

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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CONTENTS

<i>Preface and Acknowledgements</i>	v
<i>List of Abbreviations</i>	xxiii
<i>Biographies</i>	xxv

Chapter 1.

Introduction

DORRIS DE VOCHT, MIET VANDERHALLEN, MARC VAN OOSTERHOUT and MICHELE PANZAVOLTA	1
1. Interrogating young suspects: the law in action	1
2. The empirical research	3
3. The integrated analysis and minimum rules	4
4. Definitions	5
5. How to read this book	5
Bibliography	5

Chapter 2.

Research Methodology

Miet VANDERHALLEN and Jackie HODGSON	7
1. Introduction	7
2. The empirical study: methodology	8
2.1. Coordination and preparation	10
2.1.1. Training	11
2.1.2. Development of data collection instruments	11
2.1.3. Data analysis	14
2.2. Focus group interviews	15
2.2.1. Belgium	18
2.2.1.1. Police focus group	18
2.2.1.2. Lawyer focus group	20
2.2.1.3. Juvenile focus group	21
2.2.2. England and Wales	21
2.2.2.1. Police focus group	21
2.2.2.2. Lawyer focus group	22
2.2.2.3. Appropriate adult focus group	23
2.2.2.4. Juvenile focus group	24

2.2.3.	Italy	25
2.2.3.1.	Police focus group	26
2.2.3.2.	Prosecutor focus group	27
2.2.3.3.	Lawyer focus group	28
2.2.3.4.	Appropriate adult focus group	29
2.2.3.5.	Juvenile focus group	30
2.2.4.	The Netherlands	31
2.2.4.1.	Police focus group	31
2.2.4.2.	Lawyer focus group	32
2.2.4.3.	Juvenile focus group	32
2.2.5.	Poland	33
2.2.5.1.	Police focus group	33
2.2.5.2.	Juvenile focus group	34
2.2.5.3.	Lawyer focus group – semi-structured interviews	36
2.3.	Observations of interrogations	37
2.3.1.	Belgium	39
2.3.2.	England and Wales	40
2.3.3.	Italy	41
2.3.4.	The Netherlands	44
2.3.5.	Poland	45
3.	Integrated analysis	47
4.	Minimum rules	49
	Bibliography	50

Chapter 3.

Belgium: Empirical Findings

Miet VANDERHALLEN and Marc VAN OOSTERHOUT	55
---	----

1.	Introduction	55
1.1.	General outline	56
2.	A look at the practice	57
2.1.	First contact	57
2.2.	Police proceedings	59
2.3.	Information on rights	60
2.3.1.	Criticism on multiple occasion approach	61
2.3.1.1.	An ‘over-information’ effect?	61
2.3.1.2.	A lawyer to safeguard the information on rights	64
2.3.1.3.	Arrest a juvenile in order to effectively inform him on his rights?	65
2.3.2.	Which rights?	65
2.3.2.1.	Right to legal assistance	66
2.3.2.2.	Right to remain silent	67
2.3.2.3.	Right to have someone informed about detention	67

2.3.3.	How is the information on rights delivered?	68
2.3.4.	Check for understanding	69
2.4.	Legal assistance	70
2.4.1.	Mandatory legal assistance	72
2.4.2.	The lawyer: chosen or appointed?	75
2.4.3.	Pre-interview disclosure and lawyer's advice	75
2.4.4.	Consultation	76
2.4.4.1.	Context of the consultation	77
2.4.4.2.	The role of the lawyer in consultation	78
2.4.4.3.	What is discussed?	79
2.4.5.	Assistance during interrogation	80
2.4.6.	Interventions: why and how?	81
2.4.6.1.	One-off additional consultation	81
2.4.6.2.	Other interventions	81
2.4.7.	Active versus passive role	83
2.5.	Appropriate adult	84
2.6.	Interpretation	86
2.7.	Assessment	87
2.7.1.	What is assessed?	88
2.7.2.	How?	88
2.8.	Interrogation	90
2.8.1.	Characteristics	90
2.8.1.1.	Timing of interrogations	90
2.8.1.2.	Duration of interrogations	92
2.8.1.3.	Number of interrogators	93
2.8.2.	Interrogation model	93
2.8.2.1.	Interrogation style and techniques	93
2.8.2.2.	Juvenile or suspect?	99
2.8.3.	Juvenile suspect's behaviour	101
2.8.4.	End of the interrogation	102
2.8.5.	Recording of the interrogation	102
2.8.5.1.	Statement	103
2.8.5.2.	Other information in the written record	105
2.8.5.3.	Video-recording	105
3.	Vulnerabilities, safeguards and good practice	107
3.1.	Vulnerabilities	107
3.1.1.	Vulnerabilities related to age	107
3.1.2.	Social context	109
3.1.3.	Additional vulnerabilities	110
3.1.4.	Types of juveniles	110
3.1.4.1.	Demographic characteristics	111

3.1.4.2. Experience	111
3.1.4.3. Crime type	112
3.2. Safeguards and good practice	112
3.2.1. System characteristics	113
3.2.1.1. Underlying (and final) goal: rehabilitation and protection	113
3.2.1.2. Timing of interrogation	114
3.2.1.3. Facilities.	114
3.2.1.4. Recording of the interrogation	115
3.2.1.5. Standardised assessment	116
3.2.1.6. Legal assistance	116
3.2.1.7. Interrogation.	118
3.2.2. Practitioners variables	121
3.2.2.1. Specialisation	121
3.2.2.2. Training.	122
4. Conclusion	123
4.1. Juvenile’s vulnerability.	123
4.2. Good practices but need for improvement	123
4.3. Improvement by rules.	124
Bibliography	125

Chapter 4.

England and Wales: Empirical Findings

Vicky KEMP and Jacqueline HODGSON	127
---	-----

1. Introduction	127
2. A look at the practice.	130
2.1. First contact	130
2.2. Police proceedings.	130
2.3. Information on rights.	131
2.3.1. Information about the right to legal assistance	131
2.3.1.1. Informing invited juveniles in Voluntary Interviews	131
2.3.2. Information about the right to silence	132
2.3.3. Information about the right to have someone informed of detention	133
2.3.4. Checking for understanding.	134
2.3.4.1. Right to legal advice	134
2.3.4.2. Right to remain silent and ‘adverse inferences’	135
2.4. Legal assistance	135
2.4.1. Pre-interview disclosure and lawyer’s advice.	137
2.4.2. Consultation	137

2.4.3.	Legal assistance during interrogation	140
2.4.3.1.	Lawyer interventions.	140
2.4.3.2.	Juveniles' experiences with lawyers	141
2.5.	Assistance by the appropriate adult	142
2.5.1.	Appropriate adults interventions during interrogation	144
2.5.2.	Juveniles' experiences with appropriate adults	145
2.6.	The role of the interpreter during the consultation and interrogation	145
2.7.	Assessment.	145
2.7.1.	Assessment of mental state and intoxication	146
2.8.	Interrogation	147
2.8.1.	Characteristics.	147
2.8.1.1.	Timing and duration of interrogations	147
2.8.1.2.	Interrogators.	150
2.8.1.3.	Interrogation setup and interruptions	150
2.8.2.	Interrogation model	151
2.8.2.1.	Informing the juvenile and the type of information.	151
2.8.2.2.	The way information is conveyed	151
2.8.2.3.	Approach.	152
2.8.2.4.	Interrogation techniques	153
2.8.2.5.	Lawyers' interventions	156
2.8.2.6.	Appropriate adults' interventions	158
2.8.2.7.	Confrontations.	159
2.8.2.8.	The end of the interrogation.	161
2.8.3.	Suspect behaviour.	161
2.9.	Recording of interrogation	161
2.9.1.	Written record.	161
2.9.2.	Audio or audio-visual recording of interrogations	162
3.	Vulnerabilities	163
3.1.	Vulnerabilities related to age.	163
3.1.1.	Mental ability and cognitive development	164
3.1.2.	Emotional ability	165
3.1.3.	Social context	166
3.1.4.	Short term reasoning	167
3.2.	Vulnerability due to lack of legal assistance	168
3.3.	Vulnerability related to types of juveniles.	169
3.3.1.	First offender vs. recidivist	169
3.3.2.	Arrested vs. invited.	169
3.4.	Vulnerability due to long delays	170
4.	Safeguards and best practice	171
4.1.	Providing information and checking for understanding	171

4.2. Specialisation and training	172
4.2.1. Specialisation and training for lawyers	173
4.3. Legal assistance	174
4.4. Assistance by appropriate adult	174
4.5. Juvenile friendly interrogation	175
4.6. PACE beds	175
4.7. Assessment	176
4.8. Recording of interrogation	176
5. Conclusions	176
Bibliography	179

Chapter 5.

Italy: Empirical Findings

Claudia CESARI, Deborah DE FELICE and Vania PATANÈ	183
--	-----

1. Introduction	183
2. Describing the practice	184
2.1. First contact	184
2.2. Police proceedings	185
2.2.1. Timing	186
2.2.2. Police activities	186
2.3. Information on rights	187
2.3.1. Checking for understanding	188
2.3.2. Information about the right to legal assistance	188
2.3.3. Information about the right to silence	189
2.3.4. Information about the right to have someone informed of detention	189
2.4. Legal assistance	190
2.4.1. Decision / waiver	190
2.4.2. Pre-interview disclosure and lawyer's advice	191
2.4.3. Consultation	191
2.4.4. Assistance during interrogation	192
2.4.4.1. Lawyer interventions	193
2.4.4.2. Checking the statement	193
2.5. Appropriate adult	194
2.5.1. Characteristics	194
2.5.2. Experiences with appropriate adults	196
2.5.2.1. Appropriate adult interventions during interrogation	197
2.5.2.2. Checking and amending the statement	197
2.6. Assessment	197

2.7. Interrogation	198
2.7.1. Characteristics	198
2.7.1.1. Timing	198
2.7.1.2. Duration	199
2.7.1.3. Number of interrogators	199
2.7.1.4. Gender of interrogators	199
2.7.1.5. Interrogators' behaviour	200
2.7.1.6. Interruptions and set-up	200
2.7.2. Interrogation model	201
2.7.2.1. Information conveyed at the beginning of the interrogation	201
2.7.2.2. Approach	201
2.7.2.3. Interrogation techniques	202
2.7.2.4. Confrontations	203
2.7.3. Suspect's behaviour	203
2.7.3.1. Suspect's strategy	203
2.7.4. Recording of interrogation	204
2.7.4.1. Written record	204
2.7.4.2. Audio or audio-visual recording of interrogation ..	205
3. Vulnerabilities	206
3.1. Vulnerabilities related to age	206
3.1.1. Mental ability	207
3.1.2. Emotional ability	207
3.1.3. Cognitive development	208
3.2. Types of crimes and vulnerabilities	208
3.3. Vulnerabilities related to types of juveniles	209
3.3.1. Boy vs. girl	209
3.3.2. First offender vs. recidivist	209
3.3.3. Suburbs vs. city	210
3.3.4. Nationality	210
3.3.5. Family and social context disadvantages	210
4. Safeguards and best practice	211
4.1. Specialisation & training	212
4.2. Understandable language	213
4.3. Parents/relatives' presence	213
4.4. The importance of teamwork	214
5. Conclusions	215
Bibliography	216

Chapter 6.

The Netherlands: Empirical Findings

Marc VAN OOSTERHOUT..... 217

1. Introduction 217

2. A look at the practice..... 218

 2.1. First contact 218

 2.2. Police proceedings..... 219

 2.3. Information on rights..... 219

 2.3.1. Checking for understanding..... 220

 2.3.2. Information about the right to legal assistance..... 221

 2.3.3. Information about the right to remain silent..... 222

 2.3.4. Information about the right to have someone informed
 of detention 222

 2.4. Legal assistance 222

 2.4.1. Decision and possible waiver 223

 2.4.2. Pre-interview disclosure and lawyer’s advice..... 224

 2.4.3. Consultation 225

 2.4.4. Assistance during interrogation..... 227

 2.4.4.1. Content of legal assistance during interrogation .. 227

 2.4.4.2. Lawyer interventions..... 228

 2.4.4.3. Advising during the interrogation 229

 2.4.4.4. Checking the statement 230

 2.4.4.5. Advising to remain silent 230

 2.4.4.6. Juvenile perceptions on the lawyer’s role during
 interrogation..... 231

 2.5. Assistance by a trusted person 231

 2.5.1. Experiences with trusted persons 231

 2.5.1.1. Trusted person interventions during interrogation 232

 2.5.1.2. Making a comment to the police..... 233

 2.5.1.3. The trusted person supporting and advising the
 juvenile 233

 2.6. Assessment 233

 2.6.1. Assessment of mental state and intoxication 234

 2.6.2. Assessing compliance..... 235

 2.7. Interrogation 235

 2.7.1. Characteristics..... 235

 2.7.1.1. Timing and duration of interrogations 235

 2.7.1.2. Interrogators..... 236

 2.7.1.3. Interrogation setup and interruptions 237

 2.7.2. Interrogation model..... 238

 2.7.2.1. Providing the juvenile with information before
 the interrogation starts..... 238

2.7.2.2.	The way information is conveyed	239
2.7.2.3.	Checking if the information is understood	239
2.7.2.4.	Approach	239
2.7.2.5.	Information gathering or accusatory interview- style	242
2.7.2.6.	Interrogation techniques	242
2.7.2.7.	Confrontations	244
2.7.2.8.	Confrontation with statements	244
2.7.2.9.	Confrontation with discrepancies in own statement	245
2.7.2.10.	The end of the interrogation: juvenile- interrogator interaction	246
2.7.3.	Juvenile suspect behaviour	246
2.7.3.1.	Strategy	246
2.7.3.2.	<i>Dominus litis</i>	247
2.7.3.3.	Providing a version of events	247
2.7.3.4.	Looking for support	248
2.8.	Recording of interrogation	249
2.8.1.	Written record	249
2.8.1.1.	Standard information in written record	250
2.8.1.2.	Format of the written record	250
2.8.1.3.	Allowing checking of the written record	251
2.8.2.	Audio or audio-visual recording of interrogation	251
2.8.2.1.	Producing reliable recordings of the interrogation	252
3.	Vulnerabilities	252
3.1.	Vulnerabilities related to age	252
3.1.1.	Mental, emotional ability and cognitive development	253
3.1.2.	Social context	253
3.1.3.	Short term reasoning	254
3.2.	Vulnerability due to a lack of legal assistance	254
3.3.	Vulnerabilities related to types of juveniles	255
3.3.1.	First offender vs. recidivist	255
3.3.2.	Arrested vs. invited	255
3.4.	Vulnerability due to a lack of perception of time	256
4.	Safeguards and good practice	256
4.1.	Providing information and checking for understanding	256
4.2.	Specialisation and training	257
4.2.1.	Availability of specialised personnel	258
4.2.2.	Specialisation and training for lawyers	258
4.3.	Legal assistance	259
4.4.	Assistance by a trusted person	260

4.5. Juvenile friendly interrogation and well-being	260
4.5.1. Pedagogical approach	261
4.6. Assessment	262
4.6.1. Assessing compliance	262
4.7. Recording of interrogation	262
4.8. Facilities and child-friendly interrogation studio	263
5. Conclusions	264
Bibliography	265

Chapter 7.

Poland: Empirical Findings

Barbara STAŃDO-KAWECKA and Justyna KUSZTAL	267
1. Introduction	267
2. Describing the practice	269
2.1. First contact	269
2.2. Information on rights	273
2.2.1. Right to remain silent	273
2.2.1.1. Understanding of the right to remain silent	275
2.2.2. Right to legal assistance	275
2.2.3. Right to have someone informed of detention	276
2.2.4. Information on the offence	276
2.3. Legal assistance	277
2.3.1. Decision and possible waiver	277
2.3.2. Pre-interview disclosure	279
2.3.3. Consultation	279
2.3.4. Assistance during interrogation	280
2.4. The appropriate adult	281
2.4.1. Who can act as appropriate adult?	281
2.4.2. Role of the appropriate adult	282
2.4.3. Experiences with the appropriate adult	283
2.5. Assessment of juveniles	284
2.5.1. Initial assessment of juvenile suspects	284
2.5.2. By whom is the assessment done?	285
2.6. Interrogation	285
2.6.1. Suspect strategy	286
2.6.2. Interrogation model	286
2.6.3. Record of interrogation	287
3. Vulnerabilities	287
3.1. Vulnerabilities related to age	289
3.1.1. Mental ability and cognitive development	289
3.1.2. Emotional ability	290

3.1.3.	Alcohol and drug abuse	291
3.1.4.	Limited possibility to consider long-term perspectives	292
3.2.	Types of juveniles	293
3.2.1.	Boy / girl	293
3.2.2.	First offender / recidivist	293
3.2.3.	Nationality	293
4.	Safeguards and good practice	294
4.1.	Specialisation	294
4.2.	Assessment	295
4.3.	Presence of caretaker	296
4.4.	Assistance by a lawyer free of charge	297
4.5.	Audio- and audio-visual recording of interrogations	298
4.6.	Clear procedural rules	299
4.7.	Education of children on their rights	300
5.	Conclusions	300
	Bibliography	302

Chapter 8.

Integrated Analysis

Michele PANZAVOLTA, Dorris DE VOCHT, Jackie HODGSON,
Vicky KEMP, Miet VANDERHALLEN and Marc VAN OOSTERHOUT 305

1.	Introduction	305
2.	Treatment of juveniles	306
2.1.	How arrest affects the behaviour and the further treatment of juveniles	306
2.2.	First offenders and recidivists	307
2.2.1.	Recidivists seen as less vulnerable by some	308
2.3.	Understanding the juvenile as suspect or ‘one size fits all’?	310
2.3.1.	Determining vulnerability – age and mental ability versus offence gravity	311
2.3.2.	Gender	312
2.3.3.	Family situation	313
2.3.4.	Detention and interrogation	313
2.3.5.	Detention following arrest or as ‘volunteer’	314
2.4.	Concluding remarks	315
3.	Information to juveniles	316
3.1.	Administering rights	316
3.1.1.	Written and oral communication	317
3.1.2.	Repeated administration of right	317
3.1.3.	How information is provided	318
3.1.4.	Incorrect practices	318
3.1.5.	Child-friendly explanation	319

3.1.6.	Information on rights and beyond.	321
3.1.7.	Assistance for juveniles when being informed of their rights.	321
3.2.	Checking for understanding.	322
3.3.	Do juveniles understand information?	323
3.3.1.	Lack of awareness	323
3.3.2.	First offenders and explanation of the process.	324
3.4.	Concluding remarks on information.	325
4.	Assessment of juveniles.	325
4.1.	Subjective elements in assessments	326
4.2.	The involvement of ‘specialists’ in assessments	327
4.2.1.	Independent assessment and lack of specialists.	327
4.3.	Assessment and vulnerabilities and the interrogation of juvenile suspects	328
4.4.	Double vulnerability.	329
4.5.	Diversion and the assessment of juveniles	332
4.6.	Developing a quality assessment instrument	334
4.7.	Concluding remarks on assessment.	334
5.	Assistance of juveniles.	335
5.1.	The right to assistance of a lawyer	335
5.1.1.	Waiver.	336
5.1.2.	Reasons for waiving the right to a lawyer.	337
5.1.3.	Improper practices	338
5.1.4.	Costs and availability of lawyers	339
5.2.	The role of lawyers in general: beyond mere legal defence?	340
5.2.1.	Consultations (prior to and during interrogations)	341
5.2.2.	Explaining rights and procedure	342
5.2.3.	Duality of role	343
5.3.	Trust-building	345
5.3.1.	Duty lawyers	345
5.4.	Disclosure.	347
5.5.	The role of lawyers during interrogations	347
5.6.	Quality of lawyers and specialisation	349
5.7.	The right to assistance of an appropriate adult.	350
5.8.	The role of appropriate adults in general.	351
5.9.	The role of appropriate adults in the interrogation room.	353
5.10.	Concluding remarks on assistance.	354
6.	Inside the interrogation room	355
6.1.	The juvenile’s demeanour.	357
6.1.1.	Confessing	358
6.1.2.	Juveniles and strategy.	359

6.2.	Interrogation approach and style	359
6.2.1.	Models of adult interrogations	359
6.2.2.	Absence of uniform model or guidelines	360
6.2.3.	Interrogation techniques	361
6.2.4.	Confrontations with evidence	363
6.3.	Police interrogations from the perspective of juveniles	364
6.4.	Facilities and recording	366
6.4.1.	Facilities	366
6.4.2.	Interrogation recording	366
6.5.	Concluding remarks on conducting interrogations	368
7.	Training and specialisation of practitioners	368
7.1.	Police officers	368
7.2.	Police training	369
7.3.	Lawyers' specialisation and training	370
7.4.	Training modules	370
7.5.	Training needs	371
7.5.1.	Information on rights	371
7.5.2.	Dealing with juveniles	372
7.6.	Developing a model for the interrogation of juvenile suspects	372
7.7.	Specialisation/training of lawyers in the interrogation	373
7.8.	Developing a training framework	375
7.9.	Concluding remarks on training	375
8.	Concluding remarks	376
	Bibliography	377

Chapter 9.

The Guidelines	385	
1.	Introduction	382
2.	The guidelines	386
1.	Definitions	386
2.	General principles	387
3.	Right to information of juveniles	389
4.	Assessment	392
5.	Legal assistance	393
6.	Appropriate adults and youth justice services	398
7.	Mode of interrogation	400
8.	Recording of interrogation	403
9.	Training	404
10.	Remedies and scope	406

Annexes 407

- Focus group interview police – Topic list 407
- Focus group interview lawyers – Topic list 414
- Focus group interview juveniles – Topic list 420
- Focus group interview police – Questionnaire 426
- Focus group interview lawyers – Questionnaire 428
- Focus group interview juveniles – Questionnaire 430
- Observations. Coding scheme 1 431
- Observations. Coding scheme 2 439
- Observations. Coding scheme 3 455
- Observations. Analysis scheme 458

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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