Child Rights, Ethical Standards and Psychological Analysis for Law Enforcement Training

Executive Summary

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Acknowledgements

The Thailand Institute of Justice (TIJ), together with the Department of Special Investigations (DSI), the National Crime Agency (NCA), the ECPAT Foundation, A21, and the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG) would like to express their sincere gratitude to all partner organisations, namely but not limited to the Royal Thai Police, the Interpol, the FBI, the HSI, the BKA, the AFP, the DCI, the Police Academy of Netherlands, the Austrian Embassy, and the Belgian Embassy, as well as all speakers and experts who provided tremendous technical cooperation and support throughout this training. Thanks are due in particular to Dr. Matti Joutsen who provided countless invaluable guidance.

We look forward to continued cooperation in strengthening crime prevention and criminal justice to eliminate violence against children.

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From 1 July to 5 July, 2019 the Thailand Institute of Justice (TIJ), in cooperation with the Department of Special Investigations (DSI), the National Crime Agency (NCA), the ECPAT Foundation, A21, and the German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG), organised a course entitled "Child Rights Ethical Standards and Psychological Analysis for Law Enforcement Training" at the Siam@Siam Hotel in Bangkok, Thailand.

The international training brought together nearly 30 distinguished experts from eight countries and various professional organisations, with over 40 law enforcement professionals from Thailand. These included, among others, professionals from the Royal Thai Police (RTP), the Department of Special Investigations (DSI), the Institute of Forensic Medicine, the Office of the Attorney General, the Department of Provincial Administration, the Department of Social Development and Welfare, the Provincial Social Development and Human Security Office, and NGOs. The central focus of the training revolved around an appropriate, victim-centric and coordinated response to crimes against children along the entirety of the criminal justice process, as well as the mental well-being of the professionals involved.

Day 1 provided the basis for the training, and the presentations revolved around the situation of violence against children in Southeast Asia and the Pacific region, as well as the role of selected agencies and international legal instruments in the fight against such violence. Highlights of the sessions included law enforcement officers sharing their experiences of their respective fieldwork. It was described as being highly rewarding, yet at the same time as having the potential of taking a significant toll on the mental health of the law enforcement professionals due to the violent nature of the crimes and to the victims involved. As an example of the particular challenges, participants mentioned that officers having to repeatedly view indecent material in great detail in order to identify victims, locations or perpetrators can experience negative psychological impacts.

Further, it was pointed out by several active-duty officers that forensic interviews with victims, in particular children, present another particular challenge. In order to balance what is needed for a prosecution with the mental well-being of the victim, high levels of training are needed but not always provided. With respect to the rights of the child, it was pointed out that

The Training on Child Rights Ethical Standards & Psychological Analysis for Law Enforcement
useful international frameworks do exist; however, there are only limited standards in place in Thailand. Participants also expressed concerns with regards to increasingly used live streaming and the challenges it poses for evidence collection, as well as with data protection privacy policies and technological advancements that make it difficult for them to trace perpetrators. It is, therefore, crucial that law enforcement should be well-trained and able to work together across national and administrative boundaries, including with private sectors for technical assistance and support.

On Day 2, a specialist from the Behavioural Analysis Unit of the Federal Bureau of Investigations (FBI) of the United States of America presented on the psychological analysis of offenders and on conducting forensic interviews with perpetrators. The presenter pointed out that most offenders are on a continuum between preferential and situational offenders, with these two representing the respective ends of the continuum. An accurate "classification" of each individual offender is important to an investigation as it may lead the investigators in a particular direction during the investigation and informs how to conduct forensic interviews. One example given was that a more situational offender may not have or collect explicit, indecent images of a particular type of victim, whereas preferential offenders are more likely to do so.
The following session focused on the later stages of the criminal justice process and discussed due process, as well as how a balance could be struck between protecting victims and respecting the rights of the suspects from a legal perspective. Discussed examples included Malaysia and Germany which have measures of varying degrees in place that aim to protect children that may be both victims and witnesses during trial. A major focus in this regard was the question of the role of abused children in court hearings. While truth-finding and prosecution of offenders is the ultimate goal of the process, the mental well-being of victims as well as due process need to be taken into account.

The concluding panel of the day brought the focus back to investigation and investigators, with FBI and DSI representatives sharing their views on current investigation practices and cooperation. It was pointed out that more cooperation is needed to identify and protect victims, to strengthen joint efforts between law enforcement agencies to track down perpetrators, and to build global capacities to protect children. It was said that it remains too easy for offenders to exploit existing loopholes. For example, travelling sex offenders use third countries to reach a destination country which otherwise would have been difficult to enter due to a warning sent from the country of origin. It was further highlighted that many countries in Southeast Asia lack an effective safeguarding programme for officers as well as training programmes on conducting forensic interviews with child victims in particular.
Day 3 began with a presentation and discussion of the dynamics of abuse from a psychological perspective. The presentation elaborated on the impact of traumatic experiences by victims of abuse. Throughout this session, the presenting clinical psychologist pointed to the devastating effects of childhood trauma and how crucial an understanding of this is for investigative officers who come in contact with a victim over the course of an investigation. In terms of forensic interviews for instance, an awareness of trauma and its effects is relevant as this can affect the memory of a victim as well as a victim's threat perceptions in objectively non-threatening environments. Natural, neurological reactions can impact a victim's brain functioning in such situations and the knowledge of basic calming strategies and general awareness of indicators of trauma can prove to be relevant tools not only for first responders, but also later in the investigation.

The subsequent session and group exercise dealt with child safeguarding policies in different organisations and why these are of particular importance. It was made clear that not all organisations have sufficient policies in place. At the same time, there is a need for and awareness of the relevance of such policies. Basic child protection policies such as those presented by ECPAT are in the first instance designed to protect children, but they can also give guidance and security to officers who encounter child victims during an investigation.

During the discussion, active duty officers raised the issue of not always having clear guidelines when encountering child victims in particular, which can lead to additional stress on them during their work. The positive impacts of clear guidelines and appropriate policies on the work and mental health of officers was echoed in the concluding panel session of the day. A police inspector from Thailand shared on the importance of self-care for law enforcement officers as the profession sees especially high rates of suicide and depression. Following this, DSI and three foreign law enforcement representatives discussed their respective policies and strategies for self-care of investigative officers, as well as personal experiences of stressful situations and how they were overcome. Beyond reporting on the taxing nature of their work, the experts shared that in addition to personal coping strategies such as humour and regular physical exercise, mandatory and regular mental health examinations, continuous access to mental health professionals and peer support are crucial elements in creating a successful and supportive work environment. However, with regards to Thailand, regular psychological assessments are not yet part of the standard procedure within the DSI or the RTP.

Day 4 continued with a deeper look at the self-care strategies of law enforcement officers from the view of a mental health professional. Her observations dealt with signs and symbols of burnout syndrome, traumatic stress and the importance
of self-monitoring as treatment, which is most effective when it starts early. Mental well-being, especially in the context of this training, can be viewed as a continuum, rather than something that changes suddenly. During the discussion, participants also noted the importance of having realistic expectations and being able to detach themselves from stressful situations.

The subsequent session detailed strategies in the Netherlands for forensic interviews of child victims. The presenter, an experienced investigative psychologist, introduced the "structured interview model" as it is applied in the Netherlands in such cases. She pointed out that while each interview needs to be adapted to many factors such as the circumstances of the case or the age of the victim, the basic three-step structure of the interview - introductory part, case-related part, closure - remains the same. She then stressed the importance of asking open-ended questions, stimulating free recall and being non-judgemental.

To this end, she shared two strategies when interviewing a child reluctant to disclose the abuse - approaching the child in an indirect way and telling the child neutral information from the allegation. In her opinion, it is crucial that an interview is conducted only by well-trained and well-prepared specialists who can employ strategies that will both elicit information without influencing or leading the interviewee, as well as safeguard the mental-health of often traumatised victims. Ensuing discussions and group exercises further developed these points, and included brainstorming activities on how the most important points raised thus far during the training - namely on developing a code of conduct, implementing self-care strategies and enhancing protection and prevention measures - could inform the way ahead. The day closed with brief presentations by foreign law enforcement officers in Thailand on how they proceed in their investigations against child offenders abroad. Police officers from Austria, Belgium and the Netherlands all pointed out that in addition to having a coordinated national response, cooperation between agencies across borders is crucial to successfully fighting these crimes that are often committed across multiple countries and jurisdictions.
Day 5 concluded the training with summary presentations by law enforcement professionals and a closing ceremony. The participants shared their impressions and results from the training, focusing on what could inform a Code of Conduct for officers in Thailand, what can be implemented in terms of formal and informal self-care, and how negative outcomes of investigations on the investigators or victims can be prevented. This was informed by examples from other national criminal justice processes and law enforcement standards and procedures, but with a clear focus on the circumstances in Thailand.

It was pointed out that organisational policies need to be formulated that take into account the experiences and day-to-day practices of the frontline officers, but at the same time have backing and support from the highest management of the respective organisations. Specific training and formalised self-care procedures, as well as increased awareness of how to minimise the impact of the criminal justice process on victims and how to prevent re-victimisation, were also raised as factors that should influence codes of conduct and procedural standards in the future. Finally, participants stressed the need for a systemic framework outlining the roles and responsibilities of each organisation in child-related cases in order to have a more holistic, victim-centric and child-friendly response.
**Recommendations**

**Key Priorities for a Standard of Procedure (SoP) & Code of Conduct (CoC) on Child Rights Ethical Standards**

- Continued professional development training for practitioners in cases involving child abuse, in particular with regards to child psychology and forensic interviews
- Sound and continuous psychological and social assistance for victims throughout the criminal justice process
- Increased protection of child victims and witnesses and a child-sensitive procedure throughout the criminal justice continuum, i.e. from early detection to corrections
- Sound and continuous psychological assistance for law enforcement officers in addition to periodic mental health examinations
- Avoid repetitive and unregulated exposure to explicit child abuse materials
- Effective coordination between child protection teams and law enforcement
- Clear affirmation of procedural rules and responsibilities among stakeholders
- Secured storage of data on child abuse and exploitation materials
- Authorised access to metadata of private companies
- Strategies for the future covering cloud storage and cryptocurrencies

**Key Themes**

- Victim-centric approach (e.g. forensic interviewing techniques, child-sensitive procedure, safety & confidentiality, trauma-informed care)
- Mechanisms & procedures to protect officers’ mental health (self-care)
- Coordination between stakeholders domestically and internationally
- Harmonization of law & legal reform (e.g. common terms, scope of what constitutes child abuse and exploitation, collection of data, sharing of information, and evidence re. online child abuse & exploitation)
**Programme**

**Day 1: Monday, 1 July 2019**

Role of the NCA in Child Sexual Exploitation: Statistics and Situation  
(Speaker: Mr. Nick Cuckson, International Liaison Officer, National Crime Agency (NCA))

Situation of Violence against Children in Southeast Asia and Pacific  
(Speakers: Mr. Apichart Hattasin and Mr. Bruno Desthieux, Crimes Against Children, Vulnerable Communities, Organized and Emerging Crime Directorate, INTERPOL Liaison for Asia and South Pacific)

Violence against Children in Thailand: Challenges and Best Practices  
(Speaker: Pol.Capt. Khemachart Prakaihongmanee, Deputy Director of Bureau of Foreign Affairs and Transnational Crime at the Department of Special Investigation (DSI))

The Rights of the Child and Relevant International Instruments  
(Speaker: Ms. Kohnwilai Teppunkoonngam, Chief of the Programme on Women and Children in the Criminal Justice System, TIJ)

Group Exercise: Identifying Gaps in Laws and Policies, Challenges and Needs

**Day 2: Tuesday, 2 July 2019**

Understanding Behavioural Analysis of Offenders  
(Speaker: Special Agent, Behavioural Analysis Unit (BAU), Federal Bureau of Investigation (FBI))

Panel Discussion: Due Process to Protect the Rights of the Victims and Rights of Offenders  
(Speakers: Mr. Salim Bashir Bhaskaran, Co-deputy Chairperson of the Criminal Law Committee of the Bar Council of Malaysia , Mr. Christian Ehrlich, Senior Liaison Officer, Bundeskriminalamt (BKA), and Dr. Lasse Schuldt, DAAD Lecturer, CPG)

Panel discussion: Responding to Crimes and Handling Offenders: the Law Enforcement Perspective  
(Speakers: Mr. Joe Fonseca, Assistant Legal Attaché, Federal Bureau of Investigation (FBI), Pol. Capt. Khemachart Prakaihongmanee, Deputy-director of Bureau of Foreign Affairs and Transnational Crime, Department of Special Investigation (DSI), and Ms. Kohnwilai Teppunkoonngam, Chief of the Programme on Women and Children in the Criminal Justice System, TIJ)

**Day 3: Wednesday, 3 July 2019**

Understanding the Victims: the Dynamics of Abuse  
(Speaker: Dr. Rhiannon Bell, Clinical Psychologist and Director of Aftercare, A21)

Child Rights Ethical Standards and Child Safeguarding Policy: Key Components  
(Speaker: Ms. Ketsanee Chantrakul & Ms. Sikharin Singsakhorn, ECPAT Foundation)

Why Does Self-Care Matter? Thailand's Perspective  
(Speaker: Pol. Lt. Col. Priabprom Mekiyanon, Police Inspector, Institute of Investigation and Inquiry Affairs)

Panel Discussion: Self-Care for Investigators: Vicarious Trauma Safeguarding Guidelines  
(Speakers: Special Agent, Behavioural Analysis Unit (BAU) of Federal Bureau of Investigation (FBI), Mr. Eric McLoughlin, Regional Attaché, Homeland Security Investigations (HSI) of USA, Pol. Capt. Khemachart Prakaihongmanee, Deputy-director of Bureau of Foreign Affairs and Transnational Crime, Department of Special Investigation (DSI), Ms. Riannet Haak, Police Academy of Netherlands, and Mrs. Malina Enlund, Thailand Country Manager, A21)
Programme

Day 4: Thursday, 4 July 2019

Self-Care and Mental Health for Law Enforcement
(Speaker: Dr. Suthra Auapisithwong, M.D., from Child and Adolescent Mental Health Rajanagarindra Institute)

Ethical Standards on the Protection of Child Victims and Juvenile Offenders and Self-Care for Law Enforcement Professional
(Speaker: Ms. Riannet Haak, Psychologist, Police Academy of the Netherlands)

Group Exercise: Wrapping It All Up Together – Planning for Thailand’s Policy & Procedure

Introductory Session: Roles of Foreign Law Enforcement in Combatting Child Sexual Exploitation

Day 5: Friday, 5 July 2019

Group Presentation: Planning for Thailand’s Policy & Procedure

Masters of ceremonies:
(Ms. Adchapaphorn Wongwai, Foreign Relations Officer, DSI and Mr. Ukrit Sornprohm, Project Manager of the Programme on Women and Children in the Criminal Justice System Programme, TIJ)

(Speakers: Dr. Monika Lemmerer, Attachée of the Austrian Federal Ministry of the Interior for Thailand, Philippines, Cambodia and Pakistan, Austrian Embassy, Mr. Pascal Wautelet, Regional Liaison Officer, Belgian Police, Belgian Embassy, Mr. Rachid Sousdi, Police Liaison Officer, National Police of the Netherlands, and Mr. Farid el Hamouti, Police Liaison Officer, National Police of the Netherlands)
Let’s work together to safeguard children in the criminal justice system!