

ARTICLE

Policing the Delinquent Child in Ghana: Talk or Action?

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Abstract

In Ghana, persons below 18 years of age are presumed to be children and vulnerable, and are expected to enjoy special protection and care against all hazards, even if they go against the law. This agrees with Ghana's legal provision and other international legal documents. This study examined the knowledge of the police and their relationship with children in conflict with the law in Ghana using the Northern Region as a case study. Primary data were generated through interviews and questionnaire administration from a combined 219 participants who were purposely and systematically selected in a convergent mixed-methods design. The study found good knowledge of the police as to who a child in conflict with the law was (76%), yet only 40% rightly knew the criminal capacity of a child. The study revealed that the rights of children in conflict with the law, such as non-torture, access to legal assistance and right to safe custody, were flouted.

Keywords police, children in conflict with the law, child rights, human rights, safety

INTRODUCTION

Children are susceptible to many hazards and therefore require exceptional protection. Consequently, various national and international laws have made provisions to promote and protect their rights. Article 3(2) of the United Nations Convention on the Rights of the Child (UNCRC; United Nations General Assembly 1989) implores State parties, parents, legal guardians and other individuals to safeguard the child's well-being. The African Charter on the Rights and Welfare of the Child (African Union 1999) has equally highlighted the welfare and security of the child. It indicates that the child should grow up in a family environment characterized by happiness, love and understanding to realize his/her full and harmonious development.

In Ghana, much premium is placed on the safety of the child. Article 28(1a) of the 1992 Constitution of the Republic of Ghana¹ emphasizes that children must be treated with special care, support and maintenance as necessary for their development by their natural and other legal wardens. The Children's Act, 1998 (Article 5 of Act 560)² of Ghana reiterates the need for specific security for the child. It states that "no person shall deny a child the right to live with his parents and family and grow up in a caring and peaceful environment unless otherwise directed by the Court". Traditionally, children are considered gifts from God and the ancestors (Nukunya 2003) and are understood to be: an investment of social consequences; contributions to status symbols and old age; and economic assets (Gyekye 1996). Thus, they are regarded as the embodiment of family values and morals. The Ghanaian concept is that the child is right or morally right and only needs some direction (Nukunya 2003). The child, in this regard, requires care and guidance.

Articles 1 and 2 of the UNCRC (United Nations General Assembly 1989) and the African Charter on the Rights and Welfare of the Child (African Union 1999), respectively, define a child as any person below the age of 18 years. This provision has been ratified by several countries worldwide, including Ghana. Section (1) of the Children's Act 1998 (Act 560) of Ghana and Article 28 of Ghana's 1992 Constitution similarly defines a child as a person below 18 years. Articles 11, 27(2) and 28 of the 1992 Constitution of Ghana have several provisions for the protection of the rights of children who are seen to be vulnerable. Article 28 of the Constitution states that "Parliament shall enact such laws as are necessary to ensure the rights of children". Ghana's policy on child protection has resulted in the promulgation of the Children's Act 1998 (Act 560) and the Juvenile Justice Act 2003 (Act 653).³

As among other countries, Ghana's legal provisions demand that the rights of children at all times should be promoted and protected even if they infringe the law. It also requires that the police, an official agency or body responsible for crime control and the maintenance of public order, which are essential elements underpinning safety and development (Marfo 2015), should have a firm knowledge and understanding of the various provisions relating to child rights. This ensures that in pursuit of any justice, the outcome does not imperil the child in terms of his/her transformation and future development. As noted by Sharma (2021), the juvenile justice system is an adjudication approach which targets the protection, care, rehabilitation, resettlement and reintegration of juveniles who flout the law. This is in accordance with the tenet of the Theory of Transformative Justice (which underpinned the study), as opposed to the Retributive Justice system structure.

According to Nocella (2011), the Theory of Retributive Justice is based on a punitive discipline such as the death penalty, life prison sentences and other forms of incarceration. The Transformative Justice system, however, requires that children and young people be treated reasonably, appropriately and not detrimentally. It

¹Ghana's Constitution of 1992. Retrieved 3 March 2023 (<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/31976/101268/F-1229887249/GHA31976.pdf>).

²The Children's Act, 1998 (Act 560). Retrieved 3 March 2023 (<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/56216/101251/F514833765/GHA56216.pdf>).

³Juvenile Justice Act, 2003 (Act 653). Retrieved 3 March 2023 ([https://lawsghana.com/post-1992-legislation/table-of-content/Acts%20of%20Parliament/JUVENILE%20JUSTICE%20ACT,%202003%20\(ACT%20653\)/80](https://lawsghana.com/post-1992-legislation/table-of-content/Acts%20of%20Parliament/JUVENILE%20JUSTICE%20ACT,%202003%20(ACT%20653)/80)).

provides a safe environment for children to develop (Nocella 2011). As earlier hinted by Culyer (1981), the interest of social administration is not the punishment but how to reform the juvenile delinquent. This makes the whole philosophy of child protection and friendly policing a laudable societal initiative. Implementing child rights and juvenile justice delivery policies is seen as a universal call by States.

It is against this frame of thinking that in Ghana the criminal capacity of a child is pegged at the age of 12 years (section 26 of the Criminal Offences Act 1960 (Act 29)).⁴ In the United Kingdom and South Africa, criminal liability is fixed at 14 and 15 years, respectively (Skelton and Badenhorst 2011). Crime as a legal construct varies in terms of interpretation from one country to another (Twumasi 1985), and, likewise, the provisions on the criminal capacity of a child. Nonetheless, there are sufficient provisions in national and international legal policy documents across States that target the protection of children in general and delinquent children, technically construed as children in conflict with the law.

Child Rights Policies

Article 40(1) of the UNCRC (United Nations General Assembly 1989) states that during police and court procedures, juveniles should receive special treatment to promote their sense of dignity and worth. The Interagency Panel on Juvenile Justice Reform (Juvenile Justice Panel 2010) espouses that the child has the right to privacy in any proceeding before a knowledgeable and neutral body, and any matter in contention should be treated in the presence of the parent. It envisages that the conduct of the Court with restricted freedom should be employed as the last available choice that should be replaced by options such as supervision, education and professional training programmes. Article 40 of the UNCRC (United Nations General Assembly 1989) calls for the respect of the rights of the child; to be informed of the charges preferred against him/her; to be presumed blameless until proven guilty; not to be forced to give testimony; not to be compelled to confess guilt; to be interviewed in the presence of parents and professionals; to have access to legal assistance in preparing for the court trial; and to have his/her parents or legal guardians instantly informed of his/her arrest and detention except if it is against the child's interests. It further outlines that the child has the right to the free services of an interpreter if he/she does not understand or does not speak the language used at the interview and to be taken to Court for the hearing within 48 hours of the arrest, with a guardian and social worker attending. Article 6 of the UNCRC (United Nations General Assembly 1989) championed that a child's arrest, detention or imprisonment may be used only as a measure of last resort.

These rights are recognized in Ghana under the Children's Act 1998 (Act 560), the Juvenile Justice Act 2003 (Act 653) and the 1992 Constitution (Articles 14, 15 and 19). Ghana's Constitution mandates that the child should not be tortured or exposed to inhuman treatment. The law also indicates that a charge made jointly against a juvenile and a person who has attained the age of 18 years shall be heard by a Court of Summary Jurisdiction other than that of a Juvenile Court (Section 17(3) of Juvenile Justice Act 2003 (Act 653)). Section 18 of the Juvenile Justice Act 2003 (Act 653), however, provides

⁴Criminal Code, 1960 (Act 29). Retrieved 3 March 2023 (<https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>).

that when a juvenile offender is found liable, the Court shall remit the case to a Juvenile Court for sentencing and could be convicted and sentenced to a term of imprisonment, not more than three years (Juvenile Justice Act 2003, Section 46). Article 15(4) of the 1992 Constitution of Ghana unequivocally indicates that such a juvenile should be sent to juvenile cells or junior correctional centres but not adult prisons or cells.

The emerging picture from the preceding discussions is that the child's rights are sensitive in the eyes of the law. However, across the globe, the literature has recorded various breaches of children's rights, even in those places that should offer them protection, friendliness, developmental encouragement, shelter and promotion of their rights. Children are either killed by the police, illegally detained or physically assaulted (Bochenek 2016; Human Rights Watch and ACLU 2020). Alfonseca (2021) reported that since 2015, the police in the United States, for instance, have killed over 100 children, 15 of them less than 15 years of age.

In Ghana, it is on record that a 15-year-old child was detained in Tamale Central Prison, the study locality, for a year awaiting trial for the alleged stealing of a motorbike (Commission on Human Rights and Administrative Justice 2019). Crabbie (2019) reported that a 15-year-old boy, Abdallah Mohammed, was sentenced to 25 years in the Kumasi Central Prison for allegedly robbing someone of 10 Ghanaian cedis (GH¢10.00; about US\$1.60). It was also reported that a 12-year-old child, together with two others aged three and five years, were arrested and detained for hours in the nation's capital Accra by the Cocoa Marketing Board (CMB) Police, Railway Unit, for allegedly stealing GH¢300.00 (about US\$49) and a cell phone from a trader (Ayitsey 2017). These acts contravened the child rights provision documents in the country.

Seemingly, the issue of child rights abuse has not been given the needed attention by scholars as expected in Ghana. For instance, Ohene-Konadu (2009) and Alenoma (2012) studied which targeted children in need of care were principally involved in factors that accounted for child streetism and the attendant repercussions. These studies were silent about the justice delivery involving children in conflict with the law. Ame (2011), whose work focused on the rights of children in Ghana, did not look intently at the relationship that exists between the police and the delinquent child in the process of justice delivery. His study concluded that while the new Juvenile Justice Act looks decent on paper, there needs to be more policy and practice. Adu-Gyamfi's (2020) study also touched on the justice delivery of juvenile offenders in the country. His study, however, was skewed towards the establishment of child panels by local authorities in mediating minor offences to the neglect of larger child-friendly policing in the country, which is critical for the overall distinct treatment of the juvenile to achieve rehabilitation and reintegration. Though helpful, these studies have created a scholarly gap, necessitating an empirical study of this nature. As a society, we will only be able to offer any pragmatic solution targeting the reformation of children who contravene societal laws only if we understand how they find themselves in the justice delivery process. This is the niche of the current study.

METHODOLOGY

Research Design

This study employed a convergent mixed-methods design. According to Creswell and Creswell (2018), this design enables the researcher to collect both quantitative

and qualitative data simultaneously and fuse them to analyse the research problem comprehensively. This approach typically enabled the researchers to mix the information in the interpretation and present holistic results about the attitude of the police towards children in conflict with the law in the study locality.

Profile of the Study Locality

The Northern Region is one of the 16 regions of Ghana and consists of 16 administrative districts, with Tamale as the regional capital (Mutuku 2021). The region in 2021 had a total human population of 2,310,939 (Ghana Statistical Service 2021). In terms of policing, the region is under the command of the Northern Regional Police (headed by a Deputy Commissioner), mandated by the 1992 Constitution (Article 200) to: protect life and property, prevent and detect crime, apprehend and prosecute offenders, preserve peace and good order, and enforce all laws and regulations with which it is directly charged. The Northern Regional Police Command has two police divisions, 16 police districts and 50 police stations/posts, with a total police strength of 1,158. This gives the region a police:citizen ratio of 1:1,996, which is about four times higher than the United Nations' recommended ratio of 1:500. The police have to redouble their efforts to ensure a sound and secure environment for the citizenry.

Sample

The study employed probability and non-probability sampling techniques to select 291 respondents comprising 177 police officers, 20 children in conflict with the law, 20 affected parents and two key informants. Given the high enumeration cost and time constraint, the study purposely selected five police districts relatively known for crimes and child criminality. This enabled the researchers to acquire in-depth information about the concepts under study. The total police working population for the five selected districts was 283 (Northern Region Police Command 2022). Yamane's (1967) sample size determination approach was employed to select the required number of respondents from the target population of 283. The combined sample from both male police personnel (182) and female police (101) constituted the final sample size (177). After determining the required number of respondents, a proportionate sampling approach was employed to select a specific number of police respondents from each of the selected districts. The sample size obtained from the study using Yamane's approach is shown below in Table 1. Sample size formula:

Yamane (1967:886)

$$n = N / \left[1 + N(e) \right]^2$$

N = Sample frame (283)

n = Sample or sample size

e = Error margin (0.05)

$$\text{For males: } n = 182 / (1 + 182(0.05)^2) = 114$$

$$\text{For females: } n = 101 / (1 + 101(0.05)^2) = 63$$

$$\text{Total police population} = 177 (114 + 63)$$

Table 1. Summary of Selected Respondents from the Targeted Police Districts

Police District	Police Population	Police Selected	Key Informants	Parents	Children in Conflict with the Law
Tamale District	152	95	2	8	8
Yendi District	35	22	0	5	5
Tolon District	10	6	0	1	1
Savelegu District	45	28	0	4	4
Bimbilla District	41	26	0	2	2
Total	283	177	2	20	20

Source: Field survey (2021).

Also, 20 affected parents and 20 children in conflict with the law were purposely sampled for this study. The names of the affected parents were obtained from the Northern Regional Domestic Violence and Victims Support Unit (DOVVSU), a police unit which is primarily responsible for handling cases involving children. Furthermore, one official from the Northern Regional DOVVSU and a Human Rights Lawyer from Tamale were used as key informants. In the researchers' estimation, selecting the various categories of participants was critical to unravel the problem that mooted the study.

Data Sources and Analysis

Qualitative and quantitative data were collected through questionnaire administration and interviews simultaneously. Questionnaire administration was employed to gather data from the 177 selected police participants. A personal interview was conducted with 20 affected children and their parents/wards, respectively, with the aid of semi-structured questionnaires on issues of the criminal capacity of a child and the handling of children by the police. In addition, an in-depth interview was employed to gather relevant information from the two key informants using interview guides. Primary data were complemented by secondary information generated through a critical review of newspaper articles and official websites. The researchers were mindful of the participants' rights, such as anonymity and confidentiality. Given the objective of the study, thematic and descriptive analysis approaches were employed to analyse both qualitative and quantitative data, respectively.

RESULTS AND DISCUSSION

Demographic Characteristics of the Participants

The study first presented findings of the relevant demographic characteristics of the selected participants. Table 2 depicts the number of respondents selected from each category of the targeted population.

Table 2. Sex Distribution of Participants

Attributes	Male Respondents	Female Respondents	Total
Police officers	114	63	177
Children	13	7	20
Parents	16	4	20
Key informants	2	0	2
Total	145	74	219

Source: Field survey (2021).

The study revealed that the majority, 16/20 (80.0%), of the parents interviewed were males instead of females (4/16). A similar trend was observed for the children in conflict with the law. The results showed that the majority (13/20) of the interviewees were males, with only seven (35.0%) being females. The indication is that boys are likely to commit crimes more than girls. This assertion was validated by the *Encyclopedia of World Problems & Human Potential* (Union of International Associations 2022) which reported that boy offenders outnumber girls in a ratio of about 10:1 globally. It noted that among all crimes committed by children, crimes against property are the dominant. In total (including the key informants), the male participants were 145/219, representing 66.0%, as opposed to the female participants of 74 (34.0%). The skew nature of males is attributed to the fact that more males were found in the police service than women (Ghana Police Service 2018). This finding was normal, as according to the International Security Lique (2019), men dominate in the global security profession for every nation worldwide. The data, however, indicated that the views of both males and females were fairly catered for.

In terms of educational achievements (Table 3), the study found that the majority, 143 (80.7%) of the police officers, had acquired senior high/secondary educational status. Further, 24 in aggregate had either acquired diploma or degree qualifications. The results suggested that the Ghana Police Service needs to step up its in-service training to enhance members' knowledge based on emerging knowledge trends. The dynamic nature of society and crime requires academic and professional knowledge to enhance crime prevention and detection at all times. Like the police participants, most parents (8/20) had acquired senior high school education. Only two had no formal education. All the children considered in the study had at least attained some academic knowledge. Of these, 17 had dropped out of school. This finding aligned with Alenoma's (2012) and Ohene-Konadu's (2009) studies, which revealed that street children in Tamale and Accra were more predisposed to criminal acts than those in school and under family control. Sharma's (2021) study using the India National Records Bureau (the nodal authority for collecting and analysing data) equally found that juveniles in criminal cases with higher education (3.29%) were far less than those with educational qualification above primary to matriculation (44.5%). The finding suggests that children who drop out of school at a tender educational level are more prone to criminal activities. They need more innovative programmes to make them functional and productive, as suggested by the Theory of Transformative Justice.

Table 3. Educational Status of Participants

Educational Status (Qualification)	Police	Parents	Children	Key Informants	Total
Degree	24	3	0	2	29
Diploma	10	0	0	0	10
Senior High School/Secondary	143	8	9	0	160
Primary	0	2	4	0	6
Junior High	0	5	7	0	12
Non-formal Education	0	2	0	0	2
Total	177	20	20	2	219

Source: Field survey (2021).

Table 4. Age and Working Experience of Police Officers

Variables	Minimum	Maximum	Average
Age of police officer, years	19	58	31.5
Working experience, years	1	35	7.1

Source: Field survey (2022).

A study of this nature requires police participants of some level of maturity and working experience (Table 4). The study found that the average age of the police personnel in the study locality was 31.5 years. The least age identified by the study was 19 years, with 58 years being the highest age. The findings suggest that the study region has fairly young personnel who can serve the police service for a very long time. There is a need to provide them with relevant accoutrements, knowledge and skills for the effective execution of their statutory mandate.

The study further revealed a linkage between working experience and the age of the participants. The police participants with the least working experience happened to be 19 years old and had served the Service for only one year. This validates the fact that the Constitution of Ghana (1992) permits only people of 18 years and above to be recruited into the security services and all other establishments in the country. The participant with the longest working experience (35 years) was 58 years old, and the average working experience was seven years. This was indicative that the personnel had gained some level of practical knowledge about policing and were familiar with issues of child delinquency, two major issues relevant to the study.

Concerning the parents, all were at least 30 years. The parent with the least age was 38 years, with the maximum being 57 years old. This could suggest that the parents were fairly old to understand the nature of the problem presented in the study. The results also revealed that none of the children was below the age of 12 years. The least age was 14 years, with the oldest person being 17 years. This suggests that all children, by law, have the criminal capacity to commit a crime.

Table 5. Ranks of Police Officers

Rank	Frequency	Percentage
Deputy Superintendent	2	1.1
Inspectorate	18	10.2
Sergeant	12	6.8
Corporal	53	29.9
Lance corporal	27	15.3
Constable	65	36.7
Total	177	100.0

Source: Field survey (2022).

The emerging idea is that most children in the study locality start committing crimes at the age of 14 years.

The Ghana Police is a well-structured regimental institution headed by the Inspector-General of Police. The Assistant Superintendent of Police ranks lowest in the senior officers' schedule (Ghana Police Squad Notes, unpublished book for the training of police recruits in Ghana). However, there are other ranks, such as chief inspector, inspector, sergeant, corporal, lance corporal and constable (Table 5). The study revealed that an aggregate of 175 (98.9%) of the police participants were constables and non-commissioned officers, and only two (1.1%) were commissioned officers. This finding suggests that supervision may be problematic when cases involving children are referred to junior-rank officers for investigation.

Offences Committed by Juveniles

Children across the globe are vulnerable to various degrees of crime. Prominent among these crimes are stealing, gambling and drug addiction (Kappeler and Potter 2017). It is estimated that about 30 million children in developing countries are vulnerable to stealing, which is attributed to these developing countries' poor states (Mohammadi 2021). The results revealed a similar trend. Crimes generally committed by children were given as stealing (109/177), sexual offences (78/177), drug-related crimes (57/177) and vandalism (58/177). Stealing was found to be the dominant crime committed by children in the Northern Region. This information was validated by the Tamale DOVVSU Annual Crime Report (Northern Regional DOVVSU 2018), which indicated that stealing represented 31.2% of all childhood crimes, as captured by Table 6.

The Criminal Capacity of a Child

The researchers sought the knowledge of the police on who is a child in conflict with the law. According to Ortega (2002), knowledge and understanding are critical drivers of behaviour. In response, 42/177 participants, about 24%, had the answer wrong. The good thing was that the majority (76%) got the response right. The

Table 6. Crime Committed by Children in Tamale

Offences	Reported Cases	Percentage
Stealing	34	31.2
Assault	11	10.1
Indecent assault	26	23.9
Offensive conduct	4	3.7
Threat of death	1	0.9
Causing unlawful harm	1	0.9
Kidnapping/abduction	32	29.3
Total	109	100

Source: DOWSU Regional Headquarters, Tamale (Northern Regional DOWSU 2018).

emerging picture was that the lower-ranked generally had a good knowledge of the concept. Even though the other higher-ranked police had a fair knowledge of the concept, their understanding could have been better compared to the lance corporals and constables (junior officers). This finding could be attributed to the fact that child-friendly policing is a new concept introduced as part of the police recruit training guide (Ghana Police Service 2016). The senior police officers needed to be trained on this concept; hence, they had a low understanding of it. For skills to be developed further, seminars are required among those working in juvenile justice, like the police. Knowledge acquisition through training in this regard is very important. On this note, Ortega (2002) wrote that experience is important in acquiring facts, information, skills and education. Exposing the senior police officers to issues involving children in contact with the law will enable them to play their supervisory role as expected by law and society's expectations.

Section 26 of Ghana's Criminal Offences Act 1960 (Act 29) pegged the criminal capacity of a child at 12 years. Police knowledge of this provision is critical as it will reflect how they respond to offences committed by children. Further, the police participants were asked as to the minimum age at which a child is presumed to have the capacity to infringe the penal law. The majority of the police participants, 106 (60%), were of the view that the age at which a child can be presumed to have the capacity to infringe the penal law is 14 years, even though the Criminal Offences Act 1960 (Act 29) explicitly places the age at 12 years and above. This revelation suggests that there is a gap between police knowledge of children in conflict with the law and the criminal capacity of a child. This variance has the capacity to influence their mode of policing and justice delivery (Table 7).

Relationship of Police with Children in Conflict with the Law

The affected children were requested to respond to their experiences with the police based on some nine-point child rights policy issues espoused by the 1992 Constitution of Ghana, the UNCRC (United Nations General Assembly 1989)

Table 7. Police Description of a Child in Conflict with the Law

Status (Rank)	Response		Total
	Right	Wrong	
Deputy Superintendent of Police	0	2	2
Inspector	11	7	18
Sergeant	7	5	12
Corporal	30	23	53
Lance corporal	20	7	27
Constable	65	0	65
Total	133	44	177

Source: Field study (2021).

and the African Charter on the Rights and Welfare of the Child (African Union 1999), among others. The results are presented in Table 8.

From Table 8, with regards to the number of hours in detention, the data showed that the right of children according to Article 14(3b) of the 1992 Constitution, which indicates that no person arrested should be kept in cells for more than 48 hours, was enforced by the police. This was considered very productive. It was clear from the children's responses that the police in Northern Region collected money before bail was granted, contrary to the claim by all the 177 police officers interviewed that bail was free. Seven of the 20 children said their parents paid money to the police for bail, and the parents corroborated this. The finding is in line with a recent study by Marfo, Badu-Yeboah and Gyader (2021) and the earlier work of Faull (2011), which suggested that the police took bribes and released suspects without charges, and unprofessionally responded to crime situations. According to Marfo *et al.* (2021), this has affected the public trust and confidence in the police.

The study found that the constitutional rights of the child not to be tortured in any way (Article 15(2a) of the 1992 Constitution of Ghana) was disobeyed by a section of the police. The results showed that the police tortured six children, representing 30%. Two of the children said they were whipped with a leather belt by the police. This was corroborated by their parents, who claimed that their children came home on bail with marks of assault on their bodies. One of the affected children remarked: "A policewoman pulled my ear while interviewing me." Corroborating the act of torture of children by the police, one parent said during an interview in 2022: "The police officer slapped my son, and it happened in my presence on the day of my son's arrest in my house." This revelation, though denied by the police, is a manifestation that some police officers spurn the rights of children suspected of wrongdoing. This act violates the tenets of child-friendly policing.

Children and adults detained in police custody, for whatever offences, are to be fed by the police. In this study, seven children said they were fed solely by their parents. This means that without the parents' assistance, the children would have gone hungry in police custody, an affront to the children's rights. The police in

Table 8. Treatment of Children by the Police (n = 20)

Attributes	Frequency	Percentage
Number of hours detained by the police		
1–12	11	55
13–24	6	30
25–48	3	15
Bail arrangement		
Granted police bail	16	80.0
Sent to court	4	20.0
Paid money to the police before bail was granted		
Yes	7	35
No	13	65
Tortured by the police		
Yes	6	30.0
No	14	70.0
Permitted to speak with parents during arrest and detention		
Yes	11	55
No	9	45
Food supplied by the police while in custody		
Yes	13	65
No	7	35
Represented by a lawyer		
Yes	0	0
No	20	100
Type of custody detained		
Juvenile cells	5	25.0
Adult custody	15	75.0
The number of times arrested by the police		
Once	14	70
Twice	6	30

Source: Field survey (2021).

response indicated that they are unable, and often find it difficult to feed people in custody due to inadequate or lack of rations or money from the government. This was corroborated by one of the key informants.

The study found that a lawyer represented none of the 20 children interviewed. A check from the parents revealed that the police informed five of their right to

counsel, but they did not have money. Another 15 affected parents, contrarily, said the police did not inform them. This means that the police did not respect the rights of children in conflict with the law according to Article 19(f) of the 1992 Constitution of Ghana and rule 15 of the Beijing Rules of 1985 as espoused by the United Nations,⁵ which highlights the right of a child to a lawyer. By implication, the affected juveniles were questioned without the presence of either a custodian or lawyer. This finding buttressed the work of Hoffmann and Baerg (2011). Their study found that in most of the selected police stations in Accra, Ghana, the police were usually unable or unwilling to find the guardians of the juvenile while they were in police cells. Their study further revealed that juveniles were quizzed without a guardian or lawyer present. This revelation calls for much awareness creation for the police.

Article 15(4) of the 1992 Constitution states that a juvenile in lawful custody or detention shall be kept separate from adult offenders. However, the study found that most children (15/20) who conflicted with the law were kept in adult prisons or cells. This finding is not surprising since Northern Region has only one juvenile detention centre at Sakasaka, Tamale. A check from the Social Welfare Department revealed that the only juvenile remand home at Nyahini in Tamale had been closed for lack of maintenance. In such circumstances, the police may have no other means than to keep young offenders in adult cells or prison. However, more is needed to justify the action, as it undermines the spirit of transformation espoused by the Theory of Transformative Justice which supported the study. It also defeats the tenet of friendly policing introduced into the Ghana Police Service in 2016. The implication of keeping children with adults in custody is that the children would be polluted by the adult suspects and are more likely to commit serious offences on their release from custody.

The emerging picture is that Ghana needs to do more and may be seen as “talking much” but with “little action”. This view is validated by the work of Ame (2011), which revealed that there is a vast difference between Ghana’s policy document on juvenile justice and practice. While the country has various brilliant provisions targeting children’s rights, more needs to be done to actualize these rights. This could explain why the whole study region has no single functional juvenile remand home. The key informants expressed that the country needs to do much in terms of its justice delivery involving children.

CONCLUSION

This study examined the police knowledge of the legal definition and the criminal capacity of the child and how they respond to the rights of children in conflict with the law. The study established that most crimes committed by children involved stealing, sexual offences, drug-related crimes and vandalism. However, stealing was found to be the dominant crime. It was also revealed that police knowledge of who a child is was relatively high (76%) compared to their knowledge of the

⁵United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) adopted by General Assembly resolution 40/33 of 29 November 1985. Retrieved 3 March 2023 (<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf>).

child's criminal capacity (40%). The study found that the pattern of knowledge by police officers in terms of the criminal capacity of a child varies according to rank, with lower ranks being more knowledgeable than senior-rank officers. This was attributed to the fact that the child-friendly policing concept was introduced to the Ghana Police Service barely six years ago when most of the older police service personnel had left the police training institutions. The study concluded that policing arrangements in the study locality in terms of justice delivery of the delinquent child have not been relatively child-friendly, in that detention in adult cells, denial of food while in custody, torture and collection of bribes before granting bail to children are still practised by a section of police personnel. These practices are detrimental to the well-being of the child. The policing approach in the study locality has to be revamped to ensure that the outcome of the justice delivery improves the future development of the children in conflict with the law in consonance with the Theory of Transformative Justice, which anchored the study.

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TRANSLATED ABSTRACTS

Abstracto

En Ghana, se presume que las personas menores de 18 años son niños y personas vulnerables y se espera que disfruten de protección y cuidados especiales contra todos los peligros, incluso si van en contra de la ley. Esto está de acuerdo con la disposición legal de Ghana y otros documentos legales internacionales. Este estudio examinó el conocimiento de la policía y la relación con los niños en conflicto con la ley en Ghana utilizando la Región Norte como estudio de caso. Los datos primarios se generaron a través de entrevistas y la administración de cuestionarios de un total de 219 participantes que fueron seleccionados deliberada y sistemáticamente en un diseño de método mixto convergente. El estudio encontró que el conocimiento de la Policía sobre quién es un niño en conflicto con la ley era bueno (76%), sin embargo, solo el 40% conocía correctamente la capacidad delictiva de un niño. El estudio reveló que los derechos de los niños en conflicto con la ley destinados a salvaguardar su transformación y reintegración, como la no tortura, el acceso a la asistencia legal y el derecho a la custodia segura, fueron burlados.

Palabras clave policía, niños en conflicto con la ley, derechos del niño, derechos humanos, seguridad

Abstrait

Au Ghana, les personnes de moins de 18 ans sont présumées être des enfants et vulnérables et doivent bénéficier d'une protection et de soins spéciaux contre tous les risques, même s'ils enfreignent la loi. Cela est conforme à la disposition légale du Ghana et à d'autres documents juridiques internationaux. Cette étude a examiné les connaissances et les relations de la police avec les enfants en conflit avec la loi au Ghana en utilisant la région du Nord comme étude de cas. Les données primaires ont été générées par le biais d'entretiens et de l'administration de questionnaires auprès de 219 participants combinés qui ont été délibérément et systématiquement sélectionnés dans une conception convergente à méthode mixte. L'étude a révélé que la connaissance de la police quant à savoir qui était un enfant en conflit avec la loi était bonne (76 %), mais seulement 40 % connaissaient à juste titre la capacité criminelle d'un enfant. L'étude a révélé que les droits des enfants en conflit avec la loi destinés à garantir leur transformation et leur réintégration, tels que la non-torture, l'accès à l'assistance juridique et le droit à la garde en toute sécurité, étaient bafoués.

Mots-clés police, enfants en conflit avec la loi, droits de l'enfant, droits de l'homme, sécurité

抽象的

在加纳，未满 18 岁的人被视为儿童和弱势群体，应享有特殊保护和照顾，免受所有危害，即使这些危害是违法的。这与加纳的法律规定和其他国际法律文件一致。本研究以北部地区为案例研究，调查了警察的知识以及与加纳违法儿童的关系。主要数据是通过访谈和问卷管理从 219 名参与者中生成的，这些参与者是在收敛的混合方法设计中有目的地和系统地选择的。研究发现，警方对触犯法律的儿童的了解程度良好（76%），但只有 40% 的人正确了解儿童的犯罪能力。研究显示，与法律相抵触的儿童权利旨在保障他们的转变和重返社会，例如不受酷刑、获得法律援助和安全监护权，但遭到了蔑视。

关键词 警察，违法儿童，儿童权利，人权，安全

خلاصة

في غانا ، يفترض أن الأشخاص الذين تقل أعمارهم عن 18 عاماً من الأطفال والضعفاء ومن المتوقع أن يتمتعوا بحماية ورعاية خاصة ضد جميع المخاطر ، حتى لو دخلوا القانون. هذا يتفق مع أحكام غانا القانونية وغيرها من الوثائق القانونية الدولية. فحصت هذه الدراسة معرفة الشرطة والعلاقة مع الأطفال المخالفين للقانون في غانا باستخدام المنهجية الشاملة لدراسة حالة. تم إنشاء البيانات الأولية من خلال المقابلات وإدارة الاستبيان من مجموع 219 مشاركاً تم اختيارهم عن قصد ومنهج في تصميم متقارب متعدد الأساليب. ووجدت الدراسة أن معرفة الشرطة بمن هو الطفل المخالف للقانون كانت جيدة (76%) ، ومع ذلك ، فإن 40% فقط يعرفون عن حق القدرة الجنائية للطفل. وكشفت الدراسة أن حقوق الأطفال المخالفين للقانون التي تهدف إلى حماية تحولهم وإعادة دمهم ، مثل عدم التعذيب ، والحصول على المساعدة القانونية والحق في الحجز الآمن ، قد تم انتهاكها

الكلمات الدالة الشرطة. الأطفال المخالفين للقانون. حقوق الطفل. حقوق الإنسان. السلامة

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