

Report

KAP STUDY:

POLICE INTERACTION WITH CHILDREN

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EXECUTIVE SUMMARY

“Everybody has a child. That is why police should behave humanely with them.”

(39-year-old police officer from Chisinau)

International children’s rights documents to which Moldova is a party state institutional and substance commitments related to building a child-friendly criminal justice system. For more than 10 years, various initiatives have been implemented in Moldova with the support of international organizations and NGOs meant to help reform the justice system for children. These initiatives have scaled up after UN introduced in 2008 a new approach to juvenile justice that includes child witnesses or victims of offences¹.

At national level, besides legislation, the concern to promote and defend the rights of the children who come in contact with the criminal justice system, either child offenders, witnesses or victims, is reflected in the commitments made by the Government of Moldova in various public documents – the Judicial Strengthening Strategy, the 2011-2014 National Human Rights Action Plan and the 2011-2016 Justice Sector Reform Strategy.

In spite of all efforts made in the recent years, the justice system for children is defective and requires actions to be taken by key players. Reports delivered by international entities over the past 4 years following their evaluation missions to Moldova (CPT, UN Committee on the Rights of the Child, Report of the former UN Rapporteur on Torture) reveal a number of issues such as lack of a specialized juvenile justice system, lack of alternatives to detention and measures to prevent delinquency and relapse, deficient coordination by the key players in the justice for children, underdeveloped children referral and legal assistance systems, poor training of staff that come in contact with children, poor and uneven statistics on children in the criminal justice etc. The Moldovan police, which is undergoing a legislative and structural reform, plays a critical and responsible role in this process.

This responsible police reform process should, clearly, include the legislative-regulatory framework and the practices related to the children who come in contact with the criminal justice system. In the spirit of the international recommendations, these changes should be based on the approach centered on child and family with a focus on the child’s needs.

Therefore, to detect the challenges faced by the employees of the General Police Inspectorate in Moldova while working with minors and the training they require, Terre des Hommes jointly with Magenta Consulting, a consultancy company, conducted a survey, that includes four separate questionnaires for four staff categories that come in contact with minors – the inspectors of the Bureau of Child Security (BCS), district inspectors, criminal prosecution officers and investigation officers. The questionnaires contain questions about child offenders, as well as child witnesses and victims.

This study reveals systemic deficiencies and looks at the knowledge and attitudes shown by these categories of staff in relation to children. For instance, the BCS inspectors only face no difficulties in communicating with children, while the other categories answered that establishing a psychological contact is a difficult task for them. In the case of BCS, given that its staff communicate more often with children, receive more training and cooperate often with relevant NGOs and other institutions dealing with child protection, they are more open to the specific characteristics of the children who come in contact with the criminal justice.

It should also be noted that the surveyed staff categories gave frank answers and did not avoid speaking about any issues or deficiencies, which reveals their openness to learn new things, acquire new skills and knowledge that would help them better cope with their responsibilities related to

¹ UN Guidance Note of the Secretary-General UN Approach to Justice for Children - http://www.unicef.org/protection/RoL_Guidance_Note_UN_Approach_Justice_for_Children_FINAL.pdf

children. Taking into account the discrepancies, gaps and overlapping between different police entities that come into contact with children show that a multidisciplinary training is needed for all the actors involved in the reform of juvenile justice system. The juvenile system is not just one system, but an overlapping of many systems involving multiple sectors such as police, social services, judiciary, community etc. It is imperative for the different groups to have common objectives. It will offer the opportunity to strengthen communication and collaboration between actors in the system and will reflect the reality of how the system work as whole. The training programs should be specifically tailored to police practice in order to give the opportunity to exchange experience with fellow officers and to explore difficulties specific to their profession.

INTRODUCTION

This report is based on a research, carried out by *Magenta Consulting* for Terre des Hommes.

i.1 Purpose and objectives

Current study has the goal to present a comprehensive evaluation of the knowledge, attitude and practices of the 4 types of police employees of Republic of Moldova (criminal prosecution officers, investigations officers, Bureau of Child Security officers and district officers), entering in contact with children in contact with the law. This study is a distinct activity of the Terre des Hommes in Moldova – "Consolidation of the competencies of the law bodies and of the inter-sectorial coordination, of the civil society for combatting discrimination and bad treatment applied to children in the law system of Moldova", that aims at providing assistance to the national authorities in consolidation of the penal justice for children.

Scope of the work is to develop a methodology of assessing the knowledge, competences and attitudes of the in-service police officers regarding their responsibilities to descry and answer to the needs of the children in contact with the law. By means of this study, TdH aims to identify the good practices, understand the specifics and the shortcomings of this category of professionals working in justice for children sector, and provide recommendations in order to increase the capacity of police officers to detect, respect and respond to the rights and needs of children in contact with the law in their daily work.

Specific objectives of the study are as follows:

- Identification of the level of knowledge, attitudes and practices used by all 4 categories of employees regarding delinquent minors, minor witnesses and minor victims of the infractions.
- Identification of the domains/ necessary subjects for capacity building of the 4 categories of police employees in terms of respecting the rights of the children that come into contact with the penal justice system.

i.2 Applied methodology

This research was conducted according to the methodology of KAP study, according to which the knowledge, attitudes and practices are analyzed. This approach provides a comprehensive picture of knowledge, attitudes and practices of the 4 categories of National police dealing with children.

The questionnaire comprises 3 main compartments – knowledge, attitude and practices of the respondents. In case of Bureau of child security and district officers, there also is a separate compartment related to community interaction. At the same time, considering the fact that currently in case of penal cases, where the crime was committed by a minor or with participation of a minor, the case related to the minor goes to the prosecutor, a great accent was put on the communication capacities of the 4 studied segments of respondents.

i.2.1 Interviewing population. Sampling plan

The following sampling plan was designed based on the information about the effective number of employees working in each rayon. The calculated sample was proportional to the number of each category in the respective rayon.

The following steps were taken in order to design the sample:

- 1) All Police Inspectorates were split into 13 groups of rayons (11 of which correspond to the former judets). This is an ordinary procedure followed in sampling for national studies.
- 2) Quota of each group was calculated out of the total population for each segment of respondents.
- 3) Each inspectorate was attributed a randomly generated code and 2-3 inspectorates were selected from each group (depending on the size of the group) in order to assure representativeness of the study.
- 4) While in case of the district officers, penal prosecution officers, investigation officers there were enough employees to select randomly, in case of the BCS, all of the employees were included in the sample, since their number is small.
- 5) Later, respondents were selected separately for each category by the Inspectorate management.

Table i1: Sampling plan

		District officers		Penal Prosecution officers		Investigation officers		Bureau of Child Security	
		Planned	Effective	Planned	Effective	Planned	Effective	Planned	Effective
G1	IP Briceni	10	10	4	4	5	5	1	1
	IP Ocnița	9	10	2	1	3	3	1	1
G2	IP Drochia	8	8	4	5	3	3	1	1
	IP Florești	10	10	3	3	4	4	1	1
G3	IP Rîșcani	7	7	2	2	2	2	1	1
	IP Sîngerei	8	8	3	3	4	4	1	1
	IP Bălți	16	16	6	6	7	7	2	2
G4	IP Orhei	14	14	5	5	6	5	2	1
	IP Rezina	7	7	2	2	3	3	1	1
G5	IP Râșcani	18	18	11	11	9	9	1	1
	IP Botanica	15	15	10	9	9	9	1	1
	IP Ciocana	13	12	9	9	10	10	1	1
G6	IP Strășeni	12	12	4	5	5	4	1	1
	IP Ialoveni	13	13	6	6	5	5	2	2
G7	IP Nisporeni	6	6	3	3	3	3	1	1
	IP Călărași	10	10	4	4	4	4	1	1
G8	IP Cimișlia	7	7	2	3	3	2	1	1
	IP Hîncești	12	13	4	2	4	2	2	2
G9	IP Ștefan-Vodă	11	10	5	5	4	5	1	1
G10	IP Ceadăr-Lunga	6	6	2	2	3	3	1	1
	IP Comrat	7	8	3	3	3	3	1	1
G11	IP Taraclia	6	6	2	3	2	3	1	1
	IP Cantemir	8	8	3	3	3	3	1	2
G12	IP Bender	4	4	2	2	2	2	1	1
G13	IP Dubăsari	5	5	1	1	3	3	1	1
	Total	242	243	102	102	109	106	29	27

i.2.2 Questionnaire

Four separate questionnaires were designed – one for each category of respondents. All four questionnaires were approved by the representatives of the segments and by the General Police Inspectorate. The questionnaires were translated into Russian and the respondent could choose the language.

i.2.3 Interviewing

Considering the fact that police employees are very occupied and it was logistically complicated to administer the questionnaires face to face, General Police Inspectorate suggested to allow the respondents to fill in the questionnaires by themselves. Thus, all of the questionnaires were filled in by the respondents. The advantage of this approach is that the respondents were sincere in answering the questions. Barrier of this approach is that in some cases respondents could interpret the questionnaire according to their own understanding.

i.2.4 Data analysis

Data was analysed separately for all 4 categories, since the applied questionnaires were slightly different. Frequencies were calculated for majority of questions. For several questions, mean, median, maximum and minimum values were presented.

CHAPTER I: CRIMINAL PROSECUTION OFFICERS

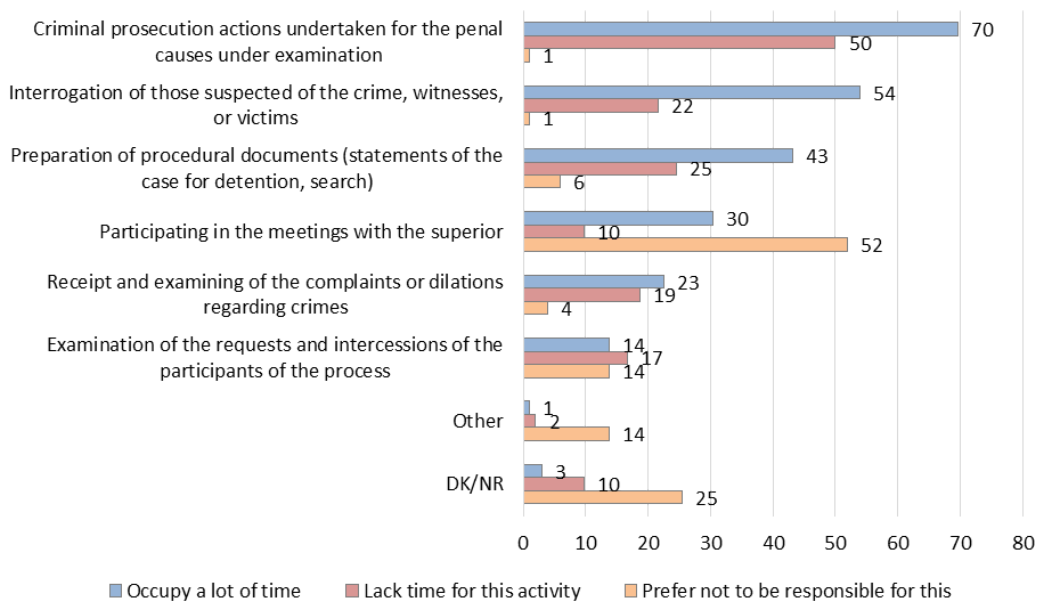
The total number of criminal prosecution officers who participated in this research is 102 people. This is the number of respondents for each question in this chapter.

Practices

Criminal prosecution officers spend most of the time on criminal prosecution actions undertaken for the penal causes under investigation (70%). Still, every other respondent mentioned that he has insufficient time for this activity. Interrogation of the suspects is another common activity and 54% mentioned that this activity occupies a lot of time. The following activity is preparation of procedural documents.

While 30% of the respondents mentioned that meetings with the superiors occupy a lot of their time, 52% also noted that they would prefer not to be implicated in these meetings.

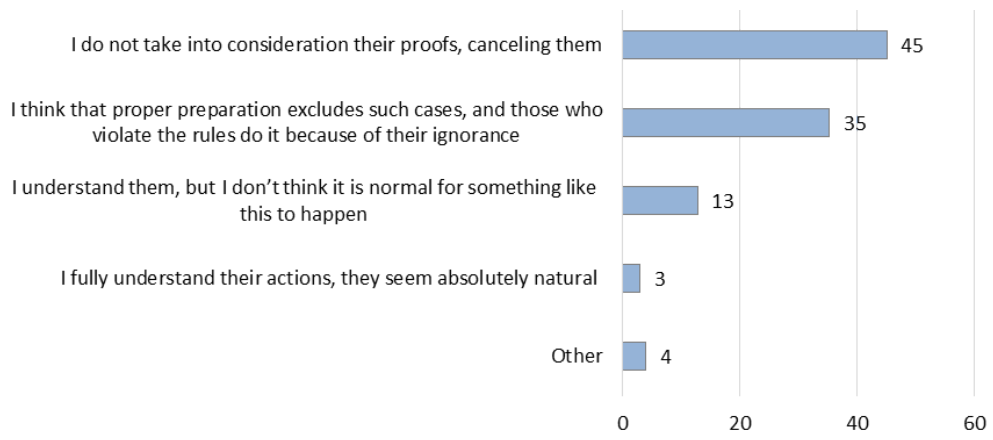
Fig. 1 (1): Which activities do you carry out during a usual work day that take most of your time? Which activities are important, but you always seem to lack time for them? Which activities are done by you, but you would prefer them not to be one of your responsibilities?, %



While 45% of respondents consider that collection of evidence with transgression of the laws is not acceptable and cancel the evidence collected with violations, 35% also believe that collection of evidence with transgression only happens in case of ignorant investigation officers, 13% tend to understand those investigation officers who violate some rules, but there also are 3% of those who consider this absolutely natural.

Fig. 2 (30): In some cases investigation officers collect evidence for crime investigation without respecting all of the conditions set by law. What is your attitude towards such situations?, %

Chapter I: Criminal prosecution officers

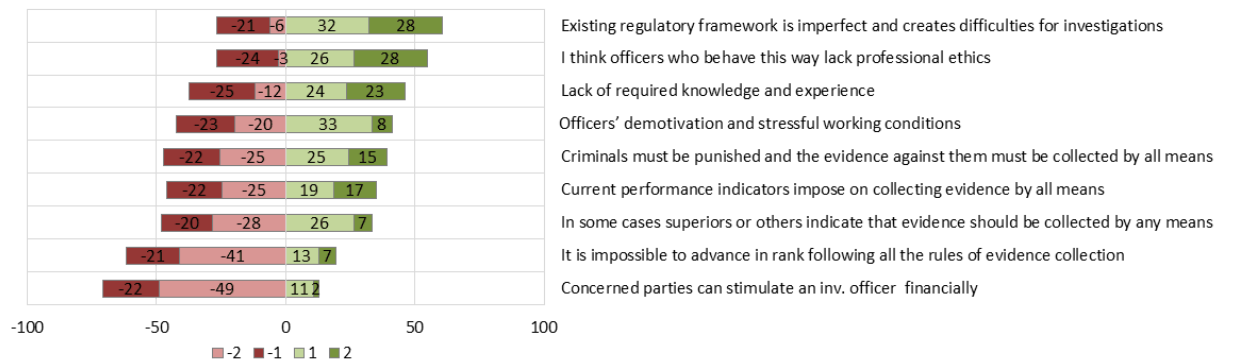


Even though as the previous question showed, majority of the respondents do not approve of collection of evidence with violation of laws, still, majority of the respondents consider that the main reason for such violations lies in the imperfect regulatory framework (60%), at the same time 42% blame officers' demotivation and stressful working conditions, 40% consider that final justice is more important than following all of the procedures in the process of evidence collection and 20% consider that in the current conditions it is impossible to advance in rank if respecting all of the rules for evidence collection. Current performance indicators are considered to be a reason by 36%.

54% consider that the main reason is lack of professional ethics and 47% tend to believe that these investigation officers lack the required knowledge and experience.

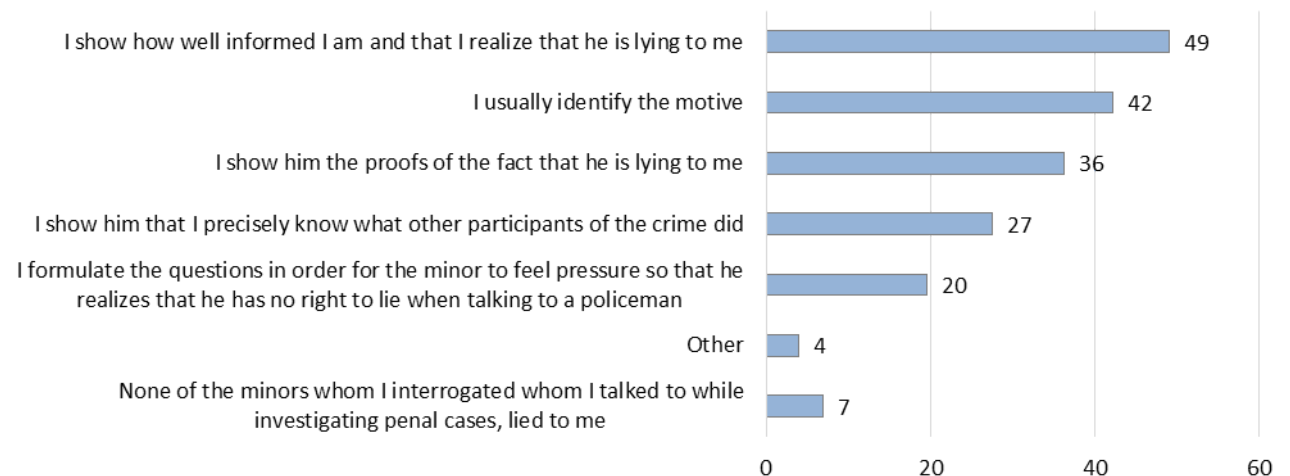
Pressure on behalf of the superior officers is considered to be a reason by 33% of the interviewees, while financial incentives offered by the concerned parties acquired 13% of agreement.

Fig. 3 (31): To what extent do the following motives explain the fact that some investigation officers collect the evidence without respecting some of the conditions set by law?, %



In case that the prosecution officers realize that the minor is lying to them, every second professional will try to show the minor that he is quite informed and there is no point in lying. 42% make an effort to identify the motive, 36% show the minor proofs of his lies.

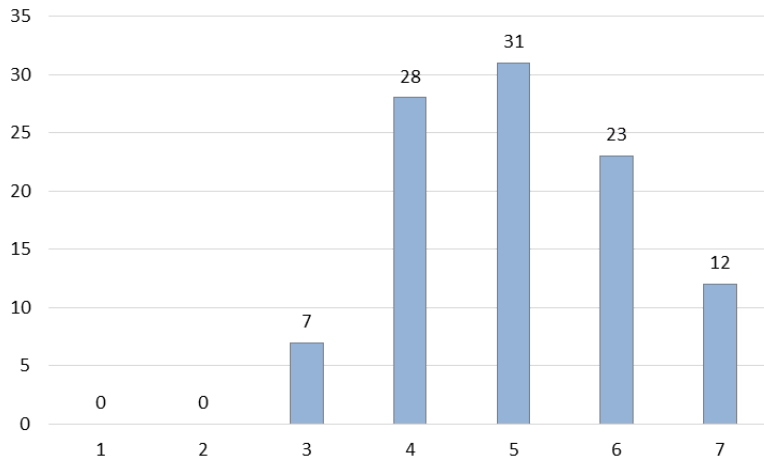
Fig. 4 (15): How do you proceed in case that you observe that a minor is lying to you?, %



Ability to communicate with the minors

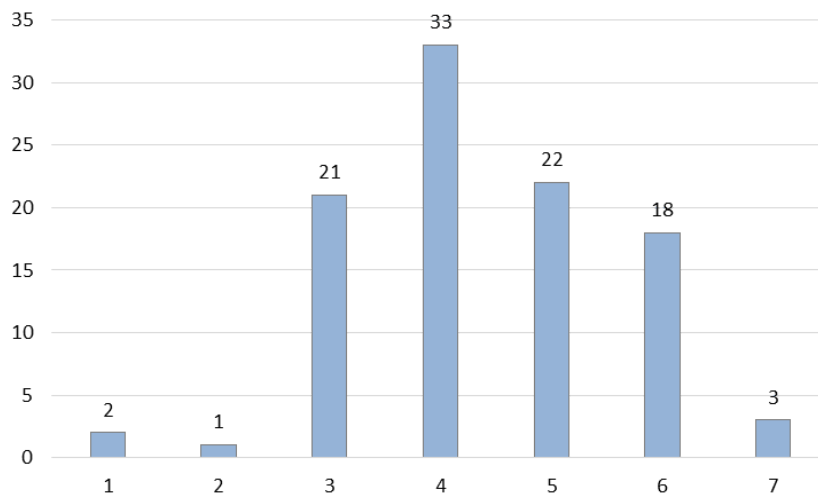
On average criminal prosecution officers consider that they can establish contact with the minor implicated in the criminal prosecution process. Majority evaluated the ease of establishing the contact with a mark from 5 to 7. Still, there are 35% that do not consider it easy.

Fig. 5 (2): On a scale from 1 to 7, where 1 means “very complicated” and 7 means “very easy”, how easy it is for you to establish a contact with the minors implicated in the criminal prosecution process?, %



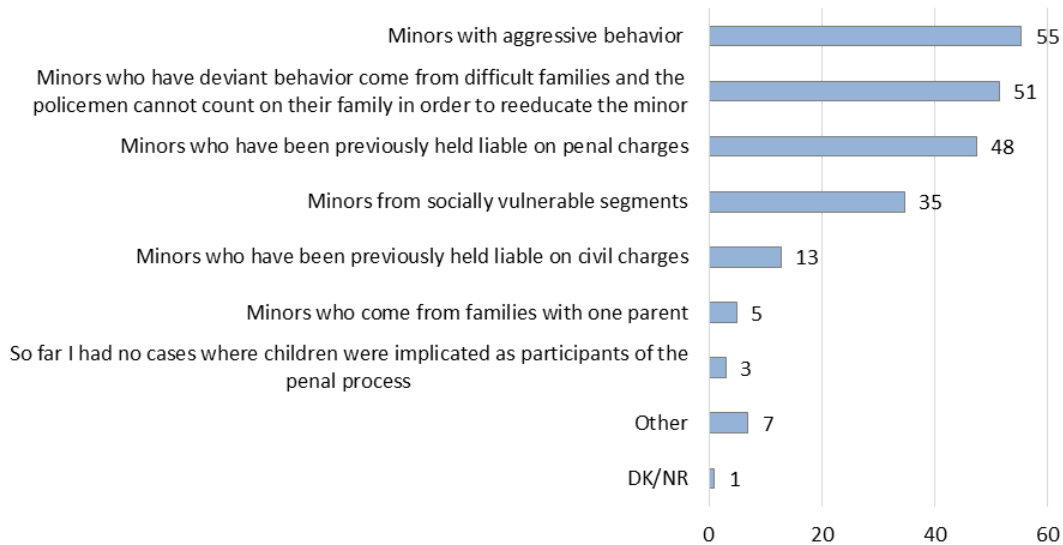
It is very interesting that while criminal prosecution officers evaluate their own skills of establishing the contact with the child as satisfactory and state that it is relatively easy for them to establish the contact with the minor, they consider that their colleagues do encounter difficulties interacting with the child.

Fig. 6 (3): And if you use the same scale in order to appreciate how easy it is for the policemen you know to establish a contact with the minors, what mark would you put on average?, %



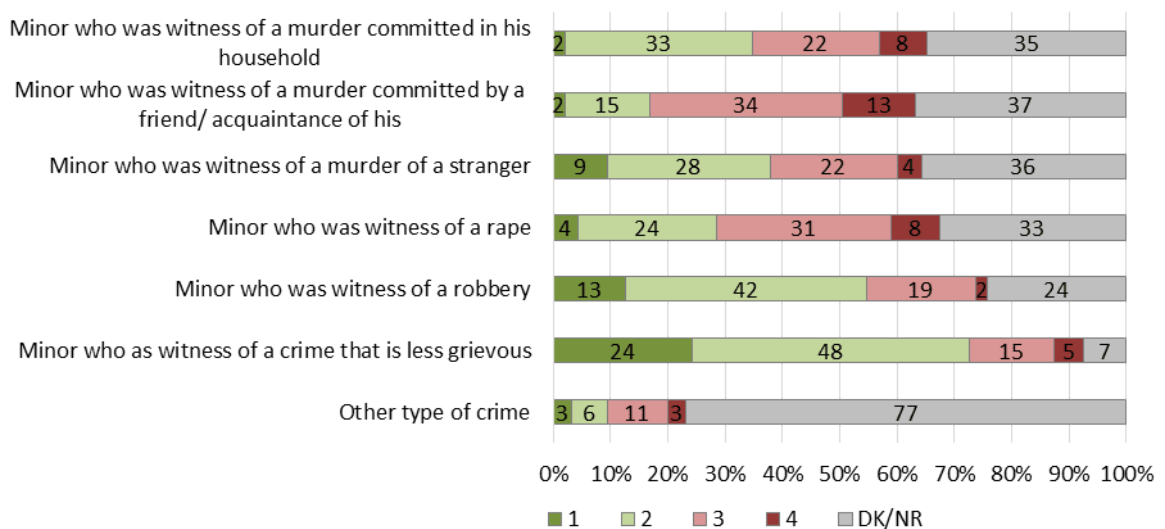
The most difficult for the CPO it is to communicate with the minors that demonstrate aggressive behaviour (55%). They are followed by the category of minors that come from deviant families where parents will not assist the policemen in dealing with the child. Minors previously held liable on penal charges present a difficulty for 48% of respondents.

Fig. 7 (4): Communicating with which categories of minors do you and your colleagues have difficulties in establishing the contact?, %



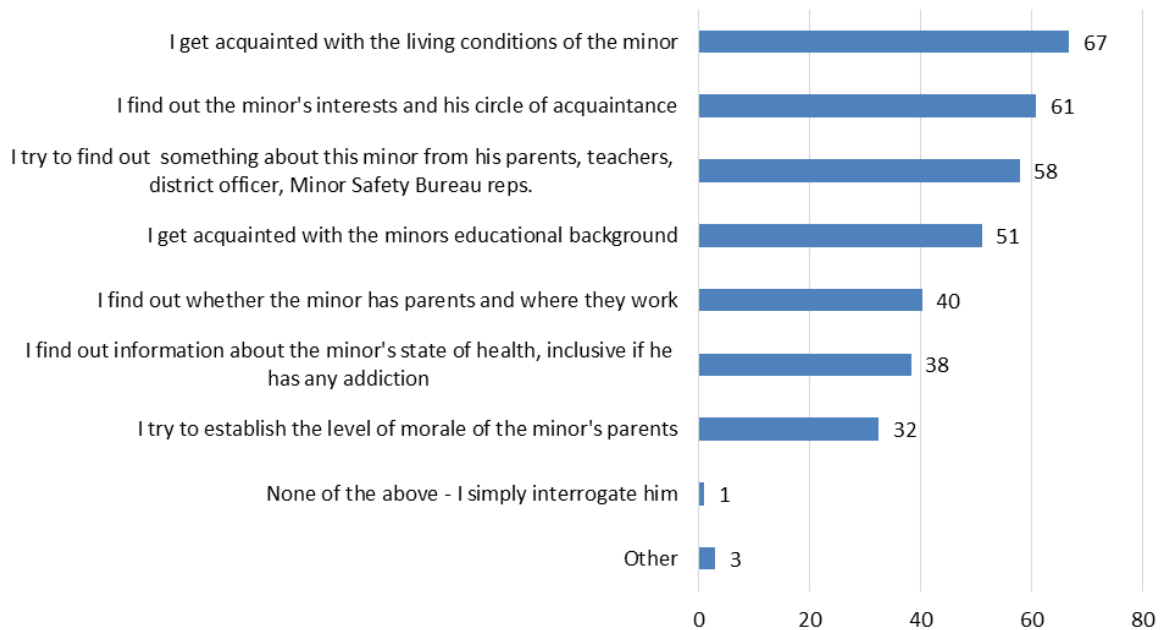
A significant number of respondents could not offer an answer to the following question, mainly because they did not deal with such situations. In rest, it is complicated to deal with a minor who was a witness of a murder committed in his household (30%), minor who was a witness of a murder committed by a friend/ acquaintance of his (47%), minor who was a witness of a rape (39%). Among other types of crime the respondents also named family violence, theft, hooliganism.

Fig. 8 (5): Using a scale from 1 to 4, where 1=very easy, 2=easy, 3=complicated, 4=very complicated, how complicated it was for you to establish a contact with the minor who became an eye witness of particular types of crime?, %



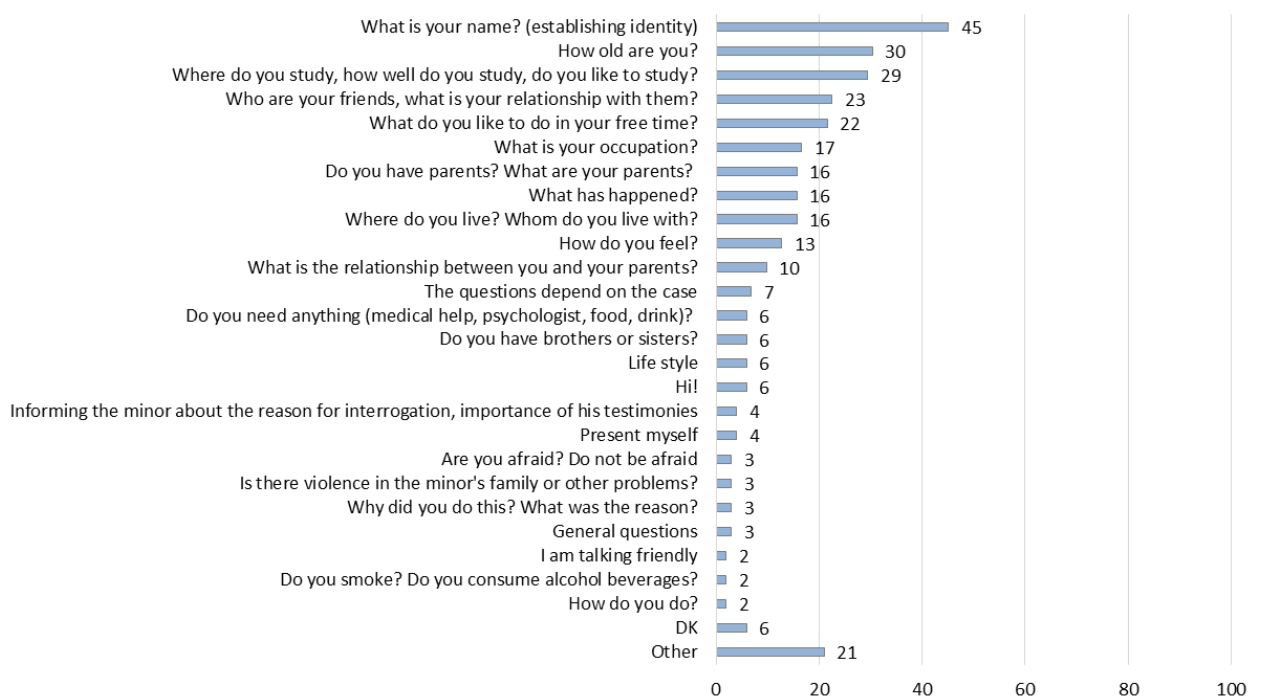
When preparing to interrogate a minor, criminal prosecution officers get acquainted with the living conditions of the minor (67%), find out minor’s interests and his circle of acquaintances (61%), try to find out something about the minor from his parents, teachers, district officer (58%), get acquainted with the minor’s educational background (51%).

Fig. 9 (6): Which of the following techniques do you apply in order to learn better the minor that you intend to interrogate as a witness?, %



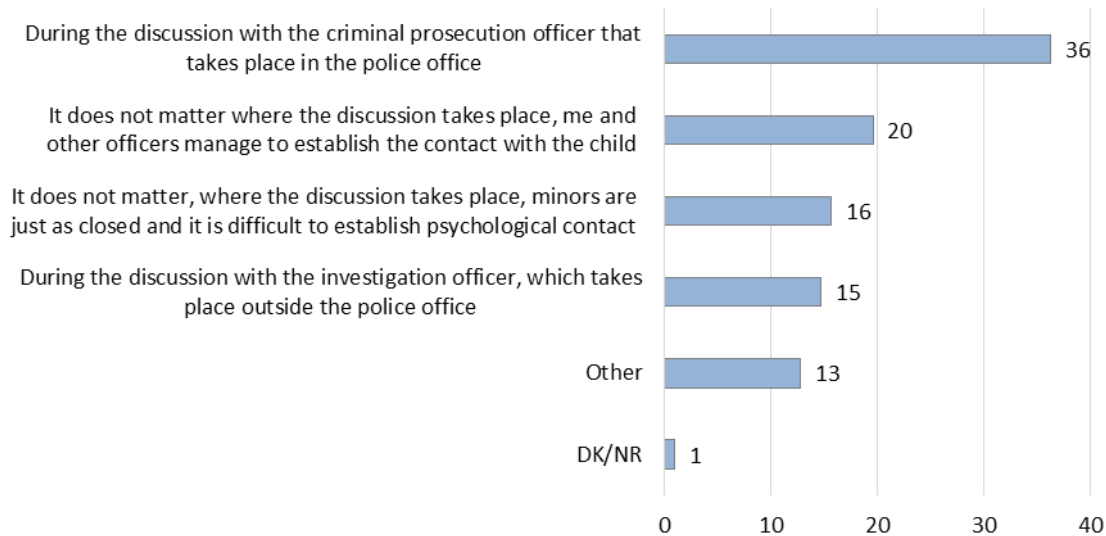
Majority of the questions which are addressed to the minor by the CPOs are those related to establishing the name, age, place of study, circle of friends, occupation and hobbies of the minor.

Fig. 10 (7): What are the questions with which you start the discussion with the minor?, %



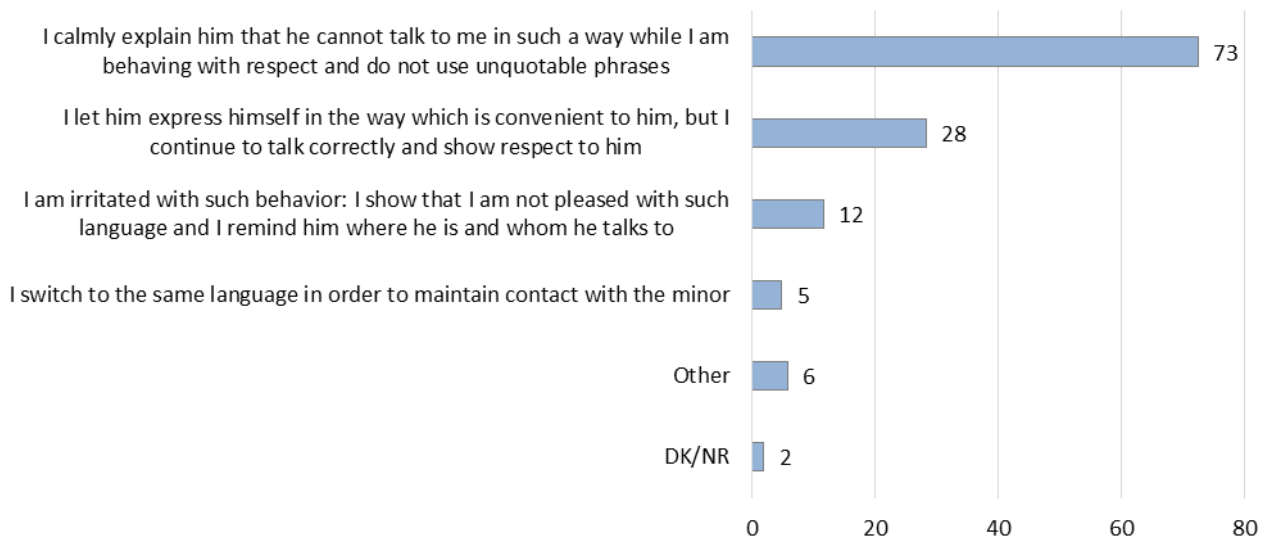
36% of criminal prosecution officers consider that the minor suspected of committing a crime is more sincere when the discussion takes place in the police office than in any other place. Every fifth noted that it does not matter where the discussion takes place since he and his colleagues manage to establish the contact with the child both – outside of the police office and inside it.

Fig. 11 (8): Based on your experience when the minor suspected of committing a crime is more disposed to talk sincerely and openly about the events that happened?, %



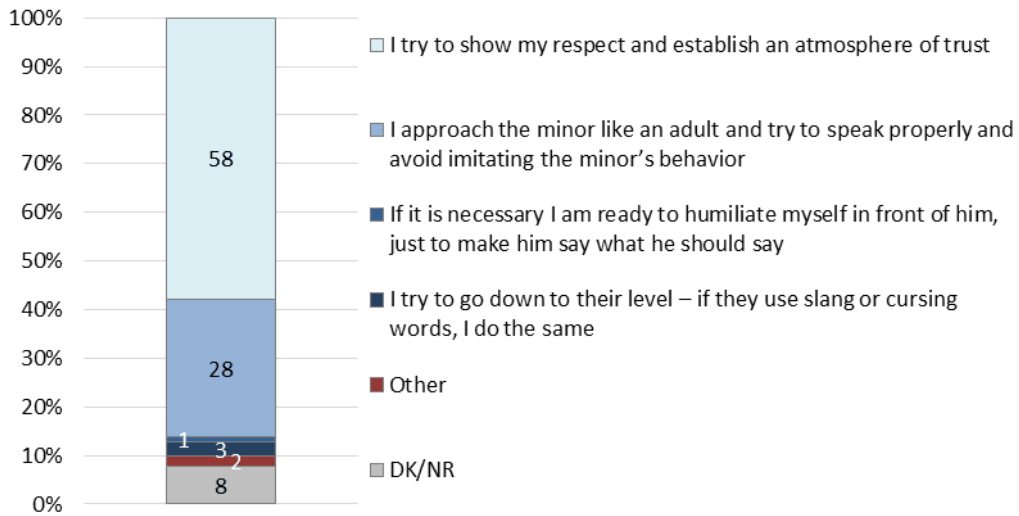
Majority of the interviewed CPOs react to inappropriate wording used by minor in the following way: they calmly explain him that he cannot talk in such a way while the policeman is treating him with respect.

Fig. 12 (17): How do you act in the case when the minor starts to use jargon and unquotable phrases in your presence?, %



Majority of the interviewees while talking to the minor try to show their respect and establish an atmosphere of trust and treat him like an adult, speaking properly and avoiding imitation of the minor's behaviour. Still, there is 1% that is ready to humiliate himself in front of the minor just to make him say what he is expected to, 3% who try to go down to the minor's level – if they use slang or cursing words then the policeman does the same.

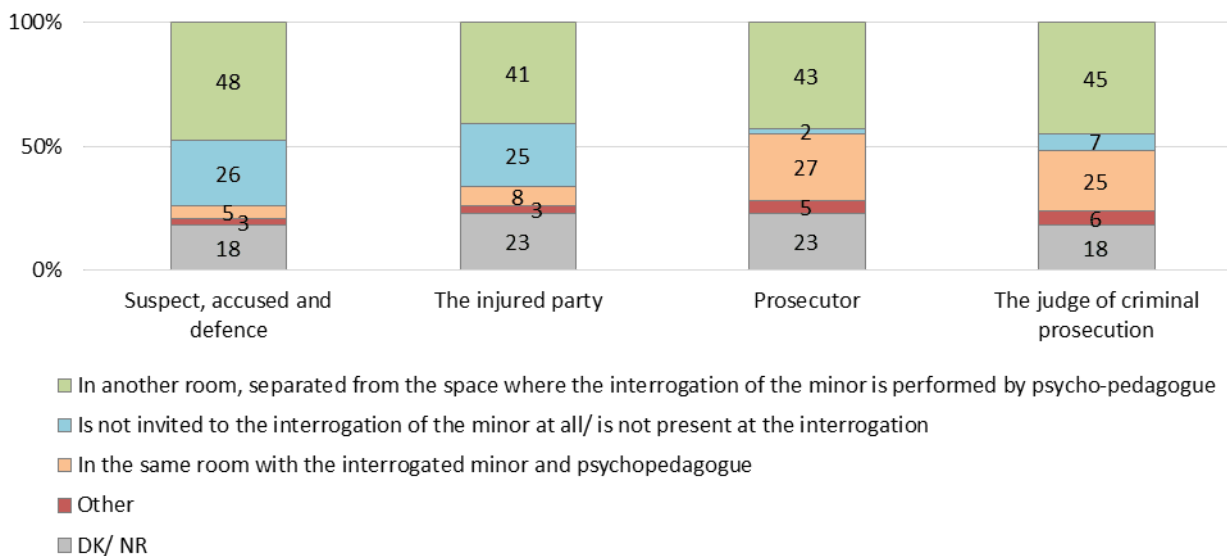
Fig. 13 (18): How do you prefer to discuss with delinquent minors?, %



Knowledge

It may be observed that in case of all four types of procedural actors, there is uncertainty in terms of where these actors need to seat while the minor under 14 is interrogated by the psychopedagogue. Thus, in case of the suspect, accused and defence, less than one half of the respondents considered that they need to be in another room, separated from the space where the interrogation of the minor takes place, while one fourth considered that there is no need to invite them to the interrogation of the minor. A similar situation may be observed in case of the injured party. As for the prosecutor and the judge of criminal prosecution, a significant share of respondents considered that they need to be seated in the same room with the interrogated minor. At the same time the Article 110/1 speaks clearly, where all the parties need to be seated.² Thus, share of those who gave the correct answer was 41-48% for this question.

Fig. 14 (9): When the psychopedagogue is interrogating a minor who became witness or a victim of a crime and who is younger than 14, where the suspect/ accused, lawyer, public prosecutor and the judge are?, %



² **Articolul 110¹**. Cazurile speciale de audiere a martorului minor

(1) Audierea martorului minor în vîrstă de pînă la 14 ani în cauzele penale privind infracțiunile cu caracter sexual, privind traficul de copii sau violența în familie în condițiile art. 109 alin. (5) se va efectua de către judecătorul de instrucție în spații special amenajate, dotate cu mijloace de înregistrare audiovideo, prin intermediul unui psihopedagog.

(2) Martorul minor și psihopedagogul se află într-o cameră separată de judecătorul de instrucție și celelalte părți care participă la această acțiune procesuală.

(3) Bănuitul, învinutul, apărătorul acestora, partea vătămată și procurorul adresează întrebările judecătorului de instrucție, care, prin intermediul mijloacelor audiovideo, le transmite psihopedagogului.

(4) În caz de necesitate, psihopedagogul își rezervă dreptul de a reformula întrebările, dacă acestea au fost formulate în felul în care pot traumatiza martorul minor.

(5) Audierea martorului minor trebuie să evite producerea oricărui efect negativ asupra stării psihice a acestuia.

(6) Martorul minor care la data audierii nu a împlinit vîrsta de 14 ani i se atrage atenția că urmează să spună adevărul.

(7) Declarațiile martorului minor audiat în condițiile prezentului articol se înregistrează prin mijloace audiovideo și se consemnează integral într-un proces-verbal întocmit în conformitate cu art. 260 și 261. Instanța de judecată sigilează suportul informațional pe care a fost înregistrată declarația martorului și îl păstrează în original împreună cu copia de pe procesul-verbal al declarației.

Criminal Procedure Code specifies in the article 240 that minors under the age of 14 cannot be summoned directly, but through parents or guardians and 79% of the CPO were aware of this, at the same time 21% of the CPOs could not provide correct answer. Article 199 of the same act states that forced presentation is not applicable to minors under the age of 14 and 77% were aware of this fact, while 23% did not provide the right answer.

Article 186 of the Criminal Procedure Code specifies that term for holding a person under remand can be prolonged up to 4 months for the minors under 14. And 64% of the interviewed CPOs did not know this.

Article 173 of the Criminal Procedure Code states that "In exceptional cases, when the special circumstances of the case require it, for the purpose of securing the confidentiality of the following phase of the penal pursuit, with the consent of the instruction judge, announcing about the apprehension can be done within a term not exceeding 12 hours from the apprehension, save for cases when a minor has been apprehended". And 70% did consider the opposite statement false, thus, giving the correct answer.

Article 110/1 specifies that the psycho pedagogue reserves the right to reformulate the questions during the hearing of the minor. 94% of the respondents gave the right answer for the question about this aspect.

While the law does not specify whether the minor's parents can stay with him during the hearing, majority considered that they do have this right.

65% of the respondents were aware of the fact that minor witness statements are recorded by audio-video. ³

Fig. 15 (10): Are the following statements true or false?, %

³ **Articolul 173.** Înștiințarea despre reținere

(4) În cazuri excepționale, dacă aceasta o cere caracterul deosebit al cauzei, în scopul asigurării secretului etapei începătoare a urmăririi penale, cu consimțământul judecătorului de instrucție, înștiințarea despre reținere poate fi amânată pe un termen de până la 12 ore, cu excepția cazului în care persoana reținută este minoră.

(5) În cazul în care, în urma reținerii persoanei, rămân fără supraveghere minori sau alte persoane pe care le are la întreținere ori bunurile acesteia, organul de urmărire penală este obligat să ia măsurile prevăzute în art.189.

Articolul 186. Termenul ținerii persoanei în stare de arest și prelungirea lui

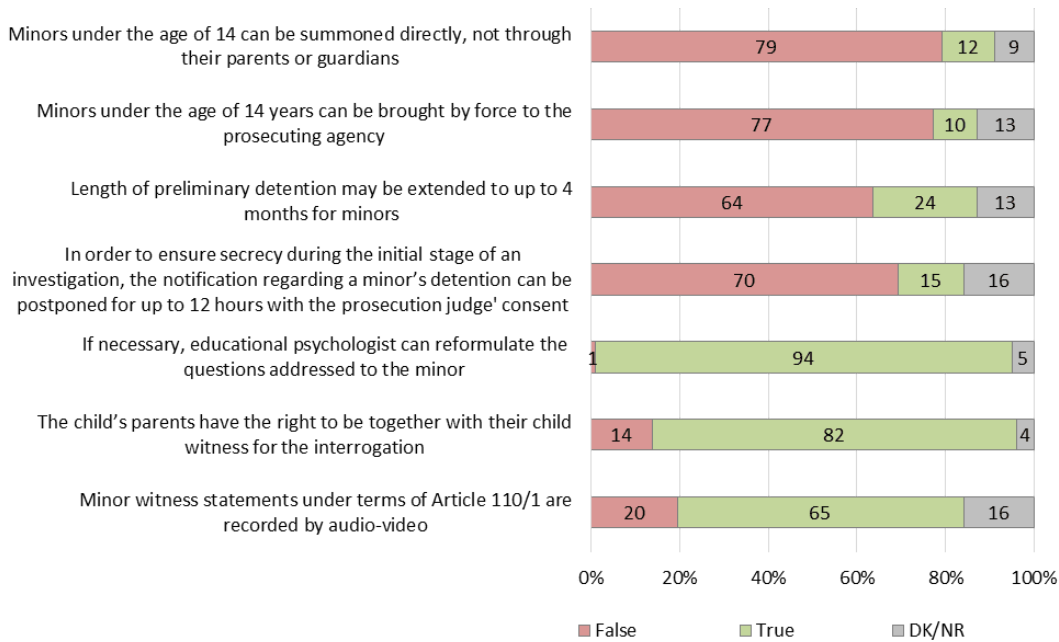
(4) Învinuiților minori durata ținerii în stare de arest preventiv poate fi prelungită numai până la 4 luni.

Articolul 199. Aducerea silită

(5) Nu pot fi supuse aducerii silită minorii în vîrstă de până la 14 ani, femeile gravide, persoanele bolnave, starea cărora este confirmată prin certificat medical eliberat de o instituție medicală de stat.

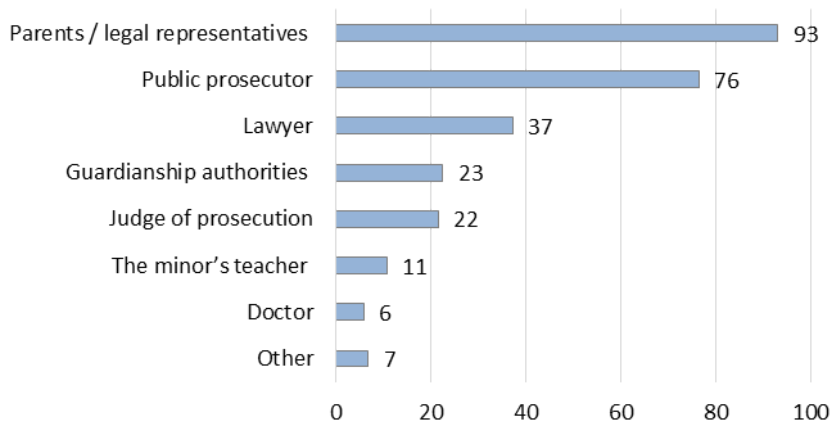
Articolul 240. Înmînarea citației altor persoane

(1) Dacă persoana citată nu se află acasă, agentul înmînează citația soțului, unei rude sau oricărei persoane care locuiește cu ea ori care în mod obișnuit îi recepționează corespondența. Citația nu poate fi înmînată unui minor sub 14 ani sau unei persoane bolnave mintal.



In the opinion of 93% of the interviewed CPO's parents/legal representatives need to be notified about the arrest of the minor. 76% also consider that the public prosecutor needs to be made aware of this. The article 477⁴ (3) states that "Juvenile's parents or other legal representatives as well as the public prosecutor shall be immediately notified of his apprehension or pre-trial arrest, of which mention shall be made in the minutes of apprehension." Thus, there are 7% who did not know that it is necessary to notify the child's parents or legal representatives, 24% who were not aware that it is necessary to notify the public prosecutor, 37% who considered wrongly that it is necessary to notify the lawyer etc.

Fig. 16 (11): In case when the minor is arrested, who should be made aware of this fact?, %



According to the article 189 (1)⁵ "In case the apprehended or arrested person has in his/her care underage children, persons acknowledged as mentally disabled, persons under guardianship or persons who because of illness, age or other reasons need help, the competent authority needs to be informed in order to take

⁴ **Articolul 477.** Reținerea minorului și aplicarea față de minori a măsurilor preventive

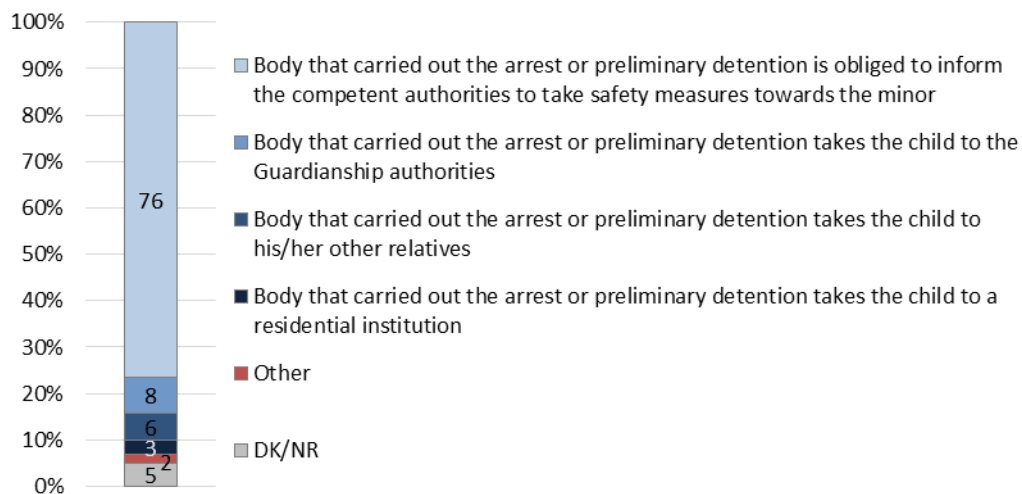
(3) Despre reținerea sau arestarea preventivă a minorului se înștiințează imediat procurorul și părinții sau alți reprezentanți legali ai minorului, fapt care se consemnează în procesul-verbal de reținere.

⁵ **Articolul 189.** Dreptul persoanei reținute sau arestate la măsuri de ocrotire

(1) În cazul în care persoana reținută sau arestată are sub ocrotirea sa minori, persoane recunoscute iresponsabile, persoane cărora li s-a instituit curatelă sau persoane care, din cauza vârstei, bolii sau din alte cauze, au nevoie de ajutor, despre aceasta vor fi informate autoritățile competente pentru a lua față de aceste persoane măsuri de ocrotire. Obligația de a informa despre necesitatea aplicării măsurilor de ocrotire îi revine organului care a efectuat reținerea sau arestarea preventivă.

necessary protection measures . The obligation to inform about the need to institute protection measures belongs to the body that performed the apprehension or the pre-trial arrest”. 76% of respondents were aware of this legislative provision.

Fig. 17 (12): What measures are taken in case when a person is retained or arrested and has a minor in his guardianship?, %



As one may observe, a significant share of respondents are not aware of the conditions of application of physical force, special means and fire arms against minors. As the Law regarding application of physical force, special means and fire arms specifies⁶ that application of physical force shall be avoided when talking about minors, with exception of the cases when the minors put in danger lives of other people, including life of the policeman, when this is armed attack or attack in concert. In case of special means and fire arms, the exception is the same, while the rule is that application of these measures is prohibited. Thus, one may see, that majority of the respondents did not name all of the conditions.

Fig. 18 (13): What are the conditions for application of physical force, special means and fire arms against minors?, %

a) Physical force

⁶ **Articolul 5. Aplicarea forței fizice**

(1) Forța fizică poate fi aplicată în orice situație în care legea permite aplicarea mijloacelor speciale sau a armelor de foc.

Articolul 6. Restricții la aplicarea forței fizice

(2) Se va evita, pe cât este posibil, aplicarea forței fizice împotriva minorilor, în cazul când vârsta acestora este evidentă sau este cunoscută, împotriva femeilor, a persoanelor în etate și a persoanelor cu semne vizibile de invaliditate.

Articolul 8. Restricții la aplicarea mijloacelor speciale

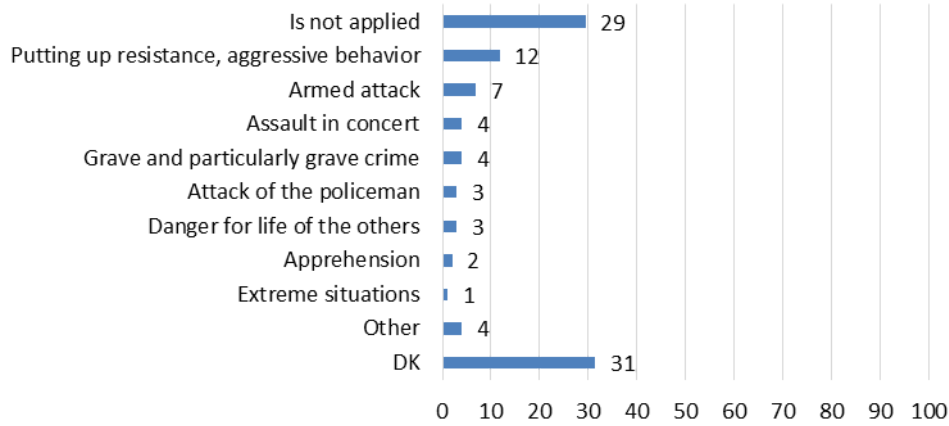
(1) Se interzice:

a) aplicarea mijloacelor speciale împotriva minorilor, în cazul când vârsta acestora este evidentă sau este cunoscută, împotriva femeilor, a persoanelor în etate și a persoanelor cu semne vizibile de invaliditate, cu excepția cazurilor când aceștia atacă subiectul legii ori altă persoană, inclusiv în grup ori cu utilizarea armelor, când opun rezistență periculoasă pentru viața și sănătatea oamenilor, dacă acțiunile de acest gen nu pot fi curmate pe alte căi și cu alte mijloace;

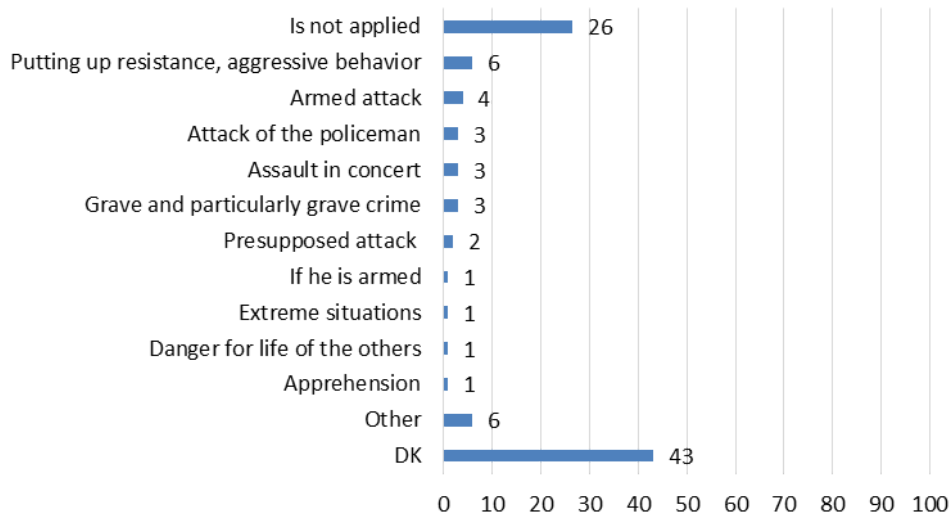
Articolul 12. Restricții la aplicarea armelor de foc

(1) Se interzice aplicarea armelor de foc:

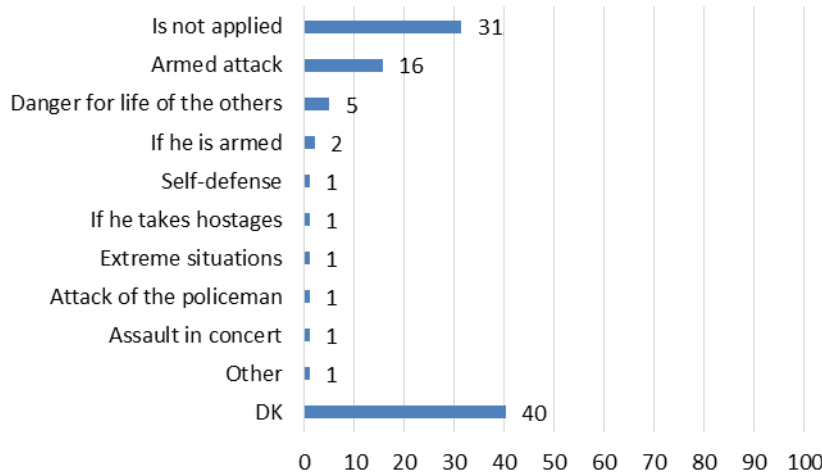
a) împotriva minorilor, dacă vârsta acestora este evidentă sau este cunoscută, împotriva femeilor, persoanelor în etate și a persoanelor cu semne vizibile de invaliditate, cu excepția cazurilor când acestea atacă subiectul legii ori altă persoană în grup sau cu utilizarea armelor, când opun rezistență periculoasă pentru viața și sănătatea oamenilor, dacă acțiunile de acest gen nu pot fi curmate pe alte căi și cu alte mijloace;



b) Special means



c) Fire-arms

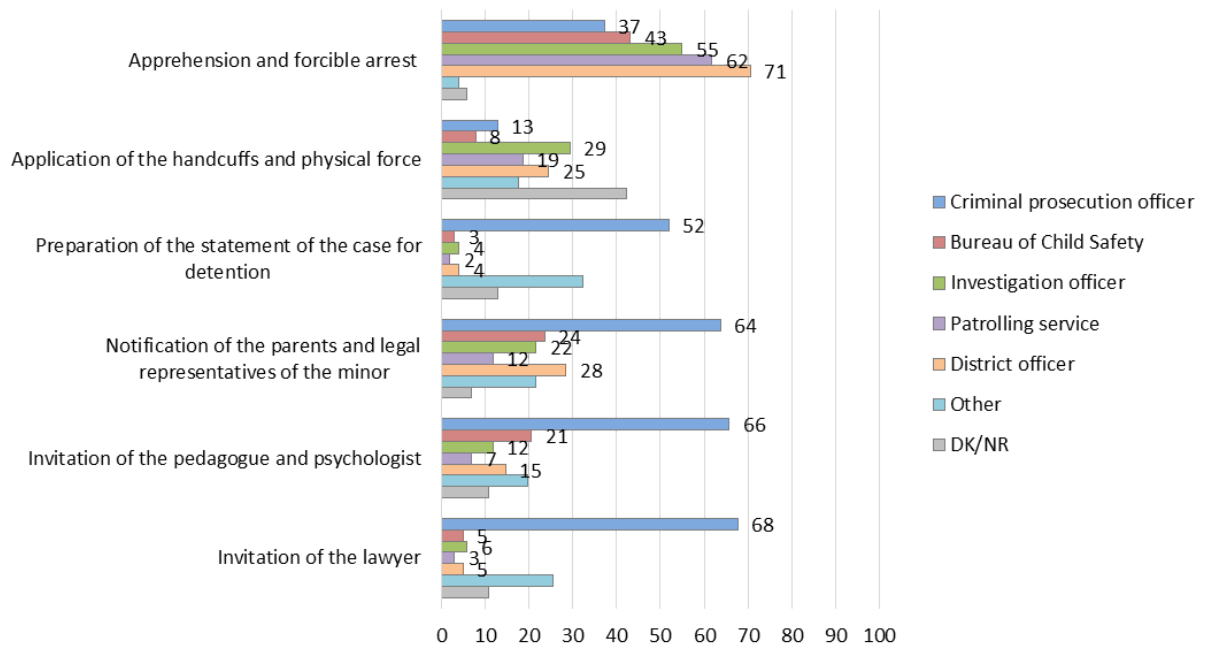


One may notice that there is no unanimity regarding the responsibility of various police departments for the different stages of the procedures, such as apprehension and forcible arrest, application of handcuffs, etc. Respondents could choose multiple answer for each type of procedure.

Thus, while majority considered that district officer is responsible for apprehension and forcible arrest (71%), still there were 29% who did not mark the district officer, meanwhile only 62% considered that patrolling service can take care of this and 38% had a different opinion and did not mark this answer.

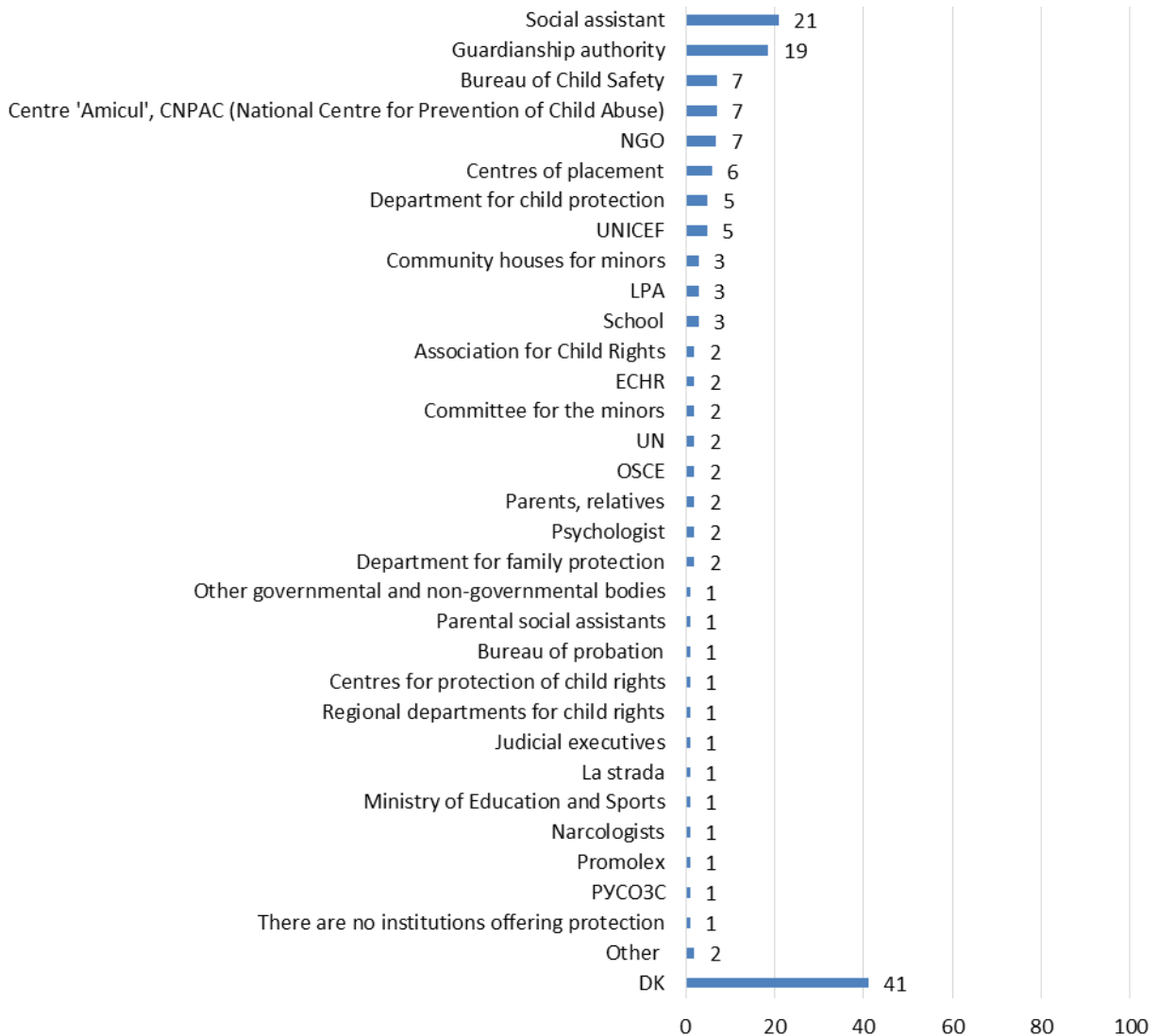
The same situation may be observed with the other types of procedures. It is interesting to observe that in case of such activities as “preparation of the statement of the case for apprehension”, “notification of the parents and legal representatives of the minor”, “invitation of the pedagogue and psychologist” as well as “invitation of the lawyer” majority of the respondents considered that it is the criminal prosecution officer who is mainly responsible for this activity. Even though, again, a significant share of respondents marked a different answer and did not mark the answer “CPO”.

Fig. 19 (19): When talking about a minor who committed a crime, which police department is responsible for?, %



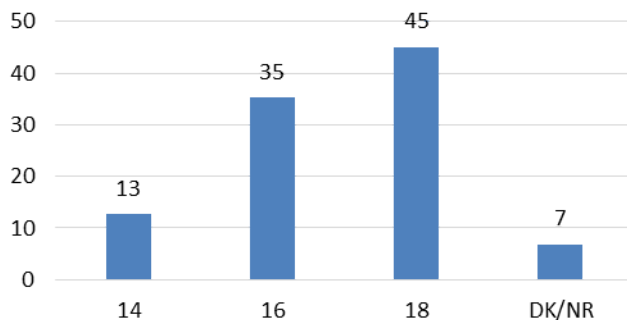
While 41% of the respondents could not name an actor/ institution other than police that offers services of protection, rehabilitation and reintegration to minors who come in contact with the judicial system, 21% considered that children may be referred to the social assistant, 19% named guardianship authority, 7% named Bureau of Child Safety, even though this is a department of police, 7% just said NGO, not specifying what NGO in particular.

Fig. 20 (20): What are the actors/ institutions (including NGOs), other than police that offers services of protection, rehabilitation and reintegration of a minor who comes into contact with the judicial system?, %



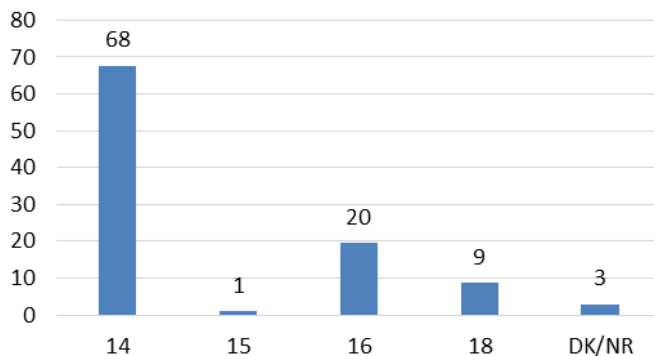
According to the Article 16 of the Contravention Code, a person that is 18 years old is susceptible to contravention responsibility for any type of contravention, while those of age 16 to 18 are susceptible to contravention responsibility for the contraventions specified in the law.⁷ Thus, 13% of the respondents considered that minors 14 years old can also be held liable for contravention, which is wrong. 45% were not aware that for some types of contravention minors who are 16 years old can also be held liable, which is also incorrect.

Fig. 21 (21): What is the age at which the person may be held liable for a contravention?, %



According to the Article 21 of the Penal Code, minors of 16 years old are held liable for all types of crimes committed by them, while minors 14 to 16 years old can be held liable for a serious of types of crimes specified in the law.⁸ Thus, 68% gave the answer 14 years old, while 20% said that the age of criminal responsibility is 16, and 9% said that it is 18 years old.

Fig. 22 (22): What is the age at which the person may be held liable for a crime?, %



⁷ **Articolul 16. Răspunderea contravențională a persoanei fizice**

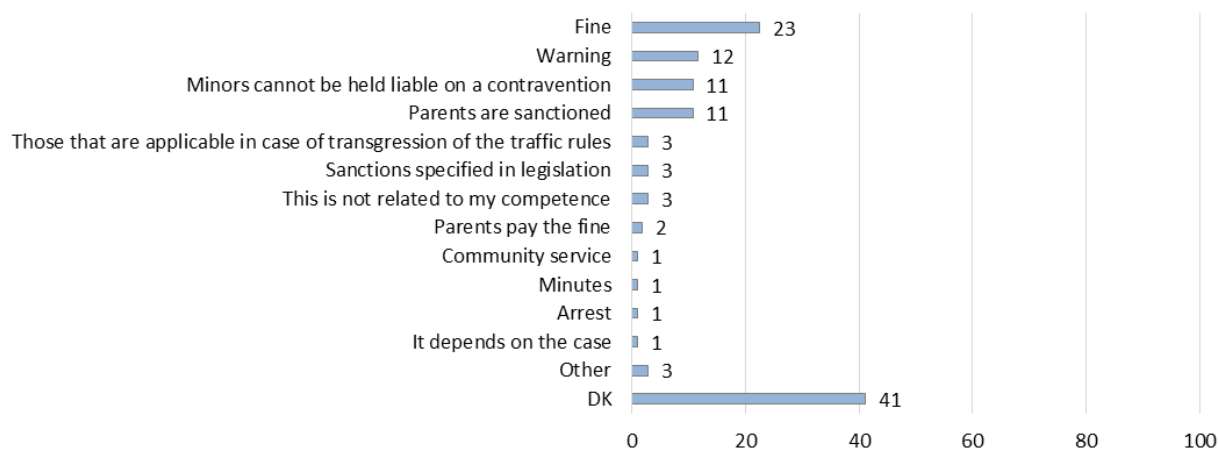
- (1) Este pasibilă de răspundere contravențională persoana fizică cu capacitate de exercițiu care, în momentul săvârșirii contravenției, are împlinită vârsta de 18 ani.
- (2) Persoana fizică cu vârsta între 16 și 18 ani este pasibilă de răspundere contravențională pentru săvârșirea faptelor prevăzute la art.228–245 și la art.263–311.

⁸ **Articolul 21. Subiectul infracțiunii**

- (1) Sînt pasibile de răspundere penală persoanele fizice responsabile care, în momentul săvârșirii infracțiunii, au împlinit vârsta de 16 ani.
- (2) Persoanele fizice care au vârsta între 14 și 16 ani sînt pasibile de răspundere penală numai pentru săvârșirea infracțiunilor prevăzute la art.145, 147, 151, 152 alin.(2), art.164, 166 alin.(2) și (3), art.171, 172, 175, 186-188, 189 alin. (2)–(6), art. 190 alin. (2)–(5), art. 192 alin. (2)–(4), art. 192¹ alin. (2) și (3), 196 alin.(4), art.197 alin.(2), art.212 alin.(3), art.217 alin.(4) lit.b), art.217¹ alin.(3) și alin.(4) lit.b) și d), art.217³ alin.(3) lit.a) și b), art.217⁴, art.217⁶ alin.(2), art.260, 268, 270, 271, art.275, 280, 281, 283-286, 287 alin.(2) și (3), art.288 alin.(2), art.290 alin.(2), art.292 alin.(2), 317 alin.(2), art.342.

According to the Contravention Code, Article 32⁹ all types of contraventional sanctions, including fine, warning, community service, penalty points, forfeit of the right to own a fire arm, to drive, to occupy particular posts. As one may observe, 41% of the respondents were not aware of the provisions of this law. At the same time 11% considered that no contravention sanctions are applied to minors.

Fig. 23 (23): What are the contravention sanctions applicable to minors?, %



⁹**Articolul 32. Sancțiunea contravențională**

- (1) Sancțiunea contravențională este o măsură de constrângere statală și un mijloc de corectare și reeducare ce se aplică, în numele legii, persoanei care a săvârșit o contravenție.
- (2) Sancțiunile contravenționale aplicabile persoanei fizice sînt:
 - a) avertismentul;
 - b) amenda;
 - c) privarea de dreptul de a desfășura o anumită activitate;
 - d) privarea de dreptul de a deține anumite funcții;
 - e) aplicarea punctelor de penalizare;
 - f) privarea de dreptul special (dreptul de a conduce vehicule, dreptul de a deține armă și de portarmă);
 - g) munca neremunerată în folosul comunității;
 - h) arestul contravențional.
- (3) Privarea de dreptul de a desfășura o anumită activitate, privarea de dreptul de a deține anumite funcții și punctele de penalizare pot fi aplicate și ca sancțiuni complementare.
- (4) Minorii pot fi sancționați complementar doar cu privarea de dreptul de a desfășura o anumită activitate.

According to the Penal Code¹⁰ all types of penal sanctions are applicable for minors with the exception of life imprisonment. 49% of respondents did know that minors can be deprived of liberty, and 3% specified that they will execute their sentence in special penitentiaries for minors, 5% specified that minors can also be placed in a correctional institution. 13% also were aware of the fact that minors can execute community service, 7% knew that fine is another sanction applicable for penal action. It is interesting that 23% of respondents considered that apprehension also is a type of criminal sanction, which is wrong, 2% named warning, which is also not applicable for penal actions. 3% just stated that this question is not related to their area of competence. 21% did not give any answer to this question.

Fig. 24 (24): What are the penal sanctions applicable to minors?, %

¹⁰ **Articolul 21. Subiectul infracțiunii**

(1) Sînt pasibile de răspundere penală persoanele fizice responsabile care, în momentul săvîrșirii infracțiunii, au împlinit vîrsta de 16 ani.

(2) Persoanele fizice care au vîrsta între 14 și 16 ani sînt pasibile de răspundere penală numai pentru săvîrșirea infracțiunilor prevăzute la art.145, 147, 151, 152 alin.(2), art.164, 166 alin.(2) și (3), art.171, 172, 175, 186-188, 189 alin. (2)–(6), art. 190 alin. (2)–(5), art. 192 alin. (2)–(4), art. 192¹ alin. (2) și (3), 196 alin.(4), art.197 alin.(2), art.212 alin.(3), art.217 alin.(4) lit.b), art.217¹ alin.(3) și alin.(4) lit.b) și d), art.217³ alin.(3) lit.a) și b), art.217⁴, art.217⁶ alin.(2), art.260, 268, 270, 271, art.275, 280, 281, 283-286, 287 alin.(2) și (3), art.288 alin.(2), art.290 alin.(2), art.292 alin.(2), 317 alin.(2), art.342.

Articolul 54. Liberarea de răspundere penală a minorilor

(1) Persoana în vîrstă de pînă la 18 ani care a săvîrșit pentru prima oară o infracțiune ușoară sau mai puțin gravă poate fi liberată de răspundere penală în conformitate cu prevederile procedurii penale dacă s-a constatat că corectarea ei este posibilă fără a fi supusă răspunderii penale.

(2) Persoanelor liberate de răspundere penală, în conformitate cu alin.(1), li se pot aplica măsurile de constrîngere cu caracter educativ, prevăzute la art.104.

Articolul 62. Categoriile pedepselor aplicate persoanelor fizice

(1) Persoanelor fizice care au săvîrșit infracțiuni li se pot aplica următoarele pedepse:

- a) amendă;
- b) privare de dreptul de a ocupa anumite funcții sau de a exercita o anumită activitate;
- c) retragere a gradului militar sau special, a unui titlu special, a gradului de calificare (clasificare) și a distincțiilor de stat;
- d) munca neremunerată în folosul comunității;
- f) închisoare;
- g) detențiune pe viață.

(2) Închisoarea și detențiunea pe viață se aplică numai în calitate de pedepse principale.

(3) Muncă neremunerată în folosul comunității poate fi aplicată ca pedeapsă principală sau în cazul condamnării cu suspendarea condiționată a executării pedepsei - în calitate de obligație pentru perioada termenului de probă.

(4) Amenda, privarea de dreptul de a ocupa anumite funcții sau de a exercita o anumită activitate se aplică atît ca pedepse principale, cît și ca pedepse complementare.

Articolul 67. Munca neremunerată în folosul comunității

(4) Munca neremunerată în folosul comunității nu poate fi aplicată persoanelor recunoscute ca invalizi de gradele I și II, militarilor prin contract, femeilor gravide, femeilor care au copii în vîrstă de pînă la 8 ani, persoanelor care nu au atins vîrsta de 16 ani și persoanelor care au atins vîrsta de pensionare.

Articolul 70. Închisoarea

(2) La stabilirea pedepsei definitive în caz de concurs de infracțiuni, pedeapsa închisorii nu poate depăși 25 de ani pentru adulți și 12 ani și 6 luni pentru minori, iar în caz de cumul de sentințe - de 30 ani pentru adulți și 15 ani pentru minori.

Articolul 71. Detențiunea pe viață

(3) Detențiunea pe viață nu poate fi aplicată femeilor și minorilor.

Articolul 72. Categoriile penitenciarelor în care se execută pedeapsa cu închisoare

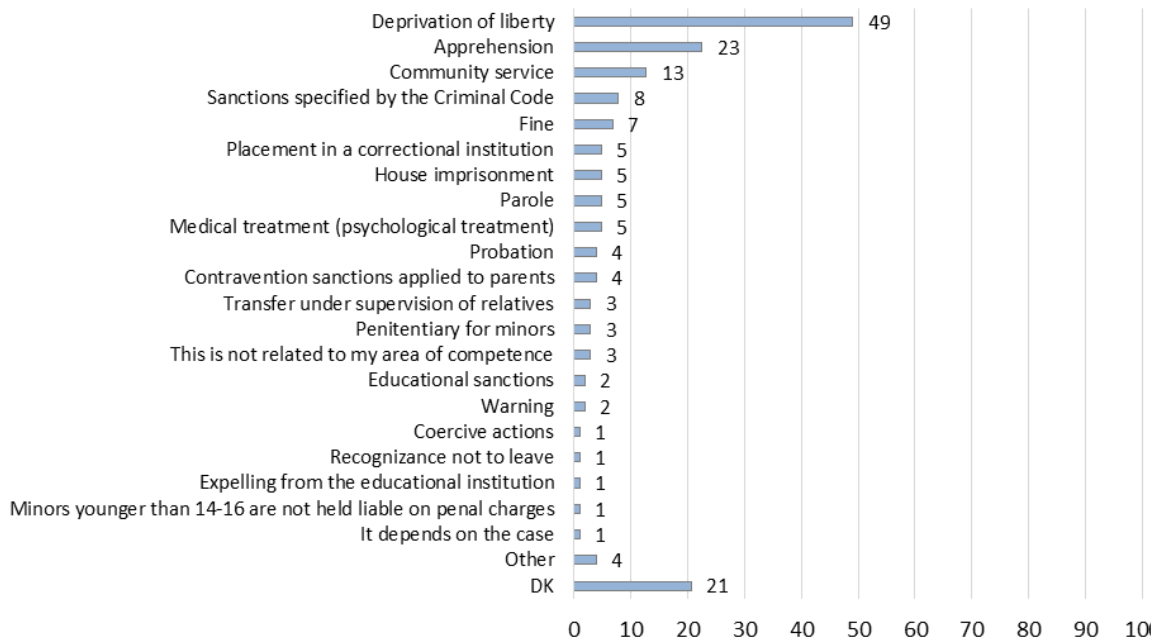
(5) Persoanele care nu au atins vîrsta de 18 ani execută pedeapsa cu închisoare în penitenciare pentru minori, ținîndu-se cont de personalitatea condamnatului, antecedentele penale și gradul prejudiciabil al infracțiunii săvîrșite.

Articolul 75. Criteriile generale de individualizare a pedepsei

- (3) Pentru săvîrșirea unei infracțiuni ușoare sau mai puțin grave, pedeapsa se aplică minorului numai dacă se apreciază că luarea măsurii cu caracter educativ nu este suficientă pentru corectarea minorului.

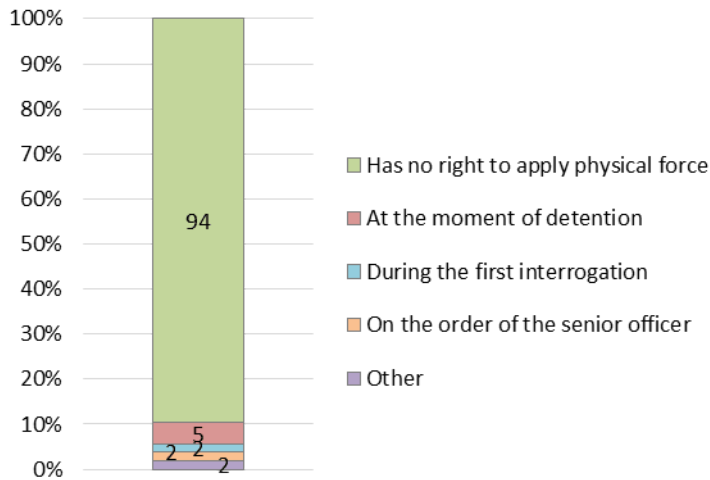
Articolul 76. Circumstanțele atenuante

- (1) La stabilirea pedepsei se consideră circumstanțe atenuante: b) săvîrșirea infracțiunii de către un minor;



While 94% of respondents consider that the policeman has no right to apply physical power to the minor, even in case he knows important information that can save people’s lives, there are 5% that consider that this is possible at the moment of apprehension, 2% who consider that they can do this during the first interrogation and 2% - on the order to the senior officer.

Fig. 25 (25): A minor is suspected of committing a very grave crime together with the adult and the police knows that the minor detains important information that might save people’s lives. When the policemen has the right to apply physical force in order to find out this information?, %



Every fourth CPO considered that in case of a contravention a minor can be brought to the Police office. Criminal Procedure Code and Contraventional Code¹¹ imply that minors can be apprehended in case of a grave crime, evidence that they committed a grave crime, necessity to establish the minor's identity. Thus, overall, 18% of the respondents would not consider it necessary to retain a minor who committed a crime.

Fig. 26 (26): In which case a minor can be apprehended and brought to the Police Inspectorate or to the district police office?, %

¹¹ **Articolul 167. Procedura de reținere a persoanei**

(1) Despre fiecare caz de reținere a unei persoane bănuite de săvârșirea unei infracțiuni organul de urmărire penală, în termen de pînă la 3 ore de la momentul privării ei de libertate, întocmește un proces-verbal de reținere, în care se indică temeiurile, motivele, locul, anul, luna, ziua și ora reținerii, starea fizică a persoanei reținute, plîngerile referitoare la starea sănătății sale, în ce este îmbrăcată (descrierea ținutei vestimentare), explicații, obiecții, cereri ale persoanei reținute, cererea de a avea acces la un examen medical, inclusiv pe cont propriu, fapta săvârșită de persoana respectivă, rezultatele percheziției corporale a persoanei reținute, precum și data și ora întocmirii procesului-verbal. Procesul-verbal se aduce la cunoștință persoanei reținute, totodată ei i se înmînează în scris informația despre drepturile prevăzute la art.64, inclusiv dreptul de a tăcea, de a nu mărturisi împotriva sa, de a da explicații care se includ în procesul-verbal, de a beneficia de asistența unui apărător și de a face declarații în prezența acestuia, fapt care se menționează în procesul-verbal. Procesul-verbal de reținere se semnează de persoana care l-a întocmit și de persoana reținută. În termen de pînă la 3 ore de la reținere, persoana care a întocmit procesul-verbal prezintă procurorului o comunicare în scris referitoare la reținere.

[Art.167 al.(1) modificat prin LP252 din 08.11.12, MO263-269/21.12.12 art.855]

[Art.167 al.(1) modificat prin LP184-XVI din 29.06.06, MO126-130/11.08.06 art.599]

(1¹) Organul de urmărire penală, în timp de o oră după reținerea persoanei, solicită oficiului teritorial al Consiliului Național pentru Asistență Juridică Garantată de Stat sau unor alte persoane împuternicite de acesta desemnarea unui avocat de serviciu pentru acordarea asistenței juridice de urgență. Solicitarea de a desemna un avocat de serviciu este prezentată în scris, inclusiv prin fax, sau la telefon.

[Art.167 al.(1¹) introdus prin LP89-XVI din 24.04.08, MO99-101/06.06.08 art.366; în vigoare 01.07.08]

Motivele reținerii imediat se aduc la cunoștință persoanei reținute numai în prezența unui apărător ales sau a unui avocat de serviciu care acordă asistență juridică de urgență.

[Art.167 al.(2) introdus prin LP89-XVI din 24.04.08, MO99-101/06.06.08 art.366; în vigoare 01.07.08]

(2¹) Organul de urmărire penală este obligat să asigure condiții pentru întrevederea confidențială între persoana reținută și apărătorul său pînă la prima audiere.

[Art.167 al.(2¹) introdus prin LP89-XVI din 24.04.08, MO99-101/06.06.08 art.366; în vigoare 01.07.08]

(3) În cazul reținerii minorului, persoana care efectuează urmărirea penală este obligată să comunice imediat aceasta procurorului și părinților minorului sau persoanelor care îi înlocuiesc.

[Art.167 al.(3) modificat prin LP184-XVI din 29.06.06, MO126-130/11.08.06 art.599]

(4) Persoana reținută va fi audiată în conformitate cu prevederile art.103 și 104, dacă acceptă să fie audiată.

(5) Persoana care efectuează reținerea este în drept să supună persoana reținută percheziției corporale în condițiile art.130.

(6) Dacă la reținere se stabilește prezența unor vătămări sau leziuni corporale ale persoanei reținute, persoana care efectuează urmărirea penală neîntîrziat îl va informa pe procuror, care va dispune imediat efectuarea unei constatări medico-legale sau, după caz, a unei expertize medico-legale pentru a constata originea și caracterul vătămarilor sau leziunilor.

[Art.167 al.(6) introdus prin LP252 din 08.11.12, MO263-269/21.12.12 art.855]

Articolul 433. Reținerea

(1) Reținerea constă în limitarea de scurtă durată a libertății persoanei fizice și se aplică în cazul:

- a) contravențiilor flagrante pentru care prezentul cod prevede sancțiunea arestului contravențional;
- b) imposibilității identificării persoanei în a cărei privință este pornit proces contravențional dacă au fost epuizate toate măsurile de identificare;
- c) contravențiilor pasibile, conform prezentului cod, de aplicarea măsurii de siguranță a expulzării.

(2) Reținerea se aplică de către:

a) poliție;

[Art.433 al.(2), lit.a) în redacția LP175 din 12.07.13, MO167-172/02.08.13 art.538]

b) Poliția de frontieră, în cauzele de încălcare a regimului de frontieră sau a regimului punctelor de trecere a frontierei de stat;

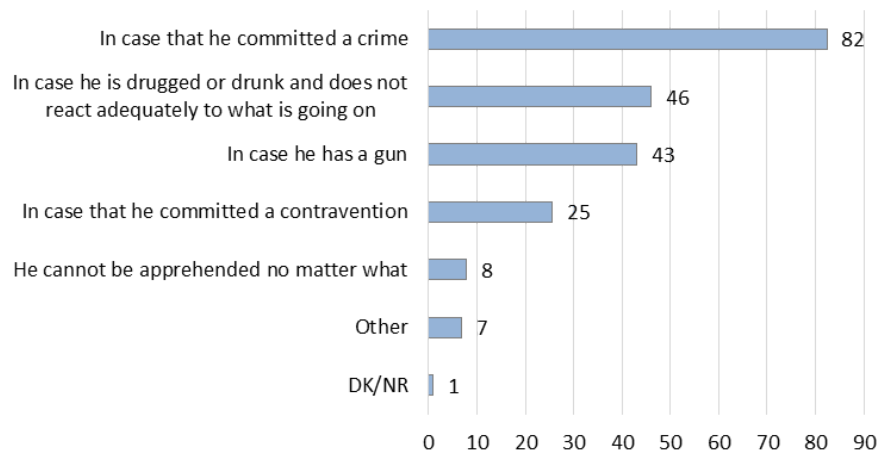
[Art.433 al.(2), lit.b) modificată prin LP175 din 12.07.13, MO167-172/02.08.13 art.538]

c) Serviciul vamal, în cazul contravențiilor ce țin de competența lui.

(3) Persoana reținută va fi informată neîntîrziat, într-o limbă pe care o înțelege, despre motivele reținerii, faptul informării consemnându-se în procesul-verbal cu privire la reținere.

(4) Persoanei reținute i se comunică neîntîrziat, contra semnătură, drepturile prevăzute la art.384, faptul comunicării consemnându-se în procesul-verbal cu privire la reținere.

(5) Persoanei reținute i se acordă neîntîrziat posibilitatea de a comunica la două persoane, la alegerea sa, despre reținere. Faptul comunicării sau al refuzului de a comunica se consemnează, contra semnătură, în procesul-verbal cu privire la reținere.



58% did answer correctly to the question regarding apprehension for a contravention in case of minors, while 42% did not provide the correct answer. At the same time, 78% were aware of the fact that in case of a crime the minor might be retained for a term up to 24 hours and 22% did not provide the correct answer.

Table 1: For how long can a minor be detained for a contravention? And in case of a crime?, %¹²

	Contravention	Crime
N	102	102
Is not retained	58	1
3 hours	21	3
24 hours	1	78
48 hours	0	4
72 hours	0	6
Up to a week	0	0
Up to 2 weeks	0	0
Other	0	1
DK/NR	21	7
Total, %	100	100

Majority of the respondents were aware of the fact that the minor who is in preliminary apprehension has the right to pass medical check and receive urgent medical assistance (92%), at the same time, 85% were aware that the minor has the right to be informed about his rights. The same share also knew that the minor has the right to receive judicial assistance via a lawyer. There are several provisions set in the national and international legislation that need to be considered when answering this question¹³.

Fig. 27 (28): When a minor is detained in the cell of preliminary apprehension what fundamental rights are guaranteed to him?, %

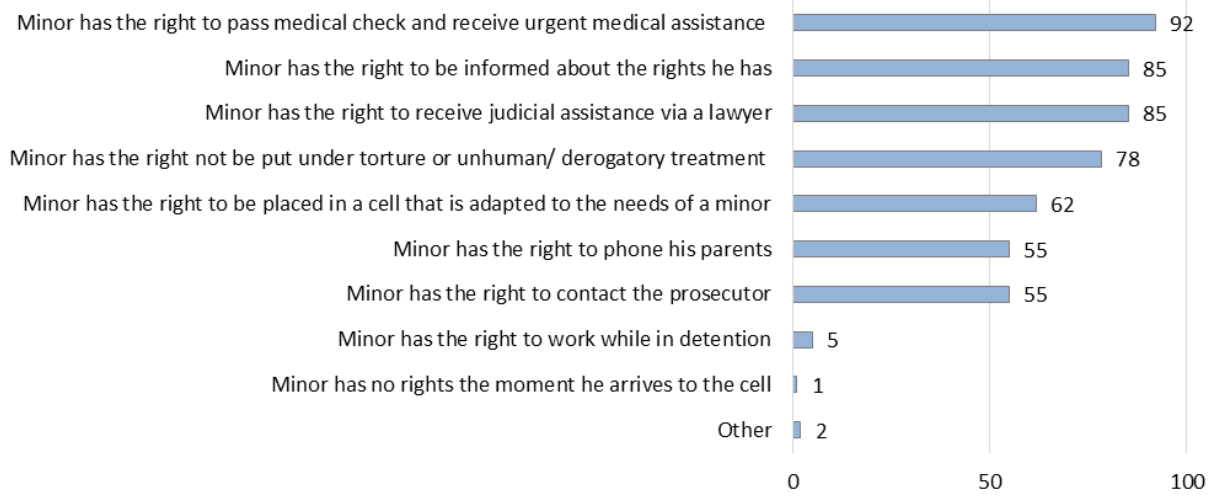
¹² Codul Penal: **Articolul 166**. Temeiurile pentru reținerea persoanei bănuite de săvârșirea infracțiunii

(6) Reținerea minorului nu poate depăși 24 de ore.

Codul Contravențional: **Articolul 32**. Sancțiunea contravențională

(4) Minorii pot fi sancționați complementar doar cu privarea de dreptul de a desfășura o anumită activitate.

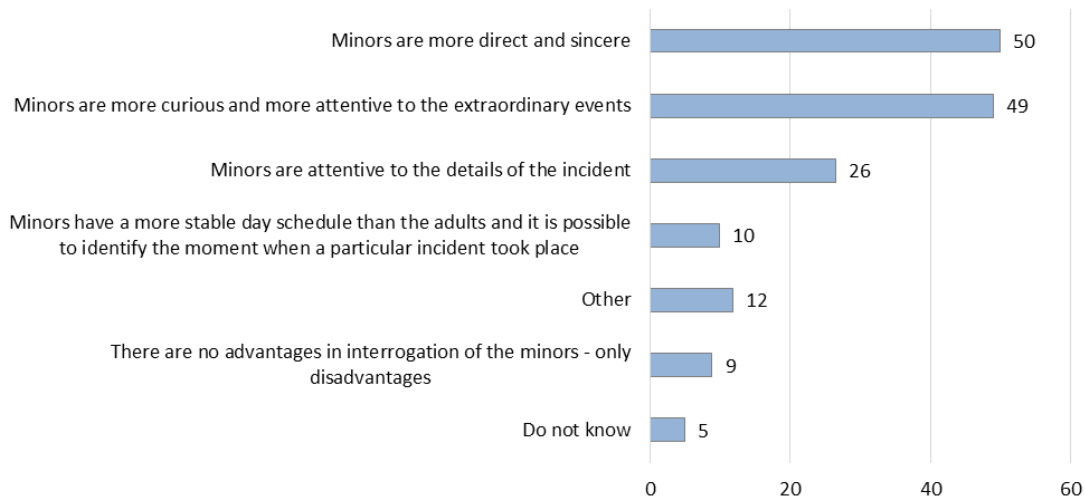
¹³ Codul Procedurii Penale, articolul 66, Codul De Executare, Statutul Executării Pedepselor de către condamnați, Convenția Europeană Pentru Drepturile Omului, Convenția Europeană Privind Prevenirea Torturii, Regulile Penitenciare Europene



Attitudes

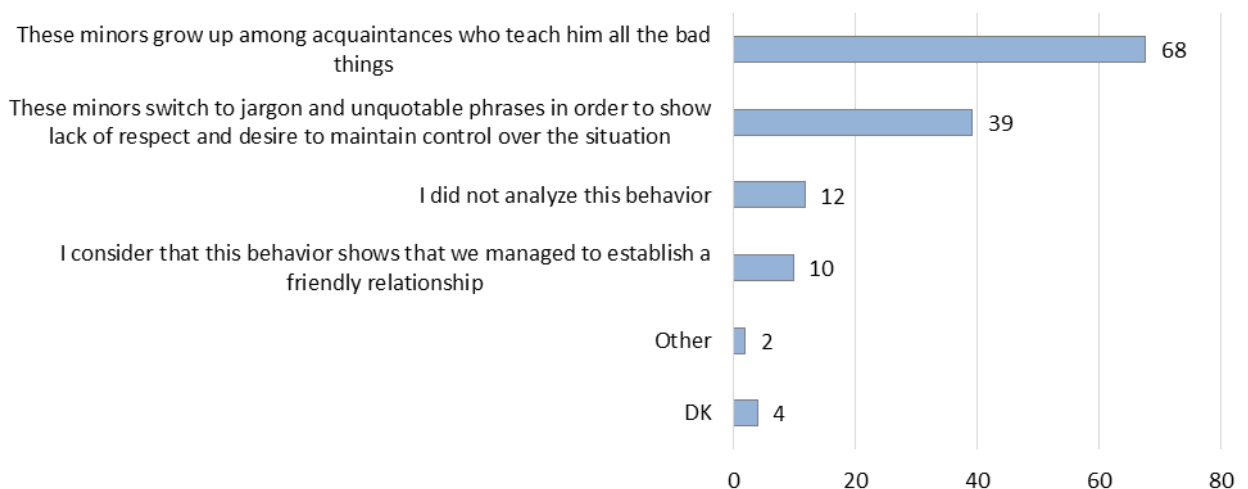
Half of the respondents mentioned that the advantage of interrogating a minor is that he is more direct and sincere than an adult, also half of the respondents agreed that minors are more curious than adults and are more attentive to the extraordinary events. Every fourth respondent mentioned that minors are attentive to the details of incident. Only 9% considered that interrogation of minors has no advantages and only disadvantages.

Fig. 28 (14): What are the advantages of the testimonies of a minor?, %



When talking about the reason for which some heard minors prefer to use unquotable phrases or jargon, majority of the interviewed CPOs consider that they do this because they grow up among people who teach them all the bad things (68%), at the same time, 39% agreed that the minors use jargon in order to show that they do not respect the police representative and tend to maintain control over the situation. 16% have no opinion on this point and 10% consider that this behaviour shows that they managed to establish a friendly relationship with the minor.

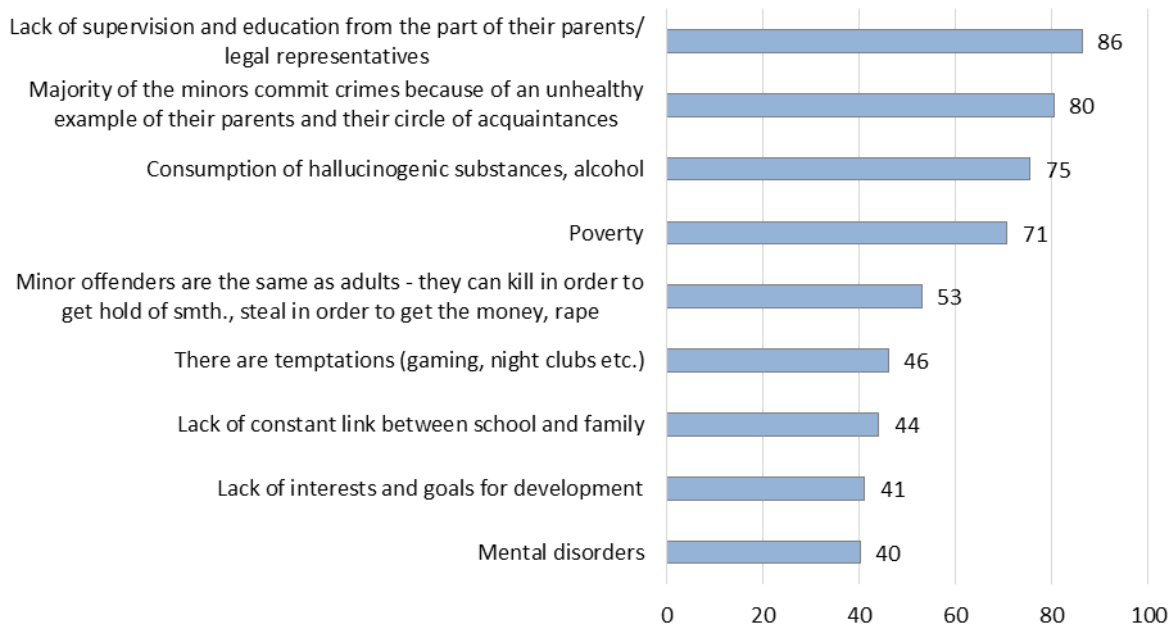
Fig. 29 (16): What do you think, what is the motive that the minors sometimes use the jargon or unquotable phrases while discussing with the criminal prosecution officers?, %



Lack of supervision and education from the part of their parents/ legal representatives as well as unhealthy example of parents and consumption of hallucinogenic substances, alcohol and poverty are the main motives for juvenile criminality.

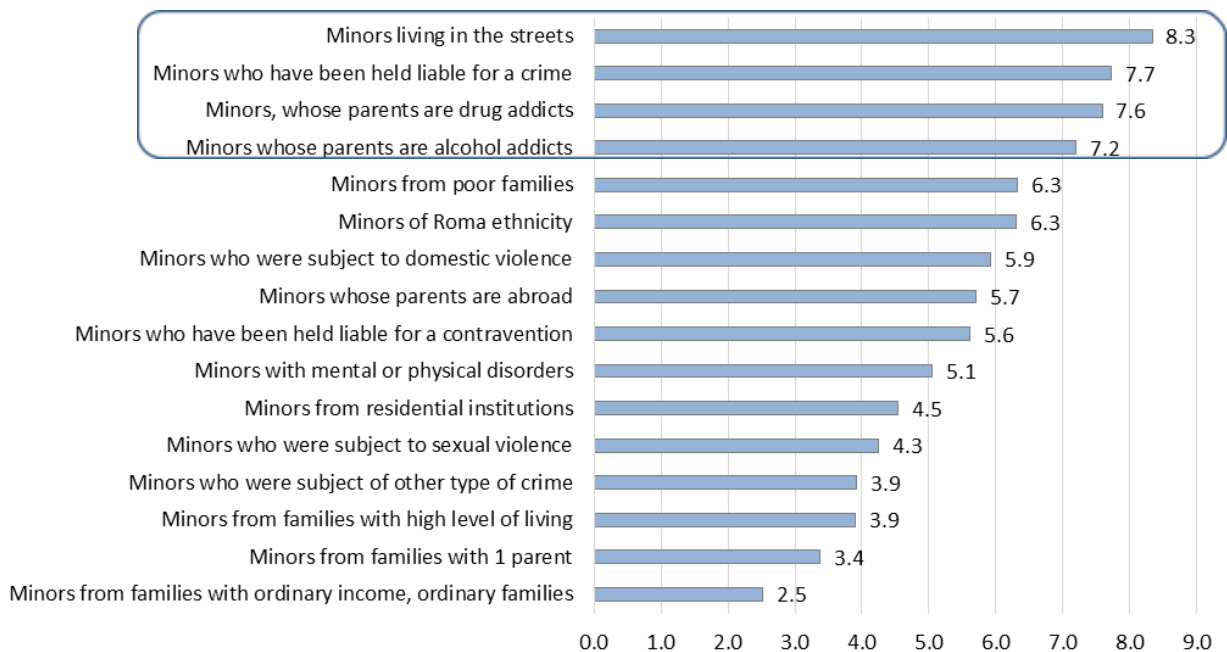
It is important to note that 53% consider that minor offenders are the same as adults – they can kill in order to get hold of something, steal in order to get the money, rape.

Fig. 30 (29): In your opinion what are the main motives that cause the minors to become criminals?, %



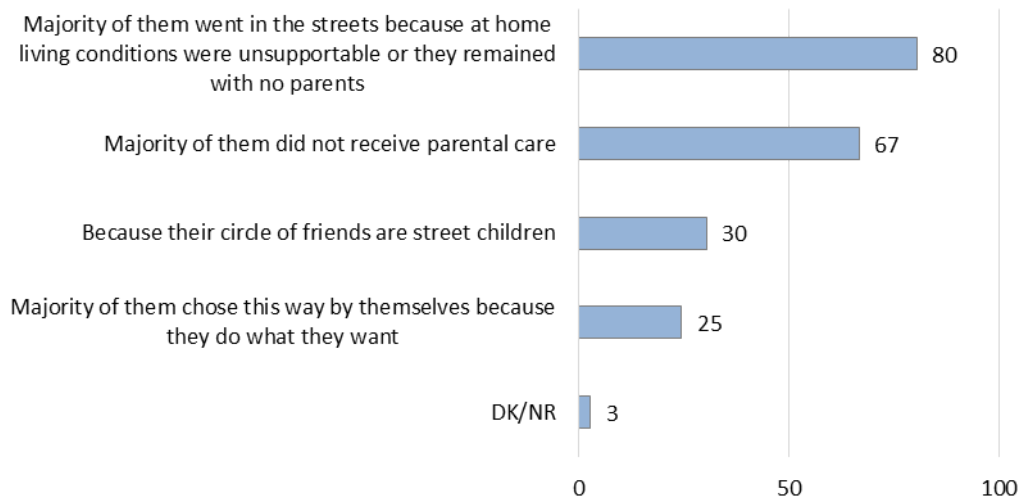
In the opinion of the CPOs, the highest risk of committing a crime is observed in case of minors living in the streets, followed by minors who have been held liable for penal charges and minors whose parents are drug addicts, minors with parents alcohol addicts are also considered to be at a high level of risk.

Fig. 31 (32): How do you think, what is the level of risk that a minor who has one of the following characteristics will commit a crime?, mean Please, use a scale from 0 to 10, where 0=there is no risk and 10=the risk is very high



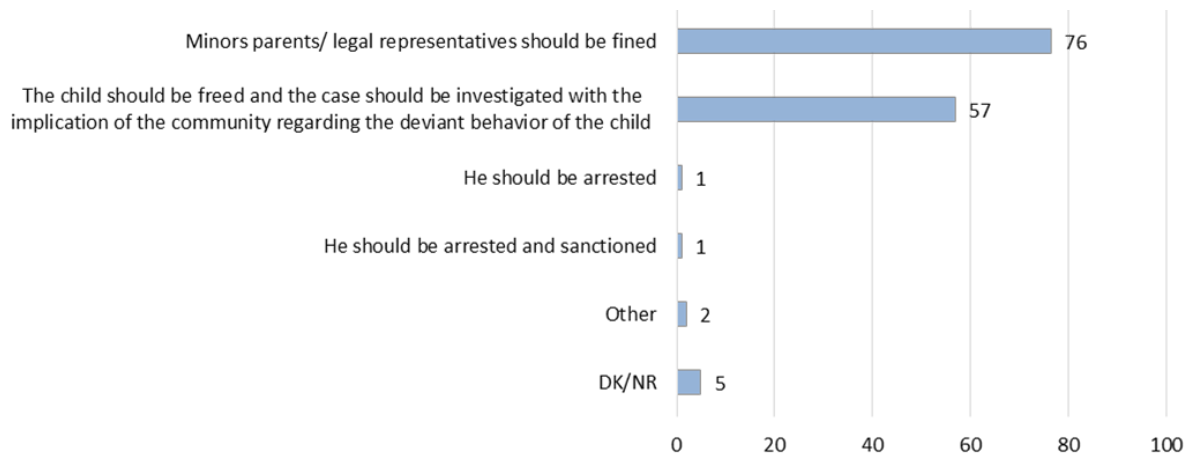
The main reasons for the minors to become strays is that home living conditions are unacceptable or lack of parents (80%). At the same time, 67% consider that majority of these children have no parental care.

Fig. 32 (33): How do you think, what are the motives that lead to the fact that some minors become children of the streets?, %



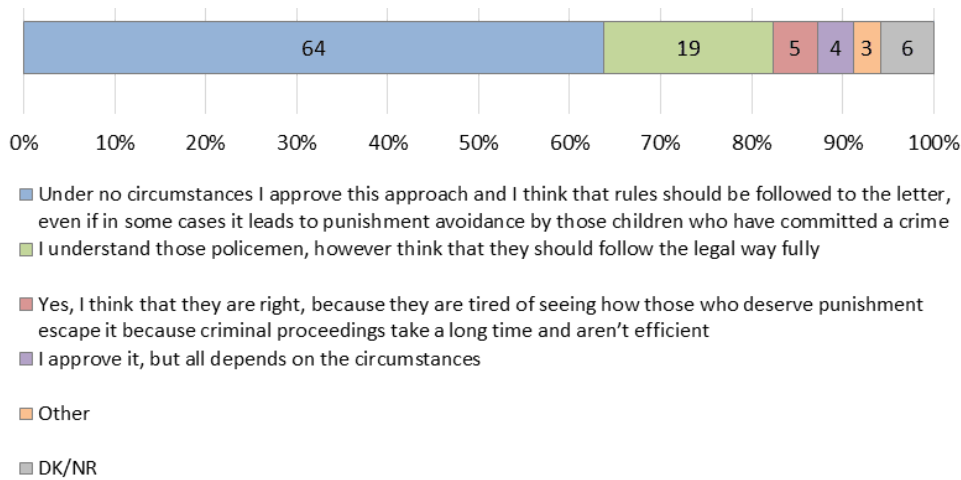
Great majority of the respondents considered that in case that a minor commits a contravention, his parents/ legal representatives should be fined (76%), at the same time, the child should be freed and investigated with the implication of the community (57%).

Fig. 33 (34): How do you think, what should be done in the case when a minor committed a contravention?, %



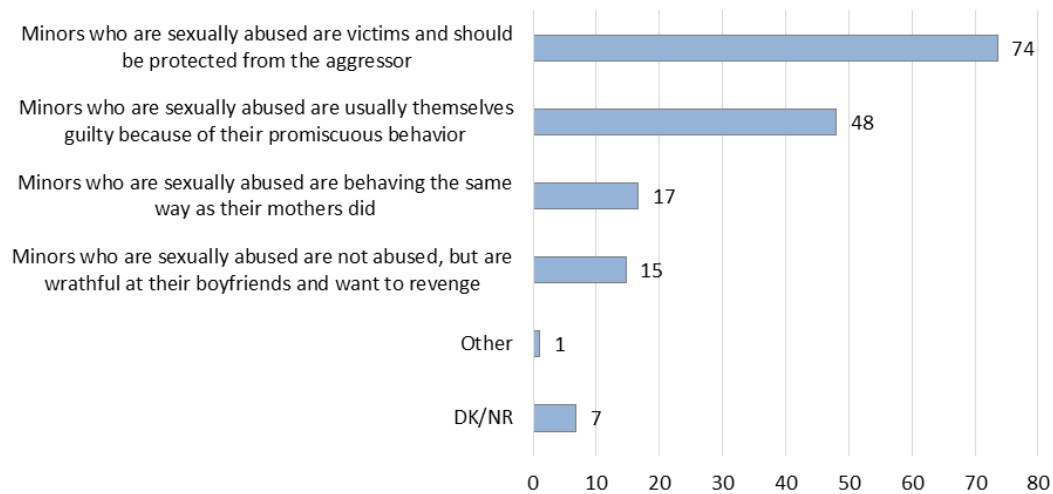
Majority of the respondents disapprove of the behaviour of those policemen who apply violence working with the minors, 64% considering this absolutely unacceptable and 19% considering that this is understandable but not acceptable. 5% consider that these policemen are right, since official procedure is not efficient. 4% approve of such acts, but consider that it all depends on the circumstances.

Fig. 34 (35): There are cases when policemen apply violence working with the minors. In your opinion, policemen who prefer to punish physically a minor caught in the act, without following the judicial procedure, act correctly?, %



74% of the interviewees consider that those minor girls who are sexually abused are victims and should be protected from the aggressor, still every second is also believing that girls are guilty themselves, since they behave in a promiscuous way. 17% tend to consider that these girls become victims of sexual infractions because they behave the same way their mothers did.

Fig. 35 (36): With which of the following statements do you agree?, %



Majority of the respondents are motivated to work in the police by the opportunity to help other citizens, and have the opportunity to acquire experience and later advance in rank. There also are 15% who are forced to work in the police since they do not have an alternative.

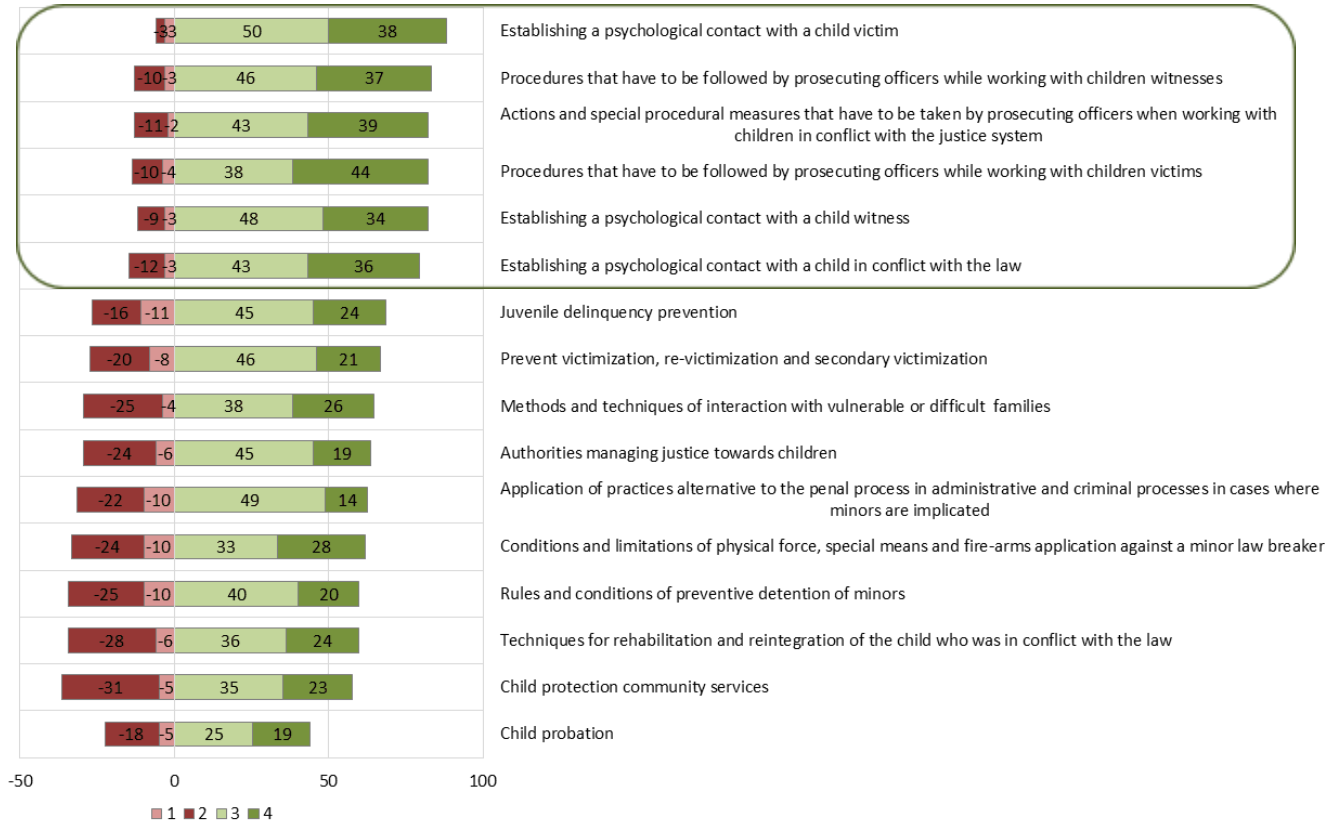
Fig. 36 (D11): What motivates you to work in police?, %



Training needs

There are two major topics of interest for the CPOs – the first topic relates to establishing a psychological contact with the child victim, witness or the child in contact with the law, while the second topic relates to procedures in working with the child witness, victim or children in conflict with the law.

Fig. 37 (37): What is your level of interest for each of the following topics for specialised courses related to the minors in contact with the law?, %



Level of non-response

The following table represents an indicator, which was calculated as a sum of total DK/NR for questions related to knowledge per person. Thus, the total number of DK/NR possible was 34, which means that a person who has a total score of 24 did not respond to any question regarding knowledge and a score of 0 means that the person offered a response to all of the questions, regardless whether the response was right or wrong. Those criteria that are marked with an asterisk produce statistically significant difference among the segments on this criteria in terms of the indicator.

Thus, the highest mean value in the entire database was 20. This was result of only one person. Average result is 5.25.

Table 2: Level of non-response. Criminal prosecution officers

		N	Mean	Max	Min	Median
Age	18-25	37	4.84	19.00	1.00	4.00
	26-30	31	6.00	13.00	1.00	6.00
	31-40	26	4.50	13.00	1.00	4.00
	41-50	4	5.50	8.00	4.00	5.00
	51-62	0				
	NR	4	8.00	20.00	3.00	4.50
Sex	Male	72	5.28	20.00	1.00	5.00
	Female	30	5.20	13.00	1.00	5.00
Length of work in the police	1 year and less	30	4.83	13.00	1.00	4.00
	2-3 years	9	5.67	10.00	1.00	6.00
	4-5 years	17	5.94	11.00	2.00	6.00
	6-10 years	22	4.59	13.00	1.00	5.00
	>10 years	18	4.67	8.00	1.00	4.50
	NR	6	9.00	20.00	3.00	4.50
Length of work in the Criminal Police*	1 year and less	37	4.62	13.00	1.00	4.00
	2-3 years	13	5.54	10.00	1.00	6.00
	4-5 years	13	6.15	11.00	2.00	6.00
	6-10 years	19	4.58	13.00	1.00	5.00
	>10 years	11	4.45	8.00	1.00	4.00
	NR	9	8.56	20.00	2.00	5.00
Education*	School/lyceum	0				
	College	0				
	Vocational school	0				
	Higher education (related to law or police)	91	5.10	13.00	1.00	5.00
	Higher education (not related to law)	1	20.00	20.00	20.00	20.00
	Post-university education	10	5.20	19.00	1.00	3.00
Motive of work in the police	I have abilities, knowledge and want to help other citizens*	55	4.73	13.00	1.00	4.00
	I have an opportunity to acquire experience and later to advance in rank	53	5.40	20.00	1.00	5.00
	Fair compensations for retirement and health issues	3	5.00	6.00	4.00	5.00
	I have a good salary	1	4.00	4.00	4.00	4.00
	I have no choice	15	4.67	13.00	1.00	4.00
	Other	4	10.25	19.00	5.00	8.50

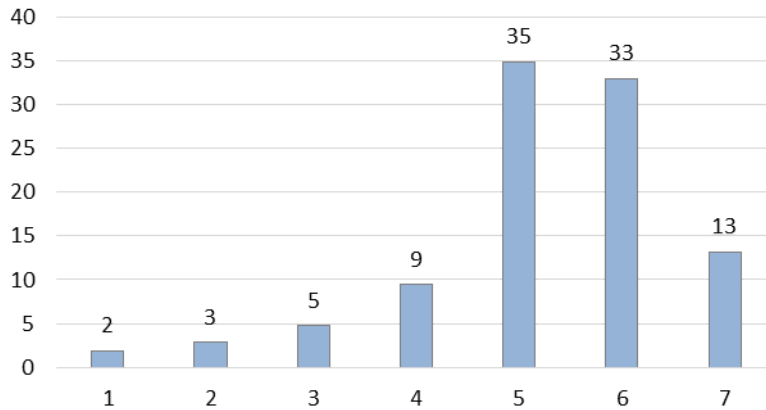
CHAPTER II: INVESTIGATION OFFICERS

This chapter presents the results of the KAP research for the category of investigation officers. There participated 106 investigation officers.

Practices. Ability to communicate with the minor

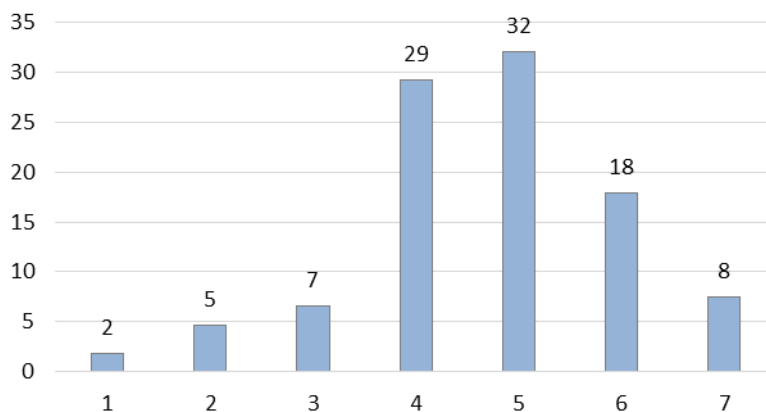
Overall, it might be observed that investigation officers evaluated communication with minors as quite easy. Thus, 35% put mark "5" out of 7, every third put mark "6" and 13% - mark "7".

Fig. 38 (1): On a scale from 1 to 7, where 1 means "very complicated" and 7 means "very easy", how easy it is for you to establish a contact with the minors implicated in the criminal prosecution process?, %



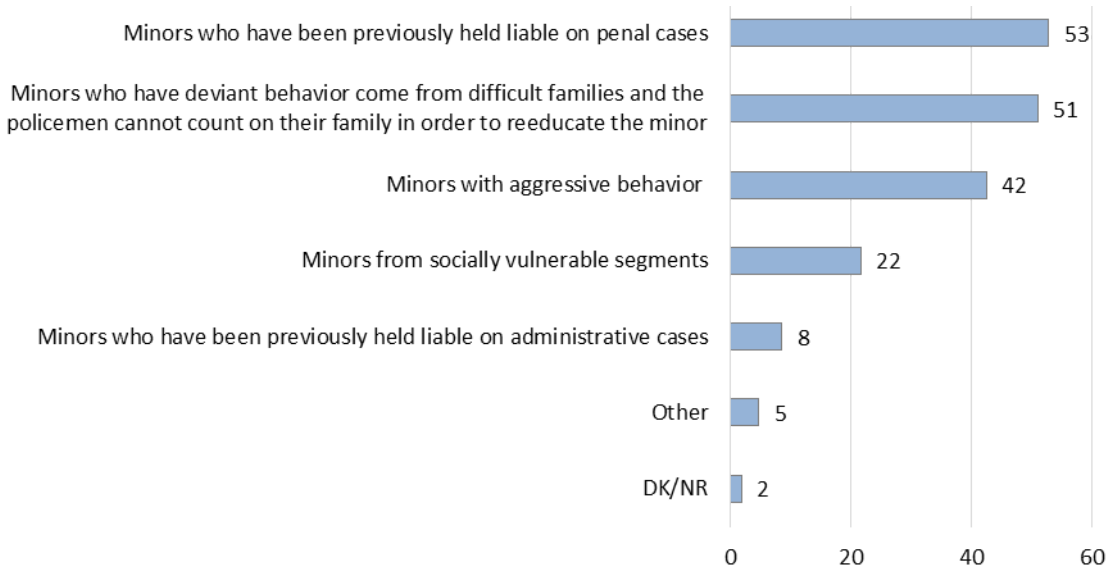
While analysing colleagues' abilities of establishing contact with the minors, respondents were more sceptical and marks lower than 6 are met more often.

Fig. 39 (2): And if you use the same scale in order to appreciate how easy it is for the policemen you know to establish a contact with the minors, what mark would you put on average?, %



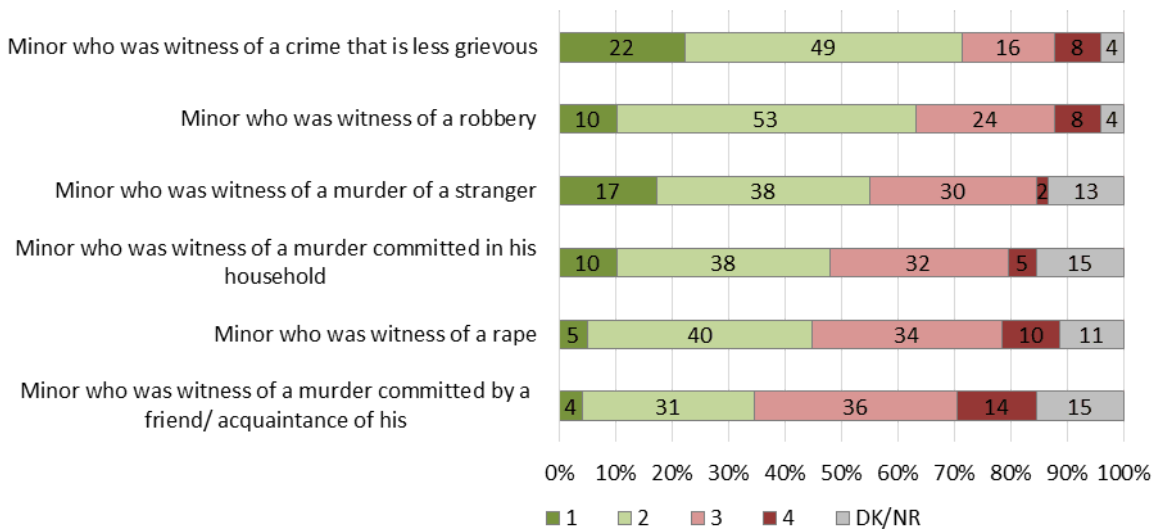
It is most complicated for the investigation officers to establish a contact with the minors who have been previously held liable on penal cases (53%) and minors with deviant behaviour who come from difficult families (51%), followed by minors with aggressive behaviour (42%).

Fig. 40 (3): Communicating with which categories of minors do you and your colleagues have difficulties in establishing the contact?, %



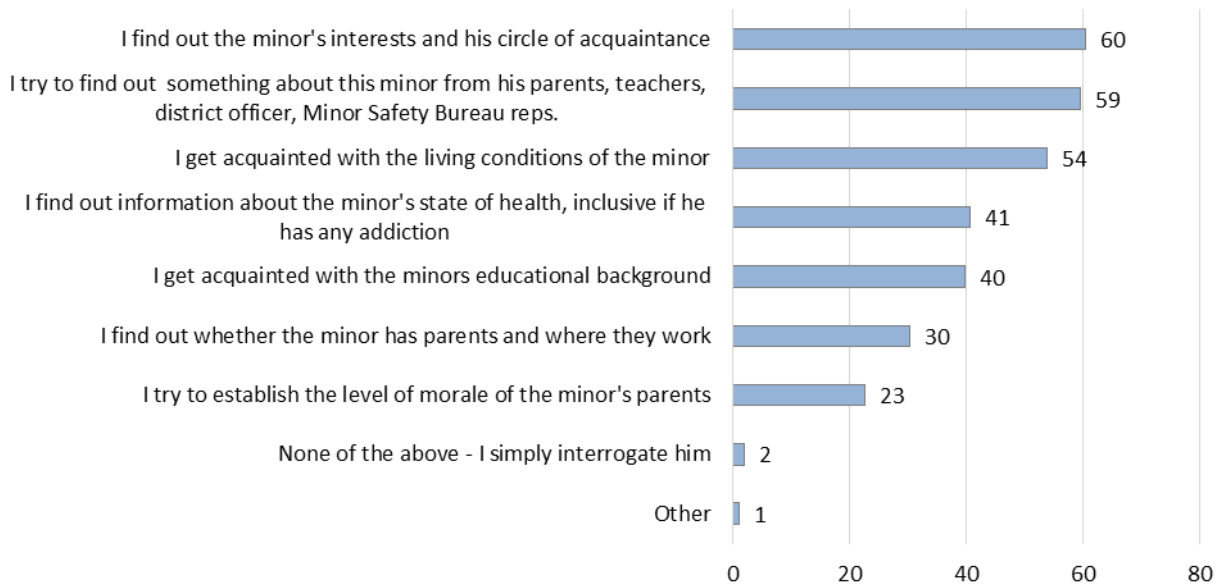
Murder and rape are the two types of crime when the communication with the minor becomes quite complicated for the investigation officers.

Fig. 41 (4): Using a scale from 1 to 4, where 1=very easy, 2=easy, 3=complicated, 4=very complicated, how complicated it was for you to establish a contact with the minor who became an eye witness of particular types of crime?, %



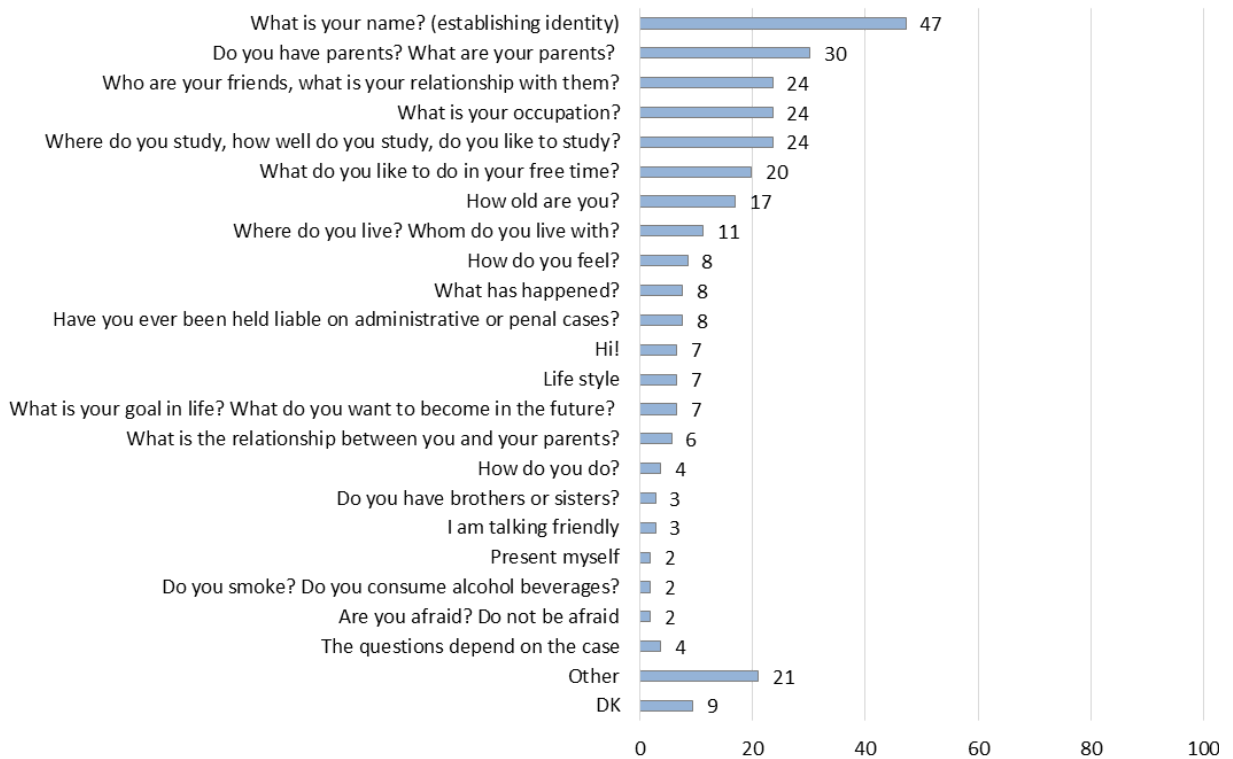
The three main approaches applied to learn better the minor that is supposed to be interrogated as a witness, are: finding out the minor's interests and his circle of acquaintance, trying to find out something about this minor from his parents, teachers, district officer, Minor Safety Bureau and getting acquainted with the living conditions of the minor.

Fig. 42 (5): Which of the following techniques do you apply in order to learn better the minor that you intend to interrogate as a witness?, %



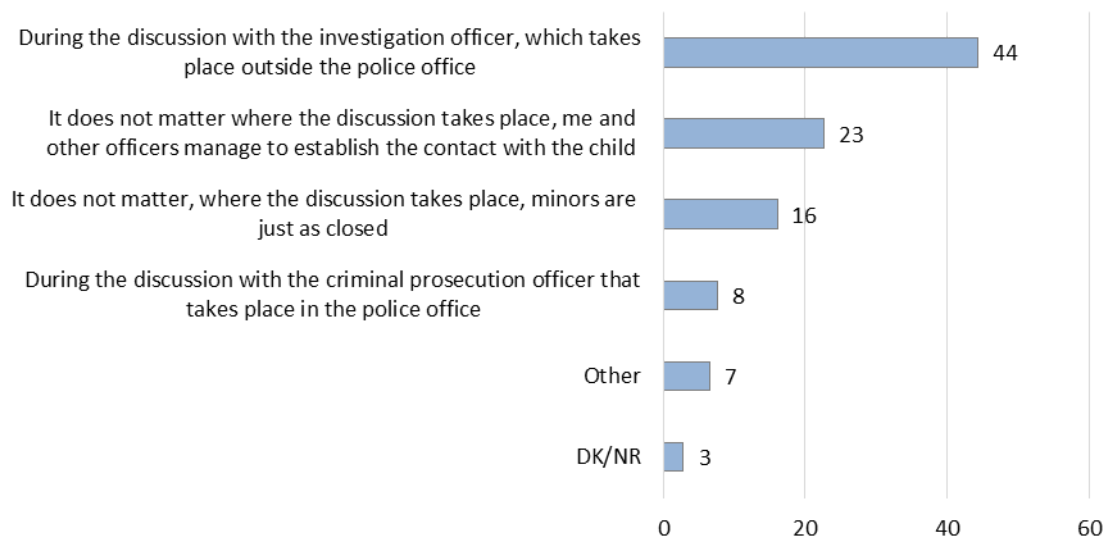
The most often addressed questions opening up the discussion with the minor in case of investigation officers are the ones intended to establish the minor’s identity, presence of parents, circle of friends, occupation of the minor, place of study and attitude towards education.

Fig. 43 (6): What are the questions with which you start the discussion with the minor?, %



Investigation officers consider that minors are more open to discuss with the investigation officer outside the police office (44%). 23% mentioned that for them it does not matter where the discussion takes place – investigation officers do manage to establish contact with the child.

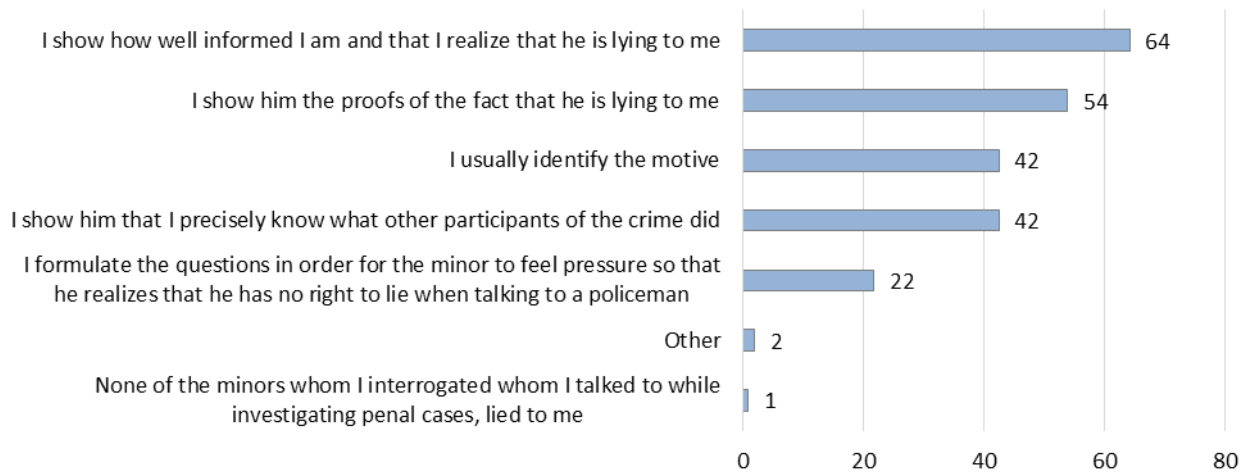
Fig. 44 (7): Based on your experience when the minor suspected of committing a crime is more disposed to talk sincerely and openly about the events that happened?, %



When observing that the minor is lying, 64% of the investigation officers, who participated in the survey show how well informed they are and that they realize that the minor is lying to them. 54% also show the proofs of the fact that the minor is lying. 42% make an effort to identify the motive and the same share also shows the minor that they precisely know what the other participants of the crime did at the same moment and therefore there is no point in lying.

There also are 22% of those who formulate the questions in such a way as it is necessary for the minor to feel pressure so that he realizes that he has no right to lie when talking to a policeman.

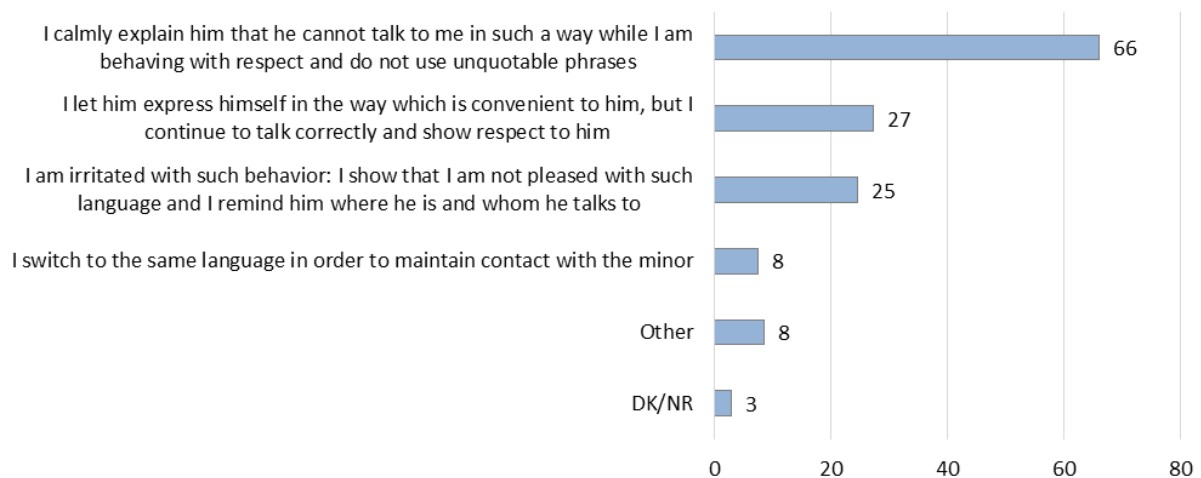
Fig. 45 (13): How do you proceed in case that you observe that a minor is lying to you?, %



When the minor starts using unquotable phrases and jargon in discussion with the policeman, the investigation officers in majority of cases calmly explain him that the minor should not talk in such a way while the policeman is behaving with respect and does not use unquotable phrases.

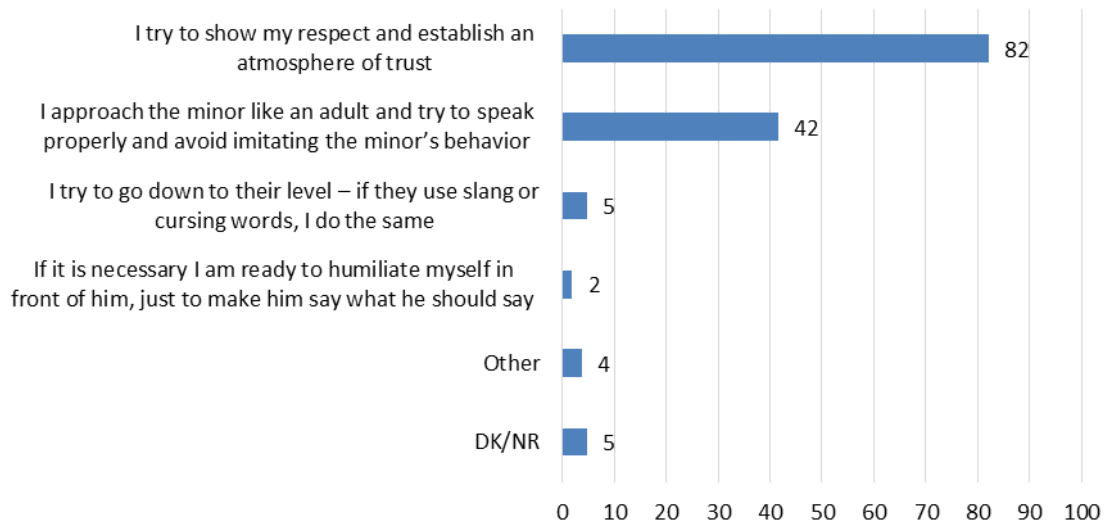
Still, there are 8% of those who tend to switch to the same language in order to maintain contact with the minor.

Fig. 46 (15): How do you act in the case when the minor starts to use jargon and unquotable phrases in your presence?, %



82% of the respondents when talking to the minor try to show him their respect and establish an atmosphere of trust, 42% approach the minor like an adult and try to speak properly and avoid imitating the minor's behaviour. There still are 5% of those who try to go down to the level of the minor – if the minor uses slang or cursing words, the investigation officer imitates his behaviour and 2% also said that they are ready to humiliate themselves in front of the minor just to make him say what he should say.

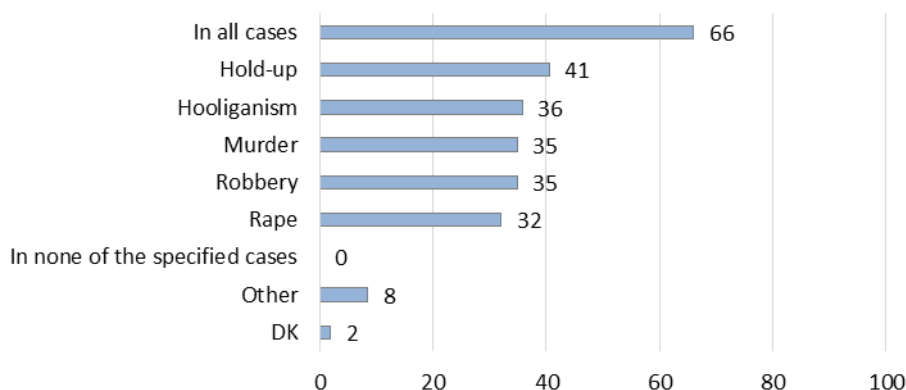
Fig. 47 (16): How do you prefer to discuss with delinquent minors?, %



Knowledge

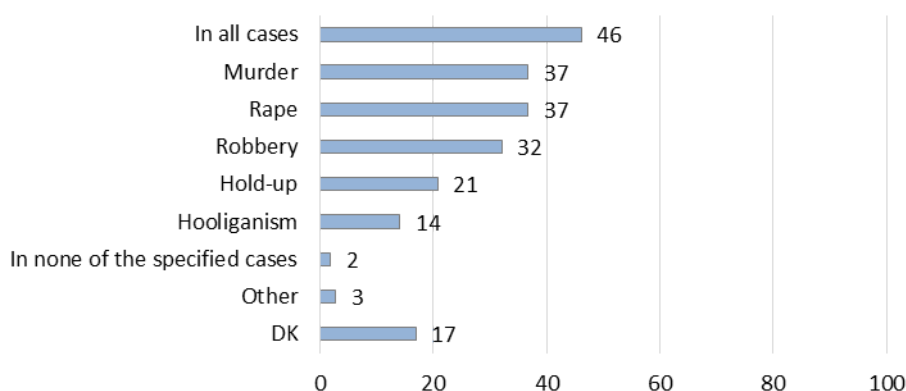
66% of the respondents were aware of the fact that they are supposed to inform the minor's parents or his legal representatives in all cases, 41% considered that this measure is necessary in case of a hold-up, 36% - in case of hooliganism, 35% - in case of a murder, 35% in case of a robbery and 32% in case of a rape. According to the Code of Penal Procedure¹⁴, it is absolutely necessary to inform the minor's parents regarding his apprehension in case of any type of infraction.

Fig. 48 (8.1): In case of which type of infractions committed by the minor, in the moment of apprehension of the minor, you would inform minor's parents or his legal representatives?, %



46% considered that it is necessary to invite the psychologist or teacher in all of the cases – murder, rape, robbery, hold-up, hooliganism, 2% considered that in none of these cases it is necessary to invite the psychologist and 17% could not provide any answer. The Law does not say that it is necessary to inform the psychologist or pedagogue at the moment of the minor's apprehension, although their presence is necessary at the moment of interrogation, according to the Article 479 of the Code of Penal Procedure. Thus only 46% of respondents did know that the psychologist or pedagogue needs to be invited in all cases, while 2% considered that in none of the specified cases these professionals need to be present to facilitate the discussion with the minor.

Fig. 49 (8.2): And in which case you would invite the psychologist or teacher in order to be present and to facilitate the discussion?, %



¹⁴ **Articolul 167.** Procedura de reținere a persoanei

(6) În cazul reținerii minorului, persoana care efectuează urmărirea penală este obligată să comunice imediat aceasta procurorului și părinților minorului sau persoanelor care îi înlocuiesc.

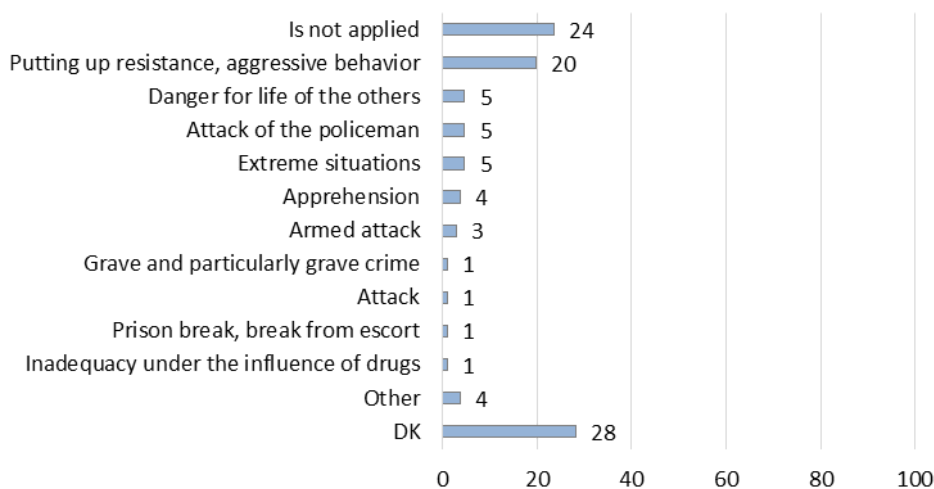
Articolul 479. Audierea bănuitului, învinuitului, inculpatului

(2) La audierea bănuitului, învinuitului, inculpatului minor, participarea apărătorului și a pedagogului sau psihologului este obligatorie.

Every fourth investigation officer considered that physical force is not applied when it comes to working with the minor. While 20% considered that physical force will be applied in case when the minor is putting up resistance and is behaving aggressively. One may observe that the answers are quite various and there also are 28 of those who could not answer this question. It is worth noting that there are 4% who are ready to apply physical force at the moment of apprehension, no other conditions specified. The Law regarding application of physical force, special measures and fire arms indicates that physical force might be applied in the case when the special measures and fire arms may be applied and the former are applied in case of attack of the subject of law or any other person, including attack in concert or attack with the use of fire arms, in case when they put up resistance, which is dangerous for the life and health of other people, when these actions cannot be stopped by other means¹⁵.

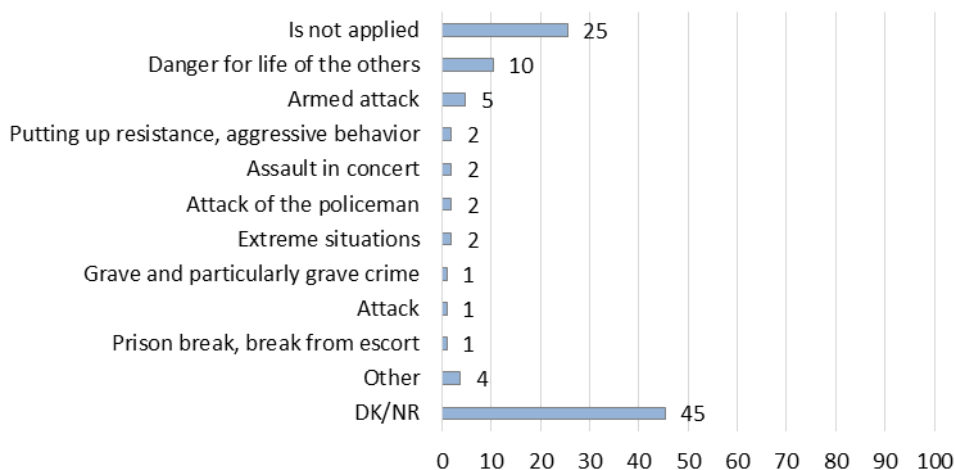
Fig. 50 (9): What are the conditions for application of physical force, special means and fire arms against minors?, %

A) Physical force.



Even more respondents were not sure in which cases special measures can be applied when it comes to minors (45%) and every fourth considered that special measures are not applied at all. 10% considered that they can be applied in case that the minor puts in danger lives of other people.

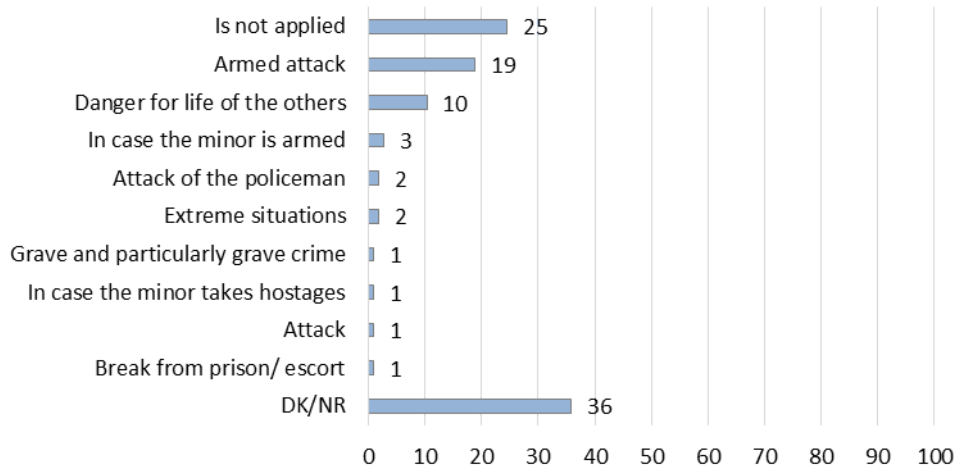
B) Special measures.



¹⁵ See the citation on page 18.

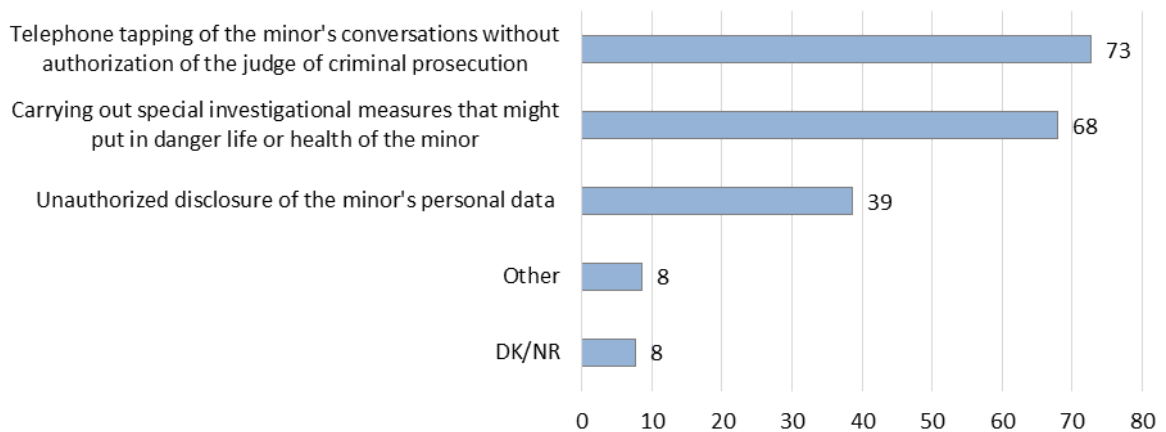
Every fourth respondent considered that fire arms are not applied when it comes to young offenders, 36% could not answer the question. 19% considered that fire arms can be applied in case of an armed attack and 10% - in case when the minor puts in danger lives of other people.

C) Fire arms.



73% of the investigation officers were aware of the fact that telephone tapping of the minor's conversations without authorization of the judge of criminal prosecution, 68% were aware that carrying out special investigational measures that puts in danger life or health of the minor. 39% mentioned that unauthorized disclosure of the minor's personal data may also lead to annulment of the proofs collected with application of the special investigation means. The conditions related to annulment of proofs are presented in the Law nr 59 regarding special investigational activity and Code of Penal Procedure, article 94.

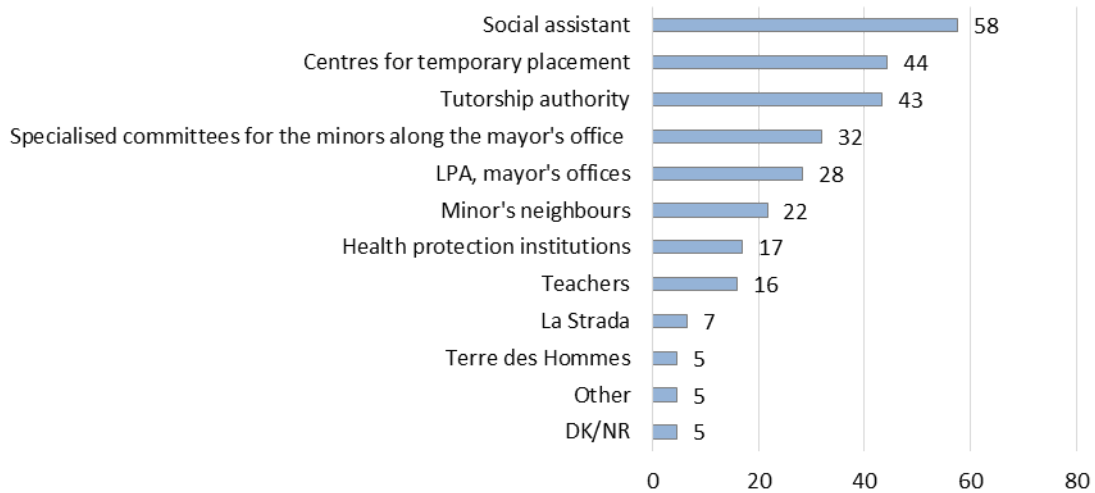
Fig. 51 (10): Which sanctions might lead to the annulment of the proofs collected with application of the special investigation means?, %



58% of the investigation officers would refer a minor found in the street to the social assistant, 44% would refer him to a centre for temporary placement, 43% would refer him to the tutorship authority, 32% - to the specialised committee for the minors along the mayor's office, 28% - to the LPA, 22% - to the minor's neighbours.

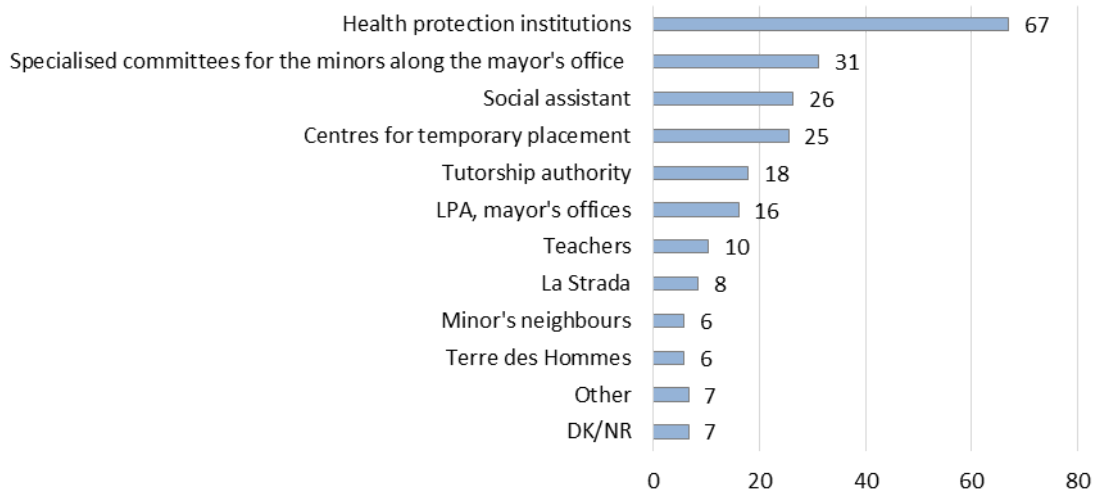
Fig. 52 (17): Whom might be referred to ... ?, %

a) (a minor found in the street)



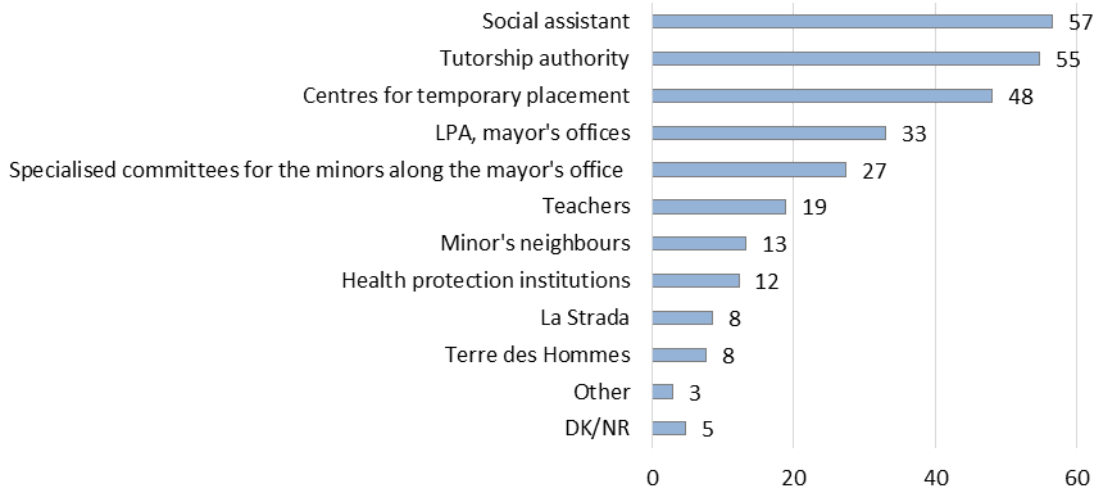
67% of the respondents would refer a minor who takes drugs to a health protection institution. Every third person would refer him to the specialised committee along the mayor's office, 26% - to the social assistant, 25% - to a centre for temporary placement.

b) (a minor that takes drugs)



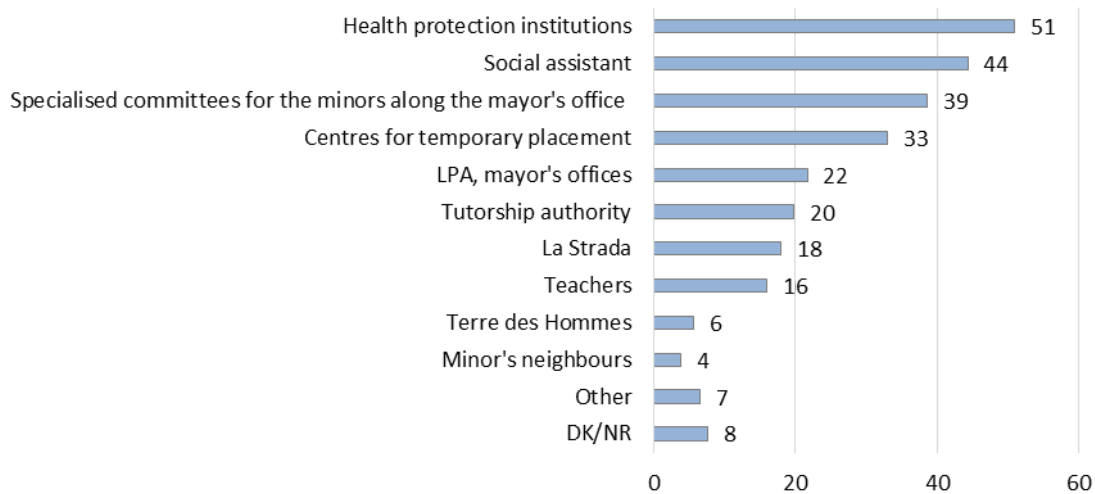
A minor left without parent's supervision will be referred to the social assistant by 57% and to the tutorship authority by 55%, to the centres for temporary placement – by 48%.

c) (a minor that was left without parents' supervision)



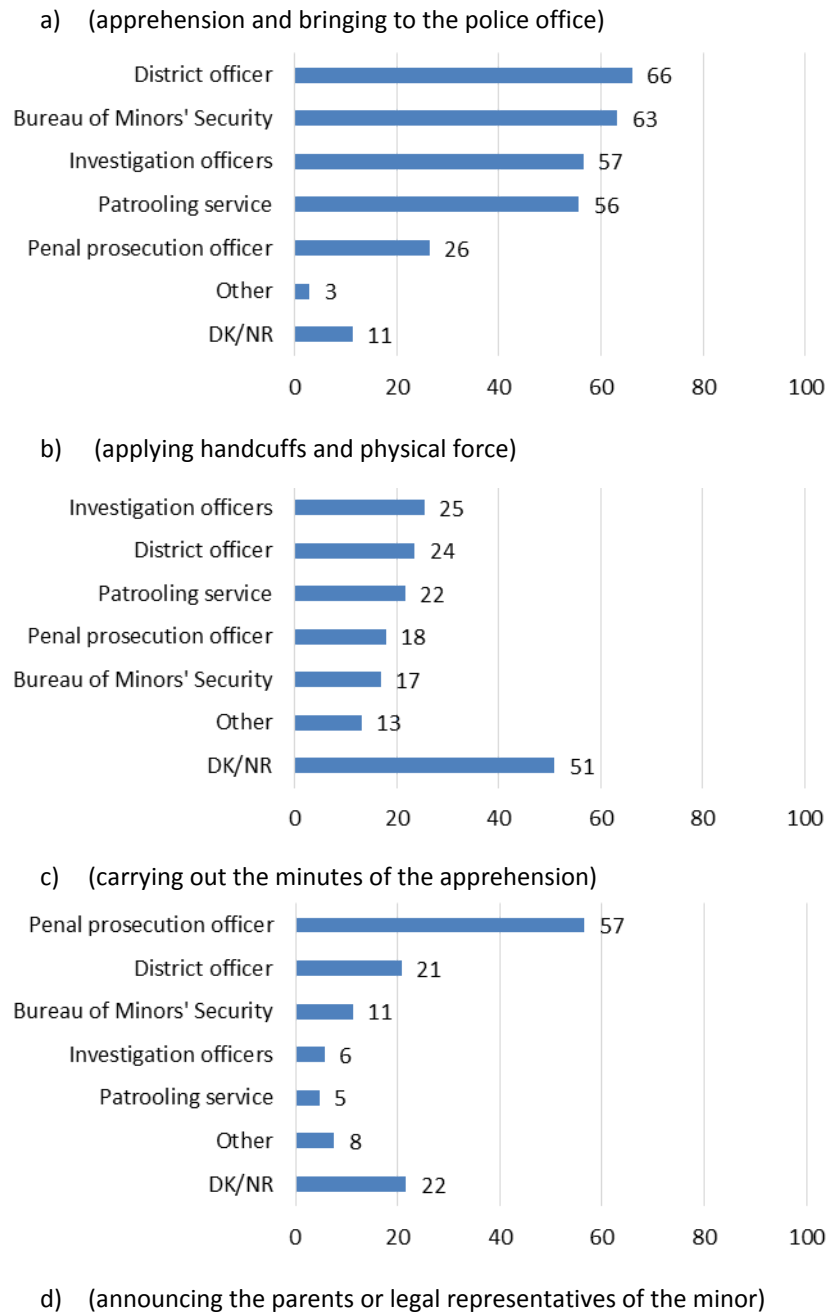
A minor that was sexually abused, physically aggressed or was a victim of family violence will be firstly referred to health protection institutions (51%) and to the social assistant (44%).

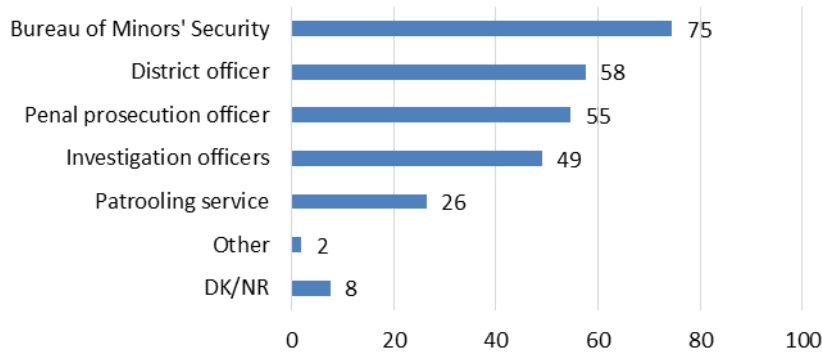
d) (a minor that was sexually abused, physically aggressed or was a victim of family violence)



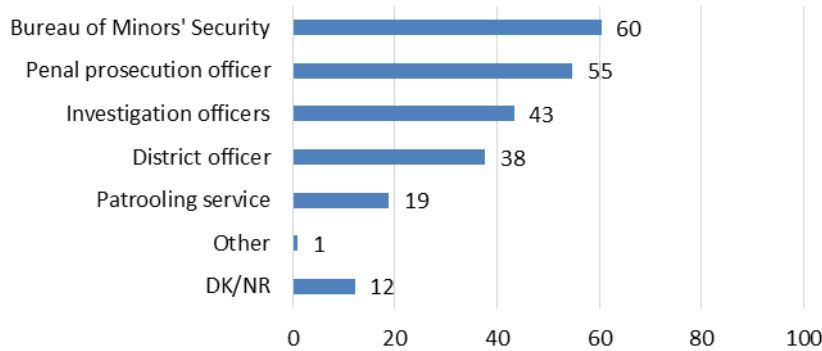
Opinions regarding all types of actions that need to be taken in case of a minor that committed a crime, were quite different and a significant share of respondents was not sure which response to give. The greatest confusion was created by the question regarding application of handcuffs and physical force (51% could not provide an answer).

Fig. 53 (18): When talking about a minor who committed a crime, which police department is responsible for?, %

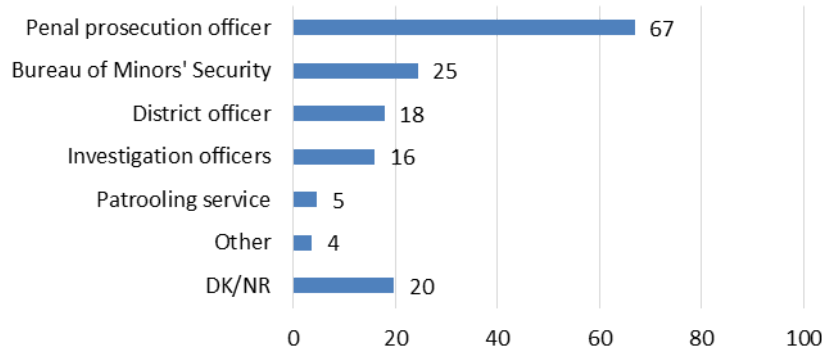




e) (invitation of the teacher and psychologist)

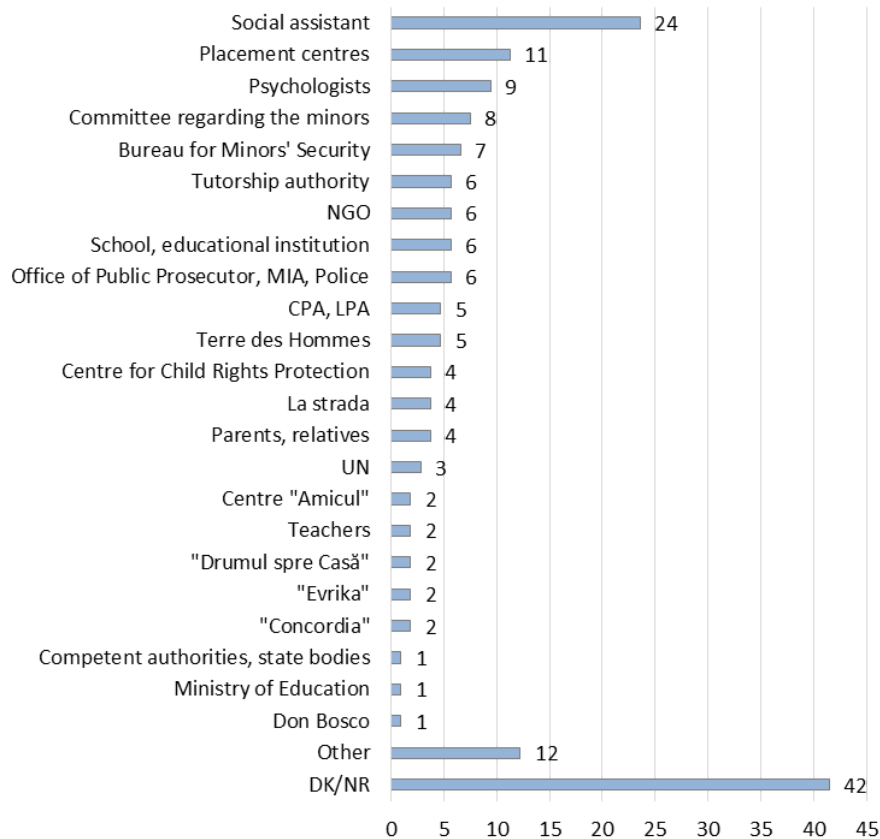


f) (invitation of the lawyer)



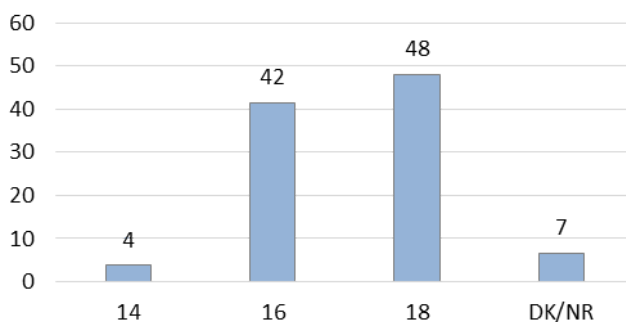
A significant share of the respondents did not know what the actors/ institutions that offer services of protection of a minor who comes into contact with the judicial system, are (42%). As for the existent answers, 24% named social assistant and 11% - placement centres, 9% - psychologists.

Fig. 54 (19): What are the actors/ institutions (including NGOs), other than police that offer services of protection, rehabilitation and reintegration of a minor who comes into contact with the judicial system?, %



As one may observe, there is no unanimity in terms of the age at which a person can be held liable for an administrative offence¹⁶. Thus, while 7% could not provide an answer at all and 4% considered that a person 14 years old can be held liable, which is not correct, 42% said that it is the age of 16.

Fig. 55 (20): What is the age at which the person may be held liable for a contravention?, %



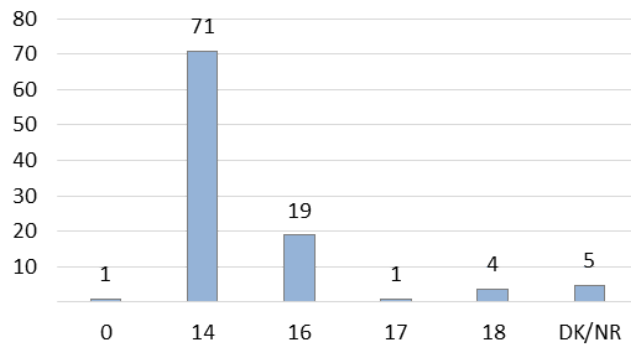
71% of the respondents were aware of the fact that a person may be held liable for a crime/offence starting with the age of 14. 19% considered that it is the age of 16. It is worth mentioning that there even was a person who considered that a person can be held liable for a crime even at the age of 0, 1% named the age of 17 and 4% - the age of 18, while 5% could not provide an answer¹⁷.

Fig. 56 (21): What is the age at which a person may be held liable for a crime?, %

¹⁶ See the citation on page 21 for the indications of the Law.

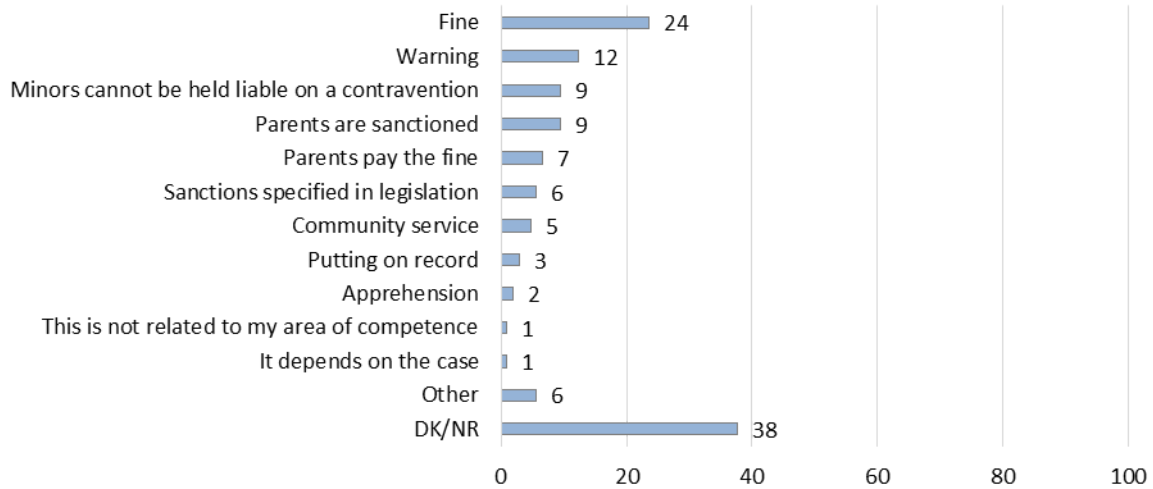
¹⁷ See the citation on page 21 for the indications of the Law.

Chapter II: Investigation officers



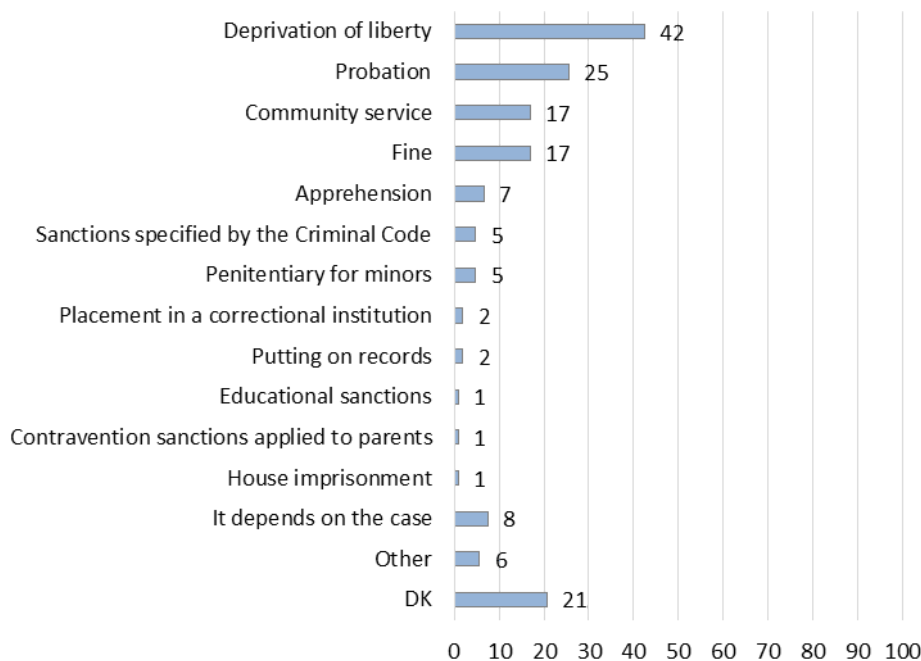
It may be observed that 38% of the respondents did not provide any answer to the question regarding the contravention sanctions applicable to minors, while 24% named fines, 12% named warnings. 9% considered that minors cannot be held liable for a contravention¹⁸.

Fig. 57 (22): What are the contravention sanctions applicable to minors?, %



As for the penal sanctions applicable to minors, 21% could not name any, 42% named deprivation of liberty and 5% specified that minors are held in penitentiaries for minors, 25% - probation, 17% - community service, 17% - fines¹⁹.

Fig. 58 (23): What are the penal sanctions applicable to minors?, %

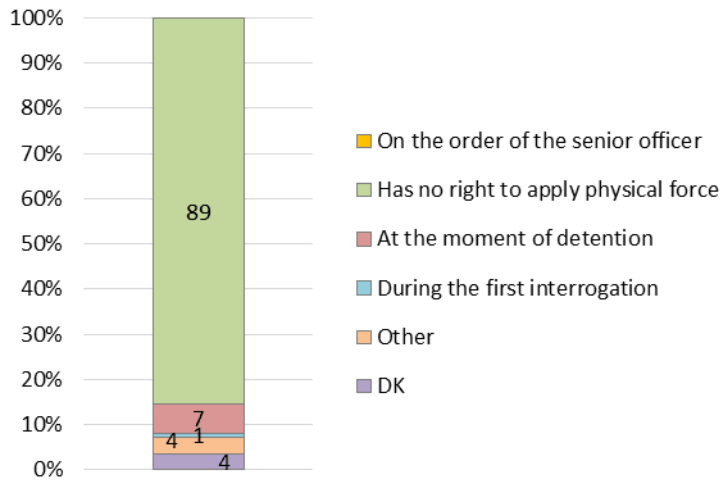


¹⁸ See the citation on page 22 for the indications of the Law.

¹⁹ See the citation on page 23 for the indications of the Law.

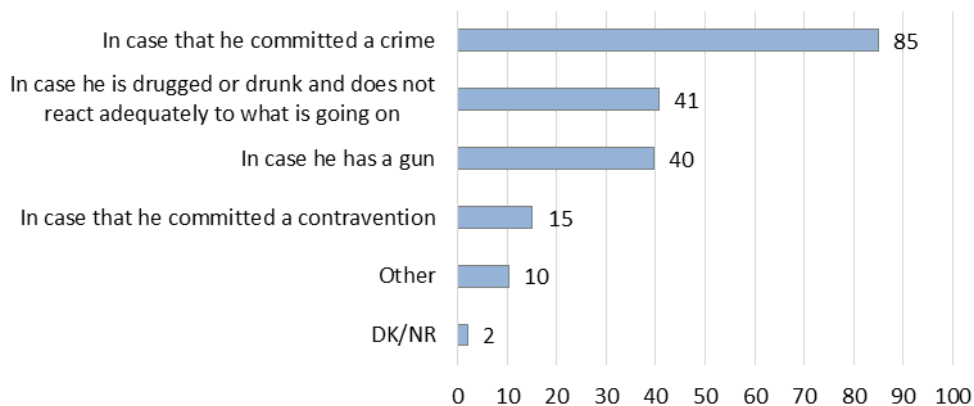
89% of the respondents were aware of the fact that the policeman is not supposed to apply physical force to the minor under the pretext that the minor detains important information that could save people's lives. Still, 7% mentioned that the policeman has this right at the moment of apprehension.

Fig. 59 (24): A minor is suspected of committing a very grave crime together with the adult and the police knows that the minor detains important information that might save people's lives. When the policemen has the right to apply physical force in order to find out this information?, %



According to the Code of Penal Procedure²⁰ and the Administrative Code, apprehension is applicable in case of minors who committed a crime, or whose identity needs to be established. It is worth mentioning that 15% of respondents do not consider it necessary to apprehend a minor who committed a crime.

Fig. 60 (25): In which case a minor might be apprehended?, %



²⁰ **Articolul 166.** Temeiurile pentru reținerea persoanei bănuite de săvârșirea infracțiunii

- (1) Organul de urmărire penală are dreptul să rețină persoana, dacă există o bănuială rezonabilă privind săvârșirea unei infracțiuni pentru care legea prevede pedeapsa cu închisoare pe un termen mai mare de un an, numai în cazurile:
 - 1) dacă aceasta a fost prinsă în flagrant delict;
 - 2) dacă martorul ocular, inclusiv victima, indică direct că anume această persoană a săvârșit infracțiunea;
 - 3) dacă pe corpul sau pe hainele persoanei, la domiciliul ei ori în unitatea ei de transport sînt descoperite urme evidente ale infracțiunii;
 - 4) dacă la locul săvîrșirii infracțiunii sînt descoperite urmele lăsate de către această persoană.
- (2) În alte circumstanțe care servesc temei pentru o bănuială rezonabilă că o persoană a săvârșit infracțiunea, aceasta poate fi reținută numai dacă a încercat să se ascundă ori nu i s-a putut constata identitatea.
- (3) Reținerea persoanei bănuite poate fi dispusă și dacă există temeiuri rezonabile de a presupune că aceasta se va sustrage de la urmărirea penală, va împiedica aflarea adevărului sau va săvîrși alte infracțiuni.

Articolul 433. Reținerea

- (1) Reținerea constă în limitarea de scurtă durată a libertății persoanei fizice și se aplică în cazul:
 - a) contravențiilor flagrante pentru care prezentul cod prevede sancțiunea arestului contravențional;
 - b) imposibilității identificării persoanei în a cărei privință este pornit proces contravențional dacă au fost epuizate toate măsurile de identificare;
 - c) contravențiilor pasibile, conform prezentului cod, de aplicarea măsurii de siguranță a expulzării.
- 2) Reținerea se aplică de către:
 - a) poliție;

[Art.433 al.(2), lit.a) în redacția LP175 din 12.07.13, MO167-172/02.08.13 art.538]
 - b) Poliția de frontieră, în cauzele de încălcare a regimului de frontieră sau a regimului punctelor de trecere a frontierei de stat;

[Art.433 al.(2), lit.b) modificată prin LP175 din 12.07.13, MO167-172/02.08.13 art.538]
 - c) Serviciul vamal, în cazul contravențiilor ce țin de competența lui.
- (3) Persoana reținută va fi informată neîntîrziat, într-o limbă pe care o înțelege, despre motivele reținerii, faptul informării consemnîndu-se în procesul-verbal cu privire la reținere.
- (4) Persoanei reținute i se comunică neîntîrziat, contra semnătură, drepturile prevăzute la art.384, faptul comunicării consemnîndu-se în procesul-verbal cu privire la reținere.
- (5) Persoanei reținute i se acordă neîntîrziat posibilitatea de a comunica la două persoane, la alegerea sa, despre reținere. Faptul comunicării sau al refuzului de a comunica se consemnează, contra semnătură, în procesul-verbal cu privire la reținere.

While 9% of the respondents considered that minor is not apprehended in case of a crime and 15% could not provide an answer, the rest indicated a time period. Only 33% did indicate the correct answer.

In case of apprehension for contravention, the minor just as an adult might be apprehended for a term from 3 to 72 hours and this was not a fact known by the respondents, since 42% considered that minors are not retained at all for administrative offence.

Table 3 (26): For how long can a minor be detained for a contravention? And in case of a crime?, %²¹

	Administrative offence	Crime
N	106	106
Is not retained	42	9
3 hours	35	14
24 hours	5	33
48 hours	0	2
72 hours	0	22
Up to a week	0	0
Up to 2 weeks	0	1
Other	4	4
DK/NR	14	15
Total, %	100	100

²¹ Codul Penal: **Articolul 166**. Temeiurile pentru reținerea persoanei bănuite de săvârșirea infracțiunii

(6) Reținerea minorului nu poate depăși 24 de ore.

Codul Contravențional: **Articolul 435**. Durata reținerii și condițiile privării de libertate

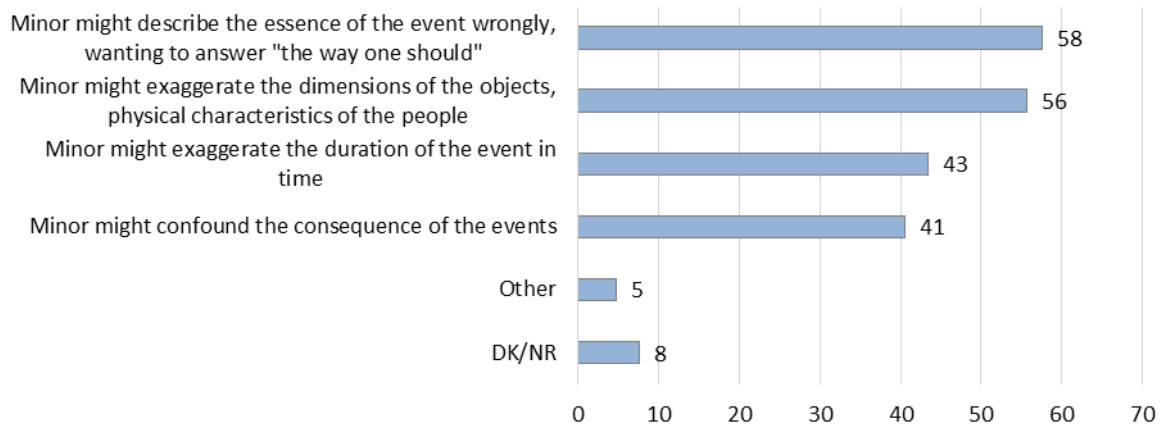
(1) Reținerea nu poate depăși 3 ore, cu excepția cazurilor prevăzute de prezentul articol.

(3) Persoanele care au încălcat regulile de ședere a cetățenilor străini și apatrizilor în Republica Moldova, regimul de frontieră sau regimul punctelor de trecere a frontierei de stat pot fi reținute pe un termen de până la 3 ore pentru încheierea procesului-verbal sau, prin decizia instanței de judecată, pe un termen de până la 72 de ore pentru a identifica persoana și a clarifica circumstanțele contravenției.

Attitudes

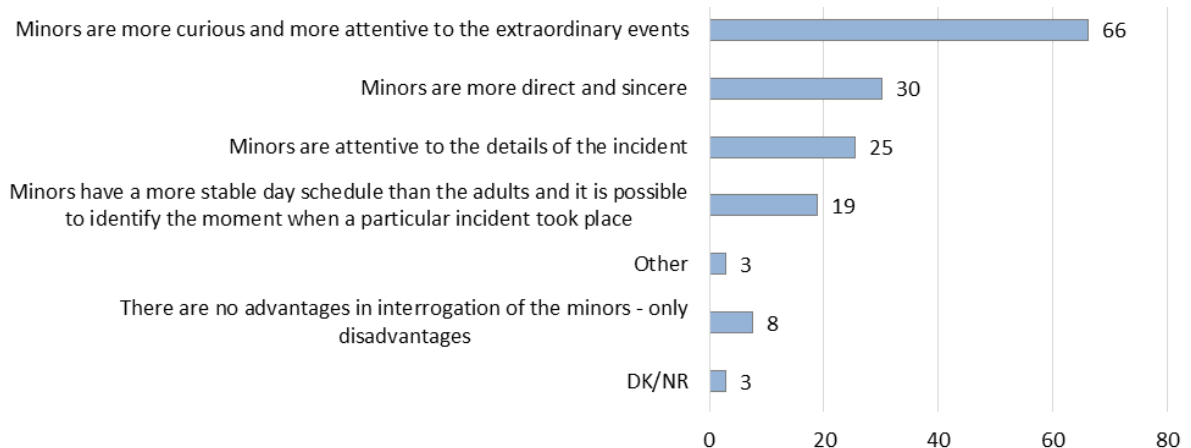
58% of the respondents consider that one of the risks of interrogating a minor is related to the fact that he might describe the essence of the event wrongly, wanting to answer "the way one should", at the same time 56% noted that minors tend to exaggerate the dimensions of the objects, physical characteristics of the people. 43% also consider that minors might exaggerate the duration of the event in time and 41% - that minor might confound the consequence of the events.

Fig. 61 (11): Which are the specific traits of the information related by a minor that need to be considered when it is planned to invite a minor as a witness?, %



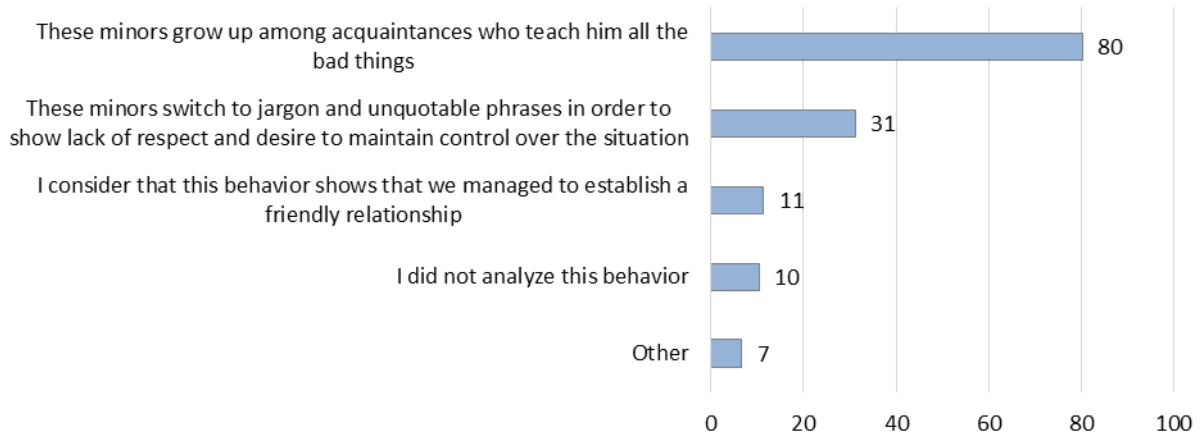
Advantage of the minor's testimonies mentioned by the respondents was the fact that minors are more curious and more attentive to the extraordinary events (66%). 30% also mentioned that minors are more direct and sincere. 25% mentioned that minors are attentive to the details of the incident. 25% mentioned that minors are attentive to the details of the incident.

Fig. 62 (12): What are the advantages of the testimonies of a minor?, %



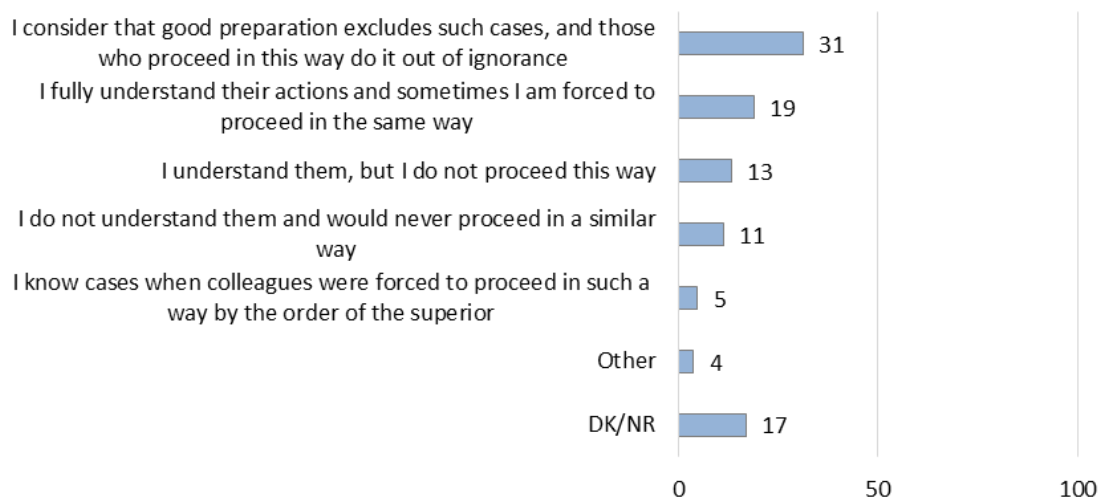
Majority of the interviewees consider that some minors use jargon and unquotable phrases while discussing with the investigation officers because of the fact that they grow up among acquaintances who teach them all the bad things (80%), 31% also considers that minors switch to jargon in order to show lack of respect and to maintain control over the situation.

Fig. 63 (14): What do you think, what is the motive that the minors sometimes use jargon or unquotable phrases while discussing with the investigation officers?, %



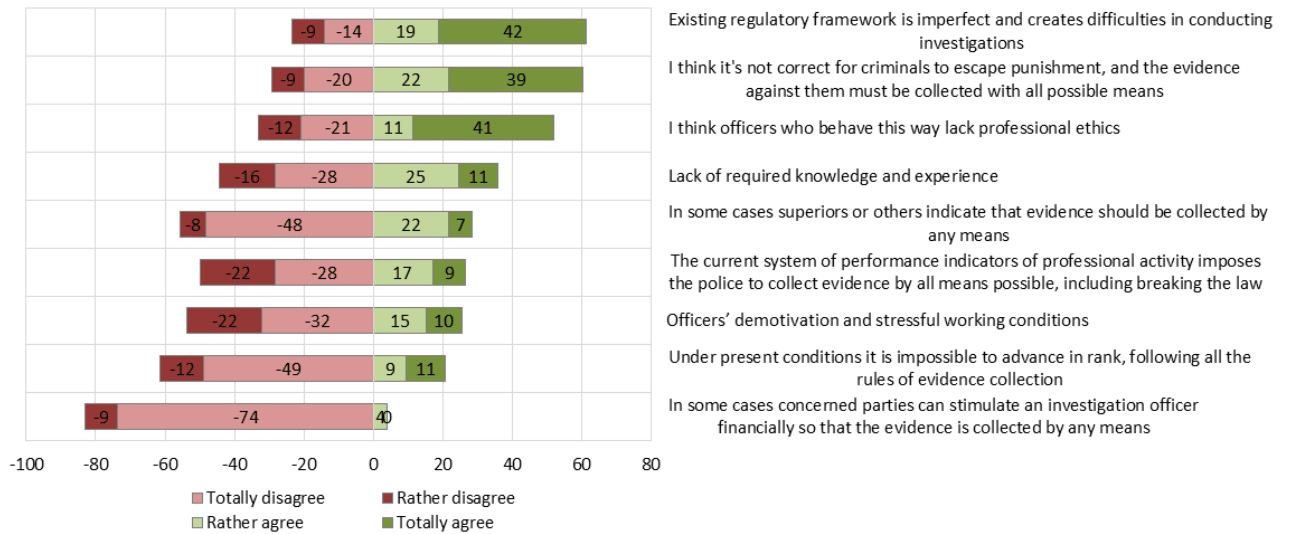
While 31% mentioned that collection of proofs with violation of the conditions specified by law is done by some investigation officers because of ignorance and 26% mentioned that they either understand or do not such actions but would never act this way, still there are 19% who mentioned that they fully understand such actions and sometimes they are also forced to proceed in the same way and 5% of those who mentioned that the motive of such approach is in the orders of the superiors.

Fig. 64 (27): It sometimes happens that investigation officers collect the proofs for some cases without respecting all of the conditions indicated by the law. What is your attitude towards such situations?, %



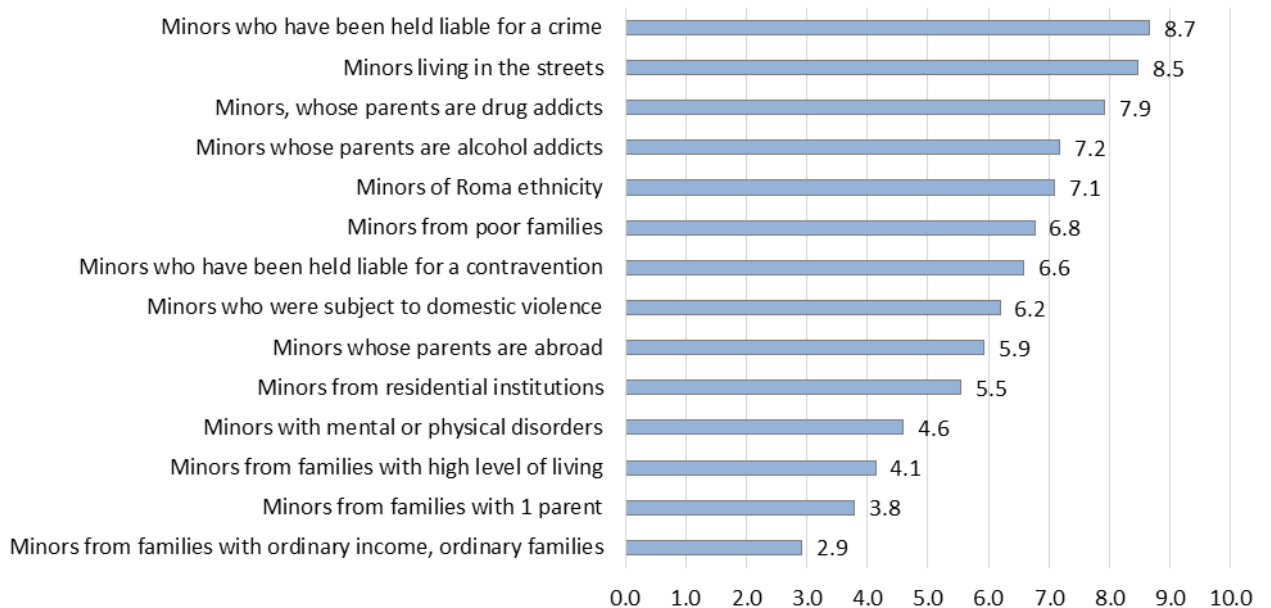
While being asked to enumerate the motives of the fact that some investigation officers collect the evidence without respecting some of the conditions set by law, majority agreed that the reason lies in existing regulatory framework which is imperfect, at the same time the desire to be sure that the criminal does not escape punishment is another important motive.

Fig. 65 (28): To what extent do the following motives explain the fact that some investigation officers collect the evidence without respecting some of the conditions set by law?, %



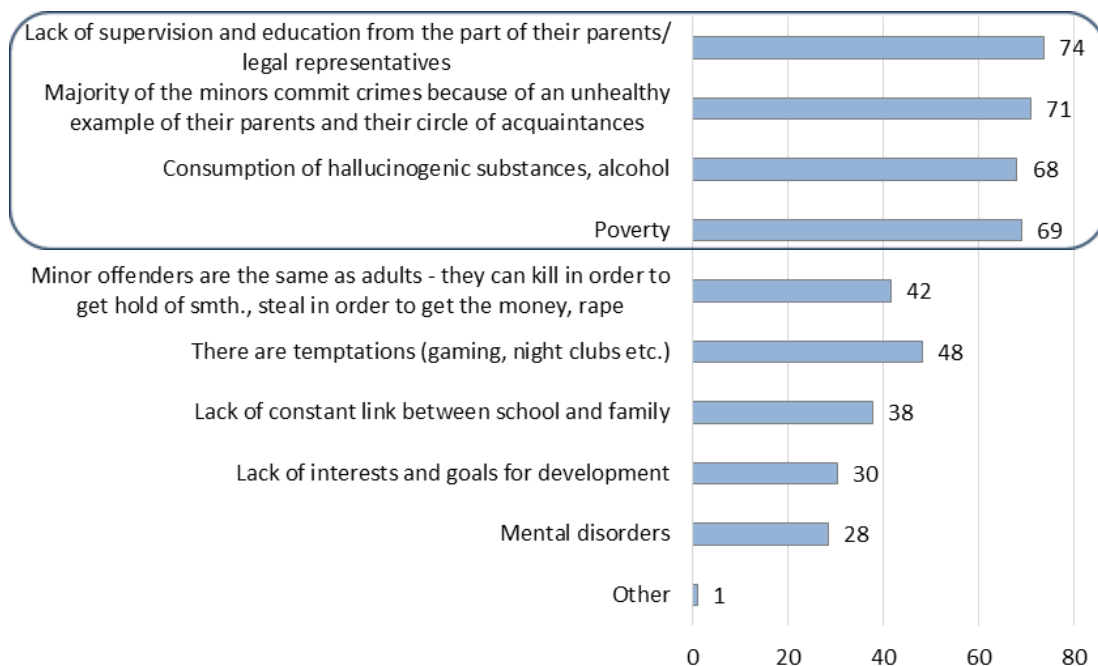
In the opinion of the respondents, minors who have been previously held liable for a crime enter the group with the highest risk of committing another crime (8.7 points out of 10). Minors living in the streets are also very close with 8.5 points. The lowest risk was registered in case of the category of minors from families with ordinary income, ordinary families.

Fig. 66 (29): How do you think, what is the level of risk that a minor who has one of the following characteristics will commit a crime?, mean Please, use a scale from 0 to 10, where 0=there is no risk and 10=the risk is very high



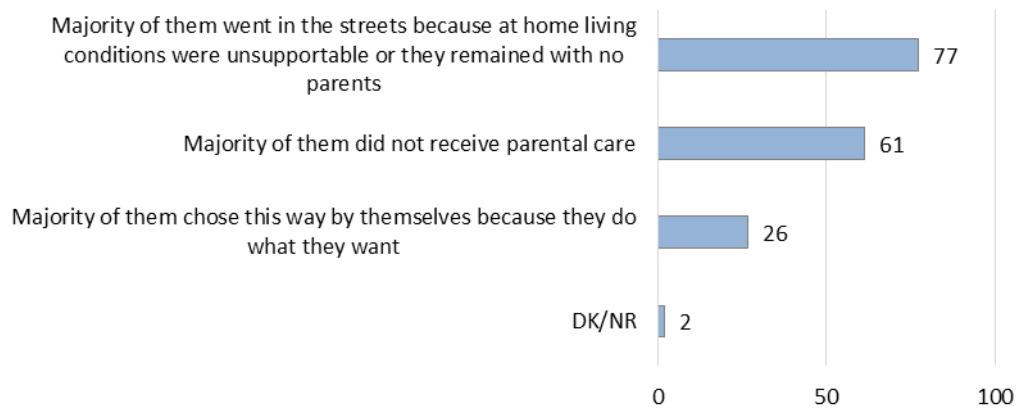
The main reasons why minors become criminals are: lack of supervision and education from the part of parents and legal representatives (74%), unhealthy example of parents and circle of acquaintances (71%), consumption of hallucinogenic substances, alcohol (68%) and poverty (69%).

Fig. 67 (30): In your opinion what are the main motives that cause the minors to become criminals?, %



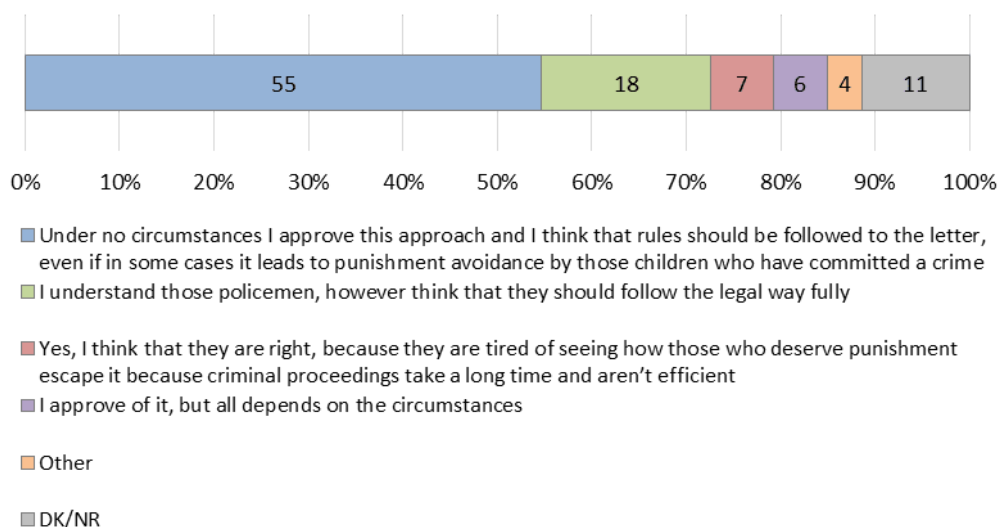
Children start living in the streets mainly because at home living conditions are unsupportable or they have no parents – this is the opinion of 77% of the interviewed investigation officers. At the same time, majority of children who live in the street did not receive parental care. Still, there are 26% who believe that majority of children chose this way by themselves because they do what they want.

Fig. 68 (31): How do you think, what are the motives that lead to the fact that some minors become children of the streets?, %



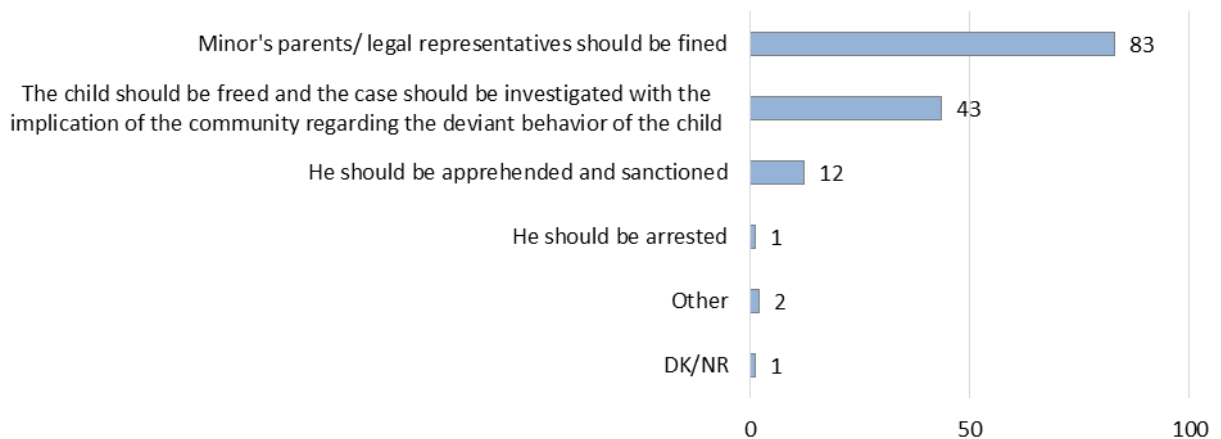
Application of violence towards minors is not approved of by majority of the respondents. Although there still are 13% who do consider this approach appropriate.

Fig. 69 (32): There are cases when policemen apply violence working with the minors. In your opinion, policemen who prefer to punish physically a minor caught in the act, without following the judicial procedure, act correctly?, %



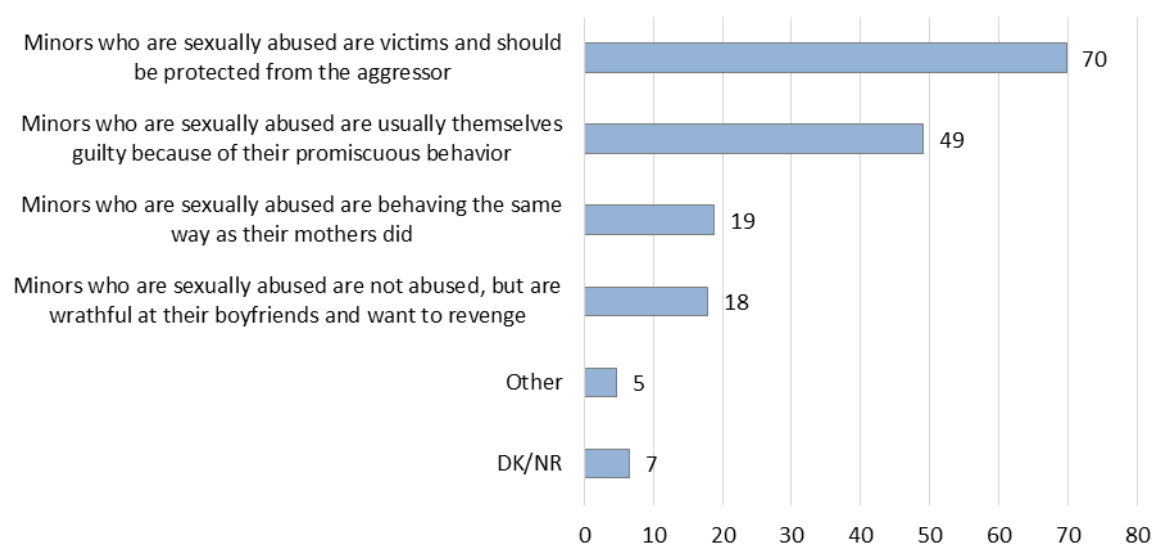
Majority of the respondents consider that in case when a minor commits a contravention, it is his parents who should be held liable for it and in particular they should pay the fine (83%).

Fig. 70 (33): How do you think, what should be done in the case when a minor committed a contravention?, %



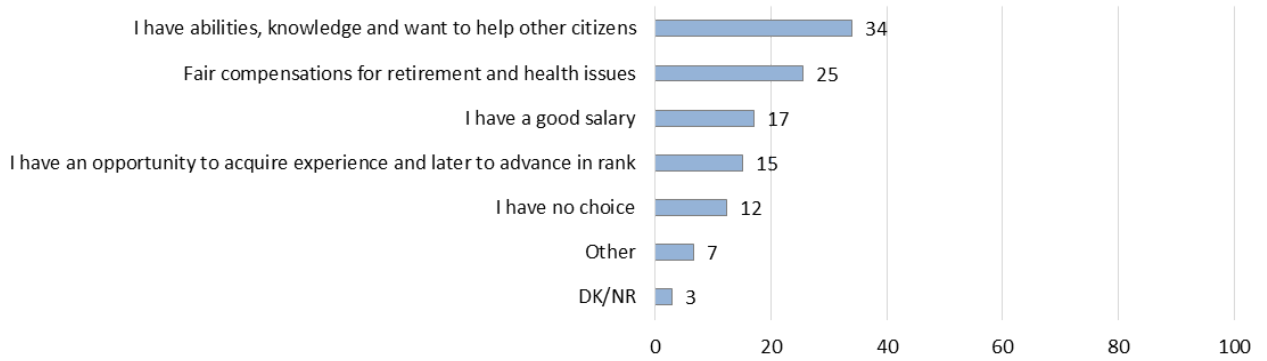
Majority of the respondents consider that minor girls who are sexually abused are victims and should be protected from the aggressor (70%), even though 49% consider also that these girls show a promiscuous behaviour which puts them in danger.

Fig. 71 (34): With which of the following statements do you agree?, %



While 34% of the interviewed investigation officers mentioned that they work in the police because they have abilities, knowledge and want to help others, 25% are attracted by fair compensations for retirement and health issues.

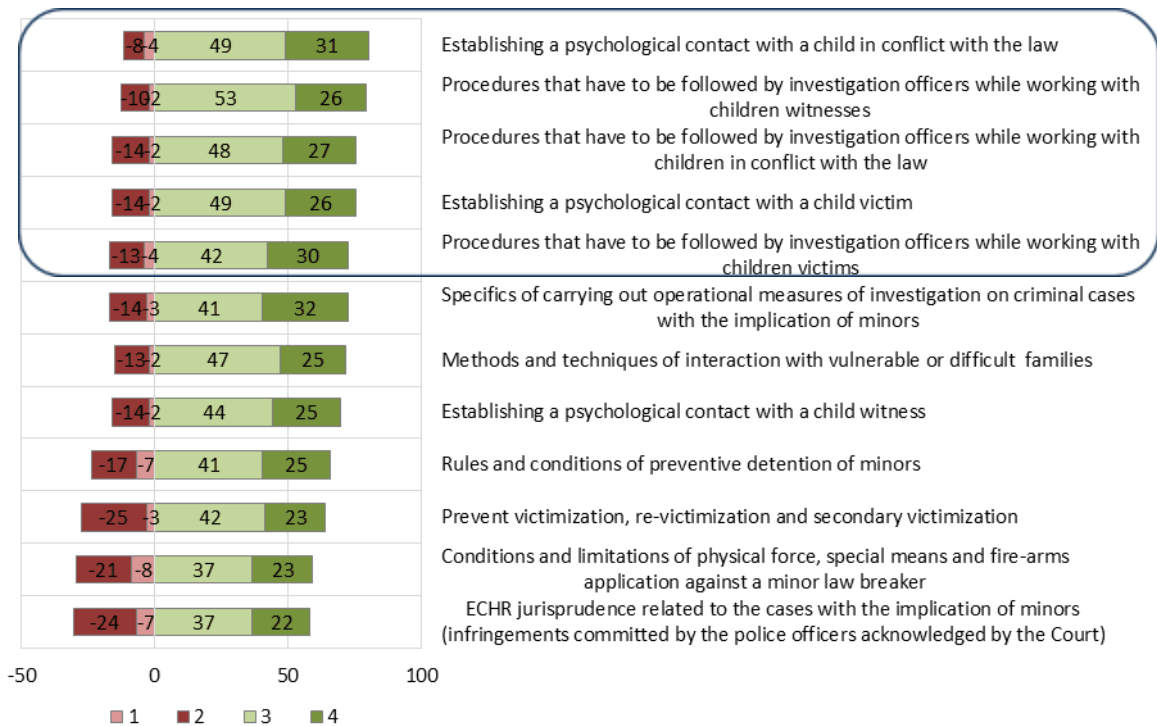
Fig. 72 (D11): What motivates you to work in police?, %



Training needs

There are two main topics of interest in case of the segment of investigation officers: establishing a psychological contact with the children and procedures that need to be followed by investigation officers in work with the children.

Fig. 73 (35): What is your level of interest for each of the following topics for specialised courses related to the minors in contact with the law?, %



Level of non-response

On average, investigation officers who participated in the survey did not provide any answer to 4 questions out of 27 questions related to knowledge.

Table 4: Level of non-response. Investigation officers

		Count	Mean	Minimum	Maximum	Median
Age	18-25	34	4.44	0.00	12.00	4.00
	26-30	35	4.40	0.00	17.00	3.00
	31-40	31	3.45	0.00	7.00	4.00
	41-50	2	1.50	0.00	3.00	1.50
	51-62	0				
	NR	4	5.00	1.00	11.00	4.00
Sex	Male	94	4.18	0.00	17.00	3.00
	Female	12	3.50	0.00	7.00	4.00
Length of work in the police	3 years and less	29	4.34	0.00	13.00	4.00
	4-5 years	24	4.29	0.00	12.00	3.00
	6-10 years	36	4.47	0.00	17.00	4.00
	>10 years	15	2.60	0.00	7.00	2.00
	NR	2	3.00	1.00	5.00	3.00
Length of work in the investigation dept.	1 year and less	52	4.54	0.00	17.00	4.00
	2-3 years	32	3.41	0.00	11.00	3.00
	4-5 years	13	3.38	0.00	9.00	3.00
	6-10 years	4	5.25	1.00	11.00	4.50
	10 years and more	0				
	DK/NR	5	5.00	1.00	10.00	5.00
Education	School/ lyceum	0				
	College	3	2.33	0.00	4.00	3.00
	Vocational school	0				
	Higher education (related to law or police)	86	4.05	0.00	13.00	4.00
	Higher education (not related to law)	17	4.71	0.00	17.00	3.00
	Post-university education	0				
Motive of work in the police	I have abilities, knowledge and want to help other citizens	36	4.00	0.00	11.00	3.50
	I have an opportunity to acquire experience and later to advance in rank	16	3.61	0.00	12.00	3.00
	Fair compensations for retirement and health issues	27	4.72	0.00	13.00	4.00
	I have a good salary	18	3.41	0.00	12.00	2.00
	I have no choice	13	4.85	0.00	17.00	3.00
	Other	7	3.43	3.00	4.00	3.00
	DK/NR	3	3.00	1.00	7.00	1.00
	Total	106	4.10	0.00	17.00	3.00

CHAPTER III: BUREAU OF CHILD SECURITY

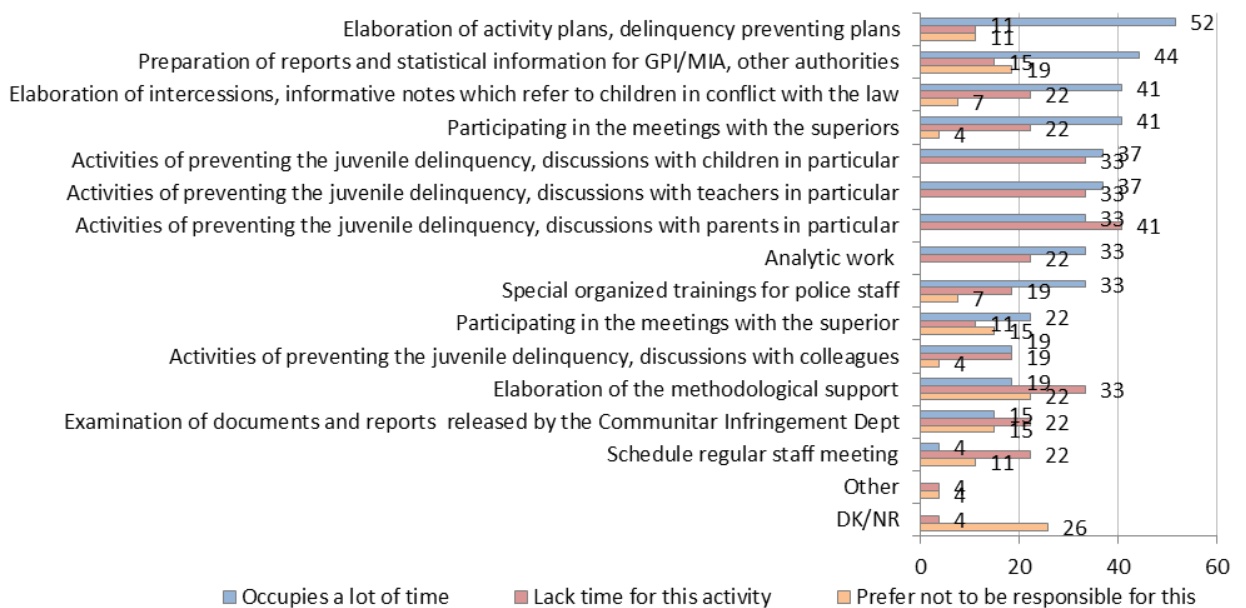
This chapter presents information collected during the interviews with the Bureau of Child Security officers. There were 27 of them who participated in the survey.

Practices

BCS officers spend most of their time on elaboration of activity and delinquency prevention plans (52%). At the same time 44% of them indicated that preparation of reports and statistical information for IGP/MIA takes the most part of their working time. The third place in the top of the most time consuming daily activities goes to elaborating intercessions/ informative notes and participating in the meetings with the superiors, both of them with 41%.

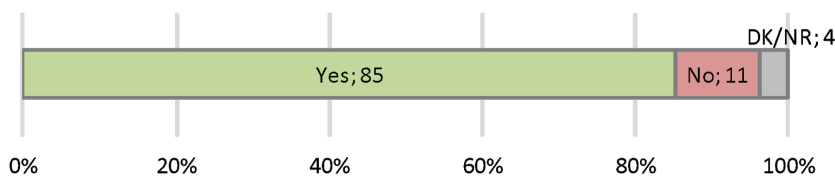
41% of respondents said they lack time for discussions with felon child parents. 33% lack time for elaborating methodological support, while 22% suggested they prefer not to be responsible for this.

Fig. 74 (1): Which activities which refers to child felon you carry out during a usual work day takes most of your time? Which activities are important, but you always seem to lack time for them? Which activities are done by you, but you would prefer them not to be one of your responsibilities?, %



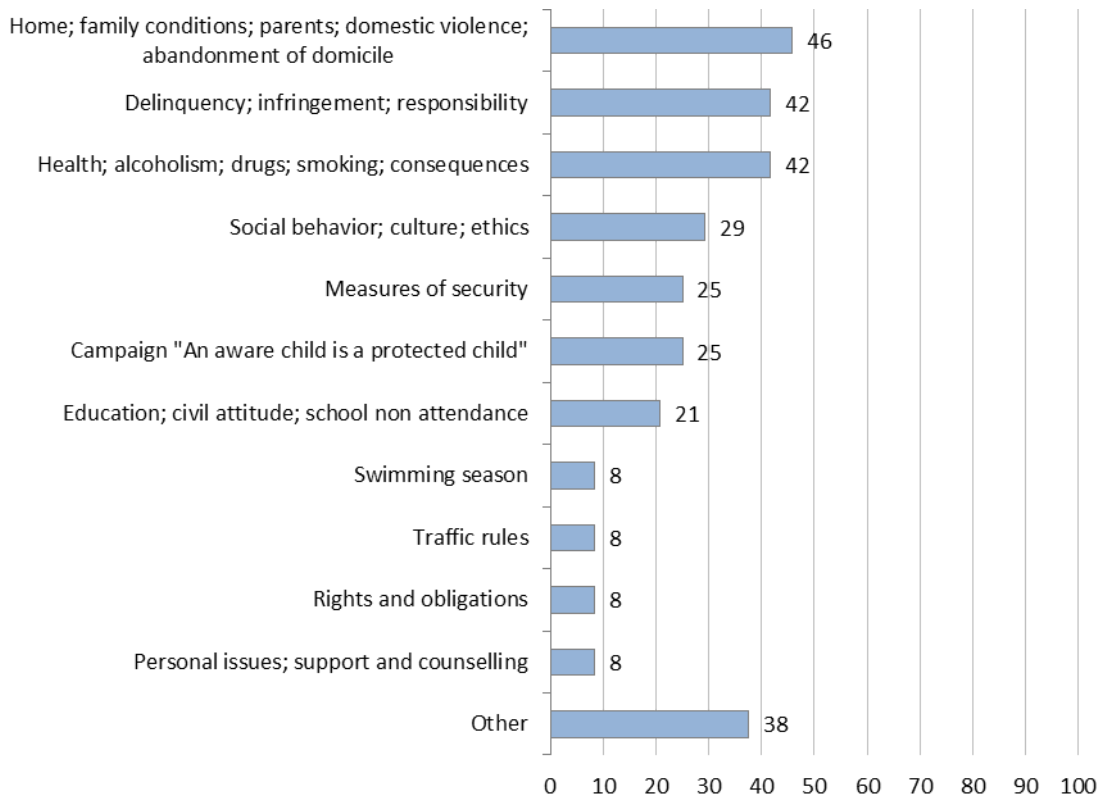
The column chart below shows a 85% share of those who have planned at least one juvenile delinquency prevention activity during the last year.

Fig. 75 (2): Have you been planning any juvenile delinquency prevention activities during the last year in the Police Department you are working?, %



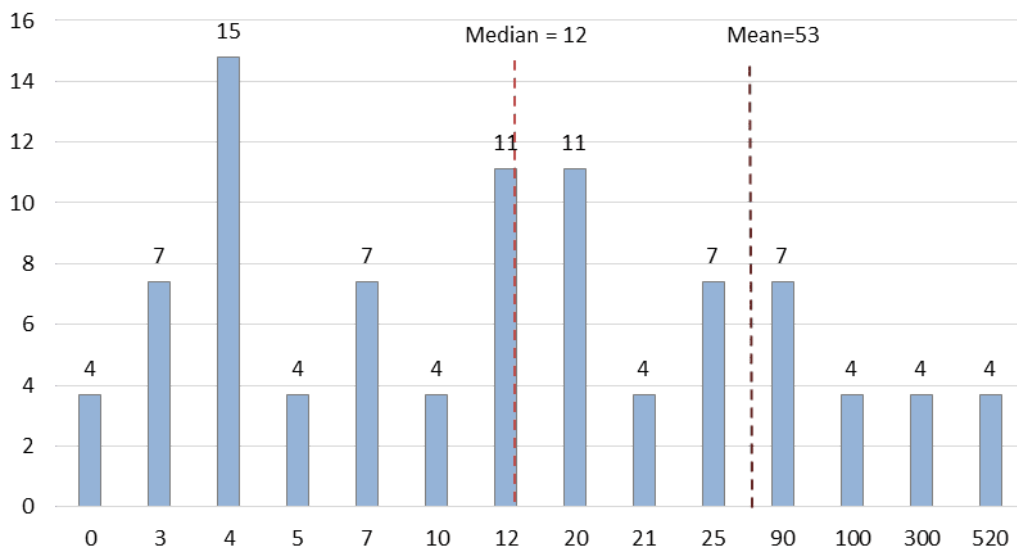
Most of the cases police officer appeared in front of children are related to home problems /domestic violence/abandonment of domicile (46%). Other frequent aspect the BSC addresses concerns delinquency/infringement and health/alcoholism/drugs/consequences (42%). Also, every fourth officer stated he provided informative campaign “An aware child is a protected child”. There are cases when police officers discuss particular topics like swimming season, traffic rules or rights/obligations (8%).

Fig. 76 (3). What topics did this activities relate to?, %



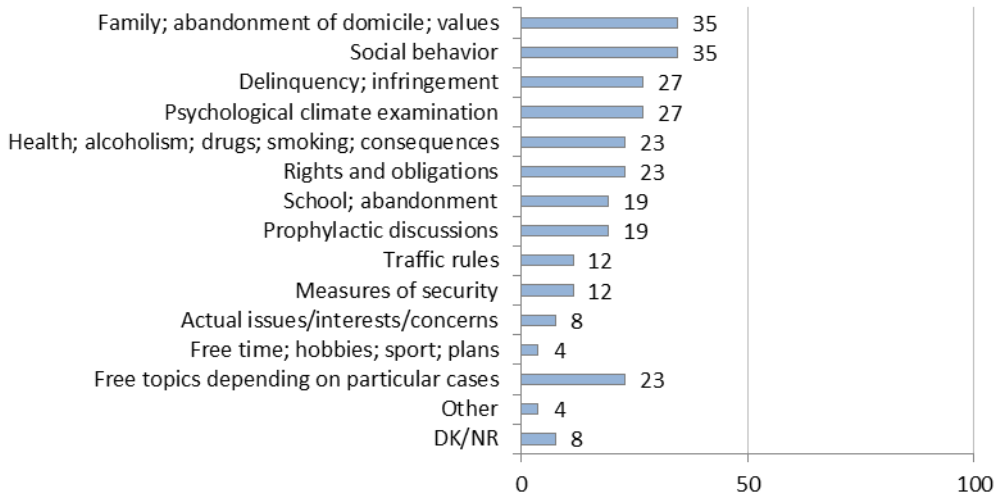
50% of BCS officers interact weekly with up to 12 children, meanwhile 75% of them have discussions with up to 25 children every week. There are 3 persons who pointed out interactions with more than 100 children weekly (100, 300 and 520).

Fig. 77 (5): What’s the number of children you interact during an usual working week?, %



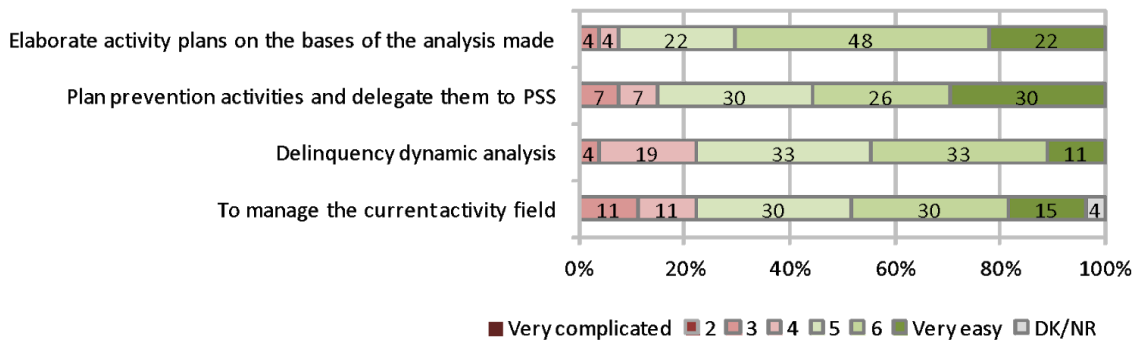
Abandonment/ family/ school/ values was the topic most of the above respondents (46%) addressed when having meetings with children during a usual working week. Every third of them faces with social behaviour issues, whereas every fifth give support related to delinquency issues, as well as psychological climate examinations. There are also common cases (23%) when officers discuss free topics on particular circumstances.

Fig. 78 (6): What are the usual topics you treat during this interactions with children?, %



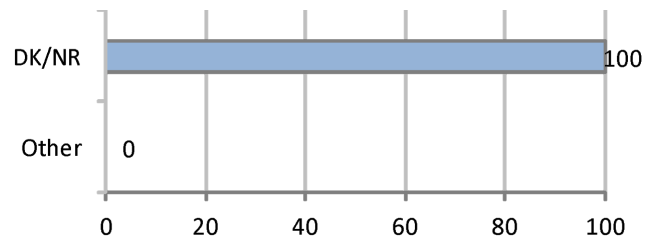
On a 1 to 7 range describing difficulty of most common operations, most of the respondents are situated on the “easy” side of the scale. Thus, for example, 92% consider elaborating activity plans as being from relatively easy to very easy to do. The other operations also record a high level of facility among respondents (at least 75% of them). At the same time, there are activities that some respondents find relatively difficult to do: 23% consider it difficult to make dynamic analysis of delinquency and for 23% of them managing their own activity field seems complicated.

Fig. 79 (11): On a scale from 1 to 7, where 1 means “Very complicated” and 7 means “Very easy”, how easy it is for you to... ?, %



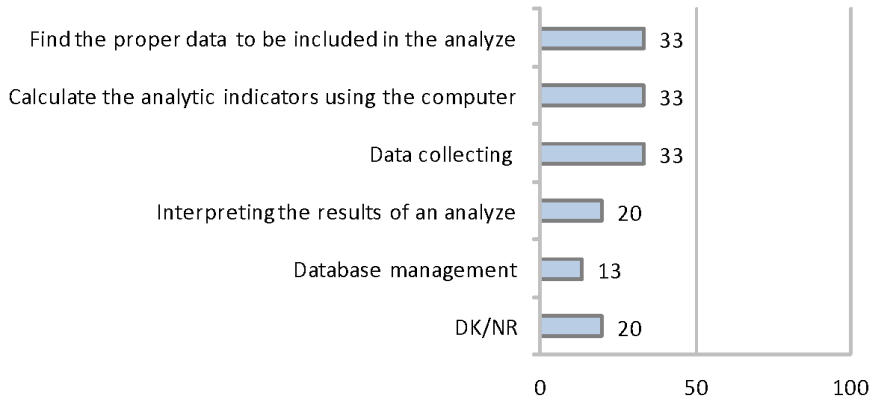
Those 8% who find it difficult to design activity plans on the bases of the analysis seem not to have a definite reason for this.

Fig. 80 (12A): For each rank less than 6 (from 1 to 5) from the last question, could you specify what actually are the difficulties you cope with?, %



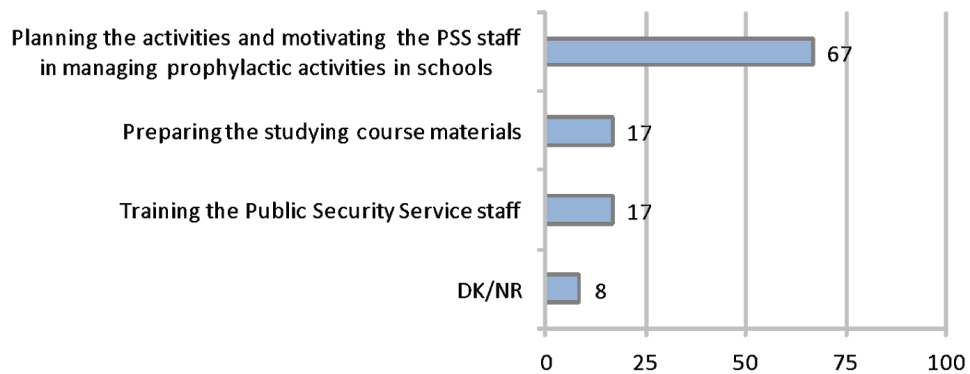
The most important reasons for those 14% who find plan preventing action difficult is considered to be the proper data to include in the analysis, calculating analytic indicator on the computer and data collecting process (33%).

Fig. 81 (12B): For each rank less than 6 (from 1 to 5) from the last question, could you specify what actually are the difficulties you cope with?, %



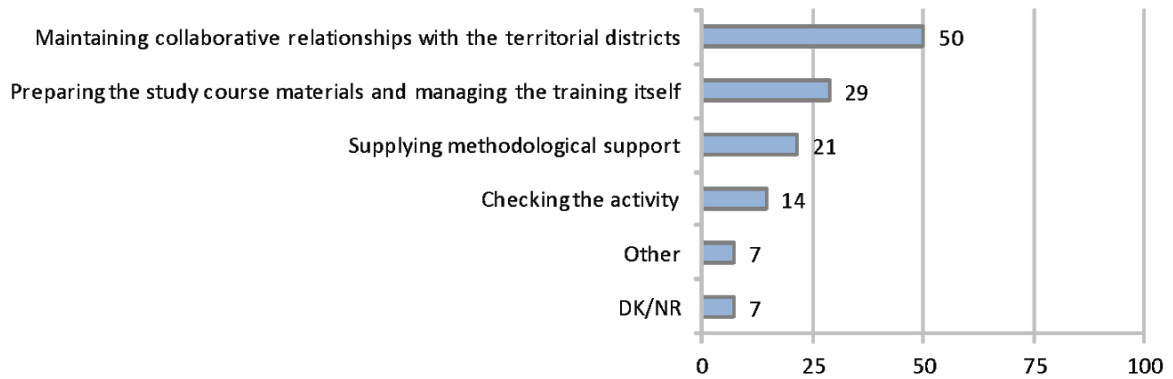
The biggest challenge for those 23% who find dynamic analysis difficult seems to be the activities of planning and motivating PSS staff in making prophylactic work in schools.

Fig. 82 (12C): For each rank less than 6 (from 1 to 5) from the last question, could you specify what actually are the difficulties you cope with?, %



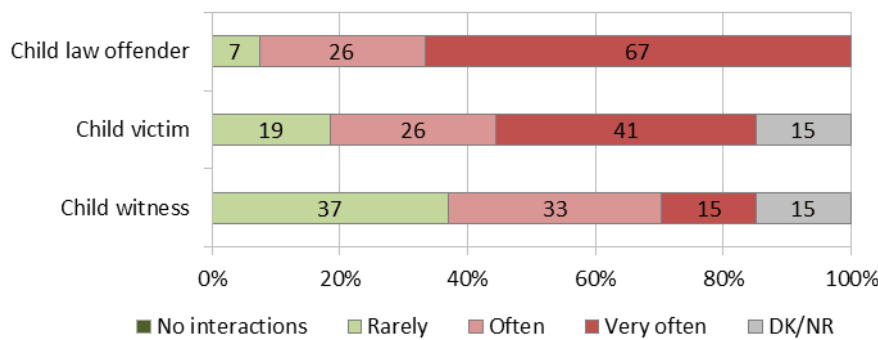
For those 22% of respondents who find current activity field hard to manage the biggest challenges seem to be the collaboration with territorial authorities (50%) and preparing course materials/managing the training itself (29%).

Fig. 83 (12C): For each rank less than 6 (from 1 to 5) from the last question, could you specify what actually are the difficulties you cope with?, %



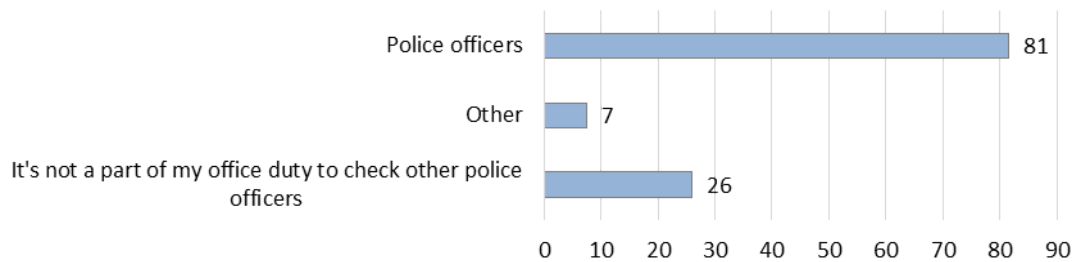
Most of the respondents (93%) have frequent interactions with child law offenders, whereas 67% often interact with child victims and only 48% have often interactions with child victims.

Fig. 84 (13): How often do you interact with the following categories of children?, %



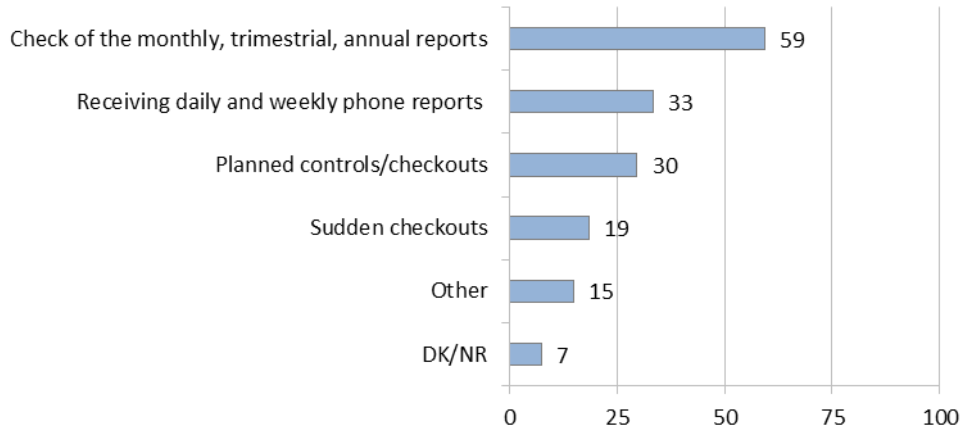
Most of the respondents (81%) provide control procedures over police officers in order to ensure task realisation regarding child safety.

Fig. 85 (14): Whose police staff activity fall under your control in order to ensure task realizations regarding child security?, %



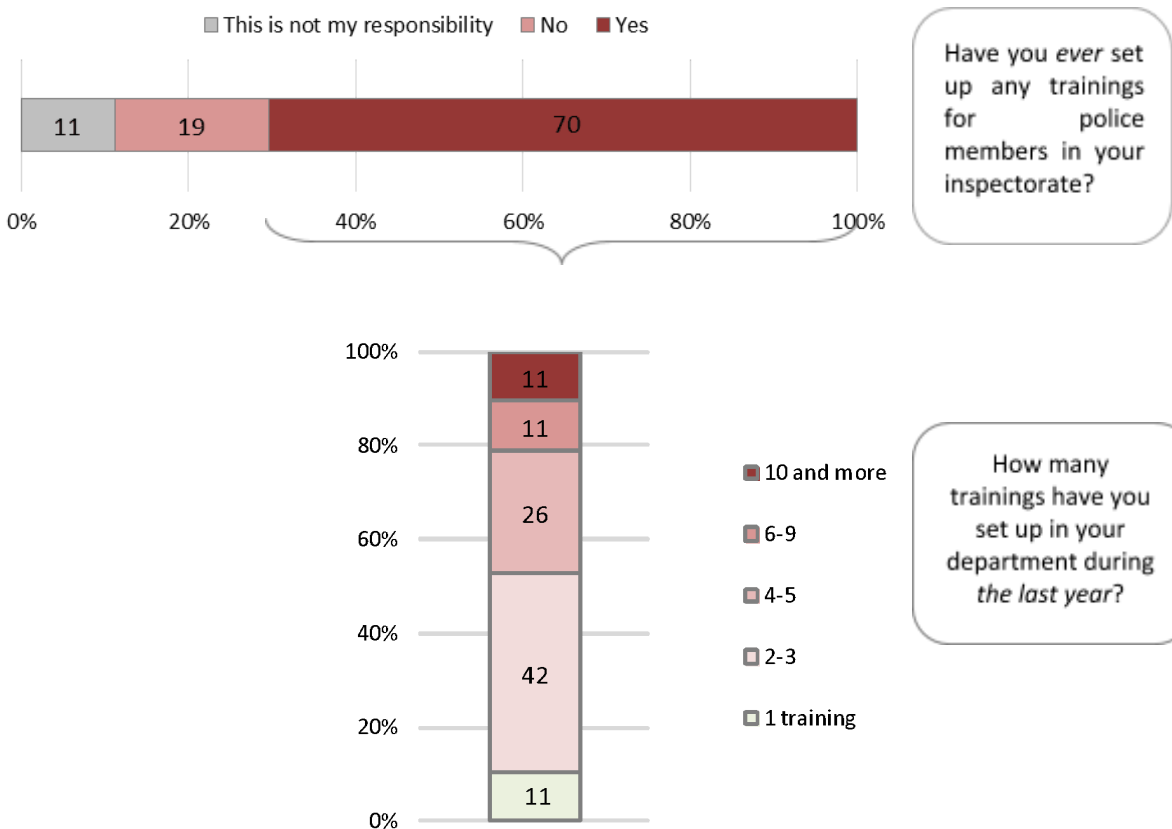
The most common controlling task of the BCS officers is to check monthly/trimestral/annual reports (59%). Every third respondent receives daily and weekly phone reports (33%) or makes planned checks on their own (30%).

Fig. 86 (15): What kind of activities do you undertake in order to verify how well other police employees interact with minors in contact with the law?, %



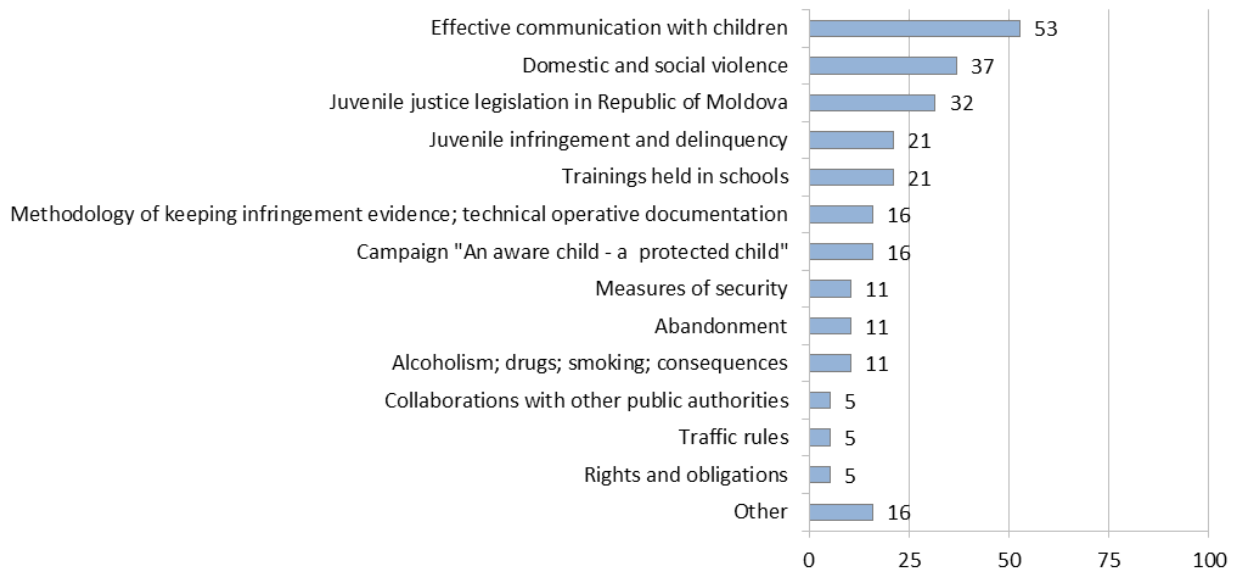
Majority of respondents (70%) have organized at least once trainings for internal staff of the department. From these, during the last year, the greatest share (42%) did it 2-3 times, meanwhile a quarter of them organizes trainings around 6-9 times. Only 11% declared they did this 10 and more times.

Fig. 87 (17): Trainings set up by BCS for police employees, %



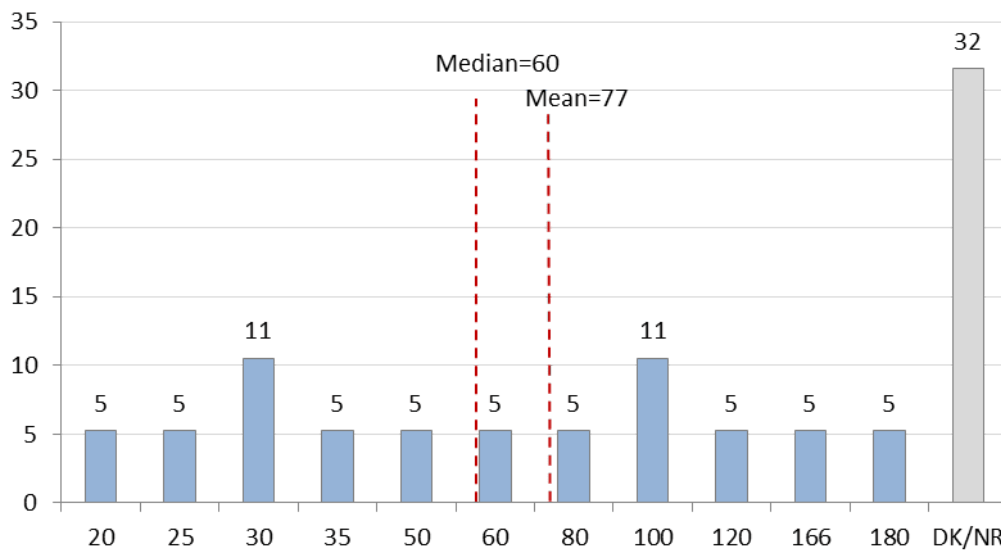
The most common topic for discussions happened to be “Effective communication with children” (53%). Domestic/social violence, as well as juvenile justice legislation were named by a third of the respondents. Topics related to traffic rules, child rights and obligations were discussed in 5% of cases.

Fig. 88 (19): What topics did this activities treat?, %



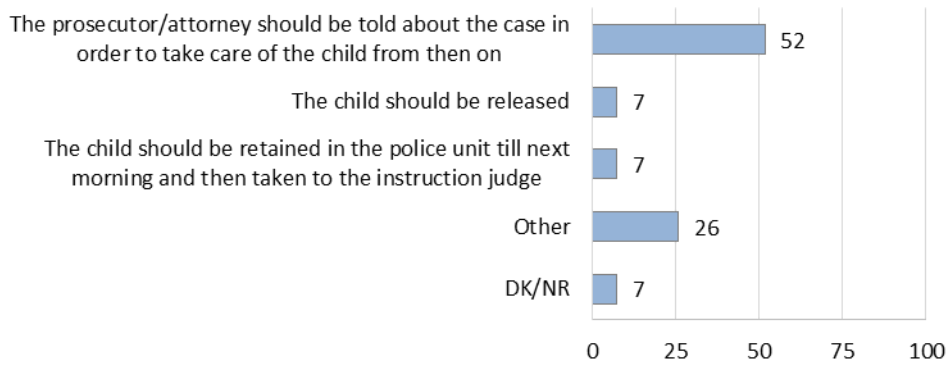
When asked about the number of police employees, which attended their trainings during the last year, 50% of respondents indicated numbers below 60. Must be noticed that 11% of respondents mentioned a number of 100, while 15% indicated more than 120 people. It is important to remark the significant share of those who had no answer for this question, which is 32%.

Fig. 89 (20): What was the approximate number of employees which attended your trainings during the last year?, %



Under the circumstances described below, half (52%) of the interviewed BCS officers said that prosecutor/attorney should be told about the case in order to take care of the child from then on. Among those 26% which indicated “Other”, most of them mentioned referring the child to a placement centre.

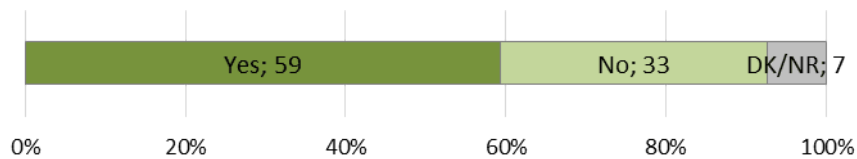
Fig. 90 (45): What are the actions a policeman must undertake in case he arrested a no parents neither legal representatives child for law offence, Friday evening or at night during the weekend?, %



Community collaboration

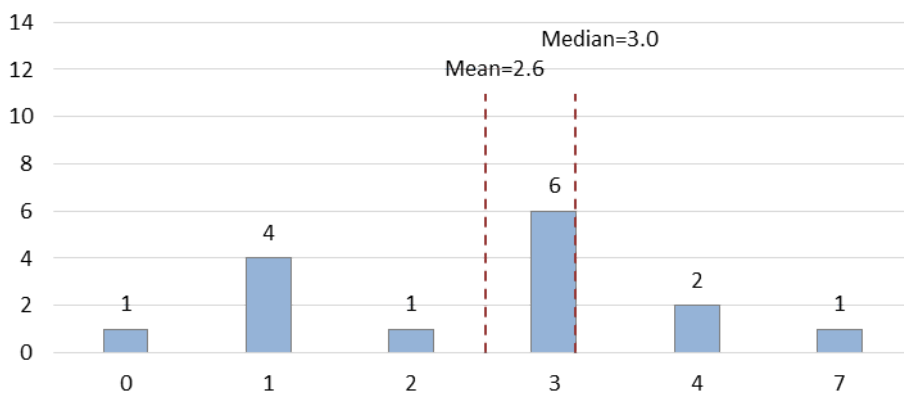
59% of the respondents mentioned about NGOs and other assistance organisations located in their area, meanwhile 33% indicated about their absence.

Fig. 91 (23): Are there any NGOs or brunches of regional and international organisations in your area which could assist the Inspectorate you work ensuring child security?, %



Half of those respondents who mentioned about the NGOs existence in the area, indicated a number of 3 and less.

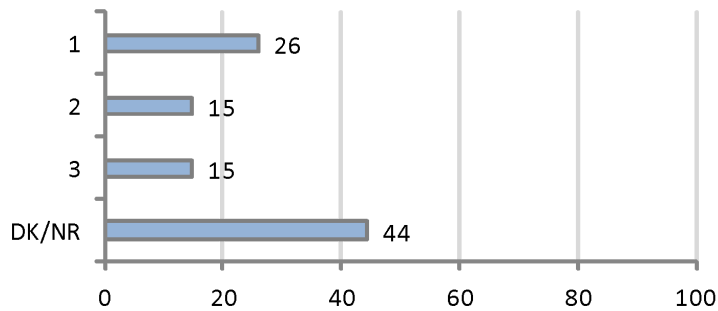
Fig. 92 (24): How many such institutions are there in your region?, %



**In this chart counts are presented and not percentages, since the total number of respondents was very low – 15 people.*

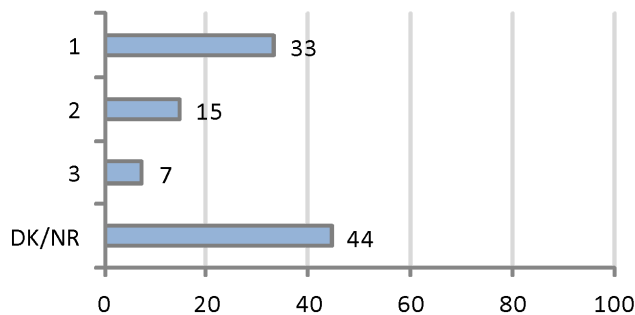
When asked about the number of NGOs the department collaborates with, every fourth indicated 1. A significant share of 44% didn't have any answer to this question.

Fig. 93 (25): A) How many of these institutions your Inspectorate collaborates with?, %



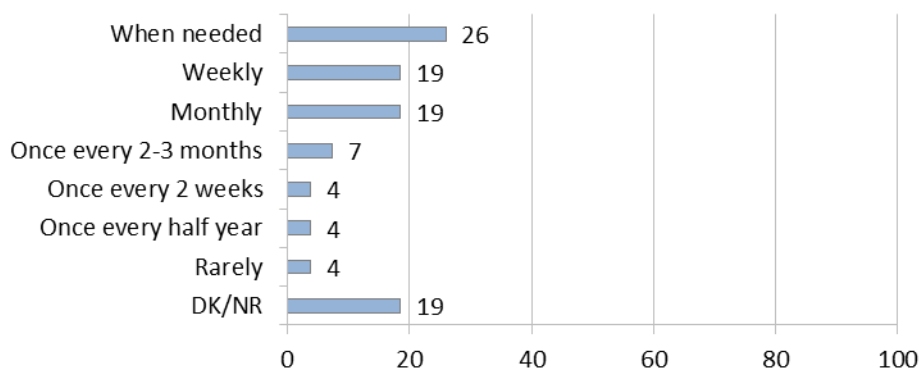
When asked about their own collaboration, the same share of no answers can be seen here too, meanwhile 33% of respondents mentioned about 1 organisation which they asked themselves for support and assistance.

B) How many of them do you regularly communicate with, asking for support and assistance?, %



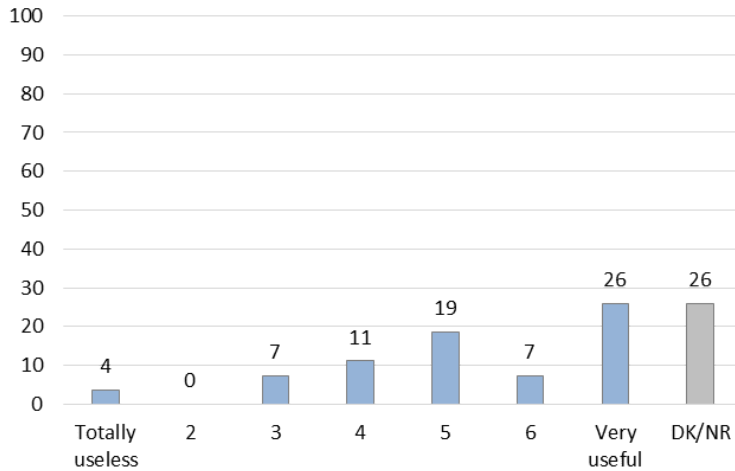
The BCS officers were asked to indicate the frequency of BSC and NGOs collaborations. In greatest share of the cases (26%) "When needed" was mentioned. Also, every fifth of the respondents indicated weekly and monthly collaborations.

Fig. 94 (26): How often Bureau of Child Security has collaborations with these NGOs?, %



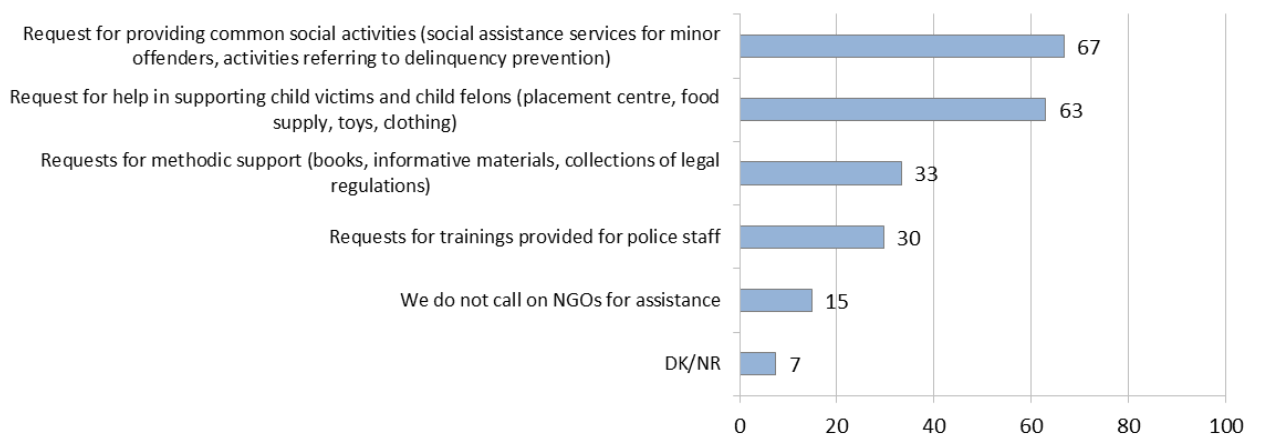
Evaluating the NGOs support of child law issues, a quarter of respondents consider it very useful. Majority of them, 52% approve of the NGOs involvement in child law affairs. It is worth to mention the significant share (26%) of those who can't evaluate the NGOs involvement or simply had no answer for that.

Fig. 95 (27): On a scale from 1 to 7, where 1 means "Totally useless" and 7 means "Very useful", how would you evaluate the NGOs assistance for BCS in the area of child security?, %



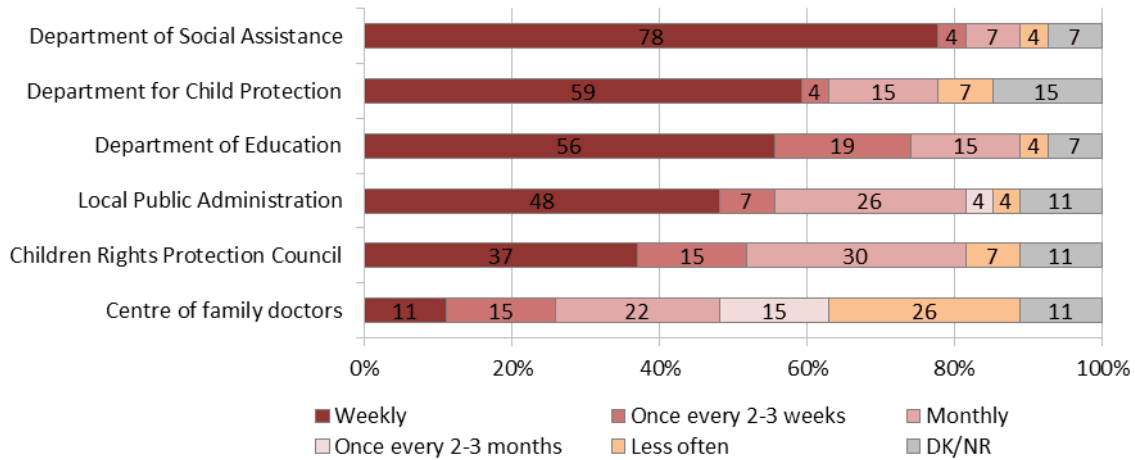
Most of the requests to NGOs are related to support in common social activities (assistance for minor offenders – 67%) and material help (placement centre, food, toys – 63%). A frequent request regards methodical support (33%) or request for trainings (30%).

Fig. 96 (28): What kind of assistance request do you usually make to NGOs?, %



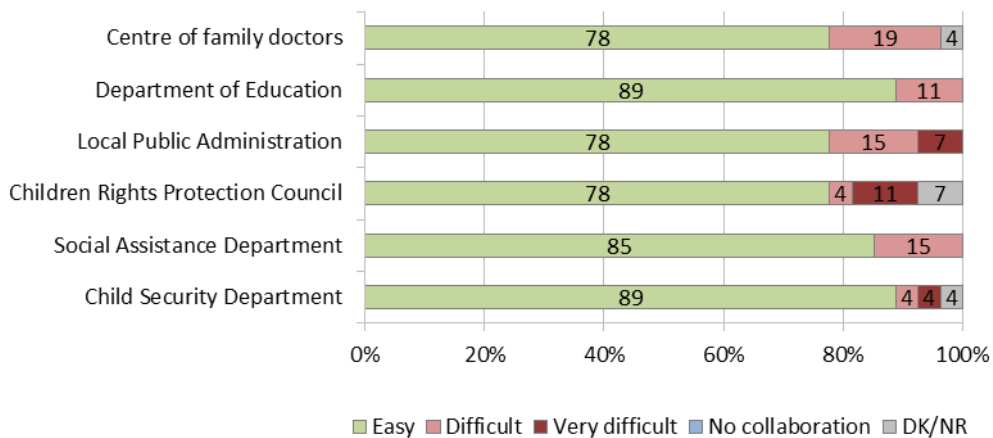
The respondents indicated frequent collaborations for all the authorities below, mostly from weekly up to monthly. Thus, most respondents indicated weekly collaborations with Social Assistance Division (78%), Child Security Division (59%) and Division of Education (56%). Monthly collaborations were registered for Children Rights Protection Council (30%) and Local Public Administration (26%).

Fig. 97 (29): What are other institutions in your region you have collaborations with?, %



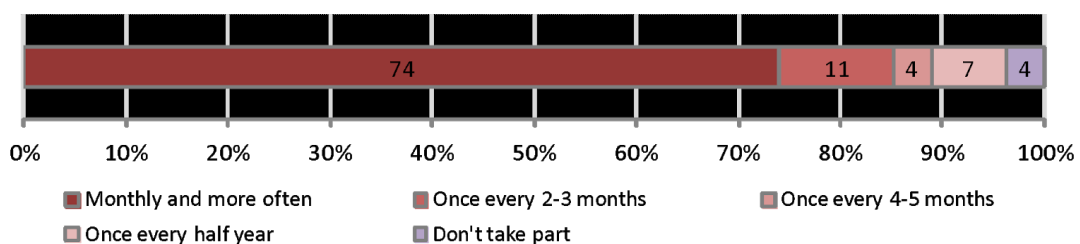
The great majority (78-89%) of those who answered the questionnaire suggested it is easy for them to collaborate with the institutions below. At the same time, those who find it difficult to settle collaborations mentioned as reasons the bureaucracy/complex regulations or lack of involvement from the other partner.

Fig. 98 (30): Do you find it difficult to collaborate with the following representatives of the government and the community as regarding child law activities? If yes, specify the cause?, %



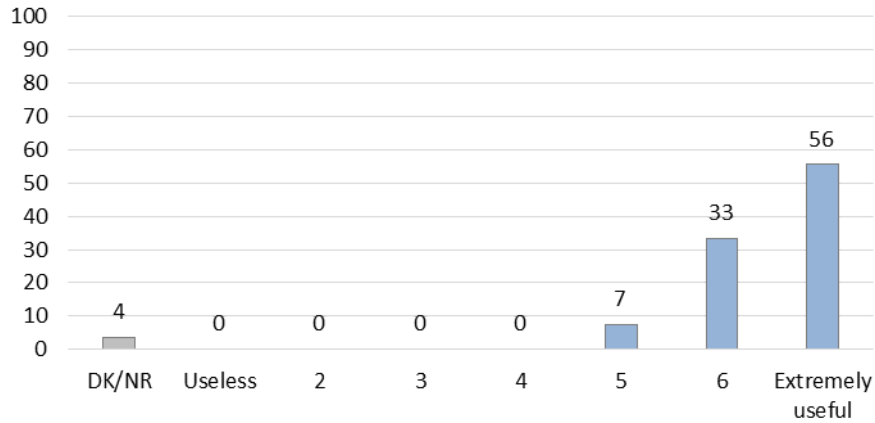
96% of the respondents take part in multi-disciplinary team district meeting, 74% doing this monthly and more often. Also 7% of them attend it every half year.

Fig. 99 (31): How often do you take part in multi-disciplinary team district meeting where are being discussed cases of risk exposed children?, %



Majority of the interviewed BSC officers consider BSC participation in the multi-disciplinary team meetings as very useful.

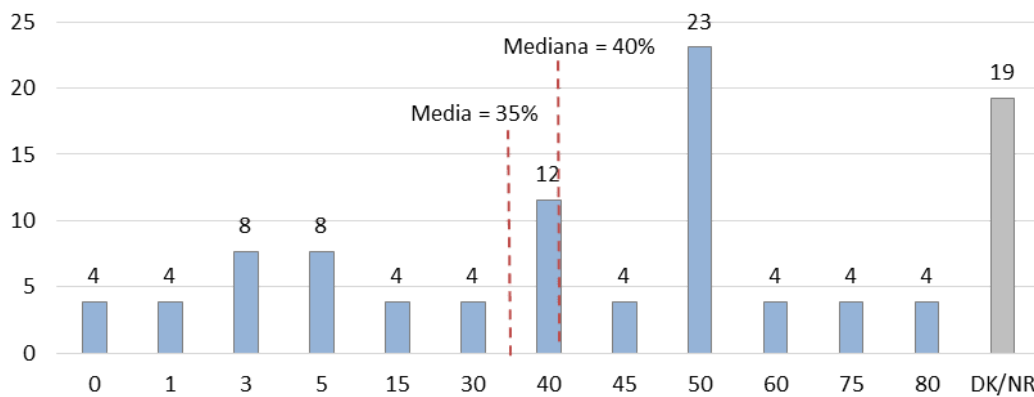
Fig. 100 (32): On a scale from 1 to 7, where 1 means “Totally useless” and 7 means “Very useful”, how would you evaluate the BCS participation in multi-disciplinary team meeting?, %



Ability to communicate with the minors

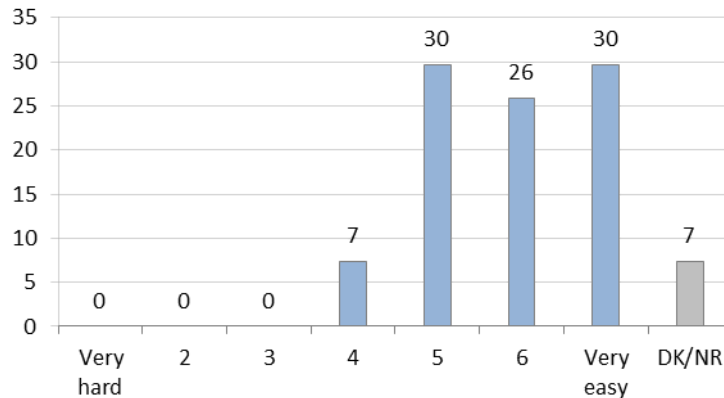
The distribution of the answers shows that every fifth BCS officer had 50% of the children he interacted with emotional or closed to collaborations. 50% of respondents estimated the share of such children up to 40%.

Fig. 101 (7): It is well known that children become very emotional when standing in front of a policeman. Give an estimation (%) of those children who became nervous, were not opened to collaboration and preferred to remain silent when interact with them, %



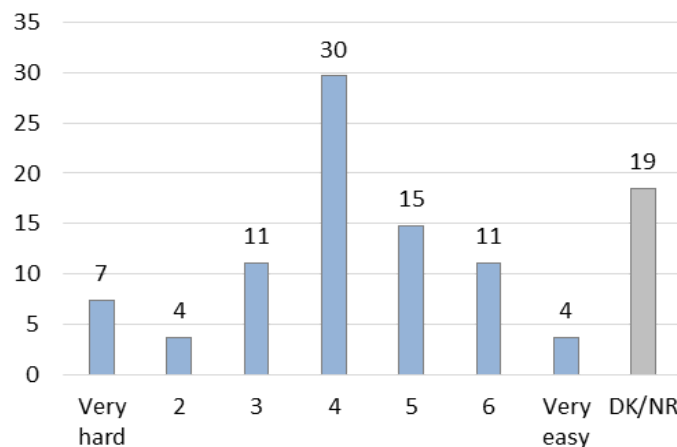
The great majority of respondents (93%) have no difficulty in establishing contact with children. So, 30% find it moderate, 25% said it is easy for them and 30% think it is very easy for them to establish a contact with children.

Fig. 102 (8): On a scale from 1 to 7, where 1 means “Very hard” and 7 means “Very easy”, how hard is it for you to establish contacts with children?, %



When giving an evaluation of their colleagues’ experiences in communicating with children, the answers of respondents follow a normal distribution: the majority (30%) see their colleagues’ experiences as being of a moderate manner, the rest of them being distributed almost equally on the both sides of the scale.

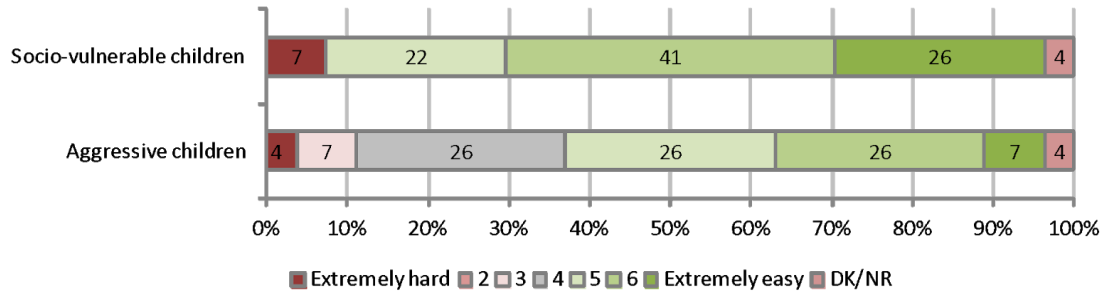
Fig. 103 (9): If applying the same scale for evaluating your colleagues experiences in discussions with children, what mark would you give?, %



Most of the respondents find it moderate to extremely easy to establish contacts with both aggressive and socio-vulnerable children. For example, 22% think it is easy, 41% find it very easy and 26% consider it extremely easy to communicate with socio-vulnerable children. There is a 7% share of those who find it extremely hard to interact with these children.

When it comes to aggressive children, there appears a significant share of those who find it moderate (26%) or even hard (7%) to contact with this social type of children. Yet, the majority don’t seem to have problems with that.

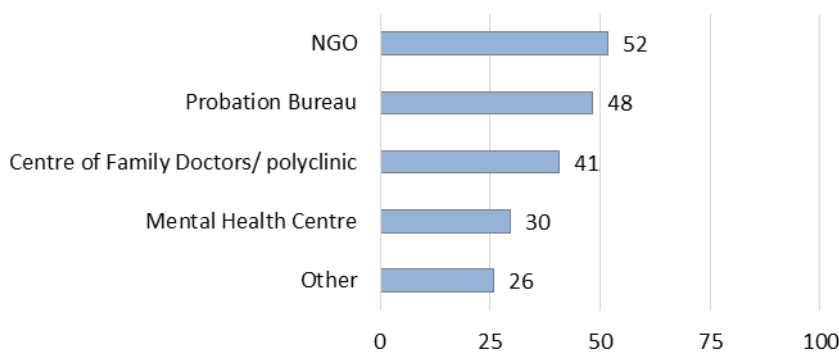
Fig. 104 (10): On a scale from 1 to 7, where 1 means “Very hard” and 7 means “Very easy”, how hard it comes to you to establish contacts with...?, %



Knowledge

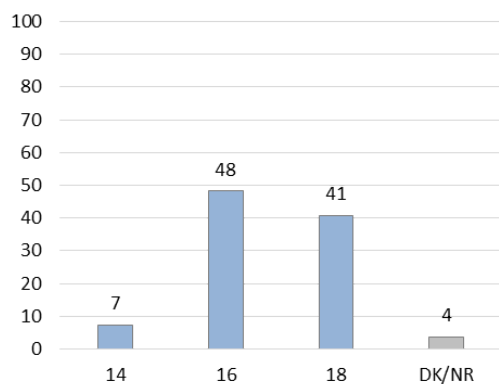
Most of the BCS officers consider NGOs play an important part (52%) in helping children integrate into society. There is also a big amount of those who think Probation Bureau comes up with important protection/rehabilitation services and a little less of them (41%) indicated the Dispensary/Polyclinic centre.

Fig. 105 (33): Which are the institutions that offer protection, rehabilitation and reintegration services for children who have passed through the justice system?, %



In accordance with the Administrative Code of Republic of Moldova²², the minimum age of administrative responsibility is 16 years. Only half of respondents were aware of this provision.

Fig. 106 (34): What's the statutory minimum age of administrative responsibility?, %



²² **Articolul 16.** Răspunderea contravențională a persoanei fizice

- (3) Este pasibilă de răspundere contravențională persoana fizică cu capacitate de exercițiu care, în momentul săvârșirii contravenției, are împlinită vârsta de 18 ani.
- (4) Persoana fizică cu vârsta între 16 și 18 ani este pasibilă de răspundere contravențională pentru săvârșirea faptelor prevăzute la art.228–245 și la art.263–311.

In accordance with the Penal Code of Republic of Moldova²³ the statutory minimum age of criminal responsibility constitutes 14 years. 67% of respondents were aware of this.

Fig. 107 (35): What's the statutory minimum age of criminal responsibility?, %

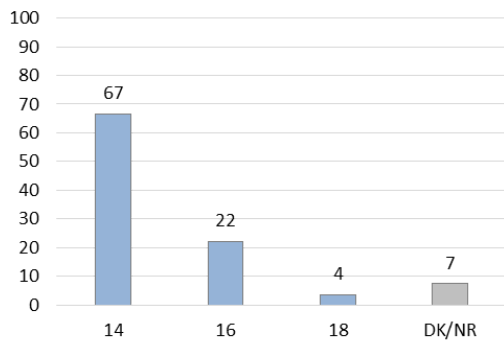


Fig. 108 (36.1): Which are the documents to prepare by the BCS officer for ensuring child security in case the child is a domestic sexual abuse victim?, %

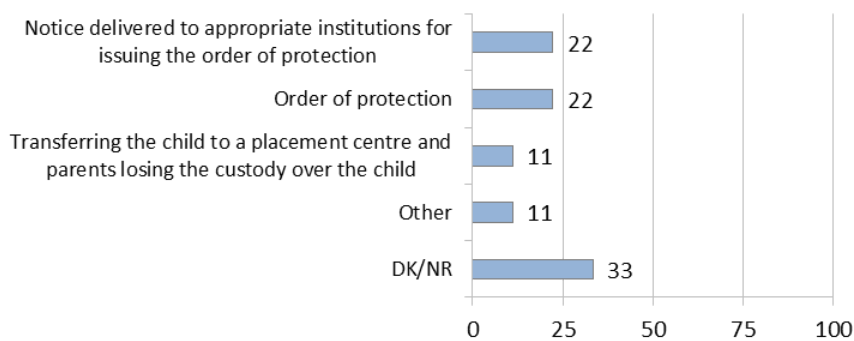
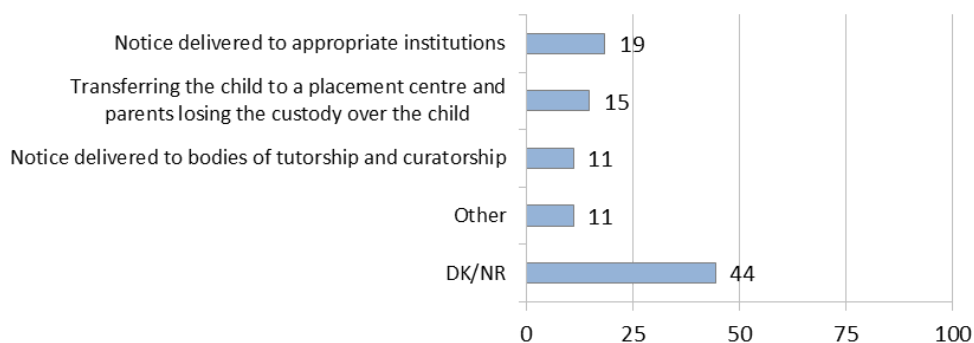


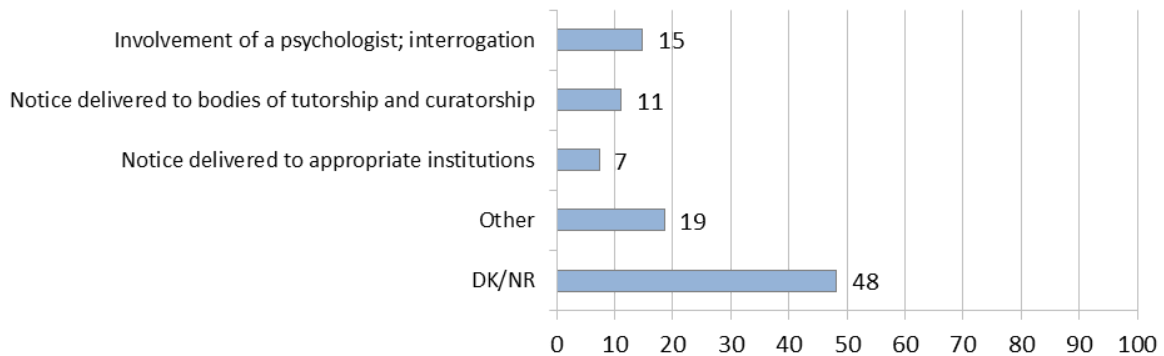
Fig. 109 (36.2): Which are the documents to be prepared by the BCS officer for ensuring child security in case the child's parents consume alcohol, manifest themselves immorally?, %



²³ **Articolul 21. Subiectul infracțiunii**

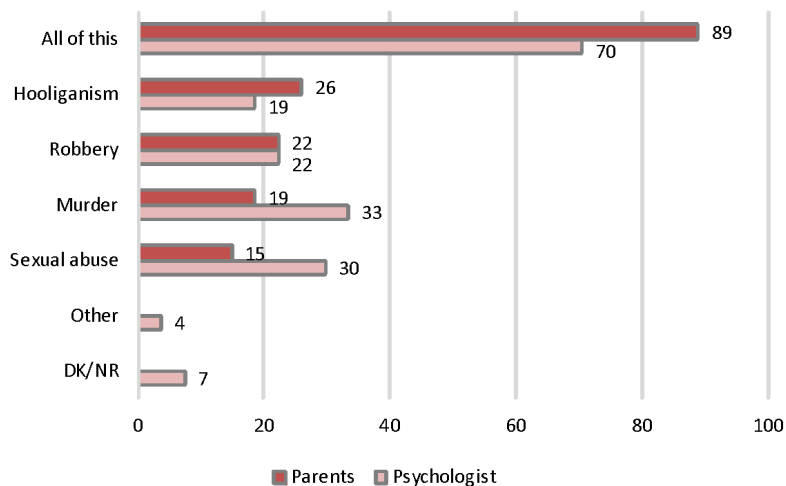
- (1) Sînt pasibile de răspundere penală persoanele fizice responsabile care, în momentul săvîrșirii infracțiunii, au împlinit vîrsta de 16 ani.
- (2) Persoanele fizice care au vîrsta între 14 și 16 ani sînt pasibile de răspundere penală numai pentru săvîrșirea infracțiunilor prevăzute la art.145, 147, 151, 152 alin.(2), art.164, 166 alin.(2) și (3), art.171, 172, 175, 186-188, 189 alin. (2)–(6), art. 190 alin. (2)–(5), art. 192 alin. (2)–(4), art. 192¹ alin. (2) și (3), 196 alin.(4), art.197 alin.(2), art.212 alin.(3), art.217 alin.(4) lit.b), art.217¹ alin.(3) și alin.(4) lit.b) și d), art.217³ alin.(3) lit.a) și b), art.217⁴, art.217⁶ alin.(2), art.260, 268, 270, 271, art.275, 280, 281, 283-286, 287 alin.(2) și (3), art.288 alin.(2), art.290 alin.(2), art.292 alin.(2), 317 alin.(2), art.342.

Fig. 110 (36.3): Which are the documents to be prepared by the BCS officer for ensuring child security in case the child is a delinquency victim?, %



89% of the respondents were aware of the fact that they are supposed to inform the minor's parents or his legal representatives in all cases, 26% considered that this measure is necessary in case of hooliganism, 22% - in case of robbery. According to the Code of Penal Procedure²⁴, it is absolutely necessary to inform the minor's parents regarding his apprehension in case of any type of infraction. Article 479 states the presence of the psychologist is absolutely obligatory. Only 70% of the respondents know about this provision.

Fig. 111 (37): In which of the following cases the BCS officer must inform the child's parents/legal representative about the situation? When is there necessary to involve a psychologist?, %



²⁴ **Articolul 167.** Procedura de reținere a persoanei

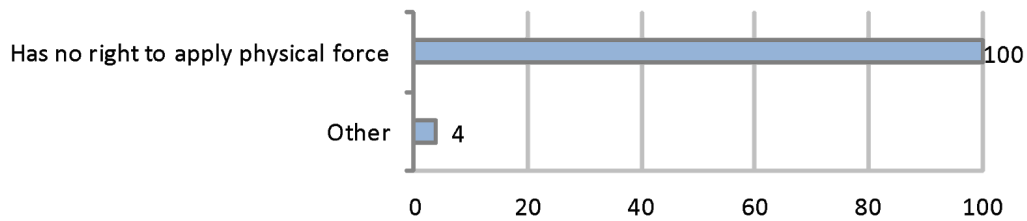
(7) În cazul reținerii minorului, persoana care efectuează urmărirea penală este obligată să comunice imediat aceasta procurorului și părinților minorului sau persoanelor care îi înlocuiesc.

Articolul 479. Audierea bănuțului, învinuțului, inculpatului

(2) La audierea bănuțului, învinuțului, inculpatului minor, participarea apărătorului și a pedagogului sau psihologului este obligatorie.

Given the conditions specified below, all the respondents have given the right²⁵ answer which is “The policeman has no right to apply physical force in this case”.

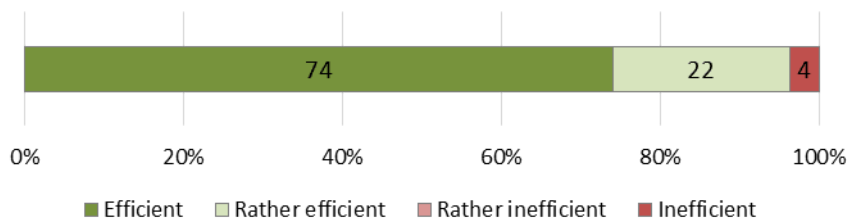
Fig. 112 (38): Assuming a child is suspected of an extremely grave crime, being complicit to an adult. The officer knows the child has important information that would save other people. When does he officer has the legal right to exert physical force?, %



Attitudes

Most of the respondents (74%) consider the prevention activities for the minors as efficient, while a fifth of them regard it rather efficient. There are also 4% of those who believe their planned actions where inefficient.

Fig. 113 (4): How do you evaluate the utility of the delinquency prevention activities you have planned the last year for the minors?, %



²⁵ **Articolul 5. Aplicarea forței fizice**

(1) Subiecții legii aplică forța fizică, inclusiv procedee speciale de luptă, pentru autoapărare, pentru respingerea atacurilor asupra cetățenilor, asupra reprezentanților legii, asupra altor persoane antrenate în asigurarea ordinii și siguranței publice și în combaterea criminalității, pentru curmarea încălcărilor de lege, pentru reținerea delincvenților, pentru înfrângerea rezistenței opuse cerințelor legale în cazul când metodele nonviolente nu asigură îndeplinirea obligațiilor ce le revin.

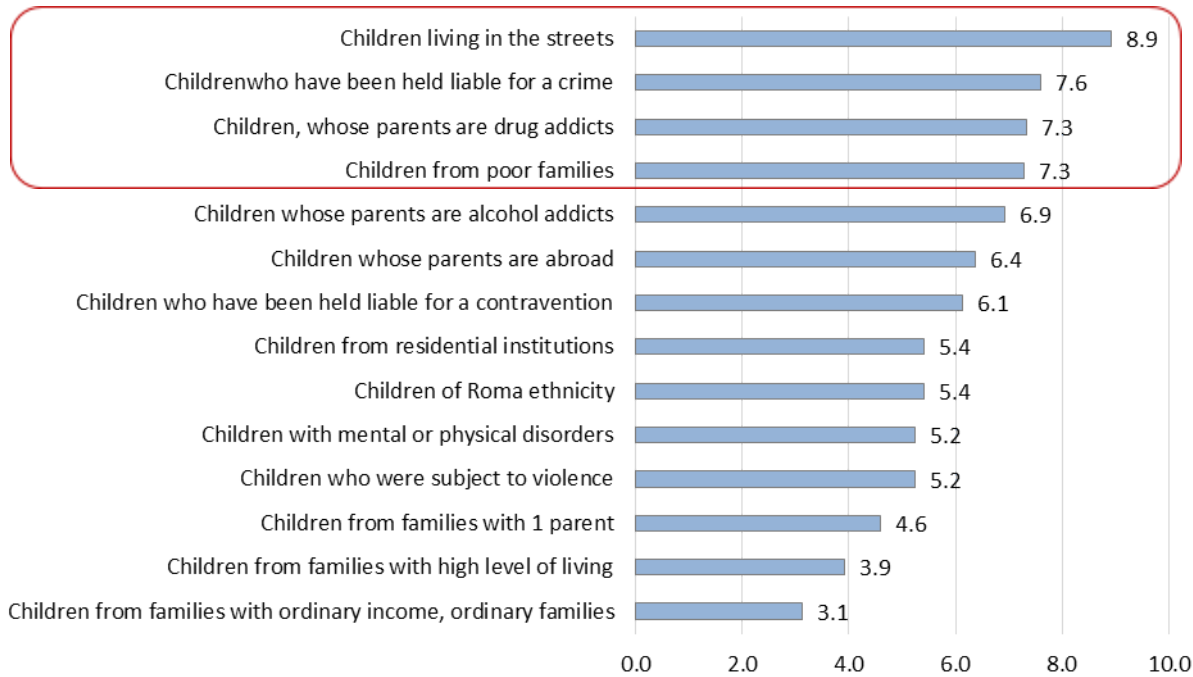
(2) Forța fizică poate fi aplicată în orice situație în care legea permite aplicarea mijloacelor speciale sau a armelor de foc.

Articolul 6. Restricții la aplicarea forței fizice

(1) Se va evita, pe cât este posibil, aplicarea forței fizice împotriva minorilor, în cazul când vârsta acestora este evidentă sau este cunoscută, împotriva femeilor, a persoanelor în etate și a persoanelor cu semne vizibile de invaliditate

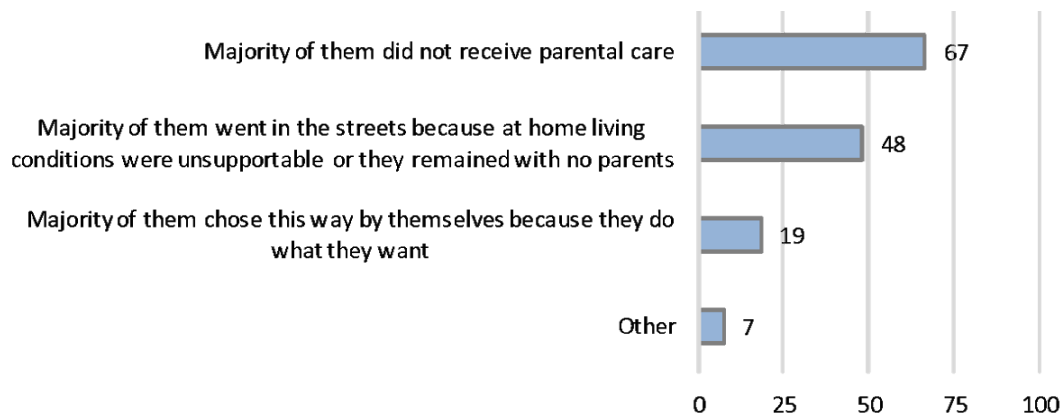
In the BCS officers' opinion, children who show the highest risk of committing a crime are surely the ones living in the street. They are followed by those who have been held liable for a crime, those whose parents are drug addicts and children from poor families.

Fig. 114 (39): How do you think, what is the level of risk that a minor who has one of the following characteristics will commit a crime?,mean Please, use a scale from 1 to 10, where 1= "There is no risk" and 10="The risk is very high"



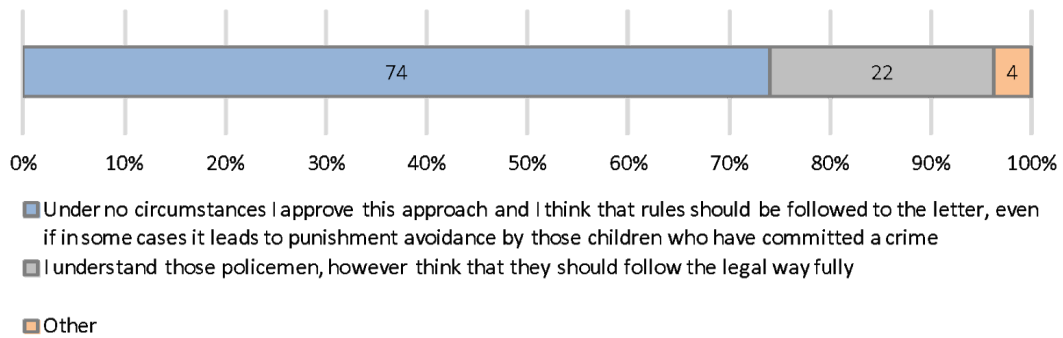
BSC officers mostly consider the main reason children got in the street are family conditions: the lack of parental care and love (67%), either precarious living conditions at home (48%).

Fig. 115 (40): In your opinion, which of the following statements best describe children of the street nowadays?, %



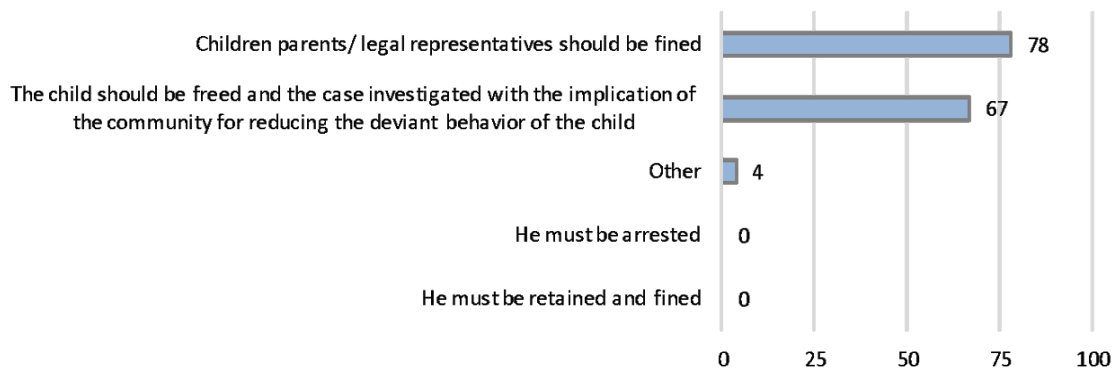
Majority of the interviewed BSC officers under no circumstances approve of application of physical force working with the minors, which might escape the legal punishment because of inefficient legal procedure.

Fig. 116 (41): There are cases when policemen apply violence working with the minors. In your opinion, policemen who prefer to punish physically a minor caught in the act, without following the judicial procedure, act correctly?, %



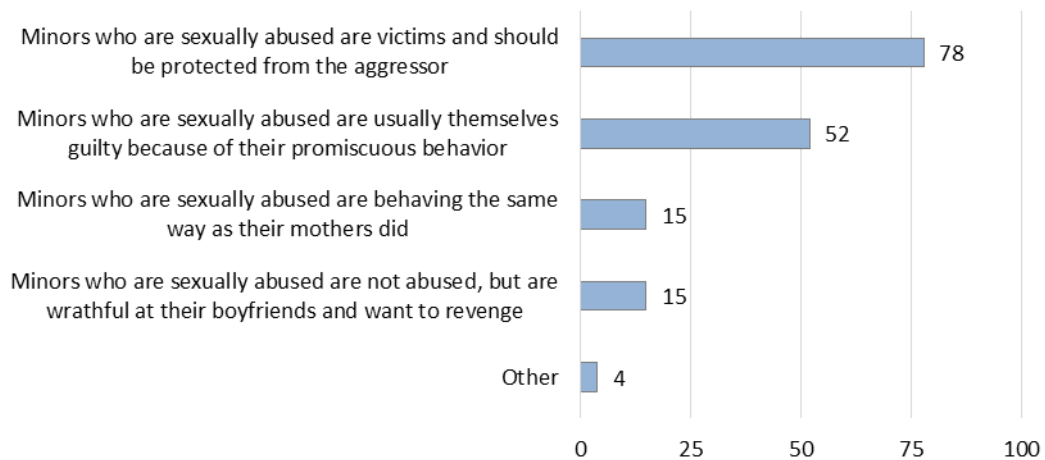
Most of the respondents consider that in the case that the minor commits a contravention, it is his parents who should be fined, whereas the minor should be freed and the community needs to be implicated in reducing his deviant behaviour.

Fig. 117 (42): How do you think, what should be done in the case when a minor committed a contravention?, %



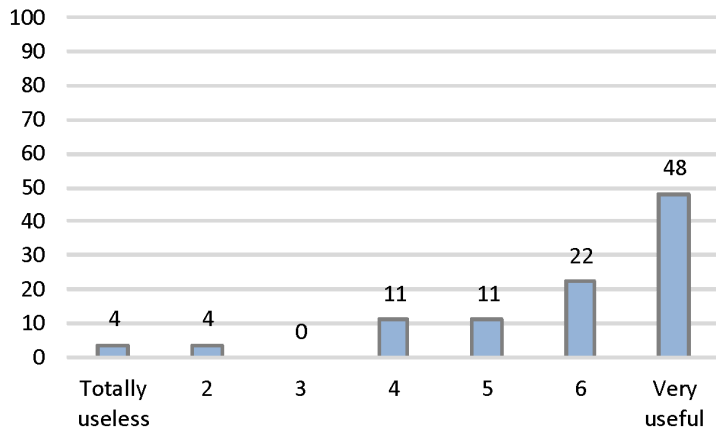
Majority of the interviewed officers consider that minor girls who were sexually abused are victims and should be protected from the aggressor (78%).

Fig. 118 (43): Which of the following statements do you agree with?, %



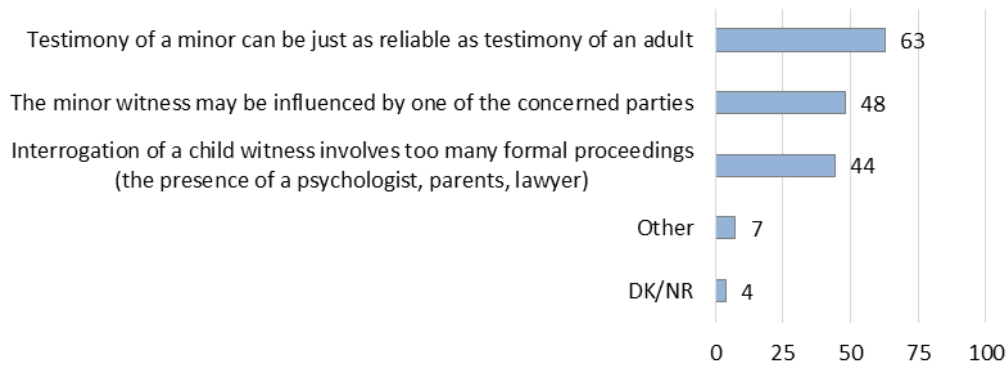
Majority of the respondents find it useful to refer children at risk to social rehabilitation organisations (81%). 48% of them believe it is extremely useful to involve these institutions into the social reintegration of the minor.

Fig. 119 (44): Do you consider referring children at risk to such institutions like charity organisations, education institutions or tutorship bodies would reduce the juvenile delinquency risk?, % Evaluate the efficiency of this measure on a scale from 1 to 7, where 1 means “Totally useless” and 7 means “Very useful”.



More than half of respondents (63%) tend to consider minor evidence worthy of trust, although half of the respondents also believe that minor witnesses can be influenced by the concerned parties. At the same time, 44% of them think there are too many formal proceedings which are necessary to be followed in order to take into account testimonies of a minor.

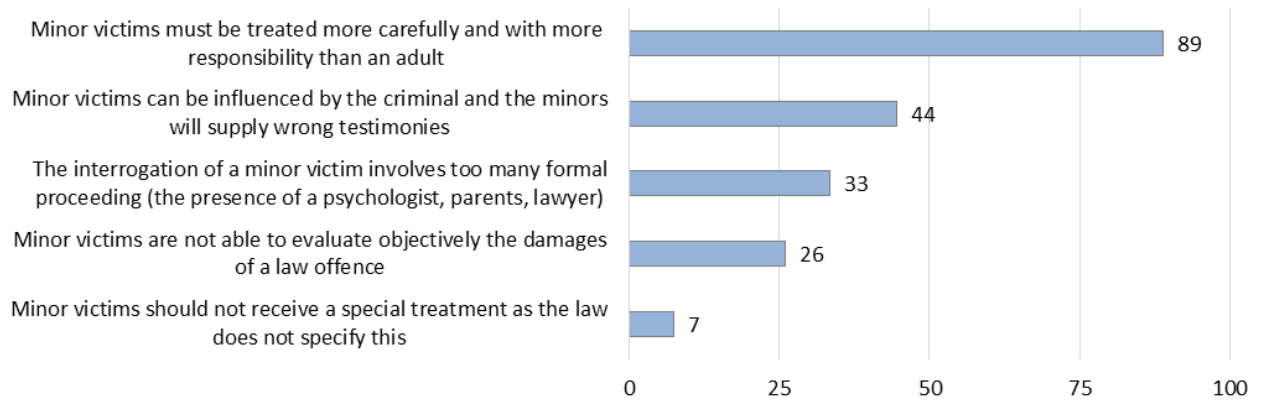
Fig. 120 (46): Which of these statements do you agree with?, %



Almost all the respondents (89%) would treat a child victim more carefully than an adult. At the same time two times less (44%) consider child evidence susceptible to influence.

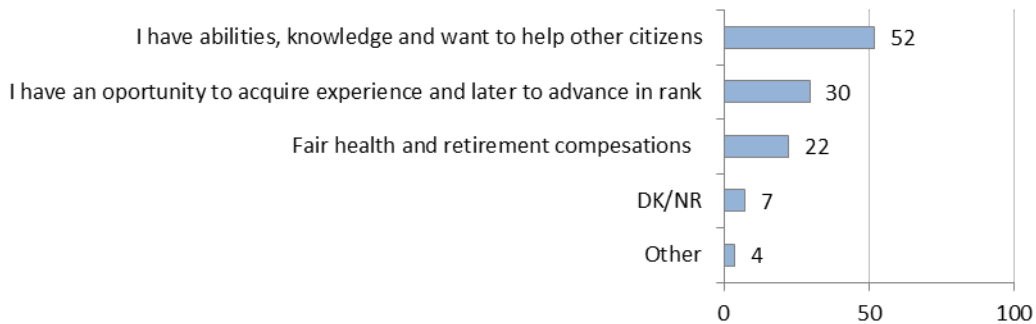
Fig. 121 (47): Which of this statements do you agree with?, %

Chapter III: Bureau of Child Security



When asked about their motivation for doing what they do, half of the respondents said they exploit their capabilities for helping other people. 30% are led by the self-development interest and are looking for promotion. A fifth of them are waiting for fair health and retirement compensations.

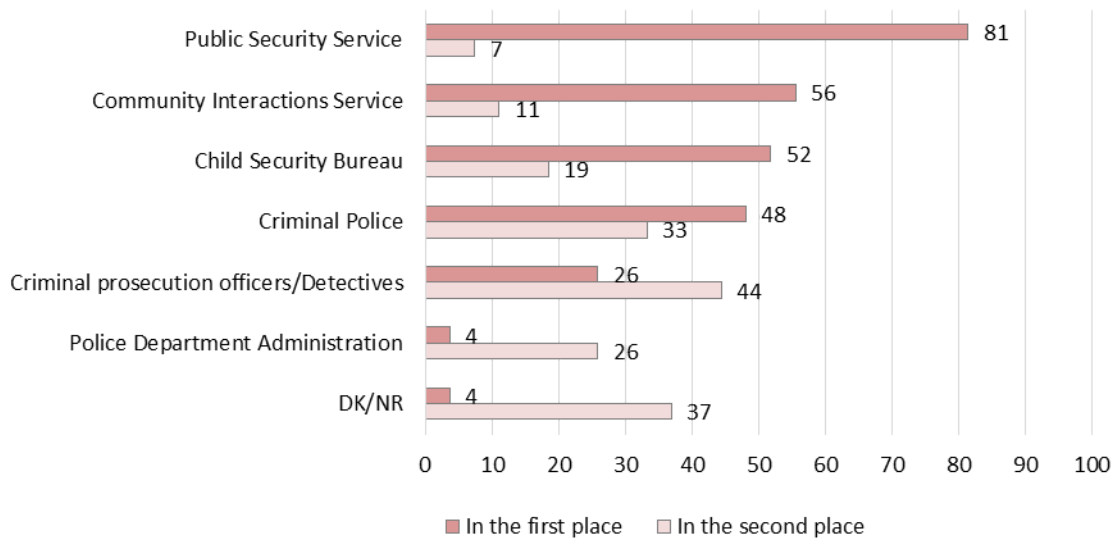
Fig. 122 (D11): What motivates you to work in police?, %



Training needs

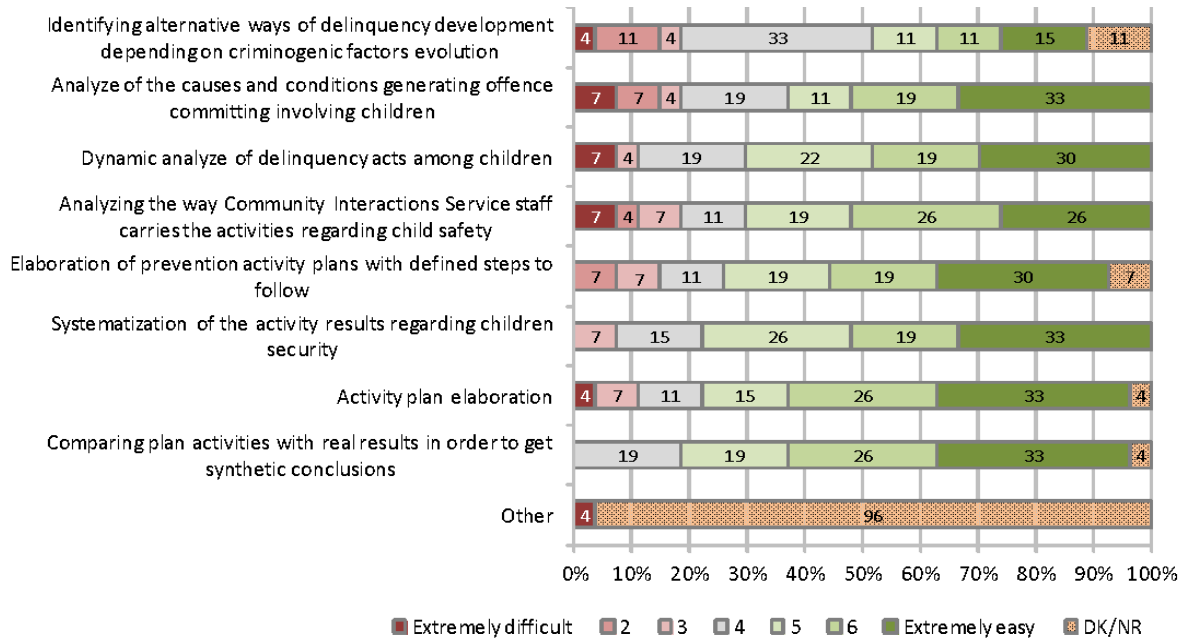
If any institution would need trainings regarding communication with children, then it would be Public Security Service firstly (89%), and Criminal prosecution officers secondly (44%). Every other respondent (56%) think Community Interactions Service is which need communications trainings firstly, followed by Child Security Bureau (52%).

Fig. 123 (16): Which department staff who interact with children need firstly trainings regarding children communication? And secondly?, %



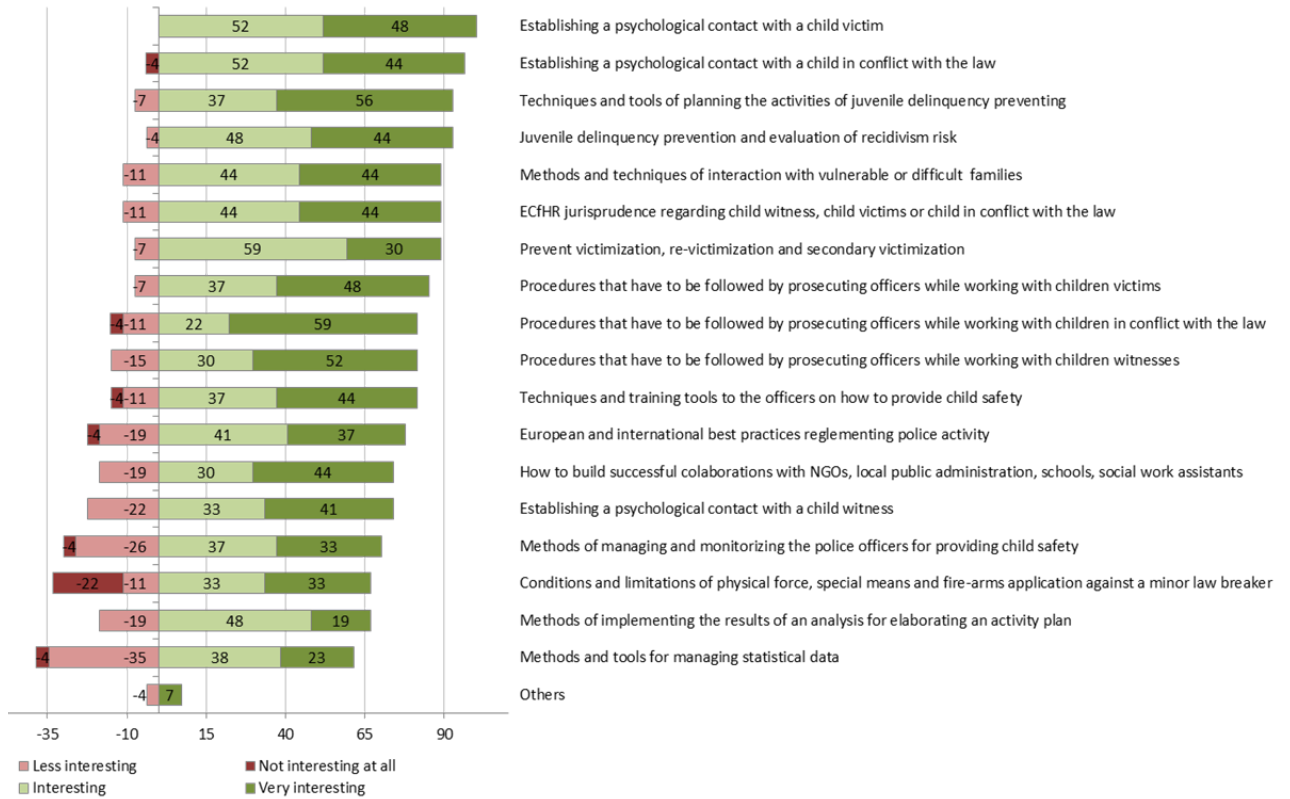
BCS officers seem to find it a little more complicated to identify alternative ways of delinquency development depending on criminogenic factors evolution. 52% respondents find it moderate to extremely difficult to realise. Among other analysis which are considered difficult are analysis of juvenile delinquency causes (37%) and dynamic analysis of delinquency acts (30%).

Fig. 124 (22): Which is the level of difficulty for each of this types of analysis for you?, % Specify 1 if the type is "Very difficult" for you and you would like to take additional trainings for it or specify 7 if it is "Not difficult at all".



There are 2 mainstream topics respondents would be interested in: establishing a psychological contact with both child victim and child in conflict with the law. A great interest acquired such topics as techniques of activity planning and evaluation of recidivism risk.

Fig. 125 (48): What is your level of interest for each of the following topics for specialised courses related to children involved in the justice system?, %



Level of non-response

On average respondents did not provide 3 responses on knowledge questions.

Table 5: Level of non-response

		Coun t	Mea n	Maximu m	Minimu m	Media n
Age	18-25	0				
	26-30	15	1.47	3.00	0.00	2.00
	31-40	9	1.11	3.00	0.00	0.00
	41-50	3	2.33	4.00	0.00	3.00
	51-62	0				
	NR	0				
Sex	Male	7	1.86	3.00	0.00	2.00
	Female	20	1.30	4.00	0.00	.50
	Total	27	1.44	4.00	0.00	2.00
Length of work in the police	1 year and less	2	1.50	3.00	0.00	1.50
	2-3 years	3	2.00	3.00	0.00	3.00
	4-5 years	4	0.75	3.00	0.00	0.00
	6-10 years	11	1.27	3.00	0.00	2.00
	>10 years	7	1.86	4.00	0.00	3.00
	NR	0				
Length of work in the Bureau of Child Safety	1 year and less	6	2.00	3.00	0.00	2.50
	2-3 years	3	2.67	3.00	2.00	3.00
	4-5 years	8	1.00	3.00	0.00	0.00
	6-10 years	8	1.00	4.00	0.00	0.00
	>10 years	2	1.50	3.00	0.00	1.50
	NR	0				
Education	School/lyceum	0				
	College	0				
	Vocational school	0				
	Higher education (law/ police)	14	1.71	4.00	0.00	2.00
	Higher education not related to law	13	1.15	3.00	0.00	0.00
	Postuniversity education	0				
Motive of work in the police	Fair compensations for retirement and health issues	6	1.00	3.00	0.00	.50
	I have abilities, knowledge and want to help other citizens*	14	1.43	3.00	0.00	1.00
	I have an opportunity to acquire experience and later to advance in rank	8	1.25	3.00	0.00	1.00
	Other	1	0.00	0.00	0.00	0.00
	I have a good salary	0				
	I have no choice	0				
	NR	2	3.00	4.00	2.00	3.00

CHAPTER IV: DISTRICT OFFICERS

This chapter presents analysis of the knowledge, attitudes and practices of the district officers.

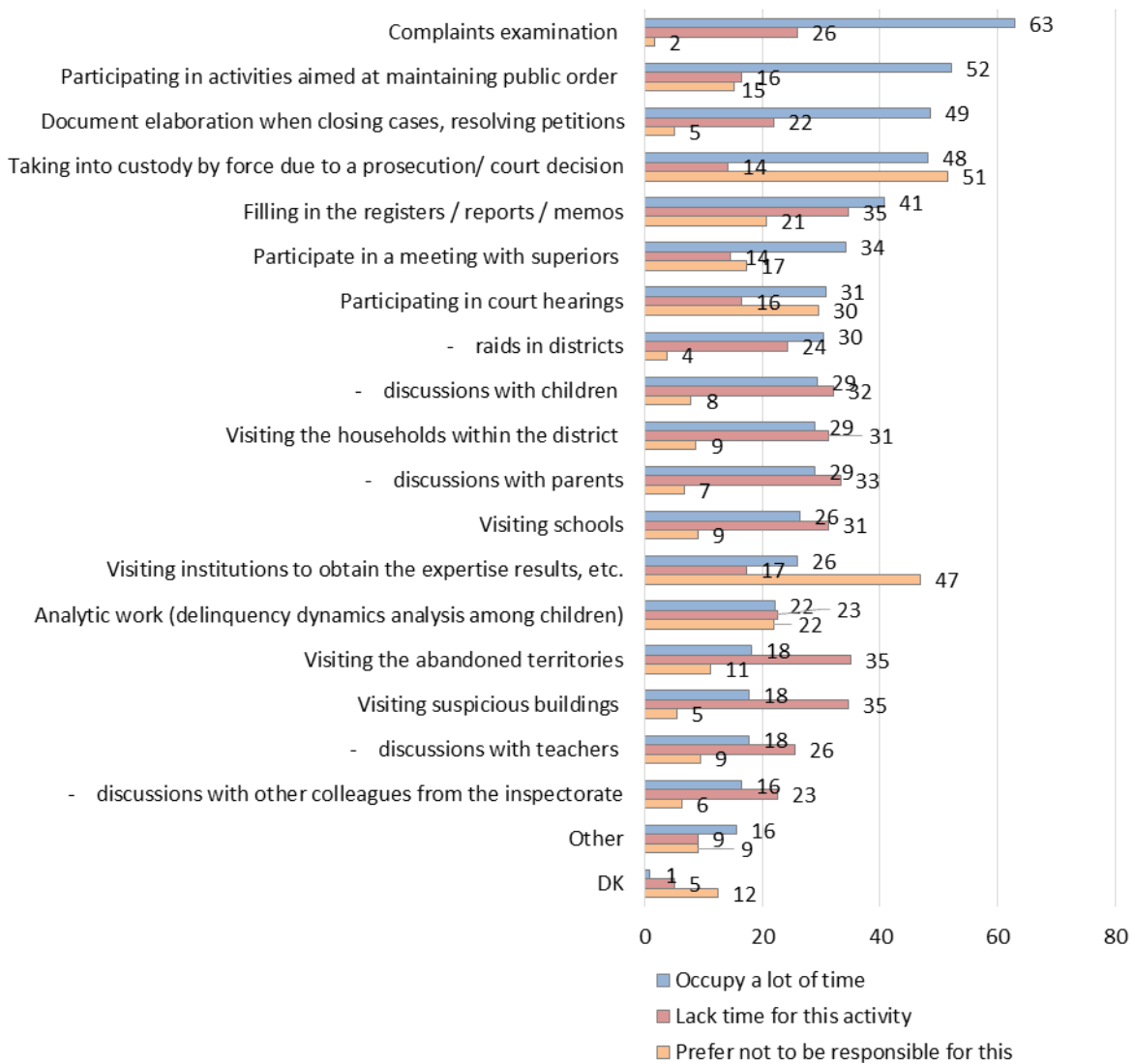
Practices

As one may see a typical day of a district officer comprises complaints examination (63% of respondents mentioned that they spend most of their time on this activity), followed by participation in activities aimed at maintaining public order (52%), document elaboration when closing cases, resolving petitions (49%), taking into custody by force due to a prosecution /court decision (48%).

At the same time, it may be noted that district officers lack time for filling in the registers/reports and minutes (35%), they also lack time for visiting the abandoned territories and suspicious buildings (35%).

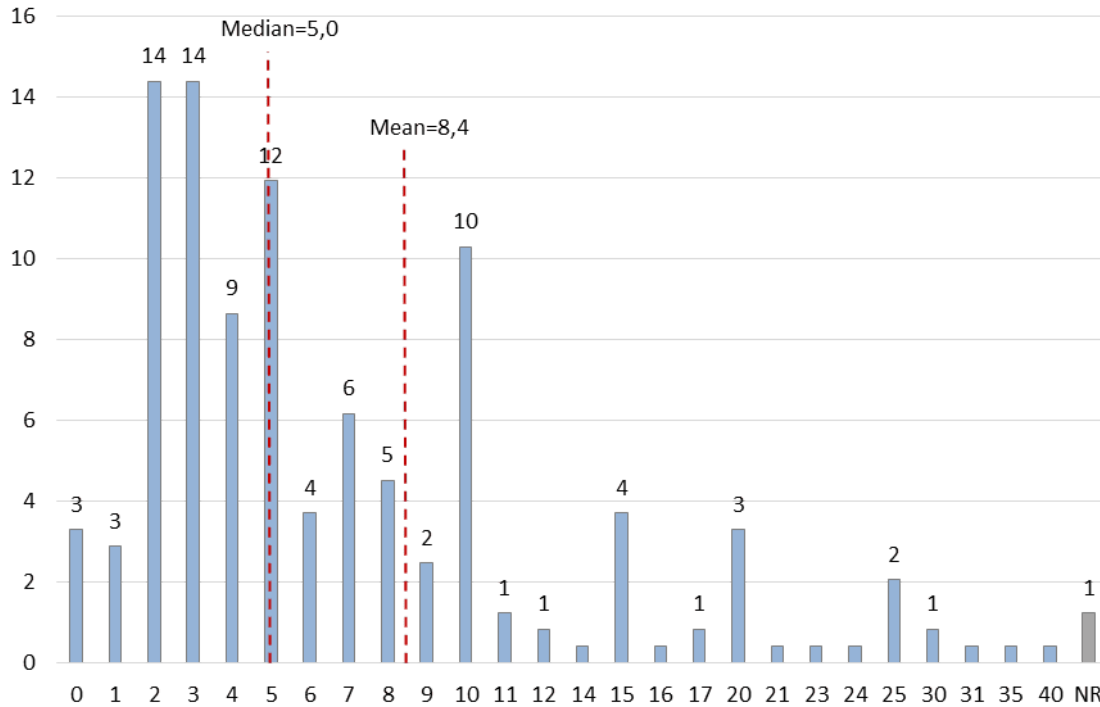
District officers would prefer not to be responsible for taking into custody by force due to a prosecution/court decision (51%) and visiting institutions to obtain expertise results (47%).

Fig. 126 (1): Which activities do you carry out during a usual work day that take most of your time? Which activities are important, but you always seem to lack time for them? Which activities are done by you, but you would prefer them not to be one of your responsibilities?, %



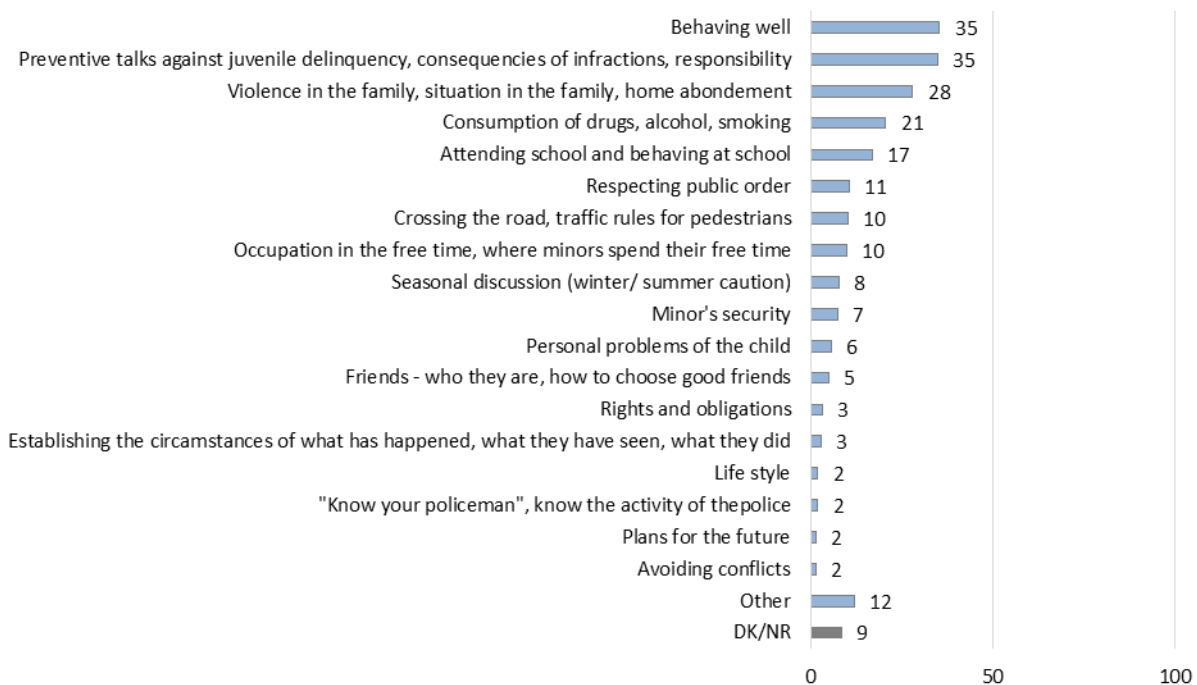
It may be observed that majority of the interviewed district officers discuss with no more than 10 minors. While the mean result is very influenced by the extreme maximum values and is less representative of the distribution, the median is a better characteristic of this distribution (5.0).

Fig. 127 (2): Approximately with how many minors do you discuss during a regular working week, separately from lessons and discussions with pupils at school?, %



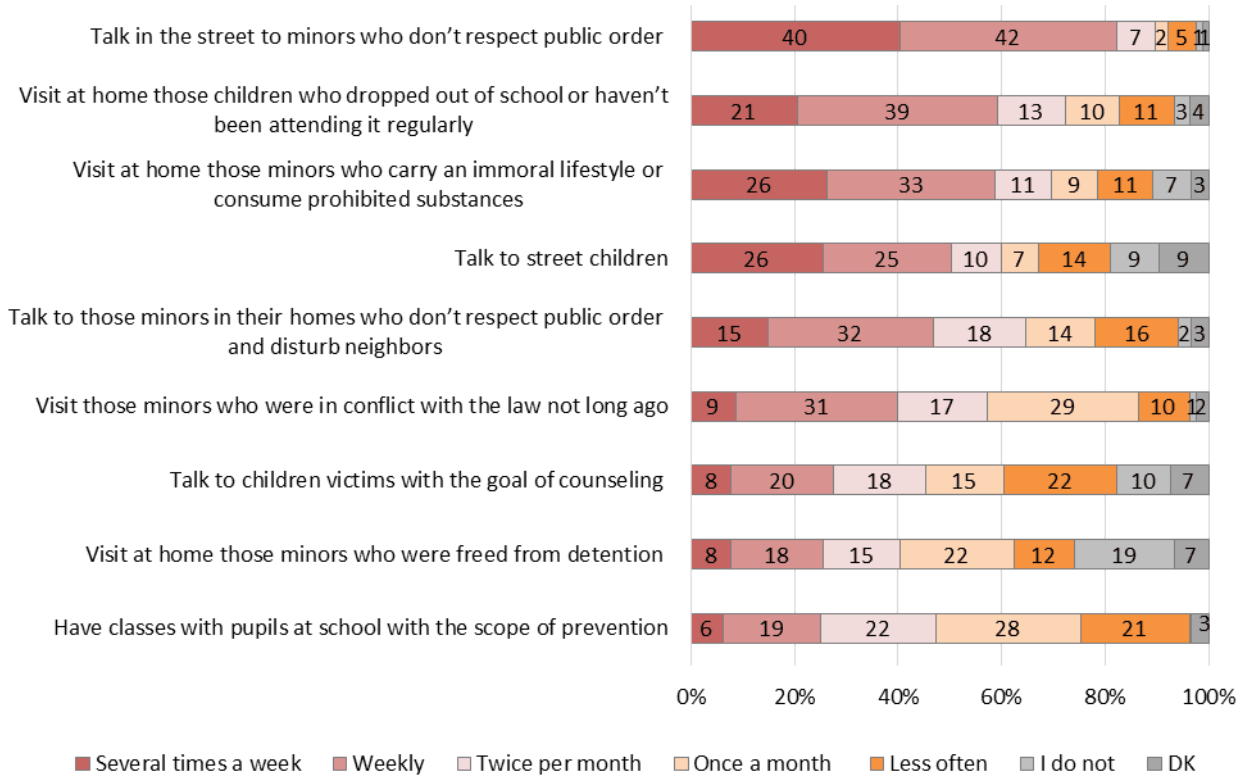
The main topic of discussion with the minors is the importance of behaving well (35%), and preventive talks about juvenile delinquency (35%), followed by relations in the family, existence of violence (28%), consumption of drugs, alcohol and smoking (21%), importance of attending school and studying, behaving well at school (17%).

Fig. 128 (3): What are the usual topics of such discussions? What are you talking about to minors?, %



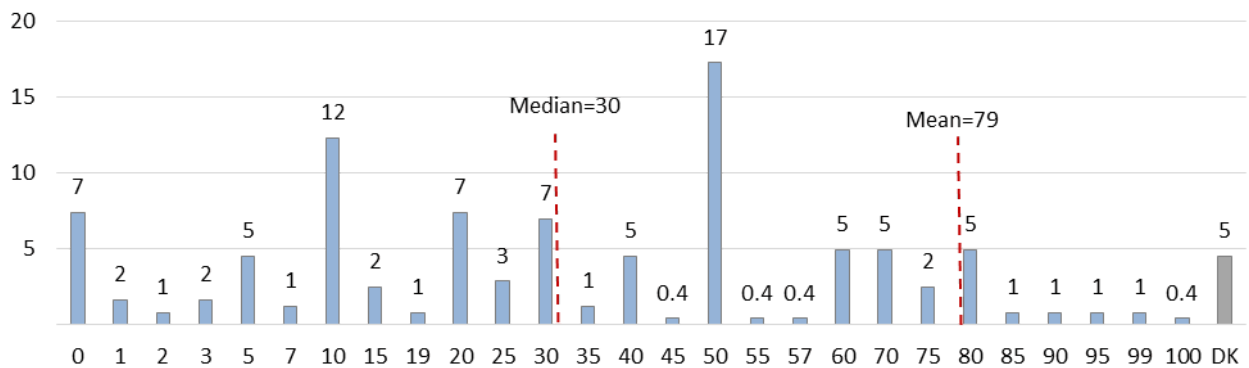
Analysing the circumstances of interactions of policemen with the minors, it may be observed, that the most common type of interaction is a talk in the street to minors who do not respect public order (40% of the respondent carry out such discussions several times a week and 42% - weekly), at the same time, 60% visit at least weekly those children who dropped out of school or do not attend it regularly. The same share also visits at home minors who carry an immoral lifestyle or consume prohibited substances. It may be observed that home visits of the children who had antecedents of conflict with the law are quite rare.

Fig. 129 (4): How often do you...?, %



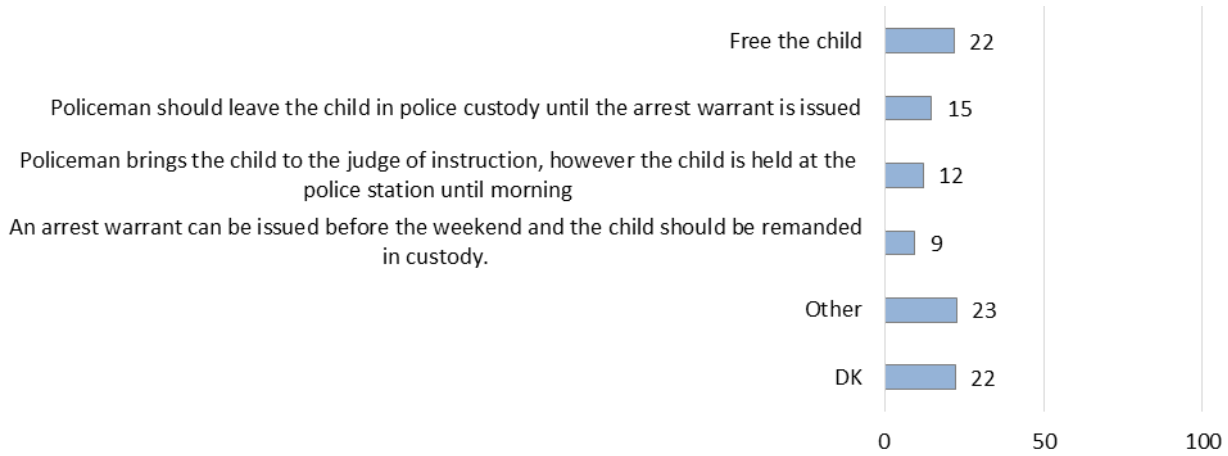
It may be observed that 50% of respondents appreciated the share of minors who are not open to talk to them as less or equal to 30%, while the other half appreciated it as being larger than 30%.

Fig. 130 (5): It is a known fact that very often minors who are brought to police are worried. If you were to talk about those minors who you talked to, approximately what share of the minors were not at all open to discuss and preferred to keep silence till the end of your appointment?, %



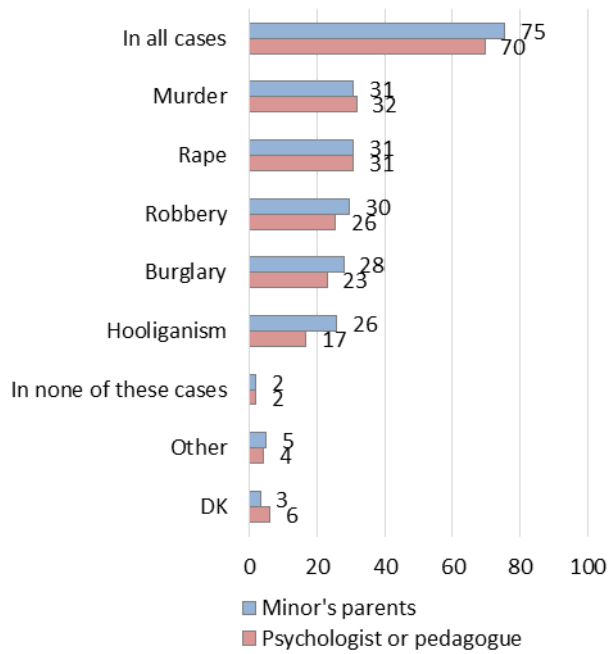
It is observable that there is no unanimity among the district officers when it comes to the actions that need to be taken in case that policeman retains a child who committed an infraction during the week-end. Thus, the answers are quite various.

Fig. 131 (9): If minors who neither have parents, nor legal representatives are retained by police, for committing an infraction, during the week-end, what should the policeman do?, %



Majority of the respondents, although not all of them would inform parents and would invite a psychologist/pedagogue to participate in the discussion in case of any types of crimes.

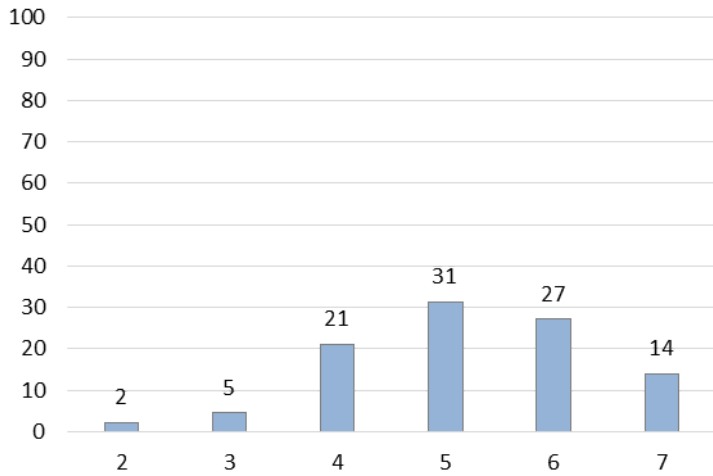
Fig. 132 (10): In case of which type of infractions committed by the minor, in the moment of apprehension of the minor, you would inform minor's parents or his legal representatives? And in which case you would invite a psychologist or pedagogue in order to participate in communication with the minor?, %



Ability to communicate with the minors

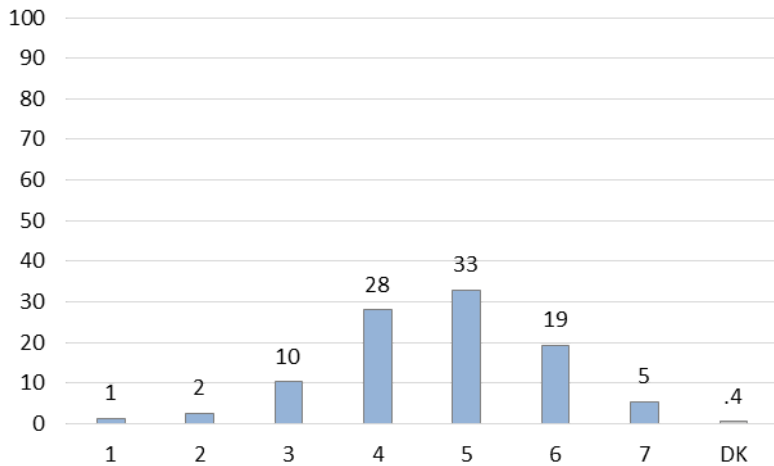
It may be observed that while 72% evaluated their abilities of communications with the minor with a mark of 5 or more, still, there are 28% of those who do acknowledge that it is not that easy for them to communicate with the minor.

Fig. 133 (6): On a scale from 1 to 7, where 1 means “very complicated” and 7 means “very easy, how easy it is for you to establish contact with the minors who have a personal discussion with you?, %



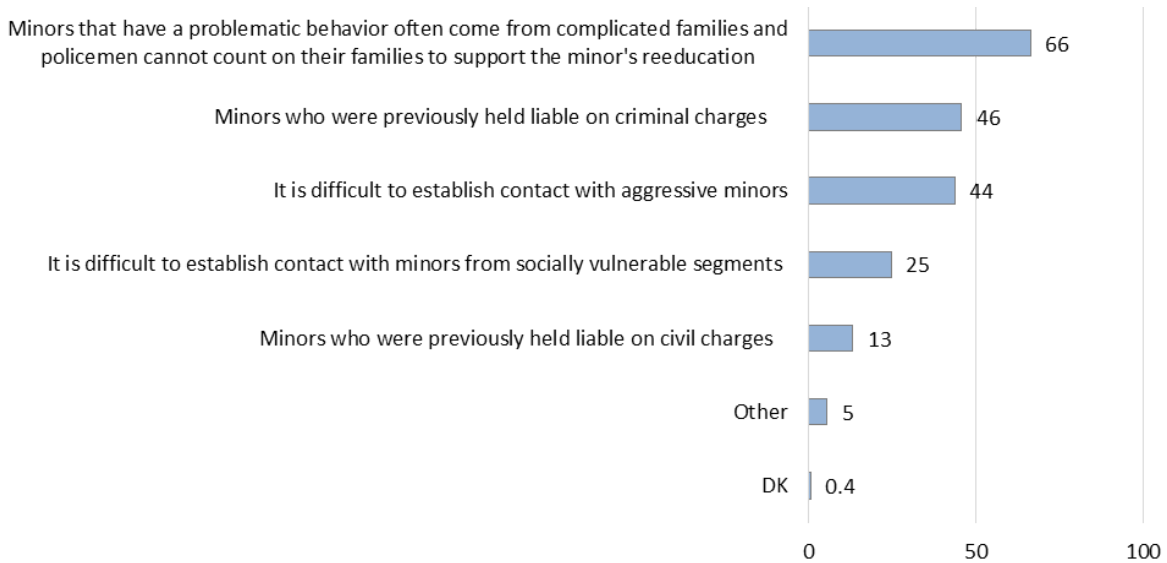
It is interesting to remark that the respondents evaluated their colleagues’ abilities of communication with the minor as being lower than their own abilities.

Fig. 134 (7): And if you use the same scale in order to appreciate how easy it is for the policemen you know to establish a contact with the minors, what mark would you put on average?, %



It is particularly complicated for the district officers to communicate with the minors who have a problematic behaviour, since they often come from complicated families and policemen cannot count on their families to support the minor’s re-education. At the same time those minors who have been previously held liable for penal cases also are complicated interlocutors. District officers also find it complicated to establish a contact with minors who show aggressive behaviour.

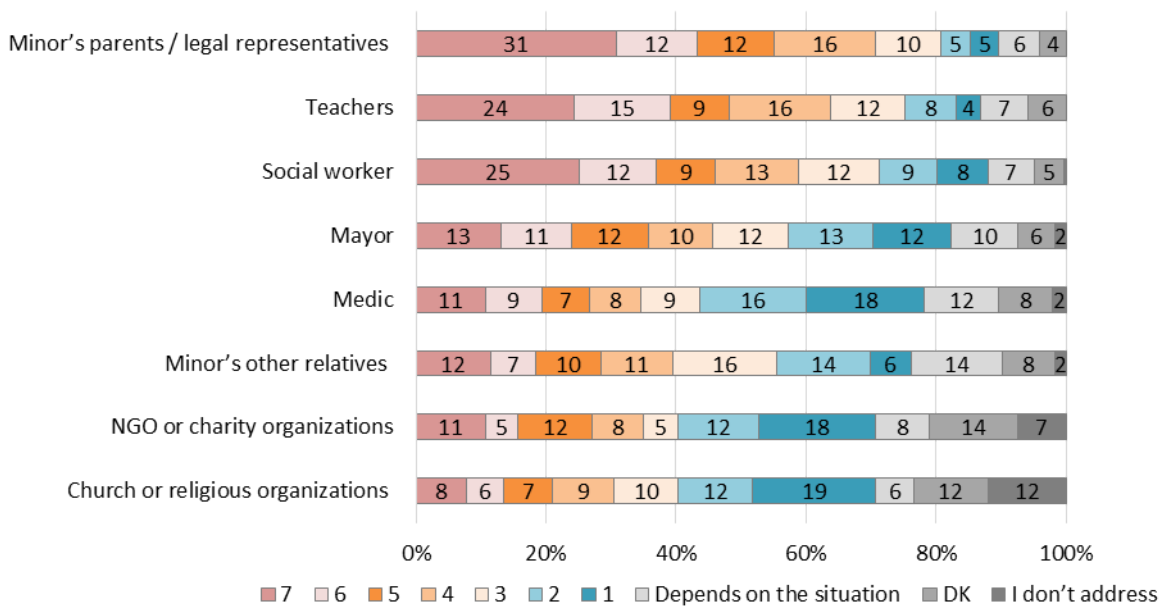
Fig. 135 (8): Communicating with which categories of minors do you and your colleagues have difficulties in establishing the contact?, %



Community collaboration

It may be observed that district officers find it most useful to address to the minor’s parents and legal representatives in the first place when it comes to working with the minors (43% evaluated this category as useful and very useful). Teachers and social workers represent an alternative. NGOs and religious organisations are seen as least useful in helping the district officer in work with the minor.

Fig. 136 (11): On a scale from 1 to 7, where 1=not useful at all and 7=very useful, how would you appreciate usefulness of addressing of the district officers for assistance in work with minors to each of the following categories?, %



It may be observed that in majority of cases district officers do not encounter difficulties communicating with the community representatives and in majority of cases evaluated communication with them as not difficult. It may be observed however that a significant share of respondents does not collaborate with church or religious organizations and neither collaborates with NGOs or charity organizations. It may also be observed that communication with the minor’s family was evaluated as difficult by a greater share of respondents than in the rest of cases.

The problems related to communication with the minor’s parents were the following: parents support the child no matter what and do not listen to what the policeman says, some parents are not interested in their child and do not want to be implicated.

The problems related to communications with the teachers are the fact that teachers lack time, some are incompetent or only are responsible for children during the lessons.

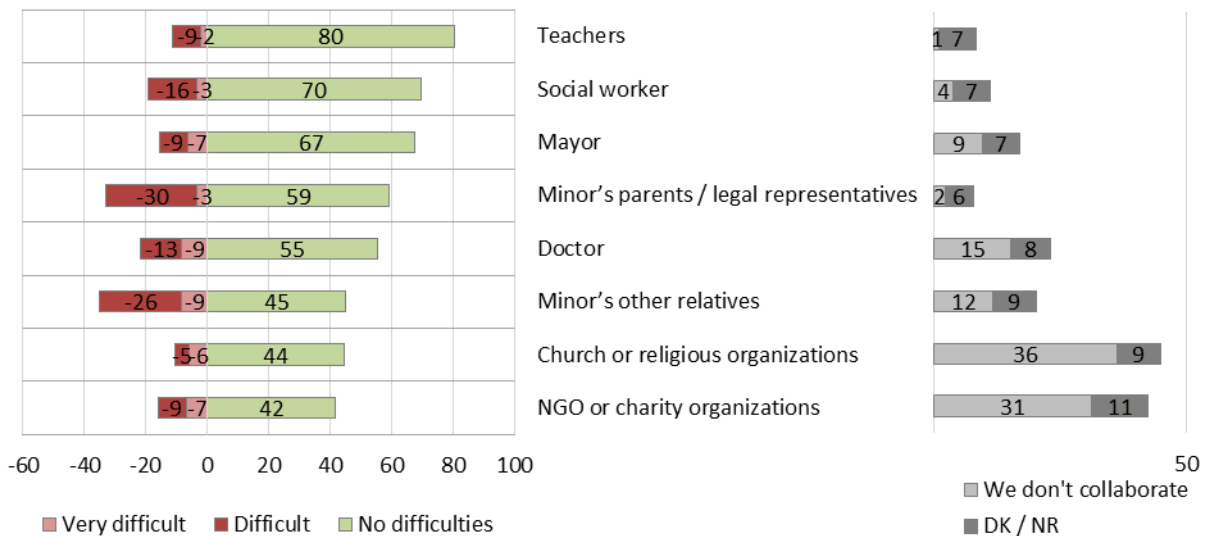
Social workers in the eyes of the respondents are civil people who activate only from 8.00 to 17.00, some are lazy, while others do not have time, some are not competent. There also are district officers who said that they are not acquainted with the social assistant activating in their area, or do not collaborate with this person.

The main problem in case of the collaboration with the doctors is that they are often occupied and do not have time. Some also consider that doctors should be responsible for the child’s health and nothing else. Some doctors also do not show interest in implicating into the case. A similar situation may be observed in case of mayors, who mainly are occupied.

When it comes to NGOs, the main barrier is that not all of the district officers know what NGOs are active in their territory. Some respondents also specified that in their territory there are no NGOs.

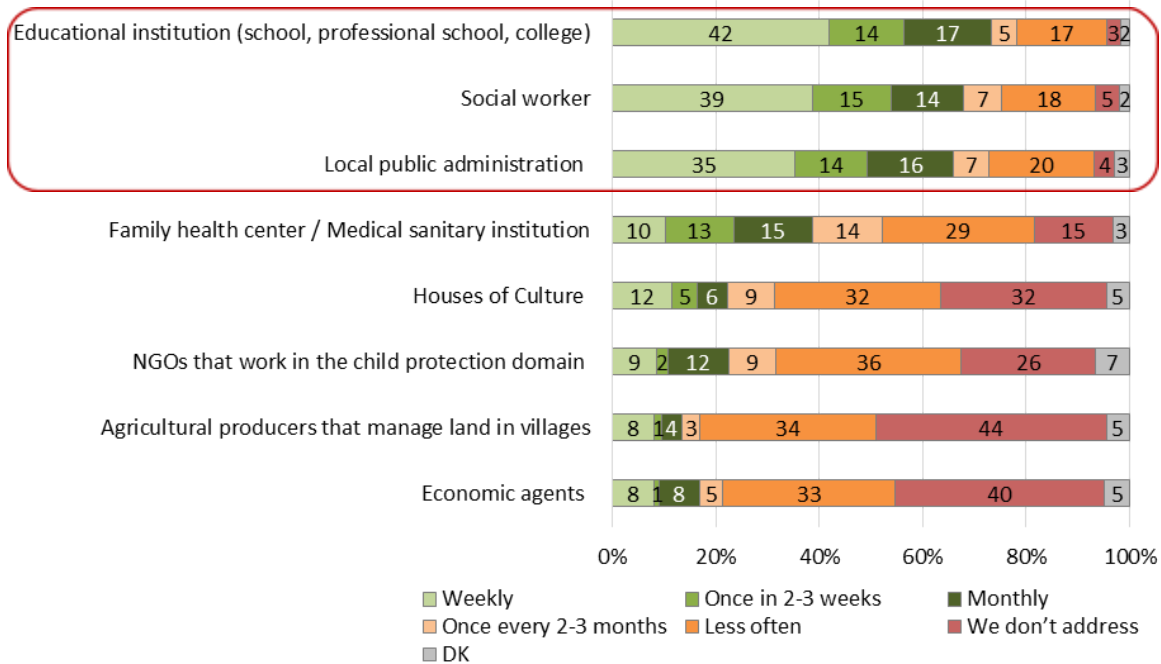
Church is not considered to have a serious impact on the community and the respondents do not see that collaboration with religious organizations might be useful.

Fig. 137 (12): With which representatives of the community do you face difficulties in your activity in the area of minor security?, %



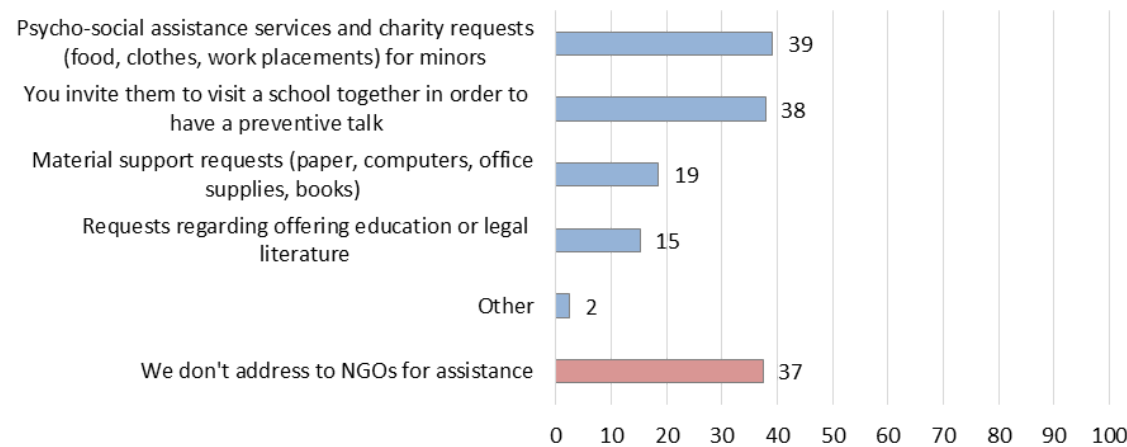
Educational institution is the number one resort among the variety of community organizations that are addressed to by the district officers working with minors. Social workers and local public administration also represent two other important assistants. It may be observed that economic agents, agricultural producers and NGOs that work in the domain of child protection do not represent an important option for the district officers.

Fig. 138 (13): How often do you address to the following representatives of the community for assistance when you work on cases related to minors?, %



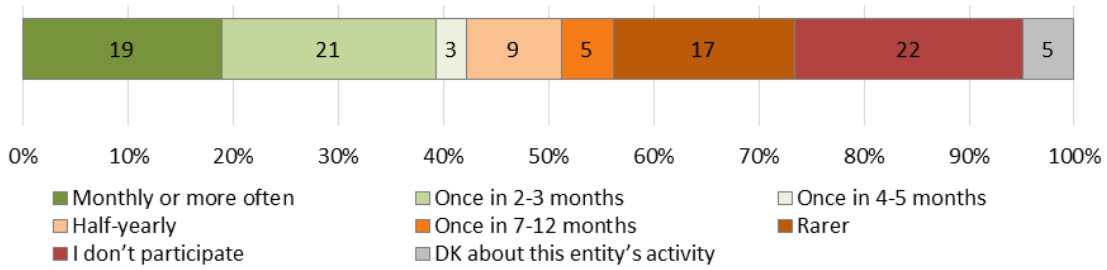
District officers mainly address to the NGOs for two reasons: psycho-social assistance services and charity requests (food, clothes, work placement) for minors (39%) and invitation to visit together a school for a preventive talk (38%).

Fig. 139 (14): With what types of questions, requests do you address to NGOs for assistance?, %



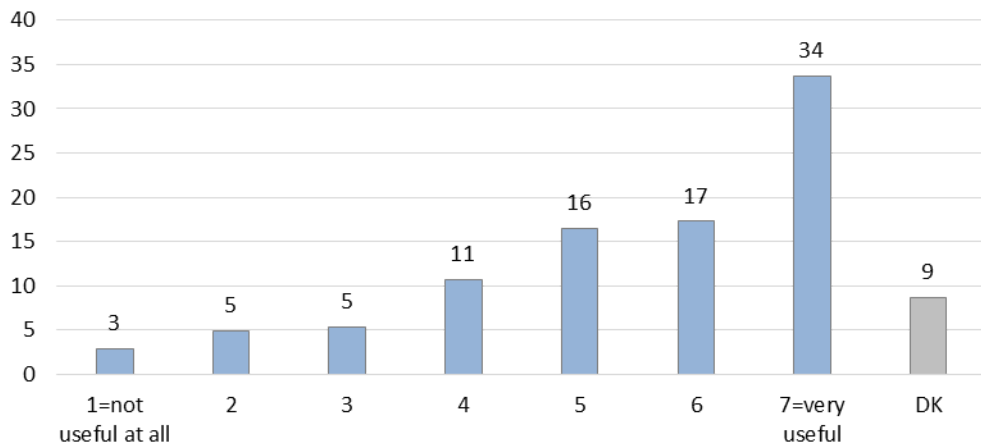
40% of the interviewed district officers regularly (at least once in three months) participate in the multidisciplinary rayonal teams for discussion of the cases of minors at risk.

Fig. 140 (15): How often do you participate during the meetings of the multidisciplinary rayonal teams where cases of minors at risk are discussed?, %



It may be observed that majority of the respondents appreciate participation of the district officers in the multidisciplinary team meetings as useful and very useful (51%).

Fig. 141 (16): On a scale from 1 to 7, where 1=not useful at all and 7=very useful, how would you appreciate the usefulness of participation of the district officers during the meetings of the interdisciplinary teams?, %

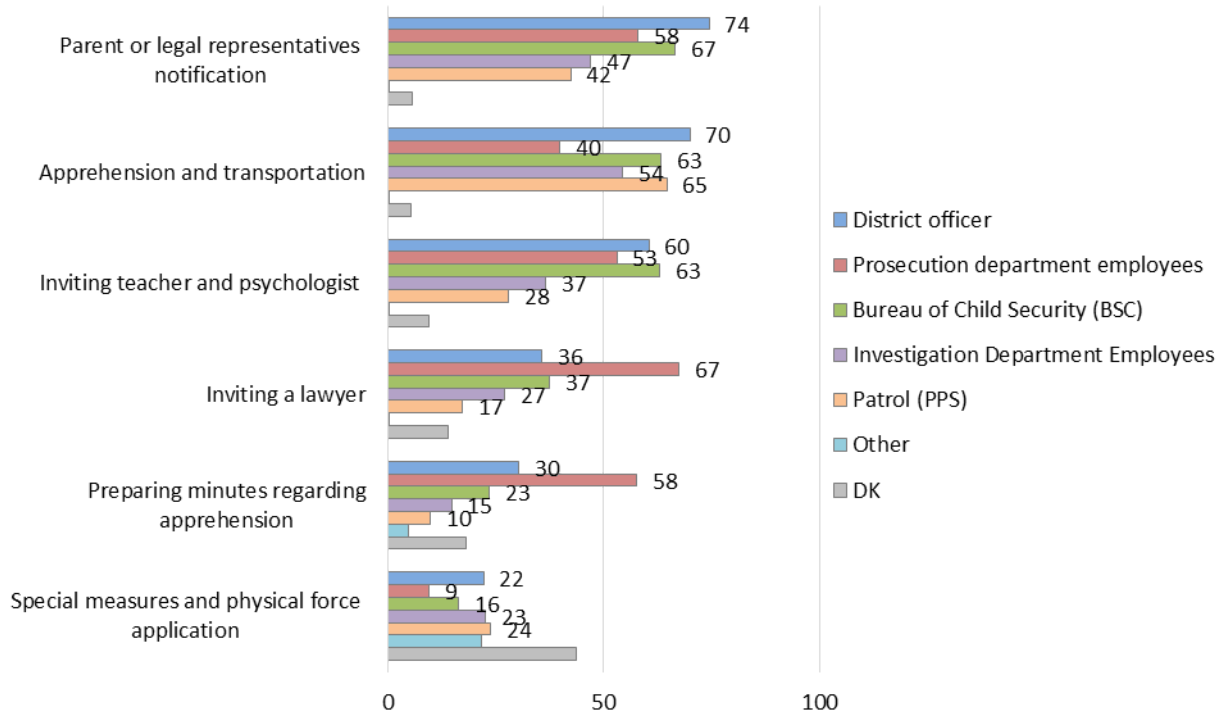


Knowledge

It may be observed that there is no unanimity in terms of responsibility for the particular actions during the apprehension of a minor. Partially this may be explained by lack of such experience. Thus, a significant share of respondents may have not come across such situations, but still, the fact that they are not sure about the split of responsibilities is alarming.

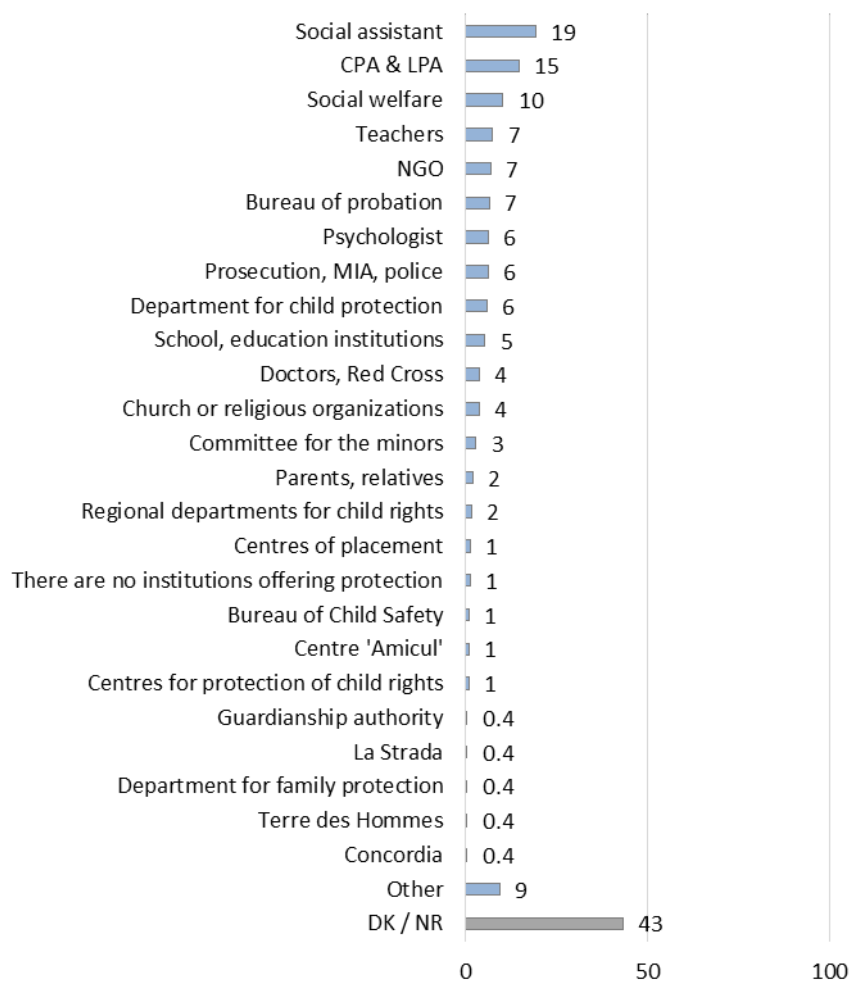
Fig. 142 (21): What police department is responsible for each of the following actions, when a minor is retained?, %

Chapter IV: District officers



Being asked to enumerate some actors who might be helpful in the process of minor protection, rehabilitation and reintegration, 43% of the respondents could not provide any answer. The most often met response was “Social worker” (19%), followed by Central Public Administration and Local Public Administration (15%).

Fig. 143 (22): Which actors/ institutions (including NGOs) besides policemen and Bureau of Child Security offer services of protection, rehabilitation and reintegration of the minor who comes into contact with the justice system?, %



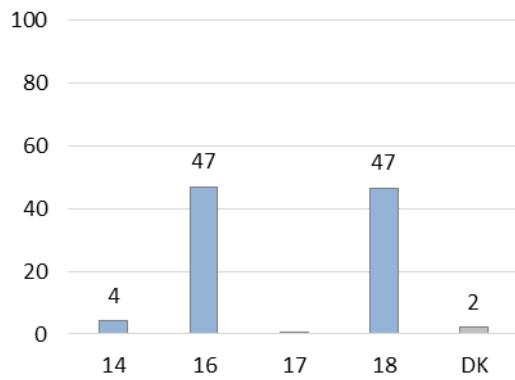
The answers of the respondents are split for the question regarding the age of administrative liability. Thus, half of the respondents considered that the correct answer was 16, while the other half – 18.

Fig. 144 (23): At what age can a person who committed a contravention be held liable?²⁶, %

²⁶ **Articolul 16.** Răspunderea contravențională a persoanei fizice

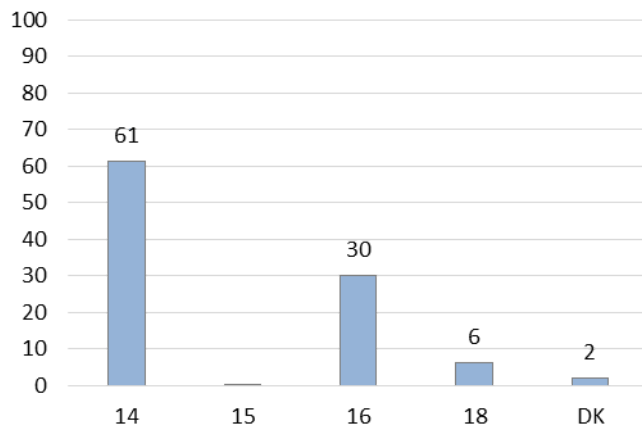
(5) Este posibilă de răspundere contravențională persoana fizică cu capacitate de exercițiu care, în momentul săvârșirii contravenției, are împlinită vârsta de 18 ani.

(6) Persoana fizică cu vârsta între 16 și 18 ani este posibilă de răspundere contravențională pentru săvârșirea faptelor prevăzute la art.228–245 și la art.263–311.



As for infraction, majority of the respondents were informed that the age of penal liability is 14 (61%), while 16% believed it to be 16.

Fig. 145 (24): At what age can a person be held liable for an infraction? ²⁷, %

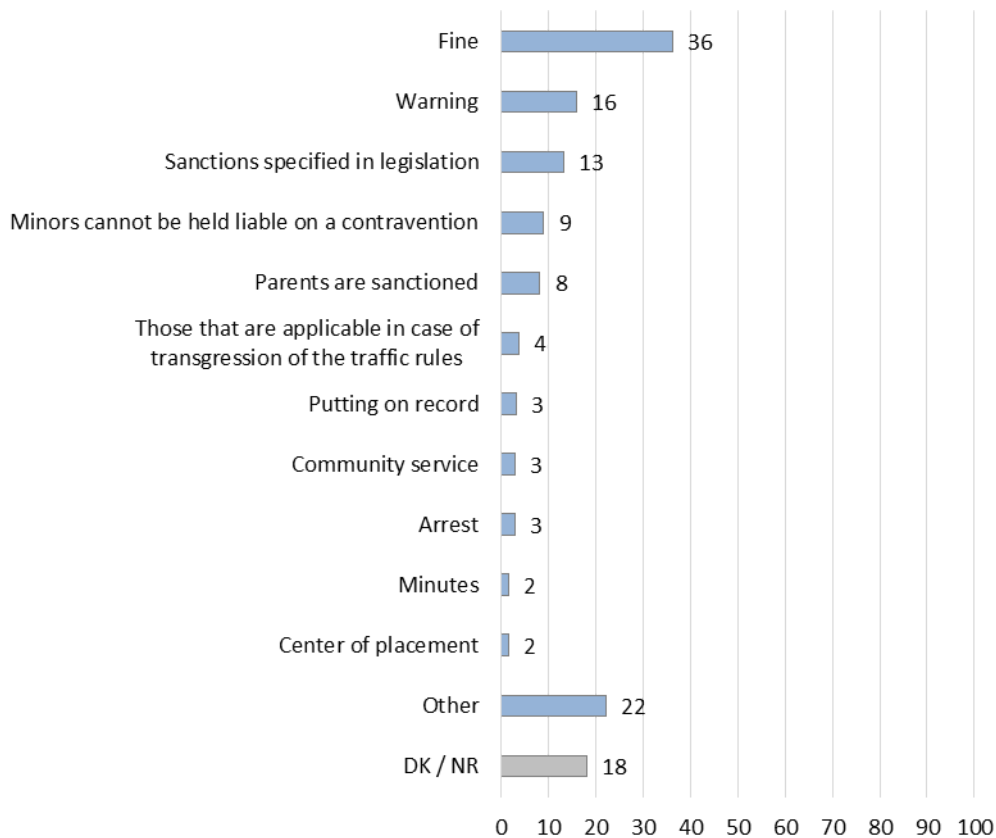


²⁷ **Articolul 21. Subiectul infracțiunii**

- (3) Sînt pasibile de răspundere penală persoanele fizice responsabile care, în momentul săvîrșirii infracțiunii, au împlinit vîrsta de 16 ani.
- (4) Persoanele fizice care au vîrsta între 14 și 16 ani sînt pasibile de răspundere penală numai pentru săvîrșirea infracțiunilor prevăzute la art.145, 147, 151, 152 alin.(2), art.164, 166 alin.(2) și (3), art.171, 172, 175, 186-188, 189 alin. (2)–(6), art. 190 alin. (2)–(5), art. 192 alin. (2)–(4), art. 192¹ alin. (2) și (3), 196 alin.(4), art.197 alin.(2), art.212 alin.(3), art.217 alin.(4) lit.b), art.217¹ alin.(3) și alin.(4) lit.b) și d), art.217³ alin.(3) lit.a) și b), art.217⁴, art.217⁶ alin.(2), art.260, 268, 270, 271, art.275, 280, 281, 283-286, 287 alin.(2) și (3), art.288 alin.(2), art.290 alin.(2), art.292 alin.(2), 317 alin.(2), art.342.

Among administrative sanctions applicable to the minors, the most often named was “fine”, followed by “warning”. 13% preferred not to provide an exact answer, confining themselves to “sanctions specified in legislation”. 9% considered that minors cannot be held liable for a contravention.

Fig. 146 (25): What are the administrative sanctions that are applicable to the minors?²⁸, %



²⁸**Articolul 32. Sancțiunea contravențională**

(3) Sancțiunea contravențională este o măsură de constrângere statală și un mijloc de corectare și reeducare ce se aplică, în numele legii, persoanei care a săvârșit o contravenție.

(4) Sancțiunile contravenționale aplicabile persoanei fizice sînt:

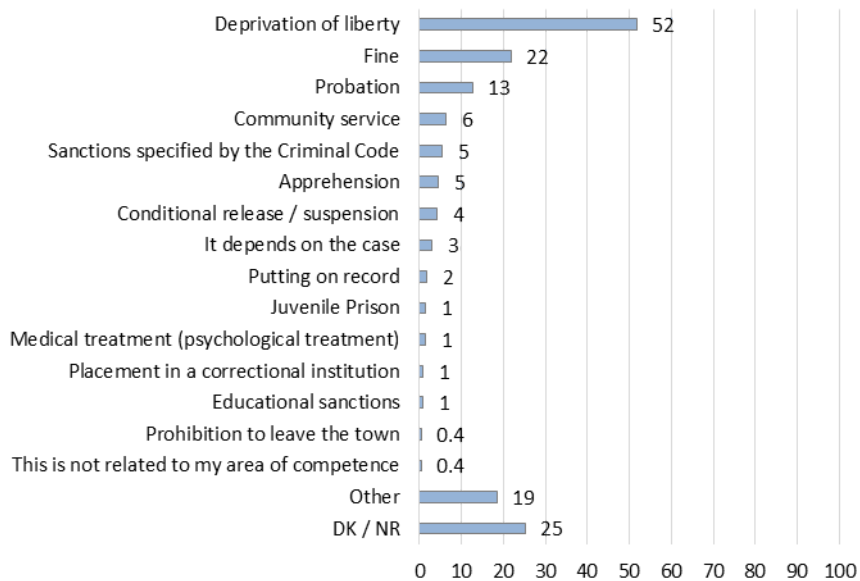
- a) avertismentul;
- b) amenda;
- c) privarea de dreptul de a desfășura o anumită activitate;
- d) privarea de dreptul de a deține anumite funcții;
- e) aplicarea punctelor de penalizare;
- f) privarea de dreptul special (dreptul de a conduce vehicule, dreptul de a deține armă și de portarmă);
- g) munca neremunerată în folosul comunității;
- h) arestul contravențional.

(3) Privarea de dreptul de a desfășura o anumită activitate, privarea de dreptul de a deține anumite funcții și punctele de penalizare pot fi aplicate și ca sancțiuni complementare.

(4) Minorii pot fi sancționați complementar doar cu privarea de dreptul de a desfășura o anumită activitate.

As for the penal sanctions, majority of the respondents were aware of the fact that minors might be deprived of liberty (52% + 1% who responded that minors can be put into juvenile prison). The next most often named type of sanction was “fine” (22%), followed by “probation” (13%).

Fig. 147 (26): What are the penal sanctions applicable to minors?²⁹, %



²⁹ Articolul 21. Subiectul infracțiunii

(1) Sînt pasibile de răspundere penală persoanele fizice responsabile care, în momentul săvîrșirii infracțiunii, au împlinit vîrsta de 16 ani.

(2) Persoanele fizice care au vîrsta între 14 și 16 ani sînt pasibile de răspundere penală numai pentru săvîrșirea infracțiunilor prevăzute la art.145, 147, 151, 152 alin.(2), art.164, 166 alin.(2) și (3), art.171, 172, 175, 186-188, 189 alin. (2)–(6), art. 190 alin. (2)–(5), art. 192 alin. (2)–(4), art. 192³ alin. (2) și (3), 196 alin.(4), art.197 alin.(2), art.212 alin.(3), art.217 alin.(4) lit.b), art.217³ alin.(3) și alin.(4) lit.b) și d), art.217³ alin.(3) lit.a) și b), art.217⁴, art.217⁶ alin.(2), art.260, 268, 270, 271, art.275, 280, 281, 283-286, 287 alin.(2) și (3), art.288 alin.(2), art.290 alin.(2), art.292 alin.(2), 317 alin.(2), art.342.

Articolul 54. Liberarea de răspundere penală a minorilor

(3) Persoana în vîrstă de pînă la 18 ani care a săvîrșit pentru prima oară o infracțiune ușoară sau mai puțin gravă poate fi liberată de răspundere penală în conformitate cu prevederile procedurii penale dacă s-a constatat că corectarea ei este posibilă fără a fi supusă răspunderii penale.

(4) Persoanelor liberate de răspundere penală, în conformitate cu alin.(1), li se pot aplica măsurile de constrîngere cu caracter educativ, prevăzute la art.104.

Articolul 62. Categoriile pedepselor aplicate persoanelor fizice

(8) Persoanelor fizice care au săvîrșit infracțiuni li se pot aplica următoarele pedepse:

- e) amendă;
- f) privare de dreptul de a ocupa anumite funcții sau de a exercita o anumită activitate;
- g) retragere a gradului militar sau special, a unui titlu special, a gradului de calificare (clasificare) și a distincțiilor de stat;
- h) munca neremunerată în folosul comunității;
- h) închisoare;
- i) detențiune pe viață.

(2) Închisoarea și detențiunea pe viață se aplică numai în calitate de pedepse principale.

(3) Muncă neremunerată în folosul comunității poate fi aplicată ca pedeapsă principală sau în cazul condamnării cu suspendarea condiționată a executării pedepsei - în calitate de obligație pentru perioada termenului de probă.

(4) Amendă, privarea de dreptul de a ocupa anumite funcții sau de a exercita o anumită activitate se aplică atît ca pedepse principale, cît și ca pedepse complementare.

Articolul 67. Munca neremunerată în folosul comunității

(4) Munca neremunerată în folosul comunității nu poate fi aplicată persoanelor recunoscute ca invalizi de gradele I și II, militarilor prin contract, femeilor gravide, femeilor care au copii în vîrstă de pînă la 8 ani, persoanelor care nu au atins vîrsta de 16 ani și persoanelor care au atins vîrsta de pensionare.

Articolul 70. Închisoarea

(9) La stabilirea pedepsei definitive în caz de concurs de infracțiuni, pedeapsa închisorii nu poate depăși 25 de ani pentru adulți și 12 ani și 6 luni pentru minori, iar în caz de cumul de sentințe - de 30 ani pentru adulți și 15 ani pentru minori.

Articolul 71. Detențiunea pe viață

(3) Detențiunea pe viață nu poate fi aplicată femeilor și minorilor.

Articolul 72. Categoriile penitenciarelor în care se execută pedeapsa cu închisoare

(5) Persoanele care nu au atins vîrsta de 18 ani execută pedeapsa cu închisoare în penitenciare pentru minori, ținîndu-se cont de personalitatea condamnatului, antecedentele penale și gradul prejudiciabil al infracțiunii săvîrșite.

Articolul 75. Criteriile generale de individualizare a pedepsei

(10) Pentru săvîrșirea unei infracțiuni ușoare sau mai puțin grave, pedeapsa se aplică minorului numai dacă se apreciază că luarea măsurii cu caracter educativ nu este suficientă pentru corectarea minorului.

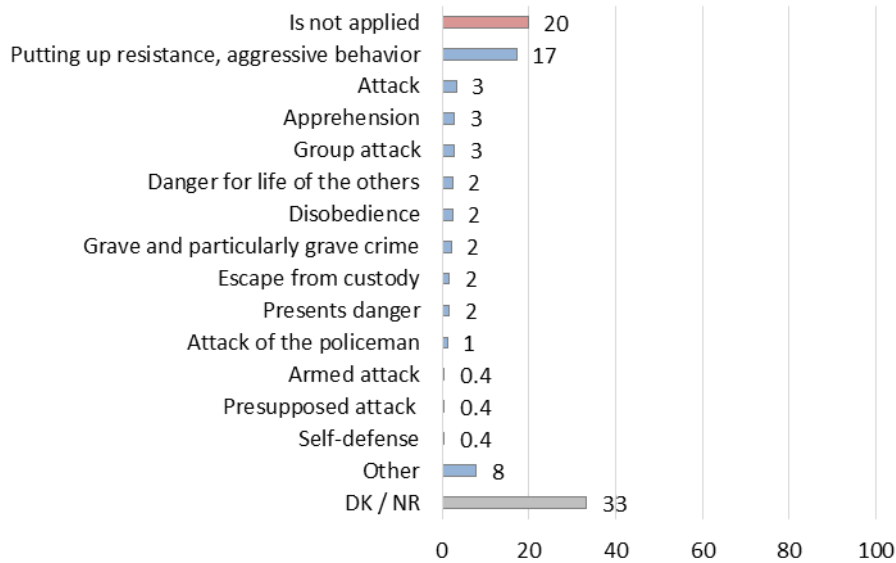
Articolul 76. Circumstanțele atenuante

(1) La stabilirea pedepsei se consideră circumstanțe atenuante: b) săvîrșirea infracțiunii de către un minor;

A significant share of respondents were not aware in which circumstances can physical force be applied to a minor. Thus, every fifth person considered that physical force is not applied to minors, while 33% could not provide any answer. 17% said that they might apply physical force in case that the minor puts up resistance.

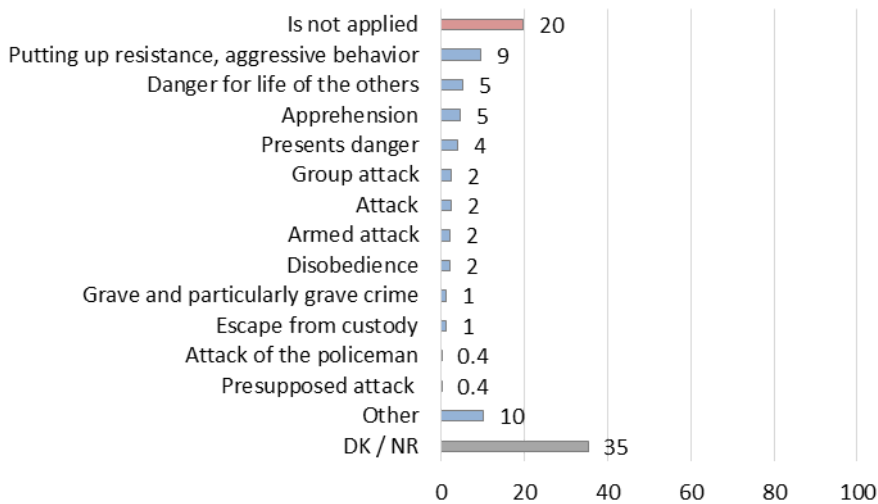
Fig. 148 (27): When (in which circumstances) policeman may apply physical force, special means and fire arms to minors?, %

a) Physical force



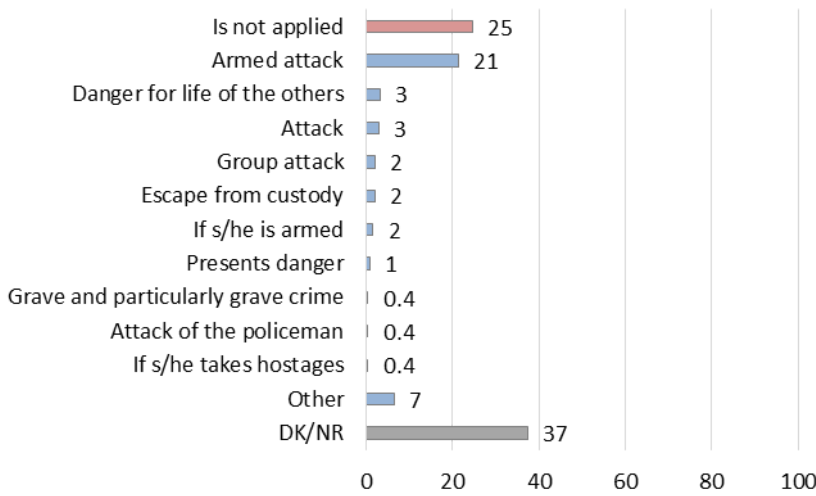
As for the special means, even a higher share of interviewed district officers could not provide an answer and every fifth person responded that special means are not applied when it comes to juvenile offenders.

b) Special means



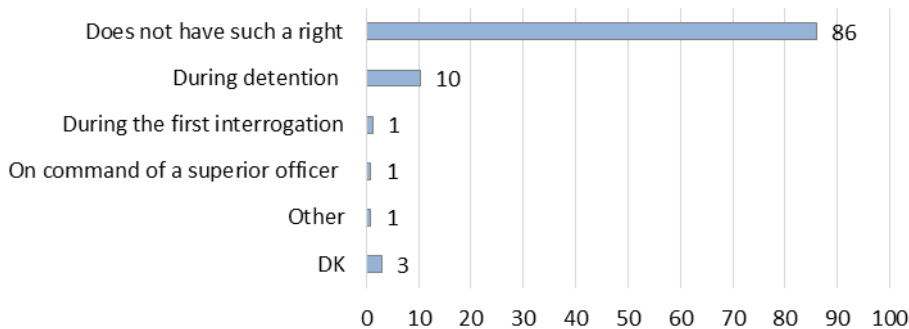
An even higher share of respondents considered that fire arms are not applied when it comes to minors or did not give any answer to the question. As for the rest, 21% would apply fire arms against minors in case of an armed attack.

c) Fire arms



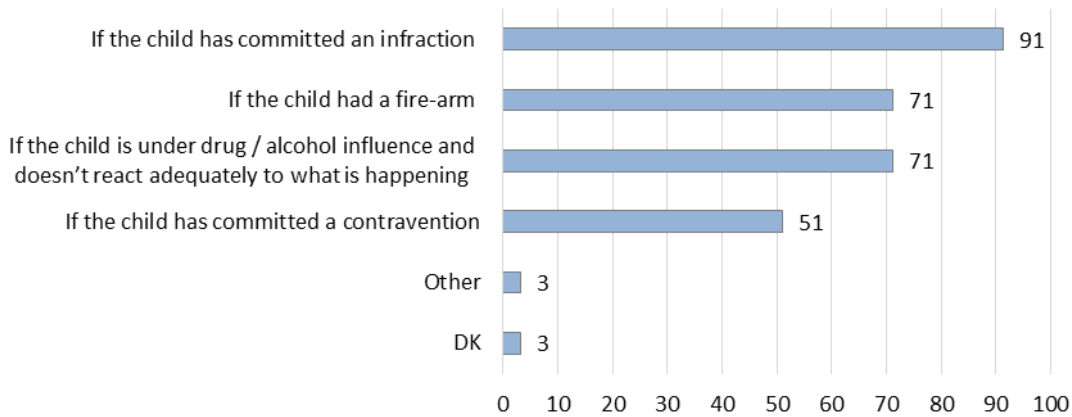
While majority of the respondents considered that the policeman does not have a right to apply physical force in order to find out information detained by a juvenile offender, still, there were 10% who considered that the policeman may do this during the minor’s apprehension and 1% who consider that the correct moment is during the interrogation.

Fig. 149 (28): A minor is suspected of committing a particularly grave crime and the policeman knows exactly that the minor detains important information, that could save people’s lives. When can the policeman apply physical force in order to find out this information?, %



While 91% would apprehend a minor who committed an infraction, while 71% would apprehend a minor in case he had a fire-arm, the same share would apprehend him in case he was under drug/ alcohol influence and did not react adequately to what was happening.

Fig. 150 (29): In which case might a minor be apprehended – brought to the Police Inspectorate or police office?, %



36% of the respondents considered that a minor who committed an administrative offence should not be retained, while 51% considered that the minor should be retained for 3 hours. In case of a crime, the answers of the respondents were split in three: 24% considered that the minor might be retained for 3 hours, 22% - for 24 hours, and other 24% for 72 hours.

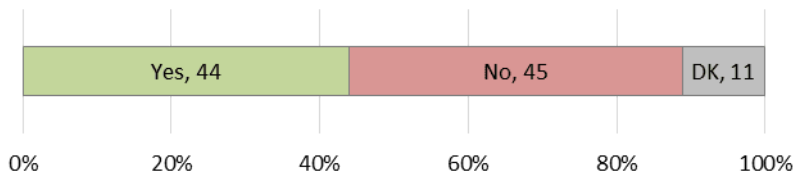
Table 6: For how much time might a minor who committed an administrative offence be detained? And in case of a crime?, %

	Administrative offence	Crime
N	243	243
Is not retained	36	5
3 hours	51	24
24 hours	2	22
48 hours	0	4
72 hours	0	24
Up to a week	0	0
Up to 2 weeks	0	0
Other	0	3
DK/NR	9	17
Total, %	100	100

Attitudes

44% of the interviewed district officers mentioned that there are residential institutions in the territory that they serve.

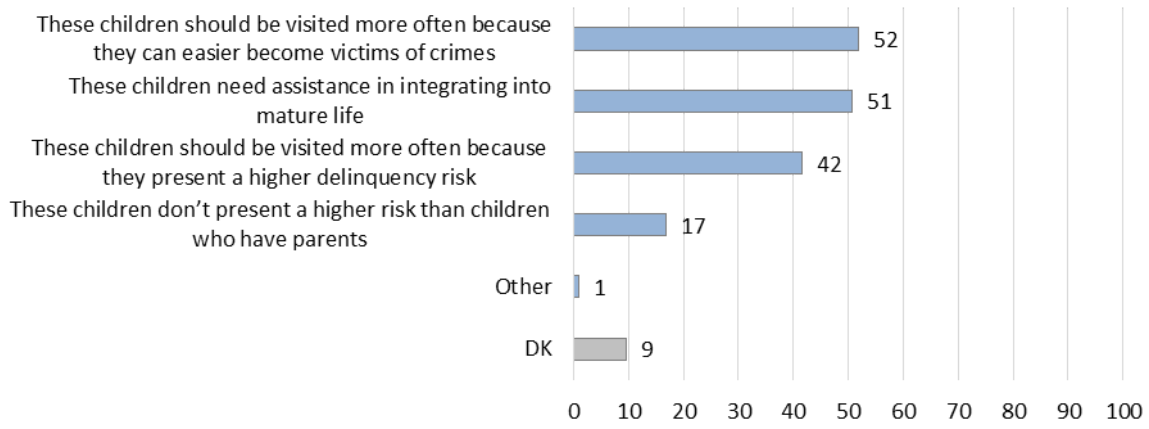
Fig. 151 (17): Are there residential institutions in the territory that you serve?, %



Majority of the respondents do consider that children from the residential institutions need more attention than children from ordinary families. Thus, 52% consider that these children should be visited more often because they can easier become victims of crimes. 51% consider that these children need assistance in integrating into mature life. 42% consider that these children also present a higher delinquency risk.

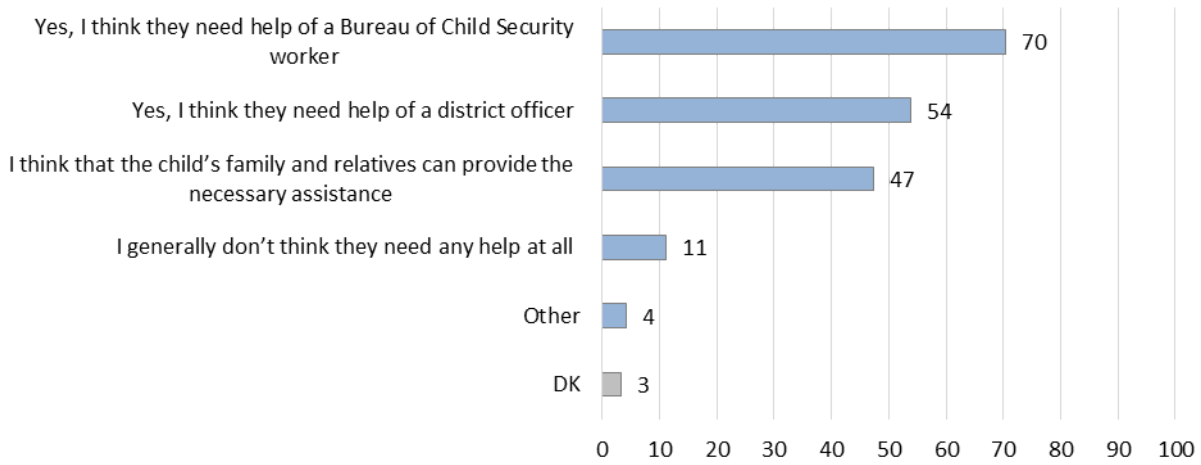
Fig. 152 (18): Which of the following statements regarding minors from the residential institutions is more correct in your opinion?, %

Chapter IV: District officers



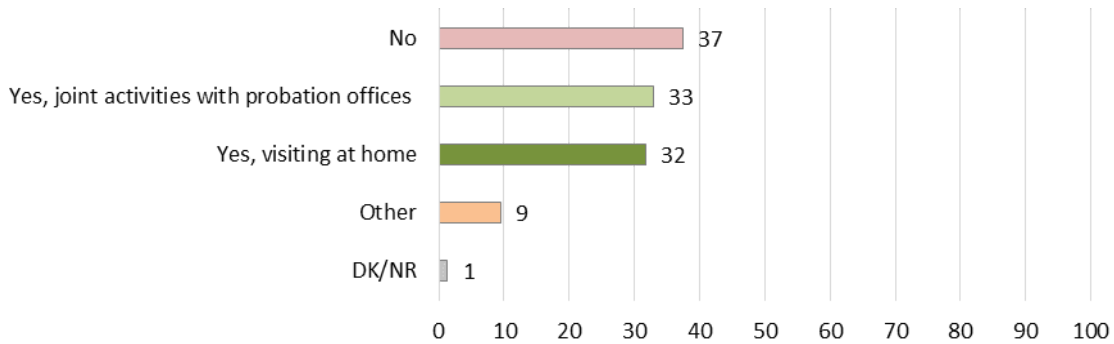
Majority of respondents do consider that minors who are freed from apprehension need help in reintegration into the society. Majority consider that it is the responsibility of the Bureau of Child Security (70%), followed by 54% who consider that district officer may also be helpful.

Fig. 153 (19): In your opinion, should the minors who are freed from apprehension be helped by police in order to rehabilitate and reintegrate in the society, or not?, %



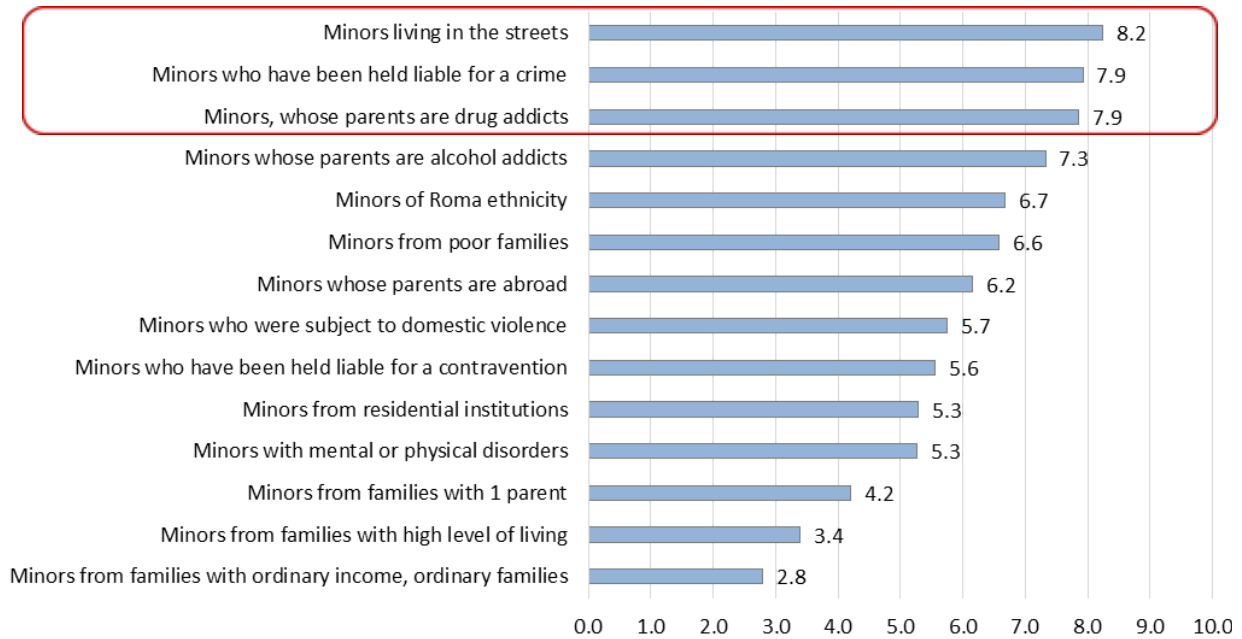
37% of the respondents did not take any actions in order to help minors freed from apprehension to reintegrate back into the society. 33% carried out joint activities with probation officers, 32% visited these minors at home. Those who chose the response "other" mainly indicated that they did not have minors freed from apprehension in their territory.

Fig. 154 (20): Have you ever taken any action in order to help minors freed from apprehension to reintegrate into the society?, %



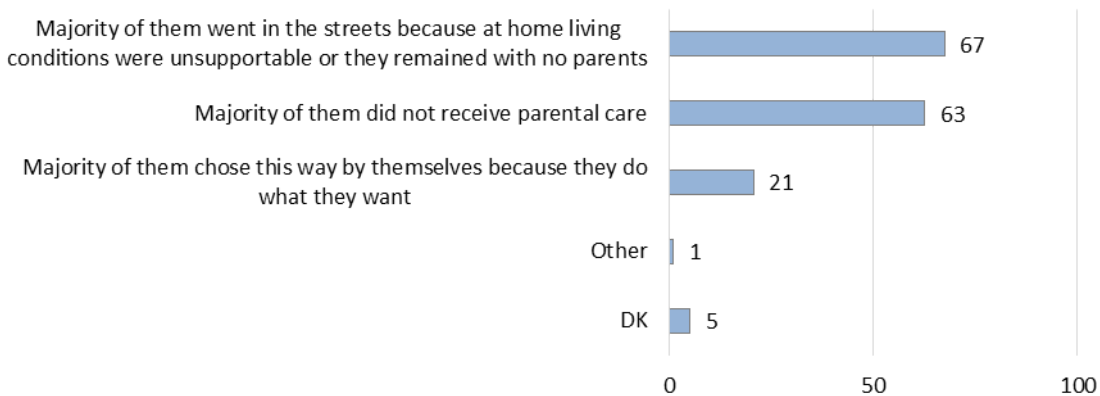
In the opinion of the district officers, the greatest delinquency risk is presented by minors living in the streets, followed by minors who have been held liable for a crime and minors' whose parents are drug addicts.

Fig. 155 (31): In your opinion, what is the level of risk that a minor that detains any of the following characteristics will commit a crime?, mean Please, use a scale from 0 to 10, where 0=there is no risk at all and 10=the risk is very high, average mark



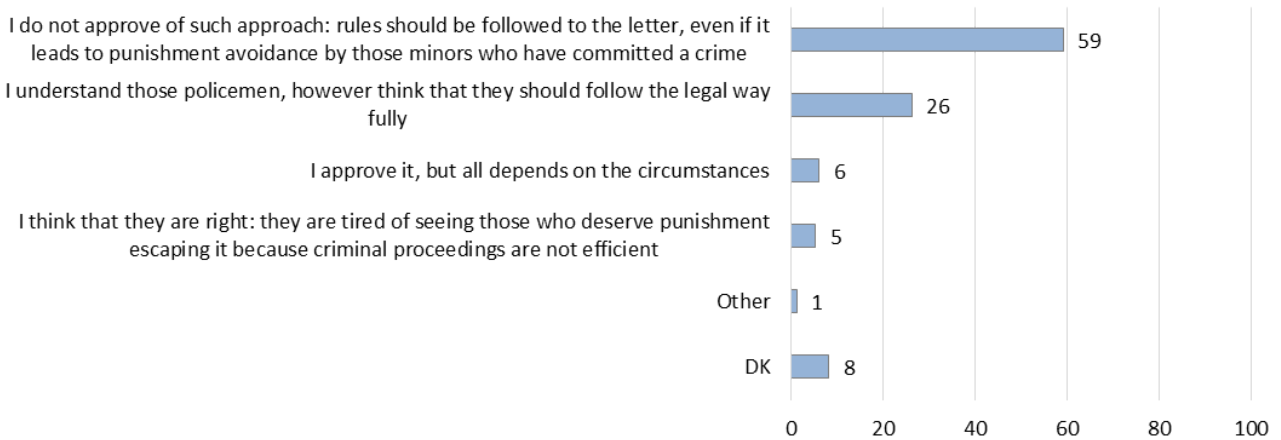
In the opinion of the district officers, it is lack of parental care that leads to the fact that children start living in the street. Thus, 67% considered that majority of these children lived in unsupportable conditions at home and therefore preferred to abandon home.

Fig. 156 (32): Which of the following statements are more appropriate for the street children?, %



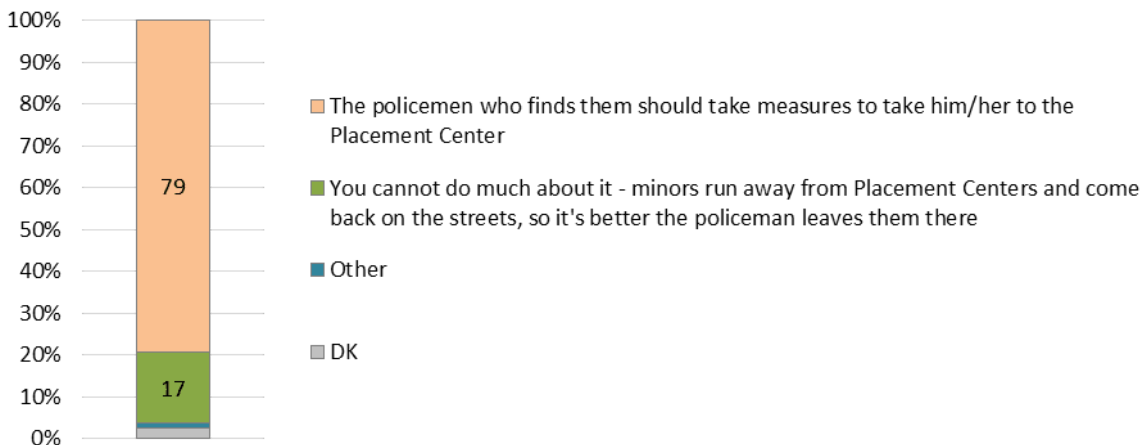
Majority of the respondents do not approve of those policeman who prefer to apply violence working with minors in order to assure that the transgressor is punished. Still, there are 5% who consider that this is appropriate since legal criminal procedure is not efficient, and 6% who approve of such behaviour even though consider that it all depends on circumstances.

Fig. 157 (33): It is known that there exist cases when policemen apply violence working with minors. In your opinion those policemen who prefer to punish a minor caught in the act, rather than following a judicial way, do they proceed correctly?, %



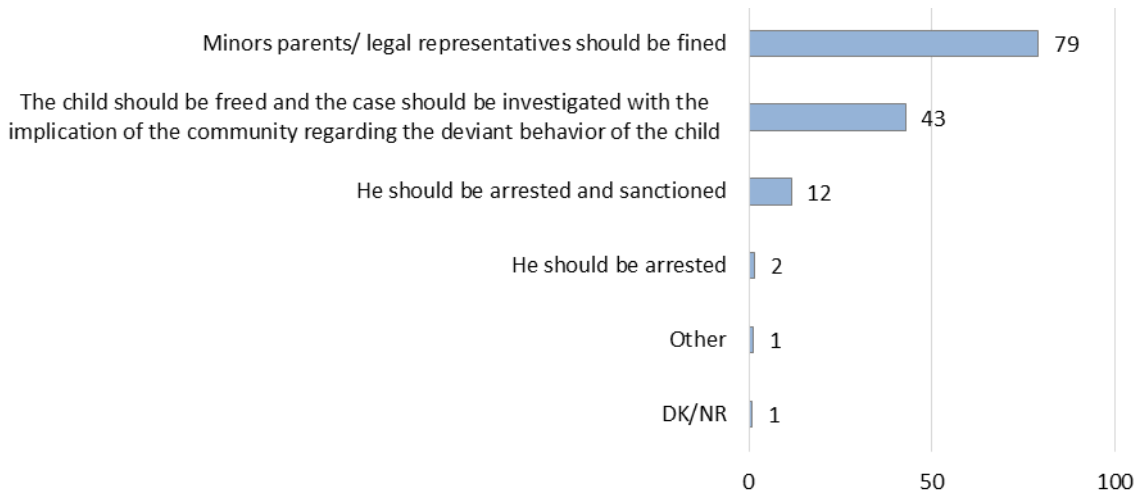
While 79% of the district officers who consider that it is correct to take a minor who is begging and bothering passers-by to the Placement Centre, 17% consider that this would not help since these minors would run away and would return to the street, thus, they consider that there is no need to take the child anywhere.

Fig. 158 (34): In case of minors who beg and bother passers-by in the street, which approach is more efficient in your opinion?, %



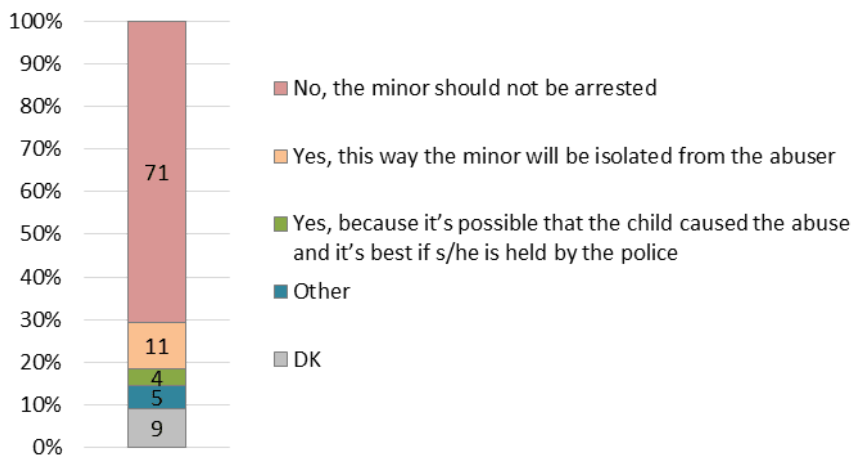
If it was up to the district officers to decide what to do with a minor who committed an administrative offence, they would fine his parents and investigate the child in freedom with implication of the community representatives.

Fig. 159 (35): How do you think, what should be done in case that a minor committed an administrative offence?, %



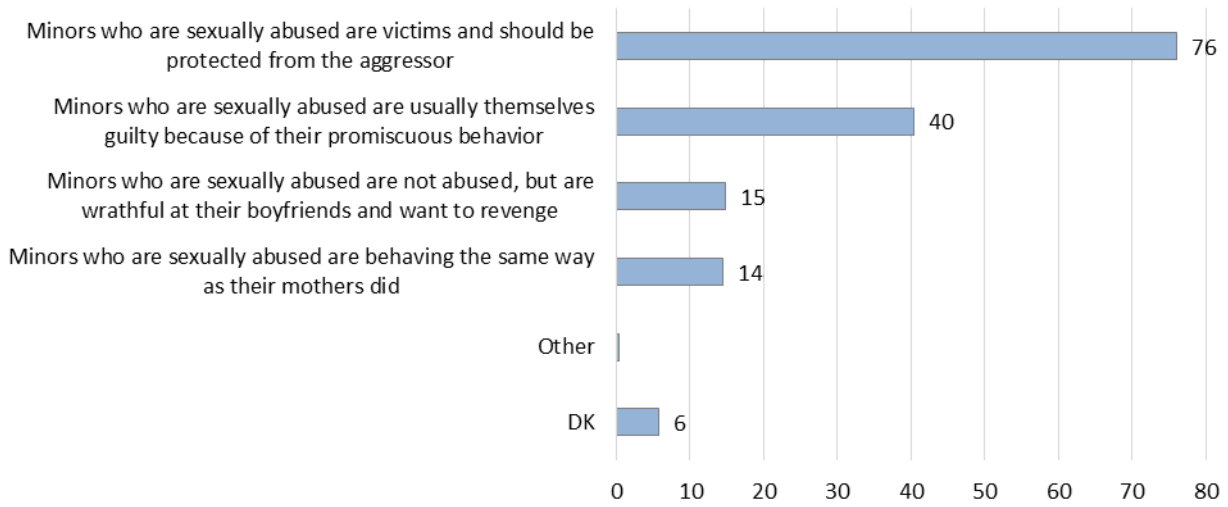
71% of the district officers consider that the minor who was sexually abused should not be arrested, while 11% consider that apprehension would be appropriate, since in this case the minor would be isolated from the abuser.

Fig. 160 (36): Do you think that the minor who was sexually abused, should be apprehended at the police office?, %



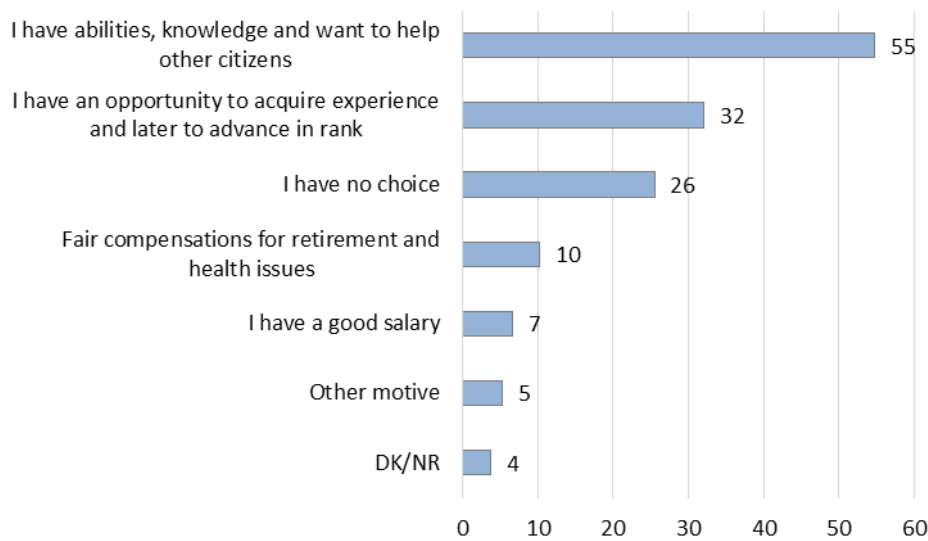
Majority of the interviewed district officers consider that minor girls who are sexually abused are victims and should be protected from the aggressor, while there also are 40% of those who believe that minor girls who were sexually abused, are themselves guilty because of their promiscuous behaviour.

Fig. 161 (37): With which of the following statements do you agree?, %



Majority of the respondents work in Police because they consider that they have abilities and want to help other citizens. The next important motive for working in the police is that there one has an opportunity to acquire experience and later advance in rank.

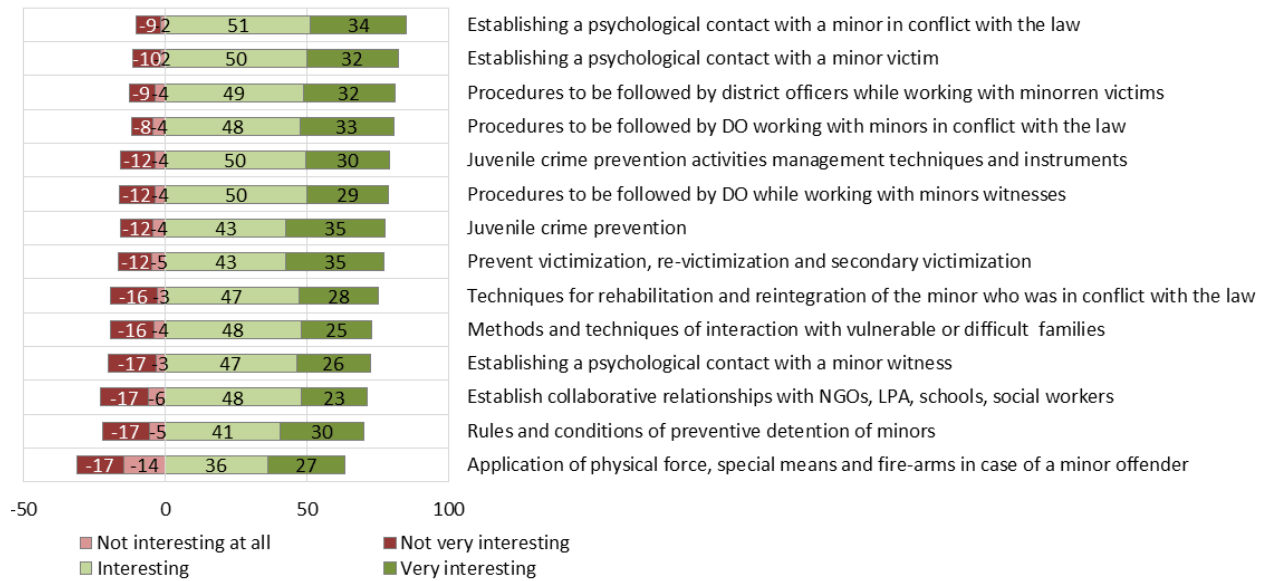
Fig. 162 (D11): What motivates you to work in Police?, %



Training needs

It may be observed that all of the topics presented to the respondents accumulated high share of interest of the district officers. Still, the top 4 are related to establishing a psychological contact with a minor (offender or victim) and procedures that need to be followed while working with minors (victims and offenders). Interest of the district officer for a minor witness is lower.

Fig. 163 (38): In case that specialised trainings were organised regarding minors in the penal justice, what is your level of interest towards each of the topics presented below?, %



Level of non-response

On average respondents did not provide any answer to 3-4 questions related to knowledge.

Table 7: Level of non-response. District officers

		N	Mean	Maximum	Minimum	Median
Age	18-25	53	2.96	10.00	0.00	3.00
	26-30	87	3.52	11.00	0.00	2.00
	31-40	80	2.75	12.00	0.00	2.00
	41-50	13	3.69	8.00	0.00	4.00
	51-62	0				
	NR	10	6.10	14.00	0.00	5.50
Sex	Male	234	3.32	14.00	0.00	3.00
	Female	9	1.67	3.00	0.00	2.00
Length of work in the police	< 4 y.o.	70	3.14	11.00	0.00	2.00
	4-5 y.o.	37	3.41	10.00	0.00	2.00
	6-10 y.o.	68	3.35	13.00	0.00	3.00
	> 10 y.o.	61	2.75	10.00	0.00	2.00
	NR	7	7.14	14.00	2.00	6.00
Length of work in the actual district	< 4 y.o.	97	3.12	11.00	0.00	2.00
	4-5 y.o.	38	3.26	10.00	0.00	2.00
	6-10 y.o.	65	3.06	13.00	0.00	2.00
	> 10 y.o.	28	2.50	8.00	0.00	1.50
	NR	15	6.40	14.00	1.00	7.00
Education	School/lyceum	2	8.00	14.00	2.00	8.00
	College	13	3.69	8.00	0.00	3.00
	Vocational school	1	3.00	3.00	3.00	3.00
	Higher education (law/ police)	167	3.02	13.00	0.00	2.00
	Higher education not related to law	54	3.83	12.00	0.00	3.00
	Postuniversity education	6	2.17	4.00	1.00	2.00
Motive of work in the police	I have abilities, knowledge and want to help other citizens*	133	2.85	13.00	0.00	2.00
	I have an opportunity to acquire experience and later to advance in rank	78	3.15	11.00	0.00	2.00
	I have no choice	62	3.73	14.00	0.00	3.00
	Fair compensations for retirement and health issues	25	2.48	13.00	0.00	1.00
	I have a good salary	16	3.56	13.00	0.00	2.00
	Other	13	2.54	8.00	0.00	1.00
	Total	243	3.26	14.00	0.00	3.00

CONCLUSIONS AND RECOMMENDATIONS

The KAP survey is a unique, pioneer research focused on the professional experiences and training needs of 4 distinct categories of police staff that come in contact with children. This is the first survey of this kind ever conducted in Moldova and given that the national police is at a critical stage of structural reforms, this survey is very appropriate. The researchers are hopeful that these findings will help make a diagnosis of the current situation and develop the professional skills of the criminal prosecution officers, investigation officers, staff of the Bureau of Child Security and district inspectors.

The analysis of the data in the individual questionnaires has driven to several viable conclusions about the knowledge, attitudes and practices used by the 4 surveyed staff categories. The major conclusions for GPI and Terre des Hommes follow below:

CRIMINAL PROSECUTION OFFICERS

Knowledge

The respondents' answers revealed many areas in which the overwhelming majority of criminal prosecution officers are confused about their duties or professional competences, such as poor knowledge of the procedural actions, the presence of psychologist or teacher during interrogation, notification of parents or legal representatives, notification on minors' rights. On the other hand, most of the respondents are familiar with the apprehension procedure and the detention standards for minors. Unfortunately, more than 40% of the criminal prosecution officers don't know what institutions deliver social protection services to children. 41% of the surveyed criminal prosecution officers did not mention any institution/actor (other than police) with competences related to the social protection, rehabilitation or reintegration of minors.

The respondents are also confused about the competences of various police entities related to the rules for use of firearm, physical force and special means for minors. Moreover, most of the respondents were uncertain about the criminal and administrative sanctions applied to minors, while 21% did not give answers at all to the questions about the kinds of punishments applied to minors.

The good news is that most of the criminal prosecution officers are well aware of the techniques and tactics of interrogation and addressing children during interrogation, either it is a child offender, witness or victim. More than 70% of the respondents stated that showing a calm and explicit attitude, creating an atmosphere of trust is better than any other approach when one talks to a child.

Attitudes and Practices

The survey revealed that the criminal prosecution officers have a good perception of the conditions that generate deviant behavior among youth, demonstrate substantial empathy and understanding to child offenders, victims or witnesses, except for 48% of the respondents who claimed that the victims of sexual assault "provoked their abusers". A quite big number of respondents are tolerant to the use of physical force on the minors in police custody if other measures are not efficient or if circumstances require it.

While some criminal prosecution officers evaluated their skills of communication with minors as good, others claim that their colleagues face major challenges in communication with the children involved in criminal cases, in particular with the children who behave aggressively – as stated by 55% of respondents.

To the question about the efficiency of the time dedicated to fulfilment of professional tasks, it should be noted that one third of respondents answered that the meetings with their managers take a lot of their time, and more than half of the criminal prosecution officers prefer not to take part in such meetings.

A practice tolerated by 16% of respondents is violation of legislation while collecting evidence. When asked why this happens, 60% mentioned the imperfect legislation, while about 40% of respondents mentioned stressful and demotivating working conditions or that some criminal prosecution officers lack the appropriate skills.

Training Needs

A big number of criminal prosecution officers answered that they would like to receive training in how to build a psychological contact with a child offender, witness or victim and how to work with them, in particular how to apply these skills and knowledge in practice. Other training needs mentioned by the criminal prosecution officers are the procedures for working with child victims, the procedures to be applied by the criminal prosecution officers (procedural actions) in the cases in which children are involved, prevention of victimization and application of

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alternatives to the criminal proceedings in case of administrative or criminal cases in which minors are involved, followed by methods of interaction with difficult families.

INVESTIGATION OFFICERS

Knowledge

The investigation officers are familiar with and, according to their answers, use interrogation techniques specific to children. However, their evaluation of their colleagues reveals that they have poor skills of communication with children, in particular with the minors who were prosecuted or show aggressive behavior.

The answers given by the investigation officers revealed that they are very much confused about the procedure of notifying parents about the apprehension of minors, invitation of psychologist/teacher to interrogation. Most of the investigation officers are not familiar with the apprehension procedure and the relevant competences of the police entities – they don't know who has the right to apprehend minors, who has the right to handcuff them, who writes the apprehension minutes, who invites parents/legal representatives and defender. A large number of respondents gave answers that show an uneven or deficient practice of using special means or physical force on minors. 7% of the respondents stated that using physical force is possible during apprehension, while others said that it may be used during the first interrogation.

It should be noted that many respondents are not aware about the institutions or organizations that can provide assistance or protection to the children in conflict with the law and know little about the system of referral of the child victims of abuse or offences to social institutions. About one third of the investigation officers are not familiar with the criminal punishments for minors, while 15% were not able to answer what the duration of the administrative and criminal detention is.

Attitudes and Practices

Almost one third of the respondents mentioned violations of law during collection of evidence and that, in some cases, the reason for this is ignorance, the imperfect legislation or the desire to not let offenders get away unpunished.

To the questions about the causes of deviant behavior of children, the investigation officers mentioned unanimously accepted causes, such as poverty, bad examples given by their families, addictions. These attitudes reveal an understanding of this phenomenon and an objective attitude, not necessarily repressive or stereotyped to the minors that commit offences. On the other hand, in the case of the female victims of sexual offences the investigation officers use to try to induce guilty feelings for what happened to them "because of their provocative behavior". A critical issue related to the efficiency of the investigation officers, which clearly has a negative impact on children as well, is the professional motivation of the investigation officers. One third of respondents said that they work in police for its benefits - retirement allowance and health insurance.

While 55% of respondents claim they don't use violence on children, 13% of investigation officers admit and justify the use of violence on minors in their work, either because they don't want the offenders to get away unpunished, or because of the stressful conditions while fulfilling their job duties.

Training Needs

One of the most critical training needs mentioned by the investigation officers is how to establish a psychological contact with children and the procedures to be applied by an investigation officer who comes in contact with a child. The overwhelming majority of respondents were very much interested in training in the working procedures with the child victims of offences and establishment of a psychological contact with them.

INSPECTORS OF BUREAU OF CHILD SECURITY

Knowledge

The answers given by the BCS staff reveal that most of them are familiar with the procedural actions and procedures to be applied to the children who come in contact with the criminal justice system. Most of them are aware of and consider that cooperation with the institutions dealing with child rights is useful. Although most of the respondents are aware that parents or legal representatives must be notified immediately after a child is apprehended, about one third of respondents do it depending on the gravity of offence a child is suspected of having committed, which reveals confusion about this extremely critical procedure. To the question about the use of physical force, 97% of respondents answered that policemen are not allowed to use physical force on children. The BCS staff have an objective understanding of what makes children commit offences. One third of respondents, however, believe that taking measures to prevent offences is difficult.

Attitudes and Practices

The overwhelming majority of surveyed BCS staff mentioned that they cooperate with the institutions dealing with child protection and their answers show that they are familiar with the system of relevant institutions and NGOs and that they use to ask for their assistance and expertise, while the small number of respondents who mentioned difficulties in cooperation with the institutions and organizations that provide assistance to children in conflict with law talked about the bureaucratic issues as obstacles. A good practice, which has been institutionalized and confirmed by about 96% of respondents, is related to the participation in multi-disciplinary meetings, more than 70% of respondents saying that they take part in monthly meetings and that they are very useful. This practice helps the BCS staff to get familiar in an objective way with various issues related to the problems faced by the children who come in contact with the criminal justice system, leads to balanced decisions in relation to children and builds the community involvement in cases of children that come from vulnerable environments, are victims of offences or even committed offences or administrative contraventions. About 70% of respondents claim that referral of children to protection institutions (other than police) is very useful and could reduce the juvenile crime, which reveals the openness of the BCS staff to the principles of restorative justice and don't insist on the use of repressive methods on minors.

Most of the BCS inspectors claim they have no difficulty in addressing or communicating with children, including the children with aggressive behavior.

Most of the BCS staff answered that the child victims need a special approach and require higher responsibility than the victims who reached the age of majority, while 63% of respondents consider that the minor witnesses' statements are reliable and similarly credible as the adults' statements.

Training Needs

According to their answers, the BCS staff are interested in training in the procedures used by the criminal prosecution officers in relation to minors. Other issues they would like to see in their training program related to the planning techniques and methods to prevent juvenile delinquency and evaluation of recidivism risks and building a psychological contact with children, including children victim.

DISTRICT INSPECTORS

Knowledge

The answers revealed that many respondents are confused about the competences of police units in relation to the major procedural actions and the rights of the children who come in contact with the criminal justice system – notification of parents or legal representatives about minor's apprehension, invitation of defender, teacher and psychologist, issues related to detention. About half of inspectors did not answer what other institutions deal with child protection and reintegration.

The district inspectors don't have a common and clear perception of the rules for the use of firearm, physical force and special means on minors. Most of them are confused about the social reintegration of the minors released from detention, although one third admits taking joint actions with the Probation Service. As for the causes of the deviant behavior, the district inspectors have an objective understanding of the causes of juvenile delinquency, which reveals an acceptable level of awareness of this phenomenon.

Attitudes and Practices

According to the survey findings, most of the discussions between the district inspectors and children confine to the request to behave well or prevention of delinquency.

About one third of district inspectors face difficulties in the communication with children, and claim that they and other colleagues face such difficulties, and that the most difficult categories of children are the children who come from difficult families or who were prosecuted in the past. The district inspectors believe that communication with the family of the children who are in conflict with the law is also difficult.

The district inspectors are inclined to consider that cooperation with social assistants and school is useful, while the cooperation with the relevant NGOs, local governments and religious organizations is less useful, for various reasons.

About 40% of inspectors take part at least once in a quarter in multi-disciplinary meetings during which they discuss the cases of the children who are at risk and more than one third of inspectors consider them very useful.

More than half of respondents indicated that a category of children that deserves particular attention and protection and that are more at risk are the children placed in residential institutions or who graduated residential institutions.

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More than one third of respondents mentioned that they work in police either because of the benefits of such a job or because they had no choice, which shows demotivation of this category of police staff to fulfil their duties appropriately.

Training Needs

The analysis of data in questionnaires leads to the conclusion that most of the district inspectors would like to receive training in prevention of juvenile delinquency and victimization and re-victimization, conditions and rules for preventive detention of minors and building a psychological contact with children. Some of the issues for training mentioned as particularly interesting are linked with the daily work of this category of police staff. The good news is that respondents identified issues that are useful in practice and could help build the district inspectors' skills.

RECOMMENDATIONS

While going through a responsible institutional reform process, the national police should also revise its initial and ongoing training system to achieve the goal of creating a viable police structure able to respond to the population's needs and, in particular, to the needs of the children who come in contact with the criminal justice system. To build and develop the appropriate skills of communication with children, the police entities should use new training methods that can have a practical reflection in their daily work. The factors that influence the success of police training are so complex and challenging that efforts can, at times, appear to be just a drop in the ocean.

This is especially so when compared with the scale of the need for reform, both nationally and internationally, and the severity of the problems faced by children who come into contact with untrained and unsensitised police.

Obviously police training helps to ensure that:

- Children in need of care and protection are protected, supported and empowered to make the best of their difficult circumstances;
- Children in conflict with the law are treated fairly, are given the opportunity and guidance to take responsibility for their mistakes, and a second chance to avoid such mistakes in future so they can develop into responsible adults.

However the positive impact of police training is not limited to the child alone: society also benefits from a culture where human rights, justice and compassion are valued and where its most vulnerable citizens are protected.

Formal and informal police training is only one part of an overall, holistic strategy which is needed to improve police attitudes and practices in relation to child rights and child protection – especially for vulnerable children. By sharing their knowledge, commitment and experience, and by integrating child rights and child protection into their daily practices, police officers will be the most important actors who can bring about change.

RECOMMENDATIONS FOR GPI

- Incorporate material on child rights and child protection in the police training curricula and official handbooks, manuals and guidelines. Ensure systematic training for all police officers in the unit on child rights and child protection and make it a criteria for promotion. Complaints about particular officers in handling children should be recorded on personnel files and count against promotion.
- Create child-friendly police stations: encourage and support an atmosphere which does not tolerate violence, abuse or discrimination (including in the use of language by police officers), display child rights posters from NGOs and international organizations focused on child protection as Terre des Hommes, Unicef etc. around the station, make it standard practice to notify a senior police officer every time a child is brought to the station;
- Ensure that police officers in the station do not retain children in police cells prior to appearance before a judge, except as a last resort. In cases where detention is unavoidable, human rights standards must be met with regards to separation on the grounds of age and convicted status, hygiene, sanitation, ventilation, food, adequate beddings etc. Torture and bad treatments must be strictly forbidden. Police officers found guilty of torture must be brought to justice promptly.
- Develop cooperation with local and national NGOs and social protection institutions by signing memoranda of understanding with NGOs and charity foundations for referral and collaboration, including training of police staff;
- Build stronger relationships with local communities and take an active role in promoting prevention of juvenile crime and child abuse amongst officers under your command. Take violence against girls and boys seriously:

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protect children from cruelty and torture by parents, teachers and others. Protect children from harmful employment, prostitutions, neglect and abuses and exploitation of all kinds.

Recommendations for Terre des Hommes

The respondents identified a number of issues as very useful and critical to be considered to develop the package of training instruments for the 4 categories included in the survey. The major issues mentioned by respondents are as follows:

- Establishment of a psychological contact with child offender, witness or victim
- Communication with difficult, aggressive or addicted persons
- Working procedures with the children who come in contact with the criminal justice system
- Prevention of victimization and re-victimization
- Use of alternatives to the criminal proceedings in case of administrative and criminal cases in which minors are involved
- Planning and implementation of actions aimed to prevent juvenile delinquency
- Conditions and rules for detention of minors

Besides these issues, the authors of the study recommend including additional issues in the training to be delivered with the support of Terre des Hommes or other partners of GPI:

- Protection of child's rights in the international and domestic law
- The psychological and social assistance systems for children who are in conflict with the law
- Investigation of offences in which children are involved
- Apprehension and taking preventive measures in relation to the children who are in conflict with the law
- Working methods and techniques of questioning a child who is in conflict with the law during criminal proceedings
- Working methods and techniques of questioning a child victim or witness in criminal proceedings
- Protection of children at risk or subjected to domestic violence
- Peculiarities of development of a child in conflict with the law

Given the survey findings, the suggestions formulated by the surveyed categories of policemen, the recommended activities for Terre des Hommes in terms of capacity development of police officers who come in contact with children are as follows:

- To develop a toolbox of training instruments for the surveyed categories to focus on the issues stated in the survey as useful and very useful for efficient fulfilment of their tasks related to children;
- To develop an individualized package of training instruments based on both the training needs of every specific category, and the professional duties of every specific category of policemen;
- The training methodology shall be based on the use of interactive adult learning instruments (participatory methods, practices, case studies that derive from the working experience of the surveyed categories). The methodology should be guided by the following principles: adults learn from experience, adults learn best from peers, adults learn best what is relevant to their lives, adults must be accorded respect, adults learn best through discussions, adults learn best through discovery.
- Training activities shall include invitation/participation of prosecutors, lawyers, representative of the Ombudsman, child social protection bodies to be able to exchange views and practices with these players;
- The training instruments to be developed should focus on the relevant experience of policemen, allow for experience-sharing among the staff of different territorial structures or departments;
- To implement a training activity like Training of Trainers for a group of at least 15 officers from BCS, that could further train other police staff;
- To develop guidelines on delivery of continuous training on interaction with children by BCS's trainers;

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- To revise the continuous training curricula, develop a curricula to contain more training hours for various categories of policemen on interaction with children.

It can be very difficult to conduct effective police training in difficult and complex environments – for example, with entrenched corruption, breakdowns of law and order etc – and many of the recommendations mentioned above may appear unrealistic at first sight. However, it is important not to lose hope. The main lessons learned from other countries are that this work is complex, time consuming and frustrating, but also essential and extremely rewarding when even the smallest gains are made in the lives of children in exceptionally difficult circumstances.