

# Unit 4 Individual Project Tutorial – Juvenile Justice Investigations

## Law Enforcement Considerations

Most incidents that officers respond to are uneventful or even boring because officers arrive on the scene after-the-fact—that is, when suspects are already gone or everyone has already calmed down. However, other incidents may be extremely chaotic, stressful, and confusing because people are yelling, arguing, and sometimes fighting. During a chaotic situation, arriving officers must remain calm, calculating, and decisive for public safety. Upon arrival, officers may not be able to immediately distinguish who the victims, suspects, and witnesses are.

## Investigative Steps

Whenever a crime is investigated, basic steps must be completed, as follows:

1. Make sure that the scene is safe for the public and for responding officers.
2. Attend to injuries. Taking care of critically injured people is more important than preserving evidence or apprehending suspects. For example, if you see a car collide into a pedestrian and then flee the scene, then attending to the injuries of the victim is legally more important than chasing after a fleeing driver. The life of a victim is more important than the immediate arrest of a perpetrator.
3. Determine whether a crime has occurred.
4. Detain suspects, preserve evidence, and identify possible witnesses.

## Primary question for an officer to answer: Did a crime occur?

One important task for an on-scene officer is to quickly determine whether a crime has occurred because if no crime has occurred, then officers generally have little to no authority to intervene in noncriminal disputes. The following are sample noncriminal disputes that officers do not investigate:

- [Contract disagreements](#)
- A store owner refusing to provide a refund to an angry customer for a purchased product that they are unhappy with or that may be defective
- An employer refusing to give an employee their last paycheck after they were fired
- People having a civil disagreement of opinion during an orderly dispute

When an officer determines that a crime has occurred, that will determine whether they have the legal authority to investigate it—and whether or not an arrest can be made for it. Crimes vary from state to state, but there are some sample crimes that officers investigate, such as the following:

- Misdemeanor theft
- Felony theft
- Burglary of an unoccupied dwelling

- Burglary of an occupied dwelling
- Justified homicide
- Strong-arm robbery
- Armed robbery
- Carjacking
- Simple battery
- Aggravated battery
- Aggravated assault
- Sexual battery

If a crime has occurred, then an officer must also know the following:

- What is the crime?
- What is the statute or criminal code that describes the crime?
- What are the elements of the crime? Elements vary from state to state, but the following are some generic examples:
  - **Simple assault:** This is the threat to do harm with the apparent ability to do so.
  - **Aggravated assault:** This is the threat to do great bodily harm with the ability to do so (usually involves a weapon, such as a firearm, knife, baseball bat, and so on).
  - **Simple battery:** This is the unwanted touching of another.
  - **Aggravated battery:** May involve serious bodily harm or disfigurement or may include the use of a weapon i.e. a knife, firearm, baseball bat, etc. The specific legal elements of aggravated battery may vary slightly from state to state.
  - **Sexual battery:** Sexual battery refers to nonconsensual contact of a sexual nature. However, in some states, the consent of a minor is not a legal defense for an adult defendant. Sexual battery is another crime where the specific legal elements may vary slightly state to state.
  - **Residential burglary:** Burglary typically involves illegally entering a structure to commit a crime. The specific legal elements of residential burglary may vary slightly from state to state.
  - **Retail theft:** Generally, retail theft is when a person unlawfully takes possession of items offered for sale by a retail establishment. In some states, concealing an item while inside an establishment is prima facie evidence of theft, even if the defendant did not leave the business with the merchandise. The specific legal elements of retail theft may vary slightly state to state.

In law enforcement, there are at least four legal levels for investigating and prosecuting a crime, as follows:

1. **Reasonable suspicion:** If an officer has reasonable suspicion that a crime has occurred, is occurring, or is about to occur, then they may legally stop and temporarily detain a possible suspect to conduct a preliminary criminal investigation. However, if the officer cannot find incriminating evidence, then they must allow the detained person to go free.
2. **Probable cause:** If an officer has probable cause (evidence) that a suspect committed a crime, then they may arrest the suspect for it if the state statute (or criminal code) authorizes it.
3. **Proof beyond a reasonable doubt:** To obtain a conviction in court, a prosecutor must have proof beyond a reasonable doubt. That is a higher level than probable cause. *Probable cause* allows an officer to investigate or arrest someone; it is not always enough evidence to convict

someone in court. A *conviction* requires proof beyond a reasonable doubt (for a judge or a jury to convict someone).

4. **Adjudication:** When a defendant is found to be guilty of a crime in court, then they are adjudicated guilty by a judge. They now have a permanent criminal record, unless it is [expunged](#). Expungement requirements vary from state to state.

## Status Offenses

In many states, juveniles are governed by [status offenses](#), which do not apply to adults. The laws vary from state to state, but generally, they are noncriminal offenses that allow the police to detain or apprehend a juvenile without making a criminal arrest. In many states, truancy is a status offense that require juveniles to be in school. An officer may apprehend a truant and then return the juvenile to school or to a parental guardian. When the officer apprehends the juvenile, it is not a criminal arrest, and the child does not have a permanent arrest record, unless the child committed a criminal offense.

The following Web site contains examples of truancy laws: [Sample Truancy Laws by State](#).

## Violating Status Offenses While on Juvenile Probation

If a juvenile is apprehended for a status offense, they do not incur a permanent arrest record, which is known as a *criminal history*. An exception to that rule is if the juvenile is on court-ordered probation for having committed a prior crime. In that case, a judge may order the juvenile to attend school as a condition of their probation. Thus, if they commit truancy, then they are violating a condition of their probation, and they may be arrested for probation violation, which is a criminal offense.

## Prosecutorial Considerations

After a juvenile arrest is made, a criminal case is forwarded to a prosecutor's office, where it will be assigned to an attorney for prosecution. The prosecutor will evaluate the case to ensure that the officer had probable cause to arrest the defendant and to determine whether all of the elements of the crime are there. Then, the prosecutor will determine whether there is enough evidence to establish *proof beyond a reasonable doubt*, which is the highest legal level that is needed to find a defendant guilty in a trial. If a prosecutor cannot establish proof beyond a reasonable doubt—and if the defendant is pleading not guilty—then the prosecutor will drop the charges, and the defendant goes free.

A prosecutor will also consider [extenuating circumstances](#) in a juvenile criminal case. For example, if a defendant is arrested for sexual battery and if the defendant alleges that the sex was consensual, then it might be an extenuating circumstance (if they are telling the truth and if it can be proven). However, in sexual battery cases, it is rare to have [independent witnesses](#) because sex crimes usually happen in secluded or private places and not in public places where there might be witnesses. The prosecutor must be able to prove with evidence that the sexual battery occurred and that it was not consensual. Can a prosecutor prove it? What are the elements of the crime? These are things that a prosecutor must consider.

## Latchkey Kids

Another extenuating circumstance with juveniles are the arrests of [latchkey kids](#), who are children not being properly supervised. For example, the parents or guardians of latchkey juveniles might be away

from home because they are at their job, or in a worst case scenario, the guardians might be abusing alcohol or drugs and are thus neglecting to supervise and care for their children. Unsupervised juveniles tend to get in legal trouble more often than supervised children. If a juvenile keeps getting arrested because they are not being properly supervised, then it is an extenuating circumstance, and a prosecutor may make a legal inquiry to ascertain whether the juvenile-defendant is a latchkey child.

### **Court Considerations**

A juvenile trial involves a victim, a defendant, witnesses (if any), a prosecuting attorney, a defense attorney, and a presiding judge. Each party has a legal role, as follows:

- **Prosecutor:** A prosecutor presents evidence in a trial, such as the following:
  - **Physical evidence:** This includes forensic semen or blood analysis, bullets, weapons, and so on.
  - **Witnesses:** Is it an independent witness who has nothing to gain by lying? Is the witness a family member or a best friend? It can also be an expert witness.
- **Defense attorney:** A defense attorney will argue against evidence that a prosecutor presents in court. A defense attorney may also present their own witnesses. A defense attorney defends the accused.
- **Judge:** A presiding judge keeps order in the court during a trial and ensures that a defendant's constitutional rights are not violated. After a trial concludes, a judge may also determine a verdict of guilty or not guilty.
- **Jury:** In most states, juveniles do not have a right to a jury trial by their juvenile peers. For example, if a juvenile defendant is 12 years old, then they are not tried by a jury of other 12-year-old children.

Prosecutors and defense attorneys may also collaborate by working out a [plea deal](#) for the juvenile defendant. For example, the prosecutor may offer a lighter sentence if the defendant will agree to not take the case to trial. Plea deals are usually more lenient compared to taking a case to trial. The judicial system would collapse if plea bargaining was not allowed because there are too many cases for the court system to handle. Plea deals quickly move defendants through the juvenile court system.

### **Extenuating Circumstances**

If there are extenuating circumstances, then many different things can happen depending on what the facts are. Consider the following:

- **Pretrial diversion:** Criminal charges are dropped, and a defendant does not plead guilty. Special terms are agreed upon.
- **Plea bargain:** A defendant agrees to plead guilty for a lesser sentence.
- **Mental health court:** A defendant is referred to a special mental health court if they have mental health issues. They can get specialized treatment.
- **Drug or alcohol court:** This handles cases involving the use or abuse of drugs or alcohol, which resulted in a defendant getting arrested. Juveniles will get special rehabilitative treatment to overcome addictions.

### **Caseworker Considerations**

The juvenile justice system is designed to protect the constitutional rights of the accused while concurrently restoring the victim and protecting the public. Because juveniles are not yet fully developed cognitively and physically, they require special legal considerations. The primary goal is to put arrested juveniles back on the right path. Many juveniles make illegal decisions during their formative childhood years, but with proper guidance, education, and mentoring, they may hopefully overcome those immature mistakes to become productive adult citizens. That is the goal and the theory.