



ANDERSON COUNTY
SHERIFF'S OFFICE

GO - 220

GENERAL ORDERS

JUVENILE OPERATIONS

PURPOSE:

Law enforcement operations regarding juveniles involve a different legal concept and approach than that applied to adults - correcting wrongful behavior, rather than punishment. Generally, deputies have two options when dealing with juveniles:

1. Dispose of the case at their level
2. Refer the offender to Family Court

Deputies should always use the less coercive of the two alternatives.

ORGANIZATION AND ADMINISTRATION:

The Sheriff's Office is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All deputies of the Anderson County Sheriff's Office are expected to be familiar with the problem of delinquency and are to handle juvenile problems, both criminal and non-criminal in nature. The responsibility of juvenile operations and delinquency prevention primarily rests with the Criminal Investigations Division and School Resource Officers. These Officers are responsible for the following:

1. Follow-up processing of juvenile arrests (referrals)
2. Assisting other deputies with juvenile cases
3. Maintaining liaison with other agencies interested in juvenile matters

JUVENILE OPERATIONS:

REPORTING – In all juvenile cases, the investigating deputy assumes responsibility for the preparation of incident reports, statements and supplemental reports.

A deputy may release a juvenile to the custody of his/her parents, a responsible adult, or a responsible agent of a court-approved foster home with a written promise to bring the child to court at a designated time. The written promise, accompanied by a report written by the deputy, is to be submitted to the South Carolina Department of Juvenile Justice (DJJ) as soon as possible, but no later than twenty-four (24) hours after the child is taken into custody.

Summons and Release is another alternative to taking a juvenile into custody. The criteria for Summons and Release include:

- Willingness of the parent or legal guardian to accept custody of the juvenile
- Consideration of the offender's past involvement in criminal acts
- The offense was non-violent in nature

- The offender is not under the influence of alcohol or drugs
- When the offense is a felony, the investigating deputy must carefully determine whether to summons and release to the parents or take the juvenile into custody

If a juvenile fails to appear on Summons and Release, the Investigating Deputy is responsible for case follow-up.

Factors governing referral of juvenile offenders to Family Court include:

- All delinquent acts that, if committed by adults, would be felonies
- All delinquent acts involving weapons
- All serious gang-related delinquent acts
- Aggravated assault and battery
- All delinquent acts committed by juveniles under probation or parole or those with a case already pending

JUVENILES TAKEN INTO CUSTODY – Juveniles may be taken into custody for any criminal offense. If a juvenile does not meet the criteria for summons and release, the investigating deputy is to take custody of the juvenile. Juvenile investigators are to be briefed on the case and affirm whether or not to incarcerate the juvenile.

Factors to be considered when determining need to take a juvenile into custody:

1. A juvenile cannot be placed in the Anderson County Detention Center without a judge's order. Without an order, the juvenile must be transported to the Liberty Police Department as a first priority or D.J.J. in Columbia if no bed space is available at Liberty.
2. Juveniles may be taken into emergency protective custody if they have been harmed or are in danger of being harmed under South Carolina Statute 20-07-610.
3. Juveniles may be taken into custody on the basis of a juvenile pick-up order issued by a Family Court judge.
4. SC Code of Laws Section 20-7-605 protects incarcerated juveniles.

When a juvenile is taken into custody without summons and release, the investigating deputy is to notify an authorized representative of the Department of Juvenile Justice. The decision to incarcerate is made by law enforcement. The Department of Juvenile Justice has an advisory role only.

If the offense for which the child was taken into custody is a violent crime as defined in Section 16-1-60, the juvenile cannot be released without consent of the deputy who took the juvenile into custody.

PROCEDURES FOR STATUS OFFENSES –

If the juvenile has committed a status offense, defined as any offense that would not be a crime if committed by an adult (such as: incorrigible,

runaway, or truancy), the officer should attempt to identify the underlying reason for the juvenile's action.

Depending on the circumstances, the juvenile may be released to a parent, guardian, or school official.

If the juvenile is unmanageable or needs physical protection, the situation may require the juvenile to be turned over to the Department of Social Services (DSS).

In either case, the incident should be documented on a miscellaneous information report.

TRANSPORTATION / INCARCERATION – Unless the juvenile is in need of medical attention, he/she is to be transported to a juvenile detention facility without delay. No child may be transported to a juvenile detention facility in a police vehicle containing adults under arrest. No child may be incarcerated or detained by the court in an adult jail or other place of detention for adults for more than six hours. A juvenile incarcerated in an adult jail during this six-hour period must be confined in an area separated by sight and sound from incarcerated adults.

INCARCERATION EXCEPTION – The prohibition against incarceration of juveniles in adult jails does not apply to a juvenile waived to the Court of General Sessions to stand trial as an adult.

**JUVENILE
DETENTION:**

Per South Carolina Code of Laws § 20-7-7210, a child is eligible for detention in a secure juvenile detention facility if he or she:

1. Is charged with a violent crime as defined in Section 16-1-60
2. Is charged with a crime which if committed by an adult would be a felony, and the child:
 - a. Is already detained or on probation or conditional release in connection with another delinquency proceeding.
 - b. Has a demonstrable recent record of willful failures to appear at court proceedings.
 - c. Has a demonstrable recent record of violent conduct resulting in a physical injury to others.
 - d. Has a demonstrable recent record of adjudications for other felonies and (1) there is clear and convincing evidence to establish a risk of flight and serious harm to others or (2) the current offense involved use of a weapon.
3. Is a fugitive from another jurisdiction
4. Requests protection in writing under circumstances presenting an immediate threat of serious physical injury
5. Had in his/her possession a deadly weapon
6. Has a demonstrable recent record of willful failure to comply with prior placement orders including, but not limited to, a house arrest order
7. Has no suitable alternative placement and it is determined that detention is in the child's best interest or is necessary to protect the child or public, or both

8. Is charged with an assault and battery or an assault and battery of a high and aggravated nature on school grounds or at a school-sponsored event against any person affiliated with the school in an official capacity

The local law enforcement agency that originally took the child into custody is to transport the child to the juvenile detention facility.

Procedures for juveniles taken into custody:

1. If the Miranda Warning applies, the investigating deputy must immediately notify the juvenile of his constitutional rights.
2. The deputy taking a juvenile into custody is to contact the Department of Juvenile Justice.
3. As soon as possible, the investigating deputy is to notify the juvenile's parents that their child has been taken into custody.

**JUVENILE
INTERROGATION:**

Procedures for the custodial interrogation of juveniles include:

1. Parents or guardians may be consulted prior to interrogation.
2. Juvenile and parents, if the parents are present, are to receive a complete explanation of the Miranda warning and an explanation of juvenile justice procedures.
3. Juveniles may be interrogated in the presence of their parent(s) or guardian. However, the totality of the circumstances may waive this requirement.
4. Parents or guardians, if present, are to sign the juvenile's statement form as witnesses.
5. Duration of the interrogation is not to be of such length that it would exhaust the juvenile.
6. No more than two (2) deputies are to interrogate the juvenile at any one time.

JUVENILE STATEMENTS – Statements taken from juveniles involve the following requirements:

1. The rules for "Miranda" warnings are the same as those for adults (Kent v. US 383 US 541, 1966).
2. A juvenile may give a statement without a parent or attorney present based upon totality of the circumstances (West v. US). Some of the factors to be considered are age, intelligence, experience in "the system", education, and ability to comprehend the meaning and effect of the statement.
3. If, after being advised of his rights, the juvenile asks to speak to his parents, this request is to be treated as if the juvenile asked for an attorney.
4. If possible, a parent or guardian is to sign as a witness on the statement form.

NOTE: *It is strongly recommended a deputy consult with the Solicitor's Office regarding any questions about the applicability of this section to a given situation.*

**FINGERPRINTING
PHOTOGRAPHING
JUVENILES:**

South Carolina Code of Laws 20-7-8515 governs the fingerprinting and photographing of juveniles with the following:

A child charged with an offense may be photographed by the law enforcement agency that takes the child into custody. If the child is taken into secure custody and detained, the detention facility must photograph the child upon admission. A child charged with an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult must be fingerprinted by the law enforcement agency that takes the child into custody. If the child is taken into secure custody and detained, the detention facility must fingerprint the child upon admission. The fingerprints should be transferred to SLED whether adjudicated or not. Expungement of fingerprints of non-adjudicated juveniles must occur when SLED is notified of the non-adjudication.

Collection, dissemination and retention of photographs and other forms of identification or physical samples taken from a juvenile include:

1. A court order must be obtained to collect physical samples, such as hair, blood, urine, nails, breath (does not pertain to implied consent) or stomach contents from a juvenile.
2. Dissemination of juvenile identification information and physical samples is restricted to those within the juvenile justice system with a need-to-know.
3. Family Court controls the retention of juvenile identification information and physical samples.

NOTE: *State law provides for transfer of fingerprint records to SLED. Non-adjudicated juvenile records must be expunged if SLED is notified of non-adjudication.*

Collection, dissemination and retention of juvenile records:

1. Copies of incident reports and supplemental reports dealing with juvenile offenders are to be sent to the Criminal Investigations Division for additional processing.
2. Juvenile arrest/identification records are to be kept separate from adult arrest/identification records.
3. Records of juvenile offenders are to be expunged when the juvenile reaches his/her seventeenth (17) birthday or sooner, when directed to do so by the court.
4. Access to juvenile records is on a need-to-know basis. Records are open to law enforcement and prosecutors.

All deputies involved in juvenile investigations are responsible for the collection of juvenile records. Records on juveniles are maintained in the Records Management System. Records personnel are responsible for screening records and reports for juvenile data before releasing documents to the general public.

Access to juvenile records is limited to law enforcement use only.

As needed, the investigating deputy is to contact his or her supervisor, DJJ Representative or the Solicitor for advice and assistance concerning juvenile investigations.

**JUVENILES
PROSECUTED
AS ADULTS:**

South Carolina law dictates that under certain circumstances juveniles are to be handled as adults. These circumstances include the following:

1. Juvenile suspects aged 16 charged with a category A - D felony, to include all areas of arrest, processing, and incarceration.
2. Youths 16 and under waived to the Court of General Sessions can be detained in either adult detention facilities or in juvenile detention facilities, provided that if housed in an adult facility there is sight and sound separation from adult prisoners. Once a 16-year-old turns 17, he or she is held in an adult facility in general population. At age 17, youths may not be held in a juvenile facility.
3. A sixteen-year-old waived to and sentenced in General Sessions is to be transported to a juvenile facility if still 16, and sent to the Department of Corrections at age 17. If sentenced after the 17th birthday, he/she is to be transported directly to the Department of Corrections.

MISSING PERSONS:

The Criminal Investigations Division investigates **juvenile missing person cases**. The CID also investigates **adult missing persons**.

All juveniles or adults missing under special circumstances (i.e. elderly or mental illness, etc.) are immediately entered into **NCIC** by Communications. All other adults are entered at the request of a CID investigator. Removal of missing persons from **NCIC** is the responsibility of each investigating deputy.

A deputy assigned to follow-up a missing person case is to:

1. Maintain contact with the complainant
2. Report investigative progress to the missing person's family on a regular basis

MISSING PERSON SEARCH – Whenever deemed necessary by an on-duty supervisor, additional resources may be employed in a search for a missing person. All Sheriff's Office law enforcement and civilian resources are available for this purpose. Age, mental/physical condition of the missing person, time of day, weather conditions and area terrain are factors that can place a missing person at risk. **Searches are mandatory for at risk or critically missing persons.** See *General Order 239 (Missing Persons)*.

Approved by:
John S. Skipper, Jr., Sheriff