

	Greenville, SC Police Department GENERAL ORDER		
	Subject Juvenile Operations	Number 243A8	Type Operational
Effective Date 2/22/2025	Amends/ Rescinds 243A7	Pages 1 of 11	Re-evaluation Annual-October
References CALEA 44.1.1; 44.1.2; 44.1.3; 44.2.1; 44.2.2; 44.2.3; 82.1.1; 82.1.2			Notes Added clarification for Status Offense definition. Updated wording in section 3.2. .

1.0 POLICY

The judicial system takes a different approach with juveniles than with adult offenders. The judicial system seeks to correct wrongful behavior, to the extent possible, of juveniles rather than primarily punishing them. As a component of the judicial system the Greenville Police Department will strive to use methods intended to correct wrongful behavior and support the family unit of the juvenile. The goal is to bring the judicial system, the police department, other agencies or the school system, and the family together in an effort to positively affect the behavior and outlook of the juvenile. Officers must first preserve public safety and the safety of the juvenile and, second, utilize available resources to positively intervene in the juvenile’s life and positively influence behavior. Broad goals or juvenile operations are:

- Correct wrongful behavior and positively impact the outlook of juveniles.
- Support the family unit of juveniles.
- Use the least coercive methods for juvenile offenders when possible.
- Involve family members and other social service agencies in the process of dealing with wrongful juvenile behavior.
- Protect juveniles from harm, or further harm, while maintaining public safety and order.

2.0 DEFINITIONS

Age Guidelines: The following age guidelines are for the State of South Carolina:

Age of Consent: Sixteen (16)

Age of Juvenile Status: Seventeen (17) years of age and younger.
Age of Majority: Eighteen (18)
Age to be Detained without Family Court Pick-Up Order: Thirteen (13)
Age to be Detained with Family Court Pick-Up Order: Eleven(11) and Twelve (12) years of age.

Age of Consent: In South Carolina the age of consent is sixteen years of age. At this age a juvenile may legally consent to marriage or sexual relations.

Age to be Charged Criminally as an Adult: Eighteen (18) years of age or seventeen (17) years of age and charged with a Class A, B, C or D felony.

Age of Majority: The age a juvenile becomes a legal adult and gains full legal rights. The Age of Majority in South Carolina is eighteen.

Detention: A reference to a jail facility. To place a person in detention is to place the person in jail.

Department of Social Services (DSS): The South Carolina government agency which has jurisdiction in cases involving the care and welfare of children.

Emancipation: Where a minor, prior to reaching the Age of Majority may take on some rights normally reserved for legal adults. Emancipated children in South Carolina are typically released from the responsibility of their parents and are responsible for caring for themselves and meeting their own obligations. A juvenile may become emancipated at age sixteen in South Carolina.

Emergency Protective Custody: The right to physically take custody of a child for a temporary period of no more than twenty-four hours to protect the child from imminent danger. This action may only be taken by a law enforcement officer.

Family Court: The court in South Carolina which has jurisdiction in all family and juvenile concerns.

Felony: A crime more serious than a misdemeanor.

Class A Felony: Incarceration for not more than thirty years;
Class B Felony: Incarceration for not more than twenty-five years;
Class C Felony: Incarceration for not more than twenty years;
Class D Felony: Incarceration for not more than fifteen years;
Class E Felony: Incarceration for not more than ten years;
Class F Felony: Incarceration for not more than five years.



Juvenile Referral (Summons and Release): A process and form used by the Greenville Police Department to release a juvenile to the custody of a parent or guardian. The form includes a date for the juvenile and the parent or guardian to meet with a juvenile detective. This process is used to avoid placing a juvenile in a detention facility.

Pick Up Order: An order for detention issued by a Family Court judge.

Status Offense: Any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (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.

Officers will determine whether the juvenile is alleged to have engaged in a status offense by taking reasonable steps to determine the age of the offender, such as examining identification or speaking with the subject's parent or guardian, and considering whether the offense would be a criminal violation if committed by an adult.

3.0 ORGANIZATION AND ADMINISTRATION

3.1 All officers of the Greenville Police Department are expected to be familiar with the problem of delinquency and to participate in handling juvenile problems, both criminal and non-criminal in nature.

Primary responsibility of juvenile operations and delinquency prevention is a function of the Juvenile Unit of the Investigations. The Juvenile Unit is primarily responsible for:

- Follow-up processing of juvenile arrests and referrals;
- Coordination or preparation of court cases in which a juvenile offender is involved;
- Diverting juvenile offenders out of the juvenile justice system and adjusting cases;
- Assisting officers in juvenile cases;
- Maintaining liaison with other agencies interested in juvenile matters.

3.2 This policy will be submitted for review and comment by other elements of the juvenile justice system, such as the solicitor's office or juvenile



court to ensure the agency is up to date with changes in operations of the various juvenile justice systems dealing with juveniles.

3.3 The Juvenile Unit will coordinate delinquency prevention efforts.

4.0 **OPTIONS FOR HANDLING JUVENILES**

4.1 Officers are responsible for the preparation of incident reports, statements, supplemental reports and referrals.

4.2 Release to Custody of Parents with No Further Action:

The officer may release the juvenile to the custody of his/her parents or legal guardian with no further action to be taken. This option is only appropriate for very minor cases where the juvenile has not committed a serious, or potentially serious, violation.

4.3 Release to Custody of Parents with Referral:

The officer may release the juvenile to the custody of a parent or guardian with a referral for the juvenile and his/her parents to meet with a Juvenile Detective. The detective may then divert the case for corrective action. Factors to be included in the decision to divert juveniles include:

- Nature of the offense;
- Age and circumstance of the alleged offender;
- The alleged offender record, if any;
- Recommendation or endorsement of the complainant or victim for diversion, if any.

4.4 Arrest and Detention:

The officer may place the juvenile into detention based on the following criteria:

- If the juvenile is age thirteen to seventeen the officer has the discretion of placing the juvenile in detention. If the offense is for a Class A, B, C or D felony detention is recommended. An arrest warrant should only be obtained for a juvenile of the age of seventeen for Class A, B, C or D felonies and any lesser felonies which are companion cases. Arrest warrants may not be issued for juveniles under the age of seventeen.



- If the juvenile is eleven or twelve years of age a Pick Up Order must be obtained from the Family Court in order to place the juvenile into detention. Children age ten years of age or younger cannot be detained.

4.5 Informal referral to a social service agency, if appropriate.

4.6 Traffic Citation with No Physical Arrest:

4.6.1 Juveniles with a valid South Carolina Driver's License may be issued a ticket and court date if the offense is for a traffic violation which would normally not involve physical arrest. (Note: Bench warrants cannot be issued for juveniles.)

4.6.2 If the offense is for a traffic violation which would normally involve physical arrest (No State Driver's License, DUI, etc.) a referral should be made and no ticket issued. Magistrate Court has concurrent jurisdiction over all traffic violations.

5.0 JUVENILE REFERRAL

5.1 A Summons and Release (Juvenile Referral) form may be used by officers as an alternative to placing a juvenile into a juvenile detention facility. Criteria for use include:

- Willingness of the parent or legal guardian to accept custody of the juvenile;
- Misdemeanor offense;
- When the offense is a felony the officer must determine whether to summons and release to the parents or place the juvenile into a juvenile detention facility. This decision must be based on the seriousness of the offense and the totality of the circumstances including stability of the juvenile's home life, prior offenses, circumstances of the offense, etc.;
- Consideration of the offender's past contact with law enforcement;
- If the offender is under the influence of alcohol or drugs;

5.2 If a juvenile fails to appear on a summons, the Juvenile Unit will be responsible for forwarding the case to the Family Court.



- 5.3 Factors governing the referral of juvenile offenders to Family Court by the Juvenile Unit include:
- All delinquent acts which, if committed by adults, would be felonies;
 - All delinquent acts involving weapons;
 - When it is determined that parental supervision is not effective.
- 5.4 If a juvenile is released on a Juvenile Referral, the case should remain in an active status on the incident report and marked for follow-up by juvenile investigators.

6.0 PHYSICAL ARREST

- 6.1 Juveniles, who meet the criteria outlined in this General Order, may be taken into custody for any criminal offense. The officer has the discretion to place a juvenile in detention. If the juvenile does not meet the criteria for summons and release the officer will take custody of the juvenile and notify their supervisor. A copy of the incident report will be sent to a Juvenile Detective.

The Juvenile Detective or supervisor will be briefed on the case and will approve placement of the juvenile in detention, if criteria for incarceration are met. In addition, juveniles may be placed in detention:

- 6.1.1 Juveniles may be taken into emergency protective custody if they have been harmed or are in danger of being harmed under South Carolina Statute 20-7-610. The Department of Social Services should be immediately notified and will respond to take control of the situation.
- 6.1.2 Juveniles may also be placed in a detention center based on a Juvenile Pick-Up Order issued by a Family Court judge.
- 6.2 Procedures for juveniles taken into custody include:
- 6.2.1 The officer will notify the juvenile immediately of his/her constitutional rights.
- 6.2.2 Officers taking the juvenile into custody will transport him/her to the Juvenile Detention Facility without delay (unless they need medical treatment). Officers will transmit their beginning and ending mileage to Communications when transporting juveniles.



- 6.2.3 If a juvenile is arrested and transported to Detention the incident report and juvenile referral must be completed at that time and emailed to DJJ and Family Court at juvenilereferral@greenvillecounty.org by the arresting officer.
- 6.2.4 The officer will notify the juvenile's parents/guardians immediately following custody and advise a parent/guardian if the juvenile is being placed into detention or a Summons and Release.
- 6.3 Procedures for the custodial interrogation of juveniles include:
- 6.3.1 Conferring with parents or guardians.
- 6.3.2 Complete explanation of the Miranda warning and an explanation of the juvenile justice procedures.
- 6.3.3 The duration of the interrogation will not be of a length which would in any way be deemed coercive.
- 6.3.4 No more than two officers will interrogate the juvenile at any one time.
- 6.3.5 During the interview, if a juvenile requests a parent or guardian to be present, this will be treated in the same manner as a request for an attorney. The interview will be stopped, and the parent or guardian will be contacted to respond to the location.
- 6.4 Non Custodial Interviews of Juveniles
- 6.4.1 Interviews may be conducted with victims, witnesses or any other juvenile who may have knowledge about a certain aspect of a criminal offense.
- 6.4.2 Interviews may not extend over periods of time that could be considered unreasonable or harassing.
- 6.4.3 Interviews will be conducted in a reasonable manner to include being mindful of the individual's mental capacity and their capability of understanding their rights.
- 6.4.4 Interviews shall involve no more than two law enforcement officers in the actual interview of the juvenile.



6.4.5 During the interview, if a juvenile requests a parent or guardian to be present, the interview will be stopped, and the parent or guardian will be contacted.

7.0 EMERGENCY PROTECTIVE CUSTODY (EPC)

7.1 An officer may take emergency protective custody of a child without the consent of the child's parents, guardians or others exercising temporary or permanent control over the child if:

- The officer has probable cause to believe, which by reason of abuse or neglect the child's life, health, or physical safety is in substantial and imminent danger if the child is not taken into emergency protective custody, and there is not time to apply for a court order;
- The child's parent, parents, or guardian has been arrested or the child has become lost accidentally and as a result the child's welfare is threatened due to loss of adult protection and supervision; and in the circumstances of arrest, the parent, parents, or guardian does not consent in writing to another person assuming physical custody of the child; and in the circumstances of a lost child, a search by law enforcement has not located the parent, parents, or guardian.
- When a emergency protective custody has been conducted, the officer will attend the emergency protective custody hearing that is set by DSS.

7.2 The officer will notify an on-duty supervisor of the emergency protective custody.

7.3 Once emergency protective custody is taken of a child, DSS must be notified immediately. DSS will then take responsibility for the child.

8.0 SOCIAL SERVICE RESOURCES AND TRUANCY

8.1 The police department will maintain a liaison with the schools in the City of Greenville to include provisions for:

- Availability as a resource to prevent delinquency;
- Provide guidance on ethical issues in a classroom setting;



- Provide individual counseling to students involved in the program;
- Explaining to students the role of law enforcement in our society;
- The program is oriented to students in the middle and high school grades.

8.2 Officers are encouraged to refer juveniles to youth programs, community leaders, social service agencies, churches, and the Greenville City Recreation Department for recreational, counseling and mentoring opportunities or other resources.

9.0 JUVENILE RECORDS, FINGERPRINTS AND PHOTOGRAPHS

Procedures for the collection, dissemination, and retention of photographs and other forms of identification or physical samples taken from a juvenile include:

9.1 A juvenile charged with committing a crime carrying a sentence of five years or more for an adult must be fingerprinted. A juvenile charged with committing a nonviolent or status offense will not be fingerprinted except by order of the court.

9.1.1 The fingerprint records of juvenile offenders will be kept separate from the fingerprint records of adults and will 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.

9.1.2 The fingerprint records of juvenile offenders who are not adjudicated delinquent for having committed a violent offense or grand larceny of a motor vehicle will be expunged or destroyed.

9.1.3 Violent offenses as defined by Section 16-1-60 South Carolina Code of Laws are:

- Murder;
- Criminal Sexual Conduct, first degree;
- Criminal Sexual Conduct, second degree;
- Assault and Battery with Intent to Kill;
- Kidnapping;
- Voluntary Manslaughter;
- Armed Robbery;
- Drug Trafficking as defined in 44-53-370(c);
- Arson in the first degree;



- Burglary in the first degree and Burglary in the second degree under 16-11-312(b).
- 9.2 A juvenile may be photographed without a court order only if being incarcerated or being sent to Family Court. The only exception will be if a photograph is being taken for evidentiary purposes (ie., wounds, bruising, etc).
- 9.3 To obtain a physical sample from a juvenile such as hair, blood, urine, nails, breath or stomach contents, a court order must be obtained to authorize it.
- 9.4 The dissemination of any of the information above is restricted to those within the juvenile justice system with a need to know.
- 9.5 The retention of juvenile identification and physical samples are controlled by the Family Court.
- 9.6 Procedures for the collection, dissemination and retention of juvenile records will include:
- 9.6.1 All "Detective Division" copies of incident reports and supplemental reports dealing with juvenile offenders will be sent to the Juvenile Unit for further processing.
 - 9.6.2 Juvenile and adult arrest and identification records will be kept separate.
 - 9.6.3 Records of juvenile offenders will be expunged upon the juvenile attaining his/her eighteenth (18) birthday or sooner if directed by court order.
 - 9.6.4 Access to juvenile records will be on a need-to- know basis.
- 9.7 The Investigations Commander will be responsible for the collection, dissemination, and retention of juvenile records. He/she will ensure which access is permitted only if there is a proper purpose and only if access is necessary.
- 9.8 Should a question arise as to the proper course of action to take in any juvenile investigation, the investigating officer should immediately contact their supervisor for advice and assistance, or if during normal business hours, the on-duty juvenile detective. If assistance is needed after hours, the CID on-call supervisor should be contacted for assistance.



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J. H. Thompson
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J.H. Thompson, Chief of Police

2/22/2025

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