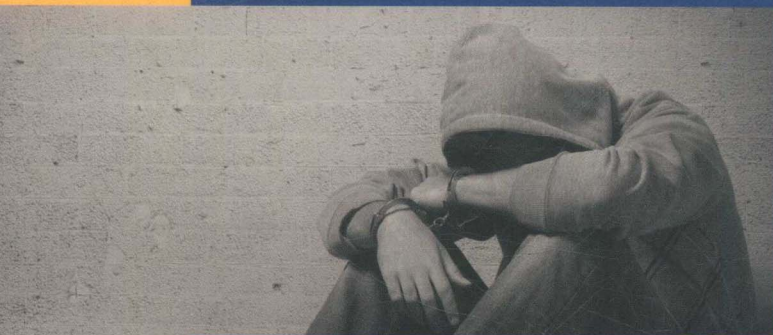


Miet Vanderhallen, Marc van Oosterhout,
Michele Panzavolta and Dorris de Vocht (eds.)

Interrogating Young Suspects: Procedural Safeguards from an Empirical Perspective



intersentia



Maastricht Centre for Human Rights

INTERROGATING YOUNG SUSPECTS

Procedural Safeguards
from an Empirical Perspective

Miet VANDERHALLEN
Marc VAN OOSTERHOUT
Michele PANZAVOLTA
Dorris DE VOCHT
(eds.)



intersentia

Cambridge – Antwerp – Portland

Intersentia Ltd
Sheraton House | Castle Park
Cambridge | CB3 0AX | United Kingdom
Tel.: +44 1223 370 170 | Fax: +44 1223 370 169
Email: mail@intersentia.co.uk
www.intersentia.com | www.intersentia.co.uk

Distribution for the UK and Ireland:

NBN International
Airport Business Centre, 10 Thornbury Road
Plymouth, PL6 7 PP
United Kingdom
Tel.: +44 1752 202 301 | Fax: +44 1752 202 331
Email: orders@nbninternational.com

Distribution for Europe and all other countries:

Intersentia Publishing nv
Groenstraat 31
2640 Mortsel
Belgium
Tel.: +32 3 680 15 50 | Fax: +32 3 658 71 21
Email: mail@intersentia.be

Distribution for the USA and Canada:

International Specialized Book Services
920 NE 58th Ave. Suite 300
Portland, OR 97213
USA
Tel.: +1 800 944 6190 (toll free) | Fax: +1 503 280 8832
Email: info@isbs.com

Interrogating Young Suspects. Procedural Safeguards from an Empirical Perspective
© Miet Vanderhallen, Marc van Oosterhout, Michele Panzavolta and Dorris de Vocht (eds.) 2016

The author has asserted the right under the Copyright, Designs and Patents Act 1988, to be identified as author of this work.

No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form, or by any means, without prior written permission from Intersentia, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Intersentia at the address above.

Cover photo © Alexander Rath- Shutterstock

ISBN 978-1-78068-301-0
D/2016/7849/29
NUR 824



With the financial support of the European Union

Sole responsibility for the contents of this publication lies with the authors and the Commission is not responsible for any use made of the information contained therein.

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

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 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

¹ The project was funded by a Criminal Justice Action Grant of the European Commission (JUST/2011/JPEN/AG2909).

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 Düinkel, 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

the Midlands which was prepared to meet our requests for officers to attend a focus group interview and to provide access to police interrogations of juveniles. It was critical that the study had the support of senior officers but its success was due to the particular efforts of two officers who were responsible for these tasks. With difficulties experienced in trying to bring together a focus group of lawyers in one area, thanks are due to a senior lawyer in another area who used his contacts in making this happen. Thanks are also due to the lawyers who were prepared to spend their time after a long day engaging in this study.

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.

In the Netherlands we would first like to thank the head of the national Prosecutions Department, mr. Herman Bolhaar, for approving the research proposal allowing us to proceed further by contacting the National police in acquiring cooperation from police regions. The National police, by virtue of mr. Theo Jochoms, in turn we owe our gratitude to provide us with the required permissions. Furthermore, in light of the observations itself, we would like to thank the police regions where the analysis were conducted, for their cooperation and willingness to support in every way when conducting the observations. A special thanks to the head of the departments who provided the interrogation samples. With regard to the focus group interviews, we would like to thank all respondents for their active contribution and providing us with relevant information. We owe our gratitude to the juvenile institution for allowing us to host a juvenile focus group at their facility and to assist us in the set up as well as execution. Our gratitude also for the juveniles who were willing to participate and share their experiences with us. Special thanks as well to Jannie van der Sleen for her willingness to share her knowledge and experience on interrogating juveniles.

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.

The administration of the project was carried out by Maastricht University. Special thanks go to Diana Schabregs for her hard work in the financial management of this project, to Yleen Simonis for organising the final project conference and to the student-assistants who have been working with us throughout different parts of the project: Jakoline Winkels, Elisabeth Pirota, Jennifer Etoré and Akimi Scarcella.

We thank Kris Moeremans and Intersentia for their involvement in publishing this book.

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
Dorris de Vocht

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

Claudia Cesari

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.

Deborah De Felice

Deborah De Felice is Assistant Professor in Sociology of Law, deviance and social change at the University of Catania (Italy). She teaches at the Department of Political and Social Sciences in an Administrative Studies course at the same institution.

She obtained her Ph.D. (2004, Sociology) from the Catania University. She has been Visiting Lecturer at the School of Law, International Centre for Prison Studies, King's College, University of London (2009). Her main field of study and research regards juvenile justice system; decision making processes; social and criminal juvenile policies and the implementation of children rights; normative socialisation and children migrations; decision making in courts; theories and methods in Sociology of law. Key publications include: *A comparison between different legal and data collection's systems* (2015), in: *Migration towards Southern Europe. The case of Sicily and the separated children* (edited by M.T. Consoli), Milan, Franco Angeli, pp. 28–55/111–114; *Il sapere specialistico nel giudizio penale. Profili d'analisi di sociologia del diritto* (2014), Milan, Mimesis, *Law without Law*, n. 15; *Communication between Nature and Nurture: a sociological perspective – Связь между природой и воспитанием: социологические перспективы* (2014), in "Language and Text – Язык и текст",

Tom. 1, n° 3, pp. 19–35; *Information Extraction and Social Network Analysis of Criminal Sentences. A sociological and Computational Approach* (et al.) (2013), in: “Informatica e Diritto”, n. 1, pp. 243–261.

Jacqueline Hodgson

Jacqueline Hodgson is Professor of Law at the University of Warwick (United Kingdom). She holds an LLB and PhD and has researched and written on issues within French, English/Welsh and comparative criminal justice, on the role of the criminal defence lawyer, the right to silence, the process of investigation and prosecution, terrorism, miscarriages of justice and suspects' rights. Much of her work draws upon her own externally funded empirical research and she held a British Academy/Leverhulme Senior Research Fellowship from 2009–2010. Key publications include *Custodial Legal Advice and The Right to Silence* (1993) *Standing Accused* (1994), *Criminal Injustice* (2000) *French Criminal Justice* (2005) *The investigation and prosecution of terrorist offences in France* (2006) *Suspects in Europe* (2007) *The extent and impact of legal representation on applications to the Criminal Cases Review Commission* (2009) and *Inside Police Custody* (2014). She has advised Parliamentary Select Committees, EU impact assessment studies and her research has been relied on by the Special Immigration Appeals Commission and in European Arrest Warrant proceedings. She is an elected member of the JUSTICE Council and a Fellow of the Academy of Social Sciences. The current project on safeguards for juveniles complements her recently completed European Commission funded project – an empirical comparative study of safeguards for suspects.

Vicky Kemp

Vicky Kemp, a Principal Research Fellow at the University of Nottingham (United Kingdom), is an experienced researcher having conducted extensive empirical studies into the criminal justice system. After having completed her doctorate at the University of Cambridge, which focused on youth justice reforms under the Crime and Disorder Act 1998, she joined the Legal Services Research Centre, which was an internationally recognised and influential leader in the field of access to justice research. In that role she managed a number of empirical studies, including a survey of people drawn into the criminal process, a study of youth courts, evaluating new innovative arrangements involving duty solicitors based in police stations, as well as being responsible for a large-scale study into the take-up of police station legal advice. Key publications include *Transforming legal aid: Access to criminal defence services* (2010), ‘Children, young people and requests for police station legal advice: 25 years on from PACE’ in *Youth Justice* (2011), *Bridewell Legal Advice Study: adopting a ‘whole-systems’ approach to police station legal advice – Interim and Final Reports* (2012 and 2013), ‘No time for a solicitor: implications for delays on the take-up of legal advice’ (2013)

and 'PACE, performance targets and legal protections' (2014) published in the *Criminal Law Review*. She is a member of the International Legal Aid Group, the European Society of Criminology and the British Society of Criminology.

Justyna Kusztal

Justyna Kusztal (PhD) is employed as assistant professor in the Institute of Pedagogy of the Jagiellonian University in Kraków (Poland). She graduated in law and pedagogy with a specialisation in social rehabilitation at the Jagiellonian University. She obtained her PhD in 2006 in the field of pedagogy at the same institution. Her doctor's dissertation approached a comparative study of social rehabilitation systems of juvenile delinquents in Poland and in Germany. She worked in various types of research teams and she is the author of approximately 40 articles in the area of social prevention and rehabilitation and problems of juvenile delinquency from a Polish and international perspective. Her interests are focused on European trends in social prevention of juvenile delinquency and criminal policy in this area.

Marc van Oosterhout

Marc van Oosterhout holds two degrees in law (criminal Law and forensics) from Maastricht University (the Netherlands). His main research interests are in the fields of (European) criminal procedure and fundamental (suspects) rights, police proceedings and interrogation. During the course of the research project *Protecting Young Suspects in Interrogations* Marc van Oosterhout was a researcher at the Department of Criminal law and Criminology at Maastricht University. Before that he had been appointed as a researcher and tutor at the same institution. He was prior involved in another European project studying rights of suspects in police detention during which he conducted fieldwork in the Netherlands and Scotland. Besides empirical research, he was involved in the daily operational tasks that are required in large-scale research projects. Due to his research and operational skills, Marc has conducted legal and empirical research in the Netherlands and Belgium and is part of the project management team. The social media environment (project website, LinkedIn and Twitter account) has also been managed by him throughout the project. At present, Marc van Oosterhout is working at the Department of urban planning at Roermond municipality.

Michele Panzavolta

Michele Panzavolta is Associate professor of criminal law at the University of Leuven and part-time assistant professor at the University of Maastricht, where he has been a Marie-Curie Fellow for a research on intelligence. He graduated from the University of Bologna (Italy) and obtained his doctorate at the University of Urbino (Italy). He was postdoctoral fellow at the University of Bologna and Visiting scholar at the University of Cambridge. He is a qualified

attorney at the bar of Bologna (Italy) and has experience as a practicing criminal lawyer in Italy. He is specialized in European and international criminal law and in comparative studies on criminal law and procedure. Besides juvenile criminal justice, his research interests are in intelligence related topics (surveillance, intelligence analysis, relationship between police and judicial bodies and intelligence services, cybercrime *et cetera*), financial crimes and asset recovery and, more in general, the protection of individual rights in criminal matters.

Vania Patanè

Vania Patanè is professor of criminal procedure and comparative criminal procedure at the Law Department of the University of Catania. She graduated in Law at the University of Catania in 1987 and obtained her PhD in criminal science at the same institution in 1993. She has been visiting scholar at the London School of Economics and Political Science, at the Institute of Advanced Legal Studies, at King's College (London) (1991, 1992, 1994, 1997, 2010) and at University of Edinburgh – Law School (1996). Her main research fields are the right to silence and privilege against self-incrimination, juvenile justice, mediation and restorative justice. She is currently the director of the Research Centre on juvenile justice and family law (University of Catania) and coordinator of the post-graduate course on juvenile justice and family law. She has been member, as an Italian representative, of the Committee of experts at the Council of Europe for the drafting of Rec. N R (99) 19 on “Mediation in penal matters”; of the Management Committee of COST Action A 21 on “Restorative justice developments in Europe” and coordinator of the Working Group on “Policy Oriented research”. She has been Scientific referent, for the Higher School of the Judiciary (Scuola Superiore della Magistratura), in the project “Judicial response to crime committed by EU unaccompanied juvenile offenders”. Key publications include:

Il diritto al silenzio dell'imputato, Giappichelli, Torino, 2006.
L'individualizzazione del processo penale minorile. Confronto con il sistema inglese, Giuffrè, Milano, 1999.
La giurisdizione specializzata nella giustizia penale minorile (a cura di E. Zappalà), (capp. I, IV, V, VII), 2^a ed., Giappichelli, Torino, 2015.
Temi di ricerca per la tutela dei diritti umani, V. DI CATALDO – V. PATANÈ (eds.), Giappichelli, Torino, 2011.
European juvenile justice systems, V. PATANÈ ed., Giuffrè, Milano, 2007.
La mediazione penale minorile nell'orizzonte europeo, in *1° Rapporto Nazionale sulla mediazione penale minorile* (Dipartimento per la Giustizia Minorile – Centro Europeo di Studi di Nisida), Gangemi, Roma, 2012.
Recent Italian Efforts to Respond to Terrorism at the Legislative Level, in *Journal of International Criminal Justice*, 2006, n. 4.

Miet Vanderhallen

Miet Vanderhallen is an assistant professor criminology at Maastricht University (the Netherlands) and an associate professor psychology and law at Antwerp University (Belgium). She holds a degree and PhD in criminology (Catholic University of Leuven, Belgium). She conducted extensive empirical studies on investigative interviewing regarding various aspects such as rapport building, suspect interviewing, legal advice, training and supervision. Miet Vanderhallen published many (inter)national articles and book chapters on investigative interviewing. Recently, she participated in several EU studies on interviewing suspects among which *Procedural rights of suspects in police detention in the EU: empirical investigation and promoting best practice* (JUST/2010/JPEN/AG/1578). In addition to her research activities, she is involved in interview training programs at various police academies.

Dorris de Vocht

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.

Barbara Stańdo-Kawecka

Barbara Stańdo-Kawecka is Professor of Law and Head of the Department of Penitentiary Law and Policy in Faculty of Law, Jagiellonian University in Kraków (Poland). She graduated in special pedagogy and law from the Jagiellonian University. At the same institution she obtained her PhD and defended her habilitation thesis. Her main research interests focus on criminal policy, juvenile law, prison systems and penitentiary policy. She took part in several international research projects concerning juvenile justice, restorative justice and prison systems. Her past publications include chapters on juvenile justice system in Poland (in *Juvenile Justice in Global Perspective*, 2015) and long-term prisoners in Poland (in *Long-Term Imprisonment and Human Rights*, 2014).

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