

Chevy Chase Village Police Department

General Order

Subject: JUVENILE MATTERS

CALEA: 44.1.1

- New
- Amended
- **Rescinds 5-35**

Approved: Roy Gordon Chief of Police	 Effective: 10/13/2009	No. Pages: 4	Number: 5-35
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I. POLICY

Although the Chevy Chase Village police department does not have a separate juvenile operations function, the department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All personnel of this Department have responsibilities for participating in and supporting juvenile operations. (CALEA 44.1.1)

II. GENERAL

- A. Although enforcement of laws with respect to juveniles is obviously a major objective, this Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. (CALEA 44.1.1)
- B. For the purpose of this General Order, a “juvenile”, “child”, and “minor” are persons under the age of 18 years.

III. JUVENILE FUNCTIONS

- A. The Department actively participates in and supports programs that are designed and implemented with the intent of preventing and controlling delinquent and criminal behavior by youths.
- B. Some programs which the Department participates in are:
 - 1. Bicycle Registration
 - 2. “Tagging” task force

- C. Officers engage in the follow-up processing of youths taken into custody, as necessary and appropriate, so that an appropriate referral out of the juvenile justice system can be made.
- D. Officers shall also cooperate fully with the State's Attorney's Office and/or Montgomery County Police Youth Division and/or Juvenile Services Administration (JSA) in coordination and preparation of court cases in which a juvenile is involved.
- E. Village officers do not have the authority to divert juvenile offenders out of the juvenile justice system. However, if an officer knows of, or is familiar with a program that would benefit a juvenile offender, an informal referral should be made.
 - 1. The referral does not relieve an officer from conducting a thorough investigation of the complaint and completing the required reports.
 - 2. The JSA relies on the officer's reporting of the incident so that a fair and beneficial disposition can be made of the case.

IV. JUVENILE OPERATIONS

- A. All personnel of the Department have responsibilities for participating in and supporting juvenile operations. Each police officer shall be aware of the continuing need to closely monitor juvenile situational developments and services available.
- B. Since this Department does not have a distinctive juvenile component, Village officers may use the expertise of Montgomery County Family Services Division investigators. Due to the unique procedural aspects of the juvenile justice system, the Department relies on the specialization of the investigators assigned to the MCPD FSD. Officers are encouraged to seek assistance from FSD investigators when conducting investigations involving juvenile cases.

V. FORMAL AND INFORMAL HANDLING OF JUVENILE CASES

- A. The police officer may handle a juvenile either informally or formally. Informal handling is when the officer manages a particular situation by releasing the juvenile under warning to the parent or guardian. Formal handling occurs when the juvenile is brought before the juvenile court or juvenile intake officer for further processing and decision as to proper disposition of the juvenile.
- B. In dealing with juvenile offenders, officers will use the least coercive action among reasonable alternatives, consistent with reserving public safety, order, and individual liberty.

C. In making a decision to handle an alleged juvenile offender either informally or formally, officers should consider these factors:

1. The nature of the alleged offense;
2. The age and maturity level of the alleged offender;
3. Prior record of the youth, if any;
4. Availability of community-based rehabilitation programs and the suitability of the alleged offender to specific programs;
5. The cooperation and attitude of all parties (child, parent, victim);
6. The degree of wrongful intent, violence, and knowledge of the violation; and,
7. The desires and personal input of the victim(s) and the complainant(s).

D. Informal Handling

1. Informal handling may include any of the following:
 - a. Release
 - b. Counsel and Release
 - c. Release to parents
 - d. Referral to Community Resources
 - e. Seeking a petition with a request for custody order (JSA).
2. When handling a case informally, the police officer should keep in mind that the objective of the juvenile justice system is to rehabilitate rather than punish and that this objective should be carried through when the officer is handling a case informally instead of formally.
3. When handling a case informally, the officer should still respect the youth's right to privacy. Any information gained should be provided to others only on a "need to know" basis.

Even when a juvenile is being handled informally, the juvenile maintains all the constitutional rights that an adult would have in the same situation.

E. Formal Handling

1. Formal handling occurs when the juvenile is brought before the juvenile court or juvenile intake officer.
2. Generally, the following situations will require formal handling of the juvenile;
 - a. Delinquent acts that if committed by an adult would be felonies;
 - b. Delinquent acts involving weapons;
 - c. Delinquent acts involving aggravated assaults and batteries;
 - d. Serious gang-related delinquent acts;
 - e. Delinquent acts committed by a juvenile under probation or parole, or with a case pending;
 - f. Repeated delinquent acts within a 12 month period;
 - g. Cases originally set for diversion, but which the juvenile refuses to participate.
 - h. Cases in which it has been determined that parental supervision is not effective.

IV. GENERAL ORDERS/MCP WRITTEN DIRECTIVES CROSS-REFERENCES

A. See the following General Orders relating to juvenile matters:

- ✓ 5 – 12: Crime Prevention
- ✓ 5 – 13: Ride-Along Program

B. See the following MCP Written Directives relating to juvenile matters:

- ✓ 1105: Police Explorer Program
- ✓ 1132: Ride-Along Program