



Juvenile Procedures

.01 Policy

The Bladensburg Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All personnel share responsibility for participating in and supporting the Department's juvenile operations function and delinquency prevention efforts. Officers dealing with juvenile offenders shall use the least coercive among reasonable alternatives.

This Order contains language from numerous statutory citations and are correct as of the effective date of this Order. They are subject to change through legislation and case law. Officers are responsible for following the correct law in case the provision cited in this Order has been superseded.

.02 Terms

Child: A person 17 years of age or younger who has not been emancipated.

CINA: Child in need of assistance.

CINS: Child in need of supervision.

Juvenile Delinquent Offender: Any juvenile charged with an offense for which an adult can be charged, but who is subject to the jurisdiction of the juvenile court.

Juvenile Non-offender: Any juvenile who has committed an offense for which adults cannot be charged, such as runaway or truancy.

Juvenile Status Offender or Non-Offender Processing Areas: Designated unlocked areas outside secured detention areas where juvenile status offenders or non-offenders may be temporarily housed.

Custody: Legal or physical control of an individual in an area or facility or while in transit.

Delinquent Offenders: Juveniles who commit violations of criminal law.

Juvenile: As used in this directive, a child; the terms are interchangeable.

Legal Guardian: Any adult person having temporary or permanent care, custody, or control of a juvenile.

Non-offender: A juvenile who is not charged with any offense, usually a child in need of assistance or supervision (CINS or CINA).

Operator: Individual or corporation operating a business open to the public.

Place Open to the Public: Any privately owned place of business operated for profit to which the public is invited.

Public Place: Any place to which the public has access, including, but not limited to streets, shopping centers and parking lots.

Secure Custody: When an individual is physically detained or confined in a locked area or cell for the purpose of processing, questioning, or testing.

Status Offenders: Any juvenile who has committed an offense for which an adult cannot be charged; examples include runaways, truants, and curfew violators.

.03 Governing Legislation and Reference

Governing Legislation:

42 U.S.C. 5601, Sec. 101, Juvenile Justice and Delinquency Prevention Act (JJDP).

Maryland Courts and Judicial Proceedings Article, §3-814.

Maryland Courts and Judicial Proceedings Article, §§3-8A through 3-14.

Maryland Family Law Article, §5-709.

Forms:

Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses (Form DC 31).

Detainee Processing Log (Form 611).

Prisoner Property Log (Form 612).

Warning/Field Observation/J-2 Report (Form J-2).

Maryland Secure Juvenile Holding Log (Form 613).

Arrest Report (Form J-1).

Arrest Report Supplement (Form J-1S).

Case Report (Records Management System).

Arrest Record (Records Management System).

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Juvenile Recognizance Form (PGC Form 2290).

Order for Immediate Apprehension, Writ of Attachment (PGC Form 3009).

Probable Cause and Statement of Need (PGC Form 3010).

Approval to Use Juvenile as Informant Form (Form 615).

Reference:

General Order 305, Arrest, Processing, and Transport.

.04 Procedure

A. Taking a Juvenile Into Custody (Courts and Judicial Proceedings Article, §3-814)

Children in Need of Assistance (CINA)

A child may be taken into custody:

- In accordance with an order of the court;
- If an officer has reasonable grounds to believe that the child is in immediate danger and that removal is necessary for that child's protection; or,
- In accordance with Section 5-709, Family Law Article, regarding the temporary removal of a child from a home without court approval when an officer accompanies a representative from the County's Department of Social Services to a home and the representative believes that the child is in serious, immediate danger.

Whenever an officer takes a child into custody in accordance with this section, the officer shall:

- Immediately notify the child's legal guardian;
- Immediately notify the Department of Social Services;
- Maintain custody of the child until the Department of Social Services either takes custody of the child or authorizes the child's release; and,
- Return the child to the legal guardian if the officer determines that it is safe to do so.

Children Other Than CINA

Pursuant to the provisions of Courts and Judicial Proceedings Article, Sections 3-8A through 3-14, an other-than-CINA-child may be taken into custody:

- Pursuant to an order of the court;

- By a law enforcement officer pursuant to the law of arrest;
- By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe the child is in immediate danger and removal is necessary for that child's protection; or,
- By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the a legal guardian.

If an officer takes a child into custody in accordance with this section, the officer shall:

- Immediately notify, or cause to be notified, the child's legal guardian;
- Release the child to the a legal guardian, or to any other person designated by the court upon their written promise to bring the child before the court when requested; or,
- Deliver the child to the court or place of detention or shelter care designated by the court.

B. Arrest & Processing of Juveniles

When arresting a juvenile, the same laws of arrest apply to juveniles as adults. On-view and hot pursuit criteria are also the same regardless of the age of the offender.

Arrestee Transport

Transporting officers shall search juveniles regardless of whether they had been previously searched. When possible, transporting officers will be the same sex as the juvenile. Officers shall not delay transport solely to comply with this provision. Supervisors shall balance the propriety of the above against staffing and workload considerations at the time of transport.

Officers shall handcuff juveniles during transport.

Juveniles shall be segregated from public contact. They shall be removed without unnecessary delay from the scene, and transported directly to the appropriate police, detention, or hospital. Officers shall examine their vehicle, both prior to, and following the transportation of juveniles.

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Partially or fully disrobed juveniles shall be immediately removed from the public's view and covered before transport. Under no circumstances will disrobed juveniles be transported with the opposite sex.

Officers shall not transport adults with juveniles or male juveniles with female juveniles unless:

- No other transport vehicle is available; or,
- The arrests stem from the same incident.

Officers shall transport juvenile status offenders and non-offenders separately from juvenile delinquent offenders and adult arrestees.

Detention & Separation

Officers will ensure that juvenile status offenders and non-offenders are housed in non-secure status offender/non-offender processing areas. The custody officer shall maintain constant supervision of status and non-offenders until their release to a legal guardian, or other authority.

Juvenile delinquent offenders shall be completely separated by sight and sound from adult offenders. Juvenile offenders charged as adults shall be processed and detained as adult offenders.

Male and female detainees shall be separated by sight and sound. The period of time that a detainee may be held without direct, continuous supervision will not exceed two hours.

After taking a juvenile into custody, the arresting officer shall notify the juvenile's legal guardian. If a legal guardian cannot be located, the officer shall make notification to the Department of Juvenile Services. All notifications shall be documented on the appropriate report.

Accused juvenile offenders shall not be held in secure custody longer than six hours. This time period begins when the juvenile enters a secure facility and ends with the juvenile's release or transfer to another authority. If the six-hour limit is exceeded for any reason, the officer shall notify a supervisor, who shall forward a memorandum, documenting the juvenile's identity and the reason(s) why the time limit was exceeded, to the Operations Commander. A copy of the Detainee Processing Log Sheet shall be attached to the memorandum. The arresting officer shall also

complete the Maryland Secure Juvenile Holding Log for juveniles placed in secure custody.

C. Charging Juveniles

Officers shall complete an Arrest Report when a juvenile is arrested. An officer will request charges against a juvenile by checking "YES" in the shaded petition block of the Arrest Report in the following instances:

- Felonies;
- Delinquent acts that involve weapons, are gang-related, or involve serious assaults;
- Destruction of Property; or
- Thefts.

Officers shall also request charges when the juvenile:

- Is a repeat offender;
- Is on parole or probation; or,
- Has cases pending.

In other instances, officers may seek guidance from their supervisors if they feel that charges are warranted.

The Arrest Report narrative must establish probable cause for each offense for which a charge is requested. An Arrest Report Supplement shall be used as necessary.

Arrestee's Age Undetermined

When the officer cannot establish the arrestee's age, the arrestee shall be processed as an adult. If a juvenile is charged as an adult, and later determined to be a juvenile, the reporting officer will document this on a Supplement Report.

Once the offender's age has been determined, the arresting officer is responsible for ensuring compliance with the core protections of the Juvenile Justice and Delinquency Prevention Act (JJDP).

Screening Requirements

The Juvenile Section of the Office of the State's Attorney screens felony cases, serious misdemeanor cases and minor misdemeanor cases involving multiple offenses.

The arresting officer shall contact the Juvenile Section, Office of the State's Attorney, within 72 hours of arrest for a screening appointment. The officer must provide copies

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of all reports and written statements at the time of screening.

For cases that are not screened, officers must forward a packet containing copies of all reports and written statements to the Victim/Witness Coordinator for the Juvenile Section, Office of the State's Attorney, within 72 hours of arrest.

When a juvenile is arrested for multiple crimes involving multiple complainants, the officer must screen the charges with the Juvenile Division of the Office of the State's Attorney. All case numbers will be cross-referenced on the Arrest Report.

Identification Numbers

An identification number shall be assigned to all juveniles for whom an Arrest Report is completed. If the juvenile already has an ID number, officers shall use that number. If no ID number has previously been assigned, officers shall obtain a number from Communications.

D. Charging Juveniles as Adults (Maryland Code, Criminal Law Article, §4-203 and §4-204)

When a juvenile is charged as an adult, the juvenile shall be processed in the same manner as an adult. All charges will be heard in adult court.

Juveniles shall be charged as adults if any one of the following criteria is met:

- 14 years or older charged with any offense for which the maximum penalty is either death or life imprisonment;
- 16 years or older charged with robbery with a deadly weapon, or attempt thereof; or,
- 16 years or older charged with wearing, carrying, or transporting a handgun; or, unlawful use of a handgun in commission of a crime.

When a juvenile is charged as an adult, the adult block of the Arrest Report will be checked. Shaded juvenile areas of the Arrest Report will be left blank.

In certain circumstances, officers may petition to have a juvenile case waived up to adult court. Officers shall contact the Office of the State's Attorney for assistance in these cases, and must appear at all waiver hearings. Juveniles whose cases have been waived to adult court must be charged and taken before the commissioner within 24 hours of the court

granting the waiver. A copy of the waiver must be presented to the commissioner.

The core protections of the JJDP continue to apply until a juvenile offender is officially waived to criminal (adult) court, unless the juvenile offender meets the listed criteria.

E. Juvenile Interviews

Juveniles have the same rights as adults regarding statements and confessions. Special efforts will be made to ensure that juveniles understand their rights, as well as department and juvenile justice system procedures.

Custodial interrogations of juveniles shall not exceed six hours, absent exigent circumstances. No more than two officers shall engage in the interrogation of a juvenile. Investigators may confer with a legal guardian to discuss the interview and interrogation process. The conference may be held before, during, or after the interview or interrogation, as considered appropriate by the investigator.

F. Fingerprinting Juveniles

Juveniles charged with criminal offenses shall be printed on Maryland State fingerprint cards. Juveniles charged as adults will be fingerprinted on Federal and Maryland State cards.

Juveniles charged with status offenses will not be printed.

Whenever a juvenile is fingerprinted without being charged, the legal guardian will be notified that the fingerprinting does not constitute a criminal record.

Officers shall fingerprint juveniles charged with:

- Any CDS Offense;
- Any Felony;
- Any Sex Offense;
- Auto Theft or attempted Auto Theft;
- Breaking and Entering;
- Concealed Deadly Weapon or Handgun Violations;
- Driving Under the Influence or Driving While Impaired;
- Hit and Run;
- Tampering; or,
- Unauthorized Use of a Motor Vehicle.

Juveniles who are charged with criminal

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offenses not listed above, and juveniles who commit status offenses with a request for charges (petition) being filed, may be fingerprinted at the officer's discretion.

G. Arrest Reports

For juveniles charged with the above listed offenses, the portion of the Arrest Report titled "PETITION" should be marked "YES." The name, address, and telephone number of legal guardians, spouses, relatives, accomplices, associates, complainants, or witnesses must be placed in the appropriate area of the form. If the witness is a juvenile, the juvenile's legal guardian shall also be summoned.

When an officer completes an Arrest Report but does not request charges, the portion of the Arrest Report titled Petition should be marked "NO."

Restitution For Crimes

Department of Juvenile Services and the courts handle restitution. If requested, it should be indicated on the Arrest Report. Inquiries by the complainant should be referred to Department of Juvenile Services.

H. Disposition of Juveniles Taken Into Custody

Officers will process the juvenile and without delay:

- Release the juvenile;
- Deliver the juvenile to a court; or,
- Deliver the juvenile to a detention or shelter care facility.

Prior to the release of any juvenile, a records check shall be done for outstanding writs.

Release of Juvenile

Juveniles shall only be released to a legal guardian. The legal guardian accepting custody must present valid photo identification and must print their name and sign the Arrest Report. The form of identification presented will be noted on the Arrest Report, and a photocopy attached.

If a legal guardian cannot provide valid photo identification, but is able to establish their identity to the officer's satisfaction, the juvenile may be released. If the officer is not satisfied with the identification, Department of Juvenile Services shall be contacted and the procedures detailed in Legal Guardian Unable To Be Located below shall be followed.

The Juvenile Recognizance Form must be signed by a legal guardian when picking up a juvenile that has been charged with a crime. If a juvenile is not charged with a crime, the Juvenile Recognizance Form is not necessary.

Legal guardians that sign a Juvenile Recognizance Form will be given the goldenrod copy. The case number shall be placed in the upper right corner of the form. The remaining copies of the Juvenile Recognizance Form shall be submitted with the Arrest Report.

Legal Guardian Unable to be Located

If the legal guardian cannot be located, Department of Juvenile Services shall be contacted. The officer will deliver the juvenile to the Department of Juvenile Services at the courthouse in Upper Marlboro on weekdays between 0800- 1500 hours. On weekends, State holidays, and between 1500 hours and 0800 hours on weekdays, the officer will telephone the Department of Juvenile Services night intake worker at the Cheltenham Youth Facility.

Approval for detention will be obtained from the night intake worker before transporting the juvenile. The officer shall print the name of the Department of Juvenile Services official who accepted custody of the juvenile in the Arrest Report.

Once a juvenile is placed with the Department of Juvenile Services, responsibility for locating a legal guardian rests with the Department of Juvenile Services. Copies of all reports will accompany the juvenile when custody is relinquished.

I. Detention of Juveniles

When seeking detention of a juvenile, the Arrest Report must contain sufficient probable cause for the arrest. The following statement, endorsed with the officer's signature, will be placed on the reverse side of the canary copy of the Arrest Report:

"I do affirm under the penalty of perjury and upon personal knowledge that the contents of the attached complaint are true."

This eliminates the necessity to affirm the probable cause statement before a district court commissioner.

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Criteria

Juveniles held for detention must meet one of the following criteria:

- Currently on probation for the offense charged;
- Non-Maryland resident 12 years of age or older charged with any offense;
- Non-Maryland resident under 12 years of age charged with a felony;
- Legal guardian refuses custody or cannot be located; or,
- Reasonable belief that the juvenile will leave the court's jurisdiction.

J. Charging Juvenile Without Custodial Arrest

If an officer charges a juvenile with a misdemeanor crime and a custodial arrest is not warranted, the officer shall submit a Case Report noting "JUVENILE CHARGES REQUESTED" across the top of the form to the Department of Juvenile Services.

K. Juvenile Court-Ordered Writ of Attachment

A court-ordered writ must be obtained when:

- Investigation identifies a juvenile to be the perpetrator of a crime;
- A wanted juvenile has fled the area;
- A legal guardian refuses to surrender a juvenile; or,
- Removing a juvenile from a temporary detention facility to place additional criminal charges

Obtaining Writ When Court Is In Session

Officers shall:

- Complete a Case Report;
- Prepare an Immediate Apprehension Affidavit of Probable Cause and Statement of Need;
- Prepare an Order for Immediate Apprehension, Writ of Attachment; and,
- Respond to the Department of Juvenile Services' office at the Upper Marlboro Courthouse (0900- 1530) with these documents for review and authorization.

State law gives Department of Juvenile Services authority over cases brought before the Juvenile Court. If authorization for the writ is obtained, the officer shall respond to the

Office of the State's Attorney. The Office of the State's Attorney shall provide the officer with a writ number obtained from the Office of the Clerk for the Circuit Court, Juvenile Division. The officer shall then take the approved documents to a sitting judge for signature.

Obtaining Writ After Hours (Emergencies)

The following procedures shall be used after hours or when court is closed and obtaining a writ cannot be delayed:

- Complete a Case Report;
- Prepare an Immediate Apprehension Affidavit of Probable Cause and Statement of Need;
- Prepare an Order for Immediate Apprehension, Writ of Attachment;
- Contact the on-call intake counselor at the Cheltenham Youth Facility for authorization.

If authorized, the intake counselor will contact the on-call Assistant State's Attorney for review and approval, and to obtain a writ number. The intake worker will then contact the duty judge. The officer shall respond to the duty judge's location for signature.

L. Youth Field Report (J-2)

The Warning/Field Observation/J-2 Report is used to:

- Document juvenile contacts when no arrest is made Document suspected juvenile involvement in unlawful activities when probable cause for an on- scene arrest is lacking;
- Cite juveniles 15 years of age and younger for minor traffic violations such as bicycle or mini-bike offenses; or,
- Document transport of a juvenile.

M. Taking Juveniles Into Custody Without Formal Charges

Juveniles may be taken into custody without formal charges for any violation of the law specifically applicable to children.

Non-offenses are:

- Child in Need of Supervision (CINS); and,
- Child in Need of Assistance (CINA).

Status offenses are:

- Runaways;

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- Truancy;
- Underage possession and/or consumption of tobacco products;
- Underage alcohol offenses; and,
- Incurrigibles.

In CINA cases (for example, child abuse and neglect), notification shall be made to the Department of Social Services. In CINS cases, notification shall be made to the Department of Juvenile Services. Officers with questions about these types of cases may contact either Department of Social Services or Department of Juvenile Services for assistance.

N. Traffic Law Enforcement

Juveniles 16 or 17 years of age shall be charged on a Maryland Uniform Complaint and Citation for all non-jailable traffic offenses. When a juvenile is also charged with criminal or jailable traffic offenses, all charges (to include the non-jailable traffic charges) shall be documented on an Arrest Report.

A juvenile may be given a written warning and released to self-custody when they commit a minor traffic offense, and:

- Proves their identity to the satisfaction of the officer;
- Is not involved in another act requiring further investigation; and,
- Their actions have not caused injury to persons or damage to property.

The juvenile will be given the appropriate copy of the warning; other copies will be forwarded to Records.

Request for Juvenile Traffic Charges

Arrest Reports will be used to charge juveniles 15 years of age or younger with committing serious (driving without a license) and jailable traffic offenses.

A Warning/Field/Observation/J-2 Report may be used to document minor traffic violations, such as bicycle or mini-bike offenses, for juveniles 15 years of age or younger. The J-2 should contain the specific charge and the youth's signature in the narrative section. The juvenile will be given the appropriate copy; two copies will be forwarded to the to the Department of Juvenile Services for disposition.

O. Confidential Source

Any juvenile who freely provides information will not be considered as an informant. (In other words, a juvenile voluntarily giving information on a "one-time" basis, or responding to questions during a field interview, or in a custody interview would not be defined as confidential source).

Juveniles may only be used as confidential sources with approval of a legal guardian documented on an Approval to Use Juvenile as Informant Form.

No promise of prosecutorial consideration for cooperation is permitted without Office of the State's Attorney approval.

HISTORY: Adopted November 16, 2009

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens
Chief of Police