

1975 WL 29653 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 2, 1975

\*1 Mr. Ralph Phillips, Jr.  
Union County Solicitor  
P. O. Drawer 490  
Union, South Carolina 29379

Dear Solicitor Phillips:

I am responding to your questions as to whether the Union Police Department may photograph and fingerprint juveniles for their files and, if so, whether these files may be sent to SLED.

§ 15-1641.3(5) and (6) state as follows:

(5) Neither the fingerprints nor a photograph shall be taken of any child taken into custody for any purpose, without the consent of the judge.

(6) Peace officers' records of children shall be kept separate from records of adults and shall not be open to public inspection.

§ 15-1095.17(d) states:

(d) Peace officers records of children shall be kept separate from records of adults and shall not be open to public inspection, and shall be open to inspection only by such governmental agencies as authorized by the judge.

See also § 15-1095.40, which contains some relevant information.

Therefore, it would appear from these statutes that the city police may not photograph or fingerprint juveniles, nor send such information to SLED, without permission from the judge.

Sincerely,

Bob Davis  
Law Clerk

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