

# CITY OF ANDERSON POLICE DEPARTMENT

## Anderson, South Carolina

<b>DIRECTIVE TYPE</b> General Order	<b>EFFECTIVE DATE</b> January 25, 2011	<b>NUMBER</b> 801.1
<b>SUBJECT</b> Juvenile Operations	<b>REVISED</b> January 25, 2011	
<b>REFERENCE</b> SCLEA 17.1, 17.2, 17.3 & 17.5 2 <sup>nd</sup> Edition	<b>AMENDS/SUPERSEDES</b> 801	
<b>DISTRIBUTION</b> All Personnel	<b>RE-EVALUATION DATE</b> Annual	<b>NO.</b> <b>PAGES 9</b>

### A. PURPOSE:

To provide guidelines for officers who deal with children in law enforcement and custody situations.

### B. POLICY:

The Agency is committed to the development and continuation of programs designed to prevent and control juvenile delinquency. All officers of the City of Anderson Police Department are expected to be familiar with the problem of juvenile delinquency and to participate in the handling of juvenile problems, both criminal and non-criminal in nature. In turn, all members of the agency share the responsibility for participating in or supporting the police department's juvenile operations function. With this in mind, officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in child offenders lives' which are consistent with state law and in the best interest(s) of the community. (SCLEA 17.1)

### C. DEFINITIONS:

*Child* - a person less than seventeen years of age. "Child" does not mean a person sixteen years of age or older who is charged with an A, B, C, or D felony as defined in the S. C. Code of Laws Section 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more. For the purpose of cases involving dependency or neglect, a juvenile is a child who has not reached his or her eighteenth birthday.

*Guardian* - a person who legally has the care and management of a child.

*Parent* - biological parent, adoptive parents, stepparent or person with legal custody.

*Responsible Adult* - In the absence of a child's parents or legal guardian, an adult who is responsible for the physical custody of a child or who is another adult acquaintance of the child's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the child until parents, legal guardian or next of kin can assume that responsibility.

*Status Offense* - an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility (behaving in a fashion that is beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification.

## **D. ORGANIZATION AND ADMINISTRATION**

1. The City of Anderson Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. However, primary responsibility for juvenile operations and delinquency prevention rests with the School Resource Officers currently assigned to the various schools throughout the City of Anderson. These officers are responsible for the following
  - a. Designing and implementing programs intended to prevent and control delinquent and criminal behavior by youth.
  - b. Follow-up processing of juvenile arrests (referrals).
  - c. Coordination or preparation of court cases in which a juvenile offender is involved.
  - d. Diverting juvenile offenders out of the juvenile justice system and adjusting cases.
  - e. Assisting other officers in juvenile cases.
  - f. Maintaining liaison with other agencies interested in juvenile matters.
2. Development of new policy and procedures dealing with juveniles shall be submitted for review and comment by other elements of the juvenile justice system, such as the solicitor's office or Family Court.

## **E. OPERATIONS**

1. The School Resource Officer will assume responsibility for ensuring that the preparations of incident reports, statements and supplementals have been completed within the proper format. The Investigating Officer and/or the School Resource Officer will determine when



and if the option of Diversion may be exercised. Factors to be considered in the decision to divert juveniles include (but are not limited to):

- a. Nature of the offense.
  - b. Age and circumstances of the alleged offender.
  - c. The alleged offender's record, if any.
  - d. The availability of community-based rehabilitation programs.
  - e. Recommendation or endorsement of the complainant or victim for diversion, if any.
2. Procedures for the release or adjustment of juvenile cases by the City of Anderson Police Department include:
- a. The investigating officer may release the juvenile to the custody of parents, a responsible adult, or a responsible agent of a court approved foster home with the written promise to bring the juvenile to court at the stated time. The written promise, accompanied by a written report from the investigating officer, must be submitted to the South Carolina Department of Juvenile Justice as soon as possible, but not later than 24 hours after the juvenile is taken into custody. Weekends and holidays are excluded from the 24-hour time limit.
  - b. The investigating officer may summons the juvenile and his parents to a meeting with the School Resource Officer who may then divert the case, after appropriate consultation with the parents, for corrective action.
  - c. Informal referrals to a social service agency, if appropriate.
  - d. Also see general order 107.
3. Factors governing the referral of juvenile offenders to Family Court include:
- a. All delinquent acts that, if committed by adults, would be felonies.
  - b. All delinquent acts involving weapons.
  - c. All serious gang-related acts.
  - d. Aggravated assault and battery.
  - e. All delinquent acts committed by juveniles under probation or parole or those with a case already pending.
  - f. All repeated delinquent acts within a twelve (12) month period.

- g. When the juvenile has been selected for a diversion program but refuses to participate.
    - h. When it is determined that parental supervision is not effective.
  - 4. A Summons and Release form may be used by officers as an alternative to taking a juvenile into custody (SCLEA 17.2). Criteria for its use include:
    - a. Willingness of the parent or legal guardian to accept custody of the juvenile.
    - b. When the offense is considered to be a misdemeanor.
    - c. When the offense is considered to be a felony, careful consideration of all facts and circumstances must be given in determining whether to summons and release to the parents or take the juvenile into custody at that point.
    - d. Consideration of the offender's past involvement in criminal acts.
    - e. The offense was non-violent in nature.
    - f. The offender is not under the influence of alcohol or drugs.
    - g. If a juvenile fails to appear on a summons, the School Resource Officer shall be responsible for case follow-up.
    - h. Uniform Traffic Ticket
      - 1. A Uniform Traffic Ticket (UTT) may be issued to a juvenile who has committed a traffic violation or a violation of Title 50 (Fish, Game and Watercraft statutes) provided the charge would not be heard in the court of General Sessions. All policies pertaining to issuing UTTs will apply.
      - 2. If an officer encounters a situation that requires a juvenile to be charged with a General Sessions level traffic offense as well as a Magistrate level traffic offense, both charges are to be forwarded to Family Court by Petition. All procedures for obtaining a petition apply.
- 5. Juveniles Placed in Custody for Criminal Offenses
  - a. If the juvenile does not meet the criteria for summons and release, the investigating officer shall take custody of the juvenile and notify the juvenile's School Resource Officer (or another School Resource Officer) as soon thereafter as is practical.
    - 1. Juveniles may be taken into custody (but not incarcerated) for status offenses and then released into the custody of their parent(s) or guardian. The

juvenile may be referred to the Department of Juvenile Justice (DJJ). (SCLEA 17.3a)

(a) *NOTE: Status offenses include those offenses not of a criminal nature such as runaway, incorrigibility, etc.*

2. Juveniles may be taken into emergency protective custody if they have been harmed or are in danger of being harmed under Section 63-7-620 of the South Carolina Code of Laws. (SCLEA 17.3b)
  3. Juveniles may also be taken into custody on the basis of a juvenile pick-up order issued by a Family Court judge.
- b. Juveniles who are incarcerated are protected by Section 63-19-820 of the South Carolina Code of Laws. When a juvenile is not given a summons and release, the arresting officer shall:
1. Notify the authorized representative of the Department of Juvenile Justice who shall respond within one hour to the location where the child is being detained. The officer's written report must be furnished to the authorized representative of DJJ and must state:
    - (a) The facts of the offense.
    - (b) The reason why the juvenile was not released to the parents.
  2. If the offense for which the child was taken into custody is a violent crime as defined in Section 16-1-60 of the South Carolina Code of Laws, the child may be released only by the authorized representative of DJJ with the consent of the officer who took the juvenile into custody.
  3. No child may be transported to a juvenile detention facility in a police vehicle, which also contains adults under arrest (Section 63-19-850 of the South Carolina Code of Laws). No child may be placed in secure confinement in an adult jail or other place of detention for adults for more than six hours. Juveniles placed in secure confinement in an adult jail during this six hour period must be confined in an area of the jail which is separated by sight and sound from adults similarly confined.
  4. The prohibition against the secure confinement of juveniles in adult jails does not apply to juveniles who have been waived to the Court of General Sessions for the purpose of standing trial as an adult.
  5. The local law enforcement agency that originally took the child into custody is responsible for transporting the child to the juvenile detention facility.



- c. A juvenile is eligible for detention in a secure juvenile detention facility only if the child:
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 other than a violent crime and the child:
    - (a) Is already detained or on probation or conditional release in connection with another delinquent proceeding;
    - (b) Has a demonstrable recent record of willful failures to appear at court proceedings;
    - (c) Has demonstrable recent record of violent conduct resulting in physical injury to others; or
    - (d) Has a demonstrable recent record of adjudications for other felonies, and:
      - (1) There is clear and convincing evidence to establish risk of flight, serious harm to others, or
      - (2) The instant offense involved the use of a firearm;
  3. Is a fugitive from another jurisdiction;
  4. Requests protection in writing under circumstances that present an immediate threat of serious physical injury.
    - (a) Detention is not mandatory for a child meeting this criteria if that child can be supervised adequately at home or in a less secure setting or program.
    - (b) A child who is taken into custody because of a violation of law that would not be a criminal offense under the laws of this State if committed by an adult must not be placed or ordered detained in an adult detention facility, unless the Court has previously issued an order.
    - (c) The Court shall hold a detention hearing within twenty-four hours from the time the child was taken into custody, excluding weekends and holidays.

- d. All constitutional rights of the juvenile must be protected at all times. (SCLEA 17.3c)
- 6. Procedures for juveniles taken into custody include:
  - a. Immediately notifying the juvenile of his/her constitutional rights. (SCLEA 17.3c)
  - b. Officers taking the juvenile into custody shall transport the juvenile to the Police Department without delay unless the juvenile needs medical treatment. (SCLEA 17.3d)
  - c. As soon as possible, the investigating officer shall notify the juvenile's parents that the juvenile has been taken into custody. (SCLEA 17.3e)
- 7. The Child Abuse Investigator and the School Resource Officers shall maintain a listing of Social Service agencies in Anderson County that provide services to juveniles. This list shall be updated annually.
- 8. The Police Department supports the provisions of recreational youth programs in the community as a means of providing wholesome activities to youth groups. In this regard, officers are encouraged to involve juveniles in youth recreation programs, and also to initiate requests to social service agencies, churches, and the Anderson Recreation Center in order to organize such programs where they are needed but do not exist.
- 9. Procedures for the collection, dissemination and retention of photographs and other forms of identification or physical samples taken from juveniles include:
  - a. A juvenile charged with committing a violent offense or charged with committing grand larceny of a motor vehicle may be fingerprinted.
  - b. A juvenile charged with committing a non-violent or status offense shall not be fingerprinted except by order of the court.
    - (1) The fingerprint records of juvenile offenders shall be kept separate from the fingerprint records of adults and shall not be forwarded to any other law enforcement agency unless the juvenile is adjudicated delinquent for having committed a violent offense or grand larceny of a motor vehicle.
    - (2) The fingerprint records of juvenile offenders who are not adjudicated delinquent for having committed a violent offense or grand larceny of a motor vehicle shall be expunged or destroyed.
    - (3) Violent offenses as defined by Section 16-1-60, South Carolina Code of Laws are listed in General Order 803.

- c. A juvenile may be photographed without a court order. Fingerprinting for violent crimes is also permitted without a court order.
  - d. To obtain physical samples from a juvenile such as hair, blood, urine, nails, breath (does not pertain to implied consent) or stomach contents, a court order must be obtained to authorize it.
  - e. The dissemination of information above is restricted to those within the juvenile justice system with the need to know.
  - f. The retention of juvenile identification and physical samples are controlled by Family Court.
10. Procedures for the collection, dissemination and retention of juvenile records shall include:
- a. Juvenile and adult arrest and identification records shall be kept separate.
  - b. Records of juvenile offenders shall be expunged upon the juvenile attaining his seventeenth birthday or sooner if directed by court order.
  - c. Access to juvenile records shall be on a need-to-know basis.
11. The Investigative Services Captain, along with the School Resource Officers shall be responsible for the collection, dissemination and retention of juvenile records. They shall ensure that access is permitted only if there is a proper purpose and only if access is necessary.
12. Should a question arise as to the proper course of action to take in any juvenile investigation, the investigating officer should immediately contact the Department of Juvenile Justice for advice and assistance.
13. The City of Anderson Police Department Training Officer or his/her designee shall be responsible for ensuring that all officers within the department are kept current on any changes in South Carolina Juvenile Law.

#### **F. School Resource Officers (SCLEA 17.5)**

- 1. School Resource Officers (SROs) are assigned to particular schools throughout the city of Anderson. SROs are the primary officer(s) who investigate criminal activity occurring at their assigned school. They work closely with the school administrators to ensure a safe, secure learning atmosphere. SRO responsibilities include the following:
  - a. Initial investigation, prosecution and follow up of incident reports generated on or near school property.
  - b. Counseling/referral to appropriate county services (Victim's Services, Department of Juvenile Justice, etc.).



- c. Coordination of their assigned school's special events which require a law enforcement presence (i.e. sporting events, school board disciplinary hearings, pageants, etc).
  - d. Traffic control on and around school property.
  - e. When school is not in session, the Chief of Police, or his designee, will allocate the SRO resources in a manner that is in the best interest of the City of Anderson Police Department and the community as a whole.
2. The School Resource Officer shall maintain a liaison with the schools located in the City of Anderson and the surrounding area to include provisions for:
- a. Being available as a resource to prevent drug and alcohol abuse as well as other delinquency.
  - b. Providing guidance on ethical issues in a classroom setting.
  - c. Providing individual counseling to students involved in the program.
  - d. Explaining to students the role of law enforcement in society.
  - e. Making sure the program is oriented to students in elementary and middle school grades.
3. All School Resource Officers are responsible for researching and understanding current South Carolina law(s) related to all aspects of the juvenile justice system. SROs are to stay abreast of changes in existing law and work with the training officer in order to ensure that the changes are communicated to the department as a whole.

By order of:



Martin D. Brown, Chief of Police

1-25-2011

Date