



COBLESKILL POLICE DEPARTMENT

General Order

	SUBJECT Juvenile Procedures	GENERAL ORDER NUMBER 350.4
	DCJS STANDARDS 50.4	EFFECTIVE DATE October 1, 2018
		REVISION DATE
	APPROVAL Richard Bialkowski, Chief of Police 	

I. PURPOSE

- A. The purpose of this General Order is to establish guidelines for the handling of juvenile matters in the least constraining manner in accordance with NYS Penal Law (PL), NYS Criminal Procedure Law (CPL), the NYS Family Court Act (FCA), and other NYS laws and regulations as applicable.

II. DEFINITIONS

A. Juvenile Delinquent (JD):

1. A person at least seven years of age but less than 16 years of age who commits an act which would constitute a felony (**other than** a Juvenile Offender classified felony listed in § 10 subdivision 18 of the NYS Penal Law) if committed by an adult; or
2. A person at least seven years of age but less than 16 years of age who commits an act which would constitute a misdemeanor if committed by an adult; or
3. Effective 10/1/2018, a person at least 16 years of age but less than 17 years of age who commits an act which would constitute a non-Vehicle and Traffic Law misdemeanor (including violations that are part of the same criminal transaction) if committed by an adult; or
4. Effective 10/1/2019, a person at least 16 years of age but less than 18 years of age who commits an act which would constitute a non-Vehicle and Traffic Law misdemeanor (including violations that are part of the same criminal transaction) if committed by an adult; or
5. A person at least seven years of age but less than 16 years of age who violates the provisions of § 260.05 of the NYS Penal Law (Unlawful Possession of Weapons by Persons Under Sixteen).
6. Juvenile Delinquent cases are initiated in Schoharie County Family Court and are prosecuted by the Schoharie County Attorney's Office.

B. Juvenile Offender (JO):

1. Effective 10/1/2018, a person at least 13 years of age but less than 16 years of age who commits an act which would constitute a designated felony listed in § 10 subdivision 18 of the NYS Penal Law (including any crimes that are part of the same criminal transaction) if committed by an adult.
 - a. Felonies designated in § 10 subdivision 18 of the NYS Penal Law for persons age 13 are:
 - i. Murder in the Second Degree (PL § 125.25 subdivisions 1 and 2) or such conduct as a sexually motivated felony, where authorized pursuant to PL § 130.91.
 - b. Felonies designated in § 10 subdivision 18 of the NYS Penal Law for persons age 14 or 15 are:
 - i. Murder in the Second Degree (PL § 125.25 subdivisions 1, 2, and 3)
 - a. For subdivision 3 provided that the underlying crime for the murder charge is one for which such person is criminally responsible;
 - ii. Kidnapping in the First Degree (PL § 135.25);
 - iii. Arson in the First Degree (PL § 150.20);
 - iv. Assault in the First Degree (PL § 120.10 subdivisions 1 and 2);
 - v. Manslaughter in the First Degree (PL § 125.20);
 - vi. Rape in the First Degree (PL § 130.35);
 - vii. Criminal Sex Act in the First Degree (PL § 130.50 subdivisions 1 and 2);
 - viii. Aggravated Sexual Abuse in the First Degree (PL § 130.70);
 - ix. Burglary in the First Degree (PL § 140.30);
 - x. Burglary in the Second Degree (PL § 140.25 subdivision 1);
 - xi. Arson in the Second Degree (PL § 150.15);
 - xii. Robbery in the First Degree (PL § 160.15);
 - xiii. Robbery in the Second Degree (PL § 160.10 subdivision 2);
 - xiv. Criminal Possession of a Weapon in the Second Degree (PL § 265.03)

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- a. When such machine gun or such firearm is possessed on school grounds as that phrase is defined in PL § 220.00 subdivision 14;
- xv. Attempted Murder in the Second Degree
 - a. Or such conduct as a sexually motivated felony, where authorized pursuant to PL § 130.91; and
- xvi. Attempted Kidnapping in the First Degree
 - a. Or such conduct as a sexually motivated felony, where authorized pursuant to PL § 130.91.
- 2. Juvenile Offender cases are initiated in Schoharie County Court Youth Part and are prosecuted by the Schoharie County Attorney's Office.

C. Adolescent Offender (AO):

- 1. Effective 10/1/2018, a person at least 16 years of age but less than 17 years of age who commits an act that would constitute a felony (including any misdemeanors and/or violations that are part of the same criminal transaction) if committed by an adult; or
- 2. Effective 10/1/2019, a person at least 16 years of age but less than 18 years of age who commits an act that would constitute a felony (including any misdemeanors and/or violations that are part of the same criminal transaction) if committed by an adult.
- 3. Adolescent Offender cases are initiated in Schoharie County Court Youth Part and are prosecuted by the Schoharie County Attorney's Office.

D. Person In Need of Supervision (PINS):

- 1. A person less than 18 years of age who does not attend school in accord with the provisions of Part I of Article 65 of the NYS Education Law or who is incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of a parent or other lawful authority or who violates the provisions of § 221.05 of the NYS Penal Law (Unlawful Possession of Marihuana) (NYS Family Court Act § 712 (a)).

E. Runaway:

- 1. A person less than 18 years of age who has run away from home without just cause or in the reasonable opinion of a police officer has run away from home without just cause.
 - a. A police officer or peace officer may reasonably conclude that a child has run away from home when the child refuses to give his or her name or the name and address of a parent or other person legally responsible for such child's care or when the

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officer has reason to doubt that the name or address given are the actual name and address of the parent or other person legally responsible for the child's care (NYS Family Court Act § 718).

F. Detention Facility:

1. A facility certified and licensed by the NYS Office of Children and Family Services (OCFS) as a detention facility.
 - a. The Non-Secure Detention Facility for predetermination holding of Juvenile Delinquents and Juvenile Offenders for Schoharie County is Berkshire: Albany, 593 River Road, Glenmont, NY 12077 (518) 650-6137.
 - b. The Secure Detention (SD) Facility for predetermination holding for Juvenile Delinquents and Juvenile Offenders for Schoharie County is The Capital District Secure Juvenile Center, 838 Albany-Shaker Road, Albany, NY 12211 (518) 456-9399 ext. 234.
 - c. The Specialized Secure Detention (SSD) Facility for predetermination holding for Adolescent Offenders for Schoharie County is The Capital District Secure Juvenile Center, 838 Albany-Shaker Road, Albany, NY 12211 (518) 456-9399 ext. 234.

G. Respondent:

1. The person against whom a Juvenile Delinquency Petition is filed pursuant to § 310.1 of the NYS Family Court Act, provided, however, that any act of the respondent required or authorized under this order may be performed by the respondent's attorney unless expressly provided otherwise.

III. PROCEDURES

A. Non-Criminal Acts

1. Acts or conduct by a juvenile less than 16 years of age which does not amount to a crime or a violation of law are considered non-criminal per PL § 30.00 (Defense of Infancy).
 - a. Such acts or conduct would include family issues, truancy, NYS Vehicle & Traffic Law violations, or NYS Penal Law violations **other than** PL § 221.05 (Unlawful Possession of Marihuana) **or** PL § 265.05 (Unlawful Possession of Weapons by Persons Under Sixteen).
 - b. Non-criminal acts or conduct by a juvenile less than 16 years of age shall be handled as follows:

- i. The investigating officer will decide on the appropriate disposition, either referral to a parent or to an appropriate agency.

B. Criminal Acts

1. Juvenile Delinquent (JD) Cases

- a. Juvenile Delinquent cases shall be handled as follows:
 - i. Investigating officers shall comply with the provisions of Sections B (5), B (6), and B (7) below regarding Parental Notification, Questioning of Juveniles, and Recording of Juveniles During Questioning.
 - ii. After taking a juvenile into custody for Juvenile Delinquent charges, investigating officers shall complete all required paperwork including: an Incident Report; a Juvenile Arrest Report; a Juvenile Appearance Ticket (Probation); Schoharie County Family Court accusatory instrument(s); and any applicable supporting depositions.
 - a. Investigating officers shall complete and submit the required paperwork to a supervisor for review immediately after the arrest.
 - 1. If there is no supervisor on duty, the investigating officer shall notify the next regularly scheduled supervisor of the juvenile case and request a review of the paperwork by that supervisor.
 - b. In the case of an immediate arraignment of a juvenile per Section 9 below, the investigating officer shall complete any Family Court accusatory instrument(s) and attach any applicable supporting deposition(s) and provide the originals to the Family Court (if in session) or the accessible magistrate (if after-hours).
 - 1. The investigating officer shall make four photocopies of the accusatory instrument(s) and applicable supporting deposition(s) and distribute them as follows:
 - a. The original accusatory instrument(s) and applicable supporting deposition(s) shall be given to the Family Court Judge (if Family Court is in session) or the accessible magistrate (for after-hours arraignments);
 - b. Copy 1 shall be issued to the juvenile's parent or other person legally responsible for the juvenile's care;

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- c. Copy 2 shall be forwarded to the Schoharie County Attorney's Office;
 - d. Copy 3 shall be forwarded to the Schoharie County Probation Department; and
 - e. Copy 4 shall be retained by the Cobleskill Police Department.
- iii. Supervisors shall immediately review paperwork for appropriateness of action taken, completeness, clarity, etc. and approve if acceptable.
 - a. Unacceptable paperwork will be corrected as soon as possible by investigating officers and immediately resubmitted to a supervisor for review.
- iv. Once approved, supervisors should forward all appropriate paperwork to the Schoharie County Probation Department within 24 hours after the arrest.
 - a. If the paperwork cannot be forwarded to the Probation Department within 24 hours, the paperwork shall be forwarded to the Probation Department as soon as practicable.
- v. A Juvenile Appearance Ticket (Probation) shall be issued in lieu of an immediate arraignment when the case does not fit the immediate arraignment criteria listed in Section 9 (a) below.
 - a. Juvenile Appearance Tickets (Probation) shall be issued to a parent or guardian of the Juvenile Delinquent and shall require said parent or guardian to produce the Juvenile Delinquent at the Schoharie County Probation Department on a predetermined date and time.
 - 1. Juvenile Appearance Tickets (Probation) shall be made returnable on a Monday at 10:00 AM within 14 days after the arrest.
 - a. If the Monday falls on a holiday as designated by New York State, Juvenile Appearance Tickets (Probation) shall be made returnable on the next day after the holiday (Tuesday) at 10:00 AM.
 - 1. If an appearance on the next day after the holiday would place the appearance outside the 14-day limit, the appearance date shall be set for the Monday preceding the holiday.
 - 2. If a designated holiday requires that the juvenile appear at the Probation Department on a Tuesday, the investigating officer

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shall contact the Probation Department as soon as practicable after the arrest and make notification of the scheduled Tuesday appearance date.

- vi. If the Juvenile Delinquent does not fit the criteria for issuance of a Juvenile Appearance Ticket (Probation), the Juvenile Delinquent shall be arraigned in Schoharie County Family Court if the Family Court is in session per Section 9 (c) below.
 - a. If the Family Court is not in session, Juvenile Delinquents shall be arraigned per Section 9 (e) below.
 - b. Investigating officers shall ensure the submission of all appropriate paperwork at arraignment, including original accusatory instruments and supporting depositions, to the Schoharie County Family Court or the accessible magistrate as applicable.

2. Juvenile Offender (JO) Cases

- a. Juvenile Offender cases shall be handled as follows:
 - i. Investigating officers shall comply with the provisions of Sections B (5), B (6), and B (7) below regarding Parental Notification, Questioning of Juveniles, and Recording of Juveniles During Questioning.
 - ii. After taking a juvenile into custody for Juvenile Offender charges, investigating officers shall immediately complete all required paperwork including: an Incident Report; a Juvenile Arrest Report; Schoharie County Court Youth Part accusatory instrument(s); and any applicable supporting depositions.
 - iii. Juvenile Offenders shall be fingerprinted and photographed per Section 8 (b) (iv) below.
 - iv. The investigating officer shall make three photocopies of the accusatory instrument(s) and applicable supporting deposition(s) and distribute them as follows:
 - a. The original accusatory instrument(s) and applicable supporting deposition(s) shall be given to the Youth Part Judge or the accessible magistrate, as applicable;
 - b. Copy 1 shall be issued to the juvenile's parent or other person legally responsible for the juvenile's care;

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- c. Copy 2 shall be forwarded to the Schoharie County Attorney's Office;
- d. Copy 3 shall be retained by the Cobleskill Police Department.
- v. Investigating officers shall immediately submit all appropriate paperwork to a supervisor for review.
- vi. Supervisors shall immediately review paperwork for appropriateness of action taken, completeness, clarity, etc. and approve the paperwork if acceptable.
 - a. If there is no supervisor on duty, the investigating officer shall notify the next regularly scheduled supervisor of the juvenile case and request a review of the paperwork by that supervisor.
 - b. Unacceptable paperwork will immediately be corrected by the investigating officer and resubmitted to a supervisor immediately after correction.
- vii. Juvenile Offenders shall be arraigned in Schoharie County Court Youth Part per Section 9 (d) below.
 - a. If the Youth Part is not in session, Juvenile Delinquents shall be arraigned per Section 9 (e) below.
- viii. Investigating officers shall ensure the submission of all appropriate paperwork at arraignment, including original accusatory instruments and supporting depositions, to the Schoharie County Court Youth Part the accessible magistrate, as applicable.

3. Cases Involving Older Juveniles (Including Adolescent Offenders)

- a. Investigating officers shall comply with the provisions of Sections B (5), B (6), and B (7) below regarding Parental Notification, Questioning of Juveniles, and Recording of Juveniles During Questioning.

b. Non-Felony Acts

- i. Acts committed by a juvenile at least 16 years of age but less than 17 years of age (effective 10/1/2018) or at least 16 years of age but less than less than 18 years of age (effective 10/1/2019) which, if committed by an adult, would constitute a NYS Penal Law violation or a NYS Vehicle and Traffic Law misdemeanor or traffic infraction shall be handled as follows:

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- a. Juveniles age 16 or age 17 charged **solely** with NYS Penal Law violations or NYS Vehicle and Traffic Law misdemeanors or traffic infractions shall be handled in the local criminal court the same as with an adult defendant.
 - 1. Juveniles age 16 or age 17 charged with a fingerprintable NYS Vehicle and Traffic Law misdemeanor shall be fingerprinted and photographed pursuant to NYS CPL § 160.10 subdivision 1.
- ii. Juveniles age 16 (effective 10/1/2018) or age 17 (effective 10/1/2019) charged solely with misdemeanors **other than** NYS Vehicle and Traffic Law misdemeanors shall be handled in the same manner as a Juvenile Delinquent case outlined in Section B (1) (a) above.
 - a. Juveniles age 16 (effective 10/1/2018) or age 17 (effective 10/1/2019) charged with misdemeanors **other than** fingerprintable NYS Vehicle and Traffic Law misdemeanors shall not be fingerprinted or photographed.
- c. **Felony Acts (Adolescent Offenders)**
 - i. Juveniles age 16 (effective 10/1/2018) or age 17 (effective 10/1/2019) charged with felonies (including misdemeanors and/or violations that are part of the same criminal transaction) shall be handled as Adolescent Offenders as follows:
 - a. After taking a juvenile into custody for Adolescent Offender charges, Investigating officers shall complete all required paperwork including: an Incident Report; a Juvenile Arrest Report; a Juvenile Appearance Ticket (Youth Part), if applicable; Schoharie County Court Youth Part accusatory instrument(s); and any applicable supporting depositions.
 - b. Investigating officers shall complete and submit the required paperwork to a supervisor for review immediately after the arrest.
 - 1. If there is no supervisor on duty, the investigating officer shall notify the next regularly scheduled supervisor of the juvenile case and request a review of the paperwork by that supervisor.
 - c. Supervisors shall immediately review paperwork for appropriateness of action taken, completeness, clarity, etc. and approve if acceptable.
 - 1. Unacceptable paperwork will be corrected as soon as possible by investigating officers and immediately resubmitted to a supervisor for review.

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- d. Once approved, supervisors should forward all appropriate paperwork to the Schoharie County Attorney's Office within 24 hours after the arrest.
 - 1. If the paperwork cannot be forwarded to the Schoharie County Attorney's Office within 24 hours, the paperwork shall be forwarded to the Schoharie County Attorney's Office as soon as practicable.
- e. In the case of an immediate arraignment of a juvenile per Section 9 below, the investigating officer shall complete any Schoharie County Court Youth Part accusatory instrument(s) and attach any applicable supporting deposition(s) and provide the originals to the Youth Part (if in session) or the accessible magistrate (if after-hours).
 - 1. The investigating officer shall make three photocopies of the accusatory instrument(s) and applicable supporting deposition(s) and distribute them as follows:
 - a. The original accusatory instrument(s) and applicable supporting deposition(s) shall be given to the Youth Part Judge (if Youth Part is in session) or the accessible magistrate (for after-hours arraignments);
 - b. Copy 1 shall be issued to the juvenile's parent or other person legally responsible for the juvenile's care;
 - c. Copy 2 shall be forwarded to the Schoharie County Attorney's Office;
 - d. Copy 3 shall be retained by the Cobleskill Police Department.
- f. An Adolescent Offender shall be fingerprinted and photographed pursuant to NYS CPL § 160.10 subdivision 1.
- g. A Juvenile Appearance Ticket (Youth Part) shall be issued in lieu of an immediate arraignment when the case does not fit the immediate arraignment criteria listed in Section 9 (a) below and when:
 - 1. The Adolescent Offender is charged with only class E felonies other than the following class E felonies:
 - a. PL 130.25 (Rape in the Third Degree);
 - b. PL 130.40 (Criminal Sexual Act in the Third Degree);

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- c. PL 205.10 (Escape in the Second Degree);
 - d. PL 205.17 (Absconding from Temporary Release in the Second Degree);
 - e. PL 205.19 (Absconding From a Community Treatment Facility); or
 - f. PL 215.56 (Bail Jumping in the Second Degree).
- h. Juvenile Appearance Tickets (Youth Part) shall be issued to a parent or guardian of the Adolescent Offender and shall require said parent or guardian to produce the Adolescent Offender at the Schoharie County Court Youth Part on a predetermined date at 1:00 PM on days when Youth Part is in session (i.e., weekdays except for holidays) but no later than 14 days after the date of the arrest.
- 1. Special arrangements for an earlier or later arraignment time may be made with the Youth Part by contacting either the Chief Clerk or Deputy Chief Clerk of the Court.
- i. If the Adolescent Offender does not fit the criteria for issuance of a Juvenile Appearance Ticket (Youth Part), the juvenile shall be arraigned in Schoharie County Court Youth Part if the Youth Part is in session per Section 9 (d) below.
- 1. If the Youth Part is not in session, Adolescent Offenders shall be arraigned by the most accessible designated magistrate per Section 9 (e) below.
 - 2. Investigating officers shall ensure the submission of all appropriate paperwork at arraignment, including original accusatory instruments and supporting depositions, to the Schoharie County Court Youth Part or the accessible magistrate, as applicable.

4. PL 221.05 (Unlawful Possession of Marihuana) Cases

- a. Persons under the age of 16 who are found to be unlawfully in possession of marihuana contrary to the provisions of § 221.05 of the NYS Penal Law may be referred to Family Court as a Person in Need of Supervision (PINS) by filing a PINS petition with the Family Court.
- b. Cases involving persons 16 years of age or more who are found to be unlawfully in possession of marihuana contrary to the provisions of § 221.05 of the NYS Penal Law

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shall be handled in the local criminal court the same as with an adult defendant as per Section B (3) (b) (i) above.

5. Parental Notification

- a. Per NYS CPL §§ 140.20 (6) and 140.27 (5), upon an officer taking into custody an alleged Juvenile Delinquent, Juvenile Offender, or Adolescent Offender without a warrant, the investigating officer or a supervisor shall immediately notify the parent or other person legally responsible for the juvenile's care or the person with whom the juvenile is domiciled that the juvenile is in custody and the location of the facility where the juvenile is being detained.
 - i. Every reasonable attempt shall be made to complete the above notification.
 - ii. All attempts to make the above notification shall be documented by the investigating officer.

6. Questioning of Juveniles

- a. Any questioning of an alleged Juvenile Delinquent, Juvenile Offender, or Adolescent Offender shall take place for a reasonable period of time at the juvenile's residence (with the consent of a parent or other person legally responsible for the care of the juvenile) or at a facility designated for such questioning by the NYS Office of Court Administration per 22 NYCRR 205.20.
 - i. The Interview Room at the Cobleskill Police Department has been designated for such questioning by the NYS Office of Court Administration.
 - a. The NYS OCA designation certification is on file at the Cobleskill Police Department and a copy of same appears at the end of this General Order.
- b. Per NYS CPL §§ 140.20 (6) and 140.27 (5), a juvenile or shall not be questioned unless he or she and a person required to be notified pursuant to this subdivision, if present, have been advised:
 - i. Of the juvenile's or such person's right to remain silent;
 - ii. That the statements made by him or her may be used in a court of law;
 - iii. Of his or her right to have an attorney present at such questioning; and
 - iv. Of his or her right to have an attorney provided for him or her without charge if he or she is unable to afford counsel.

- c. In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile, his or her age, the presence or absence of his or her parents or other persons legally responsible for the juvenile's care, and notification pursuant to this subdivision shall be included among relevant considerations.
- d. Other criteria to consider when interviewing a juvenile are:
 - i. The age of the juvenile;
 - ii. The time of day;
 - iii. The number of officers conducting the interview (no more than two); and
 - iv. The duration of the interview.
- e. All statements should be made in writing whenever possible, and the juvenile and his or her parent or other person legally responsible for the juvenile's care should sign any statements.

7. Recording of Juveniles During Questioning

- a. Audio and video recording of questioning of juveniles should be performed whenever possible.
- b. Mandated video and audio recording of questioning of juveniles shall be performed when the juvenile is to be charged with any of the following offenses:
 - i. Class A-I non-drug felonies;
 - ii. All Class A-II felonies codified in PL § 130.95 (Predatory Sexual Assault) and PL § 130.96 (Predatory Sexual Assault Against a Child);
 - iii. All Class B violent felonies codified in PL § 125 (Homicide); or
 - iv. All Class B violent felonies codified in PL § 130 (Sex Offenses).
- c. Recorded interviews shall be conducted and preserved per Cobleskill Police Department General Order 208.

8. Fingerprinting and Photographing of Juveniles

- a. Voluntary fingerprinting and/or photographing of juveniles for non-criminal reasons such as for use in safety identification documents may be performed only after written permission is received from the juvenile's parent or legal guardian.

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- i. Fingerprints and photographs taken for non-criminal reasons shall be turned over to the juvenile's parent or legal guardian and shall not be retained by the Cobleskill Police Department.
- b. Fingerprinting and photographing of juveniles in the following criminal cases shall be performed in accordance with §§ 301.2(1) and 306.1 of the Family Court Act and § 160.10(1) of the Criminal Procedure Law.
 - i. A juvenile who is at least 16 years of age but less than 18 years of age and is charged only with traffic infractions or violations may not be fingerprinted or photographed.
 - ii. A juvenile who is at least 16 years of age but less than 17 years of age (as of 10/1/2018) or a juvenile who is at least 16 years of age but less than 18 years of age (as of 10/1/2019) who is charged only with misdemeanors (other than Vehicle and Traffic Law misdemeanors) may not be fingerprinted or photographed as he or she is considered a Juvenile Delinquent.
 - iii. A juvenile who is 11 years of age or older who is charged with an act which, if committed by an adult, would constitute a Class A or Class B felony shall be fingerprinted and photographed.
 - iv. A juvenile who is 13 years of age or older who is charged with an act which, if committed by an adult, would constitute a Class A, B, C, D or E felony shall be fingerprinted and photographed.
 - v. A juvenile who is at least 16 years of age or older who is charged with a felony or a fingerprintable Vehicle and Traffic Law misdemeanor shall be fingerprinted and photographed.
- c. Processing, fingerprinting and photographing of juveniles shall not take place in the same area where there are any adult detainees present.
 - i. If there any adult detainees present in the processing area, investigating officers shall wait until all adult detainees have left the area before processing, fingerprinting, or photographing a juvenile.

9. Immediate Arraignments of Juveniles

- a. Immediate arraignments of juveniles will be performed in the following situations:
 - i. The juvenile is taken into custody on a Juvenile Delinquent warrant, Juvenile Offender warrant, or Adolescent Offender warrant issued by Schoharie County Family Court or Schoharie County Court Youth Part as applicable;

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- ii. The juvenile is charged as a Juvenile Offender;
 - iii. The juvenile's identity is uncertain, or the parent or other person legally responsible for the juvenile's care or the person with whom the juvenile is domiciled cannot be contacted;
 - iv. The investigating officer has reasonable cause to believe that the juvenile's criminal actions will continue;
 - v. The juvenile is currently domiciled with an alleged victim of the juvenile's act(s) and release of the juvenile back to said domicile would allow the juvenile continued contact with the alleged victim;
 - vi. The investigating officer or the parent or other person legally responsible for the juvenile's care or the person with whom the juvenile is domiciled has reasonable cause to believe that the juvenile will not appear at the Schoharie County Probation Department or at the Schoharie County Court Youth Part, as applicable.
- b. An investigating officer who seeks the immediate arraignment of a juvenile in situations iii., iv., v. and/or vi. of Section 9 (a) above must be able to support the decision for immediate arraignment during future court proceedings.
 - c. Juvenile Delinquents shall be arraigned in the Schoharie County Family Court if the Family Court is in session.
 - i. If the Family Court is not in session, Juvenile Delinquents shall be arraigned per Section 9 (e) below.
 - d. Juvenile Offenders and Adolescent Offenders shall be arraigned in the Schoharie County Court Youth Part if the Youth Part is in session.
 - i. Youth Part arraignments during regular Youth Part hours will be entertained at 1:00 PM on days when court is in session (i.e., weekdays except for holidays).
 - a. Special arrangements for an earlier or later arraignment time may be made with the Youth Part by contacting either the Chief Clerk or Deputy Chief Clerk of the Court.
 - ii. If the Youth Part is not in session, Juvenile Offenders and Adolescent Offenders shall be arraigned per Section 9 (e) below.
 - e. After-Hours Arraignments

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- i. Arraignments outside of regular Schoharie County Family Court or Schoharie County Court Youth Part hours shall be performed by the most accessible designated magistrate.
 - a. Accessible magistrates are designated by the Appellate Division to act as Youth Part in order to determine if the juvenile should be detained.
 - b. A list of accessible magistrates serving Schoharie County is kept on file at the Cobleskill Police Department.
- ii. If an after-hours arraignment of a juvenile is performed which results in the detention of a juvenile, the detained juvenile must be produced in Schoharie County Family Court or Schoharie County Court Youth Part the next day that the Family Court or Youth Part is in session.
 - a. Per current protocol, the Schoharie County Sheriff's Department and the Schoharie County Department of Social Services will be responsible for transporting the detained juvenile to the detention facility and from the detention facility to Schoharie County Family Court or Schoharie County Court Youth Part for said appearance.

IV. Forms and Documentation

A. Juvenile Appearance Ticket (Probation/Schoharie County Court Youth Part)

1. The Juvenile Appearance Ticket consists of a three-part carbon-less ticket which is completed by the investigating officer and directs the juvenile and the juvenile's parent or other person legally responsible for the juvenile's care to personally appear at a designated time on a designated date at either the Schoharie County Probation Department (for Juvenile Delinquent cases) or the Schoharie County Court Youth Part (for Juvenile Offender or Adolescent Offender cases), as applicable, in connection with the crime(s) allegedly committed by the juvenile.
2. The Juvenile Appearance Ticket shall be completed by the investigating officer and must clearly indicate whether the Juvenile Appearance Ticket is being issued as a Juvenile Delinquent case under NYS Family Court Act § 307.1 or as an Adolescent Offender case under NYS Criminal Procedure Law § 150.20.
 - a. The investigating officer shall also clearly indicate the appropriate date, time and location of the appearance (either the Schoharie County Probation Department for Juvenile Delinquent cases or the Schoharie County Court Youth Part for Adolescent Offender cases).

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3. The Juvenile Appearance Ticket shall be distributed by the investigating officer as follows:
 - a. The original shall be forwarded to the Schoharie County Probation Department or the Schoharie County Court Youth Part as applicable;
 - b. Copy 1 shall be issued to the juvenile's parent or other person legally responsible for the juvenile's care; and
 - c. Copy 2 shall be retained by the Cobleskill Police Department.

B. Schoharie County Family Court/Schoharie County Court Youth Part Accusatory Instrument

1. Examples/templates for Schoharie County Family Court and Schoharie County Court Youth Part accusatory instruments are saved on the department's server computer.
2. If based on information and belief (as opposed to being based on an officer's own knowledge), accusatory instruments shall be based on supporting depositions(s) which contain non-hearsay allegations of fact which, if true, support each and every element of each of the crime(s) charged in the accusatory instrument(s) and the respondent's/defendant's commission thereof.
3. Three photocopies of each accusatory instrument and its supporting deposition(s) shall be made and distributed by the investigating officer as follows:
 - a. The original documents shall be forwarded to the Schoharie County Probation Department (for Juvenile Delinquent cases) or the Schoharie County Court Youth Part (for Juvenile Offender or Adolescent Offender cases) as applicable.
 - b. Copy 1 shall be given to the juvenile's parent or other person legally responsible for the juvenile's care if the juvenile is to be arraigned immediately.
 - i. If the juvenile is to be released on a Juvenile Appearance Ticket, Copy 1 shall be forwarded to the Schoharie County Attorney's Office with Copy 2.
 - c. Copy 2 shall be forwarded to the Schoharie County Attorney's Office (for both Family Court and Youth Part appearances).
 - d. Copy 3 shall be retained by the Cobleskill Police Department.

V. Juvenile Records

- A. Juvenile records shall be kept separate from adult records as required by applicable law.

Cobleskill Police Department

- B. It shall be the responsibility of the Cobleskill Police Department to collect, disseminate and retain juvenile records as required by applicable law.