



# PROCEDURES FOR ISSUING JUVENILE & JUVENILE CIVIL CITATIONS (NO PHYSICAL ARREST)

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### **I. JUVENILE CITATION CASES**

The juvenile citation is a mechanism for referring a juvenile to the Department of Juvenile Services for case screening and resolution in non-arrest situations where the delinquent act does not meet warrantless arrest criteria (i.e., misdemeanor not committed in the officer's presence) but probable cause has been established that the delinquent act occurred, or the officer has elected to issue a juvenile citation in lieu of making a lawful physical arrest. A child under 10 cannot be issued a juvenile citation. Any child under the age of 13, but the age of 10 or over, may only be issued a juvenile citation for a crime of violence (Criminal Law Article 14-101) listed below, but per Index Code 1702, juveniles committing these offenses will be arrested and transported to the Anne Arundel County Central Holding and Processing Center (CHPC).

- abduction;
- arson in the first degree;
- kidnapping;
- manslaughter, except involuntary manslaughter;
- mayhem;
- maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- murder;
- rape;
- robbery under § 3-402 or § 3-403 of this article;
- carjacking;
- armed carjacking;
- sexual offense in the first degree;
- sexual offense in the second degree;
- use of a handgun in the commission of a felony except possession with intent to distribute a controlled dangerous substance under §5-602(2) of this article or other crime of violence;
- child abuse in the first degree under §3-601 of this article;
- home invasion under § 6-202(b) of this article:
- a felony offense under Title 3, Subtitle 11 of this article;
- an attempt to commit any of the crimes described above;
- assault in the first degree;
- assault with intent to murder;
- assault with intent to rape;
- assault with intent to rob;
- assault with intent to commit a sexual offense in the first degree; and

- assault with intent to commit a sexual offense in the second degree.

## II. JUVENILE CITATION PROCEDURES

A. When a juvenile is not going to be arrested for his/her delinquent act as described above, but is going to be charged on a juvenile citation, the officer will immediately attempt to contact a parent or legal guardian of the juvenile for purposes of issuing the juvenile citation. If contacted, the officer will ascertain whether the parent or legal guardian can respond to the scene or if they want the juvenile transported to their location. If the parent or legal guardian is contacted but unavailable to meet with the officer immediately, the officer will make arrangements to meet with the parent or legal guardian at a later time to sign the juvenile citation. The officer will honor any reasonable request from the parent or legal guardian concerning transport of the juvenile.

If contact cannot be made immediately with the parent or legal guardian, the officer will attempt to contact another responsible adult (caretaker or relative) of the juvenile to advise them of the situation. The officer will honor any reasonable request from the responsible adult concerning transport of the juvenile. In these cases, the officer will attempt to contact the parent or legal guardian of the juvenile at a later time, for purposes of issuing the juvenile citation. If an officer has given their due diligence in attempting to contact the parent or legal guardian of the juvenile, but is still unsuccessful, they must contact Youth & Victim Engagement Services Unit for follow-up and certified mailing of the citation. All contact attempts of the parent or legal guardians must be documented in the incident report.

If contact cannot be made with a parent/legal guardian or a responsible adult, a police supervisor will be notified. The supervisor will determine, based on the current circumstances, if the juvenile can be released at that time (to be cited at a later time as described above), or if the juvenile meets CINA or CINS criteria and needs to be taken into custody (see Index Code 1701). In these cases, the officer will attempt to contact the parent or legal guardian of the juvenile at a later time, for purposes of issuing the juvenile citation. If an officer has given their due diligence in attempting to contact the parent or legal guardian of the juvenile, but is still unsuccessful, they must contact the Department of Juvenile Services for follow-up. All contact attempts of the parent or legal guardians must be documented in the incident report.

B. 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.

C. A hearing date will not be set.

D. 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.

E. The name of the school that the juvenile attends must be written on the citation, 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.

F. Each citation issued to an individual must be completely filled out, including driver's license information if applicable, 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.

G. The officer will give the victim their copy of the citation.

H. A citation is to be issued only after completion of the investigation. A detailed Offense/Incident Report of the offense(s) committed must be completed and submitted in the records management system at the time the citation is completed. ***The citation will be scanned into the records management system by the reporting officer. The reporting officer will check the "Juvenile Citation" stat box on the event card in the records management system.*** If there is an adult codefendant in the juvenile case, the officer will note this fact in the report.

I. Copies of the citations will be distributed to the following components: police officer, juvenile offender, and complainant. All additional copies should be forwarded to Central Records for referral to Youth & Victim Engagement Services and/or the Department of Juvenile Services. No citations should be forward directly to the Department of Juvenile Services or the Office of the State's Attorney.

### 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, but at least 13 Years of Age

All traffic offenses committed by juveniles less than 16 years of age, but at least 13 years of age are charged on the Juvenile Citation, not the Maryland Uniform Complaint and Citation. A juvenile under the age of 13 cannot be charged with a traffic offense. A hearing date will not be set, 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. The same Juvenile Citation Procedures will be followed as listed above.

#### 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 age 7 and older for violations of *civil* possession of *cannabis* and certain alcohol abuse laws. A juvenile defendant must appear at a hearing with the Department of Juvenile Services. A hearing date will not be set. TBD will be entered onto the citation, along with the address of Juvenile Services.

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:

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. *Civil* possession of *cannabis offenses* goes on a Maryland Juvenile Civil Citation. [CR- 5-601(a)(1)]

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

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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.

*D. A detailed Offense/Incident Report of the offense(s) committed must be completed and submitted in the records management system. The citation will be scanned into the records management system by the reporting officer. The reporting officer will check the "Juvenile Citation" stat box in the records management system.*

*E. Copies of the citations will be distributed to the following components: police officer, juvenile offender, and complainant. All additional copies should be forwarded to Central Records for referral to Youth & Victim Engagement Services and/or the Department of Juvenile Services. No citations should be forward directly to the Department of Juvenile Services or the Office of the State's Attorney.*

**V. PROPONENT UNIT:** Youth/Victim Engagement Services.

**VI. CANCELLATION:** This directive cancels Index Code 1703, dated **06-06-22**.