

# Criminal Responsibility and Maturity in Young People



The article summarised below did not address autism spectrum disorder (ASD) specifically, but is likely to be of interest to anyone in contact with adolescents with ASD who may get in trouble with the law.

In many countries around the world, at the age of 18 young people are considered to be adults in the eyes of the law (in NZ the age is 17), and tried as adults. Young people are considered to be less able to make mature judgements about their behaviour, and less responsible for any crimes they commit. They are also considered to be more willing and able to respond to treatment and rehabilitation than adults. The age of 18 (or 17 in NZ) is an arbitrary age set at which individuals are considered responsible for all of their actions. Not everyone matures at the same rate. This is an issue particularly relevant to young people with Autism Spectrum Disorder (ASD) who are typically less mature than their same-age peers. A recent Australian article reviewed research on maturity and criminal responsibility.

## Age of Responsibility

In Australia (and NZ), children under the age of 10 are considered to be mentally incapable of being responsible for a criminal offence. Children between the ages of 10 and 14 can be held responsible for committing a criminal offence if it can be proven that they could understand the seriousness of their actions. Over the age of 14, individuals are held responsible for criminal acts unless their defence can prove that they were not competent at the time of the offence. Specifically in NZ, children can be charged with murder or

manslaughter from at age of 10, very serious offences (e.g., treason, some drug charges) from the age of 12, and can be charged with all other offences from the age of 14.

## Individual Differences in Maturity

From the age of 17 or 18 (depending on country), unless mentally impaired, individuals are considered mature enough to be responsible for their behaviour and any crimes they commit. Research suggests that individuals aged between 18 and 24 vary considerably in their ability to stand trial. While some may be able to function at an adult level, others may function at a much lower level. This means that individuals do not mature at the same rate, and that age alone may not give a good indication of whether someone can be held responsible for a crime they have committed.

## Deficits of Adolescents

Research has found that young people often find it hard to see things from the perspective of others, to consider the consequences of their actions in the long term, are more impulsive, and feel less personally responsible about events than adults. Because of these deficits, and the need to gain the approval of their peers, adolescents are more likely to partake in risky behaviour. This suggests that adolescents may be less in control of their behaviour than individuals functioning at an adult level.

## Adolescent Risk Factors for Offending

Research has shown that characteristics for adolescents who are more at risk for



offending include being less mature, low socioeconomic status, parents who have been imprisoned, parents who were inconsistently present during their childhood, drinking and substance abuse, and involvement with delinquent peers.

### **Psychosocial Maturity**

Psychosocial maturity has been suggested as a way in which the level of functioning of young people may be tested, rather than by intelligence testing or using chronological age, which may not reflect maturity. Psychosocial maturity consists of responsibility, temperance, perspective, adaptive functioning and social skills.

### **Reduced Criminal Responsibility in Adults**

Immaturity is not presently considered to be a cause for lenience within the court system. However, adult offenders who are not functioning at a level similar to the majority of other adults can receive leniency in the court system. If, at the time of their crime, an adult did not understand the nature of their behaviour, understand that their behaviour was wrong, or was unable to control their behaviour, then they are not responsible for the crime. This means that for someone to be tried in court, they should be aware of the consequences and in control of their behaviour. Although this is a leniency typically given to people who are mentally ill or intellectually disabled, young people who have not reached adult levels of maturity should receive the same leniency.

### **References**

Bryan-Hancock, C. & Casey, S. (2011). Young people and the justice system: *Consideration of maturity in criminal responsibility. Psychiatry, Psychology and Law*, 18, 69-78.

Ministry of Justice. Children, Young Persons, and Their Families Act 1989 No 24 (as at 10 May 2011), Public Act. Retrieved 15 June, 2011 from [http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM153418.html?search=qs\\_act\\_murder+manslaughter+10+years\\_rese&p=1&sr=1](http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM153418.html?search=qs_act_murder+manslaughter+10+years_rese&p=1&sr=1)

Ministry of Justice. Criminal Procedure (Mentally Impaired Persons) Act 2003 No 115 (as at 29 June 2009), Public Act. Retrieved 15 June, 2011 from <http://www.legislation.govt.nz/act/public/2003/0115/latest/DLM223818.html>

