



Supporting vulnerable suspects through the investigation stage: Empirical Background: Young Suspects Miranda Bevan



THE LONDON SCHOOL
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Empirical research: children and young people in the police station

Age range	n= 41
10-14	5
15-16	19
17-18	15
Over 18	2

	In current study (n)	% in current study	% C & YP arrest pop. (2016/17)
Girls	8	c.19.5%	16%
BAME	11	c.27%	28%

Observations in police stations: in three force areas, tracking young suspects in detention and face to face discussions with custody officers and staff/volunteers.

Interviews with adult informants: appropriate adults, ICVs, and legal reps.

The need: vulnerabilities of young people in contact with CJS

- **Natural developmental immaturity:** (Grisso et al (2003) and Cauffman and Steinberg (2012))

PLUS

- 23 -32% have **learning / intellectual disabilities** (cf. 2-4% of young people in the gen.pop)
- 43-57% have **specific learning difficulties** (c.f 10%)
- 60-90% have **communication (speech and language) disorders** (cf. 5-7%)
- 12% have **ADD/ADHD** (cf. 1.7-9%)
- 15% have an **autism spectrum condition** (cf. 0.6-1.2%) (Hughes and Ors 2012)
- **Low IQ:** 23% had IQs of under 70 (extremely low) and 36% had IQs of 70-79 (Harrington and Bailey 2005)

The need - young suspect perspectives: the officer's questions

- **‘Tripping up’**: Leading questions, repeat questions:
I couldn't remember what the first thing they said to me, so then they ask you again. Then again and again, until they get what they want. (Evan M16)
- **‘Twisting’**: legal-closure questions and reframing:
...even if you do say something they will try and twist it into thinking that you've said something completely different. And they will read it back to you but they will say it completely different to how you said it and it's like 'I didn't say that'.
(Harper F18)
- **Don't believe you**:
Everything I'd say he'd have a look on his face that he doesn't believe what I'm saying. I answered everything truthfully and as best as I could. (Tom M18)
- **Lies**:
I was like, "Listen, don't try to lie to me." I hate it when the officers lie. I hate it. (Elijah M15)

The need - young suspect perspectives: dealing with questioning

- **Helplessness:** Reluctance to object/raise issues of understanding:
No, I just, just think it in my head really, I don't really like speaking to them (Kyle M15)
- **No comment:** in response to twisting/tripping up
That's why I just go with, "No comment," because they've caught me out a couple of times. After that I just say, "No comment." (Carter M18)
- **Anger/frustration:**
...when they're accusin' me of stupid stuff that I've not done, it just really winds me up. Like, when I was in an interview, I snapped. (Evan M16)
- **Losing focus:**
...just like started not thinking before I say anything. (Avery F24)

What about appropriate adults?:

structural issues

- **Scope of role reduced:**
 - police focus on process, esp. interview timing of callout/arrival
 - YP not told of role/rights (esp. Code C 3.18)
- **Lack of legal prof. privilege:**
 - AA rarely present for legal advice
 - AA rarely engaged in decision-making
- **Intervening in interview:**
 - Hostile approach of interviewing officer
 - Solicitor takes the lead
 - Challenge to ID inappropriate questioning
 - Communication skills for higher need cases

What about appropriate adults?:

Young suspect perspectives

Familial:

Supportive for some (few), but issues including **effectiveness (especially re non-English speakers)**, and **varied pressures** arising from their presence/relationship, inc.

- **Inhibition:**
you're just gonna make yourself lie just cos your Mum's there (Sadie F17)
- **Distress** for young suspects seeing Mum/family member upset:
Makes you feel you wanna break down (Michael M14)

Non-familial:

Again supportive for some (few), but issues around **effectiveness and rapport:**

- **Stranger:**
...some next white guy I don't even know who he was, I'm not going to feel comfortable around him, he felt like a police officer himself (Zayn M17)
- **Overload:**
...they have to know the situation as to why you're in custody, um and then that's another person that you've gotta talk to' (Harper F18)

Current position: very limited use of intermediaries in police interviews

- No intermediary assistance experienced by any young participants in research study.
- No custody staff/AA/healthcare professionals/legal reps on observations/in interviews had any experience of intermediaries assisting detainees/suspects

Why? Identification challenges:

Fitness for Interview

- Decision of CO: Limited training/awareness re MH/LD/ASC
Limited awareness of Annex G
Timing: part of risk assessment or just before i/v?
- FFI an Issue?: FFI associated with intox. or acute mental illness
AA the panacea
Developmental issues/LD rarely considered.
- Healthcare input: Very few child/adolescent specialists
Few tailored instruments in use
L & D focus on referral not welfare/EP
Sidestepping the issue
- Where concerns: Limited consideration of/scope for adjustments
Limited options - Bail/interview/straight to charge

Why? Identification challenges:

Young suspect perspectives

- **Reluctance to disclose during risk assessment:**
I could've told them that I've got an EHC plan. I could've told them that I smoked. I could've told them that I've been in hospital, but I didn't really wanna 'cause I didn't see the point in them knowing anything like that. (Kate F16)
- **Refusal of assessment: Doubts about independence of medical staff/L & D:**
The mentality's the same with them. Even though they're independent they're still attached to the police....I just wanted to get out of my cell so I agreed to talk to her (L & D)...But I was just chatting rubbish (Harper F18)
- **Refusal of assessment: not keen to engage:**
So you just tell them to get lost and they go. If you don't wanna talk to 'em - you ain't gotta talk to 'em. (Luke M17)

Other practical challenges:

- **Greater awareness of intermediary role** needed: custody officers, healthcare professionals, and legal reps.
- **Timely identification** in difficult circumstances - in a busy suite, sometimes unco-operative suspect.
- Unlikely to be pursued if suspect is not **legally represented**
- Likely to require **suspect to be bailed**
- **Resource issues:** financial (how is funding to work?), personnel (suitable intermediary available?)

Conclusions

- Clear need for greater availability of intermediary support in detention for young suspects
- Similar issues likely to arise for vulnerable adults
- Substantial challenges: identification, practical issues - but not unworkable if police prepared to bail

References

- T Grisso et al, *Juveniles' competence to stand trial. A comparison of adolescents' and adults' capacities as trial defendants* (2003) *Law and Human Behaviour* 27, 333
- Cauffman and Steinberg, *Emerging Findings from Research on Adolescent Development and Juvenile Justice*, *Victims and Offenders*, 7:428-449, 2012.
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- Harrington R. and Bailey, S. (2005) *Mental health needs and effectiveness of provision for young offenders in custody and in the community*, London: Youth Justice Board.

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