

III. DEFINITIONS

- A. Disability (ADA): With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individuals, a record or history of such an impairment; or being regarded as having such an impairment.
- B. Physical or Mental Impairment (ADA): Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

IV. PROCEDURE

A. Diversion

1. Officers are expected to use professional and impartial discretion in dealing with juvenile offenders. The following approaches may be used when appropriate:
 - a. Release on a uniform traffic summons (for non-serious traffic offenses only);
 - b. Release with a warning or verbal counseling;
 - c. Release after contacting parents and arranging for corrective action by the parents;
 - d. Referral to a social service agency for voluntary treatment;
 - e. Informal referrals.
2. Officers will use the least threatening among reasonable alternatives consistent with preserving public safety and order. The nature of the offense, the age and circumstances of the offender, his/her record, the availability of community-based rehabilitation programs, and recommendations of complainants or victims are factors to consider.

B. Status Offenders

1. Status offenders are those persons under the age of 18 who commit an offense which, if committed by an adult, would not be a violation of local, state, or federal laws (truancy, runaways, etc.). Status offenders are children who need help.

2. Officers will make every effort to locate and return runaways to their families, including using the National Crime Information Center (NCIC) missing persons files.
3. In cases of truancy, offenders are returned to their schools.
4. Status offenders will not be placed in juvenile detention facilities EXCEPT by court order; then, the juvenile will be notified about the court order and advised that continued violation of the court order may result in detention.

C. Custodial Arrest

1. It is the responsibility of each officer to fully understand the provisions of State Statutes pertaining to taking a juvenile offender into custody.
2. All officers will ensure the constitutional rights of juveniles are protected.
3. Juveniles will be transported to the police department as soon as practical after being taken into custody.
4. The detaining officer will determine whether the juvenile is alleged to have been harmed or to be in danger of harm.
5. If medical treatment is required, appropriate medical care will be initiated immediately.
6. It is the responsibility of the detaining officer to promptly notify the juvenile's parent(s), guardian or custodian and, when applicable, arrange for the release of the juvenile as per State Law.
7. The responsibility to present the Police Department's position relative to the decision to hold the offender in juvenile detention or find an alternative release option belongs to the Division Lieutenant or ranking officer on duty at the time.

D. Interview/Interrogation

1. A parent or guardian will be notified when a juvenile is taken into custody.
2. When the parent or guardian arrives at the Department, the reporting officer will confer with the parent or guardian regarding the nature of

the charges and related information. (S)he will then be allowed to confer with the juvenile.

3. The officer will explain the juvenile justice system to the juvenile and answer any questions about it prior to the interview/interrogation.
4. No more than two officers will conduct any interview/interrogation of a juvenile, and no interview/interrogation will last more than two hours without a break.
5. If a juvenile asks to speak to his or her parent(s), the request will be treated as though an adult offender had asked for access to counsel.
6. Particular care will be taken in administering Miranda warnings to ensure that juveniles understand their rights.

E. Secure Confinement Procedures

1. Prior to the juvenile being admitted into the confinement facility, the detaining officer will make contact with the local Department of Juvenile Justice (DJJ) office or on-call DJJ officer, if after hours, to have the juvenile screened and approved for detention.
2. The MBPD facility cannot provide the necessary support for juvenile detainees identified with qualifying physical or mental disabilities; therefore, these juveniles may not be admitted. Officers responsible for detaining a juvenile identified as having a qualified disability shall communicate in advance with their immediate supervisor and the on-duty detention supervisor to arrange for housing at DJJ. The supervisor shall make every effort to coordinate with the DJJ to ensure advance notice is given regarding the transportation and housing of a detained juvenile with a qualifying disability to another facility.
3. Any juvenile who appears to be severely injured or acutely ill, or who is in a stupor or coma, even if the apparent cause may be intoxication, shall be examined and cleared by a physician before admission into this facility.
4. Any juvenile detained in this facility shall not be held for more than forty-eight (48) hours from the time of commitment without a court order. Approved temporary holdover facilities may hold juveniles during the period between initial custody and initial detention hearing before a Family Court Judge for a period up to forty-eight (48) hours, excluding weekends and State holidays.

5. No juvenile offender will be housed on the first floor of the jail, and access to the second floor of the jail will be made through the outside access doors and stairways. All processing will take place on the second floor, and at no time will a juvenile offender be allowed in the first-floor jail area of the building except as follows:
 - a. In the event a juvenile offender is to be brought to the station for the purpose of administering a Datamaster Test, the detaining officer will notify the Detention Section that a juvenile is enroute to the station for this test.
 - b. The Detention Supervisor will ensure that a portable partition is erected across the hallway near the fingerprint room in the jail prior to the juvenile being brought into the first-floor jail area.
 - c. The juvenile offender will be brought into the station through the North side Fire Exit Door and taken directly to the Datamaster room, where the juvenile will be processed and tested. The door will remain closed during the time the juvenile is in the Datamaster room.
 - d. The partition will not be removed until the juvenile offender has been removed from the first-floor jail area.
 - e. Following completion of the testing and processing, the offender will be taken out of the jail area through the North side Fire Exit Door and will re-enter the station through the North side door (Police employee entrance) and confined as directed by this policy.
6. Transportation time to Family Court and/or another approved Juvenile Detention Facility is not included in the forty-eight (48) hour time restriction.
7. Juvenile offenders to be held in secure confinement that is likely to exceed the forty-eight (48) hour time limit while awaiting a detention hearing will be transferred to the approved juvenile detention facility and subsequently returned for court when scheduled.
8. Juvenile offenders in secure confinement will be monitored in compliance with existing State and local detention requirements and regulations.
9. No juvenile offender in secure confinement status will be handcuffed or otherwise secured to any stationary object. This does not prohibit handcuffing or other physical restraint devices (when approved) during

prisoner transport. The restraint chair may be used and documented accordingly if the juvenile poses a safety risk to themselves or others.

F. Non-Secure Confinement Procedures

1. Juvenile offenders detained for offenses not requiring secure confinement or not exhibiting behavior that would require secure confinement will be brought into the facility through the North side door (Police employee entrance) and taken to the juvenile screening room adjacent to the lobby.
 - a. The offender can be held in this non-secure confinement setting while the officer is in the process of:
 - i. Investigating the crime,
 - ii. Identifying the offender,
 - iii. Intake screening,
 - iv. Awaiting release to parent/guardian,
 - v. Awaiting transfer to a juvenile detention facility,
 - vi. Awaiting transfer to court for a detention hearing.
2. The offender must remain under constant visual supervision. Supervision is the responsibility of the detaining officer or his/her supervisor.
3. Juveniles in temporary or secured holding areas must be separated by sight and sound from adult inmates.
4. While the length of time allowed for non-secure confinement has not been specifically set, the law provides for "the time necessary to" complete the criteria outlined above. Officers and supervisors must exercise REASONABLENESS in determining the confinement status for offenders in non-secure confinement.
5. Juvenile offenders in non-secure confinement must be separated by sex. This does not remove the requirement for constant visual supervision.
6. No juvenile offender will be handcuffed or otherwise secured to any stationary object (i.e., chairs, railings, tables, etc.) while in non-secure confinement status. This does not prohibit the handcuffing of any

offender during vehicle transport at the time of detention or while enroute to court or other approved detention facility if exigent circumstances prevail.

G. Fingerprinting and Photographing

1. A juvenile taken into custody for any offense may be photographed and retained in the records management system.
2. A juvenile taken into secure custody must be photographed upon admission to the detention facility and retained in the records management system.
3. 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 when taken into secure custody or detained.
 - a. If a paper fingerprint card is generated, then the card will be placed in an envelope marked "confidential" and will be kept separate from adult fingerprint records.
 - b. The fingerprint record will be transmitted to SLED.
 - c. Fingerprint records must be destroyed by SLED and the arresting agency upon notification that the juvenile has not been found guilty of a crime carrying a maximum of five years or more.
4. An officer may petition the court for an order to fingerprint a juvenile when:
 - a. The juvenile is charged with any other offense; or
 - b. There is probable cause to suspect the juvenile of committing any offense.

H. Transportation

1. To ensure efficient utilization of resources, the Watch Commander, or the shift supervisor in the absence of the Watch Commander, will have the responsibility of coordinating and arranging for the transportation of all juveniles from the Police Department to another approved Detention Facility or Family Court and all subsequent transport requirements until the offender is officially sentenced or released from custody by the courts.

2. Juveniles claiming to be pregnant will only be restrained with handcuffs placed in the front of the juvenile's body and no leg irons. Restraint of the pregnant juvenile will be documented accordingly. Pregnant juveniles in their second or third trimester shall not be restrained with waist shackles or leg irons at any time. Pregnant juveniles in their second or third trimester shall not be restrained with wrist handcuffs unless they are violent or potentially dangerous as determined by the Watch Commander or designee.

I. Forms

1. When the decision is made to detain the juvenile, the detaining officer will provide a copy of the incident report to DJJ, which will be accepted as the charging document for the offender.
2. The "Juvenile Log Form" for every juvenile brought to the Police Department (PD) will be completed as a chain-of-custody form used to document the juvenile and the officer(s) responsible for their custody. The officer will be responsible for keeping track of the time(s) spent with the juvenile as well as who they were released to. Blank forms may be found in the "Forms & Documents" folder.
3. If the juvenile is held in secure confinement in the second-floor facility, detention staff will complete the "Monthly Juvenile Log" required by the South Carolina Department of Public Safety.
4. All documents and envelopes pertaining to the juvenile's offense and/or detention will be stamped as "Confidential" and filed with the Records Unit and/or the Family Services Unit as applicable.