



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

Kevin G. Grove
Commissioner of Public Safety

Nicholas J. Costello
Chief of Police

Juvenile Custodial Interrogations

I. Purpose:

The purpose of this policy is to provide police officers with guidance consistent with Maryland State Law on juvenile custodial interrogation matters.

II. Definitions:

- A. **"Custodial Interrogation"** retains its judicially determined meaning and is not modified under the statute from which this policy derives.
- B. **"Juvenile"** means a person who has not yet reached 18 years of age.
- C. **"Police Officer"** means a person certified by the Maryland Police Training and Standards Commission as a Police Officer.

III. Policy:

- A. It is the policy of the Frostburg City Police Department to comply with Maryland State Law regarding the custodial interrogation of a Juvenile.
- B. It is the policy of the Frostburg City Police Department that, prior to conducting a Custodial Interrogation with a Juvenile, the Juvenile shall consult with an Attorney; otherwise, a Custodial Interrogation is not permitted except as may be permitted by law.

IV. Procedure:

- A. **Custodial Interrogation Generally.** Except as provided herein or by applicable law, a Police Officer shall not conduct a custodial interrogation of a Juvenile until:
 - 1. The Juvenile has consulted with an attorney who is:
 - a. Retained by the parent, guardian, or custodian of the Juvenile; **or**
 - b. Provided by the Office of the Public Defender; **and**
 - c. The law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian of the Juvenile that the Juvenile will be interrogated.



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B. The requirement of consultation with an attorney:

1. **May not be waived; and**
2. **Applies regardless of whether the Juvenile is proceeded against as a Juvenile under this subtitle or is charged as an adult.**

C. Attorney Contact. A consultation with an attorney may be:

1. In person; or
2. By telephone or video conference.

D. Attorney Contact Procedure. In the event the Juvenile does not have or wish to contact a private attorney, the Police Officer may contact the Office of the Public Defender directly or via points of contact disseminated through the police department administration.

E. Attorney Contact Record. A Police Officer conducting an interrogation under this section shall create and submit to the police department a record of the name of the attorney contacted and the county in which the attorney provided the consultation.

1. This record should be a written narrative or log in the Allegany County Police Reporting System under the pertinent incident report.
2. An attorney contacted to provide legal consultation to a Juvenile under these circumstances is required by law to provide the Police Officer the information required for the record under IV.E.a. above.

F. Attorney-Parent Contact. Because an attorney providing consultation under this section shall, by Maryland state law, to the extent practicable and consistent with the attorney's professional requirements, communicate and coordinate with the parent, guardian, or custodian of the Juvenile in custody, a Police Officer should permit the attorney to speak with the parent, guardian, or custodian when the officer is involved in facilitating contact, such as using police department telephone systems while the parent/guardian/custodian is at the police station.

G. Parental Notification. A Police Officer conducting an interrogation under this section shall complete a record of the notification or attempted notification of a parent, guardian, or custodian under this section, including:

1. A signed statement by a Police Officer of the Frostburg City Police Department that an attempt to notify a parent, guardian, or custodian was made;



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2. The name of the person sought to be notified; and
3. The method of attempted notification.
4. This document shall be scanned and attached to the police report and/or placed in the case file maintained by the department.

H. Public Safety Exception. Notwithstanding the requirements of this section, a Police Officer may conduct an otherwise lawful custodial interrogation of a Juvenile if:

1. The Police Officer reasonably believes that the information sought is necessary to protect against a threat to public safety; and
2. The questions posed to the Juvenile by the law enforcement officer are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat to public safety.
3. **Recording Requirement.** Unless it is impossible, impracticable, or unsafe to do so, an interrogation conducted under the Public Safety Exception shall be recorded.
 - a. Upon the adoption of body-worn cameras, the interrogation of a Juvenile may be recorded using a body-worn camera in a manner that is consistent with departmental policies regarding the use of body-worn digital recording devices.
 - b. Absent the adoption or availability of a body-worn camera, the interrogation of a Juvenile may be recorded using department-owned devices, such as police department issued a cell phone.
 - c. **A Juvenile being interrogated under this subsection shall be informed if the interrogation is being recorded.**

I. SAO Consultation. In the event a Police Officer is unsure about the application of this section to a set of facts, the officer may consult with the Office of the State's Attorney and act on the reasonable direction of the attorney consulted.

Note: *Much of the language in this policy is derived directly from the Annotated Code of Maryland, Courts and Judicial Proceedings § 3-8A-14.2*