



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

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GENERAL ORDER: 5-36; TAKING JUVENILES INTO CUSTODY

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I. POLICY

Juveniles will be taken into custody:

- pursuant to a Court Order,
- if the juvenile has run away from the child’s parents, guardian or legal custodian,
- if the juvenile is in danger due to his/her surroundings, or
- pursuant to the laws of arrest.

II. DEFINITIONS

- A. STATUS OFFENSE - is an act or conduct declared by statute to be an offense, but only when committed or engaged in by a juvenile, and that can only be adjudicated by a juvenile court. Examples include children who are runaways, in possession of alcohol, truant and out-of-control.
- B. ARREST - for the purpose of this General Order, means the taking of a juvenile into custody for committing a delinquent act.
- C. DELINQUENT ACT - is a crime committed by a juvenile.

III. AUTHORITY FOR TAKING A JUVENILE INTO CUSTODY

Under Maryland law (§3-8A-14 of the Courts and Judicial Proceedings Article), a law enforcement officer may take a child into custody under any of the following circumstances:

- A. Pursuant to an order of the court;
- B. If the officer or other person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian;
- C. By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection; or
- D. By a law enforcement officer pursuant to the law of arrest.

IV. TAKING A CHILD INTO CUSTODY ON A JUVENILE WARRANT OR OTHER ORDER OF THE COURT

Officers shall:

- Arrest the juvenile;
- Contact the Department of Juvenile Services (DJS) at [REDACTED] on week-ends and holidays; and follow the direction of the DJS official.

V. TAKING A CHILD INTO CUSTODY FOR ‘RUNAWAY’ STATUS OFFENSE

A. Pursuant to §3-8A-14 of Courts and Judicial Proceedings Article, an officer may take a juvenile status offender into custody if the officer has reasonable grounds to believe that the juvenile has run away from his/her parents or guardian. Officers shall:

1. Return the located child to the parent or guardian unless a judge or the Department of Juvenile Services (DJS) has issued a detention order for the child.
2. Recommend that the parent/guardian access resources that may assist them with the underlying problem(s) such as:
 - Crisis Center (240-777-4000)
 - Department of Juvenile Services [REDACTED]
 - Private therapists/counselors
3. If the parents/guardians cannot be located or if they express that they cannot handle the child’s behavior, contact a DJS intake worker [REDACTED]; after 1700 hours and on weekends/holidays, call [REDACTED] if all else fails, ask ECC to contact the on-call DJS official after hours) for advice regarding the disposition of the child.
4. Alleged “out-of-control” or missing (runaway) juveniles who are in the home shall not be removed at the request of the parent or guardian unless a DJS intake worker authorizes detention/shelter. Contact a DJS intake worker using the numbers in item 3, above.

VI. TAKING CUSTODY OF A JUVENILE WHO HAS BEEN HARMED OR WHO IS IN DANGER FROM THEIR SURROUNDINGS (ABUSE OR NEGLECT)

- A. Under Section 3-814 of the Courts and Judicial Proceedings Article, a law enforcement officer may take a child into custody when the officer has reasonable grounds to believe that the child is in 'immediate danger from his surroundings' (meaning child abuse or child neglect) and that the child's removal is necessary for his/her protection.
- B. Refer to General Order 5-35 for detailed procedures related to taking a child into custody to protect the child from suspected abuse or neglect.

VII. TAKING A JUVENILE INTO CUSTODY FOR COMMITTING A DELINQUENT ACT

- A. Laws of Arrest. *The laws of arrest apply the same for adults and 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.*
- B. Parent/Guardian Notification. *When an officer charges a juvenile with a crime (whether by arrest or by exception) or charges a juvenile by civil citation (alcohol, tobacco, marijuana), the officer must notify the juvenile's parent/guardian of the charges. In the narrative of the report, the officer must state that the parent/guardian was notified, list the charges that the parents were notified of, and the date and time the notification was made.*
- C. Arrests by an SPO. *For a felony or misdemeanor arrest made by a Special Police Officer (SPO) having jurisdiction on the property where the incident occurred, whether or not in a mercantile establishment, responding officers will:*
 - 1. Verify the SPO's commission,
 - 2. Obtain a signed statement of probable cause for the arrest from the SPO and a copy of the internal report completed by the SPO for their employer is also acceptable,
 - 3. Transport the juvenile to the County Police 2nd District Station for processing and follow the procedures in MCP Function Code 513 Section VI, 'Processing Arrested Juveniles.'
 - 5. If the parent or guardian refuses to accept custody, the officer will immediately notify

the Department of Juvenile Services either directly at [REDACTED] on week-ends and holidays.

D. Warrantless Arrest on Accusation/Citizen Arrest

- 1. Legal Authority
 - a. **Felony** - *In Maryland, a private citizen has authority to arrest without a warrant when a felony is being committed in the citizen's presence or when a felony has in fact been committed, whether or not in the citizen's presence, and the citizen has probable cause to believe that the person arrested has committed it.*
 - b. **Misdemeanor** - *In Maryland, a private citizen has authority to arrest without a warrant when a misdemeanor that amounts to a breach of the peace is being committed in the presence or view of the citizen. There is a narrow exception to this in the common law. A citizen has the right to detain a person believed to have taken the citizen's property. This must be done to prevent theft or recapture property and not as a punishment. It is false imprisonment if the person does not have the property.*
- 2. Warrantless Citizens' (Non-Police) Felony Arrests
 - a. Responding officers will interview the complainant and determine if there is probable cause to believe a felony was committed and the juvenile committed it.
 - b. If probable cause to arrest the juvenile does NOT exist, officers will: a. NOT ARREST THE JUVENILE.
 - Inform the complainant that the arrest does not meet legal requirements.
 - Complete the appropriate police report.
 - c. If probable cause to arrest the juvenile DOES exist, officers will:
 - Obtain a written, signed statement from the complainant.
 - Arrest, transport, and process the juvenile according to MCPD's FC 513, "Processing Arrested Persons."
 - Forward copies of the event report and any other relevant documents to SVID within 24 hours.
- 3. Warrantless Citizens' (Non-Police) Misdemeanor Arrests
 - a. Responding officers will interview the complainant and determine if there is probable cause to believe a misdemeanor was committed and the juvenile committed it.

b. *If there is probable cause to believe that the juvenile committed a misdemeanor and all of the guidelines of Criminal Procedure Articles 2-202 and 2-203 have been met, officers will arrest the juvenile and:*

- *Obtain a written, signed statement from the complainant.*
- *Transport and process the juvenile according to FC 513.*

c. *If there is probable cause to believe that the juvenile committed a misdemeanor but all of the guidelines of Criminal Procedure Articles 2-202 and 2-203, have NOT been met:*

- *DO NOT ARREST THE SUSPECT.*
- *Explain to the complainant that officers may not arrest the juvenile in this situation.*
- *Close the case by exception and refer it to SVID for disposition.*
- *Complete the necessary reports, including all of the necessary information and forward all reports to SVID within 24 hours.*

d. *It is important to note that for shoplifting, a physical arrest will be made on all felonies and on misdemeanors that meet the guidelines of Criminal Procedure Articles 2- 202 and 2-203. This would include a juvenile who resides outside of Maryland, whose identity is in question, or who is wanted.*

VIII. Disposition of Arrested Juveniles

A. Release to Parents

1. A juvenile offender cannot be held in a secure setting for more than six hours; the clock starts at the point when the juvenile is placed in the secure area or is secured to a stationary object by handcuffs and is cumulative. Juveniles will not be released on their own recognizance. Release juveniles to their parents/guardians on a timely basis. If the juvenile's parent/guardian cannot be located, contact DJS for disposition authorization. If the juvenile has committed any of the offenses listed in section VIII.B.1 below, seek to detain the juvenile and coordinate the detention through DJS. DJS personnel and Juvenile Court judges are the only persons empowered to authorize the placement of a juvenile in a detention or shelter facility. NOTE: If a juvenile is detained in an MCP facility for more than 6 hours, officers are responsible for documenting on the MCP810 and in their incident report the reason for the extended detainment. Officers should be as detailed as

possible citing whether there was a delay in placement, personnel involved, etc. Officers should also notify the supervisor on duty of the extended detainment.

2. If DJS authorizes the release to someone other than the parent/ guardian, list the name of the DJS worker authorizing the release in the report. The full names of the parent/ guardian and the person the juvenile is released to are required in the report.

3. Request verification of identity prior to releasing juveniles into the custody of parents/guardians/ relatives. Absent sufficient identification, the release will be coordinated via DJS.

4. Complete a juvenile release form in duplicate and obtain the signature of the parent/guardian to whom the juvenile is released. Give a copy of the release form to the parent/guardian; attach the original to the report. Explain to the parent/guardian and the juvenile involved the circumstances of the offense for which the juvenile is being charged. Additionally, briefly explain the juvenile justice process.

B. Detention of Juveniles

1. Initiate detention proceedings when juveniles cannot be released to their parents or they are arrested for any of the below listed offenses. The only exception to this detention procedure would be when the juvenile is charged as an adult.

a. Abduction [Criminal Law 3-503(a)]

b. Arson in the first degree [Criminal Law 6-102 (a)]

c. Assault in the first degree (Criminal Law 3-202)

d. Bomb threat (Criminal Law 6-107)

e. Burglary in the first, second, or third degree (Criminal Law 6-202, 203, 204)

f. Carjacking or armed carjacking (Criminal Law 3-405)

g. Escape (Criminal Law 9-404, 9-405)

h. Kidnapping [Criminal Law 3-503 (a, b, c)]

i. Manslaughter (voluntary, common law)

j. Murder in the first or second degree [Criminal Law 2-201(a)]

k. Possession of explosives/destructive device (Criminal Law 4-503)

- l. Rape in the first or second degree (Criminal Law 3-303, 3-304)
 - m. Possession/use of a handgun or regulated firearm or possession of a short-barreled rifle or shotgun (Public Safety §5-133, §5-134, §5-138, or §5-203; Criminal Law §4-203, §4-204, §4-404, or 4-405)
 - n. Robbery with a dangerous or deadly weapon (Criminal Law 3-403)
 - o. Sexual offense in the third degree (Criminal Law 3-307)
 - p. Carjacking or armed carjacking under § 3-405 of the Criminal Law Article;
 - q. Assault in the first degree under § 3-202 of the Criminal Law Article;
 - r. Attempts to commit any of the above crimes.
 - s. Any offense which, in the officer's opinion, is serious in nature.
2. Between 0800 and 1700 hours:
- a. [REDACTED]
 - b. If the arrest was not based on a warrant and detention is authorized, the officer must bring the juvenile to the JAC to be seen by an intake worker. The intake worker will give the officer written authorization to take the juvenile to Noyes.
 - c. If the juvenile is being held on a warrant the officer will take the juvenile directly to Noyes.
 - d. The arresting officer will provide DJS with a copy of the incident and or supplemental reports.
3. Between 1700 and 0800 hours:
- a. Contact DJS at [REDACTED]. The officer will provide all pertinent information regarding the case including any injuries to the juvenile and any drug/alcohol use.
 - b. If detention is authorized, the DJS employees may respond to the district stations to

- interview juveniles or provide authorization via phone. DJS employees handling intakes by phone will provide written authorization to transport juveniles to Noyes or other facilities via email or fax.
 - c. Complete an incident report. Indicate on the incident report if additional charges are anticipated.
 - d. Fax a copy of the above documents to DJS at [REDACTED]
 - e. Transport the juvenile, without unreasonable delay, to Noyes.
4. If the DJS intake worker decides not to place a juvenile in detention/shelter, the parents must accept custody of the child. The parents have no statutory or legal right to refuse custody. If the parents refuse to take custody, the officer should contact Child Protective Services. Inform the parents that their refusal to take custody may result in a formal investigation being initiated by Child Protective Services. Include in the incident report the name of the DJS intake worker who decided not to place the juvenile

This directive voids the previous version dated 5/29/2015.