



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 460	Effective Date: March 19, 2021
Subject: Juvenile Procedures	
Reference Standards: 47.1, 50.4, 50.8	
Rescinds: N/A	
Page 1 of 12	Attachments: 1- Designated Felony Act; 2- Juvenile Appearance Ticket; 3- Juvenile Arrest Checklist

I. Policy

- A. Officers must dispose of juvenile matters based on the policies and procedures established by the Macedon Police Department.
- B. The responsibility for investigating juvenile incidents is shared by all sworn members of the Macedon Police Department.

II. Definitions

- A. **Adolescent Offender:** Defined in the NYS Criminal Procedure Law §1.20 (44) and applies to a juvenile 16 years of age or older who commits a felony.
- B. **Designated Felony:** Acts as defined in the Family Court Act §301.2 (8) which are committed by those individuals who are 13, 14 and 15 years old, unless otherwise indicated. (Attachment #1)
- C. **Juvenile:** Any person less than 18 years of age.
- D. **Juvenile Delinquent (JD):** A child over 7, but under 18 years of age, who commits an act that would be a crime (non-Vehicle & Traffic Law misdemeanor) if it had been committed by an adult (other than a charge of Resisting Arrest based on a violation) and:
 - 1. Is not criminally responsible for such conduct by reason of infancy or
 - 2. Is the defendant in an action ordered removed from a criminal court to the Family Court.
- E. **Juvenile Offender (JO):** A Juvenile Offender is defined in the NYS Penal Law, §10 (18) and the Criminal Procedure Law, §1.20 (42) and applies to those juveniles 13, 14 and 15 years old, unless otherwise indicated, and who have committed a designated felony.
- F. **Person in Need of Supervision (PINS):** Any person less than 18 years of age who does not attend school, or who is incorrigible, ungovernable and habitually disobedient and beyond the control of their parent or guardian or violates NYS Penal Law § 221.05. A PINS

designation is placed on a person by the Family Court.

- G. **Youth Part of the Superior Court:** A special division of the Superior Court reserved for Juvenile Offenders and Adolescent Offenders, presided over by a Family Court Judge.

III. Procedures

A. Juvenile Delinquents

1. Arrest and release to parent or guardian, non-extenuating circumstances

a. The investigating officer must:

- (1) Immediately notify the juvenile's parent or guardian that the child has been taken into custody. If that person is unavailable, then the officer must attempt to notify any other adult with whom the child resides.
- (2) Advise the Road Patrol Sergeant of the arrest.
- (3) Contact the District Attorney's Office to determine the appropriate charge(s) and appropriate protocol.
 - (a) The Juvenile Arrest Checklist can serve as a guide in the custodial decision-making process.
- (4) Complete the appropriate reports, a Juvenile Contact Report (JCR), supporting depositions, and any other required paperwork. A supporting deposition is required from all officers and witnesses involved in juvenile arrests, including shoplifting cases.
- (5) Ensure a Juvenile Appearance Ticket (Attachment #3) is issued to the juvenile and his/her parent or guardian. A Juvenile Appearance Ticket does not commence judicial proceedings, it merely requires the appearance of the juvenile and his/her parents at the Probation Department.
- (6) Forward the completed case file via fax or email to the Wayne County Probation Department PRIOR TO THE END OF SHIFT.

b. The supervisor must:

- (1) Determine if he/she is needed to respond and assist with the arrest.
- (2) Review the submitted paperwork completeness.

2. Arrest requiring arraignment when Family Court is in session.

a. The arresting officer must:

- (1) Immediately notify the juvenile's parent or guardian that the child has been taken into custody. If that person is unavailable, then the officer shall attempt to notify any other adult with whom the child resides.

- (2) Advise the Road Patrol Sergeant of the arrest.
- (3) Contact the District Attorney's Office to determine the appropriate charge(s) and appropriate protocol.
 - (a) The Juvenile Arrest Checklist can serve as a guide in the custodial decision-making process.
- (4) Inform a parent and/or guardian that they must report to Family Court. If unable to make contact, document all attempts.
- (5) Complete the appropriate reports, a JCR, supporting depositions, and any other required paperwork.
- (6) Make one (1) copy of all paperwork.
 - (a) The original must accompany the juvenile to Family Court.
 - (b) One copy must be filed in the "to be approved" tray.
- (7) Transport the juvenile directly to Family Court.
 - (a) The arresting officer is responsible to accompany the juvenile to Family Court.
 - (b) If the juvenile is released from Family Court, the officer will transport them to their residence if not accompanied at Family Court by a parent or guardian.
 - (c) If the juvenile is remanded, the officer will deliver the child to the custody of the Wayne County Sheriff.

b. The supervisor must:

- (1) Determine if he/she is needed to respond and assist with the arrest.
- (2) Review the submitted paperwork for completeness.

3. Arrest requiring arraignment when Family Court is not in session.

a. The investigating officer must:

- (1) Immediately notify the juvenile's parent or guardian that the child has been taken into custody. If that person is unavailable, then the officer should attempt to notify any other adult with whom the child resides.
- (2) Advise the Road Patrol Sergeant of the arrest.
- (3) Contact the District Attorney's Office to determine the appropriate charge(s) and appropriate protocol.

- (4) Complete the appropriate reports, a JCR, supporting depositions, and any other required paperwork.
- (5) Inform a parent and/or guardian that they must report to CAP Court at the appropriate time. If unable to make contact, document all attempts.
- (6) Transport the juvenile to CAP Court for arraignment at the appropriate time.
 - (a) The arresting officer is responsible to accompany the juvenile to CAP Court. The Wayne County Jail will not accept the juvenile for holding prior to arraignment.
 - (b) If the juvenile is released from CAP Court, the officer will transport them to their residence if not accompanied at CAP Court by a parent or guardian.
 - (c) If the juvenile is remanded, the officer will deliver the child to the custody of the Wayne County Sheriff.

4. Secure detention

- a. If it is determined that secure detention for the juvenile is required, contact the Road Patrol Sergeant.
- b. A risk assessment screening must be done by contacting the on-call Probation Officer.
 - (1) A risk assessment must be completed over the phone and will consider the following:
 - (a) The most serious offense the juvenile is being charged with.
 - (b) Reasonable cause to believe that the juvenile will not appear at probationary interview and/or court such as:
 - (i) Parent cannot guarantee juvenile's appearance.
 - (ii) Past failures to appear.
 - (iii) History of being a runaway.
 - (c) If the juvenile has an outstanding warrant or had previous warrants.
 - (d) If the juvenile is currently on a PINS petition in Family Court.
 - (e) If the juvenile has previously been charged with a Designated Felony.
 - (f) If the juvenile is currently under a court order.
 - (g) If the juvenile has a prior JD adjudication, a pending JD petition, or an active JD diversion.

b. The supervisor must:

- (1) Determine if it is necessary to pursue secure detention for the juvenile or release the juvenile with a Juvenile Appearance Ticket.
- (2) Review all reports for completeness and if acceptable, approve the package.

B. Juvenile Offender

1. The arresting officer must:

- a. Immediately notify the juvenile's parent or guardian that the child has been taken into custody. If that person is unavailable, then the officer should attempt to notify any other adult with whom the child resides.
- b. Advise the Road Patrol Sergeant of the arrest.
- c. Contact the District Attorney's Office to determine the appropriate charge(s) and appropriate protocol. The District Attorney's Office will advise the officer to either:
 - (1) Proceed with an arraignment
 - (2) Release the juvenile with a Wayne County Juvenile Appearance Ticket returnable to the Probation Department.
- d. Complete the same reports as in an adult felony arrest package, with the addition of a JCR and depositions from all officers directly involved with the incident. The Grand Jury Referral, information, and Prisoner Data Report must all be marked **Juvenile Offender-Youth Part**.
- e. Fingerprint and photograph the juvenile pursuant to General Order 431.
- f. Ensure a Wayne County arrest database electronic booking is completed.
- g. If an arraignment is required and the Youth Part of the Superior Court is in session, transport the juvenile to court. The officers conducting the arraignment must provide the Youth Part of the Superior Court Judge the original and one copy of all informations and depositions. If the judge orders detention, the officers will turn the child over to the custody of the Wayne County Sheriff.
- h. If an arraignment is required and the Youth Part of the Superior Court is not in session:
 - (1) Transport the juvenile to CAP Court for arraignment at the appropriate time.
 - (a) The arresting officer is responsible to accompany the juvenile to CAP Court. The Wayne County Jail will not accept the juvenile for holding prior to arraignment.
 - (b) If the juvenile is released from CAP Court, the officer will transport them to their residence if not accompanied at CAP Court by a parent or

guardian.

(c) If the juvenile is remanded, the officer will deliver the child to the custody of the Wayne County Sheriff.

- i. All paperwork must be completed and submitted to the "To be approved" tray PRIOR TO THE END OF SHIFT.
 2. The supervisor must:
 - a. Determine if he/she is needed to respond and assist with the arrest.
 - b. Review all reports for completeness and if acceptable, approve the package.
- C. **Juveniles less than 16 years of age committing a Vehicle and Traffic Law infraction and/or misdemeanor**
 1. An officer must:
 - a. Not cite or arrest a juvenile driver under the age of 16 for a Vehicle & Traffic Law infraction.
 - b. Not issue a juvenile driver under the age of 16 a Uniform Traffic Ticket for a Vehicle & Traffic law misdemeanor but must refer the charges to Family Court.
 - c. Process a juvenile under the age of 16 who is arrested for a Vehicle & Traffic Law misdemeanor as a Juvenile Delinquent.
- D. **Juveniles 16 years of age and older charged with only a Vehicle & Traffic Law infraction**
 1. The arresting officer must:
 - a. Issue a juvenile driver who is 16 years of age or older a Uniform Traffic Ticket returnable to the Macedon Town Court in the same manner as for an adult.
 - b. If a juvenile driver who is 16 years of age or older is taken into custody, detain them as a juvenile and immediately notify the juvenile's parent or guardian that the child has been taken into custody. If that person is unavailable, then attempt to notify any other adult with whom the child resides.
- E. **Juveniles 16 years of age and older charged with a Vehicle & Traffic law misdemeanor**
 1. The arresting officer:
 - a. Must issue a juvenile driver who is 16 or older a Uniform Traffic Ticket returnable to the Macedon Town Court in the same manner as for an adult.
 - b. May ask any juvenile driver non-custodial questions and may request a juvenile to

perform standardized roadside psychomotor tests if required.

- c. Must immediately notify a parent or guardian if the juvenile has been taken into custody. If that person is unavailable, the officer must attempt to notify any other adult with whom the juvenile resides.
- d. Must conduct custodial questioning pursuant to the juvenile provisions of General Order 425 when a juvenile is taken into custody for a violation of Section 1192.
- e. May administer a breath test in the detention area of the Macedon Police Department when no adult prisoners are present. The juvenile's parent/guardian may be present for any breath or other chemical test.
- f. Must complete the same booking/arrest paperwork and reports as if the juvenile were an adult arrestee.

F. Adolescent Offenders

1. The arresting officer must:

- a. Arrest and detain the person as a juvenile.
- b. Immediately notify the juvenile's parent or guardian that the child has been taken into custody. If that person is unavailable, then the officer must attempt to notify any other adult with whom the child resides.
- c. Advise the Road Patrol Sergeant of the arrest.
- d. Contact the District Attorney's Office to determine the appropriate charge(s) and appropriate protocol.
- e. Complete all required paperwork for an adult felony arrest package, with the addition of a JCR and depositions from all officers directly involved with the incident. The Grand Jury Referral, information and Arrest Report must all be marked **Adolescent Offender-Youth Part**.
- f. Ensure a Wayne County arrest database electronic booking is completed.
- g. Ensure that all required fingerprints, palmprints and photographs are obtained pursuant to General Order 431.
- h. If an arraignment is required and the Youth Part of the Superior Court is in session, transport the juvenile to court. The officers conducting the arraignment must provide the Youth Part of the Superior Court Judge the original and one copy of all informations and depositions. If the judge orders detention, the officers will turn the child over to the custody of the Wayne County Sheriff.
- i. If an arraignment is required and the Youth Part of the Superior Court is not in session:

(1) Transport the juvenile to CAP Court for arraignment at the appropriate time.

(a) The arresting officer is responsible to accompany the juvenile to CAP Court. The Wayne County Jail will not accept the juvenile for holding prior to arraignment.

(b) If the juvenile is released from CAP Court, the officer will transport them to their residence if not accompanied at CAP Court by a parent or guardian.

(c) If the juvenile is remanded, the officer will deliver the child to the custody of the Wayne County Sheriff.

- j. All paperwork must be completed and submitted to the "To be approved" tray PRIOR TO THE END OF SHIFT.
- 2. The supervisor must:
 - a. Determine if he/she is needed to respond and assist with the arrest.
 - b. Review all reports for completeness and if acceptable, approve the package.

G. PINS

- 1. When dealing with a person who has been designated a PINS, the investigating officer must:
 - a. Complete the appropriate report and a Juvenile Contact Report (JCR).
 - b. Advise the Road Patrol Sergeant of the incident. The Road Patrol Sergeant must determine if he/she is needed to respond.
- 2. The supervisor must review all reports for completeness and if acceptable, approve the package.

H. Warrants

- 1. Family Court, Youth Part of the Superior Court and PINS warrants
 - a. Family Court, Youth Part of the Superior Court and PINS warrant suspects will be turned over to an officer from the issuing agency.
 - b. The arresting officer must complete any related reports and a JCR and forward for supervisory approval.
 - c. All paperwork must be completed PRIOR TO THE END OF SHIFT.
- 2. **OCFS Warrants**
 - a. The juvenile must be placed at the location indicated on the warrant.

- b. The arresting officer must complete any related reports and a JCR and forward for supervisory approval.
 - c. All paperwork must be completed PRIOR TO THE END OF SHIFT.
3. Juveniles 16 years of age and older- local court warrants
- a. If the warrant is not returnable to the Macedon Town Court, the juvenile must be turned over to the issuing agency or released upon their request.
 - b. If a warrant is returnable to the Macedon Town Court for an offense committed when the person was a juvenile 16 years of age or older, the person must be detained as a juvenile regardless of their age at the time of apprehension. The person must be processed as an adult. The officer must then contact the Macedon Town Court judge.

I. Transporting juveniles in custody

- 1. With only limited exceptions, all juveniles who are in custody and are being transported in a police vehicle must be handcuffed with both hands behind their back, preferably with their palms facing out. The handcuffs must be double locked.
- 2. Persons known or believed to be juveniles must not be transported with an adult prisoner who is not a parent or legal guardian. Male and female prisoners must be transported separately unless they are members of the same immediate family and not a threat to each other. Exceptions to these procedures may be made when, in the judgment of the officer, it is not detrimental to either person involved to be transported together, such as co-defendants.

J. Non-secure Custody

- 1. Officers must detain all juveniles in non-secure custody. The juvenile is not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility but must not be confined in a locked room or handcuffed to a fixed object.
- 2. The following criteria will constitute non-secure custody of a juvenile in a building that houses an adult lockup:
 - a. The area where the juvenile is held must be an unlocked multipurpose area, such as a lobby, office or interrogation room not designed for secure detention.
 - b. The juvenile must not be physically secured to a cuffing rail or other stationary object during the period of custody in the facility.
 - c. The use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents or arranging transfer to an appropriate juvenile facility or to court.
 - d. The area must not be designed or intended to be used for residential purposes.

3. Under normal conditions a juvenile may be handcuffed, without attachment to a stationary object, when the process of questioning or interrogation is taking place in a Family Court approved questioning room.
4. There is no limit on the length of non-secure custody.
5. If a juvenile is in custody during a regular meal period, the juvenile will be provided with a meal.

K. Processing juveniles

1. Juveniles must be processed in an unlocked area of the police department such as:
 - a. A Family Court approved room
 - b. A court approved interview room
2. If the above areas in the police department are used to process juveniles, there must be sight and sound separation of the juveniles from adult prisoners. In addition, constant visual supervision must be provided for the juveniles.
3. A juvenile detained in a police station must be held in a place other than one designed for the detention of prisoners, apart from any adult charged with or convicted of a crime.
4. While a booking area may be secure, a juvenile being processed through this area is not considered to be in secure detention status. Where a secure booking area is all that is available, and continuous visual supervision is provided throughout the booking process, and the juvenile only remains in the booking area long enough to be photographed, fingerprinted, palm printed, or administered a chemical test, the juvenile will not be considered in secure detention.
5. Continued non-secure custody for the purposes of interrogation, contacting parents or arranging an alternative placement must occur outside the booking area.

L. Fingerprints and photographs

1. All fingerprinting and photographing of juveniles must be conducted in accordance with the provisions of General Order 431.

M. Computer Voice Stress Analyzer (CVSA) & Polygraph examinations

1. All Computer Voice Stress Analyzer and polygraph examinations must be conducted in accordance with the provisions of General Order 425.

N. Interview and interrogation

1. All interviews and/or interrogations of juveniles must be conducted in accordance with the provisions of General Order 425.

O. Protective custody

1. Taking a juvenile who has been harmed or is in danger of harm into protective custody is authorized when there is justification for such action. However, persons so apprehended must be placed in the least restrictive environment which ensures their safety and supervision.
2. The parental home or release into the care of the Department of Social Services are alternatives in this regard.
3. Juveniles subject to being taken into custody for their own protection include:
 - a. An abandoned, abused or neglected child.
 - b. One who is suffering from illness or injury or is under the influence of alcohol or other drugs.
 - c. One who is in immediate danger from his surroundings.
 - d. A runaway, as reported by a person of legal responsibility.
 - e. Any other situation in which custody is in keeping with the paramount issue of the juvenile's safety.

P. Juvenile records

1. Confidentiality is important when dealing with juveniles. Records regarding juveniles who are adjudicated in Family Court are to be kept in strict confidence.
2. Requests for information pertaining to juvenile cases shall be processed through the Police Clerk.
3. All police records relating to the arrest and disposition of any juveniles who are adjudicated in Family Court must be kept in files separate and apart from the arrests of adults and must be withheld from public inspection.
4. The Family Court in the county in which the petition was adjudicated may, upon motion and for good cause shown, provide written order that such records be opened:
 - a. To the respondent or his parent or guardian.
 - b. If the respondent is subsequently convicted of a crime, to a judge of the court in which he was convicted, unless such record has been sealed.
5. The sealing, expungement and destruction of juvenile records shall be complied with by the Police Clerk in accordance with General Order 615.

By Order of the Chief of Police

John P. Colella

John P. Colella (Apr 11, 2021 12:58 EDT)

John P. Colella

Chief of Police

Dated this 19th day of March 2021

