

CTI Global Seminar

Cooperation and Innovation: Sharing experiences and building capacity on criminal investigation and law enforcement practices

1 – 2 October 2019 | Copenhagen, Denmark



In partnership with:



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Background

1. On 1-2 October 2019, the [Convention against Torture Initiative \(CTI\)](#) convened a Global Seminar in Copenhagen, Denmark, on “**Cooperation and Innovation in Policing and Law Enforcement: Sharing experiences and building capacity on criminal investigation and law enforcement practices**”. The Seminar was hosted by the Danish Ministry of Foreign Affairs as CTI Core State, and organised in partnership with the [Danish Institute against Torture \(DIGNITY\)](#).
2. Bringing together senior police officers, many at the rank of commissioner or director of national police academies from 23 countries,¹ alongside judges, criminal investigators and leading experts in the fields of forensic psychology, neuroscience, interviewing and torture prevention and human rights experts, the seminar aimed to:
 - Identify and build regional and national opportunities for effective exchange of good practices, experiences and challenges in policing and other forms of law enforcement;
 - Showcase the latest developments in prevention and criminal investigation practices and law enforcement techniques (such as investigative interviewing);
 - Share the latest scientific research backing the effectiveness of these new techniques and practices and demonstrate the same through role plays and examples.
3. Invited speaker, Hon. Abubacarr M. Tambadou, Minister of Justice and Attorney General of The Gambia, delivered an inspiring keynote address, during which he shared his country’s commitment and steps taken to move away from a system of abuses of power to building a resilient architecture upholding the highest standards of justice, respect for human rights and the rule of law. He highlighted the important role the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (UNCAT) has been playing in guiding legal and institutional reforms and strengthening public institutions. A second keynote address was given by Mr. Andrew Gilmour, UN Assistant Secretary-General for Human Rights, in which he offered a global view of the fight against torture, the current threats and challenges in implementing the prohibition against torture and ill-treatment worldwide, and encouraged concrete action and practical measures. The event was opened by H.E. Morten Jespersen, Ambassador and Permanent Representative of Denmark to the United Nations in Geneva and Mr. Rasmus Grue Christensen, CEO of DIGNITY; and closed by H.E. Jeppe Kofod, Danish Minister for Foreign Affairs, in which he underlined the positive momentum towards universal ratification of UNCAT and invited the remaining non-States-parties to become parties to the Convention. The event was facilitated by Dr. Alice Edwards, Head of the CTI Secretariat.
4. Following the [Chatham House rule of non-attribution](#) and CTI’s constructive and confidential approach, this report summarises the main threads of the discussion, highlights some good practices, and recommends a number of actions or new directions that could be taken.

¹ Countries represented were: Argentina, The Commonwealth of The Bahamas, Chile, Denmark, Egypt, Fiji, The Gambia, Georgia, Ghana, Grenada, Indonesia, Jamaica, Jordan, Lebanon, Morocco, Panama, Peru, Samoa, Senegal, Sri Lanka, Thailand, Tunisia and the United Kingdom.

Overall take-away messages

5. Overall take-away messages and recommendations from the event include:

- Police and other law enforcement agencies, public prosecutors, judges and others involved in criminal investigations and the criminal justice system are **primary actors** in preventing and responding to crime, protecting the rights of suspects, victims and witnesses, and are integral players in building and maintaining fair and effective justice systems and professional conduct. They are, therefore, **key allies** in the fight against torture and ill-treatment.
- **UNCAT's provisions** inter alia on prevention, complaints, investigations and prosecutions, and remedies – reinforced by other international standards - provide a helpful framework to inform good police work and other law enforcement practices.
- **Contextual differences and challenges** arising out of such factors as geography, resources, legal systems and cultures need to be factored into organizational reform processes.
- **Institutional philosophy, vision and mottos** are important pillars of police work and can help transition police to higher levels of professional conduct. Likewise, merit-based, fair and transparent **recruitment, retention and promotions policies and procedures** are essential to build a professional police service. Such procedures and policies need to be calibrated for human rights, including that the personnel in relevant agencies represent the communities and people they serve.
- Fairness, integrity, professionalism, service excellence, responsive to populations, visibility, accessibility, transparency and accountability were emphasized as the **hallmarks of modern police services based in human rights**. The importance of focusing on the welfare of personnel – working conditions, salaries, training, mentorship and leadership – was also highlighted.
- **Trust** in law enforcement was key on many levels including pragmatically, as it makes carrying out policing activities easier as it encourages cooperation with the authorities.
- **Investigative and disciplinary** bodies and procedures, with the power to enforce appropriate sanctions, were considered a necessary component of a good police service, and clear rules on using force and associated procedures for oversight where a police officer has drawn or deployed his/her weapon, were highlighted. **External oversight mechanisms** were also mentioned as playing a positive prevention function as well as bringing accountability.
- Making the most of **technological advances** was generally considered to improve transparency, portability of evidence and allowed for faster information and case transfer and resolution.
- Cooperating with and exchanging with **academic institutions** on latest scientific advances, as well as with **international and regional organisations** and **civil society**, was seen as being particularly positive. Civil society to be given space to operate and procedures to be in place to protect from reprisals.
- **Operational training programmes** that incorporate basic principles of human rights yet concentrate on how those principles can be applied in practice and what they mean for everyday policing activities, were considered best practice.
- The usefulness of **cross-regional dialogue** was acknowledged, as lessons from different legal systems could be informative and bring about different and positive perspectives.

Changing organisational cultures

6. Changing cultures in any large organisation is a complex process. Poor police behaviour and practices can have many **root causes**, requiring change-leaders to identify and address institutional policies, habits or customs that may incentivize or reward forms of misconduct.
7. While **leadership** is fundamental to instill behavioral change, some participants also noted that to change police practice it was important to **demonstrate the benefits** that the specific changes can bring to the police service. It was mentioned that seeing the positive impact on daily policing activities would allow officers to change their mindsets and behaviours.
8. The importance of drafting and disseminating **clear and accessible regulatory frameworks**, with examples being given of clear rules on arrest, detention and safeguards against torture and ill-treatment, reinforces transparency for the public and those in contact with the police.
9. **Promotion criteria** that reward competency alongside other aspects of positive policing, such as overall conduct, mentorship to fellow officers or community outreach, can encourage positive changes. In contrast, criteria that only merit certain performance indicators such as crime-solving rates or the number of arrests conducted, can encourage or incentivize risk-taking, corner-cutting or abuses of position.
10. Investing in the **human rights and welfare** of police officers by improving their working conditions and ensuring they receive adequate salaries, in order to deter them from engaging in corrupt activities, was widely endorsed.
11. A number of good examples of organizational change were shared:
 - The establishment of a **human rights department or unit** within the relevant ministry or within the police can help to instill a culture of respect for human rights (Tunisia). In Tunisia, the Directorate General of Human Rights within the Ministry of Interior is empowered to receive complaints of human rights violations, examine allegations and forward the cases to the competent authorities for the purpose of indictment. It is also working to establish a new culture of security activity based on a human rights approach, through ongoing training programmes for security agents and through the development of procedure manuals and codes of ethics.
 - Ghana explained how they have begun the transition from a police “force” during British colonial rule to a police “service” in post-independent Ghana, with the subsequent change in their motto (from “Attention We Command” to “Service with Integrity”), and that this has been accompanied by an ongoing transition from practicing traditionally reactive policing to embracing proactive, intelligence-oriented and community policing methods.
 - Statements of **police priorities**, or annual or multi-year **policing plans**, can help prioritise and reinforce messages regarding police values, and add transparency. In the Bahamas, the Police Commissioner’s annual Policing Plan, endorsed by the Government, involves a comprehensive consultative process to determine public needs and was highlighted as a cornerstone of professional policing.

- Launching **sensitisation campaigns** to foster the relationship between the police and the general public and increase public trust and support was seen as a good practice. An example given was the “Police open doors” initiative in Morocco, which allowed the general public to interact with the police force to foster cooperation and build an improved relationship between the two.
- Introducing **community-oriented policing** services, through which police units operate in designated regional and local areas, help to create a stronger relationship with the citizens they serve in order to better protect their rights (Ghana and Samoa). In Ghana, such practices are intended to make communities safe, secure and peaceful through the formation of Neighbourhood Watch Committees (NWCs) and the engagement of Community Protection Assistants (CPAs), usually recruited from within the communities and given police training to assist in fighting crime in their respective communities. The aim of this initiative is to enable police officers and members of these communities to identify and address prevalent crimes, especially violent extremism and the radicalisation of youth. It will also assist in the co-production of crime prevention strategies tailored to the main concerns in such communities.

Training and capacity-building

12. With many participants drawn from their national police academies, participants considered that training and capacity-building were key, with the following recommendations and good practices being highlighted:
 - Training on human rights should show what human rights mean – in real life scenarios - for such matters as how to use force proportionately, how to de-escalate conflict, or how to conduct arrests and treat suspects, victims and witnesses with dignity.
 - There was much interest in learning more about investigative interviewing (see below) and the role-play performed by former superintendents was welcomed as a positive example of how to conduct interviews without coercion, yet still be effective at gathering reliable evidence and statements.
 - With the greater use of new and less lethal technologies such as electrical discharge weapons, it was acknowledged that more training was needed, which explains and demonstrates how and when their use is justified in line with human rights and torture-prevention standards.
 - Developing training with higher emphasis on communication skills and emotional intelligence was considered best practice, and the way of the future.

Cooperation with other actors

13. Many countries shared their experiences of engaging with other actors. Cooperation between police services and **academia** allow for a better exchange of information and for the police to keep updated with the latest knowledge and developments in the field was highlighted (The Bahamas, Norway, the United Kingdom). Cooperation with international and regional **law enforcement organisations** had also proven helpful. Finally the role of **civil**

society organisations and acknowledging their important function was encouraged to ensure that law enforcement practices were human rights-compliant and allowed identifying shortcomings in State compliance. It was acknowledged they should be given space to operate and be protected from reprisals. The capacity and expertise brought in by **international mechanisms** such as the UN Subcommittee on Prevention of Torture and the UN Special Rapporteur on Torture were indicated as helpful in inter alia raising public debate over reform measures.

Safeguards in arrest and police custody

14. An effective implementation of legal and procedural and other safeguards upon arrest, alongside the adoption of non-coercive interviewing techniques (see Annex), are key to prevent torture and ill-treatment. Independent academic research commissioned by the [Association for the Prevention of Torture \(APT\)](#)² has showed that detention safeguards, when applied in practice, are effective in reducing the risks of torture and ill-treatment during the first hours or days the person is placed in police custody. These include: the prohibition of unofficial detention, so that persons are only held in official places and their detention recorded; the right of access to a lawyer, to meet with him/her in private and to have him/her present during police questioning; the right to be medically examined by an independent doctor; and the right to be promptly brought before a judge.
15. Given the gaps between the provision of safeguards against torture and ill-treatment in law and their application in practice, **clear, detailed regulations** such as Standard Operating Procedures (SOPs) could be developed to complement laws, and allowing for better recording of their practical implementation.
16. Putting in place **independent police oversight mechanisms** mandated to investigate complaints of police abuse and ensuring investigations are conducted impartially was also seen as a good practice, with examples shared being The Bahamas' Police Inspectorate, Denmark's Independent Police Complaints authority (IPCA) and Jamaica's Independent Commission of Investigations (INDECOM).
18. Additionally, the role of **oversight and monitoring bodies**, such as National Human Rights Institutions (NHRIs) and National Preventive Mechanisms established under UNCAT's Optional Protocol (NPMs), were highlighted as helping to monitor the implementation of safeguards. For example, the national body for the prevention of torture in Tunisia is empowered to visit police detention facilities and other places of deprivation of liberty on a regular or unannounced basis, in order to verify conditions of detention and their compliance with international standards.
19. Participating States also highlighted some of the **common challenges** hampering the effective implementation of detention safeguards, which included:
 - **Capacity constraints** (staffing in particular) associated with guaranteeing the **right of access to a lawyer** and/or doctor for all arrested and detained persons, especially in countries with a wide geographical spread and/or a vast population, or due to financing challenges;

² See, Richard Carver and Lisa Handley, *Does Torture Prevention Work?*, Liverpool University Press, Liverpool, 2016.

- **Translation costs** in contexts requiring it, and the associated resource and capacity constraints preventing, for example, the availability of interpreters or translation of relevant documentation; or
 - **Resistance** by police who may sometimes perceive the implementation of safeguards as hindering the conduct of the investigation.
20. Many positive measures have been put in place to address some of these challenges, which include:
- **Reforming** the Criminal Procedure Code to provide for the rights of suspects and accused persons, with the possibility of release or acquittal if they are not given the chance to read the rights or have not been informed of them (Lebanon and Tunisia). In Tunisia, Law No. 2016-05 amending the Code of Criminal Procedures introduced a number of measures to safeguard the rights of persons in police custody, such as the right to have a lawyer, the right to inform the family, the right to see a doctor, and the limitation of the period of police custody to 48 hours, renewable once only, and on the basis of a warrant from the public prosecutor (judicial review).
 - Introducing **custody officers** (a position distinct from the arresting or interviewing officer) who inspect persons coming into police custody, manage time limits on detention, detect cases of mistreatment and who refuse to record into custody persons who have been assaulted or abused without prior medical examination, as well as weekly doctor visits in lock-ups (Jamaica and Tunisia);
 - Distributing booklets among police officers containing the police **code of ethics**, and **practical guidance** on how to treat persons upon arrest or detention (Lebanon and Tunisia);
 - Requiring police officers to provide arrested persons with **a list of lawyers** who they can call upon being brought to police custody, with the consequence that being deprived of such right would entail a violation of the Criminal Procedure Code (Egypt);
 - Implementing a system of **mobile doctor units** driving to scattered police stations across the country to guarantee the right of arrested persons to access a medical practitioner.

Use of technology

21. Technological advances provide solutions and can allow more efficient case processing. Examples mentioned included the introduction of audio-visual recording of interviews, a new technology called “shotspotter”, which alerts the police by determining the exact location of gunshots fired, or piloting the use of body-worn cameras, and case registration, tracking and referral e-tools. Another example given was using CCTV footage as a deterrence measure to prevent abuse on the streets (Senegal).

Neuroscience and psychology supporting law enforcement effectiveness

22. Shane O'Mara, Professor of Experimental Brain Research at Trinity College Dublin, presented a compelling base of neuroscientific findings linking stress and memory inhibition and, in turn, the inefficacy of torture and other stressors in conducting criminal investigations.
- **Stress** was defined to be the heightened excitability or arousal in the brain and body, a perception that present or future events will be unpleasant combined with a lack of controllability over these events;
 - The part of the **brain** in charge of memory and event recollection is the same that regulates the body's response to stress, which shrinks and loses tissue volume as a result of the imposition of such stressors;
 - The **imposition of stressors** found in coercive interrogation (including threats of violence, depriving suspects sleep and other basic needs such as food and water, or sudden exposure to cold, heat or fear) severely impairs memory and cognitive functions, and increases the risk of producing false confessions and unreliable information.
23. Ray Bull, Professor of Criminal Investigation at the University of Derby, presented on how scientific developments in psychology continue to contribute positively towards developments in police practice in many countries, drawing on the policing reforms that took place in the United Kingdom, sparked by miscarriages of justice in the 1970s and 1980s. Research over 30 years in a growing number of countries shows that:
- Police training modules that are **psychology-based**, especially on (i) interpersonal skills, (ii) community awareness, and (iii) self-understanding, are best suited to developing effective interviewers.
 - **Rapport-based interviewing** is associated with securing a greater number of comprehensive accounts, including exculpatory ones as well as admissions/confessions.
 - There is a clear correlation between **interviewer strategies** and **suspect responses**. The use of open questions and rapport, empathy-based techniques have been associated with an increased likelihood of suspects admitting the offence, or giving reliable information.
 - Interviewers need to be both **skilled and experienced**.

Investigative interviewing

24. *Investigative interviewing* is an alternative to confession-focused interrogation. It refers to a method of questioning suspects, victims and witnesses using non-coercive interviewing techniques and which is based on building rapport with the interviewee. The technique counter-acts confirmation bias, tunnel vision and operationalises the presumption of innocence.
25. Through a simulated interview - led by two former police superintendents³ - on the application of the method in a fictitious case, the key stages of the interview process were explained: Planning and Preparation, Engage and Explain, Account, Closure and Evaluation (known the “PEACE” method in the United Kingdom, “KREATIV” in its Norwegian version, or “POAC” in Indonesian).
26. The role play practitioners highlighted the importance of (i) preparation including the review of all evidence, (ii) asking open-ended questions, (iii) leaving aside personal views as to guilt or innocence, (iv) listening to the interviewee and not interrupting, and (v) strategically disclosing relevant evidence when contradictions in the testimony arise. Adopting an open mind, without making assumptions or prejudging, has been found to result in the interviewee revealing information that the interviewer was unaware of. Because investigative interviewing lies in obtaining accurate, reliable information that can be verified and/or corroborated by other means of evidence, it does not necessarily mean that all the information given by the interviewee will be true, albeit it gives him/her the choice and autonomy to respond to the questions being posed and without pressure.
27. There was general agreement on the of the following recommendations, shared with a view to adopting investigative interviewing as a standard methodology of police questioning and including it in relevant police training curricula:
- Given that using investigative interviewing methods is about providing police officers with an alternative to coercive methods to obtain information or a confession, education and training on **the benefits** of the methodology would be relevant.
 - Making use of **existing material** on what investigative interviewing is about and how to apply it in practice, and integrate it in the curricula of training in Police Academies. For example, the [CTI Training Tool on Investigative Interviewing for Criminal Cases](#) has been translated into nine languages, and was being used by the Norwegian Police College, and was promoted as a good summary of the method for other countries⁴.
 - **Training on the methodology** needs to be made available to new recruits, senior police officers and those at superior level, identifying those at middle career level as agents of change within the force. It needs to be provided on an ongoing basis,

³ Dr. Andy Griffiths, Managing Director at iKAT Consulting and Jacqueline Griffiths, Managing Director at iKAT Consulting.

⁴ The CTI Training Tool is available in Arabic, English, French, Indonesian Bahasa, Norwegian, Portuguese, Spanish, Ukrainian and Vietnamese, accessible here: <https://cti2024.org/en/library/>.

including by providing refresher training courses, and accreditation, so adequate interviewing standards are maintained and do not decrease.

- Given the **adaptability** of the method to the different national contexts, and the fact that in many countries, it is the prosecution services, investigative judges or the judicial police who conduct interviews with suspects, victims and witnesses (e.g. in Argentina and Panama), training should also be made available to these actors.
- Establishing **monitoring and evaluation units** and conducting **peer-to-peer performance reviews** were seen as key to maintaining an adequate quality of interviews, and promoting sub-group discussions could stimulate debate within police officers on what best practices to adopt. Recording interviews was not only a safeguard for interviewees, but equally can be used as a helpful training device.
- Interviewing women and children requires **special skills** and creating special units within the police, prosecution and judiciary was seen as a good practice and had been adopted in some countries (Egypt). Training on interviewing children who are in conflict with the law, as opposed to victims, was also highlighted as needing to be taken into account.
- Building **strategic cooperation** with other police services in the region and/or regional law enforcement organisations, especially in the context of interviewing suspects of organised crime, transnational crime or terrorism, proves particularly helpful (Indonesia).

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