



## JUVENILE ARRESTS AND CONTACTS

### Directive: 16-103

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### I. PURPOSE

The purpose of this Directive is to establish clear reporting procedures and guidelines whenever there is significant contact with juvenile, either through arrest, detention or field contact.

### II. POLICY

It shall be the policy of the Maryland Capitol Police to record all significant encounters with juveniles either through incident reports, arrest reports or field interrogation reports. Officers dealing with juvenile offenders should consider reasonable alternatives to arrest, consistent with preserving public safety, order and individual liberty. It is the responsibility of all members of the department to participate in the control and prevention of juvenile delinquency. This policy has been reviewed by select elements of the juvenile justice system.

### III. DEFINITIONS

1. **Child in Need of Assistance (CINA)** – is a child who requires the assistance of the court because:
  - a. The child is mentally handicapped or is not receiving ordinary and proper care and attention; and
  - b. the child's parents, guardian or custodian are unable or unwilling to give proper care and attention to the child and his/her problems; provided, however a child shall not be deemed to be in need of assistance for the sole reason he/she is being furnished non-medical remedial care and treatment recognized by State Law.
2. **Child in Need of Supervision (CINS)** – a child in need of supervision is a child who requires guidance, treatment or rehabilitation, AND the child:
  - a. Is required by law to attend school and is habitually truant; or,
  - b. Is habitually disobedient ungovernable, and beyond the control of the person having custody of him/her; or,
  - c. Deports himself/herself so as to injure or endanger himself/herself or others; or,
  - d. has committed an offense applicable only to children. (Annotated Code of Maryland, Courts and Judicial Proceedings, Subtitle 8, Section 3-801).
3. **Delinquent Act** – means an act which would be a crime if committed by and adult.

4. **Delinquent Child** – is a juvenile who has committed a delinquent act and requires guidance, treatment or rehabilitation.
5. **Detention** – the temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community, in physically restricting facilities.
6. **Nonoffender** – a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, CINA, or neglect statutes, for reason other than legally prohibited conduct of the juvenile.
7. **Status Offender** – a juvenile offender who has been charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). The following are examples of status offense:
  - a. Truancy
  - b. Violation of Curfew
  - c. Runaway
  - d. Underage alcohol offenses
  - e. Incurigible
8. **Significant Encounter** – encounters which include but are not limited to delinquent acts, Child in Need of Assistance, Child in Need of Supervision, status offenders and/or other situations in which the supervisor or officer deems a report is necessary.
9. **Juvenile/Child** – A person under the age of 18 years.

#### IV. PROCEDURES

##### A. Enforcement Principles

##### 1. Primary Guidelines

Officers dealing with juvenile offenders should use the least coercive method(s) among reasonable alternatives (as outlined below), consistent with preserving public safety, order, and individual liberty.

2. Juvenile offenders may be dealt with by officers of this department in one of the following ways:
  - a. Outright release with no further action, only a verbal warning;
  - b. Consultation with and arranging for corrective action by the parents;
  - c. Diversion/referral to the Department of Juvenile Justice by issuance of a citation; or
  - d. Referral to juvenile court.
  
3. Officers will consider the following factors when making diversion decisions relating to juvenile offenders:
  - a. The nature of the alleged offense;
  - b. The age and circumstances of the alleged offender;
  - c. The alleged offender's record, if any;
  - d. Whether a recommendation for diversion is or was made by a complainant or victim; and
  - e. The requirements of the law.
  
4. Based on the age of the juvenile and the circumstances of a case, officers may seek alternatives to arrest in minor juvenile cases. Where victims are involved, they must be informed of and agree with an officer's intention to seek an alternative. Alternatives available to officers include:
  - a. Verbal warnings; and
  - b. Consulting with and arranging for corrective action by parents.
  
5. The purpose of releasing the juvenile to the parent is to verify the child's identification and to give the officer the opportunity to discuss the matter with the parents. Through this involvement, it is hoped that parents will initiate corrective measures. This action involves the parents immediately and tends to reinforce the seriousness of the situation.
  
6. Juvenile interrogations and interviews shall be conducted in the same general manner as adult interrogations/interviews with the following guidelines:
  - a. Officers shall have parent or guardian present when a juvenile under 15 years of age is advised of their rights and questioned. For juveniles age 15 and over, officers will confer with the parent or guardian to explain the interrogation progress.

- b. Officers will confer with the parents or guardians to discuss the interrogation process, the circumstances of the case and the juvenile justice system. The conference should be held before the interrogation. If this is not possible the conference should be held as soon as possible after the interrogation.
  - c. Juveniles have the same rights regarding statements and confessions as do adults; special effort will be made to ensure the juvenile understands these rights as well as agency and juvenile justice procedures.
  - d. The duration of the interrogation/interview will be limited as appropriate to the juvenile's age and the nature of the alleged offense; however, no such interrogation/interview shall exceed two hours without a break offered. The number of officers engaged in an interrogation shall not exceed two at any given time.
7. In accordance with the Annotated Code of Maryland, a police record (arrest and identification records) concerning a juvenile is confidential and will be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown. This does not prohibit access to and the confidential use of the record by the Department of Juvenile Justice or in the investigation and prosecution of the juvenile by any law enforcement agency.
8. Juvenile fingerprint cards and juvenile photographs (negatives) will be stored in a locked and secured file cabinet. Arrest reports and other information shall be placed in the juvenile arrest record in the Records Section. Juvenile arrest records will be locked and secured in a cabinet in the Records Section.
9. Juvenile Citations

The juvenile citation is a mechanism for referring a juvenile to the Department of Juvenile Justice for case screening and resolution. Case screening may include referral to juvenile court. Police officers whose investigations confirm delinquent acts may refer the juvenile to the Department of Juvenile Justice by issuing a juvenile citation, and then releasing the juvenile to the custody of a parent or legal guardian. In such cases, the officer should not transport the arrested juvenile to a holding facility, if the parent or guardian is available to take custody of the child and there is no investigation required, or the juvenile is not required to be processed. Juvenile citations are also used to charge violations of the Motor Vehicle Law under certain circumstances, instead of the Maryland traffic citation. Refer to Section III C of this policy.

## B. Juvenile Contacts and Arrests

### 1. Juvenile Contacts

Any officer having contact with a juvenile that involves detention and/or questioning for any criminal activity shall contact the juvenile's parent(s) or guardian, explaining the juvenile contact (routine traffic stops and Field Interview Reports (FIR's) excluded).

2. An incident report or field interview report will be written detailing the circumstances of the contact.
3. A copy of all juvenile related reports will be forwarded to the Records Section for review.
4. Officers shall make every attempt to issue a juvenile citation on the scene before making a custody arrest. If the parent or guardian is available to take custody of the child and there is no investigation required or the juvenile is not required to be processed a juvenile citation may be issued. Juveniles who are transported to a holding facility for a delinquent offense shall be processed as outlined in this Directive.
  - a. The arresting officer will use the least coercive method to restrain the juvenile, consistent with preserving officer and public safety and transport the juvenile to the station or juvenile facility without unnecessary delay unless a juvenile is in need of emergency medical treatment. If the juvenile is in need of emergency treatment, the officer shall contact the supervisor and request an ambulance for transportation to a medical facility.
  - b. Juveniles are entitled to all constitutional rights afforded adults. Officers will fully respect a juvenile's constitutional rights.
  - c. The officer will make notification to the juvenile's parent(s) or guardian as soon as practical after the arrest.
  - d. The officer will place the juvenile in a juvenile cell. **Adults and juveniles shall not be placed in the same cell.**
  - e. **No juvenile will be held in a juvenile cell for more than six (6) hours.**
  - f. Juveniles will be processed according to the General Orders.
  - g. The officer will submit a detailed report and forward a copy of the report the Records Section.
  - h. The officer will complete a Holding Facility Intake form and a Juvenile Notification Form.
  - i. The parent(s) or legal guardian will sign the Juvenile Citation Form after they have been advised of the charges being placed against the juvenile. A copy of the juvenile citation will then be given to the parent or legal guardian. The citation will indicate the date and address of the juvenile intake hearing. If the parents refuse to sign the form, the juvenile will be held and the Department of Juvenile Justice will be contacted for final disposition.

2. The officer will request emergency detention or shelter of the juvenile when the following conditions exist:
  - a. Such action is required to protect the child or person and property of others; or,
  - b. The child is likely to leave the jurisdiction of the court; or,
  - c. There are no parents, guardian, custodian or other person able to provide supervision and care for the child and return him/her to the court when required; or,
  - d. The juvenile is charged with a serious felony; or,
  - e. Any juvenile that is classified as habitual offenders, multiple offenders, and those who inflict serious bodily injury.
  
3. The Department of Juvenile Justice will be contacted for authorization of emergency detention or placement.
  - a. The arresting officer will give the intake officer details of the probable cause surrounding the arrest and justification for the requested emergency detention. The officer will give the Intake Officer a copy of the Juvenile Arrest Report.
  - b. If placement is granted by the Department of Juvenile Justice, the officers in the Operations Division will be responsible for transporting the youth to the designated shelter or detention facility.
  - c. The investigating officer will complete the incident report by the end of his/her shift.
  - d. The supervisor will then review and forward a copy of the officer's report to the Records Section.
  - e. The Records Section shall forward a copy of the completed Incident Report to the Department of Juvenile Justice at the beginning of the next work day whenever authorization for emergency detention has been granted and the juvenile has been placed. The Incident Report shall contain details of the probable cause and justification for the requested emergency detention.

4. Any officer wishing to charge a juvenile with a misdemeanor committed outside his/her presence may do so by utilizing the Juvenile Citation Form.
  - a. Officers are still required to obtain the parent(s) or guardian signature when such a Citation is being initiated. The parent or guardian will be informed that the Citation still charges the juvenile with a crime.
  - b. The officer will enter the juvenile's name in the Juvenile Arrest Log.
  - c. The officer will write a detailed incident report, detailing the probable cause for the Juvenile Citation.
  
5. School Contacts
  - a. Students will not be interviewed or interrogated on public school premises unless the investigation is in connection with an act committed on the premises.
  - b. When a student is arrested while at school, the arresting officer shall provide the school principal, or his/her designee with the nature of the charge, the officer's identity, and the officer's destination with the arrestee.
  - c. In the absence of an arrest, a student will not be removed from public school premises without the consent of a parent or guardian.
  - d. Exigent circumstances permit deviation from the above procedures regarding arrests on school premises. Such circumstances will generally be of a life-threatening nature. The officer shall notify the supervisor of any exigent circumstances.
  
6. Status Offenders
  - a. An officer may take a juvenile into custody if the officer has reasonable grounds to believe the child has run away from his parents or guardian.
    1. The officer will immediately notify the parents/guardian and make arrangements for release.
    2. The officer will complete a Juvenile Notification Form. A Notification Form is only necessary when the child is taken into custody. **NO JUVENILE CITATION IS ISSUED.**
  - b. If the juvenile is temporarily taken to the station, he/she will NOT be placed in a lockup cell.
  - c. The investigating officer will maintain custody of the juvenile until relieved by the parent/guardian.

- d. The supervisor may assign another officer to maintain custody of the juvenile pending the arrival of the parent/guardian.

The investigating officer will complete an incident report by the end of his/her shift.

- e. An officer may NOT take a juvenile into custody simply because he/she is a truant.
  - 1. An officer may attempt to have juvenile identify himself/herself, his/her age and his/her school.
  - 2. If that information can be obtained the officer shall notify the school principal.
  - 3. If action is taken by an officer he/she will initiate an incident report.
- f. An officer may NOT take a juvenile into custody for being incorrigible.
  - 1. If an officer is called to a residence for such a juvenile, the officer may initiate a report and have it forwarded by the Records Section to the Department of Juvenile Justice.
  - 2. The parent/guardian will be instructed to contact the Department of Juvenile Justice for further assistance.
- g. If the parents/guardian have been contacted but refuse to cooperate, they are to be advised that they may be charged under Family Law, Section 10-219, with "Desertion of a Minor Child". An Individual who has care, custody, or control of a minor child may not desert the child:
  - 1. With the intent that the child become a public charge; or
  - 2. Without providing for the child's support for at least 3 years by a responsible individual or a licensed child care facility.

If this is the case, the supervisor should contact the Department of Social Services for placement. The parent/guardian may be charged at a later time.

- 7. An alleged CINA will NOT be taken into protective custody by an officer, UNLEAA the officer has reasonable grounds to believe the child is in IMMEDIATE DANGER from his/her surroundings and that the child's removal is necessary for their protection.
  - a. If immediate danger does not exist, the officer will conduct a preliminary investigation and have the report forwarded, by the Records Section, to the Criminal Investigations Division and Social Services for follow-up.
  - b. If the child is in immediate danger of harm, the officer will take the child into protective custody and notify Social Services for disposition. The investigating officer will complete an incident report by the end of his/her shift.
    - 1. The officer's shift supervisor will review the report and have the Records Section forward a copy to the Criminal Investigations Division for follow-up.



2. The Anne Arundel County Department of Social Services will be notified of the investigating officer's findings prior to the end of the officer's tour of duty.

### C. Crimes for which Juvenile Court has no Jurisdiction

1. Pursuant to Section 3-804 of the Courts and Judicial Proceedings Article of the Maryland Annotated Code ( hereafter referred to as "the Code") the Circuit Court for Anne Arundel County sitting as the juvenile court does not have jurisdiction over:

- a. A child at least 14 years old alleged to have done an act which, if committed by an adult, would be a crime punishable by death or life imprisonment, as well as all other charges against the child arising out of the same incident:

- (1) First degree murder (CR 2-202)
- (2) Attempted first degree murder (CR 2-205)
- (3) First degree rape (CR 3-303)
- (4) Attempted first degree rape (CR 3-309)
- (5) First degree sexual offense (CR 3-305)
- (6) Attempted first degree sexual offense (CR 3-311)

- b. A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident:

- (1) Abduction
- (2) Kidnapping (CR 3-502, CR 3-503)
- (3) Second degree murder (CR 2-204)
- (4) Attempted second degree murder (CR 2-206)
- (5) Manslaughter, except involuntary manslaughter (CR 2-207)
- (6) First degree assault (CR 3-202)
- (7) Second degree rape (CR 3-304)
- (8) Attempted second degree rape (CR 3-310)
- (9) Second degree sexual offense (CR 3-306a)
- (10) Attempted second degree sexual offense (CR 3-312)
- (11) Third degree sexual offense (CR 3-307a)
- (12) Robbery with dangerous weapon (CR 3-403)
- (13) Attempted robbery with dangerous weapon (CR -3-403)
- (14) Carjacking or armed carjacking (CR 3-405)
- (15) Wearing, carrying, or transporting handgun (CR 4-203)
- (16) Use of handgun or antique firearm in commission of crime of violence (CR 4-204)
- (17) Use of machine gun in crime of violence (CR 4-404)
- (18) Use of machine gun for aggressive purpose (CR 4-405)
- (19) Restriction on sale, transfer and possession of regulated firearm (PS 5-133, 5-134)
- (20) Sale, transfer, etc., of stolen regulated firearm (PS 5-138)
- (21) Short-barreled rifles and short-barreled shotguns (PS 5-203)

(22) Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime (CR 5-621)

(23) Firearms crimes related to convicted felons (CR 5-622)

- c. A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless an order removing the proceeding to the court has been filed under section 4-202 of the Criminal Procedure Article.

NOTE: A child at least 16 years old alleged to have done an act in violation of the Transportation Article, other traffic law or ordinance, or a law, rule, or regulation governing the use or operation of a boat is charged as an adult (issued traffic citations, etc.) Except that if, the offense is punishable by incarceration, a juvenile citation is issued for the offense, and all other violations of the Transportation Article, other traffic law or ordinance, or law, rule, or regulation governing the use or operation of a boat arising out of the same incident.

2. A juvenile charged as an adult will be processed according to General Orders

3. Traffic Offenses

Any officer wishing to charge a juvenile, under the age of sixteen (16), with a traffic offense must do so by initiating a Juvenile Citation Form. No Uniform Complaint and Traffic Citation should be issued.

- a If a juvenile, between the ages of sixteen (16) and eighteen (18), commits a non-jailable traffic offense, the officer will issue a Maryland State Citation.
- b If any arrestable traffic offenses are committed by a juvenile over sixteen (16) but under eighteen (18), the officer will charge the juvenile on a Juvenile Citation. Additionally, any other related motor vehicle charges will be included on the Juvenile Citation along with the arrestable offense.

An officer who takes a juvenile into custody for a traffic offense will follow the arrest procedures as outlined in Section II of this Directive.