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## Investigation and Prosecution Involving Juveniles (Persons less than 16 years of age)

### 607.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations which have been committed by a juvenile, (a person who is less than 16 years of age.)

### 607.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor. It is also a concern to ensure that special considerations be afforded in these types of investigations to ensure that criminal charges in the Juvenile Justice System are clear cut, in that a law was clearly violated and the act was clearly substantial enough to justify petitioning the juvenile to court.

### 607.3 INITIAL INVESTIGATION

#### 607.3.1 DEPUTY RESPONSIBILITIES

A deputy is responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  1. An initial statement from any witnesses or complainants, if available.
  2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
  1. Preserve the scene and any evidence as required to complete the initial investigation.
  2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
  4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  5. Collect and preserve any apparent evidence.
  6. Take any appropriate law enforcement action.
  7. Complete and submit the appropriate reports and documentation.

- (c) If the investigation of the incident supports a belief the juvenile did violate a criminal statute and the violation was clear cut and the act was substantial then the deputy should follow the guidelines and policies in the Investigations and Prosecutions Section.
- (d) If the deputy takes a juvenile into custody, they should also follow the guidelines and policies in the Temporary Custody of Juvenile Section.

## **607.4 CRIMINAL INVESTIGATION**

### **607.4.1 DEPUTY RESPONSIBILITIES**

If the investigation reveals facts to support the juvenile offender be petitioned into the Juvenile Justice System then the deputy shall personally appear before the Juvenile Justice Court Intake Counselor and present the information and findings in an effort to obtain a juvenile statement of charges. Deputies should not refer victims to the Juvenile Justice Court Intake Counselor directly but should act as their advocate.

1. If the Juvenile Justice Court Intake Counselor does not issue a juvenile statement of charges and petition the juvenile to court, the deputy should notify the victim of the decision and refer any questions or complaints to the Juvenile Justice System.
2. If the Juvenile Justice Court Intake Counselor does issue a juvenile statement of charges and petitions the juvenile to court, the deputy should make them self available to the Courts and District Attorney as a witness.

If the investigation determines that no crime occurred or the act was not substantial enough to warrant petitioning the juvenile to court then the deputy should inform the complainant and may suggest what other actions or resources may be available. Should this determination be made or alternative suggestions be given, this information should be included in the incident report.