SJC-13779

COMMONWEALTH vs. DEMOS D., a juvenile.

Essex. October 8, 2025. - January 13, 2026.

Present: Budd, C.J., Gaziano, Kafker, Wendlandt, Georges, Dewar, & Wolohojian, JJ.

Delinquent Child. Juvenile Court, Delinquent child. Search and Seizure, Protective frisk. Firearms. Practice, Criminal, Motion to suppress, Findings by judge.

Complaint received and sworn to in the Essex County Division of the Juvenile Court Department on December 12, 2022.

Indictment found and returned in the Essex County Division of the Juvenile Court Department on April 25, 2023.

A pretrial motion to suppress evidence was heard by Karen Hennessy, J.

An application for leave to prosecute an interlocutory appeal was allowed by Georges, J., in the Supreme Judicial Court for the county of Suffolk, and the appeal was reported by him to the Appeals Court. After review by the Appeals Court, 105 Mass. App. Ct. 193 (2025), the Supreme Judicial Court granted leave to obtain further appellate review.

Jennifer D. Cohen, Assistant District Attorney, for the Commonwealth.

Dennis M. Toomey for the juvenile.

Sarah LoPresti, Committee for Public Counsel Services, for

youth advocacy division of the Committee for Public Counsel Services & another, amici curiae, submitted a brief.

GAZIANO, J. During a traffic stop, a police officer encountered a sixteen year old juvenile who had been reported as a missing runaway by the Department of Children and Families (DCF). The juvenile was in a vehicle with an infant and three adults, including a man the officer knew to be associated with a gang. Without asking the juvenile any questions, the officer ordered the juvenile out of the vehicle and pat frisked him, discovering a handgun. A delinquency complaint issued against the juvenile charging him with four firearm-related offenses, and the juvenile was indicted as a youthful offender on one of the charges. Following an evidentiary hearing, a Juvenile Court judge allowed the juvenile's motion to suppress evidence obtained as a result of the exit order and patfrisk. A single justice of the county court granted the Commonwealth's application for leave to appeal from the suppression order, and the Appeals Court reversed. See Commonwealth v. Demos D., 105 Mass. App. Ct. 193, 202 (2025). We granted the juvenile's application for further appellate review.

We conclude that the exit order was justified under the community caretaking doctrine. As for the patfrisk, inconsistencies in the judge's findings make it unclear whether she credited portions of the officer's testimony that are

critical to determining whether the patfrisk was reasonable. Since "we are in no position to tell whether she found none, some, or all of [this] testimony credible," and "[c]redibility determinations are for the motion judge to make," Commonwealth v. Isaiah I., 448 Mass. 334, 338 (2007), S.C., 450 Mass. 818 (2008), we conclude that the matter must be remanded to the Juvenile Court so that the judge may clarify her factual findings and reconsider her legal conclusions both in light of any further findings and in a manner consistent with this opinion.[1]

1. Background. a. Facts. We summarize the motion judge's factual findings, which were prefaced with her statement that "[t]he following facts are derived from the credible evidence and reasonable inferences adduced at the evidentiary hearing on this motion." See Commonwealth v. Jones-Pannell, 472 Mass. 429, 430 (2015).

On the morning of December 9, 2022, an officer and his partner from the Lawrence police department (department) were conducting "special checks" in a "high crime area" in Lawrence. As a Honda Accord passed by, the officer recognized the front seat passenger, an associate of the "Trinitarios" street gang

[1] We acknowledge the amicus brief submitted in support of the juvenile by the youth advocacy division of the Committee for Public Counsel Services and Citizens for Juvenile Justice.

with whom he previously had numerous encounters. The officer called a detective in the department's gang unit to ask whether there were any open investigations involving the gang associate, and the detective confirmed that there were none.[2] The officer did not stop the Honda and continued his patrol.

Hours later, at around 1 P.M., the officer observed the Honda Accord roll through a stop sign in the same high crime area. Activating his vehicle's lights and siren, the officer initiated a traffic stop.[3] Upon approaching the vehicle, the officer observed an adult female in the driver's seat, an adult male in the front passenger's seat, and two males and an infant in the back seat. By that point, the officer did not observe any furtive movements from the driver -- who cooperated by providing her license and registration -- or any of the passengers. Although the officer had never previously seen the

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[2] As detailed below, see note 5, infra, the officer testified that the detective also indicated that he had seen the gang associate on social media "possibly possessing a firearm" and that the gang associate "might possibly" still be in possession of the firearm. The judge explicitly did not credit this portion of the officer's testimony.

[3] In her findings, the judge wrote: "Once the [Honda] was pulled over, [the officer] testified that he saw the passengers in the back seat moving around, looking back at the cruiser, and looking like they were 'ducking out of sight.' He claimed that he was unable to discern how many occupants were in the vehicle because their heads kept moving." As discussed below, portions of the judge's decision make it unclear to what extent this critical testimony was credited.

juvenile in person, the officer immediately recognized the juvenile, who was seated behind the driver, as a missing juvenile from a "be on the lookout" (BOLO) notification he had been advised of during roll call that morning. He also recognized the adult male in the back seat as the gang associate he had seen earlier. He returned to his cruiser and discussed the juvenile's status as a missing child with his partner.

The officer walked back to the Honda and told the juvenile to get out of the car. The juvenile was calm and cooperative and complied with the officer's directive. The officer did not converse with the juvenile, ask him any questions, or attempt to call the juvenile's custodian. Instead, after directing the juvenile to get out of the car, the officer pat frisked him. During this search, he felt the handle of a gun and removed a .40 caliber Glock 22 handgun from the juvenile's person. The officer then handcuffed the juvenile and transported him to the police station. The juvenile's mother and DCF were notified after the juvenile was brought to the police station.

b. Procedural history. In December 2022, the Juvenile Court issued a delinquency complaint charging the juvenile with carrying a loaded firearm without a license, G. L. c. 269, § 10 (n); unlawful possession of ammunition, G. L. c. 269, § 10 (h) (1); carrying a firearm without a license, G. L. c. 269, § 10 (a); and unlawful possession of a large capacity

firearm, G. L. c. 269, § 10 (m). As to the § 10 (a) charge, the juvenile was indicted as a youthful offender in April 2023.

In June 2023, the juvenile filed a motion to suppress physical evidence resulting from the exit order and patfrisk, arguing that the officer violated his rights under the Fourth and Fourteenth Amendments to the United States Constitution and art. 14 of the Massachusetts Declaration of Rights. On July 6, 2023, the judge held an evidentiary hearing and granted the motion to suppress from the bench, reasoning that under the totality of the circumstances, the exit order was not warranted. Later that month, the Commonwealth filed a notice of appeal and application pursuant to Mass. R. Crim. P. 15 (a) (2), as amended, 476 Mass. 1501 (2017), and G. L. c. 278, § 28E, for leave to pursue an interlocutory appeal from the suppression order. In its application, the Commonwealth asserted that the officer's actions were consistent with his community caretaking function.

While the Commonwealth's application was pending, on August 22, 2023, the judge issued a written memorandum of decision, further elaborating on her conclusion that the officer's actions were not a proper exercise of community caretaking. A single justice of the county court allowed the Commonwealth's application for interlocutory appeal. The Appeals Court reversed. See Demos D., 105 Mass. App. Ct. at 202. In June

2025, we allowed the juvenile's application for further appellate review.

2. Discussion. "In reviewing a decision on a motion to suppress, we accept the judge's subsidiary findings absent clear error but conduct an independent review of [the] ultimate findings and conclusions of law" (quotations and citation omitted). Jones-Pannell, 472 Mass. at 431. "A finding is clearly erroneous if it is not supported by the evidence, or when the reviewing court, on the entire evidence, is left with the firm conviction that a mistake has been committed." Commonwealth v. Hilton, 450 Mass. 173, 178 (2007). "We leave to the judge the responsibility of determining the weight and credibility to be given oral testimony presented at the motion hearing" (quotation and citation omitted). Commonwealth v. Yusuf, 488 Mass. 379, 385 (2021).

On appeal, the Commonwealth argues that the motion to suppress should have been denied because the officer's actions were justified under the community caretaking doctrine. In addressing the Commonwealth's argument, we begin by determining whether the community caretaking doctrine was implicated. Concluding that it was, we then examine the officer's actions during the traffic stop -- particularly, the exit order and patfrisk -- to determine whether they fell within the scope of the officer's community caretaking function.

a. Applicability of community caretaking doctrine. Local police officers are sometimes called upon to engage in community caretaking functions, which are "totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." Commonwealth v. Armstrong, 492 Mass. 341, 349 (2023), quoting Cady v. Dombrowski, 413 U.S. 433, 441 (1973). In carrying out the community caretaking function, "an officer may, when the need arises, stop individuals and inquire about their well-being, even if there are no grounds to suspect that criminal activity is afoot." Commonwealth v. Knowles, 451 Mass. 91, 94-95 (2008). See Armstrong, supra at 348 n.20, 350 (community caretaking doctrine implicated where officers temporarily detained defendant, who appeared to be stranded and disoriented, for questioning to ensure he was not missing or in danger); Commonwealth v. Mateo-German, 453 Mass. 838, 843-844 (2009) (officers acted in community caretaking function when assisting stranded motorist). The Commonwealth has the burden of demonstrating that the community caretaking doctrine applies. Knowles, supra at 95.

An officer's exercise of his or her community caretaking function is bound by the reasonableness standard articulated in the Fourth Amendment and art. 14, "which in this [context] are coextensive." Commonwealth v. Murdough, 428 Mass. 760, 762

(1999). See Commonwealth v. Overmyer, 469 Mass. 16, 20 (2014) ("ultimate touchstone" of both Fourth Amendment and art. 14 is "reasonableness" [citation omitted]). Thus, "[t]he imperatives of the Fourth Amendment [and art. 14] are satisfied in connection with the performance of . . . community caretaking tasks . . . so long as the procedure involved and its implementation are reasonable." Lockhart-Bembery v. Sauro, 498 F.3d 69, 75 (1st Cir. 2007). In turn, where an officer reasonably obtains evidence of a crime while in the proper exercise of community caretaking duties, that evidence need not be suppressed, see Knowles, 451 Mass. at 95, even in the absence of "a warrant, probable cause, or even reasonable suspicion," Commonwealth v. Fisher, 86 Mass. App. Ct. 48, 51 (2014).

Whether an officer has acted in a community caretaking capacity is a legal conclusion, which we review de novo while crediting the motion judge's subsidiary findings of fact. See Commonwealth v. Jeannis, 482 Mass. 355, 358 (2019). Compare Armstrong, 492 Mass. at 349-351 (community caretaking doctrine implicated where officers responded to report of trespasser who appeared to be stranded and disoriented), with Knowles, 451 Mass. at 91-96 (community caretaking doctrine not implicated where officers responded to report of man swinging baseball bat near intersection and proceeded to examine contents of car trunk for criminal evidence). Here, the motion judge found that the

officer was not acting in a community caretaking function during his interactions with the juvenile.

We disagree and conclude that the officer's interactions with the juvenile implicated the community caretaking doctrine. After initially stopping the Honda because of a civil traffic infraction and upon approaching the stopped vehicle, the officer recognized the juvenile as a missing runaway from a BOLO notification he had received that morning. The officer then discussed the juvenile's status as a missing child with his partner before telling the juvenile to get out of the vehicle. Thereafter, the focus of the stop shifted from addressing a vehicular infraction to the juvenile's status as a missing runaway.

As noted by the Appeals Court, "[u]pon discovering the missing juvenile, the officer had the authority -- and, indeed, would be expected -- to return the juvenile to his proper guardian." Demos D., 105 Mass. App. Ct. at 197. Being a runaway juvenile is not a criminal offense. See Commonwealth v. Santos, 47 Mass. App. Ct. 639, 642 (1999) (describing decriminalization of running away). In fact, the Legislature has tasked local police officers with locating children reported missing. See G. L. c. 22A, § 4 (law enforcement officials must "immediately undertake to locate" children reported missing). Accordingly, actions taken to ensure the well-being of runaway

juveniles are "totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute" and thus implicate the community caretaking doctrine. Armstrong, 492 Mass. at 349. See State v. Bogan, 200 N.J. 61, 75 (2009) ("The community caretaking role of the police . . . extends to protecting the welfare of children"); State v. Kelsey C.R., 2001 WI 54, ¶¶ 33-37 (police officers acted in community caretaking function when telling juvenile runaway to "stay put" to ascertain whether she was runaway).

b. Officer's actions. We next separately examine the two key constitutional intrusions in this case -- the exit order and the patfrisk -- to determine whether those actions were reasonable and within the scope of the officer's community caretaking inquiry. See Armstrong, 492 Mass. at 349-350.

i. Exit order. To fall within the community caretaking doctrine, an exit order must be "reasonable and consistent" with the purpose of the officer's community caretaking inquiry. Knowles, 451 Mass. at 95. See Murdough, 428 Mass. at 763-765 (reasonable to request defendant to step out of vehicle to further observe his condition); Fisher, 86 Mass. App. Ct. at 53 n.4 (exit order was "a reasonable measure in support of [officers'] community caretaking responsibilities"). The juvenile argues that the exit order was not reasonable or

consistent with community caretaking because the officer did not ask relevant questions concerning "the juvenile's name, whether [he] was still a runaway, whether [he] needed assistance, whether the adults were legally responsible for [him], or where they were going."[4]

We agree with the reasoning and conclusion of the Appeals Court that ordering the juvenile immediately out of the car, and away from the gang associate, was a reasonable first step to ensure the juvenile's safety. See Demos D., 105 Mass. App. Ct. at 197-198. See also Murdough, 428 Mass. at 762 (exit order reasonable where "troopers had an objective basis for believing that the defendant's safety and well-being were in jeopardy" [citation omitted]). We thus conclude that the exit order was

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[4] The juvenile relatedly asserts that the officer violated the Lawrence police department's policy on missing children, which states that an investigating officer must not only question a missing juvenile regarding his or her "whereabouts and activities . . . [and] determine whether [he] was the victim of any crime during the period of absence," but also "notify the parent or legal guardian of the juvenile's location so that the parent or guardian may retrieve the juvenile." But this department policy "do[es] not have the force of law," and accordingly a "violation does not automatically require . . . the suppression of evidence." Commonwealth v. Maingrette, 86 Mass. App. Ct. 691, 698 n.6 (2014).

In any event, the policy does not indicate that the officer must immediately question the missing child and immediately notify the child's parent or legal guardian at the location where the child is found.

reasonable and consistent with the officer's community caretaking inquiry.

ii. Patfrisk. Having determined that the exit order fell within the scope of the officer's community caretaking function, we now turn to the patfrisk. We are mindful that a patfrisk is a "serious intrusion on the sanctity of the person [that] is not to be undertaken lightly" (citation omitted). Commonwealth v. Torres-Pagan, 484 Mass. 34, 36 (2020).

In determining whether the patfrisk was reasonable, we engage in an objective, fact-specific inquiry considering the totality of the circumstances surrounding the patfrisk. See Commonwealth v. Crowder, 495 Mass. 552, 566, cert. denied, U.S. Supreme Ct., No. 24-7498 (Oct. 6, 2025)p. Although the patfrisk here occurred in the context of community caretaking, we still consider the same factors to assess its reasonableness as we would for a patfrisk that occurred in the context of a constitutional search or seizure. With that in mind, there are a number of factors that we consider in analyzing the patfrisk, some of which must be accorded more weight than others. We address each factor in turn, ultimately concluding that a remand

for further factual findings is necessary given our inability to determine whether the judge credited specific, critical facts.[5]

The first two factors we consider both support the reasonableness of the patfrisk, albeit minimally. First is the presence of a known gang associate in the vehicle with the juvenile. While gang affiliation may be considered in determining whether a patfrisk was justified, standing alone, it is not sufficient to establish the reasonableness of a patfrisk. See Commonwealth v. Sweeting-Bailey, 488 Mass. 741, 752 (2021), cert. denied, 143 S. Ct. 135 (2022). This factor is accorded even less weight here given that it was another occupant of the vehicle -- not the juvenile himself -- with a gang affiliation. See id. at 750. The next factor is that the stop occurred in the vicinity of a "high crime area." As we have said, "[t]he term 'high crime area' is itself a general and conclusory term

[5] We are, however, able to determine that the judge discredited one particular fact that is the subject of dispute on appeal. Specifically, the judge explicitly discredited the officer's testimony that he was informed that a detective had seen the gang associate on social media "possibly possessing a firearm" and that he "might possibly" still be in possession of the firearm. The Commonwealth reasons that because the judge subsequently referenced a dearth of information regarding this alleged social media post -- such as its date, the social media platform, and the characteristics of the firearm in question -- the judge "appear[ed] to be commenting on the weight to be given the testimony rather than upon its veracity." However, given that the judge explicitly noted that "[t]he Court does not credit the veracity of this portion of [the officer's] testimony," we do not consider it as a factor in assessing the reasonableness of the patfrisk.

that should not be used to justify a stop or a frisk, or both, without requiring the articulation of specific facts demonstrating the reasonableness of the intrusion" (citation omitted). Jones-Pannell, 472 Mass. at 434–435. See Commonwealth v. Gomes, 453 Mass. 506, 512 (2009) ("high crime area" factor "must be considered with some caution because many honest, law-abiding citizens live and work in high-crime areas" [citation omitted]). As such, this factor "contributes minimally" to the calculus. Sweeting-Bailey, supra.

Next, we consider whether the officer had a reasonable basis to pat frisk the juvenile prior to transport. The motion judge found that the officer recognized the individual seated behind the driver as the missing juvenile from the BOLO notification and the individual sitting next to the juvenile as a known gang associate. We conclude that the officer under these circumstances had a reasonable basis to transport the juvenile to begin the process of returning the juvenile to his custodian.

This court has not yet addressed whether police officers may pat frisk individuals as a matter of course when transporting them pursuant to the community caretaking function. Today, we conclude that the transporting of an individual in a police vehicle can be yet another factor to consider in the

totality of the circumstances.[6] See, e.g., Kelsey C.R., 2001 WI 54, ¶ 50 (holding, while rejecting blanket rule allowing officers to pat frisk individuals to be placed inside police vehicle, that "a reasonable basis to place someone inside a police vehicle is a factor to be considered in the totality of the circumstances, when deciding the reasonableness of a pat-down search").

As we have previously said, "police officers need not gamble with their personal safety" when there are "legitimate safety concerns to justify [their actions]" (quotations and citation omitted). Commonwealth v. Feyenord, 445 Mass. 72, 76 (2005), cert. denied, 546 U.S. 1187 (2006). To assess reasonableness, "we must balance the public interest against 'the individual's right to personal security free from arbitrary interference by law officers.'" Commonwealth v. Trumble, 396 Mass. 81, 86 (1985), quoting United States v. Brignoni-Ponce, 422 U.S. 873, 878 (1975). The public interest in ensuring an officer's safety when transporting an individual is strong. See Commonwealth v. Williams, 422 Mass. 111, 117 (1996) ("An officer is entitled to take reasonable steps to ensure his safety"). So, too, however, is the individual's right to be free from

[6] The Commonwealth requests that we establish a "blanket rule" allowing officers to pat frisk individuals as a matter of course before transporting them pursuant to the officers' community caretaking functions. We decline to do so.

unreasonable governmental intrusions in the form of patfrisks. See Terry v. Ohio, 392 U.S. 1, 24-25 (1968) ("Even a limited search of the outer clothing for weapons constitutes a severe, though brief, intrusion upon cherished personal security, and it must surely be an annoying, frightening, and perhaps humiliating experience"). Balancing these interests requires a consideration of the totality of the circumstances, see Commonwealth v. Feliz, 481 Mass. 689, 701 (2019), S.C., 486 Mass. 510 (2020), including, as mentioned, legitimate safety concerns, see Feyenord, supra. As such, the transporting of an individual in a police vehicle can be yet another factor to consider in the totality of the circumstances.[7]

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[7] The juvenile argues that placing him in the police vehicle to transport him to the police station violated G. L. c. 119, § 39H (§ 39H). This statute limits when law enforcement can take a child into custodial protection for engaging in the behavior of a "[c]hild requiring assistance" (CRA). G. L. c. 119, § 39H. As relevant to this case, a CRA is defined as "a child between the ages of [six] and [eighteen] who . . . repeatedly runs away from the home of the child's parent, legal guardian or custodian." G. L. c. 119, § 21. Pursuant to § 39H, such a child may only be taken into custodial protection if he or she "has failed to obey a summons" or if the officer "has probable cause to believe that such child has run away from the home of his parents or guardian and will not respond to a summons." G. L. c. 119, § 39H. Further, the statute limits the circumstances in which such a child may be taken to a police station, requiring that police "make all reasonable diversion efforts" to deliver the child instead to, inter alia, a parent or guardian, a shelter, or the Juvenile Court. See id.

Here, even assuming -- without deciding -- that the officer's compliance (or lack thereof) with § 39H is relevant to

In determining whether the patfrisk here was reasonable, we also must consider the significance of one last factor: the alleged furtive movements of the passengers in the backseat of the vehicle. While a subject's "nervous or furtive movements" do not establish the reasonableness of a patfrisk "when considered in isolation," such movements may properly be considered together with other factors (citation omitted). Crowder, 495 Mass. at 568. See J.A. Grasso, Jr., Suppression Matters Under Massachusetts Law § 5-3[c][3] (2024 ed.) (furtive gestures by subject of stop "clearly [have] bearing" on whether frisk is justified). Ducking out of sight is a well-recognized gesture that may be "suggestive of the occupant's retrieving or concealing an object," and thus may "raise legitimate safety concerns to an officer conducting a traffic stop" that can factor into the reasonableness of safety concerns. Commonwealth v. Stampley, 437 Mass. 323, 327 (2002). See, e.g., Commonwealth v. Goewey, 452 Mass. 399, 407 (2008) (defendant appeared to "hide or retrieve something"); Commonwealth v. Moses, 408 Mass.

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our determination of the reasonableness of the officer's actions, there is no evidence that the juvenile met the definition of a CRA; among other issues, there is nothing in the record suggesting that the juvenile had "repeatedly" run away from home. As such, § 39H is not directly applicable on this record. Moreover, any argument regarding § 39H was not raised or adequately developed in the juvenile's motion to suppress or at the suppression hearing. See Commonwealth v. Mauricio, 477 Mass. 588, 595 (2017); Commonwealth v. Quint Q., 84 Mass. App. Ct. 507, 514-515 (2013).

136, 140 (1990) (occupant of vehicle, upon making eye contact with officer, "immediately ducked under the dashboard, completely out of [the officer's] sight"); Commonwealth v. Silva, 366 Mass. 402, 407 (1974) ("the defendant made a gesture as if to conceal something in his automobile and one of the officers thought it was a gun").

Here, the officer testified that after he stopped the vehicle, he noticed that both rear passengers were "excessively moving," "looked back a couple times," and appeared to be "duck[ing] out of sight." It is not clear, however, whether the judge credited this testimony. Among her findings of fact, she wrote:

> "Once the vehicle was pulled over, [the officer] testified that he saw the passengers in the back seat moving around, looking back at the cruiser, and looking like they were 'ducking out of sight.' He claimed that he was unable to discern how many occupants were in the vehicle because their heads kept moving."

The judge prefaced this, along with her other findings of fact, by stating that her findings were derived from "the credible evidence." Further, although she explicitly noted in her findings when she did not credit specific parts of the officer's testimony, she did not do so with respect to the foregoing. However, the judge went on to write in her conclusions of law that "[t]he [j]uvenile did not make any furtive movements other than looking back at the cruiser behind him when the stop

originated," "[t]he only apparent sign of trouble in this motor vehicle stop was backseat passengers turning to look at an officer," and "there were no furtive gestures of any of the vehicle's occupants" during the stop.

Given the inconsistencies in the judge's findings, we are unable to discern whether she credited the officer's testimony that the rear passengers, which included the juvenile, were "excessively moving" and "duck[ing] out of sight" -- critical facts in determining whether the patfrisk was reasonable under the circumstances.[8] "[O]n a motion to suppress, [t]he determination of the weight and credibility of the testimony is the function and responsibility of the [motion] judge who saw the witnesses, and not this court" (quotation and citation omitted). Isaiah I., 448 Mass. at 337. Were we to attempt to resolve ambiguity where, as here, it is unclear whether the judge credited critical testimony, we would risk violating our "long-standing jurisprudence" that it is "[im]proper for an

[8] As we recently noted, "[w]e have previously urged judges to avoid simply recounting the testimony of the witnesses; judges should instead state the facts they find occurred." Commonwealth v. Mosso, 496 Mass. 768, 771 n.5 (2025). See Isaiah I., 448 Mass. at 339 ("Findings of fact are drawn from, and consistent with, the evidence and are not merely a recitation of the evidence"). See also Commonwealth v. Tremblay, 480 Mass. 645, 661 (2018) ("what is needed from a trial court judge are credibility determinations as to pertinent matters, and concise, clear, and adequate findings of fact").

appellate court to engage in what amounts to independent fact finding in order to reach a conclusion of law that is contrary to that of a motion judge who has seen and heard the witnesses, and made determinations regarding the weight and credibility of their testimony." Jones-Pannell, 472 Mass. at 438. Under these circumstances, a remand is in order.

3. Conclusion. For the reasons set forth above, the order allowing the juvenile's motion to suppress is vacated, and the matter is remanded to the Juvenile Court to clarify the judge's factual findings and so that she may reconsider her legal conclusions both in light of any further findings and in a manner consistent with this opinion.

So ordered.