The Role of Law Enforcement in the Pre-DJS Process

When a young person's behavior comes to police attention, law enforcement is the first point of contact in the juvenile justice process. Officers respond to incidents across a range of settings including schools, neighborhoods, and public spaces, and make a series of consequential decisions before any formal DJS involvement begins.

Law enforcement does not operate within a single statewide protocol for these decisions. Practice varies by jurisdiction, department policy, and the discretion of individual officers and their supervisors.

Law Enforcement DOES:

- Respond to youth incidents across settings, including schools, community locations, and private residences, based on calls for service, officer observation, school requests, or citizen complaints.
- Conduct a brief, preliminary fact-finding inquiry at the scene to determine whether the facts support a delinquent act, an adult charge, or neither.
- Exercise discretion at multiple decision points, including whether to take any formal action at all. Many youth contacts are resolved informally through a warning, a parent call, or a simple instruction to leave, without any charges or referral.
- Defer to the school to handle incidents administratively when appropriate, particularly for minor matters in school settings where no enforcement action is warranted.
- Inform victims, when present, of their right to request that charges be pursued or declined, and factor victim input into enforcement decisions. This practice varies by jurisdiction.
- Refer youth to law enforcement diversion programs, such as teen court, gang intervention, or drug court, when such programs exist in the jurisdiction. Diversion may occur before or after arrest.
- Manage referrals to alternative programs independently. Law enforcement, not DJS, is responsible for connecting youth to diversion programs at the pre-DJS stage.
- Submit a paper referral to DJS when a delinquent act has occurred but physical custody is not warranted, allowing the youth to remain in the community pending DJS intake review.
- Request detention screening from DJS when a youth is taken into physical custody. This is a request, not a determination. The decision whether to detain rests with DJS.
- Advise DJS of the facts of a case and may advocate for or against detention, but cannot compel DJS to detain a youth.
- Consult supervisors for guidance on whether and how to proceed, particularly for less experienced officers facing ambiguous or borderline cases.
- Identify, through contact with youth, underlying needs such as family instability, victimization, or behavioral health concerns, and in some cases connect youth and families to wraparound services, though this varies by officer, department, and available resources.
- Respond to court orders requiring law enforcement to locate and take custody of youth who have missed court or must be returned to the Department of Juvenile Services.

Law Enforcement DOES NOT:

- Determine whether a youth will be detained. That decision belongs to DJS.
- Control what happens after a referral reaches DJS. Once a case is submitted, law enforcement has no role in DJS's intake review, diversion decisions, or case disposition.
- Receive routine updates on case outcomes after referral to DJS, beyond initial notification if a case is handled informally.
- Follow a uniform statewide protocol. Officer discretion, departmental policy, and the availability of diversion programs differ significantly across Maryland's jurisdictions.
- Conduct formal investigative interviews of juveniles without legal counsel present, per the Juvenile Interrogation Act.
- Create a DJS record for a youth through a warn-and-release or a successfully completed diversion program. A DJS record is established only when a referral is submitted to DJS intake.
- Have diversion options available in every jurisdiction. Some departments have robust pre-arrest diversion programs; others, including Baltimore City, have none, meaning all cases from those jurisdictions are automatically directed to DJS.