

# CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 111-00
<b>JUVENILE UNLICENSED OPERATION OF A MOTOR VEHICLE</b>	Date: June 18, 2018
VLEPSC Number: Non-Standard	Manual Number: 541.22
	Effective Date: 06/18/2018
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: Annually

## I. PURPOSE

The purpose of this directive is to establish Department procedures to be used when an unlicensed juvenile operator is found to be driving a motor vehicle on a public roadway.

## II. PROCEDURE

A. When an officer's roadway traffic stop investigation finds a juvenile to be driving a motor vehicle without being a duly licensed operator the officer shall make every effort to identify and interview the owner of the vehicle.

1. In those cases where the unlicensed juvenile operator is suspected to be driving the motor vehicle without the permission of the vehicle's owner or custodian, the officer shall make a reasonable effort to contact the vehicle's owner or custodian to verify the circumstances in which the juvenile came into possession of the vehicle, including if the vehicle was taken with or without the vehicle owner's or custodian's permission.
2. When the investigating officer has a reasonable suspicion that the unlicensed juvenile was operating the motor vehicle with the permission of the vehicle's owner or custodian, the officer shall be required to make a reasonable effort to locate and interview the owner/custodian to develop probable cause for further police action.
3. Should an unlicensed juvenile, who is in possession of a valid learner's permit, be found to be operating a motor outside of the learner permit's restrictions the investigating officer shall make a reasonable effort to locate and interview the owner/custodian of the vehicle to develop probable cause for further police action.

### B. Enforcement Action

Incidents involving unlicensed juvenile drivers shall be thoroughly investigated, will require the preparation of an Incident Case Report and shall be documented in the RMS system. Documentation will provide a retrievable record of similar past conduct.

1. Police officers have a range of enforcement action that may be taken in regard to an unlicensed juvenile driver. Officers shall not routinely release the unlicensed juvenile to their parent or guardian with counseling, unless such action is appropriate under the totality of the circumstances.
2. Appropriate enforcement shall include:
  - a. released to parent/guardian with counseling;
  - b. issue of traffic summons; or
  - c. petition to Juvenile Domestic Relations Court
3. When the totality of the officer's investigation justifies probable cause for a charge of Code Section 18.2-102, *Unauthorized Use of Animal, Aircraft, Vehicle or Boat*, the unlicensed juvenile should be petitioned into JDR Court through the established Department procedure.
4. When an officer investigates the unlicensed juvenile operation of a motor vehicle he or she should issue traffic summons to the unlicensed juvenile operator (Virginia Code Section 46.2-300, *Driving Without a Licensed Prohibited*). Further, when the officer develops probable cause to believe the motor vehicle was being operated with the consent of its owner or custodian the officer may charge that person with Virginia Code Section 18.2-371, *Causing or Encouraging acts rendering children delinquent, abuse, etc.*
5. After considering the totality of the circumstances in specific restricted incident of "joyriding" involving the operation of a parent's or guardian's vehicle, officers can release the unlicensed juvenile driver to that parent or guardian with counseling. However, officers shall be cautious in their use of discretion and not consider this option without the proper justification.
6. When investigating a juvenile operating a motor vehicle outside his/her learners permit restrictions and having no probable cause for additional charges, officers may issue a traffic summons or release the juvenile with a department warning ticket. If a summons is issued, a notation should be made on the summons that the unlicensed operation occurred while driving outside the permit's restriction. In addition, and when appropriate, the officer shall prepare a traffic memo and forward it to the prosecutor advising the case to be a simple traffic violation.

C. Release of unlicensed juvenile and automobile.

1. When practicable, an unlicensed juvenile operator shall be released to his or her parent or guardian with an explanation of the traffic stop incident and any accompanying court action.
  - a. The juvenile may be taken home to his/her parent or guardian or when the distance prevents, brought to the police station to await their arrival.
  - b. When an Officer's enforcement action requires referral to the JDR Court such referral shall be made according to Department procedure, which shall include the evening intake service available through the Juvenile Court Assessment Center.

2. The Vehicle used in the unlicensed operation shall be left secured and legally parked at the scene, unless circumstances dictate otherwise.