INTERROGATING YOUNG SUSPECTS

Procedural Safeguards from an Empirical Perspective

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(eds.)
Interrogating Young Suspects. Procedural Safeguards from an Empirical Perspective
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PREFACE AND ACKNOWLEDGEMENTS

This book is the result of the second part of the European Commission funded research project Protecting young suspects in interrogations: a study on safeguards and best practice.\textsuperscript{1} The project consists of a legal comparative study, an empirical study and a merging of legal and empirical findings and its aim is to identify legal and empirical patterns in the procedural protection of juvenile suspects during pre-trial interrogation. The legal study underlying volume I\textsuperscript{2} consisted of a comparative research into existing procedural safeguards for juvenile suspects during interrogation in the legal frameworks of five selected Member States: Belgium, England and Wales, Italy, Poland and the Netherlands. The results of the empirical research as well as the merging of the legal and empirical findings resulting in a proposal for European minimum rules and best practice on the protection of juvenile suspects during interrogation are described in this second volume.

The successful completion of this project has been a joint effort of a group composed of many people. First, we would like to thank our academic partners – and in-country researchers – for their dedication to the project and the incredible amount of high quality work they delivered: Claudia Cesari, Deborah Felice, Jackie Hodgson, Vicky Kemp, Justyna Kusztal, Joachim Meese, Vania Patanè and Barbara Stańdo-Kawecka. Empirical legal research is often extremely challenging because it is not easy to succeed in gathering necessary permissions and collecting relevant data. It was thanks to the knowledge, flexibility, open-mindedness, patience and tenacity of our partners that we only experienced the positive sides of empirical legal research. Working with them has been an incredible opportunity of enrichment not only in legal matters.

The research and project have also benefited enormously from the advice and assistance offered by our supporting partners: we thank PLOT Limburg and Defence for Children for their support in organising project events, employing social media and disseminating research findings.

The project has benefited from the supervision of a Steering Committee, an advisory board of experts composed of leading scholars in the field of juvenile

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Preface and Acknowledgements

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No empirical research succeeds without the indispensable effort from policy makers and respondents. We are grateful for the opportunity to conduct this research due to the permissions of the responsible institutions in the five countries who enabled us to organise focus group interviews with professionals and juveniles as well as analyse recorded interrogations and/or written records of interrogations of juvenile suspects. We would like to express our sincere gratitude towards all persons involved in the focus groups and analysis of interrogations.

With regard to the empirical study in Belgium, we first would like to thank all respondents of the focus group interviews (police and lawyers) for their participation and contribution without which we would not have had this rich set of data. Special thanks to the head of the Flemish Juvenile Lawyers Bar Association, mr. van de Mussele, for assisting us in the organisation of the focus group with lawyers. In light of the observations of interrogations, we owe our gratitude to the head of the Prosecutions Department of Antwerp, mr. Yves Liégeois, for the required permissions to gain access to the interrogations of young suspects. We would also like to thank the police chiefs of the local police departments to give their permission as well as the chiefs of the responsible departments for their assistance and support during the observations. Grateful thanks are also due to the police who were always willing to assist us in any way during the observations who took place at their police station. Furthermore we owe our gratitude to the Behavioural Science Unit of the Belgian federal police for their kind invitation to share information and discuss our research.

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focus group interview and to provide access to police interrogations of juveniles.
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In Italy, we would like to thank, first of all, the respondents of the focus groups:
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In Poland the empirical study could not have been conducted without the
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Finally, we would like to thank the European Commission for funding this project. We truly hope that its results may contribute to the current debate on how to effectively strengthen the protection of juvenile suspects during the initial stages of criminal proceedings.

July 2015

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Chapter 8.
Integrated Analysis

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LIST OF ABBREVIATIONS

ASBOs  Anti-Social Behaviour Orders
CC    Criminal Code
CCP   Code of Criminal Procedure
Cost  Constitution of the Italian Republic
CPA   Child Protection Act
CPS   Crown Prosecution Service
CRC   Convention on the Rights of the Child
CWC   Child Welfare Council
C&YP  Children and Young Persons Act
DTO   Detention and Training Order
EAW   European Arrest Warrant
ECHR  European Convention on Human Rights
ECtHR European Court of Human Rights
FME   forensic medical examiner
HR    Hoge Raad
JA    Juvenile Act
LASPO Legal Aid Sentencing and Punishment of Offenders Act
NJ    Nederlandse Jurisprudentie
PACE Police and Criminal Evidence Act
PNDs  Penalty Notices for Disorder
UN    United Nations
VOM   victim-offender mediation
YJA   Youth Justice Act
YOT   Youth Offending Team
YPA   Youth Protection Act
BIOGRAPHIES

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Claudia Cesari is a Professor of Criminal Procedure at the University of Macerata Law School (Italy). She graduated magna cum laude in criminal procedure from the University of Bologna in 1991 and obtained her PhD in criminal procedure at the same institution in 1997. Cesari served as Director of the Department of Criminal Law and Procedure at Macerata between 2007 and 2013. She now acts as Vice Director of the Law Faculty. Cesari is also Coordinator of the Centre for Studies and Research into Juvenile Justice at Macerata. Cesari’s research interests include juvenile justice, rules of evidence, and diversion techniques. She teaches criminal procedure and juvenile criminal justice. Some of Cesari’s most relevant recent publications include L’irripetibilità sopravvenuta (1999) (on an exception to the hearsay rule) and Le clausole di irrilevanza del fatto nel sistema processuale penale (2005) (on facts that do not warrant prosecution). Cesari is both editor and author in the recent publications of the Centre for Studies and Research into Juvenile Justice.

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Dorris de Vocht is an assistant professor with the department of criminal law and criminology of Maastricht University (the Netherlands). She holds a degree in law (with honors) and a PhD at the same institution. In 2009 she successfully defended her doctorate thesis on the right to legal assistance in post-communist Poland. She has a special interest in procedural safeguards for suspects and defendants especially from a comparative (ECHR- as well as EU-) perspective. After obtaining her doctorate, she has participated in several EU-funded comparative legal studies such as EU Procedural Rights in Criminal Proceedings (JSL/2008/D3/002). She coordinates and teaches various bachelor- and master courses in the field of criminal (procedural) law and is a regular author of different Dutch journals and commentaries such as Tekst and Commentaar Strafvordering (C.P.M. Cleiren and J.F. Nijboer, eds.). Since 2014 she is also a deputy judge with the District Court of Limburg.

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