

Title of thesis: The Specifics of Children Interrogation

Keywords: interrogation, child, sexual abuse

Summary

The thesis deals with specifics typical for interrogation of children, which means persons under eighteen years old. Unlike adults, a child psyche is characterized by many specifics that have to be considered during interrogation as well.

The aim of the thesis is to point to basic specifics related to interrogation of children situated in various procedural positions – either in the position of aggrieved, witness or accused. The character of offense, and the part a child has taken in committing it, influences interrogator's approach and overall choice of tactics. Only a properly conducted interrogation can bring enough information useful in pretrial and following trial proceedings. For clarity the thesis is divided into two basic parts, namely the legal part and the criminal psychological part.

First Part: Legal Aspects

First chapter informs about basic terms I use in the thesis – it determines the terms of a child, a minor, children under fifteen, it points out various concepts of interrogation.

Second chapter is devoted to individual procedural positions a child may occur in. It deals with the subject of acts otherwise punishable committed by children under fifteen, a part related to a new act on offense victims. This briefly discusses securing minors and the way of informing them.

Third chapter describes the interrogation of a child witness on conditions of the provision in § 102 TR. There are individual aspects analyzed, e. g. considerate attitude, not repeating the interrogation, or the presence of certain persons during the interrogation and its merit.

In the fourth chapter I set a task to analyze specifics of interrogation of children under fifteen years old, carried out as an urgent and unrepeatable act. With the exception of definite positives, the chapter draws attention to problems related to urgent and unrepeatable acts, with a help of judicature as well.

Fifth chapter concerns with interrogation of accused minors. Basic legal rights have to be respected as same as when interrogating adults, especially the right to remain silent is stressed here. The principles also mentioned are considering the age, mental maturity of an interrogated and the condition of necessity defense.

Sixth chapter is focused on documentation of interrogation as a procedural act. Particularly it stresses taking the statement, audio-record, video-record and their mutual connection.

Second Part: Criminological and Psychological Aspects

First chapter of the second part explains the specifics of child development. It points out mainly the memory, perception, concentration, fantasy and speech. The cognitive processes mentioned are then put into context considering the age level a child belongs into.

Second chapter introduces us into the subject of interrogation tactics, great importance is given to preparation of interrogation and getting thoroughly familiar with sources. The next topic is the process of interrogation itself with a detailed analysis of different types of questions asked and difficulties they may bring. The chapter stresses that the influence of non-verbal communication and mutual perception of people is not negligible. At the end you can find a study on false statements and confessions.

Third chapter describes a statement as a product of interrogation, and evaluation of its credibility.

Fourth chapter aims to point out specifics of interrogating sexually abused children. It also determines and describes advantages and disadvantages of using aids, that might make interrogation more effective.

The last but one chapter deals with a special interrogation room designed just for interrogating children. Theory is supported by description of an actual children interrogation room in Most, this all supplemented with colour photographs.

At the conclusion, in the sixth chapter, I have enclosed few case studies to show in what way the rules for interrogating children are respected in practice. Brief characteristics of cases are accompanied by comments on correctness and shortcomings of individual cases.