



Policy 1203

Subject

JUVENILE PEACE ORDER PROCEDURES

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By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to take appropriate actions to ensure the safety and welfare of victims from juvenile offenders. The Annotated Code of Maryland Courts and Judicial Proceedings Article, Title 3, Subtitle 8a, Juvenile Causes-Children Other than CINAs and Adults, Subsections 3-8A-19.1-5, allows victims of juvenile crime to petition the Circuit Court Division for Juvenile Causes (The Juvenile Court) for a Juvenile Peace Order.

DEFINITIONS

Complainant (referring to Juvenile Peace Order) — Any person or agency that files or causes to be filed a complaint with a police officer or Juvenile Intake Officer.

Custody (referring to Juvenile Peace Order) — The temporary care and control of a juvenile by a law enforcement officer for the purpose of booking (fingerprinting and photographing) and charging the juvenile with a delinquent act.

Delinquent Act — An act that would be a crime if committed by an adult.

Delinquent Child — A child who has committed a delinquent act and requires guidance, treatment, or rehabilitation.

Detention (referring to Juvenile Peace Order) — The temporary care of a child, pending court disposition, who requires secure custody for the protection of himself/herself or the community, in a physically restricted facility.

Juvenile Intake Officer — The person assigned to the Court by the Department of Juvenile Justice to provide intake services.

Petition — Any pleading or request for action directed to a Court alleging that a juvenile is a delinquent child or a child in need of supervision.

Petitioner — The individual who files a petition for a Juvenile Peace Order.

Respondent — The individual against whom a petition or a Juvenile Peace Order request is filed.

Victim (referring to Juvenile Peace Order) — An individual against whom an act described in 3.1. – 3.9. (GENERAL – Page 2 of this Policy) is committed or alleged to have been committed.

GENERAL

1. The law pertaining to Juvenile Peace Orders took effect on October 1, 2000, and was amended on March 1, 2002 and October 1, 2002.
2. A Juvenile Peace Order provides the victim protection from subsequent unwanted contact with a delinquent child. Relief granted in a Juvenile Peace Order is effective for six months from the date ordered by the Juvenile Court unless the Juvenile Peace Order states an earlier date. The conditions of the Juvenile Peace Order remain in effect even if a violation occurs and the juvenile is taken into custody.
3. A request for a Juvenile Peace Order may be initiated by the victim who alleges that a delinquent child has committed one or more of the following delinquent acts within 30 days of filing the request:
 - 3.1. An act that causes serious bodily harm;
 - 3.2. An act that places the victim in fear of imminent serious bodily harm;
 - 3.3. Assault in any degree;
 - 3.4. Rape or sexual offense as defined under Section 3-303 through Section 3-308 of the Criminal Law Article;
 - 3.5. False imprisonment;
 - 3.6. Harassment, under Section 3-803 of the Criminal Law Article;
 - 3.7. Stalking, under Section 3-802 of the Criminal Law Article;
 - 3.8. Trespass, under Title 6, Subtitle 4, of the Criminal Law Article; or
 - 3.9. Malicious destruction of property, under Section 6-301 of the Criminal Law Article.
4. A complainant wishing to seek a Juvenile Peace Order must respond to the Maryland Department of Juvenile Justice, 300 N. Gay St., to request a Juvenile Peace Order. An Intake Officer will review the request and decide whether or not it will be sent to the Juvenile Court for consideration.

NOTE: A Juvenile Peace Order can only be issued by Juvenile Court. Juvenile Court is part of the Circuit Court in all jurisdictions in the State of Maryland. (The Court can order restrictions for the respondent relating to any jurisdiction in the State of Maryland.)

5. If a peace order request is filed, the respondent shall have an opportunity to be heard on the question of whether the court should issue a peace order.
6. If the court finds by clear and convincing evidence that the respondent has committed, and is likely to commit in the future, a specified act against the victim, or if the respondent consents to the entry of a peace order, the court may issue a peace order to protect the victim.
7. Juvenile Peace Orders shall contain only the relief that is minimally necessary to protect the

petitioner. The Juvenile Peace Order may include any or all of the following relief:

- 7.1. Order the respondent to refrain from committing or threatening to commit any of the specified violations against the victim;
- 7.2. Order the respondent to refrain from contacting, attempting to contact, or harassing the victim;
- 7.3. Order the respondent to refrain from entering the residence of the victim;
- 7.4. Order the respondent to remain away from the place of employment, school, or residence of the victim; and
- 7.5. Direct the respondent or the victim to participate in professionally supervised counseling.

NOTE: Violation of any of the items listed in 7.1. — 7.4. is also a delinquent act.

REQUIRED ACTION

Member

Issuance of a Juvenile Peace Order

When a member receives an inquiry regarding the issuance of a Juvenile Peace Order, the member shall advise the complainant to respond to the Maryland Department of Juvenile Justice, 300 N. Gay St., to complete the form that requests the Circuit Court Division for Juvenile Causes (The Juvenile Court), in Baltimore City, to issue a Juvenile Peace Order.

NOTE: Members are not responsible for service of the Juvenile Peace Orders once the Juvenile Court issues them. Juvenile Peace Orders are served by the Baltimore City Sheriff's Office.

1. Investigate the incident thoroughly.
2. Complete all required Crime/Incident Reports.
 - 2.1. Advise the Juvenile Intake Officer of the inquiry regarding the Juvenile Peace Order, if the juvenile is taken into detention for a delinquent act.

Violation of a Juvenile Peace Order

A violation of any of the specified provisions of the Juvenile Peace Order, except professionally supervised counseling, is a delinquent act. The member shall take into custody a child whom the member has probable cause to believe is in violation of the Juvenile Peace Order.

1. Upon receiving a complaint that a violation of a Juvenile Peace Order is occurring or has occurred, the following procedure shall be initiated:
 - 1.1. Determine that a valid Juvenile Peace Order exists. Contact the Department of Juvenile Services at 443-263-8709 to verify an existing Juvenile Peace Order.

- 1.2. Determine whether a violation of the Juvenile Peace Order has or is taking place based on the relief specified in the Juvenile Peace Order.
- 1.3. Take the juvenile into custody once it is determined that a violation of the Juvenile Peace Order has occurred.

NOTE: Do not take a juvenile into custody for failure to participate in professionally supervised counseling.

- 1.4. Process the juvenile in keeping with existing procedures at the Baltimore City Juvenile Justice Center (BCJJC), if it is determined that an arrest is warranted for violation of the Juvenile Peace Order. The charge is Violation of a Juvenile Peace Order, Subtitle 8, Subsection 3-8A-19.5.

NOTE: The juvenile should be charged for both the Violation of the Juvenile Peace Order and any additional offense(s) committed.

- 1.5. A copy of the Juvenile Peace Order must accompany all required reporting.
- 1.6. If a determination is made that an arrest is not warranted, document the incident on a Crime Incident Report, Form 04/08.

Sector Supervisor / Shift Commander

1. Review all required Crime Incident reporting.
2. Ensure officers properly advise members of the public the procedure for obtaining a Juvenile Peace Order.
3. Provide guidance to officers making arrests for violations of Juvenile Peace Orders.

Baltimore City Juvenile Booking Unit

1. Process juveniles consistent with the current Standard Operating Procedures for violation(s) of a Juvenile Peace Order.
2. Attach a copy of the verified Juvenile Peace Order to the juvenile's Custody Package.

ASSOCIATED POLICIES

Policy 1202, *Juveniles: Consensual, Non-Custodial Contacts and Custody Procedures*

RESCISSION

Remove and destroy/recycle General Order L-3, *Juvenile Peace Order Procedures*, dated 7 July 2003.

COMMUNICATION OF POLICY

This Policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.