

**CRIMINAL CAPACITY OF CHILDREN  
COMMITTING VIOLENT CRIMES; WHERE  
DOES OT FIT IN**

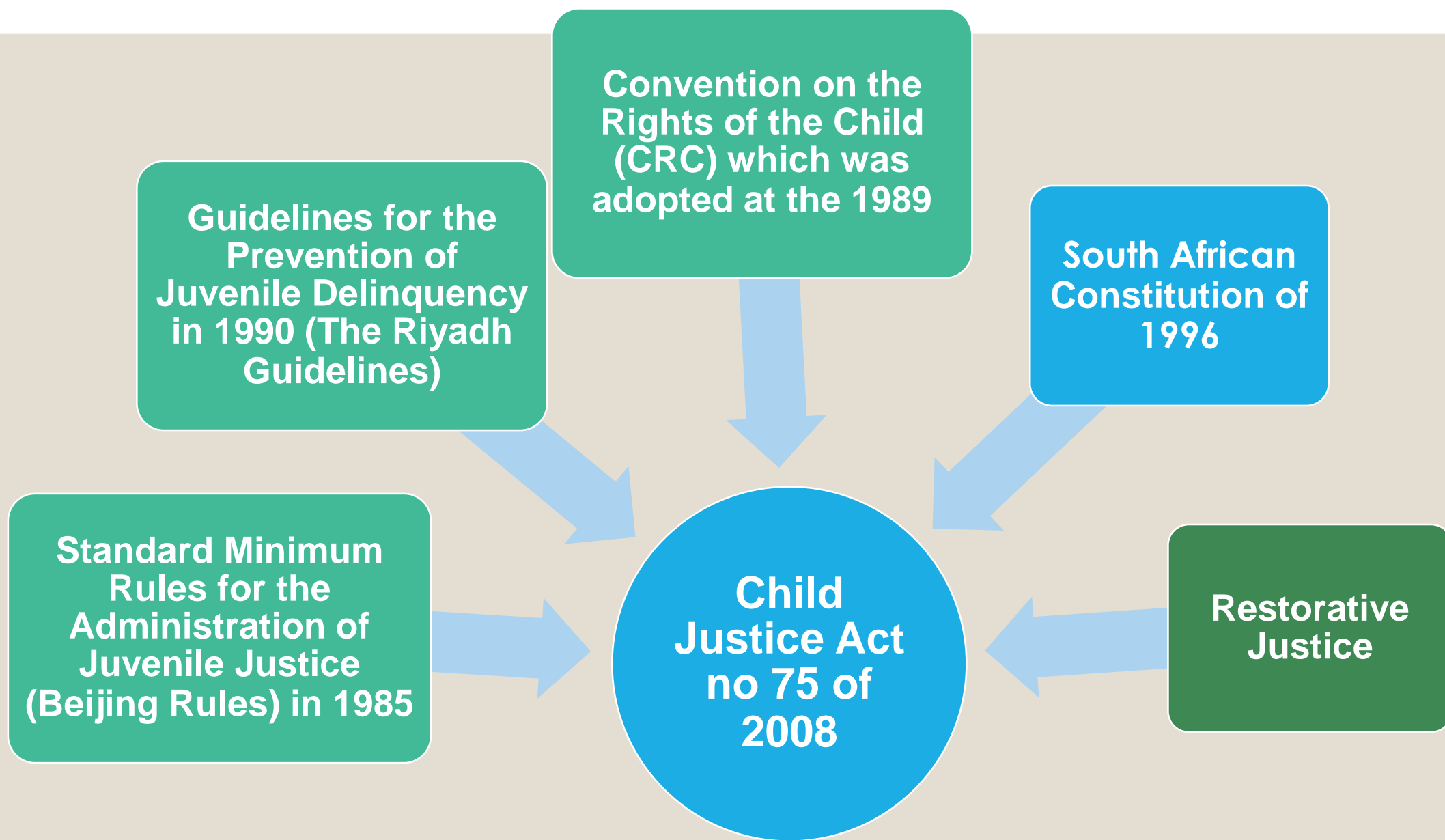
**N. RAUTENBACH (BSc Occupational Therapy)**

**STERKFORTEIN PSYCHIATRIC HOSPITAL**

**[rautenbach.nicole027@gmail.com](mailto:rautenbach.nicole027@gmail.com)**

# CRIMINAL CAPACITY

- Children committing crimes is not a new phenomena
- Accountable to what extent
- The South African Criminal Procedure Act 51 of 1977, Sections 77, 78 and 79
  - Fitness to stand trial
  - Responsibility
- Complex and challenging
  - 10 – 14 years old



**Assess “cognitive, moral, emotional, psychological and social development” to determine criminal capacity**

# CHALLENGES SPECIFIC TO SUCH ASSESSMENTS

- No uniformity
- Varying level of expertise
- Do not comprehend purpose of the evaluation
- Rapport
- Collateral information
- Establishing criminal capacity is complex and challenging
  - Referral time
  - Education
  - Pluralistic Society

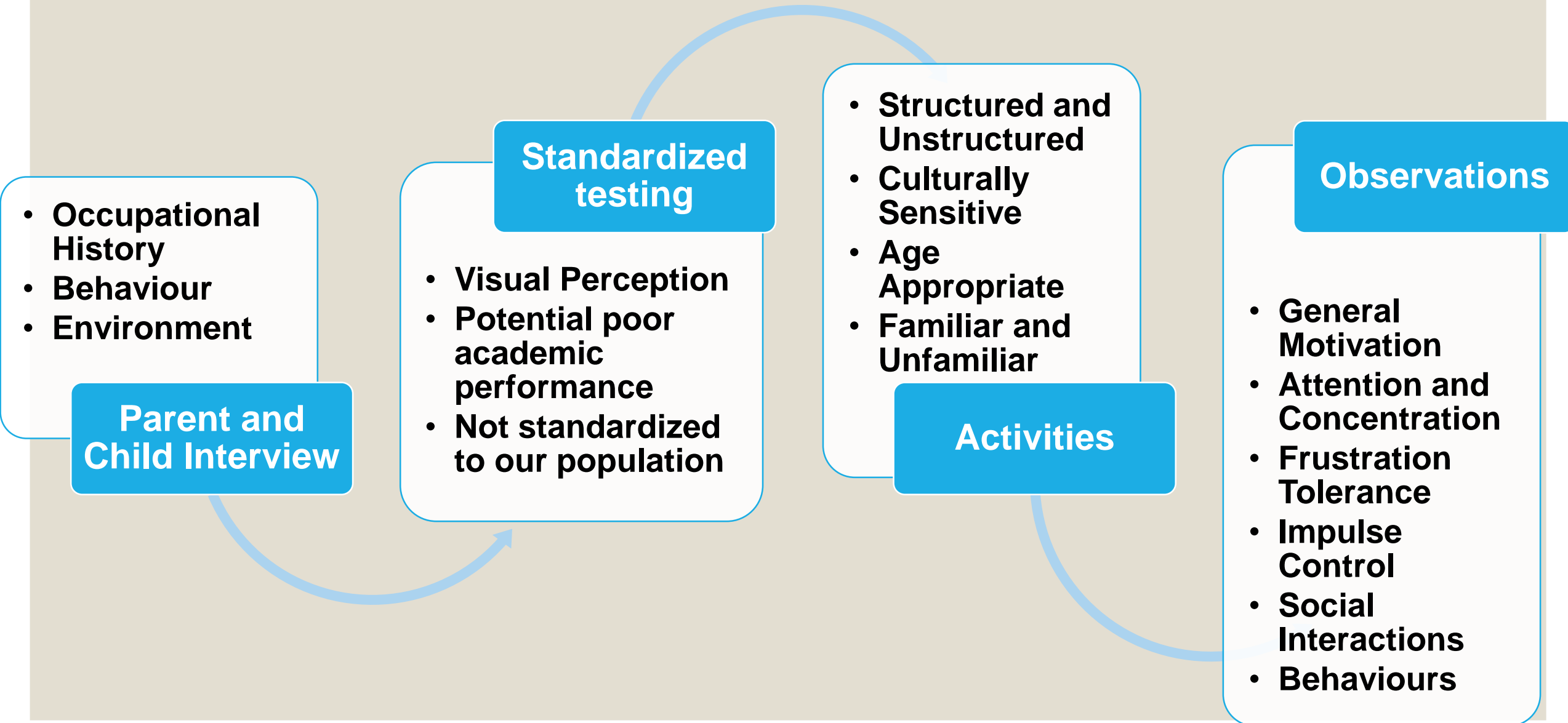
# OCCUPATIONAL THERAPY ASSESSMENT

Assess “cognitive, moral, emotional, psychological and social development”

- OT report includes;
  - Cognitive, Affective and Conative functioning
  - Ability to learn and retain information
  - Malingering behaviour
  - Insight into the charge and potential implications
  - Various performance domains; Social, Activities of Daily Living and Instrumental Activities of Daily Living, School, Leisure

**Engagement and performance in age appropriate occupations**

# OCCUPATIONAL THERAPY ASSESSMENT PROCESS



# HOW THIS RELATES TO CRIMINAL CAPACITY

- Unique knowledge of developmental and age appropriate occupational engagement
- Corroborating assessment findings with collateral information
- Activity based
- Triangulate assessment findings

# CONCLUSION

- Young age (10 – 14 years)
- Increase the efficacy of interventions
- Identify appropriate interventions
- Recidivism



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