

**GENERAL ORDER**SERIES  
702NUMBER  
2EFFECTIVE DATE  
September 21, 1981

SUBJECT

Juvenile Custody Orders

DISTRIBUTION

A

ORIGINATING UNIT

PDD

The purpose of this order is to establish the policy and procedures for obtaining, reviewing, serving, and filing Juvenile Criminal Custody Orders. Confidential Custody Orders obtained by elements of the Inspectional Services Bureau, district vice units and the Fugitive Unit are exempt from the provisions set forth in this order. Absconder, Failure to Appear, and Neglect Custody Orders shall continue to be handled in their entirety by the Youth Division. This order consists of the following parts:

**PART I** Responsibilities and Procedures for  
Members of the Department

- A. Policy.
- B. Application for Criminal Custody Order.
- C. Service of Criminal Custody Order.
- D. Review and Disposition of Criminal Custody Order.

**PART II** Responsibilities and Procedures for  
Special Assignment Personnel

- A. Warrant Clerks.
- B. Station Clerks/Clearance of Custody Orders.
- C. Recidivist and Case Review Section,  
Youth Division.
- D. Absconder Section, Youth Division.

**PART III** Responsibilities and Procedures for  
Supervisory and Command Personnel

- A. Director, Data Processing Division.
- B. Superior Court.
- C. Director, Identification and Records Division.
- D. Commanding Officers.

**PART I****A. Policy.**

1. Members who intend to arrest juveniles whom they have cause to believe have committed a crime must first obtain a custody order from the Juvenile Section of the Superior Court, unless the arrest is made in a public place, on public space, or under exigent or emergency circumstances.

- a. Members shall apply for custody orders using the same criteria upon which an application for an adult arrest warrant is based.

- b. Members shall make arrests without custody orders using the same criteria that arrests without warrants are made of adults.

2. In instances where it is anticipated that a juvenile may be charged as an adult under D.C. Code Title 16, Section 2301, members shall first attempt to obtain an arrest warrant in accordance with General Orders 305.1 (Handling of Juveniles) and 702.1 (Arrest and Bench Warrants).

**B. Application for Criminal Custody Order.**

1. Prior to presenting the application (Affidavit and Request for Custody Order) to the Assistant Corporation Counsel, Juvenile Section, Superior Court, and a judge of Superior Court, members shall:

- a. Obtain a photo and any current data on file regarding the suspect, if available.
- b. Query WALES and NCIC utilizing the entry code "QSCN" to determine the suspects offender status in the District of Columbia. If the subject is wanted by another jurisdiction, coordinate the activities with the Absconder Section of the Youth Division.
- c. Prepare a PD Form 26 (Record of Warrant/Custody Order on File at Identification and Records Division Requiring Service) in triplicate and attach the WALES inquiry.
- d. Present a completed custody order application and supporting documents to any lieutenant or above of his/her unit for approval.
  - (1) No criminal custody order shall be obtained without the knowledge and prior approval from this level of command.
  - (2) Such approval shall be noted by the approving official, who shall sign his/her name to the bottom of all copies of the application except the original.

2. If the application is approved by an official, the member processing the case shall:

- a. Obtain a copy of the juvenile's existing record from the Identification and Records Division.
- b. Provide two copies of the PD Form 251 (Event Report) if one has been completed, and two copies of any other relevant police report(s), concerning the incident for which the custody is sought, to an Assistant Corporation Counsel, Juvenile Section, D.C. Superior Court.

3. If the application is approved by the court, members shall deposit a copy of the approved custody order with the Recidivist and Case Review Section, Youth Division, Superior Court, Room 170, for subsequent transmittal to the Identification and Records Division.

4. Members may apply for custody orders at the Office of the Corporation Counsel, Juvenile Section, at any time during the normal business hours of D.C. Superior Court.

5. Criminal custody orders needed during non-business hours shall be obtained by contacting an Assistant Corporation Counsel through the Youth Division.

6. If it is determined that a respondent is wanted on a previously issued, but current, outstanding custody order, an arrest may be made on the existing custody order and any additional charges shall be added to that order at the time of arrest. Members are reminded that all criminal custody orders, felony or misdemeanor, expire one year from the date of issuance.

7. If a custody order is refused and a PD Form 251 has been completed, the member shall complete a PD Form 252, to include the reasons for refusal.

8. If a custody order is refused, the member shall document the refusal on the PD Form 379 for subsequent transmittal to the Identification and Records Division.

C. Service of Criminal Custody Order.

1. All criminal custody orders forwarded to this department from other jurisdictions shall be forwarded to the Family Division of Superior Court.

2. All criminal custody orders referred to the department from the courts for service shall be assigned by the Identification and Records Division to the warrant clerk of the appropriate district for service.

3. Members shall be allowed ten days from the date of assignment to complete service on criminal custody orders. Upon receiving a criminal custody order assignment, members shall:

a. Acknowledge receipt of the assignment by signing the PD Form 26.

b. Make all necessary visits required on the PD Form 26 to further the possibility of service. When service cannot be made, the reasons for non-service shall be noted in the "Results and Comments" section of the PD Form 26.

4. Knowledge that a custody order has been issued and is in the possession of the department is sufficient to authorize an officer, without the custody order in his/her immediate possession, to make an arrest for any offense.

5. Custody orders for minor infractions of the law that do not involve injury (actual or implied) or the destruction of property shall not be served at late or unusual hours unless specifically stated in the custody order. However, in the event that a member encounters a subject wanted on a custody order at a late or unusual hour, the custody order may be served (i. e., during the course of a traffic stop).

6. When an arrest is made on an outstanding criminal custody order, the member shall immediately prepare a PD Form 252, when applicable, and a PD Form 202A citing the circumstances surrounding service of the criminal custody order. PD Form 379 shall be prepared by Youth Services or Youth Division Officers, as applicable.

7. If service is not completed within ten days, or upon successful completion, the member having the assignment shall forward his/her copy of the PD Form 26 to his/her element's warrant clerk.

8. When an arrest is made on an outstanding criminal custody order and the arresting officer is not the originator of the custody order, the procedure below shall be followed:

- a. The arresting officer, if assigned to a patrol district or the Special Operations Division and it is between 0800 and 2400 hours, shall prepare a PD Form 202A and a PD Form 252, when applicable, and transport the subject to the originating officer's Youth Services Office for booking and processing for court.
- b. Between 2400 and 0800 hours or when the originating officer is assigned to any element other than a patrol district or the Special Operations Division, the arresting officer shall prepare a PD Form 202A and transport the subject to the Youth Division for booking and processing for court.
- c. The watch commander of the originating unit or, when applicable, the Youth Division, shall cause the originating officer, if available, or another member of his/her command to be responsible for completing the necessary reports and for processing the case in court.

9. If a juvenile is arrested for an offense, and further investigation reveals that there is a criminal custody order outstanding against him/her, the arresting officer shall:

- a. Prepare the necessary reports on the offense for which the subject was originally arrested.
- b. Contact the watch commander of the originating unit who shall cause the originating officer, if available, or another member of his/her command to respond to the arresting officer's Youth Services Office or, when applicable, the Youth Division to process the custody order in its entirety.

10. When an arrest is made by a member of another law enforcement agency acting on the basis of a criminal custody order generated by a member of this department, it shall be the responsibility of the originating officer or an alternate officer selected by the official in charge of the unit to ensure that:

- a. The necessary PD Forms are completed.
- b. The respondent is processed in compliance with the provisions of this order and General Order 305.1 (Handling of Juveniles).

11. When it is determined that a suspect for whom a custody order is outstanding has fled the District of Columbia, or when another jurisdiction notifies a member that a wanted person has been apprehended, the member shall contact the Absconders Unit, Youth Division, for assistance or, in the absence of a member from that unit, the watch commander of the Youth Division.

12. When it is determined that a suspect for whom a custody order is outstanding is deceased, members shall:

- a. Indicate the date of death and jurisdiction where death occurred in the appropriate space on the PD 26 and,
- b. Forward the PD 26, affidavit for custody order and other relevant document(s) to the Identification and Records Division for subsequent withdrawal by the court.

13. Members shall not participate in the service of custody orders along with other law enforcement agencies unless prior approval has been obtained.

- a. If service of the custody order is within the District of Columbia, prior approval must be obtained from the official then in command of the district or division from which assistance is requested.
- b. If the location of service of the custody order is outside the District of Columbia, prior approval must be obtained from the unit's bureau head or the official then in charge of the department.

14. Members shall not serve custody orders within the various court buildings unless prior approval has been obtained from an official of the Court Liaison Division or an Assistant Corporation Counsel.

General Order No. 702.2  
(Revised 4/11/86 )

**D. Review and Disposition of Criminal Custody Order.**

1. Whenever any criminal custody order is still outstanding after sixty days, the officer who obtained the custody order shall be notified by his/her element's warrant clerk to contact the Corporation Counsel's Office, Juvenile Section, so that the custody order can be reviewed to determine whether it shall remain in force or be withdrawn.

2. Custody orders shall be reviewed with an attorney in the Corporation Counsel's Office, Juvenile Section, by appointment.

a. This review shall be conducted again in six months and upon the expiration date of the custody order, which is one year from date of issuance.

b. Members shall sign in at the Court Liaison Division.

3. Prior to responding to the Corporation Counsel's Office, the officer handling the case shall:

a. If a PD Form 251 has been completed, prepare a PD Form 252 indicating all efforts made to apprehend the named suspect and other information regarding the continued availability and willingness of a complainant or witness.

(1) If a complainant or witness crucial to the case states that prosecution is no longer desired, he/she shall be required to submit the request, in writing, to the Assistant Corporation Counsel handling the case. This request shall be dated and signed in the presence of the officer originating the custody order.

(2) Any complainant or witness who refuses to comply with the above shall be summoned to appear before the prosecuting Corporation Counsel.

(3) The issuance of the summons and the outcome of the hearing shall be recorded on the PD Form 202A.

b. Obtain the PD Form 26 and copy of the custody order affidavit from the Identification and Records Division.

4. The results of the Corporation Counsel's review of the custody order shall be noted by the officer handling the case in the "Results and Comments" section on the PD Form 26 and shall include:

a. The name of the Corporation Counsel reviewing the custody order;

b. The disposition of the review (custody order continued or withdrawn);

c. The date and time of review.

5. If both sides of the original PD Form 26 has been used and additional space is needed, the officer handling the case shall complete the top portion of a new PD Form 26 to include the data reflected on the original PD Form 26 in the "Central Complaint Number" through "Work Phone" items.

6. Upon completion of the review, the officer in the case shall return the original PD Form 26, a new PD Form 26 (if one is necessary), and any other supporting papers determined necessary by the reviewing Assistant Corporation Counsel, to the Identification and Records Division.

PART II

A. Warrant Clerks.

1. When service is required, the organizational element's warrant clerk shall receive an original and one copy of the PD Form 26, photo, and the custody order affidavit from the Identification and Records Division.

2. The warrant clerk shall process the PD Form 26 as follows:

- a. The original shall be filed in an alphabetical file by name of respondent; and
- b. The first copy of the PD Form 26, with attachments, shall be assigned to an officer for service.

3. When the copy of the PD Form 26 is returned subsequent to service or after a determination that service cannot be made within ten days, the warrant clerk shall:

- a. Transfer the information from the copy of the PD Form 26 to the original PD Form 26.
- b. Ensure that all necessary portions of the PD Form 26 are completed.
- c. Forward the original, and one (1) copy, along with any attached copy of the custody order affidavit and photos, to the Identification and Records Division within fifteen days of the receipt date at the element.
- d. Maintain a copy of the completed PD Form 26 alphabetically by month and date of service in the element's Warrant/Custody Order file. The PD Form 26 shall be maintained on file for a period of 90 days, then destroyed.

4. Upon receiving the listing of all custody orders served the previous day from the station clerk, the warrant clerk shall review the list for discrepancies by using the appropriate code to retrieve the information from the WALES terminal. If discrepancies are noted, the warrant clerk shall make the necessary correction(s) and notify the administrative lieutenant of the error and subsequent correction(s) made.

**B. Station Clerks/Clearance of Custody Orders.**

1. When notified that an offender has been apprehended and his/her identity confirmed, station clerks shall be responsible for making all appropriate entries into WALES to establish that the custody order has been served.

2. All served custody orders cleared from WALES during the tour of duty shall be recorded in the a log book by the clearing station clerk.

3. The Station Clerk working the midnight tour of duty shall review the log book and prepare a list of all custody orders served the previous day. The list shall be forwarded to his/her element's warrant clerk by the end of the tour of duty and shall include:

- a. Custody order number;
- b. Name of offender;
- c. Charge code;
- d. Arrest number;
- e. Arresting officer's name and badge; and
- f. Booking officer's name and badge number.

**C. Recidivist and Case Review Section, Youth Division.**

A member of the Recidivist and Case Review Section, Youth Division, shall be located in the Office of the Corporation Counsel, Juvenile Section, Superior Court, and shall:

1. Receive a daily morning printout of served custody orders from the Data Processing Division.
2. Verify and ensure that each person on the printout appeared in court and that custody orders executed have been cleared from WALES.
3. Conduct an investigation of any discrepancies between the printout and WALES and take such corrective action as is necessary to ensure the proper disposal of each custody order.

**D. Absconder Section, Youth Division.**

Personnel from the Absconder Section, Youth Division, shall:

1. Conduct follow-up service on all juvenile criminal custody orders not served within fifteen days.
2. Oversee and assist members on all pending out-of-jurisdiction cases initiated by the department or other law enforcement agencies.



**PART III**

**A. Director, Data Processing Division.**

1. The Director, Data Processing Division, shall provide a weekly listing of all criminal custody orders assigned to each unit for service indicating the date each PD Form 26 is due for return to the Identification and Records Division. (The district has five days for processing and the officer has ten days for serving). This listing shall include:

- a. Name of the officer, requesting the custody order;
- b. The date the custody order was obtained;
- c. The date of the scheduled sixty day review;
- d. The date of the last review, if applicable; and
- e. The name of the respondent.

2. The Director, Data Processing Division, shall provide a monthly report to the Commander, Youth Division, and the Director, Identification and Records Division, reflecting outstanding criminal custody orders. This report shall include:

- a. The previous month's balance;
- b. Additions during the month; and
- c. Deletions resulting from service or withdrawal.

**B. Superior Court.**

1. The Juvenile Section, Corporation Counsel, D.C. Superior Court, shall forward the PD Form 26, the respondents's photo, the PD 251 and other relevant documents to the Identification and Records Division for processing.

2. Custody orders will be retained in the Juvenile Clerk's Office, Superior Court.

**C. Director, Identification and Records Division.**

The Director, Identification and Records Division, shall be responsible for receiving and processing criminal custody order affidavits issued by the D.C. Superior Court.

1. The Director shall ensure that all criminal custody orders referred to the department from the courts for service are assigned to the warrant clerk of the appropriate district for service, and shall:

- a. Ensure that all the PD Forms 26 returned to the Identification and Records Division without service be reassigned to the Commander, Youth Division, for follow-up in compliance with this order.
- b. Ensure that a copy of the PD Form 26, indicating all previous efforts made by district personnel to serve the custody order, is forwarded to the Commander, Youth Division, to avoid duplication of effort on the part of individuals assigned the custody order for follow-up service.
- c. Ensure that the recycling process of the custody order commences sixty days after the PD Form 26 has been returned from the Absconders Section, Youth Division, and that this process continues until the custody order is served or withdrawn.
- d. Obtain a copy of the death certificate in those instances where service of a criminal custody order is not completed because of the death of the respondent. Forward the death certificate along with the affidavit for custody order to the appropriate court for the purpose of withdrawal.
- e. Ensure that all appropriate entries to delete the custody order from WALES have been made when withdrawal is required because of the death of the respondent.

2. If, in processing a prisoner through the Identification Branch, additional custody orders are discovered as a result of fingerprint identification, the Director shall ensure that the originating unit is contacted so that additional charges can be processed and appropriate clearance procedures instituted.

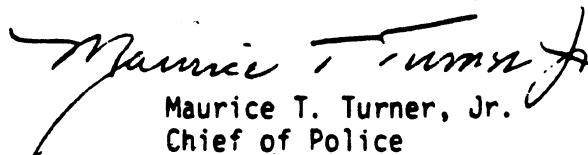
D. Commanding Officers.

1. Commanding officers of organizational elements to whom PD Forms 26 are forwarded for service shall ensure that members of their command exert every possible effort to effect the immediate service of custody orders.

2. Upon receipt of the PD Form 26 at an organizational element, the commanding officer shall ensure that the PD Form 26 is processed in accordance with the provisions of this order.

3. When service of a custody order cannot be completed, commanding officers shall ensure that the PD Form 26, with supporting documents, is returned to the Identification and Records Division.

4. Commanders shall ensure that officers, originating custody orders, comply with the review requirements on their outstanding criminal custody orders.

  
Maurice T. Turner, Jr.  
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