

MEDINA POLICE DEPARTMENT GENERAL ORDER

ORDER NO: 2018-043

SUBJECT: Juvenile Procedures

EFFECTIVE DATE: December 18, 2018 **RESCINDS ORDER NO:** 00-08-01

DISTRIBUTION: All Sworn Personnel

PURPOSE: To define procedures to be followed when investigating incidents involving juveniles.

I. POLICY

Employees shall dispose of juvenile matters in the least constraining manner based on officer's discretion and the training given by the Medina Police Department and under the guidelines set forth by Raise the Age Legislation effective October 1, 2018

II. DEFINITIONS

- A. Presumptive Age - A juvenile accountability is raised for 16 years of age effective 10/01/2018 and for 17 years of age effective 10/01/2019
- B. Adolescent Offender (AO) (CPL 1,20 (44)) – is a 16 or 17 year old who commits a felony-level crime. These cases are heard in the youth part of the adult criminal court. If the judge determines there is a need for pre-trial detention, AOs will be held in a specialized secure juvenile detention facility.
- C. Juvenile Offender (JO) (CPL 1.20 (42)) – is a 13 to 15 year old who commits certain serious crimes. These cases are heard in the youth part of criminal court. The serious crimes is as follows:
 - 1. 13 year old – Murder 2nd, Sexually Motivated Felony PL 130.91
 - 2. 14 to 15 year olds – Murder 2nd or Attempted Murder, Kidnapping 1st or Attempted Kidnapping, Arson 1st or 2nd, Assault 1st, Manslaughter 1st, Rape 1st, Criminal Sexual Act 1st, Aggravated Sexual Abuse 1st, Burglary 1st or 2nd, Robbery 1st or 2nd, Weapons Possession 3rd on School Grounds PL 256.03, Sexually Motivated Felony PL130.91.
- D. Juvenile Delinquent (JD) (FCA 301.2 (1)) – is 7 to 16 (October 1st, 2018) / 17 (October 1st, 2019) years in age who commits a misdemeanor crime.
- E. Youth Part (CPL 722.10 (1)) – is the segment of the adult criminal court which hears all felony cases involving person 16 years (October 1st, 2018) /

17 (October 1st, 2019) years in age and younger. *** Non-Violent felonies will be transferred from the youth part of the adult criminal court to family court unless D.A.'s Offices files motions***

- F. PINS – “Person in Need of Supervision” – A Person less than 16 years of age who does not attend school in accordance with the provisions of part one of Article 65 of the Education Law, or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other lawful authority, or who violates the provisions of Section 221.05 of the NYS Penal Law.
- G. STATUS OFFENSES – An act or conduct by a juvenile which does not constitute a crime (e.g. family problems, truancy, PINS offenses), but comes to the attention of the police, often due to the age of the person.
- H. Respondent – The person against whom a juvenile delinquency or PINS petition is filed.
- I. Specialized Secure Detention Facility – Raise the Age Legislation prohibits 16 and 17 year olds from being placed in county jails. Counties must provide for 16/17 year olds to be placed in Specialized Secure Detention Facilities if classified as an AO awaiting trial or sentencing.
- J. Runaway – A person less than 16 years of age who has run away from home Without just cause or in the reasonable opinion of the officer has run away from home without just cause (may include child as a runaway when he refuses to give name or name and address of parents).

III. GENERAL PROCEDURES

- A. Each officer is responsible for the completion of the appropriate police reports in the time frame listed below regarding juveniles.
 - 1. Local Court Appearance Tickets/UTTs (violations, traffic infractions, misdemeanors arising under the vehicle and traffic law) and all other paperwork associated with said arrest **will** be sent to local court within 5 business days.
 - 2. Family Court Appearance Tickets (misdemeanors or JD matters) and all other paperwork associated with said arrest **will** be sent to Probation within 5 business days.
 - 3. Criminal Court Youth Part Arraignments (Felony level arrests where appearance tickets can't be issued or AO matters) all paperwork **will** be completed prior to transportation to arraignment. **AOs must be processed prior to being arraigned.** The District Attorney's Office should be called prior to making an arrest of AO so the other elements of the arraignment process can be put into place.

- B. Upon apprehension of a juvenile (16/17 years of age and younger) for a criminal act, a parent or legal guardian **will** be contacted immediately. Any and all custodial interrogations **must** have a parent or legal guardian present during the course of the interrogation. **All custodial interrogations will be video/audio recorded inside the Medina Police Department in the front interview room. Limit interrogations to “reasonable period of time”.**
1. A parent or legal guardian **must** be located prior to interrogation or any other judicial proceedings. Officers **must** exhaust all avenues in attempting to locate a parent or legal guardian if one is not located and document such. If an officer has exhausted all means in attempting to locate a parent and/or legal guardian the D.A.’s Office should be notified for further direction.
 2. The juvenile suspect will be advised of his/her Miranda Warnings in the presence of a parent or legal guardian. The juvenile suspect and the parent, or legal guardian, **must both** agree to allow the juvenile suspect to talk to the police before the commencement of the interview. The request to waive will be made in the wording provided on the waiver form and response of the juvenile entered. The response of the parent, or legal guardian, will be indicated on the waiver and in the IR/AR narratives. The waiver form may be signed by the juvenile and parent.
 3. Any voluntary statement obtained from a juvenile shall be typed or written by the officer and then read and signed by the juvenile suspect. The Parent, or legal guardian, should sign the document as a witness.
 4. Some criteria to consider when interviewing a juvenile suspect are:
 - a. Age of the youth
 - b. Time of day
 - c. Number of officers conducting the interview (no more than 2);
 - d. Duration of interview (reasonable period of time)
- C. When an officer has questions pertaining to the investigation of a case involving juveniles, he or she should first seek the advice from his/her road patrol supervisor. If the road patrol supervisor doesn’t have the answer the Lt. and/or Chief of Police should be sought.
- D. The School Resource Officer /SRO is **not** the juvenile officer. Incidents that occur outside the school involving juveniles should be handled by the officer assigned to the incident. Notification to the SRO of outside incidents involving juveniles is strongly encouraged. If the incident is associated with the school then the SRO should be notified.
- E. The laws, court decisions and department policy pertaining to crime scene investigations, search and seizures, etc. apply to juvenile suspects as well as adults. Officers will follow the same procedures in processing crime scenes

and gathering and securing physical evidence in criminal investigations involving juvenile suspects as they would for cases involving adult suspects.

- F. A supporting deposition obtained from a juvenile should be taken in the presence of, and witnessed by, a parent or legal guardian.

- G. Raise the Age Legislation has strict rules governing juveniles, when arrested, being in close proximity to adults and opposite genders whether in the confines of the Medina Police Department or marked patrol cars.
 - 1. In situations where an appearance ticket and/or UTT is being issued while in a mark patrol car, it is the Medina Police Department's policy to be expeditious in issuing the citation and releasing the juvenile from custody as promptly as possible. No interaction should take place between the arrested juvenile and other people (unless parent or legal guardian) during this point in time.
 - 2. In situations where a juvenile is inside the confines of the Medina Police Department and is (1) being issued an appearance ticket, (2) being interrogated, and/or (3) being processed for a felony it is the Medina Police Department's policy that the juvenile will be out a ear shot and eye sight of any adult, opposite gender, and other juveniles during this time. Parents and legal guardians of the juvenile are the exception.
 - 3. Juveniles will not be placed inside the holding cell nor handcuffed, **unless they are a physical threat to themselves and/or others.**

H. Juvenile Fingerprinting and Photographing

Pursuant to Section 306.1 of the Family Court Act, the following procedures will be followed in the fingerprinting and photographing of juveniles:
***** Juvenile Offenders/JOs, and Adolescent Offenders/AOs as described prior in this policy fall under 306.1 of the Family Court Act.*****

- 1. Involuntary
 - a. Police **will** fingerprint and photograph juveniles according to the following criteria as set forth in Section 306.1 of the Family Court Act:
 - 1) Following the arrest of an alleged juvenile delinquent who is 11 years of age or older and the act which if committed by an adult, would constitute a Class A or B Felony: or

- 2) The juvenile is 13 years of age or older and the act which if committed by an adult, would constitute a Class C, D, or E Felony.
- 3) The Medina Police will forward the Fingerprints to the Division of Criminal Justice Services, without unnecessary delay.
- 4) The fingerprinting and/or photographing of any juvenile will take place at the Medina Police Department with the utilization of Live Scan.
- 5) All juvenile fingerprint inquiry responses will be attached to the specific juvenile case. Three copies of the response will be produced (1 copy for the court, 1 copy for the attorney representing the juvenile and 1 copy for the police department)
- 6) All juvenile fingerprints and photographs will be confidential.

X. JUVENILE TRANSPORTS

A. Transportation of juveniles by the Medina Police Department will be as follows.

1. If arrested by the Medina Police Department for a felony and under the direction of the D.A's Office/Orleans County Court a juvenile will be transported to the arraignment proceedings by a uniformed Medina Police Officer. *****Once the initial arraignment is completed it will be the responsibility of the Orleans County Sheriff's Office to handled transportation of that juvenile to and from Detention Facilities.*****
2. If the juvenile is a reported missing person and parent or legal guardian is unable to pick up the juvenile then the Medina Police Department will transport.
3. Truancies from school.
4. At the discretion of the officer in non-arrest situations.

***** All transporting officers of juveniles (and females) will advise dispatch of their starting mileage and ending mileage*****

XII. JUVENILE MISSING PERSONS

- A. There is no **minimum** time period before a missing person report may be taken by Medina Police and entered into portal.
- B. Missing persons under the age of 16 years may be returned home to their parent/legal guardian.

- C. In some cases where the runaway does not wish to return home, every effort should be made to refer the juvenile to a location approved by the parent/legal guardian (e.g. relative, family friend, emergency housing, etc.).
- D. Guidelines outlined in Missing Persons General Order 2018-039 should be followed in regards to missing juveniles.

XIII. JUVENILE RECORDS

- A. Juvenile records, including warrant received, shall be maintained separate from records on adults as required by state law.

By Order Of:

Chad Kenward
Chief of Police