



GHANA POLICE SERVICE



**STANDARD OPERATING PROCEDURES FOR
CHILD-FRIENDLY
POLICING**

**PROCEDURES FOR HANDLING CHILDREN
IN CONFLICT WITH THE LAW**

AUGUST 2016



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FOREWORD

Children constitute 45% of Ghana's population. Unfortunately, many of them survive in the most difficult circumstances, both while they live with their families and when they are away from family care, living and working in the streets, in residential care or victims of child labour or trafficking. Violence and abuse of children, including sexual abuse, remains very high, with over 90% of children reporting having experienced physical violence, both at home and in the school environment. Child labour and child trafficking are stubborn problems with no evidence of being reduced despite Government and civil society efforts in recent years to address these problems. More than 4,000 children still live in residential homes, often labelled as 'orphanages'. Many of these children are unnecessarily separated from their families.

While the Government of Ghana has some legislative protections for children, enforcement is not as consistent as it could be and the laws have not been effectively translated into the Ghanaian context. Police officers are often the first people a child comes into contact with when in distress or in conflict with the law. For children in the most vulnerable situations, a rights-based and professional approach to their protection, rehabilitation and reintegration is mandatory, stemming from a Constitutional guarantee, domestic laws and policies and Ghana's international commitments, including the UN Convention on the Rights of the Child, as well as its optional protocols. The Ghana Police Service has relied on dated service instructions, limited training on child protection in its schools and has been without clear procedures for handling children who come into conflict with the law, as well as those who are victims or witnesses of criminal offences.

These Standard Operating Procedures update the Ghana police response to children in need of care and protection who come into contact with the law. They will ensure that police treat children consistently at a standard of practice that recognises their welfare first, as well as their specialised needs in the justice system. This will enable our children to develop and flourish to become active contributors to the future of Ghana.

Thanks to the support of UNICEF, the Ghana Police Service is on its way to become a child-friendly service that will respond humanely and sensitively to uphold the rights of children in the justice system. A cadre of police personnel from all regions of Ghana will be trainers and "change agents" for their peers, promoting and building capacity in child-friendly policing.

The Inspector General Police, Dr John Kudalor and the Police Management Board, pledge their commitment towards the full implementation of the SOP.

The Ghana Police Service is particularly grateful to UNICEF for their invaluable support towards this initiative.



Dr. John Kudalor
Inspector-General of Police
Ghana Police Service

DEFINITIONS

At risk child or vulnerable child: A child who is in need of care and protection since she or he is without proper parental care and supervision and/or is exposed to moral and physical danger, putting her or him at-risk of being harmed, ill-treated, abused, exploited, or pushed into criminality, or whose physical or mental health is therefore likely to be impaired. (Children's Act, 1998 (Act 560) sec. 18)

Best interest of the child: The term that refers to the factors that justice actors consider when deciding what type of services, actions and orders will best serve a child, as well as who is best suited to take care of the child. Some of the factors include the health, safety and protection; the importance of keeping families intact and the preference for avoiding removal of the child from his or her home except in cases where the child's safety and wellbeing require removal; the assurance that a child removed from his or her home will be given care, treatment and guidance that will assist the child in developing into a self-sufficient adult; and the child's wishes

Child: A person below 18 years of age (Children's Act 1998 (Act 560) sec. 1)

Child in conflict with the law: A child is in conflict with the law when he or she has committed or has been accused of committing an offence. A child accused of committing an offence is known as a **juvenile** and those found guilty of the offence are called **juvenile offenders** under the Juvenile Justice Act

Child-friendly: This refers to both an approach and an environment that is adapted to integrate the rights of children, including a physically safe, non-threatening and welcoming reception of the child, as well as a communication style that builds rapport, and seeks and imparts information in a way that the child can understand. It also includes an adaptation of space, such as smaller furniture, children's toys and books and less austere surroundings, to accommodate the child

Confidentiality: This means that personal information about or shared by the child cannot be divulged to third parties without the express consent of the child, excepting those who, by

reason of their participation in the investigation and prosecution proceedings, have legal access to the information. At no stage of the cause or matter shall any information be provided for publication that may lead to the identification of the child (Juvenile Justice Act, 2003 (Act 653) sec. 3)

Diversion: The referral of cases involving children alleged to have committed minor offences away from the criminal justice system, with or without conditions for the child to fulfil (Juvenile Justice Act, 2003 (Act 653) sec.12). Under the Juvenile Justice Act, police diversion occurs before a child is charged with an offence and has acknowledged responsibility, however, diversion can be recommended by the court post-charge, pre-trial or even during trial. Police can also withdraw the charges against a child at any point in the proceedings (Juvenile Justice Act, 2003 (Act 653) sec. 20.4)

Fit person: "A person of full age who is of high moral character and integrity and of sound mind, capable of looking after a child, who is not a relative of the child. A fit person has been registered by a probation officer or social welfare officer as being able to provide a caring home for a child" (Children's Act, 1998 (Act 560)) **Fit persons list** is a list of persons referred to as "fit persons" defined above, which is prepared by the Department of Social Development/Welfare.

Investigative Interview: A non-confrontational process of interviewing, aimed at reducing stress, limiting reliance on nonverbal signals to indicate truth or falsehood, using open-ended questions to solicit information and then examining inconsistencies in the suspect's account.

Social Enquiry Report: A report submitted by a Probation Officer to the court upon the orders of the juvenile court. The SER provides information on the background of the juvenile who has been arrested and charged, the circumstances under which the offence has been committed and a recommendation for sentencing which is taken into account by the court in reaching a decision concerning the juvenile. (Juvenile Justice Act, 2003 (Act 653) sec. 24)

A

GUIDANCE ON THE STANDARD OPERATING PROCEDURES

I. Introduction

The Ghana Police Service (GPS) recognises the importance of protecting children and juveniles from involvement in crime and victimisation by others. The development of these Standard Operation Procedures (SOPs) demonstrates the commitment of the GPS to ensure child-friendly policing in Ghana. These procedures are consistent with international and regional standards and best practices internationally and nationally, such as the UN Convention on the Rights of the Child, 1990, Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules) and Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). Most importantly, these procedures are in line with Ghana's child protection legislation and domestic policies, including, but not limited to:

- The Constitution (1992)
- Criminal Offences Act, 1960 (Act 29)
- Criminal Code Amendment Act, 2003 (Act 646)
- Children's Act, 1998 (Act 560)
- Juvenile Justice Act, 2003 (Act 653)
- Domestic Violence Act, 2007 (Act 732)
- Child and Family Welfare Policy 2015
- Justice for Children Policy 2015

These SOPs have been developed in recognition that children under the age of 18 who get into trouble with the law are not fully mature and require a specialised approach from police and other justice agencies. During the teenage years, children are in the process of developing from a child to an adult, and for many, this is a time of experimentation, risk-taking and challenging authority. Children's judgment and decision-making capacity is not yet fully developed and they cannot be held to the same standards as adults. Many of these children are already disadvantaged before they come into conflict with the law since most live in poverty, are lacking adequate parental support and care, and have experienced rights' violations. How these children are treated by the police can have a lasting impact on their attitude towards authority figures and the rule of law.

Given these factors, the Ghana Police Service (GPS) is committed to ensuring a specialised approach for handling children that takes into account their vulnerability, their developing personality, their specific needs for education, and their limited emotional, mental and intellectual maturity. This specialised approach will help the GPS to better tackle juvenile crime and improve public safety by helping children to understand and take responsibility for their actions, and assume a constructive role in society.

II. Objectives

The objectives for the development of the standard operating procedures (SOPs) are to:

- Provide guidance in handling children who are arrested or alleged to have committed a crime, referred to as **children in conflict with the law**;
- Set the standards of practice for the processing of children who come into conflict with the law;
- Advance standardised practices for police in handling all children who are alleged to have committed **an offence**;
- Enhance collaboration among key stakeholders, governmental and nongovernmental, who support police efforts to protect children from harm and rehabilitate and reintegrate children back into their families and communities.

III. Implementation and Monitoring

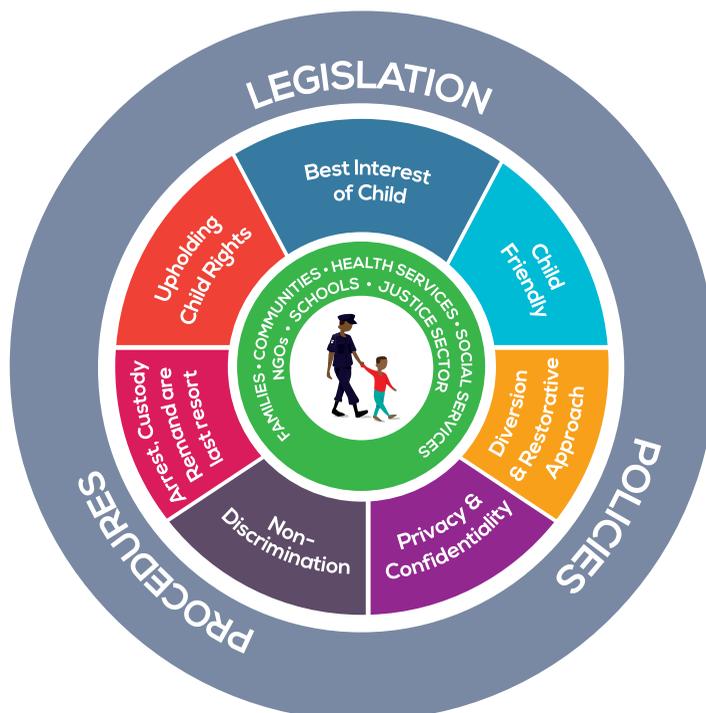
The SOPs apply to all members of the Ghana Police Service, including all general duty officers, investigating officers, supervisors and senior police in management positions. They are applicable to all crimes, incidents and investigations involving children as alleged offenders and they replace all other guidelines for dealing with children in conflict with the law. In line with the rules governing the Ghana Police Service, any breach of the SOPs is a misconduct, calling for disciplinary proceedings, once the standard operating procedures are fully operational.

These standard operating procedures will be monitored and evaluated to ensure their proper implementation and the establishment of safeguards to protect children. Every police station will make manuals easily accessible to all police officers who come into contact with children.

IV. Guiding Principles

Key guiding principles for handling children who come into conflict with the law are detailed below.

DIAGRAM 1 - GUIDING PRINCIPLES



1. Police Consideration of the Best Interest of the Child

In accordance with the 1992 Constitution (article 28), the Children's Act, 1998 (Act 560) sec. 2 – Welfare Principle, and the Convention on the Rights of the Child, 1990 (Article 3), every child has the right to have his or her **best interest given primary consideration** when making decisions that may affect the child.

Members of the GPS will ensure that they exercise their discretion in an appropriate, fair and professional manner when dealing with children. Police decisions regarding children must be transparent and able to be justified. In all actions taken in relation to a child accused of an offence, the Ghana Police Service must consider community safety and the needs of the victim, but ultimately make a decision based on what is best for the child. In determining the best interest of the child, police officers will consider:

- The health, development, safety and/or protection of the child;
- The importance of keeping children with their families and taking children into custody only as a last resort;
- The need to promote the child's rehabilitation and reintegration, and not focus exclusively on punishment; and
- The opinion of the child.

Children must be provided with information about their rights and informed about the reasons for the decisions taken by police. Children are more likely to accept police actions if they are informed of the reasons why particular action has been taken.

2. Adopting a Child-friendly Approach

The Ghana Police Service has a strong commitment to developing positive relationships between police and children and positioning the police as a friend and trusted authority figure. All members of the GPS will strive to get to know the children in the communities where they work and be a role model to them.

The police shall at all times **treat children with professionalism, fairness and respect**. Fair and respectful treatment of children prevents unnecessary conflicts and distrust and will assist in building long-term, positive relationships between children and police. Respecting the rights of children demonstrates the importance of respecting the rights of others and helps promote law-abiding conduct.

In all interactions and communication with children in conflict with the law, police officers must **adapt their approach to ensure the child's physical safety and to take into account his or her young age**. This includes minimising the use of force, adopting a more friendly tone, using simple language and explanations in words that the child can understand, and not using harsh, coercive or abusive tactics.

The GPS will also take measures to ensure that police stations provide **privacy** to children in conflict with the law, and that a physical space is adapted to accommodate children and create a more welcoming environment, such as using lower furniture and desks and less formality, child-friendly colours, posters, toys and books, for example.¹

¹ It is recognised that the development of child-friendly space within each police station will take time and, as such, the SOP recommends at a minimum that police make every effort to find a private area inside or outside of the station to speak with children, and, where possible, that each station find a space to adapt in a child-friendly way.

3. Upholding Children's Rights

The GPS will ensure that the rights of all children accused or alleged to have committed an offence are fully respected, including:

- The right to safety at all times
- The presumption of innocence before trial
- The right to be treated with respect in all interactions
- The right to be treated in a manner in accordance with the rule of law
- The right to participate with the child's views and opinions given due weight on the basis on his or her maturity
- The right to confidentiality and the protection of a child's personal data in accordance with law

During arrest, investigation and trial, children's procedural safeguards are enshrined in the Juvenile Justice Act, 2003 (Act 653, sec. 3 & 22), which upholds their rights to:

- Be informed of the charges against him/her in a language he/she understands and to read the arrest warrant at any time;
- Remain silent;
- Have a parent, guardian, close relative or probation officer present at the proceedings;
- Legal representation; and
- Legal Aid.

The child's **right to participate and be heard** in all procedures will be upheld by the police by ascertaining the child's views during all stages to have the child's opinions taken into consideration. (Justice for Children Policy 2015) This begins with the pre-trial stage, when the child has the right to remain silent, as well as the right to be heard by the police, prosecutor and judge, and it continues throughout the stages of adjudication and disposition, including the implementation of the imposed measures. The child, in order to effectively participate in proceedings, must be informed not only about the charges, but also about the juvenile justice process and possible measures.

4. Priority to Diversion and Restorative Approaches

Ghana has a strong tradition of resolving disputes through community justice processes aimed at restoring peace and making amends between the victim and offender. The Justice for Children Policy recognises that these informal approaches are often the most effective and efficient way to deal with minor offences committed by children, and encourages the use of these alternatives in appropriate cases. Police cautions, mediation and other community resolutions allow offences to be dealt with quickly, involve the family and community in holding the child accountable for his or her actions and help children to better understand the impact of their actions on the victim and community. They are also less stigmatising and avoid the life-long, negative consequences that come from having a criminal record.

As gatekeepers to the formal criminal justice system, the GPS have an important role to play in ensuring that children accused of minor offences are not unnecessarily processed through the courts. Where appropriate, police will seek to divert children from the formal justice system by issuing informal cautions, using informal mediation or recommending community resolutions (Justice for Children Policy 2015). However, in cases where children have committed serious and violent offences, police have less discretion to use diversion and are instructed to formally arrest these children in order to both protect the community and to protect the child from retaliation.

5. Arrest, Custody and Remand as a Last Resort

Because of their young age and vulnerability, **subjecting children to arrest, police custody and remand can have very negative consequences**. It separates children from their families, exposes them to abuse and criminal contamination from fellow inmates, disrupts their education and can adversely impact their health and nutrition. Under the Children's Act and the Convention on the Rights of the Child, children have the **right to survive and develop healthily**. No person shall deprive a child access to education, immunisation, adequate diet, clothing, shelter, medical attention or any other thing required for his or her development. The GPS is committed to ensuring that children are only arrested and held in police custody as a measure of last resort and for the shortest possible period.

6. Non-Discrimination

The GPS will ensure that **all children are treated fairly and equally**. Police officers shall not discriminate against a child on the grounds of gender, race, age, religion, disability, health status, custom, ethnic origin, rural or urban background, birth or other status, socio-economic status or because the child is a migrant or refugee. In all cases, the police shall accommodate a child's needs based on language, accessibility and any other required accommodation.

7. Respect for Children's Privacy and Confidentiality

Confidentiality is paramount in all actions relating to children. Juveniles are particularly vulnerable to stigmatisation and public exposure, which can undermine efforts to promote their rehabilitation and reintegration.

The GPS will ensure that the privacy of children in conflict with the law is respected and protected. All files in relation to a child will be kept strictly confidential, and information shared only with appropriate authorities. In their interactions with the public and media, the police will ensure that they do not share any information that might reveal the identity of a child who is alleged, accused or convicted of an offence (Juvenile Justice Act, 2003; Justice for Children Policy 2015).

V. Police Role in Crime Prevention

The GPS is committed to building partnerships with children, families, schools, communities, businesses and other relevant agencies in **preventing juvenile crime and tackling the underlying causes of criminal behaviour**. Children whose offences are less serious can also be supported by police actions to prevent further offences and assist in reintegrating the child. To this end, police will assist children by:

- Developing relationships with community leaders, teachers, religious leaders, social welfare officers and members of agencies, institutions and nongovernmental organisations (NGOs) that can intervene to support a child at risk;

- Arranging meetings with relevant community leaders, agencies, institutions and NGOs so that early intervention can ensure that the situation does not escalate;
- Referring at risk children to social services, NGOs and community leaders who can support them;
- Putting families in touch with social services, NGOs or community leaders who could help them in times of difficulty;
- Coordinating with social services, NGOs and community leaders in family reunification;
- Supporting the development of “community policing”, law enforcement that seeks to integrate officers into a local community to reduce crime and cultivate good community relations;
- Taking violence against women and children within families very seriously as this is a key reason for children to leave home and live on the streets;
- Advocating with communities and families on the prevention of violence and abuse, parental responsibility, children’s rights, positive child-rearing practices and nonviolent and non-humiliating school discipline; and
- Refraining from referring to children and young people as “deviant” or “delinquent” or any other negative names so as not to increase undesirable behaviour and stigmatisation from others.

B

STANDARD OPERATING PROCEDURES

These Standard Operating procedures provide instruction for handling children **in conflict with the law**.

I. Initial Contact

Police most often come into initial contact with a child in conflict with the law in the following ways:

- While performing duties in the community, a police officer may observe a child committing an offence or be called upon by someone in the community who alleges that a child just committed an offence (such as a market vendor saying that a particular child just stole an item from his stall); or
- When a child has been accused of an offence and apprehended by a citizen (who may or may not also be the victim of the offence) who brings this child to the police station; or
- When a complaint about the child has been received at the police station and a warrant for his or her arrest has been issued by the Magistrate of Juvenile Court; or
- When a child willfully obstructs a police officer in the execution of police duties.²

Follow the procedures below when you come into contact with a child alleged to have committed an offence or whom you have witnessed committing an offence:

a. Determine if the child is in conflict with the law or in need of care/protection

You need to determine if the child is actually in conflict with the law or is in need of care and protection. Your actions will be different for each. Remember, if the child is begging, “loitering”, selling in the street or the victim of commercial sexual exploitation (prostitution), he or she should **not be treated as a juvenile**. These children are **in need of care and protection**.

It is common for a child in conflict with the law to also be in need of care and protection at the same time. This is especially true for children living and working in the street and children without parental care. In these cases, you need to use your judgment and decide on the best course of action. For example, if the offence is not serious, but the child requires medical attention immediately, treat the child as being in need of care and protection. Children in need of care and protection shall be treated as outlined below, regardless of their age.

² Juvenile Justice Act, 2003, Section 5

If the child is in need of care and protection:

- Notify a social welfare officer at the Department of Social Development/Welfare.
- Inform the child's parents, guardian or close relative that the child requires care and protection.
- If the child is injured or sick, assist the family in getting to a hospital, medical clinic or registered medical practitioner, if needed, or take the child yourself or have someone else transport the child if you cannot locate an adult responsible for him or her.
- If the child does not have a responsible adult to care for him or her, take the child immediately to a social welfare officer at the Department of Social Development/Welfare or a suitable children's shelter for care and protection. If your district does not have a Department of Social Development/Welfare, contact a district social welfare or probation officer to discuss the next steps. Remember, children without parental care, whether living in the street, in informal/formal foster care or residential care, may require the protection of the Department of Social Development/Welfare because of the higher potential for them to be neglected, exploited or abused in these living circumstances.

If you are performing station orderly or fixed beat duties and cannot leave your station/post, consult your station officer to learn which investigator will handle the child and immediately contact him or her to take on the case. **All procedures below are usually carried out by investigators.**

b. Age Determination

You must **determine the age of the child** in order to know how to proceed. Remember that a child below the age of 12 at the time of the commission of an offence is deemed incapable of committing a crime and cannot be subject to criminal proceedings (**Criminal Offences Act, 1960 (Act 29) sec. 26**). This means that the child is **not criminally responsible and cannot be arrested or held in police custody. Nor can you issue a police caution to this child, since he or she is not criminally liable.**

- Ask the child his or her name and how old he or she is.
- If he or she does not know, or if you do not believe the child, ask questions about events that will give you an idea of the child's approximate age. For example, ask "Do you remember the eclipse (2006)?" or "What were you doing when President Mills died (2012)?" or "How old were you when the big boat capsized on Lake Volta (2006)?" or "What class were you in at school when US president Obama visited Ghana (2009)?" Select an event that is appropriate for your region.
- Use your judgment based on other children you know, but if you are not sure, always treat him or her as a child.
- Never make assumptions based purely on a child's physical appearance. Children, particularly teenagers, develop at different rates and may grow tall or develop facial hair well before their 18th birthday.
- Do not expect a child to carry proof of identity, but when you contact the child's parent/guardian/responsible adult you can ask them to bring identification, if possible.

As part of the investigation, the police should collect evidence to confirm the child's age. This can include:

- a. a birth certificate, weighing card or medical record at birth;
- b. school records;

- c. baptismal certificate or other religious documents;
- d. statements from the child's parents, relatives or community leaders;
- e. a report by a medical officer or a medical examination. Note that medical examinations are costly, time consuming, and cannot definitely prove a child's age, so they should be requested only as a last resort when no other reliable information is available to confirm the child's age.

Remember that it is the duty of the police to collect evidence to determine the child's age, not the obligation of the child or parents to prove the child's age. **When there is any doubt, police must always proceed on the basis that the person is a child and accord them all of their rights under the Juvenile Justice Act and the Justice for Children Policy.** A final age determination will be made by the Court (Justice for Children Policy 2015).

If the child is below 12 years of age and is in conflict with the law:

- Take the child home to his or her parents, guardian or closest relative and discuss a plan of delinquency prevention. If the offence is serious³, the child has previously offended or the family is unable to deal with the child's delinquency, refer the family to a probation officer/social welfare officer at the district Department of Social Development/Welfare or a fit person or suitable child-focused NGO for counselling and rehabilitation, as recommended by the probation/social welfare officer. Remember, you cannot issue a police caution to a child below the age of criminal responsibility.

If the child is at or above the age of criminal responsibility and is alleged to have committed an offence:

- Determine the category of the offence:
 - » One-time antisocial behaviour;
 - » A child demonstrating disturbing behaviour caused by psychosocial problems or mental illness;
 - » A first time, non-serious offender;
 - » A persistent, non-serious offender;
 - » A first time serious offender; or
 - » A persistent serious offender

Remember, serious offences are offences such as robbery with aggravated circumstances, indecent assault involving unlawful harm, rape, defilement, murder, drug offences and offences related to firearms (Juvenile Justice Act, 2003, sect. 46.8). For one-time antisocial behaviour, disturbing behaviour and a first time, non-serious offender:

- Consider **alternatives to arrest** as noted under the Juvenile Justice Act and the Justice for Children Policy, such as informal caution, mediation or referral to community resolution.

Remember, even children who are persistent offenders are usually also in need of care and protection. Family environment and life circumstances (poverty, living in the street, etc.) should be taken into account when considering how best to help the child. Use the least intrusive intervention when handling a child in conflict with the law in order to minimise trauma and stigmatisation and to maximise opportunities for a child to correct his or her behaviour.

³ "Minor offences" is only defined in section 60 of the Juvenile Justice Act as matters such as petty theft, petty assault and threatening offences. Serious offences are offences such as robbery with aggravated circumstances, indecent assault involving unlawful harm, rape, defilement, murder, drug offences and offences related to firearms (Juvenile Justice Act, 2003, sect. 46.8).

II. Use of Informal and Formal Cautions

a. Informal Caution

An **informal caution** is an alternative to arrest. It consists of an **unofficial** verbal reprimand of which no official record is required to be kept and is often used when a child is remorseful, is a first time offender and she or he has been involved in a minor offence such as petty theft, petty assault and threatening offences. (Juvenile Justice Act, 2003, sect. 12) Informal cautions shall **only** be given when you have witnessed the child offending and/or the child has admitted responsibility for the offence. Children must be at or above the age of criminal responsibility for you to issue a police caution. **Informal cautions are given at the discretion of the officer.**

If you determine that an informal caution is appropriate, follow these procedures:

- Give the warning on the spot.
- Explain to the child that his or her actions are the equivalent of a criminal offence and that he or she is warned to stay out of trouble, think through his or her behaviour, its consequences and what is likely to happen if the behaviour continues. For example, "You taking the cell phone from this stall without paying is a criminal offence. You could be arrested and charged with theft. This is not a path you want to take. Think about what would happen to you if you were arrested. How would your parents, family and friends treat you? I am warning you to stay out of trouble. You should know that I may charge and arrest you if this ever happens again."
- If the child is not already at the police station, do not take the child to the police station. If you determine that there is a need for a record of the informal caution, take the child to his or her home and, in the presence of his or her parent/guardian, record necessary particulars only in order to track whether the child re-offends in the future.
- Where appropriate, ask the child to apologise to the victim, if you know the victim is agreeable and willing to receive the apology.

a. Formal Caution

A **formal caution** is also given to a child in order to limit the child's interaction with the criminal justice system and offer the best chance for a child to correct his or her behaviour. It may be either without conditions or with conditions. **The decision to officially caution a child must be made by a senior officer on the recommendation of a probation officer, public prosecutor or magistrate.** (Juvenile Justice Act, 2003, sect. 12)

A formal caution may be used when a child has been involved in a minor offence, such as those listed under the informal caution, and it is very clear that the child has broken the law (for example, you have witnessed it). The child must admit responsibility for the offence. Formal cautions can be given when this is the child's second offence or when you wish to have the child understand the seriousness of his or her behaviour. A formal caution constitutes an **official record** to be held in the Register of Formal Cautions.⁴ The **child's parent/guardian or close relative must be present and notified** since there will be a record of the incident. In the absence of a parent, guardian or close relative, the formal caution shall be given in the presence of a probation officer.

A formal caution without conditions is an **official** warning to the child to immediately change his or her behaviour. The child is not required to do anything other than to receive the official warning. Formal

⁴ This register is to be made available to the Department of Social Development/Welfare (Juvenile Justice Act, 2003, sect. 12.9) and expunged five years after the date on which it was entered (sect. 12.10).

cautions shall **only** be given when you have witnessed the child offending and/or the child has admitted responsibility for the offence.

A **formal caution with conditions** is an **official** warning that includes certain conditions that must be met in order that the police refrain from further action. These conditions may include:

- a. verbal apology to victim/victim's parents;
- b. written apology to victim/victim's family;
- c. the return of an item taken;
- d. the replacement of an item that was stolen or damaged;
- e. to fix or repair or help to fix or repair an item that was damaged;
- f. to attend school regularly;
- g. to be monitored by a police officer performing a specified number of hours of community service, to be no less than 10 and no more than 30 hours; and
- h. other conditions that may be considered appropriate (e.g. counselling).⁵

Remember that:

- The condition must be appropriate to the child's age and maturity and proportionate to the circumstance of the offence.
- The condition must not interfere with the child's schooling or income-generating activities upon which the child and his/her family depend.
- The police should seek the consent of the child and his or her parent/guardian or close relative for the action. If they do not consent, advise them that the alternative is to arrest the child.

If you are instructed to use a formal caution, either with or without conditions, follow the instructions you are given by your senior officer. Record information for the caution in Form 1A (without conditions) or Form 1B (with conditions)⁶. File the caution in the Formal Caution Register at your police station.

In the case of a formal caution with conditions, you may need to **regularly follow up on the conditions** of the caution to ensure that the child completes the undertaking and no further police action is warranted⁷.

III. Arrest Procedures for Children

The arrest of a child over the age of minimum criminal responsibility should be a **measure of last resort**. Always consider using cautions, mediation or community resolution first. When you **arrest** a child, you are taking him or her into custody by legal authority or warrant.

Remember, children can only be arrested by the police where the facts of the alleged crime warrant it and the law permits it. If a child must be arrested, refer the file to the nearest Domestic Violence and Victim Support Unit (DOVVSU) office, which has the mandate to handle children in conflict with the law. If there is no DOVVSU office in the area, continue to process the file yourself, following the protocol outlined in this document and asking for DOVVSU guidance, where necessary.

When an arrest is the only option available to you, obtain a **warrant of arrest** from the Magistrate of the

⁵ These conditions are outlined in the Juvenile Justice Act.

⁶ Both the formal caution without conditions and the formal caution with conditions are attached to this SOP.

⁷ The Justice for Children Policy 2015 also makes reference to accountability conferences, family group conferences and victim-offender mediation as options for diversion. At this point in time, these procedures have not yet been developed, however, police should be aware that these procedures will be implemented in the future and police roles, functions and responsibilities regarding these processes will need to be fully articulated.

Juvenile Court except in cases where a warrant is not required.⁸ Insofar as possible, female children should be arrested by female officers.

Follow these procedures:

- **Privately** inform the child of the reason for his or her arrest and the charges against him or her. If the arrest is under warrant, explain the content of the warrant and allow the child to read it, if he or she wishes.
- An arrest must respect the **dignity and well-being of the child and minimum force should be used.** (Juvenile Justice Act, sect. 4.3)
- **Do not use handcuffs, weapons, firearms or other instruments of force or restraint.** In exceptional cases, minimal force, handcuffs or restraint may be used, but only where there is a risk that the child will harm him/herself or others or escape, and all other methods of control have been exhausted or have failed. **If handcuffs must be used:**
 - » Extreme care must be taken when handcuffing youth in every situation, every time.
 - » Once handcuffed, youth must remain under constant supervision.
 - » An officer should have plastic “flex-cuffs” on hand to use to restrain a youth.
 - » Handcuffs must never be used for detention purposes, such as handcuffing a youth to a pole, chair or fence. This is dangerous to the child, ineffective and opens the door to serious wrongdoing by the police officer if the child is injured.
- Immediately explain the child’s due process rights, using simple language to explain that he/she has the right to:
 - » **Be informed of the charges against him/her in a language he/she understands and to read the charge sheet at any time;**
 - » **Remain silent;**
 - » **Have a parent, guardian, close relative or probation officer present at the proceedings;**
 - » **Legal representation; and**
 - » **Legal Aid.** (Juvenile Justice Act, 2003, sect. 3 & 22)
- If the child does not understand or speak the same language as the arresting officer, **an interpreter** shall be provided, free of charge, in the language or dialect understood by the child.
- **Notify the child’s parents, guardian or close relative** of the arrest and the reasons for it as soon as possible. If the child’s parent, guardian or close relative cannot be located, then notify a probation officer and cooperate with him or her to trace a family member or other responsible adult to take responsibility for the child.
- If you are arresting a child at the scene of the offence, be sure to gather relevant information and evidence from the scene.
- If you have not already done so, **notify a probation officer as soon as possible** after the arrest of a child so that he/she can begin to trace the child’s family and begin the processes of preparing a social enquiry report and assisting with age determination, if necessary.

⁸ Arrest without warrants can be made by police when the juvenile a) commits an offence in the presence of the officer; obstructs a police officer in execution of police duties; has escaped or attempts to escape from lawful custody; is in possession of any implement adapted or intended to be used for the unlawful entry of a building without reasonable explanation for the possession or when there are reasonable grounds of suspicion that the juvenile a) has committed an offence; b) is about to commit an offence where there is no other way of preventing its commission or the surroundings indicate that an offence could be committed; and c) is wilfully obstructing the police officer in the execution of police duties. (JJA, Sect. 5)

Remember that a child's first encounter with the police will shape his or her view of the police and determine his or her trust in the police and their procedures. You must ensure the **full protection and care of the child in your custody**. If the child is injured or requires medical treatment, immediately inform your superior and take the child to the nearest hospital, clinic or registered medical practitioner.

It is essential that children in conflict with the law are accompanied and supported by a parent, guardian, lawyer or other supportive adult at all stages of the process. Even when an older child appears to be an adult, he or she is developmentally still a child and needs emotional support and help from an adult to understand legal proceedings and prepare a defense. Police must assist children with contacting an appropriate adult. Remember that **family tracing and family notification must begin at the earliest possible stages**, so that children can benefit from parental support throughout the process (Justice for Children Policy 2015).

IV. Escorting a Child

Police may **escort** a child from one place to another. This includes taking the child from his/her home to the police station, from the scene of the offence to the police station, from the police station to the child's home, from the police station to the hospital, from the police station to the juvenile court, from the police station to remand and from remand to juvenile court, among others. For every interaction with these institutions, the police shall use a **referral form**, with the exception of transporting a child from juvenile court to a corrections centre. If a child is found guilty and receives a custodial sentence, police are responsible for transporting the child from court to the corrections centre. Police shall ensure that the **Detention Order and Police Removal form – CID Form no. 77 accompany the child**.

Remember, children should always be treated with **respect**, ensuring their **dignity and well-being** throughout the transfer. As far as practicable, female children should be transported by female police officers. (Juvenile Justice Act, 2003, sect. 15.4)

When transferring a child:

- **Do not use force or restraint** unless it is strictly necessary;
- Transfers must be made in adequate conditions, with sufficient ventilation and light and without hardship and indignity; and
- **Never** transport children with adult offenders and keep females and males separate.

V. Handling Children at the Police Station

Remember that children should never be subjected to any form of cruel, inhuman or degrading treatment or punishment, including threats or verbal abuse. For example, children should not be handcuffed to furniture to wait for an investigator. A child is entitled to respectful treatment and care, and his or her case should be attended to **promptly** by an investigator.

Upon arriving at the police station, follow these procedures:

- Immediately inform your superior that you have a child with you
- If you have not done so, immediately notify the child's parents/guardian/close relative or responsible adult (identified by the child)
- Complete a Statement Form and ensure that it is placed in a separate registry for children who pass through the police station

- **Do not search** the child unless you have reasonable grounds to believe that there is an object concealed in the child’s clothing, personal belongings or body that is related to a criminal act or the possession of which is an offence. Examples include the possession of stolen articles, instruments of violence, tools connected with the offence or other articles which may provide evidence against the child with regard to his or her charge. **A search shall be conducted by an officer of the same sex.** (Juvenile Justice Act, 2003, sect.10.3)
- Remember, there are special procedures for an intrusive body search. An intrusive body search is one of any body cavity, including the mouth, ears, nose and private parts. This search shall be conducted in a respectful manner and in the presence of the child’s parents, guardian or closest relative. If the search requires examination of the child’s private parts, this can **only be conducted by a registered medical professional.** (Juvenile Justice Act, 2003, sect. 10.4)
- If the child’s parents have not already arranged legal counsel, assist the child to contact a lawyer, for example, by providing access to a telephone and the number for Legal Aid or the Commission on Human Rights and Administrative Justice –CHRAJ.
- If you have not done so, notify a probation officer of the arrest since he or she is required to complete a Social Enquiry Report on the juvenile for the Juvenile court.

VI. Child-Sensitive Investigative Interviews

When dealing with children, the **investigative interview replaces the interrogation.** During interrogation of adults, police use psychological tactics to increase the stress and anxiety levels of suspects, manipulating their vulnerabilities to obtain confessions. Interrogation techniques aim to get the suspect to confess his or her guilt. This approach is not appropriate, nor effective, with children. Because societal norms expect children to be obedient to authority and because of children’s greater dependence upon adults, they are more vulnerable when adults use intimidation and manipulative tactics. Studies in other countries have shown that, when subjected to prolonged questioning, threats or inducements, and other inappropriate interrogation tactics, children are highly susceptible to confessing to crimes that they did not commit. A special approach to interviewing children is therefore needed to ensure that children’s rights are protected and justice is served.

The Ghana Police Service has adapted the **PEACE method** for interviewing child suspects, designed by law enforcement in collaboration with psychologists in the United Kingdom. The adapted PEACE method refers to **Preparation and Planning, Engage and Build Rapport, Account, Clarification and Further Questions and Ending (PEACE)**, and is a non-confrontational process of interviewing, aimed at reducing stress, limiting reliance on nonverbal signals to indicate truth or falsehood, using open-ended questions to solicit information and then examining inconsistencies in the suspect’s account.

The GPS will ensure that all interviews with children accused of an offence are conducted using the steps outlined below, respecting the following principles:

- The number of interviews should be **limited to as few as possible.** This means that the child should not be subject to interviews by a patrol officer, followed by interviews at the station by other officers before an investigator is assigned to the case. The investigator shall conduct the interview.
- All interviews with children should be conducted in a **safe and private environment** where children feel comfortable and free to discuss issues with the police. The setting must be comfortable and both physically and psychologically safe for children and their family members. If there is no child-friendly space available within the police station, request the use of another stakeholder’s child-

friendly space (such as a social worker's space or an NGO) or use your creativity and take the child to a space which offers privacy and is not intimidating, such as under a tree or in a small, partitioned space within your station.⁹

- Insofar as possible, investigations should be conducted by or with the assistance of a Domestic Violence and Victim Support Unit – DOVVSU officer who is trained in handling cases involving vulnerable persons. If this is not possible in your district or area, a senior investigator should handle the case, consulting with DOVVSU as necessary.
- Children in conflict with the law should be treated as a **priority** in the station and **processed without unnecessary delay**.
- Children have the **right to actively participate** in the decisions affecting their lives. In a police investigation, this includes informing children of the steps and purpose of the interview and giving the child the opportunity to participate in deciding who will be present, how the interview might be better adapted to his or her needs and what will happen after the interview.
- Children **must be accompanied by a supportive adult** (parent, guardian, relative, other adult of the child's choice or probation officer) whenever they are being questioned by the police. Children also have the right to have a lawyer present.
- Electronic recordings are the most complete and accurate way to document interviews, capturing the exchange between the child and the interviewer, as well as the exact wording of questions¹⁰. Where only written interviews are possible, write the questions asked in full and try to take down the child's response word for word. Both of these documentation techniques will keep the number of interviews to a minimum and respect the child's age and attention span. (Juvenile Justice Policy 2015).
- Remember, during the interview, physical restraint may only be used in **exceptional** cases and only when necessary for the security of the minor or another person. Physical restraint measures should not cause humiliation or degradation and shall be used only for the shortest possible period of time.
- The use of torture, force, violence, threat, deceit, false promises, intimidation or harsh treatment against a child during an investigation is **strictly prohibited**.

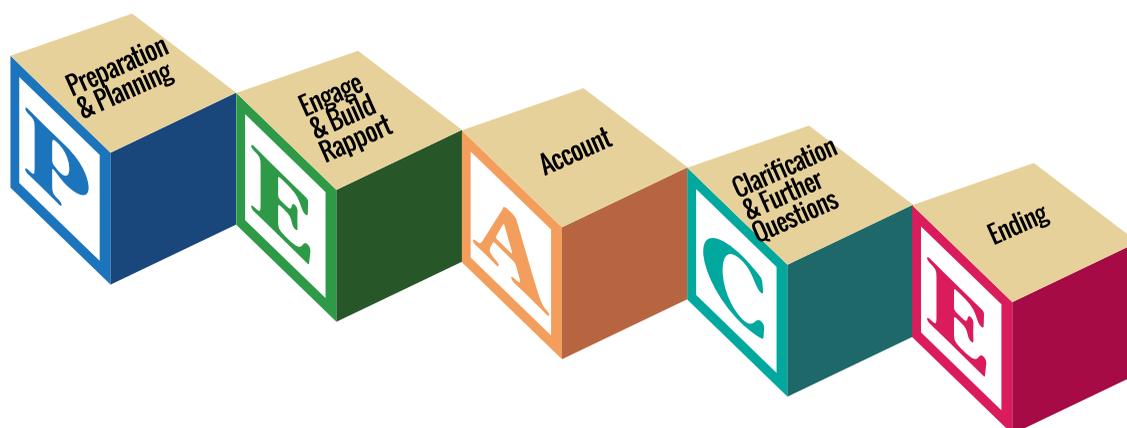
VII. The Adapted PEACE Investigative Interview

- The purpose of the investigative interview is to **learn about the child's involvement** in the commission of an offence. This includes whether the child was involved, how he or she became involved and why and if the child states that he or she was involved in the offence. Based on the information received through the interview, police will determine the most appropriate next steps for the processing and treatment of the child. The role of the police investigator is to learn **what happened, how it happened and why it happened**. Instead of police relying on a child to confess to a crime, police shall seek evidence to either support or refute the charges against the child, based on the information received during the interview.
- The method for interviewing child suspects is a structured, **5-step** approach.

⁹ With the exception of the DOVVSU national headquarters, no police station at the time of drafting this SOP had a child-friendly space. Until child-friendly spaces are set up, it is recommended that police try to adapt a space for privacy in their own stations, use a child-friendly space nearby or find a small space outside of the station, if possible, to provide some privacy and comfort for interviewing children.

¹⁰ Electronic recordings are not currently used by the GPS for interviewing juveniles. There are legal requirements for such statements to be accepted in court proceedings which should be taught in the Detective Training School, once and if electronic recordings are implemented as part of regular practice.

DIAGRAM 2 - INVESTIGATIVE INTERVIEW



1. Preparation and Planning

To prepare for the investigative interview, you must devote some time in advance to planning. This includes:

- » Understanding the case well enough to know what information needs to be collected;
- » Assessing what evidence is already available and how it can be obtained;
- » Assessing what evidence is needed and how it can be obtained; and
- » Preparing the logistics of the interview, including recording devices, stationery, location and the presence of a parent/guardian/close relative or probation officer, as well as legal representation, if requested.

Remember - in the **best interest** of the child and the accuracy of the evidence, interviewers must pay attention to the child's emotional and physical needs. Plan to take regular breaks. Be mindful of a child's attention span, nutritional needs and bodily functions. Avoid multiple and lengthy interviews. Set up a space for a child-friendly interview, insofar as you are able.

Before the child can be interviewed, a parent, guardian, close relative and/or legal counsel for the child must be present to offer support and advice. If none of the above are available or the police do not consider it to be in the best interest of the child to have them present, a probation officer must be present. The police **shall not** proceed without this person(s) present. (Juvenile Justice Act, 2003, sect. 13). If the child or his/her family has requested **legal representation** for the interview, a lawyer must be present during questioning.

2. Engage and Build Rapport

During this phase, you are setting the tone for the interview, developing a rapport with the child and explaining the reason for the interview.

- Sit beside the child and not directly across from him or her. Adopt an open body language and use language appropriate to the child's age and development.

- If the interview is being recorded, begin after the recording devices have begun by stating the date, time and location of the interview, as well as the full names and contact details of everyone present. To make this less formal, you can engage the child, for example, by asking, “Do you know what the date is?”
- Introduce yourself and any other persons present in the interview to the child.
- Ask if the child knows why he or she is there. Explain in simple language that you want to ask questions about the event that led to the charges against the child.
- Inform the child and the child’s parent, guardian or appropriate adult of the child’s rights during investigation in straight forward and simple language. Make sure the child has understood by asking him or her to repeat back to **you what you have said**.

Remember, the child is entitled to the following **procedural rights**:

- » the right to keep silent,
- » the right not to incriminate him or herself,
- » the right to privacy at all stages of the investigation,
- » the right to parental or guardian accompaniment,
- » the right to the presence of legal counsel, and
- » the right to examine his or her charge sheet at any stage of the investigation.

Make the caution statement available during the interview if the child or his/her accompanying adult would like to read it (Juvenile Justice Act, 2003, sect. 3, 13 and 20).

It is important to devote sufficient time to **rapport-building**. This will enable the child to relax and feel more comfortable, allowing for more complete and accurate information collection. This step will also allow you to become familiar with the child’s level of communication and development, which will assist you to communicate effectively with the child for the rest of the interview.

- Tell the child that you would like to get to know him or her better and want to learn about him or her. Ask the child about: a favourite subject at school, favourite activities during free time, favourite books, games, sports or movies.
- This is an opportunity to model what will happen in the interview by using prompts for more information. For example, if the child’s favourite sport is football, ask him or her, “Tell me more about football.”
- To develop an understanding of the child’s recall and the level of detail about an event he or she usually provides, ask the child to describe an event such as Christmas, the first day at school, Eid al-Fitr, or some other special occasion, providing detail about what he or she did.

Be **flexible** during this phase. If the child is a teenager, it may not be necessary to devote much time to rapport-building. Instead, he or she might wish to get straight to the interview.

During this phase you must also stress to the child **the importance of telling the truth**.

3. Account

This is the phase in which you obtain the child’s recollection of events, trying to obtain the fullest possible account from the child in order to learn what happened and how he/she was involved. Free narrative is the most reliable source of accurate and untainted information from a child and is consequently the most important phase of the interview.

Remember – you should pay attention to the child’s attention span, nutritional needs and bodily functions. As a general rule, interviews with children should last **a maximum** of one hour for children between 12 and 14 years of age and 90 minutes to two hours for a child between the ages of 14 and 18, including breaks. Interviews may need to be stopped if a child becomes too upset or too restless. Take breaks or reschedule interviews when the child requires it.

- Tell the child that you would like to begin the interview to understand what happened. Ask him or her to describe what happened, from the beginning, in his or her own words. Allow the child to speak **uninterrupted**, as this will provide the most important information for your understanding of the case. You want to learn:
 - » What happened?
 - » Where did this happen?
 - » How did this happen? How was the child involved, if at all?
 - » When did this happen?
 - » Who was there when it happened and what did they do?
 - » Why did it happen?
 - » How is the child now feeling about what happened?
- Advise the child that you will be taking notes and that he or she has the right to view these at the end of the interview. Tell him or her that you will only share information with people who will be involved further in the investigation and proceedings – the prosecutor, the magistrate and the probation officer at the Department of Social Development/Welfare.
- Ask the child to begin.
- If he or she stops or pauses during the free narrative, encourage him or her with prompts, such as, “What happened next?”; “Then what?”; “Tell me more about that”.

Remember to keep calm and underline that your role is to understand what happened. Be firm, but also be respectful. Aggression may cause the child to shut down or push back (argue). Use a calm, focused and non-confrontational verbal approach. Children are particularly attuned to verbal and nonverbal judgment from adults, so you should refrain from any actions which could be interpreted as negatively judging the child.

4. Clarification and Further Questions

Once the child has finished providing his or her explanation of events, the questioning phase can begin. The purpose of this phase is to get missing information or more details and to clarify inconsistencies that the child stated during his or her explanation. This should be done as much as possible with short, simple, open-ended and non-leading questions. Do not ask questions that are answerable by either yes or no, unless as a last resort. These tend to be leading questions that may force the child in a particular direction or to say things that may not be true.

When seeking additional information, use language appropriate to the child’s age and maturity. Children and adolescents do not have adult capacity to organise thoughts. They may need more time to process information. Use the same terms used by the child during the course of the interview and in note taking.

5. Ending

During this phase you are wrapping up the interview. Follow these guidelines:

- After the interview, summarise the important points covered by the child to make sure you understood correctly.
- Ask the child to verify that you have understood correctly.
- Ask if the child has any questions and be honest in your responses. **Never** lie to a child.
- Explain what will happen next to the child and his/her parents/guardian. You could say something along the lines of:
 - » “The next step is for me to review your case with a prosecutor who will decide if the charge should continue and go forward to court. If the prosecutor thinks it should go forward, I will collect evidence and finish the investigation. If not, you will be free to go.”
 - » “If your case goes forward, I will take you before the juvenile court, which will decide whether you go home with your parents/guardian or whether you will stay in a special shelter to await your trial. The decision has to be made within two days.”
 - » “You will then be told to come to the juvenile court to have your case heard. Your parents/guardian can be with you, a probation officer will be there, and you can have a lawyer present helping you to understand the case.”
 - » “Before your trial begins, the juvenile court might instead have you appear before a community panel which is mostly made up of community members and a social worker. For this to happen though, you must be guilty and be prepared to take responsibility.”
 - » “Otherwise, you will go through a trial. If the juvenile court decides you are not guilty, you will be free to go. If you are found guilty, the court will also decide what your sentence will be. You could be released to your parents, asked to do some kind of service activity, put on probation or sentenced to spend time in a corrections centre.”

Answer any further questions that the child and his or her family may have. The interview is finished.

Write up the details from the interview and attach to the Investigation Caution Statement. Maintain absolute confidentiality of all information and records of the child’s case. (Juvenile Justice Act, 2003, sect. 3) Only the police officers, probation officer, prosecutors’ office and judicial officers shall have access to such records.

Your next step is to inform the police prosecutor of the case details, provide the Investigation Caution Statement and investigation notes and seek guidance about the next steps. If the prosecutor advises you to continue investigating, you will proceed with interviewing witnesses and/or the complainant, if appropriate, and gathering evidence from the crime scene. Only if necessary, you may interview the child again as part of your investigation. Your role is to seek corroborating evidence to either exonerate the child or confirm his/her guilt. The procedures you follow to conduct investigations have been developed by the Criminal Investigation Department and are not reiterated here.

VIII. Release/Remand

Release refers to when a child is sent home with a parent/guardian from the police station after being arrested and interviewed. Instead, she or he is released on self-recognisance (agreeing to appear before the juvenile court upon receiving a summons to answer to the charges made against her/him and that, until such time, she/he will be on good behaviour) or the recognisance of a parent or

guardian (who agrees to ensure the child abides by the conditions). Because few, if any, police stations have child-friendly spaces and holding areas, you should avoid holding a child at a police station, instead releasing children to a responsible adult (parent/guardian/relative) on recognisance.

The Juvenile Justice Act makes it clear that the presumption in children's cases is that they will be released by the police. Section 14 says that a juvenile under arrest **shall be released** by the police on self recognisance or a recognisance entered into by a parent, guardian, close relative or other responsible person, unless:

- » the offence of which the juvenile stands accused is a serious offence, or
- » if it is necessary to remove the child from certain associations.

Release of children shall be made to parents, guardians, a social welfare officer, a fit person or, in extenuating circumstances where there is no caregiver available (such as with a child living or working in the street), a child can be released to an NGO operating a shelter/home or the state-managed children's shelter. If a parent or guardian is not available, consult with the social welfare officer on the next best option.

Remember, it is most often in the **best interest of the child** to be released into parental/guardian care, instead of being held at the police station or in remand while you await a judicial order about how to proceed. Detention is a measure of last resort or where there are no other appropriate measures and children should only be held for the shortest appropriate amount of time.

Holding a child is mandatory for "**serious offences**", defined in section 46 of the Juvenile Justice Act as offences such as robbery with aggravated circumstances, rape, defilement, indecent assault involving unlawful harm, drug offences, offences related to firearms and murder.

If it is not possible to release the child and detaining the child is unavoidable, proper procedures must be followed to secure a remand warrant from a juvenile court as soon as possible, and definitely within the time frame specified by national legislation (**48 hours**). The child should not be in police custody for more than 48 hours. This includes over the weekend. A magistrate **must** be found within 48 hours to issue a remand warrant or release from custody for the child.

If there is **no child-friendly holding area** at the police station, the child shall be taken to the nearest children's remand home, shelter or released to a responsible adult, if no remand homes or shelters are available.

In police custody children are **never** permitted to be held with adults or children of the opposite sex. Children must never be physically restrained unless absolutely necessary to protect the child or another person. The restraint used should not cause humiliation or degradation and be only for the shortest appropriate period of time.

The **personal needs of the child** are paramount. The child should be in adequate facilities with all necessary provisions, such as physical comfort, a bed for sleeping, sanitary conditions, access to food and clean water for drinking and bathing. A child in police detention has the right to adequate food, medical treatment if required, reasonable visits from parents, guardians, lawyers and close relatives and any other conditions necessary for the welfare of the child. (Juvenile Justice Act, 2003, sect.15.6). Children are free to wear clothing of their choice.

If a magistrate is found right away and the court issues a **remand** order for the child, the police are responsible for transporting the child from court to the remand home. The police shall bring the

remand order with the child and fill out a referral form for the child's case file, which will be copied for the remand home, indicating future court dates for the child. The police shall be responsible for picking up the child on those future court dates and bringing him or her to juvenile court.

If a child is remanded into custody, police must complete the investigation of the case as expeditiously as possible to ensure the shortest possible duration of detention.

If the juvenile court grants ***bail or recognisance*** to the child, the child is released from the court to his or her parents or guardian and the police officer shall contact the remand home to inform them of the child's bail or recognisance. In cases where no one stands for the child's bail, the police will return the child to the remand home.

Remember, if a child is on remand, parents/guardians/appropriate adults ***must be informed immediately*** of the transfer, release, sickness or injury of a detained child.

IX. Reporting and Recordkeeping Procedures

As much as possible, investigations should be conducted by an investigator of the Domestic Violence and Victim Support Unit (DOVVSU) who is trained in handling cases involving children in conflict with the law. In remote areas not served by a DOVVSU, senior investigators may undertake investigations involving children, seeking advice from DOVVSU as needed.

A comprehensive information management system for child protection shall be followed at police stations. Separate records (with colour coded files) and use of a confidential database for cases involving children in conflict with the law are required of all police. At a minimum, records will contain¹¹:

- Name, age and sex of child;
- Offence alleged, classified according to the Juvenile Justice Act, 2003;
- Time, date and location of offence;
- Detailed information about anyone else involved, including victims;
- Details of police action, including files of formal cautions if completed;
- Name of parents, guardian, closest relative or adult accompanying the child;
- Copy of medical forms if child is injured or requires medical attention;
- Details about organisation(s) to which the child is referred, including the name of the person receiving the child;
- Name of probation officer, social worker, legal counsel or child-service provider assisting the child;
- Disposition of the case (details of the outcome of the case).

The police shall ensure the confidentiality of all interviews, evidence and records of a child in conflict with the law. The police shall not reveal or publish any information that may lead to the identification of the child, except in instances which are deemed for the best interest of the child, such as locating a missing child. Only police officers, investigators or judicial actors directly working on the child's case shall have access to these records.

¹¹ The case docket electronic document file includes all of this data and can be printed off for use at stations without web access until they come on line.

X. Referral Procedures for Children in Conflict with the Law

DIAGRAM 3 - REFERRING A CHILD



The most common referral agents for children who come into conflict with the law include the following:

- **Registered medical professionals** – when a child requires medical, including psychiatric, attention and treatment
- **Legal aid** – as soon as there is intention to question the child, legal support and guidance must be made available to the child if she/he and/or the family requests it
- **Probation officers / social welfare officers** - must be notified as soon as possible after a child is arrested. They assist with family tracing as necessary, and must attend interviews in the absence of a parent/guardian. They can provide psychosocial support to the child once he or she leaves the police station, as well as overseeing diversion processes when the child is diverted from the formal justice system. They are also responsible for completing a Social Enquiry Report, as ordered by the juvenile court, should the child be formally charged. When the court sentences a child to probation, probation officers oversee the child's progress. The Justice for Children Policy foresees a role for probation officers to convene and sometimes participate in mediation and community-based resolution processes, although these are not yet fully developed, nor implemented.

- **Communities, chiefs, queen mothers and regents, religious leaders, district assembly representatives** – when informal and formal cautions are used, communities can offer support and correction to the child and his/her family, as well as convening restorative justice processes to reconcile the child offender with his or her victim.
- **Remand home** – children should be held in remand only when a parent/ guardian, extended family member, fit person or NGO is not available to keep the child or the charge is a serious offence.
- **NGOs** – can fill in gaps where formal institutions are absent by providing shelter, psychosocial support, reintegration support and services, legal support and services and some oversight of diversion processes, where necessary.

XI. Forms to Use for Children in Conflict with the Law

The following forms have been attached:

- Formal caution without conditions Form 1A (JJA)
- Formal caution with conditions Form 1B (JJA)
- CID Form no. 6
- Statement Form (CID Form No. 30)
- Electronic Case Docket Form (proposed)
- Referral Form (proposed)
- Police Removal Form CID Form no. 77 (proposed)

ANNEX 1

FORMAL CAUTION WITHOUT CONDITIONS FORM 1A (JJA)

FORM 1A

Police Caution without Conditions

Referral of caution details to Commissioner of Police C.I.D.

Police Officer:	Date:
Tel. No.	
Station:	Area:
Police Station Caution Ref. No.	

To:.....(Police Commissioner)

Details of the Accused	
Name:	
Residential/Postal Address	
Telephone No.	
Sex	Male Female
Age	
Identity No	
Offence	

I, the undersigned do acknowledge that.....(Name of child) was formally cautioned in the manner described and the consequences of his/her behaviour were explained him/her.

Signed on this.....

Rank of Police Officer

Service No. of Police Officer

ANNEX 2

FORMAL CAUTION WITH CONDITIONS FORM 1B (JJA)

FORM 1B

Police Caution with Conditions

Enquiries: Tel: No.:	Date: :	Rank & Full Name of Investigating Officer
Case No:	Police Station and area	Tel. No. of Investigating Officer:
Probation Officer Full Name	Probation Officer Service Office	Probation Officer Case No.

Probation Officer Tel. No	Police Station Caution Ref. No.:
---------------------------	----------------------------------

To:.....(Accused Name)

Contact Particulars:

Address:		
Sex:	Age	Identity No:
Male Female		
Offence:		

As you have admitted committing the above offence and are taking responsibility for your actions, you are being given a chance. You are hereby reprimanded. You are warned not to commit the offence again. A copy of the formal caution will be sent to the Regional Police Commander. A record of your offence will be kept there for two years. If you commit another offence, this caution may influence the way you are dealt with.

Cautioning details:

People present:

Parent

Guardian

Close relative

Probation Officer

Other

Details:.....

The following are the conditions of your caution:

Verbal apology to parents/victim.

Written apology to family/victim.

Return.....

Give the following item in place of stolen/damaged item.....

Fix or repair.....

Assist to fix or repair.....

Attend school regularly—no truancy

Police officer to monitor

Perform.....hours (specify 10-30 hours) of community service

at.....

Other.....

(tick as appropriate)

The above will be completed by.....(accused) no longer than 2 months from date of caution.....(parent, guardian, close relative) will be responsible for monitoring your progress and will give feedback to.....(police officer) at.....(telephone number) or at thepolice station at(address) by the.....

Should you fail to comply with the above conditions, your case will be referred back to the probation officer to decide what further action to take in terms of the Juvenile Justice Act.

Signed on this.....day of.....

.....

.....

Signature of Police Officer

Full name of Police Officer

.....

.....

Rank of Police Officer

Service No. of Police Officer

ANNEX 3

CID FORM NO. 6



GHANA POLICE

Register of Officers No.....
C.R.O. No..... Day of.....20.....
..... Station..... Region

The under-mentioned Particulars are for Registration:

Full Name
Alias Sex Age.....
Race..... Complexion Height.....Ft.....In
Native of (Town) Hair
Place of Birth Eyes
Date of Birth Nose
Occupation Nose
Present Address

Sentenced at Court.....
On..... day of.....,20..... to.....

Serving at..... Prisons.....

* For

** Method used

Convicted in the name of.....

With whom Convicted (Accomplices).....

*** Police Officer who made the arrest

Also known to.....

Previous Occupation.....

Previous Address.....

Officer-in-Charge, Station

Officer-in-Charge, Station

- * Show offences and value of property stolen. Show full charge on back of form
- ** Method used in committing offence - stealing from his employer, stealing from store, breaking open front door forcing, window open. Etc.
* In addition to name state Police Number.
- *** If this form is correctly filled in, it need not be accompanied by a letter or memo.
State if the photograph is or is not a true likeness

ANNEX 5

ELECTRONIC CASE DOCKET FORM

Date of Report {fixed data field: dd/mm/yy} Station Diary Reference Number _____
 Time: _____ Automatically Generated Case # _____
 Officer taking report {fixed data field of names in station}

Complainant: Complainant is victim? {fixed data field: Yes/No}

Name _____
 Address _____
 Phone _____
 Sex {fixed data field: M/F} Age {fixed data field: 0-2, 3, 4, ...} Race/ethnicity {fixed data field}
 Occupation _____ Literate {fixed data field: Yes/No} Language {fixed data field}

Offences as Reported:

Type of offence {fixed data field: all criminal code offences}
 Date of occurrence {fixed data field: dd/mm/yy}
 Time: _____

Accused:

Name _____
 Address _____
 Phone _____
 Sex {fixed data field: M/F} Age {fixed data field: 0-2, 3, 4, ...} Race/ethnicity {fixed data field}
 Occupation _____ Literate {fixed data field: Yes/No} Status {fixed data field}

Detained –police
 Detained- court remand
 Released-own recog
 Released-family recog

Accused Juvenile: {fixed data field: Yes/No}

Not arrested {fixed data field: Yes/No}

Informal caution
 Formal caution
 - No conditions
 - With conditions

Referral {fixed data field: Yes/No}

Registered medical practitioner
 Social welfare officer
 Probation officer
 Legal aid/representation
 Community programme
 Fit Person
 NGO
 Other _____

Special Instructions (health, allergies, disabilities, etc.) _____

Referral Contact Name _____
 Organisation _____
 Telephone _____

Diversion used {fixed data field: Yes/No}

List of types of diversion developed through J4C policy

Referral Contact Name _____

Organisation _____

Telephone _____

Property stolen/recovered: _____

Victim:

Name _____

Address _____

Phone _____

Sex {fixed data field: M/F} Age {fixed data field: 0-2, 3, 4, ...} Race/ethnicity {fixed data field}

Occupation _____ Literate {fixed data field: yes/No} Language {fixed data field}

Trauma suffered/treated {fixed data field }

Physical – medical exam Y/N
Sexual- medical exam Y/N
Psychological – medical exam Y/N
Other _____ medical exam Y/N

Suspected Trafficking Case: {fixed data field: yes / no}

Referred {fixed data field: yes/no}

AHTU Office _____
Investigator _____
Contact _____

Victim is found child without parental care {fixed data field: Yes/No}

Referred {fixed data field: yes/no}

Registered medical practitioner
Social welfare officer
Children’s shelter
Fit person/community
Legal aid/representation
NGO
Other _____

Special Instructions (health, allergies, disabilities, etc.) _____

Referral Contact Name _____

Organisation _____

Telephone _____

Case Disposition {fixed data field}

Case dismissed
Case sent to prosecution
- Pending (court date)
- Closed
- Innocent
- Convicted
- Sentence _____

Court Decision Date {fixed data field:

Reg. No. of LSRP¹² _____

Officer responsible for case _____

Police Gazette Number _____

¹²Register of "Lost Stolen and Recovered Property"

ANNEX 6

REFERRAL FORM (PROPOSED)

Date _____	Officer handing over _____
Police Station/Region/District _____	
Case reference, if available ¹³ _____	
Child victim or witness: Y / N	Which? Specify: _____
Juvenile suspected of offence: Y / N	
Upcoming court dates: _____	
Name _____	
Address _____	
Phone contact _____	
Date of birth _____	Age: _____ Sex: male / female
Health issues _____ Language _____	
In school: Y / N Class? Specify _____ School name _____	
Address of school _____	
Medical exam completed on child: Y / N Injuries or illness? Specify: _____	
Special instructions _____	
Parent/guardian/caregiver/responsible adult name _____	
Address of person above _____	
Phone contact for person above _____	
Referral Made To:	
Social Welfare <input type="checkbox"/>	Probation <input type="checkbox"/> Community <input type="checkbox"/> : Specify _____
Shelter: governmental / NGO <input type="checkbox"/> : Name _____ Health Service <input type="checkbox"/>	
School <input type="checkbox"/> : Name _____ Other <input type="checkbox"/> : Specify _____	
Contact Name _____	Signature _____
Date of handover _____	Time of handover _____
Officer handing over signature _____	

ANNEX 7

POLICE REMOVAL FORM: CID FORM NO. 77

(PROPOSED)



REMOVAL OF PRISONER FORM

Name of Prisoner:.....

Cell Book entry number (if any).....

Name of Probation Officer.....Phone Number.....

Name of InvestigatorPhone Number.....

List of property belonging to prisoner (including what he/she is wearing)

.....
.....

List of documents sent with prisoner

.....
.....

Police Officer-in-Charge ofStation

Phone number.....

.....day of.....20.....

The above mentioned property and documents checked and received correct

.....signature

Police Officer-in-Charge ofStation

Phone number.....

.....day of.....20.....

Original to be kept by the Prison

Duplicate to be returned to the Station by escort

TriPLICATE to be retained in Station records

Canada 

unicef 
for every child