



ARREST & CUSTODY OF JUVENILES

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I. ARREST OF JUVENILES

The laws of arrest that apply to adult offenders also apply to juveniles. If the laws of arrest prevent an officer from arresting an adult, then the laws of arrest also prevent an officer from arresting a juvenile for the same offense. A child under 10 cannot be charged with a crime. Any child under the age of 13, but the age of 10 or over, may only be charged with a crime of violence (Criminal Law Article 14-101) listed below.

- 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.

All juveniles charged with a felony will be arrested and transported to the Anne Arundel County Central Holding and Processing Center (CHCP) to be processed (A supervisor has the authority to deviate from an officer making a physical arrest if appropriate). An officer has discretion whether to arrest a juvenile for a misdemeanor offense, if the laws of arrest allow, or issue a juvenile citation in lieu of arrest. Juveniles may also be taken into custody by an order of the Court, if they are in danger from their immediate surroundings, or if they have run away from their parent or legal guardian. When a juvenile is arrested or otherwise taken into police custody, the following requirements will be followed except if the juvenile is being charged as an adult as outlined in Index Code 1701.

A. Constitutional Rights

Juveniles are entitled to all Constitutional rights afforded adults. Officers will fully respect a juvenile's Constitutional rights.

B. Transportation

Officers who arrest juveniles who need to be processed will transport the juvenile to the Anne Arundel County Central Holding and Processing Center (CHPC) without delay (unless a juvenile is in need of emergency medical treatment). All precautions and procedures relating to prisoner transportation will be followed per Index Code 2003. An arrested juvenile may also be transported to a District Station for continued supervision and control prior to being questioned or processed for a criminal investigation. *Officers can use the approved areas of the District Police Stations (roll call room, community room, and/or lobby to guard the juvenile, but will not use the Temporary Detention Area unless the juvenile will not be processed at the CHPC).*

C. Parental Notification

The arresting officer will immediately use all reasonable means to notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into custody. The parent, guardian, or custodian will be notified of the child's location, reason for being taken into custody, and how to make immediate in-person contact with the juvenile. This instruction may include providing directions to the facility or location where the arrested juvenile is being held. If the juvenile's parent, guardian, or custodian cannot be reached and a relative or other caretaker will not take custody, the arresting officer will immediately notify the Department of Juvenile Services (DJS). If the parent(s), guardian(s), or custodian of the juvenile has been contacted, but refuses to take custody of the juvenile, they are to be advised that they may be charged under Family Law, Section 1-219, with "Desertion of a Minor Child" because their child is now considered "neglected" (child in need of assistance). If this is the case, the supervisor should contact the Department of Juvenile Services for assistance. The parents/guardian may be charged at a later time.

D. Anne Arundel County Central Holding and Processing Center (CHPC)

All juveniles (juveniles charged as a juvenile or juveniles charged as an adult) entering the CHPC will be brought in via the juvenile entrance following Index Code 2003. For juveniles charged as juveniles, the arresting/transporting officer will stay at the CHPC (the arresting/transporting officer may not leave the juvenile unattended without the express consent of CHPC staff) until a parent or guardian arrives to take custody of the juvenile and sign the juvenile citation, or the Department of Juvenile Services arranges placement of the juvenile at a juvenile detention facility (The officer will transport the juvenile to that facility). To ensure compliance with the six hour juvenile detention timeframes, officers may contact members of the Youth & Victim Engagement Services Unit for assistance with this process. If necessary, the officer may transport the juvenile to their parent or guardian, after processing, if the parent or guardian cannot arrive at the CHPC in a timely manner (Juveniles will continue to be secured during transport in this instance).

II. CUSTODIAL INTERROGATION

A. Officers wishing to conduct custodial interrogations of juveniles, including juveniles charged as adults, **must** arrange for the juvenile to consult with an attorney who is either:

1. retained by the parent, guardian, or custodian of the juvenile; or
2. provided by the Office of the Public Defender: **410-295-8800 regular hours (0900-1700) or 410-412-2021 after hours (1700-0900)**

Exception: An officer may conduct a lawful custodial interrogation of a juvenile without arranging for attorney consultation, if the officer reasonably believes that the information sought is necessary to protect against a threat to

public safety and the questions posed to the juvenile are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat to public safety.

Officers must make a reasonable effort to notify the parent, guardian, or custodian of the juvenile of the above. Officers may not interfere with the confidential communication between the attorney and juvenile. The communication between the juvenile and the attorney may be conducted in person, via telephone, or via video conferencing. The officer must list the name of the attorney the juvenile consulted in their incident report.

Officers must complete the form PD 1702, detailing the name of the person (parent, guardian or custodian) who was notified or sought to be notified and the method of the notification or attempted notification. The PD 1702 form will be uploaded into the Records Management System. Officers must also list this notification or attempted notification in their incident report.

B. Juveniles have the same rights as adults regarding statements and confessions. Special efforts will be made to ensure that the juvenile understands these rights, as well as department and juvenile justice system procedures. The juvenile being interrogated must be informed if the interrogation is being recorded. Interviews of juveniles will be done with consideration of the juvenile's age, mental state, or other known factors or influences experienced by the juvenile.

C. Officers will have a parent present when a juvenile under fifteen (15) years of age is to be questioned and advised of his/her rights. For juveniles age 15 and over, investigators will confer with the parent, guardian, or custodian to explain the interrogation process.

D. Juvenile interrogations/interviews will be conducted in the same general manner as adult interrogations/interviews. The duration of the interrogation will be limited as appropriate to the juvenile's age and the nature of the alleged offense, but will not exceed two hours without a break being offered. The number of officers engaged in the interrogation will not exceed two at any given time.

Investigators will confer with parents, guardians, or custodians to discuss the interrogation process, the circumstances of the case, and the legal status of the juvenile. The conference may be held before, during or after the interrogation as considered appropriate by the investigator.

III. DETENTION OF JUVENILES

Federal and state laws prohibit the placement of juveniles with adult offenders in any type of holding cell or room. When a juvenile is detained and transported to a district station for any reason, the juvenile will be separated by sight and sound from adult offenders while in the Temporary Detention Area. Contact of any nature between juvenile and adult offenders, either in the police vehicle or district station, must not occur.

IV. DISTRICT TEMPORARY DETENTION AREA PROCEDURES

The arresting or transporting officer will document on the Juvenile Temporary Detention Area Log, PD 337 the following information:

- A. Date and time of arrest;
- B. Name and address of the juvenile;
- C. Date of birth, sex, race, ethnicity of the juvenile;
- D. Most serious offense;
- E. Detention cell number or other information stating place of detainment;
- F. Time juvenile arrived into secure custody (Temporary Detention Area);
- G. The name of the arresting officer and transporting officer, if applicable;
- H. Time of juvenile's release from secure custody (Temporary Detention Area and/or cell). If the juvenile was moved from secure custody to non-secure custody (see Section VI. below), it will be noted on the Log.;
- I. Total time that the juvenile was held in secure custody;
- J. Time that a notification is made to a juvenile's parent or guardian;
- K. Document any comments concerning the condition of the juvenile and/or instructions made by the parent or guardian.;
- L. Final release time from the District, along with the name and relationship of the person to whom the juvenile was released to if the juvenile is not transported to the CHPC.

V. JUVENILE CITATION PROCEDURES

A. 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. The officer will advise the parent or guardian that a refusal to sign the citation may result in the complaint being referred directly to the State's Attorney for formal court action. Parents should be served with a copy of the citation whenever possible. If efforts fail, a copy of the citation will be provided to the Youth & Victim Engagement Services Unit or sent certified mail to the parents. ***In situations where formal detention was granted by DJS, the intake officer at the receiving facility may sign the juvenile citation.***

B. A hearing date will not be set.

C. 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. If the same person is victimized numerous times, a juvenile citation needs to be issued for each separate incident. See Index Code 2201 for additional information about what constitutes an Incident/Event based on offenses occurring at the same time and place by the same offender(s).

D. 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.

E. 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 recorded.

F. If there is a victim of the offense that the juvenile committed, the officer will give or mail the victim their copy of the citation. Complainants are urged to come to hearings.

G. 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 in the records management system.*** If there is an adult codefendant in the juvenile case, the officer will note this fact in the report.

H. Copies of the citations will be distributed to the following components: police officer, juvenile offender, complainant, Central Records, Juvenile Victim/Assistance Unit, and Department of Juvenile Services.

VI. DETENTION LIMITS

Juvenile criminal offenders will not be held in secure custody (Temporary Detention Area or cell) in excess of six hours. The juvenile must be removed from secure custody prior to the six hour mark. In this case, the juvenile will be placed in a non-secure area, will be guarded by an officer, and if necessary, will be handcuffed during this time. Examples of non-secure areas where a juvenile can be placed include, but are not limited to the following:

1. The Central Holding & Processing Center (CHPC) – Juvenile Offender Pickup Entry and Waiting Area
2. An Anne Arundel County Police Station's Lobby, ***Community Room***, or Report Writing Room
3. A Police Vehicle

(Note: The juvenile may **not** be handcuffed to a stationary object in a non-secure custody setting.)

Once detention in a secure area is achieved, a juvenile cannot be removed to a non-secure area and then returned to a secure area unless new criminal charges are levied. This may hamper the ability of officers to interview juvenile suspects outside of secured holding.

If any violation of the above ever occurs, the following procedures apply:

A. The arresting officer's immediate supervisor must be notified.

- B. A supplement report must be written by the immediate supervisor detailing the reason(s) why the juvenile was held in secure custody in excess of six hours.
- C. A copy of all written reports will be forwarded to the district commander and the Staff Inspections Unit.
- D. The arresting officer will highlight the juvenile's name and all other pertinent blocks on the Juvenile Temporary Detention Area Log, PD 337.
- E. District Station Executive Officers will note any violations in their quarterly reporting to the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCCP's) - Compliance Monitoring Data Collection System (CMDCS). See Section VII B. for additional information.

VII. JUVENILE RECORDS

A. In accordance with the Annotated Code of Maryland, a police record concerning a child is confidential. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown. This does not prohibit access to and confidential use of the record by the Department of Juvenile Services or in the investigation and prosecution of the child by any law enforcement agency.

B. Juvenile arrest/detention information will be reported to the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCCP's) – Compliance Monitoring Data Collection System (CMDCS) on a quarterly basis. District Station Executive Officers will report their respective station's records as required via the [GOCCP's CMDCS website](#) in the "Juvenile Holding Log". Violations of this policy, outlined in Section VI, will be included and explained in the "notes field" of the GOCCP's CMDCS "Juvenile Holding Log". [Note: This only applies to juveniles held in secure custody at a police temporary detention area or cell. Central Holding & Processing Center (CHPC) staff are responsible for entering juvenile arrest/detention information associated with their facility.]

C. The Evidence Collection & Identification Section will establish written procedures for the collection, dissemination, and retention of fingerprints, photographs, and other forms of identification pertaining to juveniles. For the purpose of this directive, "other forms of identification" include physical samples from the suspect (hair, blood, urine, nails, breath, or stomach contents) and handwriting samples.

D. All requests for juvenile records, including police reports, will be referred to the Central Records Section. The Central Records Manager, serving as the custodian of records, is accountable for

- 1. The collection, dissemination and retention of juvenile records;
- 2. Procedures to carry out court-ordered expungement of records;
- 3. Provisions governing disposition of records when juveniles reach adult age, pursuant to state law; and
- 4. Restricting access to records on a need-to-know basis.

E. Media inquiries for information regarding juveniles will be referred to the Media Relations Office.

VIII. PROPONENT UNIT: Youth/Victim Engagement Services.

VIV. CANCELLATION: This directive cancels Index Code 1702, dated *10-01-22*.