

# CITY OF ANDERSON POLICE DEPARTMENT

## Anderson, South Carolina

<b>DIRECTIVE TYPE</b> General Order	<b>EFFECTIVE DATE</b> January 25, 2011	<b>NUMBER</b> 802.1
<b>SUBJECT</b> Juvenile Interrogations		
<b>REVISED</b> January 25, 2011		
<b>REFERENCE</b> SCLEA 17.4 2 <sup>nd</sup> Edition, General Order 801.1	<b>AMENDS/SUPERSEDES</b> 802	
<b>DISTRIBUTION</b> All Personnel	<b>RE-EVALUATION DATE</b> Annual	<b>NO. PAGES</b> 2

**A. PURPOSE:**

To provide guidelines for officers to follow when questioning juveniles in law enforcement and/or custody situations.

**B. POLICY:**

All City of Anderson Police Department personnel will adhere to current law and juvenile justice procedures related to the interrogation of juveniles. Whatever laws and juvenile justice procedures are in effect at the time of the interrogation will govern the process.

Custodial interrogation of juveniles shall include:

1. Conferring with parents or guardians. (SCLEA 17.4a)
  - a. Section 63-19-810(A) of the South Carolina Code of Laws dictates that officers taking juveniles into custody must notify the juvenile's parent or guardian as soon as possible.
  
2. Complete explanation of the Miranda warning and the juvenile justice procedures.
  - a. The juvenile and, if the juvenile desires, the parent or guardian, shall be explained the meaning of Miranda Warnings, and the extent to which the suspect may be processed through the juvenile justice system. The juvenile suspect and the parent or guardian should be clear on the applicable court procedures and the City of Anderson Police Departments procedures. (SCLEA 17.4c)

- c. Parental presence or involvement is not required for juveniles' statements to be admissible in court. The totality of the circumstances should be taken into account when interrogating juveniles.
- d. The duration of an interrogation shall not be of length that would exhaust the juvenile. Juveniles may be held for up to six hours prior to a final disposition agreement with the Department of Juvenile Justice representative. (SCLEA 17.4b)
- e. No more than two (2) officers shall interrogate the juvenile at any one time although additional officers may be present. (SCLEA 17.4b)
- f. Commentary: Statements from Juveniles
  - 1. When taking statements from juveniles, the following should be considered:
    - (a) The rules for Miranda warnings are the same as those for adults (Kent v. US 541, 1966). Also see general order 104.
    - (b) A juvenile may give a statement without a parent or attorney present based on the totality of circumstances (Fare v. Michael C., 442 US 707, 1979). 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.
    - (c) If, after being advised of his/her rights, the juvenile asks to speak to his parents, then treat this request as if the juvenile has asked for an attorney. It is strongly suggested that the investigating officer consult with the Solicitor's Office regarding any questions about the applicability of this section to a given situation.

By order of:

  
\_\_\_\_\_  
Martin D. Brown, Chief of Police

1-25-2011  
Date