



GREENVILLE 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 four options when dealing with juveniles:

1. Dispose of the case at their level.
2. Summons and Release the juvenile to a parent or guardian to be brought in to speak to a Juvenile Investigator at a designated time
3. Refer the offender to Family Court to be processed through the Department of Juvenile Justice and the Solicitor's Office.
4. Take the juvenile offender into custody and place them in the Juvenile Detention Center, provided they are 13 years of age or older and the offense warrants such action.

Deputies should always use the least coercive among the four previously cited reasonable 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 Greenville 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 Specialized Investigations Division – Juvenile Investigations and School Enforcement supervisors. These supervisors are responsible for the following:

1. Designing and implementing programs intended to prevent and control delinquent and criminal behavior by youth.
2. Follow-up processing of juvenile arrests (referrals).
3. Coordination of court cases in which juvenile offenders are involved.
4. Diverting juvenile offenders out of the juvenile justice system.
5. Assisting other deputies with juvenile cases.
6. Maintaining liaison with other agencies interested in juvenile matters.

POLICY DEVELOPMENT - Development of new policy and procedures dealing with juveniles will involve review and comment by other elements of the juvenile justice system, such as the Solicitor's Office or Family Court.

**JUVENILE
OPERATIONS:**

ANNUAL EVALUATION - The supervisors of Juvenile Investigations and School Enforcement are to prepare an annual evaluation of all enforcement and prevention programs relating to juveniles. This report is forwarded through the Division Commander to the Sheriff.

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

Summons and Release is an alternative to taking a juvenile into custody. If the deputy decides the case does not meet the criteria to place the juvenile in the Detention Center and the deputy is uncertain if the case needs to be sent to Family Court, the deputy can complete a Summons and Release form allowing the Juvenile Investigator to make the decision. **Note: Firearms and drug charges Can Not be placed on a Summons and Release.**

Criteria for Summons and Release include:

- Willingness of the parent or legal guardian to accept custody of the juvenile.
- 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.
- 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.

If a juvenile fails to appear on Summons and Release, the juvenile section is responsible for case follow-up. The case status will remain "Active" in all cases in which a juvenile suspect is being summons and released to a custodian during a criminal investigation. This serves to indicate that the decision to criminally charge the juvenile is made during the appointment with the investigator.

Family Court Referral is an alternative to taking a juvenile into custody. If the deputy determines the case with a juvenile does not meet the criteria to place the juvenile in the Detention Center but feels the case does need to be adjudicated by Family Court, the deputy will complete a Juvenile Referral form and refer the case to Family Court.

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 Release of Juvenile to Custody form, in addition to a Direct Juvenile Referral to Family Court form, School Principal Notification form and all supporting paperwork to include the incident report and any supplemental reports or statements written by the deputy, are to be submitted to the Sheriff's Office Juvenile Investigator, the Juvenile Unit Sergeant and the Solicitors Office as soon as possible, but no later than the end of the reporting deputy's shift.

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 and drugs.
- 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.

Factors to be included in the decision to divert juveniles include:

1. Nature of the offense.
2. Age and circumstances of the alleged offender.
3. Alleged offender record, if any.
4. Availability of community-based rehabilitation programs.
5. Recommendation or endorsement of the complainant or victim for diversion, if any.

Examples of Community-based Diversion Programs:

1. Phoenix Center.
2. Greenville Mental Health.

JUVENILES TAKEN INTO CUSTODY - Juveniles may be taken into custody for any criminal offense provided they are at least 13 years of age. A court order is required to incarcerate a juvenile age 11 to 12 and NO juvenile age 10 years or younger is to be placed in a juvenile detention facility. If a juvenile does not meet the criteria for summons and release or the case is not referred to Family Court, 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.

When a determination is made to take a juvenile into custody, before placing them into the Juvenile Detention Facility the arresting deputy must notify DJJ. The arresting deputy must then send a copy of the Juvenile Referral form (charging document), the Refusal of Custody form if appropriate, the School Principal Notification form, a copy of

the original incident report and any accompanying supplemental reports or statements to the SID Juvenile Investigator, the Juvenile Investigator Sergeant and the Juvenile Solicitor as soon as possible or before securing at the end of their shift.

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

1. A juvenile may be placed in the Greenville County Detention Center without a judge's order provided that the criteria set forth in SC Code of Laws 63-19-820 are met.
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 63-7-610.
3. Juveniles may be taken into custody on the basis of a juvenile pick-up order issued by a Family Court judge.

When a juvenile is taken into custody instead of being summoned and released or directly referred, 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.

TRANSPORTATION / INCARCERATION – No juvenile may be transported to a juvenile detention facility in a police vehicle containing adults under arrest. No juvenile 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 PICK-UP / HOUSE ARREST ORDERS – Juvenile Pick-up and House Arrest Orders are stored on V-Connect under the Warrant tab. Field supervisors are to ensure that deputies are actively looking for individuals on each list.

**JUVENILE
DETENTION:**

South Carolina Code of Laws 63-19-820 - 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 or a misdemeanor, 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 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 juvenile into custody is to transport this juvenile to the juvenile detention facility.

South Carolina Code of Laws 63-19-820 governs the placement of a juvenile into a secure detention facility with the following:

(F) Children ten years of age and younger must not be incarcerated in a jail or detention facility for any reason. Children eleven or twelve years of age who are taken into custody for a violation of law which would be a criminal offense under the laws of this State if committed by an adult or who violates conditions of probation for such an offense must be incarcerated in a jail or detention facility only by order of the Family Court.

Procedures for juveniles taken into custody include:

1. Immediately notifying the juvenile of their constitutional rights.

2. The deputy taking a juvenile into custody is to contact Juvenile Investigations and 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 are to be consulted prior to interrogation as long as it is not detrimental to the case.
2. Parents and juveniles are to receive a complete explanation of the Miranda warning and an explanation of juvenile justice procedures.
3. Juveniles are to 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 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 deputies are to interrogate the juvenile at any one time.

**JUVENILE
STATEMENTS:**

Statements taken from juveniles must meet 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.

Investigating deputies are to make every effort to contact parents after interviewing and taking a witness statement from a child.

3. If, after being advised of their rights, the juvenile asks to speak to their 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.

JUVENILE

INVESTIGATIONS**UNIT:**

- **Juvenile Investigations Unit** maintains a listing of social service agencies in Greenville County providing services to juveniles. This list is to be updated annually.

-**School Enforcement** maintains a liaison with the schools in Greenville County to include:

1. Availability as a resource to prevent delinquency.
2. Providing guidance on ethical issues in a classroom setting.
3. Providing individual counseling to students.
4. Explaining to students the role of law enforcement in society.

The Sheriff's Office supports recreational youth programs in the community as a means of providing wholesome activities to youth groups. Deputies are encouraged to not only involve juveniles in youth recreation programs, but to also initiate requests to social service agencies, churches and the Greenville County Recreation Commission to organize programs where they are needed, but do not exist.

**FINGERPRINTING
PHOTOGRAPHING
JUVENILES:**

South Carolina Code of Laws 63-19-2030 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.

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 and additional statutory criteria are met.

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 Juvenile Investigations Unit for additional processing.
2. Juvenile arrest/identification records and adults arrest/identification records are to be kept separate.
3. Records of juvenile offenders are to be expunged when the juvenile reaches their eighteenth birthday if authorized by the court.
4. Access to juvenile records is on a need-to-know basis. Records are open to law enforcement and prosecutors.

The Specialized Investigations Division - Juvenile Investigations Unit is responsible for the collection of juvenile records. The Records Division is responsible for dissemination and retention of juvenile records. Access to juvenile records is limited to law enforcement use only. As needed, the investigating deputy is to contact the on-call juvenile investigator 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 17 charged with a category A – D felony, to include all areas of arrest, processing, and incarceration.
2. Juveniles 17 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 17-year-old turns 18, they are held in an adult facility in general population. At age 18, youths may not be held in a juvenile facility.

3. A seventeen year old waived to and sentenced in General Sessions is to be transported to a juvenile facility if still 17, and sent to the Department of Corrections at age 18. If sentenced after the 18th birthday, they are to be transported directly to the Department of Corrections.

MISSING PERSONS:

The Juvenile Investigations Unit investigates juvenile missing person and runaway cases. The Criminal Investigation Division investigates adult missing persons.

All missing juveniles or adults are immediately entered into NCIC by Communications. 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 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 also GO-239.

SCHOOL VIOLENCE:

SC CODE OF LAWS 59-63-350 – *Local law enforcement officials are required to contact the Attorney's General's 'school safety phone line' when any felony, assault and battery of a high and aggravated nature, crime involving a weapon or drug offense is committed on school property or at a school sanctioned or school-sponsored activity or any crime reported pursuant to Section 59-24-60.*

SC CODE OF LAWS 59-24-60 – *Requirement of school officials to contact law enforcement authorities when criminal conduct occurs. In addition to other provisions required by law or by regulations of the State Board of Educations school administrators must contact law enforcement authorities immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity which may result or results in injury or serious threat of injury to the person to another person or his property as defined in local board policy.*

Statute Compliance –

All Incident Reports related to the crimes listed above in 59-63-350 that are committed on school property or at school sanctioned/sponsored activities must include the Attorney General's School Crime Incident Report. This report is located on the I-drive and must be emailed to sireporting@scag.gov once completed.

**SCHOOL BUS
AND BUS STOP
INCIDENTS:**

If an incident occurs at a school bus stop or on a school bus then the School Enforcement Unit will respond to the incident as long as the incident is occurring during their normal operating hours. If an incident occurs after hours then Uniform Patrol will respond and document the incident, if appropriate, and make applicable charges. If further investigation is required in order to make charges then the case will remain active and forwarded to the School Enforcement Unit for follow-up.



Hobart Lewis, Sheriff