CHAPTER 24

1. The appropriate adult’s role is to support, to advise and assist the juvenile and to ensure that the police are acting fairly with respect to the detainee’s rights.

2. Yes—subject to the same conditions as an adult applicant (i.e. interests of justice and means—however an applicant under the age of 18 will qualify automatically in terms of means).

3. YOTs undertake the day-to-day administration of youth justice. A YOT is situated in every local authority in England and Wales. The multidisciplinary membership of each YOT is drawn from the police, Probation Service, social services and education, the health authority, housing and drug, alcohol and substance misuse agencies. The YOT identifies the needs of young offenders and manages specific programmes to prevent them offending or reoffending. The YOT also exercises the statutory responsibility of supervising young people in custody and on community orders.

4. If it is decided not to prosecute Remi and evidential and public interest tests are satisfied under the Code for Crown Prosecutors, section 7.1 of the Code requires the Crown Prosecutor to consider the possibility of alternatives to prosecution. Remi may therefore be given a community resolution, a youth caution or youth conditional caution. A community resolution is a disposal that is appropriate for low-level offences and usually involves an element of restorative justice. This might require
Remi apologising to the victim or repairing any damage caused by the offence. A community resolution is, issued directly by a police officer who is satisfied with having identified the parties involved and the nature and circumstances of the offence, as well as the fact that the crime is suitable for such an outcome. The victim’s wishes must be considered and Remi would have to consent. If the resolution is not fulfilled by the offender, the case goes to court. A community resolution will not lead to Remi having a criminal record. An alternative approach would be to impose a youth caution on Remi where the officer has evidence that Remi committed the offence and evidence in the case discloses a realistic prospect of a conviction. Remi must admit to the police officer that he committed the offence and the officer is satisfied that a prosecution is not in the public interest. A youth conditional caution is an option but given the scaled approach to youth offending, the youth caution would be more appropriate if a community resolution is not possible.

5. Charlie admits the offence. It is a serious offence of assault which has resulted in a nasty injury. However, no weapon was used and to some extent it was an impulsive action. Charlie was subject to a youth caution six months previous. The evidential test and public interest test would appear to be satisfied. It is to Charlie’s credit that he had admitted his guilt and expressed remorse. He evidently has a number of difficulties in his life and he is very young. In view of the statutory aims of youth justice to prevent offending or re-offending and to consider the welfare of the young person this is likely to be a case where a further youth caution or youth conditional caution could be given.