

Criminal capacity of children committing violent crimes: Where does OT fit in?

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The lack of uniform assessment methods for children between 10-14 years committing violent crimes are felt in the harsh reality of a significant rise in the numbers of referred cases to Sterkfontein Hospital. Where does Occupational Therapy (OT) fit in and is the lack evidence and expertise in the Southern African context a barrier for effectively assessing these children?

Over the years in South Africa, there has been a significant decrease in the age at which crimes and especially violent crimes have been committed. Retrospective data from 2010 to date show an increase in violent crimes with a decrease in age of these juveniles. Initially an assessment tool based on the adult assessment method for forensic observandi was used. This tool was modified over the years to establish suitability for the child and his specific needs. Criminal capacity for this age group is a grey area due to the normal developmental processes. This is further complicated as the two acts governing the management of children namely the Children's Act 38 of 2005 and the Child Justice Act 75 of 2008 are often contradicting each other. This presentation aims to highlight the value of these developed assessment methods and tools used. One of the contributions include reporting on occupational performance in areas of cognitive capacity, school performance, socio-emotional development which is crucial in the final decision whether the child has criminal capacity or not. Therefore OTs have a significant role in determining criminal capacity of children committing violent crimes.