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

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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

- **Occupational History**
- **Behaviour**
- **Environment**

**Parent and Child Interview**

**Standardized testing**
- **Visual Perception**
- **Potential poor academic performance**
- **Not standardized to our population**

**Structured and Unstructured**
- **Culturally Sensitive**
- **Age Appropriate**
- **Familiar and Unfamiliar**

**Activities**

**Observations**
- **General Motivation**
- **Attention and Concentration**
- **Frustration Tolerance**
- **Impulse Control**
- **Social Interactions**
- **Behaviours**
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
REFERENCES


