



**Maryland-National Capital Park Police
Prince George's County Division**



DIVISION DIRECTIVE

TITLE JUVENILE PROCEDURES		PROCEDURE NUMBER PG1100.0	
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RELATED DIRECTIVES PG1102.0	REFERENCES CALEA 44	AUTHORITY <i>S.R. Johnson</i> Chief Stanley R. Johnson	

I. PURPOSE

This directive establishes guidelines and procedures for the detaining, processing and disposition of juveniles.

II. POLICY

It is Division policy to fulfill its responsibility through tactful and considerate treatment of juveniles. Officers are reminded that in many instances a juvenile's contact with a Park Police Officer may be his/her first experience with any law enforcement officers. In the exercise of this important judgment, the officer shall consider every factor that contributes to the criminal offense for which a juvenile has been apprehended. This encounter could create a lasting impression, and officers should strive to display a special attitude of understanding and professionalism. Through meaningful conversation and tactful treatment, it may be possible to keep many young offenders out of the criminal justice system.

III. DEFINITIONS

- A. As defined by the Courts and Judicial Proceedings Article of the Maryland Code, 3-8a-01(d), a juvenile/child is any person under the age of eighteen (18) years old.
- B. Delinquent Child
 - 1. As defined by the Courts and Judicial Proceedings Article of the Maryland Code, 3-8a-01(1) and 3-8a-01(k), a delinquent child is a juvenile who has

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committed a delinquent act; a delinquent act is an act that would be a crime if committed by an adult.

2. In order for a Court to adjudicate a juvenile delinquent, a two-part test must be met:
 - a. It must be proven beyond a reasonable doubt that the juvenile did commit an act which would be a crime if committed by an adult;
AND
 - b. The juvenile who committed the delinquent act requires guidance, treatment or rehabilitation.

C. Delinquent Act

1. A violation of law committed by a juvenile.
2. A delinquent juvenile, by definition, is NOT a criminal, NOR is a delinquent act a crime.

D. Child In Need of Assistance (CINA)

1. As defined by the Courts and Judicial Proceedings Article, 3-801(f), a CINA is a juvenile who requires the assistance of the Juvenile Court because:
 - a. He/she is mentally handicapped (i.e., he/she is or may be mentally retarded or mentally ill); OR
 - b. He/she is not receiving ordinary and proper care and attention;
AND
 - c. His/her parents, guardians or custodians are unable or unwilling to give proper care and attention to the child and his/her problem(s).
 - d. A juvenile is NOT a CINA only because he/she is being furnished non-medical remedial care and treatment recognized by State law, i.e., being furnished care and non-medical treatment by parents who are the Christian Science or Jehovah's Witness faiths.

NOTE: Cases requiring emergency medical treatment shall be processed pursuant to the Courts and Judicial Proceedings Article, 3-824, and not as CINA cases.

2. A CINA petition is employed to provide protection for an abused child or a neglected child, either in the home or by removal from the home. Neglected Children may be removed by a representative of the Department of Protective Services as authorized by the Family Law Article, Section 5-709.
3. A CINA is adjudicated based on a preponderance of the evidence.

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4. A CINA is not a delinquent child.

E. Child In Need of Supervision (CINS)

1. As defined by the Courts and Judicial Proceedings Article, 3-8a-01(e) a CINS is a juvenile who requires guidance, treatment or rehabilitation;
AND

- a. He/she is required by law to attend school and is habitually truant;
OR
- b. He/she is habitually disobedient, ungovernable, and beyond the control of the person(s) having custody or him/her; OR
- c. He/she behaves so as to injure or endanger themselves or others;
OR
- d. He/she has committed an offense applicable only to juveniles (i.e., a “status offense”).

2. A CINS is not a delinquent juvenile.

3. A CINS is adjudicated on the basis of a preponderance of the evidence.

4. Offenses applicable to juveniles only (status offenses) are:

- * Runaway;
- * Truancy (under the age of 16);
- * Incorrigibility, ungovernable, unmanageable;
- * Department so as to injure or endanger himself/herself or others.

F. Serious Juvenile Repeat Offenders

1. In accordance with the working definition presently in use by the Task Force on Repeat Offenders (Governor’s Commission on Law Enforcement and the Administration of Justice), this Division recognizes as a serious juvenile repeat offender who fits the following criteria:

- a. The juvenile’s present delinquent act is a crime of violence as defined by Criminal Law Article, 14-101, and the juvenile has previously been charged with four (4) or more delinquent acts which are felony offenses; OR
- b. The juvenile is presently being charged with five (5) or more separate delinquent acts which are felony offenses, at least one of which is a crime of violence as defined by Criminal Law Article 14-101.

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IV. TERMINOLGY

- A. There is a significant difference between the terminology used for adult criminal cases and that used for juvenile cases (delinquency, CINA, CINS).

ADULT

JUVENILE

arrest	taken into custody
crime	delinquent act
charging document	petition
defendant	respondent
guilty	delinquent, CINA, CINS
incarceration	institutional commitment
not guilty	delinquent act not sustained
parole	after-care supervision
pre-trial release	detention/shelter or bail care hearing
prison	institution –facility
probation	probation –protective supervision
sentence	disposition
trial	adjudicatory hearing
tried	adjudicated

- B. Proper terminology shall always be used when dealing with juvenile cases and when completing reports.

V. COURT JURISDICTION

A. Juvenile Court

1. The Juvenile Court has exclusive original jurisdiction over juveniles alleged to be delinquent, in need of supervision (CINS), or in need of assistance (CINA). [Courts and Judicial Proceedings Article, 3-8a-03(a)].
2. Under certain circumstances Juvenile Court does NOT have jurisdiction over a juvenile; the juvenile's age and the nature of the offense determine Juvenile Court versus Circuit/District Court jurisdiction. [Courts and Judicial Proceedings Article, 3-8a-03(d)].

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B. Juvenile versus Criminal Proceedings

AGE

JUVENILE COURT

- * 18 years or Older-Adults alleged to have violated Courts and Judicial Proceedings Article, 3-828 (contributing). [Court and Judicial Proceedings Article, 3-803]. **SEE NOTE 1 BELOW.**
- * Juvenile Court jurisdiction, once obtained, continues until age 21, unless terminated sooner. [Courts and Judicial Proceedings Article, 3-8a-07(a)].
- * Juvenile Court has exclusive jurisdiction, but only for the purpose of waiving it, over a person 21 years of age or older who is alleged to have committed a delinquent act while a child. [Courts and Judicial Proceedings Article 3-8a-07(e)].
- * Under 18 years- Interstate Compact on Juveniles. [Courts Article, Section 3-803(3)].
- * CINS. [Courts and Judicial Proceedings Article, 3-8a-01(e)].
- * CINA. [Courts and Judicial Proceedings Article, 3-801(f)].
- * Delinquents, except as provided otherwise. [Courts and Judicial Proceedings Article, 3-8a-01(l)].
- * 16-17 years- Any act(s) in violation of motor vehicle or boat laws which prescribe a penalty of incarceration. [Courts and Judicial Proceedings Article, Sections 3-8a-03(d)(2) and (d)(3)]. **SEE NOTE 2 BELOW.**
- * 15-17 years – A juvenile may be waived by the Juvenile Court to a criminal court for any alleged delinquent act. [Courts and Judicial Proceedings Article, 3-8a-06].

AGE

CRIMINAL COURT - CIRCUIT OR DISTRICT

- * 18 years- Persons over age 18 who commit offenses. [Courts and Judicial Proceedings Article, 3-8a-07(b)].
- * Juvenile Court jurisdiction is terminated when a person over the age of 18 is convicted of a crime. [Courts and Judicial Proceedings Article, 3-8a-07(c)].
- * Under 18 – A person subject to the jurisdiction of the Juvenile Court may not be prosecuted criminally before age 18 unless the Juvenile Court’s

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jurisdiction has been waived. [Courts and Judicial Proceedings Article, 3-8a-07(d)].

- * Age 16 – 17 years – Acts of robbery or attempted robbery with a dangerous or deadly weapon. [Courts and Judicial Proceedings Article, 3-8a-03(d)(4)].
- * Any act in violation of motor vehicle or boat laws that do not prescribe a penalty of incarceration. [Courts and Judicial Proceedings Article, 3-8a-03(d)(2), and (d)(3)]. **SEE NOTE 2 BELOW.**
- * 14-17 years- a juvenile may be waived by the criminal court to the Juvenile Court for any alleged criminal offense. [Criminal Procedure Article 4-202].
- * Any delinquent act that would be a crime punishable by death or life imprisonment. [Courts and Judicial Proceedings Article, 3-8a-03(d)(1) and 3-8a-06(a)(2)]. **SEE NOTE 3 BELOW.**

NOTE 1- The Juvenile Court may waive its jurisdiction over adults alleged to have violated Courts and Judicial Proceedings Article, 3-828, upon it's own motion or upon the motion of any party to proceedings, if charges against the adult, arising from the same incident, are pending in a criminal court; or automatically upon the motion of the State's Attorney or the adult charged. [Courts and Judicial Proceedings Article, Section 3-803].

NOTE 2- If there are two or more violations allegedly arising out of the same incidents that would result in both juvenile and criminal court jurisdiction, the Juvenile Court has jurisdiction over all the charges. [Courts and Judicial Proceedings Article, 3-8a-03(e)].

NOTE 3- There is a discrepancy in the Code between Courts and Judicial Proceedings Article, 3-8a-03(d)(1) that says "a child 14 years old or older" and Courts and Judicial Proceedings Article, 3-8a-0617(a)(2) that says "a child who has not reached his 15th birthday".

EXAMPLES: 1) A juvenile age 16 or 17 runs a red light (non-incarcerable traffic offense = District Court jurisdiction) AND attempts to elude a police officer (incarcerable traffic offense = Juvenile Court jurisdiction). Juvenile Court has jurisdiction over both offenses.

2) A juvenile runs a red light (non-incarcerable traffic offense = District Court jurisdiction) AND then acts

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in such a manner to warrant a disorderly conduct charge (incarcerable delinquent act = Juvenile Court jurisdiction). The officer has the discretion in choosing the traffic citation (criminal court) OR arrest for disorderly conduct.

- If the officer chooses to write the traffic citation, he/she cannot arrest for disorderly conduct also.
- If the officer chooses to arrest for disorderly conduct, both charges are to be entered on the Crime Report and forwarded to Juvenile Court.

C. In delinquency cases, the juvenile's age at the time of the alleged delinquent act determines the proper court jurisdiction; in CINA/CINS cases, the age of the juvenile at the time the petition is filed determines the proper court jurisdiction. [Courts and Judicial Proceedings Article, 3-8a-05].

D. Differences Between Juvenile and Criminal Proceedings

1. Preparation by court worker, preparation by State's Attorney; emphasis on the "why" of the offense is incidental.
2. Presentation: Delinquency by Presentation: By State's Attorney. State's Attorney; CINA and CINS by court worker.
3. Finding: Delinquent/CINA/Finding: Guilty or not guilty. CINS or dismissed.
4. Sentencing: Actual Violation Sentencing: Penalty as prescribed by law does not determine the disposition; a wide range of dispositions exist at the discretion of the judge or master.

E. Waiver Hearings

1. The Juvenile and Circuit/District Courts have waiver authority as outlined in this directive.
2. The State's Attorney's Office or the Juvenile Court determines whether to petition for a waiver.
3. The Juvenile Services Administration officer shall handle all waiver cases involving juvenile respondents.
4. Responsibilities

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- a. Upon notification of a petition for a waiver to the criminal court, the Juvenile Services Officer shall notify the arresting officer to prepare a Statement of Charges, Form DC/CR2, naming the juvenile as a respondent.
- b. The arresting officer's supervisor shall review the Statement of Charges for completeness and accuracy.
- c. The Statement of Charges shall be given to the Juvenile Services Officer not less than 24 hours prior to the date of the waiver hearing.
- d. If the arresting officer is unable or unavailable to prepare the Statement of Charges, the officer's immediate supervisor shall prepare the document or ensure that it is prepared.
- e. Having received the Statement of Charges, the Juvenile Services Officer shall be responsible for attending the waiver hearing and associated processing:
 - 1) If the case is waived to Circuit or District Court, the arresting officer shall attend the trial.
 - 2) When involved with a juvenile case, Criminal Investigations personnel shall attend all waiver hearings and, if the case is waived, the criminal trial.
 - 3) Any juvenile who has been waived by the Juvenile Court to adult status shall be processed (booked) and taken before a Court Commissioner within 24 hours. It is the responsibility of the Juvenile Services Officer to ensure that this processing is completed within the time allowed.

F. Adjudicatory Hearings

1. Admissibility of Evidence

- a. Delinquency Hearings- For inadmissible evidence rules see Courts and Judicial Proceedings Article, 3-8a-12 and 3-8a-23.
 - Admissible:
 - 1) Statements made at conferences concerning informal adjustment.
 - 2) Information gathered at preliminary or further inquiries.
 - 3) Statements made at waiver hearings.
 - 4) Prior adjudications and/or dispositions of the juvenile.
- b. Criminal Trails – For inadmissible evidence rules see Courts and Judicial Proceedings Article, 3-8a-12.

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- Admissible:
 - 1) Prior adjudications and/or dispositions of the juvenile.
 - 2) Evidence given in adjudicatory hearings, except when in a criminal proceeding and the juvenile is charged with perjury.
 - 3) Evidence given at waiver hearings.
- 2. Burden of Proof – [Courts and Judicial Proceedings Article, 3-8a-18 and Maryland Rules, 11-114(e)].
 - a. Delinquency Hearings – proof beyond a reasonable doubt.
 - b. CINA/CINS Hearings – proof by a preponderance of the evidence.
- 3. Confessions and Hearsay
 - a. Uncorroborated confessions made by a juvenile out of court are not sufficient proof of delinquency. [Maryland Rules, 11-114(e)].
 - b. The hearsay rules applicable to criminal and civil proceedings against adults are the same for juveniles.

VI. RECORDS AND REPORTS

- A. Records pertaining to juveniles shall be maintained separately and confidentially at all times. The following shall not need a court order to obtain juvenile records:
 - 1. Personnel of this Division
 - 2. Juvenile Court
 - 3. Juvenile Services Administration
 - 4. The juvenile’s legal counsel
- B. In order to facilitate the prosecution and disposition of court cases, officers shall make every effort to assure the completeness and quality of the narrative statement on the report.
- C. Responsibilities
 - 1. Records
 - a. Juvenile records shall be maintained separately from adult records.
 - 2. All Officers
 - a. If a Juvenile Services Administration Intake Officer has been contacted to make preliminary disposition (i.e., detention, shelter care, or release), the appropriate report shall be completed prior to the Intake Officer’s arrival.

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- b. Because the latitude allowed JSA Intake Officers and the Juvenile Court regarding the disposition of juvenile offenders, it is extremely important that complete details of the present case be documented in reports, regardless of the type of report being made.
- c. To the extent possible, narrative statements shall include the following data when pertinent:
 - 1) Conduct and behavior of the juvenile.
 - 2) Whether the juvenile appeared ill, or appeared to have been drinking or under the influence of drugs.
 - 3) Complete witness statements.
 - 4) How the juvenile is specifically tied to the case.
 - 5) Any other circumstances surrounding the case that would aid the JSA Intake Officer or the Juvenile Court to determine appropriate case disposition.
- d. Detention or shelter care of a juvenile may not be ordered for a period of more than 30 days UNLESS an adjudicatory or waiver hearing is held, therefore all officers shall ensure that appropriate reports are received by JSA representatives in advance of the 30-day limit.
- e. No juvenile alleged to be delinquent may be cited on a Maryland Uniform Criminal/Civil Citation.
- f. Supervisors reviewing reports shall screen all reports pertaining to juveniles to ensure that the details of the case have been adequately described in the narrative statement.

VII. CINA/CINS TEMPORARY SHELTER CARE

- A. The Division recognizes that a CINA or a CINS is not a delinquent juvenile and therefore has not committed any delinquent act.
- B. The parents/guarding of a juvenile alleged to be a CINA or a CINS who has been taken into custody shall 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 shall be made by JSA or Child Protective Services personnel.
- C. Disposition of a CINA/CINS in temporary custody shall be accomplished as soon as possible.
- D. In the course of responding to domestic disturbance calls, officers shall take note of the presence of children and whether their involvement is such that a CINA or CINS report is appropriate.
- E. Responsibilities

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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 or guardian.
 - a. The parents/guardian shall 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 the juvenile to or from ANY jurisdiction as directed by JSA.
 - 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.

2. A juvenile MAY NOT be taken into custody simply because he/she is a truant.
 - a. The officer may ATTEMPT to have the juvenile identify himself/herself, his/her age and his/her school.
 - b. IF that information can be obtained, the officer shall notify the school's principal. Except under unusual circumstances, it is contrary to JSA'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 or guardians. An officer CAN NOT make this identification.
 - a. When a juvenile is identified as an incorrigible juvenile by his/her parents or 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 shall 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/guardians 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 shall be made by a Child Protective Services worker.

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- b. If the CINA is a suspected child abuse victim, the officer shall conduct a preliminary investigation, initiate a report, and notify Child Protective Services prior to the end of his/her tour of duty.
 - c. If the CINA is a suspected victim of neglect, the officer shall notify Child 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 shall initiate the appropriate report and notify Child Protective Services as soon as possible.
5. An officer taking any CINA or CINS into custody shall notify the Juvenile Services Administration within four (4) hours.
 6. For efficient preliminary disposition of a juvenile case, the appropriate report must be prepared prior to the arrival of the JSA Intake Officer or Child 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 shall be forwarded to JSA for appropriate disposition.
 9. Whenever the arrest of an adult will result in a juvenile being left without proper supervision, the officer shall notify Child Protective Services which will arrange for the juvenile's care.

VIII. DELINQUENT JUVENILE TEMPORARY CUSTODY – IDENTIFICATION AND INVESTIGATION

A. Responsibility

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 Laws of Arrest. Except as provided in Criminal Procedure Article 2-202, the arresting officer must be a witness to the commission of a misdemeanor offense in order to take a juvenile into custody.
2. When a juvenile, alleged to be delinquent, is taken into custody, the officer shall use only that force necessary to affect the arrest.

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3. When an officer has taken a juvenile into custody as a suspect of a delinquent offense, and the officer desires to interrogate the juvenile prior to transporting him/her to a Park Police Southern Station, the officer shall advise the juvenile of his/her Miranda rights prior to the interrogation and attempt to have the parents or guardian present during the interrogation.
4. When juveniles are taken into custody for an alleged delinquent offense, they shall be transported to Park Police Southern Station for processing, unless released at the scene to a parent/guardian or taken to the juvenile's home and released to a parent/guardian.
 - a. When a transporting officer turns a juvenile over to another officer for further processing, the transporting officer will complete a Juvenile Contact Form. The transporting officer will state in the details section the reason for contact with the juvenile was "transport only", and when possible, identify the officer receiving custody.
 - b. Transporting officers shall be alert for injuries or illnesses affecting the juvenile being transported and shall inform the officer who receives the juvenile of any illness or injury noted.
 - c. Except under unusual circumstances, male and female juveniles will not be transported in the same vehicle.
 - d. When transporting any juvenile, regardless of sex, mileage and location shall be reported to the dispatcher prior to the transport.
 - e. Juvenile's taken into custody should be separated by age and sex if practical. Juveniles will not be transported with adults unless they have been taken into custody for the same offense, or as a group stemming from the circumstances of a single complaint or incident.
5. 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 or guardian with no charges being placed.
 - b. Release the juvenile to the custody of his/her parents or guardian and forward the report to Juvenile Court for further action.
 - c. Refer the juvenile to the JSA Intake Officer for pre-court temporary detention.
6. Officers shall make every reasonable attempt to notify the juvenile's parents or guardian that the juvenile is in police custody for the reason given; the time that such notification was made or attempted shall be noted on the report.

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NOTE- If detention or shelter care is to be requested, the parents or guardian shall be advised to appear at Southern Station. It is very important for the efficient handling of the case that they be available to talk with the JSA Intake Officer who has the sole authority to authorize detention or shelter care.

7. Officers shall make every reasonable attempt to notify JSA that detention or shelter care is being requested before the end of the arresting officer's tour of duty or within four (4) hours. If the JSA Intake Officer cannot arrive until after the arresting officer secures from duty, the officer shall notify the on-duty Shift Supervisor. The on-duty Shift Supervisor shall 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 JSA intake disposition.

NOTE- If the parents or 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 shall be placed in detention or shelter care and the parents or guardian may be charged.

8. To ensure the efficient preliminary disposition of the case, officers will prepare the appropriate report prior to the arrival of the JSA Intake Officer.
9. The arresting officer is responsible for the transportation of any juvenile charged with a delinquent act to any location designated by the JSA Intake Officer. This includes, but is not limited to, Cheltenham Youth Detention Center, a single shelter home or the juveniles' home.
 - a. When transporting a female juvenile alleged to be delinquent, a male officer shall request a female officer to complete the transport, if available.
 - b. At no time shall a juvenile be transported in the company of adult offenders EXCEPT if juvenile jurisdiction has been waived and 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 JSA.
10. Juveniles alleged to be delinquent shall not be held in custody in the company of adult offenders.

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11. Juveniles alleged to be delinquent shall not be detained in a facility where CINA or CINS are detained.

B. Arresting Officer

1. The arresting officer shall determine the appropriate police disposition in each case.
2. Consideration must be given to a respondent's criminal record, age, apparent mental condition, attitudes, and the type of and seriousness of the offense. It is essential to the interest of justice that the officer shall exercise his/her best judgment in all cases, and he/she shall be expected to do so.
3. It shall be the responsibility of the officer assigned to a crime or incident generating a juvenile arrest to complete the assignment by making a preliminary investigation, and completing offense or incident reports as required by Division policy.
4. If, following a preliminary investigation, the assigned officer needs assistance on a follow-up or more detailed investigation, the officer may contact the appropriate unit or section for assistance.

C. Arrest

1. The rules for arrest without a warrant are stated in Criminal Procedure Article 2-202. These rules apply both to adults and juveniles. Juvenile's taken into custody therefore should conform to these rules.
2. In addition, children may also be taken into custody without formal arrests, for reported violations of laws that apply only to children, (i.e. – neglected and dependant children, runaways, truancy, and anti-loitering violations as defined by local statute).
3. Requirements of Juvenile Justice and Delinquency Prevention Act:
 - a. Status offenders (Paragraph 1 above) and non-offenders shall never be held in secure custody together.
 - b. Criminal type offenders shall never be held in secure custody for more than six hours.
 - c. Any juvenile in police custody shall be completely separated from adult offenders. Juveniles should not be able to see, or communicate with adult offenders.
 - d. Waived criminal type offenders are not subject to these requirements.

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- D. Arrests with a Request for Charges
1. Procedures for requesting criminal charges are as follows:
 - a. An officer will request the filing of charges against a juvenile taken into custody by completing an arrest report.
 - b. The arrest record narrative section must contain enough information to establish probable cause for all offenses for which charges are contemplated. Supplemental reports are to be used if necessary. The remainder of the arrest record will be completed in accordance with the instructions under guidelines for “arrest without charges”.
 - d. Youths less than sixteen (16) years of age, who are arrested for a traffic offense that is not minor (incarcerable), will require a request for charges on an arrest record.
- E. Processing: The following procedures will be used to determine when a juvenile will be processed:
1. Juveniles will not be processed unless charges are being requested.
 2. All juveniles fourteen (14) years of age or older, will be processed when charged with any felony or one or more of the misdemeanor charges listed:
 - * Breaking and entering
 - * Unauthorized use of a motor vehicle
 - * All sex offenses
 - * Narcotic offenses (other than simple possession of marijuana)
 - * Concealed weapon (handgun)
- Note - Cases involving juveniles charged for felonies shall be scheduled for screening with the State’s Attorney’s Office Juvenile Division. (no later than one-week after completion of investigation). ***If the respondent was detained, screen the case within two business days of the detention.**
- Call 301-952-3516 to schedule screenings for cases involving juveniles charged for felonies and sexual offenses.**
3. It will be at the direction of the arresting officer as to whether or not a juvenile should be processed for offenses not listed above.

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4. All information regarding the police record or history of a juvenile is confidential. Therefore, all requests for such information must be directed to, or be released through, the Records Management Section. Access to this information is limited to official request from the Juvenile Services Administration or to a law enforcement officer conducting an official criminal investigation or prosecution.
5. Anytime a juvenile is placed in a holding cell, the “Juvenile Arrest Log” will be completed by the arresting officer to include who the youth was released to.

F. Disposition of Arrested Juveniles:

1. 1. An arresting officer may release a youth taken into custody to a parent, guardian, or other responsible adult, if the officer feels detention is inappropriate, or not required by Section C.
 - a. This action would be appropriate following arrest for minor offenses, i.e., misdemeanor theft or trespassing.
 - b. A person accepting custody must sign a recognizance form and will be given a copy. The person receiving custody will not be given a copy of the arrest record.
 - c. The completed name, address, and telephone number of the person accepting custody must be included on the form. The form must be signed by the name of the parent or guardian accepting custody and signed by a witness.
2. Arrest and Detention: The Maryland Code, 3-8a-15 of the Courts and Judicial Proceedings Article, provides in Section B that: “If a child is taken into custody, he/she may be placed in a detention or shelter care facility prior to a hearing if:
 - (1) Such action is required to protect the child or persons and property of others;
 - (2) The child is likely to leave the jurisdiction of the Court;
 - (3) There are no parents, guardian, or custodians, or other persons able to provide supervision and care for the child and return him/her to court when required.
 - a. It is imperative officers request detention of juveniles accused of serious offenses, or juveniles presently on probation for a similar offense, or those who meet the legal requirements above.
 - b. Officers requesting detention must have a strong factual basis to show the juvenile’s involvement in the subject offense. Detention requests should be limited to those cases in which the action is absolutely necessary.

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- c. If an officer decides detention is necessary, he/she should contact the on-duty Juvenile Intake Officer to receive authorization for detention. The officer shall transport the child and the attendant paperwork (including a copy of the crime report) to the Juvenile Intake Department, as designated by the appropriate Intake Officer.
- d. Any juvenile in need of medical attention or in an intoxicated state, shall be transported for treatment to University of Maryland Regional Health Center. Before transport to a detention center, a release shall be obtained from the hospital.
- e. The Interstate Compact on Juveniles provides for the arrest, detention, and eventual return of juveniles alleged to be delinquent or runaways, and are known to be within a compact member's jurisdiction. This includes all the States as well as Guam, Puerto Rico, and the Virgin Islands.

G. Guidelines for Arrest Made Without a Subsequent Request for Charges:

- 1. There will be instances when an officer believes it is not necessary to bring a youth taken into custody to the attention of the Juvenile Court. In these cases, an officer may release a juvenile to a parent, guardian, or other responsible adult at either the youth's home or Park Police Southern Station without filing charges.
 - a. There will be instances when an officer believes it is not necessary to bring a youth taken into custody to the attention of the Juvenile Court. In these cases, an officer may release a juvenile to a parent, guardian, or other responsible adult at either the youth's home or Park Police Southern Station without filing charges.
 - a. A Juvenile Contact Form will be completed when a youth is taken from the scene of an arrest to his home or school and released there.
 - b. An arrest report will be completed when a youth is released at the police station without a request for charges being filed.

H. Guidelines for Charging Juveniles as Adults on Arrest Warrants:

- 1. Juveniles fourteen (14) or older alleged to have committed the crime of Homicide or First-Degree Sex Act will be charged as an adult on an adult arrest warrant.
- 2. Juveniles sixteen (16) or older alleged to have committed the crime of robbery with a deadly weapon will be charged as an adult on an adult arrest warrant.

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3. When dealing with cases involving Homicide, First Degree Sex Offense, Robbery with a Deadly Weapon, a State's Attorney should be contacted for further guidelines as to proper format.

I Guidelines for Restitution in Juvenile Cases:

1. The following is an excerpt from the law on Juvenile Causes reference the liability for acts of a child:

“In any case in which the court finds that a child has willfully or maliciously, either stolen, damaged, or destroyed the property of another or inflicted personal injury to another, requiring the injured person to incur medical, dental, or hospital expenses, the court may enter a judgment of restitution to the wronged person against the parent or parents of the child.” A judgment rendered under this section may not exceed:

- a. As to property stolen or destroyed, the lesser of the fair market value of the property or \$5000.00.
- b. As to property damaged, the lesser of the amount of damage not to exceed the fair market value of the property damaged or \$5000.00.
- c. As to personal injuries inflicted, the lesser of the reasonable medical, dental, and hospital expenses incurred by the injured person as result of the injury or \$5,000.00

2. Restitution is handled completely by the Courts. **If restitution is being requested it should be indicated on the arrest record form where provided.** Any further inquiries by the complainant should be referred to the State's Attorney's Office for a detailed explanation.

J. Investigation

The following procedures provide guidelines for identification and discovery:

1. In the course of an investigation, and as the agent of the State's Attorney's Office, an officer may request a juvenile, alleged to be delinquent (or an adult charged with contributing) to:
 - * Appear in a lineup for identification.
 - * Speak for identification.
 - * Be fingerprinted.
 - * Pose for photographs not involving re-enactment of a crime scene.
 - * Try on articles of clothing.
 - * Permit the taking of specimens of material under his/her fingernails.
 - * Permit the taking, from his/her body, samples of blood, hair, and other material not involving an unreasonable intrusion upon his/her person.

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- * Provide handwriting specimens.
 - * Submit to reasonable physical inspection of his/her body or mental examination.
2. If discovery is not furnished as required, a motion to compel discovery may be filed which shall specify the items that have not been furnished.
 3. In the course of an investigation, an officer MAY, without a warrant, search the personal room of a juvenile alleged to be delinquent, BUT ONLY if consent has been obtained from the parent or guardian responsible for the premises.
 4. If a juvenile owns or rents his/her own domicile, an officer may NOT search the premises without a warrant. However, an officer may conduct a warrantless search of a juvenile's room when the room is located on premises owned or rented by the parent or guardian, given parental consent and notwithstanding payment of room and/or board by the juvenile.

K. Statements and Confessions

1. If at all possible, interviews of juveniles alleged to be delinquent, shall occur in the presence of at least one parent or guardian.
2. Juveniles have the same rights regarding statements and confessions, as do adults. Special effort shall be made to ensure that the juvenile and his/her parents/guardian understand these rights.
3. Responsibility
 - a. Prior to conducting an interview, the juvenile alleged to be delinquent should be in temporary custody and the parents or guardian notified to attend. If an officer desires to interview a juvenile committed to a State detention facility, the permission of the local JSA office must be secured first.
 - b. If the parents or guardian are unable or refuse to attend the interview, this shall be noted in the statement.
 - c. Whenever a female juvenile is being interviewed by a male officer in the absence of the parents or guardian, a second officer (male or female) shall be present.
 - d. The Miranda warning shall be read to the juvenile and his/her parents or guardian before beginning the interview.
 - e. After being advised of his/her rights, the juvenile shall be afforded every opportunity to exercise them.
 - f. If the juvenile chooses to waive his/her rights, the officer shall:

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- 1) Have the juvenile read aloud the P.G.C. #2628, Advise of Rights form.
- 2) Sign the form, requesting the parents or guardian 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.

SEE NOTE BELOW

NOTE- ONLY the juvenile may waive his/her rights. The parents or guardian should not be allowed to force the juvenile to waive. In cases where the juvenile wants to waive but the parents or guardian object, the officer shall reconsider paragraph (iii) above. If the juvenile meets these criteria, the officer shall accept the juvenile's waiver and note the parent's objection in the narrative of the report.

- g. The interview shall be conducted as appropriate to the juvenile's age and the nature of the alleged offense.
4. All statements or confessions made by a juvenile after being advised of his/her Miranda rights **MUST** be given voluntarily.
 5. In determining the voluntariness of the statement or confession, the officer must give serious consideration to the following possible mitigating factors:
 - a. Age (NOTE- The fact that a juvenile is married may determine that the statement or confession was voluntary, regardless of age).
 - b. Mental age (NOTE- a low mental age may mitigate against voluntariness).
 - c. Previous police or Juvenile Court experience.
 - d. Advice or presence of parents, guardian or legal counsel.
 - e. Physical condition.
 6. An uncorroborated confession by a juvenile will not be sufficient to sustain a delinquency charge.
 7. During custodial interrogations of juveniles, the following procedures will be adhered to:
 - a. Interrogations will not be of any longer duration than necessary to complete the investigation.

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- b. Whenever possible interrogations will be conducted by one officer only. This can be altered for reasons of officer safety, gender considerations, etc., however, the number of officers present should be kept to the minimum required to complete the interrogation; and
- c. To increase understanding, the Juvenile Justice Services procedures affecting the juvenile being interrogated will be explained.

IX. GUIDELINES FOR SITUATIONS NOT INVOLVING AN ARREST

A. Request for Charges Without an Arrest

- 1. There will be times when it will either be impossible, or completely unnecessary to arrest a juvenile against whom a citizen wants charges placed, i.e., a misdemeanor not committed in an officer's presence. In most instances this will involve neighborhood complaints of minor crimes where it is not necessary for the officer to initiate an arrest. In these circumstances charges will be requested by the following procedure:
 - a. The appropriate crime or incident report will be completed.
 - 1) Probable cause must be established in the report narrative.
 - b. If the initiating officer's investigation is unable to discover all of the information on the juvenile (for instance his full name, D.O.B., etc.) then a routine crime or incident report containing all available information will be submitted through normal channels.
- 2. Writs of Attachment
 - a. When it becomes necessary to arrest a juvenile in other than on-view or felony arrest situations, and the juvenile's parents refuse to turn him over to the investigating officer or Investigator, a Writ of Attachment may be obtained through the States Attorney's Office, during normal business hours. The information required for this document is the same as that required for an arrest warrant. In emergency situations, the on-duty or standby State's Attorney may be contacted through Communications for assistance in obtaining a writ.
 - b. An officer or Investigator may also apply for a writ of attachment when:
 - 1) The juvenile is accused of a serious misdemeanor or a felony; and

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- 2) The Investigating Officer is unable to locate the accused or is unable to arrest the juvenile because of out of state residency.

c. Preparing Writs of Attachment

- 1) Officers seeking a Writ must complete a crime incident report. Records will send a copy of the report to Juvenile Services.
- 2) Officers will prepare a Petition for a Writ of Attachment for a Judge's review and signature.
- 3) Once the above documents have been prepared, the officer requesting the writ will respond to Juvenile Intake at the Courthouse (0900-1500 hours) for review and authorization. The Department of Juvenile Justice (DJJ) has the absolute discretion on the authorizing of juvenile cases to Juvenile Court.
- 4) The paperwork is then forwarded to a State's Attorney, who will review the case
If the State's Attorney concurs, their office will immediately obtain a writ number from the Office of the Clerk for the Circuit Court, Juvenile Division.
- 5) The officer will then take the prepared documents to a Circuit Court Judge for authorization and signature.
- 6) After the judge has signed the Writ, the original copy of the Writ and Affidavit will be given to the Juvenile Clerk's Office.

*******Emergency Procedures Only*******

These procedures should only be used other than normal business hours for **True** emergencies.

- 7) Once the above documents are prepared, (1&2 above) the officer requesting the Writ will respond to Juvenile Intake at Cheltenham Youth Detention Center for review and authorization. Officers must make copies of each document for the Intake Worker. If this procedure is being conducted after 0200 hours, officers should consult a stand-by schedule for Intake Workers.
- 8) If the Intake Worker concurs, he/she will immediately call the standby State's Attorney for review and to obtain petition number. The Intake Worker will then contact the duty Judge to make arrangements for the officer requesting the Writ to respond for review and signature.

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- 9) The officer will immediately respond to the duty Judge's location for authorization and his/her signature.

NOTE: The Writ of Attachment does not have an expiration date.

B. Charges Made on the Scene

1. Anti-loitering- Section 14-101 through 14-106 (Enforceable only between the hours of 2200-0500 hours)
 - a. When members of this Division have occasion to contact juveniles for violation of the County Anti-Loitering Ordinance, they will complete a Juvenile Contact Form, insuring the name and address, the parent or guardian who has custody of the juvenile, (including zip code) and a detailed description of the circumstance of the loitering violation are included.
 - b. All Juvenile Contact Forms will be printed.
 - c. Juveniles will not be transported to the station for anti-loitering with the exception of:
 - 1) Those cases where the juvenile refuses to give a correct name and address;
 - 2) If there is reasonable doubt in the officer's mind that the information is true or false; OR
 - 3) If the juvenile refuses to heed the warning of the officer or the direction to proceed home.
 - d. The officer should always be cognizant of the time and the offender's behavior to be sure it is in violation of this section.

C. Detain and Release at the Scene

1. Officers may arrest and release at the scene any juvenile offender for a minor offense when the officer feels that the case should be disposed of at the scene without an official departmental record, other than a Juvenile Contact Form.
2. A Juvenile Contact Form may be submitted if all the elements of an offense are not present, or if a complainant declines to prosecute for a misdemeanor, or if a juvenile is in violation of the anti-loitering ordinance. When a complainant refuses to prosecute for a misdemeanor, the officer shall not transport the juvenile to the station unless the welfare of the child clearly exhibits the necessity for such action.

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X. CHILD ABUSE

The following are important policies to remember when investigating child abuse cases:

- A. The Division's response to child abuse or suspected child abuse is not limited to investigation only. The Division also has responsibility for preliminary detection of evidence suggestive of child abuse, and shall aid in subsequent efforts to effect a satisfactory resolution in both the child's and the family's best interest.
- B. The protection of the child, above any other concern, is the intent of the law and of primary importance to the officer.
- C. The maintenance of a family as a unit is to be respected. Therefore, except for emergency situations requiring the immediate removal of a child for his/her protection, the child shall not be removed unless it is recommended by a Child Protective Services worker.
- D. Because child abuse investigations require in-depth background checks to gain evidence that will sustain charges in court, immediate arrests shall not be made unless advised by Child Protective Services or the State's Attorney's Office.
- E. Mindful of the stigma attached to suspected child abuse, all reports of suspected child abuse and subsequent investigations shall be kept strictly confidential.
- F. All officers are required to become familiar with evidence suggestive of child abuse. If, using this knowledge in good faith, any officer suspects the existence of a child abuse situation, he/she shall promptly report it to Child Protective Services.
- G. Three criteria must be met before a report of child abuse is made:
 - 1. The suspected victim is under 18 years of age; AND
 - 2. The suspected victim has physical injury or injuries as a result of cruel or inhuman treatment OR as a result of a malicious act; OR the suspected victim is the subject of sexual abuse whether or not physical injuries are sustained; AND
 - 3. The abuse was inflicted by a parent or any other person having permanent or temporary care, custody or responsibility for the child, i.e., teacher, babysitter, scoutmaster, etc. The suspected abuser does not have to be an adult.
- H. An injury is any bodily damage, ranging from a bruise or bruises, to bone fractures or burns, and is not always readily apparent as in some internal injuries.

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- I. Child abuse is not neglect by reason of incompetence on part of the parent or guardian.
- J. Child abuse is NOT normal, acceptable discipline of a child administered as a result of the child's violation of a normal, acceptable standard set by the parent or guardian; normal, acceptable discipline does not result in injury to the child.
- K. Child abuse may be sustained in the context of a domestic disturbance.
- L. The law provides that any person reporting suspected child abuse in good faith is immune from civil liability or criminal penalty.
- M. Responsibility
 - 1. All Officers
 - a. Having suspicion of a child abuse situation, or having received a report of suspected child abuse:
 - Respond to the scene, conduct the necessary preliminary investigation and complete the appropriate report.
 - Telephone or otherwise orally report the suspected case to the Department of the Child Protective Services prior to the end of the tour of duty.
 - If the child is injured or exhibits the slightest sign of injury from being assaulted call the **Prince George's County Crisis Hotline**: 301-429-2185 24 hours a day/365 days a year.
 - If an allegation of a child abuse has been filed, but no signs of physical assault or injury can be observed, call the Department of Social Services during business hours at (301) 909-2450.
 - b. The preliminary investigation shall be limited to the following:
 - Establish whether or not the child is in immediate and/or extreme danger; remove the child only if necessary.
 - Examine the child and determine the extent of injury, if any.
 - Recognize and collect any physical evidence available that, if not immediately collected, may be destroyed, lost or contaminated.
 - If the need arises to interview the victim, the interview should occur without the presence of the parents or guardian, unless requested by the child; no parental permission is required for the interview.

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N. Removal of a Child from the Home

1. An officer may take a juvenile into custody if the officer has reasonable grounds to believe that:
 - a. The child is in immediate danger from his/her surroundings; AND
 - b. The child's removal is necessary for his/her protection
2. Removal of a child from his/her home is a drastic step which can have very serious legal, psychological and ethical consequences.
 - a. Unless there exists an obviously severe injury which requires immediate medical attention but the parents 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 shall be made by a Child Protective Services worker.
 - b. On the rare occasions in which an officer is considering removing a child, the following criteria should be considered:
 - Age of the victim. This is of primary consideration; if the child has sustained a serious injury (including excessive bruising, evidence of being burned, struck about the head, or having received an uncontrolled spanking) and is under three (3) years of age, it may be in the child's best interest to remove him/her from the home.
 - Extent of injuries. With a small child, any injury inflicted to the head or abdominal region by the fist or other weapon, may be viewed as requiring immediate protection extended to the child. With older children, the injury should be viewed in light of its severity and the circumstances under which it was inflicted. In any case, evidence of non-accidental burns should be considered as suggesting removal.
 - Hostile home environment. Unreasonable disciplinary action, resulting in extreme bruising or indiscriminate striking of various parts of the child's body, may indicate a danger to the child of remaining in that home during the period of pending action.
 - c. Based on the above, on the occasions where an officer decides to remove an abused child:
 - The officer shall immediately notify and deliver the child to the Department of Child Protective Services.

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- If not present at the time of the child's removal, the parents or legal guardian shall be immediately notified.
 - The Child Protective Services worker has the sole responsibility of requesting placement of the child in emergency shelter care.
 - If the child is placed in emergency shelter care, a hearing on the shelter care order (petition) shall be held not later than the next day the court is sitting as the Juvenile Court.
 - Following placement of the child in emergency shelter care, and in cases in which criminal prosecution is anticipated, the officer shall notify the State's Attorney's Office of any shelter care order hearing prior to the date of the hearing.
 - If the Child Protective Services worker decides not to place the child in an emergency shelter, the officer is responsible for returning the child to his/her home; when the Child Protective Services worker has removed the child, and then decides to return the child, the officer may provide transportation as a courtesy.
3. An officer may use reasonable force, if necessary, to assure that he/she, or JSA officer, or a Child Protective Services worker, is able to gain entry into a household when probable cause exists to believe that a child or children are in serious physical danger and that an emergency situation exists.

XI. SEXUAL ABUSE

- A. Sexual abuse includes, but is not limited to: incest, rape, carnal knowledge, sodomy, unnatural or perverted sexual practices, any sexual contact (i.e., fondling for sexual gratification), or sexual exploitation (i.e., nude or pornographic photography) by any person having permanent or temporary care, custody of, or responsibility for a juvenile.
- B. Any officer who suspects a case of child sexual abuse shall notify the Department of Child Protective Services.
- C. It is extremely important to be aware of common attitudes towards sexual abuse:
1. The abuser (usually the father, but occasionally the mother or other person) tends to be very secretive about the abuse; if the family as a whole learns of it, secrecy increases, making reports of sexual abuse infrequent and investigations difficult.

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2. The abused child, and the family if it knows, feels guilt, shame, and embarrassment; if the investigation or rehabilitation efforts are badly handled, the sexually abused child may sustain trauma which will affect the child's adult life.
3. In this culture, the sexual abuse of a child is regarded as a heinous and repulsive crime; community over-reaction may result if suspected sexual abuse in a family becomes known to the public.
4. It is assumed that child sexual abuse is confined to the "lower class", however, child sexual abuse does occur in well-to-do and "respected" families as well. In these cases, the community, if it learns of the abuse, may either try to "cover up" the situation or, contrarily, sensationalize the case.
5. Police officers share community attitudes, and find anger and the desire for retribution difficult to deny. Officers shall not act in an unprofessional manner by meting out punishment to the alleged abuser.

D. Investigation Guidelines

1. All investigative guidelines pertaining to child abuse cases shall be followed with the utmost discretion. Interviews of the child and the suspected sexual abuser shall be conducted with extreme sensitivity on the part of the officer.
2. The following factors shall be considered as possible indicators of child sexual abuse:
 - a. Indications of overcrowded sleeping conditions.
 - b. Marital problems that would predispose a parent to seek affection from a child rather than from the spouse.
 - c. A family history of sexual abuse.
3. In case of suspected sexual abuse, the awareness of the child regarding the stigma of such a charge should be determined. Children deprived of love, or anxious to inflict a serious hurt upon a parent, relative or other authority figure, may fantasize instances of sexual contact. The officer should emphasize gathering facts to support or deny allegations of sexual abuse, not immediately believing or disbelieving the original allegation.

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XII. JUVENILES AND NARCOTICS

- A. When an officer has probable cause to believe that a juvenile has control and/or possession of a controlled dangerous substance, regardless of quantity, he/she shall:
1. Confiscate the substance for evidence purpose.
 2. Take the juvenile into custody and transport him/her to Park Police Southern Station for processing as outlined in Section VIII.A.4 a-e above.
 - a. If the juvenile is taken into custody for the reason of possession with the intent to distribute a CDS.
 3. Determine an appropriate disposition option as outlined in Section VIII.A.5 above.
 - a. In processing juvenile narcotics cases, officers shall not have the option of releasing the juvenile to his/her parents with no charges being placed.
 4. Initiate a Crime Report.
 5. Forward the substance to the Property Specialist for transmittal to the laboratory for analysis.
 - a. If the substance is a “noxious inhalant” such glue, paint, etc., the officer need not forward it for analysis. The substance shall be documented on a Property Form and forwarded to the Property Specialist for storage.

XIII. JUVENILES AND TRAFFIC

- A. For a juvenile under age 16, any traffic offense will result in Juvenile Court jurisdiction.
- B. For juvenile age 16 or 17:
1. Incarcerable traffic offenses and no other non-traffic offense = Juvenile Court jurisdiction. A Crime Report serves as the charging document.
 2. Non-incarcerable traffic offenses and no other non-traffic offense = District Court jurisdiction. A Maryland Uniform Complaint and Citation is the charging document.

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3. If a delinquent offense is alleged in conjunction with a non-incarcerable traffic offense, the officer has two (2) options:
 - a. Charging the juvenile with traffic charge only, by citation, and refer the juvenile to District Court; OR
 - b. Charge the juvenile with both offenses utilizing a Crime Report.
 4. Non-incarcerable traffic offense and the juvenile refuses to sign the citation-if the juvenile is arrested, he/she shall be treated as an adult.
- C. The following is a list of incarcerable traffic offenses:
1. Criminal Law Article7-105– Auto Theft
 2. Maryland Transportation Article:
 - * Section 12-301(d)
 - * Section 14-102
 - * Section 14-103
 - * Section 14-104
 - * Section 14-107
 - * Section 14-110
 - * Section 15-302
 - * Section 15-312-314
 - * Section 15-402
 - * Section 15-411
 - * Section 15-502(a)
 - * Section 16-101- This is an incarcerable offense ONLY when the juvenile already has one prior conviction under this Section.
 - * Section 16-101
 - * Section 16-113
 - * Section 16-301
 - * Section 16-303
 - * Section 16-807(a)
 - * Section 16-808
 - * Section 16-815
 - * Section 17-107
 - * Section 17-707
 - * Section 17-110
 - * Section 18-104
 - * Section 18-106
 - * Section 20-102(a)
 - * Section 20-103
 - * Section 20-104
 - * Section 20-105
 - * Section 20-108

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- * Section 21-1116(a)
- * Section 21-1126-1128
- * Section 21-1411
- * Section 21-206
- * Section 21-502(a)
- * Section 21-502(c)
- * Section 21-902(a)(b)(c)(d)
- * Section 21-904
- * Section 22-405
- * Section 22-415
- * Section 23-109
- * Section 27-107(d-g)

D. Juveniles Under the Influence

1. Any juvenile 16 or 17 years of age, who is suspected of driving a motor vehicle while under the influence of alcohol or drugs, may be given a chemical test for intoxication in accordance with the procedures set forth in Division Directive PG416.0 – “Driving Under the Influence”.
2. Any juvenile 15 years of age or younger, who is suspected of driving a motor vehicle while under the influence of alcohol or drugs, may be given a chemical test for intoxication. The juvenile’s parents or guardian shall be contacted and permission received to administer one of the tests for intoxication.
 - a. If the juvenile’s parents or guardian cannot be contacted within the two-hour limit for administering the test, and the juvenile agrees to take one of the tests, the agreed upon test shall be administered. The fact that the parents or guardian could not be contacted shall be stated in the report, including the date, time(s), other parties contacted and their responses.
 - b. If the juvenile’s parents or guardian refuse permission, and the juvenile agrees to take one of the tests, the agreed upon test shall be administered. The fact of the parents or guardian’s refusal shall be noted in the report.
 - c. In all instances when a juvenile age 15 or younger agrees to take a chemical test for intoxication, the officer shall first determine that the juvenile agreed voluntarily, knowingly and intelligently under the circumstances.
 - d. If the juvenile refuses to take the chemical test, regardless of parental desires, no test shall be administered.

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XIV. CHILD ABDUCTION

A. Child abduction is defined as follows:

1. Abducting a child under age of 16, who is in the lawful custody of another.
2. Child abduction is an offense that is usually committed by someone related to the child and is usually committed in the course of a custody dispute. Child abduction can also be committed by a non-relative who, at some prior time, was the child's lawful custodian.
3. There are three types of child abduction:
 - a. **Abduct, take or carry away:** i.e., a parent who is not the lawful custodian removed the child from, for example, the child's school at a time outside of that parent's normal visitation period.
 - b. **Detain:** i.e., a parent, enjoying normal visitation rights, does not return the child at the scheduled end of the visit.
 - A warrant for arrest cannot be issued until 48-hours after the child's return has been demanded by the lawful custodian.
 - The abductor is subject to arrest only if he/she has detained the child for longer than 48-hours after the return of the child was demanded.
 - Child abduction does not apply in any case where the juvenile has run away from his/her lawful home or custodian.
 - c. **Harbor or secrete:** a parent not having lawful custody, and, with or without visitation rights, takes the child to a location unknown to the lawful custodian.
4. If the relative uses an agent (i.e., girlfriend, boyfriend, etc.) to commit the abduction, the relative is liable under the child abduction statute and the agent is liable under the child stealing statute or under the kidnapping statute.

B. Division policies on child abduction shall be as follows:

1. An officer responding to a complaint of a child abduction shall request to view the official court custody documents to confirm that the complainant has lawful custody of the missing child

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2. Even if official court custody documents are not immediately available, the officer shall always initiate a child abduction report (Crime Report) as soon as the complaint is made.
3. If the case is such that the 48-hour provision holds, that time period shall be considered to have commenced when the officer filed the report.
4. In cases involving the 48-hour provision, the officer shall instruct the complainant regarding the 48-hour wait before a warrant can be issued by a Court Commissioner.

XV. EMERGENCY MEDICAL ADMISSIONS AND EVALUATIONS

A. Emergency medical admissions are to be accomplished as follows:

1. **Child abuse:** An officer may take a juvenile to a medical facility if the officer feels that the child is in need of medical treatment.
2. **Child neglect:** Only a Juvenile Services Officer or Child Protective Services worker may take a juvenile to a medical facility if the child is in need of medical treatment with the exception noted in Section XIV. A.3 below.
3. **Other:** Pursuant to a court order or pursuant to Courts Article, Section 3-814(a)(3), an officer may seek emergency medical treatment for a child if it is required to protect the child and the parents or guardian are unavailable or refuse consent.
 - a. If a juvenile has sustained injuries requiring medical treatment, the officer shall provide transportation to the medical facility. EMS personnel may be used for transportation when in the best interest of the child.
 - b. The medical facility shall notify the child's parents or guardian.
 - c. If the officer releases the child to the custody of his/her parents or guardian, the officer is no longer required to remain at the medical facility.
 - d. If the officer desires to place the juvenile in detention, he/she must remain at the medical facility until the JSA Intake Officer determines the preliminary disposition.
4. Emergency evaluations for mentally disturbed juveniles shall be accomplished in accordance with the provisions of Division Directive PG414.0 – “Emergency Admissions of Mentally Disordered Individuals”, with the following addition:

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- a. The JSA shall always be notified of the emergency evaluation, preferably before the fact, but at least as soon as possible thereafter.

XVI. SCHOOL PROCEDURES

The following policies shall govern police action in school buildings:

- A. Officers shall recognize that a school principal has jurisdiction over juvenile pupils on school property. The right 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, shall 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 shall report to the office of the school’s principal upon arrival.
- D. Child Abuse Interviews
 1. When the need arises to secure information about juvenile pupils who are possible victims of child abuse or who are knowledgeable about abuse or neglect cases:
 - a. The school principal shall permit an interview of the child to take place on school grounds provided that the interview is not contrary to the pupil’s best interests, and that the pupil is willing.
 - b. Notification of the parents or guardian concerning the interview is the responsibility of the school, however, parental consent for the interview is not required for the interview to take place.
 - c. School personnel need not be present during the interview.
 - d. School personnel, knowledgeable about child abuse cases, may be interviewed on school property during school hours after notification of the school principal.
- E. Taking a Pupil into Custody

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

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1. Whenever possible and appropriate, a juvenile pupil shall be taken into custody during non-school hours and away from school premises. When this occurs, the officer shall be responsible for notifying the juvenile's parents or 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 advice 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 shall provide pertinent facts of the case to the responsible school official, including the reason for taking the juvenile into custody, the officer's name and telephone number and where the juvenile is being transported.
 - b. The officer shall not provide information that would not serve the juvenile's best interests or that would jeopardize potential witnesses (juvenile or adult).
 - c. The officer shall 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 or guardian that the child has been taken into custody. However, this does not relieve the officer from contacting the parents or guardian as required in Section VIII.A.6 of this directive.

End of document