

# Inside Police Custody

Training Framework on the Provisions of  
Suspects' Rights



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Ius Commune Europaeum

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## PREFACE

This Training Framework is based on the empirical study of the procedural rights of suspects in four European Union (EU) jurisdictions – England and Wales, France, the Netherlands and Scotland – conducted in 2011-2013. The study focused on three of the procedural rights set out in the EU Roadmap for strengthening the procedural rights of suspected and accused persons in criminal proceedings: the right to interpretation and translation; the right to information and the letter of rights; and the right of access to a lawyer before and during police interrogation, as well as the right to silence. The results were published in the book, *Inside Police Custody: An Empirical Account of Suspects' Rights in Four Jurisdictions*.<sup>1</sup>

The objective of the training framework is to enhance the knowledge, understanding and skills of criminal justice practitioners – police officers and defence lawyers – in respect of the procedural rights of suspects in police detention. It seeks to do this by orientating the framework around the requirements of EU law on procedural rights, as set out in the EU Directives referred to above, and by suggesting appropriate training strategies. The framework incorporates best-practice identified during the observational stage of the research study, and is designed to be applicable across EU Member States.

Since training courses for police officers and lawyers rarely focus exclusively on the procedural rights of suspects, the training framework is not intended to provide a model for stand-alone training. Building on the findings of the research, and the pilot training programme carried out as part of the research project, the training framework is designed as a tool to be used in the planning of training programmes on the procedural aspects of police custody, for both police officers and lawyers. In this regard, it highlights the procedural rights to be addressed through training, and the training methods that may be suitable for ensuring their delivery is effective in practice.

<sup>1</sup> Blackstock *et al.* 2014.

The research study and development of the training framework was carried out by the Universities of Maastricht, Warwick and the West of England, together with JUSTICE. Avon and Somerset Police and the Open Society Justice Initiative were also collaborators on the project.

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## BIOGRAPHIES

### **Jodie Blackstock**

Jodie Blackstock is an employed barrister at JUSTICE, in the role of Director of Criminal and EU Justice Policy. JUSTICE is a policy and law reform organisation focusing on human rights, access to justice and the rule of law. It is also the UK section of the International Commission of Jurists. Her position involves briefing on the impact of EU legislation in the criminal justice sphere, conducting research into the effectiveness of criminal justice procedures across the EU, as well as domestic law reform, training practitioners in legal developments and intervening in cases in the public interest. Recent projects include the European Commission funded, *European Arrest Warrants: Ensuring an Effective Defence*. Recent case interventions have included appeals to the UK Supreme Court in relation to the right of access to a lawyer (2010), positive obligations upon deaths in the control of the State (2011) and the rights of children of extraditees in preventing extradition (2012). She regularly gives or contributes to lectures and seminars on criminal and human rights law, most recently for the European Academy of Law, the European Criminal Bar Association and the European Parliament.

### **Ed Cape**

Ed Cape is Professor of Criminal Law and Practice at the University of the West of England, Bristol, UK. A former criminal defence lawyer, he has a special interest in criminal justice, criminal procedure, police powers, defence lawyers and access to justice. He is the author of a leading practitioner text, *Defending Suspects at Police Stations* (6<sup>th</sup> edition, 2011), and is a contributing author of the leading practitioner text, *Blackstone's Criminal Practice* (2013, published annually). His research-based publications include *Demand Induced Supply? Identifying Cost Drivers in Criminal Defence Work* (2005), *Evaluation of the Public Defender Service in England and Wales* (2007), *Suspects in Europe: Procedural rights at the Investigative Stage of the Criminal Process in the European Union* (2007), *Effective Criminal Defence in Europe* (2010), and *Effective Criminal Defence in Eastern Europe* (2012). Ed is also the co-editor of

*Regulating Policing: The Police and Criminal Evidence Act 1984 Past, Present and Future* (2008), and author of *Improving Pretrial Justice: The Roles of Lawyers and Paralegals* (2012). He has recently completed, for the United Nations Office on Drugs and Crime, a handbook, *Early Access to Legal Aid in Criminal Investigations and Proceedings: A Handbook and Training Curriculum for Policymakers and Practitioners*, and is currently engaged in a research project on access to effective criminal defence in Latin America.

### **Jacqueline Hodgson**

Jacqueline Hodgson is Professor of Law at the University of Warwick, UK. She has researched and written on issues within French, English/Welsh and comparative criminal justice, on the role of the criminal defence lawyer, the right to silence, the process of investigation and prosecution, terrorism, miscarriages of justice and suspects' rights. Much of her work draws upon her own externally funded empirical research and she held a British Academy/Leverhulme Senior Research Fellowship from 2009-2010. Key publications include *Custodial Legal Advice and The Right to Silence* (1993) *Standing Accused* (1994), *Criminal Injustice* (2000) *French Criminal Justice* (2005) *The Investigation and Prosecution of Terrorist Offences in France* (2006) *Suspects in Europe* (2007) *The Extent and Impact of Legal Representation on Applications to the Criminal Cases Review Commission* (2009). She has advised the Parliamentary Select Committees, EU impact assessment studies and her research has been relied on by the Special Immigration Appeals Commission and in European Arrest Warrant proceedings. She is currently involved in a comparative empirical study of the safeguards in place for juvenile suspects during police interrogation funded by a European Commission.

### **Anna Ogorodova**

Anna Ogorodova is PhD researcher at the University of Maastricht, Faculty of Law. She also teaches courses related to criminal procedure and human rights. Her research interests include police custody, suspect interrogations, and the role of defence lawyers therein, studied from a comparative, legal and empirical perspective. She has presented and published internationally on these topics. Previously she worked as Associate Legal Officer at the Open Society Justice Initiative (of the Open Society Institute). In this capacity, she provided technical assistance governments and NGOs on the issues related to reforming their national criminal justice systems. She also served as international consultant on criminal justice and legal aid reforms.

### **Taru Spronken**

Taru Spronken is Professor of Criminal Law and Criminal Procedure at Maastricht University, she has been a criminal defence lawyer for more than 30 years and substitute Judge in the Court of Appeal of Den Bosch. She is specialised in criminal procedure and human rights and has brought numerous cases to the European Court of Human rights. As from September 2013 she has been appointed Advocate

General at the Supreme Court in the Netherlands and has remained part time professor at Maastricht University.

In her research she focuses on the implications of EU cooperation in criminal matters for procedural rights and has acted on numerous occasions as expert for the European Commission. She has published extensively on criminal defence rights and human rights (i.a. with E. Cape, Z. Namoradze, R. Smith (Eds.) *Effective Criminal Defence in Europe* (2010); *EU-wide Letter of Rights in Criminal Proceedings: Towards Best Practice* (2010); with Chen Weidong (Eds.), *Three Approaches to Combating Torture in China* (2012)).

### **Miet Vanderhallen**

In 2007 Miet Vanderhallen finished her PhD *The working alliance in police interviewing*. Currently, she works as an assistant professor psychology and law at Antwerp University and as an assistant professor criminology at Maastricht University. Besides, she is an affiliated senior researcher at KULeuven. She teaches psychology and law, criminology, and methods of empirical research at the faculty of law. Her main research interest concerns investigative interviewing. She is particularly interested in research regarding building rapport and research on the (evidential) value of suspects' statements. She is currently involved in various (international) studies on legal advice at the police station. In addition to her research activities, she takes part in investigative interview training programs at the national police academy on criminal investigation and regional police academies. Her latest projects address supervision of interviewers at police stations as well as joint training for interviewers and lawyers. Miet Vanderhallen published several (inter)national articles and book chapters on investigative interviewing.

