

NIAGARA FALLS POLICE DEPARTMENT

GENERAL ORDER

EFFECTIVE DATE: 09/25/2013	SUBJECT: JUVENILE OPERATIONS	Number 327.00 (NYSLEAP O-50-4)
RESCINDS: 04/15/2003		Number of pages 4

I. Purpose:

- A. The purpose of this order is to outline the departmental policy and procedures in the handling of Juveniles.

II. Policy:

- A. It is the policy of the Niagara Falls Police Department to follow all state and federal laws and mandates when handling juvenile delinquents, juvenile offenders, juvenile missing persons, and persons in need of supervision (PINS).

B. Categories:

1. Juvenile Delinquent :

- a. A juvenile delinquent is a person over seven (7) but less than sixteen (16) years of age, who has committed an act that would constitute a crime if committed by an adult. (Family Court Act 301.2[1]).

2. Status Offender:

- a. A status offender is a person under the age of sixteen (16) who performs an act that does not constitute a crime, such as:
1. Vehicle and Traffic Law, non-criminal offenses;
 2. Penal Law Violations;
 3. City Ordinance Violations.

3. Juvenile Offender:

- a. A juvenile delinquent who has met the requirements of Family Court Act 301.2(8), Designated Felony Act, and as a result, is charged as an adult.

4. Juvenile Missing Person:

- a. A juvenile missing person is a person less than sixteen (16) years of age who is reported to have run away from a legal authority such as a family or detention facility. A runaway shall be considered a juvenile missing person.

5. Person In Need of Supervision :

- a. A person in need of supervision is a person less than eighteen (18) years of age who does not attend school in accordance with the provisions of the Educational Law or who is incorrigible or habitually disobedient and beyond the lawful control of parents or other lawful authority or who violates the Provisions of Section 221.05 of the Penal Law of New York State.

III. Procedure:

A. Handling Juvenile Delinquents:

1. Pursuant to requirements set forth by the Chief Administrator of the Courts (22 NYCRR section 205.20), the office of the Youth Aid Division is to be used for interviewing and detaining of all juveniles.
2. Under no circumstances will a juvenile be detained in the same area or with an adult offender. (Family Court Act section 304.1)
3. The parent(s) or person(s) responsible for the care of the juvenile will be notified as soon as possible of his/ her police custody.
4. The parent(s) or person(s) responsible for the juvenile must be present during any questioning of a juvenile suspect. A juvenile suspect must be read Miranda Warnings and both the suspect and the parent(s) or person(s) responsible must sign the waiver before any questioning may begin.
5. If a Youth Aid Division detective or YAD supervisor is on duty, he/she is to be notified of the detaining of a juvenile. If no YAD personnel are on duty, the decision to notify the Youth Aid Commander shall be made by the Shift Commander pursuant to departmental call-in procedures.

B. Handling Juvenile Offenders:

1. If a juvenile is arrested and is charged as an adult pursuant to Family Court Act 301.2(8), Designated Felony Act, the procedures to be followed are the same as those set forth for juvenile delinquent. Charging a juvenile offender as an adult does not negate his/her status as a juvenile.

C. Juvenile Appearance Tickets:

1. Juvenile Appearance Tickets are to be issued by YAD personnel pursuant to Family Court Act 307.1.

D. Status Offenders:

1. A patrol officer shall initiate investigations involving status offenders by filing a police report and may handle the entire matter or may refer the matter to the Youth Aid Division for follow-up. In all cases, juveniles must be released to their parent(s) or person(s) responsible for the juvenile.

E. Juvenile Missing Persons:

1. A police officer may return to a parent any child under the age of sixteen (16) who has run away from home without just cause.
2. When taking a runaway into custody the officer shall:
 - a. Notify the parent(s) or person(s) responsible for the juvenile that the subject has been found. The officer will make the necessary arrangements to return the subject to the parent(s) or person(s) responsible.
 - b. The officer will file a police report and will forward a copy to the Youth Aid Division.
 - c. In cases where a Person In Need of Supervision (PINS) warrant has been issued, the subject will be taken to Family Court, if in session. If not in session, arrangements shall be made to transfer the juvenile to a non-secure detention facility. YAD personnel may assist with these arrangements and the transfer of the subject.
3. In cases involving juvenile missing persons from another state the officer, in addition to filing a police report, will:
 - a. Confirm the status of the runaway with the jurisdiction involved,

- b. Determine whether a warrant has been issued for the subject,
- c. When a warrant has been issued, a teletype message can be requested confirming that a warrant is in effect,
- d. Seek assistance from the Niagara County Family Court to arrange for the temporary detainment of the subject. YAD may assist the officer with this.
- e. Notify or cause to be notified, the parent(s) or person(s) responsible for the subject, of his/her whereabouts and the procedures or arrangements necessary to return the child.

F. Person In Need of Supervision:

- 1. If a person displays behavior necessary to be considered a PINS, advise the parent(s) or person(s) legally responsible to consider making a petition to Family Court through the Niagara County Probation Office.
- 2. If a PINS warrant is active, an arrest may be made and the subject taken to a non-secure detention facility. YAD personnel may assist with the arrangements and transfer of this subject.