

Investigation of Juveniles by Police Under Juvenile Justice System

A Study of Khyber Pakhtunkhwa Police Regarding Knowledge of JJSO-2000

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Abstract

Individuals of age less than 18 years committing an offence get in touch with police at the very first movement within the Juvenile Justice System throughout the world. Realistic accomplishment of juvenile justice system is achievable only when the implementing agency, like police is fully sentient about the concern law. The study was an endeavor to identify the consciousness level of police officers and officials concerning juvenile justice system ordinance 2000. The police staff working at police station level of three districts named as Peshawar as the capital city, Mardan and Charsadda from Khyber Pakhtunkhwa province of Pakistan were selected under quantitative research design. Total number of respondents was 420 which were carefully chosen randomly with the help of purposive sampling techniques from all the police stations of the target area. A pre-designed constructed interview schedule was used to collect the data. It was noted that high ranked police officers and police officials have the greater awareness level and knowledge about investigation process in juvenile justice system. It was suggested that during investigation process of juveniles, the high ranked police officers must involve due to high level of knowledge and awareness about the concern law.

Keywords

Juvenile Justice System, Police Officers and officials, Khyber Pakhtunkhwa, Peshawar, Mardan, Charsadda,

Introduction

Explaining the juvenile justice system under the umbrella of Islam, for young offenders who have committed any crime, the religion of Islam is not in the favor of attempting the punishment to these minors as given to adults. The quoted saying of Holy Prophet (S. A. W) is as under:

Hadith Number 4398:

Narrated Hazrat Aisha, UmmulMu'minin:

The Apostle of Allah (Peace_Be_Upon_Him) said: There are three (persons) whose actions are not recorded: a sleeper till he/ (she) awakes, an idiot till he/ (she) is restored to reason, and a boy till he/ (she) reaches puberty (p. 256).

The above mentioned Haith of the Holy Prophet Muhammad (S. A. W.) was narrated from Hazrat Bibi Aisha (R.T.A) and currently quoted in *Sunan-Abu-Dawood*, one of the accepted holy books of Hadith in a series of six holy books. It states that there are three categories of individuals on which there is no punishment of any crime, these are; a sleeper until he/she awakes, an abnormal until he/she gets healthy position and a minor until he/she become an adult.

The juvenile justice system is an important branch of the criminal justice system. The main difference between the juvenile justice system and the criminal justice system is that there is a concept of rehabilitation in juvenile justice system and it is considered as a primary goal. On the other hand, the criminal justice system for adults is constructed for appropriate punishment. Therefore, the judges take serious consideration in terms of juvenile's background and others essentials before ordering the sentence. The case of adults is mainly different and hence liable for punishment with no consideration of background (Malik & Sherazi, 2010).

Laws and legal measures concerning to juvenile offenders have an extensive history, back to thousands of years. Bernard (1992), stated that the Code of Hammurabi around 4,000 years ago (2270 B.C.) included orientation to runaways, children who did not obey their parents, and the younger children who cursed their fathers. Roman public law and canon (church) law 2,000 years ago differentiated between juveniles and adult criminals based on the idea of age of responsibility. In early Jewish law, the Talmud presented conditions under that infantile behavior was to be considered in imposing punishment. Muslim law also considered for compassion in punishing underage offenders, and children under the age of 17 were to be exempt from the death penalty.

Before the beginning of twentieth century in the west part of the world, the police force have the authority to take into custody juvenile offenders, possibly greater authority as compared with adults because these offenders had no legal procedures and protections. More specifically, juveniles were normally dealt informally because of the absence of formal procedures. The police officers would like to warn kids, bring them back to their home, informed their parents or guardians, or may be handed over them to a community agency such as local government, schools and/or churches (Bartollas & Miller, 2013). In Sri Lanka, Nepal and Bangladesh a juvenile offender is defined as a person below the age of 16. In most of the countries there are some additional restrictions on the applicability of juvenile laws, and special protections don't apply as a whole to all children alleged to have committed an offence. For example, In India the juvenile justice legislation doesn't apply in disputed area of Jammu and Kashmir. Same as the case here with Pakistan also, where, the law has not been still extended to the Federally Administered Tribal Areas (FATA) and the Provincially Administered Tribal Areas (PATA) (Lotse, 2006).

There are two situations where the juveniles may have interaction with police, a status offence like run away from home or from school and a criminal offence like theft and murder etc. Ando, (2014) stated that in both the cases a decision will be made either to send case into judiciary for further process or divert the case to eliminate it from the system. In most of the cases, before taking any decision, the authorities like police first talk to victim party. After that, they make their tendency to juvenile's parents.

Munir (2007) explains that the basic theme of developing juvenile laws is to pass the delinquents through a well-known acceptable judicial process. This will help the juveniles to become satisfied socially and psychologically through criminal proceedings inside the courts. The persons around the judicial environment like Police officers/officials, Advocates, Judges and probation officers must have try their best to play a vital role to ensure that juvenile offenders are feeling better as compare to before entering the judicial process.

Objectives of The Study

1. To know the investigation process of juveniles under juvenile justice system.
2. To classify the knowledge of police staff about investigation process under Juvenile Justice System Ordinance 2000.
3. To know the impacts of police rank on knowledge and awareness of police regarding juvenile justice system.
4. To present policy recommendations for practical implementation of Juvenile Justice System Ordinance 2000 through police department.

Methods and Materials

An essential part of ensuring data reliability is the accurate and suitable analysis of research findings. Inappropriate statistical analyses misrepresent scientific findings, misguide typical readers, and may negatively influence the general public perception of the conducted research (Shepard, 2002). In the current study, data has been collected from all the police stations through purposive sampling (Neuman, 2013) from three districts i.e. Peshawar, Charsadda and Mardan and further analyzed and tabulated systematically. The data was scrutinized with the help of both univariate and bivariate analyses.

Results and Discussions

Table No. 1 Distribution of Respondents by District and Current Rank.

District of the Respondents			
S. No.	Statement	Frequency	Percent
i	Peshawar	206	49.05
ii	Charsadda	93	22.14
iii	Mardan	121	28.81
	Total	420	100.0
Current Rank of the Respondents			
i	Head Constable (BPS-07)	169	40.2
ii	Assistant Sub Inspector (ASI_BPS-09)	114	27.1
iii	Sub Inspector (SI_BPS-14)	94	22.4
iv	Inspector (BPS-16)	43	10.2
	Total	420	100.0

The table No. 1 reflects the district wise distribution of respondents. Total 420 respondents were selected from three different districts in which around half i.e. 49.1% of the respondents were selected from district Peshawar, respondents from district Mardan was 28.8% and remaining 22.1% respondents were selected from district Charsadda.

The table also shows that 40.2% of the respondents are Head Constables (BPS-07), around 27.1% are Assistant Sub Inspectors (ASIs_BPS-09), about 22.4% are Sub Inspectors (SIs_BPS-11) and remaining 10.2% of the respondents are Inspectors (BPS-16). It has been observed that in urban areas the Inspector (BPS-16) are considered as the SHO (Station House Officer), while in some rural areas the Sub Inspectors (SIs_BPS-11) are appointed as SHOs at police station. Fasihuddin, (2012) described that the KPK police jointly with *Pakistan Society of Criminology & Save the Children Sweden*, during the year 2010, took some progressive steps towards sensitization of police regarding juvenile justice system, human rights and child rights. Arranging training sessions for the police of entire province and achieving almost 5000 target of police officers/officials of different ranks from constable (BPS-05) to ASPs/DSPs (BPS-17) were considered a great milestone.

Table No. 2 Distribution of Respondents Regarding Knowledge About SHO's Authority.

Police Knowledge About SHO (Station House Officer) Authority: (Frequency) Percent							
S. No.	Statement	S.A	A	N.O	D.A	S.D	Mean
i	The SHO usually avoid registering FIR against juvenile and try to handle the matter at police station level	(38)	(305)	(60)	(17)	(0)	3.87
		9.0	72.6	14.3	4.0	0.0	
ii	The SHO utilize his authority under JJSO-2000 in handling a juvenile	(26)	(309)	(74)	(7)	(4)	3.82
		6.2	73.6	17.6	1.7	1.0	
iii	In a bail-able offence, the SHO can release a juvenile with or without surety	(80)	(249)	(81)	(10)	(0)	3.95
		19.0	59.3	19.3	2.4	0.0	
iv	In a non-bail-able offence, the SHO can transfer the case to juvenile court within 24 hours after arresting	(86)	(236)	(91)	(7)	(0)	3.95
		20.5	56.2	21.7	1.7	0.0	

S.A = Strongly Agree (5), A = Agree(4), N.O = No Opinion (3), D.A = Disagree (2), S.D = Strongly Disagree(1)

The table No. 2 deals with minor cases committed by juveniles and role of SHO (Station House Officer) in solving the matter at police station level. Nine percent of the respondents strongly agreed that SHO can handle the matter at police station, more than half 72.6% of the total selected sample agreed and stated that SHO usually evade registering FIR (First Information Report) against children and solve the matter at police station, less than quarter 14.3% didn't express their view while four percent of the respondents were disagreed about solving the matter at police station level. The data demonstrated that majority of the respondents were in the favor that SHO normally avoid registering FIR against juveniles and trying their best to solve the problem at police station between both the parties. Explaining section (10) (1) (a) of the JJSO-2000 whereas, it is stated that after arresting a juvenile the first step for police is to inform the father or guardian of the juvenile. The calculated mean value for avoiding FIR against juveniles by SHO and solving the matter at police station level is 3.87.

The table further shows the calculated value of SHO's authority under JJSO-2000 for dealing the matters at police stations. About 6.2% of the respondents strongly agreed with utilizing the legal authority of SHO under JJSO - 2000, more

than half i.e. 72.6% of the respondents agreed with the statement that SHO utilize his authority under JJSO-2000 in handling the juvenile related matters. While 17.6% were ignorant and didn't know anything. On the other hand, 1.7% of the respondents were disagreed with utilizing SHO's authority and the remaining only 1% was strongly disagreed with utilizing the legal authority of SHO. The data expressed that majority of the respondents were in the favor of utilizing the SHO's legal authority defining under JJSO-2000 in handling the juvenile related matters. The whole Section 10 with its subsections of JJSO-2000 clearing up the authority of SHO for handling the juvenile. The calculated mean value for utilizing SHO's authority under JJSO-2000 is 3.82.

The table also highlights the calculated values of descriptive statement on SHO's authority in a bail-able offence committed by a juvenile. Nineteen percent of the total selected sample strongly agreed while 59.3% agreed that an SHO can release a juvenile with or without surety in a bail-able offence, about 10.2% of the respondents remain silent and remaining 11.4% of the respondents disagreed about SHO's authority while releasing a juvenile from police station. The data shows that majority of the respondents give preference that in a bail-able offence the SHO can release a juvenile with or without surety. In Section (10) (1) (b) of the JJSO-2000 it is clear that the concern SHO can only contact the available Probation Officer for further collecting data from juvenile. The calculated mean value for SHO's authority in a bail-able offence committed by juveniles is 3.95.

The above table also illustrates that in a non-bail-able offence, the SHO can transfer the case to juvenile court within 24 hours after arresting. Responses show that 20.5% of the respondents strongly agreed and 65.2% agreed with transferring the case to juvenile court within 24 hours. Less than quarter 21.7% didn't show any opinion and only 1.7% of the respondents disagreed with transferring about the case to juvenile court within 24 hours. The data demonstrated that majority of the respondents were in the favor that in a non-bail-offence, the SHO can transfer the case to juvenile court within 24 hours after arresting. The situation of non-bail-able offence committed by the juvenile is briefly explained in Section (10) (2) of the JJSO-2000 whereas, the Police Officer must transfer the case to juvenile court within 24 hours without any delay. The calculated mean value for SHO's authority in a non-bail-able offence committed by juveniles is 3.95.

Table No. 3 Distribution of respondents by their behavior towards juveniles after arresting.

Police Behavior Towards Juveniles After Arresting : (Frequency) Percent							
S. No.	Statement	S.A	A	N.O	D.A	S.D	Mean
i	Police treats juveniles and adults alike	(9)	(61)	(19)	(257)	(74)	2.22
		2.1	14.5	4.5	61.2	17.6	
ii	There is no change of police attitude in handling a juvenile	(14)	(201)	(10)	(183)	(12)	3.05
		3.3	47.9	2.4	43.6	2.9	
iii	Harsh language is avoided in handling a juvenile offender	(36)	(351)	(7)	(18)	(8)	3.93
		8.6	83.6	1.7	4.3	1.9	
iv	A criminal is a criminal whether a juvenile or adult	(34)	(149)	(6)	(220)	(11)	2.94
		8.1	35.5	1.4	52.4	2.6	
v	After arresting a juvenile, the first step is to inform his/her parents/guardians	(180)	(230)	(1)	(9)	(0)	4.38
		42.9	54.8	0.2	2.1	0.0	
vi	Juveniles are placed in same lockups with adult during investigation process	(7)	(34)	(19)	(205)	(155)	1.89
		1.7	8.1	4.5	48.8	36.9	

S.A = Strongly Agree(5), A = Agree(4), N.O = No Opinion(3), D.A = Disagree(2), S.D = Strongly Disagree(1)

The table No. 3 deals with calculation of descriptive variable about police treatment variation towards juveniles and adults. About 2.1% of the respondents strongly agreed that police treated juveniles and adults alike, while 14.5% of the respondents agreed with it. About 4.5% showed no response, more than half i.e. 61.2% of the respondents disagreed and 17.6% of the respondents strongly disagreed with the equal treatment of police towards juveniles and adults. The data showed that majority of the respondents were not in the position to accept the similar treatment of police with juveniles and adults. In fact, the law has been restricted to books only and juveniles are booked with adults in the same process of justice. Ramzan, (2014) added that juvenile offenders are being transported from jails to courts in the same prison vans with adults. The calculated mean value for treating juveniles and adults alike is 2.22.

The table showed the calculated value of descriptive statement that there is no change of police attitude in handling a juvenile. About 3.3% of the respondents strongly agreed that there is no change of police behavior & attitude, and 47.9% of the total selected sample were agreed about no change of police attitude. While 2.4% of the respondents kept silent, 43.6% of the respondents were disagreed and 2.9% of the respondents were strongly disagreed that no change in behavior & attitude of police while dealing a juvenile. The data explained that majority of the respondents were agreed that there is no change of police attitude while dealing and processing a juvenile from community through police station to judiciary. The calculated mean value for identifying change in police attitudes towards juveniles is 3.05.

In the table under discussion the calculated value of the descriptive statement has been presented that harsh language is avoided in handling a juvenile. About 8.6% of the respondents strongly agreed and in the favor of avoiding harsh language in case of juveniles. More than half i.e. 83.6% of the total selected sample was agreed in preventing unsympathetic language. While 1.7% showed no opinion, 4.3% of the respondents were disagreed and remaining 1.9% of the respondents strongly disagreed with the statement and was in the favor of typical police language for handling a juvenile. The data demonstrated that majority of the respondents agreed with the statement which stated that harsh language is avoided in handling a juvenile offender. The calculated mean value for avoiding harsh language of police in handling juveniles is 3.93.

The table further shows the value of the statement that a criminal is a criminal whether a juvenile or adult as per police perspectives. About 8.1% of the respondents strongly agreed for no difference of juvenile and adult as a criminal, less than half i.e. 35.5% of the respondents were agreed and expressed their favor for the statement. While 1.4% didn't show any view. Little more than half (52.4%) of the total selected sample was disagreed about the similarity of criminals and 2.6% of the respondents were strongly disagreed about the resemblances of young and adult criminals. The data highlighted that majority of the respondents were not in the favor that a criminal is a criminal whether a juvenile or adult. It shows that police knew the differences between a juvenile and adult while handling them at police station. The calculated mean value for knowing differences between juveniles and adults is 2.94.

The above table states that after arresting a juvenile what are the main and necessarily knowledgeable steps are for police. Less than half (42.9%) of the respondents strongly agreed and 54.8% agreed that first step after arresting a juvenile is to inform his/her parents or guardians. Only 0.2% showed no opinion, while 2.1% of the respondents disagreed with informing of juvenile's parents as the

first step after arresting. The data highlighted that majority of the respondents considered informing the juvenile's parents/guardians as a first step after arresting. The calculated mean value for informing juvenile's parents as a first step after arresting is 4.38.

The table also illustrated the calculated value of descriptive statement, which states that juveniles are placed in the same lockups with adults during investigation process at police station. About 1.7% of the respondents strongly agreed about keeping juveniles with adults, and 8.1% of the respondents agreed that juveniles should be kept with adults in the same lockups. Only 4.5% of the respondents didn't show any opinion, less than half (48.8%) of the respondents were disagreed about keeping juveniles with adults and 36.9% of the respondents strongly disagreed about the placement of juveniles with adults. The data verified that majority of the respondents were disagreed for keeping the juveniles with adults in a same lockups at police station during the process of investigation. The calculated mean value for placing juveniles in same lockups with adults during investigation process is 1.89.

Table No. 4 Current Rank of Respondents and Knowledge About JJSO - 2000

Current Rank of Respondents	Police Treats Juveniles & Adults Alike			Total
	Agree	Opinion	Disagree	
Head Constable (BPS-07)	20.7% (35)	5.3% (9)	74.0% (125)	40.2% (169)
Assistant Sub Inspectors (ASIs - BPS-09)	16.7% (19)	6.1% (7)	77.2% (88)	27.1% (114)
Sub Inspectors (SIs - BPS-14)	16.0% (15)	2.1% (2)	82.0% (77)	22.4% (94)
Inspector (BPS-16)	2.3% (1)	2.3% (1)	95.3% (41)	10.2% (43)
Total	16.7% (70)	4.5% (19)	78.8% (331)	100.0% (420)
Mean Value = 2.03	Mean Value = 2.22			
St. Dev. = 1.019	St. Dev. = 0.973			
Pearson's Chi Square Value = 18.865	df = 12		Level of Significance = 0.092	
Gamma Value = 0.188				Level of Significance = 0.006
Spearman Correlation Value = 0.135				Level of Significance = 0.006
Pearson's Correlation Value = 0.150*				Level of Significance = 0.002

*Correlation is significant at 0.01 level (2-tailed)

Police Rank & Knowledge About JJSO-2000

The table No. 4 shows the relationship between police rank and knowledge about JJSO-2000 by knowing the police treatment towards juveniles and adults. The table highlights gradual and positive change with increase in police rank as per knowledge about JJSO-2000 and police treatment towards juveniles and adults. The above table shows that 40.2% of the respondents are Head Constables (BPS-07), around 27.1% are Assistant Sub Inspectors (ASIs_BPS-09), about 22.4% are Sub Inspectors (SIs_BPS-11) and remaining 10.2% of the respondents are Inspectors (BPS-16). The table illustrated that 16.7 percent of the total respondents agreed and strongly agreed that police treat juveniles and adults alike, 4.5% of the respondents didn't express any opinion and 78.8 percent of the respondents disagreed or strongly disagreed about the same treatment of police towards juveniles and adults.

The table presents that there is a relationship between police rank and knowledge about JJSO-2000 whereas in JJSO-2000 it is stated that same treatment of police towards juveniles and adults is strictly avoided. It is clear from the table that 20.7 percent of the respondents who are head constable by designation are agreed or strongly agreed that police treats juveniles and adults alike. About 16.7 percent of the respondents who are ASIs have the same opinion about similar police treatment towards juveniles and adults, 16.0 percent of the respondents who cover the SIs group of police stated that police have same attitudes towards juveniles and adults and only 2.3 percent of the respondents who are Inspectors have the opinion that police treats juveniles and adults alike. There is a decrease in percent values (from 20.7 percent to 2.3 percent) which represents upgrading the police is reducing the low knowledge about JJSO-2000.

The table demonstrates that 74 percent of the respondents who are head constables are quite disagreed about the same treatment of police towards juveniles and adults. About 77.2 percent of the respondents who cover the ASIs group of police have the opinion that police didn't treat juveniles and adults alike, 82 percent of the respondents who cover the Sub Inspectors group of police have the opinion that police have the knowledge about JJSO-2000 and didn't have same attitudes towards juveniles and adults and at the end, 95.3 percent of the respondents who cover the top officers level group i.e. Inspectors were quite disagreed about the same treatment of police towards juveniles. The table shows that there is an increase of values in percent about knowledge of JJSO-2000 from (74 percent to 95 percent) with specific increase in rank of police. This one side decrease and other side increase in percent values show a perfect relationship between these two variables.

The table shows the mean value for current rank of the respondents which is 2.03 with Standard Deviation of 1.019 and the mean value for police treats juveniles and adults is 2.22 with Standard Deviation of 0.973. The Pearson's Chi Square test

statistic value for verifying the relationship between the variables is 18.865 with 12 degree of freedom and 0.092 level of significance. The Gamma test statistic value 0.188 and value for level of significance 0.006. The Spearman Correlation value for correlating the variables is 0.150 and value for level of significance is 0.006. The statistical value for Pearson's Correlation is 0.150 with 0.002 level of significance. The 2-tailed statistical value for showing that correlation is significant for both the variables is 0.01 which represents a strong and perfect relationship between the two variables.

All the above statistical values illustrated that police officers have comparatively high level of knowledge about different laws including PPC & Cr. PC and especially about JJSO-2000. The lower police officials have less knowledge about the practicing laws at police station level.

Conclusion

Police official hierarchy has an indebt and direct relationship with knowledge and awareness about JJSO - 2000 as a special and unique law designed for juveniles. Generally it has been observed that low rank of police personals are working in police stations that have a difficult task for those police personals which have low or no knowledge about JJSO-2000 and juveniles. Working and serving in police stations means a direct and first contact with juveniles, arresting them and registering FIRs against them is again a difficult task without getting proper training and orientation. Arranging and conducting trainings for police is first of all rare, if it is arranged only the officers make their availability for participation because of free. The lower rank police personals are unable to make their availability for trainings due to business nature of their duty.

The investigation process of juveniles that consists of arresting from community, shifting to police station and further move the case to juvenile court is an essential and fundamental process for both the juveniles as well as for police officials. A major portion of JJSO - 2000 has been constructed for this process in which it has been clearly mentioned that how police will arrest the juvenile from community, shift it to police station and further movement of case to juvenile courts. If in case of police awareness and knowledge about JJSO - 2000 there is a small piece of knowledge exist in police about JJSO - 2000, the process will be completed smoothly. Otherwise it is very much difficult for police to handle the juvenile without proper knowledge of the concern law.

Recommendations

The prime ambition of any research activity is to enhance something new to the existing situation for minimizing the problems. The current research process demonstrates the knowledge of police about Juvenile Justice System Ordinance-2000. Some brief suggestions are highlighted as under.

- Facilitating the lower rank of police in terms of training and orientation as well as higher education is an essential task for higher police officers.
- Involvement of police officers in the process of investigation of juveniles is much needed due to comparatively high knowledge and awareness about the new and emerging laws like juvenile justice system ordinance 2000.
- The availability of IEC (Information, Education & Communication) and other awareness and knowledge related materials are very much necessary in police stations. It has a great effect on police attitude and behavior as well as knowledge about concern laws.

Provincial and federal government should arrange a separate judicial unit which will deal only the juvenile cases as the provincial governments are lacking of establishing the separate judicial unites for juveniles.

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