



| | | | | |
|--------------------------|------------------------|------------------------------|-----------|--------|
| WRITTEN DIRECTIVE | No. | PD14-0501 | Page: | 1 of 4 |
| | Subject: | Effective | 01-07-14 | |
| | ALTERNATIVES TO ARREST | Date: | 01-07-14 | |
| | | Supersedes/ Amends: | PD09-0501 | |
| | Reference: | 1.2.6, 1.2.7, 44.2.1, 61.1.3 | | |
| | Addendum: | | | |



I. Purpose

The purpose of this directive is to establish guidelines as to when officers of the Lynchburg Police Department may exercise alternatives to the physical arrest of a subject.

II. Policy

Officers of the Lynchburg Police Department may pursue alternatives to actual physical arrest when appropriate, including the use of referrals, summonses and warnings.

III. Procedure

1.2.6, 1.2.7

A. REFERRAL

1. In lieu of arrest, officers may use discretion in referring certain adults and juveniles to criminal justice and/or public and private social services, based upon the following criteria:
 - a. the person has not committed a felony
 - b. the person has not committed a misdemeanor involving an act of violence or sexual offenses
 - c. another agency can best provide required special assistance to include, but not be limited to, the following:
 - 1) civil matters/legal aid
 - 2) marriage counseling
 - 3) abuse/neglect protection services
 - 4) alcohol/drug abuse
 - 5) crisis intervention, including mental health counseling
 - 6) youth services.

2. Persons in need of services best provided by another agency (such as other criminal justice agencies or public/private social service agencies) should be referred by the officer to the appropriate agency.
3. If officers deem a referral appropriate to the situation, they should provide the person with the name and phone number of the agency most suited to that person's needs.
4. It will be the responsibility of the Deputy Chief of the Investigations & Administration Bureau to maintain and update the list of social diversion programs available to juveniles and adults (see *Addendum*), and to make the list available to employees.

1.2.6

B. SUMMONSES

1. Officers shall issue summonses pursuant to Code of Virginia 19.2-74 for misdemeanor criminal offenses committed in their presence by adults (persons 18 years of age or older), except under the following circumstances:
 - a. when the accused fails or refuses to discontinue the unlawful act
 - b. when there is reason to believe that the accused will not appear in court
 - c. when there is reason to believe that the accused will be a danger to himself and/or the community
 - d. when the accused refuses to sign the summons
 - e. when the accused is in violation of:
 - 1) Code of Virginia, 18.2-388 (Drunk in Public)
 - 2) Code of Virginia, 18.2-407 (Unlawful Assembly)
 - 3) Code of Virginia, 18.2-266 (Driving under the Influence)
 - 4) Code of Virginia, 18.2-57.2 / 19.2-81.3 (A&B against a family or household member).

44.2.1 A, 61.1.3 B

2. In dealing with juvenile offenders, officers should pursue the least coercive of reasonable alternatives consistent with preserving individual liberty and public safety, to include:
 - a. arrest

- b. warnings
- c. informal resolution (e.g. dispersing juveniles involved in minor altercations, etc.)
- d. referral processes.

44.2.1 C

- 3. A juvenile arrested for committing a criminal offense for which no detention order has been issued may be released in accordance with Code of Virginia, Section 16.1-247 when appropriate.

44.2.1 B

- 4. Officers shall issue traffic summonses to adults and juveniles for all traffic arrests except for the following situations:
 - a. when there is reason to believe that the accused will not appear in court
 - b. when the accused refuses to sign the summons
 - c. when the accused is unable to reasonably establish his or her identity.

1.2.6

C. WARNINGS AND INFORMAL RESOLUTIONS

- 1. In reference to the handling of adults, investigating officers may, after determining that the violation is not serious in nature, use their discretion not to make an arrest.
- 2. Using good judgment, the officers may choose any legal means at their disposal to resolve the situation, including:
 - a. resolving the case informally at the scene, *or*
 - b. issuing a verbal warning.
- 3. Truancy
 - a. If contact is made with a juvenile during the school year during the hours that school is in session, the police officer should contact the Lynchburg City Schools (LCS) Truancy Officer or a School Resource Officer to determine if the juvenile is a truant.
 - b. If the juvenile is determined to be a truant and no other extenuating circumstances exist, the police officer will have several options. The police officer may:
 - 1) return the juvenile to the school that the juvenile attends.

- a) The school will make any necessary notifications to parents, school officials, etc.
 - b) The officer should not transport the juvenile to school if they have reason to believe the juvenile will not stay at the school.
- 2) transport the juvenile to a facility approved by the Lynchburg School System or the J&D Court.
- 3) contact the LCS Truancy Officer to respond to the scene where the juvenile is located.
- a) The LCS Truancy Officer does not transport juveniles.
 - b) The LCS Truancy Officer may provide guidance and advice regarding actions involving the juvenile.
- 4) contact the parent of the juvenile and have him/her respond to the scene where the juvenile is located.
- a) The police officer will contact the LCS Truancy Officer by the end of the next business day and will advise him of the situation and details if the juvenile is released to their parent.
 - b) Current contact information for the LCS Truancy Officer will be maintained on file with LynComm.

Original Signed

Parks H. Snead
Chief of Police

January 7, 2014

Date