



Incentivized Legal Admissions in Children

Part 2: Guilty Pleas

About this research. This document summarises findings and recommendations from a research project examining the pressures children face to plead guilty, the extent to which these pressures may be leading innocent children to plead guilty, and ways that the guilty plea process might be perpetuating inequalities.

Introduction

Children are incentivized to plead guilty when accused of a criminal offence. In this context, decisions to plead guilty can be complex, and involve a range of considerations other than factual guilt. Children may be particularly susceptible to pleading guilty when innocent, or to plea decision-making lacking informed consent. This research examines guilty plea decisions in children.

Methodology

Data for this research was collected through:

- Online surveys completed by and follow-up roundtable discussions with thirty-three legal professionals, and
- Interviews with nineteen children who have pleaded guilty.

Key Findings

- Pressures including from fear of detention, time limits, the desire to avoid trial and peers and family are key influences in children's plea decisions.

“...for a lot of young defendants their fear is detention and therefore if they're in those types of cases where they are on the border where an early guilty plea will make the difference between detention and community disposal, they tend to just want to plead guilty. **Barrister**

...at the first appearance he said I want to plead guilty. 'Why do you want to plead guilty?', 'Cause I don't want to come back here. This is very stressful. This is very long.' **Defence Solicitor**

- Partly as a result of these pressures, innocent children are very likely to be pleading guilty.

“I think the issue... the problem with the current system is... youth will plead guilty... when they are not guilty at all. **Defence Solicitor**

I still believe that I did not do the crime. **Child who pleaded guilty**

- There is a risk that the guilty plea system is exacerbating inequalities. Children with behavioral and developmental disorders may be systematically pleading guilty more often than their peers regardless of factual guilt, and children from minority ethnic backgrounds may be systematically pleading guilty less often than white peers.

“Youths with disorders may be keen to avoid having a trial as they may find court proceedings stressful...they may also find it difficult to understand legal concepts when deciding how to plead. **Defence Solicitor**

Children from minority groups often feel misunderstood or targeted so tend to plead not guilty. **Defence Solicitor**

- There are significant potential deficits in legal representation of children, both in terms of the time that lawyers are able to spend with children prior to a plea decision being made and in terms of the lack of specialist training or experience in some lawyers representing children.

“It's very very difficult with children with behavioural or special educational needs. There is no point in saying to the usher 'look, I have to have more time', because they just won't allow you. **Defence Solicitor**

I think there's no denying there are difficulties with non-specialist youth court practitioners representing in youth courts, in my experience. **Defence Solicitor**

Recommendations

for Reform

- Lawyers working with children should receive specialised training.
- The sliding scale of sentence reductions for those who plead guilty needs to be more flexible for child defendants, recognising they may not be able to understand evidence so easily or make decisions so quickly.
- More needs to be done to make trials accessible for children, particularly those with enhanced vulnerabilities such as behavioral or developmental disorders.
- Children should not face a custodial sentence if convicted at trial but receive a community sentence if they plead guilty.
- Lawyers should have more time with children prior to court hearings.

This research summary and the associated policy report are available to download from:
evidencebasedjustice.exeter.ac.uk/current-research-data/incentivized-admission

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