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The Key Conditions of Attitudes of Juvenile Delinquents Towards the Justice System: Considering Empirical Data From Studies¹

Abstract: The aim of the article is to present the results of my own research concerning the key conditions of attitudes of youth (referred to as juveniles or juvenile delinquents) towards institutions of the justice system and institutions of formal control in Poland. The rationale behind conducting the study lies in a broadly understood concept of learning, an integral element of which is the attitude towards a certain object or event manifesting itself as a persistent behaviour resulting from accepted beliefs. Among the many conditions of juveniles' negative attitudes to the justice system, especially important is the area of the functioning of institutions of the justice system and participators in juvenile delinquency proceedings, such as the court or defender, and institutions of formal control, that is, the police.

Key words: attitudes, juvenile delinquency, justice system, juveniles' social maladjustment, institutions of formal control in Poland.

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¹ The article presents substudy results conducted individually by the author as part of the work on the described research project entitled "Protecting young suspects in interrogations: a study on safeguards and best practice", JUST/2011/JPEN/AG/2902, financed by the European Commission. The Polish part of the project studies is led by Ph.D. B. Stańdo-Kawecka, professor at the Jagiellonian University

Introduction

This paper is the result of scientific reflections that emerged during empirical studies that were part of the research project entitled “Protecting young suspects in interrogations: a study on safeguards and best practice”, JUST/2011/JPEN/AG/2902, financed by the European Commission. Somewhat on the margins of the mainstream research, yet with increasing clarity as the work progressed, there emerged an issue of negative attitudes of juveniles (who were one of the focus groups in the project) towards institutions of the justice system, the police (ordered by the court to conduct activities that in practice constituted the first stage of juvenile delinquency proceedings) and defenders acting in juvenile delinquency proceedings. The aim of this article is to present the results of own empirical research concerning the key conditions of attitudes presented by juvenile delinquents towards institutions of the justice system and institutions of formal control participating in juvenile delinquency proceedings in Poland. Such conditions are defined as system-based – resulting from the justice system’s approach to juvenile delinquency, and coming to attention only in direct contact of respondents with law enforcement agencies and other public institutions. The author is of the opinion that the justice system (often mistakenly equated with the juvenile social rehabilitation system) fails to fulfil its fundamental pedagogical functions in relation to juvenile delinquents in terms of protection, education and equity, instead contributing to their further demoralization (i.e. pre-delinquent behaviour of juveniles), forming and reinforcing negative attitudes to institutions and representatives of the system that was created to prevent demoralization and juvenile delinquency in the first place. Diagnosing risk factors – situations and conditions referring to juveniles may provide the basis for formulating recommendations for pedagogical and social practices aimed at reducing the symptoms of juveniles’ social maladjustment.

Theoretical grounds for empirical research

The issue of attitudes towards institutions (legal, social, etc.) may be considered in many contexts. Theoretical approaches, definitions and typologies all determine the method of studying attitudes; however, it is essential here to emphasize their psycho-pedagogical context. What Stanisław Mika understands by attitude is “a relatively stable structure (or a disposition to form a structure) of cognitive and emotional processes and behavioural tendencies, in which a certain outlook on a given object manifests itself” (Mika 1981, p. 116). Depending on the adopted theoretical concept, the attitude-forming mechanisms are viewed in a variety of

ways. Behaviourist and learning-related theories assume an attitude to be the effect of learning, dependent, for example, on the repetition of certain behaviours – responses to specific stimuli, which develop a relatively fixed disposition of an individual to such behaviours in relation to a given subject/object of an attitude. The sociological approach accentuates an emotional or evaluative approach to a “bearer” of the object of an attitude, whereas in cognitive tradition attitude also involves perception, emotional mindset, motivations, and beliefs about a given object of attitude (Mika 1981, p. 114–115). In broad terms, attitudes are formed under the influence of direct (family, school, peers) and indirect (the media) contacts with their object. Following behaviourist tradition, it may be assumed that a given attitude is the result of learning through the modelling process. Modelling attitude starts when there is a connection forged between the attitude subject and the attitude object. Attitude formation requires repetition. Beliefs and concepts related to an attitude object emerge in this way. Then, the object settles into the attitude subject and is used in connection with separate individuals or phenomena (Sztuka 2011, p. 176–178). A concept integrating the three main approaches in the theory of attitudes has been offered by Jan Nazar, who claims that an ultimately formed attitude is conditioned by a set of aspects of socialization, and in every social environment certain values and models can be found that affect the formation of attitudes. The formation of attitudes is largely determined by the qualities of the sender. Particularly important in this respect are: the person’s authority among youth, knowledge, method of providing information, appropriate language of the message, and ability to establish contacts. Moreover, it is important for the sender to have a fixed, established system of values and a positive attitude towards the society and its norms. Family, school, and state institutions strongly determine the shape of youth’s attitudes (Nazar 1989, p. 18–19). It seems that thus described concept of attitude formation has an educational and preventive character as it accentuates the role of the subject – bearer – sender of attitudes, which in turn determines the durability of learned and accepted behaviours.

An attitude towards law is a component of a broader social phenomenon – that of legal awareness. It can be viewed as a type of normative awareness, defined by the totality of subjective references to the rules applied in a given society. Normative awareness refers to legal, social, moral or religious norms; however, these “orders” become mixed and, in fact, a specific norm in one system may also be inherent to another (Sakowicz 2013, p. 13). With reference to deviant individuals, criminal offenders or juvenile delinquents, normative awareness may be a criminal normative awareness, characterized by a lack of respect for universal norms and values and by adherence to subculture-based or, in fact criminal values (Sakowicz 2013, p. 13). Normative awareness is dependent on factors related to one’s family and environment; it is dynamic and progressive. Undoubtedly, the most important are family factors seeing that, in the course of socialization, an

individual from a very early age internalizes norms and values of the natural family which, if conditioned as subculture-oriented or criminal, shapes a young individual in an analogous manner.

Antoni Pieniżek and Małgorzata Stefaniuk (2000) write about legal awareness in a narrower and broader sense. Legal awareness in a narrower sense is otherwise known as normative awareness. It is related to factual knowledge about the governing law, as well as information about established values and legal order. Legal awareness in a broader sense, i.e. real awareness, consists not only of factual knowledge of the governing law, but also of false knowledge. In addition, real awareness incorporates a positive and negative attitude towards the legal system and established values (Pieniżek and Stefaniuk 2000, p. 184–185). The cited authors, among the “components” of legal awareness, enlist possessed knowledge about law, evaluation of how it functions, and attitudes to the actual existing legal order (Pieniżek and Stefaniuk 2000, p. 176).

Methodological concepts of own research

The cognitive purpose of empirical research was a diagnosis of the key conditions of attitudes of juvenile delinquents towards institutions of the justice system and institutions of formal control participating in juvenile delinquency proceedings (more precisely: the police, juvenile courts, defenders), whereas the practical purpose was to formulate postulates for pedagogical practices and formal activities aimed at reinforcing positive or, alternatively, modifying negative attitudes of juvenile respondents in relation to the entities participating in juvenile delinquency proceedings. It can be assumed that legal socialization, resulting in positive attitudes to law and legal order, may be a significant protection factor in the face of social maladjustment or delinquency of juveniles. Therefore, positive attitudes to law fulfil a preventive function (Markowska-Gos 2003, p. 91).

The main research problem can be phrased as: What are the key conditions of attitudes of juvenile delinquents towards institutions of the justice system and institutions of formal control (participating in juvenile delinquency proceedings: the police, the juvenile courts and defenders)? Specific problems posed by the author of the study follow from the assumed methodology of studying attitudes and concern the following: the sources of respondents’ knowledge about the participants in juvenile delinquency proceedings, factors determining negative evaluations and emotional mindset in relation to the functioning of such institutions and their representatives, and indicated by respondents determinants of behaviours towards the police, juvenile courts and defenders in juvenile delinquency proceedings presented in social life, particularly in contacts with the representatives of said institutions. Knowledge, emotional mindset, and behaviours are components – indicators of attitudes, described in detail and in multiple

contexts in Polish literature on psychology, sociology and pedagogy. The specific problems addressed here are the result of a long process of conceptualization, during which the characteristics of respondents, the adequacy of a research method, and, particularly, the subject of a study and its objectives were taken into consideration. The study focused on conditioning beyond the family and school environments in which respondents lived prior to being placed in educational and social rehabilitation centres. System-based conditions, related to contacts with the police, attorneys, and the institutions of the juvenile delinquency justice system were regarded as particularly significant. It is obvious and natural that these factors are interrelated, and negative contacts with the police, attorneys, and the justice system reinforce prior normative opinions held by juveniles. Finally, after pilot studies, the following specific problems were posed:

1. What is the extent and sources of knowledge of respondents about institutions of the justice systems and entities participating in juvenile delinquency proceedings?
2. What are the attitudes and evaluations of respondents in relation to institutions of the justice systems and entities participating in juvenile delinquency proceedings, and which factors determine them?
3. What are the behaviours towards institutions of the justice systems and entities participating in juvenile delinquency proceedings, as well as determinants of such behaviours, as described by respondents?

It should be emphasized (as described in more detail later in the article) that the presented research concept focuses on the area of studying attitude elements which, while related to family background, nonetheless become visible only in contacts with institutions of the justice system or institutions of formal and legal control. The family context, education and socialization in primary groups are fundamental in terms of the formation of pro-social or anti-social, and pro-legal or opposite attitudes. Therefore, taking into consideration the results of pilot studies, it has been assumed that all respondents have a history of negative normative socialization they received in their families. Accordingly, the focus has been placed on the area of secondary socialization.

The subject of the study can therefore be viewed as a type of “isolated place” – the moment of encounter between a respondent and the system/institution of the justice system, and the conditions of attitudes of juvenile delinquents towards the justice system are to be looked for only within this area, somewhat artificially separated. The justice system is treated in the study as an exemplification of the actual current legal system/order. Consequently, the subject of the study involves thus indicated elements of attitudes towards law/the justice system and its representatives/institutions of formal control, which are at the same time the elements of legal awareness in general.

The study focused on male juveniles placed by order of the Family and Minors Courts in juvenile educational centres, and female juveniles placed in

detention centres for corrective training. Juvenile delinquents constitute a specific group of young people who are already regarded and marked as criminals, or at least as demoralized individuals. In accordance with legal regulations, a juvenile is a person who, under the Polish law, does not bear criminal liability for acts committed before attaining the age of 17 years (Article 10 of the Polish Penal Code, Journal of Laws of 2011, No. 160, item 194 as amended). In accordance with the Polish Juvenile Act, a juvenile is a person between 13 and 17 years old in terms of committing a punishable act, and a person up to 18 years old in terms of demonstrating signs of demoralization (pre-delinquent behaviour), and up to 21 years old in terms of adopting educational and corrective measures (Article 1 of the Juvenile Act Journal of Laws of 2011, No. 112, item 654 as amended). The study involved 8 underage boys placed in a juvenile educational centre near Kraków and 8 underage girls placed by order of court in one of the Polish detention centres for corrective training. A juvenile educational centre is designed for juveniles before attaining the age of 18 years, therefore, their parents or guardians expressed a written consent to their participation in the study. In the focus group of the girls, some were of age (detention centres for corrective training are for juveniles up to 21 years old) and therefore could express their consent in writing themselves, in the other cases the consent was signed by their parents or guardians. The selection criterion was the fact of committing a punishable act by juveniles. Based on the results of statistical analyses (GUS 2013), in the Polish reality of recent years, the practice of the courts has been to relatively less frequently place juvenile delinquents in detention centres for corrective training as a corrective measure, whereas increasingly often delinquent juveniles were placed in juvenile educational centres. The reasons behind this are complex (Szecówka 2013, p. 339–361), however, political conditions related to a controversial issue of adjudicating the placement of juvenile delinquents in detention centres for corrective training in light of international regulations (ECtHR 2 March 2010, Adamkiewicz v. Poland, no. 54729/00) are also not without significance in this respect. Consequently, at the moment, underage boys are placed in juvenile educational centres, from which they often run away, and juvenile courts do not adjudicate placements in detention centres for corrective training even though the majority of boys often demonstrate high levels of demoralization. In contrast, highly demoralized girls, who have committed punishable acts are placed in juvenile educational centres, but also in detention centres for corrective training (the number of placements in detention centres has significantly decreased over the last few years), from where they cannot leave of their own free will and, as a consequence, their social rehabilitation process is more systematic and organized. All juvenile subjects come from dysfunctional families, mostly of a low socio-economic status. All are taken interest in by the police, school, probation officers, or social welfare centres. The respondents committed offences such as: robberies, batteries, thefts and drug offences. They had many contacts with the police (from

5 to 40) and were often interrogated by the police (from 2 to 35). In the majority of cases, they have a 2-year delay in terms of implementing the school program.

Taking into consideration previous studies (Sakowicz 2013), but most importantly normative beliefs following pedagogical experience, it is fully justified to hypothesize that juvenile subjects will present negative attitudes towards the justice system. Subjects have been raised in the specific environment, in which they learned to define norms and behaviours contrary to the law, all of which renders it impossible for them to show positive attitudes towards the justice system. Unfavourable family and school situations are significant risk factors in terms of the formation of negative attitudes to law understood as the justice system and its representatives.

The most adequate method for the set study objective proved to be a diagnostic survey. However, the selection of the best survey method posed many difficulties due to the subjects themselves: juveniles of both sexes, placed in juvenile educational centres and social rehabilitation centres. Initially, pilot studies were conducted in the form of individual in-depth interviews with headmasters of selected juvenile institutions. Information collected during the interviews and supported by expert consultations allows to assume a high degree of adequacy of the chosen research method in terms of the set objective. The method referred to was a focus group interview, which allows to collect extensive, more varied information from a respondent group. During an interview respondents confront their views, opinions as to the facts and emotions (Krueger 2002).

The interview was conducted based on a questionnaire consisting of about 30 categories, described in the form of questions or discussion topics. Stratified sampling was applied to determine a research sample. At first, random sampling was planned, which involves a random selection of a “typical” juvenile educational centre in the country and a “typical” detention centre for corrective training. In Poland, there are several dozen juvenile educational centres for boys and girls and 28 detention centres for corrective training for boys, with only 4 such centres for girls. The final purposive sampling was determined, among others, by economic considerations, such as the availability of respondents, i.e. practical location of facilities relatively close to Kraków, and the already mentioned methodological assumptions as to the selection of respondents placed in “typical” Polish juvenile centres: a detention centre for corrective training and a juvenile educational centre, and the reason for placing respondents there was committing a punishable act. In Poland there are no co-ed detention centres for corrective training, with co-ed juvenile educational centres being very rare. It was decided that the study would involve juvenile delinquents of both sexes of a similar degree of demoralization, the result of which was committing a punishable act. The next stage was inviting respondents to participate in the study during a visit in the centre arranged several months before the main stage of the study, after which a “snowball” technique was used, with youth applying upon the “recommendation”

of their friends. Maintaining ethical standards of empirical research proved to be problematic. Waiting for written consents of statutory representatives of potential respondents took several months. The time when juveniles were on leave at home or parents' and guardians' visits were used for this purpose; however, the preparatory stage covered the months from November 2013 to April 2014. The actual focus study was conducted in March and April 2014, during the days where there were no classes in the centres. The interview took two and a half to three hours and required a thorough preparation connected with the organization of the space and comfort during conversations with respondents.

The analysis of the results of own research

Knowledge of the justice system and its institutions and entities participating in juvenile delinquency proceedings and its sources in the opinions of respondents

In respondents' opinions, the general sources of knowledge of the juvenile justice system and its institutions included direct contact with the police, courts and prosecutors. As another source of knowledge respondents indicated the opinions of their friends: both those they knew before being placed in the centre and those they met while in the centre.

Female respondents had their first contact with the police at the age of 10–12 and since then until the study they had a dozen or so contacts with the police and juvenile courts. The first contact with the police was not connected with committing a punishable act, but with demoralization, i.e. truancy, drinking alcohol, etc.

As for the male respondents, some experienced over 30 encounters with the police, most were detained and interrogated a dozen or so times. It can be stated that all respondents experienced negative socialization, having been "taught" a negative attitude to the police by their peers, friends, or significant people in their lives. Almost all respondents had their first contact with the police at the age of 10. School was definitely not their source of knowledge of law. In the course of the interview, female respondents suggested that the knowledge of law and the consequences of breaking the law be taught at school. Respondents self-evaluated their knowledge of legal regulations and legal procedures as insufficient, although they decisively asserted that only thanks to their stay in the social rehabilitation centre they gained a lot of information about the functioning of the justice system. They all unanimously agreed that such knowledge is necessary and that they would like to inform other, younger girls about legal obligations and prohibitions, as well as sanctions for not observing them.

In the opinion of female respondents, employees of juvenile educational and social rehabilitation centres are not the representatives of the justice system or institutions of formal control. It followed from the expressed opinions that they viewed educators, the headmaster and pedagogues as their allies, who protect them from the police. The opinions of male respondents differed in this regard, although they also did not treat educators from juvenile centres as the representatives of the “system”. In general, the justice system understood as the police is viewed more negatively by boys than by girls, and the group interview moderator’s question regarding a possible complaint about ill-treatment was met with the boys’ laughter. Only one female respondent indicated that a pedagogue from the juvenile social rehabilitation centre was not her ally, having disclosed her social background during the visit at the police station, which was perceived by the respondent as stigmatizing.

Male responders had not known the institution of a defender prior to, or during, their stay in the centre. They had heard about it, however, they heard from their friends that the services of a defender must be expensive. None of the respondents knew about the institution of a public defender in the Polish justice system. This is undoubtedly a consequence of the system conditions, as juvenile cases, until the amendment to juvenile delinquency proceedings in January 2013, had been conducted as guardianship proceedings and had not required the presence of a juvenile in court (Juvenile Act, Journal of Laws of 2011, No. 112, item 654 as amended).

In general, six out of the eight female respondents saw their defender for the first time in the court corridor. Respondents remember that their defenders had not made any contact with them prior to the hearing. In conclusion, in the opinion of female respondents, public defenders failed to undertake judicial intervention in their best interest, or else acted without their authorization and against them. Seven out of eight respondent admit that they did not ask for an attorney, because they believed this to be paid and expensive and had not known the approximate cost. None of them knew that an attorney may represent them free of charge. Today, on the day of the interview, all female respondents think that their level of knowledge of the justice system is higher and they firmly believe that an attorney is needed in the case of serious offences. Prior contacts of female respondents with public defenders have led them to believe that attorneys do nothing they themselves could not do. In their opinion, attorneys say only what they have heard from others, and are not prepared themselves to lead the case. Attorneys’ attitudes, as described by female respondents, undoubtedly prove ignorance in terms of the practice of executing provisional and corrective measures in relation to juvenile delinquents (sic!).

It is therefore a paradox that, in the opinion of respondents, the source of knowledge about law is not the police or attorneys. Respondents claimed that the police did not inform them about their rights, and if they did, they failed to

understand them. In the general opinion of female respondents, the police did not instruct them about their rights during an interrogation. Only one of them was instructed about her rights, one received a paper sheet with some information, however, as the respondent vaguely explained, the information referred to some “punishable acts” (female respondent no. 3). They also emphasized the occurrence of certain inconsistencies in the police’s behaviour: the course of an interrogation or apprehension “depends on the police’s mood”; sometimes they were interrogated by one police officer, sometimes two; the police are unpredictable and uncommunicative.

Male respondents unanimously claimed that police officers did not tell them their rights; they only instructed them about giving false testimony and its consequences, i.e. prison. All respondents know they have the right to remain silent, but the police do not tell them that: they inform about it only in the presence of guardians, pedagogues or psychologists at the end of the interrogation. Minor boys assert that they have never been asked whether they would like to notify someone of their detention, or of their right to a defender.

During focus group interviews, respondents generally did not focus on the issue of the juvenile court. However, some of them stressed that “court is another thing”, accentuating the fact that they were listened to, the judge talked to them and explained things. Respondents indicate that they find the court hearing more comfortable.

In the Polish justice system there is a rule that juvenile delinquency proceedings are conducted before juvenile courts. The study results indicate that, in practice, such proceedings in their initial stage are led by the police, since it is the police that a juvenile delinquent is in contact first, and further proceedings depend on the character of these contacts. This initial stage of juvenile delinquency proceedings is not sufficiently regulated by Polish law, its course often depending on the practices and agreements between the judge and the police. “Victims” of the lack of strict regulations are, first and foremost, juvenile delinquents suspected of committing a punishable act or demonstrating signs of demoralization, although it seems that the police or defenders may also feel a sense of unease due to the lack of clear procedures of conduct in juvenile cases (Korcyl-Wolska 2001, p. 51).

Particularly apparent inconsistencies and ambiguities occurred (prior to the amendment to the Juvenile Act of 2013) in the guardianship court proceedings which did not require the presence of a defender and, as a rule, involved cases of juvenile demoralization. In the perception of juvenile respondents, they were treated as criminals, without the right to call their parents or guardians, or to refuse to answer questions.

The assessment and emotional attitude towards the institution of the justice system and entities participating in juvenile delinquency proceedings

The conducted empirical research seems to indicate that juvenile respondents are afraid of the police, courts and attorneys, and that this sense of fear causes their aggressive behaviour and negative approach towards the police and other institutions. Asked about being apprehensive or afraid, respondents firmly denied: it would seem that their subculture socialization does not allow them to admit to being afraid of anything. According to Rosaline Barbour, the focus group interview is not the best method of collecting data concerning attitudes and evaluations of the so-called “sensitive” issues (Barbour 2011, p. 49). After all, male respondents were at an age when the opinions of their peers were the main criterion of their self-evaluation. Nonetheless, after the modification of questions and discussion topics, respondents elaborated on their narratives and, based on them, we can state that anger, resentment, but also fear, are the emotions accompanying juvenile delinquents in their contacts with the institutions of the justice system. Female respondents, who have a longer criminal history, also mentioned situations which they viewed as humorous or pathetic. However, the most frequent feeling that accompanied respondents was a sense of helplessness: male respondents in particular felt to be “at the mercy” of the police and to be devoid of any rights. They felt apprehensive about manifestations of verbal or physical violence on the part of the police and about sanctions imposed by the juvenile court. Frequently, respondents felt intimidated.

Regardless of their sex, respondents felt tired during their contacts with the police or juvenile courts. This was definitely caused by the very fact of being subjected to detention and prolonged interrogations. Interrogations tend to last several hours, prior to which people subjected to an interrogation have to await it for several hours, which is often connected with physical coercion (being handcuffed or chained to office equipment). All respondents agree that handcuffs are a symbol of the power of the police and they see no connection between safeguarding the process of investigation and putting on handcuffs. Female respondents agree that now they do not feel a sense of pride, characteristic of younger juvenile delinquents, for whom being detained at the police station is a source of higher self-esteem and raises their profile in their peer group. This could be the result of their social rehabilitation in the juvenile centre, which is aimed at changing their attitudes to be more pro-social. Male respondents assess the Polish police very negatively, providing the police’s behaviour towards them as a source of this negative evaluation. None of the respondents indicated that he had attacked a police officer himself. Respondents did not articulate clearly that they had not felt safe during their contacts with the justice system, however, from their

responses it follows that each would have wanted a parent or a guardian from the juvenile centre to be present. During the court proceedings, all juveniles were accompanied by their guardians from juvenile educational or social rehabilitation centres, however, during their visits at the police stations they all impatiently awaited the arrival of a parent or a guardian. A sense of fear and insecurity may also be instigated by the very place as represented by the police station. All respondents, regardless of their sex, were interrogated at the police station, one of the boys indicated a juvenile educational centre, and one of the girls – a school. A new, often neglected place of first contact with the justice system or an institution of formal control is definitely not conducive to effective communication. Research experience and conclusions based on the analysis of subject-related literature and conducted by the author of this paper indicate that it is not customary to conduct interrogations of juveniles at home, in their schools or in the centre in which they are placed. The police conducts operational activities in the field, whereas proceeding-related activities are conducted at the police station, although in practice the line between these activities in juvenile cases seems to be thin. It is not possible on the basis of the current law, but rather *de lege ferenda* – perhaps similarly to the procedure of interviewing a minor witness or victim of violence in friendly and safe conditions of what is known in the Polish system as “a blue room”, the conditions of interrogating other juveniles should also be subject to discussion. The evaluation of the police by juvenile respondents cannot be positive if their contacts with the police inspire fear. In the opinions of respondents, the police use blackmail in order to obtain information they seek.

The assessment of the institution of the justice system is limited to the assessment of the police’s conduct in juvenile delinquency cases seeing that the assessment of defenders is marginal (due to proceedings conditions), and the assessment of the juvenile court’s activity is also limited to a one-time participation in a court hearing. The assessment of the police is definitely negative, with respondents pointing out a negative emotional attitude towards the police determined by the police’s approach to juveniles and the very situation in which they find themselves. Friendly reactions of the police in relation to juvenile delinquents are treated as rare exceptions to the rule, while the court appears to juveniles as a place of safety, tact and culture.

Attitudes towards the justice system and entities participating in juvenile delinquency proceedings and their determinants

Female juveniles firmly assert that any contacts with the police and conversations with police officers end badly for them. This is due to the fact that police officers frame the questions in such a way as to mislead the interrogated person. In the opinion of respondents, it is of no relevance whether a juvenile has actually

committed a punishable act or not. An interrogation always ends in resorting to verbal or physical violence. Female respondents, similarly to male respondents, as the only correct reaction to the encounter with the police indicate either escape or silence when under duress. It is difficult to conclude on the basis of the conducted study to what degree this attitude is determined by subculture socialization in a family house or a peer group, or current or previous direct contacts with the police and court. What is interesting, respondents associate the court with adjudicating sanctions only, and do not link their presence in a court with the procedure of “gathering evidence”. This, too, should constitute an argument in a discussion on the reality of the rule of conducting juvenile delinquency proceedings by the court. The rule of a dominating role of the court in juvenile delinquency proceedings is paradoxically replaced by a dominating role of the law enforcement bodies (sic!).

As mentioned before, respondents fail to see the connection between their behaviour towards the police and the police’s attitude. In opinions expressed by them, which is characteristic of subculture socialization and of the focus group interview as such, their own behaviour in relation to the police or in court is neutral or positive. Some female respondents admitted they had been name-calling and verbally insulting the police, using vulgarisms and resorting to physical violence. Male respondents described their behaviour in terms of remaining silent and refusing to answer questions. It is therefore safe to conclude that, along with an increasing number of contacts with the police, girls’ behaviours get “bolder”, even impudent or insolent, whereas in the case of boys, with experience comes a tendency to remain silent and withdrawn. There has been an interesting postulate offered by female respondents: namely, to install electronic monitoring in interrogation rooms so that the police’s behaviour does not go unpunished. They would also like the monitoring to record all they say at the police station, because frequently the police record in their protocols things they have not said and acts they have not committed. Female respondents, however, talked about the futility of speaking of their contacts with the police. Their previous experiences and the disbelief with which their words are met on the part of the juvenile centre’s guardians, regardless of a doctor’s opinion, intensify their sense of hopelessness and a lack of control over their lives. All respondents assessed their behaviours in relation to the institution of the justice system only in the context of previous behaviour of the police towards juvenile delinquents.

Results of own research

Based on the research material collected during focus group interviews it can be concluded that system-based conditions of negative attitudes of juvenile delinquents to the justice system and entities participating in juvenile delinquent

proceedings are based on the knowledge, evaluations and presented behaviours of juvenile delinquents resulting from their direct contacts with the justice system and the police. System-based conditions are understood (as described in the second part of this paper) as the ones which, in respondents' narratives, do not refer to their family or school backgrounds before they were subjected to institutional educational and social rehabilitation activities. Consequently, they are related to contacts with the justice system and other participants in juvenile delinquency proceedings.

The study involved two groups of respondents: minor girls and boys, but in general the study results are not differentiated in terms of sex. Certain slight differences are discernible in the descriptions of juvenile delinquents' behaviour in relation to the justice system, with girls presenting more open and positive behaviours, and boys – withdrawn or very aggressive ones.

The respondents' knowledge of the justice system is slim and based on direct contacts with the police, juvenile courts and, sporadically, with attorneys. However, respondents point out that their knowledge of the rights of juvenile delinquents and their proceedings does not come from the police, court or defenders, but is acquired through experience and exchange of information with their peers.

The assessment of the activities of the police and public defenders is definitely negative, and attitudes towards these institutions characterized by emotions such as anger or fear; these emotions largely resulting from their not knowing their legal situation, the discomfort of being deprived of freedom, and hopelessness that could be a result of learning this reaction through the quantity and quality of their previous contacts with the police.

The respondents' behaviour in relation to the police is actually improper and aggressive, yet they rationalize it as a reaction to the treatment they receive from the police. In relation to attorneys, respondents present neutral behaviour, but nonetheless assess them in a negative or very negative way. In relation to the court, respondents behave properly, probably fearing possible sanctions that the court may impose at its discretion.

It is difficult to refer the results of the described study to other such studies found in relevant literature as the above cited scientific study only partially matches the described study. Although attitude studies are presented in pedagogical literature, attitudes towards the justice system are the domain of the sociology of law or social psychology, and juveniles are rarely their subjects (Kagan 2014).

The practical objective of own research was to formulate postulates of changes in terms of attitudes of juvenile delinquents towards the justice system. Accentuating the conditions of attitudes which stem from contacts with the institutions of the justice system or juvenile delinquency proceedings, it should be pointed out that this may be the area where elements of corrective measures can be found, which may provide basis for potential changes. Respondents signalled the need to introduce early legal education of children and youth, to

control the activities of the police and public defenders, and to strengthen the role of a guardian (legal or *de facto*) of a juvenile in contacts with the police, for example, in the form of an entity comparable to a *Jugendgerichtshelfer* in the German juvenile delinquency law (Kusztal 2008). Taking these suggestions into account would require changes in legislation; however, an investment in good practices could be a first step in this direction and provide arguments for discussion regarding possible amendments to the current juvenile law. Considering this issue requires an in-depth reflection based on the results of representative studies, and the study of attitudes to the institution of the justice system can be an integral part of the reflection on the effectiveness, or lack thereof, of the juvenile social rehabilitation system.

Literature

- [1] Barbour R., 2011, *Badania fokusowe*, PWN, Warszawa.
- [2] Chmielewska K., 2012, *Ochrona przestuchiwanych dzieci*, Biuro RPO, Warszawa.
- [3] Kagan K., 2014, *Diagnoza postaw młodzieży wobec zachowań naruszających podstawowe normy, wartości i zasady współżycia społecznego. Analiza porównawcza*, MA thesis.
- [4] Korcyl-Wolska M., 2001, *Postępowanie w sprawach nieletnich w Polsce*, Zakamycze, Kraków.
- [5] Kusztal J., 2008, *System resocjalizacji młodzieży niedostosowanej społecznie w Polsce i w Niemczech*, WAM i Ignatianum, Kraków.
- [6] Markowska-Gos E., 2003, *Socjalizacja prawna jako jeden z aspektów profilaktyki społecznej*, [in:] *Wychowanie, profilaktyka, resocjalizacja. W poszukiwaniu doskonalszych systemów w skali makro i mikro*, cz. II: *Profilaktyka i resocjalizacja*, Sowa J., Piotrowski E., Rejman J. (ed.), Podkarpacki Ośrodek Doskonalenia Nauczycieli, Rzeszów.
- [7] Miła S., 1981, *Psychologia społeczna*, PWN, Warszawa.
- [8] Nazar J., 1989, *Kształtowanie postaw wychowanków wobec obowiązków szkolnych*, Centrum Doskonalenia Nauczycieli im. W. Spasowskiego, Gdańsk.
- [9] Pieniążek A., Stefaniuk M., 2000, *Socjologia prawa. Zarys wykładu*, Zakamycze, Kraków.
- [10] Sakowicz T., 2013, *Systemy normatywne w świadomości osób uwięzionych. Studium pedagogiczne*, Oficyna Wydawnicza Impuls, Kraków.
- [11] Szczówka A., 2013, *Powrotność na drogę przestępczą nieletnich zwolnionych z różnych typów zakładów poprawczych*, [in:] *Profilaktyka i resocjalizacja w nurtach inkluzji. Doświadczenia, problemy, perspektywy międzynarodowe*, Jezierska B., Rejzner A., Szczepaniak P., Szczówka A. (ed.), Uniwersytet Warszawski, Warszawa–Wrocław.
- [12] Sztuka J., 2011, *Postawy młodzieży gimnazjalnej wobec zjawiska ściągania. Raport z badań uczniów klasy I*, [in:] *Dziecko wykluczone zagrożeniem. Elementy diagnozy, działania profilaktyczne i pomocowe*, Biel K., Kusztal J. (ed.), WAM i Ignatianum, Kraków.

Internet sources

- [13] ECtHR 2 March 2010, Adamkiewicz v. Poland, no. 54729/00, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=003-3047306-3370597> [download date: 13.07.2015].
- [14] GUS 2012, *Rocznik statystyczny*, <http://ms.gov.pl/pl/statystyki> [download date: 13.07.2015].
- [15] Krueger R., 2012, *Designing and Conducting Focus Group interview* <http://www.eiu.edu/~ihec/Krueger-FocusGroupInterviews.pdf> [download date: 13.07.2015].