

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI BUREAU	DATE OF ISSUE FEBRUARY 11, 2026	EFFECTIVE DATE FEBRUARY 11, 2026	NO. 115-26
SUBJECT: GENERAL ORDER Juvenile Detention		DISTRIBUTION All personnel	AMENDS
REFERENCE: JJDPA 42 U.S.C § 5601-5785, NYS PL § 10.00 (18), §30.00 CPL § 510.10, § 510.15 and § 725, 9NYCRR 180-1.16, 9 NYCRR 180-3, 9 NYCRR 7002.2 (2) and NYS Family Court Act §301.2, §304.1, NYS CPL§1.20-44 NYSLEAP 50.4			RESCINDS JBGO 062-23

Purpose: To establish policies and procedures relative to ensure compliance with Federal, State and Local Laws as they pertain to juveniles under eighteen (18) years of age, who are committed to the custody of the Sheriff. Additionally, to establish the policies and procedures to follow if any staff member learns that a juvenile was inadvertently placed in MCJ or the Andrew P. Meloni Star Academy (MSA) or an individual has lied about their age or identity and is actually a juvenile in the jail or correctional facility.

Policy: It is the policy of the Monroe County Sheriff's Office (MCSO) to comply with all applicable Federal, State and Local Laws pertaining to the incarceration of juveniles. New York State Law generally provides that no juvenile under the age of eighteen (18), may be detained in any adult jail. An exception is provided wherein Juvenile Offenders, Adolescent Offenders, or Juvenile Delinquents may be temporarily held in an adult jail with prior approval of the NYS Office of Children and Family Services (OCFS), NYSCOC and by order of a Family Court judge.

Definitions:

- * A. **Juvenile Offender (JO): (NY Penal Law § 10.00 (18.))**
 1. A person thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the Penal Law or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the Penal Law; and
 2. A person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) 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; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b) of subdivision two, and paragraphs (a) and (b) of subdivision three of section 130.35 (rape in the first degree); former subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of the former section 130.50; 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the Penal Law; or section 265.03 of the Penal Law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of

the Penal Law; or defined in the Penal Law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the Penal Law.

* **B. Juvenile Delinquent (JD): (NY Family Court Act § 301.2)**

1. A person at least twelve and less than eighteen years of age, having committed an act that would constitute a crime if committed by an adult; or
2. A person over sixteen and less than eighteen years of age, having committed an act that would constitute a violation as defined by subdivision three of section 10.00 of the NY Penal Law if committed by an adult, where such violation is alleged to have occurred in the same transaction or occurrence of the alleged criminal act; or
3. A person over the age of seven and less than twelve years of age having committed an act that would constitute one of the following crimes, if committed by an adult: (A) aggravated criminally negligent homicide as defined in section 125.11 of the Penal Law; (B) vehicular manslaughter in the second degree as defined in section 125.12 of the Penal Law; (C) vehicular manslaughter in the first degree as defined in section 125.13 of the Penal Law; (D) aggravated vehicular homicide as defined in section 125.14 of the Penal Law; (E) manslaughter in the second degree as defined in section 125.15 of the Penal Law; (F) manslaughter in the first degree as defined in section 125.20 of the Penal Law; (G) aggravated manslaughter in the second degree as defined in section 125.21 of the Penal Law; (H) aggravated manslaughter in the first degree as defined in section 125.22 of the Penal Law; (I) murder in the second degree as defined in section 125.25 of the Penal Law; (J) aggravated murder as defined in section 125.26 of the Penal Law; and (K) murder in the first degree as defined in section 125.27 of the Penal Law; and who is:
 - a. Not criminally responsible for such conduct by reason of infancy; or
 - b. The defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the Criminal Procedure Law.
4. Unless specified above, those children under the age of 12 committing a crime will now be referred to the Differential Response Program operated by the Department of Human Services. Personnel complete their investigation per their training and forward all documents and reports along with the Differential Response Referral Form to the Monroe County Family Support Center.

Note: In instances where a child or person is in physical danger, continue to take necessary action to protect lives.

Note: When completing the Differential Response Form, there is no need for depositions or additional paperwork, in addition to the case investigation, as these cases do not go to family court.

* **C. Adolescent Offender (AO): (NY Penal Law § 30.00)**

A person **sixteen or seventeen** years of age is criminally responsible for acts constituting:

1. A felony, as defined in subdivision five of section 10.00 of the Penal Law;
2. A traffic infraction, as defined in subdivision two of section 10.00 of the Penal Law;

3. A violation, as defined in subdivision three of section 10.00 of the Penal Law;
 4. A misdemeanor as defined in subdivision four of section 10.00 of the Penal Law, but only when the charge for such misdemeanor is:
 - a. Accompanied by a felony charge that is shown to have been committed as a part of the same criminal transaction, as defined in subdivision two of section 40.10 of the Criminal Procedure Law;
 - b. Results from reduction or dismissal in satisfaction of a charge for a felony offense, in accordance with a plea of guilty pursuant to subdivision four of section 220.10 of the Criminal Procedure Law, unless the proceeding is removed to the family court pursuant to paragraph (g-1) of subdivision five of section 220.10 of the Criminal Procedure Law; or
 - c. A misdemeanor defined in the Vehicle and Traffic Law.
- * D. **Status Offender:** a juvenile who has been charged with, or adjudicated for, conduct that would not be criminal if committed by an adult.
- * E. **Person in need of Supervision (PINS):** A person less than eighteen years of age, who does not attend school in accordance with the provisions of part one of article sixty-five of the education law; who is ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority; who violates the provisions of section 230.00 of the penal law; or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty seven-a of the social services law, but only if the child consents to the filing of a petition under this article.
- I. **Adolescent Offender (age 18 and above) Committed to the Custody of the Sheriff and placed in the Monroe County Jail**
- A. If the commitment is solely to the Monroe County Jail – accept pursuant to current policy and procedures for adult incarcerated individuals.
 - B. If the commitment is to both the Jail and OCFS, follow procedures in paragraph III below.
- II. **Juvenile Delinquent, Juvenile Offender or Adolescent Offender Committed to the Custody of the Sheriff and placed in an Office of Children and Family Services Secured Detention Facility:**
- * When a Juvenile Offender or Adolescent Offender is committed to the custody of the Sheriff and placed with OCFS, the following procedure will be followed during normal business hours Monday through Friday 0830 until 1700 hours. Court Security will provide transport Monday through Friday from 1630 hours to the conclusion of Monroe County Family Court at the Hall of Justice.
- A. Only juveniles with a remand or a commitment signed by a judge will be accepted by Monroe County Sheriff's Office Transport Staff into the detention holding room in the Monroe County Hall of Justice.
 - B. Interest of Justice Hearing
 1. A Juvenile Offender, Juvenile delinquent or adolescent offender may not be committed to the facility unless a court conducts an interest of justice hearing and the facility was provided with a copy of the written court order specifically finding that it is in the interests of justice for the JO, JD or AO to be held in the facility.

2. The court must conduct a review hearing at least every 30 days and provide a written order to the facility finding that it continues in the interest s of justice for the JO, JD or AO to be held in the facility.
 3. The JO, JD or AO may not be held at the facility more than 180 days unless the order states the JO or AO waived the 180-day limit.
 4. A hearing is not required when a temporary or emergency circumstance exists.
 5. A JO, JD or AO may be detained in an adult jail or lockup for a period not to exceed six hours and the Interest of Justice hearing is not required under the following exigent circumstances:
 - a. Processing or release.
 - b. While awaiting transfer to a juvenile facility.
 - c. If they make a court appearance during that six-hour period.
 - d. If they are awaiting an initial court appearance that will occur within 48 hours of being taken into custody (excluding Saturdays, Sundays and legal holidays) and either:
 - i. Conditions of distance to be traveled do not allow for court appearances within 48 hours.
 - ii. Conditions of safety exist (such as severe weather conditions that do not allow for safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel.
 - e. All youth held in an adult facility without a hearing (unless directly remanded) must have a sight and sound separation from Incarcerated Individuals.
- C. Any juvenile remanded to the custody of the Sheriff will be transported by MCSO Transport Staff to the designated Office of Children and Family Services Facility.
- D. The secure detention facility in Monroe County is the Monroe County Children's Center at 375 Rush Scottsville Road Rush, NY 14543. Phone number (585) 274-7945 or (585) 753-5963.
- E. MCSO Transporting staff will contact the Monroe County Children's Center prior to transporting the Juvenile Offender or Adolescent Offender to ensure space is available to confine the Juvenile Offender.
- F. Juvenile Offender or Adolescent Offender will be transported as per **JBGO-013 Prisoner Transport Treatment**.
- III. Juvenile Offender or Adolescent Offender (under the age of 18 years of age) Committed to the Custody of the Sheriff and placed in the Monroe County Jail (N.Y. Comp. Codes R. & Regs. Tit. 9 § 180-1.16)

The following procedure is to be used regarding confinement of a Juvenile Offender or Adolescent Offender under the age of 18 years of age in the Monroe County Jail.

- A. Placement must include a Monroe County Family Court Order of Commitment and the written approval of both the Office of Children and Family Services and NYSCOC in consultation with the Sheriff or his designee.
- * Bureau of Detention Services
Office of Children and Family Services
52 Washington Street, Room 338 North
Rensselaer, NY 12144
518-473-4630 & 518-473-0551
- B. The highest-ranking Jail Bureau officer on duty will be notified through the chain-of-command of this placement request and will confirm the existence of a valid Monroe County Family Court Order of Commitment to the jail, together with the written approval of both the Office of Children and Family Services and the NYSCOC.
- C. The highest-ranking Jail Bureau officer on duty will ensure during confinement in the Monroe County Jail, at no time will the juvenile be exposed to sight or sound contact with an Adult incarcerated individual(s).
- D. No jail placement of a juvenile can be extended beyond the approved duration without prior permission from the Office of Children and Family Services and NYSCOC.
- E. The Juvenile Offender, Adolescent Offender, or Delinquent will be processed in Central Booking/or Andrew P. Meloni Star Academy (MSA) Booking. This process will include screening by a member of the current contract provider's mental health team. During this process, the booking area will be shut down to all traffic. The Juvenile Offenders, Adolescent Offenders, or Juvenile Delinquents will be relocated to an area within MCJ and/or MSA at the direction of Command Staff. The Juvenile Offender will remain under Direct Supervision, and at no time will the Juvenile Offender, Adolescent Offender, or Juvenile Delinquent be housed within sight or sound of incarcerated adults. Before the Juvenile Offender, Adolescent Offender, or Juvenile Delinquent is moved within the facility, all hallway movement and traffic must be cleared.
- F. The Duty Sergeant upon receiving confirmation that juveniles under the age of eighteen (18) will be housed within the confines of the Monroe County Jail or Andrew P. Meloni STAR Academy as per the approval of the Office of Children and Family Services must complete the **New York State Record of Juvenile Detention Form** on the eJustice portal. This will be reviewed by a command officer prior to submittal.
- G. The Training Unit will have the responsibility to arrange and provide for comprehensive training to all Jail Bureau staff members in regard to current and updated techniques and procedures involving juveniles.

IV. Juveniles Inadvertently Admitted to the Monroe County Jail:

- A. The detention of juveniles in the Monroe County Jail is generally prohibited by State Law (other than prescribed above). However, there are those few cases when youths misrepresent their age to authorities. Facility staff performing receiving and admissions functions shall examine the committing instrument and available identification confirming the individual is of proper age for admission. By the time their true age is identified, it is possible that they have been committed to the facility for some period of time.
- B. In any instance where an individual (committed inmate or un-arraigned person) is in the Monroe County Jail or MSA and information is gathered that would indicate the person is not yet eighteen (18) years of age, staff will:

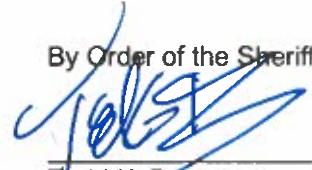
1. Place the juvenile in a single cell under constant supervision in Central Booking and separate from all other prisoners and at no time be housed within sight or sound of incarcerated adults.
2. Notify the highest-ranking Jail Bureau officer through the chain-of-command that a juvenile is currently in custody.
3. Take appropriate action in an attempt to confirm that the individual is in fact under the age of eighteen (18). Staff can confirm the age of an individual in custody by obtaining a birth certificate from the individual's family or legal guardian, reviewing school records or other police agencies records.
4. Upon confirmation that a juvenile is under the age of eighteen (18), the highest-ranking Jail Bureau officer on-duty will coordinate arrangements with the arresting agency to take custody of the individual. If the juvenile was committed by a court order, the court will be notified, and the order will have to be rescinded prior to release.
5. An Incident Report will be completed detailing the circumstances surrounding the juvenile's entrance into the facility as well as how the individual's actual age was confirmed. The Incident Report as well as supporting documentation will be forwarded through the chain-of-command to Jail Administration.
6. The Duty Sergeant upon receiving confirmation that a juvenile under the age of eighteen (18) was confirmed to be in custody must complete the New York State Record of Juvenile Detention Form on the on eJustice Portal. This will be reviewed by a command officer prior to submittal.
7. All documents related to the incarceration of a Juvenile Offender who is under the age of eighteen (18), will be sealed with a copy of the NYSCOC report attached to the front of the envelope. All documents will be forwarded to Jail Administration for filing.

V. Juvenile Offender or Adolescent Offender at Hospital or Clinic Appointments:

The following procedure will be followed when a Juvenile Offender or Adolescent Offender is committed to the custody of the Sheriff and who is housed at the Monroe County Children's Center needs to be transported to a hospital or clinic appointment.

- A. During a medical emergency, the Monroe County Children's Center will notify "B" zone that a JO or AO needs to be transported to the hospital. The Road Patrol will transport the JO or AO to the hospital to ensure timely treatment.
- B. The "B" Zone Sergeant will contact central control and request to speak with a Jail Sergeant. The Sergeant will ensure that Jail Bureau staff is assigned to the transport. Jail staff will follow Jail Bureau policy and procedures for hospital details as delineated in **JBGO-057 Hospital Security Procedures**. Upon completion of the transport or hospital detail the Juvenile Offender or Adolescent Offender will be transported back to the Monroe County Children's Detention Center.
- C. The Monroe County Children's Center will contact the Monroe County Jail Transport Unit and coordinate Juvenile Offender or Adolescent Offender clinic appointments during the hours the Transport Unit is in operation. The on-duty Transport Sergeant will ensure that Jail Bureau/transport staff is assigned to the transport. Jail staff will follow Jail Bureau policy and procedures for hospital details as delineated in **JBGO-057 Hospital Security Procedures**. Upon completion of the transport or hospital detail the Juvenile Offender or Adolescent Offender will be transported back to the Monroe County Children's Detention Center.

By Order of the Sheriff



Todd K. Baxter

* Indicates a change from the previous order.