

Police Department - General Orders



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| TITLE: JUVENILE INTERACTION | | NUMBER: 433 |
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| AUTHORITY Chief John K. Nesky | ACCREDITATIONS STANDARDS CALEA STANDARDS: 44.1.1, 44.1.3, 44.2.1, 44.2.2, 44.2.3, 44.2.4, 44.2.5 | TOTAL PAGES 9 |
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I. PURPOSE

To establish a standard method for handling all juvenile interactions.

II. POLICY

The Bowie Police Department is committed to developing and continuing programs to control and prevent juvenile delinquency, while strengthening trust between youth and police by creating projects for positive, consistent, and persistent interaction between youth and law enforcement. . It is the responsibility of all members and components of the Department to participate in and support these efforts. The Department will adhere to guidelines set forth by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Maryland Department of Juvenile Services (DJS). All policies and procedures will be written in compliance with those guidelines. (CALEA 44.1.1)

III. ORGANIZATION

- A. The Criminal Investigations Section (CIS) is the Departmental component mandated to provide specialized law enforcement services as related to juvenile offenders and services for the protection of juveniles.
- B. All officers are responsible for, and will be familiar with, juvenile operations and procedures. Officers will cooperate with and support County and State level juvenile agencies. All officers are responsible for follow-up investigations, coordinating and preparing court cases and diverting cases out of the juvenile system.

C. CIS RESPONSIBILITIES

1. Review all cases in which a juvenile is charged with committing a felony offense;
2. Maintain a liaison with the State's Attorney's Office and other juvenile agencies to determine legal sufficiency and coordinate court cases;
3. Coordinate with patrol officers regarding the placement of charges when a juvenile case has been waived to adult court.
4. Investigate all cases of suspected child abuse.

- D. CIS, generally, and the School Resource Officers (SRO), specifically, are responsible for the development and perpetuation of delinquency prevention and education programs designed to prevent and control juvenile delinquency. Programs will be designed to lower the juvenile offense rate, assist disadvantaged youth and improve police-youth relationships.

IV. MEDICAL TREATMENT

Any employee who comes in contact with a juvenile who is need of medical assistance will immediately contact the Prince George's County Fire Department (PGFD) and, if necessary, cause the transport of the juvenile to the appropriate medical facility without unnecessary delay.

V. DIVERSION GUIDELINES

- A. Officers are reminded that in keeping with the doctrine of *parens patriae*, the State plays the role of parent, rather than adversary, to the child, and that officers should seek the least restrictive alternative when disposing of juvenile cases. (CALEA 44.2.1)
- B. When making decisions regarding diversion from the juvenile justice system, officers should consider:
 - 1. The seriousness of the offense;
 - 2. Prior record of the juvenile;
 - 3. Age;
 - 4. Cooperation of parties involved;
 - 5. Degree of wrongful intent, violence, premeditation or knowledge of the violation;
 - 6. The use of other resources such as the City of Bowie Youth & Family Services Department, Department of Juvenile Services for Prince George's County or other youth social service agencies as an alternative; and,
 - 7. Whether the recommendation for the diversion came from the complainant and/or victim.
- C. If the decision to divert the juvenile from the juvenile justice system is made, where intake is not recommended or required, the officer will handle the incident informally.
- D. When intake into the juvenile justice system is required or recommended, the officer will handle the incident formally.

VI. INFORMAL PROCESSING

- A. Officers may utilize several methods to handle a case involving a juvenile on an informal basis. The juvenile may be released without further action, the juvenile may be transported to his/her residence or school and released with notification to the parents or a proper authority; or, (CALEA 44.2.1.a)
- B. The juvenile may be issued a juvenile citation and transported home or school or have a parent or guardian pick up the juvenile. (CALEA 44.2.1.b)

VII. FORMAL PROCESSING

Generally, the laws of arrest also apply to juveniles. Referring alleged juvenile offenders for formal legal proceedings should be restricted to cases involving serious conduct or repeated criminal violations. In general, delinquent acts requiring referral include: (CALEA 44.2.1.c)

- A.** Acts which if committed by an adult would be felonies;
- B.** Acts involving weapons;
- C.** Gang related acts;
- D.** Acts involving assault and battery; and,
- E.** Acts committed by juveniles on probation or aftercare, or by those with a case pending.
- F.** Cases which may require referral to the juvenile justice system include:
 - 1. Juveniles who have been selected for diversion but refuse to cooperate or participate; and,
 - 2. Cases in which it has been determined that parental supervision is not effective.
- G.** Whenever a juvenile is taken into custody, all Department procedures will be followed in referring to the juvenile justice system. If a recommended formal hearing is denied by Juvenile Intake, and if the officer deems it appropriate, the officer will immediately notify the State's Attorney's Office and request an appeal. The appeal must take place within 30 days of the Juvenile Intake decision.

VIII. JUVENILE PROCESSING REQUIREMENTS

The circumstances requiring and the procedures for processing a juvenile are basically the same as for an adult; however, fingerprinting and photographing shall not be completed in the following instances: (CALEA 44.2.2)

- A.** The juvenile is a status offender; (CALEA 44.2.2.a)
- B.** The mental maturity of the juvenile is such that processing would be inappropriate and supervisory approval has been granted to not process the juvenile; or,
- C.** The juvenile has committed a traffic offense.
- D.** Supervisors may grant exceptions to the above criteria for good cause. Such circumstances include, but are not limited to:
 - 1. The juvenile is a suspect of significant felony violations;
 - 2. The juvenile is involved in multiple crimes; or,
 - 3. The juvenile's fingerprints and/or photograph may prove successful in solving a case or would serve a legitimate law enforcement purpose.

IX. CUSTODY REQUIREMENTS

- A. Officers will notify parents/guardians whenever a juvenile is taken into custody. Officers will inform them of the circumstances and arrange for them to resume custody of the juvenile. Further, officers will explain to the juvenile and parent or guardian Department and juvenile justice system procedures. (CALEA 44.2.2.e & 44.2.3.a)
- B. Determine whether the juvenile is alleged to have been harmed or to be in danger of harm. (CALEA 44.2.2.b)
- C. Advise the juvenile taken into custody of his/her constitutional rights, via Miranda, prior to any statement being taken. (CALEA 42.2.2.c)
- D. Officers will ensure that the constitutional rights of juveniles are protected. (CALEA 44.2.2.c)
- E. When feasible, process the juvenile without delay and transport to a juvenile intake facility or release to parent/guardian, without unnecessary delay except for medical emergencies. (CALEA 42.2.2.d)
- F. Juveniles being held in the prisoner processing area of Headquarters will be separated from adults by sight and sound. Juveniles will not be processed in the presence of adult offenders.
- G. No juvenile shall be held in a juvenile cell or in any other secured manner for more than six hours, unless charged as an adult.
- H. Officers shall utilize the Bowie Police Department Arrest Report.

X. INTERVIEWING (CALEA 44.2.3)

Juvenile interrogations/interviews shall be conducted in the same manner as adult interrogations/interviews, with the following guidelines:

- A. There is no legal requirement that a parent or guardian be present when officers question a juvenile. However depending on the age of the juvenile and the offense being investigated, officers are encouraged to use their discretion in determining if a parent or guardian should be present.
- B. The law is clear that there are factors that must be considered in each case in determining whether the juvenile (when questioned alone) understood their rights well enough to intelligently waive them. The effectiveness of the waiver is determined only by examining the “totality of circumstances” surrounding the giving of the statement.
- C. The following is a list of circumstances to be considered in weighing whether a waiver may be valid:
 1. Age of the accused;
 2. Education;
 3. Knowledge as to the substance of the charge (if any), and the nature of their rights to consult with an attorney and remain silent;
 4. Whether the juvenile is permitted to consult with relatives or his/her attorney, etc.;

5. If charges are to be filed, whether the juvenile is to be interrogated before or after formal charges have been filed (in those cases where the juvenile is charged as an adult);
 6. Method of interrogation used;
 7. Length of interrogation;
 8. Whether the accused refused to voluntarily give statement on prior occasions; and,
 9. Whether the juvenile had ever disavowed an out of court statement at a later date.
- D.** Interrogation may be conducted without a parent/guardian, regardless of the circumstances, if the parent/guardian refuses to be present, is disruptive, or is not available, within a reasonable period of time.
- E.** Under no circumstances shall a child, any more than an adult, be compelled to answer any questions by physical force or psychological pressure or deception. When feasible, the interview should be conducted by one officer so as not to intimidate the juvenile. The interview time should not be longer than two hours without a ten minute break and total time shall not exceed six hours.
- F.** Because a juvenile may not understand what is happening during the interview process, an officer should explain what can be expected, and how the agency and juvenile justice procedures work. (CALEA 44.2.3.a & .b)
- G.** Interviews on school premises (see General Order 604 School Resource Officer)

XI. INTAKE REQUIREMENTS FOR PRINCE GEORGE’S COUNTY (CALEA 44.2.1.d)

Officers should contact Juvenile Intake for the latest intake requirements. The intake worker will instruct the officer if they will accept the juvenile and which facility to transport the juvenile to. Generally, the juvenile must meet one of the following requirements:

- A.** The juvenile is already on probation for the same offense;
- B.** The juvenile is a non-Maryland resident charged with a felony;
- C.** The juvenile is a Maryland resident charged with a crime of violence;
- D.** The parent refuses custody or cannot be contacted or located; or,
- E.** There is reasonable belief that the juvenile will leave the Court’s jurisdiction.
- F.** 0800-1500 Hours: The arresting officer may deliver the juvenile directly to the Department of Juvenile Services (DJS) at the Courthouse (Upper Marlboro) after calling (301)-952-4079. All attendant paperwork and reports must be delivered with the juvenile. The following statement, endorsement, with the officer’s signature, will be written on the reverse of the DJS copy of the arrest report.

“I do affirm under penalties of perjury and upon personal knowledge that the contents of the attached are true.”

- G.** 1500-0800 Hours: To request detention or shelter care for a juvenile after regular court hours, officers may contact the DJS Intake Officer. The intake officer will discuss the circumstances with

the involved officer to determine the need for placement and respond to the station, as necessary to complete the paperwork to authorize detention. The officer will be given instructions where to take the juvenile for detention or shelter.

XII. SCREENING

- A.** All juvenile felony arrests, with the exception of a routine auto theft, will be screened by the arresting officer. Non-routine auto thefts are described below.
- B.** Screening appointments shall be made by calling the State's Attorney's Office for Prince George's County at (301) 952-3516. Once a case is screened, the Assistant State's Attorney will determine if the case will be forwarded to the Department of Juvenile Services to petition the juvenile.
 - 1. When an arrest has been made or upon the completion of an investigation where a petition was filed, the investigating officers shall make a screening appointment within one week (seven (7) business days) of the completion of the investigation or arrest.
 - 2. If the juvenile was detained, a screening appointment shall be made within two business days of the arrest. Officers will notify the State's Attorney's Office when making the screening appointment of the detention.
 - 3. Once a screening appointment has been made, officers are responsible for making copies of all paper work associated with the arrest or investigation and providing it to the screening attorney.
- C.** Routine auto theft cases need not be screened with the State's Attorney's Office. However, auto theft cases involving statements, photo spreads, latent fingerprints or any other unusual circumstances shall be screened.

XIII. REQUEST FOR JUVENILE CRIMINAL CHARGES

An officer will request the filing of charges against an arrested juvenile by completing an Arrest Report and checking the box indicating "Petition Requested." The Arrest and Incident Reports must contain enough probable cause information for all offenses for which charges are requested.

XIV. RESTITUTION

Restitution is handled by the DJS or the courts. If restitution is requested by the victim, it should be indicated on the report and marked on the Arrest Report by checking the box indicating "Restitution". Inquiries by the victim should be referred to DJS or the Juvenile Division of the State's Attorney's Office.

XV. JUVENILES CHARGED AS ADULTS

- A.** Juveniles arrested and charged as an adult will be processed the same as an adult arrest. All charges stemming from the incident will be adjudicated in the adult court. See Addendum A.
- B.** When a juvenile is charged as an adult, the 'adult' block on the Arrest Report will be checked with a notation "Charged as an Adult" next to the box.

XVI. STATUS OFFENSES

Juveniles may be taken into custody without formal charges for any violations of the law applying specifically to children. Examples of such status offenses and non-offenses should include: (CALEA 42.2.2.a)

A. Child in need of supervision (CINS):

1. Juveniles who require guidance, treatment, or rehabilitation, and is one of the following:
 - a. Required by law to attend school and is habitually truant;
 - b. Habitually disobedient, ungovernable and beyond the control of the person having custody of the juvenile;
 - c. Behaving so as to injure or endanger themselves or others;

B. Child in need of assistance (CINA):

1. The juvenile is mentally handicapped; and/or
2. The juvenile is not receiving ordinary and proper care/attention, and the juvenile's parents, guardians, or custodians are unable or unwilling to give proper care and attention to the child and the child's problems. (CALEA 42.2.2.b)

C. Runaways:

1. An officer may take a juvenile into custody if the officer has reasonable grounds to believe that the child has run away from his parents or guardian. Officers shall not use force to take a runaway into custody.
2. The officer shall immediately notify the parents/guardians and make arrangements for release except in the case of alleged child abuse where a juvenile's safety may be compromised. The circumstances of the custody will be documented on an incident report. If the juvenile is temporarily taken to the station, he/she shall not be placed in a cell but in a non-secure (unlocked) setting. Juveniles who are CINA/CINS may not be placed in secure custody. (CALEA 42.2.2.b)
3. The investigating officer shall maintain custody of the juvenile (or have custody of the juvenile maintained by another employee in the building, etc.) until relieved by a parent/guardian.
4. Juveniles will not be taken into custody for being incorrigible. Truants located during normal school hours shall be transported to their home school and released to an Administrator.
5. An officer may take a juvenile into custody if he/she has reasonable grounds to believe that the child is in imminent danger from his/her surroundings, and the custody is necessary for the child's protection. The Department of Social Services (DSS) will be contacted in such cases and an incident report completed.

XVII. TRAFFIC OFFENSES

Any officer wishing to charge a juvenile under the age of sixteen (16) with a non-jailable traffic offense must do so via arrest report. No citation shall be issued.

- A. If a juvenile between the ages of sixteen (16) and eighteen (18) commits a non-jailable offense, the officer shall issue a Maryland State Citation.
- B. Any juvenile under eighteen (18) years of age alleged to have committed any act in violation of the Transportation Article or any other traffic law or ordinance that prescribes incarceration as a penalty shall be charged on an Arrest Report. No citations shall be issued.

XVIII. STUDENT SAFETY SUPPORT ACT

The Legislation establishes reporting responsibilities for all Maryland Law Enforcement Agencies.

- A. The Act requires that law enforcement agencies contact the public school superintendent or his/her designee of the home school which the suspect juvenile attends.
- B. The following incidents require officers to fax their report to the superintendent or his/her designee.
 - 1. Abduction;
 - 2. Arson in the first degree;
 - 3. Kidnapping;
 - 4. First and Second degree murder;
 - 5. Manslaughter (voluntary only);
 - 6. First and Second Degree rape;
 - 7. First degree assault;
 - 8. Robbery or robbery with a deadly weapon;
 - 9. First, second, and third degree sex offenses;
 - 10. Firearms violations;
 - 11. Carjacking;
 - 12. Attempted murder;
 - 13. Attempted rape;
 - 14. Attempted robbery; and,
 - 15. Attempted sex offenses in first and second degree.
- C. Juveniles that attend private school, or who are home schooled, or are not attending school will not require such notification.

XVIX. JUVENILE RECORDS

The Records Supervisor is responsible for collection and retention of fingerprints, photographs and other forms of identification associated with juvenile arrests, and is responsible for ensuring the total separation of adult and juvenile arrest records.

- A. Dissemination of juvenile information will be handled by the Records Section on a need to know basis, through use of the Juvenile Dissemination Log.
- B. The Records Supervisor is responsible for any court ordered expungement of juvenile records, and will use the Expungement of Records Form. As needed, juvenile records will be reviewed and purged in accordance with the Retention Schedule.

XX. COMMUNITY POLICING PROGRAMS (CALEA 44.2.4)

- I. The School Resource Officers (SROs) and Community Services Officers will be responsible for conveying the Department's genuine interest in area youth by the use of their respective programs. All schools in the City should be visited at regular basis. Community Policing programs will enable officers to accomplish the following goals:
 - 1. Provide individual counseling and/or mentoring to students; (CALEA 44.2.4.c)
 - 2. Explain the law enforcement role in society to students; (CALEA 44.2.4.d)
 - 3. Provide guidance to students on the ethical issues in a classroom setting; and (CALEA 44.2.4.b)
 - 4. Act as a resource with respect to delinquency prevention. (CALEA 44.2.4.a)
- J. The SRO Supervisor will annually review and evaluate all enforcement and prevention programs relating to juveniles, and will make written recommendations to the Chief of Police who will decide whether each specific enforcement or prevention program should continue as is, be modified or, if appropriate, discontinued. (CALEA 44.1.3)
- K. Also see General Order 604 School Resource Officer

XXI. REVIEW OF AGENCY'S POLICY

The Department encourages review and comment by other elements of the juvenile justice system in the development of the Department's policies and procedures relating to juveniles. Input may be sought from the Maryland Department of Juvenile Services or the Office of the State's Attorney for Prince George's County. (CALEA 44.1.2)

XXII. RECREATIONAL YOUTH PROGRAMS

The Bowie Police Department and Department employees are encouraged to participate in and/or organize community recreation youth programs. (CALEA 44.2.5)

ADDENDUM A

JUVENILES CHARGED AS ADULTS

- A. Juveniles may be charged as an adult if he/she is 14 years of age or older and charged with any offenses for which the prescribed maximum penalty is either death or life imprisonment to include:
1. First Degree Murder;
 2. First Degree Rape;
 3. First Degree Sexual Offense; and,
 4. Attempts of any of these crimes.
- B. A juvenile may be charged as an adult if he/she is 16 years of age or older and charged with:
1. Abduction;
 2. Kidnapping;
 3. Second Degree Murder;
 4. Manslaughter, except involuntary;
 5. Second degree rape;
 6. Robbery under 3-404 of the Criminal Law Article;
 7. Second degree sexual offense under 3-306(a)(1) of the Criminal Law Article;
 8. Third degree sexual offense under 3-307(a)(1) of the Criminal Law Article;
 9. A crime in violation of Article 27-445, 27-446, or 27-481C (firearms violations);
 10. Using, wearing, carrying or transporting a firearm during and in relation to a drug trafficking crime under 5-621 of the Criminal Law Article;
 11. Using a firearm under 5-622 of the Criminal Law Article;
 12. Carjacking or armed carjacking under 3-405 of the Criminal Law Article;
 13. Assault in the first degree under 3-202 of the Criminal Law Article;
 14. Attempted murder in the second degree under 2-206 of the Criminal Law Article;
 15. Attempted rape in the second degree under 3-310 of the Criminal Law Article or attempted sexual offense in the second degree under 3-312 of the Criminal Law Article;
 16. Attempted robbery under 3-403 of the Criminal Law Article;
 17. A violation of 4-203, 4-204, 4-404, or 4-405 (firearms violations); or,
 18. A non-jailable motor vehicle offense or a non-jailable offense relating to the operation of a boat.