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- I. Purpose

This Directive establishes guidelines and procedures for incidents involving juveniles.

- II. Definitions

- A. Juvenile - Any person under the age of 18 years old or any person between the ages of 18 and 21 who is still under the Juvenile Court Jurisdiction.
- B. Delinquent Offender (DEL) - A juvenile who has been charged with an offense which would be considered a crime if committed by an adult.
- C. Child In Need of Assistance (CINA) - A non-offender juvenile who requires the assistance of the Juvenile Court due to abuse, neglect, mental handicap, etc.
- D. Status Offender - Child In Need of Supervision (CINS) - A juvenile who's behavior, if committed by an adult, would not be considered a crime, e.g. underage drinking, runaway, etc.

- III. General Statements of Policy

- A. The Division encourages review and comment by other elements of the juvenile justice system in the development of policies and procedures relating to juveniles. To achieve this goal, an invitation to comment, along with a copy of draft policies and directives regarding juvenile offenders *may* be sent to the Montgomery County Police Family Crimes Division, the Department of Juvenile Justice for Montgomery County, *or* the State's Attorney's Office for Montgomery County.
- B. Officers will use the least coercive remedy available to address a juvenile offender's behavior. Disposition remedies range from a verbal warning for minor offenses to a recommendation for intake for serious, repeat offenders. Officers should use discretion in deciding which remedy is appropriate based on the nature of the offense, the age and circumstances of the offender, the offender's record, and the desires of the complainant/victim, if any.
- C. Anytime a juvenile offender is charged on a Juvenile Civil Citation or Juvenile Report *the Records Section will review the documents and forward them to the appropriate juvenile diversion program.*

IV. Court Jurisdiction

- A. The Juvenile Court has original complete jurisdiction over juveniles alleged to be delinquent, in need of supervision (CINS), or in need of assistance (CINA). Once Juvenile Court jurisdiction is obtained, it continues until age 21 unless terminated by the court.
- B. Under certain circumstances Juvenile Court does NOT have or waives jurisdiction over a juvenile. These cases are adjudicated by the District/Circuit Court.
1. Any violation of the traffic article or Maryland boat law, which does not carry the possibility of incarceration, committed by a juvenile 16 to 17 years old will be adjudicated by the District/Circuit Court. If there are two or more violations arising from the same incident which would result in both Juvenile and District/Circuit Court jurisdiction, Juvenile court would assume jurisdiction over all charges.
 2. A juvenile ages 14 to 17 may be waived by the Juvenile Court to District/Circuit Court for any alleged delinquent act.
 3. A juvenile 14 years or older alleged to have committed a delinquent act which, if committed by an adult, would be a crime punishable by death or life imprisonment, as well as all other charges arising from the same incident.
 4. A juvenile 16 years or older alleged to have committed any of the following crimes, as well as all other charges arising from the same incident.
 - a. Robbery with a dangerous or deadly weapon
 - b. Attempted robbery with a dangerous or deadly weapon
 - c. Abduction
 - d. Kidnapping
 - e. Second degree murder
 - f. Manslaughter, except involuntary manslaughter
 - g. Attempted murder in the second degree
 - h. Second degree rape
 - i. Second degree sexual offense
 - j. Third degree sexual offense
 - k. Firearms Violations
 - l. Carjacking or armed carjacking
 - m. Assault in the first degree
 - n. Attempted rape or attempted sexual offense

V. Records and Reports

- A. Records pertaining to juveniles will be maintained separately and confidentially at all times. The following will not need a court order to obtain juvenile records:
 - 1. Personnel of this Division
 - 2. Juvenile Court
 - 3. Department of Juvenile Justice Administration
 - 4. The juvenile's legal counsel
- B. Officers' Responsibilities
 - 1. If a Department of Juvenile Justice Intake Officer has been contacted to make preliminary disposition (i.e., detention, shelter care, or release), the appropriate report will be completed prior to the Intake Officer's arrival.
 - 2. No juvenile alleged to be delinquent may be cited on a Maryland Uniform Criminal/Civil Citation.

VI. CINA/CINS Temporary Shelter Care

- A. The parents/guardian of a juvenile alleged to be a CINA or a CINS who has been taken into custody will be notified of that fact as soon as possible. In cases of alleged child abuse when the child's safety may be compromised, notification of custody will be made by DJJ or Protective Services personnel.
- B. Disposition of a CINA/CINS in temporary custody will be accomplished as soon as possible.
- C. Responsibilities
 - 1. A juvenile, apprehended by an officer, MAY be taken into temporary custody if the officer has reasonable grounds to believe that the child has run away from his/her parents/guardian.
 - a. The parents/guardian will be immediately notified that the runaway has been taken into custody.
 - b. If the juvenile is being served, or in the process of being served, under the provisions of the Interstate Compact on Juveniles, the officer has the authority to transport that juvenile to or from ANY jurisdiction as directed by DJJ.
 - c. A CINS Writ of Attachment obtained by the parents/guardian gives an officer the authority to enter other jurisdictions and, accompanied by a representative of the other jurisdiction's law enforcement agency, apprehend a juvenile.

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2. A juvenile MAY NOT be taken into custody simply because he/she is a truant. It is contrary to DJJ's policy to file a CINS petition solely on the basis of a juvenile's truancy.
 3. An incorrigible juvenile is usually reported by parents/guardian. An officer CAN NOT make this identification.

NOTE -When a juvenile is identified as an incorrigible by his/her parents/guardian or by school personnel, an officer MAY NOT, under any circumstances, take the juvenile into custody or remove the juvenile from his/her home or school.
 4. A CINA will not be taken into protective custody by an officer UNLESS the officer has reasonable grounds to believe that the child is in IMMEDIATE danger from his/ her surroundings and that the child's removal is necessary for protection.
 - a. UNLESS there exists an obviously severe injury which requires IMMEDIATE medical attention and the parents/guardian refuse to have it treated, OR UNLESS the child is in EXTREME danger from his/ her surroundings (i.e., the likelihood exists that the child will sustain permanent damage if left in the home), the decision to remove the child will be made by a Protective Services worker.
 - b. If the CINA is a suspected child abuse victim, the officer will conduct a preliminary investigation, initiate a report, and notify Protective Services prior to the end of his/ her tour of duty.
 - c. If the CINA is a suspected victim of neglect, the officer will notify Protective Services prior to the end of his/ her tour of duty.
 - d. If the CINA is taken into protective custody because the child is in IMMEDIATE danger from his/her surroundings, the officer will initiate the appropriate report and notify Protective Services as soon as possible.
 5. An officer taking any CINS or CINA into custody will notify the Department of Juvenile Justice within *six (6)* hours.
 6. For efficient preliminary disposition of a juvenile case, the appropriate report must be prepared prior to the arrival of the DJJ Intake Officer or Protective Services worker.
 7. A CINA or CINS may be fingerprinted, photographed or searched for purposes of identification ONLY.
 8. In cases where doubt exists in the officer's mind as to the proper referral of a non-delinquent juvenile, a report will be forwarded to DJJ for appropriate disposition.

9. Whenever the arrest of an adult will result in a juvenile being left without proper supervision, the officer will notify Protective Services which will arrange for the juvenile's care.

VII. Delinquent Juvenile Temporary Custody (DEL)

A. Responsibilities

1. A juvenile, alleged to be delinquent, may be taken into temporary police custody ONLY under the following circumstances:
 - a. Pursuant to an order of the Court, i.e., Writ of Attachment or Bench Warrant; OR
 - b. Pursuant to the Law of Arrest. Except as provided in Article 27, the arresting officer must be a witness to the commission of a misdemeanor offense in order to take a juvenile into custody.
2. Depending on the nature and seriousness of the present offense, the officer having custody of the juvenile has the following options:
 - a. Release the juvenile to the custody of his/her parents/guardian with no charges being placed.
 - b. Release the juvenile to the custody of his/her parents/guardian and forwarding the report to Juvenile Court for further action.
 - c. Refer the juvenile to the DJJ Intake Officer for pre-court temporary detention.
3. Officers will notify the juvenile's parents/guardian *immediately* that the juvenile is in police custody for the reason given; the time that such notification was made or attempted will be noted on the report.

NOTE -If detention or shelter care is to be requested, the parents/guardian will be advised to appear at the *holding facility*. It is very important for the efficient handling of the case that they be available to talk with the DJJ Intake Officer who has the sole authority to authorize detention or shelter care.

4. Officers will notify DJJ that detention or shelter care is being requested before the end of the arresting officer's tour of duty or within six (6). If the DJJ Intake Officer cannot arrive until after the arresting officer secures from duty, the officer will notify the on-duty Shift Supervisor. The on-duty Shift Supervisor will then determine whether or not to authorize the officer to remain on duty until the Intake Officer arrives or to assign the case to an on-duty officer for the purposes of DJJ intake disposition.

NOTE -If the parents/guardian refuse to respond solely because of inconvenience to themselves due to lateness of the hour, etc., they are to be advised that they may be charged with "Child Abandonment." If after being so advised, they still refuse to respond, the child will be placed in detention or shelter care and the parents/guardian may be charged.

5. To ensure the efficient preliminary disposition of the case, officers will prepare the appropriate report prior to the arrival of the DJJ Intake Officer.
6. The arresting officer is responsible for the transportation of any juvenile charged with a delinquent act to any location designated by the DJJ Intake Officer. This includes, but is not limited to, the Maryland Training School for Boys, Montrose, a group home, a single-shelter home or the juvenile's residence.
 - a. When transporting a female juvenile alleged to be delinquent, a male officer will request a female officer to accompany him. If a female officer is not available, TWO male officers will transport the juvenile.
 - b. At no time will a juvenile be transported in the company of adult offenders EXCEPT if the juvenile is being charged as an adult.
 - c. If the juvenile is being served, or is in the process of being served, under the provisions of the Interstate Compact on Juveniles, the officer has the authority to transport that juvenile to or from any jurisdiction as directed by DJJ.

B. Statements and Confessions

1. Juveniles have the same rights regarding statements and confessions as do adults. Special effort will be made to ensure that the juvenile and his/her parents/guardian understand these rights.
2. Responsibility
 - a. If an officer desires to interview a juvenile committed to a State detention facility, the permission of the local DJJ office must be secured first.
 - b. *Parents need not be present, however,* if the parents/guardian are requested and are unable, or refuse, to attend the interview this will be noted in the statement.
 - c. Whenever a juvenile is being interviewed by an officer of the opposite sex in the absence of the parents/guardian, a second officer will be present.
 - d. The Miranda warning will be read to the juvenile and his/her parents/guardian, if present, before beginning the interview.

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- e. After being advised of his/her rights, the juvenile will be afforded every opportunity to exercise them.
 - f. If the juvenile chooses to waive his/her rights, the officer will:
 - 1) Have the juvenile read aloud the MPP-50, Advise of Rights form.
 - 2) Sign the form and request the parents/guardian, if present, to sign as witnesses.
 - 3) Determine that the juvenile's waiver of rights was made voluntarily, knowingly and intelligently in light of the particular facts and circumstances surrounding the case, including the background, experience and conduct of the juvenile.
 - 4) ONLY the juvenile may waive his/her rights. The parents/guardian should not be allowed to force the juvenile to waive. In cases where the juvenile wants to waive but the parents/guardian object, the officer will reconsider section 3 above. If the juvenile meets these criteria, the officer will accept the juvenile's waiver and note the parents/guardian's objection in the narrative of the report.
 - g. The interview will be conducted as appropriate to the juvenile's age and the nature of the alleged offense.
 - h. During custodial interrogation of juveniles, the following procedures will be adhered to;
 - 1) Interrogations will not be of any longer duration than necessary to complete the investigation.
 - 2) Whenever possible interrogations will be conducted by one officer only. This can be altered for reasons of officer safety, sex considerations, etc. However the number of officers present should be kept to a minimum.
 - 3) To increase understanding, the Juvenile Justice Services procedures affecting the juvenile being interrogated will be explained.

VIII. School Procedures

The following policies will govern police action in school buildings:

- A. Officers will recognize that a school principal has jurisdiction over juvenile pupils on school property. The rights of an officer regarding juvenile pupils - except when required to protect life or property - are limited to those outlined in this Section.
- B. Whenever possible, an interview or the taking into custody of a juvenile pupil, when on school grounds and when permitted, will be accomplished:

1. With an absence of publicity to other pupils and with the least amount of embarrassment to the pupil concerned; AND
 2. Without jeopardizing the safety and welfare of other pupils.
- C. Except for emergency situations, the responding officer will report to the office of the school's principal upon arrival.
- D. Taking a Pupil Into Custody

The following procedures will be followed when taking a juvenile pupil into custody:

1. Whenever possible and appropriate, a juvenile pupil will be taken into custody during non-school hours and away from school premises. When this occurs, the officer will be responsible for notifying the juvenile's parents/guardian.
2. An officer may not take a juvenile pupil into custody for the purpose of investigative questioning.
3. An officer may take a juvenile pupil into custody and remove him/her from school property ONLY:
 - a. When the juvenile is being charged with the commission of a delinquent act and his/her apprehension in school is absolutely necessary and could not be done at another place and time; OR
 - b. When it is determined that a child abuse victim should not go back home. This is as drastic a step as removing the child from his/her home and should be done only upon the advise of a Protective Services worker.
4. When a juvenile pupil MUST be taken into custody during school hours and on school property:
 - a. The officer will provide pertinent facts of the case to the responsible school official, including the reason for taking the juvenile into custody, the officers name and telephone number and where the juvenile is to be taken.
 - b. The officer will provide *only* information that would serve the juvenile's best interests or that would *not* jeopardize potential witnesses (juvenile or adult).
 - c. The officer will remove the juvenile from school premises as soon as practical after taking the juvenile into custody.
 - d. Interview or interrogation of a juvenile in police custody is not permitted on school premises.

- e. School officials have the responsibility for notifying the parents/guardian that the child has been taken into custody. However, this does not relieve the officer from contacting the parents/guardian as required by this Directive.

**Approved Park Police Document
Signed Original on File**

End of Directive