

## How do we treat a child who kills? A pragmatic consideration of the prosecution of young children

Enys Delmage,<sup>1</sup> Pamela J. Taylor,<sup>2</sup> Heidi Hales<sup>3</sup>

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<sup>1</sup>Adolescent Forensic Mental Health, Kenepuru Community Hospital, Porirua, New Zealand; <sup>2</sup>Psychological Medicine and Clinical Neurosciences, Cardiff University, UK; <sup>3</sup>Child and Adolescent Mental Health, University of Bangor School of Healthcare Sciences, UK

Correspondence to Enys Delmage ([enysdelmage@hotmail.com](mailto:enysdelmage@hotmail.com))

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**Summary** Despite being a rare phenomenon, children who kill galvanise extraordinary amounts of conversation about why they did it, how to deal with them and how to prevent recurrences. The debate quickly becomes polarised and occasionally politicised, often without nuanced consideration of the benefits and costs of proceeding in one direction or another. A scientific approach would begin with the question: ‘what do we actually want the outcomes to be?’, which might assist in relinquishing the less helpful desire for natural justice or revenge and move towards a more evidence-informed and inclusive approach to children who have committed very serious crimes.

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### How do we treat a child who kills?

#### A pragmatic consideration of the prosecution of young children

‘Damnant quod non intellegunt’ – They condemn what they do not understand – Quintilian/Cicero

The Netflix mini-series ‘Adolescence’ has got the UK talking about young children who kill or engage in other seriously harmful risk behaviour. How can we understand that which seems incomprehensible? Why does this happen? How can we prevent such things happening again? What can be done to change the behaviour of children who become so violent? How will we know whether they have truly changed? These are all sensible questions – reasonable, simple and appropriate. The answers, on the other hand, are extremely complex, nuanced and difficult to deliver; causes are usually multifaceted, with interactions among individual, family and societal factors. Unfortunately, however, the question is phrased too simply as ‘what was wrong with that child?’ In asking only this, we deny any role of society and limit our solutions. This ‘othering’ of children who break the law is a position that has hindered our education in relation to this group, impeded our desire to learn what might help them change their behaviour and, arguably, made society less safe as a result. Even for those children who do have an intrinsic disorder, the way in

which we respond to that disorder will affect outcomes and impact upon their chance of safe reintegration into society.

Somewhere, every year, one or two children act so destructively that one or more people die. In this article, our concept of a young child is anyone under the minimum age of criminal responsibility as recommended by the United Nations Convention on the Rights of the Child General Committee – 14 years. England, Wales and Northern Ireland are out of line in this respect, because the minimum age of criminal responsibility is 10 years of age; Scotland is slightly less of an outlier, with a minimum age of 12, above which children may be prosecuted as potential criminals.

Young children who commit an act of violence hit media headlines partly because of the rarity of such an event, but especially if there is a particularly gruesome aspect to the behaviour. The resultant shattering of our cherished images of the sweetness and innocence of childhood leads to demonisation of such children. Almost all of us will have felt this but, when such feelings dominate and persist, we risk everyone’s safety. We need to find ways of rising above our natural revulsion for the act in order to achieve what we all really want – prevention of further such acts in the future and provision of the help and support needed for all those who have been touched by the killing – most especially the victim’s family and friends (many of whom will be children themselves) – but also the perpetrator’s family and associates

whose lives will also have been shattered. Furthermore, we need to ensure that the perpetrator will be safe – to self and others – from the moment of arrest, and that appropriately skilled assessments are in place to inform management of any future risk over time and treatment where needed. In addition, in order to act to prevent future deaths, wider society needs accurate information, some of which may be learned from the transgressing child and his or her family or teachers or peers.

So first, a list of questions for which we urgently need answers:

- (a) What can we learn from past cases when responses have been optimised?
- (b) What do we know about the types of factors that put children on a pathway to the fatal moment? How do these factors interact to lead to a fatal incident and what are the particularly high-risk factors and ‘final straw’?
- (c) How can we better use what we know about child development and risk factors to tackle the conditions that might lead certain vulnerable children to engage in seriously antisocial behaviour?
- (d) What do we know about what has really helped those families who have lost a loved one in such a tragic way?
- (e) What do we know about the longer-term outcomes for children who have killed? What has helped those who have been able to safely reintegrate? And what has hindered those who have not?

The phenomenal modern influence of the media, public commentary online and politicians subsequently trying to appease their voters (described by David James Smith in his book *The Sleep of Reason*,<sup>1</sup> and in David Green’s book *When Children Kill Children*<sup>2</sup>) can create a misleading discussion focusing on individual responsibility in those not old enough to be responsible, and avoids discussions about our social responsibility. *The Sunday Times* newspaper, for example, ran an article at the time of the Thompson and Venables trial in 1993, opining that Britain constituted ‘a civilization . . . menaced by adolescents from hell’,<sup>3</sup> and only later noted that the boys had walked past at least 38 adults who did not intervene.

Ascribing labels such as ‘evil’ and ‘cunning’ (words used in the judge’s description of Thompson and Venables in 1993<sup>a</sup>) is a persistent pattern (the word ‘evil’ was also used in the judge’s sentencing comments of Rudakubana in 2025<sup>4</sup>). More recently, New Zealand’s Ram Raid Bill,<sup>5</sup> proposed to give police new powers to prosecute 12- and 13-year-olds, and the creation of a Young Serious Offender category, alongside military-style academies for children who break the law, reflect a desire to be ‘tough on crime’ without trying to understand the origins of the patterns of antisocial behaviour and prevent them. Politicians often worry about being soft on crime if they entertain the idea of prevention, despite the evidence indicating that this would be a better use of taxpayers’ money.<sup>6</sup>

The UK does, however, find itself in a somewhat singular position as a result of lasting emotional trauma related to

high-profile cases.<sup>1,2</sup> This trauma is shouldered not just by society – the highly charged emotional debates that have occurred can prolong the trauma for families of the victims. Furthermore, these can make the perpetrators so extraordinary, especially if their names are made public, that on the one hand they are further damaged because they cannot ever hope to be rehabilitated and live a normal life again and, on the other, insofar as there are troubled children who seek some kind of validation through extremism, they may provide a template for action and become heroic in the eyes of the troubled. Criminalisation of children, especially those at ages particularly crucial to identity formation, effectively demolishes their sense of citizenship<sup>7</sup> and has an exacerbating effect on recidivism.<sup>8</sup>

Two examples of good practice that may help us progress are the considered UK press treatment in the case of George Burgess, a 2-year-old child killed in Stockport by two 8-year-old boys in 1861, and the Norwegian press treatment, or rather the respectful standing back, in the case of Silje Marie Redergård, a 5-year-old girl killed by three 6-year-old boys in 1994. In both cases, the extreme behaviour of the perpetrators was considered in the context of their age and their cognitive and emotional development.<sup>b,2</sup> Media reporting of compassion and wisdom from those with most reason to be angry and bitter helps, but is, of course, more dependent on remarkable qualities in the survivors. The mother of Brianna Ghey, a teenager groomed and killed by two other 15-year-olds, reached out to the parents of the killers. It helped further that this thoughtful generosity of spirit was picked up by the media so that the benefits were extended to all of us – encouraging a different type of national discussion, that of prevention and protection of our children.<sup>9</sup> The voice of the parent is a crucial one to be heard, containing as it does valuable lessons from those with direct experience, as found in Sue Klebold’s *A Mother’s Reckoning*, containing her own examination of the factors leading to a mass shooting (her son was Dylan Klebold, one of the two boys responsible for the Columbine High School massacre before killing themselves).<sup>10</sup>

In contrast to the apparent ease that we find in demonising individual children, a much harder, painful, but perhaps more mature, position is to recognise that the causes of violent behaviour in children are complex, multifactorial and often trauma-related, and that children should be the subject of help, not further harm through vilification and social exclusion. Recognition of this, at all levels, could help identify children at risk of harming others, help them and prevent further fatalities. Although the latter would be hard to evidence because killing by children is so rare, reduction in non-fatal violence could also be reduced by more child-centred rehabilitative care planning.

Fear is a powerful motivator but is rarely the foundation of good decisions when it comes to complex issues. Learning lessons from incidents that have such a low base rate (such as children who kill) is challenging – however, given that the pragmatic difference between murder and common assault is

a. Described in R V Secretary of State for the Home Department, Ex parte V. and R V Secretary of State for the Home Department, Ex parte T., quoted from Mr. Justice Moreland.

b. <https://www.independent.co.uk/arts-entertainment/a-child-murdered-by-children-1616746.html>.

often one of chance (these cases are rarely premeditated, and frequently the result of impulsive acts done in states of extreme heightened emotion), we can take some lessons from children who break the law in general. The practical gap between those who commit common assaults and those who kill is often far smaller than people think, and frequently these horrific incidents represent a catalogue of missed opportunities where the outcome could have been very different. A public dialogue that promotes thinking about societal risk factors, and early and accurate recognition, assessment and intervention with children at risk, will support the development of a safer society. When we study the population of children who break the law, what we find are extraordinarily high rates of adverse childhood experiences,<sup>11–13</sup> poverty,<sup>14</sup> failed education,<sup>15</sup> brain injuries<sup>16</sup> and mental health problems.<sup>17</sup>

This information presents us with a genuine opportunity to intervene to change the future outcomes for these children, their families and the victims of crime, and intervention has to start early, not least because this is by far the best way to spend taxpayers' money in this area.<sup>18</sup>

The scientific community has provided considerable evidence of specific challenges facing children that can be ameliorated. Within-child problems that may be helped, even by appropriately trained parents and teachers, include tendencies to impulsivity and risk-taking,<sup>19–21</sup> a slowly developing capacity to recognise emotions in others,<sup>22,23</sup> a heightened susceptibility to peer influence<sup>24–25</sup> and weaker consequential thinking in comparison with their adult counterparts.<sup>27,28</sup>

Antenatal classes and parenting programmes do excellent work in relation to physical health and well-being; and greater resources for education to detect early traits and support families to manage issues such as neurodiversity, problem behaviour and mental health issues manifesting in early life are likely to save both health and money in the long term.

The Sure Start early intervention programmes reduced convictions and sentences in 16-year-olds living close to Sure Start centres. Of concern, there was an increase among 12-year-olds, but this indicates the need for further research in this area to understand what worked for 16-year-olds rather than closing down the centres, as happened during the UK's austerity years.<sup>29</sup> Poverty continues to harm our children in myriad ways, not least through poverty of resources such as community family support, social care and specialist mental health services.

When we look specifically at the sorts of children who end up in criminal court settings, challenges become even more apparent, with higher rates of mental health problems and abuse, which potentially could have been ameliorated in part via family education and support in the very early years.

Once we are faced with a young person who has committed serious crimes, we must work to understand the origin story of that particular child. This does not absolve them of responsibility – but we must then work towards empowering them to take ownership of their past behaviour and control of their behaviour for the future – and this is simply not possible without a sense of both self-esteem and

citizenship. Children cannot feel a sense of belonging and thus responsibility to others if ostracised and separated from society, with no prospect of ever being included. Such immense fractures of connections mean that children are likely to struggle to engage in therapies and other opportunities for change. Being labelled as only a monster and an outcast closes down the potential for change and future safety. Labelling theory<sup>30–33</sup> makes reference to the deterministic element of the 'young offender' epithet, which simply does not achieve an outcome desirous to anyone. We suggest that the Guide to Judicial Conduct should advise judges not to apply terms such as 'evil' to individuals, especially children, because the media, general public and politicians are often heavily influenced by the stated views of senior and highly experienced members of the judiciary.

It is worth adding that children who commit grave offences can be traumatised by their own actions and, as they mature, the processing of their actions will set them on a painful journey of reflection and evolution. Trained mental health and welfare professionals are, of course, needed to support them on this path if we are truly interested in reducing reoffending, facilitating true rehabilitation and enabling proper reintegration – but, above this, we must consider the context in which we are working with them. As hard as it is, we must make a considered and mature effort to understand, although not excusing, to help those who have done the unthinkable, and to provide a system of management based on compassion and a desire to instil a sense of citizenship and belonging, not a primal desire for segregation and revenge.<sup>34</sup> It is essential that victims of serious offences, their families and the families and close associates of homicide victims have all that they need to survive and recover as far as possible. Supports for victims and their families following an offence can be hard to access, with many families relying on voluntary sector agencies for help, and there must be more investment here too.

Compassion-focused therapy, supporting the child in feeling safe, reduces activation of their threat and protection system, which is often the trigger for violent behaviour in traumatised children. They need to understand and forgive themselves before they can become caring and of low risk to others. The therapeutic process is to support the child to be compassionate to their traumatised self by modelling compassion for them. This is quite the opposite of how punitive people can be to these children – an action that activates the already sensitised threat and protection system into further risk behaviour.<sup>35</sup> Being compassionate and caring does not lead to a *laissez faire* system with no consequences for criminal behaviour. It is well accepted, within attachment theory, that children feel safe with boundaries – but these must be compassionate and rehabilitative.

Precedent exists in some countries for a different way of working with young people in contact with the law. Countries with a higher minimum age of criminal responsibility deliver tailored welfare interventions for children, focus on socio-economic factors, mental health and education and help children to set out on a different path, as demonstrated by the professionals' response to the murder of Silje Marie Redergård.<sup>36</sup> If we truly want to avoid future victims, this is the only logical course of action.

## About the authors

**Enys Delmage**, MBChB, MRCPsych, MMedSc, BA Phil, LLM, is a consultant in adolescent forensic psychiatry at the Nga Taiohi Unit, Kenepuru Hospital, Porirua, New Zealand, and Honorary Senior Lecturer at the University of Otago, New Zealand. **Pamela J. Taylor**, FRCPsych, FMedSci, is Professor of Forensic Psychiatry in the Division of Psychological Medicine and Clinical Neuroscience, School of Medicine, Cardiff University, UK. **Heidi Hales**, MRCPsych, PhD, is a consultant in adolescent forensic psychiatry in the North Wales Adolescent Service in-patient ward, Betsi Cadwaladr University Health Board, Honorary Senior Research Fellow at Bangor University and Honorary Senior Lecturer, School of Medicine, Cardiff University, UK.

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