



ARREST & CUSTODY OF JUVENILES

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I. ARREST OF JUVENILES

Police officers are authorized to temporarily detain juveniles for investigative purposes, to issue citations or criminal charges, and to safeguard them. The laws of arrest that apply to adult offenders also apply to juveniles. Juveniles may also be taken into custody by an order of the Court, if they are in danger from their immediate surroundings, or if they have run away from their parent or legal guardian. When a juvenile is arrested or otherwise taken into police custody, the following requirements will be followed without exception.

A. Constitutional Rights

Juveniles are entitled to all Constitutional rights afforded adults. Officers will fully respect a juvenile's Constitutional rights.

B. Transportation

Officers who arrest juveniles will bring the juveniles to the district station holding facility or the juvenile component without delay (unless a juvenile is in need of emergency medical treatment). All precautions and procedures relating to prisoner transportation will be followed.

C. Parental Notification

The arresting officer will notify the parents or guardians of the juvenile of the fact that he or she has been taken into custody as soon as possible upon arrival at the police facility, and will provide directions to the police facility upon request. If the juvenile's parent or guardian cannot be reached and a relative or other caretaker will not take custody, the Department of Juvenile Services (DJS) will be notified by the arresting officer or booking officer immediately. This pertains to delinquent offenders, non-offenders, and status offenders.

II. CUSTODIAL INTERROGATION

A. Juveniles have the same rights as adults regarding statements and confessions. Special efforts will be made to ensure that the juvenile understands these rights, as well as department and juvenile justice system procedures.

B. Officers will have a parent present when a juvenile under fifteen (15) years of age is to be questioned and advised of his/her rights. For juveniles age 15 and over, investigators will confer with the parent or guardian to explain the interrogation process.

C. Juvenile interrogations/interviews will be conducted in the same general manner as adult interrogations/interviews. The duration of the interrogation will be limited as appropriate to the juvenile's age and the nature of the alleged offense, but will not exceed two hours without a break being offered. The number of officers engaged in the interrogation will not exceed two at any given time.

Investigators will confer with parents or guardians to discuss the interrogation process, the circumstances of the case, and the legal status of the juvenile. The conference may be held before, during or after the interrogation as considered appropriate by the investigator.

III. TEMPORARY DETENTION OF JUVENILES

Anytime a member of the department arrests or otherwise temporarily detains a juvenile, the following procedures will be followed:

A. Separation from Adult Offenders

Federal and state laws prohibit the placement of juveniles with adult offenders in any type of holding cell or room. When a juvenile is detained and transported to a district station for any reason, the juvenile will be separated by sight and sound from adult offenders. Contact of any nature between juvenile and adult offenders, either in the police vehicle or station house, must not occur.

B. Delinquent Offenders

A juvenile charged with a criminal offense may be placed in a designated detention cell/room, but may not be held in any area where sight and sound separation from adult offenders cannot be maintained.

C. Status Offenders & Non-Offenders

If at all possible, do not transport a status offender to the district station. Status offenders and non-offenders will not be placed in *secure custody* for any reason. Under no circumstances will the status offender be seated in the holding facility or booking area. Juveniles charged with alcohol abuse or tobacco violations are status offenders and may not be placed in *secure custody*. Status offenders may not be handcuffed or otherwise restrained, except to ensure the physical safety of the juvenile or a police employee. When such restraint becomes necessary, a written incident report is required prior to the end of the officer's tour of duty.

1. The juvenile should immediately be turned over to a parent, guardian, or relative by the officer transporting the youth directly from the scene to one of these caretakers. The Department of Juvenile Services should be called immediately for placement if the officer is unsuccessful in attempts to locate a caretaker. The detaining officer will file a written police report containing all pertinent information including the name, date and time that a parent or guardian, and/or the Department of Juvenile Services/Social Services was notified.

2. While maintaining sight and sound separation from adult offenders, a police officer, booking officer, reserve officer, or other authorized custodial agent may sit with a status offender or non-offender while waiting for a parent or the Department of Juvenile Services personnel to arrive and take custody of the youth.

D. Uncontrollable Juveniles

Incorrigible (uncontrollable) juveniles should not be taken into custody merely because the parents, guardians or school authorities want the police to handle the situation, WITH THE FOLLOWING EXCEPTIONS:

1. If the juvenile is violent, is in the process of or has committed a criminal act, the officer will respond immediately and if necessary take the juvenile into custody, place the appropriate criminal charges and notify DJS for placement immediately.

2. Nonviolent juveniles who have committed a minor criminal act will be charged on a juvenile citation and immediately released to the parents or guardian. Officers will direct the parent to contact DJS and provide the phone number.

3. In cases involving incorrigible (uncontrollable) nonviolent juveniles, the complainant will be referred to the Department of Juvenile Services and will be provided the proper phone number. In the event DJS elects to place (shelter) the juvenile, they should coordinate with the police if our assistance is needed for placement.

E. Truants

A juvenile will not be held at a district station if he/she is truant. The officer will contact the school principal and transport the child back to the appropriate school.

F. Runaways

Officers should strongly encourage a runaway to talk about the reason for his/her behavior. Many times children run away from home because of physical or sexual abuse, neglect, or alcoholism in the family.

G. Child in Need of Assistance

In cases where a child has been left without adequate supervision, the officer will attempt to have a relative or guardian take custody. If the attempts to locate a relative or guardian fail, the officer will notify the Department of Social Services (child in need of assistance) to place the child.

H. Uncooperative Parents

If the parents/guardians have been contacted but refuse to cooperate, they are to be advised that they may be charged under Family Law, Section 1-219, with "Desertion of a Minor Child" because their child is now considered "neglected" (child in need of assistance). If this is the case, the supervisor should contact the Department of Social Services for placement. The parents/guardian may be charged at a later time

IV. BOOKING PROCEDURES

The booking officer or officer responsible for processing a juvenile criminal offender, status offender, or non-offender will document on the Juvenile Arrest/Detention Log, PD 337, the following information:

- A. Date and time of arrest;
- B. Name and address of the juvenile;
- C. Date of birth of the juvenile;
- D. Charge/reason for detention;
- E. Detention cell number or other information stating place of detainment;
- F. Time placed in detention cell/room, to also include notations indicating each time a juvenile is removed from a detention cell/room and returned to a detention cell/room;
- G. The name of the arresting officer and booking officer;
- H. Time of juvenile's release;
- I. Total time that the juvenile was held in a detention cell/room or otherwise securely held;
- J. Time that a notification is made to a juvenile's parent, guardian, and/or DJS;
- K. Document any comments concerning the condition of the juvenile and/or instructions made by DJS, parent or guardian.

V. DETENTION LIMITS

Juvenile criminal offenders, status offenders, and non-offenders will not be held in excess of six hours. If the juvenile is detained in excess of six hours, the following procedures apply:

- A. A shift supervisor must be notified.
- B. The Department of Juvenile Services must be notified.
- C. A supplement report must be written by the shift supervisor detailing the reason(s) why the juvenile was held in excess of six hours.
- D. A copy of all written reports will be forwarded to the district commander and the Staff Inspections Section.
- E. The police aide will highlight the juvenile's name and all other pertinent blocks on the Juvenile Arrest/Detention Log, PD 337.

VI. JUVENILE RECORDS

A. In accordance with the Annotated Code of Maryland, a police record (arrest and identification records) concerning a child is confidential and will be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown. This does not prohibit access to and confidential use of the record by the Department of Juvenile Services or in the investigation and prosecution of the child by any law enforcement agency.

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B. The commander of the Property/Records Division will establish written procedures for the collection, dissemination, and retention of fingerprints, photographs, and other forms of identification pertaining to juveniles. For the purpose of this directive, "other forms of identification" include physical samples from the suspect (hair, blood, urine, nails, breath, or stomach contents) and handwriting samples.

C. All requests for juvenile records will be referred to the Central Records Section. The Central Records Manager, serving as the custodian of records, is accountable for

1. The collection, dissemination and retention of juvenile records;
2. Procedures to carry out court-ordered expungement of records;
3. Provisions governing disposition of records when juveniles reach adult age, pursuant to state law; and
4. Restricting access to records on a need-to-know basis.

D. Media inquiries for information regarding juveniles will be referred to the Public Information Office.

VII. PROPONENT UNIT: Juvenile-Victim/Witness Assistance Section.

VIII. CANCELLATION: This directive cancels Index Code 1702, dated 12-08-2008.