



OFFICE OF THE COUNTY SHERIFF  
Montgomery County, Maryland  
*Raymond M. Kight, Sheriff*



GENERAL OPERATIONAL PROCEDURES

<b><u>Subject:</u></b> <b>Handling Juveniles</b>	<b><u>Number:</u></b> <b>3.20</b>	<b><u>Effective Date:</u></b> <b>01/21/09</b>
---	--------------------------------------	--

Purpose: This directive has been established to comply with Federal and State guidelines as they pertain to the confinement and transportation of juveniles as found in the Juvenile Justice and Delinquency Prevention Act *of 2002, 42 USC 5601.*

Contents:

- I. Definitions
- II. Custody and Transporting Juveniles
- III. Reverse Waiver Procedures
- IV. Cancellation

**I. Definitions**

- A. Juvenile – *an individual under eighteen (18) years of age.*
- B. Juvenile Offender- a juvenile who is charged with *committing an act* that would be considered a crime if *committed by* an adult.
- C. Non-offender - a juvenile who is in custody because *they* are a victim, e.g., abuse or neglect.
- D. Status-offender - a juvenile who is an offender simply because of *their* status as a juvenile, e.g., runaway, truancy, etc.

**II. Custody and Transporting Juveniles**

Juveniles will be handled in accordance with *General Operational Procedure 3.02, Custody and Transporting Prisoners and General Operational Procedure 3.21, Holding Facilities.*

- A. *With the exception of the Juvenile Court Holding Facility, juveniles may not be held in any Sheriff's Office holding facility unless they are charged as an adult. Only the Sheriff, Chief Deputy or, in their absence, the next in command may make exceptions to this policy.*

- (1) *Juveniles charged as adults must be kept separate from adult prisoners in the holding facility.*
  - (2) *There must be sight and sound separation between adults and juveniles charged as adults in the holding facility.*
- B. *Adult prisoners are not allowed in the Juvenile Court Holding Facility unless they are being detained on a juvenile case. Adults charged as juveniles must be kept separate from juvenile offenders, when possible.*
- C. *Under no circumstances are adult and juveniles permitted to be handcuffed or transported together.*
- D. *Juveniles who are in custody as status offenders or non-offenders are not permitted in any Sheriff's Office holding facility.*

### III. Reverse Waiver Procedures

Juvenile prisoners charged as adults will be handled in accordance with *General Operational Procedure 3.21*, Holding Facilities. A *juvenile* 17 years of age or younger, who has been charged as an adult, may be held in any Sheriff's Office holding facility *except the Juvenile Holding Facility*. However, when a Judge signs a reverse waiver order, the *juvenile offender is removed from the jurisdiction of the adult criminal court and returns to the jurisdiction of the Juvenile Court system*. Federal and State laws preclude the juvenile *offender* from being held in an adult holding facility. In this case, the following procedure will be followed:

- A. Deputies Responsibilities
- (1) The juvenile *offender* will be held in the jury deliberation room in Circuit Court *or* in the courtroom in the District Court.
  - (2) The deputy assigned to the courtroom will notify the control jailor that a reverse waiver has been signed and will request *that* the release procedures on the prisoner be completed.
  - (3) The control jailor will prepare a release in accordance with *General Operational Procedure 3.14, Courtroom Security Duty*.

- (4) When the release has been completed, the control jailor will:
  - (a) Notify the deputy that the juvenile is cleared for transportation to the *Sheriff's Office Juvenile Holding Facility*; or
  - (b) Notify the deputy that the juvenile is being held on additional adult charges and needs to be returned to the holding facility for transportation back to the *Montgomery County Department of Correction and Rehabilitation (DOCR)*.
- (5) If the juvenile is *remanded to the jurisdiction of the Maryland Department of Juvenile Services (DJS)*, the control jailor will notify the Court and Transportation Section Supervisor who will send additional *deputies* to the courtroom to take custody of the juvenile *offender*.
- (6) *Two deputies* will transport the juvenile *offender* to the *Sheriff's Office Juvenile Holding Facility* via the public elevators and hallways.

B. After Hours

After 1630 hours, deputies will comply with the same procedures as outlined in *Section III. A* above, with the following exceptions:

- (1) *Unless* the Judge orders the juvenile *released in Court to their parent or legal guardian*, the deputy will obtain from the Judge the appropriate commitment *or* order directing the Sheriff's Office to transport the juvenile *to the appropriate juvenile facility*.
- (2) Deputies will transport the juvenile in accordance with *General Operational Procedures 3.02, Custody and Transporting Prisoners*.

**IV. Cancellation**

This directive cancels and replaces *General Operational Procedure 3.20, Effective Date 05/01/95. Shred replaced directive.*

AUTHORITY:

  
 Raymond M. Kight, Sheriff  
 01/21/2009