



# Rockville City Police Department GENERAL ORDER

<b>Subject</b> JUVENILES		<b>Procedure</b> G.O. # 4 - 12
<b>Authorizing Signature</b>	<b>Effective</b> 02-26-10	<b>Total Pages</b> 10

I. POLICY

It is the policy of the Rockville City Police Department to be actively involved in the implementation of and the perpetuation of programs designed to prevent and control juvenile delinquency within the community.

II. PURPOSE

The purpose of this General Order is to provide officers guidance in dealing with juvenile offenders.

III. GENERAL

- A. Although the enforcement of laws, with respect to juveniles, is obviously a major objective, this Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.
- B. For the purpose of this General Order, a 'juvenile', 'child', and 'minor' are persons under the age of 18 years old.

IV. JUVENILE FUNCTIONS

- A. The Department actively participates in and supports programs that are designed and implemented with the intent of preventing and controlling delinquent and criminal behavior by youths.
- B. Some programs, which the Department participates in, are:
  - 1. Elementary school drug awareness presentations.

2. Interaction with youths by officers at the Lincoln Park Recreation Center and other City parks.
  3. Bicycle rodeos.
- C. Officers engage in the follow-up processing of youths taken into custody, as necessary and appropriate, so that an appropriate referral out of the juvenile justice system can be made.
- D. Officers shall also cooperate fully with the State's Attorney's Office and/or Montgomery County Police Family Crimes Division and/or Department of Juvenile Justice (DJJ) in coordination and preparation of court cases in which a juvenile is involved.
- E. Rockville City officers do not have the authority to divert juvenile offenders out of the juvenile justice system. However, if an officer knows of, or is familiar with a program that would benefit a juvenile offender, an informal referral should be made.
1. This referral does not relieve an officer from conducting a thorough investigation of the complaint and completing the required reports.
  2. The DJJ relies on the officer's reporting of the incident so that a fair and beneficial disposition can be made of the case.

V. JUVENILE OPERATIONS

- A. All personnel of this Department have responsibilities for participating in and supporting juvenile operations. Each police officer shall be aware of the continuing need to closely monitor juvenile situational developments and services available.
- B. This Department does not have a distinctive juvenile component. In accordance with the Memorandum of Understanding with Montgomery County Police, this Department may use the expertise of Family Crimes Division investigators. Due to the unique procedural aspects of the juvenile justice system, this Department relies on the specialization of the investigators assigned to the MCPD Family Crimes Division. Officers are encouraged to seek assistance from Family Crimes Division investigators when conducting investigations involving juvenile cases.
- C. Any revisions to policies and procedures regarding juveniles will be reviewed by the DJJ due to their knowledge and experience.
- D. Beginning with each new school year and budget, a review will be completed of the Department's juvenile enforcement and diversion programs. The purpose of the evaluation will be to determine the progress, effectiveness, efficiency and retention advantages of each program. The evaluation will be completed and forwarded through the chain of command to the Chief of Police with recommendations to make modifications, continue the programs as they are, or to discontinue them.

VI. ISSUANCE OF CITATIONS TO JUVENILES

A. Multi-purpose citation

Officers may issue citations to alleged juvenile offenders for civil violations of the alcohol and tobacco laws. These citations should be issued in accordance with the procedures set forth in the citation manual.

B. Traffic Citations

Juveniles may be issued traffic citations for violations of the Maryland traffic laws that do not carry possible sentences of incarceration. If a juvenile is to be charged with an incarcerable offense, then print "JUV" on top of the citation(s) and forward to Montgomery County Police Family Crimes Division.

VII. FORMAL AND INFORMAL HANDLING OF JUVENILE CASES

A. The police officer may handle a juvenile either informally or formally. Informal handling is when the officer manages a particular situation by releasing the juvenile under warning to the parent or guardian. Formal handling occurs when the juvenile is brought before the juvenile court or juvenile intake officer for further processing and decision as to proper disposition of the juvenile.

B. In dealing with juvenile offenders, officers will use the least coercive action among reasonable alternatives, consistent with preserving public safety, order, and individual liberty.

C. In making a decision to handle an alleged juvenile offender either informally or formally, officers should consider these factors:

1. The nature of the alleged offense.
2. The age and maturity level of the alleged offender.
3. Prior record of the youth, if any (the officer should contact the Family Crimes Division)
4. Availability of community based rehabilitation programs and the suitability of the alleged offender to specific programs.
5. The cooperation and attitude of all parties (child, parent, victim).
6. The degree of wrongful intent, violence, and knowledge of the violation.
7. The desires and personal input of the victim(s) and the complainants.

D. Informal handling

1. Informal handling may include any of the following:

- a. Release.
  - b. Counsel and Release.
  - c. Release to parents.
  - d. Referral to Community Resources.
2. When handling a case informally, the police officer should keep in mind that the objective of the juvenile justice system is to rehabilitate rather than punish and that this objective should be carried through when the officer is handling a case informally instead of formally.
  3. When handling a case informally, the officer should still respect the youth's right to privacy. Any information gained should be provided to others only on a "need to know" basis.
  4. Even when a juvenile is being handled informally, the juvenile maintains all the constitutional rights that an adult would have in the same situation.
- E. Formal handling
1. Formal handling occurs when the juvenile is brought before the juvenile court or juvenile intake officer.
  2. Generally, the following situations will require formal handling of the juvenile:
    - a. Delinquent acts that if committed by an adult would be felonies.
    - b. Delinquent acts involving weapons.
    - c. Delinquent acts involving aggravated assaults and batteries.
    - d. Serious gang-related delinquent acts.
    - e. Delinquent acts committed by a juvenile under probation or parole, or with a case pending.
    - f. Repeated delinquent acts within a 12-month period.
    - g. Cases originally set for diversion, but in which the juvenile refuses to participate.
    - h. Cases in which it has been determined that parental supervision is not effective.

VIII. AUTHORITY TO TAKE JUVENILES INTO CUSTODY

- A. Juveniles may be taken into custody in accordance with Courts and Judicial Proceedings: § 3-814 Taking Child into Custody.

"(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) In accordance with an order of the court;

(2) In accordance with § [5-709 of the Family Law Article](#); or,

(3) By a law enforcement officer if the officer has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection."

- B. Pursuant to the Annotated Code of Maryland, Criminal Procedures Title 2 - 102, there are offenses for which an officer cannot make a lawful arrest. When an officer is confronted with one of these offenses the officer will:

1. Conduct an investigation of the event and prepare the appropriate reports.
2. Inform the victim/complainant that a lawful arrest cannot be made.
3. Inform the victim/complainant that the case will be referred to the MCPD Family Crimes Division.
4. Officers are permitted to provide the victim/complainant with the phone number of the MCPD Family Crimes Division.

## IX. JUVENILE CUSTODY PROCEDURES

- A. Advice of Rights.

1. When a juvenile is to be questioned or interrogated concerning his/her involvement in a delinquent act, they shall be advised of his/her Constitutional Rights.
2. If feasible, the officer should contact the parent or guardian of a juvenile before questioning and give the parents the opportunity to both understand what the questioning will cover and to be present during questioning.
3. 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 rights well enough to intelligently waive them. The effectiveness of the waiver is determined only by examining the "totality of the circumstances" surrounding the giving of the statement.

4. The following is a list of circumstances to be considered in weighing whether a waiving may be valid:
  - a. Age of the accused.
  - b. Education.
  - c. Knowledge as to the substance of the charge (if any) and the nature of his rights to consult with an attorney and remain silent.
  - d. Whether the juvenile is permitted to consult with friends, relatives or his attorney, etc.

B. Transport of Juvenile without Unnecessary Delay.

Juveniles taken into custody shall be transported to a police facility without delay, unless emergency medical treatment is necessary. If this is the case, the juvenile shall immediately be transported to the nearest hospital by ambulance or police vehicle, whichever is appropriate.

C. Notification of Parent/Guardian/Custodian.

1. In accordance with Courts and Judicial Proceedings:

§ 3-814. Taking Child into Custody.

"(b) Whenever a law enforcement officer takes a child into custody under this section, the officer shall:

- (1) Immediately notify the child's parent, guardian, or custodian;
  - (2) Immediately notify the local department; and
  - (3) Keep custody only until the local department either takes custody under [§ 3-815 of this subtitle](#) or authorizes release of the child unless the officer determines that it is safe to return the child to the child's parent, custodian, or guardian. "
2. If the officer releases the juvenile to someone who is not the juvenile's parent/guardian/custodian, the officer must make a reasonable effort to contact said parent/guardian/custodian to inform him or her of the incident.
  3. If the officer determines the juvenile may be a danger to himself or others, the officer should initiate the emergency petition process.
  4. When juveniles cannot be released to their parent/guardian/custodian, **or** they have been arrested for any of the following offenses, officers shall coordinate the detention with the DJJ Intake Officer.

- a. Abduction.
  - b. Arson.
  - c. Burglary.
  - d. Escape.
  - e. Kidnapping.
  - f. Manslaughter (except involuntary manslaughter).
  - g. Mayhem.
  - h. Murder.
  - i. Rape.
  - j. Robbery.
  - k. Sodomy.
  - l. Attempts to commit any of the above.
  - m. Any offense, which in the officer's opinion is serious in nature.
5. The only exception to this detention procedure would be when the juvenile is charged as an adult.

X. CUSTODIAL INTERROGATIONS

- A. Normally, officers should contact the parents or guardians of a juvenile before questioning and the parents given an opportunity to both understand what the questioning will cover and to be present during the questioning. If this is not feasible, the officer may go ahead and question anyway, but must very carefully ensure that all rights of the juvenile are protected.
1. If the parents or guardians refuse to respond to the facility where the interrogation will take place, or refuse to be with the juvenile during the interrogation and the juvenile does not appear to understand his/her rights, the juvenile will be readvised of his/her rights by the officer in the presence of a second police officer.
  2. Officers must be aware of the fact that this District Court Commissioner has no jurisdiction over juveniles (unless they are charged as an adult), however, since he/she is a judicial officer, police officers should seek the Commissioner's assistance with the advice of rights process since one of the Commissioner's functions is to advise defendants of their constitutional rights.



3. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. Under no circumstances should the child, any more than the adult, be compelled to answer questions either by physical force, threats, promises or inducements.
- B. Officers should keep in mind that when questioning a juvenile, they should not prolong the interview period any longer than is needed to complete their investigation. Also, one officer should handle the interrogation if possible to lessen the chance of the juvenile feeling intimidated or pressured. It is recommended that the interrogation be tape recorded, if possible.
- C. Because in many cases juveniles, parents or guardians may not understand what happens during the custodial interrogation process the officer should explain to them the agency and juvenile justice system procedures.

#### XI. FINGERPRINTS AND PHOTOGRAPHS

- A. Juveniles will be photographed and fingerprinted on the Montgomery County and MSP fingerprint cards for the following:
1. All felonies (except those felonies when the juvenile is charged as an adult).
  2. Burglary, unauthorized use of a motor vehicle.
  3. All sex offenses.
  4. For **any** offense if the arrestee has any prior arrests.
  5. In any other arrest situation when the officer believes fingerprinting and photographing would be valuable.
  6. Tip and palm prints must be taken on juveniles charged with Part I Offenses, arson, felony sex assault and felony CDS violations.
  7. If the juvenile is charged as an adult, a FBI print card, is also submitted.
- B. Fingerprints and Photographs as Investigative Aids
1. If a juvenile (and Parent(s)) consents to providing fingerprints to be used as "elimination" prints and/or photographs to an officer as an investigative aid, the officer shall advise the juvenile and his/her parent(s)/guardian(s) that:
    - a. The fingerprints/photographs will be maintained in a secure location.
    - b. They will only be used as part of the investigations.

- c. They will be destroyed, at the juvenile's/parent's request, at the investigation's conclusion if not of evidentiary value.
- d. If the juvenile does not consent to be fingerprinted or photographed as outlined in this paragraph, no prints or photographs shall be taken.
- e. The fingerprints and photographs taken for the above purpose will not be disseminated to anyone, except another law enforcement officer, Court officer, or State's Attorney Office representative. Said dissemination will be done on a need-to-know basis only.

C. The need for additional forms of identification

- 1. In the event other forms of identification pertaining to juveniles are needed (such as hair, blood, urine, handwriting samples, etc.), the juvenile and parents/guardians must approve of the juvenile voluntarily providing the sample.
- 2. If the juvenile and/or his parents/guardians disapprove or refuse to voluntarily provide an additional sample, the State's Attorney's Office should be consulted regarding obtaining a Court Order or Search and Seizure Warrant.

**XII. SOCIAL SERVICE AGENCIES THAT PROVIDE SERVICES TO YOUTH**

The Department maintains a list of community resources for information and referrals for various Social Service agencies. This list is maintained in the Public Safety Communications Center and by the Victim Advocate.

**XIII. RECREATIONAL YOUTH PROGRAMS**

- A. The Department strongly supports and encourages participation in the youth activities programs available in this area such as the Boys and Girls Club and organized events sponsored by the City of Rockville's Recreation Department.
- B. Officers should encourage youths to participate in the various youth programs offered and available in the City in order to develop an attitude of cooperativeness and to occupy the youth's idle time with constructive activities.
- C. Officers are encouraged to become involved with organized youth activities being implemented in the City and to individually organize recreation programs that may benefit the youth.

**XIV. COLLECTION, DISSEMINATION AND RETENTION OF AGENCY RECORDS**

- A. Maryland State law requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person.

- B. Since January 1, 1988 all Rockville City reports and records including juveniles have been kept at the Montgomery County Police Department Records Division. All records prior to January 1, 1988 are kept at the Rockville City Police Department Records Division.
- C. The Crime Analysts responsible for the collection, dissemination, and retention and to ensure record confidentiality by:
1. Conducting a periodic inspection of the file containing adult arrest records to ensure that no juvenile records have been inadvertently included.
  2. Maintaining a locked file in the office containing juvenile arrest and identification records.
  3. Maintaining a separate file in the property room for "old" juvenile records.
  4. Releasing current information on juvenile arrests to other local, state, or federal law enforcement agencies, on a need- to-know basis, limited to name, address, physical description, date of arrest, and charge for which the arrest was made. Such information may only be used for current investigation and not for creation of new individual files or records.
- D. Court-Ordered Expungement of Records.
1. The Administrative Service Bureau Commander is in charge of handling expungements.
  2. If a Court Order is received by the Department requiring a juvenile record be expunged, pursuant to Maryland Rules and the Courts and Judicial Proceedings Article, the record(s) to which the order pertains will be removed from the Department files immediately.
  3. The Court that issued the order will be notified of the Department's compliance.
- E. Disposition of Records When Juvenile Reaches Age 18.

Unless a juvenile has been charged as an adult, the juvenile arrest and identification records will be destroyed when the juvenile reaches the age of 18.