



PROCEDURES FOR ISSUING JUVENILE & ALCOHOL CITATIONS

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I. JUVENILE CITATION CASES

The juvenile citation is used to charge juveniles with commission of all delinquent acts **except:**

A. Automatic Waivers

For certain crimes committed by juveniles of specified ages, charges are to be placed on the Statement of Charges (form DC/CR2) because jurisdiction is automatically waived by operation of law to the Circuit Court. Ages at which certain crimes are waived to adult court are:

1. A child at least 14 years old alleged to have done an act which, if committed by an adult, would be a crime punishable by death or life imprisonment, as well as all other charges against the child arising out of the same incident:
 - First degree murder (CR 2-202)
 - Attempted first degree murder (CR 2-205)
 - First degree rape (CR 3-303)
 - Attempted first degree rape (CR 3-309)
 - First degree sexual offense (CR 3-305)
 - Attempted first degree sexual offense (CR 3-311)

2. A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident:
 - Abduction
 - Kidnapping (CR 3-502, CR 3-503)
 - Second degree murder (CR 2-204)
 - Attempted second degree murder (CR 2-206)
 - Manslaughter, except involuntary manslaughter (CR 2-207)
 - First degree assault (CR 3-202)
 - Second degree rape (CR 3-304)
 - Attempted second degree rape (CR 3-310)
 - Second degree sexual offense (CR 3-306a)
 - Attempted second degree sexual offense (CR 3-312)
 - Third degree sexual offense (CR 3-307a)
 - Robbery with dangerous weapon (CR 3-403)
 - Attempted robbery with dangerous weapon (CR -3-403)

- Carjacking or armed carjacking (CR 3-405)
- Wearing, carrying, or transporting handgun (CR 4-203)
- Use of handgun or antique firearm in commission of crime of violence (CR 4-204)
- Use of machine gun in crime of violence (CR 4-404)
- Use of machine gun for aggressive purpose (CR 4-405)
- Restriction on sale, transfer and possession of regulated firearm (PS 5-133, 5-134)
- Sale, transfer, etc., of stolen regulated firearm (PS 5-138)
- Short-barreled rifles and short-barreled shotguns (PS 5-203)
- Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime (CR 5-621)
- Firearms crimes related to convicted felons (CR 5-622)
- A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless an order removing the proceeding to the court has been filed under section 4-202 of the Criminal Procedure Article.

NOTE: A child at least 16 years old alleged to have done an act in violation of the Transportation Article, other traffic law or ordinance, or a law, rule, or regulation governing the use or operation of a boat is charged as an adult (issued traffic citations, etc.) Except that if, the offense is punishable by incarceration, a juvenile citation is issued for the offense, and all other violations of the Transportation Article, other traffic law or ordinance, or law, rule, or regulation governing the use or operation of a boat arising out of the same incident.

B. Alcohol Abuse Civil Violations

Charged on the Maryland Juvenile Civil Citation. See Section IV of this directive.

C. Traffic Violations

See Section III of this directive.

All other charges are placed on the Juvenile Citation.

II. JUVENILE CITATION PROCEDURES

A. The citation must be signed by both the officer and a parent or guardian. If the parent or guardian refuses to sign the citation, the officer should mark the citation "refused to sign", on the line where the signature should appear. Refusal by the parent to sign the citation may result in the complaint being referred directly to the State's Attorney for formal court action.

B. A hearing date must be set for misdemeanor and felony offenses. The date of hearing should be scheduled according to the officer's assigned district. All hearing dates and times should be set according to the schedule sent to each district by the Department of Juvenile Services.

C. On each juvenile citation, only list the charges pertaining to one victim. Each citation can have up to three charges on it, but the charges must be from the same incident and the same victim. If one incident involves multiple victims, a citation must be written for each victim with a separate case number for each. If the same person is victimized numerous times, a juvenile citation needs to be issued for each separate incident with a separate case number for each.

D. Add at the bottom of each juvenile citation, the name of the school that the juvenile attends, whether or not the offense that he/she is being charged with is school-related. This is important for Central Records' notification to the schools about certain specified offenses, the School Resource Officers, as well as others that are working on gang activity.

E. Each citation issued to an individual must be completely filled out for the purpose of entering arrest data into the computer. Of particular importance is the subject's date of birth. Without it, the arrest may not be computer recorded.

F. The officer will give the victim their copy of the citation and inform the victim of the date, time, and location of the hearing. Complainants are urged to come to hearings.

G. A citation is to be issued only after completion of the investigation. A detailed report of the offense must be completed and submitted at the time the citation is completed, with the original and Juvenile Services copies of the citation attached to the report. If there is an adult codefendant in the juvenile case, the officer will note this fact in the report or indicate that a statement of charges was issued.

H. Copies of the citations will be distributed to the following components: police officer, juvenile offender, complainant, Central Records, Juvenile Victim/Assistance Unit (C.I.D. copy), and Department of Juvenile Services.

I. When the parent or guardian is not available to sign the juvenile citation and the juvenile is transported to a police facility to be detained, the arresting officer will leave all copies of the Juvenile Citation for the appropriate signature. A copy of the incident report will also be left. A juvenile citation card will be completed in lieu of a record of arrest. After the citation and card have been signed by the parent or guardian, the copies of the citation will be distributed as previously specified.

III. JUVENILE TRAFFIC ENFORCEMENT

Juveniles who commit violations of the Motor Vehicle Law are processed in the following manner:

A. Juveniles less than 16 Years of Age

All traffic offenses committed by juveniles less than 16 years of age are charged on the Juvenile Citation, not the Maryland Uniform Complaint and Citation. A hearing date should be set by the officer, and the citation and incident report will be forwarded to the Department of Juvenile Services for a hearing.

B. Juveniles 16 Years and Older - Incarcerable Offenses

If a juvenile 16 years or older commits a traffic violation carrying a penalty of incarceration, all traffic charges arising from the same event are charged on a juvenile citation and referred to the State's Attorney's Office for prosecution.

1. Do not set a hearing date.
2. Write "State's Attorney's Office" on the top of the juvenile citation and the incident report, and forward to the Department of Juvenile Services.
3. A complete list of incarcerable offenses appears at Title 27 of the Transportation Article (Section 27-101), a copy of which is issued to each officer once a year.

C. Juveniles 16 Years and Older - Violations Carrying No Penalty of Incarceration

Violations of the motor vehicle laws committed by juveniles age 16 and over, which carry no penalty of incarceration, will be charged on the Maryland Uniform Complaint and Citation in the same manner as for an adult. The charges will be tried in the District Court.

IV. MARYLAND JUVENILE CIVIL CITATION

Maryland Juvenile Civil Citations may be issued to juveniles for violation of certain alcohol abuse and tobacco laws. A juvenile defendant must appear at a hearing with the Department of Juvenile Services. A hearing date will be set and entered on the citation. A hearing must be scheduled between 13 and 16 days after the offense date according to the schedule established by the Department of Juvenile Services and is scheduled at the same locations and times as the Juvenile Citation charges.

A. The following alcohol abuse violations are civil, not criminal, violations. They are charged on the Maryland Juvenile Civil Citation, not the Juvenile Citation. Arrests may not be made for these violations.

1. Criminal Law Article 10-115: Possessing false documentation to obtain alcoholic beverage.
2. Criminal Law Article 10-114: Unlawful possession of an alcoholic beverage.
3. Criminal Law Article 10-116: Obtaining liquor for consumption by person under the age of 21.
4. Criminal Law Article 10-113: Misrepresentation of age to purchase beer, light wine, or liquor.
5. Criminal Law Article 10-118: Possession of unregistered keg.
6. Article 26, Section 103 (Education): Drinking or possessing an alcoholic beverage on public school property.

There is one alcohol-related offense for which an arrest is warranted:

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Criminal Law Article 10-120: Failure or refusal to furnish proof of identification and/or age upon request.

This charge is appropriate only when the defendant has violated one of the other alcohol offenses and then refuses or fails to provide identification. All alcohol offenses will be placed on the juvenile civil citation. Any criminal charges, including Criminal Law 10-120, must be placed on a juvenile citation.

B. Tobacco violations also go on the Maryland Juvenile Civil Citation. Schedule hearings according to the hearing date schedule established by the Department of Juvenile Services. The proper charge for tobacco violations can be found in Criminal Law Article 10-108: possession of tobacco or use of a false identification to obtain tobacco products or rolling papers.

C. A juvenile may refuse to sign the civil citation. It is important that the full name and address of the juvenile's parent or legal guardian be entered on the citation where specified. The juvenile will be given a copy of the citation, as will the parent or guardian if present. If the parent or guardian is not present, a copy of the citation will be mailed to them. Persons (adults and juveniles) who violate any of the alcohol offenses may be issued a citation even in cases where the officer does not witness the violation. If an officer receives sufficient information from a complainant to justify the placing of charges, the officer may issue a citation and summon the complainant to testify at any hearing or trial.

V. **PROPONENT UNIT:** Juvenile Victim/Witness Assistance Section.

VI. **CANCELLATION:** This directive cancels Index Code 1703, dated 07-10-06.