

CYPRUS POLICE




CYPRUS JUVENILE JUSTICE SYSTEM

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The Juvenile Offenders Law, Cap 157


- It is the key legislation regulating juvenile justice in Cyprus
- This law was adopted in 1946 under the British colonial rule of the island and since then has been amended only once, in 1972.
- The Law defines the protection age of juvenile delinquents and,
- the methods dealing, with methods of juvenile offenders, court procedures and powers, probation and detention



- **Child**: defines the person under the age of fourteen



- **Juvenile Delinquent**: person of 14 years old or upwards and under the age of 16 years (14-16).



- **Offenders** over the age of sixteen are treated by the judicial system as adults

JUVENILE OFFENCES INVESTIGATION STAGE

Starting Investigation

- The Police receive a complaint or become aware that a child/delinquent has committed an offence (other than a traffic violation or offence)
- the Police proceeds to investigations
- The case might be minor or serious offence (very minor or very grave one)
- Minor offences are investigated by the Police Stations, and serious by the CIDs
- The case might involved other children/young persons or adults as victims or as accomplice

- The Law provides that children/delinquent should be diverted away from the formal justice system and that young people should not be imprisoned-if they can be suitably dealt with in other ways, according to the specific provisions of the law
 - Thus **ARREST must be AVOIDED** unless there is a need and a reasonable grounds.

In case of arrest, the Police:

- may arrest the youth upon a warrant of arrest issued in advance by a judge
- may also issue in advance a search warrant of his/her residence
- In case of emergence arrest without a warrant, this procedure is defined by specific laws.

Investigation - Arrest

- If a delinquent is arrested, the police officer carrying out the arrest, has to inform the suspect of the crime about the suspected crime and of the suspect's rights
- If the juvenile is a student, the police have a duty to avoid arrest and interrogation at school.
- The police officers must wear civilian clothes and go to the school in an unmarked police vehicle.
- Handcuffs can only be used as last resort, and no handcuffs should be used on children under the age of fourteen

The police must immediately inform:

- a) The parent or the guardian about the event of the arrest, the reasons for this and the Police Station where the child will be held.
- b) The District Police Director
- c) The SWS for preparation of socio-economic family report (assessment) .
- d) Interrogation of children under 18 must always take place in the presence of the parent or guardian or officer of the SWS or other competent person

Protecting the delinquent during Interrogation/ Detention

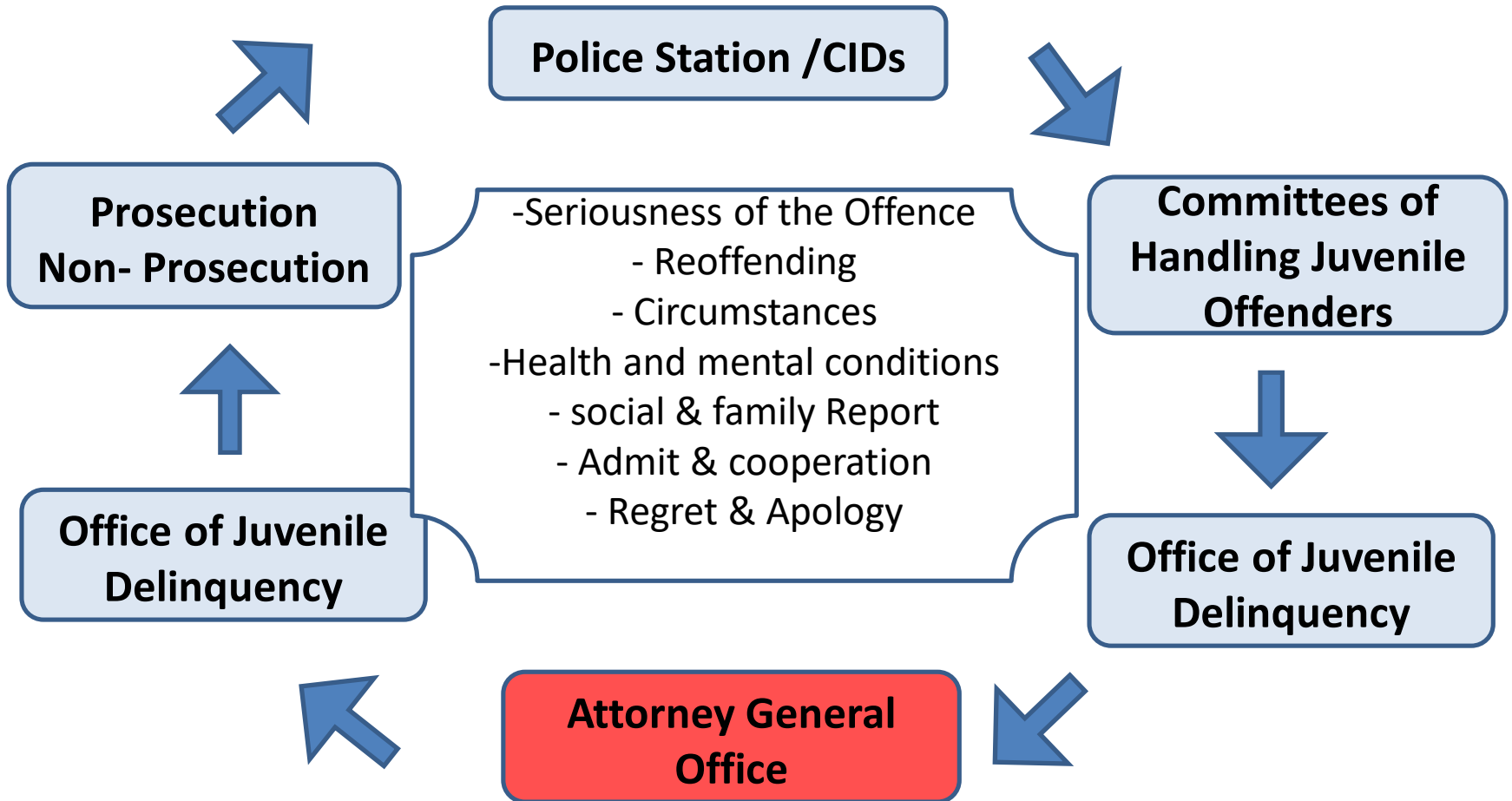
- Right to have a lawyer present during questioning
- Investigators should be trained in the use of more
- Sensitive interview/interrogation techniques and
- Procedures for the best interests of children.



Detention & Human Rights

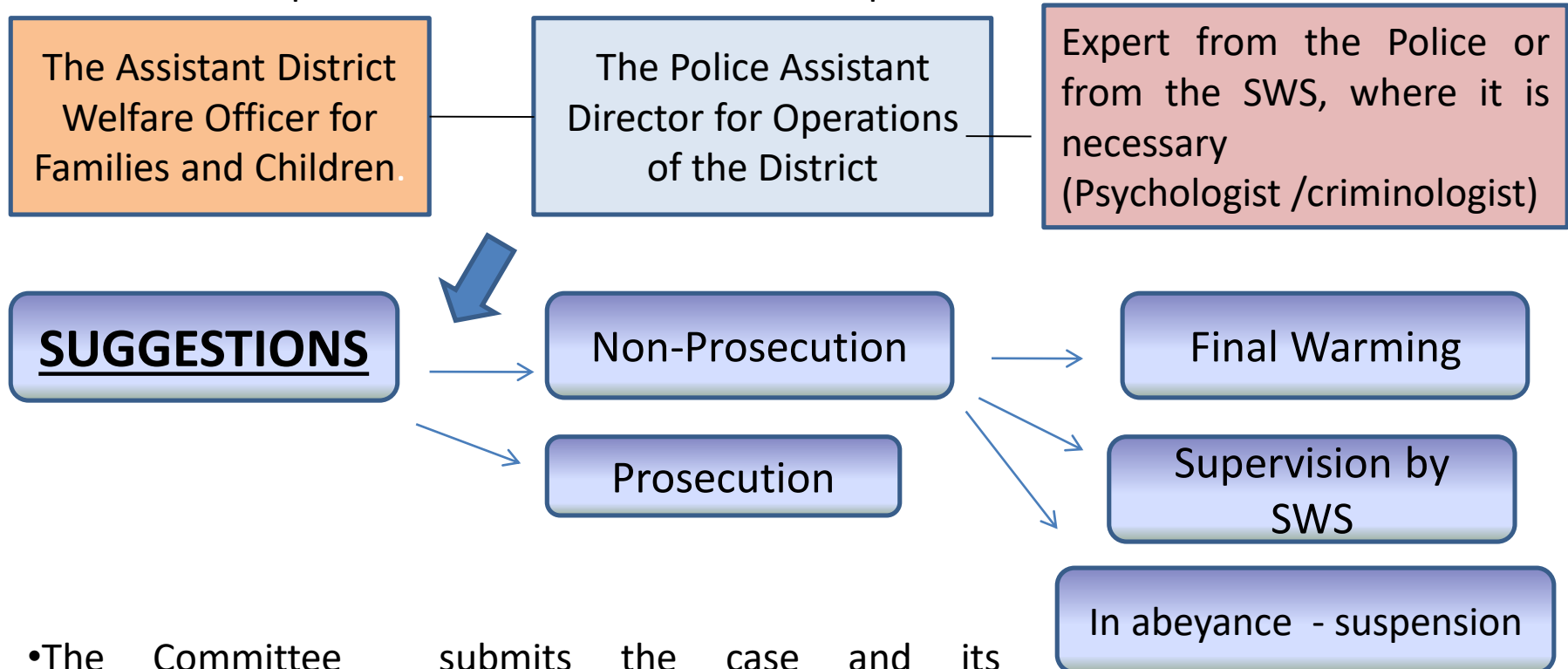
- have healthy and satisfactory living conditions & facilities
- communication with an attorney and his/her relatives
- have a lawyer present during questioning
- to be visited by relatives (if foreigners to communicate with their embassies)
- to medical examination and treatment by doctor of his/her choice (whose fees must be covered by the detainee)
- **under 18 years** old must stay in separate cells from the cells from other adult / other sex
- **under 18** subjected to medical exams, in the presence of their parents or guardians

Criminal Case Transmission



The Committee of the Handling Juvenile Offenders

- Has an **advisory role** towards the delinquent and towards his/her family,
- Acting as a link, between them and the judicial system (suggestions to Attorney General)
- It is convened every month studying the penal cases of J.O of its District
- It is an inter-departmental committee and is composed of:



- The Committee submits the case and its recommendations to the Police Headquarters within a month from completion of the criminal investigation

Office of Juvenile Delinquency (OJD) , Department of Combating Crimes – Police Headquarters

- It was established in 2007
- Has advisory role to the personnel around Cyprus (P.S and CIDs)
- It organizes educational seminars in collaboration with the Cyprus Police Academy
- It reviews criminal files concerning cases which involve juvenile offenders, and expresses opinions as to their further process.
- It also maintains a relevant database.



Receiving the criminal case from the CHJO

- Enter the data of the case to the data of J.O of the Office
- Study and reviews the facts, evidence of the case
- Check for the background of the youth, from the relevant data of J.O
- Expresses opinions as to the further process of the case (agree or disagree with the opinion of the CHJD)
- If there is a different opinion from CHJD, the reasons are written down,
- Prepare a diary report with its suggestions for the Attorney General (A.G)
- Send through the Office of Prosecution Office –Headquarters and then to the Office of A.G for decision

NOTE: The recommendations / suggestions of the CHJO & OJD are advisory in nature. The decision as to whether to prosecution or not it remains to A.G power.

Court Decision – Sentencing

When the Court finds that the crime has been committed by the suspect, it can consider to:

- dismiss the charge, (with the condition of not commit an offence for a period of time or without any commitment)
- put the young offender under probation (at least one year but not exceeding three years)
- Put the young offender under Probation order with conditions for community work without pay, under the supervision of the SWS
- commit the juvenile to the care of a relative
- or can order the juvenile to pay a fine and the costs of the trial.

Imprisonment

Imprisonment is only used as last resort, should not be imposed if any of the other options are available and suitable (JOL- article 12).

SPECIAL CASES: When a child needs to spend time in prison,

- he/she is separated from adult offenders. The conditions of the prison sentence do not differ from the ones for adult offenders, though.
- The rights that have previously been explained in connection with detention are also applicable, as well as all the rights that are given to adult detainees.

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From the (very) Minor to Manslaughter A real case!

-14

- Anti-social behaviour
- Aggressive behaviour
- Attempts and conspiracies

14-16

- Offences against Public Order
- Malicious injuries to property
- Domestic Violence
- Theft, Burglary, Housebreaking and similar offences
- Narcotic medicines and psychotropic substances Law

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- Narcotic medicines and psychotropic substances
- Aggressive behaviour (Domestic Violence, Bodily Harm)
- Criminal behaviour (Burglary, Theft, Arson)
- **Manslaughter!**

The Need of Reformation Child – Friendly Justice

- **Juvenile Offenders law** is considered as the main law specialized on particular procedures for youth offenders, its is very old & incomplete concerning the procedures before the Court process (arrest & notifications, rights and provisions, Attorney General powers, etc)
- **Definition of Juvenile:** Above the age of 16 can still be tried as adults for serious offences
- **Juvenile Courts absence.** There are not specific provision & establishment of r Juvenile Courts. Such Courts must be located in a different place from the District Courts and should consist of Judges experts in psychology, criminology and sociology
- **Courts Delays:** There have been noted great delays on court procedures. The young offender remains for a long period of time without punishment or treatment and is not prevented from continuing his delinquent behaviour without any steps taken for his reform.
- **No Reformation Institution:** There are no institutions for custodial treatment of young offenders. Thus the reformation as a sanction can not be imposed
- **Welfare Services & Officers** There are not enough welfare officers to deal with the obligations of their duty.
- **Restorative Justice:** There are no mediation or extra-judicial procedures as the Guidelines of the European Union for a child friendly & restorative justice suggests to all member-states.

Court Decision – Sentencing

“...dealing with young offenders is particularly difficult task. In their case, the need of helping in the way of their reform is extraordinary strong, because it can be validly assumed that their chances of rehabilitation are better in comparison to those of older persons who have hardened in their habits and attitudes.

➤ **The emphasis is on reform rather than punishment.”**

Pikis, J, Sentencing in Cyprus, Nicosia, 1978, p. 37.

*Thank you
for
your attention*

