

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

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE OCTOBER 2, 2026	EFFECTIVE DATE OCTOBER 2, 2026	NO. 008-26
SUBJECT: GENERAL ORDER Juvenile Process and Arrest Procedures		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: NYSLEAP 8.11, 47.1, 50.1, 50.4 & 50.8 RESOURCES: MCSO JUVENILE PROCEDURES (ELECTRONIC) FOLDER, JUVENILE PROCEDURE MANUAL, REPORTING AND ARREST PROCEDURES			RESCINDS 008-19

Purpose: To familiarize employees regarding the procedures of the Monroe County Sheriff's Office (MCSO) with respect to both criminal and non-criminal contacts and arrests with juveniles. **Family Court** (Juvenile Delinquent) and **Youth Part** (Adolescent Offender/ Juvenile Offender) move at an expedited rate when compared to court proceedings involving adults. Personnel's paperwork and documents need to be completed and forwarded at the same expedited rate to ensure they are meeting the expectations of the two presiding courts.

Policy: It is the policy of the Monroe County Sheriff's Office to take a proactive approach to youth crime and shall be actively involved in youth prevention programs.

Resources: **MCSO Juvenile Procedures (electronic) Folder:** This folder can be located on the MCSO H drive: *Police\All Dep's/juvenile procedures* and contains the below listed manual, sample depositions and copies of previously investigated cases.

MCSO Juvenile Arrest and Reporting Procedures manual: This manual details the steps along the investigation and arrest process of a juvenile to include what paperwork needs to be completed, various contacts including telephone numbers and email addresses, TYLER instructions, booking procedures, etc.

Definitions:

Monroe County Court, Youth Part: The court that has jurisdiction over Adolescent Offenders and Juvenile Offenders.

Person in Need of Supervision (PINS): A person less than 18 years of age who is habitually truant or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent/or other Person Legally responsible (PLR) for such child's care, or other lawful authority.

Family Court: The court that has authority over Juvenile Delinquents (JD's) matters/cases.

Detention Risk Assessment Instrument (DRAI): A point-based form that is completed by a probation officer when an arrest of a youth is made. The DRAI assesses the risk for a juvenile to re-offend or not appear in court, and thereby may assist in determining whether a juvenile should be placed in secure detention or whether an alternative to detention is appropriate.

Juvenile Appearance Ticket: A ticket used to direct Juvenile Delinquents to Probation and Juvenile Offenders/Adolescent Offenders to Youth Part on a specific date and time.

Differential Response Referral Form: A form that is completed by law enforcement for a child between the ages of 7-11 whose behavior would otherwise bring them under the jurisdiction of the Family Court pursuant to Article 2 of the Family Court Act.

Juvenile Prosecutors Office (JPO): Prosecuting Attorney assigned to the juvenile case which is heard in family Court.

I. Duties and Responsibilities

A. Zone Criminal Investigation Section (CIS) Sergeants shall:

1. Be charged with the direct supervision of the Investigators assigned youth cases and are responsible for coordinating and tracking all case assignments.
2. Maintain communication with CIS, Zone Captains, and Lieutenants on pertinent youth matters and provide timely reports on youth delinquency trends.
3. Ensure the arrest package arrives at Central Records by following the Arrest Procedures section listed in this general order.

B. Shift Sergeants shall:

1. Be charged with the direct supervision of the deputy's assigned youth cases.
2. Ensure the arrest package arrives at Central Records by following the Arrest Procedures section listed in this general order.

C. Zone Investigators assigned a youth case shall:

1. Be under the direct supervision of the Zone CIS Sergeant and are charged with the responsibility of carrying out all youth law enforcement duties, general orders, and tasks within their zone of assignment.
2. Work closely with assigned zone deputies and on youth related situations and serve as a resource for zone personnel concerning youth interactions, laws, and procedures.

D. CIS Juvenile Offender Coordinator shall:

1. Maintain the unit record keeping system, ensuring proper controls to maintain separation and limited access to all youth identification and arrest records.
2. Purge youth files, on a regular basis, consistent with relevant state law and the State Archives and Records Administration Records Retention and Disposition Schedule CO-2, promulgated by the New York State Education Department.
3. Compile statistical data and prepare necessary statistical reports.
4. Seal and maintain, in a secure environment, all records and evidence of identification such as photographs and palm prints, adhering to the guidelines of the Family Court Act (FCA) Sections 306.1, 375.2 and 381.3 relating to such safeguards.
5. Assist unit staff in other duties as required.

6. Be under the direct supervision to the Headquarters CIS Sergeant or Investigator Sergeant.
7. Maintain liaison with Juvenile Prosecutors Office, Youth Part ADA and Juvenile Probation Supervisor(s).

II. General Procedures upon Contact with a Juvenile

- A. Members shall be aware of the various alternatives available for processing youths within the Juvenile Justice System. They shall evaluate each incident and if the youth appears to be nearing the need of additional recourses or a PINS situation, a family member or guardian should be directed to contact Monroe County Family Access and Connection Team (F.A.C.T.)
- B. Personnel deciding how to proceed with youth cases shall take into consideration, but not be limited to the following factors:
 1. The gravity of the offense.
 2. Prior contacts with the offender.
 3. Age and family situation of the offender.
 4. Types of diversion programs available to effectively deal with the situation.
- C. After evaluating a situation, personnel may decide that a less formal means of diversion will be more effective in dealing with a youth. These methods may include:
 1. Meeting with the youth and parents, in order to solicit the cooperation of the family in identifying and dealing with the problem within the family unit.
 2. Referring the youth and/or family to the Juvenile Offender Coordinator and/or a Zone Investigator as a means of diversion.
 3. If a member feels that after taking all factors of the offense into consideration the youth has been effectively managed by the informal contact, formal diversion may be unnecessary provided that all rights of the victim and offender have been preserved.
- D. When a situation warrants that a youth be interviewed, the following guidelines must be adhered to:
 1. Every attempt will be made to contact the youth's parent(s)/guardian(s) and they shall be advised to respond to the facility where the youth will be questioned. The youth's parent(s)/guardian(s) shall be permitted to be present during the questioning.
 2. The youth and parent(s)/guardian(s) must be advised of their constitutional rights prior to any questioning. Both the youth and their parent(s)/guardian(s) must waive their rights before any questioning begins.
 3. Only court approved and designated areas will be used to question a youth and members will be familiar with those areas within their jurisdiction. The appropriate areas for questioning are at the home of the youth or in an approved room of a Zone or Headquarters. In rare cases, if a special request or setting arises from those involved in the interview, various arrangements can be made. Example- It is requested to conduct the custodial interview outside at a picnic table of the Zone, etc.

Note: At no time under any circumstances will a youth be placed into a Temporary Detention Cell.

Note: The Zone CIS Sergeant maintains a list of such approved facilities.

4. When questioning a youth, members will interview the subject for a reasonable length of time and the number of police personnel present at the time of interview will be minimized based on circumstances.

Note: Videotaping and audio recording of detained youth should be consistent with PBGO-055.

Note: Videotaping and audio recording of a detained youth is mandatory pursuant to the Family Court Act.

5. It is the responsibility of personnel to ensure that the youth understands that basic procedures that will be followed during involvement with the Juvenile Justice System by explaining diversion and Family Court procedures.

III. Juvenile Arrest Classifications:

A. Juvenile Offender (JO):

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):

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):

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.

IV. Juvenile Delinquent (JD's) Arrest Procedure (refer to Juvenile Arrest and Reporting Procedures Manual for detailed steps)

A. Appearance Ticket (approved by probation)

1. Notify Parent/Guardian of Arrest.
2. Complete your investigation to include interviewing those involved and collecting evidence. Arrest packages must include first person depositions (serve as the charging document) from anyone with firsthand involvement of the case to allow the Juvenile Prosecutor to file a petition. Firsthand involvement does include the victim and arresting investigator/deputy. Additional depositions may need to be written by assisting personnel such as those who spoke with witnesses, collected evidence, and/or provided a support function in the arrest. The arresting investigator/deputy shall list at the bottom of their deposition what charges the JD is being charged with.
3. Notify Probation:
 - a. When Family Court is in session contact the Probation Duty Officer.
 - 585-370-6726
 - b. When Family Court is not in session contact the on-call Probation Officer.
 - 585-478-0371
4. Process your arrest according to the specific instructions based on the juveniles age and the crime(s) committed.
5. Issue the handwritten Juvenile/Youth Part Appearance Ticket with the date and time given to you by the Probation Officer.
6. Email Probation Intake and the Juvenile Investigator/Coordinator the depositions, arrest report and appearance ticket the day/time of the arrest.
7. Complete the arrest package:
 - a. Juvenile Discovery Checklist
 - b. Include all original depositions and the Juvenile/Youth Part appearance ticket.
 - c. Place all digital evidence on the discovery drive labeled with JPO.
 - d. Submit the arrest package to the on-duty sergeant for review.

B. Arraignment and/or Detention (approved by probation)

1. Notify Parent/Guardian of Arrest.
2. Complete your investigation to include interviewing those involved and collecting evidence. Arrest packages must include first person depositions (serve as the

charging document) from anyone with firsthand involvement of the case to allow the Juvenile Prosecutor to file a petition. Firsthand involvement does include the victim and arresting investigator/ deputy. Additional depositions may need to be written by assisting personnel such as those who spoke with witnesses, collected evidence, and/or provided a support function in the arrest. The arresting investigator/deputy shall list at the bottom of their deposition what charges the JD is being charged with. Title the depositions to Family Court.

3. Contact the following:
 - a. When Family Court is in session:
 - i. Juvenile Prosecutor's Office 585-753-2890
 - ii. Probation Officer 585-370-6726
 - b. When Family Court is not in session:
 - i. On-Call Probation Officer 585-478-0371
4. Probation will collect relevant information and complete required Detention Risk Assessment Instrument (DRAI). Probation will provide results of DRAI and determine if arraignment and/or detention is warranted.
 - a. Arraignment:
 - i. Follow the most current Court/CAP juvenile schedule.
 - ii. Email the appropriate court the necessary paperwork prior to arrival.
 - iii. Arresting Deputy/Investigator will maintain custody of the youth until they have been transported to a facility or released by the judge.
 - If the juvenile is held:
 - Probation will contact secure detention and provide instructions
 - Provide the children's detention center with a copy of the adult arrest report.
 - b. Detention: (no court arraignment)
 - i. Probation Officer will contact Secure Detention and provide instructions.
 - ii. Provide the children's detention center with a copy of the juvenile arrest report.

Note: Pre-Petition Hearing Needed- In the rare event a youth is remanded to secure detention and won't be seen by a judge with-in the mandatory 72 hours period, Probation will contact the Juvenile Prosecutor's Office and provide instructions.
5. Process your arrest according to the specific instructions based on the juveniles age and the crime(s) committed.

6. Email Probation Intake and the Juvenile Investigator/Coordinator the depositions and arrest report the day/time of the arrest.
7. Complete the arrest package:
 - a. Juvenile Discovery Checklist
 - b. Include all original depositions.
 - c. Place all digital evidence on the discovery drive labeled with JPO.
 - d. Submit the arrest package to the on-duty sergeant for review.
- C. Central Records Responsibilities:
 1. Merge the case into LERMS and scan in the Arrest Package.
 2. Prepare the original documents to be delivered to court the following morning.
 3. Email the arrest package to the Juvenile Investigator/Coordinator and the CIS Clerk.
 4. Ensure the arrest paperwork is in the designated tray to be sent to the Welcome/Information Desk at the Hall of Justice.
- D. Juvenile Offender Unit Coordinator Responsibilities:
 1. Upload the initial paperwork to the K Drive: JPO Discovery folder.
 2. Ensure the entire arrest package is uploaded to LERMS.
 3. Upload the entire arrest package to the K Drive: JPO Discovery folder.
 4. Create a physical folder for the package.
 5. File the packages in a secure location.
 6. Complete a log of the cases.
 7. Maintain juvenile arrest statistics.
 8. Files all Monroe County Family Court and Monroe County Detention Center paperwork that the CIS Clerk digitally entered into the Juvenile Case Log.
 9. Assist investigators, patrol, clerks, and additional personnel with the steps to complete a juvenile arrest.
 10. Maintain a working relationship with Juvenile Probation, Juvenile Prosecutor's Office and Youth Part ADA's.
 11. Maintain familiarization with laws, updates, and current trends regarding juveniles.
- E. HQ Technician responsibilities:

1. Moves digital evidence labeled with JPO from the Discovery Drive to the K Drive: JPO Discovery folder

F. CIS Clerk Responsibilities

1. Covers the Juvenile Offender Unit Coordinator Responsibilities 1-7 if necessary.
2. Seals juvenile records in accordance with section 375.1(5) of the Family Court Act.
3. Enters all the Monroe County Family Court and Monroe County Detention Center paperwork into the Juvenile Case Log.

V. Adolescent Offender (AO) and Juvenile Offender (JO) Arrests (refer to Juvenile Arrest and Reporting Procedures Manual for detailed steps)

A. Notify a parent/guardian.

- B. Complete your investigation to include interviewing those involved and collecting evidence. Arrest packages must include accusatory instruments (per MBGO 017 Arrest Procedures) and first-person depositions (serve as the charging document if case is removed to Family Court) from anyone with firsthand involvement of the case to allow the Juvenile Prosecutor to file a petition. Firsthand involvement does include the victim and arresting investigator/deputy. Additional depositions may need to be written by assisting personnel such as those who spoke with witnesses, collected evidence, and/or provided a support function in the arrest. The arresting investigator/deputy shall list at the bottom of their deposition what charges the JD is being charged with. Title the depositions to Family Court. Title the Felony Complaint to "Monroe County Youth Part".**

C. Contact the DA's Office and Probation:

1. When Youth Part Court is in session:
 - a. Contact the Youth Part ADA. (If no answer contact the On-Call ADA)
 - 585-405-4103
 - b. Contact the ATD Probation Officer.
 - 585-370-6788
2. When Youth Part Court is not in session:
 - a. Contact the On-call ADA.
 - 585-746-5285
 - b. Contact the On-call Probation Officer.
 - 585-478-0371

D. ADA will advise to give an appearance ticket, expedited appearance ticket or transport to an arraignment before the Accessible Magistrate/CAP:

1. If the ADA advises to issue an Appearance ticket:
 - a. Complete the handwritten Juvenile/Youth Part Appearance Ticket directing the youth to appear on the date and time provided by the ADA.
2. If the ADA advised that an Arraignment is necessary:

- a. Follow the most current Court/CAP juvenile schedule.
 - b. Email the appropriate court the necessary paperwork prior to arrival.
 - c. Arresting Deputy/Investigator will maintain custody of the youth until they have been transported to a facility or released by the judge.
 - i. If the juvenile is held:
 - Probation will contact secure detention and provide instructions.
 - Provide the children's detention center with a copy of the adult arrest report.
- E Process your arrest according to the specific instructions based on the juveniles age and the crime(s) committed.
- F. Email Probation Intake and the Juvenile Investigator/Coordinator the accusatory instrument, depositions and arrest report and appearance ticket (if applicable) the day/time of the arrest.
- G. Complete the arrest package:
1. Juvenile Discovery Checklist.
 2. Include all original depositions.
 3. Place all digital evidence on the discovery drive.
 4. Submit the arrest package to the on-duty sergeant for review.
- H. Central Records Responsibilities:
1. Merge the case into LERMS and scan in the Arrest Package.
 2. Prepare the original documents to be delivered to court the following morning.
 3. Email the arrest package to the Juvenile Investigator/Coordinator and the CIS Clerk.
 4. Ensure the arrest paperwork is in the designated tray to be sent to the Welcome/Information Desk at the Hall of Justice.
- I. Juvenile Offender Unit Coordinator Responsibilities: Reference IV. D.
- J. HQ Technician responsibilities:
- Moves digital evidence labeled with JPO from the Discovery Drive to the K Drive: JPO Discovery folder
- K. CIS Clerk Responsibilities:
1. Covers the Juvenile Offender Unit Coordinator Responsibilities 1-7 if necessary.
 2. Seals juvenile records in accordance with section 375.1(5) of the Family Court Act.

3. Enters all the Monroe County Family Court and Monroe County Detention Center paperwork into the Juvenile Case Log.

VI. PINS (refer to Juvenile Arrest and Reporting Procedures Manual for detailed steps)

- A. Contact Probation for PINS questions and information.
- B. PINS Warrant:
 1. Notify Probation. The Probation Officer will instruct the deputy where the child should be returned to and provide any other pertinent information such as directing the parent/guardian to report to Family Court.
 2. Complete a Juvenile Arrest Report, serve the warrant in TYLER and have the warrant removed from NCIC.

VII. Fingerprinting (refer to Juvenile Arrest and Reporting Procedures Manual for detailed steps)

- A. Family Court Act (FCA) Section 306.1 requires fingerprints for:
 1. Youth who are 12 years old at the time of arrest when the alleged crime is a Class A or B felony, excluding B Felony attempts.
 2. Youth ranging in age from 13 to 15 at the time of arrest when the alleged crime is a felony excluding E felony attempts. This includes all felonies in New York State Law; it is not limited to penal law felonies. For 13 to 15 charged with a misdemeanor only a Juvenile Arrest Report is necessary.
- B. Children younger than 12 years old are not permitted to be fingerprinted.
- C. Juvenile Offenders are to be processed as adults with photographs and prints.
- D. Law enforcement agencies must submit the juvenile delinquent arrest fingerprint-based criminal history report containing the NYSID and CJTN provided by DCJS to Probation Intake with the JD Arrest File. If a youth subject to fingerprinting was issued an appearance ticket and not fingerprinted prior to release, the probation department should receive the appearance ticket and be notified that fingerprinting did not occur, and the reason for it not taking place.

VIII. Required Paperwork (refer to Juvenile Arrest and Reporting Procedures Manual for detailed steps)

Juvenile packages will contain all standard paperwork including a Juvenile Discovery Checklist and first-person depositions that are titled to Family Court. For AO/JO cases, the Felony Complaint is titled to Youth Part.

IX. Warrant – Juvenile Delinquent (refer to Juvenile Arrest and Reporting Procedures Manual for detailed steps)

- A. Serving a Juvenile Delinquency (Family Court) Warrant:
 1. The youth must be arraigned unless when accompanied by a new charge where the juvenile will be held in a secure detention facility.
 2. Contact Probation and during business hours also contact the Juvenile Prosecutor's Office.

3. Arraignment: See the most current Court/CAP schedule.
4. Complete a Juvenile Arrest Report, serve the warrant in TYLER and have the warrant removed from NCIC.

B. Filing for a Juvenile Delinquency Warrant:

1. Exhaust all avenues and document all attempts to locate the juvenile.
2. Contact the Juvenile Prosecutor's Office for direction and notify Probation.
3. Complete the arrest package.

X. Warrant – Adolescent Offender / Juvenile Offender (refer to Juvenile Arrest and Reporting Procedures Manual for detailed steps)

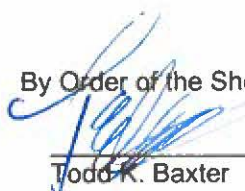
A. Serving an Adolescent Offender / Juvenile Offender (Youth Part) Warrant:

1. Contact the Youth Part ADA (business hours) or On-Call ADA (after hours) who will authorize an Appearance Ticket, Detention or Arraignment. If arraignment is necessary see the most current Court/CAP juvenile schedule.
2. Notify Probation.
3. Complete an Adult Arrest Report, serve the warrant in TYLER and have the warrant removed from NCIC.

B. Filing for an Adolescent Offender / Juvenile Offender Warrant:

1. Exhaust all avenues and document all attempts to locate the juvenile.
2. Contact the Youth Part ADA for direction and notify Probation.
3. Complete the arrest package.

By Order of the Sheriff,



Todd K. Baxter