

	POLICY & PROCEDURE	SERIES # 906	PAGE 1 OF 7
	JUVENILE OPERATIONS		EFFECTIVE DATE 3/22/2022
			OVERSIGHT Investigations
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P #906 dated 03/09/2021		

I. PURPOSE:

The purpose of this policy is to establish responsibility and uniform procedures for the investigation and disposition of juvenile offender cases and to establish administrative procedures for juvenile matters.

II. POLICY:

It is the policy of the Hampton Police Division to investigate all crimes committed by or upon persons under the age of eighteen. The responsibility for participating in and supporting the Division's juvenile operations function is shared by all members. To this end, all personnel shall be thoroughly knowledgeable of these procedures in order to properly and adequately dispose of juvenile matters.

III. PROCEDURES:

A. RESPONSIBILITY

1. The School Resource Officers (SRO) Program in conjunction with the Hampton Police Division investigative units shall be responsible for juvenile operations in the Hampton City Public School System. Assigned to the City's middle and high schools, one of the SROs major functions is to directly impact drug usage and other crimes occurring on school property involving both students and non-students. In addition, the SRO's investigates and enforces truancy in order to impact juvenile involvement in crime. SRO's work closely with students, faculty and administrators at their assigned school. The SROs work closely with school officials to provide individual counseling to students when necessary. This unit also conducts anti-drug abuse lectures to school classes.
2. The Gang Intelligence Unit, assigned to Investigative Services, will work with juveniles, the Juvenile Justice System and school authorities as necessary. See Policy and Procedure 548 for additional information on the Gang Intelligence Unit.

APPROVED:
CHIEF OF POLICE



3. The School Resource Officer Sergeant is responsible for coordination and control of juvenile matters through the SRO's. The responsibility is based on a Memorandum of Understanding (MOU) between the Police Division and the Hampton City School Administration. This MOU is reviewed annually, and as required.
4. School Resource Officers will assume the leading role in investigation, referral, disposition, and/or supervision of all public school-related incidents involving juveniles, which are brought to its attention. This does not preclude any police officer or investigator from dealing with a particular youth-related incident which presents itself.
5. The School Resource Officer Sergeant will ensure that the SRO's are accountable for the following:
 - a. Providing a resource, based upon their special knowledge, for patrol officers and investigators, in handling youth related matters;
 - b. Conducting as many investigations and overseeing as many public school-related incidents involving juvenile offenders as possible;
 - c. Establishing and maintaining liaison with other agencies associated with youth.

B. INVESTIGATIVE PROCEDURES

The responsibility for the investigation of juvenile criminal cases and status offenses shall rest with the Investigative Services Branch. The Crimes Against Property Unit shall have the responsibility for investigating property crime involving juveniles. The Crimes Against Persons Unit (CAP) shall have the responsibility of investigating crimes against the person which involve juveniles, as well as child neglect and runaway cases. These units shall utilize the unique expertise of the SRO's to facilitate these investigations.

1. In accordance with state law, a juvenile may be taken into immediate custody in any of the following circumstances:
 - a. With a detention order of temporary detention issued by a judicial authority.
 - b. When the juvenile is alleged to be in need of services or supervision and there is a clear and substantial danger to the juvenile's life or health.
 - c. The assumption of custody is necessary to ensure the juvenile's appearance before the court.

- d. When the juvenile has committed an act designated a crime in the presence of the officer.

When the juvenile has committed offenses of shoplifting, assault and battery and carrying a weapon on school property even though the offense may not have been committed in the presence of the officer, provided that the arrest is based on probable cause and reasonable complaint of a person who observed the alleged offense.
 - e. When there is probable cause to believe that the juvenile has committed an offense, which if committed by an adult would be a felony.
 - f. When there is probable cause for the officer to believe that the juvenile is a runaway from a jail, detention facility, residential child-caring facility or home, or has run away from his/her home, or is without adult supervision at such hours of the night and under circumstances that the officer reasonably concludes present a clear and substantial danger to the juveniles welfare.
 - g. When a child is believed to be in need of in-patient treatment for mental illness.
2. When appropriate, juveniles will be advised of their Miranda Rights when questioned concerning a criminal offense whether it is a felony or misdemeanor. These rights will be advised in the presence of a parent or guardian whenever possible. Juveniles will be given the opportunity to confer with a parent or guardian prior to interrogation. The juvenile and his parents will be advised of the Juvenile Intake and Court procedure, and, when appropriate, of Divisional procedures for handling juvenile matters.
 3. Interrogations of juveniles will be of a reasonable amount of time, with consideration for the juvenile's personal needs. Normally interrogations will be conducted during reasonable times of the day or evening with no more than two officers conducting the interrogation.
 4. In the event charges are to be placed, the juvenile will be taken to the intake facility without delay (unless a juvenile is in need of emergency medical treatment) and the officer will ensure that efforts are made to contact and inform the juvenile's parents or guardians of the fact that they have been taken into custody. The Intake Officer on duty will provide a form to be completed by the arresting officer giving the reasons for taking the child into custody.
 5. In non-criminal situations in which juveniles are involved such as accidents, stranded, etc., officers are expected to make every effort to

notify parents or guardians when requested or as necessary.

6. The investigating officer will use the utmost discretion in deciding the proper method of disposing of a juvenile offender case. Generally, this should involve the least coercive alternative, which is consistent with preserving public safety order and individual liberty. The following guidelines will be considered:
 - a. Seriousness of the crime.
 - b. Age and circumstances of the offense.
 - c. Past record of the offender.
 - d. Attitude of the offender.
 - e. Attitude of the victim.
 - f. Recommendations of other agencies (i.e. Commonwealth's Attorney, Intake Office, Social Services) and/or the availability of other community rehabilitation programs.
7. Depending upon circumstances any police officer may dispose of a juvenile offender in one of the following ways:
 - a. The juvenile may be orally reprimanded by the officer for a minor offense at the scene and turned over to his parent or guardian without further action.
 - b. The juvenile will be transported to the Intake Office by the police officer where he will be processed at that time. The juvenile may be referred to the Juvenile Intake system for further action as seen fit by the Intake Officer, such as counseling, referral to another agency or other non-court action. If the offense is a minor non-violent offense that occurs after normal business hours, the Officer may turn the juvenile over to the parent or guardian and respond to Juvenile Intake at a later time to obtain the appropriate petition.
 - c. There are some instances where the officer may charge the juvenile with the Virginia Uniform Summons. These specific offenses may include curfew violations, no operator's license, other minor traffic violations, alcohol-related offenses, animal control violations, or other offenses covered under §16.1-260(H).
 - d. The juvenile may be referred to the Juvenile Court.
8. If the juvenile offender is referred to the Juvenile Court Intake system, the investigating officer or arresting officer will provide the Intake Officer with all information available in order that the Intake Officer may make the proper disposition in the case.

Cases that are referred to the Juvenile Court by petition will be handled in the following manner:

- a. Petitions will be obtained at the Juvenile Intake Office by swearing or affirming that the information on the petition is true. State Code numbers and charges should be reviewed before signing the petitions.
 - b. One copy of the petition will be served on the juvenile and one copy will be served on the parent or guardian of the child to appear on the next available court date. Petition service does not always take place in the office and is not always a requirement of the police unless there is a specific circumstance i.e.; truancy petitions, a juvenile was served and the parent was unavailable, or intake is requesting a court date without serving either party.
 - c. An IBR report will be completed by the investigating officer and a copy will be sent to the Commonwealth Attorney's office for prosecution. The crime report will be completed for both misdemeanors and felonies.
 - d. The investigating officer will ensure that all juveniles, fourteen years of age or older who are charged with a violent felony or with being an accessory to these crimes, are fingerprinted and photographed. Violent felonies are:
 - Murder
 - Felonious Injury by Mob
 - Abduction
 - Malicious wounding
 - Malicious wounding of a Law Enforcement Officer
 - Aggravated malicious wounding
 - Adulteration of products
 - Robbery
 - Carjacking
 - Rape
 - Forcible sodomy
 - Object sexual penetration
- (1) In addition, all juveniles charged with Class 1 and Class 2 misdemeanors and felonies that an adult would be processed under CCRE guidelines will be fingerprinted and photographed **with the exception of the following**:
- DUI
 - Refusal
 - Disorderly conduct

- Trespassing
- (2) Photographs may also be taken and filed in the Records Section.
 - (3) Distribution of the CCRE form is as follows:
 - (a) Copy 1 is to be retained by the arresting agency. Copies 2 and 3 are to be taken to Intake and attached to the warrant, petition, or document which substantiated the arrest and is to be promptly forwarded to the Clerk of the Juvenile Court having jurisdiction.
 - (b) If a juvenile of any age is found guilty, the clerk will forward the fingerprints, along with a report of the disposition, to the CCRE. If the juvenile is found not guilty, the fingerprint card, all copies and photographs will be destroyed within sixty days.
 - (c) Since in most cases juveniles are processed prior to charges being formally placed, the investigating officer will notify the Identification Unit, via addendum, if for some reason charges are not subsequently placed, or if a change in the nature of the charge occurs.
 - (4) All juvenile fingerprint cards which meet the requirements to be sent to CCRE may also be kept in a separate file in the Police Central Records Unit and entered into AFIS. Applicable law states when this information can be used and who may use it (i.e., State Police for gun purchases, Probation and Parole for pre-sentence reports).

C. ADMINISTRATIVE PROCEDURES:

1. Juvenile Records

- a. The Intake Office of the Juvenile Court Services Unit has the primary responsibility for maintaining records pertaining to juveniles.
- b. Juvenile Criminal History files will be maintained in the Records Section in accordance with applicable law requirements and P&P 1406 – Police Central Records. The Records Supervisor or designee shall be accountable for the collection, dissemination and retention of these Divisional Juvenile Records.

2. Policy Coordination

All revisions or new policy drafts pertaining to juveniles, or any general order or memorandum pertaining to policy changes concerning juveniles shall be routed to the Director of the Juvenile Court Services Unit (Intake) or their designee for their review and input, in addition to any Subject Matter Experts related to the matter.