



Eric Hawkins
Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

CHILDREN AND FAMILY SERVICES UNIT: JUVENILE OPERATIONS
GENERAL ORDER NO: 3.8.05

Issue Date: October 1, 2019	Effective Date: March 1998
Revision Date: December 5, 2016	CALEA: 1.1.3, 1.2.3, 44.2.1, 44.2.2, 44.2.3, 42.2.10, 82.1.2, 71.1.1, 71.2.1, 71.3.1-3, 71.4.1-3, 71.5.1
Volume 3: Operations	Chapter 8: Children & Family Services Unit
Distribution: All Personnel	NYSLEAP: 50.4
Issuing Authority: Chief Eric Hawkins	Page: 1 of 25

- PURPOSE:** The purpose of this policy is to establish guidelines concerning the contact, referral, intake, release, and placement of juveniles.
- POLICY:** It is the policy of the Albany Police Department to establish guidelines and procedures for juvenile operations. Officers dealing with juvenile related criminal or non-criminal incidents shall use the least coercive reasonable alternative, consistent with preserving public safety, order, and individual liberties.
- DEFINITIONS:** **Abused Child** – Abused child means a child less than eighteen (18) years of age whose parent or other person legally responsible for his/her care:
- A.** Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or
 - B.** Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or
 - C.** Commits, or allows to be committed, an offense against such child defined in article 130 of the penal law; allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law; commits any of the acts described in sections 255.25, 255.26 and 255.27 of the penal law; or allows such child to engage in acts or conduct described in article 263 of the penal law provided, however, that (a) the corroboration requirements contained in the penal law and (b) the age requirement for the application of article 263 of such law shall not apply to proceedings under this article.

Detention – Detention means the temporary care and maintenance of children away from their own homes, as defined in Section 502 of the Executive Law.

Infant/Minor – Infant/minor means a person under the age of eighteen (18).

Juvenile Delinquent – Juvenile delinquent means a person over the age of seven (7) and less than sixteen (16) years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy (*cross reference definition of juvenile*), or (b) is the defendant in an action ordered removed from Criminal Court to the Family Court, pursuant to Article 725 of the NYS Criminal Procedure Law.

Juvenile Offender – Juvenile offender means a person who is criminally responsible for committing any of the below listed crimes at the same time as the corresponding age:

Crime	Subsection	Ages
Murder 2 nd Degree	1 and 2 *(and 3)	13,14, and 15
Att. Murder 2 nd Degree	1 and 2 *(and 3)	14 and 15
Kidnapping 1 st Degree	All	14 and 15
Att. Kidnapping 1 st Degree	All	14 and 15
Arson 1 st Degree	All	14 and 15
Arson 2 nd Degree	All	14 and 15
Assault 1 st Degree	1 and 2	14 and 15
Manslaughter 1 st Degree	All	14 and 15
Rape 1 st Degree	1 and 2	14 and 15
Criminal Sexual Act 1 st Degree	1 and 2	14 and 15
Aggravated Sexual Abuse 1 st Degree	All	14 and 15
Burglary 1 st Degree	All	14 and 15
Burglary 2 nd Degree	1 ONLY	14 and 15
Robbery 1 st Degree	All	14 and 15
Robbery 2 nd Degree	2 ONLY	14 and 15
Criminal Possession of a Weapon 2 nd Degree	All (on school grounds)	14 and 15
<p>* A person thirteen, fourteen and fifteen years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the Penal Law.</p>		

Mental Illness – Mental illness means an affliction with a mental disease or mental condition, which is manifested by a disorder or disturbance in behavior, feeling, thinking, or judgment to such an extent that the person afflicted requires care or treatment.

Missing Juvenile – A missing juvenile is a person less than eighteen (18) years of age who is missing under any circumstances, including runaways, abandoned, abducted, or other missing status.

Neglected Child – Neglected child means a child less than eighteen (18) years of age:

- A. Whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his/her parent or other person legally responsible for his/her care to exercise a minimum degree of care;
 - 1. In supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of Part 1 of Article 65 of the Education Law, or medical, dental, optometric or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
 - 2. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his/her actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision; or
- B. Who has been abandoned, in accordance with the definition and other criteria set forth in Subdivision 5 of Section 384-b of the Social Services Law, by his/her parents or other persons legally responsible for his/her care.

Non-Secure Detention Facility – Non-secure detention is a facility characterized by the absence of physically restricting construction, hardware, or procedures.

Petty Offense – Petty offense means a violation or a traffic infraction.

Person In Need of Supervision (PINS) – A Person In Need of Supervision (PINS) means a youth under the age of eighteen (18) who is showing a pattern of habitual disobedience, running away, curfew violations, substance abuse, violent behavior, or school truancy problems.

Runaway Child – Runaway child means a person under the age of eighteen (18) years who is absent from his/her legal residence without the consent of his/her parent/guardian or custodian.

Secure Detention Facility – Secure detention is a facility characterized by physically restricting construction, hardware, or procedures.

Youth Court – Youth court means a pre-arrest strategy based in restorative justice that aims to have the juvenile defendant held accountable by their peers for the harm they inflicted on the victim(s) during the criminal activity they committed.

I. JUVENILE OPERATION PROCEDURES

A. Juvenile Relations:

1. Every member of the Albany Police Department has the responsibility for maintaining a positive relationship with juveniles and supporting the department's juvenile operations function.
2. It shall be the responsibility of all sworn members of this department to maintain a working knowledge of the Family Court Act, to follow the department's policies, procedures, and regulations regarding juveniles, and to familiarize themselves with the various support programs.
3. When dealing with juveniles, officers of the Albany Police Department shall use the least coercive, among reasonable, alternatives. These alternatives shall be in the best interest of the juvenile and consistent with preserving public safety, order, and individual liberties. All methods and alternatives shall be in accordance with the Family Court Act.
4. Officers taking a juvenile into custody shall ensure that the constitutional rights of the juvenile are protected, and shall promptly notify the juvenile's parent or legal guardian that the juvenile is in custody. This shall include informing the juvenile's parent/guardian as to the reason that the juvenile was taken into custody.

B. Juvenile Contact/Custody Procedures:

1. If an officer takes official police action involving a juvenile, officers must complete a Juvenile Contact Card, APD Form # shown on 18 of this order. Officers shall determine whether the juvenile is alleged to have been involved in:
 - a. An act that would constitute a crime if committed by an adult;
 - b. Petty offenses (violations or traffic infractions, as defined in NYS CPL 1.20, subsection 39);
 - i. Juveniles CANNOT be arrested for petty offenses.
 - c. Persons In Need of Supervision (PINS), as defined in Family Court Act, 712(a). PINS situations include, but are not limited to:
 - i. Incorrigible juveniles;
 - ii. Ungovernable juveniles;
 - iii. Truant juveniles;
 - iv. Unlawful possession of marijuana by a juvenile;

- v. Exposure;
- vi. Trespass; and
- vii. VTL violations.

- d. Stranded juveniles;
- e. Runaway juveniles;
- f. Missing juveniles;
- g. Juveniles unlawfully present in a licensed premise; or
- h. Juveniles who are alleged to have been harmed or to be in danger of harm.

2. Officers who have contact with a juvenile that is alleged to have engaged in noncriminal behavior (subsections b-h above) shall:

- a. Detain the juvenile.
- b. Contact the juvenile's parent/guardian.
- c. Unless the juvenile is in need of emergency medical treatment, shall, without delay, transport the juvenile to an appropriate destination, as determined by the totality of circumstances surrounding the incident (see handcuffing/transporting juveniles below). Appropriate destinations include:
 - i. The juvenile's residence (for release to a legal parent/guardian);
 - ii. The juvenile's school (for release to a school official); or
 - iii. The Children and Family Services Unit (for release to a parent/guardian, placement in a non-secure residential facility, or placement by CPS).

a) Placement of a juvenile in a non-secure facility shall be made only with prior approval from a supervisor.

1) Juveniles involved in noncriminal behavior shall never be placed in a secure detention facility.

d. Upon release of the juvenile, officers shall complete the following:

- i. Juvenile Release/TOT Form, APD Form # [REDACTED] shown on page 19 of this order;
- ii. Juvenile Contact Card, APD Form # [REDACTED] shown on page 18 of this order; and
- iii. Any other pertinent related paperwork.

3. Officers who have contact with a juvenile that is alleged to have engaged in an act that would constitute a crime if committed by an adult shall:

- a. Detain the juvenile.
- b. Contact the juvenile's parent/guardian.
- c. Determine if the juvenile is under arrest (i.e., in custody) or if the juvenile will be released/TOT'd. Officers shall refer to Training Bulletin 13-04: Juvenile Arrest Procedures.
- d. Unless the juvenile is in need of emergency medical treatment, officers

shall, without delay, transport the juvenile to an appropriate destination, as determined by the totality of circumstances surrounding the incident (see handcuffing/transporting juveniles below). Appropriate destinations include:

- i. Residence (for release to a legal parent/guardian);
 - ii. CFSU (for arrest processing or release to a legal parent/guardian);
 - iii. Family Court; or
 - iv. Secure or non-secure residential facility.
- a) Placement of a juvenile in a secure or non-secure facility shall be made only with prior approval from a supervisor.
 - b) Upon release of the juvenile into the custody of a responsible adult, officers shall complete the following:
 - i. Juvenile Release/TOT Form, APD Form # [redacted] shown on page 19 of this order;
 - ii. Juvenile Contact Card, APD Form # [redacted] shown on page 18 of this order; and
 - iii. Any other pertinent related paperwork, including juvenile arrest paperwork (see below for information on applicable arrest paperwork).

4. Handcuffing/Transporting Juveniles:

- a. Handcuffing a juvenile for the purpose of transporting the juvenile to a pre-determined destination is appropriate when:
 - i. The juvenile is placed under arrest (i.e., in custody) as a juvenile delinquent (JD), juvenile offender (JO), or warrant arrest;
 - ii. The juvenile is acting in a manner that presents a danger to themselves or officers;
 - iii. The juvenile is a potential flight risk; or
 - iv. The juvenile is being transported between a secure facility and court.
- a) When the intention is to release a detained juvenile to the custody of a parent/guardian, but the juvenile has needed to be handcuffed, the juvenile shall be transported to the Children and Family Services Unit. The parent/guardian shall be responsible for retrieving the juvenile from the CFSU office.
 - 1) If circumstances exist that make it unfeasible for a parent/guardian to respond to CFSU, the juvenile may be transported to the parent/guardian's location. Prior approval must be obtained from the officer's immediate supervisor and a notation shall be made on the Juvenile Contact Card.

- b. Juveniles shall be transported separately from adult arrestees.
 - c. Per Family Court Act Section 304.1, juveniles shall not be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with a crime without the approval of the state division for youth in the case of each child and the statement of the reasons there for.
 - i. Personnel that knowingly/unknowingly secure a juvenile in an adult cell, including a juvenile who lies about their age or does not disclose their age, shall complete a New York State Record of Juvenile Detention in Adult Lock-Ups, as well as an IDC to the Chief of Police documenting the incident.
 - a) Personnel shall note that the NYS Record of Juvenile Detention in Adult Lock-Up form and IDC only need to be completed when the juvenile is actually lodged in an adult cell and not for merely entering the Central Booking area.
 - d. Officers transporting a juvenile to CFSU shall use one of the two approved paths through South Station to CFSU. The two approved paths are:
 - i. Officers shall enter [REDACTED]. For this path to be available, [REDACTED]. Transporting officers shall inform the South Station desk personnel that a juvenile will be walked through [REDACTED].
 - ii. Officers shall enter through [REDACTED].
 - e. The following procedures shall be completed for transported juveniles whom are being released into the custody of a parent or guardian.
 - i. Officers shall complete a Juvenile Release/TOT Form, APD Form # [REDACTED] shown on page 19 of this order and a Juvenile Contact Card, APD Form # [REDACTED] shown on page 18 of this order, for each juvenile involved;
 - ii. Upon arrival of the juvenile's parent/guardian, officers shall advise the adult of the Person In Need of Supervision (PINS) law;
 - iii. Officers shall turn all completed paperwork over to their immediate supervisor for approval, prior to the completion of the officer's tour of duty.
5. Criteria and procedures for issuing a citation/summons to a juvenile for appearance at probation in lieu of taking the juvenile into custody:
- a. For incidents involving minor offenses, and a related coinciding emergency, a juvenile may be issued a summons to appear at probation, in lieu of being taken into custody, as long as the following

criteria is met:

- i. The arresting officer obtains prior approval from their immediate supervisor;
- ii. The juvenile is turned over to a parent/guardian, in compliance with the procedures outlined in this order;
- iii. Victim/witness statements are adequately obtained and documented; and
- iv. All other pertinent paperwork is completed prior to the completion of the officer's tour of duty.

C. Youth Court

1. Criteria and procedures for issuing a youth court referral to a juvenile (up and including age 18) in lieu of issuing a citation/summons or taking the juvenile into custody:

- a. For incidents involving minor offenses, and for youth who do not meet the exclusionary criteria listed on the Albany Youth Court Reference Guide, shown on page 23-24 of this order, may be referred to Youth Court in lieu of issuing a citation/summons or taking the juvenile into custody, as long as the following criteria is met:

- i. The arresting officer obtains prior approval from their immediate supervisor;
- ii. The arresting officer obtains consent from the victim/complainant;
- iii. The arresting officer obtains consent from the juvenile's parent/guardian;
- iv. The defendant does not meet the exclusionary criteria found in the Youth Court palm card (attached);
- v. Victim/witness statements are adequately obtained and documented; and
- vi. All other pertinent paperwork, including affidavits, is completed prior to the completion of the officer's tour of duty.

D. Line-Ups/Show-Ups:

1. Line-ups and show-ups of juveniles shall be in accordance with department policies and procedures outlined in GO 3.5.05 – Criminal Investigations: Operations.

E. Custodial Interrogations:

1. Juveniles who are in custody and being questioned concerning criminal activity shall not be questioned until the juvenile and their parent/legal guardian are advised of the juvenile's constitutional rights.

2. Miranda warnings, whenever possible, shall be read to the juvenile while their parent/legal guardian is present.
3. Whenever possible, both the juvenile and their parent/legal guardian shall sign a Miranda Waiver indicating they understand their constitutional rights and agree to be questioned.
 - a. If the juvenile's parent/legal guardian objects to questioning or requests an attorney for the juvenile, questioning shall cease; even if the juvenile is willing to answer questions.
 - b. Whenever possible, questioning shall be done in the presence of the juvenile's parent/guardian.
 - c. If the juvenile's parent/legal guardian cannot be notified, a juvenile MAY be questioned ONLY after:
 - i. Every reasonable effort has been made to notify their parent/legal guardian;
 - ii. Determining the necessity for questioning at the time;
 - iii. Considering the age, apparent intelligence of the child, and the ability of the juvenile to understand the Miranda Warnings; and
 - iv. The arresting officer must be prepared to testify to that a "good faith" attempt was made to have a competent adult (relative, clergyman, teacher, etc.) other than law enforcement personnel, present during questioning; that the juvenile and the competent adult were advised jointly of the Miranda Warnings and that they understand these rights; and the effect of a waiver of these rights.
4. Personnel shall note that a sworn statement can be taken from a child nine (9) years of age and older.

E. Interview Rooms:

1. Questioning of juveniles shall occur in interview rooms that are approved by the Chief Administrator of the Courts, in accordance with 22 NYCRR, Section 205.20.
2. The department maintains two (2) interview/interrogation rooms in CFSU, Interview Room [REDACTED] and [REDACTED], which should contain, at minimum. These interview rooms shall only be used for the interviews/interrogations of juvenile persons. Any interviews/interrogations being conducted with adults shall follow the guidelines set forth in General Order 3.5.05 – Criminal Investigations: Operations.
 - a. A table, two-three chairs and instruments needed to document the interview (e.g., computer, paper, pens, pencils, etc).
 - b. These rooms shall be equipped with remote video and audio recording equipment, as well as a telephone.
 - c. The video and audio recording equipment shall be housed in an adjacent observation room.
 - d. Only one interviewee will be placed within a room at a time, not including their parent or legal guardian.

3. Interview rooms used by the Albany Police Department are not designed as secure facilities. The purpose of these interview rooms is to hold subjects for a short period of time. Uniformed and non-uniformed personnel shall be aware of these safety considerations when using the interview rooms.
4. Arrested subjects brought directly to CFSU shall be thoroughly searched prior to entering the police building and shall be escorted by sworn personnel to the CFSU office.
 - a. Prior to a prisoner, suspect, or a person who could possibly evolve into a suspect being placed in a designated interview room, the investigating officer shall check the room for weapons and/or contraband, cleanliness and any developing unsafe conditions.
 - b. The room shall be checked again after the prisoner, suspect, or other person leaves the room.
 - c. At least once annually the Commander of Investigations shall complete a documented written review of the temporary detention rooms for the purpose of determining department policies and procedures are being followed as well as addressing any needs that have been brought to the attention of personnel.
5. Subjects temporarily detained in the CFSU shall be continuously monitored to ensure the safety of the individual as well as department personnel as well as to prevent any possibility of escape.
 - a. Access to the subject and the interview room shall be restricted to those personnel actively working the case.
 - b. The officer/detective in charge of the case shall be responsible for insuring that temporarily detained subjects are continuously monitored and that access to the subject is restricted to those personnel actively working the case.
 - c. A face-to-face visual observation of detainees will be conducted at least every thirty (30) minutes that any interview/interrogation is not being conducted.
6. When detainees are brought into the interview room, a supervisor shall be made aware that an interview is being conducted.
7. Since persons who have come voluntarily to the Albany Police Department for interviews, processing, or testing are generally not searched, they shall be escorted at all times by sworn personnel and kept separate from temporary detainees.
8. Officers/detectives are able to remotely view any activity in the designated interview rooms from the adjacent observation room.
 - a. Any time there is a perceived threat from any subject in an interview/interrogation room an officer shall be assigned to monitor the situation utilizing the remote capabilities.
 - b. The interviewing officer/detective may also carry their portable radio which is equipped with a panic button monitored by the Communications Center.

9. Under most conditions, no more than two (2) officers should be present in the

interview/interrogation room.

10. When interviewing a detainee, officers/detectives shall [REDACTED]
[REDACTED] as appropriate for their assignment.
11. Interview rooms shall be searched for weapons and contraband prior to placing a subject in an interview room and again upon removal of the subject.
12. Interviewees shall be provided access to restrooms, water, or comfort breaks during the interview.
 - a. Interviewees shall be closely monitored by sworn personnel when using the restroom facilities.
13. Following the use of an interview room, the case detective will document the reason, date and time in and out of the facility, and any meals, if any, that were provided to the interviewee during the detention on an investigation report.
14. The department does not authorize the detention of detainees within locked spaces or the temporary restraint of juveniles to fixed objects within interview rooms.

F. Fingerprinting and Photographing Juveniles:

1. All juvenile fingerprints and photographs shall be completed in the Forensic Investigation Unit's fingerprinting room. Juvenile fingerprinting guidelines are as follows:
 - a. 11 and 12 years of age who commit an A and B felony;
 - b. 13-17 years of age who commit any felony; and
 - c. 16-17 year olds charged with fingerprintable VTL misdemeanors.

G. Juvenile Delinquent Arrests:

1. Jurisdiction of Juvenile Delinquency Cases:
 - a. Family Court has jurisdiction over juvenile delinquency cases, which are handled as civil matters presented by the Albany County Attorney's Office. Juveniles are referred to as respondents in these matters.
 - b. Albany County Probation is the intake center for juvenile delinquency cases and is involved in diversion of juvenile delinquency charges from Family Court.
 - c. Juveniles charged as juvenile delinquents will be brought before family court, if family court is not in session they must be brought before the most available magistrate.
2. In addition to the above listed procedures, officers shall complete the following:
 - a. Arrest Record.
 - b. Standardized Incident Report.
 - c. Statement/Affidavit.

- i. In order for a juvenile delinquency petition to be filed, a statement/affidavit is needed to substantiate the charge(s).
- d. Albany County Probation Preliminary Intake Screening Form, APD Form # [REDACTED] shown on page 20 of this order.
 - i. All juvenile delinquency arrests are eligible for and will be considered for diversion services, unless specifically precluded by Family Court Act 308.1.
 - ii. Personnel shall also refer to GO 1.2.10 – Diversion Programs for procedures relating to diversion services.
- e. Appearance Tickets:
 - i. Officers shall direct the date of return to Albany County Probation within fourteen (14) business days of the offense.
 - a) Appearance tickets are not needed if the juvenile is brought directly to Family Court or sent to a detention facility pending a Family Court arraignment.
 - ii. Expedited Appearance Tickets:
 - a) Referrals to Probation for expedited appointments shall be made for the next business day. Personnel shall note that referrals can also be made for forty-eight (48) or seventy-two (72) hours after the date of occurrence.
 - b) Appointments shall be scheduled for 1100 hours, 1300 hours, 1400 hour or 1500 hours and noted on the appearance ticket along with any special concerns.
 - c) Multiple offenders shall be scheduled at varying times.
- f. A Juvenile Release/TOT Form, APD Form # [REDACTED] shown on page 19 of this order.
 - i. This form shall be signed by both the releasing officer and the juvenile's parent/legal guardian.
- g. A Juvenile Contact Card, APD Form # [REDACTED] shown on page 18 of this order; and
- h. If applicable, fingerprint the juvenile, as per guidelines outlined above.
 - i. Upon release of a juvenile, officers shall advise the parent/legal guardian of procedures relating to PINS.
- g. Deliver the completed arrest packet to the on-duty supervisor of CFSU. When there is not an on-duty supervisor for CFSU, completed arrest packets shall be delivered to the Central Booking supervisor.
 - i. Supervisors shall review a juvenile arrest packet for completeness, legibility and accuracy and upon approval, sign

- any documentation requiring a supervisor's signature.
- ii. Approved arrest packets shall be placed in the inbox located on the desk of the CFSU's clerk.

H. Juvenile Offender Arrests:

1. Jurisdiction of Juvenile Offender Cases:

- a. A juvenile offender has lost the defense of infancy and is charged as an adult. These cases will be brought before Criminal Court Youth Part, which convenes at 1400 daily in Family Court.
- b. If Youth Part is not in session, the JO must be brought before the designated magistrate for arraignment purposes.
- c. Under no circumstances shall the juvenile offender be subjected to contact with adult prisoners or be placed in the Central Booking area of the Albany Police Department.

2. In addition to the above listed procedures, officers shall complete the following:

- a. Arrest Record.
- b. Standardized Incident Report.
- c. D.A. Felony Sheet.
- d. Court Information(s).
- e. Juvenile Contact Card.
- f. Statement(s)/Affidavit(s).
- g. Oral Statement Report, APD Form # [REDACTED] shown on page 21 of this order, if applicable.

3. Fingerprint the juvenile, as per guidelines outlined above.

4. Deliver the completed arrest paperwork to the on-duty CFSU supervisor. When there is no on-duty CFSU supervisor, completed arrest packets shall be delivered to the Central Booking supervisor.

- a. Supervisors shall thoroughly review juvenile arrest paperwork for completeness, legibility, and accuracy, and upon approval, sign any documentation requiring a supervisor's signature.
- b. Supervisors shall then coordinate with Albany City Court staff to facilitate and determine the opportune time to conduct the arraignment.

5. The juvenile shall be arraigned in Albany City Court, at the time determined by the supervisor and Court staff.

- a. If City Court is closed, an attempt should be made to call a judge in for the arraignment.
- b. If a judge is not available to conduct the arraignment, the supervisor reviewing the arrest paperwork shall make arrangements to transport and place the juvenile in secure detention until the next date that City Court is in session.

- i. In an effort to expedite the intake process, the supervisor

making arrangements shall notify the secure detention facility prior to delivering the juvenile and provide them with the juvenile's name, address, date of birth, mother's name, and all applicable charges.

a) The following secure juvenile detention shall be utilized:

- 1) Capital District Secure Juvenile Detention Center (518) 456-9399; or
- 2) Another secure facility listed by the Office of Children and Family Services (www.ocfs.state.ny.us/main/default.asp).

ii. The arresting and assisting officer shall respond to CFSU at 0800 hours on the morning of the arraignment and make transportation arrangements with the on-duty supervisor to transport the juvenile from the Secure Detention to the Albany Police Department for arraignment.

6. A copy of the approved arrest paperwork shall be placed in the inbox located on the desk of the CFSU's clerk.

I. Adolescent Offenders (AOs)

1. Violent Felonies and Non-Violent Felonies: A 16 and 17-year-old charged with a felony is an AO. AOs will be arraigned in the newly established Youth Part of the Superior Court, or when Court is not in session they must be brought before the designated magistrate (judge) for arraignment. The Criminal Procedure Law authorizes a police officer to issue appearance tickets, instead of a physical arrest, when a person is charged with most E felonies as designated in CPL § 150.20.
2. Misdemeanor Charges Accompanied with a Felony: A 16 and 17-year-old charged with a misdemeanor and a felony, alleged to have been committed as a part of the same criminal transaction, will be considered an AO and processed as an adult prior to arraignment in the Youth Part.

J. Warrants:

1. PINS Warrant:

- a. Officers who place a juvenile under arrest for a PINS warrant when Family Court is in session shall bring the juvenile directly to Family Court.
- b. Officers who place a juvenile under arrest for a PINS Warrant when Family Court is not in session shall:
 - i. Release the juvenile to their parent/legal guardian; or
 - ii. Place the juvenile in a non-secure facility, as per current procedures (DRAI procedures do NOT apply).

2. Juvenile Delinquency Warrants:

- a. Officers who place a juvenile under arrest for an AO or JO warrant issued from the Youth Part must bring the juvenile before the Youth Part of Superior Court in which the warrant is returnable, provided that court is in session. If the Youth Part is not in session, the officer must bring the individual before the designated magistrate for arraignment purposes.
- b. Officers who place a juvenile under arrest for a JD Warrant when Family Court is not in session shall contact the Samaritan Shelter (Carmela house) for the completion of the Detention Risk Assessment Instrument (DRAI) guidelines.

3. Office of Children and Family Services (OCFS) Warrants:

- a. Officers who place a juvenile under arrest for an OCFS warrant shall transport the juvenile to CFSU as outlined in this policy
- b. Officers shall contact the 1-800 number located on the NYSPIN confirmation and wait for OCFS to respond.

K. Secure/Non-Secure Detention Placement – New JD Charge(s) or JD Warrant Only:

- 1. NYS has mandated that all of Albany County comply with the new Juvenile Detention Alternative Initiative (JDAI) starting on October 28, 2013. From this point on, if an officer wants to place a juvenile in detention for a JD charge or a JD warrant, (JO's and PINS not included) officers must contact the Samaritan Shelter (Carmela House) for the completion of the Albany County Detention Risk Assessment Instrument (DRAI) (439-7327 or 439-6616).
 - i. Samaritan will obtain the current charge and pedigree information and complete the DRAI.
 - ii. Samaritan will then advise the arresting officer of the juvenile's score on the DRAI. The scores will range from (1-4) with (4) being a score indicating detention.
 - iii. Samaritan will then recommend the most appropriate plan for that juvenile based on the DRAI risk score. Samaritan staff and the arresting officer shall discuss any other pertinent factors that may affect the recommendation. These factors may include, but are not limited to:
 - a) Nature of the current charges;
 - b) Serious risk of reoffending before the court date; and
 - c) Whether the juvenile will return to court on the appearance date.

2. Recommendations for appropriate plans:

a. Non-secure detention:

- i. If the juvenile is recommended for non-secure detention placement at Samaritan Shelter, the staff will make the appropriate notifications of the incoming juvenile.

b. Secure detention:

- i. If the juvenile is recommended for secure detention placement, the arresting officer shall notify the supervisor reviewing their arrest paperwork.
- a) The supervisor shall contact the Capital District Secure Center at telephone (518) 456-9399 and advise them of the incoming juvenile.

L. Secure Detention Placement – JO Arrests:

1. If Albany City Court is in session:

- a. Bring the juvenile to Albany City Court, per current guidelines, for arraignment.

2. If Albany City Court is not in session:

- a. The supervisor shall attempt to call in a judge for arraignment; or
- b. If a judge is not available, the supervisor shall contact the Capital District Juvenile Secure Center for placement at (518) 456-9399.

M. NYS Vehicle and Traffic Law Violations Involving Juveniles:

1. When an officer encounters a situation where a juvenile commits a traffic infraction, which by definition is not a crime, the officer shall follow procedures outlined in Petty Offense/PINS contacts.
2. If the incident involves a misdemeanor, the juvenile may be taken into custody and the officer shall follow the procedures for Juvenile Delinquency offenses.
 - a. If the incident is a violation of section 1192, Driving While Intoxicated (DWI), a misdemeanor, the officer shall be aware of the following:
 - i. If the officer is going to charge the juvenile with juvenile delinquency for DWI, it is important that the officer establish a common Law DWI case, and not rely solely on obtaining permission for a chemical test. Section 1194 of the NYS V&T Law outlines when arrests, field testing, and chemical tests are appropriate.
 - ii. Section 1194a of the NYS V&T Law outlines driving after consumed alcohol; under twenty-one.
 - iii. If the juvenile is operating a motor vehicle and has been involved in an accident or has violated the V&T Law, giving the officer probable cause to stop the vehicle, then a breath test can be administered.
 - a) If the results of the breath test indicate that the juvenile has consumed alcohol, the officer may request that the juvenile submit to a blood test for the purposes of investigating their Blood Alcohol Content (BAC). Officers

shall:

- 1) Take the juvenile into custody;
- 2) Transport the juvenile to Albany Medical Center;
- 3) Contact the juveniles parent/guardian and ask them to respond to the hospital; and
- 4) While in the presence of juvenile's parent/guardian, advise the juvenile of their Miranda rights and DWI warning.

- b) If the juvenile and their parent/guardian consent to a blood test, personnel of the Albany Medical Center shall perform the test, in accordance with standard operating procedures of the Albany Police Department and Albany Medical Center and all applicable laws of the Family Court Act.

iv. Complete all applicable paperwork needed for a juvenile delinquency arrest.

- b. If the juvenile refuses to submit to a blood test, then a refusal form shall be completed, in addition to the paperwork needed for a juvenile delinquency misdemeanor arrest.

3. 16-17 Year-Old Charged With A Misdemeanor, Traffic Infraction, Or Violation

- a. Misdemeanors: (Other than VTL Misdemeanors and Misdemeanors accompanied with a Felony Charge) Upon the relevant effective dates, a 16-17year-old arrested for a misdemeanor will be considered a juvenile delinquent and the case heard in Family Court. Law enforcement should utilize the same arrest procedures for juvenile delinquents when processing 16-year-olds charged with a qualifying misdemeanor and should use the juvenile delinquent custody determinations set forth in Family Court Act 305.2. If, pursuant to Family Court Act 305.2(4)(b), law enforcement takes the child directly to family court and court is not in session, the statute now requires the youth be taken to the most accessible magistrate (judge), if any, designated by the Appellate Division of the Supreme Court. A 16-17-year-old may not be housed with adults in these circumstances.
- b. VTL Misdemeanors: If a custodial arrest is made, a 16-17year-old charged with a VTL misdemeanor should continue to be processed as an adult since the case will be heard in adult criminal/local court.
- c. Traffic Infractions and Violations: Like VTL misdemeanors, the process will remain the same for any 16-17-year-old charged with a traffic infraction or a violation. The case will be heard in traffic court/local court respectfully. Note that, unlike persons 15 years of age or less, 16-17-year-olds may still be charged with violations and traffic infractions.

N. Releasing Juvenile Arrest Information:

1. The identity of a youth charged as a juvenile delinquent may NOT be

released.

2. The identity of a juvenile under the age of 17, whom has been arrested and charged as a juvenile offender, MAY be released, at the discretion of the Chief of Police or his/her designee.

O. Juvenile Welfare:

1. Suspected cases of child abuse/maltreatment (see reverse side of DSS-2221A):

- a. Officers may take custody of a juvenile to verify or disprove allegations that the juvenile has been harmed or is in danger of being harmed, in accordance with department policies and procedures.
- b. Police officers are mandated reporters and as such they must investigate all cases of suspected child abuse/maltreatment and shall follow the following procedures:

- i. Conduct a thorough preliminary investigation and notify the immediate supervisor of findings.
- ii. If necessary, the supervisor may request juvenile detective(s) to respond to the scene and assist in the investigation.
- iii. The responding officer shall be responsible for the following:

- a) Completing a Standardized Incident Report, Juvenile Contact Card(s), and a DSS-2221A form.
- b) Officers are required by law to immediately contact NYS Child Abuse and Maltreatment Registry (# 1-800-635-1522) and make an oral report of the incident.

- 1) Officers shall get the name of the individual to whom they gave the report to and the NYS registry number, for the purpose of recording said information on the DSS-2221A.

- c) After applicable paperwork is approved by a supervisor, officers shall forward a copy of all paperwork to CFSU.

- iv. Emergency removal of children without a court order:

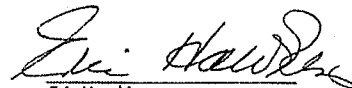
- 1) Officers must have reasonable cause to believe that the child is in such circumstances or condition that continuing in said place of residence or in the care and custody of the parent/guardian presents an imminent danger to the child's life or health and there is not enough time to apply for an order, under section 1022 of the Family Court Act.
- 2) Officers shall contact the on-duty supervisor, who shall also respond to the scene. AFD-EMS shall be summonsed to respond to the scene, and all children shall be brought to the hospital for treatment and the hotline shall be immediately notified. **DSS will respond to inform the parent/guardian of further actions they are

entitled to under the FCA**

2. If a juvenile is mentally ill, the Juvenile Mental Health Mobile Crisis Team shall be contacted and advised to respond.
 - a. Officers shall contact a parent/guardian, if such person is not on scene, as they are required to respond to the mental health facility with their child.
 - b. Officers are required to complete a Standardized Incident Report, Juvenile Contact Card, and a DSS-2221A (if applicable).
3. If a juvenile is acutely intoxicated, and a parent/guardian is not on scene, officers shall contact AFD-EMS, whom has the administrative mechanism in place for medical treatment if an adult is unavailable. **Under no circumstances shall an officer sign for permission allowing treatment of the juvenile**
 - a. Officers shall remain with the juvenile until a parent or guardian is contacted and takes custody of the juvenile.
 - b. Officers are required to complete a Standardized Incident Report, juvenile contact card, and a DSS-2221A (if applicable).

P. Missing/Runaway Juveniles:

1. Officers shall refer to General Order 3.1.25 – Missing Persons for policies and procedures regarding missing and runaway juveniles.


Eric Hawkins
Chief of Police

ALBANY POLICE DEPARTMENT
JUVENILE CONTACT CARD

NAME: _____ APD Inc.# _____
(first) (middle) (last)

ADDRESS _____ JUL# _____

DATE OF INCIDENT: _____ TIME OF INCIDENT: _____

PHONE# _____ SCHOOL: _____ GRADE _____

DATE OF BIRTH: _____ RACE: _____ SEX: _____

SKIN TONE: _____ HEIGHT: _____ WEIGHT: _____ HAIR: _____ EYES: _____

PARENT/GUARDIAN: NAME: _____ NOTIFIED: _____

ADDRESS/PHONE: _____
(IF DIFFERENT FROM JUVENILE)

LOCATION OF INCIDENT: _____

NATURE OF INCIDENT: _____

PROBATION: YES _____ NO _____ PROBATION OFFICER: _____

COMPLAINANT: NAME _____

ADDRESS/PHONE: _____

DISPOSITION: RELEASED TOTed R & R
(name & relationship)

OFFICER/DET: _____ SHIELD & PIN# _____
STATION/UNIT _____

SUPERVISOR REVIEWING: _____ PIN# _____



ALBANY POLICE DEPARTMENT



UNIT OR STATION _____

I, _____, RESIDING AT _____
(NAME)

HAVE RECEIVED INTO MY CUSTODY AND CARE, ON _____ AT _____
(DATE) (TIME - AM/PM)

MY _____,
(RELATIONSHIP) (JUVENILE'S NAME)

_____, DATE OF BIRTH _____
(AGE) (MONTH/DAY/YEAR)

OFFICER RELEASING JUVENILE

SIGNATURE OF PERSON
RECEIVING JUVENILE

APD INCIDENT NUMBER

IF RELEASED TO SECURE, NON-SECURE OR RESPITE
(CHECK ONE)

SAMARITAN SHELTER FOR BOYS/GIRLS

☐

RELEASED TO FAMILY COURT

☐

CAPITAL DISTRICT SECURE DETENTION CENTER

☐

EQUINOX YOUTH SHELTER

☐

Albany County Probation
Preliminary Intake Screening Form

TO BE COMPLETED WITH A STANDARD ARREST REPORT AND/OR INCIDENT REPORT AND ALL
SUPPORTING DEPOSITIONS

Date: _____

RESPONDENT INFORMATION

Name: _____

Date of Birth: _____

Address: _____

Apt. #: _____

School: _____

PARENT/GUARDIAN INFORMATION

Father: _____

Mother: _____

Address: _____

Address: _____

Telephone: (H) _____

Telephone: (H) _____

Alternate #: _____

Alternate #: _____

VICTIM INFORMATION

Name: _____

Address: _____

Apt. #: _____

Telephone: _____

Alternate #: _____

.....
Category: JD Designated Felony PINS Marijuana

***Please note: All JD arrests are eligible for and will be considered for
Diversion Services unless specifically precluded by FCA 308.1**

Additional Information: _____

(Arresting Officer Signature)

(Date)

A.P.D. INC. # _____

ORAL STATEMENT REPORT

1: STATEMENT MADE BY: _____

2: STATEMENT MADE TO: _____

3: DATE MADE: _____ 4: TIME MADE: _____ AM/PM

5: MIRANDA AT (LOCATION): _____

6: WITNESSES

(1) _____ (2) _____ (3) _____

7: STATEMENT MADE: AFTER MIRANDA () BEFORE MIRANDA ()

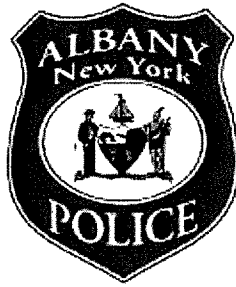
8: CIRCUMSTANCES UNDER WHICH ORAL STATEMENT MADE (I.E. IN RESPONSE TO A QUESTION; SPONTANEOUSLY; OFF-HAND REMARK; OVER-HEARD IN CONVERSTATION OR REMARK MADE TO NON-POLICE OFFICER OR ETC.)

9: CONTENT OF STATEMENT OR STATEMENTS MADE – IN SUMMARY – USE "QUOTATION MARKS" TO SHOW WORDS OR SUBSTANCES OR WORDS ACTUALLY USED:

IF ADDITIONAL SPACE IS NEED CONTINUE ON THE REVERSE SIDE AND PLACE A CHECK HERE ()

OFFICERS SIGNATURE: _____

APD Form #398



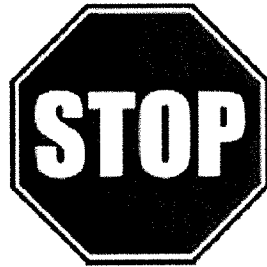
ALBANY YOUTH COURT REFERENCE GUIDE

YOUTH COURT ELIGIBILITY CRITERIA

- ❖ Youth is between the ages of 10 and 18 ❖
- ❖ Youth is a permanent resident of the City of Albany ❖
- ❖ Youth is a first-time offender ❖
- ❖ Youth has not committed and Exclusionary Offense ❖

YOUTH COURT REFERRAL PROCESS

- Treat the incident as if an arrest will occur, filling out a SIR and getting any necessary statements and affidavits. DO NOT complete an arrest record
- Discuss the option of Youth Court with the complainant and get consent for proceeding with the referral while explaining that other factors may exclude the youth's participation, at which point an arrest can proceed
- Discuss and get parental permission for using Youth Court as an alternative to arrest
- Discuss and get respondent's permission for using Youth Court as an alternative to arrest
- Fill out the Youth Court Referral Form – contact a supervisor for sign-off
- Run youth through RMS, checking for any history of arrest
- Contact CFSU and CIU to check for any open cases
- Send arrest packet with referral form to CFSU through inter-office mail



YOUTH COURT EXCLUSIONARY CRITERIA

- Complainant unwilling to decline prosecution <
- Youth is not a permanent resident of Albany or lives at a Treatment Facility <
 - Parent unwilling to participate in the Youth Court Process <
 - Youth unwilling to participate in the Youth Court Process <
- Youth has a criminal history (checked with RMS and CFSU) <
 - Youth committed a violent offense <
- Youth has committed a disqualifying offense (see below) <

YOUTH COURT EXCLUSIONARY OFFENSES

- | | |
|--|---|
| <ul style="list-style-type: none">• Juvenile Offender offenses• Violations (i.e. harassment)• Any Sexual Offenses• Burglaries• Robberies• Warrants• Identity Theft• Violent DV Offenses | <ul style="list-style-type: none">• Stalking• Offense Involved a Weapon• Intimate Partner Offenses• Gang Related Offenses• Hate Crimes• Drug and Alcohol Related• Violent Offenses• Any Offense involving Coercion |
|--|---|