



# COTTAGE CITY POLICE DEPARTMENT

## GENERAL ORDER

### SUBJECT: **TAKING JUVENILES INTO CUSTODY**

### NEW REVISED RESCINDS

APPROVED: *GM*  
GEORGIA MILTENBERGER  
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

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#### **I. POLICY**

Juveniles will be taken into custody pursuant to the Laws of Arrest, the issuance of a Court Order, if the juvenile is in danger due to his/her surrounding, or if the juvenile is a runaway.

#### **II. DEFINITIONS**

- A. STATUS OFFENSE -is an act or conduct declared by statute to be an offense, but only when committed or engages in by a juvenile and that can only be adjudicated by a juvenile court.
- 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.
- D. ADJUDICATED - involves a hearing to determine whether the allegations in a petition are true.
- E. CHILD IN NEED OF ASSISTANCE (C.I.N.A) - is a child who requires the assistance of the Court because he/she is mentally handicapped or is not receiving ordinary and proper care and attention and his/her parents or guardian or custodian are unable or unwilling to give proper care and attention to the child and his/her problems.

- F. CHILD IN NEED OF SUPERVISION {C.I.N.S.) - is a child who requires guidance, treatment or rehabilitation and is required by law to attend school and is habitually truant, or is habitually disobedient and beyond the control of the person having custody of the child, or departs himself/herself so as to injure themselves or others, or has committed an offense applicable only to juveniles.
- G. NEGLECTED CHILD - is a minor child who has suffered or is suffering from significant physical or mental harm or injury that is the result of the absence of the parents, guardian or custodian, or the failure of the parents, guardian or custodian to give proper care and attention to the child and the child's problems under circumstances indicating the child's health or welfare is harmed or threatened (unless the failure consists only of providing the child with non-medical remedial care and treatment recognized by State Law, instead of medical treatment.
- H. ABUSED CHILD - is a child who has sustained physical injury as a result of cruel or inhumane treatment or a result of a malicious act by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child under circumstances indicating that the child's health or welfare is harmed or threatened. Sexual abuse is also included, whether physical injuries are sustained or not, and includes incest, rape, sexual offense in any degree, and sodomy.

**III. STATUS OFFENSES - DETERMINING A JUVENILES'S ENGAGMENT IN NON- CRIMINAL MISBEHAVIOR**

- A. In determining whether a juvenile has been involved in non-criminal misbehavior (a status offense), officers will conduct a thorough investigation to substantiate the nature of the offense.
  - 1. Some examples of status offenses are runaway and juvenile out-of-control.
  - 2. Pursuant to the Section 3-814 of Courts and Judicial Proceedings, 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. See General Order 5-54 reference processing of runaways and "Operation Runaway" referrals.
  - 3. Alleged "out-of-control" or missing (runaway) juveniles who are in the home shall not be removed at the request of the parents or guardian until and unless a Juvenile Intake Officer authorizes detention/shelter. Officers will follow the procedures below:

- a. From 0900 to 1630 hours during the week, the officer will contact the Department of Juvenile Services and discuss the situation with an Intake Officer.
  - b. From 1630 to 0700 hours during the week, the officer will contact communications and have an operator contact the "on-call" Intake Officer who will be instructed to call the officer at the juvenile's residence to discuss the situation.
4. If detention/shelter is authorized, the Intake Officer will advise the name of the facility to which the juvenile is to be transported and the Intake Officer will contact the facility and advise them that the police are on the way.
  5. The officer shall send and/or cause to have sent a juvenile detention notification via the Four-Phase terminal by using the "PDJUV" format in the IMS system.
  6. The officer shall also forward a copy of all of the officer's reports pertaining to the incident to the DJS.
  7. The juvenile shall be transported to the designated facility without unnecessary delay and the officer will relinquish custody of the juvenile to a person associated with the facility, and will advise the receiving agency personnel of any potential medical or security hazards, and will also hand that person an "Authorization For Emergency Detention Or Shelter Care" Form. The officer will obtain a receipt bearing the signature of the person accepting custody on behalf of the facility.
    - a. On weekends contact police communications as described above.
    - b. If the Intake Officer refuses to place the juvenile in either detention or shelter and the parent or guardian refuses to accept custody, the officer will advise the Intake Officer of the situation for resolution. If still unresolved, the officer should contact the on-call PGPD Juvenile investigator via communications for assistance in placing the juvenile.
  8. An officer taking an "out-of-control" juvenile into custody will process the juvenile by checking for wanted status, and by completing and submitting for supervisory approval an Event Report and Arrest Report (charge: Out-of-Control).
  9. If the juvenile is found to have been involved in other cases that are "open", and will be charged in connection with those cases, or the cases will be referred to DJS, a Supplement Report will be written to update the investigation of those open cases.

10. Color photographs of the juvenile will be taken.

**IV. TAKING CUSTODY OF A JUVENILE WHO HAS BEEN HARMED OR WHO IS IN DANGER**

Under Section 3-814 of Courts and Judicial Proceedings, another means by which a juvenile may be taken into custody is when the officer has reasonable grounds to believe that the child is in immediate danger from his surroundings and that the child's removal is necessary for his protection.

- A. If a child is taken into custody and is in need of emergency medical treatment, the officer is authorized to transport the child to the nearest hospital by police vehicle or by ambulance, whichever is more appropriate, before the child is brought to a police or other facility. Unless the child requires life-threatening medical treatment, the officer will have the child transported by Fire/Rescue personnel.
- B. If the child's parent or guardian is unaware that the officer has taken the child into custody, the officer shall immediately notify, or cause to be notified, the child's parent or guardian or custodian of the action taken.
- C. Unless there is a reason why the parents or guardian are prohibited from taking custody, or the child will be placed in shelter care by the Department of Juvenile Services, the officer will release the child to his parents, guardian or custodian or to any other person designated by the Court, upon their written promise to bring the child before the Court when requested by the Court.
- D. The PG PD Juvenile Officer will be notified if the juvenile was taken into custody as a result of suspected child abuse.
- E. When a juvenile is taken into custody under these circumstances, the officer taking custody will complete and submit for supervisory approval an Event Report describing in detail the circumstances.

**V. TAKING A JUVENILE INTO CUSTODY FOR COMMITTING A DELINQUENT ACT**

- A. 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 in 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. For misdemeanor thefts, if the juvenile's identity is established to the officer's satisfaction and the juvenile is not wanted, a Criminal Citation may be issued by the officer. An Event Report will be written describing the incident, and indicating the name, address, phone numbers and date/time of the parent/guardian notification.
  4. If a citation cannot be issued, transport the juvenile to the District 3 Station for processing and obtain a Juvenile PGPD ID Number from the PGPD Records Section.
  5. If the juvenile is transported to the District 3 Station for processing, the juvenile's constitutional rights will be protected and the transport will be made without unnecessary delay. Upon the officer's arrival, the juvenile will be processed as follows:
    - a. Complete an Event Report, Arrest Report, a State's Attorney's Information Form and the State's Attorney's Evidence Information Form, even if a citation is issued;
    - b. Photograph and fingerprint the juvenile on one (1) PGPD palm print card and roll the fingerprints on one (1) PGPD and one (1) MSP print card, and print the fingertips on one (1) PGPD card, if fully processed;
    - c. In accordance with O §3-814, the officer shall immediately notify the juvenile's parents or guardian even if a citation is issued;
    - d. Release the juvenile to his/her parents or guardian after they sign a Juvenile Release Form.
  6. If the parent or guardian refuses to accept custody, the officer will immediately notify the Department of Juvenile Services either directly during regular business hours or via communications after 1700 hours on weekdays, weekends, and holidays.
- B. When a juvenile is being detained by someone other than a police officer or SPO for a misdemeanor, and the criteria below are met, the juvenile will not be taken into custody, but officers will follow the procedures below:

1. If the juvenile's identity is established to the officer's satisfaction, and the juvenile is a MD resident, and not wanted as a result of the officer's wanted check, the juvenile will not be taken into custody and will not be issued a citation.
2. Obtain a Case number, provide it to the complainant or the store's representative if that is the case, and release the juvenile.
3. Officers will notify the juvenile's parent or guardian and will include the person's name, address, phone number, and the date and time notified in the Event Report, along with any statements the juvenile made.
4. The Event Report's narrative will begin with the wording, "This case is closed by exception, please refer it to Juvenile Processing for disposition."
5. A juvenile will be taken into custody and processed as indicated in Section V. A. subsection 5 above, if:
  - a. The juvenile has committed a felony; or,
  - b. The juvenile cannot establish his/her identity to the officer's satisfaction; or,
  - c. The officer believes the juvenile's I.D. is false; or,
  - d. The juvenile is not a Maryland resident; or,
  - e. The Juvenile is "wanted."