



YOUTH  
PRACTITIONERS'  
ASSOCIATION

**Presentation by Leah Connolly, Secretary of the Youth Practitioners'  
Association & Defence Solicitor, Sonn Macmillan Walker**

# No Comment - The Good, The Bad & The Young Person

An overview of representing young people at the police station and the need for flexibility.

Leah Connolly - Solicitor - Sonn Macmillan Walker

# Exercising Right to Silence a.k.a No Comment

Multiple benefits to a “No Comment” interview

- Avoid incrimination
- Not there to do police’s job for them

HOWEVER, often lawyers get a bad press for advising young people to exercise their right to silence.

Purpose of this webinar to consider the reasons behind a “No Comment” interview and whether or not we should change our mindset in order to get the best possible outcome for the young person.

# ADMISSIONS, DEFICIENCIES IN ADVICE & DIVERSION

- ▶ One of the biggest reasons why “No Comment” maybe not be appropriate advice for a young person is principle of DIVERSION.
- ▶ Many young people can be diverted away from the Criminal Justice system providing an admission is made.
- ▶ There are times when advising a “no comment” interview would be appropriate for an adult but not for a young person. E.g
  - ▶ **KNIVES - Under 16s arrested with Possession of Bladed Article/Off Weapon CAN be diverted provided no dangerous circumstance**
  - ▶ **Even if dangerous circumstances, an admission at the police station could help diversion at Court.**
  - ▶ **ABH is another offence, for which a young person could be diverted but not an adult.**

# ADMISSIONS, DEFICIENCIES IN ADVICE & DIVERSION CONT...

- ▶ ACPO Gravity matrix sets out a list of offences, and affords them a score between 1-4.
- ▶ Offences with a score of 1-3 can be diverted.
- ▶ Offences which score a 4 on the Gravity Matrix are referred to the CPS for charge
- ▶ Important to NOTE
  - ▶ it does not matter when the admission is made DESPITE many police officers thinking that a diversion is only available if made in interview
  - ▶ No need for the young person to say “SORRY”, acceptance of responsibility for actions is sufficient

# Prepared Statements

Often prepared statements are used as a way of controlling the way we provide information to the police.

Often a useful tool when the young person is unwilling to talk to police or perhaps might be a little too willing.

However, one of the major criticisms with prepared statements is they tend to focus more on the serious offences and the lesser offences are forgotten or missed out.

E.g. YP arrested for Robbery & Possession of Cannabis.

- Prepared Statement should include a denial of the robbery & admission to cannabis

- Can have more than one disposal. Offences can be disposed of differently.

# Prepared Statements cont...

- ▶ A prepared statement could also be a way of raising child criminal exploitation (CCE)
  - ▶ Some indicators of CCE:
    - Persistently going missing from school or home
    - Being found out-of-area;
    - Unexplained money/clothes/mobile phones
    - Relationships with older individuals/groups
    - Leaving home/care without explanation
    - Suspicion in terms of physical assault and/or unexplained injuries
    - Decline in behaviour/performance at school
    - Self-harm or significant changes in behaviour and/or emotional well being.
- ▶ This would (in theory) trigger the police's obligation as first responder to make a referral via the NRM process.
- ▶ It would also trigger the sharing of information and safeguarding between the relevant professional bodies.
- ▶ The intention here being the child is viewed as a VICTIM and not an offender and perhaps even avoiding any form of criminalisation.

# But Mum says...

- ▶ Often it's not us lawyers who advise a young person to exercise their right to silence.
- ▶ Appropriate Adults who are not from the Appropriate Adult scheme may be familiar with the Criminal Justice System and were raised on "No Comment" being the only way.
- ▶ DIFFICULT to persuade a young person to answer questions and put themselves in the best possible position for diversion when Mum/Dad/Nan is advising differently.



# Disclosure

- ▶ Often we have NO CHOICE but to advise a young person to exercise their right to silence due to the disclosure provided by the police at the time of the interview being very limited.
- ▶ What do we mean by limited? One line...
  - ▶ “Your client has been arrested for burglary on 15 May 2021”
  - OR
  - ▶ “Your client has been arrested for Theft as he fitted the description given to us by witnesses. What description? Oh, sorry I don’t know...”

# How can we bring about change?

## CHANGING THE MINDSET OF APPROPRIATE ADULTS (A/A)

- ▶ Work with the A/A, explain the benefits of admissions → leads to O OCD, YC and YCCs.
- ▶ Opportunity to avoid Court
- ▶ Engage with the YP

## DISCLOSURE

- ▶ Challenge the disclosure given to us by officers, push for further information
- ▶ Explain why we need the further information, without it, the interview is going one way!
- ▶ Educate the police in terms of diversion, remind them of their duty to young people, to rehabilitate instead of punish
- ▶ Persuade them that a less adversarial interview will benefit everyone

# Membership

If you are interested in becoming a YPA member or wish to obtain further information please email [YPAyouth@outlook.com](mailto:YPAyouth@outlook.com).

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