



SYKESVILLE POLICE DEPARTMENT

Juvenile Investigations

General Order 6-20

Effective: 08/17/17

Authorized By: *Michael A. Spaulding* Chief of Police

I. PURPOSE

To provide the procedures for juvenile investigations.

II. POLICY

The Sykesville Police Department is sensitive to the special needs of the community's youth and is committed to the prevention of juvenile crime, diversion of offenders when appropriate and affording any special provisions required when dealing with juvenile offenders.

III. PROCEDURES

A. Alternatives to Juvenile Justice Referral

1. In dealing with juvenile offenders, all officers will use the least coercive action among reasonable alternatives, consistent with preserving public safety, order and individual liberty.
2. An officer's contact with a juvenile offender does not automatically necessitate a referral to the Department of Juvenile Services. The following is an example of some courses of action the officer may take with regard to diverting the juvenile from the juvenile justice system.
 - a. Release the juvenile with no further action.
 - b. File an Incident Report and release to a responsible party.
 - c. Suggesting a program of treatment on a voluntary basis using the services of one or more social agencies.
3. The authority to refer a juvenile to Juvenile Court rests solely with the Department of Juvenile Services. Once a juvenile has been referred to the Department of Juvenile Services, any programs to divert the juvenile from Juvenile Court will be determined by the Department of Juvenile Services.

B. Juvenile Diversion

1. Officers may divert from the juvenile justice system any juvenile for whom in their opinion legal proceedings would be inappropriate or the use of other resources would be more effective. The officer having contact

with the juvenile offender should take into consideration the nature of the offense, the age and circumstances of the alleged offender, the offender's past record if it is known, and the availability of community based programs that could assist the child.

2. Officers should also consider the recommendation for diversion if it is made by the complainant or victim.
3. If appropriate, in situations where there is a citizen/neighborhood dispute that does not rise to the level of formal charges, a Community Conferencing Referral form will be completed and emailed to Mr. Delmas Wood at Delmasw@gmail.com. These forms can be found in the PowerDMS under "forms."

C. Juvenile Classifications

1. A juvenile as defined in the Juvenile Justice and Delinquency Prevention Act of 1974 is an individual under the age of eighteen; or an individual between the ages of eighteen and twenty-one who is still under the jurisdiction of the Juvenile Court.
2. A juvenile classified as a status offender is one who has been alleged or adjudicated for an offense for which adults cannot be charged. Juveniles in this classification should not be held in secure custody for any length of time. Status offenses include:
 - a. Runaway
 - b. Truancy
 - c. Incurigible
 - d. Curfew violation
 - e. Underage Drinking
3. A juvenile classified as a non-offender is one who is not charged with any offense such as a child in need of assistance. This classification of juvenile should not be held in secure custody for any length of time. The Department of Social Services should be contacted for any further assistance or guidance.
4. A juvenile classified as a delinquent is one who has been charged with an offense for which an adult can be charged, but for the juvenile he/she remains within the jurisdiction of the Juvenile Court. This classification of juvenile should not be held in secure custody for more than six hours. The

Department of Juvenile Services should be contacted if any assistance is needed regarding the investigation.

5. A juvenile classified as a waived offender is one who has been remanded to adult criminal court due to the seriousness of the charges or due to the treatment options of the juvenile system being exhausted. Waived offenders may be housed in secure custody as adult offenders. However, waived offenders can only be held with adults in the case that they were waived in; if they are charged again on a new offense, and still under the age of 18, they must be treated as a juvenile on the new offense(s).
6. Juveniles (with exception of waived offenders) will always be separated by sight and sound from adult prisoners.

D. Release of Juveniles/Case Adjustments

Officers may employ a range of alternative remedies apart from diverting juveniles to other social service agencies or referring them to The Department of Juvenile Services. These alternatives include a verbal warning and release, issuing a citation, or leaving corrective action up to the parents.

E. Juvenile Justice Intake Referrals

1. Juvenile Justice intake referrals will be made involving juvenile offenders committing status offenses and criminal offenses when the complainant wishes to prosecute. The complainant should be referred to the Department of Juvenile Services and they will provide assistance with filling out a referral. Officers must give the complainant their Incident Report number and the necessary information to file a complaint. The complainant must be told to contact the Sykesville Police Department Records Section and request a copy of their report be sent to the Department of Juvenile Services. The complainant will not be given a copy of the Incident Report nor will a copy of their report be sent to the Department of Juvenile Services without their requesting it.
2. Official referrals to the Department of Juvenile Services will not be limited to the above situations. Official referrals should be made on serious criminal conduct and repeated criminal violations. In general, delinquent acts requiring referral to the Department of Juvenile Services should include but not be limited to the following:
 - a. All delinquent acts that if committed by an adult would be a criminal offense.
 - b. All delinquent acts involving weapons.

- c. All delinquent acts involving aggravated assaults.
 - d. All delinquent acts committed by juveniles known to be under probation or by those known to have a case pending.
3. Official referrals will be made on a Juvenile Complaint Referral Form (SPD Form #20) to the Department of Juvenile Services. These forms can be found in the PowerDMS under "forms." These forms can be faxed to DJS at **410-871-3620**.

F. Issuing a Motor Vehicle Summons/Civil Citation

- 1. Juveniles 16 years of age or older must be issued a Maryland Uniform Complaint and Citation (traffic ticket) for offenses not requiring a court appearance. If the juvenile is to be cited for an offense requiring a court appearance, the juvenile will be charged on a Juvenile Complaint Referral Form to the Department of Juvenile Services. If any offense requires a police referral form, then all the charges will be cited on the referral form. Copies of these incidences are forwarded to the States Attorney's Office and the Department of Juvenile Justice.
- 2. Juveniles 15 years of age or younger charged with any violation of the Maryland Transportation Article will be charged on a Juvenile Complaint Referral Form and that form forwarded to the Department of Juvenile Services.
- 3. Juveniles seven (7) years of age or older are all charged the same for alcohol and tobacco.

G. The Juvenile Justice and Delinquency Prevention Act (JJDP)

The JJDP contains four "core protections" with which states must comply as a condition of receiving federal juvenile justice funding. The core protections do not apply to youth who are prosecuted in adult court.

- 1. Deinstitutionalization of Status Offenders (DSO) - Status offenses are offenses that are only crimes if committed by children, such as skipping school, running away, breaking curfew, and possession or use of alcohol. Under the JJDP, status offenders may not be held in secure detention or confinement. Instead, these children are to receive community-based services, such as day treatment or residential home treatment, counseling, mentoring, alternative education and job development support.
- 2. Jail Removal - Juveniles may not be detained in adult jails except for limited ("de minimis") periods before release or transporting them to an appropriate juvenile placement (6 hours), in rural areas (24 hours plus

weekends and holidays), or when weather and travel conditions prevent authorities from transporting them. Research indicates that children housed in adult jails are eight times as likely to commit suicide, five times as likely to be sexually assaulted, twice as likely to be assaulted by staff, and 50 percent more likely to be attacked with a weapon, than children in juvenile facilities.

3. Sight and Sound Separation - When children are held in an adult jail under the exceptions listed above, they may not have any sight or sound contact with adult inmates. Thus, children cannot be housed with adult inmates or next to adult cells, share dining halls, recreation areas, or any other common spaces with adult inmates, or be placed in any circumstances in which they could have any visual or verbal contact with adult inmates. In reauthorizations of the JJDP, some law enforcement officials have often sought to change this requirement to prohibit only “regular contact” (vs. occasional or sporadic contact) with adult inmates.
4. Disproportionate Minority Contact (DMC) - Under the DMC requirement, states must assess and address the disproportionate contact of youth of color at key decision points in the juvenile justice system. In the last reauthorization, the DMC requirement was broadened from disproportionate incarceration (confinement) of minority youth to disproportionate contact, i.e., disproportionate representation throughout the juvenile justice system. Unfortunately, the DMC requirement is vague and many states have done little to address the issue

H. Taking Juveniles Into Custody

The Annotated Code of Maryland, Courts and Judicial Proceedings, Sub Section 3 814 outline the situations when a juvenile may be taken into custody.

Pursuant to these guidelines, a juvenile may be taken into custody:

1. Pursuant to an order of the court,
2. By a law enforcement officer pursuant to the laws of arrest, Criminal Procedures Art. 2-202,
3. By a law enforcement officer or other person authorized by the court if he has reasonable grounds to believe that the child is in immediate danger from his surroundings and that his removal is necessary for his protection.
4. By a law enforcement officer or other person authorized by the court if he has reasonable grounds to believe that the child has run away from his parents, guardian, or legal custodian.

When an Officer makes a physical juvenile arrest, the juvenile will be conveyed to Headquarters without delay. Once at Headquarters, the juvenile's parent or guardian will be contacted immediately, advised of the situation, and asked to respond to the station.

5. The arresting officer will fill out a Juvenile Complaint Referral Form as completely as possible. The form must contain the Maryland statute number of the offense charged or reference the common law offense charged.
6. The officer will also complete an Incident Report detailing the crime with which the juvenile is being charged.
7. If the juvenile is going to be placed in one of the holding cells at Police Department then Juvenile Holding Log (located in holding area in yellow binder) must be completed including juveniles name, DOB, age, nature of offense, date, cell#, time-in, time-out, total time processed, number and time of visual checks made by officer, total time in cell, and to whom juvenile was released to after processing.
8. At the completion of processing, the juvenile will be released to a parent, legal guardian, or other adult person having written consent of the parent or legal guardian to accept custody. The person taking custody of the juvenile will be required to sign a Release Form (SPD Form #21 found in PowerDMS under “forms”) for the juvenile. The officer will make sure the person signing the release form understands the form and the conditions on the form. In the absence of the above, the Department of Juvenile Services and/or Department of Social Services will be contacted to make disposition.
9. If the circumstances appear to warrant detention of the juvenile, the officer will contact the Department of Juvenile Services at **410-871-3600** (Monday Through Friday 8:00 am to 5:00 pm). If after hours, the officer will call the Centralized Night Intake at **1-877-404-3724**. When calling the DJS Night Intake, a copy of the Incident Report will be faxed to 443-263-8730. The decision for detention of a juvenile rests solely with the Department of Juvenile Services.
 - a. If detention is warranted, the juvenile will be transported to the intake facility without delay.
 - b. If the juvenile is in need of emergency medical treatment, he/she will be transported to a medical facility immediately.
10. Anytime an officer arrests a juvenile of certain specified ages for any crimes outlined in Courts and Judicial Proceedings Article 3-804

(Jurisdiction of Court) which requires a juvenile to be charged as an adult, the officer will, if charges are placed, charge the juvenile as an adult. The States Attorney's Office Juvenile Division can be contacted for guidance and the Commissioner's Office will also be familiar with these offenses.

I. Making juvenile arrests on school property

1. When possible and appropriate, arrest by officers should be made during non-school hours and away from the school premises.
2. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid embarrassment to the student being arrested and without jeopardizing the safety and welfare of other students in accordance with Education Article of The Maryland Annotated Code.
3. When an officer makes a juvenile arrest on school property related to the possession of a dangerous and deadly weapon, the officer will immediately take custody of that individual, transport to headquarters, and notify The Department of Juvenile Services. The Department of Juvenile Services will then make the final determination regarding disposition of the juvenile. Officers will also contact the State's Attorney's Office to determine if adult charges might apply, as well as the Carroll County Board of Education, Director of School Security for notification purposes.

J. Procedures for Juveniles in Custody

If a juvenile is to be detained at a juvenile detention facility or taken into custody, the following procedures will be followed:

1. The arresting Officer will contact the Department of Juvenile Services and explain the circumstances necessitating detention and obtain the authorization to detain. The decision to detain and the location of that detention is the responsibility of the Department of Juvenile Services.
2. When making a detention request, officers must furnish a copy of their completed report to the Department of Juvenile Services prior to DJS doing a detention risk assessment and authorizing a juvenile's detention.
3. It will be the responsibility of the arresting agency to transport the juvenile to the detention facility. It will be the responsibility of the Department of Juvenile Services to transport the juvenile from the detention facility to any hearings.
4. State law requires a detention hearing for the juvenile by the next available court day after the initial detention. Officers must be available for the

detention hearing and must bring a copy of their completed report to the detention hearing.

5. The arresting officer will contact the parent or guardian prior to transporting the juvenile to the detention facility, if possible, or as soon as practical.

K. Custodial Interrogation of Juveniles

If a juvenile is in custody and is to be interviewed, they will be informed of their constitutional rights. It is not necessary that a parent or guardian be present during the interview; however, the age, education, nationality, intelligence, psychological traits and mental condition of the juvenile should be taken into consideration before questioning begins. If a parent, guardian, or attorney is requested by the juvenile, questioning will stop. The juvenile will be given the opportunity to consult the requested person.

1. The number of officers involved in the custodial interrogation should be limited to two.
2. The duration of the interview should be limited to a reasonable amount of time and should not be of such length and constructed in such a manner as to cause undue stress for the juvenile.
3. When an officer questions a juvenile offender or suspect, the officer should make certain that the juvenile understands the agency's procedures in dealing with juvenile offenders and the implications that may be forthcoming in the juvenile justice system.

L. Questioning Juveniles on School Premises

1. Investigations involving the questioning of students may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons, provided, however, that a school official should be present throughout the questioning.
2. In addition, whenever investigative questioning of students is permitted on the premises, the school official shall promptly advise the parent or guardians and the local superintendent's office of the nature of the investigation in accordance with the Maryland Annotated Code.

M. Juvenile Fingerprints and Photographs

Fingerprints and photographs of a child under 18 years of age will be taken by law enforcement officers when arrested or otherwise taken into custody for the commission of a criminal offense, and there is probable cause to believe that the child may have been involved in the commission of that act. Fingerprints may also be taken when a juvenile is suspected of a crime and there are latent prints to send to the Crime Lab for comparison purposes. Photographs may also be taken for identification purposes when the juvenile is suspected of a crime.

1. If an officer arrests a juvenile for a criminal offense, he will obtain two complete sets of fingerprint cards from that juvenile offender. The officer will utilize one red FBI fingerprint card and one green State fingerprint card for that purpose. The arresting officer will ensure that the following has been completed on both fingerprint cards:
 - a. The subject being fingerprinted has signed both cards.
 - b. The officer taking the fingerprints has signed both cards and written his ID number and date.
2. At no time will a juvenile taken into custody for a status offense be fingerprinted.
3. The officer will note the collection of the fingerprints on the arrest report. Both fingerprint cards and a copy of the Arrest/Intake Report are to be placed immediately in the Records Section mailbox. The Records Section will finish filling out the fingerprint cards and ensure that the State card is sent to the Central Repository as soon as possible.
4. In conjunction with the fingerprinting of the juvenile offender for a criminal arrest, a photograph of the offender will be taken during the arrest process. If no fingerprints are taken from the juvenile, then no photograph will be taken. The photograph of the juvenile offender will be taken in accordance with guidelines established for the photographing of any criminal offender.
5. The officer will make a notation on the back of the photograph indicating the subject is a juvenile offender by using the word JUVENILE and writing the subject's full name and date of birth.
6. The red FBI fingerprint card will be retained in the juvenile's identification file. Juvenile photographs are retained in the juvenile photograph identification file. At no time will the fingerprints or photographs of juvenile offenders be maintained with adult offenders.
7. Photographs, fingerprints and records of juveniles may not be released to the general public, to the child or his parents, or to military recruiters.

Information contained in a juvenile file may only be released in accordance with established guidelines on the issue. This also applies to other forms of identification on the juvenile that includes, but is not limited to, hair, blood, urine, and handwriting samples.

8. The Records Section will have the responsibility of maintaining the files of juvenile offenders and any information contained therein.

O. Control of Juvenile Records

The Records Section is accountable for the collection, dissemination and retention of all juvenile records.

P. Notifying School Officials of Juvenile Arrest

1. Officers shall ensure the notification of a designated school official, upon the arrest of a child enrolled in the public school system if the arrest is for any of the following from the Annotated Code of Maryland:
 - a. A crime of violence as defined in Article 27, Section 643B
 - b. Any of the offenses enumerated in Section 3-804(e)(4) of the Courts Article
 - c. A violation of Article 27, Sections 36, 36A, or 36B
 - d. A list of all current reportable school offenses can be found in the PowerDMS under “forms.”
2. The arresting officer shall notify the appropriate school official of the arrest and the charges within 24 hours of the arrest, or as soon as practicable.
3. The officer shall note the following in the Incident Report:
 - a. Who was notified?
 - b. How was the person notified (e.g., phone, email or FAX)?
 - c. What were the date and time of notification?
4. Police Department personnel shall send the information to the superintendent of schools of the appropriate county for juveniles enrolled in other county schools in Maryland.

IV. CANCELLATIONS

This General Order cancels and replaces the following policies: General Orders 44.1 & 44.2, entitled Juvenile Operations, dated December 20, 2001.