

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*.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 I² 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 Kuztal, 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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² M. Panzavolta, D. de Vocht, M. van Oosterhout and M. Vanderhallen, *Interrogating young suspects. Procedural safeguards from a legal perspective*, Cambridge: Intersentia 2015.

justice and criminal law coming from different jurisdictions: prof. Ray Bull, prof. Frieder Dünkel, prof. Gerard de Jonge, prof. Taru Spronken and prof. Anette Storgaard. We thank them for their valuable guidance and constant feedback while setting up and conducting the research. Special thanks to prof. Ray Bull for carefully reading and revising this manuscript before publication.

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.

The empirical research undertaken in England and Wales would not have been possible without the help and support of a wide range of people. Particular thanks are due to key people in a number of Youth Offending Teams in the Midlands who were able to bring together focus group interviews with appropriate adults and young offenders. Thanks are also due to volunteers who provide appropriate adult services and were prepared to engage with us in a focus group interview. We are also indebted to the young people who were prepared to give up their time. Their perspective has been invaluable when examining processes which impact directly on them. Without the support of the County Council, which approved our application to interview young people their engagement would not have been possible. Grateful thanks are also due to a national coordinator who assisted us in making links with appropriate adults and helpfully engaged in the focus group. So far as the police are concerned, there was one police service in

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In Italy, we would like to thank, first of all, the respondents of the focus groups: juveniles, lawyers, police officers, prosecutors and social assistants. They gave us generously and actively their precious contribution to this project. Without them this research would have not be possible. We also owe our special thanks to the heads of prosecution offices for juveniles, departments and institutions, who provided us permissions and helped us organise the focus groups, also hosting the meetings in their facilities. We would like to thank the National bar association for juvenile and family lawyers, that provided their collaboration and contacts to support this initiative. Finally, we would like to thank our colleagues of the University of Rome, La Sapienza, for hosting a focus group in their library and offering us their organisational support.

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In Poland the empirical study could not have been conducted without the willingness of many people involved to whom we owe our gratitude. We would first like to thank all respondents for their participation and active contribution in both the focus group interviews as well as the semi-structured interviews.

Special thanks to the head of juvenile institutions for allowing us to conduct juvenile focus group interviews at their facility and to educators working in the institutions for assisting us in organisational issues. We would also like to thank the police chiefs of the police departments for their permission as well as the chief of the police section for juveniles for his involvement in the organisation of the focus group with police officers.

Managing and coordinating the project has been the task of the entire Maastricht project team but special gratitude to Marc van Oosterhout for making the project run smoothly and efficiently.

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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

Miet Vanderhallen
Marc van Oosterhout
Michele Panzavolta
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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

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