



Transform
Justice

Research and Practice in Conversation: Policing Lab Event
14/12/21



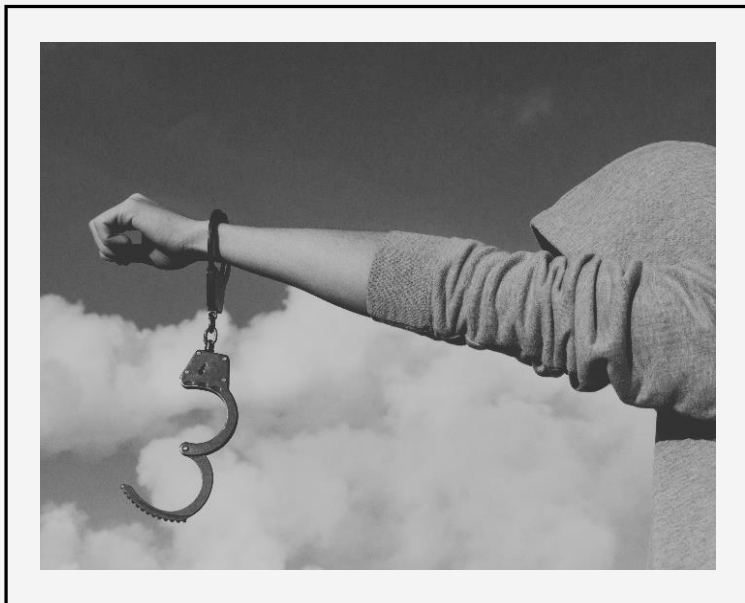
Deflection, Diversion, and Incentivised Admission

Penelope Gibbs

Dr Rebecca K Helm

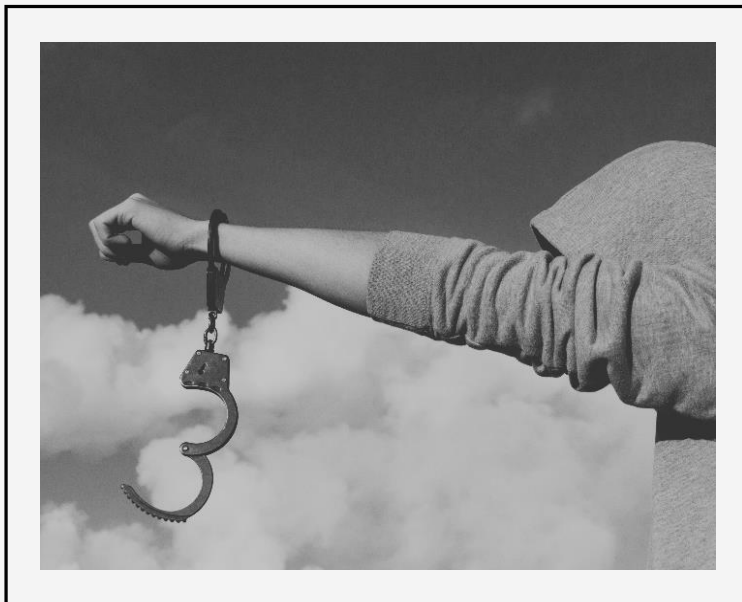


Trends in out of court disposal



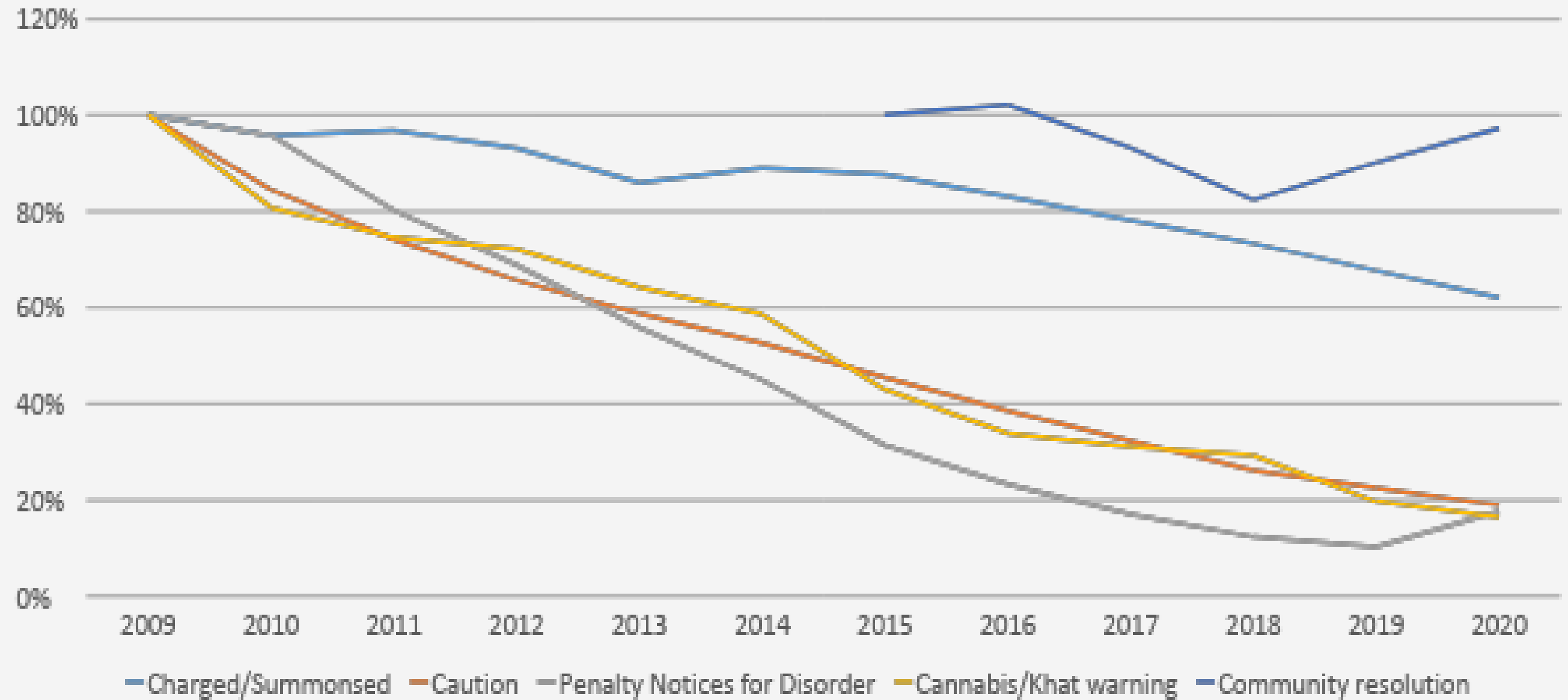
01

Trends in out of court disposal



01

Indexed trends in court and out of court disposals 2009-2020



Source: Criminal Justice Statistics Quarterly, 2020

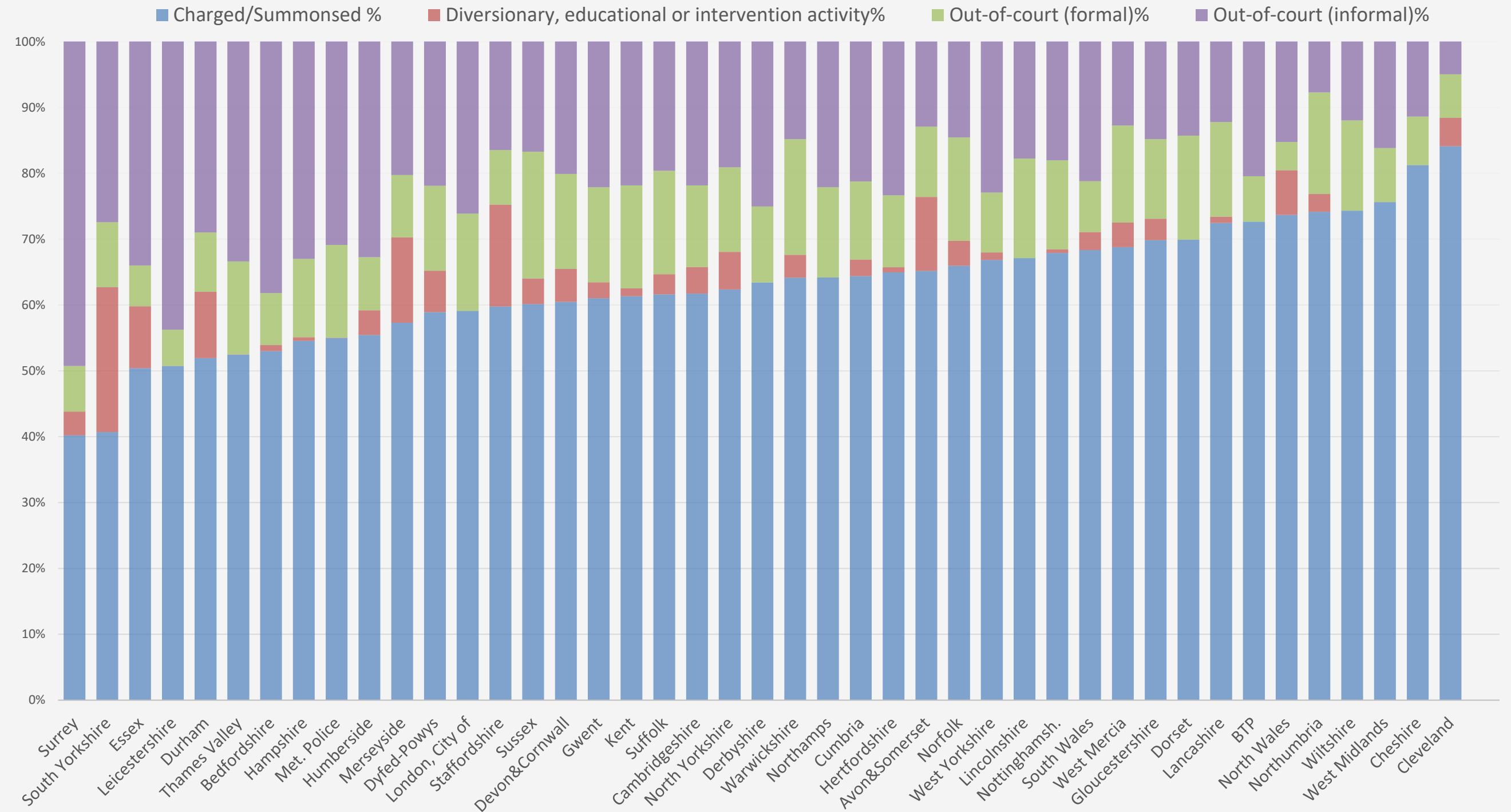
Dr Rebecca K Helm & Penelope Gibbs | Deflection, Diversion, and Incentivised Admission

Our of
court
disposal by
area



02

Our of court disposal by area



Reoffending statistics by disposal type

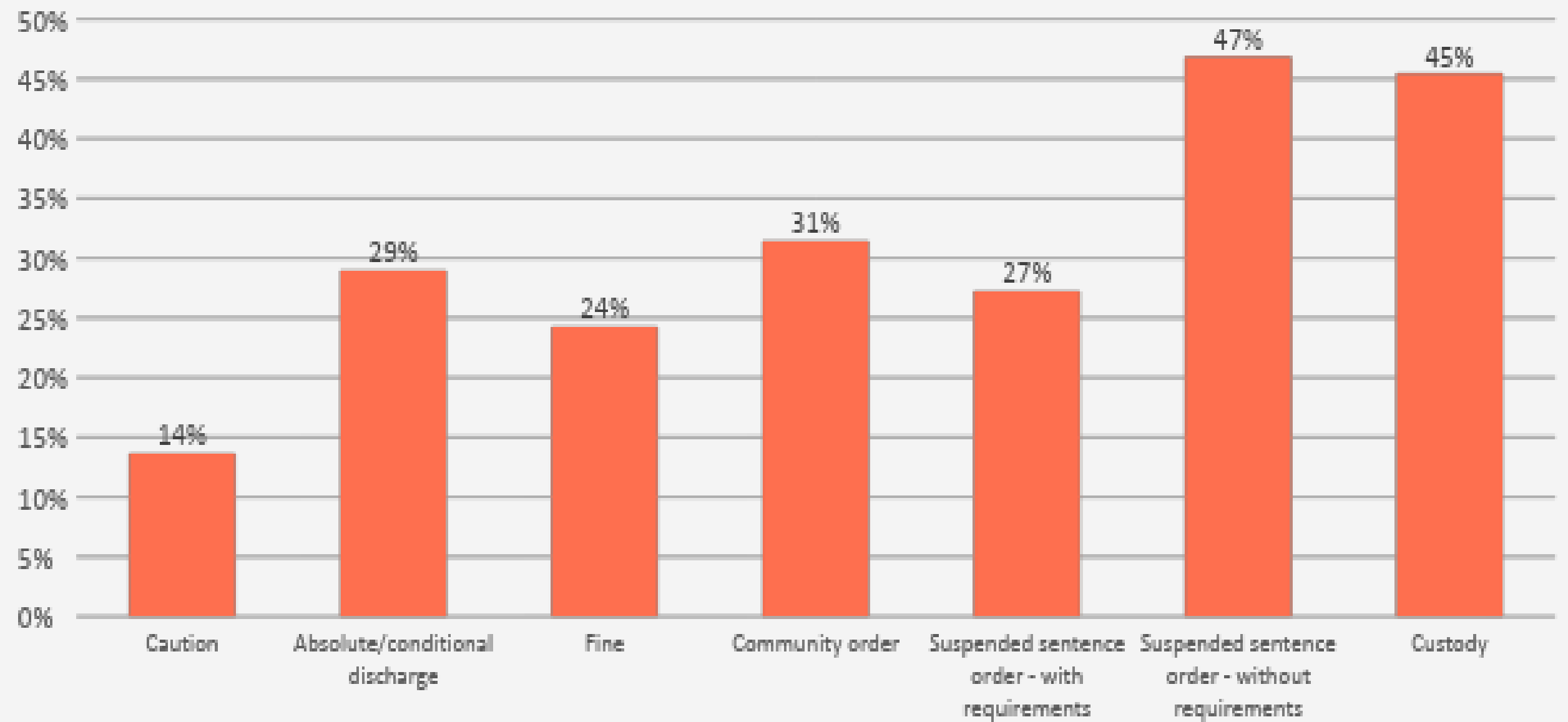


03

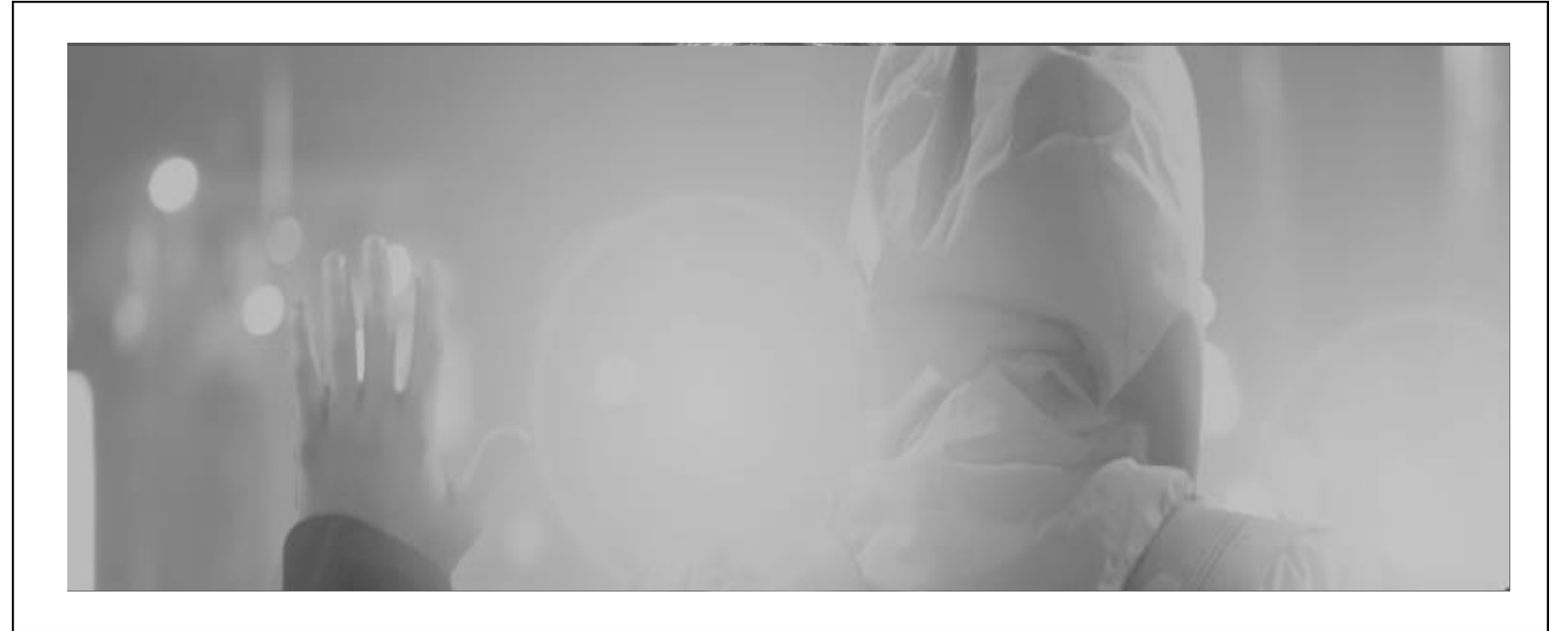
Reoffending statistics by disposal type



Reoffending by type of disposal October to December 2018



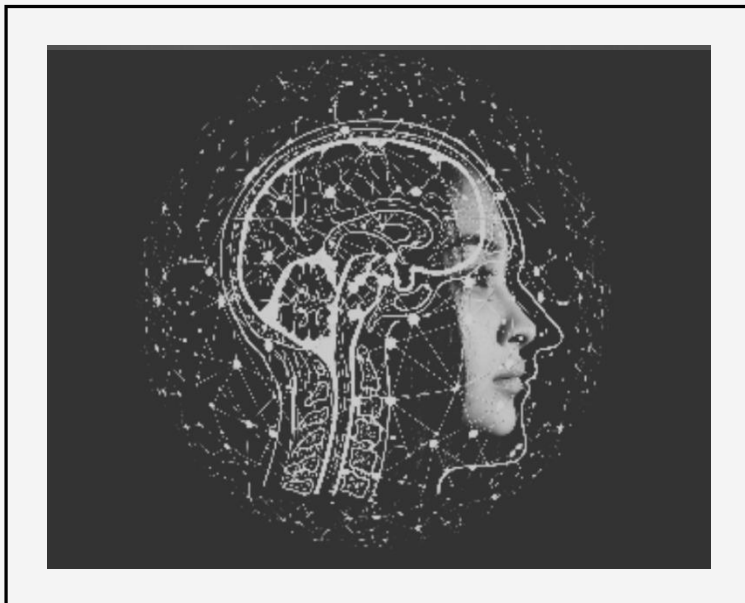
Admission



Why Are Children Vulnerable?



Understanding



04

Helm, 'Guilty Pleas in Children' (2020)
Journal of Law and Society

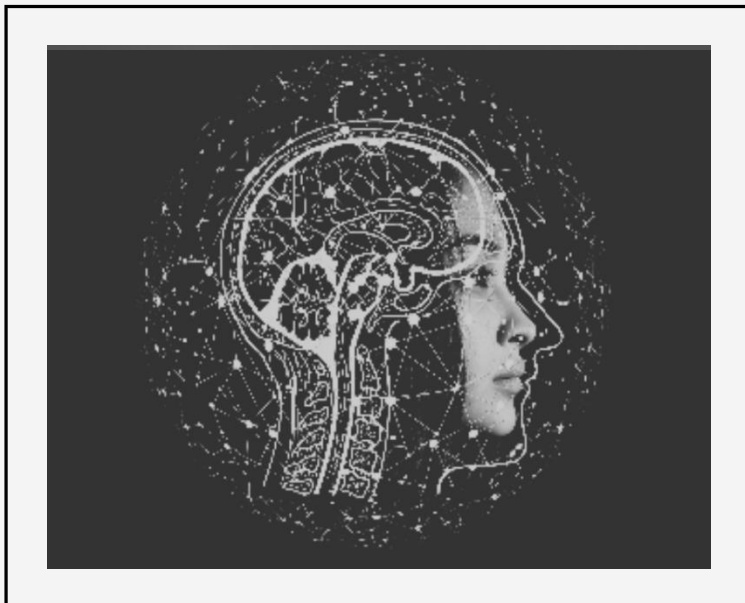
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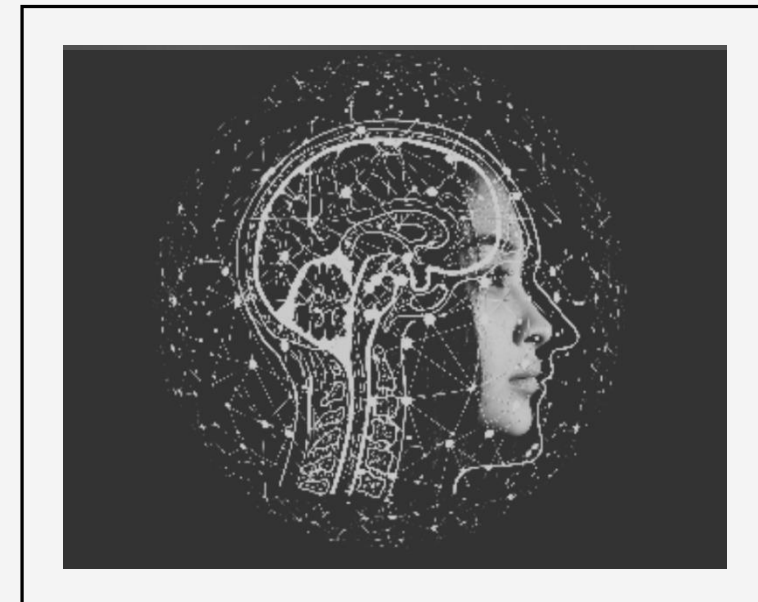


Understanding

Children may not understand the offence they are accused of, any available defenses, procedure, or the implications of accepting a caution.



Why Are Children Vulnerable?



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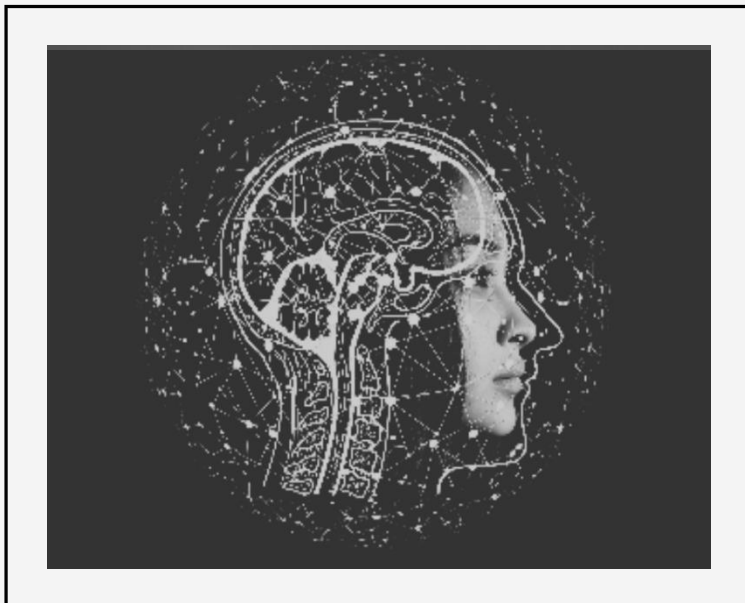
“I still believe that I did not do the crime”

Why Are Children Vulnerable?

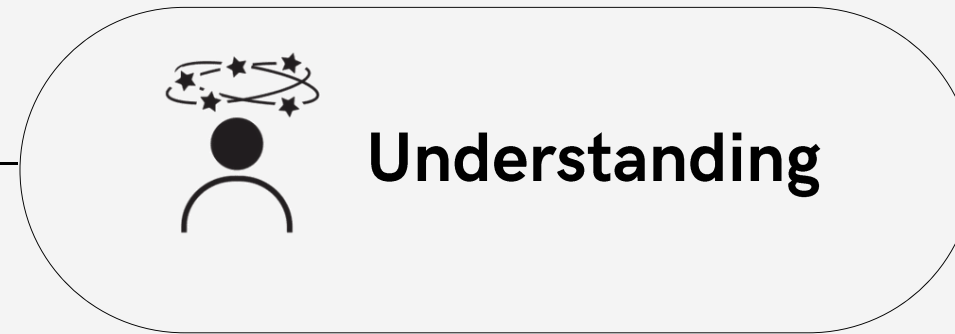
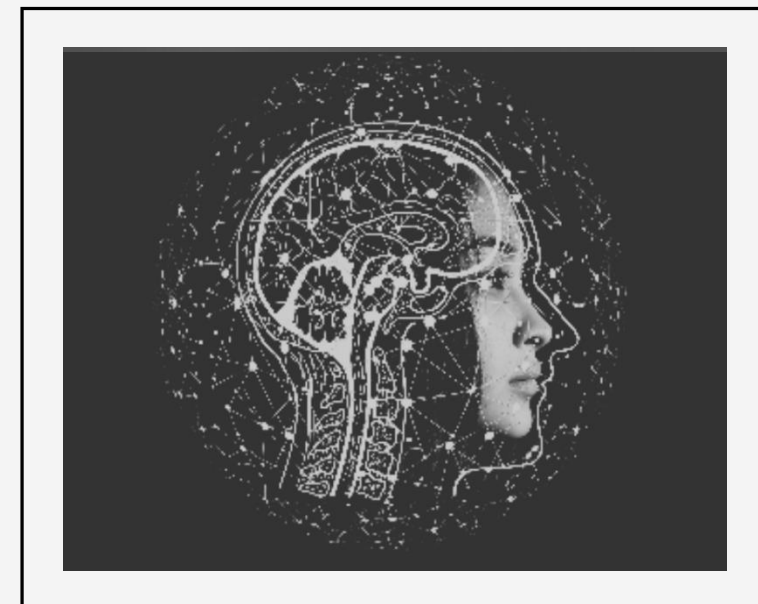


Understanding

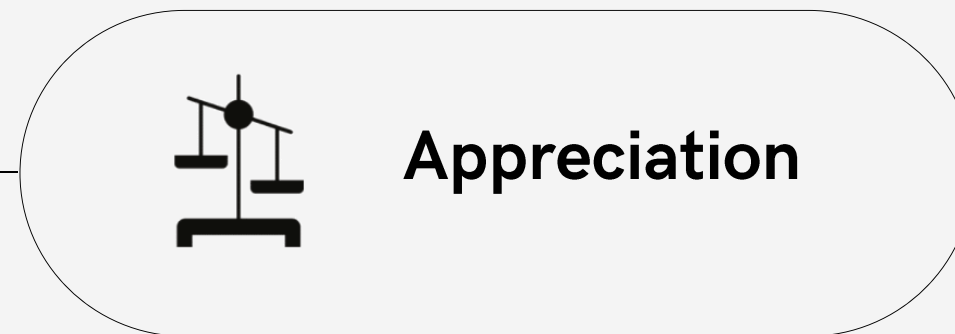
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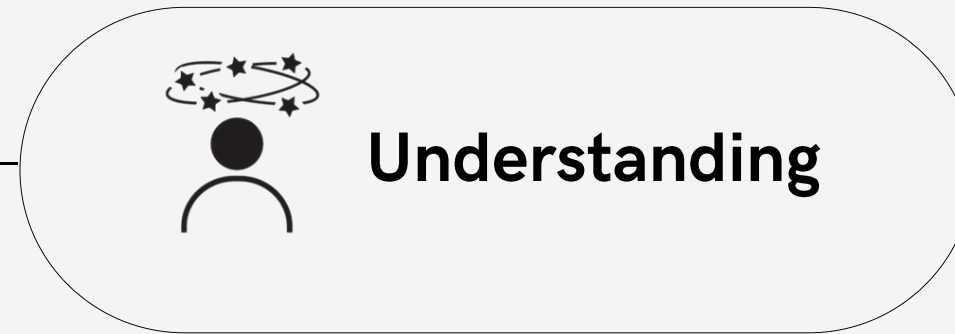
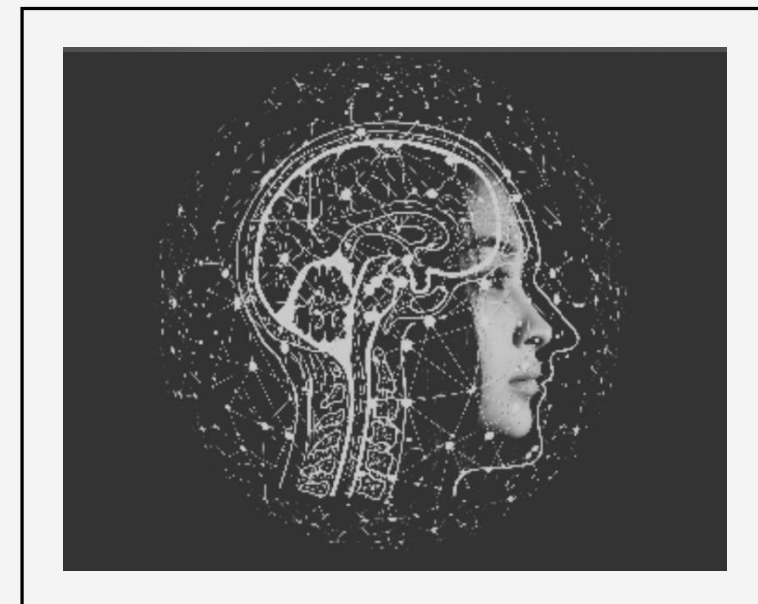
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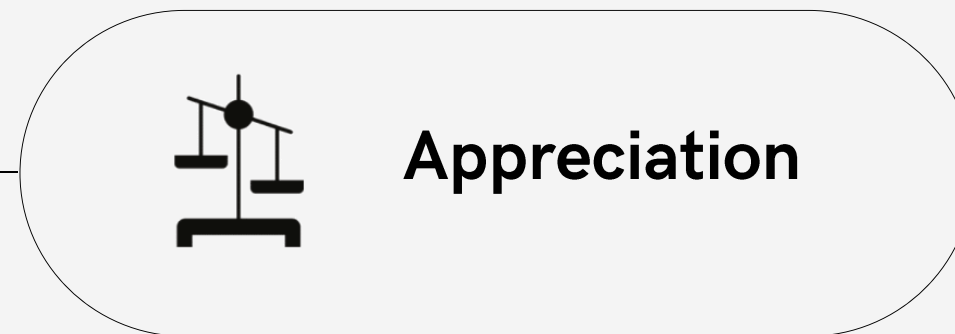
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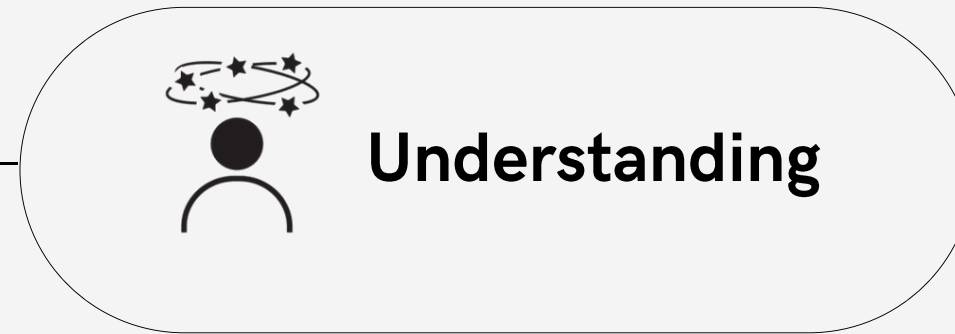
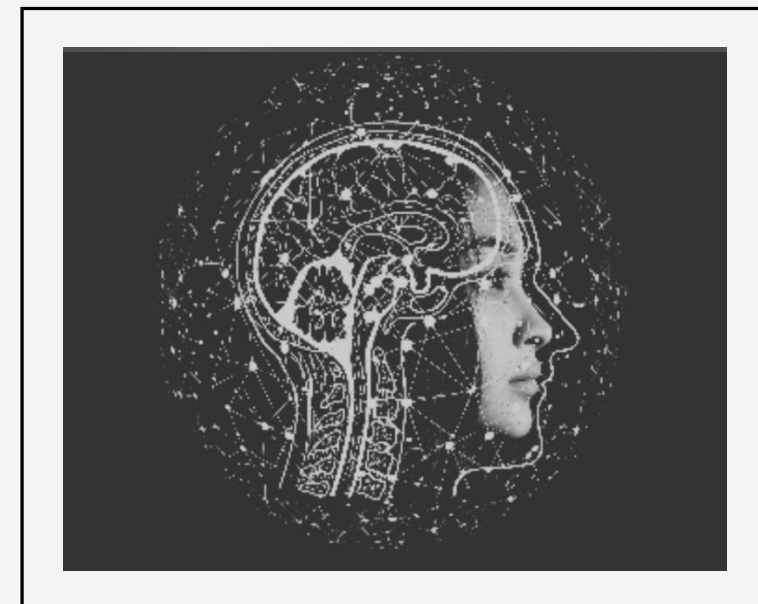


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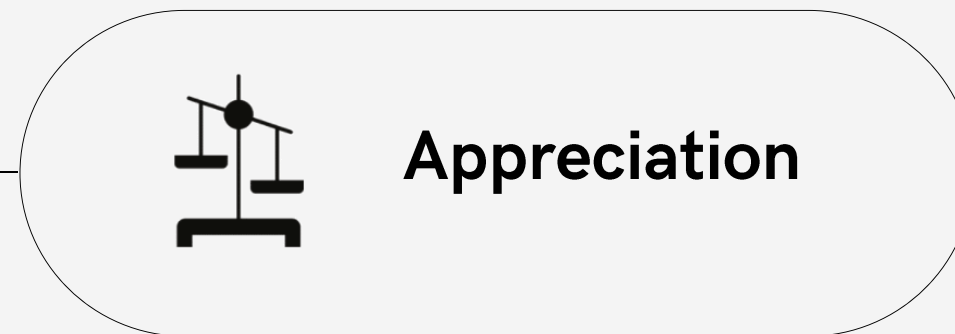


Decision-making systems susceptible to the influence of superficial incentives and the neglect of meaningful incentives.

Why Are Children Vulnerable?



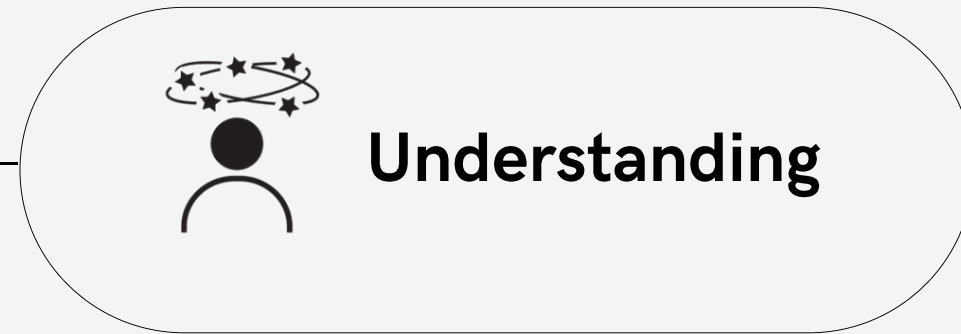
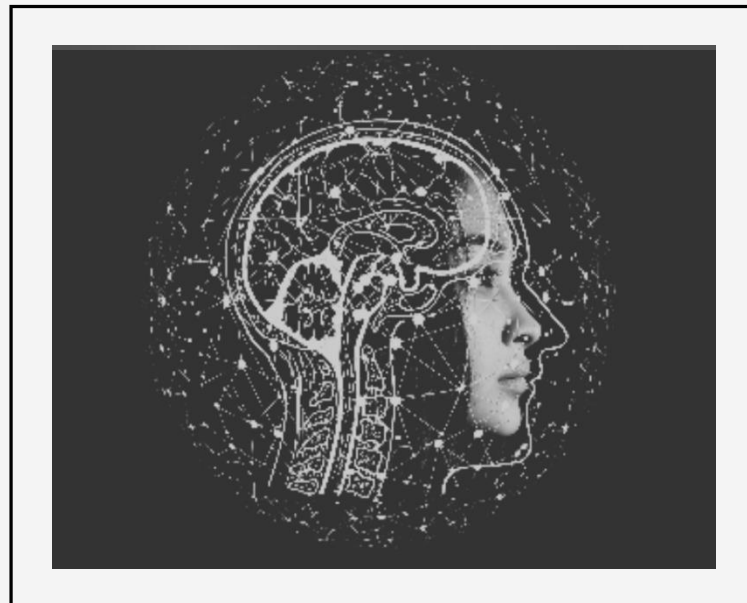
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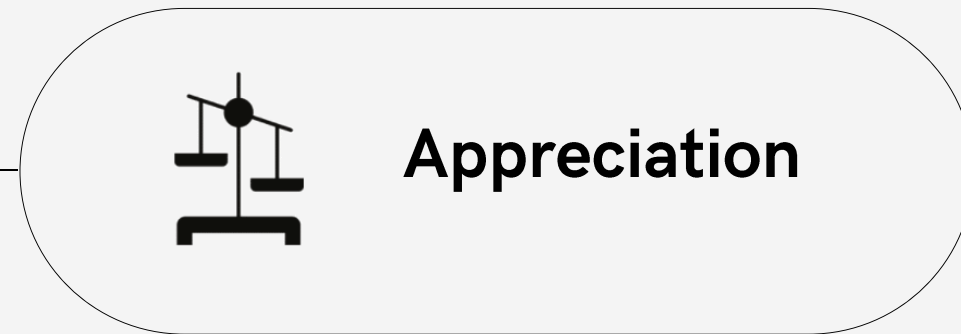
Decision-making systems susceptible to the influence of superficial incentives and the neglect of meaningful incentives.

“...sometimes it’s quite a struggle to discuss with them what it means in terms of their future aspirations because they are just sort of thinking about the short-term gratification, you know, getting released” (Appropriate Adult)

Why Are Children Vulnerable?



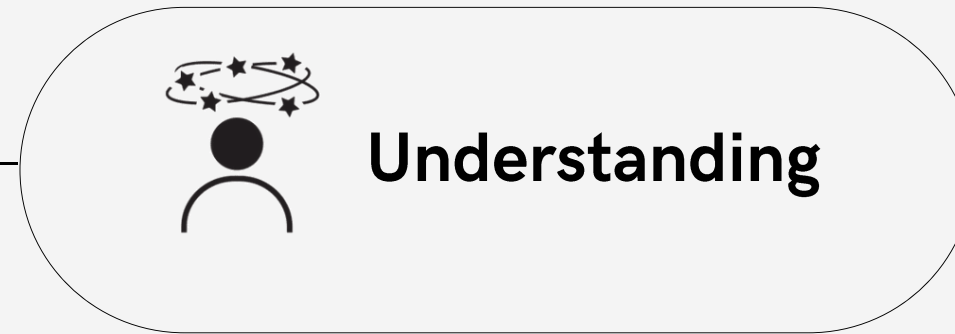
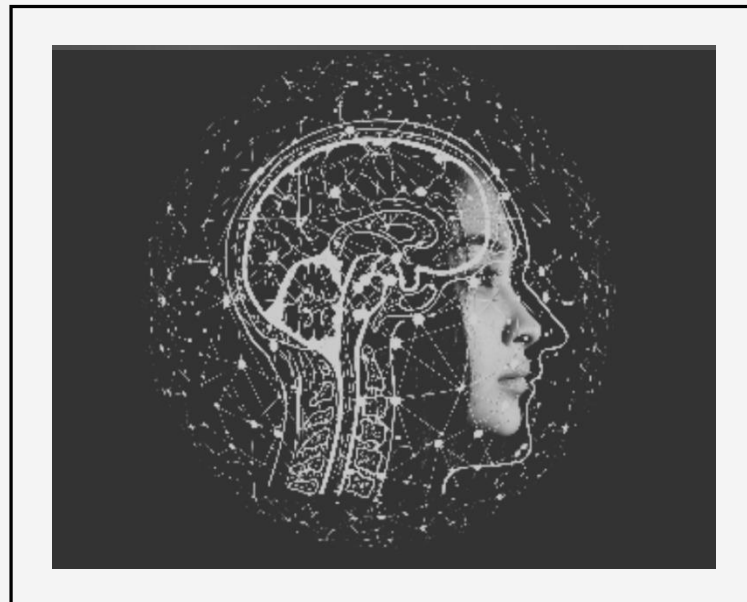
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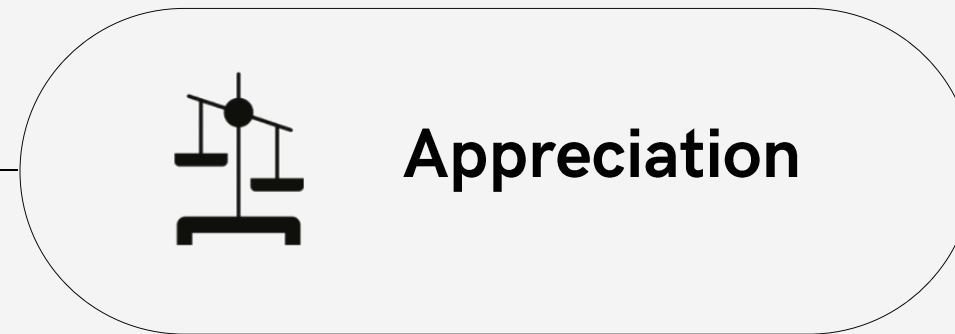
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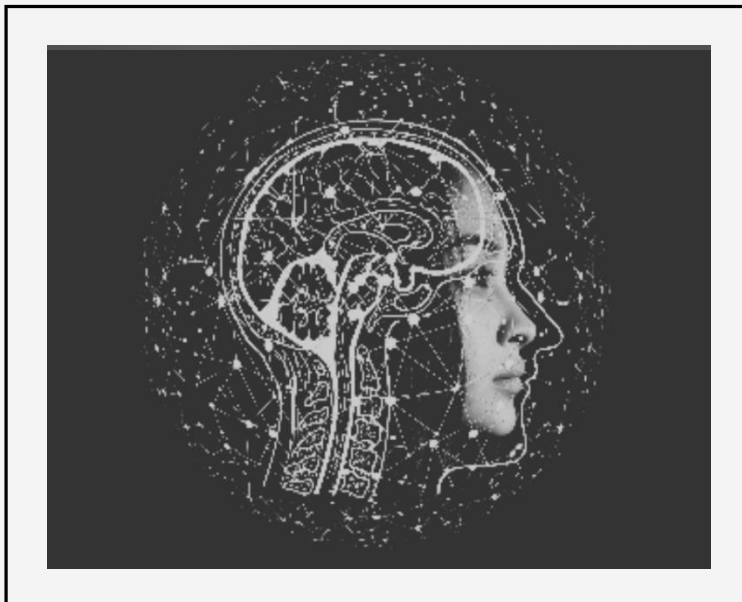


Children may be pressured by the system itself or by lawyers, peers, or family.

Why Are Children Vulnerable?

"Young people are frightened in police custody. They are frightened. A lot of them are not hardened criminals or anything like that...they just want to get out of there as quickly as possible"

"This is very stressful. This is very long."

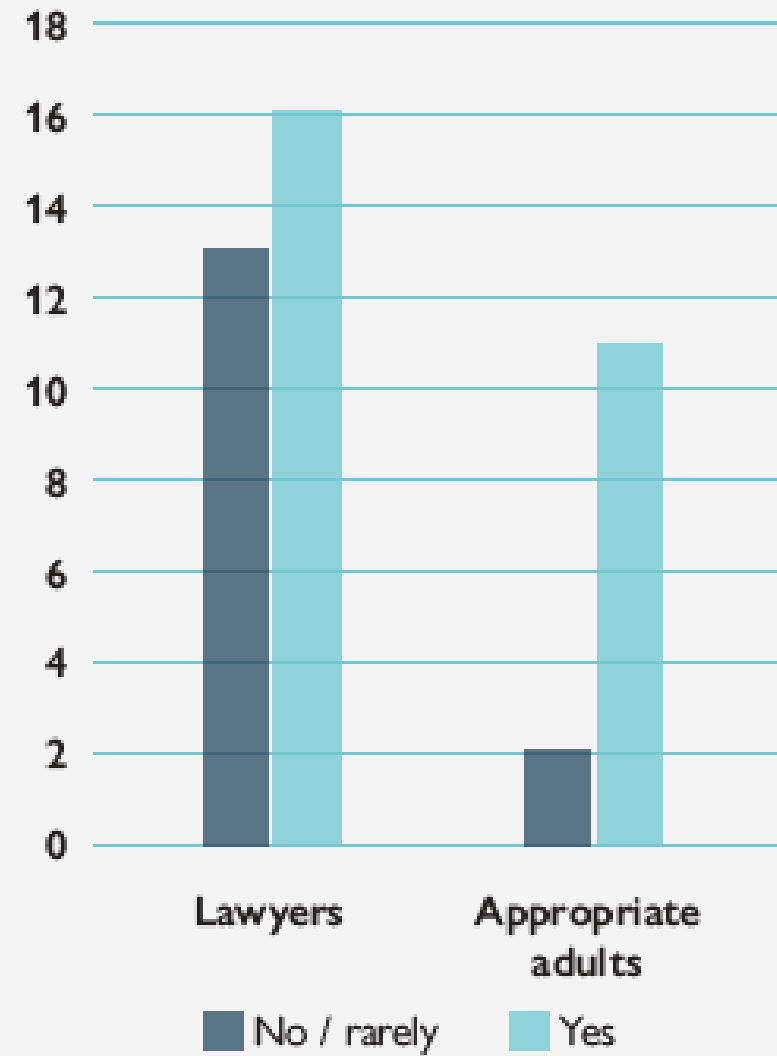


Consequences of
Vulnerability





Responses to
Are children who have not committed a crime admitting guilt and accepting cautions?



I have never advised a client to accept a caution if they have not committed an offence. However, 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

Helm, 'Incentivized Legal Admissions in Children' (2021)

Maximizing Effective Use of Cautions

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Cautions should be used more frequently

Barriers to the use of out of court disposal (e.g. required admissions) may be unhelpful.

Maximizing Effective Use of Cautions



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Ensure evidence is strong enough for charge

- Improved disclosure helpful.
- Representation helpful
- Particularly for children.

Maximizing Effective Use of Cautions



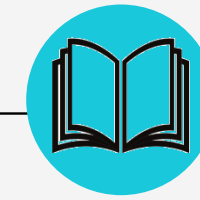
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Remove criminal records implications

UNIVERSITY OF
EXETER

EVIDENCE-BASED
JUSTICE LAB

Incentivized Legal Admissions in Children
Part 1: Cautions

About this research. This policy report presents 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.

https://evidencebasedjustice.exeter.ac.uk/wp-content/uploads/2021/09/ChildCautions_FullReport-1.pdf

Deflect and divert: a common sense approach to dealing with low level crime

The criminal justice system is like a manual transmission car. We need to use all available gears to best effect. If we overuse the top gear – imprisonment – the car won't work effectively, efficiently or economically.

Diversion and out of court approaches – the first and second gears of the justice system – have proven to be effective in preventing reoffending and in addressing the needs of victims. They have also had a crucial role to play in slowing the spread of covid-19. The confined spaces of police custody, courts and prisons increase the risk of infection spreading. Prosecutors have been advised to opt for out of court disposals such as cautions or community resolutions for less serious crimes.

This booklet outlines the case for diversion and out of court approaches – the first and second gears of the justice system.

Transform Justice

https://www.transformjustice.org.uk/wp-content/uploads/2021/02/TJ_Out-of-court-_-052.pdf

Thank you



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Survey Link:

https://exeterssis.eu.qualtrics.com/jfe/form/SV_5vB1Vg4frj7x92K