

VOLUME II, CHAPTER 33. JUVENILE PROCEDURES

33. JUVENILE PROCEDURES

(December 2005)

I. POLICY

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All components and personnel shall share responsibility for participating in and supporting the Department's juvenile operations function and delinquency prevention efforts. Officers dealing with juvenile offenders shall use the least coercive among reasonable alternatives.

II. CHECKLIST (N/A)

III. DEFINITIONS

Child: A person 17 years of age or younger who has not been emancipated

For purposes of enforcing curfew violations:

A person 16 years of age or under who has not been emancipated

CINA: Child in need of assistance

CINS: Child in need of supervision

Custody: Legal or physical control of an individual in an area or facility or while in transit

Delinquent Offenders: Juveniles who commit violations of criminal law

Juvenile: As used in this directive, a child; the terms are interchangeable

Legal Guardian: Any adult person having temporary or permanent care, custody, or control of a juvenile

Non-Offender: A juvenile who is not charged with any offense, usually a child in

need of assistance or supervision (CINS or CINA)

Operator: Individual or corporation operating a business open to the public

Place Open to the Public: Any privately owned place of business operated for profit to which the public is invited

Public Place: Any place to which the public has access, including, but not limited to streets, shopping centers and parking lots

Secure Custody: When an individual is physically detained or confined in a locked area or cell for the purpose of processing, questioning, or testing

Status Offenders: Any juvenile who has committed an offense for which an adult cannot be charged; examples include runaways, truants, and curfew violators

IV. FORMS

- Arrest Report (PGC Form #3245)
- Arrest Report Supplement (PGC Form #3245A)
- Approval to Use Juvenile as Informant Form (PGC Form #4313)
- Detainee Processing Log Sheet (PGC Form #5097)
- Immediate Apprehension Affidavit of Probable Cause and Statement of Need (PGC Form #3010)
- Juvenile Recognizance Form (PGC Form #2290)
- Maryland Secure Juvenile Holding Log (PGC Form #5077)
- Order for Immediate Apprehension, Writ of Attachment (PGC Form #3009)
- Processing Information Sheet (PGC Form #519)
- Warning/Field Observation/J-2 Report (PGC Form #5088)

V. PROCEDURES

1. Taking a Juvenile Into Custody

(§3-814, Courts and Judicial Proceedings Article)

Children in Need of Assistance (CINA)

A child may be taken into custody:

- ❑ In accordance with an order of the court
- ❑ If an officer has reasonable grounds to believe that the child is in immediate danger and that removal is necessary for that child's protection
- ❑ In accordance with §5-709, Family Law Article, regarding the temporary removal of a child from a home without court approval when an officer accompanies a representative from the County's Department of Social Services (DSS) to a home and the representative believes that the child is in serious, immediate danger

Whenever an officer takes a child into custody in accordance with this section, the officer shall:

- ❑ Immediately notify the child's legal guardian
- ❑ Immediately notify the DSS
- ❑ Maintain custody of the child until the DSS either takes custody of the child or authorizes the child's release
- ❑ Return the child to the legal guardian if the officer determines that it is safe to do so

Children Other Than CINA

Pursuant to the provisions of §3-8A-14, Courts and Judicial Proceedings, an other-than-CINA-child may be taken into custody:

- ❑ Pursuant to an order of the court
- ❑ By a law enforcement officer pursuant to the law of arrest
- ❑ By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe the child is in immediate danger and removal is necessary for that child's protection
- ❑ By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the a legal guardian

If an officer takes a child into custody in accordance with this section, the officer shall:

- ❑ Immediately notify, or cause to be notified, the child's legal guardian
- ❑ Release the child to the a legal guardian, or to any other person designated by the court, upon their written promise to bring the child before the court when requested
- ❑ Deliver the child to the court or place of detention or shelter care designated by the court

2. Arrest & Processing of Juveniles

When arresting a juvenile, the same laws of arrest apply to juveniles as adults. On-view and hot pursuit criteria are also the same regardless of the age of the offender.

Arrestee Transport

Transporting officers shall search juveniles regardless of whether they had been previously searched. When possible, transporting officers will be the same sex as the juvenile. Officers shall not delay transport solely to comply with this

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provision. Supervisors shall balance the propriety of the above against staffing and workload considerations at the time of transport.

Juveniles shall be segregated from public contact. They shall be removed without unnecessary delay from the scene, and transported directly to the appropriate police, detention, or hospital. Officers shall examine their vehicle, both prior to, and following the transportation of juveniles.

Partially or fully disrobed juveniles shall be immediately removed from the public's view and covered before transport. Under no circumstances will disrobed juveniles be transported with the opposite sex.

Officers shall not transport adults with juveniles or male juveniles with female juveniles unless:

- No other transport vehicle is available
- The arrests stem from the same incident

Officers shall transport juvenile status offenders and non-offenders separately from juvenile delinquent offenders and adult arrestees.

Detention & Separation

Officers will ensure that juvenile status offenders and non-offenders are housed in non-secure status offender/non-offender processing areas. The custody officer shall maintain constant supervision of status and non-offenders until their release to a legal guardian, or other authority.

Juvenile delinquent offenders shall be completely separated by sight and sound from adult offenders. Juvenile offenders charged as adults shall be processed and detained as adult offenders.

Male and female detainees shall be separated by sight and sound. The period of time that a detainee may be held without direct, continuous supervision will not exceed two hours.

After taking a juvenile into custody, the arresting officer shall notify the juvenile's legal guardian. If a legal guardian cannot be located, the officer shall make notification to the Department of Juvenile Services (DJS). All notifications shall be documented on the appropriate report.

Accused juvenile offenders shall not be held in secure custody longer than six hours. This time period begins when the juvenile enters a secure facility and ends with the juvenile's release or transfer to another authority. If the six-hour limit is exceeded for any reason, the officer shall notify a supervisor, who shall forward a memorandum, documenting the juvenile's identity and the reason(s) why the time limit was exceeded, to the District Commander. A copy of the Detainee Processing Log Sheet shall be attached to the memorandum.

The arresting officer shall also complete the Maryland Secure Juvenile Holding Log for juveniles placed in secure custody.

3. Charging Juveniles

Officers shall complete an Arrest Report when a juvenile is arrested. An officer will request charges against a juvenile by checking "YES" in the shaded petition block of the Arrest Report in the following instances:

- Felonies
- Delinquent acts that involve weapons, are gang-related, or involve serious assaults

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- ❑ Destruction of Property
- ❑ Thefts

Officers shall also request charges when the juvenile:

- ❑ Is a repeat offender
- ❑ Is on parole or probation
- ❑ Has cases pending

In other instances, officers may seek guidance from their supervisors if they feel that charges are warranted.

The Arrest Report narrative must establish probable cause for each offense for which a charge is requested. An Arrest Report Supplement shall be used as necessary.

Arrestee's Age Undetermined

When the officer cannot establish the arrestee's age, the arrestee shall be processed as an adult. If a juvenile is charged as an adult, and later determined to be a juvenile, the reporting officer will document this on a Continuation Report.

Once the offender's age has been determined, the regional processing facility is responsible for ensuring compliance with the core protections of the Juvenile Justice and Delinquency Prevention Act (JJDP).

Screening Requirements

The Juvenile Section of the Office of the State's Attorney (OSA) screens felony cases, serious misdemeanor cases and minor misdemeanor cases involving multiple offenses.

The arresting officer shall contact the Juvenile Section, OSA within 72 hours of arrest for a screening appointment. The officer must provide copies of all reports

and written statements at the time of screening.

For cases that are not screened, officers must forward a packet containing copies of all reports and written statements to the Victim/Witness Coordinator for the Juvenile Section, OSA, within 72 hours of arrest.

When a juvenile is arrested for multiple crimes involving multiple complainants, the officer must screen the charges with the Juvenile Division of the OSA. All case numbers will be cross-referenced on the Arrest Report.

Identification Numbers

A PGID number shall be assigned to all juveniles for whom an Arrest Report is completed. Officers will initiate a PGID number check through the "Arrest by Name Index System" in the CJIS terminal (PIX3). If the juvenile already has a PGID number, officers shall use that number. If no PGID number has previously been assigned, officers shall obtain a number from the Criminal Records Unit of the Records Section. When the Records Section is closed, officers shall obtain a PGID number from a pre-numbered PGPD juvenile fingerprint card.

If the juvenile is charged as an adult, the officer shall ensure that an adult PGID number is assigned.

Obtaining Arrest Numbers

Arrest numbers are issued for all arrestees charged as adults. They are obtained from the Criminal Records Unit of the Records Section. When the Records Section is closed, officers shall obtain an arrest number from a pre-numbered PGPD fingerprint

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card. Arrestees charged as juveniles are not assigned arrest numbers.

4. Charging Juveniles as Adults

(Criminal Law Article 4-203)

(Criminal Law Article 4-204)

When a juvenile is charged as an adult, the juvenile shall be processed in the same manner as an adult. All charges will be heard in adult court.

Juveniles shall be charged as adults if any one of the following criteria is met:

- ❑ 14 years or older charged with any offense for which the maximum penalty is either death or life imprisonment
- ❑ 16 years or older charged with robbery with a deadly weapon, or attempt thereof
- ❑ 16 years or older charged with wearing, carrying, or transporting a handgun; or, unlawful use of a handgun in commission of a crime

When a juvenile is charged as an adult, the adult block of the Arrest Report will be checked. Shaded juvenile areas of the Arrest Report will be left blank.

In certain circumstances, officers may petition to have a juvenile case waived up to adult court. Officers shall contact the OSA for assistance in these cases, and must appear at all waiver hearings. Juveniles whose cases have been waived to adult court must be charged and taken before the commissioner within 24 hours of the court granting the waiver. A copy of the waiver must be presented to the commissioner.

The core protections of the JJDP continue to apply until a juvenile offender is officially waived to criminal (adult) court, unless the juvenile offender meets the listed criteria.

5. Juvenile Interviews

Juveniles have the same rights as adults regarding statements and confessions. Special efforts will be made to ensure that juveniles understand their rights, as well as PGPD and juvenile justice system procedures.

Custodial interrogations of juveniles shall not exceed six hours, absent exigent circumstances. No more than two officers shall engage in the interrogation of a juvenile. Investigators may confer with a legal guardian to discuss the interview and interrogation process. The conference may be held before, during, or after the interview or interrogation, as considered appropriate by the investigator. ***See: VOLUME II, CHAPTER 17. CRIMINAL INVESTIGATIONS.***

6. Fingerprinting Juveniles

Juveniles charged with criminal offenses shall be printed on the PGPD and State Fingerprint Cards. Juveniles charged as adults will be fingerprinted on PGPD, Maryland State, and FBI cards.

Juveniles charged with status offenses will only be printed on the PGPD Fingerprint Card. This shall only be done to verify identity. Whenever a juvenile is fingerprinted without being charged, the legal guardian will be notified that the fingerprinting does not constitute a criminal record.

Officers shall submit fingerprint cards and the Processing Information Sheet prior to the end of their tour of duty. If the fingerprinting is conducted at a regional processing facility, officers shall submit the fingerprint cards and Processing Information Sheet as soon as they become available.

Officers shall fingerprint juveniles charged with:

- ❑ Any CDS Offense
- ❑ Any Felony
- ❑ Any Sex Offense
- ❑ Auto Theft or attempted Auto Theft
- ❑ Breaking and Entering
- ❑ Concealed Deadly Weapon or Handgun Violations
- ❑ Driving Under the Influence or Driving While Impaired
- ❑ Hit and Run
- ❑ Tampering
- ❑ Unauthorized Use of a Motor Vehicle (UUV)

Juveniles who are charged with criminal offenses not listed above, and juveniles who commit status offenses with a request for charges (petition) being filed, may be fingerprinted at the officer's discretion.

7. Arrest Reports

For juveniles charged with the above listed offenses, the portion of the Arrest Report titled "PETITION" should be marked "YES." The name, address, and telephone number of legal guardians, spouses, relatives, accomplices, associates, complainants, or witnesses must be placed in Box 24. If the witness is a juvenile, the juvenile's legal guardian shall also be summoned. In this case, W/P shall be placed in the code area of Box 24, followed by the legal guardian's name, address, and telephone number.

When an officer completes an Arrest Report but does not request charges, the portion of the Arrest Report titled Petition should be marked "NO."

Restitution For Crimes

DJS and the courts handle restitution. If requested, it should be indicated on the Arrest Report. Inquiries by the complainant should be referred to DJS.

8. Disposition of Juveniles Taken Into Custody

Officers will process the juvenile and without delay:

- ❑ Release the juvenile
- ❑ Deliver the juvenile to a court
- ❑ Deliver the juvenile to a detention or shelter care facility

Prior to the release of any juvenile, a records check shall be done for outstanding writs.

Release of Juvenile

Juveniles shall only be released to a legal guardian. The legal guardian accepting custody must present valid photo identification and must print their name and sign the Arrest Report in Box #28, JUVENILE RELEASED TO. The form of identification presented will be noted on the Arrest Report, and a photocopy attached.

If a legal guardian cannot provide valid photo identification, but is able to establish their identity to the officer's satisfaction, the juvenile may be released. If the officer is not satisfied with the identification, DJS shall be contacted and the procedures detailed in ***Legal Guardian Unable To Be Located*** below shall be followed.

The Juvenile Recognizance Form must be sign by a legal guardian when picking up a juvenile that has been charged with a crime. If a juvenile is not charged with a crime, the

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Juvenile Recognizance Form is not necessary.

Legal guardians that sign a Juvenile Recognizance Form will be given the goldenrod copy. The CCN shall be placed in the upper right corner of the form. The remaining copies of the Juvenile Recognizance Form shall be stapled to the Arrest Report.

Recognizance forms must be sent to Youth and Family Services Division (YFS) along with the arrest report, fingerprint cards, and the Processing Information slip.

Legal Guardian Unable to be Located

If the legal guardian cannot be located, DJS shall be contacted. The officer will deliver the juvenile to DJS at the courthouse in Upper Marlboro on weekdays between 0800-1500 hours. On weekends, State holidays, and between 1500 hours and 0800 hours on weekdays, the officer will telephone DJS night intake worker at the Cheltenham Youth Facility.

Approval for detention will be obtained from the night intake worker before transporting the juvenile. The officer shall print the name of the DJS official who accepted custody of the juvenile in Box #28 of the Arrest Report.

Once a juvenile is placed with DJS, responsibility for locating a legal guardian rests with DJS. Copies of all reports will accompany the juvenile when custody is relinquished.

9. Detention of Juveniles

When seeking detention of a juvenile, the Arrest Report must contain sufficient

probable cause for the arrest. The following statement, endorsed with the officer's signature, will be placed on the reverse side of the canary copy of the Arrest Report:

- "I do affirm under the penalty of perjury and upon personal knowledge that the contents of the attached complaint are true."

This eliminates the necessity to affirm the probable cause statement before a district court commissioner.

Criteria

Juveniles held for detention must meet one of the following criteria:

- Currently on probation for the offense charged
- Non-Maryland resident 12 years of age or older charged with any offense
- Non-Maryland resident under 12 years of age charged with a felony
- Legal guardian refuses custody or cannot be located
- Reasonable belief that the juvenile will leave the court's jurisdiction

10. Charging Juvenile Without Custodial Arrest

If an officer charges a juvenile with a misdemeanor crime and a custodial arrest is not warranted, the officer shall:

- Complete an Incident Report noting, "For more information, see Arrest Report, same CCN," in the suspect section
- Complete an Arrest Report noting, "JUVENILE CHARGES REQUESTED" across the top of the form in bold letters and forward the

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original to YFS along with a copy of the Incident Report

The juvenile need not be contacted. Do not list the names of juvenile suspects.

Recording the names of juvenile victims or witnesses is acceptable.

11. Juvenile Court-Ordered Writ of Attachment

A court-ordered writ must be obtained when:

- ❑ Investigation identifies a juvenile to be the perpetrator of a crime
- ❑ A wanted juvenile has fled the area
- ❑ A legal guardian refuses to surrender a juvenile
- ❑ Removing a juvenile from a temporary detention facility to place additional criminal charges

Obtaining Writ When Court Is In Session

Officers shall:

- ❑ Complete an Incident Report
- ❑ Prepare an Immediate Apprehension Affidavit of Probable Cause and Statement of Need
- ❑ Prepare an Order for Immediate Apprehension, Writ of Attachment
- ❑ Respond to the Department of Juvenile Services' office at the Upper Marlboro Courthouse (0900-1530) with these documents for review and authorization

State law gives DJS authority over cases brought before the Juvenile Court. If authorization for the writ is obtained, the officer shall respond to the OSA. The OSA shall provide the officer with a writ number obtained from the Office of the Clerk for the Circuit Court, Juvenile Division. The officer

shall then take the approved documents to a sitting judge for signature.

Obtaining Writ After Hours (Emergencies)

The following procedures shall be used after hours or when court is closed and obtaining a writ cannot be delayed:

- ❑ Complete an Incident Report
- ❑ Prepare an Immediate Apprehension Affidavit of Probable Cause and Statement of Need
- ❑ Prepare an Order for Immediate Apprehension, Writ of Attachment
- ❑ Contact the on-call intake counselor at the Cheltenham Youth Facility for authorization

If authorized, the intake counselor will contact the on-call Assistant State's Attorney for review and approval, and to obtain a writ number. The intake worker will then contact the duty judge. The officer shall respond to the duty judge's location for signature.

12. Youth Field Report (J-2)

The Warning/Field Observation/J-2 Report is used to:

- ❑ Document juvenile contacts when no arrest is made
- ❑ Document suspected juvenile involvement in unlawful activities when probable cause for an on-scene arrest is lacking
- ❑ Cite juveniles 15 years of age and younger for minor traffic violations such as bicycle or mini-bike offenses
- ❑ Document transport of a juvenile
- ❑ Document juvenile curfew violations ("Curfew Violation") shall be written across the top of the narrative section.

13. Curfew Law

(County Code Sections 14-101 through 14-106.01)

It is unlawful for any juvenile to be or remain in or upon a public place in the County:

- ❑ Between the hours of 2200-0500 hours Sunday through Thursday
- ❑ Between the hours of 2400-0500 on Friday and Saturday nights

When an officer believes a juvenile is violating the curfew law, the officer shall complete a Warning/Field Observation/J-2 Report and order the juvenile to go directly home. Completion of a J-2 is appropriate when:

- ❑ The officer is unaware of prior curfew violations
- ❑ The officer does not have reasonable grounds to believe the juvenile is engaged in delinquent conduct
- ❑ The juvenile's identity is satisfactorily proven to the officer
- ❑ The juvenile is not involved in another act requiring further investigation
- ❑ The juvenile signs the Warning/Field Observation/J-2 Report and receives a copy
- ❑ The juvenile has not caused injury to persons or damage to property
- ❑ The juvenile goes home as directed

The officer shall inform the juvenile that subsequent violations will result in detention at a police facility, and a fine will be assessed against their legal guardian.

If the officer has probable cause to believe the juvenile has not provided a correct name and address, the officer may take the juvenile into custody and charge the juvenile with "Failing to obey the lawful order of a police officer."

Exceptions

When a juvenile is:

- ❑ Legally employed
- ❑ Accompanied by a legal guardian or another adult who is authorized by the legal guardian to supervise the juvenile
- ❑ On an errand as directed by a legal guardian until 0030 hours
- ❑ Returning home by a direct route within one (1) hour of the end of a school or religious activity, or a place of public entertainment such as a movie or sporting event
- ❑ Exercising their First Amendment rights and a letter, signed by the juvenile and a legal guardian, has been received by the appropriate District Commander's designee, which includes the legal guardian's home address and telephone number, and the specific place, time, and purpose the juvenile will be in a public place during curfew hours
- ❑ Married or has been married
- ❑ Engaged in normal interstate travel with legal guardian consent
- ❑ On the property where the juvenile resides (Common areas such as parking lots or play areas of apartment complexes are not considered property where the juvenile resides, unless the area has been specifically posted by the property owner as a juvenile area and adult supervision is evident)

If a juvenile claims an exception to the curfew law, but the officer cannot verify it, the officer shall proceed as though no exception exists.

Offenses During Curfew Hours

Officers contacting juveniles during curfew hours shall establish if the juvenile is violating the curfew law.

Example: An officer responds to a T/A at 0300 hours for a call of a juvenile shoplifter. Upon the officer's arrival, the T/A owner tells the officer that the juvenile is suspected of stealing candy. Although the officer cannot establish probable cause to arrest the juvenile for theft, the officer must still verify the juvenile's curfew status and document the contact.

Legal Guardian Responsibility & Liability

It is unlawful for a legal guardian having custody of a juvenile to knowingly permit, or by negligence allow the juvenile to remain in any public place under circumstances not constituting an exception to the curfew law.

In this section, the term "knowledge," as used above, includes knowledge a legal guardian would reasonably be expected to have concerning the whereabouts of a juvenile. This requirement of the law is intended to hold neglectful legal guardians to a reasonable standard of responsibility. It is no defense that a legal guardian did not know of the activities, conduct, or whereabouts of such juvenile.

The first violation of the curfew law will result in a warning being issued to the juvenile's legal guardian. County Code requires that the Department send letters to the legal guardians of juveniles who have received written curfew violation warnings. A second violation by a juvenile shall be treated as a first offense by the legal guardian, and a citation shall be issued.

DC Form #28 shall be used by officers to charge guardians when:

- ❑ The officer has firsthand knowledge that the juvenile has been detained for a prior curfew violation
- ❑ The juvenile's legal guardians have been warned
- ❑ The legal guardian is immediately available to take custody of the juvenile

When a legal guardian responds to retrieve the juvenile, the custody officer shall issue the DC Form #28, and give the guardian the goldenrod copy. Fines are assessed as follows:

- ❑ First offense, \$50.00
- ❑ Second offense, \$100.00
- ❑ Third and subsequent offenses, \$250.00

Curfew violations are civil offenses for which legal guardians are cited. Juveniles violating the curfew law are regarded as status offenders, and shall not be issued a DC Form #28.

Business Owner or Operator Liability

Business owners or operators may not knowingly permit juveniles to remain at a place open to the public after curfew.

When a juvenile is cited for violation of the curfew law using the Warning/Field Observation/J-2 Report, and the violation involves a business establishment, the officer shall also complete an Incident Report. The officer shall document the circumstances, which led to the belief that the business was in violation of the law. The manager responsible for the business at the time of the offense, as well as the owner or operator of the business, shall be listed in

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the report. The Warning/Field Observation/J-2 Report and a copy of the Incident Report shall be submitted to YFS, who will then charge the owner or operator as appropriate.

Business owners shall be cited on a DC Form #28. The schedule of fines is as follows:

- ❑ First offense, \$100.00
- ❑ Second offense, \$250.00
- ❑ Third and subsequent offenses, \$500.00

An owner or operator is exempted from the above provisions when:

- ❑ The juvenile is advised that they are in violation of the curfew law, and
- ❑ The owner notifies the Department that a juvenile is on the premises refusing to leave

This notification may be made in person or by telephone, and should contain sufficient information to identify the juvenile.

Youth Services Officer

Youth Services Officers (YSO) shall:

- ❑ Warn legal guardians and business owners or operators that violations of the curfew law will result in enforcement, including fines
- ❑ Notify the legal guardians and business owners or operators by mail of curfew violations including whether the infraction is a first, second, third or subsequent violation, and the dates of prior violations
- ❑ Send letters to legal guardians of juveniles who have violated the law more than three times via registered mail, return receipt requested

- ❑ Charge legal guardians and business owners or operators with violations of curfew laws using the Uniform Municipal Infraction/Civil Citation (DC Form #28)

Taking Juveniles Into Custody for Curfew Violations

Officers shall take juveniles into custody and transport them to a police facility when:

- ❑ The officer has knowledge that the juvenile has previously violated the curfew law
- ❑ The officer has knowledge that a juvenile has received a written warning for a curfew violation
- ❑ The officer has reasonable grounds to believe the juvenile has engaged in delinquent conduct

Officers shall handcuff juveniles during transport.

If the juvenile is also charged with a crime, the officer shall complete an Arrest Report.

The officer shall ensure that the juvenile's guardian is notified and instructed to pick up the juvenile within one hour.

Juveniles cited for curfew violations will be released to their legal guardian upon completion of a Juvenile Recognizance Form. The custody officer shall stamp the reverse of the pink and goldenrod copies of the DC Form #28 with a Parental Notification Stamp and give the legal guardian the goldenrod copy.

If the guardian cannot be contacted, or fails to take custody of the juvenile within one hour of notification, the officer shall regard the juvenile as being in need of supervision (CINS). The officer shall notify the

Department of Social Services (DSS) for placement of the juvenile.

Juveniles charged with only a status offense, such as a curfew violation, shall not be held in secure detention.

14. Taking Juveniles Into Custody Without Formal Charges

Juveniles may be taken into custody without formal charges for any violation of the law specifically applicable to children.

Non-offenses are:

- Child in Need of Supervision (CINS)
- Child in Need of Assistance (CINA)

Status offenses are:

- Curfew violations
- Runaways
- Truancy
- Underage possession and/or consumption of tobacco products
- Underage alcohol offenses
- Incurrigibles

In CINA cases (for example, child abuse and neglect), notification shall be made to the DSS. In CINS cases, notification shall be made to the DJS. Officers with questions about these types of cases may contact either DSS or DJS for assistance.

15. Traffic Law Enforcement

Juveniles 16 or 17 years of age shall be charged on a Maryland Uniform Complaint and Citation for all non-jailable traffic offenses. When a juvenile is also charged with criminal or jailable traffic offenses, all charges (to include the non-jailable traffic charges) shall be documented on an Arrest Report.

A juvenile may be given a written warning and released to self-custody when they commit a minor traffic offense and:

- Proves their identity to the satisfaction of the officer
- Is not involved in another act requiring further investigation
- Their actions have not caused injury to persons or damage to property

The juvenile will be given the appropriate copy of the warning; other copies will be forwarded to Records.

Request for Juvenile Traffic Charges

Arrest Reports will be used to charge juveniles 15 years of age or younger with committing serious (*driving without a license*) and jailable traffic offenses.

A Warning/Field Observation/J-2 Report may be used to document minor traffic violations, such as bicycle or mini-bike offenses, for juveniles 15 years of age or younger. The J-2 should contain the specific charge and the youth's signature in the narrative section. The juvenile will be given the appropriate copy; two copies will be forwarded to the Records Section. The Records Section will forward a copy to the DJS for disposition.

16. Confidential Source

Juveniles may only be used as confidential sources with approval of a legal guardian documented on an Approval to Use Juvenile as Informant Form.

No promise of prosecutorial consideration for cooperation is permitted without OSA approval. **See: VOLUME II, CHAPTER 17. CRIMINAL INVESTIGATIONS**

**VI. GOVERNING
LEGISLATION &
REFERENCE**

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.6, 41.2.4, 42.2.3, 42.2.9, 44.1.1, 44.2.1, 44.2.2, 44.2.3, 55.1.3, 61.1.3, 71.1.6, 72.9.1, 72.9.3, 74.2.1, 82.1.1, 82.2.1, 82.3.6

Governing Legislation:

- Juvenile Justice and Delinquency Prevention Act (JJDP)