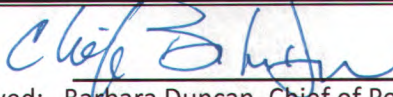
	<b>SALISBURY POLICE DEPARTMENT</b>
	<b>Written Directive: Juvenile Operations</b>
	<b>Publication Date: September 30, 2019</b>
	 Approved: Barbara Duncan, Chief of Police
<b>Related CALEA Standards: 44.1.1, 44.1.2, 44.1.3, 44.2.1, 44.2.2, 44.2.3, 44.2.4, 44.2.5</b>	<b>Juvenile Operations</b> Section #210

## **Juvenile Operations**

### **1. Purpose:**

To establish a standard method for handling all juvenile interactions.

### **2. Policy:**

The Salisbury Police Department is committed to the development, implementation and direct participation in youth related programs. The responsibility for participating in and supporting juvenile operations is shared by all organizational components and personnel of the agency.

### **3. Definitions:**

Child in Need of Assistance (CINA): A legal status as determined by a court, which finds that a child requires the assistance of the court because:

- A. The child is mentally disabled or is not receiving ordinary and proper care and attention; and
- B. The child's parents, guardians or custodians are unable or unwilling to give proper care and attention to the child.

Child in Need of Supervision (CINS): A legal status as determined by a court which finds that a child requires guidance, treatment or rehabilitation; and that the child:

- A. Is required by law to attend school and is habitually truant;
- B. Is habitually disobedient, ungovernable and beyond the control of the person having custody;
- C. Comports himself/herself so as to injure or endanger him/herself or others; or
- D. Commission of a criminal offense by a non-adult.

Delinquent Act: "An act, which would be a crime if committed by an adult"

Runaway: Any juvenile under the age of eighteen (18) who purposefully leaves home to escape (parental custody and/or guidance) and there is concern among family members for the welfare of such individual.



Status Offense: “An act or conduct declared by statute to be an offense, but only when committed or engaged in by a juvenile and that can be adjudicated only by a juvenile court.”

Juvenile or minor: a person less than 18 years of age.

**4. Juvenile Operations Function:**

- A. All personnel of this department have responsibilities for and will be familiar with juvenile operations and procedures and their support. The CID commander is responsible for juvenile operations and he or his designee will act as liaison with other law enforcement agencies and other organizations involved in the juvenile justice system. Pertinent information obtained through liaison contacts will be shared with all necessary officers through shift briefing, memoranda, etc. The CID commander will authorize specialized training to CID investigators to effectively meet the department’s juvenile operations function.
- B. All members of the Salisbury Police Department will cooperate with Wicomico County Department of Juvenile Services and support activities. Department policies regarding juvenile operations will be provided to local juvenile court personnel for their review and comments and suggestions as to ways our procedures can be improved.
- C. Included within the functional area of juvenile operations, as conducted in this department are such things as:
  - a) Conducting follow-up investigations of cases involving juvenile offenders;
  - b) Processing juvenile offenders;
  - c) Preparing and presenting court cases involving juveniles;
  - d) Diverting juvenile offenders out of the criminal justice system;
  - e) Designing and implementing programs intended to prevent delinquent and criminal behavior by youths; and
  - f) Custodial and non-custodial contacts with juveniles.

**5. Social Support Agencies:**

- A. The Salisbury Police Department encourages utilization and support of social service agencies within its area in order to divert juveniles out of the court system. Our policies and procedures relating to juveniles are developed utilizing feedback and input from subject matter experts regarding the department’s policies and procedures relating to juveniles. These agencies include, but are not limited to:
  - a) Wicomico County Health Department;
  - b) Wicomico County Mental Health;
  - c) Maryland Department of Social Services, Child Protective Services;
  - d) Wicomico County Department of Recreation and Parks;



- e) Salvation Army Boys Club;
  - f) Wicomico County States Attorney's Office;
  - g) Department of Juvenile Services; and
  - h) Wicomico County Teen Court
- B. When investigating cases involving juveniles, the officer should recommend to parents and/or attempt to divert the juvenile to one of the social service agencies, when it is appropriate and determined that one of these agencies services may be of more benefit in correcting the situation than utilizing formal handling through the court system. Similarly, in formal handling of a juvenile, the officer may recommend appropriate service agency programs.
- C. In matters concerning policies of juvenile procedures, the department will solicit input from other juvenile justice system representatives in an effort to respond to the needs of the community in a professional manner. Those representatives include, but are not limited to:
- a) Department of Juvenile Services;
  - b) "Master" of Juvenile Court; and
  - c) Representatives of juvenile detention facilities.
  - d) States Attorney's Office

**6. Annual Evaluation of Enforcement and Prevention Programs:**

The administrative commander will annually review and evaluate all enforcement and prevention programs relating to juveniles. The written evaluation will take into consideration both the quantitative and qualitative elements of each program. The evaluation will include recommendations to, and be approved by the chief of police to continue, modify or discontinue specific programs.

**7. Handling Juvenile Offenders:**

- A. When dealing with the juvenile offender, the police officer must know the proper procedures and alternatives, keeping in mind that they will use the least coercive among reasonable legal alternatives, consistent with preserving public safety, order, and individual liberty. In making the decision to handle either informally or formally, the police officer should consider the following factors:
- a) Seriousness of offense.
  - b) Prior record of child.
  - c) Age of youth
  - d) Cooperation and attitude of all parties (child, parent, victim), and the possibility of the offense being repeated.
  - e) Degree of wrongful intent, violence, premeditation, knowledge of violation.



- f) Is it likely the child or parent can be successfully referred to a helping agency? A list of referral resources or another service for potential diversion alternatives may be obtained from eh communications center or CID.

**8. Informal Handling of Juvenile Offenders:**

- A. Informal handling is when the police officer releases the juvenile under warning to the parent or guardian or other responsible adult. This requires either the parent picking up the child or the officer taking the child home and informing the parents of the alleged offense. Informal handling includes the police officer's utilization of:
- a) Warning and release to a parent or guardian
  - b) Requiring the parents to pick up the juvenile
  - c) Taking the youth home and informing the parents or another responsible adult of the reasons for the youth being picked up
- B. Generally, first offense situations involving the following types of offenses should be handled informally; however, the list is not complete and the officer's good judgment is important.
- a) Disorderly conduct
  - b) Drunkenness
  - c) Loitering
  - d) Minor malicious destructions with no prosecution
  - e) Snowball throwing without destruction
  - f) Other status offenses
- C. 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. Keeping the child in the patrol car "discussing" the case for an inordinate length of time may appear to the juvenile to be punishment. The decision to handle on a formal or informal basis should be made within a reasonable amount of time.
- D. When handling a juvenile 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.
- E. When a police officer encounters a victim/complainant who demands to bring a child before the juvenile court despite the officer's belief that it should be handled informally, the officer shall contact the states' attorneys' office for direction.
- F. Even when he is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.



## **9. Formal Handling of Juvenile Offenders:**

- A. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing and decision as to proper disposition of the juvenile. 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 assaults;
  - d) Delinquent acts committed by juveniles under parole or with a case pending;
  - e) Delinquent acts that are repeated; and
  - f) When parental supervision or diversion programs have proved ineffective.
- B. The issuance of citations may occur in the following situations:
  - a) Violation of the traffic laws that do not carry possible sentences of incarceration and the child is between the ages of 16-17 years of age;
  - b) If the child is 15 years or younger and violates a traffic law where the penalty does not carry incarceration, the child must be charged on a youth report;
  - c) An officer may use a juvenile civil violation citation to charge juveniles unlawfully using alcoholic beverages and tobacco;
  - d) Children from 7-16 years of age can be issued and are eligible to receive a juvenile civil uniform citation; and
  - e) Complainants cannot be referred to the commissioner's office for crimes involving juveniles aged 7 to 17.
- C. Officers may also formally charge a juvenile on SPD-240, "Police Request for Juvenile Charges". Upon completion of the SPD-240, including the signature of the parent, guardian or custodian, the officer shall make a copy of the completed form, and give it to the person to whom the juvenile is released. The charging document and related reports will be forwarded to the Department of Juvenile Services.

## **10. Youth Diversion Program:**

- A. The Salisbury Police Department diversion program is designed to reduce the number of negative law enforcement contacts between members of the Salisbury Police Department and the community.
- B. Eligibility:

A person who is 17 years of age or younger that has been taken into custody or has had a negative contact with the Salisbury Police Department shall be eligible for diversion. Prior diversion efforts, which may include success or failure, do not disqualify individuals from future diversion opportunities.



C. Procedure:

- a) The officer must successfully get the parent or guardian of the juvenile to agree to have mediation;
- b) The officer will then complete SPD-283 (Juvenile/Adult Mediation Referral) form and submit the completed form to his/her supervisor;
- c) The respective supervisor shall review the completed SPD-283, as well as sign and initial the form;
- d) The completed SPD-283 form will then be attached to the arrest paperwork or the incident report paperwork by the supervisor;
- e) The supervisor will, on a daily basis, turn in any referrals along with the arrest report and/or incident report to the CID commander or his/her designee;
- f) The CID commander or his/her designee will review the daily reports as well as the referral forms;
- g) All referral forms will be routed to the CID commander and forwarded for necessary mediation services;
- h) The CID commander or his/her designee shall ensure the mediation referral forms are forwarded for necessary mediation services; and
- i) The CID commander will be the central repository for all referral documents and copied on the emailed referrals sent by his/her designee.

**11. Taking Juveniles into Custody:**

- A. Juveniles may be taken into custody in accordance with the Annotated Code of Maryland, Section 3-814, "Courts and Judicial Proceedings Article".
  - a) With a legal detention order; or
  - b) When a child is alleged to be in need of services, and
    - i. There is clear and substantial danger to a child's life or health in cases where custody is necessary to insure the child's appearance before court; or
    - ii. In the presence of the arresting officer the child commits a crime and officers believe that custody is necessary for the protection of public interest; or
  - c) The officer has probable cause to believe that the child has committed an offense which if committed by an adult could be a felony; or
  - d) The officer has probable cause to believe the child has either run away from home or is without adult supervision at night. In these circumstances the officer may reasonably conclude that there is a clear and substantial danger to the child's welfare.
- B. In no case shall juveniles be held longer than 6 hours. In the event a juvenile is held in excess of 6 hours the juvenile shall be moved from the holding cell and placed in a non-secure area. While in the non-secure area, the juvenile will not be affixed to any fixed object. The juvenile will be monitored on a one on one basis and that observation will be documented every half hour on the detention cell log.



- C. The arresting officer will complete SPD-240 (Request for Juvenile Charges) and SPD-006ab (Arrest Module) to complete processing.
- D. The arresting officer will complete the "Juvenile Detention Log" anytime a juvenile is taken into custody for a crime or a status related offense. This will include status offenders, juveniles charged on a youth report and juveniles charged as an adult or otherwise waived to adult status.
- E. A status offense would be any offense that would not be considered criminal if committed by an adult.

**12. Procedures for Juveniles that Have Been Taken into Custody:**

- A. Upon the arrest of a juvenile the arresting officer will contact the Department of Juvenile Services and juvenile services will determine if the child is to be held or released to his/her parent, guardian or another responsible adult.
- B. When the juvenile services office is closed, depending upon the circumstances, the officer may release the juvenile to a parent or guardian.
- C. If the officer feels immediate juvenile services intervention is necessary, the officer should contact the juvenile intake employee on call for assistance in the disposition of the juvenile. An on call juvenile services employee's phone number is available in the communications center. If juvenile services determine that the juvenile will be held and transported to a juvenile detention facility, the juvenile shall be transported to that facility without delay; unless the juvenile is in need of emergency medical treatment.
- D. If the juvenile is in need of emergency medical treatment it will be obtained without delay. The squad commander will immediately advise the on-call juvenile services employee of the circumstances and location of the juvenile.
- E. Immediate notification of parents, guardians or another responsible adult is required in every case of a juvenile being taken into custody in order to inform them of the circumstances and/or to pick the juvenile up.
- F. If it is necessary to take the juvenile into custody, it should be done with the least possible embarrassment to the juvenile and his/her family.
- G. In no case shall a juvenile be transported in a police vehicle with adults suspected of or charged with criminal acts. Juveniles, who are placed in a temporary holding cell, will be separated from any adults, through both site and sound. If available, officers will use the designated juvenile holding area of the temporary detention cells.



- H. Any juveniles taken into custody, the officer shall ensure that the rights of the juvenile are protected.
- I. Juveniles shall not be handcuffed for transport purposes if they are being accused of committing a status offense.
- J. Juveniles, who are taken into custody for an emergency petition, shall be handcuffed. The juveniles are to be handcuffed for the protection of the officer and the juvenile, as is the case for all persons taken into custody for an emergency petition.

**13. Fingerprints and Photographs of Juveniles:**

- A. Fingerprints and photographs will be taken of juveniles upon arrest.
- B. Juvenile status offenders are not to be fingerprinted, but must be photographed.

**14. Confidentiality of Records/Release of Information:**

- 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. Police officers may release, upon request to one another and to other local state or federal law enforcement officers, current information on juvenile arrests, 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 investigations and not for creation of new individual files or records.
- C. Those persons authorized by the Criminal Justice Information System Central Repository (CJIS - CR) are permitted access to juvenile records for this department.
- D. In the event the child is waived to adult status the laws pertaining to disclosure shall not apply to that child's records in that particular event.

**15. Custodial Interrogations of Juveniles Non-Custodial Interviews of Juveniles:**

- A. Custodial Interrogation: This is when a juvenile is under formal arrest or subject to a restraint on freedom of movement to the degree associated with a formal arrest. Interrogation includes any express questioning by a law enforcement officer or any words or actions on the part of the law enforcement officer that is reasonably likely to elicit an incriminating response.
  - a) When a juvenile is taken into custody, the officer will:
    - i. Contact the parent, guardian or custodian and explain the reason the juvenile is in custody;



- ii. Conduct an interrogation of the juvenile (if needed) in the presence of the parent, guardian, or custodian of the child;
- iii. If the parent, guardian, or custodian waives the right to be present then the juvenile can be interrogated out of the presence of the parent, guardian, or custodian. This waiver shall be documented in a supplemental or initial report;
- iv. If the parent, guardian, or custodian is notified and refuses to come to the station, the juvenile can be interrogated out of the presence of the parent, guardian, or custodian;
- v. 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 or psychological pressure;
- vi. No juvenile can be compelled to answer any questions which may tend to incriminate him. Juveniles are entitled to the full Miranda warnings and those rights must be explained in the parent, guardian, or custodian of the child or counsel, if the parent, guardian, or custodian of the child decides to be present;
- vii. Officers should keep in mind that when questioning a juvenile, they should not prolong the interview period any longer than is needed in order to complete their investigation. Also, the interrogation should be handled by one officer if at all possible in order to lessen the chance of the juvenile feeling intimidated or pressured; and
- viii. In many cases, juveniles may not understand what is happening to them during the interrogation process, so therefore; the officer should explain to them what to expect as far as procedures are concerned and how the court system works.

**16. Non-custodial interviews (Consensual Interaction/Field Interview vs. Investigative Stop):**

- A. Non-Custodial Contact: An interaction between police and a juvenile wherein the officer does not have reasonable suspicion that the juvenile has committed, is committing, or is about to commit a delinquent act or status offence and the juvenile is free to leave at any time.
- a) Juveniles may not be detained unless an officer has reasonable articulable suspicion of a delinquent act or a status offense. If an officer does not have a reason to detain the juvenile, any field interview that is deemed a consensual non-custodial contact shall be documented in the form of a field interview report.
  - b) A consensual non-custodial contact can become an investigative stop (“Terry Stop”) if the officer develops facts that cause him/her to believe reasonable articulable suspicion of a delinquent act or status offense exists. Reasonable articulable suspicion allows the officer to temporarily detain the juvenile for the



purpose of confirming or denying that suspicion. If the officer has no legal basis to detain the juvenile, the officer is engaging in a consensual interaction and the juvenile must be allowed to leave at any time.

**B. Officer Responsibilities:**

- a) When interacting with a juvenile in a consensual field interview, if at any time the juvenile wishes to leave, officers shall not restrict their freedom of movement, prevent the juvenile from leaving, or compel the juvenile to answer any questions. If during a consensual interaction/field interview, the juvenile asks if they are free to leave, the officer must advise that the juvenile is not in custody and is free to leave. The officer may call a parent or other responsible adult for assistance. If the officer has no reasonable articulable suspicion of a delinquent act or a status offense, the officer has no legal authority to detain the juvenile;
- b) Upon concluding a consensual field interview or non-custodial interview the officer shall complete a field interview report.
- c) If an officer interacting with a juvenile in a consensual field interview develops facts to justify reasonable articulable suspicion that the juvenile is armed, and conducts a weapons pat-down, the officer must complete a field interview report, detailing the facts that justified the pat-down. The officer must document these facts whether or not the pat-down revealed a weapon.
- d) If the officer develops facts to justify reasonable articulable suspicion that delinquency or status offenses are afoot, the officer may temporarily detain the juvenile in order to confirm or dispel that suspicion. The officer must complete a field interview report, detailing the facts that gave rise to reasonable articulable suspicion. The officer must document these facts whether or not that suspicion is dispelled.

**17. School Services Program:**

- A. Although we provide services to the schools within our jurisdiction, the Wicomico County Sheriff's Office provides and has assumed responsibility to provide a school resource program within the county. The Salisbury Police Department will maintain a close working relationship with the schools located throughout the city. The department will provide the highest levels of public safety service to the school communities.
- B. The purpose of the Salisbury Police Department school services program is to serve as a liaison for law enforcement, school faculty, students and parents. By working closely with one another these separate entities can unite and become an open channel of communication to identify any problem areas or concerns and provide a proactive means of ensuring school integrity and neighborhood security. In addition to communications the school services program affords the school faculty, students, and parents a contact point for police related topics/issues. In establishing such a contact



point, it is imperative that a certain degree of mutual respect be earned to further enhance the effectiveness of the school services program.

- C. The Salisbury Police Department will maintain a school liaison program with the schools in responding to requests for programs related to crime prevention, youth mentoring programs and control of delinquent and criminal behavior by youths. Department personnel can act as resources with respect to delinquency prevention, provide guidance on ethical issues in a classroom setting, provide individual student counseling and/or mentoring, and explain the law enforcement role in society.
- D. All officers are encouraged to interact with and develop a cooperative relationship when contacting students and to ask for suggestions as to how we as a department and as individuals can effectively uphold crime, reduce crime, reduce the fear of crime and assist youth in developing into contributable members of the community.
- E. Any contacts necessary with juveniles while they are in school or at school activities will be initiated by first contacting school administrative personnel at the school office.

#### **18. Community Youth Programs:**

The police department strongly supports and encourages participation in the youth activities programs throughout our community. Some of the programs include, but are not limited to: The Salvation Army Boys Club, Camp ESPA, Cops and Kids, YMCA for youth sports programs, Special Olympics and related activities, Wicomico County Board of Education involvement in school related activities (mentoring, book readings, technology education program etc...), agency related sports programs and the law enforcement explorers program.