

# Module

# 3



## How to Support Child-sensitive Apprehension, Arrest and Detention

### Assessment – Answers

- 1) A 14-year-old boy is arrested and the identity papers that he shows are not regular. Some information is not visible because the documents are covered with dirt. Should the boy be detained?
  - a. No, detention should be used only as a last resort, the safety of the boy and others is not endangered, and there are alternatives to depriving him of his liberty.



*The principle of “last resort” means that arrest, detention or imprisonment of a child shall be used in conformity with the law and only as a measure of last resort and for the shortest appropriate period of time. No child shall be deprived of his/her liberty unlawfully or arbitrarily.*

- 2) A 15-year-old girl is accused of a minor offence: she did not respect the curfew in force in her village. This is her first offence. How can the police adequately apply diversion in such a case?
  - a. Establish the initial contact with the child, coordinate with colleagues in the social and judicial system to encourage a proportionate redress in her community to encourage her not to do it again.



*Diversion is the process by which children in conflict with the law are guided away from formal judicial proceedings and towards other resolution mechanisms that allow cases to be handled by non-judiciary entities, thereby ensuring that children avoid the negative consequences of a formal judicial proceeding, including a criminal record. It does not imply that offences or crimes committed by a child are not important; it means that judicial proceedings should be the last resort. In this way, it is possible to address and prevent future delinquency while maintaining youth engagement in the community.*

- 3) Upon returning to work on Monday morning, a police officer notices that a 13-year-old girl has been detained with other female detainees since last Friday night. A colleague who was on duty the entire weekend reports that the police are waiting for directions from the prosecutor on her case. She is accused of a major crime. The age of criminal responsibility in the country is 14. Which statement is most adequate in this case?
- A girl who is 13 years old in this country cannot be considered criminally responsible and should never have been detained.



*The minimum age for criminal responsibility means that, below that age, a child should not be arrested or prosecuted for any crime.*

- 4) Which of the following statements is NOT a way to prevent juvenile delinquency?
- Enforcing harsh punishments so young offenders do not recommit crimes.



*Restorative approaches to children in conflict with the law imply that rehabilitation is mostly successful when alternative measures to detention are in place. Repressive approaches with children in conflict with the law jeopardize chances for reintegration and increase risks of recidivism.*

- 5) It is sometimes justified to place a child in detention as a last resort if:
- The child presents a danger for society.



*Detention may be used only as a last resort, if the child is considered a danger to himself/herself or to others. Even then, child protection measures should be applied. Such child protection measures should be prioritized over detention.*

- 6) A judge is asked to rule on the case of a 16-year-old boy who has been found guilty of supporting a terrorist group. In consideration of the best interests of the child, what should the justice system do?
- Consider the opinion and experience of the child and his family, examine all evidence, seek the collaboration of other social actors, and analyse the impact of each sentencing option on the child, to finally make a decision that considers what is best for the child.



*The principle of the best interests of the child emphasizes that the most important factor in actions and decision-making affecting the child should be based on the best interests of that child. Assessing the best interests of a child means evaluating and balancing all elements necessary to decide in a specific situation for a specified individual child or group of children.*

- 7) A police officer has been mandated by the Chief of Police to conduct an operation in the home of a suspected drug trafficker. When the police officer arrives on site, the man readily surrenders and is arrested. The police officer notices that there is a girl with the man. Her identity papers attest that she is his daughter and that she is 13 years old. What should the police officer do?
- d. Arrest the father, establish an initial contact with the girl, briefly explain what is happening, ask if she has relatives nearby and ensure that she connects with them, contact social services and wait for a social worker to arrive. The police officer reports the situation of the girl and the action taken following the man's arrest.



*Arrest or detention of a child cannot be used as a “preventive” or “protective” measure. Coordination with other actors in the justice system, such as social workers, is important to ensure that vulnerable children are protected by other means than detention.*

- 8) When arresting a child, a police officer should:
- d. Apply the principle of proportionality, to limit and guide the use of force and instruments of restraint by the police while apprehending or arresting children.



*Children should not be subjected to any police brutality, violence or torture. In particular, the use of firearms, electric shock weapons and violent methods to apprehend and arrest children are prohibited. Measures should be adopted to limit and guide the use of force and instruments of restraint by the police while apprehending or arresting children. For example, a child should not be handcuffed if he/she does not pose a threat to the arresting police officers.*