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National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT
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INTAKE AND BOOKING PROCEDURE ON THE INITIAL CONTACT OF
CHILDREN IN CONFLICT WITH THE LAW (CICL)

1. REFERENCES

- a. Republic Act 9344, otherwise known as the "Juvenile Justice and Welfare Act" as amended by RA 10630, known as "An Act Strengthening the Juvenile Justice System in the Philippines";
- b. A.M. No. 02-1-18-SC entitled Rule on Juvenile in Conflict with the Law;
- c. Republic Act No. 10630 – An Act Strengthening the Juvenile Justice System in the Philippines, amending for the Purpose Republic Act No. 9344, otherwise known as the "Juvenile Justice Welfare Act of 2006", and
- d. NAPOLCOM Resolution 2012-059 entitled Confirming the Status of Women and Children Protection Center (WCPC) as a Regular Office of the PNP.

2. GUIDELINES

The Women and Children Protection Center (WCPC) is mandated to monitor PNP activities governing the treatment of Children in Conflict with the Law (CICL). It serves as the final repository and source of nationwide data on CICL which shall be used in crafting policy, strategic planning and for purposes of conducting appropriate training.

At present, the WCPC is in the final stage of crafting the creation of a PNP Manual on Children in Conflict with the Law (CICL). Pending the issuance of the said Manual, these guidelines are issued to govern the handling of cases involving CICLs.

a. Procedure during Initial Contact:

1) Child-at-Risk

"Children-at-risk" or "CAR" refers to children who are vulnerable or at-risk of behaving in a way that can harm themselves or others.

a) Kinds of CAR

- a.1) Those who are vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances, such as being a street child or being a member of a gang.
- a.2) Those who violate local ordinances concerning juvenile status offenses like curfew violation, anti-smoking and anti-drinking laws and commit light offenses and misdemeanors against public order or safety, such as public scandal and trespassing.

- a.3) Those who commit offenses not applicable to children pursuant to Section 8 of RA 9344, which are Prostitution under Section 202 of the RPC, mendicancy under PD 1563, and sniffing of rugby under PD 1619.

b) Treatment of CAR

- b.1) The WCPD (C/MPS/PPO), in coordination with the DSWD/LSWD and barangay officials, shall conduct the rescue of CAR who are vulnerable of being exploited and at risk of harming themselves.
- b.2) CAR who are defined under (a) above may be given advices or "payo", turned over to unoffending parents or guardians, or to the barangay for proper disposition.
- b.3) The responding officer should report rescue operation of CAR and cases of CAR who violate local ordinances and light offenses to the WCPD Officer and shall enter the incident in the pink blotter.

2) CICL Below the Age of Criminal Responsibility

Children who are fifteen (15) years old and below at the time of the commission of an offense are exempt from criminal liability. However, the child's victim may be advised that a civil case may be pursued to determine the civil liability of the child's parents or guardian.

a) Procedure for CICL who commit light offenses

Follow the procedure for the treatment of CAR above.

b) Procedure for CICL who are repeated offenders or who commit serious offenses

- b.1) Refer the case within eight (8) hours from initial contact to the LSWDO for protective custody and for the determination of appropriate intervention program;
- b.2) Request the LSWDO for the filing of petition for involuntary commitment in a "Bahay Pag-asa" and its similar facilities.

3) CICL who are above fifteen (15) years but below eighteen (18) years of age at the time of the commission of the offense

CICL who are above fifteen (15) years old but below eighteen (18) years of age at the time of the commission of the offense shall, within eight (8) hours from initial contact, be referred to the DSWD or LSWDO to determine whether the CICL acted with discernment.

a) CICL who acted without discernment

- a.1) If the DSWD certifies that the CICL acted without discernment, the WCPD shall prepare an investigation report citing the findings of the DSWD.

a.2) Refer the case to the LSWDO or proper committee for the conduct of intervention program.

a.3) Close the case if no other case is pending arising from the incident which the CICL is involved.

b) CICL who commits an offense punishable by six (6) years or LESS imprisonment and who acted with discernment

b.1) The WCPD (C/MPS) shall prepare the initial investigation report indicating therein the findings of the DSWD/LSWD.

b.2) Refer the case to the barangay for the conduct of appropriate diversion program.

b.3) If the diversion program fails at the level of the barangay or is inappropriate, determine if diversion proceedings at the police level may be conducted.

b.4) If diversion at the police level fails, prepare necessary documents and gather relevant evidence and assist the victim in the filing of the case in the Office of the Prosecutor.

b.5) If the crime is victimless, the WCPD should refer the case to the LSWDO who shall conduct diversion.

c) CICL who commits an offense punishable by MORE than six (6) years imprisonment and who acted with discernment.

c.1) The WCPD shall prepare the initial investigation report indicating therein the findings of the DSWD/LSWD.

c.2) Prepare the necessary documentations and assist the victim/complainant in filing the case before the prosecutor's office.

b. Booking Procedures:

1) General procedures

a) Record all procedures undertaken in the initial investigation including the following:

a.1) Whether handcuffs or other instruments of restraint were used, and if so, the reason for such use;

a.2) The parents or guardian of the CICL, the DSWD/LSWD, and the Public Attorney's Office were informed of the taking into custody of the child and the details thereof;

a.3) The measures undertaken to determine the age of the CICL;

- a.4) The precise details of the physical and medical examination or in case of failure to submit a CICL to such examination, the reason therefore;
- a.5) To whom the CICL was released and the basis for the release; and
- a.6) Whether or not the CICL is exploited in the commission of the crime.
- b) Ensure that all statements signed by the CICL during the investigation are witnessed and signed by the child's parents or guardian, social worker or legal counsel in attendance.
- c) Ensure that should detention of the CICL is necessary, it be secured in quarters separate from that of the opposite sex and adult offenders.

2) Procedure for taking of fingerprints and photographs

- a) The fingerprints and photographs of the CICL shall be obtained, provided the following procedures are observed:
 - a.1) The fingerprint and photograph shall be taken in such a manner that the CICL will not feel intimidated, harassed or disrespected;
 - a.2) The fingerprint and photograph shall be taken inside the office of the WCPD or in a place where the privacy of the procedure may be observed, away from the presence of persons other than law enforcement authorities, parents/guardians, DSWD/LSWD members or counsel of the child;
 - a.3) The taking of the fingerprints and the photographs shall not be made in the presence of the victim, if there is, or of the media;
 - a.4) In taking the photograph of the CICL, the standard mug shot wall shall not be used as a background. Lateral view shall not be photographed and the nametag shall not be used. It is sufficient that said photograph be taken in such a manner that the physical attributes of the child are captured;
 - a.5) The fingerprints of the CICL shall be taken by an officer of the same gender; and
 - a.6) The CICL's fingerprint and photograph files shall be kept separate from those of adults and be made confidential. They may be inspected by law enforcement officers only when necessary for the effective discharge of their duties or upon prior authority of the court.

3) Procedure for destroying the records of the CICL

The fingerprint and photograph shall be removed from the files and destroyed in the following circumstances:

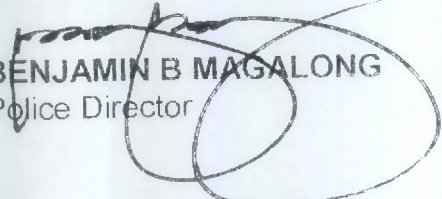
- a) If the case against the child is not filed, or is dismissed; or
- b) When the child reaches twenty-one (21) years of age and there is no record that the child committed an offense after reaching eighteen (18) years of age.

4) Observance of Confidentiality of the records of the CICL

- a) The right to privacy of a CICL shall be respected at all stages of the proceedings. As such, all records and proceedings involving children in conflict with the law, from initial contact until the final disposition of the case, shall be considered privileged and confidential.
- b) The records of a CICL shall not be used in subsequent proceedings, whether criminal, civil or administrative, for cases involving the same CICL as an adult, except when beneficial to the CICL and upon his/her written consent.
- c) The encoding of the data into the e-blotter shall be done exclusively by WCPD Officers who have assigned username and password.

3. SANCTIONS

Non-observance of this directive shall be dealt with accordingly in accordance with NAPOLCOM Memorandum Circular Nr. 2007-001.


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