



Incentivized Legal Admissions in Children

Part 1: Cautions

About this research. This document summarises findings and recommendations from a research project examining the pressures that children face to ‘admit’ guilt when doing so enables them to accept a caution and avoid prosecution, and the vulnerabilities of children in this system of incentivized admission.

Introduction

Children are incentivized to admit guilt at the police station when admitting guilt means they can accept a caution but not doing so means they will face criminal prosecution. Admitting guilt and accepting a caution then has criminal records implications for the child. In this context it is important to ensure that children do not feel pressured to admit guilt, especially when they are innocent. This research examines decisions to admit guilt and accept cautions in children.

Methodology

Data for this research was collected through:

- Online surveys completed by and follow-up roundtable discussions with thirty-three legal professionals,
- Online surveys completed by and follow-up roundtable discussions with eighteen appropriate adults, and
- Online surveys completed by people who accepted cautions as children.

Key Findings

- Children admit guilt in exchange for receiving a caution because this is a quick and easy way to deal with accusations against them.

“ I think they just want to cross it off the list and move on and a caution is the best way for them to do that. **Defence Solicitor**

The young people are frightened in police custody. They are frightened. A lot of them are not hardened criminals or anything like that as you can judge from their actions, it's their first time. They just want to get out of there as quickly as possible. **Appropriate Adult**

- This desire to deal quickly and easily with accusations against them is often combined with a lack of appreciation for the consequences of admitting guilt and accepting a caution.

“ I don't think generally children, or adults, really take on board the consequences of cautioning. We often get contacted by people 15, 20 years after they've been cautioned to say 'oh, I didn't know this was going to happen, I'm not going to be eligible for this job'... **Defence Solicitor**

I think there probably wasn't any other option but at the time I did not understand the effect it could have on my employment possibilities or the fact that I would be stuck giving my DNA forever. **Respondent who Accepted a Caution as a Child**

- Children feel pressure to admit guilt due to wanting to avoid court or more severe consequences.

“ Not getting locked up was described as the reason for accepting a caution by one respondent who accepted a caution as a child.

- Children who have not committed a crime are likely to be admitting guilt and accepting a caution where the case against them is weak.

“ I do believe some suspects accept a caution to avoid prosecution...cautions are given more readily to youths...who may sometimes accept cautions when it is not clear they are guilty of an offence. **Defence Solicitor**

- Children are getting insufficient support when deciding whether to admit guilt due to not requesting legal assistance at all, the lack of legal assistance at the point of formal admission and caution acceptance, insufficient delineation of the roles of the lawyer and appropriate adult, and insufficiencies in legal representation and appropriate adult support.

“ They see the asking for legal representation is going to delay the process and also that it ratchets up the severity, so you know the thing where they feel they've not really done anything wrong or it's not particularly serious, they tend not to want legal representation. **Appropriate Adult**

...the problem you often have is the appropriate adult, if they're a relative or angry with the young person, and it might pressurize a child to make an admission that he really doesn't want to make. **Defence Solicitor**

- Children with disorders including autism spectrum disorders and attention deficit hyperactivity disorder are particularly vulnerable due to difficulties with the criminal justice process.

“ In my experience, especially over the lockdown period, people with Autism are suffering from the changes to their routines and a trip to custody tends to be additionally traumatic. These clients are more likely to accept a caution in order to leave custody as soon as possible. **Appropriate Adult**

Young people with Autism, ADHD or other mental health issues, can find the process extremely stressful. If they have not been arrested before, they have to meet multiple strangers, a lawyer, an appropriate adult and this adds to the stress of the arrest. It also means they would rush the process as a way of getting out of the station. Also, they cannot imagine having to go through it all at Court again. **Defence Solicitor**

Recommendations for Reform

- Legal representation should be mandatory for children.
- Lawyers working with children should receive specialist training.
- Language surrounding cautions should be regulated and recorded.
- Lawyers working with children should consistently assist with caution acceptance and receive appropriate remuneration.
- Cautions should be clearly justified based on evidence.
- Cautions should not have criminal records implications.

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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