



Cover Memorandum

Interactions with Youth, JHPD Directive #426

Purpose of the Directive

The purpose of this Directive is to provide the necessary background and guidance to members of the Johns Hopkins Police Department (JHPD) so they may effectively interact with youth in non-custody, enforcement, and custody situations.

Summary of Directive Requirements

JHPD is committed to protecting the rights and dignity of youth who have contacts with law enforcement, while at the same time ensuring the safety of the Johns Hopkins (JH) community. JHPD members shall recognize that young people are developmentally different than adults and therefore must use special approaches during voluntary contacts, investigative stops, searches, interviews, and custodial contacts involving youth.

Members shall also strive to promote positive outcomes for the young people they encounter. This includes engaging community youth in active, positive interactions and, when at all possible, making it a priority to divert youth away from the juvenile justice system by using reasonable alternatives to arrest.

It is the responsibility of all components and members of the JHPD to participate in or support JHPD's youth operations function. JHPD welcomes comments from other elements of the juvenile justice system in furthering to develop policies and procedures related to youth.

This Directive describes youth development and how it relates to trauma, criminality, and interactions with law enforcement. It states that members shall be guided by the most effective and least intrusive response to offenses involving youth, and that in many cases, a response other than arrest may be more effective in promoting pro-social behavior while maintaining public safety. The Directive provides guidance for positively engaging with youth and protecting a youth's confidentiality and individual rights.

The Directive states that an investigative stop of a youth is only permitted when the member has reasonable articulable suspicion that the youth has committed, is committing, or is about to commit a delinquent act or status offense. It also describes procedures that members must take when conducting investigative stops and for conducting non-custodial interviews, including when parental consent is needed. Additionally, the Directive discusses requirements and procedures for conducting consent searches and prohibits field strip searches of youth except in cases where a member has probable cause to believe that the youth is concealing a deadly weapon, is a threat to themselves/others, and cannot be transported safely to a private location.

The Directive also states that members interacting with youth in an enforcement capacity shall use the least coercive means methods from among reasonable alternatives which are consistent with preserving

public safety, order, and individual liberty. It discusses alternatives to arrest (release, referral for services or diversion, warnings, citations, etc.) and factors to consider when determining the course of action to take. The Directive describes policies and procedures for taking youth into custody and for transporting them to the appropriate facility (e.g., Baltimore City Juvenile Justice Center for processing, medical facility, emergency psychiatric facility).

Additionally, the Directive provides extensive guidance on conducting custodial interrogations of youth. This includes ensuring that a youth's constitutional rights are protected, prohibiting members from conducting a custodial interrogation of a youth without the presence of a youth's parent, legal guardian, or custodian and/or an attorney provided by the parent/legal guardian. Finally, this Directive prohibits the use of deception in all custodial interrogations of youth.

Blueprint for the Policy Development Process

The draft JHPD policies (hereinafter referred to as "directives") shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD's draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall's Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

a. Publicly available policies from municipal police departments that have undergone substantial reform efforts, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;

b. National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts's "Racially Just Policing: Model Policies for Colleges and Universities"; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.

c. National and local higher education institutions that are based in comparable environments and make policies publicly available, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



POLICE DEPARTMENT

**OPERATIONAL
PROCEDURE #426**

**INTERACTIONS WITH
YOUTH**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard, Jr.
Issued: [full date]
Revised: [full date]

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Policy Statement

The Johns Hopkins Police Department (JHPD) is committed to protecting the rights and dignity of youth who have contacts with law enforcement, while at the same time ensuring the safety of the Johns Hopkins (JH) community. JHPD members shall recognize that young people are developmentally different than adults and therefore JHPD members must use special approaches during voluntary contacts, investigative stops, searches, interviews, and custodial contacts involving youth. JHPD members shall also strive to promote positive outcomes for the young people they encounter. This includes engaging community youth in active, positive interactions and, when at all possible, making it a priority to divert youth away from the juvenile justice system by using reasonable alternatives to arrest. It is the responsibility of all components and members of the JHPD to participate in or support JHPD’s youth operations function. JHPD welcomes comments from other elements of the juvenile justice system in furthering to develop policies and procedures related to youth. (CALEA 44.1.1, 44.1.2)

Who is Governed by this Policy

All personnel, including sworn, non-sworn and contractual or voluntary persons in service with the Johns Hopkins Police Department are governed by this Directive.

Purpose

The purpose of this Directive is to provide the necessary background and guidance to members of JHPD so they may effectively interact with youth in non-custody, enforcement, and custody situations.

Definitions

Age-Appropriate/ Developmentally Appropriate:	Interchangeable terms used to reflect a general understanding of the social, emotional, physical, neurological, behavioral, and moral aspects of development in a youth.
Citation:	Written form issued by a police officer which serves as the initial pleading against a youth for a violation, and which is an adequate process to give the court jurisdiction over the person cited.
Custodial Contact:	Contact wherein a JHPD member determines that a youth will be taken into police custody.
Custodial Interrogation:	Interrogation of a person in custody.
Custody:	<p>A person who is either under formal arrest or would reasonably believe that they are under arrest.</p> <p>Circumstances that may make it more likely that a reasonable person would think that they are under arrest include, but are not limited to: being handcuffed, being confronted with evidence of criminal activity, hearing an officer express belief in the person's guilt, being held in a police facility or vehicle, being transported against their will, being interrogated for an extended period of time, and whether the suspect was ultimately free to leave after the interrogation.</p> <p>Circumstances that may make it less likely that a reasonable person would think that they were under arrest include: being told that they are not under arrest, being told that they are free to leave, being interviewed in an open or clearly unlocked space, not being guarded during pauses in interrogation, having transported themselves to the interrogation, being allowed to leave at the conclusion of the interrogation</p>
Deinstitutionalization of Status Offenders:	The Juvenile Justice and Delinquency Prevention Act of 1974 requires that youth charged with status offenses, and/or abused and neglected youth, shall not be placed in secure detention or locked confinement. JHPD members shall seek alternatives to arrest and seek to deinstitutionalize youth with status offense violations absent more serious, delinquent offense violations.

Delinquent Act:	An offense committed by a youth that would be a crime if committed by an adult.
Department of Juvenile Services (DJS):	An executive agency whose primary task is to appropriately manage, supervise, and treat youth who are involved in the juvenile justice system in Maryland.
Diversion:	Intervention strategies that redirect youth away from formal involvement in the juvenile justice system. Diversion can occur at any point in the juvenile justice system, from a youth's contact with law enforcement through a youth's adjudication in juvenile court.
Interrogation:	Words or actions on the part of an officer that are reasonably likely to result in an incriminating statement by a suspect. Interrogation includes direct questioning about a crime as well as indirect questioning involving anything where the officer knows or should know that their words or actions are reasonably likely to result in an incriminating response by the person being interrogated. Routine booking questions and informing the suspect of charges against them generally are not considered to be interrogation.
Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
Non-Custodial Contact:	An interaction between a JHPD member and a youth where the youth is free to leave the interaction at any time. Examples may include when the youth is a witness or victim of a crime, or the JHPD member lacks reasonable articulable suspicion that the youth has committed or is committing a delinquent offense or status offense.
Non-Secure Custody:	Any custody where the youth is not free to leave (e.g., the youth is in the presence of a law enforcement officer, or on the premises of a law enforcement facility, but is not in secure detention or confinement status), other than secure custody.
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Probable Cause	Where the totality of the circumstances, including all facts and circumstances known to the officer(s) at the time and their relevant training and experience, taken as a whole, would lead a reasonable prudent officer to believe there is a fair probability- that ; (1) for purposes of a crime, a particular person has committed or is committing a crime, (2) for purposes of an enforceable civil violation, a particular person is committing or has committed civil violation, (3) for purposes of a traffic offense, that particular vehicle or person has committed or is committing a particular violation of the traffic laws, or, (4) for purposes of a search, either contraband or evidence of a crime will be found in a particular location. Probable cause is an objective legal standard that requires stronger evidence and greater certainty than Reasonable Articulable Suspicion. `

Reasonable Articulable Suspicion (RAS):	A well-founded suspicion based on the totality of the circumstances, including specific, objective, articulable facts, taken together with the officer’s training and experience, that would lead a reasonably prudent officer to believe, (1) for purposes of an Investigative Stop, a person has committed, is committing, or is about to commit a crime or, (2) for purposes of a Pat Down, a person is armed. RAS is based upon an objective assessment of the facts and circumstances presented to the officer. RAS is an objective legal standard that is less than Probable Cause but more substantial than a hunch or general suspicion.
Secure Custody:	A secure detention where a youth is physically detained or confined including a locked room, a cell, or area designated for the specific purpose of physically restricting the movements and activities of a youth who is in police custody. The Baltimore City Juvenile Justice Center (BCJJC) is classified as a secure detention facility. For the purpose of this Directive, the terms “secure detention,” “secure confinement,” and “secure holding” are synonymous with secure custody.
Status Offense:	An offense committed by a youth that would not be a crime if committed by an adult. Examples of status offenses in Maryland include: underage alcohol and tobacco violations, daytime and nighttime curfew violations, truancy, running away from home, and court jurisdiction for the civil offense of possession of less than 10 grams of marijuana.
Strip Search:	<p>The search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection of the person’s groin/genital area, buttocks, female breasts, or undergarments covering these areas.</p> <p><u>NOTE</u> – The following does not constitute a Strip Search: (a) the removal or rearranging of clothing reasonably required to render medical treatment or assistance; (b) the removal of articles of outer clothing, such as coats, ties, belts, shoes; or (c) a weapons pat-down that includes minor manipulation at or around the waistband of the pants, including the untucking and shaking out of a person’s shirt, which may expose the waistband of a person’s undergarments only.</p>
Youth:	A person who is under 18 years of age. For purposes of this policy, a youth is an individual with whom a JHPD member is interacting that: a member knows (e.g., through prior interaction, youth self-reporting) is under 18 years of age, or whose youth status is objectively apparent to a reasonable officer.

Background

- I. The nature of adolescent development makes it difficult for youth to consider the consequences of their behavior, especially when faced with stressful situations, such as interactions with law enforcement. The part of the brain that controls rational thinking and long-term planning is not fully developed in adolescents. Therefore, adolescents are more prone to risky and dangerous behavior, making them vulnerable to delinquency. Youth also have normal developmental tendencies to react anxiously and distrustfully to unfamiliar adults, especially if the adult(s) appear physically or verbally angry, threatening, or intimidating.
- II. As youth are still in their development and learning stages, law enforcement officers are uniquely positioned to influence youth as figures of authority. Building healthy relationships with youth and creating a positive adult influence during interactions can foster healthy youth development. Youth are particularly attuned to procedural justice. A youth's earliest interactions with law enforcement can have a lasting impact on their perceptions of the legitimacy of the justice system and their likelihood of reoffending.
- III. Many youths in Baltimore have experienced adverse childhood experiences and trauma. The JHPD recognizes the existence of this trauma – often multi-generational – has contributed to a general distrust of law enforcement among some youth. Research also has shown that law enforcement and the general public (e.g., witnesses or complainants) perceive youth of color as significantly older than they actually are, leading to differential treatment of these youth. JHPD is committed to the pursuit of equitable policing practices to build positive relationships and trust between law enforcement and Baltimore's youth and families.
- IV. Research has shown that many youths, particularly those accused of low-level offenses, achieve better life outcomes and are less likely to commit future offenses when given an appropriate level of intervention that promotes pro-social behavior while protecting public safety. Youth who are diverted from formal involvement in the juvenile justice system can still be held accountable for their actions while receiving more developmentally appropriate services and support from community-based providers.

Procedures

I. General

- A. Officers shall be guided by the most effective and least intrusive response to offenses involving youth. In many cases, a response other than arrest may be more effective in promoting pro-social behavior while maintaining public safety. During instances of low-level crimes or unruly behavior, a warning, verbal counseling, or referral to diversion services are all preferable to citation or arrest.

- B.** If it is not objectively apparent whether an individual is a youth or an adult, officers shall ask an individual's age rather than make assumptions unless exigent circumstances preclude such an inquiry.
- If the individual claims to be a youth but appears to be a young adult, and does not have identification to confirm their age, the officer shall adhere to all applicable policies and procedures concerning interactions with youth until the individual's age can be confirmed by their parent, guardian, responsible adult, or some other verifiable means.
- C.** Problem-solving and developmentally-appropriate communication strategies are especially important tactics to employ when interacting with youth. During these interactions, officers shall, when feasible:
- Adhere to the principles and policy of procedural justice during the interaction.
 - Recognize that a youth may not comply right away with orders and that multiple attempts may be needed without resorting to the use of threats of force. For example, officers shall:
 - o Repeat instructions in a clear voice, explain the purpose of, or reason for, the interaction, and remind the youth that the purpose of the officer's actions is to protect the safety of the youth and others.
 - o Make efforts to slow down and not rush through interactions absent an emergency situation. For example, when safe and feasible under the circumstances, an officer may walk alongside a youth who initially refuses to stop on the officer's order, as opposed to physically restraining the youth.
 - o Repeat back what the youth says to demonstrate understanding and give an opportunity for clarification. Answer any questions a youth may have in order to help them understand the officer's actions.
 - o Allow time for the youth to vent their frustrations and give them an opportunity to comply (consider the environment and other competing stimuli; e.g., sirens, flashing lights, noise).
 - o Allow the youth to make choices or remind them that they may request the help of a parent or guardian, when appropriate. This may include arriving at a way to resolve the situation together.
 - o Be attentive to a youth's actions over their words. Youth often may comply regardless of verbalizing otherwise.
- D.** If an officer has reason to believe that the youth is experiencing a crisis or a behavioral health condition or impairment, the officer should act in accordance with the procedures detailed in JHPD Directive #415, Individuals with Behavioral

Health Conditions, JHPD Directive #416, Behavioral Health Crisis Dispatch, and JHPD Directive #417, Emergency Medical Examination and Assistance.

- E.** JHPD’s Community Coordinator shall conduct an annual review and written evaluation of all enforcement and prevention programs relating to youth. The evaluation shall be approved by the Chief of Police. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 44.1.3)
- The evaluation should consider programs and initiatives, as well as both the quantitative and qualitative elements of each program, lending itself to decisions regarding whether a specific program should function as it is, be modified, or be discontinued.
- F.** Records of matters involving youth are considered confidential and may be inspected or disclosed only upon a court order.
- Records and identification materials on youth should be clearly marked as “youth records” in JHPD’s Record Management System (RMS) and kept separately from adult records.
 - Exceptions to general confidentiality:
 - o Except for requests for youth records made by another law enforcement agency, all requests for youth records that have been or may be sent to the juvenile court should be directed to the court for response.
 - o Any release of youth records to anyone other than a law enforcement agency requires approval from the Office of the Vice President and General Counsel for JHU.

II. Positive Youth Engagement (CALEA 44.2.5)

- A.** In an effort to build positive relationships with young people in the community, JHPD shall take an active role in participating in and developing programs for neighborhood youth. These may include, but are not limited to:
- Recreational programs;
 - Youth education programs related to the law, safety, drugs, gangs, etc.;
 - Hosting or sponsoring community events.
- B.** In accordance with Md. Code, Education, § 24-1207, JHPD will establish a Police Athletic/Activity League (PAL) chapter in Baltimore City through the National Association of Police Athletic/Activities Leagues, Inc., at its own expense.
- JHPD’s PAL chapter will focus on providing opportunities and engagement with youth who live in the neighborhoods in and around JHU’s campus area. Programming may include mentoring, activities, field trips, regular meetings, etc.

- C. In all interactions with youth, seek to treat youth with respect and kindness.

III. Investigative Stops of Youth

- A. An investigative stop of a youth is only permitted when the officer has Reasonable Articulate Suspicion (RAS) that the youth has committed, is committing, or is about to commit a delinquent act or status offense. RAS allows the officer to temporarily detain the youth for the purpose of confirming or dispelling that suspicion. If the officer has no legal basis to detain the youth, the youth must be informed that they are free to leave the encounter at any time.
- B. For all investigative stops of a youth, the officer must complete a Juvenile Custody Report detailing the facts that gave rise to the RAS. The officer must document these facts whether or not that suspicion is dispelled.
- C. Officers shall not arrest youth for disorderly conduct and similar discretionary offenses when the arrest would be based solely on the youth's response to a stop instead of the behavior justifying the initial contact.

IV. Non-Custodial Interviews of Youth (CALEA 44.2.3.b)

- A. The initial responding officer must contact and receive consent of the youth's parent or guardian before proceeding with an interview unless one of the following exceptions applies:
 - If there is an imminent need to render aid or to protect the safety of the youth or public, the officer may ask questions of the youth related to that need.
 - If the situation is unclear, the officer may ask questions of the youth related to the need to render aid, protect the youth's or public safety, or assess the situation.
 - Officers may interview the youth without parental consent if the youth initiated a call for service or otherwise requested assistance from authorities.
 - Officers must still inform the youth that they can have a parent, guardian, or other supportive adult present if they wish.
 - The officer shall limit the interview to questions about the alleged crime for which the youth has requested assistance.
 - Officers may interview the youth without parental consent if the officer has a call for service or other factual basis to suspect that the parent or guardian is the perpetrator of an offense against the youth.

- o Officers must still inform the youth that they can have a different parent, guardian, or supportive adult present if they wish.
 - o Officers must contact the Baltimore Police Department (BPD) for all situations in which the parent/guardian is the suspect in a crime with a youth victim.
 - o Officers must follow JHPD Directive #465, Response to Crimes of Sexual Violence, for interviews involving a 16- or 17-year-old victim of rape or another sexual assault offense.
- B.** Prior to conducting the interview, officers must inform the youth that they can have one parent, guardian, or another supportive adult present during the interview. If the youth want such a person present, the officer shall not conduct the interview until that person is present.
- C.** When interviewing a youth, officers shall use simple, concrete, age-appropriate language to ensure the youth understands that their responses are voluntary and that they are free to leave.
- Youth may not understand initially that a field interview represents a non-hostile, voluntary contact. Therefore, in addition to notifying the youth that they are free to leave, officers shall not use words or actions that would communicate that the youth is not free to leave or that they must answer questions.
 - Whenever possible, an officer who is trained in youth interviewing should conduct the interview.
- D.** When interviewing a youth, officers shall seek to do so in a manner that addresses the youth's safety (e.g., conduct a discreet, off-scene interview, and ensure that the youth returns home safely). All off-site interviews with a youth **must** be audio and video recorded, preferably on a Body-Worn Camera (BWC).
- E.** Officers shall not ask a youth witness a question intended to get the youth to incriminate themselves. If the youth makes a self-incriminating statement in the course of an interview, and/or is considered a suspect of a crime, the officer shall instead follow the procedures for youth interrogations described below in Section VIII of this Directive.
- F.** All interviews with youth should be done with consideration of the youth's age, mental state, or other factors or influences experienced by the youth.

V. Searches of Youth

- A.** Regarding youth, officers shall adhere to the same procedural search requirements for adults as described in JHPD Directive #409 Field Interviews, Investigative

Stops & Pat-Downs; and #411, Search & Seizure with some developmentally appropriate exceptions that are listed below.

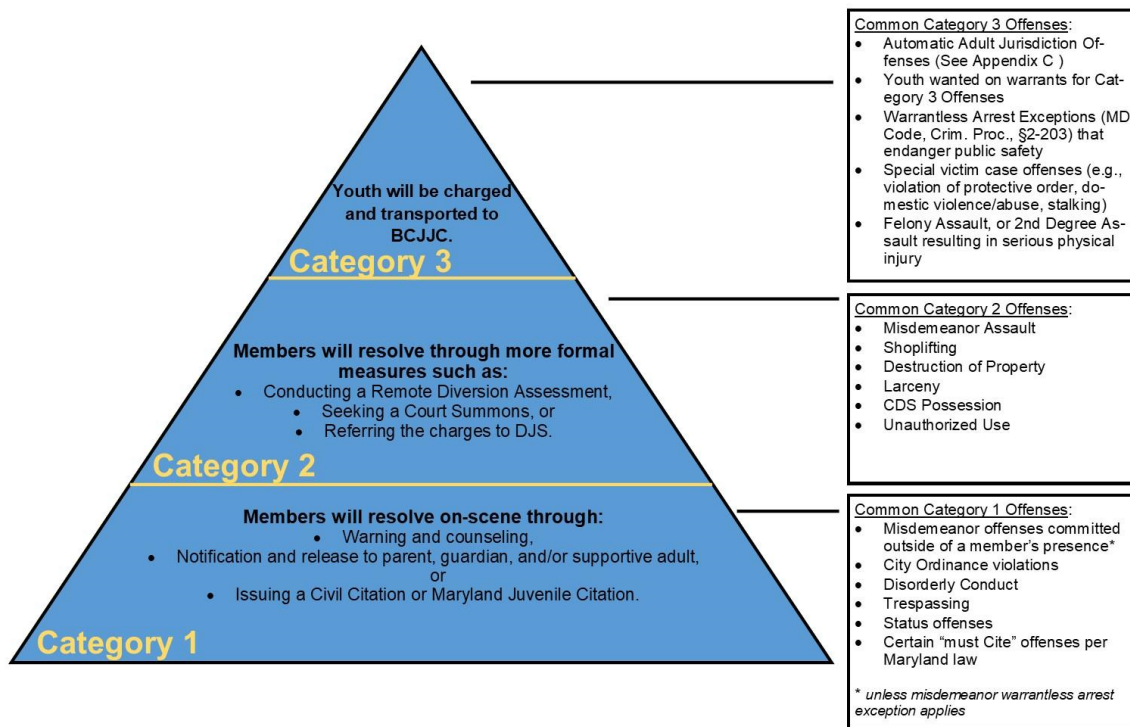
- B. Consent Searches:** When seeking consent to search a youth or their belongings for contraband or evidence of a crime, officers shall make reasonable, developmentally appropriate accommodations in addition to the requirements of JHPD Directive #411, Search & Seizure. These include:
- Requesting permission from an on-duty supervisor to seek consent to search from a youth.
 - Fully explaining the youth's right to refuse, limit, or revoke consent at any time, using age-appropriate terminology.
 - Informing the youth that they may call a parent, guardian, or supportive adult for guidance before granting or revoking consent to the search.
 - Reading the Permission to Search Form line-by-line, and confirming that the youth understands the contents of the form, as well as their right to refuse to sign. The explanation of the form and any subsequent clarification, explanation, or consent that is refused or granted **must** be captured on the officer's BWC.
 - During all consent search interactions with a youth, officers shall take into account the following factors in determining the youth's capacity to understand the interaction, or the voluntariness of any consent given:
 - o The youth's age; consent to search shall **not** be sought for youth under 15 years of age.
 - o Whether the youth is under the influence of drugs or alcohol.
 - o Whether the youth's primary language is English.
- C. Field Strip Searches:** Field strip searches of youth are **prohibited** except in the case where an officer has probable cause to believe that the youth is concealing a deadly weapon, the youth is a threat to themselves or others, and the youth cannot be transported safely to a private location (e.g., district station or headquarters).
- Officers must obtain express approval from a supervisor, lieutenant or above, unless taking the time to seek approval would pose an imminent threat to the safety of the youth, the officer, or the public.
- D.** Field strip searches of a youth to retrieve a concealed deadly weapon shall be performed in accordance with the requirements of JHPD Directive 411, Search & Seizure,
- E.** Following any search of a youth, officers shall complete an incident report including the appropriate search fields and Juvenile Custody Report fields, the paper Juvenile Custody Report, in addition to the required paperwork that accompanies the type of search performed.

- Officers shall document the facts and circumstances leading to their reasonable articulable suspicion for performing the search, and whether that suspicion was confirmed or dispelled.
- Officers must attach legible images of any physical forms and paperwork to the incident report. Multiple pages of a single form may be necessary to ensure legibility.

VI. Youth Offenses and Options for Resolution (CALEA 44.2.1)

- A.** Officers interacting with youth in an enforcement capacity shall use the least coercive methods among reasonable alternatives which are consistent with preserving public safety, order, and individual liberty as outlined in this Directive. Any action taken must conform to, and not be in violation of, MD. Code, Courts and Judicial Proceedings, Subtitles 8 and 8A, Juvenile Causes.
- B.** Alternatives to arrest that may be considered include:
- Outright release to a parent, legal guardian, or other responsible adult, with no further action. (CALEA 44.2.1.a)
 - Referral to another agency for services or potential diversion alternatives. (CALEA 44.2.1.c)
 - Informal referrals to community services.
 - Limited custody and warning.
 - Issuance of a citation or summons. (CALEA 44.2.1.b)
 - Referral to a juvenile court. (CALEA 44.2.1.d)
 - Arrest under non-secure custody.
 - Arrest under secure custody.
- C.** Officers shall select the most appropriate option proportionate to the alleged offense (See Fig. 1 below, Youth Offense and Resolution Categories). When making decisions about which option to take, officers shall take into consideration factors such as:
- The nature of the offense,
 - The age and circumstances of the offender,
 - Past police involvement with the youth,
 - Possibility of gang affiliation,
 - The availability of community-based alternatives,
 - Recommendations for diversion from complainants, victims, and/or professionals involved with the youth,
 - The attitude of the youth and parents/guardians toward the offense, and
 - Referral, family, school, and community adjustment of the youth.
- D.** Youth shall not be arrested for misdemeanors committed outside of an officer's presence unless a statutory exception applies.

- E.** In accordance with the Memorandum of Understanding (MOU) between JHPD and the BPD, BPD will have primary responsibility for all investigations and arrests related to “Group A” offenses under the NIBRS program that occur within JHPD’s jurisdiction, except for larceny/theft offenses, burglary/breaking & entering, and motor vehicle theft.
- If the youth’s offense is one that falls under BPD’s investigative responsibility, the officer must notify BPD and respond to, or remain at, the incident until BPD responds and assumes control of the incident. The officer may handle the situation at BPD’s direction.
- F.** Supervisors shall monitor the enforcement decisions of their subordinates, specifically the manner in which their subordinates use alternatives to arrest and custody for enforcing youth offenses through the most effective and least intrusive means available.
- NOTE – Officers may select a more or less-restrictive disposition to the corresponding category of the offense with approval from their first-line supervisor. Officers shall include the specific, articulable circumstances describing the mitigating or aggravating factors and describing the reason the disposition was selected.



VII. Category 1 Offenses – Warning or Citation

A. Common Category 1 offenses include:

- Misdemeanor offenses committed outside of an officer's presence, unless a statutory exception applies.
- City ordinance violations
- Disorderly conduct
- Trespassing
- Status offenses
- Certain "must cite" offenses per Maryland law

B. When dealing with a Category 1 offense, officers shall select the least-restrictive resolution, such as:

- Release with a warning and/or informal counseling, but no further action.
- Notification and/or release to a parent or legal guardian.
- Maryland Juvenile Civil Citation.

C. Status Offenses: Status offenses that occur in the presence of an officer shall be resolved by the officer through the least intrusive and most effective enforcement option consistent with public safety. (CALEA 44.2.2.a)

- Status offenses should be resolved informally through the options listed above. Youth **shall not** be arrested nor placed in secure custody for status offense violations.

D. Maryland Juvenile Civil Citations: Maryland law permits that certain status offenses related to alcohol and tobacco be enforced through a Maryland Juvenile Civil Citation, for which a youth must appear at a hearing with DJS. (CALEA 44.2.1.b)

- Officers may issue a Maryland Juvenile Civil Citation for a Civil Citation-Eligible Offense, provided that less intrusive measures have been exhausted or are ineffective, consistent with the Civil Citation-Eligible Offense guidance of JHPD Directive #424, Arrests and Alternatives to Arrest.
- Officers must ensure that all Juvenile Civil Citations must be issued in compliance with the requirements of MD. Code, Courts and Judicial Proceedings, § 3-8A-33.
- Officers may issue the citation if they witness offenses or are given sufficient probable cause from witnesses.
- Prior to issuing a citation, youth must be positively identified. Written proof is not required if verbal proof is reasonable and verifiable.

- Officers are advised that youth charged may refuse to sign citations. In these instances, issuing officers will enter “Refused to Sign” on signature lines.
- Officers shall not arrest youth for civil violations unless they refuse to give necessary identification or falsely identify themselves.
- Juvenile citations will not be used for:
 - o Criminal violations.
 - o Violations of the Transportation Article.
 - o Violations of the Natural Resources Article.
- Officers issuing citations will obtain from the youth the names, addresses, and telephone numbers of their parents, guardians, or other adults responsible for their care.
 - o Adult contact information will be recorded in agency incident reports.
 - o Officers issuing juvenile citations will make reasonable and prudent attempts at notifying the youth’s responsible adults prior to the end of their shift. Information about the contact attempts and results will be included in incident reports.
 - o Officers are responsible for mailing notification letters and copies of citations to the youth’s responsible adults on the first business day after citations are received into the JHPD Records Management System (RMS).
- Charging officers shall:
 - o Document the citation in an incident report included in JHPD’s RMS.
 - o Ensure that all citations and related documents are appropriately composed and prepared consistent with established procedures and acceptable standards. Officers shall consult with on-duty supervisors for assistance with this effort.
 - o Submit completed citations and related reports to on-duty supervisors for review and correction, as necessary to conform to established criteria, and for supervisors’ approval prior to ending of their hours of duty wherein the citations were issued.
- Supervisors will review citations and related reports, ensure necessary corrections are made, and approve all completed citations and reports before officers go off duty from their shift when citations were issued.

VIII. Category 2 Offenses – Formal Pre-Arrest Diversion

- A. Common Category 2 offenses include:
- Misdemeanor assault
 - Shoplifting
 - Destruction of property
 - Larceny
 - Possession of a controlled dangerous substance (CDS)
 - Unauthorized use of a motor vehicle
- B. When dealing with a Category 2 offense, officers shall select more formal diversion alternatives to arrest, such as:
- Contacting the Diversion Coordinator to perform a Remote Diversion Assessment to determine the next steps, and/or forwarding the paperwork to the Diversion Coordinator;
 - Referring the paper charges to the DJS and contacting the youth's parent or guardian to retrieve their child; or
 - Seeking a court summons.
- C. **Remote Diversion Assessment:** For Category 2 offenses, officers may contact the Diversion Coordinator to perform a Remote Diversion Assessment of the youth in order to determine the appropriate disposition of the incident. The purpose of this assessment is to avoid unnecessary transportation and booking of a youth who may already be eligible for a formal diversion program.
- In conducting a Remote Diversion Assessment, officers shall take the following steps:
 - o Immediately notify their supervisor that a youth is in the officer's custody, the nature of the offense, and that the officer intends to complete a remote assessment for the youth's diversion eligibility instead of transporting the youth to BCJJC.
 - o Positively identify the youth and contact the Diversion Coordinator to perform an intake assessment over the phone by providing the Diversion Coordinator with the facts and circumstances of the youth's delinquent act. The Diversion Coordinator will advise the officer whether the youth is eligible for a pre-arrest diversion program.
 - o For after-hours (later than 1900 hours (7 p.m.)) incidents when a youth does not have open warrants and is not under active supervision, officers shall, by the end of their shift, forward a copy of the incident report including the parent or guardian's contact information by email to the Diversion Coordinator for assessment and follow-up. Officers shall then coordinate with the parent or

guardian to obtain custody of the youth from the scene, or to determine if the youth should be transported home.

- o For after-hours (later than 1900 hours (7 p.m.)) incidents where a youth has open warrants and/or is under active supervision, officers shall contact DJS intake to perform an assessment. The youth may still be eligible for pre-arrest diversion upon further screening. DJS will instruct whether or not the youth would be released to their parent(s)/guardian(s) if taken to BCJJC.
- If the youth is eligible for a pre-arrest diversion program, the officer shall contact and notify the youth's parent or guardian that:
 - o The youth is alleged to have committed a delinquent act,
 - o The youth is currently in non-secure custody with the officer,
 - o The youth is eligible for a formal diversion program and that the parent/guardian will be contacted by the Diversion Coordinator, within 24-48 hours, and
 - o The youth may be released to the custody of the parent or guardian immediately.
- Officers shall coordinate with the parent(s) or guardian(s) to obtain custody of the youth from the scene or determine whether the youth should be transported home. Officers shall honor all reasonable requests from a parent(s) or guardian(s) related to the transport of a youth and inform them of the method of transportation and the youth's condition. Officers shall activate their BWC when transporting a youth.
- If, following a Remote Diversion Assessment, the youth is **not** eligible for a pre-arrest diversion program, officers shall contact DJS intake to determine whether the youth would be held at BCJJC, or if delinquency charges to DJS are more appropriate.
- Officers shall complete, by the end of their shift, an incident report including the appropriate youth diversion fields and the paper Juvenile Custody Report Form detailing the probable cause for the charges and whether the youth has been referred to a diversion program. Completed reports shall be forwarded to the Diversion Coordinator.

IX. Category 3 Offenses – Arrest and Custody

- A. Common Category 3 offenses include:
 - Automatic adult jurisdiction offenses in accordance with MD Code, Courts and Judicial Proceedings, § 3-8A-03.

- Warrantless arrest exceptions for incidents that endanger public safety, in accordance with MD Code, Crim. Proc., § 2-203.
 - Special victim case offenses (e.g., violation of protective order, domestic violence/abuse, stalking).
 - Felony assault, or 2nd Degree assault resulting in serious physical injury.
- B.** When dealing with a Category 3 offense, officers shall arrest and place the youth into custody in accordance with the procedures in Section VII of this Directive, “Custody and Transport of Youth” for all Category 3 offenses which JHPD has primary responsibility. For Category 3 offenses for which BPD has primary responsibility, pursuant to the MOU, the officer shall notify BPD, and proceed as directed by BPD.

X. Traffic Offenses

Officers shall adhere to the following directives in addition to the requirements in JHPD Directive #442, Traffic Control & Enforcement.

- A.** Youths who are 16-years-old or older, but under 18 years of age, may only be issued citations that are punishable by a fine.
- If an officer cites the youth for a Must Appear violation carrying a penalty that includes incarceration, the appropriate section of the Maryland Code, Transportation Article and exact wording of the section must be documented in the Narrative Section of the Youth Custody Form completed at the booking facility.
- B.** The District Court does not have jurisdiction over:
- A youth under 18 years of age alleged to have committed an act in violation of any provision of the Transportation Article or other traffic law or ordinance that prescribes a penalty of incarceration, or
 - A child under 16 years of age alleged to have committed any act in violation of any provision of the Transportation Article or other traffic law or ordinance.
 - NOTE – If a citation is issued to persons in the above categories, it should be listed on the transmittal indicating “Void – Youth” and sent to the District Court Traffic Processing Center (TPC) for ticket accountability purposes only.

XI. Custody and Transport of Youth (CALEA 44.2.2)

Officers shall adhere to the following directives in addition to the requirements in JHPD Directive #412, Custody, Transport & Processing.

- A.** When possible, officers shall make every attempt to divert youth away from the juvenile justice system by using reasonable alternatives to arrest. However, if it is determined that taking a youth into custody is the appropriate course of action per the decision-making model described in Section VI of this policy (“Youth Offenses and Options for Resolution”), then officers must take steps to ensure that the rights of youth are protected during custody and transport. (CALEA 44.2.2.c)
- B.** Absent exigent circumstances, officers shall request approval from an on-duty supervisor to arrest any youth between 10 and 14 years of age.
- C.** Officers shall not arrest youth under the age of 10 for any crime. Officers may arrest youth ages 10 to 12 **only** for crimes of violence under MD Code, Criminal Law § 14-101.
- D.** Officers shall not handcuff youth aged 12 or under unless the youth presents a danger to themselves or others.
- E.** Officers may only handcuff youth over the age of 12 for the following reasons:
- For safety purposes when arresting or transporting youth,
 - To prevent a youth from hurting themselves or others,
 - To prevent a youth from fleeing the scene during an initial investigation where the officer has reasonable articulable justification for limiting the youth’s freedom, consistent with JHPD Directive #409, Field Interviews, Investigative Stops & Pat-Downs.
- F.** Officers are prohibited from handcuffing youth who will be left unsupervised or, securing a youth that will be left unsupervised to a fixed restraint device.
- G.** Unless a youth is being arrested and taken into custody, officers shall not handcuff a youth during transport unless the youth presents a danger to themselves or others. For transports to return a youth to a parent/ guardian, or witness transports, officers should still conduct a pat-down for safety consistent with JHPD Directive #409, Field Interviews, Investigative Stops & Pat-Downs.
- H.** For youth whose wrists are too small for regular handcuffs, and if officers are permitted to restrain them in accordance with this Directive, officers shall use plastic Flex-Cuffs for restraint.
- I.** Whenever a youth is arrested or taken into custody, officers shall:
- Determine whether the youth is alleged to have been harmed or to be in danger of harm (CALEA 44.2.2.b).
 - Provide medical care as necessary and ensure discharge documentation is obtained.

- Immediately notify parents/legal guardians, in a manner reasonably calculated to give actual notice, that the youth is in custody, the youth's location (including any future destination if the youth is to be transported), and the reason the youth is in custody. (See Section VIII of this Directive, "Custodial Interrogation of Youth" for further notification requirements if the officer intends to question the youth.) (CALEA 44.2.2.e)
 - Immediately notify the Department of Social Services (DSS)/Out-of-Home Placement (OHP) at **410-361-2235** if the youth is committed to the agency.
 - Explain to the youth the procedure for retrieving any property that may have been seized during the arrest, to the extent that it may be eligible for retrieval (i.e., non-evidentiary contraband).
 - Only transport youth in transport vehicle if they are charged or will be charged with a delinquent act or as an adult.
 - Thoroughly search the youth for weapons, drugs, or other contraband which may have evidentiary value or could endanger the staff or residents of BCJJC.
- J.** When the decision to charge a youth and take them into custody is made, officers must transport the youth in a transport vehicle to the BCJJC for processing without delay. (CALEA 44.2.2.d) The transporting officer shall adhere to the following directives in addition to the requirements in JHPD Directive #412, Custody, Transport & Processing:
- Do not transport any adults in the same compartment as the youth.
 - **Ensure sight and sound separation between all adults in custody and the youth.**
 - Officers' BWCs (Body Worn Cameras) must be activated during any instance of transporting a youth.
 - Complete an incident report and paper Juvenile Custody Report Form (JHPD #0, regardless of the reason for or the duration of the custody.
 - Complete a Use of Force report whenever force is used to control a youth during the arrest or transport. See JHPD Directive #402, Use of Force.
- K.** If a youth is taken into custody in the service of a Petition for Emergency Evaluation, officers shall transport the youth to the closest designated psychiatric emergency facility or to the medical facility directed by the physician or health officer. See JHPD Directive #417, Emergency Medical Examination and Assistance.
- L.** For purposes of medical care of a youth, when requested by the staff at BCJJC to return for the medical care of a youth, officers shall immediately respond and transport the youth to the nearest medical facility.

- Prior to returning the youth to BCJJC, officers shall obtain discharge documents from the medical facility.
- Officers shall ensure that an incident report and paper Juvenile Custody Report Form, is completed, noting the name of the medical facility, reason(s) for the transport, the physician's name, and the disposition of medical care.

M. Temporary Custody in JHPD Facility: Generally, youth should not be held in custody at JHPD facilities. However, officers may hold a youth in temporary, non-secure custody at a JHPD facility in certain limited circumstances and in accordance with the following procedures.

- Youth may only be held in temporary custody at a JHPD facility in the following situations:
 - o To allow officers time to arrange for the youth's release to a parent/guardian or other agency, including the time it takes to contact the parent/guardian or agency and to arrange transportation for the youth.
 - o To allow time to complete the Remote Diversion Assessment.
 - o When there is no other lawful and practicable alternative to temporary custody.
- NOTE – Only youth who have committed a status offense or other Category 1 or 2 offense, who are runaways, or who are considered a Child in Need of Assistance (CINA) may be held in temporary custody at a JHPD facility for these purposes. Youth who have committed a Category 3 offense shall be taken into custody and transported to BCJJC per this Directive.
- A Youth being held in temporary custody for the reasons above will not be booked and processed. At no time during temporary custody should youth be subject to any discipline, punishment, or corrective action as a consequence to the custody.
- Youth held in temporary custody at the JHPD facility shall be released as soon as practicable to the youth's parent/guardian, to a proper agency/authority, or to DJS when applicable.
- Officers must seek supervisor approval prior to transporting a youth to a JHPD facility to be held in temporary custody.
- At no point shall a youth held at a JHPD facility be held in secure custody.
 - o Officers shall ensure youths in temporary custody at a JHPD facility are under continuous visual supervision in an unlocked, multi-purpose room.
 - o At no point should an officer allow a youth in temporary, non-secure custody at a JHPD facility to be held with any adult in

custody.

o **Officers shall maintain Sight and sound separation between all youth and adults in the custody of the JHPD.**

- Youths who meet the statutory requirements of neglected, abused, dependent, or addicted minors may be taken into temporary custody by officers with the approval of a supervisor. The officer will determine whether the youth is alleged to have been harmed or to be in danger of harm and shall seek medical care when appropriate. The officer shall notify DSS or Child Protective Services (CPS) as soon as possible.
- Officers shall not hold youths who demonstrate the following conditions or behaviors in temporary custody at a JHPD facility:
 - o Serious injuries or conditions that require immediate medical care.
 - o Behavioral health crises or conditions, including significant intoxication due to drugs or alcohol. Officers should instead proceed in accordance with JHPD Directives #415, Individuals with Behavioral Health Conditions; #416, Behavioral Health Crisis Dispatch; and #417, Emergency Medical Examination and Assistance.
 - o Extreme or continuously violent behavior.
 - o Youth who have committed a Category 3 offense shall instead be taken into custody and transported to BCJJC per this Directive.

N. The officer responsible for taking the youth into custody shall complete an incident report and Juvenile Custody Report Form. The operator of the transport vehicle is not required to complete a Companion Form.

- Officers shall consult with an Assistant State's Attorney to confirm the youth's charging status.
- Using the Juvenile Field Based Reporting (FBR) system at the Juvenile Booking Section or via processing at JHPD, officers shall include a detailed narrative and charges in the Juvenile Custody Report. If there is more than one charge, officers shall itemize and specify each charge. When applicable, officers shall submit an incident report. Officers shall ensure that the report includes:
 - A Juvenile Custody Number
 - The youth's previous custody report entitled, "List of Priors," written on the first line of a supplemental report.
 - The results of the warrant check of the youth in custody.
 - Officers shall ensure all reports are transported to the Juvenile

Booking Section.

- O. Supervisors:** Whenever practicable, supervisors shall respond to the scene where custody of a youth may result. In addition, supervisors shall:
- Review and authorize all Juvenile Custody Report Forms of their officers. In their review, supervisors shall determine whether an officer appropriately assessed:
 - o Informal resolution or diversion options based on the youth's offense, and
 - o Additional resources to resolve the situation (e.g., youth's parents, DJS, school police), including any attempts to contact the above resources, and which of these were successfully contacted.
 - Ensure sight and sound separation between youth and adult in custody at all times when a youth is in secure custody during transport or processing at JHPD.
 - Ensure that youth being transported are secured by the appropriate safety devices (e.g., child safety seats for youth under 8 years of age and less than 4 feet 9 inches tall).
 - Approve or disapprove their officers' request(s) to arrest a youth less than 15 years of age based on the specific articulable facts of the incident as presented by the subordinate and the availability/effectiveness of alternatives to custody.

XII. Custodial Interrogations of Youth (CALEA 44.2.3.a)

- A.** Officers shall adhere to JHPD Directive #601, Custodial Interrogation, when conducting interrogations of all persons in custody. In addition, officers shall refer to the provisions outlined in this Directive when conducting an interrogation of a youth. Officers are reminded that:
- Statements made by suspects and witnesses are only lawful if they are knowingly, voluntarily, and intelligently made. Youth have the same Constitutional rights as adults with respect to interviews and interrogations, including the right to silence and right to counsel.
 - Interrogation tactics that may not be considered coercive when applied to adults may be coercive when applied to youth. Even in situations in which a youth may knowingly, voluntarily, and intelligently waive their *Miranda* rights, their statements may be involuntary if coercive tactics are used in the interrogation itself.
 - The U.S. Supreme Court has cautioned that a reasonable child subjected to police questioning will sometimes feel pressured to submit to questioning when a reasonable adult would feel free to go. This is one factor to be

considered when determining custody and a youth's ability to knowingly, voluntarily, and intelligently waive their constitutional rights.

- Officers shall safeguard and respect youths' rights through acknowledgment of and accommodations for the unique legal and practical considerations outlined in this Directive that apply when conducting custodial interrogations of youth.
 - o NOTE – Officers are reminded that interrogations of youth must always follow the special guidance for youth set forth in this Directive, regardless of the perceived maturity or comprehension of the youth.

B. Prior to, during, or after a custodial interrogation, when there is an obvious injury, complaint of injury, signs of medical distress, withdrawal or overdose, or when any person requests medical attention, officers shall immediately render aid consistent with their training and notify their supervisor. The officer shall then request emergency medical services (EMS) to the scene or transport the person directly to the nearest hospital emergency room.

C. Preparing for the Interrogation: Officers shall make both a video and audio recordings (with in-room equipment or BWC) of a youth interrogation in its entirety, including the advisement of rights and any breaks. Officers shall adhere to the following:

- In the event that circumstances do not allow for video recording, audio recording will always be conducted. This should be a rare occurrence as BWC can be used.
- Always inform the youth that the interrogation is being recorded.
- Recording practices shall be consistent with the requirements outlined in JHPD Directive #461, Custodial Interrogations.

D. Officers should be aware of the developmental research that suggests youth have a lower capacity for self-regulation in emotionally charged contexts, such as interviews or interrogations, and are more susceptible than adults to custodial interrogation pressures.

- Youth may have difficulty in anticipating the consequences of their actions and be more susceptible to immediate rewards and peer influence than adults.
- Officers shall refer to training on special considerations for youth interrogations.

E. Before beginning an interrogation of a youth, officers should create an interrogation plan, develop strategies for establishing rapport, develop age-appropriate questions, and utilize strategies that take into account the youth's age, education, and prior experience with the justice system. The following

information should be considered, if known or readily available, to assess the appropriate time, location, and manner in which to proceed with the interrogation:

- Youth's family situation – parents, legal guardian, or person responsible for the youth.
- Youth's age.
- Youth's education level, including whether a youth is in special education or has a learning or developmental disability. In order to ascertain this information, the officer shall ask the youth and the youth's parent/legal guardian, if present, the following questions:
 - o Is the youth enrolled in school?
 - o What grade is the youth in?
 - o Has the youth ever received special education services? Has the youth ever had an Individualized Education Program (IEP) in school?
 - o Has the youth ever been diagnosed with a disability, including a learning disability? If so, ask for more information.
- Whether the youth has any language barriers, is deaf/has a hearing impairment, or is illiterate.
- Signs that youth is experiencing a behavioral health disability, intellectual disability, or is in crisis. If the officer observes such signs, the officer shall ask information about the youth's mental ability, including learning and/or emotional disabilities, as a way to assess how to appropriately proceed with the interrogation.
 - o Officers shall refer to JHPD Directives #415, Individuals with Behavioral Health Conditions; #416, Behavioral Health Crisis Dispatch; and #417, Emergency Medical Examination and Assistance for details on recognizing and handling individuals in crisis or experiencing a behavioral conditions or impairment.
- NOTE: If an officer encounters youth of any age displaying signs that their ability to understand is impaired by a behavioral health or intellectual disability (including use of alcohol or other drug use, suicidal ideation, behavioral health condition, or a developmental disability), the officer shall stop the interrogation immediately. Officers shall document the reason for terminating the interrogation and consult with their supervisor in order to determine whether the interrogation may resume at a later time.

F. Custodial interrogations shall be conducted in one of the authorized JHPD interrogation/interview rooms, unless the youth has been transported to the Baltimore City Juvenile Justice Center (BCJJC) or unless articulable exigent circumstances exist, which shall be documented in the investigative case file.

- Officers who have taken a youth into custody and elect to conduct an interrogation at JHPD shall first contact their immediate supervisor and obtain permission to transport the youth and to use the room. The request and authorization of the supervisor shall be documented in all subsequent reports.
- Regardless of the location of the interrogation, it must occur in a location that is outside of the sight and sound of any adult in custody.
- Youth in custody shall not be left unmonitored in an interrogation/interview room. An officer shall remain inside the room with the youth or have visual contact with the youth through a window or via electronic monitoring equipment.
- The following basic amenities must be available to youth prior to and throughout the interrogation:
 - o Reasonable access to toilets and washing facilities
 - o Reasonable access to drinking water or other beverages
 - o Food, if the youth has not eaten within four hours
 - o Reasonable access to a phone to contact their attorney, if requested
 - o Privacy during requested visit with parent/ legal guardian, and/or attorney

G. Parent/Legal Guardian Notification: Officers shall not conduct a custodial interrogation of a youth until the youth's parent, legal guardian, or custodian is present and/or an attorney provided by the parent/legal guardian. The officer must document all attempts and follow-up attempts to contact the parent/legal guardian, including the name of the person who they attempted to contact and the method of contact. The officer shall notify the parent/legal guardian of the following:

- The youth is in custody.
- The youth's location, including any future destination if the youth is to be transported.
- The reason the youth is in custody.
- How to make immediate in-person contact with the youth.
- That the officer intends to advise the youth of their *Miranda* rights.
- That the advisement of *Miranda* rights must take place in the presence of the parent/legal guardian and/or an attorney.
- That the youth must consult with an attorney who is retained by the parent(s)/guardian(s) or an attorney from the Office of the Public Defender.
- That consultation with an attorney must be confidential and may be in person or by telephone or video conference. If the attorney is consulted in

the interview room, the Officer shall exit the room and turn off the recording equipment during that time.

- That the officer will contact the Office of the Public Defender via telephone if the youth does not have an attorney, and that the parent/legal guardian will have the opportunity to communicate with the attorney whom the officer contacts.
- That the youth must have one parent/legal guardian and/or attorney present with them during the questioning. A parent/legal guardian *and* an attorney being present during questioning is preferred.
- That when a parent/legal guardian is present during the interrogation, if at any point the parent/legal guardian wishes to consult with the youth, they must be permitted to do so. If, at any point, the parent/legal guardian wishes to stop the interrogation or obtain an attorney, the interrogation will stop.
 - o EXCEPTION – A parent/legal guardian will not be permitted to be present or observe an interrogation when the parent/legal guardian: (1) is a complainant in the offense under investigation; (2) is suspected of being an accomplice in the offense under investigation; or (3) expresses strong hostility towards the youth.

H. Attorney Access for all Youth: Officers **shall not** conduct a custodial interrogation of a youth until the youth has consulted with an attorney who is retained by the parent, guardian/ custodian of the child or, provided by the Office of the Public Defender. (MD. Code, Courts and Judicial Proceedings, § 3A-14.2). In addition, the officer must ensure the following requirements are met:

- The consultation must be confidential.
- The consultation may be conducted in person or by telephone or video conference.
- The consultation must be conducted prior to the officer advising of rights and commencing any questioning.
- Officers must document the name of the attorney who was contacted, as well as the county where the consultation took place.
- The requirement of consultation with an attorney may not be waived and applies regardless of whether the youth is proceeded against as a juvenile or charged as an adult.
 - o NOTE – The Office of the Public Defender has created a 24/7 hotline for officers to use when needed, as outlined in this Directive. The hotline number is **410-999-8287**. If no one answers, the officer will leave a message and can expect a call back.

I. In the event that the youth’s parent/legal guardian states that they would like to be

present during the interrogation, but the youth states they do not want the parent/legal guardian present, an attorney **must** be present to proceed with the interrogation.

- J.** Regardless of the above requirements, an officer **may** conduct an otherwise lawful custodial interrogation if:
- The officer reasonably believes the information sought is necessary to protect against a threat to public safety; and
 - The questions posed are limited to those reasonably necessary to obtain the information required to protect against the threat to public safety.
- K. **Advisement and Waiver of Miranda Rights:**** Whatever advice of rights has previously occurred, the officer conducting a custodial interrogation of a youth must advise the youth and the youth's parent/legal guardian, if present, of the youth's *Miranda* rights, and secure a valid waiver from the youth, prior to beginning the custodial interrogation. Officers must be aware that:
- A parent/legal guardian **cannot** waive a youth's right to counsel or to remain silent.
 - Youth must consult with an attorney in confidence prior to the officer advising of rights and commencing any questioning. The requirement of consultation with an attorney may not be waived.
 - The advice of rights must be audio- and video-recorded, unless impracticable. Officers will document in the investigative file the circumstances that made recording impractical.
 - NOTE: If there is a language barrier for the parent/legal guardian, the officer shall use the Language Line when the need is immediate. See JHPD Directive #434, Language Access Services for Limited English Proficient (LEP) Persons. A youth shall not provide language interpretation between the parent/legal guardian and the member.
- L.** The officer shall provide the youth and parent/legal guardian, if present, with a copy of the Explanation and Waiver of Rights for Youth, and review the form, point by point, with the youth and their parent/legal guardian and/or attorney that is present for the warnings.
- If an attorney is present, when requested by the youth or attorney, the officer shall ensure that youth and their attorney are afforded an adequate opportunity to review the Explanation and Waiver of Rights for Youth and consult, in confidence and outside the presence or the hearing of any law enforcement officer, at any point prior to, or during, the advisement of rights.
 - The officer shall give the youth the opportunity to read the Explanation

and Waiver of Rights for Youth to themselves.

- The officer shall then read the entire Explanation and Waiver of Rights for Youth aloud to the youth.
- After reading each right to the youth, the officer shall ask the youth to explain, in their own words, what each right means.
- If the youth indicates that they do want an attorney to help them decide if they want to talk, then the officer must stop and contact an attorney.
- If the youth indicates that they do not want to talk to the officer, then the officer must stop and not question the youth.
- If after pre-interrogation consultation with an attorney, or pursuant to Section VIII(J) above, the youth states that they want to proceed without an attorney present and that they are willing to speak with the officer, the officer must ask if the youth is willing to sign the Explanation and Waiver of Rights for Youth. The officer must explain that signing the statement means the youth is voluntarily agreeing to talk to the police without having an attorney present.
- If the youth refuses to sign, they may still waive their rights orally.
 - o To determine whether a youth who refuses to sign the form intends to waive their rights, the officer shall ask the youth a “yes” or “no” question, such as, “Do you want to have an attorney help you decide if you want to talk to me?” or “Do you want to talk to me?”
 - o Where the youth does not answer with a clear “yes” or “no,” the officer shall ask again until the officer receives a clear response.
 - o Refusal to sign, as well as the decision to provide an oral waiver, must be documented on the form.
- NOTE – An oral waiver of rights is still required in instances where a signed Explanation and Waiver of Rights for Youth may be impractical. The limited circumstances where a signed Explanation and Waiver of Rights for Youth may not be practical may include when a youth has a visual impairment, language barrier (and the Explanation and Waiver of Rights for Youth is not available in their primary language), cannot read or write, or has a physical disability that would prevent them from signing the form but the youth is otherwise able to knowingly, voluntarily, and intelligently make a waiver. All oral waivers must be video- and audio-recorded. Officers will document in the investigative file the circumstances that made inclusion of a signed Explanation and Waiver of Rights for Youth form impractical.

M. When an officer has grounds to believe that there is a substantial likelihood that a youth is unable (e.g., a behavioral health crisis or condition, as defined and

explained in JHPD Directive #415, Individuals with Behavioral Health Conditions) to understand the warnings given to them, the nature of their Fifth Amendment rights, and/or the consequences of waiving their rights, the member shall not proceed with the interrogation.

N. Conducting the Interrogation: The use of any form of deception during the interrogation of any youth is **prohibited**.

- Except in the limited circumstances, articulated in XII (J), officers shall ensure that all youth have a parent/legal guardian and/or attorney present with them during questioning. A parent/legal guardian *and* attorney being present is preferred but is not required.
 - Officers will afford the youth the opportunity to consult with a parent/legal guardian in confidence and outside the presence or hearing of the officer. The interrogation will cease after the youth's request to consult with a parent/legal guardian is made and until the request can be fulfilled.
 - If the parent/legal guardian objects to questioning or requests an attorney for the youth, the officer shall stop questioning the youth even if the youth is willing to answer questions.
- A youth shall not be interrogated by more than two sworn officers at the same time. The officers shall not be armed during the interrogation.
- A youth shall, normally, not be interrogated for more than two-hour per session, and a reasonable amount of breaks should be taken.
 - The officer should obtain supervisory approval for extending any youth interrogation and note the reason for the extension in the incident report, along with the supervisor approving the extension.
 - If it is evident and observable that the youth is exhausted, the interrogation shall not proceed.
- Youth shall not be shackled or otherwise restrained during interrogations unless the youth is engaging in behavior likely to cause injury to themselves or others.
 - The officer should consider whether the youth may be experiencing a behavioral health crisis and consult JHPD Directive #415, Individuals with Behavioral Health Conditions.
 - If the youth is experiencing a behavioral health crisis, the interrogation shall not proceed.
- Youth can often misunderstand questions. Officers should tailor their questions to their knowledge or reasonable assessment of the following characteristics: the youth's age, maturity, level of education, apparent

mental ability, and other information known to the officer at the time of the interrogation. The following guidelines should be followed as appropriate in consideration of those characteristics:

- o Avoid police or legal jargon.
 - o Use names and places instead of pronouns.
 - o Use short, simple words and sentences.
 - o Avoid questions with multiple parts.
 - o Avoid “yes/no” questions. Instead, use targeted, open-ended questions that elicit a narrative response (e.g., “What did you do last night?”).
 - o Avoid leading questions. Instead, use questions beginning with “who,” “what,” “where,” “when,” and “how” to get more information about specific parts of the youth’s story (e.g., “Where was the victim standing?”).
 - o Avoid offering the youth a limited set of options (e.g., “Was the victim standing by the couch or by the door?”).
 - o Connect time events to concrete events in the youth’s life (e.g., “Did this happen when you were on summer break or when you were going to school?”).
 - o Avoid completing the youth’s sentences.
 - o Avoid jumping ahead in the conversation.
 - o Double-check responses by asking questions that elicit the information in a different way.
- O.** Officers should provide the youth with a brief overview of the procedures that will be followed by JHPD during the course of the investigation and the possible subsequent prosecutorial phase of the case. Officers shall provide this explanation in simple, clear, age-appropriate language.
- P.** Supervisors shall:
- Maintain contact or conduct periodic safety checks with the interrogating officer.
 - Be available for consultation with the interrogating officer, if needed.
 - Review reports of interrogations that were not recorded to ensure that the explanations are sufficient prior to signing/approving them.
 - Review all reports required by this policy related to interrogations to ensure compliance with this Directive.

- Q. All officers are legally obligated to report their belief or knowledge that a youth has been subjected to abuse or neglect. This includes any abuse or neglect that is disclosed while a youth is being interrogated.

XIII. Youth Wanted on Warrants

- A. BCJJC will only accept youth wanted on warrants issued in Baltimore City. To verify whether or not a youth has an active warrant, officers shall:
- Obtain the youth's name, address, and age. Accept the response as accurate unless there is an articulable reason to believe the response is not factual.
 - Relay the youth's information to the dispatcher. Further verification may be required by the JHPD Records/ NCIC (National Crime Information Center) operator, BPD Hot Desk and/or the DJS.
 - If the existence of a warrant is confirmed, transport the youth to the BCJJC. Once at BCJJC, DJS must verify the warrant. If the warrant is confirmed, officers will follow the directions of staff at BCJJC and DJS.
 - In cases of out-of-jurisdiction warrants, officers shall verify the warrant with the jurisdiction/agency that issued the warrant. Once verified, officers shall request that a detainer be faxed to the Juvenile Booking Facility for jurisdiction of the warrant.
 - Ensure that BCJJC can take custody of and house the youth until they are able to appear before a judge regarding the out-of-jurisdiction warrant. If the warrant has been verified and a detainer cannot be obtained from the jurisdiction that issued the warrant, BCJJC will make provisions to temporarily detain the youth until they can be presented to a judge to determine continued detention on the out-of-jurisdiction warrant.

XIV. Runaway Youth

Officers shall adhere to the following guidance for preserving the safety of runaway youth:

- A. Officers shall ask the youth limited questions, as described in the Section IV of this Directive ("Non-Custodial Interviews of Youth"), in order to determine the youth's circumstances and how best to connect the youth to the proper care and/or supervision. Often, youth run away because of physical or sexual abuse, neglect, or substance use disorder in the family.
- B. Officers shall obtain the youth's name, age, and address.
- C. Officers shall relay the youth's information to the dispatcher for a warrant check.

- D.** Officers shall make every attempt to return the youth to their parent(s) or guardian(s) **unless** the officer has a reasonable belief that the parent(s) or guardian(s) are a suspect in a crime involving the youth. Officers are referred to BPD Policy 1201, *Child Abuse Investigations*, and shall notify BPD, and follow their direction for situations in which the parent/guardian is the suspect in a crime with a youth victim. Officers are referred to JHPD Directive #465, Response to Crimes of Sexual Violence, for incidents involving a 16- or 17-year-old victim of rape or other sexual assault offense.
- If the youth resides with a parent or guardian, officers shall contact the parent or guardian to come to the scene and obtain custody of their youth or offer to transport the youth to the parent/guardian's location. Upon arrival, confirm the identification of the parent/guardian with the youth, have the parent sign the Juvenile Custody Report, and supply the parent or guardian with a Johns Hopkins Police Department Contact Card.
 - If attempts to reunite the youth with the parent or guardian are unsuccessful and/or the youth's residence is outside the jurisdiction of Baltimore City, or the youth is a runaway from the custody of the State of Maryland, officers shall immediately contact DSS/CPS to take custody of the youth.
- E.** Officers shall complete an incident report and include the final disposition of the youth, the result of the warrant check, and when applicable, the number of attempts made to contact the youth's parent or guardian within the report. Include the names of all contact persons from DJS and/or DSS/CPS.
- F.** Officers shall forward all related reports to a on duty supervisor by the end of the officer's shift.

XV. Child in Need of Assistance (CINA)

- A.** Youth may be taken into custody because they are lost, unattended, abandoned, or otherwise in need of assistance. It is the responsibility of the officers to reconnect these youth with their families, guardians, or to protective custody in accordance with MD. Code, Courts and Judicial Proceedings, Subtitle 8, *Juvenile Causes – Children in Need of Assistance*.
- B.** Officers shall make every attempt to positively identify the youth, their address, and phone number.
- If a youth cannot remember their phone number, officers should ask the youth if they know the number of a close relative or family friend who may be able to contact their parent/guardian.
- C.** Officers shall contact the parent or guardian and make arrangements to meet them in order to obtain custody of the youth **unless** the officer has a reasonable belief that the parent(s) or guardian(s) are a suspect in a crime involving the youth.

- Officers are referred to BPD Policy 1201, *Child Abuse Investigations*, and shall contact BPD for situations in which the parent/guardian is the suspect in a crime with a youth victim. Officers are referred to JHPD Directive #465, *Response to Crimes of Sexual Violence*, for incidents involving a 16- or 17-year-old victim of rape or other sexual assault offense.
- D.** If the parent or guardian is unable to access transportation, officers shall transport the youth to the parent or guardian.
- E.** If the parent or guardian is unable to be reached, officers shall call DSS/OHP Team’s hotline at **410-361-2235** for guidance.
- If directed to transport the youth by DSS/OHP Team, officers shall transport to DSS/CPS located at:
- 1525 N. Calvert St.
Baltimore, MD 21202**
- F.** Officers shall then turn custody over to CPS and document the custody exchange in an incident report and Juvenile Custody Report Form. CPS caseworkers will author an independent report related to the incident and will not sign-off on the Juvenile Custody Report.

XVI. Mandatory Reporting

- A.** All officers shall immediately report their belief or knowledge that a minor has been subjected to abuse (physical emotional or sexual) or neglect to the Department of Social Services, Child Protective Services, and the BPD.
- B.** A supervisor shall be immediately notified of the report.
- C.** All reporting shall be documented in a JHPD incident report.

XVII. Training Requirements

All officers shall receive initial and annual training on the requirements of this Directive.

Policy Enforcement

Enforcement	Police Department managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit.

Related Resources

University Policies and Documents
<p>Operational Procedure #402, Use of Force Policy Operational Procedure #408, Field Interviews, Investigative Stops, & Pat-Downs Operational Procedure #411, Search & Seizure Operational Procedure #412, Custody, Transport and Processing Operational Procedure #415, Individuals with Behavioral Health Issues Operational Procedure #416, Behavioral Health Crisis Dispatch Operational Procedure #417, Emergency Medical Examination and Assistance Operational Procedure #442, Traffic Control & Enforcement Operational Procedure #465, Response to Crimes of Sexual Violence JHU OPS301, Safety of Children in University Programs</p>
External Documentation
<p>Memorandum of Understanding Between the Johns Hopkins Police Department and the Police Department of Baltimore City, Coordination of Law Enforcement Duties.</p> <p>National Police Athletic/Activities Leagues Inc.: https://www.nationalpal.org/</p> <p>Md. Code, Courts and Judicial Proceedings, Subtitle 8, <i>Juvenile Causes – Children in Need of Assistance</i></p> <p>Md. Code, Education, Subtitle 12, <i>Police Department of the Johns Hopkins University</i></p>
<p>https://powerdms.com/ui/login</p>

Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			