

**FINAL REPORT OF  
THE DEPARTMENT OF STATE POLICE**

**ACCURACY OF LOCAL  
ARREST REPORTS ON  
RUNAWAY JUVENILES**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**SENATE DOCUMENT NO. 11**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2000**





# COMMONWEALTH of VIRGINIA

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Superintendent

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November 19, 1999

**TO: The Honorable James S. Gilmore, III, Governor of Virginia  
The Members of the General Assembly**

Pursuant to Senate Joint Resolution No. 378 (1999), I have the honor of submitting herewith, a study entitled "Accuracy of Local Arrest Reports on Runaway Juveniles." This study is a compilation of the efforts and coordination of state and local entities. Enclosed are copies of this report for you and members of the General Assembly.

I wish to express my appreciation to Ms. Nancy H. Ross, Executive Director of the Commission on Youth, Sheriff Harold D. Brown, Surry County Sheriff's Department; and Lieutenant C. Ray Baxley, Hopewell Police Department, for their assistance in producing this report. Their efforts were indispensable in the completion of this report.

Sincerely,

A handwritten signature in cursive script that reads "M. Wayne Huggins".

Superintendent

MWH/DJS/jlm



**Accuracy of Local Arrest  
Reports on Runaway Juveniles  
Senate Joint Resolution  
No. 378 (1999)**

**Preface**

Authority for the conduct of this study: SENATE JOINT RESOLUTION No. 378 (1999).

The study group:

Captain R. Lewis Vass, Department of State Police  
Lieutenant Robert G. Kemmler, Department of State Police  
Ms. Nancy H. Ross, Executive Director, Commission on Youth  
Lieutenant C. Ray Baxley, Hopewell Police Department  
Sheriff Harold D. Brown, Surry County Sheriff's Department

Staff Assigned:

Mr. David J. Skaret, Department of State Police

Acknowledgements:

The many local law enforcement agencies responding to the survey used in this study are to be thanked for their timely and valuable responses. Their cooperation was essential to the completion of the study.

Findings:

The survey of local law enforcement agencies revealed that most respondents felt they were documenting and reporting the apprehension and handling of runaway juveniles. However, analysis of comments further revealed that there was confusion about what constituted such reporting. The optimal means to improve the documentation and reporting of runaway juveniles is to revise the instructions provided in the *Virginia State Police Incident-Based Reporting Guide Manual*. This revision would make more explicit what is expected of agencies when they report the apprehension and handling of runaway juveniles.



**Accuracy of Local Arrest  
Reports on Runaway Juveniles  
Senate Joint Resolution  
No. 378 (1999)**

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**Accuracy of Local Arrest  
Reports on Runaway Juveniles  
Senate Joint Resolution  
No. 378 (1999)**

**Executive Summary**

SENATE JOINT RESOLUTION NO. 378 directed the State Police to study the reporting of runaway juveniles to the State Police Uniform Crime Reporting (UCR) section. In accordance with the Joint Resolution, the problem was analyzed and a study conducted. Surveys were sent to all Virginia local law enforcement and specialized state enforcement agencies asking if and how they documented and reported the handling and apprehension of runaway juveniles.

Of the 276 agencies surveyed, 175 (63 percent), responded. This included 35 independent cities (88 percent of all cities), 72 counties (77 percent of all counties), and 54 towns (48 percent of all towns). The responding county, town, and independent city law enforcement agencies represent 83 percent of the population of Virginia.

Pertinent sections of Titles 16.1, Courts Not of Record; 19.2, Criminal Procedure; and 52, Police (State), of the *Code of Virginia* were reviewed and found to contain no references to the reporting of runaway juveniles. However, the authority for determining the format and content of the UCR/IBR reports is delegated to the Superintendent of State Police, pursuant to Title 52, Chapter 6, § 52-29, of the *Code*.

The survey data showed that 94 percent of responding agencies were documenting the apprehension and taking into custody of runaway juveniles, but only 78 percent were reporting this activity to UCR. Of the population represented by the responding jurisdictions, only 61 percent (51 percent of total Virginia population) is served by agencies reporting runaways to UCR/IBR. Analysis of comments on survey questionnaires further revealed that the percentage of agencies reporting to UCR may be lower because of confusion about what constitutes reporting and to whom the reporting should be made.

The issue of identifying the habitual runaway came up during the course of the study. This issue was felt to need additional analysis after the changes recommended in this report are implemented and have time to take effect. As habitual runaways require the intervention of criminal justice practitioners other than law enforcement, an additional interdisciplinary study may be indicated in future years.

Three recommendations were made:

- (1) Revise instructions in the UCR Incident-Based Reporting (IBR) Guide Manual (issued by the State Police) to simplify and consolidate the instructions for reporting runaways;

- (2) Provide publicity of this revision to the manual through articles in the newsletter of the State Police Criminal Justice Information Services Division, in letters to local law enforcement agencies, and in supervisory briefings at local agencies; and
- (3) After the recommendations to improve reporting the apprehension of runaway juveniles have been implemented and several years of base-line data have been accumulated, reexamine the issue of the habitual runaway to determine if more needs to be done from a multidisciplinary approach.

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*Crime in Virginia* (1997 edition) reported the number of runaway (juvenile) arrests by county and by independent city. Anomalies existed in the reporting. For example, 15 runaway juvenile apprehensions were reported in Fairfax County and nine in Virginia Beach versus the 645 apprehensions in Roanoke City and 99 in Waynesboro. This disproportionate reporting from localities of proportional size was of concern to the General Assembly. Thus, the 1999 session of the General Assembly passed SENATE JOINT RESOLUTION NO. 378 (SJR 378, a copy attached as Appendix 1) which directed the State Police to study the apparent discrepancy in reporting of runaway juveniles to the State Police UCR/IBR (Uniform Crime Reports/Incident-Based Reporting). SJR 378 required that the resulting findings and recommendations of the study be reported to the Commission on Youth, the Governor, and the 2000 Session of the Virginia General Assembly. The following report is the result of the State Police study on the accuracy of reporting the apprehension of runaway juveniles, with appropriate recommendations for corrective action as needed.

**Background**

In preparation for this study, prior work on runaway juveniles and the current statutory reporting requirements were reviewed. Also, other requirements of current policy, procedure, and administrative regulation were reviewed.

*STUDY OF TRUANTS AND RUNAWAYS*, House Document No. 57: Report of the Commission on Youth to the Governor and the General Assembly of Virginia, was reviewed. This study asserts that runaway juveniles are a subset of a larger problem with juveniles that encompasses school attendance, truancy and vocational education. The study found that both nationally and at the state and local level, the handling of juveniles (including runaways) tends to be inconsistent and fragmented. Twenty-six recommendations were offered to alleviate this situation. One recommendation was the conduct of a study such as the one being reported here.

The first logical place for finding statutory authority for reporting the apprehension and taking into custody of runaway juveniles was Title 16.1 (Courts Not of Record), Chapter 11 (Juvenile and Domestic Relations District Courts), Article 4 (Immediate Custody, Arrest, Detention and Shelter Care) of the *Code of Virginia*. Applicable sections of this Title are summarized below:

**Section 16.1-246. When and how child may be taken into immediate custody.** Specifies when a child may be taken into custody.

**Section 16.1-247. Duties of person taking child into custody.** Specifies conditions under which a child taken into custody will be returned to his home; released to the child's parents, guardian, legal custodian, or other such person standing in loco parentis; placed in shelter care (for a period not longer than twenty-four hours after the issuance of a detention order pursuant to § 16.1-255); or released.

**Section 16.1-248.1 Criteria for detention or shelter care.** Specifies the conditions under which a juvenile taken into custody pursuant to § 16.1-247 will be detained. In general, detention in a secure facility is imposed on those juveniles for whom there is probable cause to believe that they:

- (1) have committed an act that would be a felony or Class 1 misdemeanor if committed by an adult,
- (2) have "...absconded from a detention home or facility where he has been directed to remain by the lawful order of a judge or intake officer[.]"
- (3) are "...a fugitive from a jurisdiction outside the Commonwealth and subject to a verified petition of warrant....[.]" or
- (4) have failed to appear in court after having been duly served with a summons in any case in which it is alleged the juvenile has committed a delinquent act...."

Shelter care is provided for juveniles otherwise eligible for detention in a secure facility who have failed to adhere to the directions of the court while on conditional release, have parents or others able to provide adequate supervision that cannot be reached or cannot arrive within a reasonable time, have not consented to return home, or have parents or guardians that refuse to permit the juvenile to return home.

**Section 16.1-255. Limitation of issuance of detention orders for juveniles.** Specifies that no detention order shall be issued for any juvenile except when authorized by the judge or intake officer of a juvenile court or by a magistrate as provided in § 16.1-256.

**Section 16.1-256. Limitations as to issuance of warrants for juveniles, detention orders.** Specifies that "...no warrant of arrest shall be issued for any juvenile by a magistrate..." unless "...on appeal from a decision of an intake officer .... or [u]pon a finding of probable cause to believe that the child is in need of services or is a delinquent, when (i) the court is not open and (ii) the judge and the intake officer of the juvenile and domestic relations district court are not reasonably available."

No mention of reporting the apprehension of runaway juveniles to UCR/IBR was found in these sections of the *Code of Virginia*.

Title 19.2, Criminal Procedure, was the next logical place to look for guidance regarding the handling and reporting of runaway juveniles. However, no reference to such was found in sections of this title. Title 52, Chapter 6, Uniform Crime Reporting System, also was expected to address reporting of runaway juveniles, but did not. However, §52-28 mandates that all Commonwealth, county, and municipal law-enforcement agencies shall submit reports of their law enforcement activities to State Police. This reporting is required through the Uniform Crime Reporting (UCR) section using the Incident-Based Reporting (IBR) system. Finally, §52-29 delegates to the Superintendent of State Police the authority to "... adopt and promulgate rules and regulations prescribing the form, general content, time and manner of submission of such uniform crime reports of all the offenses designated by him..."

To be compliant with the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS), the Department of State Police adopted the minimum reporting standards recommended by NIBRS. The *Virginia State Police Incident-Based Reporting Guide Manual* (copies of relevant pages are included in Appendix 2) contains instructions for reporting the apprehension of runaway juveniles. This apprehension is to be coded on the reporting document as a Group B Offense. Note that a Group B Offense (see page 25 of the instruction manual in Appendix 2 as page 21 of report) is an offense less serious than a Group A Offense. For the Group B offense, only certain arrest data as prescribed in the IBR instruction manual (see instruction manual pages 47 through 52 in Appendix 2 as pages 22 through 27 of report) are submitted to IBR.

These instructions were provided to all reporting agencies and also covered in briefings given to the various law enforcement agencies on site during the implementation of IBR. However, these references in the manual to reporting runaways tend to be fragmented, requiring the reporting officer to search the manual for guidance in four separate places.

The four references that must be searched in the IBR instruction manual are:

- (1) the listing of Group B offenses on page 2,
- (2) the definition of a runaway on page 19,
- (3) the specification of arrest code for each Group B offense on page 25, and
- (4) the procedures for handling Group B Offenses other than runaway and curfew/loitering/vagrancy violations on page 52 (see Appendix 2, pages 19 through 27 of this report).

Additionally, both the old UCR reporting format and the new IBR reporting format do not provide data fields which are explicitly designated for the reporting of runaway juveniles.

In summary, no code citations directly address the reporting of runaway juveniles to the Uniform Crime Reporting System other than the delegation to the Superintendent of State Police the authority to adopt and promulgate regulations regarding the content, form and manner of submission of IBR data. However, the Reporting Guide Manual does not clearly address procedures for recording and reporting the apprehension of runaway juveniles.

## Research Questions

The foregoing discussion of background material, coupled with the mandate of the Senate Joint Resolution Number 378, leads to the following research questions:

- (1) How extensive is the documentation of apprehension and taking into custody of runaway juveniles by law enforcement agencies in the Commonwealth?
- (2) How extensive is the reporting of runaway juvenile apprehension to UCR/IBR by enforcement agencies in the Commonwealth of Virginia?

To further evaluate the actual reporting practices used by agencies obligated to report to UCR/IBR, a survey methodology was developed.

## Survey Methodology

### *The Sample*

The sample was all local and state specialized law enforcement agencies in Virginia obligated to submit crime data to UCR. The chief law enforcement officer of each agency was sent a copy of the survey, along with relevant instructions. Examples of specialized agencies are campus police departments, airport police departments, state regulatory agency enforcement branches, and bridge/tunnel police departments.

In all, 276 agencies were surveyed. Usable responses were received from 175 agencies (63 percent overall response rate). Of agencies responding, 35 were from independent cities (88 percent of cities), 71 were from counties (76 percent of counties), and 54 were from towns (48 percent of towns). These agencies represented 83 percent of the population of Virginia. The remaining 15 agencies were specialized agencies (56 percent of all specialized agencies reporting to UCR).

The initial response rate of 63 percent was lower than hoped for, but it was higher than the 40 percent that might be normally expected from a survey such as this. When the cities and counties are considered with their combined response rate of 80 percent, the value of conclusions drawn from the analysis of the survey data increases slightly.

### *The Survey Instrument*

The survey contained four questions. Each was answered with a YES or NO response. Each question contained space for the respondent to provide a comment, depending on the actual response given.

The four survey items used in the study are:

- (1) Do you document the handling of runaway juveniles? (Yes or No)  
If yes, by what means? \_\_\_\_\_
- (2) Do you report this information to the UCR/IBR Program? (Yes or No)  
If no, reason why. \_\_\_\_\_

- (3) Do you document the taking into custody during the handling of runaway Juveniles? (Yes or No)  
If yes, by what means? \_\_\_\_\_
- (4) Do you report this information to the UCR/IBR Program? (Yes or NO)  
If no, reason why. \_\_\_\_\_

**Analytic Techniques**

For each question, the number of YES and NO responses were counted and cross-classified by county, town, and independent city. Since the number of each type of political subdivision in Virginia was known, the number of non-respondents by political subdivision could be computed. The percentage responding YES to documenting the apprehension and handling of runaway juveniles and the percentage responding YES to reporting the apprehension and handling of runaway juveniles was computed, and also tabulated by political subdivision. Additionally, the populations served by survey respondents and populations served by respondents reporting apprehension of juveniles to UCR/IBR were computed and compared to total population.

To resolve issues that arose during the data analysis phase, interviews were conducted with members of the Commission on Youth, the local law enforcement officials serving on the Study Group, and State Police officers assigned to the Criminal Justice Information Services Division. These interviews will be discussed in the Survey Results section of the report.

**Survey Results**

Table 1 shows the number responding YES to each question by type of political jurisdiction (i.e., independent city, county, and town). Since all questions required either a YES or a NO response, only YES responses were tabulated.

Table 1							
Survey Results: Number of Agencies Responding Yes by Survey Item and by Political Jurisdiction							
Survey Item	Counties		Independent Cities		Towns		Overall Percent Yes
	Number of YES Responses	Percent of Respondents	Number of YES Responses	Percent of Respondents	Number of YES Responses	Percent of Respondents	
Document handling of runaway juveniles	68	96%	35	100%	53	96%	97%
Report handling of runaway juveniles to IBR	51	71%	28	80%	47	85%	78%
Document custody of runaway juveniles	64	90%	34	97%	53	96%	94%
Report custody of runaway juveniles to IBR	52	72%	28	80%	47	85%	78%

Note that over 94 percent of responding agencies were documenting the apprehension and taking into custody of runaway juveniles. Therefore, the first research question about documenting such apprehension and taking into custody can be answered as being very extensive. On the other hand, only 78 percent of responding agencies were reporting this apprehension and taking into custody to UCR/IBR. Therefore, the second research question about reporting such apprehension and taking into custody to UCR/IBR can be answered as being less extensive by 16 percentage points.

The variance in the responses to the two questions takes on added meaning after an analysis incorporating the population of political subdivisions. Responding agencies do not represent jurisdictions of equivalent size. For example, the Virginia Beach Police Department serves a population in excess of 400,000, while the Covington Police Department serves a population of 7,000. Table 2 shows city and county populations served by all survey respondents and served by respondents that report runaway juveniles to UCR/IBR. Note from Table 2 that of the combined city/county population that is served by responding agencies, only 61 percent are served by agencies that report runaway juveniles to UCR/IBR. The five percentage point difference between cities and counties in percentage of population served by agencies that report runaways to UCR/IBR is not nearly as significant as the 39 percent of the Virginia population that is served by agencies that do not report runaways to UCR/IBR.

Table 2			
Virginia Populations Served by Survey Respondents: Reporting of Runaways by City and by County			
<u>Virginia Independent Cities:</u>		<u>Population</u>	<u>Percent</u>
Total Population:		2,292,200	
Population Served by Respondents to Survey:		1,915,200	84% of total
Population Served by Respondents Reporting Runaways:		1,227,500	64% of pop. served
<u>Virginia Counties:<sup>1</sup></u>			
Total Population:		4,116,890	
Population Served by Respondents to Survey:		3,529,290	86% of total
Population Served by Respondents Reporting Runaways:		2,075,980	59% of pop. served
<u>Combined City/County:</u>			
Total Population:		6,409,090	
Population Served by Respondents to Survey:		5,444,490	85% of total
Population Served by Respondents Reporting Runaways:		3,303,480	61% of pop. served
Population data source: Crime in Virginia, 1997			
<sup>1</sup> This figure is exclusive of towns which are also part of the counties.			

Analysis of the comments by responding agencies provided insights that could lead to the assumption that the reporting to UCR/IBR is not as extensive as indicated by the data. From these comments, it appears that some did not fully understand the questions. For example, some agencies indicated that they were reporting to UCR/IBR on forms that were either non-existent or not applicable, while others thought that

reporting to the Missing Children Clearinghouse fulfilled the reporting requirement. The replies by some agencies indicated that they thought the question referred to the reporting of the runaway *incident* rather than the report of the runaway *arrest*. The FBI desires that an *arrest report*, not an *incident report*, for runaway juveniles be submitted to NIBRS. There seems to be confusion about what actually constitutes reporting. A comment on the survey returned by one of Virginia's largest reporting agencies is quoted below:

*Glad this survey is being done. I have noted that Virginia localities do this [documenting and reporting] differently. We need a standard method to follow.*

This quote, when combined with the above indicated confusion about what constitutes reporting and the findings of *STUDY OF TRUANTS AND RUNAWAYS* by the Virginia Commission on Youth, leads to speculation about the mindset of officers in the Virginia law enforcement community. Some officers may perceive the apprehension of a juvenile as not being reportable since no apparent violation of the criminal code has been committed. They may see themselves as intervening in a problematic situation, but not one that should be reported to UCR/IBR. This will be covered further in the Discussion of Results section below.

During the analysis phase of this inquiry, the chief law enforcement officer of one Virginia county (a sheriff) brought up the occurrence of the habitual runaway. He asserted that maybe this was not so widespread, but that it occurred often enough to be at least mentioned. This sheriff pointed out that the apprehension and handling of the habitual runaway can cause data to be skewed and provide misleading results. Code sections 16.1-246 et seq. did not make explicit reference to the handling of the habitual runaway juvenile, but the code does define the term habitual runaway in §16.1-228, entitled **Definitions**.

A habitual runaway is defined in §16.1-228 as "[a] child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or habitually deserts or abandons his family or lawful custodian *on more than one occasion* or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family."

## **Discussion of Results**

The results of the survey are both encouraging and discouraging. It is encouraging in that the response rate for this survey was better than the 40 percent that is usually expected in a survey of this type. It is also encouraging in that a large percentage of responding agencies are reporting runaways to UCR/IBR. It is, however, discouraging in that:

- (1) only 61 percent of the population that is served by city/county agencies responding to the survey (and by implication Virginia's total population), is served by agencies that report runaway juveniles to UCR/IBR, and
- (2) there is apparent confusion among those agencies that are obligated to report this data to UCR/IBR. Three areas of confusion emerging are:
  - [1] whether the arrest or the incident should be reported,
  - [2] how the report should be made, and
  - [3] to whom the report should be made.

As noted previously, the FBI (as overseers of IBR) requires the apprehension of a runaway juvenile to be reported as an arrest – specifically a Group B arrest. Reports are to be made through the UCR/IBR process. If the reporting were done, for example, through the Central Criminal Records Exchange (CCRE) process using the SP180 arrest form, a criminal history file record entry would be generated. This is contrary to the record-keeping purpose of UCR/IBR, so the appropriate place to report is to UCR/IBR.

To some, the “standard method” requested in the quote above might be best implemented by amending the *Code of Virginia* to include a requirement for reporting of runaway juveniles to UCR/IBR. The nature of the reporting process is such that it must be flexible enough to accommodate rapidly changing legal/political and social/cultural segments of the environment. Amending the *Code* could, at each need for a change in the UCR/IBR reporting process, result in a system that is not responsive to the needs of society and the criminal justice system. If the procedural elements of reporting are left to the *Code*, then a code requirement would become unenforceable legislation. Thus, amending of the *Code* is not recommended.

Another point that should be considered is the task of dealing with a runaway juvenile as compared to the multiplicity of law enforcement tasks that involve dealing with other offenders. The runaway juvenile is not dealt with in the same manner as the typical criminal or suspected criminal. Taking a runaway home to its parents may be seen more as a fulfillment of a community intervention than as a true law enforcement task. Here is where the *mind-set* referred to earlier may come into play.

During the discussions with law enforcement officers referred to in the Survey Methodology section, the specifics of this *mind-set* took shape. The typical city, county, town, or state law enforcement officer may not perceive the handling of a runaway as a law enforcement task that should be reported to UCR/IBR. They may not perceive the documentation and handling of runaways as possibly contributing to alleviation of conditions that contribute to there being runaway juveniles at all. This *mind-set* and the lack of clarity in articulating the requirements for reporting of runaways may be the major reason for the indicated confusion about UCR/IBR reporting of runaways.

This confusion about what specifically constitutes reporting and the multiple locations in the instruction manual for instructions on reporting indicate a need for the clarification of reporting instructions. This clarification must be followed by education in the reporting

process. Through the administrative process, amending or rewriting the *Virginia State Police Incident-Based Reporting Guide Manual* will meet the need for clarification. Coverage of the changes in the newsletter of the State Police Criminal Justice Information Services Division (*CJIS Newsletter*) and other media, letters to concerned agencies, and instructional briefings will meet the need for education in the process.

Since being a runaway is neither a crime against person, property, nor society, it should be dealt with separately in the instructions for reporting. Being an exception to normal criminal reporting procedures, it should be dealt with at or near the beginning of the IBR instruction manual. The guiding reference for handling of runaways should be a short paragraph, added to the section titled *IBR Reports* on page 2 of the manual (see Appendix 2). Data elements that are required for all arrest reports are listed on pages 47 through 52 of the manual (see Appendix 2).

Because many agencies seemed confused by instructions already in place, success of a change might be jeopardized if only the normal change notification procedures were used. Critical to the success of this change is promotion beyond the normal issuance of a document change notice. Attention must be drawn to the proposed change, and the importance of this change must be stressed. This could be accomplished through supervisory briefings, letters from the State Police to the agencies, and coverage in the Department of State Police *CJIS Newsletter*.

The above change will result in the need for a vehicle to document the apprehension and detention of runaway juveniles preparatory to reporting. Such a vehicle must not generate a criminal history record entry, since being a runaway is not a criminal offense. One possibility would be to use the Virginia Uniform Summons form as the vehicle. This usage would be internal to the agency apprehending the runaway. As noted before, the SP 180 CCRE arrest form (the vehicle for reporting arrests and court dispositions to CCRE for entry into the Computerized Criminal History files) would be inappropriate because of the possibility of initiating a criminal history record entry.

The problems introduced by the habitual runaway did not seem to fit into the previous discussion, but they must be considered. If runaways are adequately documented locally, and thus reported to UCR/IBR, the problem of the habitual runaway can be addressed more effectively. The failure to document and report the handling of runaways adds to the dilemma of the habitual runaway as there is no record of their chronic behavior. Proper documentation and reporting can lead to interventions that may reduce the factors leading to juveniles becoming habitual runaways.

Code Section 16.1-247, Duties of person taking child into custody, states that the apprehending officer "...shall notify the intake officer of the juvenile court of the action taken. The intake officer shall determine if the child's conduct or situation is within the jurisdiction of the court and if a petition should not be filed on behalf of the child." According to the sheriff bringing up this issue (see Survey Results) and others, most local agencies are aware of children within their jurisdictions that are given to running away habitually. It then seems logical that the officer taking a child into custody, and

knowing that the child is a habitual runaway, would so inform the intake officer. This added information should lead the intake officer to a decision that would allow the runaway child to be given appropriate treatment.

How best to deal with the habitual runaway? The *Code* implicitly provides the answer. Amending the reporting instructions in the IBR manual to make them more explicit may very well serve the purpose of improving reporting. After consolidating and clarifying the requirements for reporting, the changes will need some time for their effect to be seen. If the problem is not resolved completely, then there may be a need for additional work. This might take the form of a multidisciplinary study of the handling and reporting of habitual runaways. It might also require the creation of an additional data element that would, in conjunction with the offense code, denote the runaway as a *habitual runaway*.

In summary, improving the reporting of runaway juveniles should contribute to a reduction of the conditions that lead to juveniles running away, and possibly becoming habitual runaways. This improvement can best be achieved by amending reporting and handling instructions of the *Incident-Based Reporting Guide Manual* and publicizing the amendments through notes in the State Police *CJIS Newsletter*, letters to reporting agencies, and briefings to using agencies. The matter of the habitual runaway should be deferred until the success of the above changes can be determined.

### **Recommendations to Improve Reporting**

From the above, amending the *Code of Virginia* to deal with the apprehension and handling of runaways would be inappropriate and counterproductive. However, the greatest gains in reporting accuracy and consistency are to be attained by implementing three related recommendations :

- (1) Revise the instructions for reporting runaway juveniles as they appear in the IBR instruction manual. The single, or guiding, reference to runaways in the *Incident-Based Reporting Guide Manual* should be placed immediately after the last paragraph in the section titled *IBR Reports* on page 2. The new paragraph should be worded:

Runaway juveniles are a concern to society and agencies taking them into custody. The definition of runaway on page 19 of this manual specifies what constitutes the act of being a runaway. While the act of being a runaway is not an offense against person, against property, or against society, it is considered a status offense. Thus, the handling of the runaway by law enforcement agencies **shall** be documented and reported to IBR as an *arrest*. Apprehension of a runaway will be coded as a Group B offense with the 90I offense code, as specified on page 25 of this manual, with the *runaway* identifier being used as appropriate. This and other required Group B identifying data for the arrestee/runaway **shall** be submitted to IBR. Even though

reported as an arrest, only apprehension and handling are indicated by the 90I offense code. Other required data elements for the apprehension are found on pages 47 through 51 of this manual.

With this change, all other references to runaway can be removed from the manual. It does not matter what manner an agency selects to internally document the apprehension and handling of runaway juveniles. The critical point is that **ALL** runaways shall be reported to IBR in the manner prescribed above.

- (2) The change to the manual must be publicized before it is sent to the field. Publicity and promotion should begin immediately. The promotional efforts should consist of letters to law enforcement agencies, articles in the State Police *CJIS Newsletter*, and local law enforcement supervisory briefings to patrol officers and administrative personnel. In all publicity and promotion of this change, reporting agencies must be assured that this change in no way has an impact on UCR/IBR reporting software being used by the agencies.
- (3) After the recommendations to improve reporting the apprehension of runaway juveniles have been implemented and several years of base-line data have been accumulated, reexamine the issue, especially with respect to the habitual runaway, to determine if more needs to be done from a multidisciplinary approach.



**Accuracy of Local Arrest  
Reports on Runaway Juveniles  
Senate Joint Resolution  
No. 378 (1999)**

**Appendix 1**

**Copy of SENATE JOINT RESOLUTION No. 378 (1999)**



## SENATE JOINT RESOLUTION NO. 378

Offered January 19, 1999

*Requesting the Virginia State Police to study the accuracy of local arrest reports on runaway juveniles.*

Patrons-- Miller, Y.B., Forbes, Hawkins and Houck; Delegates: Albo, Armstrong, Cantor, Darner, Hamilton, Jackson, Jones, J.C. and McDonnell

WHEREAS, the number of teenage runaways, as measured by the number of runaway arrests, increased in Virginia by 25 percent to 5,675 between 1991 and 1996; and

WHEREAS, according to the 1997 Virginia State Police's Uniform Crime Report, there were a total 5,675 juveniles who were arrested for running away in 1997; and

WHEREAS, local law enforcement is often the first point of contact for runaways to return home and receive services for reunification with their families; and

WHEREAS, the Department of Criminal Justice Services provides training to local law enforcement in the proper procedures for taking runaways into custody and determining service referrals; and

WHEREAS, teenage runaways often present a myriad of service needs such as health care, education, housing and counseling; and

WHEREAS, the 1997 Uniform Crime Report data showed a disparity among localities in the number of reported runaway arrests -- only 15 runaway arrests reported in Fairfax County and nine in Virginia Beach compared to 645 arrests in Roanoke and 99 in the City of Waynesboro - suggesting that arrest information is not gathered in a systematic manner; and

WHEREAS, in order for communities to develop strategies to respond to the needs of this client population, reliable statistics on the incidence of runaways is required; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Police be requested to study the accuracy of local arrest reports on runaway juveniles. The Virginia State Police shall develop recommendations for the improvement of the statewide collection and reporting of arrest rates on runaways and shall report its findings and recommendations to the Commission on Youth by December 1, 1999.

Upon request, all agencies of the Commonwealth shall provide assistance to the Virginia State Police for this study.

The Virginia State Police shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.



**Accuracy of Local Arrest  
Reports on Runaway Juveniles  
Senate Joint Resolution  
No. 378 (1999)**

**Appendix 2**

***Virginia State Police Incident-Based Reporting Guide Manual***

***(Reproductions of Manual Pages 2, 19, 25, 47-52)***



- 18. **Robbery**
- 19. **Sex Offenses, Forcible**
  - Forcible Rape
  - Forcible Sodomy
  - Sexual Assault With An Object
  - Forcible Fondling
- 20. **Sex Offenses, Nonforcible**
  - Incest
  - Statutory Rape
- 21. **Stolen Property Offenses (Receiving, etc.)**
- 22. **Weapon Law Violations**

There are thirteen additional offenses which are known as Group B offenses for which only arrestee data are to be reported. Most Group B offenses only come to law enforcement attention when arrests are made.

- 1. **Bad Checks**
- 2. **Curfew/Loitering/Vagrancy Violations**
- 3. **Disorderly Conduct**
- 4. **Driving Under The Influence**
- 5. **Drunkenness**
- 6. **Family Offenses, Nonviolent**
- 7. **Liquor Law Violations**
- 8. **Peeping Tom**
- 9. **Runaway**
- 10. **Trespass of Real Property**
- 11. **Conspiracy to commit one of the Group A Offenses**
- 12. **Conspiracy to commit one of the Group B Offenses**
- 13. **All Other Offenses**

**IBR REPORTS**

Participation in IBR requires that certain facts be reported on each criminal incident coming to law enforcement attention. In most cases, the data are captured through an incident report form, generally completed when a crime is first reported to the law enforcement agency. Incident report forms are an integral part of IBR and should be designed with care to satisfy the primary needs of the local agency and provide IBR data as a by-product.

In IBR, there are two types of reports: (1) the Group A Incident Report; and (2) the Group B Arrest Report. These two reports should not be confused with the incident report form used to collect data about offenses being reported. The Group A Incident Report and the Group B Arrest Report are generated by the agency (utilizing the data collected within the agency's records system).

The Group A Incident Report is used to report incidents and arrests involving Group A offenses. The Group B Arrest Report is used to report ARRESTEES ONLY involving Group B offenses.

**JURISDICTIONAL REPORTING RULES**

To be certain that data are not reported more than once by overlapping jurisdictions, the following guidelines have been developed:

- 1. City law enforcement agencies report offenses that occur within their city boundaries.
- 2. County and state law enforcement agencies report offenses which take place in the county outside the limits of the city.
- 3. When two or more agencies are involved in the investigation of the same offense and there....

This offense includes driving while intoxicated and operating a bus, train, streetcar, boat, etc., while under the influence.

### **5. Drunkenness**

**Definition** - To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired.

Included are drunk and disorderly, common drunkard, habitual drunkard, and intoxication.

### **6. Family Offenses, Nonviolent**

**Definition** - Unlawful, nonviolent acts by a family member (or legal guardian) which threaten the physical, mental, or economic well-being or morals of another family member and which are not classifiable as other offenses, such as Assault, Incest, Statutory Rape, etc.

This offense includes: abandonment, desertion, neglect, nonsupport, nonviolent abuse, and nonviolent cruelty to other family members. It also includes the nonpayment of court-ordered alimony, as long as it is not considered to be "Contempt of Court" within the reporting jurisdiction.

Do not include victims of these offenses who are taken into custody for their own protection.

### **7. Liquor Law Violations**

**Definition** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Driving Under the Influence and Drunkenness violations are excluded. Included are violations of laws/ordinances prohibiting the maintenance of unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor; using a vehicle for the illegal transportation of liquor; etc.

### **8. Peeping Tom**

**Definition** - To secretly look through a window, doorway, keyholes, or other aperture for the purpose of voyeurism.

### **9. Runaway**

**Definition** - A person under 18 years of age who has left home without the permission of his/her parent(s) or legal guardian.

While running away does not constitute a criminal offense, each "handling" of a runaway should be reported. Include apprehensions for protective custody. Detentions (pickups) of runaways from one jurisdiction by another agency should be reported by the home jurisdiction.

### **10. Trespass of Real Property**

**Definition** - To unlawfully enter land, a dwelling, or other real property.

## GROUP A OFFENSES

OFFENSE	CRIME AGAINST:	CODE
Pornography/Obscene Material	Society	370
Prostitution Offenses:		
Prostitution	Society	40A
Assisting or Promoting Prostitution	Society	40B
Robbery	Property	120
Sex Offenses, Forcible:		
Forcible Rape	Person	11A
Forcible Sodomy	Person	11B
Sexual Assault With An Object	Person	11C
Forcible Fondling	Person	11D
Sex Offenses, Nonforcible:		
Incest	Person	36A
Statutory Rape	Person	36B
Stolen Property Offenses	Property	280
Weapon Law Violations	Society	520

## GROUP B OFFENSES

OFFENSE	CRIME AGAINST:	CODE
Bad Checks	Property	90A
Curfew/Loitering/Vagrancy Violations	Society	90B
Disorderly Conduct	Society	90C
Driving Under the Influence	Society	90D
Drunkenness	Society	90E
Family Offenses, Nonviolent	Society	90F
Liquor Law Violations	Society	90G
Peeping Tom	Society	90H
Runaway	Not a Crime	90I
Trespass of Real Property	Society	90J
Conspiracy to commit Group A	Person, Property, Society	90X
Conspiracy to commit Group B	Person, Property, Society	90Y
All Other Offenses	Person, Property, Society	90Z

## **ARRESTEE DATA**

Arrestee data are to be reported for all persons apprehended for the commission of Group A or Group B crimes, that is, all offenses except Justifiable Homicide (not a crime).

The object of this data set is to collect data on persons arrested, not on charges lodged. For example, a person may be arrested on several charges in connection with the same incident; in this situation, only one set of arrestee data would be reported, again, if the offenses involved were in connection with one incident. Likewise, one person may be arrested many times during a given time span for similar or different violations within a jurisdiction. Because of a separation of time between the arrests, a set of arrestee data is to be reported for each separate arrest. Again, more than one charge could be lodged during the individual arrests, but only one set of arrestee data would be reported for each crime incident.

The arrestee data to be reported describe the arrestee (e.g., his/her age, sex, race, etc.) and the circumstances of the arrest. Data are to be recorded for each of the (up to 99) arrestees involved in each incident. If there were no arrestees, no report is required. Group A crime incidents will automatically be cleared upon the receipt of the first set of data for any arrestee connected with an incident.

Record arrest data on all persons processed by arrest, citation, or summons for committing an offense within the reporting jurisdiction. Include:

1. Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the person for a specific offense(s) and a record is made of the detention.)
2. Juveniles taken into custody or arrested but merely warned and released without being charged.

Data on persons taken into custody for other jurisdictions should not be reported by the arresting agency. The agency for whom the arrest was made, i.e., the jurisdiction where the offense occurred, will report the arrestee data, and thus, duplication in reporting will be avoided. Most agencies will, of course, maintain a separate record of such arrests for administrative use.

## **GROUP B ARREST REPORTS**

Because of the different natures of Group A and Group B offense, not all details required for Group A Incident Reports are requested for Group B Arrest Reports. As previously stated, only arrestee data are required for Group B crimes. Only the designated information in this Arrestee Data Section, along with the appropriate ORI relate to Group B Arrest Reports. No other information need be supplied for Group B offenses. Indications of whether information is to be submitted for Group A and Group B offenses or only for Group A offenses are shown below.

### **ARRESTEE (SEQUENCE) NUMBER (Groups A & B)**

Each arrestee reported in a Group A Incident Report or a Group B Arrest Report is to be assigned a sequence number from 01 to 99. In Group A Incident Reports, a separate set of arrestee data is to be supplied for each numbered arrestee. A separate Group B Arrest Report is to be supplied for each person arrested for a Group B offense.

**Example:** If two persons were arrested for the commission of a robbery, one arrestee would be numbered as "01" and the other "02."

**ARREST (TRANSACTION) NUMBER  
(Groups A & B)**

This number is assigned by your agency to an arrest report to identify it uniquely. It may be the Incident Number relating to the arrest or a separate arrest transaction number. It is assigned by the reporting agency and is used solely to identify the arrest and link it with other reports. The number may be up to 12 characters in length. For Group B offenses, data about two or more arrestees can be reported under the same Arrest Transaction Number.

**ARREST DATE (Groups A & B)**

The year, month, and day (YYYYMMDD) the arrest took place are to be reported.

**Example:** If an arrest was made on July 23, 1995, the report would be "19950723."

**TYPE OF ARREST (Groups A & B)**

Describe the type of apprehension (at the time of initial contact with the arrestee) by selecting one of the following:

- On-View Arrest** - taken into custody without a warrant or previous incident report
- Summoned/Cited** - not taken into custody
- Taken Into Custody** - based on warrant and/or previously submitted incident report

**Example (1):** A female was arrested without a warrant while in the act of soliciting for prostitution on a street corner. The report would be "On-View Arrest."

**Example (2):** A man was summoned to appear in court. The report would be "Summoned/Cited."

**Example (3):** A suspect was taken into custody as the result of a complaint being filed, an investigation being conducted, and a warrant being issued. The report should be "Taken Into Custody."

**MULTIPLE ARRESTEE SEGMENTS INDICATOR (Group A Only)**

This information helps ensure that an arrestee (person) is counted only once when a single apprehension results in the submission of arrestee data for more than one Group A Incident Report for your jurisdiction. That is, the arrestee was involved in more than one crime incident, and his/her arrest data are duplicated in each Group A Incident Report. In such situations, "Count" arrestee is to be recorded in one set of arrestee data. "Multiple" is recorded in all other Group A Incident Reports containing data on this arrestee.

**Example:** After a suspect's arrest for robbery, it was learned that he was also the perpetrator of five additional robberies within the jurisdiction. A set of arrestee data should be reported for each of the six robberies. Five should have "Multiple" and one "Count" arrestee. This process will identify that one arrestee is involved in multiple Group A offenses and only count the arrestee (person) once. Any of the six arrestee segments will result in clearing a Group A offense if no other earlier arrests were made in connection with the incidents.

### **IBR ARREST OFFENSE CODE (Groups A & B)**

The three-digit NIBRS Offense Code of the offense for which the arrestee was apprehended is to be reported. There are 57 possible codes, as the perpetrator may have been arrested for any of the 46 Group A offenses or any of the 11 Group B crime categories.

Usually there is only one crime classification involved in an arrest. If the arrestee was apprehended for more than one offense, the reporting agency is to determine which was the most serious offense and report it as the arrest offense. The Offense Lookup Table at the end of this section will assist as a general guide in determining whether the arrest offense is a Group A or Group B offense. A Group B offense code can be recorded even for Group A Incident Reports, as long as the Group B offense was in the view of the reporting agency the most serious arrest offense. Remember, any arrest (regardless of arrest offense reported) made in connection with a Group A incident will result in its clearance.

**Example (1):** A perpetrator was arrested for both robbery and murder. The code for Murder and Nonnegligent Manslaughter, "09A," should be reported as the arrest offense.

**Example (2):** An arrest was made for Driving Under the Influence (DUI), a Group B offense. It was subsequently determined that the arrestee was wanted for a previously reported robbery. The arrest data would be reported in connection with the Group A Incident Report, relating to the robbery, but the arrest offense code would be "90D" or DUI. No Group B Arrest Report would be required.

### **ARRESTEE WAS ARMED WITH (Groups A & B)**

Indicate whether the arrestee was armed with a commonly known weapon at the time of his/her apprehension. Up to two weapons can be reported.

If the weapon was an automatic firearm, an "Automatic" is to be appended to the weapon type. An "automatic firearm" is defined as any firearm which shoots, or is designed to shoot, more than one shot at a time by a single pull of the trigger without manual reloading.

Up to two of the following weapon types can be recorded:

#### **Unarmed**

**Firearm - type unknown**

**Handgun**

**Rifle**

**Shotgun**

**Other Firearm - type known, but not covered by allowed categories, e.g., machine gun**

**Lethal Cutting Instrument - e.g., switchblade knife**

**Club/Blackjack/Brass Knuckles**

**Example (1):** When apprehended, an arrestee had in his possession a .357-magnum handgun and a penknife. The handgun should be reported. Because the small pocket knife is not generally considered to be a "weapon," it does not qualify for reporting.

**Example (2):** A suspect resisted arrest using a liquor bottle and a chair as weapons before being subdued. The report should be "unarmed." Although the arrestee used items as weapons, they were not commonly known weapons.

**Example (3):** If an arrestee was armed with an automatic assault rifle when apprehended, the report would be "Automatic Rifle."

**AGE OF ARRESTEE (Groups A & B)**

The age of the arrestee is to be reported either as an exact number of years, a range of years, or as unknown. Records one of the following:

- 01 to 98** Years Old - report the exact age
- 99** - Over 98 Years Old
- 00** - Unknown

**Example (1):** If the arrestee was 23 years old, report "23."

If the exact age of the arrestee is unknown, an age range can be reported. Any range of years is acceptable.

**Example (2):** An arrestee refused to give his date of birth but appeared to be 35 to 40 years old. A valid report would be "35 to 40" years old.

**SEX OF ARRESTEE (Groups A & B)**

The sex of the arrestee is to be indicated:

- Male**
- Female**

"Unknown" cannot be reported for sex of the arrestee.

**RACE OF ARRESTEE (Groups A & B)**

Use only one of the following to indicate the race of the arrestee.

- White**
- Black**
- American Indian/Alaskan Native**
- Asian/Pacific Islander**
- Unknown**

(The definitions of the racial designations appear on pages 40 & 41.)

**ETHNICITY OF ARRESTEE (Groups A & B)**

This is "optional" data. Recording ethnic origin is at the discretion of the reporting agency.

For each arrestee, the ethnic origin is to be recorded as one of the following:

- Hispanic**
- Not of Hispanic Origin**
- Unknown**

(See page 41, for a discussion of ethnic origin.)

## **RESIDENT STATUS OF ARRESTEE**

### **(Groups A & B)**

This is "optional" data. Recording arrestee residency is at the discretion of the reporting agency.

Record whether the arrestee was a resident or nonresident of the locality where the crime occurred. A resident is a person who maintains his/her permanent home for legal purposes in the locality (i.e., town, city, or community) where the crime took place. Law enforcement agencies should base their determinations of residency on the town, city, or community where the crime occurred rather than their broader geographical jurisdictions.

The allowed categories are:

**Resident**

**Nonresident**

**Unknown**

**Example (1):** The crime occurred in the city of Richmond and the arrestee maintained legal residence in that city. The report would be "Resident."

**Example (2):** An offense took place in the city of Petersburg, but the arrestee maintained legal residence in Dinwiddie County. Report "Nonresident."

## **DISPOSITION OF ARRESTEE UNDER 18**

### **(Groups A & B)**

The information to be reported in this category relates to law enforcement disposition of juveniles (age 17 or younger only) who are taken into custody or arrested. An adult is usually held for prosecution for some charge or is released for future handling in court. However, a juvenile, depending on the seriousness of the offense and the offender's prior criminal record, may be warned by the police and released to parents, relatives, friends, or guardians. Juveniles may also be referred to the probation department or some other branch of the juvenile court; to welfare agencies; to other law enforcement agencies; or in the case of serious offenders, to criminal or adult court by waiver of juvenile court.

The word "arrest" as it applies to juveniles is intended to mean the law enforcement handling of all juveniles (under age 18) who have committed a crime and are taken into custody under such circumstances that, if the juvenile were an adult, an arrest would have been reported. Police "contacts" with juveniles where no offense has been committed and instances wherein juveniles are taken into custody for their own protection should not be recorded as arrests.

One of the following is to be reported only for arrestees under 18 years of age:

**Handled Within Department** - e.g., released to parents; released with warning

**Referred to Other Authorities** - e.g., turned over to juvenile court, probation department, welfare agency, other police agency, criminal or adult court.

**Example (1):** The arrestee, age 13, who is taken into custody for vandalizing a school, is released to his parents with a warning. The report would be "Handled Within Department."

**Example (2):** The arrestee, age 17, who is arrested for murder, is turned over to adult court to be tried as an adult. The report would be "Referred to Other Authorities."

### **ARREST TYPE ACTIVITY**

This field provides additional information on the criminal activity of the arrestee(s) in certain offenses. This field is only to be reported if the UCR Arrest Offense Code is Drugs/Narcotics Violations. Up to 3 types of activity may be entered for each arrestee. Applicable values are:

**Buying/Receiving**  
**Cultivating/Manufacturing/Publishing**  
**Distributing/Selling**  
**Exploiting Children**  
**Operating/Promoting/Assisting**  
**Possessing/Concealing**  
**Transporting/Transmitting/Importing**  
**Using/Consuming**

### **ARREST TYPE DRUG**

Report the type of drugs or narcotics that were seized from the arrestee in a drug case. Up to three types of drugs may be entered. If one code is "Over Three Drug Types", then two other codes must also be reported. Applicable values are:

**"Crack" Cocaine**  
**Cocaine**  
**Hashish**  
**Heroin**  
**Marijuana**  
**Morphine**  
**Opium**  
**Other Narcotics**  
**LSD**  
**PCP**  
**Other Hallucinogens**  
**Amphetamines/Methamphetamines**  
**Other Stimulants**  
**Barbiturates**  
**Other Depressants**  
**Other Drugs**  
**Unknown Type Drug**  
**Over Three Drug Types**

### **Juveniles Arrest Reporting**

For purposes of Uniform Crime Reporting, a juvenile should be counted as "arrested" when the circumstances are such that if he or she were an adult, an arrest would be reported. Juvenile arrests should be reported under the classification of the offense for which they were taken into custody. For example, if a juvenile is arrested for committing an offense of larceny, the arrest offense should be reported as Larceny/Theft, even though the technical charge is "juvenile delinquency." Arrests should not be reported in cases of:

1. police "contacts" with juveniles where no offense was committed; or
2. juveniles taken into custody for their own protection but no crime was committed (e.g., neglect cases).

