

# TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



<b>TITLE:</b> JUVENILES	<b>NUMBER:</b> 804
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**I. Purpose:**

To establish guidelines and procedures for handling all juvenile interactions.

**II. Policy:**

The Department is committed to the development and continuance of programs to control and prevent juvenile delinquency; adhering to guidelines provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), US Department of Justice, and the Maryland Department of Juvenile Services (DJS); and the shared responsibility of all members and components of the Department to participate in and support these efforts.

**III. Background:**

A juvenile/child is any person under the age of 18 (whether under Juvenile or Criminal Court jurisdiction) or a person between the ages of 18 and 21 who is still under Juvenile Court jurisdiction. Juvenile offenders and non-offenders are accorded special legal status in the State of Maryland. In keeping with the doctrine of *parens patriae*, i.e., that the state plays the role of parent to the child rather than adversary, it is incumbent on law enforcement agencies to seek the least forceful alternative when disposing of cases involving juveniles. The alternatives include: release of the offender with a warning and no further action taken; disposal of the case by the department; diversion of the offender to any number of social service agencies; referring the youth to juvenile court (intake); and charging the juvenile as an adult whereby the case will be adjudicated in adult court. Generally, officers will interact with two types of juvenile offenders or delinquents: status offenders/non-offenders; and criminal offenders.

**IV. Taking a Child into Custody**

A. There is now a legal requirement that when a child is taken into custody, that a parent, guardian, or custodian be immediately notified or cause to be notified in a manner reasonably calculated to give actual notice of the action. Notice shall include:

1. The location of the child

2. Provide the reason the child was taken into custody, and
3. Instructions for the parent, guardian, or custodian on how to make immediate in-person contact with the child

B. After making every reasonable effort to notify a parent, guardian, or custodian, the officer shall with all reasonable speed:

1. Release the child to the parent, guardian, or custodian upon their written signature to bring the child to the court when requested
2. Deliver the child to the court or place of detention or
- 3 Shelter if required

#### **V. Status Offenders and Non-Offenders:**

A. Status Offenders: A status offense is defined as an offense committed by a juvenile that would not be criminal if committed by an adult. It is an illegal act based solely on the age of the offender. Thus, a status offender is a juvenile who has been accused of, or adjudicated for, an offense for which adults cannot be charged. Examples of status offenses include:

1. Child in need of supervision (CINS), which under the Courts and Judicial Proceedings Article § 3-801 is defined as a child who requires guidance, treatment, or rehabilitation and: (a) is required by law to attend school and is habitually truant; (b) is habitually disobedient, ungovernable, and beyond control of the person having custody of him/her; (c) deports himself/herself so as to injure self or others; or (d) has committed an offense applicable only to children.

2. Runaway

3. Truancy

4. Violations of anti-loitering ordinances

5. Curfew violations (if applicable only to juveniles)

6. Underage drinking

7. Possession of alcohol by a minor

8. Possession of tobacco by a minor

**B. Non-Offenders: A child in need of assistance (CINA) is considered a non-offender juvenile. Under the Courts and Judicial Proceedings Article § 3-801, a CINA is defined**

as a child who requires the assistance of the court because:

1. The child is mentally handicapped or is not receiving ordinary and proper care and attention; and
2. The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's problems; provided, however, that a child shall not be deemed to be in need of assistance for the sole reason that the child is being furnished non-medical remedial care and treatment recognized by state law.

## VI. Criminal Offenders:

Generally, the laws of arrest for criminal violations also apply to juveniles. However, referring alleged juvenile offenders for formal legal proceedings should be restricted to cases involving serious misconduct or repeated criminal violations. When handling juvenile criminal offenders, officers should take into consideration the nature of the offense, the age and circumstances of the offender, and the offender's prior record. Except as provided, a child under 13 may not be charged with a crime, unless it is an offense that if committed by an adult, would be a serious crime of violence. (See section 05, paragraph C, section 4).

A. In general, delinquent acts not requiring referral include misdemeanors.

B. In general, delinquent acts committed by a child 13 and older requiring referral include:

1. Delinquent acts which, if committed by an adult, would be felonies.
2. Delinquent acts involving weapons,
3. Serious gang-related delinquent acts,
4. Delinquent acts committed by juveniles on probation or parole, or by those with a case pending,
5. Violation of a peace order,
6. Repeated delinquent acts within the previous 12 months.
7. Incidents involving monetary loss to a victim of more than \$50, such as property damage, in order to obtain restitution.

C. A juvenile will be charged as an adult for adjudication of the charges in adult criminal

court under the following circumstances:

**1.** A juvenile who is 14 years of age or older and charged with any offense for which the prescribed maximum penalty is either death or life imprisonment, to include:

- \* First Degree Murder
- \* First Degree Rape
- \* First Degree Sexual Offense
- \* Dynamiting Public Property
- \* Attempts of any of the above crimes
- \* Any conspiracies of the above crimes

**2.** A juvenile who is 16 years of age or older and charged with:

- \* Abduction,
- \* Kidnaping
- \* Second Degree Murder,
- \* Manslaughter, except involuntary,
- \* Second Degree Rape,
- \* Robbery with Deadly Weapon,
- \* Second Degree Sexual Offense (if force or threat of force is used),
- \* Third Degree Sexual Offense
- \* Assault - 1<sup>st</sup> Degree,
- \* Attempted Murder - 2<sup>nd</sup> Degree,
- \* Attempted Rape
- \* Attempted Sex Offense - 2<sup>nd</sup> Degree,
- \* Attempted Robbery Deadly Weapon,
- \* Possession, Transportation or Use of Handgun in Commission of a Crime of Violence,
- \* Firearms and Drug Trafficking,
- \* Use of Machine Gun,
- \* Possession, Sale, Transfer of Pistol, Revolver if Convicted of a Crime of Violence,
- \* Use of a firearm in violation of Maryland Code, Criminal Law Article, §5-622.
- \* Carjacking or Armed Carjacking
- \* Sale/Transfer of Stolen Pistol,
- \* Unregistered Short-Barreled Shotgun,
- \* Non-jailable traffic and boating offenses.

**3.** When a juvenile is charged as an adult, all reporting normally done for an adult arrest will be completed.

**4.** An exception is a child who is 10-years-old or older committing a crime of violence, as defined in §14-101 of the Criminal Law Article.

**VII. Informal Processing:**

**A.** Whenever possible, juvenile status offender, non-offender and misdemeanor cases will be handled on an informal basis. Officers may utilize several methods to handle a case involving a juvenile on an informal basis, e.g.:

1. The juvenile may be released with a warning and no further action taken;
2. The juvenile may be transported to his/her residence or school and released with notification to the parent(s), guardian or authority; or
3. The juvenile may be issued a juvenile citation and transported to his/her home or school or have a parent or guardian pick up the juvenile.
4. The officer may verbally counsel the juvenile on the scene of an incident prior to release. Whenever possible, the parents/guardian should be notified.
5. The officer may take the juvenile into temporary protective custody and transport him/her to the station to await pickup by a parent or guardian. When taken into temporary protective custody, a juvenile who is a status offender, non-offender or civil type offender and/or who will NOT be the subject of detention proceedings will be continuously supervised by at least one officer in the first-floor interview room adjacent to the public lobby/reception area. In such cases of temporary protective custody, wherein no criminal charges are made, the officer will note release information in the Incident Report and Custody Log. (**Note:** Taking a juvenile into such temporary protective custody is not an arrest and does not constitute a police record.)

**B.** In all cases of informal handling, the officer should endeavor to make use of related youth services whenever possible. A list of agencies and organizations that assist youth is maintained by the CID Supervisor.

**C.** In all cases of informal handling, the officer should at least submit and issue a Warning/Field Investigative Report to record action taken.

**D.** Absent exigent circumstances, informal handling of a juvenile offender precludes handcuffing or other physical restraints, fingerprinting, photographing and/or holding in the temporary detention facility.

**VIII. Formal Processing:**

**A.** Referring alleged juvenile offenders for formal legal proceedings should be restricted to cases involving serious misconduct or repeated criminal violations, as specified in Section 05

Formal processing includes taking the juvenile into secure custody, and interviewing/interrogating, fingerprinting and photographing the juvenile, preferably by two officers, in the second-floor interview room and temporary detention facility. Any necessary temporary detention and or use of restraints will be accomplished in that facility also.

**B.** Status offender 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.

**C.** 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 Crime Reports must contain enough probable cause information for all offenses for which charges are requested.

**D.** Whenever a juvenile is taken into custody, all department procedures will be followed in referring him/her to the juvenile justice system. If a recommended formal hearing is denied by Juvenile Justice System, and the department is made aware of the denial, the officer may request the State’s Attorney’s Office to review the denial.

**E.** Juveniles taken into custody and charged as adults for crimes specified in Section 05 C will be processed and/or temporarily detained in the second floor Prisoner Processing Area and temporary detention facility in accordance with General Order **616 - Prisoners**.

**IX. Diversion:**

Effective June 17, 2013, the TPPD began to take part in a Montgomery County pre-trial diversion program for first time juvenile offenders charged with certain non-violent misdemeanor crimes. The Montgomery County Diversion Program is offered through the Montgomery County Police Department, Montgomery County State’s Attorney’s Office, and the Montgomery County Department of Health & Human Services (HHS) to first time juvenile offenders provided he/she admits involvement in the offense.

**A.** To facilitate the Department’s participation in the program, the Records Clerk will forward copies of **all** juvenile arrest reports directly to the MCPD Family Crimes Division, Juvenile Offender Diversion Program, Attn: Screening Unit.

**B.** The most frequent offenses for which juveniles may be offered voluntary diversion include Possession of CDS, Possession of Alcohol/Furnishing Alcohol, Theft (including shoplifting), Possession of a Weapon (most frequently at school), Trespass, Vandalism, and Assault.

**C.** All juveniles with eligible offenses who agree to participate in diversion will first meet with a Screening and Assessment Services for Children and Adolescents (SASCA) program

counselor for a free substance abuse/mental health screening. The juvenile must agree to comply with any substance abuse/mental health program assigned by SASCA and also participate in the Urine Monitoring Program.

**D.** Participating juveniles also agree to have their case heard before a peer jury of Teen Court student volunteers in a real court setting. The judges, which include Circuit, District, and Special Appeals judges, volunteer their time and are present to answer legal questions and set the tone for the courtroom.

**E.** Using Teen Court disposition guidelines, the jury decides the appropriate disposition, which includes mandatory community service hours for all respondents, appropriate educational programs, and may also include essays, apology letters, or Teen Court jury duties. If the juvenile offender (respondent) completes the assigned disposition within 60 days, the original charge is dismissed and will not appear in the juvenile's record provided the juvenile also complied with the SASCA program requirement.

**X. Juvenile Processing Requirements:**

**A.** The circumstances requiring and procedures for processing a juvenile are essentially the same as for an adult; however, fingerprinting and photographing generally shall not be accomplished in the following instances:

1. The juvenile is a status offender;
2. The mental maturity of the juvenile is such that processing would be inappropriate and supervisory approval has been granted to not process him/her; or
3. The juvenile has committed a traffic offense.

**B.** Supervisors may grant exceptions to the forgoing criteria for good cause. Such circumstances include, but are not limited to:

1. The juvenile is a suspect for significant felony violation(s);
2. The juvenile is involved in multiple crimes;
3. The juvenile's fingerprints and/or photograph may contribute to solving a case or would otherwise serve a legitimate law enforcement purpose.

**C.** If it is deemed appropriate to fingerprint and/or photograph a detained juvenile who is not being referred for intake, such action will be accomplished by two officers in the lobby interview room. (Note: The fingerprint stand in the public lobby can be moved temporarily into the interview room and an officer's digital camera can be used to facilitate the processing.)

**XI. Custody Requirements:**

**A.** A Custody Log (TPPD Form 600-106) will be completed for any juvenile brought into the police station in the custody of a departmental officer. This requirement applies whether or not an arrest is made and includes those juvenile detainees involuntarily held in either secure or non-secure custody.

**B.** As soon as practical, officers will notify parents/guardians whenever a juvenile is taken into custody for reasons other than protective custody. Officers will inform them of the circumstances and arrange for them to resume custody of the juvenile. Further, officers will explain departmental and juvenile justice system procedures to the juvenile and his/her parent or guardian.

**C.** Determine whether the juvenile is alleged to have been harmed or to be in danger of harm.

**D.** Advise the juvenile taken into custody of his/her constitutional rights, via Miranda, before questioning the juvenile about the event ([see section 11 on Interviewing/Interrogation](#)). The rights should be fully explained, not simply read aloud. Officers will ensure the constitutional rights of juveniles are protected.

**E.** Without delay process a juvenile and transport him/her to a juvenile intake facility (refer to Sections 11 & 12), or release him/her to a parent/guardian. **Note:** Federal regulations under the Juvenile Justice and Delinquency Prevention Act of 1974 as amended, mandates that accused and adjudicated delinquent juvenile offenders not be held securely longer than 6 hours. In the event that a juvenile being held in secure custody approaches the 6-hour limit, the arresting or responsible officer shall notify the working shift supervisor. The supervisor should ensure that all reasonable steps have been taken to either transport the juvenile to an appropriate intake facility, or to turn the juvenile over to a parent or guardian. If these steps have been taken, then consideration should be given to removing the juvenile from secure holding custody and handling the juvenile from that point onwards as if he/she were a status offender (i.e., having them wait in a non-secure room such as the roll call room, the lobby interview room, etc., under direct supervision of the officer, or transporting the juvenile to his/her place of residence to be released to a parent/guardian.) In the event that no reasonable alternative can be arranged and continued detention for longer than the 6-hour period is deemed necessary, then the reason should be reported via memorandum to the Chief of Police through the chain of command.

**F.** Take the juvenile into custody with the least possible embarrassment to the juvenile and his or her family.

**G.** Follow guidelines in General Order **802 - Child Abuse** in cases where a juvenile may be



taken into custody because of suspected harm or danger of harm.

**H.** If juveniles are required to be held at the same time as adult offenders, their holding areas will be separated by sight and sound. Juveniles shall not be processed in the presence of adult offenders.

**I.** Communications Dispatchers will provide officers with a juvenile suspect's current or new juvenile identification number, maintained in Communications Dispatch Juvenile Arrest Log.

**XII. Interviewing and Interrogation:**

- A.** A Law enforcement officer may not conduct a custodial interrogation of a child until:
1. The child has consulted with an attorney who is retained by the parent, guardian, or custodian, or
  2. Provided by the Office of the Public Defender if the parents, guardian, or custodian can not be reached after all reasonable efforts
  3. A consultation with an attorney
    - a. Shall be conducted in a manner consistent with Maryland Rules of Professional conduct and be confidential, and
    - b. May be in person, video conference, or by telephone
  4. The requirement of consultation with an attorney may not be waived and apply whether the child is process as a child or an adult.
  5. A Law Enforcement agency conducting an interrogation of a child shall maintain:
    - a. A record of the notification or attempts to notify a parent, guardian or custodian
    - b. A signed statement by the officer that notice was given to the parent, guardian, or custodian or that attempts were made that were unsuccessful
    - c. The person notified
    - d. The method of notification or attempts
  6. Exception
    - a. The Law Enforcement Officer reasonably believes that the information sought is necessary to protect against the threat to public safety.
    - b. The questions posed to the child by the officer are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat to public safety.
    - c. Unless it is impossible, impractical, or unsafe to do so, an interrogation under this exception shall be recorded.
  7. An agency that has adopted the use of Body-worn Camera digital recording devices for law enforcement officers, the interrogation of a child may be recorded using a body-worn digital recording device in a manner consistent with departmental policy.
- 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 his/her 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 of rights may be valid:

- \* Age of the accused
- \* Education
- \* Knowledge as to the substance of the charge (if any), and the nature of his/her rights to consult with an attorney and remain silent
- \* Whether the juvenile is permitted to consult with friends, relatives or his attorney, etc.
- \* If charges are 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)
- \* Methods of interrogation used
- \* Length of interrogation
- \* Whether the accused refused to voluntarily give statements on prior occasions, and
- \* Whether the juvenile had ever disavowed an out of court statement at a later date.

**D.** Under no circumstances should a child be compelled to answer any questions either by physical force or psychological pressure or deception. The interview should be conducted by one officer so as not to intimidate the juvenile. The interview time should not be any longer than is absolutely necessary to complete the investigation. Interrogations will be in full accordance with General Order **603 - Statements and Confessions**. Because a juvenile may not understand what is happening during the interview process, an officer should explain what can be expected, and how the court system works.

**E.** The officer’s report will note whether and to what extent the parent/guardian was conferred with, what officers were present during questioning, and what explanation of the juvenile justice system was offered.

### **XIII. Release to Parent/Guardian/Custodian:**

**A.** Juveniles under custodial arrest will not be released on their own recognize. Juveniles will be released to a parent/guardian on a timely basis and upon the written promise of the parent/guardian to bring the child before the court when requested by the court. Officers will obtain a completed juvenile release form (TPPD 800-004) with the signature of the parent/guardian to whom the juvenile is released. A copy of the release form will be provided to the parent/guardian and the original will be attached to the report. The arresting officer will explain to the parent/guardian and the involved juvenile the circumstances of the offense for which the juvenile is being charged and the juvenile justice process.

**B.** If the juvenile's parent/guardian cannot be located, the arresting officer should contact DJS for disposition authorization. If the juvenile has committed any of the offenses listed in Section 13 A 2 a and b, the officer will seek to detain the juvenile and coordinate the detention through DJS. DJS personnel and Juvenile Court judges are the only persons empowered to authorize the placement of a juvenile in a detention or shelter facility.

**C.** If DJS authorizes the release of a juvenile to someone other than the parent/guardian; officers will list the name of the DJS worker authorizing the release in the report. The full names of the parent/guardian and the person to whom the juvenile is released are required in the report.

**D.** Officers will request verification of identity prior to releasing a juvenile into the custody of a parent/guardian/relative. Absent sufficient identity verification, the release will be coordinated with DJS.

#### **XIV. Detention Process:**

**A.** Requirements - Officers will initiate juvenile detention proceedings:

1. When juveniles cannot be released to a parent or guardian, or
2. When juveniles are arrested for any of the following offenses:
  - a. Abduction, Arson, Burglary, Escape, Kidnaping, Manslaughter, Mayhem, Murder, Rape, Robbery, Sexual Offense in the 1st Degree, Sodomy,
  - b. Attempts with intent to commit any other offense punishable by more than one year,
  - c. And any offense that, in the officer's opinion, is serious in nature.

**B.** Exceptions & Options:

1. The only exceptions to this detention procedure will be when a juvenile is charged as an adult.
2. Alleged "out of control" or chronic runaway juveniles who are in the home, shall not be removed at the request of the parent/guardian until and unless the DJS on call intake worker authorizes detention.

**C.** Contact DJS:

1. Between 0800 - 1700 hours: The arresting officer will contact the on-duty DJS intake worker at Juvenile Court to advise him/her of the circumstances, and the need

for detention. Whether the juvenile is actually detained depends on the particular circumstances of the case and the availability of juvenile facilities.

2. Between 1700 - 0800 hours: The officer will contact the on-duty Montgomery County Police Communications supervisor and request the on-call DJS intake worker to contact the arresting officer at his/her location. In all cases, the DJS intake officer will respond to conduct an interview with the juvenile. The officer will provide all pertinent information to DJS, including any injuries sustained by the juvenile and any indication of drug or alcohol use.

**D. Detention Authorized:**

1. If detention is authorized, the DJS intake worker will provide the “Authorization for Emergency Detention or Shelter Care” form and will advise which facility will house the juvenile. The DJS worker will notify the facility of impending police arrival.

2. The officer will complete the arrest report and crime report. The officer shall also complete a TPPD Form 800-01 form, which is an oath form to be attached to the copy of the arrest report and crime report disseminated as described below.

3. The officer will ensure that a copy of all reports are faxed to DJS before the start of the next working day.

4. The juvenile will be transported without delay to the authorized facility. The officer will take the “Authorization for Emergency Detention or Shelter Care Form” obtained from the DJS intake worker and provide it to a facility representative. The facility will not accept the juvenile without the authorization form.

**E. Detention Denied by DJS:**

If the DJS intake worker elects not to place the juvenile in detention or shelter care and, in the officer’s discretion, the juvenile could be returned to his/her home, the officer will so advise the parents/guardians. Parents must accept custody of their children and have no legal right to refuse custody. When the parents refuse to accept custody:

1. Advise parents that refusal to accept custody may result in charges against them;
2. Release the child in a manner deemed reasonable by the officer’s supervisor, which may include options detailed in following Section F;
3. In the police report, provide the name of DJS worker who did not place the juvenile; and

4. Inform parents of the child's placement and location.

**F. Other Options When Detention is Denied:**

1. The officer may contact the State's Attorney's Office and request that Office to intercede.
2. The officer may contact Child Protective Services for referral to other options, which may include:
  - a. Open Door: A privately run organization that will take in runaways overnight if necessary. Juveniles under the influence of alcohol or drugs will not be accepted.
  - b. Operation Runaway: A free community outreach program helping adolescents and their families during and after a runaway crisis. If an officer locates a juvenile away from home, the officer will notify the parents and inquire if they want to have their child taken to Operation Runaway for counseling. If the parents agree, the officer will inform the parents to respond to Operation Runaway to meet with the officer who will transport the child to the facility. The officer should notify the facility that they are enroute. Once the officer meets with the parents at the facility and talks to a representative, the officer can return to service. The staff will not counsel juveniles without their parents present. They will speak with juveniles under the influence of drugs or alcohol, but not violent or incoherent individuals.

**XV. Restitution:**

Restitution is handled by the DJS or the Courts. If restitution is requested by the victim, it should be indicated on the report. Inquiries by the victim should be referred to the Victim Services unit of the DJS or the Juvenile Division of the State's Attorney's Office.

**XVI. Citations:**

**A. Alcohol and Tobacco Offenses:** For alcohol- or tobacco- related offenses, citations may be used in lieu of taking the juvenile into custody. An officer will utilize the Maryland Uniform Juvenile Civil Citation (DC31) for such offenses. Refer to General Order **801** for guidelines.

**B. Traffic Offenses:**

1. If a juvenile between the ages of 16 and 18 (i.e., those 16 and 17 years old) commits a non-jailable traffic offense, the officer shall issue a Maryland State Citation.
2. A juvenile under the age of 18, (those 16 and 17 years old) may not be issued a citation for violations of the Transportation Article or traffic law or ordinance that prescribes a penalty of incarceration (arrestable offenses such as driving while suspended or driving under the influence).
3. A juvenile under the age of 16 may not be issued any citation for violations of any

provision of the Transportation Article or other traffic law or ordinance.

4. The District Court does not have jurisdiction over juveniles in the above age categories for those violations. Thus, if a citation is issued in error to juveniles in those age categories for such offenses, Administrative Services should list the citation on the Transmittal indicating “Void-Juvenile” and send it to the Traffic Processing Center for ticket accountability purposes only.

5. When, under these guidelines, the juvenile may not be issued a citation, the officer may take the juvenile into custody and submit an arrest report, clearly marked “juvenile”.

6. Licensed drivers under 21 years of age are restricted from driving with any alcohol in their blood, measurable at 0.02. The juvenile motorist may also be charged for driving in violation of a restricted license requirement.

7. If a juvenile to be charged with multiple violations arising from a single event and one of those charges requires that the juvenile be charged on an arrest petition, all charges including traffic violations, will be referred to juvenile services for hearing or petition.

**XVII. Student Safety and Support Act of 1995; Safe Schools Act of 2010:** These laws establish reporting responsibilities for all Maryland law enforcement agencies.

A. The latter Act requires law enforcement agencies to contact the public-school superintendent, principal, and security officer (SRO) within 24 hours, or as soon as practicable, whenever a student under the age of eighteen (18) is arrested and charged with certain offenses. This required action will inform public school systems about students that commit particular crimes that could impact their status as a public-school student.

B. The reporting process requires officers to include particular information in their report and to initiate the notification process. The following offenses will require notification:

- \* Abduction,
- \* Arson in the first degree,
- \* Kidnaping,
- \* First and second-degree murder,
- \* Manslaughter (voluntary only),
- \* First Degree Assault,
- \* First and second-degree rape,
- \* Robbery or robbery with a dangerous/deadly weapon,
- \* First and second-degree sex offenses,
- \* Crimes in violation of Maryland Code, Criminal Law Article, §§ 4-101, 4-102, 4-

202 to 4-205, 4-404 and 4-405; Public Safety Article, §§5-101, 5-133, 5-134, 5-138 and 5-201 to 5-203,

- \* Drug related firearms violations contained in Maryland Code, Criminal Law Article, §5-621,
- \* Use of a firearm in violation of Maryland Code, Criminal Law Article, §5-622,
- \* Carjacking or Armed Carjacking,
- \* Drug Crimes in violation of Maryland Code, Criminal Law Article, §§5-602 to 5-609, 5-612 to 5-614, 5-617, 5-627 and 5-628,
- \* Pipe Bombs (Maryland Code, Criminal Law Article, §4-503),
- \* False Statement as to bomb (Maryland Code, Criminal Law Article, §9-504),
- \* Representations of explosives (Maryland Code, Criminal Law Article, §9-505),
- \* Assault w/ intent to murder,
- \* Assault w/ intent to rape,
- \* Assault w/ intent to rob,
- \* Assault w/ intent to commit a sexual offense in the first or second degree, and
- \* Use of a handgun in the commission of a felony or other crime of violence,
- \* An attempt to commit any of the aforesaid offenses.

**C.** When an officer charges an individual with one or more of these crimes, the following will occur:

- 1.** Obtain from the individual the name of the school that he/she attends, and the appropriate school district (i.e., county/city), and verify school information with parent or guardian whenever possible.
- 2.** Note this information in the Incident Report.
- 3.** The arresting officer will notify, or cause to be notified, the superintendent's office in the appropriate Maryland jurisdiction. In Montgomery County, the initial point of contact is Robert Hellmuth, Director, Department of School Safety and Security, Office of the Chief Operating Officer, Tel 240-740-3066, Fax 301-279-3192, email, Edward\_A\_Clarke@mcpsmd.org who can provide further notification guidance. Notification may be made via phone, Fax, or email.
- 4.** If the Juvenile attends a private school, notification will be made to the principal of the school and/or its security officer. Juveniles not attending school will not require such notification, but ensure that this circumstance is noted in the Incident Report.

**XVIII.. Information Sharing Pursuant to MOUs:** In addition to the statutory requirements, there are reporting requirements for offenses involving juveniles specified in departmental MOUs with the Montgomery County Public Schools (MCPS) and the Montgomery County Office of Human Rights (MCOHR).

**A.** Officers will notify the MCPS as soon as practicable of any serious incident involving MCPS schools, facilities, students, or staff that can reasonably believe will impact MCPS operations in order for appropriate measures to be undertaken by MCPS to address the impact. Examples include, but are not limited to:

- \* Death of a student and/or staff member
- \* Serious or life-threatening injury to a student and/or staff member
- \* Hostage-barricade, criminal suspect at large, or hazardous materials incident that may affect students and/or staff
- \* Child abuse or neglect, including sex offenses
- \* Gang related incident/crime
- \* After-hours property damage to an MCPS facility, school, bus, or other vehicle

During normal business hours, notice will be provided to the MCPS Department of School Safety and Security at 301-279-3066. At all other times, notification will be given to the Electronic Detection Section, the MCPS 24-hour communication center, at 301-279-3232.

**B.** After verifying that a juvenile offense occurred that was directed toward racial, religious or ethnic (RRE) groups/individuals, or groups/individuals with sexual orientation or handicaps, the reporting officer shall notify the MCOHR at telephone no. 240-777- 8450/fax no. 240-777-8460 within 24 hours or one business day. In the event an RRE incident occurs on Montgomery County Public Schools (MCPS) property, or at a MCPS sponsored event, or in surrounding communities that involve MCPS faculty, students, or staff, the following additional county entities are to be notified within 24 hours or one business day by fax, confidential e-mail or telephone as appropriate: MCPS; Montgomery County Police Department; Maryland National Capital Police - Montgomery County Division; Rockville City Police Department; and Gaithersburg City Police Department.

Notifications are to include: the type of property where the incident occurred (e.g., MCPS school, MCPS-sponsored event, county park); the number of people involved (e.g., three perpetrators, two victims); the status of the individuals involved (e.g., faculty, students, or staff); the level of the school involved (e.g., elementary school, middle school, high school); a short plain statement of the incident (e.g., male student verbally harassed lesbian student); the way the incident came to the attention of school staff, if known; and the school's immediate and long-term response, if known.

#### **XIX. Juvenile Warrants/Writs:**

All juvenile warrants/writs are issued by the juvenile court and sent to the Montgomery County Sheriff's Office for service. The warrants/writs are entered into MILES or NCIC by the Sheriff's Office, which also provides a copy to pertinent police jurisdictions. Officers



may obtain wanted checks for juveniles at Sheriff's Office telephone number 240-777-7022.

**XX. Peace Orders for Juvenile Respondents:**

Since January 2001, the Department of Juvenile Justice (DJJ) has been processing requests for "Peace Orders" against juveniles. Unlike adult peace orders, juvenile peace orders are cross over documents that perform the functions of both protective and peace orders from adult court. Officers may counsel citizens/victims that they can go in person to apply for a protective order during business hours at the DJJ office located at 7300 Calhoun Place Suite 500, Rockville, MD 20855. The phone number is 301-610-8500. Officers are reminded that in accordance with Maryland Code, Courts and Judicial Proceedings Article, §3-8A-19.5, "A law enforcement officer shall take into custody a child whom the officer has probable cause to believe is in violation of a peace order at the time of the violation".

Victims of juvenile criminal acts, felonies or misdemeanors, should be made aware of the following DJJ procedures for processing Peace Order complaints:

**A.** A request for a Peace Order may be initiated by a person who alleges that a juvenile has committed one or more of the following acts within 30 days of the filing of the request:

1. An act that causes serious bodily harm.
2. An act that places the complainant in fear of imminent serious bodily harm.
3. Assault in any degree.
4. Rape or sexual offense, as defined in Maryland Code, Criminal Law Article, §§3-303 thru 3-308, or attempted rape or sexual assault in any degree.
5. False imprisonment.
6. Harassment, as described in Maryland Code, Criminal Law Article, §3-803.
7. Stalking, as described in Maryland Code, Criminal Law Article, §3-802.
8. Trespass, as described in Maryland Code, Criminal Law Article, Title 6, Subtitle 4.
9. Malicious destruction of property, as described in Maryland Code, Criminal Law Article, §6-301.

**B.** According to DJJ policy and procedures, Intake Officers may authorize the filing of a Peace Order Complaint, propose an informal adjustment of the complaint, or deny authorization to file a Peace ORDER Complaint. Denial of authorization to file a Peace Order Complaint, when the underlying act is a felony, may be appealed to the State's Attorney, and the Intake Officer must forward all such files to the State's Attorney for review. Denial of authorization to file a peace Order Complaint, when the underlying act is not a felony, may be appealed to the Department of Juvenile Justice Area Director.

**C.** A complainant must personally appear at the DJJ Intake Office and complete a Peace Order Complaint Form, either in his/her own handwriting or with an original signature attached to the complaint.

## **XXI. Juvenile Records:**

**A.** Administrative Services is responsible for storage 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.

**B.** Dissemination of juvenile information for investigative purposes only will be handled by Administrative Services on a need to know basis, through use of the Criminal Dissemination Log.

**C.** Administrative Services is responsible for any court ordered Expungement of juvenile records, and will use the Expungement of Records Form. Periodically, all juvenile records wherein a case is completed and the juvenile has reached the age of 18, will be sealed in accordance with Maryland Code, Courts and Judicial Proceedings Article.

**D.** Administrative Services, Records Section will maintain a log of all juveniles taken into custody for formal processing or informal processing and shall use the log to submit data to the Governor's Office of Crime Control and Prevention, in any manner as prescribed by that office, to demonstrate compliance with provisions of the federal Juvenile Justice and Delinquency Prevention Act.

## **XXII. Juvenile Operations Function:**

**A.** All sworn 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.

**B.** The arresting officer is responsible for maintaining liaison with the Department of Juvenile Services (DJS), and/or the State's Attorney's office with respect to determining legal sufficiency and coordinating court cases.

**C.** CID has the responsibility for investigating all cases of suspected child abuse and those follow-up investigations involving missing juveniles. CID also is the departmental component responsible for providing specialized law enforcement services relative to juvenile offenders and services for the protection of juveniles.

**XXIII. Evaluation:**

The Patrol Operations Commander will ensure that an annual evaluation of juvenile enforcement and prevention programs is conducted, to determine whether a procedure or program should be maintained, modified or discontinued. Recommendations will be made in a memorandum to the Chief. In completing the evaluation, the Patrol Operations Commander will elicit the input of outside agencies, such as the Maryland Department of Juvenile Services and/or the State's Attorney for Montgomery County

**XIV. Recreational Youth Programs:**

The Takoma Park Police Department encourages its employees to participate in and/or organize community youth recreation programs.