

THE ROLE OF POLICE IN PREVENTION OF DELINQUENT BEHAVIOR OF CHILDREN IN CROATIA

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Summary

This paper discusses some possible consequences for behavior of children who committed offences, caused by certain processes to which children were subjected during the police criminalistic elaboration. We propose that some of these processes might in fact produce positive encouragement for further delinquent behavior of these children. Namely, until recently, the elaboration of juvenile delinquency was incorporated into the framework of general criminality fighting, i.e. there were no special units of criminalistic police specialized exclusively for solving these complex problems.

Keywords: prevention / criminalistic police / children who commit offences / operational work / corroboration / operand conditioning / organizational structure of the police force

1. INTRODUCTION

Every society strives to suppress, as much as possible, those behaviors which breach the social order. This social order is protected by social rules with various levels of compulsion, and various levels of severity of the sanctions connected with the infringement of a concrete rule. The society uses various means in order to suppress those behaviors, and the most effective one is the prevention of those behaviors themselves. These activities are generally termed prevention.

Prevention may be understood as engaging in a number of various activities in order to hinder or avoid something undesirable. For this article, it is important to define prevention in criminological sense, i.e., as a group of activities intended for prevention of criminal or delinquent behavior before it has occurred.

There are various classifications of prevention. We shall use the classification into primary, secondary and tertiary prevention.

Primary prevention is aimed to hinder the occurrence of delinquent behavior before it appears. The general, special and particular factors of delinquency should be eliminated by this form of prevention. Accordingly, the measures which should be undertaken through this form of prevention can be divided into general (these measures are intended to relegate the basic causes of human alienation and to create prerequisites for multifarious human development), special and particular ones (which should solve certain social, educational and other individual or group problems). This form of prevention can be understood as prevention in the narrow sense.

Secondary prevention should hinder the increase of the already occurred delinquent behavior. Various measures can be undertaken for the purpose, such as early identification of the juvenile persons with disordered or

delinquent behavior, working with the risky segments of population, etc.

Tertiary prevention is aimed to hinder relapse. It is most often enforced by the reintegration of the individual delinquent into community.

Obviously, this is a quite comprehensively understood concept of prevention. This is the way it has to be if it is to produce certain effects. Such a concept has to include a lot of social subjects to make it successful. Police is usually one of these subjects. What is its position in relation to the above described classification of prevention?

It is hardly imaginable that police could contribute to the enforcement of the general measures of primary prevention. The situation is much more favorable in the other aspects of prevention, theoretically at least, regarding certain police contributions in this area. In this sense, certain experiences of several West European countries are useful.

In Belgium and Germany, there are vertically organized female police forces, from town level departments to province police headquarters. This female police has various tasks. Some of them are discovering the morally or physically abused children, research into their family connections, discovering youth tramps, research into the crimes committed by children or youth. Somewhere, educational and advisory activities are carried out (Singer, Mikšaj-Todorović, 1984; Hirjan, Singer, 1987). In Australia, the United States, Great Britain and several Scandinavian countries, the police founds youth associations and clubs that provide a lot of interesting activities for the youth, such as completing their professional education or getting the needed individual help and advice. In this way, the police tries both to replace and support the weakened family control and the social frame respectively (Singer, Mikšaj-Todorović, 1984).

In France, the information and orientation centers for youth have been established. These centers should help protect the youth or direct them to other services and organizations which provide help. Besides the Brigade for the Minors in Paris Police, in the 1960's, the Office for Youth was established too. The task of the Office was to gather information concerning the administrative, family and social problems of youth, to see to the solving of these problems, to help the youth indirectly by contacting them, to intervene, if necessary, in the social or family environments of the youth, and to advise the youth in their restitution of good relations with the environment (Singer, Mikšaj-Todorović, 1987).

In Germany, the police distributes booklets among the parents in order to prevent the sexual crimes in which children are involved. Some risks regarding education and children integrity are described in these booklets (Singer, Mikšaj-Todorović, 1987).

These examples show that police forces in some countries engage in certain preventive activities besides performing their regular duties.

What is the police contribution to the area in The Republic of Croatia? The contribution is not satisfactory. The author has no knowledge of any systematic preventive activities. Just the opposite, the police treatment of the children delinquents in Croatia sometimes produces effects completely different from the ones desired. The cause of that lies in the organizational structure of the criminalistic police in Croatia.

2. THE PROBLEM

The influence of police treatment on the subsequent behavior of children-delinquents is very hard to test empirically. This is why this paper will try to show theoretically the possible consequences for subsequent behavior of the children who pass through the procedure of police treatment.

The primary task of criminalistic police is to provide evidence of the crime, and to prevent the suspects to hide or escape. However, within this frame, there is space enough for certain preventive activities, which are also necessary in the treatment of children-delinquents. As Hirjan and Singer say, »...correct and pedagogically devised contact between the police workers and the juvenile delinquent could have strong educational influence. The police is usually the first institution which contacts the juvenile delinquent, and, if the delinquent is a child, this contact often remains the only contact

between the child and the representatives of the public order. The impressions which the child gets in these first contacts can have significant influence on his subsequent relations and attitudes to the representatives of the society who take care about public order and security, on his subsequent behavior, and on the final pedagogic effect of the criminal procedure which shall eventually be conducted against him« (p. 358). Thus, we can conclude that this contact will be of particular importance in the treatment of the children perpetrators. That is, according to Croatian laws, criminal procedure may not be undertaken in the case of children (persons under fourteen). It means that the police shall very often be the only legal institution to contact these children. That is why this contact and its form are so important.

The police activity concerning prevention of delinquent behavior of children can be twofold.

The first form of prevention which can be carried out by the police is realized through the activities of patrolmen, that is, the uniformed policemen who work in the field. This is the kind of preventive activity that removes the conditions for committing the crime. For this form of prevention, the presence of the policeman »at the right place at the right time« is of greatest importance. Of course, this form of prevention has quite a limited extent. There are at least two reasons for that: first, this form of prevention this form of prevention does not have a lasting pedagogic influence, and it is exhausted by the presence of the policeman »at the right place at the right time«; and second, there is the constant problem of the insufficient number of policemen (this problem, we assume, is common to most of the police forces in various countries).

Another form of prevention is the one which could be realized through the activities undertaken by the police operative workers. Police operative workers perform criminalistic treatment on persons (including children) suspected for criminal offences. The content and preventive potential of these activities are quite different from the above described activities of the uniformed policemen. In the first place, they should be performed as pedagogical contacts between the police operative worker and the child - criminal offender. However, there are certain factors that influence the process, so that these activities sometimes become quite different than originally planned and desired. That is why these activities and contacts sometimes produce undesirable effects. The main cause of that lies in the organizational structure of the criminalistic police in Croatia.

The criminalistic police is organized in the following way: police stations at the local level and the police offices at the city level perform operative activities, which are of greatest importance for prevention. More precise, this operative work is performed by the operative departments of these organizational units. The departments are divided into sections according to the crime they deal with. It is important to mention that until April 1994 there were no specialized departments or sections to deal with the problem of juvenile delinquency exclusively, neither at the police offices at the city level nor at the police stations at the local level. Criminalistic treatment of the children criminal offenders was performed by the departments or sections specialized for a specific kind of felony. Most of the children criminal offenders were treated by the local police stations staff, where the operative departments were divided according to the territorial sectors. The police staff which used to deal with this segment of the population were not trained for this specific kind of police work. The next problem in this context is the question of the criteria according to which the efficiency of the police operative work is to be estimated within the police system itself. Here, we have the principle stating that an operative worker's efficiency is judged according to the number of cases he resolves. The position of the operative worker depends upon this criterion. For the sake of this criterion, there is a certain compulsion that the police operative workers resolve as many cases as possible. To resolve a criminal offence means finding the person suspected to be the criminal offender.

Considering all this, three conclusions can be drawn: 1. until April 1994, there were not any organized units in Croatia which would deal with the problem of juvenile delinquency exclusively, 2. since the basic criterion for judging the efficiency of a police operative worker is the number of cases solved, all the operative police work is adjusted accordingly, 3. however, several problems appear if the youth delinquents are put within competence of the police organizational units for suppressing crime in general. In this case, the above described criterion becomes important for this specific criminal population too. It means that the same goals are set in both the police treatment of adult criminals and children criminal offenders, without previous examination of its pedagogical value or the possible negative consequences which may appear. Such was the situation in Croatia until April 1994.

As we have mentioned above, in Croatian criminal law the children (persons under 14)

can not be prosecuted, neither can legal punishment be applied to them. These children are very often aware of this fact. Because of that, they do not care how many criminal offences they have committed, as the police has found out. The number of criminal offences they commit does not change their position. They do not have to fear of harsher sanctions for harsher offences against the social order. It follows that these children are a very convenient source for resolving a great deal of criminal offences with unknown perpetrators. The basic problem in this situation for the police is how to persuade them to plead guilty of all the criminal offences they have committed (or even of those they did not commit). Means with very doubtful pedagogic effects are used to achieve this goal. Namely, in most of these cases, procedures used give the children a sense of importance (e.g. flattery, expressing admiration for the skills shown, etc.). In this way, the child is made to feel important, so he wants to keep the position which is probably pleasant to him. He can attain this position if he boasts about his »heroic deeds«. Further admiration follows. This whole situation is in no way unpleasant to the child exposed to it. Just the opposite, the higher the number of criminal offences the child admits to have committed, the more praise he gets. After police treatment, the child very often does not come in contact with any other institutions. In which way can such a situation influence the further behavior of the child?

According to B. F. Skinner (Fulgosi, 1987), the whole human behavior can be divided into respondent and operating behavior. Respondent behavior consists of the actions which are a response, that is, a reaction to the antecedent stimuli from the environment. The operating behavior is, however, of higher importance. This type of behavior is seemingly independent and uncontrolled. No direct stimuli precede this behavior. Skinner asserts that this type of behavior is controlled by the effects it produces. Effects that follow a certain behavior can be either positive or negative for the actor. The positive effects are termed corroboration, and they reinforce the same behavior in subsequent situations, or increase the probability of the occurrence of the same behavior in the future. The negative effects, conversely, diminish the behavior producing such consequences. If these negative consequences are frequent and string enough, they lead up to the disappearance of such behavior. This mechanism of reinforcing or diminishing behavior is called operational conditioning. The major part of human behavior is of this type, and it is controlled by the resulting effects.

If we correlate this with the above described relation between police and children criminal offenders, we may conclude that many procedures that the police carries out dealing with children criminal offenders could be considered as a positive corroboration of child delinquency. We could presume that police, by its procedures, sometimes corroborates delinquent behavior of a certain number of children criminal offenders. In this sense, we can presume that police in some cases becomes the generator of delinquent behavior of children. The reason for this claim lies in the organizational structure of police. That is, there are no specialized organizational units in Croatia that would deal with the problem of juvenile delinquency exclusively. These activities are included in the activities aimed to suppress crime in general.

3. CONCLUSION

According to this paper, we could conclude that the police in Croatia does not treat the problem of juvenile delinquency adequately, in the sense of prevention. The basic reason for that lies in the nonexistence of a relatively separate organizational units of police, which would deal with this problem exclusively. These specific activities are incorporated in the frame of the activities for suppression of crime in general. Therefore, the results of in this specific area are evaluated according to the same criteria as the activities and results in the field of suppressing crime in general. This situation, which emerges from the organizational structure of police, may sometimes produce some undesirable consequences. Namely, police may sometimes corroborate the delinquent behavior of children criminal offenders.

To amend this objectionable situation, it is necessary to remove the reasons contributing to its appearance. As we have said above, the basic reason for such a situation is the organizational structure of police. It would therefore be necessary to form special organizational units of criminalistic police which would only deal with juvenile delinquency. It is important that these

organizational units are to deal with this problem only, which means that they should not be assigned any other tasks. These organizational units should also have a certain autonomy of their work. Of course, the staff of such units should have adequate knowledge about the problem. Completing these units is, however, a minor problem; it is of major importance that the organizational structure of police be adequately set.

In this way, the relatively separate structure of the police organizational units, which would only deal with juvenile delinquency, would be created. This substructure would be relatively autonomous in its work. The criteria for evaluation of these units' work should differ from the criteria for evaluation of the work in suppression of crime in general. Perhaps these units should not even be subordinated to the local police stations commanding officers. It is dubitable whether these officers would have enough understanding for the peculiarities of these units' work. Implementation of such changes would enable the police to widen its basic task to enclose certain preventive activities. This would be especially important to the children criminal offenders, who are a particularly delicate part of the criminal population. If police - in a certain situation - is not able to contribute to prevention, it is necessary to prevent the treatments and failures that can make the situation worse.

It seems that this problem was noticed in Croatian police. In April 1994 some organizational changes were performed. Sections for juvenile delinquency were formed in local police stations. These sections also cover the problem of child delinquency. Unfortunately, these sections are still subordinated to the same commanding officers. Therefore the question remains whether the work of these sections would be evaluated by different criteria than the work of the units that are to keep down crime in general. It is also not known whether these units will be burdened with other tasks beside their basic work concerning juvenile delinquency. Thus, we ask the question whether the introduced changes were carried out radically enough to make the situation better. Time will show whether these changes would suffice for some improvements in this important area.

4. LITERATURE

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