

---

**Section: THREE  
Chapter: TWENTY-FOUR**

**SUBJECT:** Juvenile Procedures  
**ISSUE DATE:** 03-24-16  
**REFERENCE:** 8.9, 50.4

---

**I. PURPOSE**

Members of the Palmyra Police Department shall dispose of juvenile matters in the least constraining manner based on the officer's discretion, and the training given to him/her by the Palmyra Police Department. The responsibility of fully investigating juvenile incidents is a shared responsibility by all personnel, along with the Wayne County Family Court System.

**II. DEFINITIONS**

- A. CRIME - A misdemeanor or felony level offense.
- B. JUVENILE DELINQUENT - A person who is over seven (7) year of age and less than sixteen (16) years of age, who has committed an act which would constitute as a crime if committed by an adult.
- C. JUVENILE OFFENDER –
  - 1. A person thirteen (13) years of age who is criminally responsible for acts constituting Murder 2nd - PL 125.25 sub 1 & 2.
  - 2. A person fourteen (14) or fifteen (15) years of age who is criminally responsible for acts constituting (as outlined in CPL 1.20 sub 42):
    - Murder 2nd - PL 125.25 sub 1, 2, 3
    - Kidnapping 1st - PL 135.25
    - Arson 1st - PL 150.20
    - Assault 1st - PL 120.10 sub 1 & 2
    - Manslaughter 1st - PL 125.20
    - Rape 1st - PL 130.35 sub 1 & 2
    - Sodomy 1st - PL 130.50 sub 1 & 2
    - Aggravated Sexual Abuse - PL 130.70
    - Burglary 1st - PL 140.30
    - Burglary 2nd - PL 140.25 sub 1
    - Arson 2nd - PL 150.15
    - Robbery 1st - PL 160.15
    - Robbery 2nd - PL 160.10 sub 2
    - Attempted Murder 2nd
    - Attempted Kidnapping 1<sup>st</sup>
    - Criminal Possession of Weapon 3<sup>rd</sup> PL 265.02 sub 7
    - Criminal Possession Weapon 2<sup>nd</sup> PL 265.03 sub 2

- D. **PERSON IN NEED OF SUPERVISION** - A person under the age of sixteen (16) who does not attend school, is incorrigible, ungovernable or habitually disobedient and beyond the control of the parent or other lawful authority, or who violates PL 221.05 (Unlawful possession of marihuana. (Reference Family Court act section 712(a)).
- E. **CAUSE FOR ARREST** - A juvenile may be arrested by a member of the Palmyra Police Department under the same rules and procedures which govern the arrest of an adult. That is, when the arresting officer has reasonable cause to believe that the juvenile has committed a crime whether in the officer's presence or otherwise
- F. **APPLICABLE COURT FOR APPEARANCE** - Juvenile Offenders are subject to the initial jurisdiction of the Local Criminal Court. Juvenile Delinquents are subject to the initial jurisdiction of the Probation Department of the Family Court System.

### **III. POLICY**

Members of the Palmyra Police Department shall conduct vigorous and thorough investigations of all offenses observed or brought to their attention involving a juvenile.

### **IV. QUESTIONING**

- A. Members may question any juvenile at any time. At such time the juvenile becomes a suspect or an arrest is pursuant, all questioning shall be conducted in the presence of the parent or guardian, and both the juvenile and the parent will be advised of their Miranda warning and rights. Both the juvenile and the parent or guardian will sign warning and appropriate waivers of rights.
- B. Questioning of a juvenile at the Palmyra Police Department will take place only in the State Court Administrator designated location. (main office area)

### **V. CUSTODY AND DETENTION**

- A. A police officer may take a juvenile, less than 16 years of age, into custody without a warrant in the same instance as he/she could arrest a person for a crime pursuant to CPL section 140
- B. Once a juvenile is taken into custody, the member must immediately notify
  - 1. The child's parent; or
  - 2. The person legally responsible for the child's care; or
  - 3. If such legally responsible person is unavailable, the person with whom the child resides.
- C. After the member has made every reasonable effort to make notification, he/she shall do one of the following:
  - 1. Release the juvenile to the custody of the parent or a legal guardian and issue a Juvenile Appearance Ticket to both the juvenile and the parent / guardian; or

2. With all reasonable speed, take the child directly to the Family Court, if Family Court is in session, or if the member determines that it is necessary to question the child. Should such questioning be necessary, will question the juvenile pursuant to section IV or this order; or
  3. Take the juvenile to a certified juvenile detention facility for the reception of the juvenile.
  4. If the juvenile has allegedly committed a designated felony as established in section II C of this order, the juvenile shall be taken to the Family Court, if it is in session, and not released pursuant to (1) above, after any necessary questioning is completed; or
  5. In all other circumstances and where no special circumstances exist, the juvenile shall be released on a Juvenile Appearance Ticket
- D. If it does not appear to be in the best interest of the juvenile or the community to release the juvenile to the custody of his parents, a supervisor will arrange for the juvenile to be transported to a secure juvenile detention facility, mindful that arrangements must be made to retrieve that juvenile from custody for family court appearance when it is next in session.

## **VII. PROCESSING**

- A. A New York State Standardized Incident Report AND Juvenile Contact Report will be completed on all incidents that would be considered a criminal offense if committed by an adult.
- B. Pursuant to an arrest, a New York State Standardized Arrest Report will be completed.
- C. Fingerprinting juveniles will be according to Live Scan procedures with reference to Wayne County Family Court as jurisdiction. Fingerprinting will be taken in the following circumstances:
  1. The child is eleven (11) years of age and is charged with a class "A" or "B" Felony.
  2. The child is thirteen (13) years of age or older and is charged with any Felony.
  3. The child is a Juvenile Offender as outlined in II C of this general order.
- D. A standard identification photograph may be taken anytime fingerprints are taken.
- E. Any and all paperwork generated involving a juvenile will be marked **JUVENILE**.
- F. The Police Clerk will maintain all juvenile reports in a secured location separate from adult documentation.
- G. A juvenile, determined to be a Juvenile Delinquent, may be released to the parent or guardian and issued a Juvenile Appearance Ticket upon release. The Appearance Ticket, all statements, affidavits, notices, and dispositions are necessary for filing the petition in Family court.
- H. A juvenile, determined to be a Juvenile Offender, will be taken to the Local Criminal Court for appearance. The Standard Information / Complaint will be

generated, in addition to all statements, affidavits, notices, and dispositions for filing in Local Criminal Court

#### **VIII. PROCESSING DEPARTMENT DOCUMENTATION**

- A. Members shall submit all relevant paperwork pertaining to a juvenile to the Police Clerk for entry into department files, and prepare case file packages for the following, when necessary:
  - 1. Family Court, **or**
  - 2. Local Criminal Court;
  - 3. County Attorney Office, **or**
  - 4. District Attorney's Office;
  - 5. County Probation.
- B. Fingerprints will be forwarded to the New York State Division of Criminal Justice (DCJS). DCJS is the State's central repository for juvenile and adult fingerprint records.
- C. Upon receipt of DCJS's Computerized Criminal History (CCH), two copies will be forwarded to the family court, and two copies to the presentment agency.
- D. The only departmental members authorized to access juvenile records are as follows:
  - 1. Chief
  - 2. Sergeant
  - 3. Police Clerk

#### **IX. CASE DISPOSITION**

- A. Upon receipt of the "Notice of Disposition" or "Termination of Proceeding" form:
  - 1. The case is terminated in favor of the respondent (dismissed, withdrawn or ACD), each recipient shall seal or cause to be sealed all official records and papers, including judgments and orders of the court, but not including public court decisions or opinions or records and briefs on appeal, relating to the arrest, the prosecution and the probation service proceedings, including all duplicates or copies thereof, on file with the Court, police agency, probation services and presentment agency and shall not make such papers available to any person or public or private agency.
  - 2. The case is terminated in any manner other than an adjudication for an act which would constitute a felony, each recipient shall destroy all such fingerprints, palm prints, photographs and copies thereof and information relating to the arrest of the respondent.

By the Order of:

David B. Smith  
Chief of Police