

Greer Police Department

General Order 540.1 Juvenile Operations

This order consists of the following numbered sections:

- I. PURPOSE
- II. ORGANIZATION AND ADMINISTRATION
- III. OPERATIONS
- VI. SCHOOL RESOURCE OFFICERS

By Order of: *Matt Hamby*
Chief of Police

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I. ORGANIZATION AND ADMINISTRATION

A. The Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All officers of the Greer Police Department are expected to be familiar with the problem of delinquency and to participate in the handling of juvenile problems, both criminal and non-criminal in nature. However, primary responsibility for juvenile operations and delinquency prevention rests with the School Resource Officers and the Community Outreach Team. The CID Commander may assign a detective as needed to assist with juvenile incidents. The Community Outreach Sergeant, however, will have the primary responsibility for the following:

1. Work with SRO and Community Outreach personnel to assist with the designing and implementing of programs intended to prevent and control delinquent and criminal behavior by youth.
2. Follow-up processing of juvenile arrests (referrals).
3. Coordination or preparation of court cases in which a juvenile offender is involved.
4. Diverting juvenile offenders out of the juvenile justice system and adjusting cases.
5. Assisting other officers in juvenile cases.
6. Maintaining liaison with other agencies interested in juvenile matters.

B. Community Outreach and Juvenile Delinquency

1. The primary responsibility for juvenile operations and delinquency prevention rests with the SRO's and Community Outreach Team, as a whole. This team is, therefore, vested with the responsibility for developing and maintaining programs designed to provide further outreach programs, as well as education with area youth. These programs work in furtherance of actual duties and delinquency reduction activities SRO's perform within the schools daily. The Community Outreach Team currently operates outreach and education programs that may include:

- a. Gang Resistance and Education Training (GREAT)
- b. Girls on the Run
- c. Fist Bump Friday
- d. Summer youth camps
- e. Casting with a Cop
- f. National Night Out

C. The Community Outreach Sergeant shall prepare an annual evaluation of all enforcement and prevention programs relating to juveniles. The CID Commander and SRO's may contribute to the evaluation. This report shall be forwarded via the Support Services chain of command to the Chief of Police for his review.

II. JUVENILE CRIMINAL OPERATIONS

- A. In all cases in which actions above a warning are taken, the CID Commander will review the case and assign a detective as needed or refer to the Community Outreach Sergeant to assist or assume responsibility for the preparation of incident reports, statements and supplemental reports. Factors to be considered in the decision to warn or divert juveniles include:
1. Nature of the offense.
 2. Age and circumstances of the alleged offender.
 3. The alleged offender's record, if any.
 4. The availability of community-based rehabilitation programs.
 5. Recommendation or endorsement of the complainant or victim for diversion, if any.
- B. Procedures for the release or adjustment of juvenile cases by the Police Department include:
1. 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 twenty-four hours after the juvenile is taken into custody. Location of a foster home can be obtained through the on duty or on call DJJ Agent for the proper County.
 2. The investigating officer may summons the juvenile and his parents to a meeting with the assigned detective or officer, if applicable, who may then divert the case, after appropriate consultation with the parents, for corrective action.
 3. Informal referrals to a social service agency, if appropriate.
- C. Factors governing the referral of juvenile offenders to Family Court include:
1. All delinquent acts that, if committed by adults, would be felonies.
 2. All delinquent acts involving weapons.
 3. All serious gang-related acts.
 4. Aggravated assault and battery.
 5. All delinquent acts committed by juveniles under probation or parole or those with a case already pending.
 6. All repeated delinquent acts within a twelve (12) month period.
 7. When the juvenile has been selected for a diversion program but refuses to participate.
 8. When it is determined that parental supervision is not effective.
- D. A Summons and Release form may be used by officers as an alternative to taking a juvenile into custody. Criteria for its use include:
1. Willingness of the parent or legal guardian to accept custody of the juvenile.

2. When the offense is considered to be a misdemeanor.
3. 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.
4. Consideration of the offender's past involvement in criminal acts.
5. The offense was non-violent in nature.
6. The offender is not under the influence of alcohol or drugs.
7. If a juvenile fails to appear on a summons, the Community Outreach Sergeant shall be responsible for case follow-up.

E. Juveniles Placed in Custody for Criminal Offenses

1. If the juvenile does not meet the criteria for summons and release, the investigating officer shall take custody of the juvenile and will determine whether or not to incarcerate the juvenile. 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.
 - a. Juveniles may be taken into custody (but not incarcerated) for status offenses and then referred to the Department of Juvenile Justice (DJJ).
 - b. Juveniles may be taken into emergency protective custody if they have been harmed or are in danger of being harmed under South Carolina 20-07-610.
 - c. Juveniles may also be taken into custody on the basis of a juvenile pick-up order issued by a Family Court judge.
2. Juveniles who are incarcerated are protected by Section 20-07-605 of the South Carolina Code of Laws. When a juvenile is not given a summons and release, the officer shall:
 - a. Notify the authorized representative of the Department of Juvenile Justice detained. The officer's written report must be furnished to the authorized representative of DJJ and must state:
 - (1) The facts of the offense.
 - (2) The reason why the juvenile was not released to the parents.
 - b. If the offense for which the child was taken into custody is a violent crime as defined in Section 16-1-60, the child may be released only by authorized representative of DJJ with the consent of the officer the juvenile into custody.
 - c. No child may be transported to a juvenile detention facility in a police vehicle which also contains adults under arrest. No child may be placed

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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.

- d. 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.
- e. The local law enforcement agency which originally took the child into custody is responsible for transporting the child to the juvenile detention facility.

3. A juvenile is eligible for detention in a secure juvenile detention facility only if the child meets the criteria set forth in Section 63-19-820:

- a. Is charged with a violent crime as defined in Section 16-01-160.
- b. Is charged with a crime which, if committed by an adult, would be a felony other than a violent crime and the child:
 - (1) Is already detained or on probation or conditional release in connection with another delinquent proceeding.
 - (2) Has a demonstrable recent record of willful failures to appear at court proceedings.
 - (3) Has demonstrable recent record of violent conduct resulting in physical injury to others; or
 - (4) Has a demonstrable recent record of adjudications for other felonies, and:
 - (a) There is clear and convincing evidence to establish risk of flight, serious harm to others, or
 - (b) The instant offense involved the use of a firearm.
- c. Is a fugitive from another jurisdiction.
- d. 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.
- d. Requests protection in writing under circumstances that present an immediate threat of serious physical injury. Detention is not mandatory for a child meeting this criterion if that child can be supervised adequately at home or in a less secure setting or program. A child who is taken

into

custody because of a violation of law which 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 an order has

previously been issued by the Court. The Court shall hold a detention hearing within twenty-four hours from the time the child was taken into custody, excluding Saturdays, Sundays and holidays.

F. Procedures for juveniles taken into custody include:

1. Immediately notifying the juvenile of his constitutional rights.
2. Officers taking the juvenile into custody shall transport the juvenile to the Police Department without delay (unless the juvenile needs medical treatment).
3. As soon as possible, the investigating officer shall notify the juvenile's parents that the juvenile has been taken into custody.

G. Procedures for custodial interrogation of juveniles shall include:

1. Conferring with parents or guardians.
2. Complete explanation of the Miranda warning and the juvenile justice procedures.
3. Normally, juveniles should be interrogated only in the presence of their parents or guardian. However, the totality of the circumstances may waive this requirement.
4. Parents or guardians shall be requested to sign the juvenile statement form as witnesses.
5. The duration of the interrogation shall not be of length that would exhaust the juvenile.
6. No more than two (2) officers shall interrogate the juvenile at any one time.

Commentary: Statements from Juveniles

When taking statements from juveniles, the following should be considered:

1. The rules for Miranda warnings are the same as those for adults (Kent v. US 541, 1966).
2. A juvenile may give a statement without a parent or attorney present based on the totality of 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, then treat this request as if they asked for an attorney. It is strongly suggested that the officer consult with the Solicitor's Office regarding any questions about the applicability of this section to a given situation.
4. Officers are free to ask questions of a juvenile if the juvenile is not in custody or being detained.
5. For any pre-planned, non-custodial interview, officers should attempt to notify the

juvenile's parent(s)/guardian prior to the commencement of the interview. Notification may be waived if the notification would jeopardize the investigation or the parent/guardian is a suspect. Notification or any attempt at such should be documented in the incident report. The juvenile should be informed of DJJ system procedures that will be followed regarding any possible custody, release, or transport to a facility.

- H. 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 not only involve juveniles in youth recreation programs, but also to initiate requests to social service agencies, churches and the Greer Recreation Department to organize such programs where they are needed but do not exist.
- I. Procedures for the collection, dissemination and retention of photographs and other forms of identification or physical samples taken from juveniles include:
 - 1. A juvenile charged with committing a violent offense or charged with committing grand larceny of a motor vehicle may be fingerprinted.
 - 2. A juvenile charged with committing a non-violent or status offense shall not be fingerprinted except by order of the court.
 - a. 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.
 - b. 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.
 - c. Violent offenses as defined by Section 16-01-60, SC Code of Laws are:
 - (1). Murder.
 - (2). Criminal Sexual Conduct, 1st and 2nd degree.
 - (3). Assault and Battery with intent to Kill.
 - (4). Kidnapping.
 - (5). Voluntary Manslaughter.
 - (6). Armed Robbery.
 - (7). Drug Trafficking as defined in Section 44-53-370 (C).
 - (8). Arson in the First Degree.
 - (9). Burglary First and Second Degree under Section 16-11-312 (B).
 - 2. A juvenile may be photographed without a court order. Fingerprinting for violent crimes is also permitted without a court order.

3. 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.
 4. The dissemination of information above is restricted to those within the juvenile justice system with the need to know.
 5. The retention of juvenile identification and physical samples are controlled by Family Court.
- J. Procedures for the collection, dissemination and retention of juvenile records shall include:
1. ALL copies of incident reports and supplements dealing with juvenile records will be sent to the Juvenile Officer for further processing.
 2. Juvenile and adult arrest and identification records shall be kept separate.
 3. Records of juvenile offenders shall be expunged upon the juvenile attaining his eighteenth birthday or sooner if directed by court order.
 4. Access to juvenile records shall be on a need-to-know basis.
- K. The CID Commander shall be responsible for the collection, dissemination and retention of juvenile records. He shall ensure that access is permitted only if there is a proper purpose and only if access is necessary.
- L. Should a question arise as to the proper course of action to take in any juvenile investigation, the investigating officer should immediately contact the on-call detective or CID Commander for advice and assistance.

III. SCHOOL RESOURCE OFFICERS

The SRO Officers are the liaisons with the schools located in the City of Greer and provide a resource to prevent drug and alcohol abuse as well as other delinquency; guidance on ethical issues in a classroom setting; individual counseling to students; and explain to students the role of law enforcement in society.

The goal of the School Resource Officer Program is to contribute directly to a climate of safety and security in the assigned schools. SROs will be active law enforcement officers on campus; will be classroom instructors; will serve as resources for teachers, students and parents; and will be active in conferences, counseling and referrals. As long as the SROs operate within a Memorandum of Understanding (MOU) between the City of Greer and the School Districts of Greenville and Spartanburg counties, they will follow the guidelines of the MOU. The SROs remain employees of the Greer Police Department and their rights while assigned under this contract will not be abridged by the provider agency. In furtherance of the goal of this MOU, the primary duties of the SRO will be:

1. SROs will take law enforcement action as required against intruders and unwanted guests who may appear at the schools and any school-related functions or activities and will make the principal aware of such action.

2. SROs will assist the principal in developing plans and strategies to prevent and/or minimize dangerous situations which may result from student unrest or a crisis.
3. SROs will act as instructors for specialized, short-term programs, when invited to do so by the principal or a member of the faculty.
4. SROs will coordinate all activities and programs with the principal and concerned staff members and will seek permission, advice, and guidance prior to undertaking any new initiative.
5. SROs will develop expertise in presenting various subjects to students, such as a basic understanding of laws and the role and duties of the law enforcement officer.
6. SROs will encourage individual and small-group discussions with students, based upon material presented in class, to further establish rapport with students.
7. When requested by the principal, SROs will attend parent/faculty meetings to solicit support and understanding of the SRO program.
8. SROs will become familiar with community agencies which offer assistance to youth and their families, such as mental health clinics, drug treatment centers, etc.
9. While conducting formal police interviews with the students, the SRO will inform the principal or designee and adhere to Police Department policy, as well as legal requirements with regard to such interviews.
10. SROs will not act as the school disciplinarian, because disciplining student is a school responsibility. However, if any incident is a violation of the law, the principal will contact the SRO in a timely manner for action. SROs will determine whether law enforcement action is appropriate.
11. SROs will aggressively patrol the school campus and will not be used for regularly assigned lunchroom duties, hall monitoring or other monitoring duties. If there is a problem area, the SRO will assist the school staff until the problem is resolved.
12. In the case of contested expulsions, the Police Department will provide case information and/or testimony to school authorities and will testify upon the request of the principal.
13. SROs working with school staff will identify at-risk juveniles and take appropriate steps to assist the juvenile to remain a productive student.
14. SROs will investigate school-related crimes, offenses, incidents and conditions, including arresting offenders.
15. SROs will maintain detailed records of the School Resource Officer program and will forward a monthly report of activities to the Chief of Police through the Support Services chain of command.
16. Upon request of the principal or designee, SROs may accompany representatives of the school to events outside the City of Greer for the purpose of providing security.
17. SROs will participate in outside school functions such as athletic events to ensure

the safety of students, staff and parents.

B. Chain of Command

1. SROs will report to the Community Outreach Corporal and Sergeant.
2. SROs will immediately inform their supervisor of any critical incident or situation.

C. Duty Hours

1. SROs will be assigned on a full-time basis during the regular school year. These officers will be assigned 8.55 hours per day and in such a manner that their hours correspond to the school class schedule. Any SRO may be temporarily reassigned by the Chief of Police during school holidays and vacations, or during the period of any law enforcement emergency.
2. SROs schedules will be determined in conjunction with the principal and the Community Outreach Sergeant. On days when there are outside events such as football or basketball games, the SRO will extend his schedule to be present at the school during the assigned school day, as well as the event. The SRO may consult with the Community Outreach Sergeant to arrange coverage by another properly SRO trained officer if the need arises.
3. In the event of school closings, cancellations or half days, and during summer and holiday closures, the SRO will report to the Community Outreach Sergeant for appropriate assignment.