

Salisbury University Police Department

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Salisbury University Police Department

CHAPTER 44 – JUVENILE OPERATIONS

This chapter relates to the organizational and operational aspects of juvenile operations in compliance with state law.

44.1 Administration

44.1.1 Juvenile Operations Function

The University Police Department is committed to the development and continuation of programs designed to prevent and control juvenile delinquency.

All personnel of this department have responsibilities for and will be familiar with juvenile operations and procedures and their support. The Patrol Commander, or his/her designee, is responsible for juvenile operations and will act as liaison with other law enforcement agencies and other organizations involved in the juvenile justice system. Pertinent information obtained through liaison contacts will be shared with all officers through shift briefing, memoranda, etc. The Patrol Commander shall ensure specialized training, as available, is scheduled for all officers and CID investigators to effectively meet the department's juvenile operations function.

All members of the Department will cooperate with Department of Juvenile Services and support its activities. Department policies regarding juvenile operations will be provided to local juvenile court personnel for their review and comments and suggestions as to ways our procedures can be improved.

Within the functional area of juvenile operations, officers shall be responsible for:

- A. Conducting follow-up investigations of cases involving juvenile offenders;
- B. Processing juvenile offenders;
- C. Preparing and presenting cases involving juveniles in court; and
- D. Diverting juvenile offenders out of the criminal justice system;

44.1.2 Policy Input Relating to Juveniles

The University Police Department encourages utilization and support of social service agencies within its area in order to divert juveniles out of the court system as well as the University's Office of Student Affairs. Our policies and procedures relating to juveniles are developed utilizing feedback/input the agency may receive from supportive agencies to include, but not limited to:

- A. Wicomico County Health Department including Mental Health;
- B. Maryland Department of Social Services and Child Protective Services.

When investigating cases involving juveniles, the officer should recommend to parents and/or attempt to divert the juvenile to one of the social service agencies, when it is appropriate and determined that one of these agencies services may be more beneficial in correcting the situation than utilizing formal handling through the court system. Similarly, in formal handling of a juvenile, the officer may recommend appropriate service agency programs.

In matters concerning policies of juvenile procedures, the agency will solicit input from other juvenile justice system representatives in an effort to respond to the needs of the community in a professional manner. Those representatives include, but are not limited to:

- A. Department of Juvenile Services;
- B. Master of Juvenile Court; and
- C. Representatives of juvenile detention facilities such as the Lower Eastern Shore Children's Center.

44.1.3 Annual Program Review

While the department does not complete an annual review of enforcement and prevention programs relating to juveniles, the Field Operations Commander will monitor the number of criminal cases involving juveniles and the level of effectiveness of these programs. Additionally, if the juvenile offender is a student, the Office of Student Affairs shall be contacted.

44.2. Operations

44.2.1 Handling Juvenile Offenders

Police officers are authorized to temporarily detain juveniles for investigative purposes, to issue citations or criminal charges, and to safeguard them. The laws of arrest that apply to adult offenders also apply to juveniles. 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 without exception.

- 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 will bring the juveniles to the University Police Department without delay (unless a juvenile is in need of emergency medical treatment). All precautions and procedures relating to detainee transportation/temporary detention will be followed as outlined in Chapter 70 and 71

- C. Parental Notification

The arresting officer will notify the parents or guardians of the juvenile of the fact that he or she has been taken into custody as soon as possible upon arrival at the police department, and will provide directions to the police department upon request. If the juvenile's parent/guardian or other relative cannot be reached or cannot/will not take custody, the Department of Juvenile Services (DJS) will be notified by the arresting officer immediately.

Parental notification pertains to delinquent offenders, non-offenders and status offenders.

When dealing with the juvenile offender, officers must know the proper procedures and alternatives in handling juveniles and *are required* to use the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. In all cases where a

4. When handling a juvenile informally, the officer should still respect the youth's right to privacy. Any information gained should be provided to others only on a "need to know" basis.
5. When a police officer encounters a victim/complainant who demands to bring a child before the juvenile court despite the officer's belief that it should be handled informally, the intake officer from Department of Juvenile Services should be contacted for advice.
6. Even when he/she is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.

C. Formal Handling of Juvenile Offenders

1. Formal handling occurs when the juvenile is taken before the juvenile court or intake officer for their decision on the proper disposition of the juvenile.
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44.2.2 Procedures for Custody

Definitions

DETAINED - Formally held pending release to Department of Juveniles Services (DJS), Department of Social Services (DSS), parent, relative, guardian, or other. May be in an informal, non-secure room.

SECURELY DETAINED - Detention of a juvenile in a secure detention area or handcuffed to a stationary object.

JUVENILE - Any person under the age of 18 (whether under Juvenile or Criminal Court jurisdiction)

ACCUSED JUVENILE - A juvenile accused of a chargeable offense.

ADJUDICATED JUVENILE -

B. Procedures for Juveniles that Have Been Taken Into Custody/Juvenile Arrest Documentation

1. When the Department of Juvenile Services (DJS) is open, and depending on the circumstances, officers should contact that agency, if the officer intends to process formal charges to determine pre-trial release of the juvenile.
2. When the Juvenile Services Office is closed, depending upon the circumstances, the officer may release the juvenile to a parent or guardian.

If the officer feels immediate juvenile services intervention is necessary, the officer should contact the juvenile intake officer on call for assistance in the disposition of the juvenile. An on-call phone number for the Department of Juvenile Services intake officer is available in the Communications Center.

If detention of the juvenile is authorized, a copy of the case report must be provided to DJS. This report will be forwarded by the Administrative Assistant during regular business hours. If a juvenile is detained by DJS, the charging officer will provide a copy of all reports required by DJS.

3. If the juvenile is in need of emergency medical treatment, it will be procured without delay. The Squad Supervisor will immediately advise the on-call Commander of the circumstances and location of the juvenile.
4. Immediate notification of parents or guardians is required in every case of a juvenile being taken into custody in order to inform them of the circumstances and/or to pick the juvenile up if necessary.
5. *If it is necessary to take the juvenile into custody, he/she will be transported without delay to SUPD or a juvenile detention facility. Officers will exercise care to minimize possible embarrassment to the juvenile and his/her family.*
6. In no case shall a juvenile, unless waived to adult jurisdiction or charged as an adult, be transported in a police vehicle with adults suspected of or charged with criminal acts.
7. Any juveniles taken into custody shall be immediately advised by the officer of their constitutional rights (Miranda), if interrogation of the juvenile will be conducted.
8. During processing, or while awaiting release or approval to transport to a juvenile facility, juveniles may, depending on the circumstances, be held unsecured under direct supervision, placed in a temporary detention area or secured to an approved stationary object.
9. All juvenile offenders (status offenders, non-offenders and delinquent offenders) must remain sight and sound separated from adult offenders in all secured areas of the Department.
10. Delinquent juvenile offenders shall not be held in a secure area for more than a total of six hours and will remain under continuous visual supervision. Juveniles must also be physically checked on at least every 15 minutes.

The six-hour period begins when the juvenile is actually placed into a secure area, Room 152A, or handcuffed to a stationary device located within the processing area. If unable to transport or release a juvenile offender within the six hours, the juvenile may be handcuffed, placed in a non-secure area and directly supervised by an officer until transported or released. Any violations of the six-hour rule must be thoroughly documented as to the reason and include the names of parents, guardians, relatives, the DJS Intake Officer and DJS supervisors contacted.

Semi-annually, the Administrative Commander will complete a *Secure Juvenile Holding log* required by the Governor's Office of Crime Control and Prevention.

11. The Juvenile

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