



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 Matters

I. Purpose:

The purpose of this policy is to establish guidelines consistent with law and state policy for the handling of Juvenile Matters.

II. Definitions:

A. “Adult” means a person age 18 years or older.

B. “Child” or “Juvenile” means a person under the age of 18 years.

C. “Child in Need of Assistance” or “CINA”¹ means a child who requires court intervention because:

- (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and
- (2) The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.

B. “Child in Need of Supervision” or “CINS”² means a child who requires guidance, treatment, or rehabilitation and:

- (1) Is required by law to attend school and is habitually truant;
- (2) Is habitually disobedient, ungovernable, and beyond the control of the person having custody of the child;
- (3) Departs so as to injure or endanger the child’s self or others; or
- (4) Has committed an offense applicable only to children.

C. “Delinquent Act” means an act that would be a crime if committed by an Adult.

D. “DJS” means the Maryland Department of Juvenile Services

E. “Status Offense” means an act that would **not** be a crime if it was committed by an Adult.

¹ Md. Code Ann., Crts. & Jud. Proc. §§ 3-801(f), (g)

² Md. Code Ann., Crts. & Jud. Proc. § 3-8A-01



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III. Policy:

- A.** It is the policy of the Frostburg City Police Department that officers handling juvenile matters will use discretion to make use of the least forceful and intrusive means available consistent with maintaining public safety, order, the integrity of the criminal justice system and evidence, and individual liberty. For example, for minor offenses, the officer will consider releasing the juvenile to a parent or legal guardian at the scene before transporting a juvenile to a police facility for processing, or simply forwarding a report and request for delinquency charges to DJS.
- B.** It is the policy of the Frostburg City Police Department to ensure the constitutional rights of juveniles, including rights against self-incrimination and search and seizure are upheld and respected at all times.
- C.** It is the policy of the Frostburg City Police Department that, during the temporary detention period, a Juvenile shall be separated at all times, by sight and sound, from any and all adults in police custody.
- D.** It is the policy of the Frostburg City Police Department that a juvenile shall not be transported together with adults in police custody unless the court has waived its jurisdiction and the Juvenile is being proceeded against as an adult.

IV. Procedures:

- A. Charges.** When charges are filed against a juvenile for a Delinquent act or Status Offense, the charging officer will complete a report in the police reporting system and send to the Maryland Department of Juvenile Services, the report that includes the following:
 - 1. A narrative description of the facts of the case;
 - 2. The name, address, date of birth, and phone number of the juvenile to the extent this information can be ascertained through a good faith effort;
 - 3. The name, address, date of birth, and phone number of the juvenile's parent or legal guardian to the extent this information can be ascertained through a good faith effort.
 - 4. CJIS Code, Statute Code, and Charging Language for each charge filed.
- B. Custodial Arrest.** In the event a juvenile is taken into police custody, one of the following two steps should be taken promptly:



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1. For minor offenses with no reasonably foreseeable likelihood of violence or further serious criminal/delinquent activity, the juvenile may be released to the parent or legal guardian pending follow-up by DJS. The police report containing the necessary information should then be promptly sent to DJS.

2. Custodial arrest, formal processing, and detention should be considered and is favored when the Delinquent Act:
 - a. Would be felony if committed by an adult;
 - b. Involved the use of weapons;
 - c. Involved an aggravated assault;
 - d. Was committed by a juvenile currently under probation or parole;
 - e. Was committed by a juvenile who repeatedly committed Delinquent Acts within the past twelve months;
 - f. Stems from inadequate parental supervision; or
 - g. Involved domestic violence.

3. If a juvenile is taken into police custody and not promptly released to a parent/guardian, DJS shall be notified promptly. For a juvenile taken into police custody, DJS should be notified by the intake number available at the dispatch desk of the police department. The officer responsible for arrest or custody shall advise DJS of the facts, provide any appropriate paperwork, and complete the release process as deemed appropriate by DJS.

C. Status Offenders. A juvenile who commits a status offense should not be taken into custody except as follows and in accordance with the following procedure:

1. The juvenile flees or there is reason to believe the Status Offender will flee if not taken into custody immediately;
2. There are exigent circumstances; or
3. The child is runaway.
4. A Status Offender shall not be placed in a holding cell.
5. When a Status Offender is taken into custody, the parent/guardian shall be promptly notified and the child released to the parent/guardian upon issuance of a juvenile citation or notice of forthcoming charges for DJS.



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D. Fingerprinting & Photographing Juveniles

1. Juveniles under age 14 should not be fingerprinted or photographed unless it is authorized by the officer's supervisor. Authorization would normally be appropriate for a violent offense, a felony, or other serious Delinquent Act.
2. Juveniles age 14 or older should be fingerprinted and photographed for any felony and all sexual offenses and acts of violence. Supervisors may authorize fingerprinting for additional acts of Delinquency for circumstances the supervisor deems appropriate. Authorization would normally be appropriate for a violent offense, a weapons violation, threats of violence, or on-going Delinquency.

E. School Notifications

1. The Chief of the Frostburg City Police Department shall designate one or more officers to liaison with the Allegany County Public School System to make notification of Delinquent Acts in accordance with Maryland State Law. The liaison would normally include the School Resource Officer.
2. The liaison officer(s) shall notify the school superintendent, or the superintendent's designee, of any Delinquent or illegal act described in Maryland Code Ann., Educ. Art. § 7-303.

F. "Child in Need of Assistance" or "CINA"

1. In the case of a Child in Need of Assistance, the officer will complete a report in the police reporting system and send to the Maryland Department of Juvenile Services the report that includes the following:
 - a. A narrative description of the facts of the case;
 - b. The name, address, date of birth, and phone number of the juvenile to the extent this information can be ascertained through a good faith effort;
 - c. The name, address, date of birth, and phone number of the juvenile's parent or legal guardian to the extent this information can be ascertained through a good faith effort; and
 - d. a request that the juvenile be deemed a "Child in Need of Assistance."



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G. “Child in Need of Supervision” or “CINS”

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 - d. a request that the juvenile be deemed a “Child in Need of Supervision.”