

# Juvenile Law Enforcement

**Index Code: 1701**

**Effective Date: 12/01/09 (Revised 10/1/19)**

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## **I. Purpose**

The purpose of this directive is to establish procedures for the administration of operations pertaining to juveniles, in conformance with existing laws and best practices, including the collecting, disseminating, and retaining of records.

## **II. Policy**

It is the policy of the Office of the Sheriff to develop, implement, and maintain programs designed to prevent and control juvenile delinquency. All employees are responsible for ensuring the success of established policy through the diligent application of procedures regarding juvenile matters, and by maintaining a working knowledge of all laws pertaining to juveniles.

Noting the sensitivity of juvenile records, it is also the policy of the Office of the Sheriff to establish security precautions to protect the privacy of juvenile records, and establish strict guidelines for their release, disposition, and expungement.

## **III. Definitions**

For the purpose of this directive, the following terms have the associated definitions:

**Criminal Juvenile Offender** - A juvenile offender who has been charged with or adjudicated for conduct that would, under law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

**Juvenile Offender** - An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by state law (i.e., a criminal offender or status offender).

**Non-Offender** - A juvenile who is subject to the jurisdiction of juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile.

**Status Offender** - A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (i.e., runaway, truancy, violation of curfew, underage alcohol offenses, etc.).

**Teen Court** - Teen Court is a voluntary program that allows a juvenile defendant to be judged by a jury of their peers. Court is conducted in an actual courtroom with teens acting as prosecutors and defense attorneys. Volunteer judges will preside over each case. The sanctions consist of community service projects, enrollment in applicable educational programs, and mandatory jury duty in other Teen Court cases. Juvenile offenders between the ages of 12 and 17, who have committed a non-violent misdemeanor offense, will be eligible for this program. The program is administered by the Office of the State's Attorney with assistance from the Department of Juvenile Services and the Office of the Sheriff.

## **IV. Juvenile Diversions**

Deputies may recommend diversion from the juvenile justice system any juvenile for whom, in their opinion, legal proceedings would be inappropriate, or the use of other resources would be more effective. The deputy having contact with the juvenile offender will take into consideration the nature of the offense, the age and circumstances of the alleged offender, their past record, and the availability of community based programs that could assist the child.

When dealing with juveniles, deputies will consider all reasonable alternatives consistent with preserving the public safety, order and individual liberties. Therefore, the deputy's contact with a juvenile offender does not automatically necessitate a referral to the Department Juvenile Services, but depending upon the circumstances could lead to one of the

following actions/programs:

- A. Releasing the juvenile without any further action;
- B. Recommending a program of voluntary treatment offered by one of the local social service agencies; or
- C. Referral to Teen Court.

**V. Juvenile Citations**

Juveniles between the ages of seven (7) and seventeen (17) may be charged for violations of the Maryland Criminal Code dealing with the possession and consumption of alcoholic beverages utilizing the Maryland Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses (DC-31).

A. Deputies will complete juvenile citations in their entirety with careful attention to the following details:

- 1. Check the box that states, "You will be notified by the Juvenile Services Administration when and where to appear for a hearing;" and
- 2. Obtain the full name, street address and telephone number of the juvenile's parent or guardian who is charged with the juvenile's custody.

B. In cases when a juvenile is issued a citation, it is the responsibility of the charging deputy to ensure that the juvenile's parents or guardians are notified as soon as possible, but no later than thirty-six (36) hours after issuance of the citation.

C. On the reverse of the Juvenile Justice Office copy under "Certificate of Mailing," deputies will indicate the date the copy of the citation was mailed or delivered to the child's parent or guardian and provide their signature, title and identification number.

**VI. Maryland Transportation Article Violations**

**A. Ages Fifteen and Under**

Juveniles fifteen (15) years of age or younger who are charged with any violation of the Maryland Transportation Article will be charged on a Juvenile Motor Vehicle Complaint form.

**B. Ages Sixteen and Seventeen**

1. Payable Violations

Juveniles sixteen years of age or older will be issued a Maryland Uniform Complaint and Citation (DR-49) for all payable violations of

the Maryland Transportation Article not requiring a court appearance.

2. Must Appear Violations

During an incident requiring an arrest for a must appear violation, all motor vehicle violations will be charged on a Juvenile Motor Vehicle Complaint form. No citations are used under these circumstances.

**VII. Criminal Arrests**

**A. Charging Document**

Unless waived as an adult, the Juvenile Complaint Form (DJJ (I) – 312) will be utilized for violations of the Maryland Criminal Code. This is mandatory to establish Juvenile Court jurisdiction.

**B. Notification of Parent or Guardian** In cases when a juvenile is taken into custody, it is the responsibility of the arresting deputy to ensure that the juvenile's parent or guardian is notified as soon as possible.

**C. Detention**

1. All juveniles being detained will be separated by sex, and by sight and sound from any adults being detained. In addition, juveniles detained for Status Offenses will be placed in an unlocked room, or handcuffed to a movable object such as a chair.

2. Upon taking a juvenile into custody it will be determined if it is feasible to further detain the child pending a hearing. If so, the Juvenile Services Intake Division must be contacted for such authorization. A juvenile held in custody must receive a hearing before the Juvenile Court on the next working day of the court.

3. Juveniles taken into custody on a "Writ of Attachment" issued by the Juvenile Court are held in custody until further directed by the court of jurisdiction.

**D. Transporting**

Juveniles will not be transported with adults who have been charged or convicted of a crime, unless the court has waived its jurisdiction and the child is being proceeded against as an adult. Even in those cases where a juvenile is being charged as an adult, juveniles should not be transported with an adult if other means of transportation are available.

**E. Custodial Interviews**

If a juvenile in custody is to be interviewed they will be informed of their constitutional rights. It is not necessary that a parent or guardian be present during the interview; however, the age, education, nationality, intelligence, psychological traits and mental condition of the juvenile will be taken into consideration before questioning begins. When interviewing a juvenile the following procedures will be adhered to:

1. If a parent, guardian, or attorney is requested by the juvenile, all questioning will stop and the juvenile will be given the opportunity to consult with the requested person.
2. When a deputy questions a juvenile offender or suspect, the deputy will make certain that the juvenile understands agency and Juvenile Justice Procedures in dealing with juvenile offenders.
3. The number of deputies involved in the custodial interview will be limited to 2. Whenever the juvenile being interviewed is a female, preferably one of the deputies will be female if available.
4. The duration of the interview will be limited to a reasonable amount of time, and not be of such length and constructed in such a manner as to cause undue stress for the juvenile.
5. The Code of Maryland Regulations dictates that police investigations involving the questioning of students may not be permitted on school premises, unless it is in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons. A school official should be present throughout any questioning.

In addition, the local school system will permit a police officer to question a student on school premises during the school day in an investigation involving suspected child neglect or suspected child abuse under the Family Law Article.

#### **VIII. Juvenile Arrest, Custody & Release**

A. Deputies may take a juvenile into custody under the authority set forth in the Courts and Judicial Proceedings Article, "Taking a Child into Custody." Moreover, if

the situation warrants, deputies may use the force necessary to effect an arrest. These guidelines state that deputies may take a juvenile into custody as follows:

1. Pursuant to an order of the court.
2. Pursuant to the laws of arrest.
3. When, based on the deputy's investigation, there are reasonable grounds to believe that the child is in immediate danger from their surroundings and the child's removal is necessary for protection.
4. When based on the deputy's investigation, there are reasonable grounds to believe that the child has run away from parents, guardians or legal custody.

B. When a deputy makes a physical arrest of a juvenile, and if custody is not being turned over to a parent or guardian, the juvenile will be transported to the Office of the Sheriff headquarters without delay. Prior to transporting, the deputy will determine if the juvenile requires emergency medical treatment. In addition, the following procedures will be followed:

1. The juvenile's parent or guardian will be contacted as soon as possible and advised of the situation.
2. At the completion of processing, the juvenile will be released to a parent, legal guardian, or other authorized person.
3. A person taking custody of the juvenile will be required to sign a Juvenile Recognizance/Release Form.
4. If no one is taking custody of the juvenile, or circumstances appear to warrant further detention, the deputy will contact the Juvenile Services Administration. The decision for detention of a juvenile rests solely with the Juvenile Services Administration.
5. If the Juvenile Services Administration orders the detention of the juvenile, the parent or guardian will be notified prior to releasing the juvenile for transport to the detention facility.

#### **C. Juvenile Waiver**

Any time a deputy arrests a juvenile of certain specified ages for crimes outlined in the Maryland Courts and Judicial Proceedings

Article, which requires a juvenile to be charged as an adult, the deputy will also contact the State's Attorney's Office.

**D. School Property**

The Code of Maryland Regulations dictates that when possible and appropriate, arrests by deputies should be made during non-school hours and away from the school premises. Arrests on school premises during school hours will be affected in such a manner as to not jeopardize the safety and welfare of other students.

**IX. Booking Procedures**

**A. Fingerprinting**

The State of Maryland requires that all juveniles arrested (except status offenders) be fingerprinted. Status Offenders will not be fingerprinted.

1. Unless charged as an adult, juveniles will be fingerprinted via LiveScan and designated as a juvenile arrestee.

2. Juveniles charged as adults will be processed and fingerprinted via LiveScan as adults.

**B. Photographing**

1. Juveniles who have been arrested (non-status offenders) require 2 photographs to be taken, 1 front facial view and the other in profile. Status Offenders will not be photographed.

2. All photographs taken of juveniles will be clearly marked with the following information on the back.

- a. Juvenile's full name
- b. Date of birth
- c. Incident number
- d. Date of arrest

**XI. Detention of Juveniles**

**A. Criteria**

Juveniles held for detention must be on probation, charged with a serious misdemeanor, charged with a felony, or the juvenile's parents/guardians refuse custody or cannot be located.

**B. Procedures**

When a juvenile is being detained the following procedures must be followed:

1. The juvenile will be transported to

Headquarters.

2. The Juvenile Services Intake Officer will be contacted and advised of the nature of the charges.

3. All related paperwork will be given to the Intake Officer at the time of presentment.

**C. Secure Custody**

Juveniles accused of committing criminal offenses may be held in a Sheriff's Office holding cell not to exceed a six (6) hour period. The juvenile cannot have sight or sound contact with adult offenders during the time in secure custody. Male and female juveniles will be detained separately.

**D. Secure Juvenile Holding Log**

Whenever a juvenile is placed in secure custody the deputy will complete the authorized State of Maryland Secure Juvenile Holding Log. Annually, or as requested, the Sheriff's designee compiles and reports compliance monitoring data to the Governor's Office of Crime Control and Prevention, Juvenile Justice Compliance Monitor.

**X. Notification of Juvenile Arrest to the Queen Anne's County School Superintendent**

A. Education Article 7-303, subsection "J" of the Annotated Code of Maryland states, "If a child enrolled in a local school system is arrested for one of the below listed reportable offenses, the law enforcement agency making the arrest will notify the county school superintendent where the child is enrolled of the arrest and charges within 24 hours of the arrest or as soon as practicable." The reportable offenses are as follows:

- 1. Abduction
- 2. Arson (1<sup>st</sup> degree)
- 3. Kidnapping
- 4. Manslaughter, except involuntary
- 5. Mayhem/Maiming
- 6. Murder
- 7. Rape
- 8. Robbery
- 9. Carjacking
- 10. Sexual offense – 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree
- 11. Use of a handgun in commission of a felony
- 12. Attempt to commit the above crimes
- 13. Assault with intent to murder, rape, rob,

- sexual offenses, 1<sup>st</sup>, 2<sup>nd</sup> degree
- 14. Illegal possession, transport, sale/transfer or use of handgun, machine gun, assault weapon or short barreled rifle or shotgun
- 15. Illegal possession, transport or use of a firearm in relation to drug trafficking
- 16. Illegal carrying/wearing, concealed or open deadly/dangerous weapon
- 17. Carrying possession of a deadly weapon on school property
- 18. Felony possession of controlled dangerous substance
- 19. Distribution of controlled dangerous substance
- 20. False statement or rumor concerning bomb or other explosive
- 21. Manufacture, transport, placement or possession of explosive and/or explosive device

B. The arresting deputy will complete a notification of arrest to the Queen Anne's County School Superintendent of any child arrested for a reportable offense. This notification must be noted in the offense report. If the arrest is made on a weekend or holiday the record will be forwarded on the next regular business day or as soon as practicable. The superintendent notification will include the following:

- 1. Incident report number
- 2. Name of the arrestee
- 3. Address & telephone number of the arrestee
- 4. Telephone of the arrestee's parent/guardian
- 5. Name of the school the arrestee attends
- 6. Reportable offense(s) the arrestee was charge with
- 7. Date, time and location of the arrest
- 8. Arrest disposition

**XI. Records**

The privacy and security of juvenile records must be maintained in accordance with agency policy, local ordinance, and/or state law, to prevent unauthorized access and release. Therefore, it is imperative that all juvenile arrest records be separate from adult records unless the juvenile court has waived jurisdiction and the child is being proceeded against as an adult. To ensure the confidentiality of these records the following procedures will be adhered to:

A. Juvenile records will be distinguished from adult records by using red colored font on their individual file folders. In addition, juvenile records stored electronically in the ICIS records management system will be distinguished by checking off the block titled, "Juvenile."

B. The confidentiality of juvenile fingerprints, photographs, and other forms of identification will be maintained by storing them with the incident report in their associated juvenile file folders, distinguished in the manner described above, and stored as described below.

C. Juvenile records will be stored on separate shelves in the Records Room. In addition, juvenile records stored electronically in the ICIS records management system will be protected by checking off the block titled, "Juvenile." Access to these records will be by authorized personnel only.

D. Juvenile records will be maintained indefinitely, regardless of the juvenile's current age, unless ordered expunged by the court. If ordered expunged by the court, all associated records, including fingerprints, photographs, and other forms of identification will be moved to a secure location for expunged records accessible only by court order as described in Criminal Procedure, Section 10-108. Expunged electronic records will be flagged and blocked and accessible only under the same conditions.

**XII. CALEA References:** 1.2.5b, 1.2.5c, 42.2.10c, 44.2.2, 44.2.2a, 44.2.2b, 44.2.2c, 44.2.2d, 44.2.2e, 44.2.3a, 44.2.3b, 61.1.3b, 71.3.1e, 82.1.2a, 82.1.2b, 82.1.2c, 82.1.2d & 81.1.2e.

**XIII. Proponent Unit: Administrative Services**

**XIV. Cancellation: Policy dated 2/19/19**

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Sheriff Gary Hofmann