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# Thai Police Officers and Prosecution of Children in Thailand

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## Abstract

*This research aimed to explore the police operations enacted in relation to the prosecution of children in Thailand, utilizing both quantitative (through a questionnaire completed by 325 respondents) and qualitative (through in-depth interviews conducted with 20 respondents). The sample constituted police officers, judges, public prosecutors and psychologists/social workers with experience in the prosecution of children. The research findings revealed that police officers in Thailand lacked knowledge and experience in relation to the prosecution of children, with regards to the pertinent legal provisions as well as prosecution principles which existed in this region. Furthermore, a standard operating procedure and a set of prosecution guidelines were also not being followed by the Thai police officers. These initiatives, if taken, would improve the capabilities of Thai police officers. Additionally, the current research also provided a model of standards for law enforcement entities to follow in the prosecution of children and juveniles in Thailand.*

Keyword: Police Officers, Prosecuting Children, Police Operation Model, Crime, Thailand

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## **Introduction**

Currently in Thailand, children are found committing various crimes that are not only wrongdoing against morality but also serious offenses against the criminal law. These can be witnessed from the news and various media that usually show children's involvement in delinquent activities such as theft, drug abuse, quarrels, rape and murder (Hengtrakul, 2012). Committing crime by a child may occur due to social, educational, and physical factors as well as improper behaviors. Since childhood is the age of emotional, conceptual, and reasonable fragility, children are indulged in behaviors that are more prone to committing offenses than other ages. Moreover, school and family have failed to effectively provide children guidance as they should (Rattanakaser, 2019).

The Thai criminal justice system is a committed legal system to provide equality and justice to people of all ages. When a crime occurs, whether caused by an adult or a child, the Thai justice system follows the principle of creating peace and order or morality of people along with protecting individual rights and freedoms. The police investigation is the initial and significant stage of criminal prosecution. Since police officers are responsible for maintaining peace, order and suppression, providing justice is an important duty and objective of the criminal justice system that they are responsible to carry out right from the initial stages (Nitisiri, 2011; Srisilarak & Chantuek, 2017). Importantly, police officers play an important role in facilitating justice for both victims and offenders, therein assuming responsibility for coordinating with relevant agencies and managing documents through which children suspected of a crime can be investigated (Srisilarak & Chantuek, 2017).

Police officers often take legal action against children suspected of committing a crime in the same manner as undertaken with adults – such as fingerprinting and the setting of bail. In fact, children under the age of 10 years old are not investigated or fingerprinted. This is an inaccurate process. For example, in 2005, a 9-year-old and a 6-year-old stole candy at a famous department store in Don Muang. These children were arrested and subsequently found guilty whereupon they were detained with other prisoners. In response, many academics argued that these actions by Thailand's police officers were inappropriate and manifested a violation of the children's Human Rights and child protection as enshrined in the law. Consequently, the police officers concerned faced difficulties in ensuring adherence to the correct processes, procedures and agency-coordination provisions.

Since prosecutions of children arise on a relatively regular basis, such children who are accused must be treated properly to prevent violation of their rights. Chitsawang (2012) finds that many Thai police officers do not need to deal with prosecuting children because prosecuting children is a complicated process. Moreover, police officers require better understanding of law and procedure in prosecuting children for effective performance relating to prosecution of children (Pajchim, 2020).

In responding to the issues detailed above, this research sought to study understanding and knowledge of police officers towards prosecution of children up to the age of 15 years in Thailand. This study focused on the police operations carried out in the prosecution of children up to the age of 15 years in Thailand. A research gap was noticed that no single model of standards has been provided by the Thai State and no guidance exists regarding appropriate practices in this domain of study.

Hence, this paper proposed a model to facilitate the operations of law enforcement entities and to provide justice to children and juveniles traversing the Thai Justice System.

## Literature Review

- *Thai Laws and Theories of Child Offences*

The Thai Penal Code specifies various sections to determine the criminal liability of children under 15 years of age. For instance, section 73 of the Thai Penal Code Amendment Act (No. 26) B.E 2560 (2017) prescribes that “a child not over 10 years of age shall not be punished for committing what is provided by the law as an offense. The inquiry officer shall transfer a child according to Paragraph one to the competent officer under the [Thai] Child Protection Law to provide security according to such law”. This means that a child who is not over 10 years of age and who commits a criminal offence (such as murder or theft) and is found to be guilty shall not be subjected to criminal penalty.

Section 74 further states that whenever a child over ten years but not yet over fifteen years of age commits what is provided by the law to be an offence, he shall not be punished, but the Court shall have the following powers:

- (1) The court may admonish the child and then discharge him; and if it thinks fit, the court can also summon the parents or guardian of the child or the person with whom the child is residing to be given an admonition too;
- (2) If the Court is of opinion that the parents or guardian are able to take care of the child, the Court may give order to hand over the child to his parents or guardian by imposing the stipulation that the parents or guardian shall ensure that the child does not cause any harm throughout the time prescribed by the Court, but not exceeding three years, and fixing a sum of money, as it thinks fit, which the parents or guardian shall have to pay to the Court, but not exceeding one thousand Baht for each time when such child causes harm.
- (3) If the child resides with a person other than his parents or guardian, and the Court does not think fit to summon the parents or guardian to impose the aforesaid stipulation, the Court may summon the person with whom the child resides for questioning as to whether or not he will accept the stipulation similar to that prescribed for the parents or guardian as aforesaid. If the person with whom such child resides consents to accept such stipulation, the Court shall give order to hand over the child to such a person by imposing the aforesaid stipulation;
- (4) In case if the Court hands over the child to his parents, guardian or to the person with whom the child resides according to (2) and (3) above, the Court may determine the conditions for controlling behavior of the child in the same manner as provided in Section 56. In such a case, the Court shall appoint a probation officer or any other official to monitor the behavior of the child;
- (5) If the child has no parents or guardian, or has them but the Court is of opinion that they are unable to take care of such a child, or if the child resides with a person other than the parents or guardian, and such a person refuses to accept the stipulation mentioned in (3), the Court may give order to hand over such child to a person or organization, as the Court thinks fit, to take care of, to train and to give

instruction throughout the period of time prescribed by the Court when consented to by such person or organization. In such a case, the person or the organization will have the same power as that of the guardian for taking care, training and giving instruction as well as determining the residence and making arrangement for the work to be done by the child, as may be reasonable; or to send such a child to a school or place of training and instruction or a place established for training and giving instruction to children throughout the period of time prescribed by the Court but not longer than the time when such child shall have completed eighteen years of age.

- *Factors causing child crimes*

Hirschi (1969) observed that children who commit crime suffer from a lack of emotional and familial attachment, which caused them to commit offenses. Due to the lack of commitment or lack of family and social attachment, education, and effective guidance, children are ignorant of damage to others and society. Moreover, lacking social involvement and responsibility cause children to commit offense faster. Likewise, lacking self-confidence and social belief causes children to commit offenses easily. This is consistent with the concept of the Socialization Theory that individual socialization includes being loved by parents and family, being educated by school and society, and receiving attitudes and knowledge from society. When socialized this way, children will not commit any offense because they learn moral values and their mentality and behaviors are socialized. Childhood is the age requiring socialization the most because they learn fast. Socialization in childhood will affect behaviors until adulthood. Therefore, most of the children who commit offenses are not effectively socialized (Broom & Selznick, 1973; Mercer & Merton, 1958; Second & Backman, 1967). In addition, such children lacking socialization cannot control their behaviors like adults.

Commitment of crime by children is also caused by physical and mental factors, housing environments, peers, schools, and so on (Arseneault et al., 2000; Howell, 2015). This is consistent with the studies of Goodman and Grimming (2016), Yadav (2016), Howell (2015) and Hossain (2011), which find out that juvenile delinquency is caused by innocence and lack of life experience and guidance. Additionally, children's intelligence is not yet mature enough to realize the impacts or advantages and disadvantages or any benefits from their consequences. Consequently, children who commit offenses require different treatment from adults who have experiences and physical maturation.

Thailand witnessed 55,831 cases of children being arrested and sent to juvenile detention homes between 2016 and 2018. The majority of these offences were drug-related (32,741 cases), property-related (12,778 cases) and life and body-related cases (8,301 cases) (National Statistical Office of Thailand, 2019). The age of children committing offences also appears to be getting lower. In 2010, research by the Center for the Protection of Children's Rights Foundation found that 529 children aged 10-12 years were convicted and sentenced. The majority of these cases (18.9%) saw the child being given a warning and released by the court, while 13.5% of the cases saw the court ordering the child to report themselves to probation officers while 11.7% saw the child being held on probation. According to such a study, children who begin

to commit offences at a young age are more likely to reoffend and to become a criminal in adulthood when compared to those who first commit crimes at an older age. Children under 12 years of age who have behavioural problems and who commit offences are rarely assisted in correcting their behavior due to the relatively minor offences they are likely to undertake. This is exacerbated by the lack of attention given to those children who do not have an extensive record of misbehavior and thus a need to intervene is not perceived. Additionally, the Thai Government has not produced tangible guidelines for providing assistance to such young people (Takengmahachok, 2010).

- *Performance of Thai Police Officers Relating to Prosecuting Children*

The children who commit crime are brought to trial based on the juvenile justice system of Thailand (Ministry of Justice Thailand, 2015). The police officer who is responsible for prosecuting children in Thailand is called the inquiry officer. The inquiry officer is the initial agency for prosecuting children by making a report of offenses and gathering evidence from a witness, physical evidence, and circumstantial evidence. Next, the child who has committed the crime will be called for an inquiry in the presence of multidisciplinary professionals, including a public prosecutor, psychologist/social worker, parents/or person required by children and lawyer. A file of prosecution will be delivered to the public prosecutor. All procedures must be finished within 24 hours before bringing children to court. What the inquiry official must be careful about in prosecuting children is the age and severity of the offense pattern. For example, children under 10 years of age cannot be prosecuted by the law and police officers cannot take any actions other than making a daily police report. Additionally, for children between the age of 10-17 years, the inquiry officer can only inquire children in the presence of multidisciplinary professionals before sending the file of the prosecution to the public prosecutor. It is the prosecutor who would consider the file of the prosecution and take the decision whether or not to prosecute children.

- *Previous Studies of Police Officers Relating to Prosecuting Children*

Various studies are available that have discussed the prosecution of children by police officers in the Thailand context. For instance, Chomphoonit (2019) conducted a study to inquire the role of Metropolitan Police of Bangkok, Thailand in prosecuting children. The study revealed that problems faced by police officer in prosecuting children included how to detain, arrest, inspect arrest, inquire and prosecute child offenders. The study found out that police officers usually did not want to prosecute child offenders as they wished to avoid several procedures, regulations and laws that protect children. Additionally, the period of operation in prosecuting children is quite limited and it is necessary to gather multidisciplinary professionals to participate in the inquiry which requires much time for the prosecution (Chitsawang, 2012).

In the prosecution of children in a criminal case, it is sometimes found that children are arrested through unlawful procedures. The police officer who arrests children may even face problems and receive a complaint by setting committee for disciplinary investigation. The police officer may be accused of unlawful performance and may be prosecuted for a criminal case (Thongsub, 2015). Pajchim (2020) recommends that

police officers need better understand child offenders and establish a specific agency for performing duties relating to child offenders. This would solve the problem of prosecuting children in a criminal to some extent.

Penal Reform International (2019) deemed that lawfully prosecuting children shall gather practical guidelines for officers who are responsible in the juvenile justice system and this is the best approach. Such practical guidelines will enable officers who perform duties in the justice system to make a decision accurately in crisis and to appropriately provide necessary assistance to child offenders. Inter-American Commission on Human Rights (2018) conducted a study on the use of criminal procedures for children in the United States of America. The research revealed that prosecution should be executed by considering the maximum benefits to children, protecting children and their families, and providing educational and living benefits. Similarly, The Queensland Family and Child Commission (n.d.) conducted a study on the age of child offenders who must be punished in Queensland. The study recommended that young offenders should be rehabilitated. As a result, they would not re-offence. In addition, child offenders should not be treated the same as adult offenders in the justice system (Debbie, 2016; Priyanka, 2016; Louis, 2015) (Hoff, 2017; Hossain, 2011).

### Methodology

This study utilized a mixed method research design, with both quantitative and qualitative research procedures. The Quantitative Research was carried out with a sample size of 325 police officers from Metropolitan Police Division 1/9 in Bangkok, Thailand, identified through purposive sampling technique. A questionnaire consisting of four parts was used to collect the quantitative data. Part 1 included questions about general information of samples such as gender, age, education background, position and experience in the prosecution of children up to the age of 15 years in Thailand. Part 2 examined police officers' understanding about law, regulation and operation of the prosecution of children up to the age of 15 years in Thailand. Table 1 presents the score used to measure level of understanding.

Table 1 Likert scale to measure police officers' level of understanding of law, regulations and operation in the prosecution of children

Score	Level of Understanding
5	Very high
4	High
3	Moderate
2	Low
1	Very low

Part 3 investigated problems faced by police officers in prosecuting children up to the age of 15 years in Thailand. Table 2 lists the scores to measure the scale of problem. Part 4 sought respondents' opinion and recommendation about prosecuting children.

**Table 2 Score to measure problems in prosecuting children under 15 years in Thailand**

<b>Score</b>	<b>Scale of Problem</b>
5	Very big
4	Big
3	Medium
2	Small
1	Very small

Before collecting the data, the researcher explained the research objectives to the police officers. While, the samples answered the questionnaires, the researcher was around to assist and explain when any respondent misunderstood any question. The quantitative data was analyzed by descriptive analysis and the basic statistics techniques were used to calculate the frequency, percentage, mean and standard deviation and top present the results.

In the qualitative phase of this study, in-depth interviews with 20 key informants were conducted. The key informants comprised two groups: Group 1 was the main group of samples, which included 12 police officers from the Metropolitan Police Division 1-9 of Bangkok. These police officers had an experience over 10 cases in prosecuting children under 15 years old in Thailand. Group 2 was the secondary group of samples that included officers in juvenile justice system. This group comprised three public prosecutors, two judges and three social workers.

Since the informants must be experts in prosecuting children, a few eligibility conditions were framed for the recruitment of the sample: (1) A public prosecutor who had an experience in investigating and prosecuting children over 10 criminal cases; (2) A judge who had an experience in prosecuting children over 10 criminal cases; (3) A social worker who was involved in prosecuting children over 10 criminal cases. The questionnaire of in-depth interview consisted of five parts as presented in Table 3.

**Table 3 Scope of questions to collect qualitative data**

<b>Part</b>	<b>Scope of Question</b>
1	General information of key informants such as gender, age, education background, position and experience in the prosecution of children up to the age of 15 years old
2	Understanding of law, regulation and operation of police officers in the prosecution of children up to the age of 15 years old
3	Problems faced in prosecuting children up to the age of 15 years old
4	Operating model of prosecuting children up to the age of 15 years old
5	Relevant comments, opinions and suggestions for prosecuting children up to the age of 15 years old

The questionnaire of in-depth interview was tested for the reliability by five experts by utilizing the Index of Item-Objective Congruence (IOC). The reliability was 0.87, which was a high level of the reliability. The qualitative data was analyzed by analyzing manifest content. Measuring the research question or frequency of words, similarities and differences were interpreted to create an inductive conclusion. The findings led to the creation of an operating model of prosecuting children under 15 years old. This study also took into account the ethical issues of research. The process of data collecting was approved by the Human Research Ethics Committee of Mahidol University with certification number 2020/173.1509

## Results

- *Quantitative findings*

The results revealed that 264 police officers or 81.2 % had no experience of prosecuting children under 10 years of age. Only 61 police officer or 18.8 % had dealt with prosecuting children under 10 years of age in the past. For the prosecution of children up to the age of 15 years, the study found that 201 police officers or 61.8% had no experience of conducting the prosecution and only 124 police officers or 38.2 had carried out the prosecution of children up to the age of 15 years.

With regard to the level of understanding or knowledge about the law, regulation and operation in the prosecution of children under the age of 10 years, the result showed that 60% or 195 police officers had very low level of understanding of law, regulation and operation in the prosecution of children under the age of 10 years. Only 48 police officers or 15 % had a high level of understanding of law, regulation and operation in the prosecution of children under the age of 10 years. Significantly, none of the police officers had the highest level of understanding of the law, regulation and operation in prosecuting children under 10 years of age as shown in figure 1.

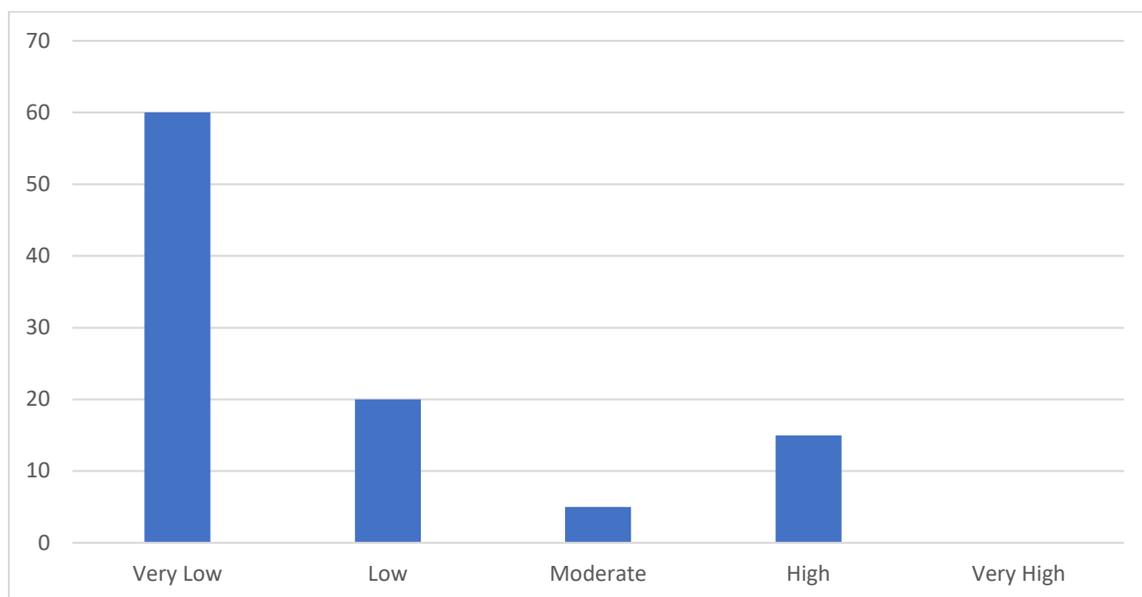


Figure 1 Level of understanding of law, regulation and operation in the prosecution of children under the age of 10 years

The data about the understanding of the law, regulation and practice regarding prosecution of children between the age of 10-15 years in Figure 2 revealed that only 35 percent of the police officers possessed a high level and 15 percent each had a moderate and low level of understanding of law, regulation and operation in prosecuting children. The lowest level of understanding of law, regulation and operation in prosecuting children also reached 35 percent. Essentially, it appeared that none of the police officers had the highest level of understanding about the law, regulation and the practice in prosecuting children.

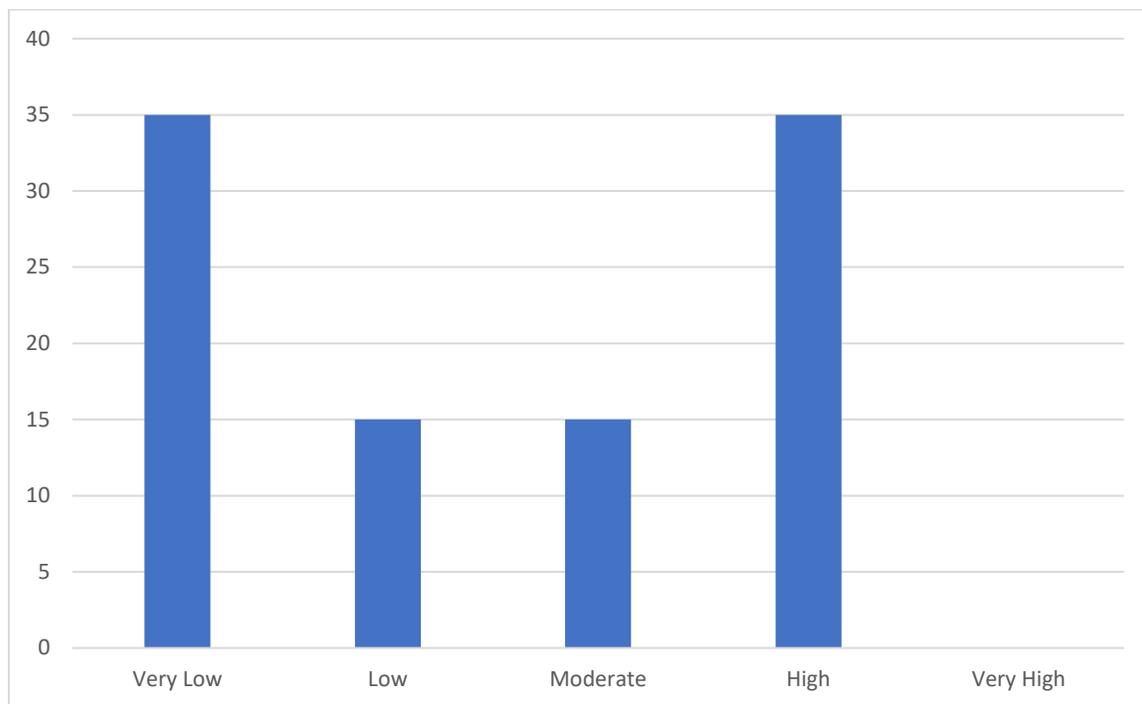


Figure 2 Level of understanding of law, regulation and operation in the prosecution of children of 10 to 15 years.

Table 3 exhibits the kind of offences committed by children under 10 years of age and children up to 15 years of age.

Table 3 Offences committed by children under 10 years of age and up to 15 years of age

Type of offence	Children Under 10 years of age		Children up to 15 years of age	
	Cases	Percentage	Cases	Percentage
Offences relating to sexuality	31	29.5	237	40.2
Offences relating to narcotic	31	29.5	91	15.4
Offences against life and body	17	16.2	208	35.5
Offences against property	25	23.8	50	8.5
Offences against firearm	1	1.0	3	0.6

- *Qualitative findings*

The qualitative findings were mainly based on the interviews with key informants involved in prosecuting children under 15 years of age. A major finding was that several police officers had little or no experience of prosecuting children under 15 years of age and they were also found making inconsistent interpretation of law. The study also revealed that a majority of police officers or inquiry officers lacked the right information how to properly treat child offenders under 15 years of age. This is considered a violation of child rights.

The major causes of problems faced by police officer in prosecuting children under 15 years of age can be summarized as under: 1) Police officers lacked tangible guidelines or procedure in prosecuting children under 15 years of age. 2) Police officers interpreted the law inconsistently. 3) Police officers lacked experience in prosecuting children under 15 years of age. A lack of experience herein refers to inquiry officers who never conducted prosecuting children. Also, the police officer cannot get any advice for prosecuting children. Therefore, prosecuting children continues according to usual practice as used in adult prosecution. 4) Laws and procedures for prosecuting children are complicated. It is evident from the following excerpts and admitting remarks of some of the informants:

“Some police officers interpret arrest and inquiry in the same way. Can you believe that? It really happens.” (Inquiry officer, March 18, 2021).

An incident was narrated by an inquiry officer that shows how laws and procedures for prosecuting children are complicated

“An incident was reported by parents of an 8-year-old daughter, who was harassed by her same-age friend in the school toilet. The police officer called the boy and his parents to inquire. The boy did not say anything because he was crying. The police officer then let the boy go home before taking the next action. However, because the boy’s mother was afraid that her son would be arrested, she took her son to another province. The police officer was unable to find the boy to prosecute and applied for an arrest warrant from the court. The court deemed that children under 10 years of age cannot be punished or arrested under to Section 73 of the Thai Penal Code. Therefore, the court ordered to suspend the arrest warrant and punishment against the boy.” (Inquiry officer, March 18, 2021).

Another informant admitted that if any offense is “flagrant”, some police officers would arrest a child even under 10 years of age to inquire at the police station (Inquiry officer, March 18, 2021).

The public prosecutor was also one of the informant, who opined that child offenders should be treated based on the law set by the Thai Penal Code and the Regulations of Child Protection in a Criminal Case of Thailand, B.E. 2543 (2000). In addition, the Office of the Attorney General provides the Guideline for Participating in Child Protection of Inquiry and Investigation, B.E. 2552 (2009) for all public prosecutors. This guideline allows all public prosecutors to apply it uniformly for prosecuting children. Likewise, the judge who has experience in prosecuting children under 15 years of age, should hold to the law and regulations under the Juvenile and Family Court and Procedure. Act B.E. 2559 (2016). This Act is the main law for taking action against child offenders. This is due to the fact that there are restrictions and requirements directly related to the court’s authority and duty.

Another inquiry officer shared the view that “a public prosecutor at the inquiry stage should be guided by the Act B.E. 2552 (2009) if he is participating in child protection” (Inquiry officer, January 26, 2021). One of the judge informant agreed and commented that “the procedure of prosecuting children shall be mainly based on the law and regulation under the Juvenile and Family Court and Procedure Act B.E. 2559 (2016). The Act is considered as the guideline for prosecuting child offenders” (The Judge, February 10, 2021). Furthermore, the interview with a psychologist or social worker who had an experience in participating in inquiring and searching for the truth about child offenders under 15 years of age, revealed that there existed some guidelines of multidisciplinary performance prescribed by the Ministry of Social Development and Human Security. These guidelines can advise multidisciplinary professionals how to treat all kinds of children whether it be victims, homeless children, immigrant children and child offenders.

One psychologist informant drew the attention to the Regulation on the National Child Protection B.E. 2555 (2012) issued by the Ministry of Social Development and Human Security. This regulation outlined procedures and methods to protect children who are accused of committing any offenses but have not attained the age to be criminally punished. The informant also mentioned about the Guidance of Multidisciplinary Performance for Protection of Children. This guideline educated child psychologists or social workers to solve problems and explained how to treat children who were prosecuted and children who were victims of crimes (Psychologist, February 24, 2021).

It was also discovered that a few police officers did not have the awareness about the standardized practices to operate prosecution of children under the age of 15. Consequently, they faced several problems in the persecution of children. In light of the above issue, it was suggested that a range of steps need to be taken to manifest an appropriate police operation model for deployment while prosecuting children. As a remedial step, a few suggestions were provided to manifest this model. First, it was strongly emphasized that police officers must assume responsibility and accountability for their prosecution of children and women. For this purpose, they must undergo a personal development or a training to ensure that a consistent police practice is displayed in treating the child offences. Second, adequate training and knowledge about the pertinent laws, regulations and principles governing the prosecution of children must be provided to all police officers, especially those police officers who are responsible for children and women. This is because such training and knowledge is pivotal if the correct performance of such police officers is to be seen. Notably, if police officers lack this knowledge and do not receive this training, the general public will lose trust in the police and its performance.

Third, a standard operating procedure must be provided to cover the prosecution of juvenile delinquency and children under the age of 15, thereby providing police officers with an authoritative source of knowledge and guidance in this area. This standard operating procedure should be set out in a document which should not only provide practical steps in this area but also act as a source of information as to Thailand’s laws and regulations as relate to the prosecution of children (up to the

age of 15). Likewise, the law enforcement entities must follow the methods and procedures when dealing with the prosecution of children (up to the age of 15 years). A documentary evidence should be produced in the prosecution of children (up to the age of 15 years). There should also be a coordination between various agencies in the prosecution of children (up to the age of 15 years) and case studies/best practices regarding the prosecution of children (up to the age of 15 years) should be published. Fourth, appropriate facilities and provisions must be available for use in the investigation of offences committed by children (e.g., appropriate rooms, resources and staff). Finally, a significant budget should be allocated to allow the production and maintenance of pertinent operational instruments and equipment (e.g., cameras used for recording interviews, child-friendly facilities and other law enforcement provisions which enable investigation). Many of these provisions are proven in assisting children in facilitating the effective investigation of offences.

## **Discussion**

Results of both quantitative and qualitative methods revealed that many police officers are inexperienced about the prosecution of children up to the age of 15 years. A majority of 60 percent of were found having inadequate knowledge of law, regulation and operation of prosecuting children up to the age of 15 years; therefore, they faced problems in prosecuting children. Consequently, the prosecution of children up to the age of 15 years in Thailand does not follow the same practice everywhere and therefore results are ineffective (Chitsawang, 2012; Chomphoonit, 2019; Thongsub, 2015). The qualitative findings also supported the quantitative findings and several informants confessed and admitted that many police and inquiry officers were inexperienced in prosecuting children up to age of 15 years and also lacked the knowledge and understanding of the relevant law of prosecuting children up to age of 15 years.

Section 73 of Thai Penal Code provides that a child not over 10 years of age shall not be punished for a committed crime and the inquiry officers shall send such a child to the official under the Child Protection Law of Thailand and ensure his security according to the said child protection law. However, the research revealed that some police officer conducted prosecuting children even under 10 years of age in the same manner as done in adult prosecution such as arrests, investigations, and issuing arrest warrants. Such actions by police officers were due to their being inexperience in prosecuting children and having inadequate knowledge of the law in prosecuting children. In addition, police officers also did not have a standardized practice of prosecuting children same as public prosecutors, the court and social worker.

While it was evident that the Thai police officers were inexperienced in prosecuting children, lacked sufficient understanding of law in prosecuting children and also were not aware of the standardized practices. Therefore, this research created a model to guide Thai police officers in prosecuting children under 10 years of age. The model was created to act as the Standard Operating Procedure (SOP) and contained unambiguous legal and clear procedures to prosecute children under 10 years of age. These Standard Operating Procedures (SOPs) can act as a guideline to facilitate the police officers in prosecuting children (Penal Reform International, 2019). The SOPs for prosecuting children under 10 years of age have been summarized in Figure 3.

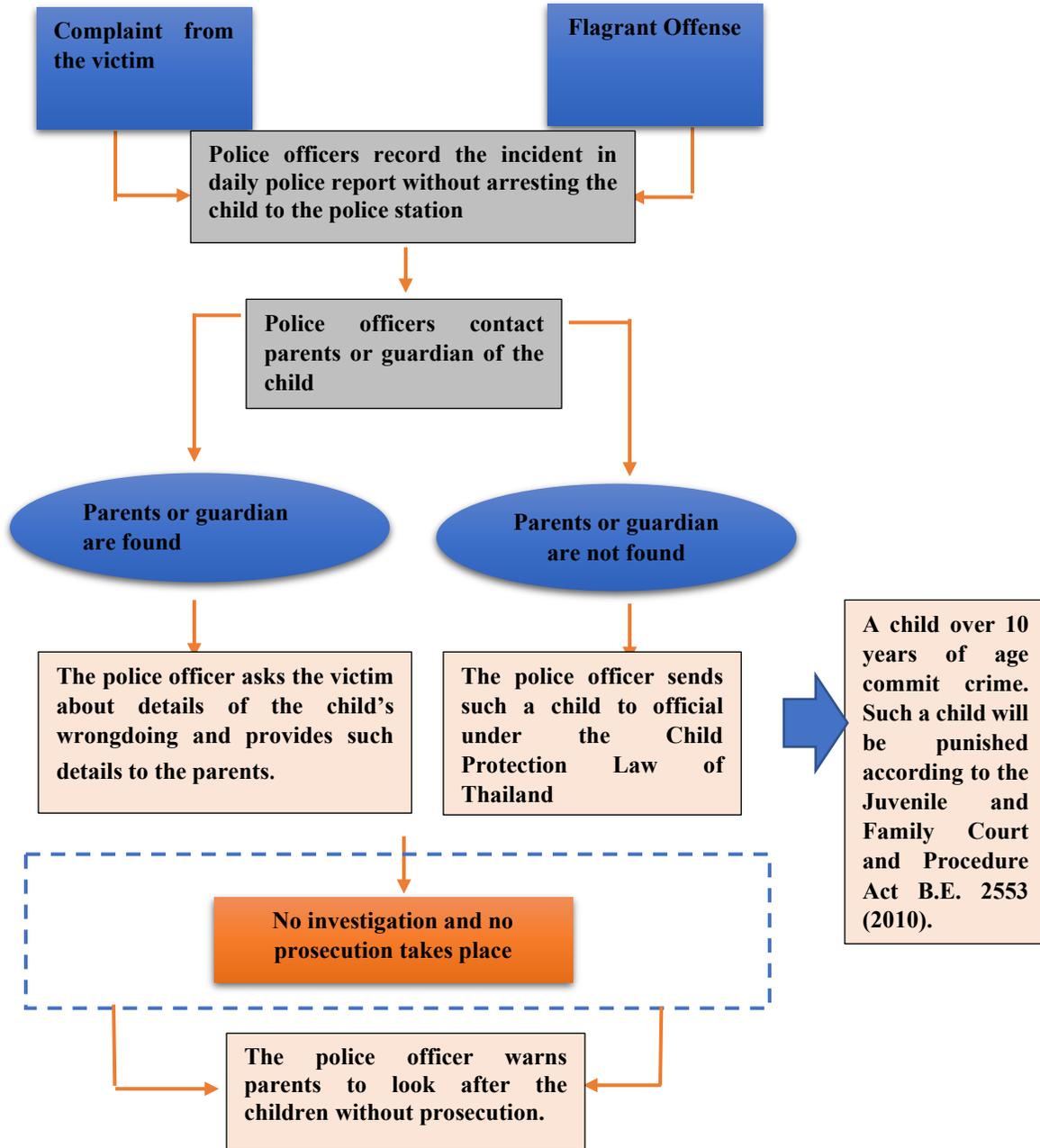


Figure 3 Model of prosecuting children under 10 years

The model is the result of a much felt need by the police officers, who needed a better understanding of children committing crimes and having inadequate knowledge of prosecuting children (Pajchim, 2020). In Thailand, prosecuting children is a different procedure depending on the child's age. A child over 10 years of age is prosecuted according to the Juvenile and Family Court and Procedure Act B.E. 2553 (2010) if and when such a child commits an offense. In contrast, a child under 10 years of age will not be punished when a crime or offence is committed. When a child under the age of 10 commits an offense, the police officer must make daily police report without arresting or bringing such a child to the police station. The police

officer must contact parents or guardian of such a child and share the details of the child's offense and warn them. Subsequently, the police officer allows the child and the parent to return home, which ends the process. In case, parents or guardian disappear, the police officer must send such a child to an official under the Child Protection Law of Thailand to treat according to regulations and provide security.

It has often been recommended that police officers must take into account the child benefit (Inter-American Commission on Human Rights, 2018), especially of children under 10 years of age. Children commit crimes because of being young and having no life experience. Therefore, children should be treated, rehabilitated and assisted in order to prevent recidivism (Queensland Family and Child, n.d.). It is also emphasized that children shall not be prosecuted in the same manner as adult prosecution in justice system (Goodman & Grimming, 2016; Hoff, 2017; Hossain, 2011; Howell, 2015; Yadav, 2016).

### **Conclusion**

This research has identified some limitations and weaknesses in the Thai police officers who deal with child offenders. A need for a standard operating procedure or a model was felt to govern this area. Hence, this study set out roles which needed to be enhanced and prioritized by the regulatory agencies which interacted with children under the age of 15 (within and adjacent to the Thai Justice System). The study also felt the need for guidelines to set out such practices and legally-mandated operations by the Thai police officers while investigating and prosecuting children. In order to build such a model or a set of practices, practical suggestions were offered which might be usefully implemented to help the Thai police achieve an appropriate landscape. It is suggested that children suspected of offences should be differentiated between age groups and treated accordingly. The Thai Law needs to be revised in order to manifest appropriate regulations that would govern the investigation procedures and prosecution of children. It is also necessary to monitor the interactions and roles of various agencies that interacted with children suspected or found guilty of crime or offences (within and adjacent to the Thai Justice System). Such agencies need to be clarified and monitored to ensure best practices. Last, but not the least, appropriate documentary evidence must be collated by law enforcement entities and case studies must be produced to provide guidance for those responsible for child prosecution.

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