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# CHAPTER 2

## RESEARCH METHODOLOGY

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### 1. INTRODUCTION

This chapter describes the approach of the empirical study as well as the integrated analysis of the legal and empirical findings, which in turn enabled us to develop a set of proposed minimum rules informed by both law and practice. Providing a minimum level of effective legal protection for juvenile suspects depends not only on a proper legal framework being in place but also on good practices that address the nature of the vulnerability of juvenile suspects. The objective of the empirical study was to gain insight into the extent to which practices live up to the domestic legal frameworks of the five countries which are described in detail in volume I (Belgium, England & Wales, Italy, Netherlands and Poland).<sup>1</sup> Additionally, the empirical study was aimed at identifying good practices in these jurisdictions, with a view to developing improved standards and safeguards which could be implemented across the EU. As discussed in volume I, this objective should be seen against the background of current legislative developments at the EU level which have led to the tabling of a draft Directive on procedural safeguards for children suspected or accused in criminal proceedings.<sup>2</sup> In order to achieve these improved EU wide standards and safeguards, it was necessary to understand how legal actors<sup>3</sup> deal with the interrogation of juvenile suspects, which factors drive their behaviour, and how juvenile suspects are dealt with more generally. In addition to the examination of the practices of legal actors, the study also focused on the experiences of the juvenile suspect who is being interrogated, in order to grasp the interaction between all parties involved, and to understand the behaviour of the young

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<sup>1</sup> Panzavolta *et al.* 2015.

<sup>2</sup> Proposal for a Directive of the European Parliament and the Council on procedural safeguards for children suspected or accused in criminal proceedings (COM(2013) 822/2). See Panzavolta *et al.* 2015, chapter 1.

<sup>3</sup> Although appropriate adults are often parents or volunteers they are included in this general term, as they are actors with a legally defined role within the criminal procedure of some jurisdictions.

person as a vulnerable suspect. In this way, the empirical study also sought to identify the nature of the possible vulnerability of juvenile suspects when being interrogated and how legal procedural protections might be most effective in providing protection, where necessary.

The empirical study started from the findings of the comparative legal study which suggested a two-stage approach to the empirical study. First, the type of interrogation needed to be selected. The legal study showed that whilst some countries dealt with juvenile suspects simply by way of police interrogation, others adopted different or mixed models, involving prosecutors, judges and the family court, as well as criminal proceedings. Second, the legal analysis showed differences in the legal actors involved in interrogating juvenile suspects. Therefore, the relevant key actors per country were selected with regard to the interrogation of juvenile suspects.

## 2. THE EMPIRICAL STUDY: METHODOLOGY

Whereas most studies on the interrogation of suspects concern adults<sup>4</sup>, this research focused only on the interrogation of juvenile suspects. In order to maximise the comparability of the data produced, the empirical study needed to focus on one type of interrogation which was most common in all five jurisdictions. In consultation with all project partners, it was decided to focus on the police interrogation in which information is collected about possible criminal behaviour that can be used as evidence at trial or in determining other forms of case disposition since it is mostly the police who interrogate juvenile suspects in first instance. Furthermore, it was decided to give special attention to the first police interrogation since juveniles might be most vulnerable when being interrogated for the first time about an alleged offence.

Existing research on the interrogation of juvenile suspects mainly examines the capacity of juveniles to understand their legal rights and to make legal decisions.<sup>5</sup> These studies almost always make use of self-reports or an experimental design. In

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<sup>4</sup> See in this respect for example: Baldwin 1993, Beauregard *et al.* 2010, Beune *et al.* 2009, Blackstock *et al.* 2014, Bull and Soukara 2010, Deslauriers-Varin *et al.* 2011, Edwards and Stokoe 2011, Gudjonsson 2003, Hodgson 2005, Hodgson and Bridges 1995, Holmberg 2004, Kassin *et al.* 2010, Kassin *et al.* 2003, Kassin and Gudjonsson 2004, Kemp 2010, Kemp 2013, Kemp and Balmer 2008, Moston and Engelberg 2011, Moston and Stephenson 2009, McConville and Hodgson 1993, McConville, *et al.* 1994, Sellers and Keibell 2009, Skinnis 2011, Snook *et al.* 2010, Walsh and Bull 2011 and Walsh and Bull 2012.

<sup>5</sup> See in this respect for example: Evans 1993, Feld 2013, Goldstein *et al.* 2003, Grisso and Pomictter 1977, Grisso *et al.* 2003, Kemp *et al.* 2011, Lawrence 1983–1984, Quinn and Jackson 2007, Redlich and Goodman 2003, Redlich *et al.* 2011, Redlich *et al.* 2004, Reppucci *et al.* 2010, Viljoen and Roesch 2005 and Viljoen *et al.* 2005.

the present study, a mixed-method approach was used consisting of a combination of data collection methods.<sup>6</sup> The first method employed was focus group interviews, which are purely qualitative in nature and are often combined with other qualitative and/or quantitative methods.<sup>7</sup> This study used a qualitative approach in order to obtain a sufficiently rich account of the experiences reported by juveniles and to build a picture of the interrogation of juvenile suspects from various perspectives. These focus group interviews are useful because they are well suited to exploratory research, to obtain insights into the nature of complex behaviour and motivations<sup>8</sup> such as the behaviour and motivations of legal actors and of juveniles involved in the interrogation. Moreover, they provide data at an aggregated rather than an individual level, in order to be able to obtain data from various groups.

The second data collection method is characterised by a combination of a qualitative and a quantitative approach and concerns observations of the records of interrogation of juvenile suspects. The records included audiotapes or videotapes of interrogations, but if tapes were not available, written records of the interrogations with juvenile suspects were analysed. In this case, the observation was replaced by document analysis using a similar measurement instrument. While experimental research provides insights into the possible vulnerabilities of juveniles, analysis of interrogation records enabled to understand better what happens during actual interrogations.

This mixed-method approach resulted in a triangulation of data, which can increase the validity of the findings. Whereas the focus group interviews obtained qualitative data, the observations of audio- or video-recordings of interrogations or their documentary analysis where recordings were not available, gathered both qualitative and quantitative data in order to obtain a fuller perspective on the interrogation of juvenile suspects. Without the aim of being representative these data can provide valuable information on what happens in practice. The integration of these research results mainly focuses on complementarity, namely to add another perspective such as an insider versus outsider (observer) perspective.<sup>9</sup> By doing so, findings can be convergent as well as divergent. Because of the small samples both in the number of focus group interviews as well as the observations, results are of an indicative value rather than a source for firm conclusions. Thus, findings from this empirical study should be used carefully and serve as the basis for critical reflection and raise suggestions for future research.

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<sup>6</sup> Erzberger and Kelle 2003, p. 458.

<sup>7</sup> Morgan 1996, p. 133–134.

<sup>8</sup> Morgan 1996, p. 139.

<sup>9</sup> Erzberger and Kelle 2003, p. 457–488.

The empirical study started with focus group interviews with (i) key actors and (ii) juveniles (who had been interrogated as juvenile suspects). These focus groups aimed at the development of an inventory of various practices on a national level by means of opinions and experiences. Second, recordings or documentary analysis of interrogations with juvenile suspects were analysed.

Given the sensitivity of the topic and in particular the vulnerability of juveniles who were also actively involved in the focus group interviews, ethical approval from the *ad hoc* ethical scientific committee of Maastricht University was obtained for all project partners by the Maastricht University project management team. This request for ethical approval entailed general principles as well as specific guarantees for the focus group interviews (see *infra* paragraph 2.2) and the observations (see *infra* paragraph 2.3). The general principles encompassed four principles with regard to the empirical research. First, researchers would ensure the anonymity and confidentiality of all respondents and juveniles in particular. Therefore, references to locations are limited to general information and if necessary, coded information. Second, the data will be kept in a secure environment with limited access and will only be stored as long as necessary. The third principle states that the research will be conducted independently, which means that there will be no steer or influence by governmental organisations or other interested parties. The research was also wholly disconnected from the actual investigation concerning the juvenile, if still on-going. Fourth, all respondents will be thoroughly informed about the design and aim of the research. If necessary, permissions will be requested as appropriate.

The committee reviewed the overall design positively on the basis of the following criteria: the research does not cause harm to the respondents, participation is voluntary, anonymity and confidentiality are guaranteed, and the researchers handle the data with great care and store them in a secure environment in such a way that they cannot be accessed by others.

The empirical research combined a top-down approach (legal framework driven) and a bottom-up approach (practice-driven) in order to capture both the application of relevant legal provisions on the one hand and actual practices on the other hand. Hereafter, the methodology of both parts of the empirical study will be discussed followed by a description of the working method for the integrated analysis (chapter 8) and the guidelines (chapter 9).

## 2.1. COORDINATION AND PREPARATION

Since the empirical research was carried out in five different jurisdictions, it was important that the process of designing research instruments as well as

carrying out the research itself was managed with the utmost care. Therefore the empirical research was coordinated by the project management team, which set out the rules for the empirical studies and provided all researchers with the necessary documents for seeking access permissions, as well as with basic data collection instruments, including a practice manual. In order to ensure workable procedures, this was done in consultation with project partners, including discussions at meetings held throughout the course of the study. With regard to the data collection instruments, the project management team provided the project partners with basic common instruments, which could be adapted to the national context, i.e. completed with country specific variables. Such a common basis was needed with a view to the subsequent integrated analysis. As mentioned above, the empirical research consisted of two parts: focus group interviews and observations. The focus group interviews were held in all countries, but the respondent groups differed. The observations of audio- or video-recorded interrogations were replaced by document analysis of written records in two of the countries because of differences in practice or the lack of necessary permissions. Central coordination made sure that data were compatible notwithstanding that various data collection methods were required.

#### *2.1.1. Training*

Each country employed its own national researcher to conduct the empirical study in order to guarantee that researchers had a good knowledge of the legal system, and of interrogation procedures and practice. Moreover, linguistic issues could be avoided by using native speakers. All the national researchers were specifically trained and/or were experienced in collecting and analysing empirical data. In order to ensure a similar approach in the conduct of the fieldwork, these country researchers received a collective two-day training, which consisted of four components. First, the type of interrogation which would be examined empirically was discussed in order to collect comparable data in the five countries. Second, procedures for obtaining necessary permissions were explained and discussed. Third, the data collection methods (including analysis) were explained. For focus group interviews this consisted of the basic principles for conducting these, as well as the identification of the relevant respondent groups in the respective countries. For the observations the basic principles of both observational research and document analysis were discussed. Finally, the group of researchers developed a list of common topics for data collection in order to ensure a degree of uniformity in the five countries involved.

#### *2.1.2. Development of data collection instruments*

The project team devised separate yet common interview schemes for the focus group interviews with various legal actors (police, public prosecutors and

lawyers) as well as with juveniles.<sup>10</sup> In order to ensure that comparable data were collected across the five countries, these interview schemes were accompanied by a manual to guide researchers and to explain the research variables. The interview schemes were drafted in line with the aim of a top-down approach combined with a bottom-up approach to conduct the empirical research. This means that the schemes were based upon a legal psychology literature study on the interrogation of (juvenile) suspects, the topics from the legal framework, and the general patterns coming from the legal analysis. Country researchers subsequently adjusted these common interview schemes with country specific questions under the respective relevant headings. For example, the Belgian focus group interview scheme for police officers included questions on the mandatory provision of legal assistance, which was not part of the common scheme since the other countries allow (some) juvenile suspects to waive the right to a lawyer. The Italian and English project partners drafted a separate interview scheme for the focus group interview with appropriate adults (hereafter: AAs) since this safeguard is only a requirement in these two jurisdictions.<sup>11</sup>

The interview schemes started with a ‘thinking aloud’ exercise on the ‘interrogation of juvenile suspects’. In this exercise respondents were asked to recall first thoughts when talking about ‘the interrogation of juvenile suspects’. This first exercise was followed by the discussion of several topics addressing the chronological order of the judicial proceedings: first contact between police and juvenile; police proceedings from arrest until the point of custody; information on rights legal assistance before and during interrogation; the appropriate adult (hereafter: AA) role; assessment of the juvenile; interrogation practice and the behaviour of the suspect; interrogation recording. The phase of first contact referred to the initial contact between the police and the juvenile. This was followed by the police proceedings which outline the steps taken after arresting a juvenile suspect and before informing him about his rights which entails the third phase. The information on rights concerned all rights that need to be delivered to the juvenile suspect when invited or arrested. Next, legal assistance was focused upon hereby addressing the decisions which need to be made by the juvenile as well as the interpretation of legal assistance by means of the confidential consultation as well as the presence of a lawyer during the interrogation. Next to the legal assistance, the role of an AA in practice was discussed after which the assessment of the juvenile was taken into account. Subsequently, the phase of the interrogations focused upon both the model and techniques used as well as the juvenile suspect’s behaviour. Finally, the recording of the interrogation was examined. In a final part of the focus group interviews,

<sup>10</sup> See annex 1.

<sup>11</sup> In Poland and the Netherlands a juvenile has the right to be assisted by a trusted person, but a formal scheme of AAs (often social workers) does not exist.

the respondents were asked about their opinion and experiences with juvenile suspects' vulnerabilities, adequate safeguards and good practices.

For each focus group interview, short questionnaires<sup>12</sup> were drafted which were filled in by the respondents to gather their basic biographical information, enabling the researchers to describe the respondent group and note any trends in responses as between different groups – such as those officers who have and have not been trained in interviewing vulnerable people; those AAs with and without social work training.

With a view to the observations, the project management team drafted a common observation scheme<sup>13</sup>, consisting of four separate modules. These modules were drafted on the basis of the legal frameworks combined with topics derived from a legal psychology literature study. Moreover, observation schemes from earlier research by Walsh and Bull<sup>14</sup>, which was subsequently used and adapted by Tersago<sup>15</sup>, were used as a starting point. The first module contained general information which could be derived from the written record: characteristics of the juvenile, the offence, activities prior to the interrogation, people present during the interrogation, and information on the format and content of the written record. The second module focused on information which was predominantly present in audio- and video-recorded interrogations. However, a number of variables could also be assessed from the written records. This module included for example information on proceedings during the interrogation, the behaviour of the interrogators, the juvenile suspect, and – if applicable – the behaviour of the lawyer, AA and interpreter. With regard to the interrogation model, a distinction was made between an information gathering approach and an accusatory approach in which the first refers to a more calm and empathic style aimed at finding the truth while the latter refers to a more dominant style aimed at obtaining a confession.<sup>16</sup> Within these models various (manipulative) techniques can be used. Some of these techniques were also explored such as minimisation<sup>17</sup> and maximisation<sup>18</sup>, suggestive questioning<sup>19</sup>,

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<sup>12</sup> See annex 2.

<sup>13</sup> See annex 3.

<sup>14</sup> Walsh and Bull 2011 and Walsh and Bull 2012.

<sup>15</sup> Tersago (forthcoming).

<sup>16</sup> Hartwig *et al.* 2005.

<sup>17</sup> The interrogator minimises the seriousness of the crime or consequences in the suspect confesses.

<sup>18</sup> Maximisation is a technique in which the interrogator increases anxiety about denial for example by exaggerating the evidence or consequences to the suspect (Gudjonsson 2006, p. 133).

<sup>19</sup> Suggestive questioning refers to suggestion included in the question, specific types are leading or misleading questions which entail non-neutral information and imply the answer to the suspect (Milne and Bull 1999, p. 4).

persuasion<sup>20</sup>, active listening<sup>21</sup> and empathy.<sup>22</sup> The third module entailed variables relevant to the video-recording only such as interruptions in recording and camera perspective.<sup>23</sup> The final module included analysis of identified vulnerabilities, safeguards, and good practices. These served as a basis for the observations of audio-recorded and video-recorded interrogations as well as the documentary analysis of written records. They also included variables on the comparison of tapes and written records where both sources were analysed. As with the interview schemes, all observation schemes were accompanied by a manual, which explained the variables as well as coding procedure, to ensure the collection of comparable data across the five countries and a similar coding process.

### 2.1.3. Data analysis

For the analysis and processing of the findings, the project management team developed a three part template, which served as the format for each empirical country report. In the first part the respondents in the focus groups and the sample of observed interrogations/written records are described in brief, in order to set out clearly the basis of the findings that follow. The second part entails an in-depth picture of practice on the basis of the topics explored in the focus group interviews, as well as in the observations/document analysis. The third part provides an overview of vulnerabilities, safeguards and good practices reported by the respondents and identified by the researchers. This template was accompanied by a manual to explain the completion of the template. In the analysis, researchers point to similarities as well as differences between (i) the various respondent groups and (ii) between focus groups and observations/document analysis.

Transcribed focus group interviews resulted in qualitative data, which were coded according to the topics in the template. Researchers summarised the findings throughout the various focus group interviews in which a respective topic was discussed. Quotations were used to enliven and illustrate opinions and experiences reported in the focus group interviews.

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<sup>20</sup> Techniques to convince the suspect to confess such as pointing out the futility of denial or telling the suspect that it is in his interest to confess (Bull and Milne 2004, p. 182).

<sup>21</sup> With active listening the interrogator reinforces the suspect to participate by using non-biasing behavior such as echo probing, summarising and monitoring (Milne and Bull 1999, p. 67).

<sup>22</sup> Here the interrogator demonstrates understanding of the situation from the suspect's perspective (Milne and Bull 1999, p. 41).

<sup>23</sup> Is the camera on the suspect only (suspect focus), the suspect and interrogators (equal focus), and does the perspective include all people in the room?

The analysis of written records of interrogations, and of audio-recorded and video-recorded interrogations, consisted of both a quantitative as well as a qualitative part. For the purpose of statistical analysis, the project team developed a database including all quantitative variables in the observation schemes and information on coding procedures. These databases were filled in by all country researchers and sent to the project team who conducted the statistical analysis by means of SPSS<sup>24</sup> to ensure a similar approach for all countries. Subsequently, the country researchers integrated the analysed data into the analysis of the focus group interviews in their empirical country report. Quantitative data of the focus group interviews were amplified with qualitative data from the observations/document analysis. These qualitative findings were illustrated by examples of practices from interviews and observations/document analysis. The analysis of the observations/document analysis primarily focused on the identification of (good) practices based upon the observation schemes. Finally, the empirical country reports discussed the country findings in light of existing national research with regard to the interrogation of juvenile suspects.<sup>25</sup>

## 2.2. FOCUS GROUP INTERVIEWS

Focus group interviews were held with key legal actors and juveniles in order to obtain a picture of what happens during the interrogation of juvenile suspects from the perspective of the various parties involved. These focus group interviews are not necessarily representative of actual practice but provide valuable information on how interrogations are perceived by the actors involved, including perspectives that might be similar, complementary or even contradictory. Focus group interviews do not strive for consensus and therefore are considered an interesting method to obtain a variety of perceptions on the interrogation of juvenile suspects in practice.

The aim was to conduct focus groups in each jurisdiction with all nationally relevant key legal actors and two focus group interviews with juveniles – one with boys and one with girls. Because of differences in practices and difficulties in obtaining access, the number of focus group interviews between countries varied slightly. If conducting a focus group interview was not feasible, it was – when and where possible – replaced by individual semi-structured interviews. In total 16 focus group interviews were conducted in the period of March until June 2013. Five focus group interviews were held with police officers and one

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<sup>24</sup> Version.22.

<sup>25</sup> This includes research on adult suspects or juvenile victims and witnesses as well to the extent to which these studies also address juvenile suspects.

additional focus group was organised with prosecutors in Italy since they also interrogate juvenile suspects in similar circumstances as the police. Four focus groups were organised with lawyers (Belgium, England and Wales, Italy and the Netherlands) and two focus group interviews were conducted with AAs – one in each jurisdiction where presence of an AA is a mandatory safeguard (England and Wales, and Italy). The remaining four focus groups were conducted with juveniles (England and Wales, Italy, the Netherlands and Poland). Unfortunately, it did not prove possible to gain access to juvenile respondents in Belgium. In Poland, it was not possible to hold a focus group with lawyers, but this was replaced by semi-structured interviews with two lawyers. The majority of focus group interviews were moderated by two researchers since research shows that the quality of the focus group interview also depends on the moderator who has a demanding and complex role. Having a moderator and an assistant – who focuses on practical matters such as time, recording, *et cetera* – gives the leading moderator the opportunity to fully focus on the group interview itself.<sup>26</sup> For feasibility reasons, location and time was chosen which suited the respondents best. This means that some focus groups were organised at the university and others at a police station or at an external location (such as a business centre). Besides, some focus groups were organised outside working hours in order for respondents (e.g. lawyers) to be able to attend.

Focus groups with key actors consisted of three to ten respondents. Due to several reasons explained below, the ideal number of six to ten respondents was not always achieved. Relevant key actors were identified from the legal study and included police officers, prosecutors, AAs and lawyers. The selection of respondents from each professional group specifically aimed at the realisation of as much variation in opinions and experiences as possible. Therefore, a purposive sample was used. The focus groups with key actors were tape recorded and lasted between two and three hours.

In order to gain insights from a range of perspectives and experiences, it was a prerequisite for all legal actors to have experience with the interrogation of juvenile suspects, and for juveniles to have been interrogated by the police at least once. To enhance differentiation, the composition of the police (and prosecutor) focus group was balanced with regard to the following criteria: gender, years of experience as an interrogator, interrogation training, and function of the police officer. In addition to this, respondents had to come from at least two different police stations. With regard to the lawyer focus group, all lawyers needed to be experienced as a juvenile lawyer. Four additional criteria were used to strive for differentiation in their practices: gender, training, judicial region or bar association, and years of experience.

<sup>26</sup> Morgan 1996, p. 140.

For practical reasons the focus group interview with AAs consisted of social workers, youth justice workers and volunteers of varying degrees of experience, but not family members (e.g. parents) who acted as an AA. It was not possible to arrange a focus group with such a disparate group of individuals like family members who could not be contacted through any professional grouping or organisation.

This limits the study to a specific group of AAs. However, given the findings from earlier research in which social workers are considered a better option,<sup>27</sup> this choice was acceptable with a view to obtaining examples of good practices. Moreover, the observation sample also included examples of parents acting as AAs.

Additional safeguards were put in place in the process of organising focus groups with juveniles. First, explicit and informed consent to participate was required from the juveniles themselves. Juveniles were invited to sign an informed consent form, which provided them with the necessary information about the research. Second, in order to guarantee their understanding of the research, the moderator explained the goal of the research as well as the interview proceedings mentioned on the form, before the juveniles were invited to sign the form. Third, the researcher explained that participation was fully voluntary and the juvenile could withdraw from the focus group at any time. It was also made clear to those in custody or subject to some form of supervision order, that participation would not interfere with their detention or sentence order in any way. Fourth, the focus group interview was held in a safe and familiar environment and/or under the supervision of a juvenile facility or probation location. If possible, the focus group was conducted in the presence of a trusted person, for example a social worker from the institution. The attendance of social workers of the institution or involved organisations such as youth offending teams, took the juveniles' welfare into account by providing them with an opportunity to talk about the focus group afterwards, if necessary. Juveniles were also informed that the research is about their opinions and experiences and there are no good or bad answers to the questions. Moreover, juveniles were informed that the interview was not about the content of their case but only about the (circumstances of the) interrogation(s). Finally, if permission from the parent(s) was required by the government or the institution, this permission was also obtained.

Juveniles were recruited through youth care (ambulant or residential) and/or youth detention centres, which means that only convicted juveniles took part in the focus group interviews. In order to facilitate the focus group interviews with juveniles from the perspective of social desirability, group pressure, *et*

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<sup>27</sup> See in this respect for example: Quinn and Jackson 2007, p. 239.

*cetera*, the preparatory work was conducted in consultation with professionals from the institutions. When possible, focus groups were organised within an institutions existing unit so interviews could benefit from pre-existing familiarity between juveniles.<sup>28</sup> Sensitive topics were avoided since the focus group interviews were not intended to discuss their case as such.<sup>29</sup> This approach was chosen to enhance the focus group but could also provide a biased picture with regard to the reported experiences and opinions. In order to ensure that the juveniles interviewed were as comfortable as possible in discussing their experiences, the goal was to have boys and girls in separate focus groups if possible. The exception to this rule was England and Wales, where both boys and girls under the supervision of a youth offending team were spoken to together.

Except for Belgium, where it was impossible to interview young people, focus groups were attended by juveniles with a minimum age of 12 years and consisted of five to eight respondents. The duration of the focus group interviews with juveniles was shorter than those with key legal actors, since juveniles might have a shorter concentration span than adults. The approximate length of the juvenile focus groups was between one and a half and two and a half hours (including breaks).

Focus group data were gathered in locations where researchers had contacts or were able to gain permissions, where key legal actors were available to participate, and where language or dialect issues were least problematic.

The following sections set out a more detailed account of the empirical data gathered in each of the five jurisdictions.

### 2.2.1. *Belgium*

In Belgium, the empirical data were gathered from one single region. Two focus group interviews were held, one with police officers and one with lawyers, neither requiring any official permission.

#### 2.2.1.1. Police focus group

Two additional criteria were added to comprise the focus group with *police officers*. The first was that of specialised training for interrogating juvenile witnesses in the sense that police officers with and without this special

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<sup>28</sup> With the exception of England and Wales, where focus groups were organized by bringing together juveniles from more than one YOT.

<sup>29</sup> This is sometimes referred to as a weakness of focus group interviews (Morgan 1996, p. 140).

training took part. The second criterion was that of federal and local police, both being represented in the focus group. Eight police officers participated in the focus group interview from both federal and the local police, across six different police regions in the area. Table 1 provides an overview of police respondents.

**Table 1. Overview of police focus group respondents, Belgium**

No.	Gender	Local / Federal	Years exp./ interrogation exp.	Special training	Function
1	F	Local	7 / 7	Basic	Detective – Intervention
2	F	Federal	0 / 0	TAM <sup>30</sup> TAM-S <sup>31</sup>	Scientist (civilian) Unit behavioural sciences
3	M	Federal	30 / 20	Basic / TAM	Support and coordination (federal) questioning juveniles
4	F	Local	11/5	Basic / TAM	Detective / Supervisor juvenile unit
5	F	Local	14/12	Advanced interrogation techniques / video-recorded interrogation	Detective
6	F	Local	30/25	Basic	Commissioner / Supervisor youth and family unit
7	M	Federal	37/ unknown	Advanced interrogation techniques / TAM	Detective general crime unit
8	M	Local	8/3	Basic	Detective juvenile crime unit
<b>Total</b>	5 F and 3 M	local (5) and federal (3)	0/0 – 37/25	Basic (5), TAM (4), TAM-S (1), Video- interrogation (1)	Behavioural sciences (2) / detectives (4) / commissioner (1)

Police officers came from seven different police stations. With one exception, all police officers were experienced in interrogating juvenile suspects. One police officer worked as a behavioural scientist at the behavioural science unit of the federal police and followed a course on the Belgian interrogation model for juvenile suspects, which was the reason for his participation in the focus group. With regard to training, half of the respondents had experienced at least basic interrogation training, combined with specific training for interviewing juvenile witnesses (TAM). Other respondents had received advanced training for interrogation of suspects and one respondent

<sup>30</sup> Training video-recorded interviewing of Minors (i.e. juvenile witnesses and victims; TAM).

<sup>31</sup> Training video-recorded interviewing of Minor – Suspects (i.e. juveniles suspects; TAM-S).

had received training on the video-recorded interrogation of adult suspects. Thus, the respondent group varied in terms of both level as well as type of interrogation training.

#### 2.2.1.2. Lawyer focus group

Recruitment of *lawyers* was organised through the regional bar association. This overarching association contacted the local associations of which one was willing to participate in a focus group interview. Since only lawyers from one local bar association participated, the focus group was homogenous with regard to region or bar association. On the other hand, this local bar association is at the forefront of provision of legal assistance at the police station, as well as assisting juveniles. Therefore, it was considered an excellent opportunity to gather insight into good practices. Moreover, all lawyers came from different law firms. The focus group was attended by nine lawyers who work with juveniles. Table 2 gives an overview of the characteristics of the lawyers who participated in the focus group interviews.

**Table 2. Overview of lawyer focus group respondents, Belgium**

No.	Gender	Years exp. Lawyer / juvenile lawyer)	Special training
1	F	22 / 17	Training legal assistance at the police station / special training assisting juveniles
2	F	22 / 17	Training legal assistance at the police station
3	M	38 / 30	Training legal assistance at the police station
4	M	14 / 10	Training legal assistance at the police station
5	F	22 / 12	Training legal assistance at the police station
6	M	19 / 8	Training legal assistance at the police station
7	M	46 / 17	Training legal assistance at the police station
8	F	27 / 17	Training legal assistance at the police station
9	F	28 / 24	Training legal assistance at the police station
<b>Total</b>	5 female / 4 male	14 / 8 up to 46 / 30	Training legal assistance (9) and special training juvenile assistance (1)

All lawyers had received (theoretical and practical) training on juvenile law and were experienced juvenile lawyers with at least seven years of experience in civil and criminal cases, since a Belgian juvenile lawyer needs to deal with both civil and criminal cases. Out of these nine lawyers, three lawyers also represented adults.

### 2.2.1.3. Juvenile focus group

Organising a focus group with *juveniles* was not possible due to on-going changes within the national institutions. Official permission was needed for the focus group with juveniles, but this was declined by the federal authorities because of national reforms taking place at that time with regard to juvenile detention centres. Subsequently, a request was sent to the community authority in order to receive permission to conduct a focus group interview at a youth care centre. This request was also declined because of too many requests being made to interview juveniles. The alternative procedure was to organise individual interviews with juveniles who were interrogated. Therefore, a request was sent to the president of the bar association who was involved in the focus group interview and who is a member of the regional bar association. The procedure envisaged was to have lawyers invite their juvenile clients to take part in the research. However, the president said this procedure would be too intrusive for the lawyers' clients and refused to assist us in recruiting in this way. In consultation with the president it was decided not to proceed in contacting individual lawyers. This resulted in the absence of a focus group interview or individual interviews with juveniles in Belgium.

### 2.2.2. *England and Wales*

There were four focus group interviews conducted in England and Wales with, respectively, police officers, lawyers, AAs and juveniles. In order to arrange the focus group interviews existing contacts within the Midlands region were utilised, which proved to be a successful strategy. Three of the focus group interviews were based in one part of the region and the fourth in another part.

#### 2.2.2.1. Police focus group

The focus group with *police officers* was organised with an inspector from one police service acting as a facilitator who brought together police officer respondents from five police stations. A research application procedure was required and this was approved by a senior officer. The selection of police officers was based upon the general criteria: gender, experience and police training. Additional selection criteria were: (i) the frequency of interviews with a juvenile suspect and (ii) specialist training. In total nine police officers attended the focus group of which an overview is given in table 3.

Table 3. Overview of police focus group respondents, England and Wales

No	Gender	Police station	Average time in interviewing juveniles	Years exp. as officer/ interviewer	Training	Specialist training	Function
1	F	1	2 times / month	11/11	PEACE Tier 2	ABE <sup>32</sup>	Basic
2	F	2	2 times /month	12/12	PEACE Tier 2	ABE	Violence/ serious assaults
3	M	3	2 times /week	13/13	Interview skills course	Volume crime and priority witness course	Basic – previously a social worker
4	M	2	3 times /week	10/10	Basic – PEACE Tier 2	ABE	Robbery squad
5	M	2	2 times/ month	12/12	None	None	Basic
6	M	4	2 times /week	20/20	PEACE Tier 2 and investigators course	ABE	Robbery, burglary and drugs team
7	F	5	1 time/week	13/13	Basic	ABE	Robbery squad
8	M	2	4 times /month	13/13	PEACE Tier 2	ABE	CID – serious crime
9	M	2	Seldom	11/11	PEACE Tier 2	ABE	CID – acquisitive crime
<b>Total</b>	3 F and 6 M	5 police stations	2 times /week up to 2 times /month	10/10 up to 20/20	Basic (2), PEACE Tier 2 (6) and investigators course (1)	None (1), ABE for juvenile witnesses and victims (7) and volume crime and witness priority course (1)	Basic officers to specialised units and CID

Respondents in the police focus group differed on the general selection criteria. There was a balance between males and females who had received different training and came from various units.

#### 2.2.2.2. Lawyer focus group

For the focus group interview with *lawyers* no official permission was needed. Several lawyers' firms were contacted in the Midlands region to invite police station legal advisers to participate in the focus group. The timing of the focus group was unfortunate because it coincided with the government announcement of legal aid reforms which included achieving a two-thirds reduction in the number of solicitors' firms contracted to provide publicly funded work by early 2015. Despite

<sup>32</sup> Achieving Best Evidence – includes training in audiovisual recorded interviewing of juvenile witnesses and victims.

numerous attempts to bring together a group of lawyers in the Midlands, they were too preoccupied with responding to the reforms to be able to participate. Instead a senior lawyer involved in an earlier study was contacted and brought together a group of seven police station legal advisers. Notwithstanding lawyers came from the same region, they worked at three different law firms. Table 4 provides an overview of those respondents, including additional selection criteria: (i) frequency of acting for a juvenile and (ii) duty lawyer or accredited representative.

**Table 4. Overview of lawyer focus group respondents, England and Wales**

No.	Gender	No. of years experience as lawyer	Av. times acting for juveniles	Duty lawyer or accredited rep	Training
1	M	16 years	6 times / month	DL	PSQ <sup>33</sup>
2	M	7 years	8 times / month	DL	PSQ
3	M	25 years	Unknown <sup>34</sup>	DL	PSQ
4	F	14 years	8 times / month	DL	PSQ
5	F	20 years	4 times / month	DL	Solicitor qualifying exams
6	F	7 years	Unknown	Accredited rep	Accredited representative exams
7	M	10 years	Unknown	DL	PSQ
<b>Total</b>	4 M and 3 F	7 years up to 25 years	4 times/month up to 8 times/month	DL (6) and accredited representative (1)	PSQ (5), Sols exam (1) and accredited representative exams (1)

Because in England and Wales, legal advice can be provided by accredited representatives, as well as duty solicitors/lawyers, this criterion was added to the general selection criteria. This resulted in the presence of six duty solicitors/lawyers and one accredited representative. All lawyers had received training, mainly the Police Station Qualification (PSQ) for providing legal assistance at a police station.

#### 2.2.2.3. Appropriate adult focus group

When arranging the focus group with AAs a local Youth Offending Team (YOT) manager was contacted, who was extremely helpful in encouraging other YOT managers in the Midlands area to engage, resulting in ten respondents attending the focus group. In one of the YOT areas there had recently been set up a 'Justice Hub', which brought together police investigators, police custody officers and YOT officers in the same building. The AAs varied by gender, geographic area

<sup>33</sup> There is a police station accreditation scheme for non-lawyers and 'police station qualification' (PSQ) for lawyers providing police station legal advice. The schemes require applicants to submit a portfolio of cases where they had provided police station legal advice for assessment and also to undertake a 'critical reasoning test' based on police interrogations.

<sup>34</sup> This information was missing from these questionnaires.

of work, and whether they worked with a volunteer scheme or were employed in youth protection work more broadly. Table 5 gives an overview.

**Table 5. Overview of appropriate adult focus group respondents, England and Wales**

No.	Gender	Area	Av. times interviewing juveniles	Years exp. as an AA	Details of training	Role as AA
1	F	1	Twice a week	1 year	Police	Volunteer
2	F	2	4 times a week	10 years	YSS <sup>35</sup>	Volunteer
3	M	2	Twice a week	10 years	YSS	Volunteer
4	F	3	Twice a month	2.5 years	In-house and PACE training <sup>36</sup>	YOT worker
5	F	4	Twice a month	12 years	In-house and PACE training	YOT worker
6	M	5	Twice a week	8 years	In-house	YOT manager
7	M	6	Once a month	28 years	Arranges training	YOT manager
8	M	3	–	10 years	YOT training	Now an academic
9	M	National	–	–	National training	National AA coordinator
10	M	1	Once a week	3 years	Police	Volunteer
<b>Total</b>	4 F and 6 M	6 areas and 1 national repr.	One a month up to 4 times a week	1 year up to 28 years	Training provision varies by institution	YOT AAs (4), volunteers (4) and others (2)

Respondents in the AA focus group came from six different areas and there was a balance of males and females who had been trained in various ways.

#### 2.2.2.4. Juvenile focus group

The focus group with *juveniles* was more difficult to organise, but in consultation with a YOT manager it was discussed whether it would be possible to bring together a group of juveniles who were reporting to the YOT as a requirement of their sentence. The YOT manager agreed to undertake this work, subject to obtaining permission from the County Council and the agreement of the young people themselves. A research governance form was completed which required a detailed account of the focus group, highlighting any ethical issues that might arise and how these would be addressed. The scheme was submitted for approval to the County Council as part of the application together with a draft of the consent form to be signed by the juveniles. This form stressed that their participation in

<sup>35</sup> The YSS is the Youth Support Service.

<sup>36</sup> The Police and Criminal Evidence Act 1984 (PACE) and the PACE codes of practice provide the core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing suspects.

the focus group was on a voluntary basis and they could refuse to participate. The application was successful and two YOT workers volunteered to bring together juveniles for the focus group, taking into account several criteria: age (14–17 year), gender, experience with police. For juvenile welfare reasons it was decided that a YOT worker would attend the focus group interview. The juveniles appeared to enjoy a good relationship with the YOT worker and their responses did not appear to be inhibited by her presence. Of the ten juveniles who agreed to participate in the focus group interview, five were able to attend. An overview is shown in table 6.

Table 6. Overview of juvenile focus group respondents, England and Wales

No.	Gender	Age	How many times arrested	How many convictions	Most serious court order
1	M	18	More than 4	More than 4	2 year supervision
2	M	17	More than 4	More than 4	Intensive supervision
3	M	18	More than 4	Twice	Intensive supervision
4	F	16	More than 4	A few	Supervision order
5	M	17	Twice	One	Referral Order
<b>Total</b>	4 M and 1 F	16 up to 18	2 (1) and more than 4 (4)	persistent offenders (2) and less experienced (3)	Referral Order to alternatives to custody

Table 6 shows that the group of juveniles mainly consisted of adolescent male repeat offenders.

### 2.2.3. Italy

In Italy five focus groups were held. Alongside those with the police, lawyers, AAs and juveniles, an additional focus group was organised with prosecutors since they also conduct interrogations with juvenile suspects in the investigation stage. One focus group was held in mainland Italy because of practical considerations and the other four were held in Sicily. The latter was decided because Sicily is the biggest region of Italy with the highest population density and it has four districts (Catania, Palermo, Messina and Caltanissetta), which enabled the involvement of people from different geographical backgrounds. Moreover, prosecutors in Italy, especially in the juvenile justice system, have high geographical mobility. This means that while representing at that time the experience of the territory in which they operate, there was a high probability that they had experience of working in other regions as well. To some extent, this also applies to police. In this case it meant that those who work in one of the districts of Sicily are likely to have previously worked at the Juvenile Division of the Prosecutor's Office of other Italian regions (i.e. an administrative part of the country). A second argument to prefer Sicily concerned the nature of juvenile crime with juveniles being involved in organised crime as well.

The National Associations of Lawyers and Magistrates assisted in setting up the focus group of lawyers.

### 2.2.3.1. Police focus group

The focus group with *police officers* was held in the region of Sicily and in line with the general selection criteria, the researchers tried to involve the four districts of Sicily. The first contacts with the police concerned the Criminal Investigation Department for Juveniles, in particular an informal contact with the chief of the Juvenile Prosecution Division in one of the districts. After consultation, agreement was reached on which steps needed to be taken to get the officials to participate in the focus group interviews. Subsequently, an official letter was sent and the director of the Prosecutor General approved the request. The same type of procedure was followed to involve respondents from the other two Sicilian districts. One additional criterion (next to gender, experience, training, and function) was used, namely the police force (state police or local police). In total nine police officers participated, of which an overview is given in table 7.

Table 7. Overview of police focus group respondents, Italy

No.	Gender	Police force	Districts	Years exp. officer/interrogator	Training	Function
1	M	State Police	1	25/25	None	Commissioner / Supervisor juvenile crime unit
2	M	State Police	1	17/10	Basic (refresher courses)	Superior detective juvenile crime unit
3	M	Arma dei Carabinieri	2	13/13	None	Detective juvenile crime unit
4	M	Arma dei Carabinieri	2	26/23	None	Detective juvenile crime unit
5	M	State Police	2	30/30	Degree in Law	Commissioner / Supervisor juvenile crime unit
6	F	State Police	2	15/8	None	Assistant Police – juvenile crime unit
7	M	State Police	3	30/30	None	Commissioner / Supervisor juvenile crime unit
8	F	State Police	3	13/7	None	Superior detective juvenile crime unit
9	M	State Police	3	6/3	None	Detective juvenile crime unit
<b>Total</b>	2 F and 7 M	Arma dei Carabinieri (2) and State Police (6)	3 regions / 1 region	6/3 – 30/30	Basic (1) and None (7)	Commissioner (3) and Detectives (6)

The police respondents came from both state police as well as local police across three different districts (and thus at least three different police stations) in Sicily. All respondents were experienced and differed in function. With regard to training, the degree of variation was less since most police officers had not received special training for the interrogation of juveniles.

#### 2.2.3.2. Prosecutor focus group

Since it was not possible to organise a focus group with *prosecutors* at the national level because of time constraints, with the help of the National Association of Youth Magistrates, a focus group was held in the region of Sicily. First, the director of the Juvenile Prosecutors Division was contacted to test the possibility of organising a focus group with prosecutors from each district. After informal contacts were made, a formal request was sent to the Chief Prosecutor for Juveniles, who authorised deputy prosecutors to participate. The same procedure was followed to ensure the participation of prosecutors operating in other Sicilian districts. Table 8 provides an overview of the prosecutors' focus group.

**Table 8. Overview of prosecutor focus group respondents, Italy**

No.	Gender	Districts	Years exp. prosecutor/ juvenile interrogator	Special training <sup>37</sup>	Function
1	F	3	17/4	Interrogation general procedure+ Juvenile victims/witnesses	Public Prosecutor
2	F	3	18/11	Interrogation general procedure + Juvenile victims/witnesses	Deputy Public Prosecutor
3	F	3	15/4	Interrogation general procedure + Juvenile victims/witnesses	Deputy Public Prosecutor
4	M	2	10 /2	None	Deputy Public Prosecutor
5	F	2	11/11	None	Public Prosecutor
6	F	1	8/8	Interrogation general procedure + Juvenile victims/witnesses + Juvenile suspects	Deputy Public Prosecutor
7	F	1	10/10	Interrogation general procedure + Juvenile victims/witnesses + Juvenile suspects	Deputy Public Prosecutor
<b>Total</b>	1 M and 6 F	3 districts/1 region	8/2 – 18/11	None (2), Interrogation general procedure (5), Juvenile victims/witnesses (5) and Juvenile suspects (2)	Public Prosecutor (2) and Deputy Public Prosecutor (5)

<sup>37</sup> The training refers to training courses organised by the Higher School for the Judiciary.

In total seven prosecutors, both public prosecutors and deputy public prosecutors from three districts participated in the focus group. They were mostly female and had at least two years of experience in interrogating juvenile suspects. A minority had received no training in interrogation but most had received general interrogation training as well as training in interviewing juvenile victims and witnesses.

### 2.2.3.3. Lawyer focus group

The first contact for the focus group with *lawyers* was made at the annual meeting of the national association of lawyers for juveniles (*Unione nazionale camere minorili*) in order to check the possibility of organising a focus group with lawyers coming from different areas of the country. A member of the national board of the association and coordinator of its criminal area and the former coordinator from the same area were willing to support the research and brought together six lawyers. The focus group with lawyers was organised in mainland Italy because of travel considerations. The constellation of the group of six respondents was balanced according to the general selection criteria (gender, region/bar association, training). Enrolment in the duty scheme was an additional criterion, which is shown in table 9.

**Table 9. Overview of lawyer focus group respondents, Italy**

No.	Gender	Years exp. (Lawyer / juvenile lawyer)	Enrolment in the duty lawyer scheme	Special training
1	M	13/9	No	Juvenile proceedings
2	M	14/13	Yes	Juvenile proceedings / Juvenile interrogations
3	M	22/17	Yes	Juvenile proceedings / Juvenile interrogations
4	F	17/12	Yes	Juvenile proceedings
5	M	9/8	Yes	Juvenile proceedings / Juvenile interrogations
6	F	22/17	Yes	Juvenile proceedings / Juvenile interrogations
<b>Total</b>	2 F and 4 M	9/8 – 22/17	1 no / 5 yes	Juvenile proceedings (2), Juvenile proceedings and interrogations (3)

The focus group with lawyers covered five regions of Italy (representing the regions of the north, centre and south of the country) and these lawyers were all experienced juvenile lawyers. Most of them were enrolled in the duty scheme and received training in juvenile proceedings.

## 2.2.3.4. Appropriate adult focus group

The focus group with AAs consisted of social workers. In order to receive permission, a request was put to the authority, namely the regional Centre for Juvenile Justice in Palermo. The Regional Centre for Juvenile Justice gave permission and sent a letter to the four offices, requiring them to authorise two social workers from each office to take part.

Subsequently, the directors of these four offices in Sicily were contacted to organise the focus group, which was attended by seven experienced AAs. Table 10 provides an overview of the respondents in the focus group with AAs.

**Table 10. Overview of appropriate adult focus group respondents, Italy**

No.	Gender	Department of Juvenile Social Services	Years exp. / Juvenile operator <sup>38</sup>	Special training <sup>39</sup>	Annual frequency of social assistance in interrogations
1	F	3	24/14	Criminal proceedings	Participation in 5 interrogation /year
2	F	2	25/21	None	None
3	F	2	23/13	None	None
4	F	1	24/23	Criminal proceedings + Interrogations	Participation in 10 interrogation /year
5	F	1	23/14	Criminal proceedings	Participation in 10–15 interrogation /year
6	F	1	29/14	Criminal proceedings+ Penal mediation	Participation in 10–13 interrogation /year
7	F	1	38/37	Criminal proceeding	None actually (management role)
<b>Total</b>	7 F	3 districts / 1 region	23/13 – 38/37	None (2), Penal Mediation (1), Interrogations (1), Criminal proceeding (5)	None (3), 5–10 (2), 10–15 (2)

AAs were all social workers from three districts in Sicily who were very experienced with a minimum of 13 years as a juvenile operator. Respondents differed with regard to training, ranging from no training in criminal proceedings or interrogation to training in both criminal proceedings and interrogation. Three respondents had no recent experience in assisting juvenile suspects in interrogations but were valuable respondents in light of their experience as a social worker.

<sup>38</sup> The first number is the years of experience as social worker and the second number the years of experience as USSM operator (Department of Juvenile Justice).

<sup>39</sup> Modalities identified are: 1) Job training on assistance to juveniles in criminal proceedings (Criminal proceedings); 2) Job training on juvenile assistance in interrogations (Interrogations); 3) Criminal mediation; 4) None.

### 2.2.3.5. Juvenile focus group

The focus group with *juveniles* was the most difficult to organise since permissions were required at the regional as well as the national level. The first contact was with the director of the Juvenile Detention Centre in Catania, who was willing to cooperate. Then, a formal request was submitted to the Director of this institution, which was then forwarded, with her approval, to the Head of the regional Centre for Juvenile Justice in Palermo, and to the Head of the Department of Juvenile Justice at the Ministry of Justice in Rome. All required permissions were obtained after providing the required explanations about the research, its goals and the final outcome. Only a focus group with juvenile boys was held since there is only one juvenile detention centre left in Sicily after the closing down of the centre for female juveniles some months before the empirical research, due to a too low number of residents. The other three (out of 19) juvenile institutions in Italy which, at that time, hosted girls, also each had too limited a number of girls to organise a focus group of an acceptable size. The focus group was attended by eight juvenile boys. Table 11 provides an overview of characteristics of respondents in the juvenile focus group.

**Table 11. Overview of juvenile focus group respondents, Italy**

No.	Gender	No. contact with police	Crime type	Previous detention in institution	No. interrogation for this event
1	M	2	Theft and drug dealing	No	1
2	M	1	Murder	No	2
3	M	5	Drug dealing	Yes	5
4	M	3	Drug dealing	Yes	2
5	M	3	Robbery	Yes	3
6	M	9	Attempted robbery and burglary	Yes	1
7	M	4	Theft and extortion	Yes	10
8	M	1	Robbery	No	1
<b>Total</b>	8 males	1 time (2), 2–5 times (4), 9 (1)	Various crime types	First detention(3), earlier detection (5)	1 time (3), 2–5 times (4), 10 times (1)

Under Italian privacy law, it was not possible to know the age of these juveniles who varied in the number of contacts with the police. A slight majority had been in detention before. The reason for their actual detention also varied and included various types of crimes such as drugs, robbery/theft and murder. These juveniles were mostly interviewed more than once for the most recent crime. Table 11 shows that the juvenile respondents had relevant experience with the police to draw on in their responses.

#### 2.2.4. The Netherlands

In the Netherlands a total of three focus groups were conducted. One with police officers, one with lawyers, and one with juveniles. No focus group with AAs was organised since the involvement of an AA is not guaranteed by statutory law and no formal scheme with professionals exists. The focus group with juveniles only consisted of a focus group with only boys since it was impossible for the juvenile institutions to obtain permission with girls within the time frame of the empirical research.

##### 2.2.4.1. Police focus group

*Police officers* were contacted through the chiefs of police and an existing contact person who is the coordinator of one of the special interrogation rooms for children. After receiving the permission of the national police department responsible for research and the permission of the chiefs of police, this coordinator suggested respondents who satisfied the general selection criteria. The size of the focus group was small because, due to unforeseen circumstances, five of the ten respondents had to cancel at the very last minute. Accordingly, an additional semi-structured interview was organised with an expert in interviewing juvenile victims and witnesses. This expert is involved in designing and providing training for the interrogation of juveniles as well as vulnerable suspects. The focus group was balanced based on the general selection criteria of gender, police station, experience and training as is shown in table 12. One additional criterion was added, namely special training since special training exists on interrogating juvenile victims and witnesses in the Netherlands.

**Table 12. Overview of police focus group respondents, the Netherlands**

No.	Gender	Police station	Years exp. Officer / interrogator	Training	Function
1	F	1	4 / 4	Basic interrogation	Detective in training
2	F	2	29 / 14	Questioning juvenile victims/witnesses	Detective / interrogator / assistant Public Prosecutor
3	M	1	37 / 25	Basic training youth	Detective / supervisor youth
4	F	3	19 / 11	Unknown	Detective
5	F	3	32 / 28	VUG <sup>40</sup>	Detective
<b>Total</b>	4 F and 1 M	3 police stations	4 / 4 – 37 / 28	Basic (3 ), VUG (1) and questioning juvenile witnesses (1)	4 detectives / 1 in training

<sup>40</sup> Training to question vulnerable people.

Most respondents were female and were from three different police stations. Respondents differed in experience with a minimum of at least four years of experience as an officer. At least one of the respondents had experienced special training for interrogating juvenile victims and witnesses.

#### 2.2.4.2. Lawyer focus group

For the focus group with lawyers, no official permission was required. Recruitment of lawyers was organised through existing contacts and the website of the association of juvenile lawyers in the Netherlands.<sup>41</sup> When inviting lawyers to participate, a balanced composition on the basis of the general selection criteria was strived for. The focus group with lawyers depicted a similar pattern as the one with police officers. Out of the seven lawyers who subscribed to the focus group, four cancelled on the day itself because of other last minute obligations. This resulted in a small focus group interview with three respondents consisting of one female and two male respondents from two regions who all received training to become a juvenile lawyer.

**Table 13. Overview of lawyers focus group respondents, the Netherlands**

No.	Gender	Region	Years exp. (Lawyer / juvenile lawyer)	Special training
1	F	1	13 / 10	Courses juvenile law
2	M	2	11 / 9	Course juvenile criminal law
3	M	2	18 / 15	Courses juvenile law
<b>Total</b>	1 F and 2 M	2 regions	11 / 9 – 18 / 15	Course juvenile (criminal) law

Table 13 shows that the three respondents had at least nine years of experience as a juvenile lawyer and 11 years as a lawyer in general. They came from two different regions and all had experienced a course in juvenile law or juvenile criminal law.

#### 2.2.4.3. Juvenile focus group

For the focus group with juveniles, permission was requested from the overarching governmental organisation as well as the board of the juvenile institutions who were contacted with a request to participate after receiving the necessary permission. Only one institution gave permission within the time frame of the project. The juveniles who participated in the focus group all came from one and the same unit within this institution for boys. In total four juveniles participated in the focus group in which one of the social workers of

<sup>41</sup> [www.vnja.nl](http://www.vnja.nl).

the institution was present. The juveniles seemed to have a good relationship with the social worker whose presence did not seem to inhibit the responses of juveniles. An overview is provided in table 14.

**Table 14. Overview of juvenile focus group respondents, the Netherlands**

No.	Gender	Age	Crime type
1	M	18	Criminal offence
2	M	17	Street-robbery
3	M	21	Violence
4	M	19	Unknown
<b>Total</b>	4 M	Between 17 and 21	Various offences

Notwithstanding the fact that the focus group aimed at interviewing juveniles and respondents who were residents of a juvenile institution, respondents were in fact – with the exception of one 17 year old – young adults (18–22 years). However, it was nonetheless valuable to interview these young adults who were serving sentences which were imposed on them when they were still juveniles enabling them to speak about their experiences with the police as a juvenile. They had been convicted for a range of different crimes.

#### 2.2.5. Poland

In Poland three focus groups were conducted with police officers, juvenile boys, and juvenile girls. Additionally, individual semi-structured interviews with two lawyers were conducted since it turned out to be impossible to organise a focus group with lawyers. There is no legal rule or requirement for social workers or others to act as AAs in Poland, thus no focus group interview was held with these individuals. Interrogations are often conducted in the presence of a parent, guardian or teacher, but as was the case in England and Wales, it was not possible to arrange a focus group with such a disparate group of individuals who could not be contacted through any professional grouping or organisation.

##### 2.2.5.1. Police focus group

The focus group with the *police* consisted of officers working in the unit for juveniles who had experience in questioning juveniles, including the interrogation of juvenile suspects. The organisation of this focus group was quite difficult since a formal procedure was required to obtain permission. A written request for permission was sent to the Municipal Police in Kraków which was then transferred to the office of legal advisors of the Municipal Police in Kraków

and permission was received. Subsequently, individual police officers working in units for juveniles were invited according to the general selection criteria. Because police officers work in shifts, it was difficult to bring together a group. Finally, the focus group was only allowed to take place in the free time of police officers, which hampered recruitment. In total, four police officers took part in the focus group, which can be seen in table 15.

Table 15. Overview of police focus group respondents, Poland

No.	Gender	Police station	Years exp./interrogator exp.	Training in interrogation	Function
1	F	Kraków	5 / 1,5	Basic	Employed in unit for juveniles ( <i>referent</i> )
2	M	Kraków	12 / 10	Basic	Employed in unit for juveniles ( <i>specjalista</i> )
3	M	Kraków	16 / 5	Basic	The chief of the unit for juveniles ( <i>kierownik referatu</i> )
4	M	Kraków	8 / 5	Basic	Employed in unit for juveniles ( <i>asystent</i> )
<b>Total</b>	1 F and 3 M	Kraków (4)	5/1,5 up to 16/10	Basic training (4)	Unit for juveniles (4)

Although all respondents were experienced in interrogating juvenile suspects, none of them had received specialised training in the interrogation of juvenile suspects or juvenile witnesses and victims. Both males and females participated and they all came from a specialised unit.

#### 2.2.5.2. Juvenile focus group

The organisation of a focus group with *juveniles* was first discussed with probation officers in the Kraków region. Although juveniles placed in institutions constitute a special group of juvenile offenders, it was decided to organise a focus group within an institution since this would be the most practical way of organising things. This meant that the focus group were juveniles placed in an educational or correctional institution who usually had several convictions or at least experiences with the police. They had come into conflict with the law at a very early stage of their childhood, displayed many other problematic behaviours, were said to be brought up in dysfunctional families, and had many contacts with the police for different reasons. A written request for permission was sent to the director of a youth educational centre for boys located in the southern part of Poland, including the relevant forms relating to the consent of the juveniles. After receiving official permission, the director forwarded the relevant informed consent forms to the parents. The institution received permissions from ten juveniles and their parent(s) to

participate in the focus group. Finally, eight juvenile boys took part, as can be seen in table 16.

**Table 16. Overview of juvenile boys focus group respondents, Poland<sup>42</sup>**

No.	Number of events of contact with the police	Type of crime	Previous detention in institution	Number of interrogations (including interrogations for other cases)
1	13–20	Truancy and different punishable acts <sup>42</sup>	no	13
2	15–20	Punishable acts	yes	10
3	12	Truancy and punishable acts	yes	12
4	30	Robbery	no	30
5	35	Robbery, truancy and using alcohol	no	35
6	12–19	No answer	no	8
7	10	Battery, burglary	no	8
8	5	Truancy and punishable acts	no	4
<b>Total</b>	5 up to 35	Property crimes, punishable acts, truancy and alcohol.	Earlier detention (2) and first detention (6)	4 up to 35

The juvenile boys had experience of coming into contact with the police on a number of occasions – ranging from five to 35. With regard to the number of interrogations, a similar diversity was found. Most juvenile boys had been detained for the first time with the exception of two boys. Additional general information was provided by the institution. First, the age of the juvenile boys, though not provided in an individualised way, ranged from 15 to 17 years. Second, the juveniles were said to be behind at school due to a variety of reasons, such as truancy and coming from dysfunctional families.

The focus group with girls was organised at a correctional institution for girls also situated in the southern part of Poland. A written request for permission was sent to the director of this institution. The researchers were aware that juvenile girls placed in institutions were almost continuously being invited to take part in research by scholars and students writing their master or PhD thesis, which obviously resulted in a high level of reluctance shown by both the girls and the administration of the institution. Therefore, the researchers visited the institution in order to ask the director of the centre for permission

<sup>42</sup> Punishable acts mean acts prohibited by criminal law as offences, fiscal offences and certain petty crimes (contraventions). In 1982 the legislator chose a different terminology in order to stress that it was no longer the subject of proceedings in juvenile cases to establish the culpability of a juvenile.

in person and to personally invite girls to participate in the focus group. The necessary informed consent forms for the girls as well as their parents were sent to the director of the institution after receiving permission. It turned out that only one juvenile girl (aged 17) was willing to participate but seven girls aged 18 or 19 also agreed. The 17 year old had obtained the consent of her parent.

**Table 17. Overview of juvenile girls focus group respondents, Poland**

No.	Number of events of contact with the police	Type of crime	Previous detention in institution	Number of interrogations
1	12	Robbery, battery, theft	yes	11
2	Appr. 40	Many offences of different types	yes	30
3	10	Robbery, theft	no	2–3
4	30–35	Robbery	yes	3
5	25	Battery, burglary	yes	15
6	50	Drug offences, robbery, burglary	yes	30
7	15	Battery	yes	10
8	10	Battery	yes	10
<b>Total</b>	10 up to 40	Various crime types	First detention (1), earlier detention (7)	2 up to 30

Table 17 shows that juvenile girls had several contacts with the police ranging from ten up to 50. Again, the number of interrogations varied between two up to 30. The type of crime for which the juvenile girls were in the institution mainly concerned robbery and assaults. All juvenile girls received a correctional measure and stayed at one of the three correctional institutions for girls in Poland. One of the legal criteria for the application of correctional measures is the fact that educational measures were found to be ineffective. For this reason girls interviewed in the correctional institution constituted a specific sub-group of all juvenile girls adjudicated due to punishable acts.

#### 2.2.5.3. Lawyer focus group – semi-structured interviews

Preparatory enquiries revealed that a focus group with lawyers would not be feasible to organise as lawyers very rarely take part in juvenile proceedings. Moreover, when they do take part it is at the later stages of proceedings, namely after the case is referred to a family court by the police. This was also confirmed by the regional bar association in Kraków. In the area of this regional bar association there are over 1,200 lawyers of which the Dean of the regional bar association reported that no lawyer practicing in this region had indicated juvenile proceedings as their specialisation. In order to find a lawyer with experience in juvenile proceedings at the interrogation stage, the researchers

contacted about 100 lawyers personally, with the help of (former) students and PhD students working in law firms, but without success. Lawyers stated that they had little or no experience in such proceedings and were unwilling to participate. Finally, two lawyers were found to be willing to participate. The group interview was replaced by individual semi-structured interviews because it was not possible to find a suitable date for both lawyers within the timeframe of the research. Both lawyers had some experience in juvenile cases, however only one of them had been present during interrogations of juvenile suspects by the police several times a year. The other participated in juvenile cases exclusively at later stages of proceedings and had never been present during an interrogation of a juvenile by the police. Because of this lack of experience she could not answer questions concerning the interrogation of juveniles by the police, and therefore she could only give second-hand information on some matters.

### 2.3. OBSERVATIONS OF INTERROGATIONS

The observations of interrogations of juvenile suspects aimed to provide a complementary and more objective picture of what happens in practice. In particular, whilst all juvenile respondents in the focus groups were aged over 12 years of age and had been convicted, this approach made it possible to include interrogations with suspects under the age of 12 (non-obtrusive approach) since in some countries the age of criminal liability is below 12 years (for example in England and Wales where the age of criminal liability is set at ten years). In Poland, the age of criminal liability is 17 years. This means that juveniles of 11 years old, for example, will be criminally responsible in some countries, but not in others. However, they can be interrogated in Poland, yet not be convicted. Therefore, these interrogations of juveniles below the age of 12 are useful to incorporate in the observation sample. Moreover this approach allowed us to include convicted as well as acquitted juveniles supplementing the experiences of juveniles addressed in the focus groups which only involved juveniles who are convicted or had been subject to some form of criminal measure.

The nature of these observations depended on how interrogations of juvenile suspects were recorded in the five countries. A preparatory screening indicated that analysis of video-recorded interrogations was only possible in Belgium and the Netherlands. In England and Wales, interrogations need to be audio-recorded, which allowed for observations of such audiotapes. In these three countries it was also decided to analyse the written records in order to discover the extent to which they reflected the full verbatim interview. This is important, as there are circumstances where the written record is relied upon, for example,

in magistrates' courts without recourse to the full interview recording. For example, lawyers and courts in England and Wales are unlikely to listen to the full recording unless the interrogation is in dispute. In Poland and Italy there is no system of audio- or video-recording. Therefore, the researchers could only conduct an analysis of written records, which often represented a formalised or abbreviated account of the interrogation.

The preference for observations of recorded interrogations, rather than having researchers be present in real time rested on two arguments. The first argument has to do with the extent of obtrusion. Real time observations might influence the findings because the observer's presence could produce an effect on the respondents (known in experiments as the 'Hawthorne-effect'). This refers to the knowledge of respondents that they are being studied, which may lead to adjusted behaviour. Secondly, given the fact that in some countries many people are present (e.g. interrogator, lawyer, AA, juvenile) the presence of an observer might add to an already crowded interrogation room and overwhelming experience for the juvenile.

In order to protect the interrogated juveniles involved in the observation study, additional measures next to the abovementioned anonymity and confidentiality were implemented. First, if required by the government, researchers were screened by the police in accordance with the respective country's policy. Analysis of the observations, i.e. audiotapes and videotapes, was conducted at the police station in order to secure the material and avoid transporting sensitive materials. This meant that material which was stored at the police station was only analysed within that secure environment. An exception was made with regard to the written records provided by lawyers.

In total 16 audiotapes (12 in England and Wales and four in the Netherlands), 18 videotapes (ten in Belgium and eight in the Netherlands) and 73 written records (ten in Belgium, nine in England and Wales, 25 in Italy, 11 in the Netherlands and 20 in Poland) were analysed in the period May to July 2014. This selection aimed at capturing as much differentiation in practice as possible in order to grasp a good snapshot of interrogation practice. The selection of interrogations for the observations was based upon five general criteria: gender, age, nationality, first or repeat offender, and type of crime. If possible, an interrogation in the presence of an interpreter would be incorporated in the sample. Next to the selection criteria, interrogation recordings came from at least two different police stations. If feasible, first interrogations in a case were requested in order to examine the vulnerability of a juvenile suspect from the very beginning.

When gathering records from the police, records of all interrogations in the period 2012 and/or 2013 were collected if possible. This large sample was requested to enable a random selection by the researchers. In this way the researchers tried to obtain a mixed sample taking into account the selection criteria. This procedure was chosen in order to avoid bias in the selection of interrogations as well as increasing the heterogeneity of the sample and the variety of practices.

In the following part the procedure for the five jurisdictions with regard to the observations/document analysis will be discussed.

### 2.3.1. Belgium

For the observations in Belgium the prosecutor-general granted permission to observe videotapes of interrogations with juvenile suspects in the period 2012–2013 from three police stations where all suspect interrogations are recorded. All three police stations were contacted and gave permission to randomly select three or four interrogations in the period 2012–2013. The police stations provided all first interrogations with juveniles within this period. In total ten video-recorded interrogations were selected and observed. Selection was based upon the general selection criteria as well as the duration of the interrogation, and resulted in a mixed sample as shown in table 17.

Table 18. Video recording sample, Belgium

No.	Police station	Gender	Age	Nationality*	Repeat offender	Crime type
1	1	F	10	Bulgarian <sup>43</sup>	No	Theft/robbery
2	1	F	14	Belgian	Unknown	Unwillingness
3	1	M	15	Belgian	yes	Violent theft
4	2	M	17	Belgian	No	Rape
5	2	M	16	Belgian	No	Rape
6	2	M	12	Belgian	No	Arson
7	3	M	15	Belgian	No	Drugs
8	3	F	13	Belgian	Yes	Threats and violence
9	3	M	14	Albanian	No	Theft/robbery
10	3	M	16	Belgian	No	Drugs
<b>Total</b>	10	M (7) and F (3)	Between 10 and 17.	Belgian (7), Bulgarian (1), Albanian (1).	Recidivist (2), first offender (7) and unknown (1)	Crime types: theft/ robbery (3), rape (2), drugs (2),. violence/ threats (2), arson (1) and unwillingness (1)

\* Nationality refers to the official nationality, not to the ethnic background.

<sup>43</sup> In this case an interpreter was present.

As table 18 shows, juveniles were mostly males (N=7) and a minority of females (N=3), aged ten to 17 years old with an average of 14.2 years. In Belgium the age of criminal liability is 12 years. Children under the age of the criminal liability, such as the 10 year old in the sample, can be interrogated. In this case this juvenile suspect was treated according to the existing procedures for a juvenile suspect. With an exception of one Albanian and one Bulgarian, all juveniles were of Belgian nationality. Two of the ten were recidivists and in both cases the current crime type concerned a violent crime. Most crimes were crimes against persons (N=6) in addition to crimes against property (N=2) and other crimes (N=2). The duration of the interrogation varied between 13 and 84 minutes with an average of 44.4 minutes. In one interrogation, there was an interpreter present.

Besides these criterion characteristics, the observed interrogations concerned eight arrested juveniles. One juvenile was invited to the police station for interrogation as a 'volunteer' and in one case it was not clear whether the juvenile was arrested or not.

### 2.3.2. *England and Wales*

A police service in the Midlands was asked to provide a sample of around 20 recorded interrogations with juveniles. From that sample 12 cases were selected which included a mix of male and female suspects, different types of offences, and with some being of good character and others recidivists. Within the 22 interrogations there was just one with a female, one with an interpreter and two undertaken on a voluntary basis. These were included in the sample of 12 cases. A wide range of offence types were captured including property, violence and drug offences. The task of identifying a sample of recorded interrogations was allocated by the police to the criminal justice unit (hereafter: CJU). Over a period of three months the CJU was able to set to one side a sufficient number of interrogations involving juvenile suspects. The CJU is responsible for preparing cases for trial, which includes making a transcript, or detailed summary of the interrogation available for the court. This means that all the interrogations examined involved cases where the juveniles were charged or summoned to appear in court and in which the juvenile denied having committed the offence.

Set out in Table 19 are details of the 12 recorded interrogations, which were all first interrogations, including some of the characteristics of the juveniles involved, the type of offence and whether or not a lawyer was involved.

Table 19. Audio-recording sample, England and Wales

Case No.	Police station	Gender	Age	Ethnicity	Repeat offender	Crime type
1	1	F	15	White British	Good character	Burglary
2	2	M	16	Black British	Good character	Assault
3	3	M	17	Black British	Good character	Robbery
4	2	M	16	White British	1 reprimand	Criminal damage
5	2	M	16	White British	Recidivist	Theft of vehicle
6	3	M	14	Black British	1 conviction	Robbery
7	2	M	13	White British	Recidivist	Assault with intent to rob
8	2	M	14	White British	1 conviction	Rape
9	2	M	17	Black British	Recidivist	Burglary
10	3	M	16	Chinese	Good character	Supply Class B drugs
11	3	M	16	Black British	Good character	Assault
12	3	M	16	Not known	Not known	Assault
<b>Total</b>	3 police stations	11 M and 1 F	Between 13 and 17	White British (5), Black British (5), Chinese (1) and unknown (1)	Good character (5), reprimand (1), conviction (2), recidivist (3) and unknown (1)	Crime types: assault (4), burglary (2), theft/robbery (3), drugs (1), rape (1), criminal damage (1)

Table 19 shows that juveniles were mostly males between 13 and 17 years old with an average of 15.4 years. About half of them were first offenders. With regard to nationality, in one case there was an interpreter present. In the first ten cases the juveniles had been arrested and detained by the police and the last two were dealt with by way of a ‘Voluntary Interview’. The majority of AAs were a family member, on eight occasions the mother and twice the father with the remaining two AAs being a YOT member and a volunteer. The duration of the interrogations varied from 14 to 56 minutes, with an average of 26 minutes.

### 2.3.3. Italy

In Italy interrogations of juvenile suspects are neither audio- nor video-recorded. The interrogation is transcribed in a written record according to a general outline in which the juvenile suspect answers questions. The written records were collected from different regions of Italy to capture any variations among them. Specifically, there are three cases from Emilia Romagna Region, one case from Piedmont, two cases from Apulia, five from Calabria and fourteen from Sicily (because Sicily has the peculiarity already mentioned in the analysis of the focus groups). Geographical variability also reflects a *difference between large and small towns* (provincial capitals versus municipalities) with four out of 25 transcripts from small towns. In total there are nine different municipalities included, which are different in spatial extent and population density: from

a small town in Apulia, which has only 5,000 inhabitants, to an important economic plexus of the country, with more than 900,000 inhabitants only in the city center.

In order to obtain access to these written records, a formal request was submitted to the Juvenile Division of the Public Prosecutor's Office in one region of Sicily.<sup>44</sup> The selection criteria were set out in the request. The public prosecutor provided written records of 11 interrogations which met the criteria. A second request was also sent to the Bar Council of a second region to obtain written records from that district. Finally, the Council of that district was also asked to invite lawyers specialised in juvenile law from other regions of Italy to provide written records. This second approach led to an additional 11 written records. A third approach was to invite the lawyers who participated in the focus group to deliver written records, which resulted in another 22 written records. In total, 45 written records were obtained from five regions in Italy, which resulted in the selection of 25 written records balanced with regard to the five general selection criteria.

The written records concerned interrogations conducted between 2012 and 2014, of which there were ten interrogations in 2012, 11 in 2013 and four in 2014. From the written records it was not possible to know whether the interrogations concerned first interrogations or subsequent interrogations.

Table 20 provides an overview of the sample.

Table 20. Transcripts sample, Italy

Case no.	Gender	Interrogation by Prosecutor/ Interrogation instructed by Prosecutor to police	Repeat offender	Crime type	Appointed or trusted lawyer
1	M	Police	NO	Possession of stolen good	Trusted Lawyer
2	M	Police	Unknown	Extortion	Appointed Lawyer
3	M	Police	NO	Robbery	Trusted Lawyer
4	M	Police	NO	Robbery	Trusted Lawyer
5	M	Police	M.I.	Interrogation interrupted because of mental disturbance of interviewed suspect	Unknown
6	F	Police	NO	Battery	Unknown
7	F	Police	NO	Battery	Trusted Lawyer
8	M	Police	NO	Burglary	Trusted Lawyer
9	M	Police	NO	Battery	Trusted Lawyer
10	M	Police	Unknown	Burglary	Appointed Lawyer
11	M	Police	NO	Theft	Trusted Lawyer

<sup>44</sup> This was the largest district of Sicily. The focus groups with police and prosecutors were held at the Juvenile Prosecutor's Office Division here.

Case no.	Gender	Interrogation by Prosecutor/ Interrogation instructed by Prosecutor to police	Repeat offender	Crime type	Appointed or trusted lawyer
12	M	Police	NO	Shoplifting	Appointed Lawyer
13	M	Police	NO	Burglary	Appointed Lawyer
14	M	Police	YES	Vandalism acts	Trusted Lawyer
15	M	Police	NO	Harassment	Trusted Lawyer
16	M	Police	NO	Harassment	Trusted Lawyer
17	M	Police	YES	Drug trafficking	Appointed Lawyer
18	M	Police	Unknown	Property damage	Trusted Lawyer
19	M	Police	Unknown	Property damage	Trusted Lawyer
20	F	Police	Unknown	Battery	Trusted Lawyer
21	M	Police	Unknown	Property damage	Trusted Lawyer
22	M	Prosecutor	Unknown	Burglary	Trusted Lawyer
23	M	Police	NO	Drug trafficking	Trusted Lawyer
24	M	Prosecutor	Unknown	Assaulting a constable in the execution of his duty	Trusted Lawyer
25	M	Prosecutor	YES	Child sexual abuse	Trusted Lawyer
<b>Total</b>	3 female 22 male	22 Police 3 Prosecutor	13 NO 3 YES 9 Unknown	1 Possession of stolen good 1 Extortion 2 Robbery 1 Interrogation interrupted because of mental disturbance of interviewed suspect 4 Battery 4 Burglary 1 Theft 1 Shoplifting 1 Vandalism acts 2 Harassment 2 Drug trafficking 3 Property damage 1 Assaulting a constable in the Execution of his duty 1 Child Sexual Abuse	18 Trusted Lawyer 5 Appointed Lawyer 2 unknown

Interrogations were carried out by police officers or prosecutors. The written records did entail information on the age of the juveniles but dates of birth were deleted because of privacy reasons (next to the names of the juveniles). The crime types consisted of crimes against persons (harassment, assault and sexual abuse), crimes against property (possession of stolen goods, extortion, theft, property damage, vandalism, shoplifting, burglary) and three 'other crimes' (possession and drug trafficking). Three out of 25 young suspects were female. All interrogations were conducted in the presence of a lawyer. Two additional criteria were added since there is a mandatory right to legal assistance in Italy. The first criterion referred to the type of lawyer: appointed or trusted. Six cases concerned an appointed lawyer in comparison with 18 cases in which a lawyer was a trusted lawyer. The final criterion concerned the presence of an AA (parent or other such as legal guardian, social worker or educator). In 20 cases a parent

or both parents were present and in four cases another AA was present. In one case there was no AA present during the interrogation, although they were present at the police station. The interrogations were mostly carried out at the juvenile court (19), followed by the police office (4), one at the juvenile detention centre, and one took place at the police headquarters.

#### 2.3.4. The Netherlands

In the Netherlands, permission to analyse videotapes was requested from the research department of the national police as well as from the regional chief of police. After receiving this permission, the coordinator of a regional special interrogation room for children was contacted to collect the sample from which the selection could be derived according to the general selection criteria for his police region. A second sample, based on similar criteria, was also provided by the police in a second region. In total 12 interrogations were analysed of which eight were video-recorded interrogations and four were audio-recorded interrogations. Accompanying written records of these interrogations were available for 11 of the 12 interrogations observed. Two out of 12 interrogations were first interrogations.

**Table 21. Audio- and video recording sample, the Netherlands**

Case no.	Police station	Gender	Age	Nationality*	Crime type	Repeat offender
1	1	F	15	French/Dutch	Street robbery	Unknown
2	1	M	11	Dutch	Aggravated robbery	Unknown
3	1	F	15	Dutch	Street robbery	Unknown
4	1	M	16	Dutch	Physical assault	Unknown
5	1	M	14	Dutch	Rape	Unknown
6	1	M	11	Dutch	Molestation	No
7	1	F	15	French/Dutch	Street robbery	Yes
8	2	M	15	Dutch	Sexual assault	Unknown
9	2	M	14	Dutch	Attempted assault on police officer	Unknown
10	2	M	17	Dutch	Theft/robbery	Yes
11	2	M	14	Dutch	Sexual assault	Unknown
12	2	F	15	Dutch	Attempted manslaughter	Unknown
<b>Total</b>	2 police stations	4 F and 8 M	Between 11 and 17	Dutch (10) and Dutch/French (2)	Robbery (5), assault (2), sexual assault (2), attempted manslaughter (1), rape (1) and molestation (1)	

\* Nationality refers to the official nationality, not to the ethnic background.

Juvenile suspects were mostly male (8) and a minority female suspects (4) whose ages ranged from 11 to 17 years old with an average of 14.3 years. The age of

criminal liability in the Netherlands is 12 years which means the 11-year old boys in the sample can be interrogated but not convicted for the offence. The nationality of all juveniles was Dutch, among whom two had double nationality (French-Dutch). Half of the juveniles were arrested whereas the other half were invited for the interrogation as volunteers. The type of crime varied, with mostly crimes against persons (robbery, physical assault, attempted assault on a police officer, sexual offence, and murder/manslaughter). Whether or not the juvenile was a recidivist, is not consistently documented in the Netherlands. This was clear in only three cases, of which two juveniles were repeat offenders. In nine cases it was unknown.

Since neither legal assistance nor the presence of a trusted person is mandatory in the Netherlands, this was added as an additional criterion. In six cases a lawyer provided legal assistance and in four cases there was a trusted person present. In two cases the juvenile suspect was assisted by both a lawyer and a trusted person. Interrogations ranged from 17 to 153 minutes with an average duration of 72.4 minutes.

#### 2.3.5. Poland

In Poland the vast majority of interrogations of juvenile suspects by the police are neither audio- nor video-recorded. In the vast majority of cases only a written record of the interrogation exists. Written records of interrogations are not available at police stations, because they are included in juvenile files, which are sent to the family court and thus are part of the court files. In Kraków there are four family courts dealing with family and juvenile cases of which one (randomly selected) was asked for permission to conduct the analysis of the written records. The President of the District Court consented to the research but specified the condition that the research study should not impede the work of the court's secretariat. As a result, court files were only accessible during limited hours, once a week.

In 2013 there were 186 criminal cases (juvenile cases due to 'punishable acts') registered in this court. In order to select the cases for analysis it was necessary to first check how many criminal cases of juveniles in 2013 were available from the court secretariat. Some court files relating to juveniles adjudicated in 2013 were not available from the court secretariat at the time of the research (for example they were attached to files concerning the enforcement of adjudicated measures in districts of another court). It was found that there were over 80 cases available in which the family court imposed on juveniles educational or correctional measures due to punishable acts in 2013. A pilot research study of several court files indicated that in some cases there were no written records of interrogations of juveniles by the police included in the files and thus they were excluded. Given the size of the court files it was not feasible to analyse which

court files involved written records. Therefore, it was decided to randomly select 20 court files of which 18 involved a written record of a first interrogation by the police. As a result, two additional files were randomly selected in order to analyse 20 written records in total.

**Table 22. Observation sample, Poland**

No.	Gender	Age	Nationality*	Repeat offender	Crime type
1	M	16	Poland	No	Offence of battery
2	F	16	Poland	No	Drugs offences
3	M	16	Poland	No	Offences of battery
4	M	16	Poland	No	Robbery
5	M	16	Poland	Yes	Theft
6	M	16	Poland	Yes	Burglary
7	M	15	Poland	No	Theft
8	F	16	Poland	No	Counterfeit documents
9	F	14	Poland	No	Theft
10	M	16	Poland	No	Against the security of communication
11	M	15	Poland	No	Punishable threat
12	M	13	Poland	No	Drugs offence + robbery
13	M	16	Poland	No	Drugs offence
14	M	16	Poland	No	Theft
15	M	15	Poland	No	Drugs offence
16	M	16	Poland	No	Drugs offence
17	M	16	Poland	No	Theft
18	M	15	Poland	No	Punishable threat
19	F	16	Poland	No	Document theft
20	M	16	Poland	No	Against security of communication
<b>Total</b>	4 F and 16 M	Between 13-16	All from Poland	First offender 18 and 2 recidivist	Drugs offence (4), against security of com. (2), theft (5), offence of battery (2), robbery (1), counterfeit of documents(1), punishable threat (2), document theft (1), drugs offences+robbery (1)

\* Nationality refers to the official nationality, not to the ethnic background.

Juvenile suspects were mostly male first offenders between 13 and 16 years old. In Poland juveniles below the age of 17 are not criminally liable but they can be interrogated in order to decide upon the best possible measure. The

interrogations were conducted at five different police stations in Kraków and two interrogations came from two police stations located outside Kraków. The juveniles were suspected of various types of crimes mostly drug-related and theft.

### 3. INTEGRATED ANALYSIS

In the following chapters a detailed discussion of the empirical findings for each of the five countries involved in our study will be set out. As mentioned before, a key objective of this research project was to identify common themes and good practices in the interrogation of juvenile suspects, in order to inform the EU in its work on the draft Directive on procedural safeguards for children suspected or accused in criminal proceedings<sup>45</sup> and propose minimum rules that might guide jurisdictions in implementing good practices.<sup>46</sup> This draft Directive – tabled in November 2013 – covers some of the most significant rights of juvenile suspects and defendants during criminal proceedings ranging from the right to be informed of procedural rights, to the right to be assisted by an AA and a lawyer, from the right to an individual assessment and to be treated appropriately, to the protection of privacy, from the right to liberty to the right to be present in person at trial.<sup>47</sup>

In order to contribute to the EU wide implementation of optimal standards for effective protection of juvenile suspects during interrogation, a rich account of the law and practice in a range of different jurisdictions is needed, to understand the various models, strengths and pressure points in the variety of approaches taken to pre-trial juvenile justice and interrogations of juvenile suspects in particular. However, the development of minimum rules and safeguards requires us to go beyond this and to engage in a comparative and thematic analysis in order to identify common themes and trends.

The empirical findings of each country are first discussed in order to provide a richly textured account of perceptions and practices in the context of each jurisdiction. In chapter 8 an integrated analysis of the themes that have emerged in both the legal and the empirical parts of the study are set out. This thematic approach actively compares the experiences and findings of the five jurisdictions, identifying similarities and differences in the treatment of

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<sup>45</sup> Proposal for a Directive of the European Parliament and the Council on procedural safeguards for children suspected or accused in criminal proceedings (COM(2013) 822/2).

<sup>46</sup> See chapter 1 (of this volume) and Panzavolta *et al.* 2015, chapter 1.

<sup>47</sup> See for a more extensive discussion of the draft Directive: De Vocht *et al.* 2014 and Panzavolta *et al.* 2015, p. 32–38.

juveniles, the provisions available to safeguard their interests, and the drivers and constraints on practice. These findings are linked to and framed within the general patterns deriving from the legal study set out in volume I<sup>48</sup>, but they also consider financial and human resources (implications and constraints), legal and occupational cultures, and the differences between safeguards that are assured by professionals and those that rely on legal procedures.

The first step for the integrated analysis was to develop a common framework of analysis that could be used across all country studies and which would facilitate the final integrated analysis in chapter 8. The general patterns from the legal study, set out in volume I, served as a starting point. The themes and general patterns identified throughout this comparative legal analysis, complemented by topics found in the research literature, served as the basis for the empirical study, and the organisation of the analysis and writing up of each country chapter.

Once the analysis per jurisdiction was complete common themes were identified upon which the integrated analysis was to be conducted. This reflected in large part the topics pre-defined for the study, but also included additional themes that emerged both from the empirical and the legal study. Whereas the country reports were prepared by the researchers from those jurisdictions, the authors of chapter eight worked across jurisdictions, analysing the results of the empirical research – in light of the findings of the legal study – thematically. For example, the role played by the lawyer in each country, the role played by the AA, and the implications for training of key legal actors. A fundamental concern of the project team was to understand the nature of juvenile suspects' vulnerability and the ways in which legal procedural safeguards, professional ideologies and broader legal cultures mapped (or not) onto these vulnerabilities. For example, a range of factors that functioned to undercut the juvenile person's status as vulnerable in the eyes of the police and even lawyers and AAs were identified. The presence of these factors (for example, the gravity of the offence) had an important impact on the treatment of the juvenile and the interrogation strategy.

While conducting the integrated analysis, an overview of our findings was presented at the final project conference, held in Maastricht in January 2015. This conference enabled us to discuss key themes that were identified within and across jurisdictions, with a range of different practitioners from a variety of countries, as well as with academics. In this way, the conference provided us with an opportunity not only to disseminate the preliminary results of the research but also to discuss them with other researchers and key legal actors, including those from countries not included in our study.

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<sup>48</sup> Panzavolta *et al.* 2015, chapter 7.

With a view to the contextualisation of the project's findings, a literature review was conducted which was used as a theoretical framework to discuss the findings of the integrated general patterns. This entailed a legal and legal psychology literature survey using the browsing for evidence strategy in which all studies that address the relevant topics are collected and analysed using a basic methodology to synthesize the results of earlier studies.<sup>49</sup> For each of the topics of the integrated analysis an inventory was made of relevant literature to help contextualise the findings. The literature review focused on the interrogation of juvenile suspects, but recent European studies on adult suspects were also used to make relevant comparisons and – where appropriate – comparisons were made with findings on juvenile victims and witnesses as well. More general literature from developmental psychology was also taken into account to contextualise the findings in the integrated analysis.

The integrated analysis was drafted by a selection of six researchers from different countries. The working method entailed a first draft of a certain topic developed by one of the researchers, which was discussed with the other researchers involved in the integrated analysis. Thorough discussions on the various patterns led to a draft of the integrated analysis which was reviewed by all partners involved in the project to guarantee an accurate and complete analysis of the agreed patterns. Furthermore, this approach ensured consistencies and patterns of harmonisation that would fit all countries involved and could serve as a basis for the set of minimum rules.

#### 4. MINIMUM RULES

The integrated analysis also served as a basis for the development of a set of minimum rules (guidelines) that could be applicable EU-wide. This set of minimum rules also encompasses recommendations for good practices to put the rules into practice with a view to optimal standards for effective protection of juvenile suspects in interrogation. These recommendations for good practices can also serve as a practical tool, which can be used as a basis for training.

The set of minimum rules was discussed during the final project partners meeting, which resulted in a framework consisting of ten guidelines. For each of these rules an outline was developed during the meeting. Each recommendation is complemented with an explanatory memorandum, to clarify its exact meaning in more detail. This exploratory memorandum was also based upon the discussions and decisions taken when preparing for the legal analysis and – in a

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<sup>49</sup> Kleemans *et al.* 2007, p. 494–496.

later stage – for the empirical analysis and was presented and discussed during the final conference in January 2015.

The first draft of the developed minimum rules and practical tools for good practices and training was reviewed by all partners involved in the project in order to secure completeness and accuracy as well as consensus about these rules. Moreover, these minimum rules were derived in light of the extent to which it would be feasible to implement them in the various countries and EU-wide.

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