




# COLUMBIA POLICE DEPARTMENT

*"Policing Excellence through Community Partnerships"*

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<b>Subject:</b> <i>Juvenile Operations</i>		
<b>Amends/Supersedes:</b> <i>Section 05, Chapter 05, Juvenile Operations 2008</i>	<b>Chief of Police:</b> 	
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## 1.0 DIRECTIVE

The Columbia Police Department recognizes that in most cases the Juvenile Justice System is separate from the Adult Criminal Justice System. The Columbia Police Department will direct all possible efforts toward actively developing, perpetuating, and participating in programs of prevention and control of juvenile delinquency. All departmental personnel will comply with the procedures set forth in this directive with regard to juveniles and related matters.

## 2.0 ADJUSTMENT

The Juvenile Justice System attempts to deal with juveniles by correcting their wrongful behavior rather than punishing the individual.

In accordance with this directive, officers coming into contact with a juvenile offender will use the least coercive and reasonable alternatives, consistent with preserving public safety, order and individual liberty.

The least restrictive alternative available to the investigating officer is the adjustment of the juvenile from the Juvenile Justice System.

### 2.1 Considerations Regarding Adjustment

The following factors will be considered by an officer when deciding to recommend the adjustment of a juvenile from Family Court to formal counseling:

- Nature of the offense.
- Age of the alleged offender.
- Whether the offense is domestic or family related.
- The concern shown by the parent/guardian(s) as being able to correct the juvenile's problem(s).
- History of delinquent behavior.

## 2.2 Adjustment Procedures

Any officer may adjust or informally handle a juvenile offender prior to entering the Juvenile System by one of the following means that involve outright release with no further formal action:

- Informal counseling and/or warning.
- Consulting with the parents or guardian for corrective action.

All of the above release and adjustment cases must be performed before the juvenile is taken into custody. Once a juvenile is taken into custody the officer no longer has the adjustment alternative available to him.

## 3.0 CUSTODY

Criminal offenses are charges that are brought against a juvenile when the juvenile commits any act that is in violation of state, county, city or federal laws as well as some status offenses (Incorrigible, etc...).

### 3.1 Non-Confinement Cases

Non-confinement cases are misdemeanor cases that are not violent cases as defined in South Carolina Code of Laws 16-1-60.

Examples of non-confinement cases would be shoplifting, petit larceny, disturbing schools, disorderly conduct, public drunk, trespassing.

### 3.2 Non-Confinement Procedures

The procedures to be followed for a non-confinement case will be as follows:

1. The officer responding to a call concerning this type of case will complete an Incident Report, Booking Report and indicate on the report whether or not the victim or complainant wants to sign a petition. The officer must also obtain the information on parents and/or guardians.
2. If the juvenile is still on the scene, the juvenile will be taken into custody and the parent, guardian or responsible adult will be called to come and pick the juvenile up from the incident scene, if the parent, guardian or responsible adult can respond in a short amount of time.
3. If the parent, guardian or responsible adult cannot respond in a short amount of time, they will be advised of the location of the officer's Region and told to pick the juvenile up at that location.
4. If it will be over an hour or the parent, guardian or responsible adult has no transportation; the juvenile will be transported to their location at home or work. The transportation of a juvenile to the parent, guardian or responsible adult will be within the city limits of Columbia or within a three (3) mile radius outside the city limits, except when approved by the officer's supervisor.
5. If a parent, guardian or responsible adult cannot be contacted because they do not have a telephone, an officer will be sent by the residence to notify someone.
6. The party to whom the juvenile is released must sign a Release Form.
7. If an officer is unable to contact someone by telephone or by having an officer go by the residence and the officer has documented his attempts, the Department of Social Services will be called and asked for assistance. If complications develop, the officer should contact the on call Juvenile Solicitor.

Note: No non-confinement juveniles taken into custody will be transported to the Richland County Detention

Facility. A Region officer will remain with the juvenile until the juvenile is released.

### 3.3 Confinement Cases

Confinement cases are those cases where a juvenile can be held for up to forty-eight (48) hours before being taken before a Family Court Judge who will decide if the juvenile will stay in a confinement place or be released to his/her parent/guardian until a court date is set. The forty-eight (48) hours will exclude weekends and state holidays. A juvenile can be confined for a violation of one of the violent crimes as stated in South Carolina Code of Laws 16-1-60 or 63-19-820 or when he/she is a danger to him/her or others, or is on probation for any type crime and commits a felony offense.

An Investigator will be notified if a juvenile is involved in the commission of any felony offense and will contact the Solicitor's office to review the alleged crimes committed and any other mitigating factors to make a decision as to confinement.

### 3.4 Confinement Procedures

Any officer who takes a juvenile into custody will be responsible for the following:

- Notify his/her supervisor of the case.
- Complete an Incident Report and Booking Report(s).
- Notify the juvenile immediately of his constitutional rights.
- Transport the juvenile to the Criminal Investigations Division and assist in securing the juvenile(s) as requested by the Investigator. If the juvenile is in need of emergency medical treatment this should be done first.
- Request the assistance of an Investigator if required.

The following procedures will be followed for a juvenile involved in a confinement type crime for which the investigator decides not to contact the Solicitor for a confinement order:

1. The officer will notify his supervisor and an Investigator of the incident and then begin his Incident Report.
2. The Investigator will advise whether he wants the juvenile transported for follow-up at this time or if he will follow-up on the case after the report is forwarded.
3. If the Investigator is going to follow-up the case after the report has been forwarded, the juvenile will be handled in the same manner as outlined in the Non-Confinement Cases Section.
4. If the Investigator wants the juvenile transported for immediate follow-up, the juvenile will be transported by the officer to the Criminal Investigations Division.
5. The juvenile will then be released in accordance with the procedures established for non-confinement cases.

For a juvenile involved in a confinement type crime for which an investigator decides to contact the Solicitor for a confinement order, the above procedures will apply along with the following procedures for the investigator:

1. The investigator will make sure the necessary telephone contacts to notify the parent(s)/guardian(s) or responsible adult and the Family Court Solicitor. The decision on confinement must be made with input from the Solicitor. The victim of the crime should be contacted concerning the time and date of the detention hearing. All telephone contacts will be made immediately.

2. The investigator will prepare the Petition and Confinement Order and other paperwork required for the confinement.
3. The investigator will be responsible for making sure all statements are taken and forwarded to the Solicitor.
4. The Investigator will be responsible for insuring that the confinement papers are at the solicitor's Office within twenty-four (24) hours excluding weekends and holidays.
5. The uniform officer(s) will transport the juvenile to the confinement place unless the Investigator has made other arrangements.
6. The Detention center will photograph and fingerprint all juveniles confined for ant offence, to include status offences.

Additionally, the Investigator will fingerprint and photograph all juveniles confined for a crime for which they may be tried as an adult.

All juveniles who are taken into custody for a status or criminal offense will be handcuffed when they are transported from one location to another.

No juvenile will be transported in any police vehicle that is occupied by an arrested adult.

### 3.5 Restrictions on the Incarceration of Juveniles (South Carolina Code of Laws 63-19-802)

Children ten (10) years of age and younger will not be incarcerated in any jail or detention facility for any reason.

Children eleven (11) or twelve (12) 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 violates conditions of probation for such an offense will be incarcerated in a jail or detention facility only by order of the Family Court.

## 4.0 JURISDICTION OF TRAFFIC VIOLATIONS OR VIOLATIONS OF TITLE 50

The magistrate courts and municipal courts of this State have concurrent jurisdiction with the family courts for the trial of persons under seventeen (17) years of age charged with traffic violations or violations of Title 50 relating to fish, game, and water craft when these courts would have jurisdiction of the offense charged if committed by an adult as provided in Section 63-3-520.

- If a juvenile is charged with a traffic violation (i.e. No Drivers License) the charges will be handled in Magistrate's Court.
- If a juvenile is charged with a criminal offence (i.e. Open Container) the Family Court will have jurisdiction.
- The court having jurisdiction will be responsible for reporting violations to the Department of Highways and Public Transportation.

## 5.0 CUSTODIAL INTERROGATIONS

It is recommended that the juvenile's parent or guardian be present during the interrogation of the juvenile. However, if the investigator/officer believes that the presence of the juvenile's parents or guardian during the interrogation would be

detrimental to the investigation and the juvenile is capable of making a statement based on his age, intelligence, education, experience, prior criminal record and his ability to comprehend the meaning and effect of his statement, then the parent or guardian may be excluded from the interrogation process.

All juveniles who are in custody and are going to be interrogated will be advised of their Constitutional Rights under the Miranda Ruling prior to any questioning. The interrogating investigator/officer will utilize the Advice of Rights Form and explain the juvenile's rights to him. If the juvenile understands his rights and agrees to waive his rights (without any form of coercion) the investigator/officer will get the juvenile to sign the Waiver of Rights on the bottom of the Advice of Rights Form.

Interrogation procedures will normally be limited to two (2) investigators/officers and will only last as long as it is productive. Interrogation will cease upon request from the child, parent or his/her attorney or if a reasonable person would believe that the setting or circumstances have become coercive.

The interviewing investigator/officer will explain the Juvenile Justice System's policies and procedures to the juvenile and/or his parents in order for them to have a clear understanding of the child's involvement in the system.

## **6.0 TRUANCY**

Truancy is when a juvenile fails to attend school. The State of South Carolina requires that a juvenile attend school through the age of sixteen (16) years.

The Truancy Petitions may be signed by the School District after the juvenile has missed five (5) consecutive unexcused days or ten (10) total unexcused days.

### **6.1 Procedures for Custody When Not Suspended from School**

The following procedures will be followed when taking a juvenile into custody for truancy when the juvenile is not suspended from school:

1. Contact (or have Columbia/Richland Communications contact) the school or the SRO to ascertain the child's status.
2. Release the child to a school official unless the school official refuses to accept the juvenile. If the school officials refuse to accept the juvenile:
  - Contact a parent, guardian or responsible adult to release the juvenile into their custody.
  - Have the parents, guardian or responsible adult come to the school, or if it is going to be over an hour and/or the person has no transportation, then transport the juvenile to the parent, guardian or responsible adult and release the juvenile by having the person sign a Release Form. The transportation of a juvenile to the parent, guardian or responsible adult will be within the city limits of Columbia or within a three (3) mile radius outside the city limits, except when approved by the officer's supervisor.
  - If the school official refused to take back the juvenile not under suspension, obtain the school official's name and put it on the Incident Report.
  - If no parent, guardian or responsible adult can be located, the Department of Social Services will be notified and advised of the situation to determine if they can be of any assistance with the juvenile.

- Make sure you have documented attempts to contact the parent, guardian or responsible adult at home or work. If there is no telephone at the juvenile's residence, document the time and officer's name that went by the juvenile's residence to contact someone.

## 6.2 Suspended Students

A juvenile cannot be truant when he/she is suspended from school. The officer should confirm the status on the juvenile through Columbia/Richland Communications Center before the juvenile is transported. If the officer has no charges on the juvenile, the juvenile will be left where he was observed.

If the juvenile was transported and found out later that he/she is in fact suspended, then follow the procedure for taking a juvenile into custody for truancy.

## 7.0 RUNAWAYS

A runaway is a juvenile under the age of seventeen (17) years old who leaves their home without their parent or guardian's permission. A report will be made on all runaways and transported to the TRU immediately. The runaway will then be entered into the NCIC Computer. A picture of the runaway should be obtained whenever possible and attached to the report.

**Any juvenile under the age of seventeen (17) years who is a ward of the State and leaves their placement home is considered a missing person and shall be reported as a missing person.**

### 7.1 Runaways from our Agency's Jurisdiction

The following procedures will be followed when taking custody of a runaway from this jurisdiction:

1. Have Columbia/Richland Communications or the Telephone Response Unit confirm that the juvenile is a runaway from this jurisdiction by supplying them with the name and date of birth of the juvenile.
2. Transport the juvenile to the officer's Region to obtain information on the runaway.
3. Telephone the parent or guardian and advise them that the juvenile was located. Ascertain how long it will take them to come and pick the juvenile up from the Region. If it will be over an hour then inform them that you will transport the juvenile to their location.
4. Have the person who the juvenile is released to sign the Incident Report or Release Form.
5. If the officer is unable to contact someone for the runaway, the officer will document all telephone calls made. If there is no telephone, document the name of the officer and the time the officer went to the residence to make contact.
6. If a guardian cannot be notified, contact the Juvenile Solicitor. The Solicitor will determine if the Juvenile meets the criteria for confinement.

### 7.2 Runaways from Another Agency

The following procedures will be followed when taking custody of a juvenile who is a runaway from another jurisdiction:

1. Have Columbia/Richland Communications or the Telephone Response Unit confirm the juvenile is a runaway and from what agency by supplying them with the name and date of birth of the juvenile.

2. Transport the juvenile to the officer's Region and contact the outside agency by telephone or Teletype.
3. Make arrangements with that agency to return the runaway to that agency.
  - If the agency is West Columbia, Cayce, Lexington County, Richland County, Forest Acres, University of South Carolina or another local agency, make arrangements to meet that agency and turn the juvenile over to them. (An example would be to meet Lexington County at the Gervais or Blossom Street Bridge.)
  - If the juvenile is not a runaway from one of the agencies listed above but has been confirmed as a runaway by telephone or teletype, contact the Department of Juvenile Justice or Juvenile Solicitor for placement until the agency or guardian can arrive in Columbia to pick the juvenile up or arrangements are made to send the juvenile back.

## **8.0 INCORRIGIBLE CHILD**

An incorrigible child is a juvenile who will not conform to or abide by the parents' or guardians' rules. The Incorrigible Child Petitions are signed only by a parent or guardian at the Department of Juvenile Justice. The police officer can counsel the parent, guardian and child or refer the parent or guardian to the Department of Juvenile Justice.

If the officer is called by a parent or guardian concerning a child they feel is incorrigible, the officer will take a report if the parent or guardian wants a report made.

The officer should inform the parent or guardian to contact the Department of Juvenile Justice during the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.

At no time will an incorrigible child be taken into custody and detained in a detention facility unless there is a signed Court Order that states the child is to be held in a detention area unit until the child can be brought before a Family Court Judge. Always read the Court Order before transporting an incorrigible child to the Richland County Detention Center. If the incorrigible child is to be held at the Richland County Detention Center, the Court Order must accompany the juvenile.

The Squad Supervisor will be notified and respond to the scene before an incorrigible child is transported by Court Order.

If an incorrigible child is taken into custody by Court Order, an Incident Report and Booking Report will be completed.

## **9.0 EMERGENCY PROTECTIVE CUSTODY (SC Code 63-7-620)**

A law enforcement officer may take a child into protective custody without the consent of parents, guardians or others exercising temporary or permanent control over the child if:

- The officer has probable cause to believe that by reason of abuse or neglect there exists substantial and imminent danger to the child's life or physical safety.
- Parents, guardians or others exercising temporary or permanent control over the child are unavailable or do not consent to the child's removal from their custody.
- There is not time to apply for a Court Order pursuant to SC Code 63-7-1660.
- Where a 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, the child may be taken

into protective custody pursuant to this section if:

- In the circumstance of arrest, the parent, parents, or guardian does not consent in writing within a reasonable time to another person assuming physical custody of the child
- In the circumstance of a lost child, a search by law enforcement has not located the parent, parents, or guardian within a reasonable time.

The Squad Supervisor will be notified and will respond to the scene before a child is taken into Emergency Protective Custody.

When an officer takes custody of a child under this Section, the officer will immediately notify the Department of Social Services and the parents, guardians or other persons exercising temporary or permanent control over the child that the Department of Social Services has custody of the child.

The officer taking custody of a child under this section will transport the child to a location assigned by the Department of Social Services.

The Department of Social Services will, upon notification, commence a Child Protective Investigation. The Child Protective Investigation will include immediate attention to the protection of the other children in the home or setting where the child was found.

The officer taking custody of the child will complete an Incident Report with all pertinent information including parents' or guardians' names and addresses. The officer may expect to be notified within seventy-two (72) hours (excluding weekends) of the scheduling of a family court hearing concerning the Emergency Protective Custody of the child. The family court will normally wish to have the officer present at the hearing.

## **10.0 JUVENILE IDENTIFICATION**

The following procedures will be followed by all departmental personnel for the fingerprinting, photographing and taking of specimens for chemical analysis from juvenile offenders.

### **10.1 Fingerprinting**

In accordance with South Carolina Code 63-19-2030, a juvenile is not fingerprinted by law enforcement unless the juvenile is charged with an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult and is not detained into a secure facility. The fingerprints must be forwarded to the State Law Enforcement Division pursuant to their directives. Upon notification that a juvenile has not been adjudicated delinquent for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult, the South Carolina Law Enforcement Division and the law enforcement agency who took the child into custody must destroy the fingerprints and all records created as a result of such information.

### **10.2 Photographs**

Juveniles taken into custody for a criminal offense and transported to the Criminal Investigations Division for a follow-up investigation may be photographed.

### **10.3 Chemical Analysis**

No juvenile will have hair, blood, urine, nails, breath or stomach contents samples taken without a court order. The only exception to this would be a breath, blood or urine sample taken from a juvenile in custody for Driving Under the Influence.



## **11.0 JUVENILE RECORDS**

The following procedures will be followed for the filing, maintenance and dissemination of juvenile arrest and identification records.

### **11.1 Fingerprints**

In accordance with South Carolina Code 63-19-2030, a juvenile 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 and forward to the State Law Enforcement Division by mail. Upon notification that a juvenile has not been adjudicated delinquent for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult, the law enforcement agency who took the child into custody must notify the State Law Enforcement Division by fax or email. The State Law Enforcement Agency must then destroy the fingerprints and all records created as a result of such information. It is the responsibility of the Columbia Police Department to notify SLED of such a scenario, or if the charge has been transferred to adult court.

### **11.2 Photographs and Arrest Records**

All juvenile photographs and arrest records will be filed and securely maintained by the Investigations Division.

### **11.3 Chemical Analysis Samples**

All hair, blood, urine, nails, breath and stomach contents samples will be sent to the State Law Enforcement Division for analysis and will then be securely stored in the Department's Property/Evidence Room.

### **11.4 Retention and Dissemination**

All juvenile arrest and identification records will be maintained separately from adult records.

All juvenile arrest and identification records will be securely maintained during the retention period until the juvenile reaches the age of twenty-one (21). It will then be the responsibility of the Investigations Division to see that those records are destroyed.

All juvenile arrest and identification records maintained in the Records, Identification or Investigations Division will be destroyed when a Court-Ordered Expungement of Records is received by any of these units.

## **12.0 REQUIRED REPORTS**

When a juvenile is taken into custody and charged with a criminal or status offense, the officer will complete a Booking Report which will be forwarded with the completed Incident Report to the Investigations Division. The officer will place both parents' names and information (as well as the guardians' name and information, if the juvenile lives with a guardian) on the Incident Report.

Whenever a juvenile is released to anyone other than a Department of Social Services case worker, a Juvenile Release Form will be completed by the officer and signed by the individual assuming custody of the juvenile.

If the juvenile has been confined for a criminal offense, the Principle of the juvenile's school of record must be notified of the offense by the arresting Officer at the point when the juvenile has been charged.

If an officer takes a child into Emergency Protective Custody, the officer will notify a parent, guardian or responsible adult. If the officer is unable to notify a parent, guardian or responsible adult, he will note the failure on the Incident Report.

## **13.0 REVIEW AND EVALUATION**

### **13.1 External Input**

The Columbia Police Department encourages input regarding Juvenile Policies and Procedures from juvenile justice and social services agencies. This includes but is not limited to the Department of Juvenile Justice, the Department of Social Services and the Family Court. It will be the responsibility of the Investigations Division to contact the above agencies and any other they deal directly with on at least a six (6) month basis to discuss problems, procedures and receive input for improvements from these agencies.

### **13.2 Internal Input**

All Juvenile Enforcement and Prevention Programs will be initiated with clearly defined quantitative and qualitative goals established. An annual evaluation of the program's goals and accomplishments will be conducted by the unit managing the program to identify whether specific programs should function as they are, be modified or be discontinued.

The department shall make every effort to keep its officers apprised of any changes or additions to the laws concerning juvenile justice.