



Juvenile Operations

Section: 2.434
Effective Date: March 30, 2011
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2.434 Juvenile Operations

2.434.02 Juvenile Operations

- A. The agency is committed to ensuring the safety of juveniles taken into custody, and when appropriate, to process them in accordance with Federal, State, and local laws, and the rules and regulations of the Department. Members of the agency shall comply with the guidelines established in the Juvenile Justice and Delinquency Prevention Act by the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.
- B. Juvenile operational activities may include, but are not limited to:
 - 1. Enforcement activities;
 - 2. Taking steps necessary to protect juveniles from their surroundings;
 - 3. Conducting follow-up investigations of cases involving juvenile offenders, victims, or witnesses;
 - 4. Preparing and presenting cases in which juveniles are involved; and
 - 5. Diverting Juveniles out of the Juvenile Justice System.
- C. When prepared, the report containing juvenile information is to be conspicuously marked as such (adding the letter "J" behind the complaint number).
- D. Fingerprinting and photographing and verification of other forms of identification rest with the staff at Baltimore City Juvenile Justice Center (BCJJC).
- E. The Lieutenant will be responsible for ensuring all hard copies of juvenile reports/case files are maintained in a secure file cabinet, segregated from adult criminal investigation files.
- F. The Lieutenant will conduct an annual audit of the juvenile case files. Any juvenile case file, where the juvenile has reached adult age, 18 years or older, will be removed and destroyed.
- G. The Lieutenant will also destroy juvenile records when ordered by the court as in an "Expungement."

2.434.04 Definitions

- A. *Custodian* A person or agency to whom legal custody of a child has been given by order of the court other than the child's parent(s) or legal guardian.
- B. *Delinquent Acts* Offenses which would be a crime if committed by an adult
- C. *Juvenile / Child* - A minor person under the age of 18 years of age.
- D. *Non-Secure Custody* - The following are criteria for non-secure custody:
 - 1. The area (where the juvenile is held) is an unlocked area (such as a lobby or office) and not designated, set aside, or used as a secure detention area;

2. The juvenile is not secured to a cuffing rail or other stationary object;
 3. The area is limited to identification purposes, investigation, processing, release to parents, or arranging transfer to a juvenile facility;
 4. The area is not designed or intended to be used for residential purposes; and,
 5. The juvenile must be under continuous visual contact.
- E. *Parent* - Any natural parent, to include guardian, or person 18 years old or older who is legally responsible for the care and custody of the juvenile/child.
- F. *Secure Custody*· Wards: Transported to BPD;
- G. *Status Offenses*. Laws/offenses applicable only to juveniles, such as alcohol and tobacco violations, daytime and nighttime curfew violations, and runaways.

2.434.06 Taking Juveniles Into Custody

- A. Consistent with CJ 3-814, juveniles may be taken into custody:
1. In accordance with court orders;
 2. In accordance with FL 5-709; or
 3. If officers have reasonable grounds to believe the Juvenile is in immediate danger and removal is necessary for their protection.
- B. Officers taking juveniles into custody will:
1. Ensure immediate notifications are made to juveniles' parents or guardians;
 2. Ensure the Department of Juvenile Services (DJS) is notified; and
 3. Keep custody of juveniles only until DJS:
 - a. Takes custody; or
 - b. Authorizes outright release or return of juveniles to parents, custodians, or guardians.
- C. Officers taking juveniles into custody for delinquent acts, or as children in need of supervision will ensure DJS is notified.
- D. Officers will use the least coercive methods when taking enforcement actions involving juveniles.

2.434.08 General Information

- A. The Baltimore City Juvenile Justice Center (BCJJC) is a centralized processing entity for juveniles taken into custody by law enforcement agencies, The BCJJC will only accept juveniles taken into custody for Delinquent Acts (Appendix A) and wanted on warrants (Appendix C), Juveniles taken into custody for a Status Offense (Appendix B) with a pending Delinquent Act shall be processed at BCJJC because the Delinquent Act takes precedent over the status offense:
- B. Whenever dealing with a juvenile, particularly a juvenile offender, use the least coercive among reasonable alternatives, consistent with preserving the public's confidence, public safety, positive relationships, and individual liberty: The principal of reasonableness shall guide your discretion when carrying out law enforcement duties.

2.434.10 Non-Custodial Contacts

- A. Normal contacts between the police and a juvenile which amount only to an investigatory non-custodial contact or field interview are permissible with no mandatory reporting. The manner of

approach and tone of voice in which the juvenile is approached will be one of unfailing courtesy. The demeanor of the member is important when determining whether or not the "no custody" contact occurred.

2.434.12 Required Action

Officer

- A. When conducting a field interview or a non-custodial contact, if at any time the juvenile wishes to leave, their movement will not be restricted and they should not be prevented from leaving or compelled to answer any questions, UNLESS there is a reasonable belief that a crime has been, is being, or is about to be committed. Without probable cause, there is no legal authority to detain the juvenile.
- B. Upon concluding the interview, a report can be written but is not mandatory for all noncustodial contacts. The exception would be when documentation of an "interview" is in the best interest of the juvenile, the officer, the agency, or when directed by a supervisor. At that time a report would be prepared and submitted prior to the end of the shift.

2.434.14 Custodial Procedures – Required Action

Officer

- A. Whenever a juvenile is taken into custody either for a criminal or a non-criminal purpose:
 - 1. Provide medical care as necessary. Any injury or medical care issues shall be accompanied by discharge documents from a medical facility,
 - 2. Notify the juvenile's parent/guardian of the custody as soon as practical.
 - 3. BPD will be contacted for the transport of the juvenile.
 - 4. The BPD transportation officer will be responsible for securing the juvenile during the transport.
 - 5. Prior to the transport, the UBPD officer will provide the PCC with the gender, race and age of the juvenile and the BPD vehicle number.
 - 6. Complete an Offense report or Miscellaneous Incident report and hand deliver a copy to a Central District Police Officer regardless of the reason for or the length of the custody.
 - 7. Provide the **Lieutenant** with a hard copy of all reports/case file.

2.434.16 Interviews

- A. For every juvenile taken into custody and in need of being interviewed or processed, same will be done at a BPD facility in accordance with BPD procedures.
- B. Keep juveniles separated from adult prisoners. Juveniles shall not be in direct communication, visually or orally ("sight and sound"), with adult prisoners.
- C. When juveniles are placed in the secure custody status, do not detain the juveniles for more than six hours. Release or process juveniles as soon as practical.
EXCEPTION: The BCJC is not bound by the six-hour rule.

2.434.18 Supervisor Responsibility

- A. Sergeants and OIC's will ensure subordinates adhere to juvenile custody procedures.