



WRITTEN DIRECTIVE	No. AD16-1304	Page: 1 of 3
Subject:  JUVENILE RECORDS	Effective Date:	02-04-16
	Supercedes /Amends:	AD 11-1304
	Reference:	82.1.1, 82.1.2



I. Purpose

The purpose of this directive is to define and establish the procedures for handling and storing juvenile arrest records maintained in the Lynchburg Police Department Records Unit.

II. Policy

It shall be the policy of the Lynchburg Police Department to ensure the integrity and confidentiality of all juvenile records in adherence with the Code of Virginia.

III. Procedure

A. Records Unit

1. Juvenile Arrest Records

- a. The Records Unit is the central location for maintaining files of all juvenile records.
- 82.1.1 A & B
- b. Juvenile arrest records shall be maintained separately from adult records.
- 82.1.1 B & D
- c. Juvenile arrest records will not be open to the public, except under the following circumstances:
  - 1) A charge of delinquency is transferred to Circuit Court, and the juvenile is tried as an adult, or
  - 2) The Court orders disclosure in the interest of the child.

2. Juvenile Records Inspection

- 82.1.1 C & D
- a. Only certain entities or individuals have authorization for viewing juvenile records maintained by this department.
- b. Other than authorized employees of this department, the following are permitted to review such records:
  - 1) A court having jurisdiction in current proceedings with the child.

- 2) Officers of public and non-governmental institutions or agencies to which the child is currently committed, and are responsible for supervision upon release.
- 3) By order of the court, any other person, agency, or institution, having a legitimate interest in the case, or in the work of the law enforcement agency.
- 4) By order of the court, law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.
- 5) Probation & Parole officers, as well as penal institutions, to which the child is committed.
- 6) By order of the court, the child, parent, or other custodian, and counsel for the child.

## 82.1.1 B

## B. Juvenile Records Retention

1. Juvenile records are maintained in compliance with the provisions of the Code of Virginia and the Library of Virginia.
  - a. Fingerprint records will be retained until the 100<sup>th</sup> birthday of the individual arrested, or until the certification of the death of the individual arrested, whichever comes first.
  - b. Documents supporting a juvenile arrest will be retained for five years after the individual reaches the age of their majority, after the five years, documents may be destroyed.
2. Where a petition is not filed against a juvenile whose fingerprints, photographs, or any other forms of identification have been taken in connection with an alleged violation of the law, the fingerprint card, all copies of the fingerprints, photographs, and all other forms of identification may be destroyed.
3. If the J&D or Circuit Court, pursuant to a transfer, waiver or appeal, finds a child not guilty of a charge of delinquency, the fingerprint card, all copies of the fingerprints, photographs, and all other forms of identification may be destroyed unless ordered by the Court.
4. All fingerprints, photographs, and other forms of identification of a child who is less than thirteen (13) years of age, and who is found guilty of a delinquent act may also be destroyed.
5. Copies of a juvenile's fingerprints are forwarded to the Central Criminal Record Exchange by the Courts in the following instances:

- a. A juvenile fifteen (15) years of age or older is certified to the Circuit Court, and is found guilty as an adult of the offense charged, or
- b. A juvenile thirteen (13) years of age or older, and found guilty of any of the offenses specified by such law in a Juvenile Court, and is adjudicated a delinquent.

C. Expunging Juvenile Records

1. Any juvenile's file consisting of the photographs, fingerprints, arrest cards, and other means of identification, that has been ordered purged by the court shall be sealed and secured.
2. Such records will only be opened upon a court order.
3. The records of any juvenile attaining the age of eighteen, whose records are not ordered expunged by the court, are entered into the computer imaging process for indefinite storage.

*Original Signed*

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Raul M. Diaz  
Chief of Police

February 4, 2016

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Date