

JUVENILE OPERATIONS

STANDARD NO(S)

NYSLEAP 50.4

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REFER TO:

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I. OBJECTIVE:

To establish guidelines for the conduct of investigations of cases involving juveniles; for participation in the preparation of Family Court cases; and for the development and perpetuation of programs intended to prevent delinquent and criminal behavior by juveniles.

II. POLICY:

Recognizing that for the youth of any society to undertake criminal activity is destructive and costly in terms of both human and economic resources, the SCSO and all its members are dedicated to prevent and control juvenile delinquency as well as any diminution in respect for the law by the youth of the community. The coordination of such activity shall be the primary responsibility of a section established for this purpose.

III. Details:

A. The SCSO has established and maintains a component known as the Family Services Unit that, among other duties, assumed the duties of the former Juvenile Aid Bureau. (See policy 5-13 Family Services Unit). Activities of the Family Services Unit related to Juvenile Operations include but are not be limited to:

1. Designing and implementing programs intended to prevent, or at least control, delinquent and criminal behavior by youths;
2. Follow-up processing of youth arrests;
3. Coordinating or preparing court cases in which a juvenile offender is involved;
4. Diverting juvenile offenders out of the juvenile justice system and adjusting cases; and,
5. Providing in-service training in juvenile procedures to members of the SCSO, as needed.

The above activities shall form the core around which other endeavors may be undertaken as needs dictate.

B. The Family Services Unit (FSU) is an organizational component within the Criminal Investigation Division (CID), and consists of two investigators.

Responsibilities of the members assigned to the FSU fall within the unique procedural aspects of the juvenile justice system, the problems and needs of youth, and are intended to be discharged with the specialization required in juvenile matters. Specifically, the FSU shall:

1. Insofar as is possible, assume control of any SCSO investigation which involves one or more juvenile suspects;
2. Assist other SCSO members in juvenile cases; and,
3. Maintain liaison with other agencies and organizations interested in juvenile matters.

Although juvenile matters are primarily the responsibilities of FSU, they shall be willingly shared by all SCSO members assigned to a law enforcement function. It is particularly important that investigators and road patrol personnel be familiar with handling juvenile problems, both criminal and noncriminal.

C. The SCSO, through the activities of the FSU, shall encourage the review and comment by other agencies in the juvenile justice system as they may pertain to the SCSO's policies and procedures. Agencies that may be heard on juvenile matters are the New York State Office of Children & Family Services and, within Seneca County, the Department of Social Services, Seneca County Attorney's Office, Seneca County Family Court, Seneca County Youth Part Court, the Department of Probation, the Youth Bureau, and the Youth Court. In the event such review indicates that a change should be made in SCSO's procedures, the change shall be evaluated and processed through the chain of command for approval prior to implementation.

D. SCSO members should be aware of the terms, which appear regularly in the handling of juvenile matters. Selected ones are noted below for ready reference:

1. Infancy - A defense described in the Penal Law which states that a person less than 16 years of age is not criminally responsible for his conduct.
2. PINS (person in need of supervision) - A person, less than 18 years of age, who is truant or incorrigible, or who is ungovernable or habitually disobedient and beyond the lawful control of a parent or other authority, or who is in possession of marihuana and is deemed to be in need of supervision or treatment as prescribed by the family court.
3. Juvenile offender - A person who is 13, 14, or 15 years of age and who is criminally responsible for his conduct as it applies to certain serious felonies as enumerated under paragraph 18 of section 10.00 of the New York State Penal Law. Juvenile offenders are prosecuted by the District Attorney.

4. Juvenile delinquent - A person over 7 and less than 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, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article 725 of the CPL. Actions against juvenile delinquents are handled by the County Attorney.

5. Designated felony - An act which, if done by an adult, would be a crime as defined in the Family Court Act, Section 301.2(8) and variously affecting persons 13, 14 or 15 years of age. Since these persons are also juvenile delinquents, actions involving a designated felony are handled by the County Attorney. To distinguish between the status of juvenile offender and a juvenile accused of committing a designated felony, see chart at the end of this section.

6. Intake - The process comparable to the commencement of a criminal action as described in the Criminal Procedure Law, but applicable to juvenile delinquents. In Seneca County this function is performed by the Probation Department, acting on a petition (Family Court Deposition) prepared by the County Attorney's office at the request of the SCSO investigator, or in some cases, at the request of a parent or guardian as the complainant.

7. Adolescent Offender (AO)—Pursuant to “Raise The Age N.Y.” legislation any individual who is age 16 who has committed a felony effective 10/01/2018 and any individual age 17 who has committed a felony effective 10/01/2019. (Refer to section **T.** of this policy).

E. The decision to refer a juvenile to intake rests largely with the investigator who, by virtue of a thorough investigation, is in a position to determine what course of action will best serve justice. Some of the factors that may influence the decision for or against intake are:

1. The seriousness of the offense as judged by its nature, the use of a weapon, whether gang-related, premeditated, or whether the juvenile was under the influence of alcohol or drugs;
2. The juvenile's history of criminal activities and recent of similar conduct;
3. The juvenile's status with respect to official supervision; and,
4. The effectiveness of juvenile's participation in any previous rehabilitation programs, including his attitude toward parental supervision.

F. If, considering his age and conduct, the juvenile qualifies as a juvenile offender within the meaning of the term as described above, there shall be no discretion concerning disposition of his case and he shall be petitioned into Family Court, regardless of his history for compliance with supervision.

G. Members of the SCSO who are dealing with juveniles shall take the least coercive action among reasonable alternatives consistent with preserving public safety, order

and individual liberty. Specifically, in an effort to seek the least forceful disposition of a juvenile case, the juvenile shall be dealt with in one of the following ways:

1. Release with no further action, or
2. Conference involving the juvenile, his parents and the investigator, or
3. Voluntary and prolonged program of treatment involving the participation of one or more agencies providing social or supervisory services, or
4. Referral through petition into Family Court.

H. Patrol officers who elect not to make a custody arrest should complete a juvenile arrest report and forward a copy to the FSU. If appropriate, the FSU will issue an appearance ticket under Section 307.1 of the Family Court Act directing the juvenile to probation intake.

Guidelines for use of the family court appearance ticket are as follows:

1. The juvenile should be regarded as posing a threat neither to himself nor to the safety or property of others.
2. The criteria set out in paragraph F. above shall be considered in assessing the appropriateness of the appearance ticket.
3. If the crime to be charged is a designated felony, the return date on the ticket shall be no later than 72 hours, excluding Saturdays, Sundays and public holidays after issuance.
4. If the crime to be charged is not a designated felony, the return date shall be no later than 14 days after issuance.
5. A copy of the appearance ticket shall be forwarded to the complainant, the juvenile, the juvenile's parent or guardian and the Probation Department.

I. Custody, as it applies to juvenile matters is twofold. One is in the conventional sense of being an arrest that restricts the liberty of the arrestee; the other encompasses the concept of protective custody for juveniles who have been harmed or are in danger of harm.

This paragraph will deal with the former meaning; the latter in ¶ **O** below.

1. Section 305.2 of the Family Court Act sets out the authority for a police officer's arrest of a juvenile without a warrant, which authority is derived from Article 140 of the Criminal Procedure Law as it applies to the arrest of any person for a crime.

The same rules affecting the seizing of evidence and the securing of admissions following the arrest of an adult are applicable to the arrest of a juvenile under this

section, including the requirement that the juvenile be notified of his constitutional rights.

2. The officer effecting such an arrest is required to make immediate notification to the juvenile's parent or guardian, or if unavailable, to the person with whom he resides, that the juvenile has been taken into custody. After making every reasonable effort to give such notice, the officer shall take one or more of the following actions:

a. If the child has allegedly committed a designated felony as defined in FCA 301.2(8), and the family court is in session, the officer shall forthwith take the child directly to such family court, unless the officer takes the child to a facility for questioning (see paragraph V. below), or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there conduct questioning for a reasonable period of time. The decision to proceed directly to family court or to a place for questioning should be made after consultation with a FSU investigator.

If the family court is not in session, that is, outside of regular court hours or a family court judge is not available, and questioning is or is not conducted, the officer must release the child upon issuance of an appearance ticket to the child and to the person into whose custody the child is released; or, if circumstances warrant, the officer may take the child to a detention facility. Again, before acting on any of these alternatives, an on-call investigator should be contacted. Under no circumstances will a juvenile be detained in an adult detention facility.

b. If the child is accused of committing a crime that is not a designated felony, and the family court is in session, the child must be released with an appearance ticket (see paragraph J. above), or taken forthwith to the court. Note that in these circumstances, detention is precluded. When the court is not in session, the child must be released and an appearance ticket issued unless special circumstances exist that would justify detention. An on-call investigator should be contacted before taking the latter action since temporary detention is allowable only when there is substantial risk that the juvenile will not appear in court or a substantial risk that the juvenile will commit another crime.

3. A juvenile may also be taken into custody upon the authority of a family court warrant signed by a family court judge commanding his appearance in court. Such a warrant may be issued for a juvenile offender, a juvenile delinquent, or for a PINS. It may be based on the juvenile's failure to appear for a court date or a probation meeting. The options set out under paragraph 2 above are applicable to a warrant arrest, except for subparagraph a. (release with an appearance ticket).

J. Noncustodial interview of a person under the age of 16, who is a victim or a potential witness, may occur and statements may be taken under "reasonable circumstances." Reasonable circumstances depend upon age, emotional state, mental acuity, time of day and the anticipated duration of the interview. Experience has

shown that, whenever possible, the interview should be conducted with the consent of the parent or guardian.

K. Custodial interrogation of a juvenile is covered under Section 305.2 of the Family Court Act which notes that the presence or absence of the child's parents, his age, and the period of time for questioning will all be considered relevant in determining whether such interrogation was suitable. The following procedures will govern such activity by members of the SCSO:

1. Questioning may occur only in an approved, designated facility (see paragraph V. below) or alternatively, and with the parent's consent, in the juvenile's own residence.
2. Every reasonable effort must be made to notify the juvenile's parent or guardian that the juvenile is in custody and of his location.
3. Questioning must await the arrival of the juvenile's parent or guardian, unless such person has elected not to be present and/or has given express permission to proceed in his absence. In the event that a parent or guardian cannot be located, permission for the questioning should be sought from another close family member who is at least 18 years of age. For serious crimes, consideration should be given to requesting the assistance of a police officer from another jurisdiction in an attempt to locate a parent or guardian who is temporarily outside of Seneca County.
4. Both the juvenile and the parent or guardian must be advised:
 - a. Of the child's right to remain silent;
 - b. That the statements made by the child may be used in a court of law;
 - c. Of the child's right to have an attorney present; and,
 - d. Of the child's right to have an attorney provided for him without charge if he is indigent.
5. If the juvenile agrees to proceed without an attorney being present, the SCSO member will read the appropriate Miranda (For Juveniles) Notification and Waiver (SCSO-LE-050) to the juvenile and parent or legal guardian and record in the spaces provided, the responses given by both the juvenile and parent or legal guardian to the questions asked by the SCSO member. The SCSO member after recording these responses will request the juvenile and parent or legal guardian to sign and date the Miranda (For Juveniles) Notification and Waiver Form. The SCSO member will attest to the Miranda (For Juveniles) Notification and Waiver by signature, date and time. The parent or guardian should be requested to sign as a witness.
6. The juvenile shall be informed of the responsibilities and procedures of the SCSO and of the juvenile justice system in the matter at hand.

7. Questioning shall be limited to a reasonable period of time and at no time shall there be more than two investigators present during the interrogation.

L. Authorization for the fingerprinting and photographing of persons who are alleged to be juvenile delinquents and limitations on their collection, dissemination and retention are set out under Section 306.1 of the Family Court Act. FSU investigators shall be responsible for insuring compliance (ages 11 to 12 for A or B felony - 13 to 15, any felony). Other forms of identification pertaining to juveniles may be secured by court order or with the consent of the juvenile and his parent or guardian. In addition, a juvenile may be fingerprinted and photographed when the investigator:

1. Is unable to ascertain the juvenile's identity, or
2. Reasonably suspects that the identification given by the juvenile is not accurate.

M. Taking a juvenile into protective custody is also authorized when there is justification for such action; however, persons so apprehended shall be placed in the least restrictive environment, which insures safety and supervision. The parental home, a non-secure detention facility, or release into the care of the Department of Social Services are alternatives in this regard. Juveniles subject to being taken into custody for their own protection include:

1. An abandoned, abused or neglected child;
2. One who is suffering from illness or injury, or who is under the influence of alcohol or drugs;
3. One who is in immediate danger from his surroundings;
4. A runaway (less than 18 years old) reported by a person of legal responsibility; or who, to an officer, reasonably appears to be a runaway (see FCA §718).
 - a. If there is probable cause to believe the child is a runaway the officer must reach a reasonable conclusion as to whether the child has run away with just cause due to a possible abuse or neglect situation. In that case, the officer should contact the child abuse hotline and the local child protective facility and request assistance in arranging for care.
 - b. If the officer concludes that the child has run away without just cause, the officer must either return the runaway to a parent or other person legally responsible for the child's care OR seek to have the child placed at a local child care facility through the Family Court if during regular court hours. Note the requirement for consultation with a FSU investigator as set out in ¶ K above.
 - c. Detention of a runaway is, in effect, an arrest and the officer can use whatever reasonable force is necessary to make the arrest, prevent escape or to defend oneself or a third party from what the officer reasonably believes to be the use or imminent use of physical force.

The reasonableness of the force used is judged from the perspective of the reasonable officer taking into account factors such as severity of the matter or crime at issue, whether the person poses an immediate threat to the safety of self, another or officer, or whether the person is actively resisting arrest or attempting to evade arrest by flight.

d. Officers must discharge the responsibilities mandated by the FCA §718. Upon reaching a reasonable conclusion that a person is a runaway, the first preference is that the officer return the person home. However, if that cannot be reasonably and safely accomplished and the officer acts in such a manner to reasonably safeguard the person's well-being and prevent further runaway behavior, then the officer should seek to have the person detained.

5. Any other situation in which custody is in keeping with the paramount issue of the juvenile's safety.

N. Diversion, as it applies to handling a juvenile offender, means any lesser alternative, which is substituted for one, which might be imposed within the juvenile justice system. The rationale for its use is to impose a more moderate punishment (or treatment) in an effort to encourage the offender to accept rehabilitation and to alter his behavior to that which is acceptable in the community. The decision to divert a juvenile offender from the system shall be taken only after consideration of the following factors:

1. The nature of the alleged offense;
2. The age and family circumstances of the accused;
3. Prior record of the accused;
4. The availability of community based rehabilitation programs;
5. Attitude of the accused and the likelihood of his acceptance of rehabilitation efforts;
6. Input from the appropriate social agency, if necessary; and,
7. Input of victim/complainant. If a recommendation for diversion is received from a victim or complainant, such recommendation shall be documented in the disposition of the case.

O. Apart from diverting a juvenile to a social service agency, or petitioning him into Family Court, law enforcement agencies have a wide range of alternative remedies that they, themselves, may employ. "Station house" warnings, informal referrals, counseling referrals, consulting with and arranging for appropriate corrective action by parents, and dropping the charges altogether are examples of such alternative actions.

The following procedures shall be considered as possible courses of action when a juvenile is to be released, but some adjustment is indicated:

1. When a juvenile is deemed not to be a continual threat to himself or others, he may be released to a parent, legal custodian, or a responsible adult relative provided the person receiving the juvenile has indicated a willingness and capacity to exercise reasonable care and control over the juvenile to prevent his immediate resumption of the conduct which brought him to the attention of the SCSO.

2. A warning letter calling the attention of the juvenile and his parent or guardian to the consequences of juvenile's continued misconduct may be prepared by the investigator.

3. The investigator may make an informal referral to the probation department, suggesting some follow-up corrective action. In some cases a juvenile offender, as part of his diversion, may be placed on "informal probation" by the Probation Department. This entails signing an agreement to certain conditions such as observing a curfew, associating with undesirables, frequenting a specified location, etc.

FSU investigators are aware of such probationers and periodically notify the Road Patrol of their names so that if seen to engage in activities in contravention of the probationary terms, such information will be forwarded to the FSU for appropriate action.

4. The investigator may refer the juvenile and his parent to the Center for Dispute Settlement in an effort to resolve a behavior problem voluntarily as a condition for adjustment.

5. Youth Court is another alternative action that may be taken concerning delinquent youths. Peers determine the conditions of action against the youth, such as community service, curfew, etc. Both youth and parents sign an agreement to abide by the decision and the sentence imposed by the Youth Court.

6. If, in the opinion of the investigator, there is little assurance that the juvenile will receive the necessary care and control; or, that there appears to be a substantial risk that he will continue in a criminal activity; or, that he may become a runaway, the investigator should consider placement in a Youth Care Facility, Detention Center, or any other placement that may be appropriate. Secure detention is used only for a juvenile accused of a misdemeanor or felony.

7. Under no circumstances will a juvenile be released if there is probable cause to believe that he has committed those crimes specified in Article 30 of the New York State Penal Law (Defense of Infancy). This situation requires that the juvenile be detained in the appropriate facility.

P. Juvenile records - Confidentiality is nowhere more important than in dealing with juveniles. The SCSO is required by law to keep records and results of juvenile cases in strict confidence. Section 381.3 of the Family Court Act states:

"1. All police records relating to the arrest and disposition of any person under this article shall be kept in files separate and apart from the arrests of adults and shall be withheld from public inspection.

"2. Notwithstanding the provisions of subdivision one, the family court in the county in which the petition was adjudicated may, upon motion and for good cause shown, order such records open:

(a) to the respondent or his parent or person responsible for his care; or

(b) if the respondent is subsequently convicted of a crime, to a judge of the court in which he was convicted, unless such record has been sealed pursuant to section 375.1.

"3. An order issued under subdivision two must be in writing."

All SCSO members are to be alert to any request made for information pertaining to a juvenile or his case, and must be certain that the person requesting the information has a legal right to receive it. Any doubt shall be resolved by referring the matter through the chain of command.

1. Destruction of juvenile records shall be in accordance with New York State and Seneca County retention schedules.

2. Upon receipt of a court order to expunge records pertaining to a juvenile, all such records shall be destroyed without delay.

3. Access to records pertaining to juveniles shall be obtained only through those members who are assigned to the Juvenile Aid Bureau and who are responsible for the generation, collection and retention of such records, except that in certain circumstances access may be obtained through the Sheriff or a designee.

Q. Recreational youth programs are generally conducted under the auspices of the various municipalities within Seneca County; however, upon request the SCSO shall participate by providing safety instruction to those engaged in certain recreational activities. Examples of such participation include bicycle rodeos, boating safety courses, and an annual appearance at the Seneca County Safety Fair where the SCSO exhibits equipment, gives demonstrations and safety instructions.

R. Social service and similar agencies which provide services to youths in and around Seneca County are listed below and shall be updated by the FSU at least annually. These may be of value when considering diversion as an alternative to referring a person into the juvenile justice system.

1. Employment -

a. New York State Job Services

b. Seneca County Workforce Development

c. Job Connection- Youth Bureau

2. Drug or Alcohol Concerns -

a. Alcoholism Clinic Services

b. Youth Counseling Services

c. Al- Ateen and Al- Anon

d. Finger Lakes Alcohol Counseling & Referral

e. Addictions Recovery Center Clifton Springs Hospital

f. Dick Van Dyke Clinic

g. Council on Alcoholism & Other Chemical Dependencies of the Finger Lakes.

3. Physical/ Emotional Health

a. Seneca County Department of Human Services

b. Seneca County Runaway Homeless Youth Program

c. Community Counseling Program

d. Seneca County Health Dept.

e. Happiness House (Handicap Children)

f. Family Counseling Service of the Finger Lakes

g. Seneca County ARC

h. Finger Lakes Family Care

i. Women, Infants, and Children (WIC)

4. Miscellaneous -

a. Any public school for education, employment and personal counseling

b. AIDS Information 1-800-342-AIDS

c. Alcoholism Information 1-800-Alcohol

d. Child Abuse 1-800-342-3720
(for police officers, as mandated reporters) 1-800-635-1522

- e. Growing Up Healthy Hotline (teen pregnancy) - 1-800-522-5006
- f. Lifeline - suicide information (585) 275-5151
1-800-333-0542
- g. National Helplines, cocaine and other drug info 1-800-Cocaine
- h. Rape Crisis Hotlines (Ontario Co) 1-800-247-7273
1-800-527-1757
- i. Rape Crisis, also (585) 546-2595
- j. Runaway Hotline 1-800-231-6946
- k. VD Hotline 1-800-227-8922

5. Law Related Agencies

- a. Seneca County Probation Dept.
- b. PINS Program
- c. Family Court
- d. Pre- Trial Diversion
- e. Legal Assistance
- f. Seneca County Attorney
- g. Seneca County District Attorney
- h. Statewide Youth Advocacy
- i. Child Advocacy Center of the Finger Lakes
- j. Safe Harbors of the Finger Lakes

6. Recreation -

- a. Seneca Falls Community Center
- b. Waterloo Community Center
- c. Seneca County Swim Program

7. Special Programs

- a. Cooperative Extension (4- H)

- b. Boy Scouts
- c. Girl Scouts
- d. Seneca County Children's Committee Referrals/ Financial Assistance
- e. Seneca County Child Care Center
- f. Community Action Program (CAP)
- g. House of Concern
- h. Community Christmas Project
- i. Mentoring Program (Big Brother/ Sister)- Youth Bureau

S. Designated facilities - Following is a list of locations within the SCSO Law Enforcement Center which have been approved by the New York State Court Administrator as suitable places for the questioning of children. These locations are known as "designated facilities:"

They are all located in the Criminal Investigation Division section of the Seneca County Law Enforcement Center in Romulus, NY.

- 1. Room # 162
- 2. Room # 164
- 3. Interview Room- A, also known as the Child Interview Room (CID)
- 4. Major Case Room (CID)

There are no designated rooms in the Waterloo Sub-station.

T. Raise the Age N.Y. – On April 10th, 2017 Governor Cuomo signed into law a new legislation which changed the presumptive age of criminal responsibility within New York State, This legislation has been named: "Raise the Age N.Y."

- 1. Raise the Age creates a new class of offender designated as an Adolescent Offender or "AO". Effective 10/01/2018 the "AO" classification encompasses Any individual in New York State at age 16 who has committed a felony level Crime. Effective 10/01/2019 the same "A.O." classification includes individuals Age 17.
- 2. Effective 10/01/2018 any individual at age 16 who has committed a misdemeanor will be handled procedurally the same as for a Juvenile Delinquent. Effective 10/01/2019 this same procedure will apply for persons age 17. In these cases an Appearance Ticket will be issued to the Adolescent and a Parent/Guardian to appear at the Seneca County Probation Department within 10 business days of the time of issuance.

3. When an Adolescent Offender is charged with a felony the following Checklist will be adhered to:
 - a. Contact the District Attorney and discuss appropriateness of a misdemeanor charge in place of a felony to expedite process to Family Court.
 - b. If a felony charge is recommended issue an Appearance Ticket to Adolescent and Parent/Guardian for an appearance at Supreme Court Youth Part Court at an available date designated by said Court.
 - c. If a misdemeanor charge is recommended, issue an Appearance Ticket to the Adolescent and Parent/Guardian for an appearance date at the Seneca County Probation Department within 10 business days of the time of issuance.
4. If an arraignment is deemed necessary the following Checklist will be adhered to:
 - a. Contact Probation to check the availability of a bed (if detention is sought).
 - b. Check availability of Electronic Home Monitoring.
 - c. Contact Seneca County Community Health to provide referral information for outreach services. (Both for AO and family members if needed).
 - d. Contact designated AO arraigning court to determine time and location of arraignment.
 - e. Confirm with Parent/Guardian the time and place of arraignment. Ensure reasonable efforts have been made for Parent/Guardian to attend arraignment.
 - f. Confirm arraignment time and place with the Probation Department.
5. Diversion for 16 and 17 year olds affected by Raise the Age will be considered and handled in the same manner as Juveniles before Raise the Age – section **N**. of this policy.
6. Interview and Interrogation for 16 and 17 year olds affected by Raise the Age will be done in accordance with the same procedures as Juveniles before Raise the Age as outlined in section **S** of this policy.
7. All reports and files involving 16 and 17 year olds affected by Raise the Age will be Stored with the Juvenile case files in a secure location.
8. Fingerprinting, Interview, Interrogation and Custody of Adolescent Offenders will be handled in the same manner as Juveniles before Raise the Age as outlined in sections **I, J, K and L** of this policy.
9. In general, Adolescent Offenders and 16 and 17 year olds affected by the Raise The Age legislation will be treated analogous to a Juvenile before the legislation.