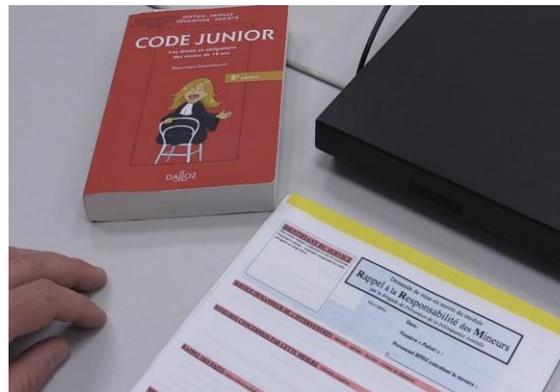


Minors' responsibility reminder practised by the Prevention of juvenile delinquency squad (PJDS)



I/ History:

Society's answers to juvenile delinquency go through several measures conditioned by predefined criterions. Whatever the answer, it principally takes into account the age of the person, their ability to understand things, the seriousness of the action, what must put it in a pedagogical and educative approach.

It is known that criminal policies in French public prosecutor's departments impose a systematic and gradual response to the act done by the minor. This approach however supposes that a seisin has been brought to the attention of the public prosecutor, what the complaint allows most of the time but not always.

For a few years however, the writer of this summary observes that the criminal act doesn't systematically involve an answer, often waited by the juvenile delinquents themselves, conscious that society cannot accept their attitude and behaviour while as a young citizen they have duties and obligations.

This absence of answer can be explained in many ways :

- The act perpetrated is a criminal act but its author has not been identified when it was done. (For example : overturned plant holder on a public square and no elements allowing to identify immediately and with certainty the minor author or authors even when seen several times on the location.)
- No complaint has been filed against them (unserious acts, sometimes a benevolent attitude from the victim, fear of retaliation in other cases.)
- The facts are more linked to a behaviour on the edge of the law (deviance, incivilities.)
- Weariness of the victims.

The first criminal action is however the occasion to bring an answer. The absence of answer can be interpreted as a weakness, an incitement to continue in the criminal way, something forbidden, a drift finally accepted by society.

Moreover it is also known that minors build themselves thanks to educational limits. When these limits are no longer assumed by the family, the young authors wrongly believe they can go on this way without ever been punished.

Of course we are confronted to situations where fortunately the parents are involved in their children's education and watchful, but can someone really claim to know their children's behaviour when they escape the familial overseeing ?

In 2003, on the occasion of innovative actions, the author of this summary suggested to the C.O.L.D.E.M.I. (operational committee to fight against juvenile delinquency), a joint ministerial authority set in Fort de France (Martinique), to offer a gradual answer to each situation known by the elected representatives, the Education Department, social lessor and other social authorities as soon as minors are concerned but no complaint has been filed.

This is how the Minors' criminal responsibility reminder was born. It was then renamed the "Minors' responsibility reminder" (RRM) to avoid confusion with the measure that can be taken by the public prosecutor as a penal answer.

II/ Daily action of the gendarme serving in the PJDS.

Since 1997, the gendarmerie has special units in charge of the creation of preventive actions adapted to the minors environment and to each individual situation.

The help of specially trained persons to face the problems raised by youth in danger, at risk or in a situation to be at risk, can therefore become indispensable.

The following can be mentioned among the essential missions of these atypical units :

- The knowledge of youth environment, especially in sensitive zones and in " Zone de Sécurité Prioritaire " since 2012.
- Proximity interventions either to avoid any criminal act, especially violent, that minors could be the victims of or authors, or to restore social peace.
- Active participation in different partner networks, institutional or not, to secure the coherence of the state action.
- Actions of " Training-prevention " to youths, especially in schools but also to the benefit of parents.
- Help given to members of territorial unities for the recording of minor victims hearings (the most sensible situations).

The first vocation of the PJDS is prevention actions to the benefice of youth to prevent any action of incivility and criminality towards minors or from them.

This prevention is expressed by an intense presence, visible and pacifying. The surveillance exercised as well as the contacts tied on a regular basis with the youths and their relatives, allows to have a precise view of individuals and places. It often enables to anticipate problems and degradations perturbing public tranquility and security.

The contacts thus established create a multitude of occasions to take informative and educational actions (knowledge of the law, respect of the law, the role of the young citizen in society, state action towards the destitutes, education to citizenship, academic orientation, ...)



III. Call to juvenile responsibility:

Driven by their field work, their knowledge of places and situations that put minors in jeopardy, the BPDJ militaries ("BPDJ" = prevention of juvenile delinquency squad) are likely to act in a more individualized way, In this way the different partners are required to contact the unit to ask for meetings with minors with a deviant behavior, or whose attitude might compromise their future (incivility, lack of respect, violent attitude, truancy, etc.)

Quite often these young persons have been warned once or several times before by the BPDJ, but sadly without any effects.

The seizure of jurisdiction can come from the National Education, from mayors, or from local associated

entities implied in youth crime preventing programmes (local agents of neighbourhood or buses mediation).

The BPDJ commitment is in that case determined by the following considerations :

- ⑩ The enquirer should have previously called upon the local prevention players (chief education adviser, nurse, educational assistant, etc.)
- ⑩ The different implemented means have resulted in failure.
- ⑩ The family has not fully adhered in a measure proposed by the institution,
- ⑩ No complaints should have been filled concerning the offence.
- ⑩ The different entities have felt the case could still be tackled by a preventive work, and hope the intervention of the BPDJ militaries will bring a graduated and appropriate answer, by implying a third party,
- ⑩ The parents should be involved and supportive.
- ⑩ In the absence of complaint, the situation is systematically analyzed before any commitment of the BPDJ, in order to decide, according to the gravity of the facts, if the public prosecutor should know about it, or not.
- ⑩ It seems that the police intervention, as a figure of authority, that may be missing, should help the minor to adopt another attitude.
- ⑩ The writing of a summary is systematically required so that all the historical background could be taken into account.
- ⑩ The prevention can be applied just once ; if the minor has not responded to the interview, we recommend to fill charges, or the establishment of a judicial system if the situation continues.



Our contribution is usually requested for incivilities. However, we might also be asked for criminal offences, though the school, or the victim is not willing to press charges in the current state of the situation. On the other hand, we may suggest this procedure, when the situation warrants such action.

The circular describing the role of the BPDJ drafted by the Department of the National Gendarmerie introduced in 2001 the concept of « warning », in a commun meaning of this term, and not in the legal sense defined in section 41-1 of the Penal Procedure Code.

This action reduces conflicts, stress factors, and allows to convey benevolent messages to the minor showing deviant behavior, but without shifting to real delinquency.

As a matter of fact, every provocation of the minor is a call for help to the adult. The true role of this latter should be rebuilt, with its plain strength and word.

During the interviews the notion of law abiding is thus approached, but also the victim's position and the possible impacts on the offender's endangerment, his future, his own reputation and his family's.

In an educational approach, we try to lead the perpetrator to think and adopt a more respectful position, towards law and people.

As a result a summary document is written by the military in charge of the interview, including several headlings :

- referral circumstances
- identification of the minor
- legal representatives
- elements constituting danger
- actions taken

- known history

IV – The interest of this measure:

The reminder of juvenile responsibility (RRM) mainly aims at raising the minor's awareness of his responsibility before it is too late and he turns to delinquency.

The minor often knows the juvenile squad for meeting them at school during prevention days or in his neighbourhood when the squad works towards getting in touch with the population.

Thanks to this knowledge and acknowledgment, the bond with him is one of trust and it is kindly perceived.

The impact of the uniform, which represents the bounds of law, is often perceptible even among subjects apparently unwilling to any form of authority.

For years, the juvenile squad has understood the interest in working in partnership with the other players in social, family, health and education fields. Today, it is unquestionably a strength without which the chances of succeeding decrease.

Therefore, when need be, once we have met the minor, we redirect him towards facilities where he will find support, help, accompaniment, answers...

For instance, it is the case when the minor admits his addiction to alcohol or cannabis. His attitude changes, so do his reactions. The addiction may be associated to a loss of motivation at school, in which case he can be reported.

Once the situation has been analysed after the interview within the framework of the reminder of juvenile responsibility, either at school or in our premises, we make an appointment with the adequate partner (addiction wing at hospital...) as soon as possible.

The procedure is identical for any other cases.

The services of the departmental council (family/childhood) or of national education are often contacted after our interviews. For us, the point is to work for the good of endangered minors, each in our specific domain, in order to find a quick solution to the given problem and before the situation deteriorates more. Since the implementation of the departmental committee of worrying situations, those problems have been dealt with even more quickly.

Intervening in the frame of juvenile protection, we always send the juvenile prosecutor's department a judicial note (renseignement judiciaire) if the situation requires it (a complaint registered in another file, a procedure for Non-Institutional Educational Action (AEMO), educational measure, ...) or if the situation deteriorates. We also intervene with the juvenile court judge if a procedure is already instituted (like the educational support for instance).

It is not useless to remind that, in this procedure, we closely work with the judicial protection of juveniles. We sometimes receive minors subjected to educational support on the request of the educator (compensation measure) in our premises.



V- Assessment:

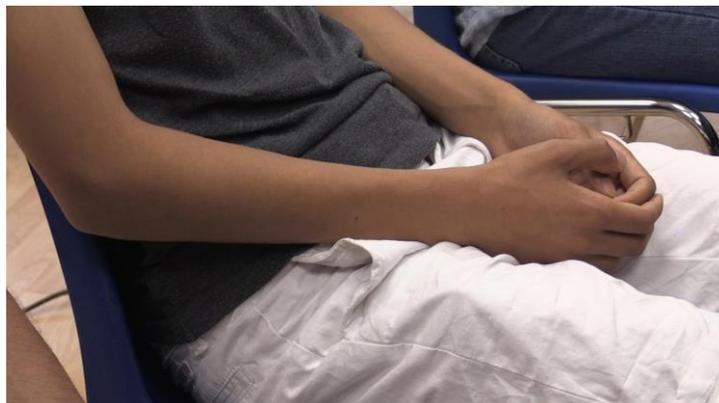
All the measures concerning juvenile protection need to be analyzed regarding the reduction of risks. In this way it is possible to estimate objectively the relevance of such an action.

After the reminder of juvenile responsibility was implemented for several years, we have wanted to measure the impact of this plan of action.

To assess it, we took all the reminder of juvenile responsibility records between 2010 and 2012 and checked the JUDEX data-base two or three years after interviewing the juveniles. In this way, it was possible to know if they had been recorded or not since then.

In the majority of cases (79.3%), the minors we met initially are unknown in this data-base (the analysis was conducted in 2013).

It is true that this indicator is not sufficient to show the non-repetition of acts, we should be able to conduct a personalised study by meeting each minor made aware of the reminder of juvenile responsibility at some point in his life to sharpen the result. Nonetheless, we are permitted to see encouraging results.



VI- Conclusion:

The reminder of juvenile responsibility fits within a logic of kindness to minors.

Some of them are not always aware of what they do, they do not measure the consequences of what they did for their relatives, the society and themselves.

Some reckon they have not broken the law.

We also manage to remobilize families and imply them in our action in the minor's and the society's interests with the help of a network of parents guidance (REAP).

Nonetheless, if we want the measure to be as efficient as possible, it must be implemented closely to the wrongdoing; time being a determining element for the minor in terms of the coherence of the answer. If it comes too late, it is meaningless and thus inefficient.

The society, in charge of protecting its children, can't be satisfied with setting the rules without explaining them.

It is part of the job of the soldiers of the juvenile squad to prevent juvenile behaviours that could become punishable.

By occupying public space, network working, the knowledge of neighbourhoods and their inhabitants, interdisciplinarity, the reminders of juvenile responsibility have given interesting results and they have prevented repeat offence. Those are the goals of such a measure.

The police force remains the symbols and the instruments of prohibition, but these functions are in no way conflicting with prevention as soon as what really matters is reducing dangerous behaviours detrimental to the community.

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