

APPENDIX E
(CODE OF CONDUCT)

RULES OF CONDUCT AND DISCIPLINARY PROCEDURES
FOR YOUTH COURT MEMBERS

I. PREAMBLE

Youth Court membership is a privilege, not a right. This privilege can be lost if you fail to act in a responsible manner and within the confines of the law. As a Youth Court member, you are expected to serve as a role model for your peers at all times. You therefore must maintain high standards of conduct and encourage other members to do the same. You should be temperate and dignified and refrain from all illegal and morally reprehensible conduct. Because of your position, even minor violations of law may tend to lessen public confidence in the entire Youth Court program. Since Youth Court is designed to promote law-abiding behavior, your behavior must be consistent with that purpose.

Listed below are a number of **RULES OF CONDUCT** which you must follow. If you fail to conduct yourself in conformity with these rules, you shall be deemed guilty of misconduct. Members who are guilty of misconduct will be subject to disciplinary action, according to the procedures set out below, which can include removal from the Youth Court program.

II. RULES OF CONDUCT.

As a member of Youth Court you must abide by the following rules:

- RULE 1.** You must not engage in illegal conduct.
- RULE 2.** You must not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- RULE 3.** You must not knowingly use perjured or false testimony or statements.
- RULE 4.** You must reveal any false testimony, statements, other evidence used, or any other fraud perpetrated, in any Youth Court proceeding.
- RULE 5.** You must maintain the confidentiality of the Youth Court proceedings.
- RULE 6.** You must not violate the rules and regulations adopted by your school district.
- RULE 7.** You must participate free of bias or prejudice toward any other person's age, race, sex, religion, national origin, or disability.
- RULE 8.** You must appear promptly and prepared for all Youth Court training sessions and court appearances, unless excused.
- RULE 9.** You must perform your role as effectively and competently as possible.
- RULE 10.** You must not engage in undignified or discourteous conduct during a Youth Court session.
- RULE 11.** You must not ask any question that is intended to harass or degrade a witness.
- RULE 12.** You must not let any outside influence, such as other members, parents, fellow students or your own self-interest, affect your actions and decisions in how to proceed.
- RULE 13.** As a defender, unless an offender otherwise directs, you must not reveal a confidence or secret of an offender or use such a confidence or secret to the disadvantage of an offender.

- RULE 14.** You must treat with courtesy and consideration all persons involved in Youth Court proceedings.
- RULE 15.** You must not knowingly fail to disclose or exchange evidence which you are required by the Youth Court training manual to reveal to your opponent.
- RULE 16.** A prosecutor must disclose to the defender evidence that tends to help the offender, i.e., evidence that mitigates the seriousness of the offense or which would tend to reduce the sentence.
- RULE 17.** A prosecutor must not communicate with the offender in the case (except, of course, during cross-examination).
- RULE 18.** A Youth Court member serving as a prosecutor, defender or judge, other than during the performance of your role during a court proceeding, must not communicate with a juror about the case under consideration.
- RULE 19.** You must abide by all your obligations and responsibilities as specified in the Youth Court training manual.
- RULE 20.** A Youth Court member must dress appropriately when participating in a Youth Court proceedings.
- RULE 21.** You must notify the Youth Court **Director** immediately if you are arrested, convicted of a crime or suspended from school.
- RULE 22.** You must report to the Youth Court Director or any Advisory Board member conduct of other members which you believe to be in violation of these Rules of Conduct.
- RULE 23.** You must cooperate with the Advisory Board or any disciplinary committee in any investigation involving a violation of these rules of conduct.

III. DISCIPLINARY PROCEDURE

A. GENERAL POWER AND AUTHORITY OF ADVISORY BOARD

The Advisory Board of a Youth Court is authorized to censure, suspend or remove a member from its Youth Court program who is guilty of violating the **RULES OF CONDUCT** promulgated by Colonie Youth Court.

B. CREATION OF A DISCIPLINARY COMMITTEE

The Advisory Board shall convene when allegations that a Youth Court member failed to comply with the **RULES OF CONDUCT** arise. The Advisory Board shall issue a report and recommendation concerning their investigation to the Director and the Office of Chief of Police or his designee after its investigation.

The member shall have the opportunity to be heard within this process. The Director in conjunction with the Chief of Police or his designee, shall make a final determination of any action to be taken. The Director shall include the final report and recommendation of the Advisory Board as well as the determination of disciplinary action, if any, in the member's file. The Director will also formally advise the member and all parties involved.

C. REPORT AND RECOMMENDATION TO THE ADVISORY BOARD

The Advisory Board may recommend any action it deems appropriate, including, but not limited to, any, or a combination, of the following:

- a. Removal from the Youth Court program;
- b. Suspension and referral to Youth Court as an offender;
- c. Suspension from the program for a time certain;
- d. Supervision by the Youth Court Director for purpose of retraining;
- e. Probation for a specified period of time; or
- f. Dismissal of the complaint with a reason.

D. OBLIGATION OF MEMBER AGAINST WHOM COMPLAINT FILED

The Youth Court member accused of misconduct is required to cooperate with the Advisory Board in their investigations and proceedings. The failure to answer or otherwise cooperate in and of itself constitutes misconduct. The member is, however, entitled to refuse to answer any inquiries by asserting a claim that his responses to the inquiries might tend to incriminate him. In the event such a claim is made, the Advisory Board may consider such claim when deciding the appropriate course of action.

Once the Director communicates its final decision to the member, the member must abide by the Advisory Board's decision. The failure to comply with the decision of the Advisory Board will result in either immediate expulsion from the program or additional Disciplinary Committee action as the Advisory Board and the Director deems appropriate.

E. CONFIDENTIALITY OF THE PROCEEDINGS

Any meeting or hearing of the Advisory Board concerning allegations of misconduct shall be closed to the public. In addition, records relating to the investigation and sanction(s) shall be confidential.

F. SUSPENSION OF MEMBER PENDING CONSIDERATION OF DISCIPLINARY CHARGES

A Youth Court member who is the subject of an investigation into allegations of misconduct may be suspended from participation in Youth Court by the Director pending consideration of the charges. A notice of any suspension will immediately be sent to the member. Said notice will briefly state the reasons for the suspension.

Upon review of the complaint by the Director, the suspension may be lifted in the interest of justice and upon agreement of the Advisory Board.

G. SUSPENSION UPON ARREST

Whenever a Youth Court member is arrested for a criminal offense, other than a traffic infraction, said member will be automatically suspended from the Youth Court program pending the disposition of the criminal charges. A notice of the suspension will immediately be sent to

the member. Said notice will briefly state the reasons for the suspension. Under such circumstances, the Advisory Board need not hold any hearings or investigate the allegations in any way until the criminal charges have been resolved.

In the event the charges are ultimately dismissed, the Advisory Board will meet, investigate and recommend the appropriate sanction, if any, to impose upon the member.

H. REMOVAL UPON CONVICTION

Any Youth Court member convicted of an offense, other than a traffic infraction, shall continue suspension until an investigation and report initiated by the Advisory Board and forwarded to the Director.

If a conviction is subsequently reversed or vacated, the Advisory Board, upon application of the member, shall have the power to vacate or modify any sanction imposed.

I. REINSTATEMENT

For good cause, the Advisory Board may set aside any sanction when it appears consistent with the maintenance of the integrity and honor of Youth Court, the protection of the public and the interests of justice.

J. RESIGNATION

A member who is the subject of a disciplinary proceeding or an investigation may resign from Youth Court by tendering his or her resignation. Upon such resignation, any disciplinary proceeding or an investigation is terminated and all records will remain confidential.