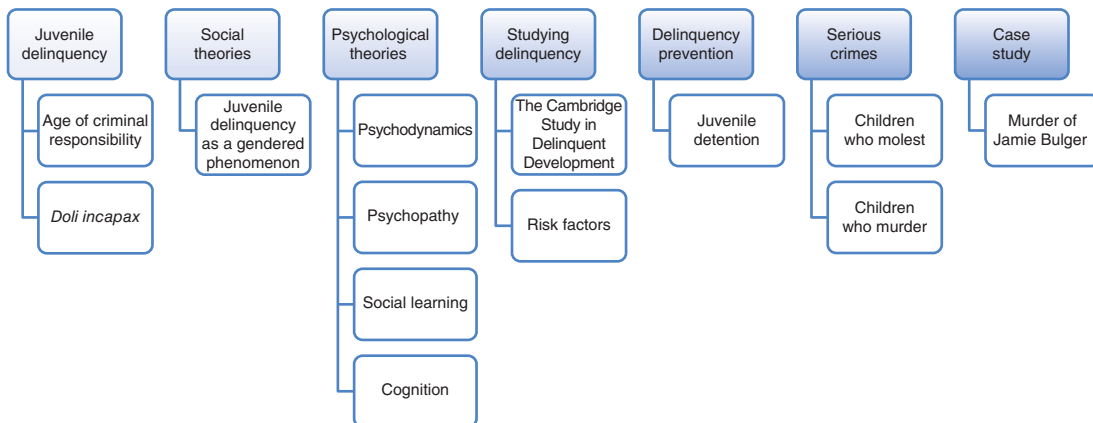


Juvenile Criminals



Jamie Bulger was almost 3 years old when he wandered away from his mother on 12 February 1993. His mother quickly realised he had gone and looked for him anxiously, but by that time it was too late. Jamie was missing. His body was found the next day alongside the nearby railway line, battered, sexually assaulted, his body severed by a train. The immediate thought was that he had been taken by a predatory paedophilic adult, but CCTV footage from the shopping centre was to reveal something that was even more chilling, if that were possible. He was seen being led out of the shopping centre by two 10-year-old boys, Jon Venables and Robert Thompson. The boys were charged on 20 February 1993 with Jamie's abduction and murder, and found guilty on 24 November, making them, at that time, the youngest children to be convicted of murder in the UK.

KEY THEMES

- Age of criminal responsibility
- Delinquency prevention
- *Doli incapax*
- Juvenile delinquency
- Juvenile detention

The Bulger case is a landmark in British criminal history, both in legal and psychological terms. It is still unclear why the two boys kidnapped and killed Jamie. They were tried as adults in open and public court, but they did not speak. Two psychiatrists had examined the boys and testified that they knew right from wrong. The moral indignation caused by the thought that two young children could kill was evident in the British press, which suggested that this was a breakdown in lawful society and family life, and in the large numbers of protesters outside the court. This righteous anger revived when it was clear that the boys, now young men, might be released on licence in 2001 (Guardian, 2000). There was little recognition of the fact that in other European countries these boys would never have been charged with the crime at all. In the Norwegian city of Trondheim, in October 1994, 5-year-old Silje Raedergard was attacked by two 6-year-old boys, who left her to die in the snow. The names of her killers have never been revealed and neither boy was prosecuted. In 1999, the European Court of Human Rights ruled that the Venables and Thompson trial had not been fair due to the age of the defendants and that fact that they were tried in public in an open, adult court (Wolff & McCall Smith, 2000).

Although the legal age of responsibility in England is 10, in Belgium it is 18, while it is 12 in Holland, 13 in France, 14 in Italy, 15 in Norway

Doli incapax – deemed incapable of forming the intent to commit a crime or tort, especially by reason of age (under 10 years old).

and 16 in Spain. However, in Scotland it is 8 years, and many American states do not have a minimum age. The idea of a minimum age at which children can be seen to be culpable for their criminal acts is a modern one, and rests on the principle of *doli incapax*. This is a presumption in law that some people are not capable of a crime because they do not understand that the behaviour is a crime. If a prosecutor wishes to prove otherwise, this must be contested in court. In the Bulger case, the prosecutor rebutted *doli incapax* and the boys were deemed to have understood that what they had done was a crime. They had carried on assaulting Jamie in the full knowledge that this was a crime. In 1998, *doli incapax* was abolished in England and Wales, raising concerns about the treatment of children and other vulnerable people in legal situations and about compliance with international human rights standards. Hence, the question of youth and crime is a vexed and difficult one, ranging from the moral panic of the Bulger case to the policy of juvenile detention. The psychological issues are no less problematic. Theories that attempt to explain delinquency and criminal behaviour in general, from the social to the neurological, are not necessarily applicable to juvenile delinquency.

JUVENILE DELINQUENCY

A juvenile is a person under the age of majority, or a minor. This term is defined in some very inconsistent ways around the world, and varies both in terms of the age referred to and the status accorded to the juvenile. For example, in the UK the age of majority is 18. This is when someone is deemed to be an adult and is accorded all the rights of an adult, with some minor exceptions. However, there are differing ages for some issues; in the UK, for example, people can work part-time at age 13, join the armed forces, consent to sex and get married at age 16, and learn to drive a car and hold a driving licence at age 17, but not vote in elections or buy alcohol until they are 18 years old. This variation in legality of ages becomes even more diverse when considering responsibility for crimes. In England, the age of responsibility (i.e. the age at which a person can be found guilty of a crime) is 10 years, which was why Venables and Thompson were prosecuted, but to be found guilty of rape or other sexual crimes a child must be 13 years old.

The furore resulting from crimes such as the Bulger murder and other instances of youth crime have been termed a 'moral panic' (Cohen, 1973), a situation in which a community expresses severe concern over an issue that appears to be a threat to social order. Juvenile delinquency is the term often used for criminal acts carried out by juveniles, but it is also used to refer to a social problem that requires examination and policy development. Most jurisdictions have specific processes for dealing with those juveniles who commit crimes and for addressing the social issues perceived to be attendant on the problem. As such, it is a subject worthy of criminological and psycholegal theory and research separate from the examination of criminal behaviour carried out by adults. The 2003 UN World Report on

Youth details several causative factors for youth crime and delinquency, including problems with social and economic development at a national level, urbanisation and migration, family issues, the media, peer influences and delinquent identities (such as gang membership) (United Nations, 2003).

SOCIAL THEORIES OF JUVENILE CRIME

If the cause of a crime lies within the criminal rather than the external environment in which they exist, then the individual is regarded as making a rational choice to commit crime. Rational choice theory, also called rational action theory, posits that people compare the advantages and disadvantages of committing a crime and will do so when the advantages are greater (Clarke & Felson, 1993). It therefore explains *when* someone will commit a crime, but not *why*. Nor does it explain differences between individuals and groups in terms of the likelihood to commit crime, or the influence of peers, or the ability to understand the consequences of actions or any other circumstances outside the decision point (Walklate, 2003a). It also does not take into account any ability that a child or children may or may not have to take all of these elements into consideration. Laying blame for a child's criminality solely on his or her capacity for making rational decisions is not a position most judicial systems would find appropriate. An alternative position is that of social disorganisation theory (also called social ecology theory), in which crime is said to be the result of the breakdown of traditional values and norms. This is thought to happen because urban areas have high levels of transient populations and migration, leading to the breakdown of community. Such disintegration and disorganisation would have a greater effect on the developing child than adults.

If crime and the associated levels of juvenile crime are the result of community breakdown or social disintegration, then strain theory would suggest that the disintegration could lead to social difficulties, such as poverty, and therefore individuals need to achieve their socially valued goals by illegitimate means (Agnew, 2009). Hence the position of assuming criminality is due to the children of low-income families having no means by which to gratify their needs. Strain theory is a compellingly convincing explanation, but the difficulty here lies in explaining why children of poor families would necessarily be poorly educated, particularly in societies that have publicly funded education, such as the UK. It also fails to address the issue that much of youth crime does not have an economic motivation, but is essentially thrill-seeking and/or violent in nature. It is also geared towards the attainment of socially valued status and goals as opposed to goods of high economic value. Brezina et al. (2009) suggest that underlying motivations may be linked more to a lack of a sense of any meaningful future, that is, if young people fail to anticipate a good future for themselves and that includes the probability of an early death, they see little point in delaying gratification or obeying societal rules. The difficulty in achieving any goals leads to young people forming what is viewed as delinquent subcultures (Eadie & Morley, 2003), which again are focused

upon non-economic crimes. Gang culture is an example of subcultural theory in practice, in which young people, predominantly young men, reject societal norms for the attainment of goals (Decker, 2004).

While gang culture is worthy of study in itself, the group context is interesting simply from a juvenile delinquency point of view. Differential association suggests that groups of young people are subjected to peer pressure, leading to a new focus for the study of motivation to commit crime. What is unclear in social theories of juvenile crime is whether economic or social pressure force young people to form groups which become delinquent or whether the existence of the group means that delinquent behaviour will result. There is also the issue of the social perception of groups of young people. Once an individual or group has been labelled as delinquent, they are much more likely to offend or reoffend (Eadie & Morley, 2003). Labelling theory is clear that boys from poor families are more likely to be labelled deviant than those from higher income families, and suggests that this is why higher numbers of delinquents are found within lower income brackets than in higher ones (Walklate, 2003b).

Social theories of delinquency do have currency in assuming society's responsibility for juvenile delinquency and crime. However, this does not take into account the fact that delinquency is not a solely modern problem, but is one that has been considered for hundreds of years (Clement & Hess, 1990). If society has changed but the problem has not, it is probable that the issue should be considered at a more individual level. However, if the problem is changing, perhaps societal-level explanations still have value. One facet of juvenile delinquency that has not remained constant highlights this question quite clearly. Female juvenile delinquency is on the rise; it does not seem to follow the downward trend observed in other areas.

Juvenile delinquency as a gendered phenomenon

An interesting point raised in the social theories is that of male delinquency being easily labelled. All figures suggest that boys are much more likely to commit crimes than girls. This may be a result of the need to establish a developing masculinity and the need to appear powerful. If there are no legitimate means by which to express this, then young men may act out their manhood in criminal ways. This position has both biological and psychological factors to support it. Both research literature (Dodge et al., 2006) and policy reports (United Nations, 2003) have established that more delinquent and criminal acts are carried out by boys than by girls.

More recently, however, this apparent gender gap in offending is shrinking. This may be because women and girls are becoming more aggressive in their offending behaviour and/or that female offending is becoming more frequently reported (J. Schwartz et al., 2009). What remains unclear is the aetiology of female juvenile delinquency, and whether it is the same as for boys. Research suggests that delinquency occurs more often in the context of a relationship for girls than for boys (Odgers & Moretti, 2002) and that these relationships are

likely to be adversarial in regard to parents and romantic partners (National Mental Health Association, 2005). Given that romantic relationships can start as early as 13 years of age for girls, and that this is a normal part of adolescent psychological and sexual development (Savin-Williams & Diamond, 2004), it would seem reasonable to suggest that these are a salient factor in delinquency as well as everything else. Teenage girls also typically date older boys (Carver et al., 2003), and this has been suggested as a higher risk factor for involvement in delinquent behaviours for girls (Meeus et al., 2004) as they are more likely than boys to be strongly influenced by a romantic partner (Haynie et al., 2005). This element also interacts with the parent–teen relationship, as, according to Meeus et al. (2004), parental influence on adolescent offending is higher when there is no romantic partner in the mix. This is still very unclear and research is lacking into what influences these might be and whether a paternal or maternal influence is stronger or if it is a combination of the two. It seems important, then, to examine female juvenile delinquency in the context of the relationships found in that group, but this still regards the female offender as secondary to any male offenders within the social grouping.

Emerging research is moving from this perspective to that of examining the female offender as an entity in her own right. If, as suggested, the rates of female offending are growing, then to what is this attributed? J. Schwartz et al. (2009) suggests that the perceived change in offences and arrest rates are an artefact of policy changes that reflect cultural changes in the perception of gender roles and gendered behaviour. There is still an overwhelming difference in the number of incidents attributed to men/boys and women/girls, but the growth of female delinquency does bear scrutiny. It is particularly important to address this issue in the light of the falling off in the rate of male-perpetrated violent crime, which is attributed to policies targeting this behaviour. This would tend to suggest that female aggression needs a different focus in research and practice from that addressing male behaviour. There is evidence to suggest that, while parental aggression, antisocial peers and academic problems can be associated with delinquent (particularly aggressive) behaviour in youths of both sexes, there are considerable differences in social and psychological factors when relating offending to girls. These include levels of mental illness and physical or sexual victimisation (Leschied et al., 2000). Further distinguishing factors may be due to differences in impulsivity or the readiness to take risk (Campbell and Muncer, 2009).

No matter what the reason for female delinquency being on the rise, it clearly is not simply poorly expressed imitative behaviour of male counterparts and should be treated as criminal behaviour in its own right. Therefore, consideration of the risk factors inherent in juvenile delinquency must take into account both male and female perspectives. Social theories point to the breakdown in social groupings being responsible for juvenile delinquency. Psychological theories range from the psychoanalytical to the cognitive, but concentrate on the individual, while taking into account the environment in which the individual develops.

PSYCHOLOGICAL THEORIES OF JUVENILE DELINQUENCY

Social commentators suggest that although the breakdown in society is a root cause of juvenile delinquency, there are still issues within the individuals themselves. The psychology of juvenile crime ranges from the aberrant personality of a weak superego to the maladaptation of internalised knowledge.

Psychodynamics of juvenile crime

Psychoanalytical/psychodynamic theories suggest that criminality is associated with a weak superego and that the id operates without control. As such, if an individual gives in to the urges, Freudian positions suggest that deviant behaviour or violence and/or sexual crimes are more likely to be committed because there is no restraint. A weak superego means an individual is unable to act outside his or her own interest. This will have resulted from fixation during development through the psychosexual stages due to inappropriate stimulation. The resultant criminal behaviour is indicative of the stage of fixation. There are, however, likely to be internal conflicts that are psychologically painful to the individual, so they are repressed (Shoemaker, 2005), resulting in defence mechanisms, leading to problematic personality traits and behaviours. Hence, psychodynamically, delinquent behaviour is the external manifestation of an internal disease. Later psychodynamic theorists suggest that delinquency is an 'identity crisis' perpetuated by the inner conflicts. This is, of course, impossible to verify empirically, and psychoanalytic/psychodynamic theories are always criticised for their circular nature. The fact cannot be denied, however, that psychoanalytical approaches to problems do help when attempting to build effective treatment; whether this works as well with delinquency problems is yet to be established.

Personality approaches to juvenile crime

Other personality-based theories centre on issues concerned with psychopathy, as outlined in Chapter 4. Vizard et al. (2007) examined the cases of a large number of juveniles presenting with sexually abusive behaviour. They concluded that early onset (which they defined as between 5 and 11 years of age) of sexually abusive behaviour was indicative of higher levels of psychosocial adversity and early childhood antisocial behaviour. This in turn was associated with the existence of distinct developmental trajectories of emergent severe personality disorder. Support for this comes from Chabrol et al. (2009), who found that in 625 French high-school students psychopathic and sadistic traits were independent predictors of delinquent behaviours in boys. Such findings serve to consolidate the notion that there is a delinquent personality type.

Social learning

An alternative position comes from social learning theories. Sarason and Sarason (1981) suggested that maladaptations manifest because individuals fail to formulate behavioural patterns appropriate for everyday situations. They sought to readdress this issue with social skill training. Participants in their studies who received the special training were able to think of more adaptive ways of approaching problematic situations and performed more effectively in a self-presentational situation. They concluded that those labelled delinquent were less able to think of alternatives before acting and that they were less 'future' or 'present' oriented. So, appropriate role model training leads to the internalisation of a different set of behavioural patterns. This was supported by theoretical and empirical positions on deviant behaviour that argue that delinquents lack appropriate social skills to deal with problem situations. Welsh and Farrington (2006) contend that such interventions as social skills training and cognitive behavioural approaches are indispensable in crime prevention. Further issues base the problems in either the family or the individual's moral development. These theories emphasise the learnt nature of the understanding of the principles of respect for justice and the rights of others. This alludes to the concept of theory of mind being important for the ability to apply morals in socially desirable ways (Lane et al., 2010), and that children who commit crimes are somehow lacking in the ability to apply their own experiences to another.

Script theory

A position using a more cognitively based approach is script theory, first developed by Schank and Abelson (1977). Script theory outlines ways in which processes of understanding during a situation or event can be examined as it suggests that all memory is encoded episodically, that is, in order to be retained, everything must be related in some way to personal experiences. However, there are distinctions, as personal scripts about personal experience are accompanied by more generalised scripts that have been learnt in order to deal with both experienced and novel events. For example, an individual may have a general script for meeting a new teacher, even though personal experience has not been encoded. Scripts are used to guide behaviour because the script provides the holder with a set of expectations about what will happen during the unfolding of an event, thus offering a way of predicting the outcome and aiding the individual to act accordingly. Eifler (2007) demonstrated ways in which scripts could be applied to deviant behaviour by presenting participants with verbal and visual vignettes of mild deviant behaviour and asking them what they would do. Participants tended to choose the criminal response, even though they identified the behaviour as deviant. This research was carried out using non-offenders, so Gavin and Hockey (2010) applied the same method to an offender population – young men (aged 16–21) with one or more convictions in their history. They discovered that there was definitely understanding of socially desirable responses, but that offenders will overwhelmingly choose the deviant response as 'it's everyone for themselves in this world, innit!' (Gavin & Hockey,

2010: 402). The ways in which this behaviour has been learnt depend on the environmental stimuli for deviant behaviour and its reinforcement, outweighing the reinforcement of socially acceptable behaviour.

STUDYING DELINQUENCY

One of the most useful research methods for studying juvenile delinquency is the longitudinal prospective study. In 1961, Professor David Farrington of the University of Cambridge set up *The Cambridge Study in Delinquent Development*. This is a longitudinal interview-based survey of 411 boys from south London who were all aged 8 at the start of the study. The boys, and then subsequently men of course, were measured extensively over the period up to age 32 and then follow-up measurements were taken up to the age of 46. Over this period, the study has documented various patterns of offending and antisocial behaviour, its onset and duration, and the risk and protective factors predicting both the behaviour and the association between that and factors such as age and intergenerational transmission. The final measurements were taken to investigate whether antisocial behaviour could be predicted by any individual, family, socio-economic, educational and any other variables from earlier measurements. Of the cohort, 41% had convictions, but 7% of the boys accounted for over half of convictions, with high average numbers of total convictions in this small minority. Boys convicted at an early age were those who then went on to have the longest criminal careers (Farrington, 1996), so early detection and punishment had no deterrent effect. Farrington further reports that the study has identified important childhood predictors of antisocial behaviour that would persist into adulthood, such as impulsivity, low educational attainment, a family history of criminal behaviour, poverty and unsupported parental childrearing. A major difficulty with this research is that there was no inclusion of female subjects of the same age as the boys in the study. While this may not have been seen as important in 1961, as it became clear in later years that female delinquency was becoming a comparable issue, it may have been possible to include female subjects at a later date, but they were not. However, what this study has highlighted is that it is important to understand risk factors associated with juvenile delinquency.

Risk factors

The Cambridge longitudinal study, and similar research, identifies psychological and behavioural factors that are closely associated with offending behaviour in childhood. These include intelligence and/or lack of opportunity for educational attainment, impulsivity and the inability to delay gratification, and high levels of aggressive behaviour both within the family and the environment and the individual. Performing poorly at school is also linked to truancy, a further identified risk factor. None of these factors is, by itself, conclusive,

for example, poor educational attainment is closely linked to the inability to earn high incomes, and strain theory would suggest that being excluded from wealth leads to crime. Furthermore, boys are more likely to be impulsive and misunderstand the consequences of their actions. In certain circumstances this could be offending behaviour. Farrington (2002) posits that this might be indicative of a dysexecutive syndrome, a neurological problem, but this is still unclear.

Williams et al. (2010) point out that adolescence is not only a risk period for offending, but also for traumatic brain injury, due to the higher likelihood of being involved in reckless behaviour or abusing drugs and alcohol. They examined the level of injury in a sample of convicted young men: 46% of the sample reported head injuries with a loss of consciousness, with a number of incidents being correlated with the number of convictions, particularly for violent offences. There is a clear association between violence and neuropsychological dysfunction. For example, Serin et al. (1994) reported a significant difference between violent offenders and controls in several cognitive tests of frontal lobe functions, including control and impulsivity. In addition, Barker et al. (2007) report a clear differential relationship between neurocognitive function and violence and theft, with the latter being more likely to be associated with neurocognitive dysfunction that was not related to a frontal lobe problem.

Neurological issues, then, are clearly associated with delinquent, if not criminal, behaviour in young men. No such study has been carried out on young women, which is again a problem for reporting on full results of research.

One factor that did emerge from the studies above is that of a familial environment. Learning theory, in particular, suggests the environment in which the individual develops is important in the genesis of a delinquent mind and attendant behaviour. The family environment includes the level and type of parental supervision and discipline, intrafamilial conflict, criminality in the family, abuse or neglect, and the quality of relationships. Farrington et al. (2009), using the Cambridge longitudinal study, clearly describe the ways in which criminality is transmitted through the generations of a family, but also how this can be mediated by outside factors. However, this research again suffers from a lack of contemporary female control groups, even though the criminality of mothers and daughters of the study sample is taken into account in terms of intergenerational transmission. This is interesting when one particular family configuration is considered, that of the single-parent family – overwhelmingly, the single parent is the mother (Office for National Statistics, 2011).

There has been much made of the single-parent family, as if it were solely a modern phenomenon, which it clearly is not (Yarber & Sharp, 2010). Graham and Bowling's (1995) large-scale study of young people and crime showed that those in families with both natural parents present are less likely to offend than those in lone parent or step-families. But they then went on to examine what effect parent-child conflict might have, together with parental supervision and poverty experienced by single-parented households. They concluded that, taking this into account, the difference in offending behaviour disappeared. Hence, it is not the family structure that is the problem, but the social pressures attendant to having only one

parent. When parents do not provide appropriate supervision to their children, they are more likely to offend, and this is clearly more difficult to maintain without the support of a spouse/partner. Thus children will truant and possibly associate other criminal juveniles, both factors being highly associated with delinquency, and they are also less likely to confide in adults, including the parent.

DELINQUENCY PREVENTION

'Delinquency prevention' is the broad term for all efforts aimed at preventing youth from becoming involved in criminal or other antisocial activity. Increasingly, governments are recognising the importance of allocating resources for the prevention of delinquency. Because it is often difficult for states to provide the fiscal resources necessary for good prevention, organisations, communities and governments are working more in collaboration with each other to prevent juvenile delinquency.

With the development of delinquency in youth being influenced by numerous factors, prevention efforts are comprehensive in scope. Prevention services include activities such as substance abuse education and treatment, family counselling, youth mentoring, parenting education, educational support, and youth sheltering.

SERIOUS CRIMES

Children who molest

Children are sexual beings, and many adults find this particularly difficult to accept. There are, however, sexual behaviours that are part of normal sexual development and there are deviant behaviours. Parents and carers and child care professionals need to be aware of what is and is not deviant. Child safeguarding agencies, such as the National Society for the Prevention of Cruelty to Children (NSPCC) in the UK, produce excellent literature describing age-appropriate behaviour in relation to developing sexuality. Essentially, such behaviour should be non-intrusive, should not be hurtful to either child, and will become more sexualised as children grow. Sexual behaviour problems tend to be seen in children from homes in which they have experienced inconsistent parenting, violence, abuse or neglect (Kellogg, 2009). According to Bladon et al. (2005), adolescents and children who sexually molest also show psychosocial and psychiatric vulnerabilities, including severe conduct disorder, post-traumatic stress disorder (PTSD) and paraphilias, along with a high prevalence of sexual and physical abuse. The fact that children who are abused go on to become abusing adults is well established, with both intergenerational transmission within the family (Egeland et al., 2002) and outside (Haywood et al., 1996). What is less clear is that those who

are abused may offend against younger children while they themselves are still adolescent, or even younger. Moreover, as Masson et al. (2013) have found, this can happen with both abused boys and girls who then go on to perpetrate sexual offences. In their sample of girls who have been referred to community-based services for issues including sexual offending, Masson et al. found girls as young as 8 years old. The majority had been in neglectful and abusive families, echoing the findings from similar samples of boys. Johnson's (1988) sample of boys between the ages of 4 and 13 who had molested children all had a history of sexual and physical abuse in the family. And more recently, Slotboom et al. (2011), contrasting male and female juvenile sex offenders, found that, for all of the boys, a history of sexual victimisation was the main predictor of their own behaviour.

However, young people with problem or offending sexual behaviours do not always come from abusive and chaotic backgrounds. This is much more likely to be seen in those who kill.

Children who kill

The case of Jamie Bulger was extremely shocking on several levels: the ease with which the child was abducted, the seriousness of the assault, and the fact that two 10-year-olds were charged and convicted of murder. Children who kill are rare in comparison to adults, but homicides and the reasons for them fall into several categories. Children or adolescents most frequently kill within their own family, but there are cases of murder outside these confines.

Children who kill within their own family usually kill parents (Seller & Heide, 2012). According to Hart and Helms (2003), there are several reasons why this happens: the child is mentally ill, antisocial or abused. Mental illness in these cases tends to result in delusional states or hallucinations (Heide, 1992). They may have a history of treatment but lack understanding of their psychiatric state. The murders they commit are likely to involve multiple victims and even dismemberment. As with adults who murder, mental illness may mean that a police case is not pursued against the child, but it is also possible that young people are found fit to plead despite an obvious disorder. Such children may be unaware of what they have done or that they have done anything wrong (see Chapter 16 on the mind of the defendant).

West and Feldsher (2010) and Sellers and Heide (2012) also point out that there are gender distinctions in the killing of a parent. Sons who kill are more likely to be diagnosed as having a psychotic illness, usually schizophrenia, whereas daughters are less likely to be seen as psychotic, unless they kill overbearing mothers with excessive force. A different form of disorder leading to violence is a conduct disorder. The DSM describes adolescents with conduct disorder as aggressive, destructive, deceitful and who tend to violate the rights of others with little or no remorse. This is essentially a precursor to the adult antisocial personality disorder, with psychopathy its underlying problem. Juveniles with this issue may exhibit antisocial behaviour due to family problems, but may also have a mental disorder that is

being masked by the behaviour (Ewing, 1997). It is also possible that this may be masking child abuse too. The severely abused child is the most likely to kill his or her parents. Abuse throughout childhood is a clear indicator of someone who may kill. Adolescents who kill abusive parents just reach that point sooner. There may be mitigation for a child who kills his/her abusive parent as they have little way of escaping the abuse; an adult who has been abused as a child has at least survived it and can use alternative ways of coping with the parent, such as distancing (Gavin, 2011). A child suffering from abuse who then kills often raises the questions as to why she/he did not seek help or run away. These are the same questions faced by women who claim 'battered wife syndrome' as a defence against the murder of an abusive spouse.

These issues are pertinent here because the victim of abuse develops a sense of helplessness (Goodwin, 1996). In addition to this, children become hypervigilant to any sign of the abuser's behaviour that signals abuse. In these circumstances, self-defence would be a reasonable defence to any charges of murder, but this is difficult to prove (see Chapter 15 on psychology in the court room). The original definition of battered child syndrome was given by Kempe and colleagues (1962), but has been broadened, allowing more cases to be viewed as self-defence (Smarty, 2009). It is still difficult in many cases to reconcile the murder and the abusive state. There have also been some very infamous cases of defendants attempting to use the abused child defence in some very tenuous ways, such as the Menendez brothers, who killed their parents in 1989.

In December 1968, 10-year-old Mary Bell was found guilty of murdering two boys, aged 3 and 4. Mary's mother was an alcoholic prostitute who tried to kill her with sleeping tablets, and then sold Mary (to men who wanted to have sex with the child) from the age of 4 onwards. Such mental and physical torture echoes children who kill abusive parents, but there are several cases of children who kill who do not come into the abused child category, particularly those who kill outside the family.

In October 2009, 15-year-old Alyssa Bustamante stabbed 9-year-old Elizabeth Olten to death because she wanted to know what it felt like to kill someone. The deaths of Jamie Bulger and Silje Raedergard have already been mentioned. Responses around the world to children who kill can be varied, dependent partly on the legal system that prevails in the nation. If the legal age of responsibility is low, then children who kill, or indeed offend in other ways, can be treated harshly, as in the case of Venables and Thompson. These boys were locked up at 10 years of age and released at age 18 into a world they did not understand and that did not want them. One is currently back inside prison.

JUVENILE DETENTION

Historically, there was little distinction between children and adults in terms of how they were treated by the criminal justice system. Until children were recognised as a different

legal category, they were tried as adults and subjected to the same punishments or incarceration. In the UK, in 1895, the Gladstone committee resolved to separate children from adults within the prison population and the first prison designed for boys was opened in a village called Borstal in England in 1902. Youth prison became a national institution and was formalised in the Prevention of Crime Act 1908. All such prisons were known colloquially as Borstals, and boys and young men (under age 23) were sentenced to borstal training. The system was extended to girls and young women in 1908. Borstals were for education, not punishment. A highly regulated regime was implemented, focused on routine, discipline and authority. Despite the popular image of the borstal, corporal punishment was seldom used (Osborough, 1975). However, there were alternative institutions for 'delinquent boys' up to the age of 19, called approved schools, in which authority was often imposed by caning (Franklin Report, 1951). The Borstals were abolished by the Criminal Justice Act 1982. They were replaced by young offenders' institutions, housing offenders between age 18 and 20, although some house younger offenders.

In the USA a youth detention center, also known as a juvenile detention center or juvenile hall, is a secure residential facility for young people prior to court hearings and/or placement in long-term care facilities and programmes. Secure detention for juveniles is used if they are considered a threat to public safety or the court process. However, the USA incarcerates more young people than any other country in the world, a reflection of the larger trends in incarceration practices in the USA (US Bureau of Justice Statistics, 2009).

Questions that arise around juvenile detention are concerned with why juveniles are incarcerated – and incarcerated away from adults – and what effect does imprisonment have on them and any reoffending behaviour? Cécile and Born (2009) reviewed programmes designed to intervene in juvenile delinquency. They concluded, not surprisingly, that grouping adolescents together who have the same problems and the same behavioural issues was more likely to result in reinforcing that behaviour. They concluded that the best programmes for youths were those that did not require placement into detention, but they did not seem to address the other issues of incarceration, such as public safety. Wolff and McCall Smith (2000) point out that in addition to rehabilitation, education and social integration of the offender, the objectives of sentencing should include the protection of society, and that the two are impossible to disentangle.

SUMMARY

The question of why criminal behaviour develops in young people is a complicated one that is no more easily answered than any other issue in criminal psychology. Psychological approaches can be used to theorise, but interventions are of paramount importance. The effectiveness of those interventions is something that will continue to be examined for some time.

Discussion point: How should we treat young people who have committed crimes?

The Bulger case highlights the dilemma the criminal justice system faces when children commit crimes. Society demands those who commit crimes, particularly the ones it views as the most heinous, such as murder and sexual assault, are punished, but there is disagreement about when the youngest of perpetrators are culpable. If *doli incapax* does not apply, then we must try children as adults, and then we must deal with them as adults when they are convicted. What should we do with them when they are convicted, and what effect will those decisions have?

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