I. PURPOSE

The Juvenile Processing Center (JPC) within the Youth and Family Services Division (YFSD) has responsibility for processing juveniles arrested in the District of Columbia (D.C.) including booking, fingerprinting, photographing, and reviewing the circumstances of the arrest to make the appropriate charge. The JPC also makes determinations about juvenile diversion if the offenders meet certain established criteria. The Metropolitan Police Department (MPD) supports the use of diversion where appropriate based upon these established criteria as a means of reducing juvenile populations within the criminal justice system and reducing future criminal behavior. The purpose of this executive order is to educate members regarding juvenile diversion for offenders under the age of 18; decisions concerning juvenile diversion are made by JPC.

II. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Diversion – an alternative to arrest or prosecution in which juveniles are released to their parents or guardians in cases of minor violations or isolated offenses.

2. Intimate partner violence – an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:
   a. To whom the offender was married;
   b. With whom the offender is or was in a domestic partnership; or
   c. With whom the offender is or was in a romantic, dating, or sexual relationship (D.C. Official Code § 16-1001).

3. Juvenile – a person who is under 18 years of age, unless emancipated by a court.
4. Significant bodily injury – an injury that requires that an ambulance be requested, or other immediate medical attention be provided.

III. REGULATIONS

A. When effecting the arrest of a juvenile, members shall act in accordance with current policies and procedures including, but not limited to, GO-OPS-305.01 (Handling Juveniles).

B. Members shall take all juveniles who are arrested to the YFSD’s JPC for processing. Consistent with GO-OPS-305.01, juvenile offenders taken into custody by members of the MPD may be eligible for diversion. Members assigned to the JPC shall be responsible for all decisions regarding diversion in accordance with pre-established criteria.

NOTE: Arresting members shall respond to JPC to process juveniles unless they are charged under Title 16.

C. YFSD members shall consider juvenile offenders for diversion if the following criteria are met.

1. Offense-Specific Criteria
   
   a. The offense is not a felony;
   
   b. The offense is not a misdemeanor that would be considered serious if committed by an adult;
   
   c. The offense is not a commercialized sex offense;
   
   d. The offense is not related to intimate partner violence;
   
   e. The offense does not involve any weapons;
   
   f. The offense is not simple possession of Schedule I to IV Controlled Substance.
   
   g. The offense does not result in significant bodily injury to a victim;
   
   h. The offense was not committed on, or in, the school property in which he or she is enrolled; and
   
   i. The offense does not involve damaging or defacing a Washington Metropolitan Area Transit Authority (WMATA) metro bus or train.

2. Juvenile Offender-Specific Criteria
a. The juvenile is not an absconder from secure custody;

b. The juvenile has not been presented to court for a delinquent act within the last two years;

c. The juvenile has not been arrested two or more times for the same offense within a two year period; and

d. The juvenile has not been arrested three or more times for any offense within a two year period.

NOTE: As part of the Comprehensive Youth Justice Amendment Act of 2016, juveniles may now be diverted by YFSD who are involved in certain intrafamily offenses that do not include intimate partner violence and meet the above referenced criteria.

D. If the offense and juvenile meet the established criteria, the juvenile may be diverted by JPC to a suitable diversion program.

Peter Newsham
Chief of Police

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