



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

[Signature]

Police Chief: John M. Fitzgerald

**GENERAL ORDER: 5-29 SERVICE OF WARRANTS AND
PROCESSING ARRESTED PERSONS**

DATE: 1/13/2021 Pages: 2 ◇ New ◆ Amended

DISTRIBUTION: Sworn Personnel

I. POLICY

Arrests are one of the duties required of police officers. It is the policy of the Department that arrests shall be made so that:

- they comply with the U.S. and Maryland Constitutions and the laws of arrest, and
- to the extent possible, they do not jeopardize the safety of bystanders or arresting officer(s).

II. AUTHORITY TO SERVE WARRANTS

- A. Pursuant to the provisions of Maryland Rule 4-212, only police officers or sheriffs/deputies are authorized to serve summonses or warrants.
- B. Officers are authorized to serve, or participate in the service of the following documents:
1. Arrest warrants
 2. Traffic warrants
 3. Bench warrants
 4. Juvenile warrants
 5. Body attachments
 6. Search/Seizure warrants
 7. Administrative Search warrants
 8. Retake warrants
 9. Statements of Charges
 10. Emergency Evaluation Petitions
 11. District Court Summonses
 12. Fugitive Warrants

III. ARREST WARRANT SERVICE PROCEDURES

- A. **ALL WARRANTS MUST BE CONFIRMED BEFORE AN ARREST IS MADE.** If an officer learns from any source (computer 'hit'; admission made by the wanted person; tip from a family member or other informant, etc.) that a person is "wanted" on any type of warrant, the officer will request **ECC to confirm the warrant before an arrest is made on the strength of that warrant.** ECC will then contact the agency that wants the subject to ensure that the warrant is valid and that the warrant is on file. Officers must not make an arrest on a warrant until the warrant has been confirmed.
- B. The officer must also verify the identity of the individual using whatever reasonable means are

available (physical descriptors, photo ID cards, AFIS fingerprint scans, and other factors).

- C. After confirming the warrant (see Section III. A. above) and verifying the identity of the wanted individual, officers may arrest a wanted person whom they encounter under the following circumstances:
1. When the encounter is made in Chevy Chase Village, or
 2. When the encounter is made in Montgomery County outside of Chevy Chase Village and:
 - the Village police officer is on duty; and
 - the Village officer discovers the existence of the warrant during the course of his/her duties.
- C. Generally, when making plans to serve warrants (arrest warrants, bench warrants, traffic warrants, juvenile warrants), warrants may be served at any time, except that, if the charge(s) on the warrant are of a very minor nature (as determined by the on-duty supervisor or senior officer), service or execution of the warrant will be made at a reasonable hour; i.e., between the hours of 0800 and 2100.
- D. Once an adult arrest is made, officers shall transport the individual to the CPU.
- E. **Juvenile warrants** are issued by judges generally assigned to the Juvenile Court. If an officer arrests a juvenile base on a juvenile warrant:
1. During regular business hours, call the DJS office in Rockville at [REDACTED]. Officers will most likely be directed to bring the arrested juvenile directly to the Juvenile Court.
 2. After 5pm and on weekends/holidays, call [REDACTED] and speak to the on-call DJS intake officer; follow their direction.
- F. Officers will not unnecessarily delay serving a warrant if any of the following criteria exist:
- The accused is considered an escape risk and/or is likely to avoid service at a later time, or
 - The accused is wanted on other charges, or
 - The accused is a suspect in other criminal cases,

- or
- The accused is in imminent danger of causing harm to himself or others, or
- The accused, unless immediately apprehended, may tamper with, dispose of, or destroy evidence, or
- The accused, unless immediately apprehended, may cause injury to the person or damage to the property of one or more other persons.

G. If the officer intends to ask the accused any questions about the crime charged in the warrant (or about any other crime) while the person is in custody, the officer must advise the accused of their Miranda rights via MCP Form #50. If the accused asks for an attorney, questioning must stop and the defendant will be allowed access to a phone and officers will not monitor or listen to communications between the accused and his attorney. A record of the warrant service will be documented on an Incident Report.

H. **Village Officers will follow MCP Function Code 513 ‘Processing Arrested Persons’ (attached).** In addition to the procedures within this general order, Village officers shall adhere to those contained in Montgomery County’s Function Code 513, ‘Processing Arrested Persons.’ FC513 provides additional details related to the arrest process at CPU, juvenile charges, and forms completion.

IV. SEARCH WARRANT PROCEDURES

- A. Officers considering obtaining a search warrant shall first consult with the Lieutenant.
- B. All applications/affidavits for search warrants shall be reviewed and approved by the Chief of Police prior to being reviewed by a judge.
- C. The lieutenant shall ensure that the service of any search warrant obtained by a Village police officer is coordinated with:
 - 1. the Montgomery County Police Department if the location to be searched is within the Village, or
 - 2. with the appropriate local law enforcement agency if the location to be searched is outside of Chevy Chase Village.
- D. A supervisor from CCVPD will be present when any search warrant is executed. The supervisor will be responsible for ensuring that proper procedures are followed during the search, that the inventory and return are completed, and that all reporting requirements are fulfilled.

V. PERSONS WANTED BY NON-MARYLAND AGENCIES

- A. **Wanted by a State or Local Law Enforcement Agency outside of Maryland**
 - 1. Request a current “hit” confirmation or TTY from the demanding agency be faxed to CPU.

- 2. After confirming the warrant and verifying the identity of the wanted subject, transport the individual to CPU for processing (refer to FC 811).
- 3. Copy the front of the CPU 513 form (CBF bar code number) for the officer’s file and give the envelope to the booking officer
- 4. Complete a DC/CR 30, “Charge Against Fugitive.”
- 5. Complete an event report (classification 2752).
- 6. Fax a copy of the event report to the Fugitive Section by 0700 hours the next day at [REDACTED]. (CPU will complete necessary fingerprint cards, photos, arrest report and bring the person before the Commissioner and fax copies of their paper work to MCP Fugitive Unit by 0700 hours).

B. Wanted by Federal or Military Agencies

If a person is arrested because he is wanted by a federal or military law enforcement agency and no local charges are anticipated, simply notify the agency that wants the person to respond to accept custody.

VI. EXEMPTIONS FROM ARREST AND CRIMINAL PROCESS SERVICE

Section 9-304 of the Courts and Judicial Proceedings Article states:

- A. If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not, while in this State pursuant to such summons, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.
- B. If a person passes through this State while going to another State in obedience to a summons to attend and testify in that State or while returning therefrom, he shall not, while so passing through this State, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.

This directive voids the previous version dated 9/15/2016.



PROCESSING ARRESTED PERSONS

FC No.: 513

Date: 02-07-19

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Definitions

- A. Arrest Warrant: A written order by a judicial officer commanding a law enforcement officer to arrest a specific person.
- B. CRIMS: Correction and Rehabilitation Information Management System is an on-line identification and booking system where law enforcement officers complete computer-generated Statements of Charges and Probable Cause for criminal arrests. The Maryland Department of Public Safety and Correctional Services is the agency responsible for the statewide installation and operation of CRIMS.
- C. Delinquent Offender: A juvenile offender who has been charged with an offense for which an adult can also be charged, but who is subject to the jurisdiction of the juvenile court.
- D. Juvenile: Any person under the age of 18 (whether under juvenile or criminal court jurisdiction) or a person between the ages of 18 to 21 who is still under juvenile court jurisdiction.
- E. Miranda Warning: A requirement based on a United States Supreme Court decision that a person be advised of certain constitutional rights against self-incrimination at the time of arrest and before questioning.
- F. Statement of Charges: A charging document, other than a citation, filed in District Court by a peace officer or by a judicial officer.

II. Miranda Rights

- A. Advice of Miranda Rights
 - 1. The Maryland Court of Appeals has ruled that any person under arrest who will be charged as an adult must be presented to a court commissioner without delay. There are few exceptions to this ruling. The appearance may be delayed conducting administrative functions such as recording, fingerprinting,

and photographing. However, a defendant must waive the right to an immediate appearance before the commissioner prior to the officer asking questions. The revised MCP 50, "Advice of Rights Form," (dated 09/10) contains a waiver of presentment and has been approved by the State's Attorney's Office. Failure to use the revised MCP 50 may result in any statements obtained from a defendant being suppressed.

2. Advise individuals of their Miranda rights only when they are in custody (under arrest) and subject to interrogation. Give Miranda rights prior to questioning to ensure the statement's admissibility.
3. Consult with the investigator prior to any questioning or advising Miranda rights when a person is taken into custody for a crime that requires the immediate notification/response of an investigative unit (refer to FC 611, "Follow-up Investigation Responsibility").
4. Carefully document unsolicited comments/statements made by a person under arrest who has not been advised of Miranda rights. Note the location/date/time of any such statement, sign the document, and include in the case file.
5. Non-custodial interviews (questioning of suspects not under arrest; questioning during a traffic stop or Terry stop; questioning of witnesses; etc.) do NOT require advising of Miranda rights.
6. Do not advise an arrested person of their Miranda rights if there is no intention to question the person.
7. Whenever possible, use the MCP 50, "Advice of Rights Form," when Miranda rights are advised.
8. The court may be called upon to determine when custody began and whether an officer's words or conduct constituted interrogation in a given criminal case. Suggested guidelines for a non-custodial interrogation are:
 - a. Attempt to interview persons at their homes or away from the police facility.
 - b. If a person must be interviewed at the police facility, have the person drive to the facility.
 - c. When interviewed at the police facility, advise and document the person being interviewed was informed that they were free to leave.
 - d. Always document the circumstances of the interrogation.
9. If an officer is uncertain how the court will view the incident (custodial or non-custodial, interrogation, or initiated by the defendant), it is recommended that the officer advise the person of the person's Miranda rights to ensure the statement's admissibility.
10. Officers assigned body worn cameras must activate their BWCS during interviews and interrogations unless using interview rooms with audio/visual recording devices (See FC 430, "Body Worn Camera System" for more information).

B. Advice of Rights Form (MCP 50)

1. Officers must use an MCP 50 with a revised date of 09/10 or later.
2. Complete the MCP 50 in triplicate, if available, or make extra copies:
 - a. Retain the original.
 - b. Attach copy #2 (yellow) to the incident report. Officers should forward copy #2 to the State's Attorney's Office (SAO).
 - c. Give copy #3 (pink) to the defendant.
3. Read the MCP 50 verbatim. Note all remarks/tacit responses to the questioning alongside the corresponding question. Use plain paper for additional comments with corresponding numbers for each item.
4. Record the defendant's physical condition (any alcohol/drug use and time last used), educational level, date/time of arrest, and date/time the MCP 50 was completed.
5. The officer will sign the MCP 50 and request the defendant to sign; however, the defendant's signature is not necessary.

III. Precautionary Measures

- A. Officers will secure all firearms and knives in the designated gun drop prior to processing or interrogation.

- B. Immediately upon arrival at the processing facility and prior to any processing or interrogation, conduct a thorough search of the arrested person and area, to ensure officer and prisoner safety. This is in addition to the normal search incident to arrest.
- C. Prisoners will not be left unattended at any time, except when placed in a holding facility cell in accordance with FC 810, "Department Holding Facilities." Prisoners will remain handcuffed in processing areas.

IV. Processing Arrested Adults

- A. Prisoners will be searched and transported to the Central Processing Unit (CPU) in accordance with FC 811, "Handling, Searching, and Transporting of Prisoners."
NOTE: Prisoners may be transported to a district station/investigative section if it is deemed necessary to further an investigation.
- B. Arrests Based on Warrants
After an arrest based on a confirmed active criminal arrest warrant or traffic warrant, complete a CPU 513 form in its entirety, front and back. Turn completed forms over to the correctional officer at the booking desk.
 - 1. If the charge is an outstanding traffic warrant or an out of county criminal warrant, immediately return to duty. No incident, arrest or supplement report is required.
 - 2. If the charge is an outstanding Montgomery County criminal arrest and criminal judicial warrant related to a previously reported event, complete the appropriate supplemental report prior to the end of the tour of duty.
 - 3. If the charge is an outstanding criminal arrest warrant from another state (Fugitive from Justice - 2752), obtain a CR# and complete an incident report.
- C. On-View Criminal Arrests
After making an on-view adult criminal arrest:
 - 1. Complete a CPU 513 form in its entirety, front and back. The name of the officer completing the DC/CD4, "Statement of Charges (SOC)/Statement of Probably Cause (SPC)," must be listed on the CPU 513 form as the arresting officer. Turn the CPU 513 over to the correctional officer at the booking desk.
 - 2. Proceed to a computer station and complete the SOC/SPC. Instructions on how to use **CRIMS is** posted at each workstation. If assistance is needed, contact a correctional officer.
 - 3. After locking the charging documents, print five copies of the SOC/SPC, two witness summons forms, and two advice of rights forms.
 - a. Sign the court, state's attorney, and defendant copies of the documents and cepi the two witness summons forms. Give these documents, as well as the unsigned applicant copy of the SOC/SPC to a correctional officer.
 - b. Incident/supplement report writing will not be done at CPU.
 - c. Officers will include States Attorney Information (witness information and evidence information) in the incident report prior to the narrative.
 - d. ***Officers will obtain the arrestee's MON# from DOCR (Department of Correction and Rehabilitation) personnel prior to leaving CPU. The arrestee's MON# will be included in the incident report prior to the narrative (ex. John Doe MON# XXXXXX).***
- D. Bond Alert Form (MCP 108)
 - 1. The MCP 108 may be used to recommend that a defendant being held pending bond review not be released.
 - 2. The MCP 108 will be used in all cases where the use of a firearm was involved in the commission of a crime.

3. The MCP 108 can be used at the officer's discretion for any other offense and will be screened for appropriateness and signed by the officer's supervisor prior to transmission.
4. Fax the form to the State's Attorney's Office (SAO) at (240) 777-7413 as soon as possible after arrest. The MCP 108 and the fax receipt will be kept in the officer's case file. The report will reflect that the MCP 108 was sent to the SAO.
5. A copy of the MCP 108 will be attached to the CPU 513 form. When the defendant appears before the commissioner, the SPC/SOC documents as well as the MCP 108 will be presented to the commissioner.

E. Defendants Charged with Companion Criminal and Traffic Charges Arising from the Same Event

1. Follow processing procedures in sections IV.A, B, and C.
2. Prepare citations for the companion traffic charges. The defendant will not sign the citations.
3. Attach the citations marked "Court Copy" and "Court/Defendant's Copy" to the criminal charging document and place into the booking folder. If using Etix, officers will print multiple copies (Court Copy, Court/Defendant Copy, and officer case file copy).
4. Prepare one SPC including probable cause for both the criminal and traffic charge(s).
5. If this is not possible at the initial contact with the suspect/defendant, contact the SAO to consolidate initial charges with those developed later.

F. Traffic Arrests made Pursuant to State Law

1. Officers are required to complete a SPC and Continuation, DC/CR4A, if necessary, and prepare the appropriate traffic citation(s). Do not have the arrestee sign the citation(s). Attach the "Court Copy" and "Court/Defendant's Copy" of the citation(s) to the SPC and give to a correctional officer. Officers using ETIX will print multiple copies of the citations and present them to DOCR personnel along with the SPC and DC/CR4A.
2. Officers are urged to take a defendant before a commissioner when a defendant does not furnish satisfactory evidence of identity and the officer has reasonable grounds to believe that the defendant may not be the person the defendant claims to be. In addition to the facts supporting the charge, the SPC form must contain all known facts concerning the defendant's identity, as well as the grounds underlying the officer's doubts or misgivings about the accuracy of the identification presented by the defendant.

V. Arrest/Detention Without Charging

A. Criminal Arrests, Without Processing or Charging

On occasion, an officer may have probable cause to arrest a suspect but subsequently releases the person without placing charges.

1. If a prior incident report is on file, write a supplement report detailing the arrest and release in the narrative.
2. If no report is on file, obtain a CR number, and complete a 2938 incident report detailing the arrest and release in the narrative. No arrest report or criminal ID will be obtained.

B. High Risk Stops that do NOT end in Arrest

When officers conduct a high risk stop that does not end in an arrest, the officers will:

1. Identify themselves by name and give their business cards to the individual stopped.
2. Provide a full explanation about the reason for the stop to the person stopped and remain with that person until all relevant questions are answered.
3. If requested, give the supervisor's name to the person making the request.
4. Complete a 2938 incident report.

NOTE: High risk stops include, but are not limited to, vehicle box-ins, any stop made at gunpoint, prying out a subject, or handcuffing for prolonged periods of time.

VI. Processing Arrested Juveniles

A. Miranda Rights

1. There is no absolute legal requirement that a parent or guardian be present when officers question a juvenile. However, it is a good practice to attempt to have a parent present so that the parent can offer their child guidance during the interview process.
2. The length and conditions of interrogations will be in accordance with current case law. Juvenile interrogations will be reasonable in length. During lengthy interrogations, provide for rest periods, bathroom breaks, and food and drink, if appropriate. Generally, no more than two officers will interrogate a juvenile.
3. The law is clear. There are factors that must be considered in determining whether juveniles understood their rights well enough to intelligently waive them. The effectiveness of the waiver is determined only by examining the “totality of the circumstances” surrounding the giving of the statement.
4. The following circumstances should be considered in weighing whether a waiver is valid:
 - a. Age of the accused
 - b. Education
 - c. Knowledge as to the substance of the charge (if any) and the nature of their rights to consult with an attorney and remain silent
 - d. Whether the juvenile is permitted to consult with friends, relatives, attorney, etc.
 - e. If charges are filed, whether the juvenile is to be interrogated before or after formal charges have been filed (in those cases where the juvenile is charged as an adult)
 - f. Methods of interrogation used
 - g. Length of interrogation
 - h. Whether the accused refused to voluntarily give statements on prior occasions
 - i. Whether the juvenile had ever disavowed an out-of-court statement at a later date
 - j. Mental impairment, drug or alcohol use
5. Regardless of the circumstances, interrogations may be conducted without the parent if the parent refuses to be present, is disruptive, or is not available within a reasonable period of time and interrogation cannot be delayed. In these cases, if the juvenile does not seem to understand the juvenile’s rights, advise the rights in the presence of a court commissioner and record that fact on an MCP 50 and the incident report.

B. Arrest, Processing, and Charging

1. Promptly transport arrested juveniles to the district station for processing. As soon as practicable, notify the parents/guardians of the arrest and charge(s). Record the date/time of the notification and name of the person notified in the incident report as well as the date/time of release and name of the person released to. When parents/ guardians refuse to accept custody of the juvenile, note it in the incident report.
2. Check wanted status.
3. Process all juveniles physically arrested for any criminal offense as follows:
 - a. Using the Live Scan System, located in the processing room, enter the required biographical data and information pertaining to the arrest.
 - b. Take profile photos via the Live Scan System.
 - c. Use the Live Scan System to capture all tips and palm prints. Tip and palm prints must be taken for criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, felony sexual assaults, arson, and felony CDS violations.
 - d. Obtain MCP juvenile ID number from the Live Scan System (Advise the Records Management Unit of the juvenile ID number).
 - e. Write the required incident report.
 - f. Complete the Juvenile Release Form.

NOTE: In the event the Live Scan System is down, officers may use the MSP/MCP fingerprint cards. On the MSP card, check the “Juvenile” block and leave the “Charge” block blank. For charges requiring tip and palm prints, officers will use the MCP fingerprint card. Fingerprint cards will be forwarded to RAFIS.

4. When charging a juvenile on a civil citation (alcohol, tobacco, and marijuana violations only), refer to the MCP Citation Manual to determine eligibility and processing procedures. Forward the original citation to the Special Victims Investigations Division (SVID/Juvenile Arrest Disposition).
5. Whenever a juvenile is charged with a delinquent offense, supervisors will forward the electronic report to the SVJAD (Special Victims Juvenile Arrest Disposition) workgroup. Paper copies of all MCP 50s/written statements (suspect and witness, relating to the case will be forwarded to SVID/Juvenile Arrest Disposition via inter-departmental mail. This will be accomplished within 24 hours from the time the juvenile is arrested, issued a citation, or charged administratively through an exceptional closure and documented in the incident report.
6. Per the States Attorney’s Office, if a juvenile is arrested for a violation of the criminal law and is also charged with possession of alcohol/tobacco or marijuana (less than 10 grams), a citation must be issued for the alcohol/tobacco or marijuana (less than 10 grams) violation since it is a civil violation. The original copy of the citation must be forwarded to the SVID/Juvenile Arrest Disposition via interoffice mail within 24 hours.

C. Juvenile Traffic Enforcement

Juveniles who commit violations of the Motor Vehicle Law are processed in the following manner:

1. Juveniles Less Than 16 Years of Age

All traffic offenses committed by juveniles less than 16 years of age will be charged via an incident report. DO NOT issue citation/summons. Cases will be closed by exception and referred to SVID attention Juvenile Case Screening. The charging language from the Maryland Transportation Article (section and wording), will be listed in the narrative of the report. Once the report is approved, supervisors will forward the report to Special Victims Investigations Division (SVID) attention Juvenile Arrest Disposition. The Juvenile-Traffic Offenses clearance code (2115) will be used for all traffic only offenses involving juveniles under 16 years of age.

2. Juveniles 16 Years and Older – Must Appear Traffic Offenses

If a juvenile 16 years or older commits a must appear traffic violation, ALL traffic charges arising from that event are charged and handwritten on the citation/summons. The officer will complete an incident report to include all traffic charges, probable cause and any relative notes pertaining to the traffic stop. The letters “JUV” and CR number will be clearly marked on the top of the citation. The original citation(s) will be forwarded to the State’s Attorney Office-Juvenile Traffic Division under a separate court transmittal sheet clearly marked “JUVENILE”. Supervisors will ensure the incident report and copies of the traffic citations are forwarded to SVID attention Juvenile Arrest Disposition. The Juvenile-Traffic Offenses clearance code (2115) will be used for all traffic only, must appear offenses involving juvenile 16 years or older.

3. Juveniles 16 Years and Older – Non-Incarcerable Traffic Offenses

Traffic offenses committed by juveniles 16 years and older, 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 citation/summons will be forwarded to the District Court Traffic Processing Center for processing. Officers may issue electronic citation/summons for non-incarcerable violations to juveniles 16 years or older via ETIX.

4. Juveniles Less Than 16 Years of Age - Charged Criminally and with Traffic Offenses

If a juvenile under the age of 16 years is charged with a criminal offense and accompanying traffic the charges (I.E. stolen vehicle and related traffic offenses), DO NOT issue traffic citation/summons.

List criminal and traffic charges in the narrative of the incident report. Supervisors will forward the report to SVID attention Juvenile Arrest Disposition.

5. Juveniles 16 Years or Older – Charged Criminally and with Traffic Offenses

If a juvenile 16 years or older is charged with a criminal offense and accompanying non-incarcerable traffic charges, issue the related traffic citations and note the criminal charges and traffic citations issued in the narrative of the report. If a juvenile 16 years or older is charged with a criminal offense and accompanying “must appear” traffic charges forward the original traffic citations to the States Attorney Office-Juvenile Division and note the traffic charges in the narrative of the report. Once the report is approved, supervisors will forward the report and copies of the traffic citations to SVID attention Juvenile Arrest Disposition.

6. Juveniles – Charged with Civil Citations and with Traffic Offenses

If a juvenile 16 years or older is charged with a civil offense (alcohol, tobacco, and marijuana) and accompanying non-incarcerable traffic charges, issue the traffic citations. If a juvenile 16 years or older is charged with a civil offense and accompanying “must appear” traffic charges forward the original traffic citations to the States Attorney Office-Juvenile Division and note the traffic charges in the narrative of the incident report. All traffic offenses committed by juveniles less than 16 years of age will be charged via an incident report. Original copies of all civil citations will be forwarded to SVID attention Juvenile Arrest Disposition via interoffice mail within 24 hours. Note traffic charges and citation number in the narrative of the report.

D. Crimes for which Juvenile Court has no Jurisdiction

1. Juvenile court has no jurisdiction in the following circumstances:

- a. A child at least 14 years old alleged to have done an act which, if committed by an adult, would be a crime punishable by life imprisonment, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under § 4–202 of the Criminal Procedure Article;
 - i. First degree murder
 - ii. First degree rape
 - iii. First degree sexual offense
 - iv. Attempt/conspiracy to commit the above
- b. A child at least 16 years old alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance, except an act that prescribes a penalty of incarceration;
- c. A child at least 16 years old alleged to have done an act in violation of any provision of law, rule, or regulation governing the use or operation of a boat, except an act that prescribes a penalty of incarceration;
- d. A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed under §4–202 of the Criminal Procedure Article:
 - i. Abduction
 - ii. Kidnapping
 - iii. Second degree murder (Criminal Law 2-204)
 - iv. Manslaughter, except involuntary manslaughter
 - v. Second degree rape (Criminal Law 3-304)
 - vi. Robbery or attempted robbery with a dangerous or deadly weapon (Criminal Law 3-403)
 - vii. Second degree sexual offense (Criminal Law 3-306 (a)(1))
 - viii. Third degree sexual offense (Criminal Law 3-307 (a)(1))
 - ix. Using, wearing, carrying, or transporting a firearm during and in relation to drug trafficking crimes (Criminal Law 5-621)
 - x. Unlawful use of a firearm (Criminal Law 5-622)

- xi. Carjacking or armed carjacking (Criminal Law 3-405)
 - xii. First Degree Assault (Criminal Law 3-202)
 - xiii. Attempted murder in the second degree (Criminal Law 2-206)
 - xiv. Attempted rape in the second degree (Criminal Law 3-310) or attempted sexual offense in the second degree (Criminal Law 3-312)
 - xv. Possession use of machine gun in commission of crime (Criminal Law 4-404)
 - xvi. Use of machine gun for aggressive purposes (Criminal Law 4-405).
 - xvii. Sale/transfer of pistol or revolver under prescribed circumstances (Public Safety Article 5-134).
 - xviii. Sale/transfer of stolen pistol (Public Safety Article 5-138).
 - xix. Possession of short-barreled rifles and short-barreled shotguns (Public Safety Article 5-133).
 - xx. Wearing, carrying, transporting, or using a firearm during and in relation to a drug trafficking crime (Criminal Law 4-203)
 - xxi. Use of a handgun or antique firearm in the commission of a crime (Criminal Law 4-204)
 - e. A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult.
3. Charge the juvenile as an adult for all additional charges resulting from an incident listed above.
 4. Transport the juvenile charged with one of the above offenses to the CPU and process according to sections IV.A, B, and C. Write the following statement in the miscellaneous block of the CPU 513: "No Juvenile Jurisdiction--Treat as Adult."
 5. If the criminal case against the juvenile is subsequently remanded to the Department of Juvenile Services (DJS), it is the responsibility of the SAO to notify the Records Section of the change.

E. Waiver by Juvenile Court

For certain crimes committed by juveniles, the SAO may petition to waive Juvenile Court jurisdiction and charge the juvenile as an adult. The Juvenile Court will review the request and set a hearing. The arresting officer will receive notice of the hearing and will attend. If a waiver is obtained, officers will:

1. Obtain the original waiver documents from the court.
2. Take custody of the juvenile and transport to the CPU. Inform the correctional officer that the defendant is a juvenile charged as an adult.
3. Prepare a SOC and SPC using *CRIMS*. Indicate in the narrative of the SPC that Juvenile Court has waived jurisdiction.
4. Follow the initial processing procedures outlined in sections IV.A, B, and C.
5. Write the following statement in the miscellaneous block of the CPU 513: "Juvenile Jurisdiction Waived--Treat as Adult."
6. Attach the original waiver documents to the SOC.

G. Arrest/Processing Without Charging

1. Fingerprinting and photographing as an investigative aid does not constitute an arrest record for the juvenile. When this occurs, explain to the juvenile's parents that the fingerprints and photographs will be strictly confidential, kept segregated from those of adults, and destroyed upon completion of the investigation. Supervisors will ensure that these files are purged once the investigation is completed.
2. The investigator should retain investigative photographs and fingerprints in the case file; do not send to Records Section. Furthermore, inform the parents that if the juvenile is arrested as a result of these fingerprints and photographs, they will be retained in file until the juvenile reaches the age of 21.
3. When a juvenile is detained but released without being charged, notify the parents. If requested, meet and discuss the matter with the parents. If no report is on file, initiate a 2938 incident report detailing the arrest and release in the narrative.

VII. 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 (follow procedures in section VII.B). If the juvenile has committed any of the offenses listed in section VII.B.1, 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. A copy of the release form will be given to the parent/guardian; the original will be attached 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

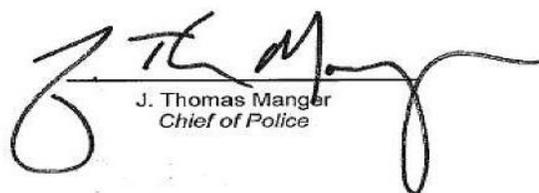
1. Initiate detention proceedings when juveniles cannot be released to their parents or they are arrested for any of the below listed offenses. The only exception to this detention procedure would be when the juvenile is charged as an adult.
 - a. Abduction [Criminal Law 3-503(a)]
 - b. Arson in the 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. Robbery (common law)
 - n. Robbery with a dangerous or deadly weapon (Criminal Law 3-403, 3-404)
 - o. Sexual offense in the first, second, or third degree (Criminal Law 3-305, 3-306, 3-307)
 - p. Sodomy (common law)
 - q. Attempts to commit any of the above crimes.
 - r. Any offense which, in the officer's opinion, is serious in nature.
2. Between 0800 and 1700 hours:
 - a. Contact an on-duty DJS intake worker at the Juvenile Assessment Center (JAC), 7300 Calhoun Place, Suite 500, Rockville, (301) 610-8500.

- 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 1-877-404-3724. 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 (443) 263-8730.
 - 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.
- 5. Alleged out-of-control or runaway juveniles who are in the home shall not be removed at the request of the parents. If the juvenile has not been charged with a violation of the law, DJS cannot detain for out-of-control or runaway. Being out-of-control is not a chargeable offense.

VIII. CALEA Standards: 1.2.1, 1.2.3, 1.2.5, 42.1.5, 44.2.1, 44.2.2, 44.2.3, 61.1.2, 61.1.3, 70.1.6, 71.3.1, 71.3.3, 74.2.1, 74.3.1, 74.3.2, 82.2.2

IX. Proponent Unit: Criminal Investigations Division, Special Victims Investigations Division

X. Cancellation: This directive cancels Function Code 513, effective date ~~01-29-04~~ **01-16-2019**.



J. Thomas Manger
Chief of Police