of a crime, the witness may have experienced a very traumatic or otherwise upsetting event, making it difficult for the witness to relate what was seen or experienced.

Some potential witnesses may not want to be seen cooperating with police. Officers or investigators may suggest moving the witness to a more private area which may encourage a better flow of information.

When attempting to interview a witness or a victim, identify the emotional capability of the child.

This can be accomplished by obtaining the following information:

- A. Any medications that may interfere with the child's ability to understand.
- B. Whether the child connects with the real world.
- C. Any learning abilities/challenges that may be present.

Custodial and Non-custodial Interviews of a Juvenile Suspect

Prior to the custodial interrogation of a juvenile, and in accordance with Virginia State Code §16.1-247.1, General Order 6.07 (Juvenile Legal Issues), and General Order 6.03 (Interview and Interrogation,) the officer shall make every effort to contact the parent, guardian, or legal custodian of the juvenile in custody and advise of the status and location of the juvenile. The parent, guardian, or legal custodian shall be notified of the juvenile's arrest and provided contact with the juvenile prior to interrogation. This notification and contact may be in person, electronically, by telephone, or by video conference.

The following are the only exceptions to the requirement for contact prior to custodial interrogation:

- A. The parent, guardian, or legal custodian is a codefendant.
- B. The parent, guardian, or legal custodian is suspected of committing a crime against the child.
- C. The parent, guardian, or legal custodian cannot reasonably be located or refuses contact.
- D. The officer believes the information sought is necessary to protect life, limb, or property from an imminent danger and the questions are limited to those that are reasonably necessary to obtain that information.

As previously stated, most juveniles that officers will encounter will have little to no prior contact with police and the criminal justice system. Therefore, a juvenile suspected of a crime that is contacted by an authority figure such as a police officer may be intimidated and frightened. Except for those children who have had more frequent contact with the criminal justice system, juveniles may not be able to distinguish between the legal differences of a custodial versus a non-custodial interview. Whether or not a juvenile suspect believed at the time of the interview that he or she was in custody will receive a high level of consideration and scrutiny from the Court. Therefore, when conducting an interview with a juvenile suspect, the issue of custody, from the perspective of the child considering age, maturity, emotional state, timing and location of the interview, experience with the juvenile justice system, should be carefully considered prior to

initiating questions. Generally, to withstand the considerations and scrutiny of the judicial processes that follow an arrest, it is suggested that investigating officers should approach an interview with a juvenile suspect as though it is a custodial interview with the accompanying requirements of the reading of *Miranda* Rights. Such an approach may not be appropriate for more mature juvenile suspects who are experienced with the juvenile justice system.

Advisement of Miranda Rights

The goal of a custodial interview of a juvenile suspect is to obtain an accurate and truthful statement regarding the criminal offense under investigation. Success in this endeavor requires the investigator to not only garner the information needed to proceed further with the investigation, but to respect the rights and protections afforded to the arrested juvenile.

Officers who conduct custodial interviews of juveniles must not only observe the same precautions they take with adults – providing food and water, allowing the suspect to take bathroom breaks and rest when tired, and so on – but they must use different and more appropriate interview tactics that reflect the differences between adults and children. This is true even when the juvenile is an older teenager.

Prior to advising a juvenile of his or her constitutional rights against self-incrimination and his or her right to an attorney (*Miranda* Rights), officers or investigators should get a sense of the juvenile's mental and physical state and education level and document the reasons of this inquiry. If a juvenile is determined to be in need of medical assistance, this will be obtained prior to any questioning.

As with adults, *Miranda* Rights will be advised as follows (Note: this can be facilitated using a department-issued rights card or a PD13 – Advisement of Rights form):

According to the VBPD Constitutional Issues Field Guide, there is not an established script for *Miranda* warnings. Rather, the *Miranda* rule simply requires that the following "message" be conveyed to anyone who is about to be subjected to a custodial police interview:

- A. You have the right to remain silent.
- B. Anything you say can and will be used against you in court.
- C. You have the right to talk with a lawyer and to have a lawyer with you during any questioning.
- D. If you want a lawyer and cannot afford one, one will be appointed to represent you at no cost to you.

As each of the rights are advised, the officer or investigator shall ask the juvenile if he or she understands each right and if he or she has any specific questions about each right advised.

It is the policy of the Virginia Beach Police Department that officers/detectives will advise a suspect of the following right after advising of the above listed four rights, and before securing a waiver:

- A.** *You can decide at any time to exercise these rights and not answer any questions or make any statements.*

Additionally, in order to secure a knowing, intelligent, and voluntary waiver of rights, the following questions should be asked, and an affirmative response secured for each question:

- A.** *Do you understand each of these rights I have explained to you?*

- B.** *Having these rights in mind, do you wish to talk to us?*

Again, after each right is explained, the officer or detective shall ask the juvenile being questioned if he or she understands each right and if he or she has any questions about each right that is read. Officers and detectives shall then document the responses received prior to the beginning of questioning.

Presence of a Friendly Adult

It is recommended, but at the discretion of the investigator to involve a “friendly adult” in the juvenile interview process and to allow him or her meaningful opportunities to privately consult with the juvenile throughout the custodial interview. Traditionally, the friendly adult is a parent or guardian, although each presents different challenges.

The presence of a parent or guardian during a custodial interview of a child is not required in Virginia and is a discretionary decision by the investigator. The presence or absence of a parent or guardian may impact a judicial review of the admissibility of a statement. Investigators are still required, however, to notify parents as soon as possible after taking a child into custody, providing information regarding the condition, whereabouts, and legal status of the child. The presence of a parent or guardian during the interview can have a positive effect on the course of the interview, or alternatively, a negative effect. Parents who pressure a child to confess can increase the risk that the child will give a false or involuntary statement. If this happens, the officer should call for a break in the interview so the parent can calm down.

Length of Questioning

The length and conditions of a juvenile interview will receive considerable scrutiny in subsequent court hearings. Typically, juveniles can tolerate only about an hour of questioning before a substantial break should occur. Investigators should be mindful of the duration of interviews between breaks, as well as the overall duration of the interview. Careful documentation of the interview progress and the timing of breaks is essential to the integrity of the case.

The Virginia Beach Police Department sets no definitive time restrictions in matters involving the interview of juvenile offenders. However, interviews of juvenile offenders suspected in serious criminal offenses (likely to result in incarceration or detention) or interviews that exceed one hour of questioning shall be closely monitored by a

supervisor. As is delineated in other Department directives, investigators should be mindful of the needs of the juvenile, allowing for breaks as needed, access to the restroom, and should offer drinks or snacks if it is determined that the child has not eaten in the previous four hours.

Time of Questioning

Officers should be mindful of questioning juvenile suspects, especially younger teens, and children, in the middle of the night. Even a few hours of sleep deprivation, combined with the stress of interview, may increase the risk of problematic statements. And courts tend to disapprove of late-night interviews, particularly when children are involved.

Avoid Use of Deception

Currently, the use of deception during a custodial interview – such as a false claim that police possess evidence incriminating the suspect – is permissible. However, the changing nature of the legal landscape should make officers think twice before using this technique during the juvenile custodial interview. The presentation of false evidence may cause a young person to think that the interviewer is so firmly convinced of his guilt that he will never be able to persuade him otherwise. In that event, the young person may think that he has no choice but to confess – whether guilty or innocent – in an effort to cut his losses. For this reason, the use of false evidence during juvenile interviews may be problematic to the integrity of the case. The use of deception also may cause an innocent juvenile – even one who initially had a clear recollection of not committing a crime – to mistrust his memory, accept that the “evidence” proves his guilt, and eventually confess to a crime that he did not commit. These types of false confessions are known as “coerced internalized” confessions. In such situations, the pressures of deception-driven custodial interview can actually cause a juvenile to believe that he must have committed the crime but suppressed all memories of it.

Officers and detectives shall consult with a supervisor and/or the Commonwealth Attorney’s Office prior to utilizing deceptive tactics during an interview with a juvenile.

Avoid Promises of Leniency and Threats of Harm

Many officers are trained to indirectly suggest during custodial interviews that the suspect will avoid trouble or get help if he confesses. Even these indirect promises of leniency and threats of harm can be inappropriate when the suspect is a juvenile. They can trigger involuntary or false confessions by presenting the juvenile with an offer he can’t refuse say what the police want to hear or face negative consequences.

Investigators should avoid interviews in which a suspect is offered help. In expressing sympathy and understanding toward a suspect during an interview, it is tempting for an investigator to state that it is his desire to “help” the suspect in some way. This may be in the form of an ambiguous statement, such as, “I want to help you out of this thing,” or “I can’t help you unless you help me first.” In other instances, the reference to help may be quite specific, such as, “if you tell me what happened, I can get you psychological help,” or “I can get you help for your addiction, if you work with me on this.” Some courts have ruled that such statements represent an implied promise of leniency, and therefore, investigators should refrain from any references to “helping a suspect out.” In

particular, some juveniles who have falsely confessed have explained that they confessed under the mistaken belief that they would be able to end the custodial interview and immediately go home. To that end, interviewers must take special care to ensure that nothing they say could be interpreted as suggesting that the juvenile could go home if he confesses. An innocent youth might jump at such a chance and falsely confess out of a desire to return home, believing that his innocence will be straightened out later.

Investigators should also never use the suspect's juvenile status to persuade him to confess under the pretense that he or she won't be punished as severely as an adult.

When conducting a custodial interview of a juvenile, officers should follow these guidelines:

- A. Avoid communicating that the suspect will avert or face reduced charges if he confesses.
- B. Stay away from unclear or technical language that could be interpreted by a young person as a promise of leniency.
- C. Ensure that the suspect understands the consequences of confessing.
- D. Refrain from suggesting that you can help the suspect if he confesses.

Questioning Style

Many juveniles who falsely confess glean information about the crime from their investigators' leading questions. An interviewer who asks a juvenile, "the clerk was standing by the cash register when the hold-up happened, right?" has inadvertently educated him about how the police think the crime took place. An interviewer who takes a young suspect to a crime scene or shows him photographs of it has done the same thing. In this way, the disclosure of crime scene facts during custodial interview can ultimately render a subsequent confession worthless. When a juvenile who has been interviewed with leading questions later describes the crime scene accurately, it is impossible to know whether he or she is speaking from firsthand experience or repeating his investigator's words. When questioning juveniles, officers should observe the following:

DO:

- A. Start by using open-ended, free-recall questions that ask the child to produce a narrative: "what did you do last night?"
- B. Use targeted but open-ended questions to get more information: "you said you were at home last night. Tell me about that."
- C. Probe while avoiding outright accusations and deception, if you suspect the juvenile is lying: "can you help me understand why your mom says that you were out with your friends last night?"

- D. Use questions beginning with “who,” “what,” “where,” “when,” and “how” to get more information about specific parts of the juvenile’s story: “where was the clerk standing?”

DON’T:

Offer the juvenile options: “where was the clerk standing, in the back of the store or by the cash register?”

- A. Use leading questions: “the clerk was standing by the cash register, wasn’t he?”
- B. Show the suspect crime scene photographs or other pieces of evidence, prior to exhausting all other interview strategies.

Electronic Recording

When an interview is electronically recorded from start to finish, police have a complete record that can be used to convict the guilty and to ensure that every statement is reliable and voluntary. A recording can also provide officers with invaluable protections against frivolous allegations of abuse. For these reasons, and whenever possible, investigators conducting custodial interviews of children will videotape these interviews from the reading of *Miranda* rights until the end. *For additional information, refer to General Order 4.06, Body-Worn Camera.*

Investigative Follow-up

A confession alone does not close the case. Police investigators should take a few important steps after every confession to ensure the confession is reliable.

Confirm the confession indicates firsthand knowledge of guilt. Officers who obtain statements from juveniles must review the electronic recording of the custodial interview to determine whether the juvenile provided verifiable details about the crime that were not inadvertently revealed to him or her by police and that he or she would not otherwise be expected to know. Ideally, an officer unconnected to the investigation should perform this review. If the juvenile did not provide these kinds of details, his or her confession may not be accurate.

Make sure the confession is corroborated by objective, physical evidence – not just by statements from other juveniles. If physical evidence contradicts the confession, the confession may be false.

Don’t be fooled by a detailed confession. The vast majority of proven false confessions contained a surprising number of accurate details, but the suspect’s knowledge of that information was later shown to be the result of investigators’ disclosure of those details during questioning. If a juvenile provides information about a crime that police did not already know and that is later proven true, then his or her confession can be considered reliable.

Juveniles and Schools

It is the policy of the Virginia Beach Public Schools that police officers are not to utilize school time to interview students, unless:

- A. The offense occurred on school property.
- B. Failure to take immediate action would compromise the safety of the school.
- C. Swift police action would be impeded.
- D. The student is a victim (or sibling of a victim) of child abuse or neglect.
 - 1. Virginia State Code §63.2-1518 permits any person required to investigate allegations of child abuse or neglect to talk to any child suspected of being abused or neglected, or to any of his or her siblings without the consent of and outside the presence of his or her parents, guardian, legal custodian, or other person standing in loco parentis, or school personnel.
 - 2. The parent/guardian is contacted ahead of time and gives permission for their child to be interviewed. A school administrator or guidance counselor will likely sit in on the interview in this situation.

A School Resource Officer should be utilized for guidance with these issues when available.

Section III: Juvenile Offenders

Investigating Offenses Committed by Juveniles (CALEA 44.2.2)

The constitutional rights and protections of juveniles will be adhered to. Juveniles are afforded the same Fifth and Sixth Amendment rights as adults. The legal requirements do not change.

As with any criminal investigation, an investigator may be called at the discretion of a supervisor when it is determined that additional investigation may be required due to the nature or complexity of the case.

Non-Juvenile Justice System Community Services

In situations where officers encounter unsupervised or unattended children who may be engaging in “nuisance” or “suspicious” activities, parents, guardians, or the family may appreciate knowing about more productive activities that exist in the community. In accordance with the provisions of General Order 1.01 (Agency Role and Authority), officers should explore these activities in or around the communities to which they are assigned, and should consider directing the family to:

- A. School, or School sanctioned activities.
- B. After School Programs offered by the Department of Parks and Recreation.
- C. Programs at the local Recreation Center; and/or
- D. Community Sports Programs.

Behaviors that Do Not Constitute Status or Criminal Offenses (CALEA 44.2.1 A)

Commonly, police officers encounter juveniles who have assembled outside of their homes and are unattended or seemingly unsupervised by a parent or guardian. Often these situations are reported by others as “suspicious” or “nuisance” behaviors by children. Officers should be cognizant that these situations may be an indicator of an ongoing or recent criminal matter and should approach these situations with the appropriate amount of caution and take police actions as necessary.

In situations where criminal activity is detected that cannot be attributed to the suspected juveniles, or activities are identified that could be a pre-cursor to a criminal act, officers should report the circumstances of the encounter to the parent(s) or guardian(s) so that they can provide an appropriate level of supervision. Factors in making this decision should include:

- A. Prior criminal acts by the child
- B. The presence of criminal actions by the child or the group at the time of the encounter
- C. The lack of supervision or oversight by a parent or guardian at the time of the encounter
- D. The circumstance surrounding the cause of the contact with the child.

As appropriate, officers should consider documenting these interactions using a Field Interview card to include parent or guardian information.

Searches of Premises Occupied by Juveniles

For guidance on issues of consent, and consent by a parent to conduct a search, please refer to the Virginia Beach Police Department Constitutional Issues Field Guide.

A parent generally may consent to the search of the bedroom of a child. See *United States v. Rith*, 164 F. 3d 1323 (10th Cir. 1999). However, there are situations where such consent may not be valid. Factors such as age, no regular access by the parent to the room, and/or rent being paid by the child may change things. The “child” could be an adult living in the parent’s home. A “child” may reach an age and a status such that he may actually be able to give a valid consent to search the common area of a home (like spouses or roommates). Young children generally cannot validly consent to a search of their parents’ home, although there is a federal appeals court decision saying a 9-year-old could consent to entry (*Lenz v. Winburn*, 51 F. 3d 1540; 11th Cir. 1995).

In cases where a search is necessary, it is preferred that the search occur pursuant to a search warrant.

Serious Crimes, Tactical Responses and Assistance from Other Agencies (CALEA 44.2.2 D)

Generally, the conditions under which a juvenile offender is arrested permits the officer to arrest, detain, process, and then bring the offender before an Intake Officer for the

issuing of petitions and the order for detention or shelter care. The processes for these arrests are described below. In some situations, it is preferred or required that a petition and detention order are issued by an Intake Officer before an attempt is made to take a juvenile into custody.

This judicial review of the facts of the investigation and the issuance of a petition and detention order before the arrest is made is usually required in the following situations:

- A. When tactical resources are required to safely arrest the offender
- B. When other police agencies (usually in neighboring jurisdictions) are called upon to assist in making the arrest.
- C. When the arrest of the offender must take place at school.

Notifying Parents (CALEA 44.2.2 E)

In all cases when a juvenile is arrested, regardless of the disposition, the parents or guardians of the juvenile will be informed of the juvenile's status. Additionally, the officer shall explain the summons or petition process and the required court appearance to the juvenile and, if possible, the parent or guardian. This should be done as soon as possible by the arresting officer. Keeping the parents informed fosters a better relationship between the community and the police department and gives the parents and juvenile defendant a chance to ask questions and clarify any misunderstandings. It also helps to ensure they appear in court with their child.

The Decision to Arrest

Officers dealing with juveniles shall use the least coercive and most reasonable alternative to reach an arrest decision. Officers are encouraged to consider the past behaviors of the juvenile, and screen cases with Juvenile Intake to determine the best course of action. Criteria for determining the means to achieve a resolution include, but are not limited to:

- A. The nature of the offense
- B. The age and circumstances of the offender
- C. The record of the offender
- D. The availability of community-based programs for juveniles
- E. Recommendations for diversion from complainants and/or victims
- F. Accountability systems at home
- G. Consequences in the school system

The least amount of action required to accomplish the goal of behavior redirection should be used.

Physical Custody §16.1-246 (CALEA 44.2.2)

Officers are authorized to take juveniles into immediate physical custody in the following situations:

- A. With a detention order issued by the judge, the intake officer, or the clerk (when authorized by a JDRC judge), or with a warrant issued by a magistrate; or
- B. When a child is alleged to be in need of services or supervision and (i) there is a clear and substantial danger to the child's life or health or (ii) the assumption of custody is necessary to ensure the child's appearance before the court; or
- C. When, in the presence of the officer who makes the arrest, a child has committed an act designated a crime under the law of this Commonwealth, or an ordinance of any city, county, town or service district, or under federal law and the officer believes that such is necessary for the protection of the public interest; or
- D. When a child has committed a misdemeanor offense involving (i) shoplifting in violation of § 18.2-103, (ii) assault and battery or (iii) carrying a weapon on school property in violation of § 18.2-308.1 and, although the offense was not committed in the presence of the officer who makes the arrest, the arrest is based on probable cause on reasonable complaint of a person who observed the alleged offense; or
- E. When there is probable cause to believe that a child has committed an offense which, if committed by an adult, would be a felony; or
- F. When a law-enforcement officer has probable cause to believe that a person committed to the Department of Juvenile Justice as a child has run away or that a child has escaped from a jail or detention home; or
- G. When a law-enforcement officer has probable cause to believe a child has run away from a residential, child-caring facility or home in which he had been placed by the court, the local department of social services or a licensed child welfare agency; or
- H. When a law-enforcement officer has probable cause to believe that a child (i) has run away from home or (ii) is without adult supervision at such hours of the night and under such circumstances that the law-enforcement officer reasonably concludes that there is a clear and substantial danger to the child's welfare; or
- I. When a child is believed to be in need of inpatient treatment for mental illness as provided in § 16.1-340.

If the child needs medical treatment or it is suspected that the child has ingested alcohol or drugs, the child will be transported to a medical facility for evaluation prior to transportation to Juvenile Intake. The detention center requires the paperwork for medical clearance to clearly state that the juvenile is "medically cleared." This relieves the police department of liability should the juvenile suffer a medical emergency in the detention center.

Emancipated Juveniles

According to 16.1-333, a minor 16 years of age or older can be emancipated if he or she meets one of the following criteria and successfully completes the petition process under 16.1-331:

- A. The minor has entered into a valid marriage, regardless of whether that marriage has been terminated by dissolution.
- B. The minor is on active duty with any of the armed forces of the United States of America.
- C. The minor willingly lives separate and apart from his or her parents or guardians, with the consent or acquiescence of the parents or guardians, and that the minor is, or is capable of, supporting himself or herself and competently managing his or her own financial affairs.

Once a petition for emancipation is approved, the minor will receive a copy of the petition. The minor can then receive an identification card from the Department of Motor Vehicles that contains their photograph, a statement that the minor is emancipated, and a listing of all effects of the emancipation order (16.1-334.1).

Under 16.1-334, an order that a minor is emancipated shall have the following effects:

- A. The minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability.
- B. The minor may enter into a binding contract or execute a will.
- C. The minor may sue and be sued in his own name.
- D. The minor shall be entitled to his own earnings and shall be free of control by his parents or guardian.
- E. The minor may establish his own residence.
- F. The minor may buy and sell real property.
- G. The minor may not thereafter be the subject of a petition under this chapter as abused, neglected, abandoned, in need of services, in need of supervision, or in violation of a juvenile curfew ordinance enacted by a local governing body.
- H. The minor may enroll in any school or college, without parental consent.
- I. The minor may secure a driver's license without parental consent.
- J. The parents of the minor shall no longer be the guardians of the minor.
- K. The parents of a minor shall be relieved of any obligations respecting his school attendance.
- L. The parents shall be relieved of all obligation to support the minor.
- M. The minor shall be emancipated for the purposes of parental liability for his acts.

- N. The minor may execute releases in his own name.
- O. The minor may not have a guardian ad litem appointed for him pursuant to any statute solely because he is under age eighteen; and
- P. The minor may marry without parental, judicial, or other consent.
- Q. The acts done when such order is or is purported to be in effect shall be valid notwithstanding any subsequent action terminating such order or a judicial determination that the order was found to be null and void (*void ab initio*).

If an officer is dealing with an emancipated minor, there is no requirement to notify the parents. A misdemeanor or traffic charge for an emancipated minor will still be heard in Juvenile and Domestic Relations Court.

Magistrate Involvement in Juvenile Matters

While Juvenile Intake Officers are the primary judicial officers when dealing with juvenile offenders, the magistrate may be used in the following situations:

- A. When appealing the decision of a Juvenile Intake Officer. *When appealing the decision of a Juvenile Intake Officer to a magistrate, officers should forward a memo that explains the facts and circumstances to the Youth Services Unit lieutenant, via their chain of command.*
- B. When a juvenile is in need of service or delinquent, the court is not open, and the Juvenile Intake Officer is not reasonably available. *This situation is unlikely in Virginia Beach and officers should consult with a supervisor before utilizing a magistrate for this reason.*
- C. Once a juvenile has been tried as an adult in Circuit Court, all future charges must be on a warrant. Future charges will not be tried in JDRC.

The magistrate is still responsible for issuing court orders (ECO/TDO) regarding the mental health of juveniles.

Section IV: Arrest Options and Procedures

Arrest Options and Documenting the Arrest (CALEA 44.2.1 A, B, D)

When investigating a crime involving a juvenile suspect, officers can resolve the case in the following ways:

- A. Warn and Release
 - 1. This option should be reserved for minor criminal matters.
 - 2. This action constitutes an arrest based on the definitions of Uniform Crime Reporting.
- B. Summons

C. Diversion

1. This diverts juveniles, who can be cared for or treated through alternative programs, from formal court involvement, but not the juvenile justice system. If the juvenile was to come back to court, the previous diversion would be counted when calculating his or her risk score.
2. This constitutes an arrest based on the definitions of Uniform Crime Reporting.

D. Petition

1. This formally charges the juvenile with an offense and requires them to appear before a judge.

E. Restorative Justice

1. This diverts the juvenile from the juvenile justice system and allows the victim and juvenile offender to meet and resolve the issue.

Warn and Release (CALEA 44.2.1 A)

If an officer elects to warn and release a juvenile offender, the following procedure should be followed:

- A. Advise the offender that you are reporting the crime, and are agreeable to warning and releasing in this circumstance
- B. Obtain the necessary information for the arrest report from the juvenile
- C. Notify the juveniles parents of the warn and release action
- D. Complete the necessary documentation:
 1. Incident Report in AxonSelect "warn and release" option
- E. Arrest sub-document (Axon)The incident will be cleared by arrest (CBA).

Summonses (CALEA 44.2.1 A, B)

Virginia State Code 16.1-260 permits the issuance of a summons, in lieu of a petition, for the following offenses:

- A. Traffic offenses and traffic accidents.
- B. DUI and Boating Under the Influence.
 1. The juvenile must be released to a parent or legal guardian, who must sign acknowledging the commitment to appear with the juvenile. A copy of the summons must be provided to the parent or guardian. In order to assure the appearance of the parent or legal guardian, a subpoena should be requested.
- C. Bicycle.

- D. Hitchhiking.
- E. Pedestrian.
- F. Game and Fish.
- G. Surfing
- H. Curfew
 - 1. The officer shall release the juvenile to a parent or legal guardian since releasing the juvenile on their signature would permit the offense to continue.
- I. Animal Control misdemeanor violations.
- J. Littering
- K. Offenses that would be Class 3 or 4 misdemeanors if committed by an adult.
- L. Alcohol-related offenses
 - 1. The juvenile must be released to a parent or legal guardian, who must sign acknowledging the commitment to appear with the juvenile. A copy of the summons must be provided to the parent or guardian.

When issuing summonses and releasing juveniles on their signatures, officers are encouraged to contact a parent or guardian to advise them of the charge(s).

If an officer has multiple charges on a juvenile and one of the charges requires a petition, while others can be charged on a summons, ALL charges must go to Juvenile Intake for petitions.

Summonses shall be written for Juvenile and Domestic Relations Court courtroom #7 at 0830.

Diversion

If an officer elects to refer a juvenile offender for diversion, or diversion is required after screening the case with Juvenile Intake, the following procedure should be followed:

- A. Advise the juvenile that they are under arrest
 - 1. If permitted by §16.1-246, take the juvenile into custody
 - 2. If the offense requires that the juvenile be processed, take the juvenile to a precinct for processing prior to proceeding to intake. *(Note – Virginia State Code permits processing on juveniles who are arrested for crimes. A diversion still constitutes an arrest, and the processing is valid for 60 days. After 60 days the photos and prints must be destroyed. In this sense, processing is completed to further investigative efforts by comparing collected fingerprints to unknown collected latent prints stored from other crime scenes.)*
 - 3. Confirm prior to release that the juvenile offender is eligible for diversion as detailed below.

- B. Return the juvenile offender home or have the parents or guardians to respond to the precinct to take custody.
- C. Complete the required documentation:
 - 1. Arrest sub-document (Axon)
 - a. Select “diversion” option
 - 2. Incident report in Axon
 - a. Ensure the parent/guardians’ information is included
- D. The incident will be cleared by arrest (CBA)
- E. Send an email to the Juvenile Intake email group (juvenileintake@vbgov.com) with the juvenile’s name, case number, and disposition.
- F. In the event a case does not qualify for diversion, the officer will receive an email from the Intake Officer advising them that the case will be forwarded for petitions.

Virginia Code §16.1-260 outlines which cases are not eligible for diversion:

- A. The juvenile has had prior contact with the Court Services Unit (within a year)
- B. The current charge is a violent felony, or
- C. The juvenile has been previously informally treated or adjudicated delinquent for a charge that would be a felony if committed by an adult.

Petitions (CALEA 44.2.1 D)

If an officer elects to secure petitions for a juvenile offender, the following procedure should be followed:

- A. Advise the juvenile that they are under arrest
 - 1. If permitted by §16.1-246 take the juvenile into custody
 - 2. If the offense requires that the juvenile be processed, take the juvenile to a precinct for processing
 - 3. If the nature of the crime, and the background of the juvenile offender suggests that detention is appropriate, contact juvenile intake to screen the circumstance of the arrest and the background of the juvenile.
 - 4. If detention or shelter care is not deemed necessary by the Intake Officer, return the juvenile offender home, or have the parents respond to the precinct to take custody.
- B. Complete the required documentation:
 - 1. Arrest sub-document (Axon)
 - a. Select “petition” option

2. Incident report in Axon

- a. Ensure the parent/guardians' information is included

The IBR will be cleared by arrest (CBA)

- A. Send an email to the Juvenile Intake email group (juvenileintake@vbgov.com) with the juvenile's name, case number, and disposition.
- B. When Juvenile Intake receives the case, they will access the case in Axon, review the documents for accuracy, and verify the information submitted. Any errors will be brought to the officer's attention for correction.
- C. Within 3 business days, Juvenile Intake will notify the officer, via email, that the petitions are ready for signature.
- D. Once notified, officers shall sign petitions within 7 days.

If submitting paperwork on behalf of a complainant that is seeking to secure petitions, the officer shall ensure all the complainant's contact information is included in the incident report. The complainant will need to complete the PD-9 (Affidavit of Probable Cause), but not sign it. The completed PD-9 will then be scanned and attached to the case in Axon before the officer notifies Juvenile Intake of the case, via email. The officer should advise the complainant that they will be contacted by Juvenile Intake within 7-10 days and will be required to report to Juvenile Intake to sign the PD-9.

Restorative Justice

Restorative Justice is a pre-arrest and pre-diversion alternative accountability program that gives the victim and juvenile offender the opportunity to discuss the incident in order to restore the victim and repair the harm caused by the juvenile. The program is completely voluntary for all parties and, unlike court, requires the juvenile offender to accept responsibly for his/her actions. Since the program is voluntary, any party can terminate the Restorative Justice process at any time.

Officers are strongly encouraged to refer eligible cases for Restorative Justice. Offenses that are NOT eligible for Restorative Justice include:

- A. Any felony
- B. Any sex-related offense
- C. Any gang-related offense or offense involving gang affiliation
- D. Any obscenity offense under Article 5 of the Code of Virginia (including public intoxication)
- E. School threats
- F. Any offense involving a weapon
- G. Any offense involving alcohol (including DUI, OMVICA, drinking while driving, open container in vehicle, underage possession of alcohol, etc.)

- H. Any offense involving the abuse or neglect of an animal, with the exception of leash law violations
- I. Any offense involving the obstruction of justice by force / resisting arrest
- J. Domestic assault
- K. Any assault under 18.2-57, sections B, C, D, or E.
- L. Any assault under 18.2-57, section A where the victim is targeted based on their race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin.
- M. Any charge released on a summons since this formally charges the juvenile and bypasses the RJ review process
- N. Status offenses
 - 1. Curfew
 - 2. Underage possession of tobacco

To refer a case for Restorative Justice:

- A. Advise the juvenile's parent or guardian that the case is being referred for Restorative Justice.
- B. Complete the incident report in Axon
 - 1. Ensure the parent/guardians' information is included
- C. Complete the arrest sub-document (Axon)
 - 1. Select the "restorative justice" option
- D. Send an email to the Restorative Justice email group (restorativejustice@vbgov.com) with the juvenile's name, case number, and disposition.

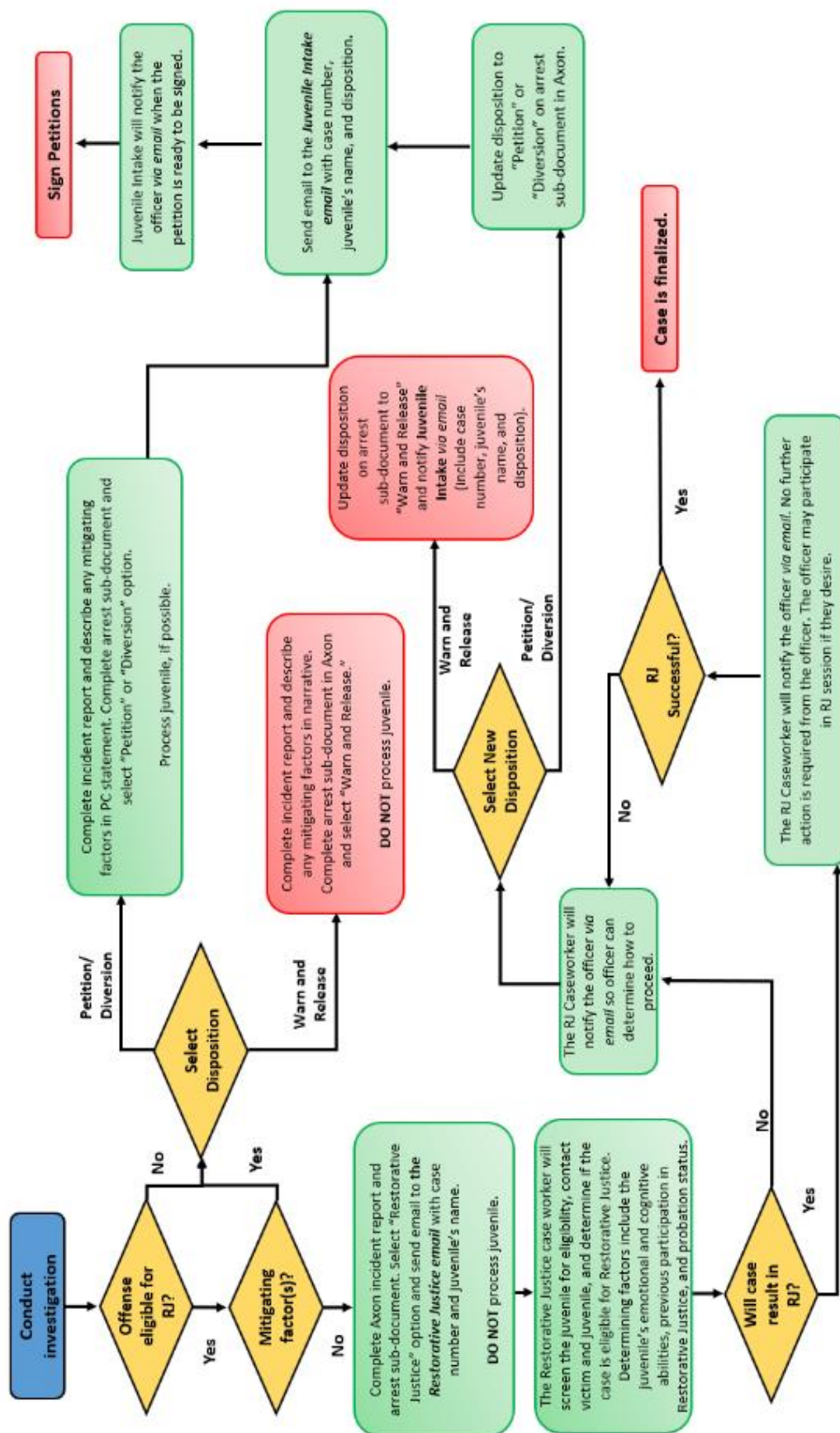
A Restorative Justice caseworker will screen the case for eligibility and contact both parties to determine if Restorative Justice is a viable option. Eligibility factors include the juvenile's emotional and cognitive abilities, previous participation in Restorative Justice, and probation status.

The officer will be notified, via email, of the outcome and whether the case will result in Restorative Justice. If the case results in Restorative Justice, the officer will be invited to participate in the meetings. Officers will be compensated for their participation in Restorative Justice meetings. If the case is not eligible for Restorative Justice or Restorative Justice is not successful, the officer will be notified and asked to select a new disposition for the case. The officer will be required to update the case in Axon with the new disposition and notify Juvenile Intake.

The goal is to have all Restorative Justice cases resolved within four months so any unsuccessful cases can still be referred to court within the statute of limitations.

Virginia Beach Juvenile Justice System Handout (PD117)

The Juvenile Justice System Handout provides an overview of the Juvenile Justice System, the juvenile intake process, options for victims, and resources for victims and parents. The handout also contains contact information for the Police Department and Court Services Unit, in addition to website information where additional information can be found. When taking an offense report involving a juvenile offender, officers should provide a PD117 to the victim. Additionally, parents seeking information on resources for their child(ren) should be given a PD117.



Affidavit of Probable Cause

On all arrests that result in a diversion or the issuance of a petition, an Affidavit of Probable Cause (PD-9) is required. It explains the details of the offense from an objective, professional perspective and establishes the facts of the case, including what crime has been committed, how the suspect was involved in the commission of the crime, and when and where the crime took place. It is maintained as part of the court's record as the sworn affidavit of the investigating officer, supporting the charge against the defendant.

The Affidavit of Probable Cause (PD-9) is programmed to automatically complete the fields utilizing the information entered into Axon by the officer. Officers need to ensure they complete all fields in Axon, especially the "probable cause" field.

In the event Axon is not available, officers will need to complete the Affidavit of Probable Cause (PD-9) by hand when referring a case to Juvenile Intake for petitions, diversion, or restorative justice. Be sure to include the written offense in addition to the code section in case there is a question about the code section provided. **Do not** sign the Affidavit of Probable Cause until you are before the Intake Officer. The Intake Officer must witness the signature.

A copy of the Affidavit of Probable Cause (PD-9) is provided to the juvenile defendant when the petition is served. For that reason,

- A. Do not include witness information as part of the probable cause on the PD-9.
- B. Only provide the information that supports the issuance of the petition but be sure to provide enough information to support probable cause.
- C. Do not divulge facts that you do not want revealed before the defendant's attorney gets involved.

Affidavit/Certification of Parental Identity or Location (CALEA 44.2.2 E)

When a juvenile is to be charged with a crime, the names and addresses of both parents are required by law. The Affidavit/Certification of Parental Identity or Location form is required for cases when the information (name, location, contact information) for **both** biological parents is not known. If an Affidavit/Certification of Parental Identity or Location is required, the officer will be asked to complete it when signing petitions at Juvenile Intake.

After-hours Juvenile Intake Procedures

When arresting and seeking petitions for an in-custody juvenile when Juvenile Intake is closed (evenings, nights, weekends, and holidays), officers will need to have the dispatcher contact the on-call Juvenile Intake worker. The on-call Juvenile Intake worker will contact the officer and screen the case for probable cause and detention eligibility, then refer the officer to the State video Juvenile Intake worker.

The officer will meet with the video Juvenile Intake worker utilizing the video intake computer and provide details of the case. The officer will need to print the auto-populated Affidavit of Probable Cause and scan/fax it to the video Juvenile Intake

worker. The intake worker may require a PD180 instead of the printed Axon report. Additionally, the officer may be required to complete an Affidavit/Certification of Parental Identity or Location.

Types of Orders for Juveniles

Juvenile Intake can issue a Detention Order (DO), Capias (if, at the time of offense, the person was a juvenile or if the person is placed on juvenile probation/parole), or a Shelter Care Order (SCO).

A judge can issue a Detention Order, Capias, Shelter Care Order, or a Family Crisis Team Order.

Juvenile Intake must be contacted before a police officer takes a juvenile to detention or shelter care facility. If the Detention Order or Shelter Care Order is already at Services, the officer should contact the Dispatcher to reach an Intake Officer. If the order is already issued and there are no new charges, the Intake Officer can process the juvenile over the phone. This process consists of asking the juvenile a series of questions and advising them of court requirements. The Intake Officer will then contact the parent, contact the facility, and advise the officer where to take the juvenile and execute the Detention Order or Shelter Care Order.

Detention Order

If a detention order is already issued, the officer will pick up packet from services. The officer should leave the petition(s)/affidavit(s) attached to the detention order since the officer will only be working with the detention order itself.

The officer will execute the back of detention orders at the top and complete the box at the bottom (RETURNS) by adding the juvenile's information to show the juvenile was served. If the parent was served in person, the officer will also complete a box for the parent to show they were served. Once that is complete, the officer will provide the juvenile with their copy of the paperwork. If present, the parent will receive the parent copy. The placement facility (Detention) will receive their copies of the paperwork and the officer will take the remaining copies back to Services. All copies of the detention order within the packet must be executed.

Juveniles with a Detention Order will be placed in the Virginia Beach Juvenile Detention Center. Those with a Shelter Care Order will either be placed in the Crisis Intervention Home (811 13th Street, Virginia Beach) or Westhaven Boys Home (3515 Race Street, Portsmouth). The Intake Officer will advise the police officer which shelter to transport the juvenile to.

Capias

A capias issued by Juvenile Intake is similar in appearance to a juvenile Detention Order. However, on the front of the capias, the bottom portion will be completed by Juvenile Intake. The police officer will execute the middle section (Adult, pursuant to 16.1-247 (K)) and take the person before a magistrate. Juvenile Intake does not need to be contacted in this situation.

Shelter Care Order

If a shelter care order is already issued, the officer will pick up the packet from services. The officer should leave the petition(s)/affidavit(s) attached to the shelter care order since the officer will only be working with the shelter care order itself.

The officer will execute the shelter care order by completing the box at the bottom (RETURNS) to show the juvenile was served. If a parent was served in person, the officer will also complete the box for the parent getting served. Once that is complete, the officer will give the juvenile their copy of the paperwork. If a parent is present, the parent will receive their copy. The placement facility (shelter care facility) will get their paperwork and the officer will take the remaining copies back to Services. All copies of the shelter care order within the packet must be executed.

If Juvenile Intake is open, the officer will only need to pick up the packet from Services and the paperwork will be executed at Juvenile Intake by an Intake Officer.

Family Crisis Team Order

A Family Crisis Team Order is a court order issued by a judge. It is a standing order, which means the juvenile can be moved between a less secure facility and their home. A new shelter care order is not required each time a juvenile needs to go back to the facility. In most cases, police officers are not involved with these orders. However, sometimes parents or assigned workers do not feel comfortable taking a juvenile back to a facility and will request police assistance. The Family Crisis Team Order allows the juvenile to be taken back to the shelter care facility and the shelter care facility will also have a copy of the order. Juvenile Intake does not need to be contacted in this situation.

Service of Pick-Up Orders for Juveniles

Regardless of the nature of the order (detention or shelter care) or the age of the named defendant at the time of arrest (juvenile or adult) when serving a Pick-Up Order, officers or detectives shall:

- A. Verify that the order is on file in Services, or in transit from the Court to Services.
- B. Retrieve the order from Police Services.
- C. Contact Juvenile Intake to determine where the juvenile is to be transported. This may require a telephone referral or a face-to-face meeting with an Intake Officer.
- D. Transport the named juvenile to the destination determined by Juvenile Intake.

Service of Juvenile Detention Orders on Persons Over the Age of 18

While it is permitted to take an adult arrested on a juvenile pick-up order directly before a magistrate, it is important to verify before the arrest process is completed that the pick-up order has not been purged based on the named defendants reaching the age of maturity. Therefore, officers shall follow the same procedures listed above in order to make every effort to verify that the order and the arrest are valid and lawful.

As always, officers shall arrest, transport, and transfer juvenile defendants in accordance with the policies of the Virginia Beach Police Department. Once the named

juvenile is turned over to the detention center or shelter care facility, officers shall note the name of the facility and receiving representative in the case comments as well as the Axon arrest sub-document that documents the arrest.

Criminal Processing of Juveniles

Processing involves taking fingerprints and a photograph and is required when a juvenile is taken into custody and charged with a delinquent act for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange (CCRE). These charges include:

- A. Treason
- B. Any felony
- C. Any offense punishable as a misdemeanor under 54.1, or
- D. Any misdemeanor punishable by confinement in jail, except an arrest for:
 - 1. Trespassing (§18.2-119)
 - 2. Disorderly Conduct (§18.2-415)
 - 3. Nonsupport of Spouse or Child (§20-61), or
 - 4. Violation of Protective Order (§16.1-253.2)

Processing can be completed at any precinct 24 hours a day. Juveniles cannot be processed at Central Processing.

If a juvenile is physically arrested for an offense that requires processing and will result in detention, process the juvenile before taking them to Juvenile Intake.

If a juvenile is in custody for an offense that requires processing, but not a detention, process the juvenile while they are in custody. This applies to offenses that will result in diversion.

If a juvenile commits an offense that requires processing and will result in a petition or diversion, but does not involve physical custody, ask the parent or guardian if the child can be made available for processing prior to court.

- A. If that is a possibility, process them at one of the precincts.
- B. If not, the process will be executed following the adjudication of the case, only if ordered by the court.

Processes resulting from a matter that will be diverted are maintained for 60 days and then destroyed. During that time, the fingerprints can be used for comparisons to potentially solve other cases. If no petition is filed within 60 days, if the juvenile is not adjudicated delinquent or found guilty, if the juvenile is found not guilty, or if the juvenile is adjudicated delinquent or found guilty of an offense that would not require fingerprints to be forwarded to the Central Criminal Records Exchange, the fingerprints will be ordered destroyed.

For additional information, refer to §16.1-299 (fingerprints and photographs of juveniles) and §19.2-390 (reports to be made by police).

Juvenile Intake (CALEA 44.2.2 D)

Juvenile Intake reviews all complaints and determines whether there is probable cause, if the facts are sufficient to send the matter to court, or if the juvenile is best served through a diversion. They are open Monday - Friday from 0800-1630. Officers needing to sign petitions should schedule an appointment with the Intake Officer handling the case. The best time to sign petitions is 1300-1600, Monday through Friday. The public number for Juvenile Intake is (757) 385-4361. Police officers can call (757) 385-4426 during regular operating hours. After hours, the on-duty Intake Officer can be reached by contacting the dispatcher.

During weekend and non-business hours, there are times when the on-duty Intake Officer will email orders to the Police Services Unit to be printed. The case officer will then pick up the printed orders from Services.

Juvenile Intake Officers utilize the Virginia Department of Juvenile Justice Detention Assessment Instrument (DAI) in making detention decisions. This assessment tool utilizes a point scale, and a juvenile must score 15 points or higher to be placed in secure detention. It is extremely important for officers to provide all details of a case to Intake Officers so an accurate assessment can be completed.

These cases result in **automatic detention**:

- A. Abduction
- B. Aggravated sexual assault
- C. Aggravated sexual battery
- D. Arson of an OCCUPIED dwelling
- E. Assault on LEO
- F. Brandishing a firearm on school property
- G. Burglary of an OCCUPIED dwelling
- H. Carjacking
- I. Discharging a firearm from a motor vehicle
- J. Discharging a firearm in or at an occupied building
- K. Escape from a secure detention home by force
- L. Extortion
- M. Forcible sodomy
- N. Inanimate object sexual penetration
- O. Larceny from a person

- P. Larceny of a firearm
- Q. Malicious wounding
- R. Manslaughter
- S. Murder
- T. Possession of a sawed-off shotgun
- U. Rape
- V. Receiving a stolen firearm
- W. Reckless driving/disregarding police *with* bodily injury
- X. Robbery
- Y. Taking indecent liberties with a child
- Z. Weapon on school property

These cases could result in **shelter care placement**, but placement is not automatic. The intake officer should be contacted when the juvenile is in the custody and the officer is requesting placement.

- A. Distribution of Schedule I or II controlled substance
- B. Distribution of Schedule I, II or IV controlled substance or marijuana on school property
- C. Possess Schedule I or II controlled substance with intent to sell

These matters will not score for automatic placement on their own and an assessment will need to be completed. The juvenile may score higher with additional information about their history or with certain additional charges. The intake officer should be contacted when the juvenile is in custody and the officer is requesting placement.

- A. Arson of an unoccupied dwelling
- B. Auto theft
- C. Breaking and entering
- D. Burglary of an unoccupied dwelling
- E. Domestic assault
- F. Grand larceny
- G. Possession of burglary tools
- H. Possession of Schedule I or II controlled substance, w/o intent

Truants (CALEA 44.2.2 A)

A truant is a student who is absent from school without permission. Since many daytime burglaries and larcenies are committed by truants, it is necessary for the department to document contact with truants and keep accurate records of such contacts. For that reason, when an officer encounters a juvenile who is truant, the following procedure shall be followed:

- A. Complete an incident report and arrest sub-document in Axon
 - 1. Truant: 16.1-241(A)(1)
 - 2. Habitual Truant: 16.1-241 (A)(1)
- B. Disposition should be (3) Referred to Intake for Diversion
- C. Contact the parent or guardian and document who was contacted (this can be done on a CADS comment update). If unable to reach a parent or guardian, document this as well.
- D. Return the truant to his or her school and turn the truant over to an SRO (if available) or to the school principal or his/her designee.

CHINS Petitions

A juvenile that frequently runs away or is truant may qualify for a CHINS (Child in Need of Services/Supervision) petition. However, officers need to understand that a juvenile does not automatically qualify for a CHINS petition just because they run away a certain number of times. There are additional criteria that must be met, including missed counseling appointments, before a CHINS petition can be issued. Officers should direct parents or guardians to call the Virginia Beach Court Services Unit for more information in lieu of sending them to the Court Services Unit to obtain a CHINS petition.

Section V: Juvenile Safety During Parental Arrest

The Impact of Parental Arrest on Children

Children who are exposed to the stressful experience of parental arrest require immediate and effective intervention. Without this support, they may suffer negative consequences at school, in their friendships and home life. In addition, the way in which they are treated at the time of parental arrest, or upon being told about it, can significantly affect the long-term impact the trauma has on their lives. The impact varies depending on a child's age and stage of development.

The responses below summarize the variety of emotions that children may experience when they witness the arrest of their parent or are told of that arrest after the fact.

- A. **Fear** – Children are afraid of being abandoned, of never seeing their parent again, and of being taken away from their caregiver.
- B. **Worry** – Children feel concern about the well-being of their parent and worry that their caregiver may not be able to take care of them.

- C. Confusion** – Often, children are not told the truth about what is happening or about their parent’s whereabouts. This leads to questions they are afraid to ask, and confusion around what is true and what is not.
- D. Sadness** – Children feel sad and experience a profound sense of loss. This may trigger feelings of past losses and increase the sadness.
- E. Guilt** – Children often feel responsible for their parent’s behavior. They suffer the guilt of not being “enough” of a motivation for changing parental behavior.
- F. Embarrassment** – Some children may even appear boastful as they defend against the pain and embarrassment.
- G. Isolation** – Children may feel very much alone even as caregivers and others attempt to distract and protect them from distress and avoid conversations about the parent and their situation.
- H. Anger** – Children may experience feelings of anger along with other feelings such as disappointment, resentment frustration, fear, or loss.

What Children Need When Their Parents Are Arrested

Officers may be able to provide children with the following information:

- A. Assure them their parent’s arrest is not their fault
- B. Provide information on what is happening to their parent
- C. Inform them whether they can have contact with their parent, and if so, when, and how
- D. Inform them where and with whom they will be staying and, if known, where they will go to school
- E. Provide them with support options/services if they need to speak with someone about the situation

As previously stated, the arrest of a caregiver or parent has been shown to be traumatic to a child, and it is during that time that an officer can have an immediate impact on that child’s life. The goal is for the officer to be seen as someone the child can trust and not fear. A positive interaction at an early age may foster a positive relationship between the child and the police that can extend into adulthood and possibly help a child avoid bad choices as he or she progresses through life.

Steps to Follow When Arresting a Parent/Guardian Infront of Children

- A. When officers make an arrest, they shall inquire about the presence of children for whom the arrested adult has responsibility. If the arrest is made in a home environment, the officer should be aware of items which suggest the presence of children such as toys, clothing, formula, diapers, etc. The officer shall make reasonable efforts to ensure the safety of minor or dependent children at risk, via a responsible parent, family member, or, if appropriate, by notifying the Virginia Beach Department of Social Services, Child Protective Services.

- B. Whenever it is safe and appropriate to do so, make the arrest away from the children or at a time when the children are not present.
- C. Whenever it is safe and appropriate to do so, allow the parent to assure his or her children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, an officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the children that both parent and children will be taken care of. It should be emphasized that the child has done nothing wrong and will be safe.
- D. When reasonably possible, the officer shall ask the parent about items or objects that provide comfort to the child, such as toys, clothing, blankets, photographs, or food that can be taken with the child.
- E. When a child is not present, but the arrested subject is responsible for the care of a child, the officer shall ensure that appropriate arrangements are made, either through this department or CPS, to place the child with a caregiver.
- F. Reporting officers shall include the names and contact information for the adults with whom a child is left in CADS and in the IBR (if one is completed). Officers shall also include the name of the CPS worker or school personnel contacted in their reports.

Determining Appropriate Placement of a Child

- A. The child should be placed with another parent if this individual is capable of assuming responsibility for the care of the child. If questions should arise concerning the capability or competency of the second parent, the officer should request assistance from a supervisor.
- B. If another parent is not available, the arrested parent should be given a reasonable opportunity to select and contact a caregiver unless there is a compelling reason not to do so or if the arrest is for child abuse or neglect.
- C. A preliminary NCIC check and, when possible, check of CPS case files shall be conducted on the caregiver chosen by the parent as soon as reasonably possible. Any arrest for child abuse, sexual crimes, domestic violence, recent arrests for drug offenses, or other violent felonies shall disqualify the individual from taking custody of the child.
- D. If possible, a secondary caregiver should also be identified.
- E. If the parent is unable or unwilling to identify a caregiver, and other suitable arrangements cannot be secured within a reasonable period of time, the child shall be turned over to the custody of CPS.
- F. In cases where the care of a child will be transferred to another responsible adult or Child Protective Services, the officer may assist in the transfer by obtaining and sharing information regarding any medical, behavioral, or psychological conditions and/or required treatments of the child, known to the officer that would become the responsibility of a caregiver.

Documentation

Whenever an arrest is made, the existence of a child, present or not, shall be noted in the offense and investigative report and documentation shall include, at a minimum:

- A. The identity and biographical information of the child involved, and whether he or she was present at the time of arrest.
- B. Any of the child's special needs such as medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders.
- C. The identities, addresses, and contact information for any actual or potential caregivers.
- D. Names and contact information of any representatives from partner organizations involved.
- E. Names and contact information of any adult contacted for notification purposes, such as school officials and safe schools, if appropriate.
- F. The final placement determination for the child; and
- G. Information or observations that suggest the need for further investigation into the child's living conditions and general well-being, such as any indications of a household in crisis.

Appendix I: Juvenile Intake Forms Examples and Orders for Juveniles

PD-9 (Effective 12-1-20)

PROBABLE CAUSE STATEMENT

I, the undersigned complainant, on this date make oath that I have the following reasons to believe that _____
on or about _____ in the jurisdiction of _____, Virginia,
(Date) Jurisdiction

_____ committed the following offense(s):

NAME

Offense(s)/Charge(s):

Probable Cause for this belief is based on the following facts: *(Please Include: juvenile's name, victims name, location of offense, a brief description of offense(s), date of offense(s) and value of any losses).*

(continue on another page)

The statements above are true and correct to the best of my knowledge and belief.

I understand that by swearing to these facts, I obligate myself to be present in court to testify on behalf of the Commonwealth of Virginia if petition(s) are issued. I understand that once the petition(s) are filed with the clerk's office, the complaint(s) can only be dismissed by the Court even at my request.

Subscribed and sworn before me on this _____ day of _____ 20____ at _____ a.m. / p.m.

This form must be signed when or before the petition(s) are issued.

Complainant: _____

(Signature and Printed Name)

Title/Position: _____

Address: _____

Telephone: (H) _____

(W) _____

DATE: _____

SAMPLE**PROBABLE CAUSE STATEMENT**

I, the undersigned complainant, on this date make oath that I have the following reasons to believe that _____
 on or about June 15, 2022 in the jurisdiction of Virginia Beach, Virginia,
(Date) Jurisdiction

Juvenile John Doe committed the following offense(s):

NAME**Offense(s)/Charge(s):**

Grand larceny (18.2-95)

Probable Cause for this belief is based on the following facts: (Please Include: juvenile's name, victims name, location of offense, a brief description of offense(s), date of offense(s) and value of any losses).

On 6/15/2022 at approximately 2255 hours, the victim, Christopher A. Smith parked his vehicle at the Wawa, located in the 1500 block of Lynnhaven Parkway in Virginia Beach. When Smith went into Wawa, he left his cell phone in the car and his car doors unlocked. When he returned to his vehicle, he discovered his cell phone missing. A review of the surveillance footage shows a young white male entering Smith's vehicle and taking the phone. The suspect then rides off on a bicycle. The suspect was identified by Officer Jones as John Doe. Jones is the School Resource Officer at Doe's high school and is familiar with him. Doe was interviewed and confessed to taking the phone from Smith's vehicle. The phone was located in Doe's backpack. The phone is valued at \$1400.00.

(continue on another page)

The statements above are true and correct to the best of my knowledge and belief.

I understand that by searing to these facts, I obligate myself to be present in court to testify on behalf of the Commonwealth of Virginia if petition(s) are issued. I understand that once the petition(s) are filed with the clerk's office, the complaint(s) can only be dismissed by the Court even at my request.

Subscribed and sworn before me on this _____ day of _____ 20____ at _____ a.m. / p.m.

This form must be signed when or before the petition(s) are issued.

Complainant: _____

(Signature and Printed Name)

Title/Position: _____

Address: _____

Telephone: (H) _____

(W) _____

DATE: _____

**AFFIDAVIT/CERTIFICATION OF
PARENTAL IDENTITY OR LOCATION**

Commonwealth of Virginia VA. CODE § 16.1-263

Case No. _____

Juvenile & Domestic Relations District Court

V. / In re _____

AFFIDAVIT OF LOCATION

I swear or affirm that _____, a juvenile,
is charged with a delinquent act, crime, status offense or traffic infraction or is alleged to be in need of services or supervision,
and that –

☐ the location of the juvenile's ☐ mother ☐ father ☐ guardian is not reasonably ascertainable; OR

☐ the location or mailing address of the juvenile's ☐ mother ☐ father ☐ guardian, believed to be outside the
Commonwealth is not reasonably ascertainable.

☐ Juvenile Probation Officer ☐ Law Enforcement Officer

Badge Number, Agency & Jurisdiction

Commonwealth of Virginia, City/County of _____

Subscribed and sworn to before me this the _____ day of _____, _____

My Commission Expires: _____

☐ Intake Officer ☐ Notary Public ☐ Clerk/Deputy Clerk

CERTIFICATION OF PARENTAL IDENTITY OR LOCATION

☐ Pursuant to Va. Code § 16.1-263(E)(i), I certify that the identity of the ☐ mother ☐ father ☐ guardian of
_____, a juvenile, is not reasonably ascertainable.

☐ Pursuant to Va. Code § 16.1-263(E)(ii), I certify that this case involves an allegation that _____
a juvenile, has committed a delinquent act, crime, status offense or traffic infraction or is alleged to be in need of services or of
supervision, and

☐ the location of the juvenile's ☐ mother ☐ father ☐ guardian is not reasonably ascertainable; OR

☐ the location or mailing address of the juvenile's ☐ mother ☐ father ☐ guardian, believed to be outside the
Commonwealth is not reasonably ascertainable.

Date

JUDGE

SAMPLE

**AFFIDAVIT/CERTIFICATION OF
PARENTAL IDENTITY OR LOCATION**

Commonwealth of Virginia VA. CODE § 16.1-263

Case No. _____

Virginia Beach

Juvenile & Domestic Relations District Court

Commonwealth of Virginia

V. /In re John Doe

AFFIDAVIT OF LOCATION

I swear or affirm that John Doe, a juvenile, is charged with a delinquent act, crime, status offense or traffic infraction or is alleged to be in need of services or supervision, and that –

☒ the location of the juvenile's ☒ mother ☐ father ☐ guardian is not reasonably ascertainable; OR

☐ the location or mailing address of the juvenile's ☐ mother ☐ father ☐ guardian, believed to be outside the Commonwealth is not reasonably ascertainable.

☐ Juvenile Probation Officer ☒ Law Enforcement Officer

9999 Virginia Beach Police Department

Badge Number, Agency & Jurisdiction

Commonwealth of Virginia, City/County of _____

Subscribed and sworn to before me this the _____ day of _____,

My Commission Expires: _____

☐ Intake Officer ☐ Notary Public ☐ Clerk/Deputy Clerk

CERTIFICATION OF PARENTAL IDENTITY OR LOCATION
☐ Pursuant to Va. Code § 16.1-263(E)(i), I certify that the identity of the ☐ mother ☐ father ☐ guardian of _____, a juvenile, is not reasonably ascertainable.

☐ Pursuant to Va. Code § 16.1-263(E)(ii), I certify that this case involves an allegation that a juvenile, has committed a delinquent act, crime, status offense or traffic infraction or is alleged to be in need of services or of supervision, and

☐ the location of the juvenile's ☐ mother ☐ father ☐ guardian is not reasonably ascertainable; OR

☐ the location or mailing address of the juvenile's ☐ mother ☐ father ☐ guardian, believed to be outside the Commonwealth is not reasonably ascertainable.

Date

JUDGE

Detention Order**DETENTION ORDER / CAPIAS PURSUANT TO § 16.1-247(K)**

Case No.

Commonwealth of Virginia Va. Code §§ 16.1-247(A & D), 16.1-248.1, 16.1-250 F, 16.1-256

Virginia Beach Juvenile and Domestic Relations District Court

In re: **MICKEY MOUSE**

JUVENILE

SOCIAL SECURITY NUMBER

Total charges = 1

5475554 LAR-2359-F9 / \$1000 or more not from person

CHARGES ON WHICH JUVENILE/ADULT UNDER 21 IS TO BE DETAINED

Other Pending and Previous Charges:

To be completed ONLY if petition is not attached to this order.

03/12/2007

DATE OF BIRTH

123 MAIN ST, FAIRFAX, VA

ADDRESS

16

AGE

W

RACE

F

SEX

WEIGHT

HEIGHT

DETENTION ORDER:

It appears from the petition or warrant filed concerning the juvenile that the juvenile may come within the purview of the Juvenile and Domestic Relations District Court Law, and it further appears that the welfare of the juvenile requires that his or her custody be immediately assumed by the Court, in that there is probable cause to believe that the juvenile committed the act alleged in the petition or warrant and:

☒ The juvenile is alleged to have

☒ committed an act that would be a felony or Class 1 misdemeanor if committed by an adult;

☐ violated the terms of probation or parole when the charge for which he/she was placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult; or

☐ violated any of the provisions of § 18.2-308.7

AND there is clear and convincing evidence that:

☒ the release of the juvenile constitutes a clear and substantial threat to the person or property of others; or

☐ the release 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's hearing within the immediately preceding twelve months.

☐ The juvenile absconded from a detention home or facility where he has been directed to remain by the lawful order of a judge or intake officer.

☐ The juvenile is a fugitive from a jurisdiction outside Virginia and subject to verified petition or warrant.

☐ The juvenile has failed to appear in court after having been duly served with a summons in any case in which it is alleged that the juvenile has committed a delinquent act or that the juvenile is in need of services or the juvenile is in need of supervision.

☐ The juvenile failed to adhere to the previously imposed conditions following his release upon a Class 1 misdemeanor charge or a felony charge.

It is hereby ORDERED that the juvenile be taken into immediate custody and be brought before a judge or intake officer. If court is NOT open, the juvenile ☐ who is younger than 11 years old but who is alleged to have committed a delinquent act set forth in § 16.1-269.1(B) or (C), shall be placed in the custody of:

Secure Detention TBD

NAME OF AGENCY OR FACILITY

a secure facility, until brought before the Court

on the next day on which the Court sits, not to exceed 72 hours. However, if the 72 hours expires on a Saturday, Sunday, legal holiday, or day on which the Court is lawfully closed, the juvenile shall be brought before the Court on the next day that is not a Saturday, Sunday, legal holiday or day on which the Court is lawfully closed.

CAPIAS PURSUANT TO § 16.1-247(K):

It appears from the petition or warrant filed that the adult under the age of 21 may come within the purview of the Juvenile and Domestic Relations District Court law, in that there is probable cause to believe that the adult under the age of 21 committed the act alleged in the petition or warrant and:

☐ The adult under the age of 21 is alleged to have

☐ committed, before attaining the age of 18, an offense that would be a crime if committed by an adult.

☐ violated the terms of probation or parole.

It is hereby ORDERED that the adult under the age of 21 be arrested and be brought before a judicial officer.

☐ SPECIAL INSTRUCTIONS: (See reverse if checked)

04/25/2023

DATE

FORM DC-529 (MASTER, PAGE ONE OF TWO) 07/21

[] CLERK

[] JUDGE

[x] INTAKE OFFICER

[] MAGISTRATE

ICN: 3972928

JUVENILE NUMBER: 799156

Detention Order**SPECIAL INSTRUCTIONS****[] Juvenile**

EXECUTED by taking the juvenile into custody

a.m.

Parents notified on

DATE

on at p.m.

at TIME of detention hearing.

and placing the juvenile with

PERSON OR AGENCY GRANTED CUSTODY

INTAKE
OFFICER

on at p.m.

DATE

SERVING
OFFICER

BARREN, AGENCY AND JURISDICTION

for SUBJECT

[] Adult, Pursuant to § 16.1-247(K)

EXECUTED by arresting the adult named herein on this day:

DATE AND TIME OF SERVICE

ARRESTING
OFFICER

BARREN, AGENCY AND JURISDICTION

for SUBJECT

RETURNS: Each person was served according to law, as indicated below, unless not found.

NAME	NAME	NAME
ADDRESS	ADDRESS	ADDRESS
[] PERSONAL SERVICE Tel. No.	[] PERSONAL SERVICE Tel. No.	[] PERSONAL SERVICE Tel. No.
[] Being unable to make personal service, a copy was delivered in the following manner:	[] Being unable to make personal service, a copy was delivered in the following manner:	[] Being unable to make personal service, a copy was delivered in the following manner:
[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.
[] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	[] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	[] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
[] NOT FOUND	[] NOT FOUND	[] NOT FOUND
SERVING OFFICER	SERVING OFFICER	SERVING OFFICER
DATE FOR	DATE FOR	DATE FOR

FORM DC-529 (MASTER, PAGE TWO OF TWO) 07/16
* - Genetic Sex

Capias**DETENTION ORDER / CAPIAS PURSUANT TO § 16.1-247(K)**

Case No. _____

Commonwealth of Virginia Va. Code §§ 16.1-247(A & D), 16.1-248.1, 16.1-250 F, 16.1-256

Virginia Beach Juvenile and Domestic Relations District Court

In re: **MICKEY MOUSE**

JUVENILE

SOCIAL SECURITY NUMBER

Total charges = 1

5475739 LAR-2359-F9 / \$1000 or more not from person

CHARGES ON WHICH JUVENILE/ADULT UNDER 21 IS TO BE DETAINED

Other Pending and Previous Charges: _____

To be completed ONLY if petition is not attached to this order.

03/12/2005

DATE OF BIRTH

123 MAIN ST. FAIRFAX, VA

ADDRESS

18

AGE

W

RACE

M

SEX

WEIGHT

HEIGHT

DETENTION ORDER:

It appears from the petition or warrant filed concerning the juvenile that the juvenile may come within the purview of the Juvenile and Domestic Relations District Court Law, and it further appears that the welfare of the juvenile requires that his or her custody be immediately assumed by the Court, in that there is probable cause to believe that the juvenile committed the act alleged in the petition or warrant and:

- ☐ The juvenile is alleged to have
- ☐ committed an act that would be a felony or Class 1 misdemeanor if committed by an adult;
 - ☐ violated the terms of probation or parole when the charge for which he/she was placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult; or
 - ☐ violated any of the provisions of § 18.2-308.7

AND there is clear and convincing evidence that:

- ☐ the release of the juvenile constitutes a clear and substantial threat to the person or property of others; or
 - ☐ the release 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's hearing within the immediately preceding twelve months.
- ☐ The juvenile absconded from a detention home or facility where he has been directed to remain by the lawful order of a judge or intake officer.
- ☐ The juvenile is a fugitive from a jurisdiction outside Virginia and subject to verified petition or warrant.
- ☐ The juvenile has failed to appear in court after having been duly served with a summons in any case in which it is alleged that the juvenile has committed a delinquent act or that the juvenile is in need of services or the juvenile is in need of supervision.
- ☐ The juvenile failed to adhere to the previously imposed conditions following his release upon a Class 1 misdemeanor charge or a felony charge.

It is hereby ORDERED that the juvenile be taken into immediate custody and be brought before a judge or intake officer. If court is NOT open, the juvenile ☐ who is younger than 11 years old but who is alleged to have committed a delinquent act set forth in § 16.1-269.1 (B) or (C), shall be placed in the custody of:

_____, a secure facility, until brought before the Court on the next day on which the Court sits, not to exceed 72 hours. However, if the 72 hours expires on a Saturday, Sunday, legal holiday, or day on which the Court is lawfully closed, the juvenile shall be brought before the Court on the next day that is not a Saturday, Sunday, legal holiday or day on which the Court is lawfully closed.

CAPIAS PURSUANT TO § 16.1-247(K):

It appears from the petition or warrant filed that the adult under the age of 21 may come within the purview of the Juvenile and Domestic Relations District Court law, in that there is probable cause to believe that the adult under the age of 21 committed the act alleged in the petition or warrant and:

- ☒ The adult under the age of 21 is alleged to have
- ☒ committed, before attaining the age of 18, an offense that would be a crime if committed by an adult.
 - ☐ violated the terms of probation or parole.

It is hereby ORDERED that the adult under the age of 21 be arrested and be brought before a judicial officer.

- ☐ SPECIAL INSTRUCTIONS: (See reverse if checked)

04/26/2023

DATE

☐ CLERK☐ JUDGE☒ INTAKE OFFICER☐ MAGISTRATE

ICN 307N/32

JUVENILE NUMBER 799156

FORM DC-529 (MASTER, PAGE ONE OF TWO) 07/21

Capias**SPECIAL INSTRUCTIONS**☐ Juvenile

EXECUTED by taking the juvenile into custody

a.m.

Parents notified on

DATE

on _____ at _____ p.m.

at _____ of detention hearing.

TIME

and placing the juvenile with

INTAKE
OFFICER

PERSON OR AGENCY GRANTED CUSTODY

a.m.

on _____ at _____ p.m.

DATE

SERVING
OFFICER

BADGE NO., AGENCY AND JURISDICTION

For

SHERIFF

☐ Adult, Pursuant to § 16.1-247(K)

EXECUTED by arresting the adult named herein on this day:

DATE AND TIME OF SERVICE

ARRESTING
OFFICER

BADGE NO., AGENCY AND JURISDICTION

for

SHERIFF

RETURNS: Each person was served according to law, as indicated below, unless not found.

NAME	NAME	NAME
ADDRESS	ADDRESS	ADDRESS
☐ PERSONAL SERVICE Tel. No. _____ ☐ Being unable to make personal service, a copy was delivered in the following manner: ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.) ☐ NOT FOUND SERVING OFFICER _____ DATE _____ FOR _____	☐ PERSONAL SERVICE Tel. No. _____ ☐ Being unable to make personal service, a copy was delivered in the following manner: ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.) ☐ NOT FOUND SERVING OFFICER _____ DATE _____ FOR _____	☐ PERSONAL SERVICE Tel. No. _____ ☐ Being unable to make personal service, a copy was delivered in the following manner: ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.) ☐ NOT FOUND SERVING OFFICER _____ DATE _____ FOR _____

FORM DC-529 (MASTER, PAGE TWO OF TWO) 07/16

* - Genetic Sex

Shelter Care Order**SHELTER CARE ORDER**

VA. CODE ANN. §§ 16.1-274(D), 16.1-248.1, 16.1-249, 16.1-252, 16.1-256, 16.1-290

CASE NO. _____

Virginia Beach Juvenile and Domestic Relations District Court

In re: **MICKEY MOUSE**
JUVENILE

03/12/2007

To be completed ONLY if petition or warrant is not attached to this order.

123 MAIN ST, FAIRFAX, VA

ADDRESS

16

AGE

W

RACE

F

SEX

WEIGHT

HEIGHT

Total charges = 1**LAR-2359-F9 / \$1000 or more not from person**

CHARGES ON WHICH CHILD IS TO BE DETAINED

It appears from the petition or warrant filed concerning the juvenile that the juvenile may come within the purview of the Juvenile and Domestic Relations District Court Law, and it further appears that the welfare of the juvenile requires that his custody be immediately assumed by the Court, in that

- ☒ 1. The child is eligible for placement in a secure facility; or
- ☐ 2. The child has failed to adhere to the directions of the court, intake officer or magistrate while on conditional release; or
- ☐ 3. The child's parent, guardian or other person able to provide supervision cannot be reached within a reasonable time; or
- ☐ 4. The child does not consent to return home; or
- ☐ 5. Neither the child's parent or guardian nor any other person able to provide proper supervision can arrive to assume custody within a reasonable time; or
- ☐ 6. The child's parent or guardian refuses to permit the child to return home and no relative or other person willing and able to provide proper supervision and care can be located within a reasonable time.

It is hereby ORDERED that the juvenile be taken into immediate custody and be brought before a judge or intake officer or magistrate if neither the judge nor the intake officer is reasonably available. If court is NOT open, the juvenile shall be placed in the custody of:

Less Secure TRSD

NAME OF AGENCY OR FACILITY

a shelter care facility, there to remain until brought

before the Court on the next day on which the court sits as provided by law.

☐ and that pursuant to a hearing before the _____ is ordered to pay child support in the amount of _____ per _____ to _____ for the duration of the placement.

SPECIAL INSTRUCTIONS:**04/25/2023**

DATE

[] JUDGE

[] INTAKE OFFICER

[] MAGISTRATE

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ICN: 3972928

JUVENILE NUMBER: 799156

Shelter Care Order

RETURNS: Each person was served according to law, as indicated below, unless not found.

NAME _____ ADDRESS _____ Tel. No. _____ ☐ PERSONAL SERVICE	NAME _____ ADDRESS _____ Tel. No. _____ ☐ PERSONAL SERVICE	NAME _____ ADDRESS _____ Tel. No. _____ ☐ PERSONAL SERVICE
Being unable to make personal service, a copy was delivered in the following manner: ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	Being unable to make personal service, a copy was delivered in the following manner: ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	Being unable to make personal service, a copy was delivered in the following manner: ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
☐ NOT FOUND SERVING OFFICER _____ DATE _____ FOR _____	☐ NOT FOUND SERVING OFFICER _____ DATE _____ FOR _____	☐ NOT FOUND SERVING OFFICER _____ DATE _____ FOR _____

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* - Genetic Sex

Family Crisis Team Order

DETENTION ORDER/ FAMILY CRISIS TEAM Commonwealth of Virginia

Case No.:

Virginia Beach

Juvenile and Domestic Relations District Court

V/J In Re:

THE FOLLOWING PARTIES WERE PRESENT:

☒ Juvenile ☐ Attorney : ☒ Probation Officer:
☒ Guardian *ad litem*
☐ Father ☒ Mother ☐ Guardian
☐ Petitioner/Complainant ☐ Other:

Type of Case:

☒ Misdemeanor

Type Of Hearing:

FINDINGS OF COURT: Pursuant to §16.1-250E, this Court finds there is probable cause to believe that the child committed the delinquent act alleged, but that full-time detention of the child alleged to be delinquent is not required. Pursuant to §16.1-248.1B, this child may be placed in a less secure facility, as this Court finds:

- ☒ The juvenile is eligible for placement in a secure facility; *Child is currently at home.*
☐ The juvenile has failed to adhere to the directions of the court, intake officer or magistrate while on conditional release;
☐ The juvenile's parent, guardian or other person able to provide supervision cannot be reached within a reasonable time;
☐ The juvenile does not consent to return home;
☐ Neither the juvenile's parent or guardian nor any other person able to provide proper supervision can arrive to assume custody within a reasonable time; or
☐ The juvenile's parent or guardian refuses to permit the juvenile to return home and no relative or other person willing and able to provide proper supervision and care can be located within a reasonable time.

IT IS ORDERED THAT: *at home*

The child shall be placed ~~in a less secure facility~~ with the following conditions:

- The child and family are referred to the Family Crisis Team which shall assess the child and family for services within 24 hours;
- The child and family shall fully cooperate with the Family Crisis Team during the assessment process and follow all treatment recommendations;
- ~~The child and family shall fully cooperate with the Family Crisis Team in returning the child home without further court order within the shortest time possible, but after not less than 72 hours of initial placement;~~
- If recommended by the Family Crisis Team, ~~after return home~~, the CSU may authorize the child's return to a less secure facility and release back to parents after the family's stabilization, without further order of the court;
- Intake is authorized to file a detention order if return to a less secure facility is warranted;
- The child and family shall cooperate with the Court Services Unit and all service providers;

Any person violating this order may be proceeded against for contempt of court.

This matter is continued for 6 weeks to 5/30/23 at 10:30 a. m.

April 10, 2023
Date

JUDGE

Appendix II: Childhood Stages and Police Responses

Childhood Stages and Recommended Police Responses

Below summarizes how police might best respond to children, taking into account a child's age and developmental stage. It is especially important to remember that children who are traumatized do not process information as rapidly as when they are calm.

Babies and Toddlers

What Child Development Experts Say

Babies and toddlers are entirely dependent on their caregivers for their sense of safety and security. Separation from a parent can be terrifying and a child's sense of safety and security can be affected by witnessing violence.

What Police Officers Can Do

- A. Acknowledge the importance of the parent to the child.
- B. Treat the parent with respect.
- C. Show concern for children's safety with words and actions.

Preschool Children

What Child Development Experts Say

Preschool children often believe in the magical power of their thoughts and feelings. When there is an arrest, children may believe that they have caused the bad event to happen. Children may believe that their bad behavior or wishes are the cause of a parent's arrest or removal. In their imagination, preschoolers may view a police officer as an action figure who can help, hurt, or take them away.

What Police Officers Can Do

- A. Listen to children's ideas and concerns about what is happening.
- B. Clarify in simple language basic facts about police presence and response.
- C. Verbally recognize that young children may have strong feelings about the events that are occurring.
- D. Reassure the child it is not their fault.

School-age Children

What Child Development Experts Say

School-age children are susceptible to the influence of older children and adults as role models. This is a time when children listen to peers and teachers as well as parental figures at home. School-age children are concerned with issues of right and wrong, fairness and justice.

What Police Officers Can Do

- A. Deal with children honestly, fairly, and calmly.
- B. Engage them by recognizing their presence and responding to questions and concerns.
- C. Emphasize that the child did nothing wrong.
- D. Take advantage of opportunities to offer a positive role model for children.

Teenagers

What Child Development Experts Say

Teenagers are developing a sense of themselves as individuals who are distinct and independent. Teenagers use relationships with authority figures to test limits and independence and are probably police officers' most challenging age group. Teenagers are especially vulnerable to humiliation and can go to extremes to save face and can be very good at drawing police into their struggles about authority.

What Police Officers Can Do

- A. Set firm and clear limits and expectations for your interactions.
- B. Make one request or give one command at a time.
- C. Use consequences (including graduated force) judiciously and in accord with the level of infraction.
- D. Isolate troublemakers since provocative posturing can increase in front of peer groups.
- E. Don't take teens' rude or obnoxious behavior personally.
- F. Don't stereotype teenagers. Treat them as individuals and be mindful of their normal struggles to become independent.
- G. Understand that teens need rules and limits in order to feel safe.

Appendix III: Additional Information

Additional Information/Sources:

Source: Ann Adalist-Estrin, Director, National Resource Center for Children and Families of the Incarcerated, Children of Prisoners Library, Copyright FCN 2004.

Source: National Center for Children Exposed to Violence

Source: Adapted from Oregon Department of Corrections, *How to Explain...Jails and Prisons...to Children, A Caregiver's Guide*, 2003.

Drizin, S., et al. (2012). *Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogation*, The Office of Juvenile Justice and Delinquency Prevention, 1-2.

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Tepfer, J.A., Nirider, L.H., and Tricarico, L. (2010). “Arresting Development: Convictions of Innocent Youth,” *Rutgers Law Review* 62, No. 4, 887–941.

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Streib, V. 1987. *Death Penalty for Juveniles*. Bloomington, IN: Indiana University Press.

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VBPD General Order 6.03, Interview and Interrogation

VBPD General Order 6.07, Juvenile Legal Issues

VBPD General Order 9.01, Juvenile Operations