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To cite this article: Bongolethu Diko, Sogo Angel Olofinbiyi & Jean Steyn | (2019) A cause to unravel the role of criminologists in compiling pre-sentence report: A South African perspective, Cogent Social Sciences, 5:1, 1704601, DOI: [10.1080/23311886.2019.1704601](https://doi.org/10.1080/23311886.2019.1704601)

To link to this article: <https://doi.org/10.1080/23311886.2019.1704601>



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Published online: 06 Jan 2020.



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Cogent Social Sciences (2019), 5: 1704601



Received: 08 October 2019
Accepted: 28 November 2019
First Published: 22 December 2019

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A cause to unravel the role of criminologists in compiling pre-sentence report: A South African perspective

Bongolethu Diko¹, Sogo Angel Olofinbiyi^{1*} and Jean Steyn²

Abstract: A sizeable number of individuals, including members of the criminal justice system, have limited knowledge of the value of criminologists' proficiency to compile an intensive pre-sentence report. To fill in this gap and gain an in-depth understanding of how criminologists can contribute as active participants in the criminal court, a qualitative research paradigm involving one-on-one in-depth interviews was employed to collect the data information that was required for the study. The findings strongly suggest that criminologists, who are currently functioning peripherally in the CJS, can be employed to exert greater influence on the compilation of PSRs, not only in the Durban High Court but also across a diverse range of contemporary global societies. More elaborately, the study has adequately demonstrated that the professionalization of criminologists should not only be restricted to research and scholastic endeavours.

ABOUT THE AUTHORS

Bongolethu Diko holds a Master's degree in Criminology and Forensic Studies from the University of KwaZulu-Natal, South Africa. Her research interest falls within the area of corrections and theoretical practice, as well as restorative justice across a wide range of African societies. She also has a unique passion for interdisciplinary research inquiries.

Sogo Angel Olofinbiyi, Ph.D., is a lecturer and postdoctoral research fellow in the Department of Criminology and Forensic Studies at the University of KwaZulu-Natal, South Africa. He has published scholarly articles in reputable international journals and presented various papers at renowned conferences around the world.

Jéan Steyn was the former Dean and Head of School of Applied Human Sciences, within the College of Humanities at the University of KwaZulu-Natal, Republic of South Africa. He has received multiple research awards and published numerous articles in high-impact national and international journals, books, and chapters in books. He has also presented various papers and chaired conferences and symposiums around the world.

PUBLIC INTEREST STATEMENT

Pre-sentence reports have played significant roles in giving direction to the sentencing of offenders by aiding the judicial process in gaining a better understanding of the offender and the explanations for the crime that was committed. To this end, these roles have been restricted to a specific number of professionals, comprising the psychologists, social workers, occupational therapists, probation officers to mention but a few. However, many people across the global spectrum hardly believe in the proficiency of criminologists in the compilation of pre-sentence reports for use by the Criminal Courts of Justice. The study would serve as a platform through which the contemporary global societies would learn more about the role and the efficiency of criminologists in compiling pre-sentence reports. Achieving this ground would enhance more effective, just and fair sentencing procedures that will be geared towards the betterment of fundamental human rights.

Subjects: Criminology and Criminal Justice; Victims and Victimology; Restorative Justice; Criminal Justice; Criminology and Law;

Keywords: criminal justice system; criminology; criminologists' role; court system; pre-sentence report; South Africa

1. Introduction

A number of role-players are involved in the criminal justice system (CJS) to bring the perpetrators of crime to book and to ensure that sentencing is appropriate and effective in rehabilitating offenders (Van Der Hoven, 2006). One role-player whose role has become vital in this regard is the criminologist. However, anecdotal evidence and observations have shown that understanding of the role of criminologists in the CJS is nebulous at the best of times (Tyng, Amin, Saad, & Malik, 2017, p. 8). The need is, therefore, identified in this study to clearly understand the role of criminologists, with particular reference to their functions in compiling pre-sentence reports that assist the courts in making appropriate sentencing decisions. A review of available literature revealed that scholarly understanding of the role of criminologists in the CJS has not been adequately explored or described; and, therefore, the full extent of the role and functions of criminologists in compiling pre-sentence reports is not understood (Human, 2018). Van Der Hoven (2006) argues that although criminologists have a sound knowledge of the criminology discipline, they ought to additionally contemplate or study psychology and certain law subjects to enhance their knowledge of criminology more holistically. Moreover, to function effectively in court, criminology students should be trained to have extensive knowledge of court strategies and procedures (See Human, 2018). Thus, students who are interested in forensic criminology should arguably also study law courses such as criminal law, law of evidence, and procedural law (Human, 2018; Van Der Hoven, 2006).

However, the Criminological and Victimological Society of Southern Africa does not require criminologists to study criminal, evidence or procedural law and nor is this stipulated by the Criminological and Victimological Society of Southern Africa (CRIMSA) rules and regulations. This omission is questioned, as this professional body argues that there is no individual who can become an expert in preparing a pre-sentence report unless he or she has studied the law and has knowledge of provisions within in the South African legal framework.

According to Naudé (2008, p. 9), trained criminologists are very rare in South Africa and they are “locked up in an academic tower”. Because of the “academic” aura surrounding criminologists and the resultant perception that their knowledge and skills are limited in the execution of criminal justice, the courts seem to attach little value to their role in compiling pre-sentence reports and in explaining criminal behaviour (Van Der Hoven, 2006).

In view of such criticisms and the general public lack of understanding of the role criminologists play in compiling pre-sentence reports for South African courts, criminologists in South Africa are still perceived as belonging to a nebulous fraternity in government, the scholarly world and inside non-governmental circles (Hesselink, 2013). However, Hesselink (2013) contends that the Criminology discipline in South Africa is still battling to find its unique “identity” through complex emergencies such as transformation, the advent of democracy, the appearance of prominent and upcoming black criminologists, as well as the burdensome and unresolved “professionalization” issue.

In different nations across the world, the role and the functions of criminology are valued, but more particularly in the criminal justice system comprising the police, the courts and correctional services. For instance, in nations such as the U.S and Australia, criminologist can be asked to perform examinations and assessments of the evidence gathered in relation to cases. They usually

carry out these functions by presenting official reports, victim impact statements and other assessments (Petherick, Turvey, & Ferguson, 2009). Furthermore, criminologists who are familiar with cultural customs, standards of professional practice and professional guidelines can testify in court with respect to their reality and what they perceive as their obligation in relation to the presented report (Petherick et al., 2009). Conversely, in South Africa, the utilization of criminology in the criminal justice system is still in its early stages (Singh & Gopal, 2010). According to Singh and Gopal (2010) and Hesselink (2013), South African Criminology still battles to find its identity. This is owing to the fact there are various issues that hamper criminologists' role in the courts and in the compilation of pre-sentence reports. Moreover, criminologists cannot register their profession or belong to a professional board, such as is the case in some other countries of the world (Bezuidenhout, 2011; Hesselink, 2013).

There is also no code of conduct that stipulates the work ethics of and presents guidelines for criminologists (Bezuidenhout, 2011). It is for this reason that pre-sentence reports in South Africa are still compiled by psychologists, social workers and probation officers. Pre-sentence reports in this country still do not contain holistic criminological views that take all the relevant factors that could have an influence on the personality and actions of the offender into consideration (Bezuidenhout, 2011; Hesselink, 2013; Petherick et al., 2009). Studies have also revealed that various classification schemes and typologies describe offenders, their offenses, victims and the causes of crime (Hesselink, 2013; Petherick et al., 2009). These plans are intended for investigative research reasons and to create in-depth comprehension of the connections between crime, the criminal and the causes of crime (Hesselink, 2013).

Such classifications, as referred to above, can best be described by forensic criminologists in the pre-sentence report. However, only a few criminologists have worked in criminal courts as most have been employed to work in correctional services in the field of penology (Bezuidenhout, 2011). The Department of Correctional Services also established a task team to explore the use of criminologists in correctional centres and community-based correctional facilities (Bezuidenhout, 2011). Generally, however, most criminologists have occupied themselves as researchers who study crime and criminal behaviour to establish scientific methods to assess, evaluate and explain the disposition, level, reason, as well as regulation of criminal conduct (Hesselink, 2013). The study positions that criminologists should be an integral part of the PSR team. Taking insight from a criminological perspective, it is established in literature that the numerous factors that contribute to criminal offending such as, biological, psychological, individual, social, family, cultural, economic, and environmental factors, amongst others can be best understood, analyzed, interpreted and explained by criminologists (See Hesselink, 2013, p. 246; Sukyirun, 2016, p. 101). By the same token, Schoeman (2016, p. 40) corroborates this position by adding that the evaluation of predisposing risk factors that influence people's cognitive capacity to distinguish between right and wrong could only be accomplished if a holistic criminological approach is followed during the assessment of individuals that fall victim of the conflict of the law. In this respect, depending on the need for a specific expert to unravel these complexities, professionals such as criminologists, social workers, occupational therapists, psychiatrists/psychologists should form part of an assessment team. In light of the above, the essentiality of the current study is to establish a clearer comprehension of the role of criminologists in the compilation of pre-sentence reports. The study was prompted, among other things, by the fact that earlier studies failed to explain in full detail what the functions of criminologists are in compiling pre-sentence reports.

1.1. The essentials of pre-sentence report in South African criminal justice system

The primary motivation behind the pre-sentence report in the justice system is to give direction to the sentencing procedure (Terblanche, 2016). Its aim is to help a presiding officer in gaining a better understanding of the offender and the explanations for the crime that was committed.

This is one of the triads of factors the court has to consider in constructing a sentence (Herbig & Hesselink, 2009; Terblanche, 2016). It has become a prerequisite that a PSR be acquired at whatever point the presiding officer wants to be better informed about the character and the possible future of the offender (Terblanche, 2016). However, the PSR is not submitted to change the mind of the judge, but to summarize the case and to give supporting evidence regarding the offender (Tata, 2010; Terblanche, 2016). It also assists the Department of Correctional Services (DCS) in recommending types of rehabilitation projects that should accommodate wrongdoers while in prison. When police officers accompany a prisoner to the DCS, they need to present the PSR in recommendation of what treatment projects should be utilized as a part of rehabilitating the offender (Tata, 2010; Terblanche, 2016). It is noteworthy that the aim is not to punish the offender, but rather to assist in rehabilitation strategies that will be most effective for him or her. DCS programmes concentrate on assisting offenders to cope with incarceration and their life after prison by providing them with a variety of personal skills (Singh, 2016).

Each prisoner or criminal is unique, and for this reason, “one-fits-all” projects should be abolished, and diverse treatments should be utilized for their rehabilitation. Programmes that may be offered by the DCS include Adult Basic Education and Training (ABET) programmes, Higher Education and Training opportunities, vocational skills, computer skills and basic occupational skills (Magano, 2016). These programmes are intended to equip detainees with the fundamental abilities that will encourage powerful living in the world after they have been released from prison (Magano, 2016).

Another motivation behind the Pre-Sentence Report (PSR) is paroling (Fiftal-Alarid & Montemayor, 2010). Parole is defined as the release of an offender before his sentence expires under certain conditions as stipulated by a parole board (Louw & Luyt, 2009; Mujuzi, 2011a). Put differently, an excellent study conducted by Louw and Luyt (2009, p. 3) describes parole as a technique of conditional release, targeted at successfully reintegrating offenders into the community under certain, prescribed and controlled circumstances. Therefore, the decision to allow parole is generally in view of the offender’s case file (including the Pre-Sentence Report [PSP]) and an interview with the inmate (Morgan, 2017). PSR is also conducted to assist in effective community supervision after the release of a parolee or when an offender has been released on probation (Demichele, Payne, & Matz, 2011). Community sentences (probation) are generally seen as an alternative option to imprisonment, which is appropriate for many offenders (Hughes & Henkel, 2015). It offers a safe and inexpensive method for conveying punishment that fits less serious crimes while avoiding the detrimental effects of incarceration (Hughes & Henkel, 2015). The motivation behind community supervision is to help offenders in their reintegration into the community (Demichele et al., 2011).

The Pre-sentence Report serves as a basis for initiating recommendation treatment and program planning (Fiftal-Alarid & Montemayor, 2010; Morgan, 2017). As offenders are diverse, distinctive programmes should be used as part of the quest to help them. Such programmes offer alternative treatment measures that may be more effective than incarceration (Messina, Burdon, Hagopian, & Prendergast, 2006). The most critical need is to offer effective rehabilitation programs to offenders (Messina et al., 2006). Consequent upon this advancement, planning and executing risk assessments are vital in reintroducing offenders back into society (Persson & Svensson, 2012).

1.2. Underpinning the nature of pre-sentence report in South Africa

In South Africa, during the time of sentencing, the trial court utilizes two reports: one by a social scientist, who has been appointed by the court, and another by a correctional department representative (Joubert & Van Wyk, 2014). The criminal law in this country determines how individuals who have probably carried out an offense must be treated (Joubert & Van Wyk, 2014). The state has the exclusive obligation to impeach and discipline criminals. The PSR is ordinarily compiled individually by a psychologist, a social worker, a psychiatrist and a small

number of criminologists. The reason for the limited number of criminologists, as revealed by the current study, is that the field of criminology in South Africa is still developing into a full-fledged certified profession like Psychology, Social work, Psychiatry and a host of others that are certified to participate in compiling Pre-Sentence Report in South Africa. According to the South African law, the individual who is in charge of compiling a PSR for the court is known as an “expert” or an “expert witness”. Experts are therefore advisors who are there to serve the court, and they give an assessment that is beyond the knowledge of the court (Joubert & Van Wyk, 2014).

Their role is to help the court and not to advance the case of any side in a hearing (Herbig & Hesselink, 2009). Therefore, it is the obligation of the court or the law to state what is expected from the PSR and also to decide on “how witnesses in court must be dealt with and which evidence is satisfactory, and which will count during the hearing” (Joubert and Van Wyk, 2014, p. 7). It is important that any report submitted to a court of law should be created corresponding to the standards and philosophies of the rule of proof and that experts consistently understand the mandate of the information or evidence required (Joubert, 2010). Specific requirements should be met before any individual, particularly an expert, can testify as a witness (Joubert & Van Wyk, 2014).

According to Joubert and Van Wyk (2014), Lawrence and Janse van Rensburg (2006), the requirements that should be met before an individual may testify as an expert witness are stipulated as follows:

- (1) The witness must be an individual with experience or skills to render him or her an expert in a subject.
- (2) The evidence and guidance offered by the expert must be satisfactorily significant to the issue to be dictated by the official courtroom.
- (3) The skill or expertise of any witness or expert should not be elevated to such heights that the official courtroom claim capacities and obligations are revoked.
- (4) The conclusion presented to the law court should be demonstrated via acceptable proof that comprises either truths or certainties demonstrated by certain individuals.
- (5) The judgement offered by the expert should not hijack the power of the court.

Clearly speaking, the South African PSR requirements differ and are relatively unique in some respect because of the direct result of its structure and format that dig deep into the history and background of designated offenders (See Human, 2018). In South Africa, the first thing that is considered when compiling a PSR is to take note of the personal details of the offender (Terblanche, 2016). The personal details include the following: initials, surname, identity document (ID) number, case number, court name, court number, marital status, age, sex, surname and initials of the husband/wife/partner, and disability (Terblanche, 2016). The second section comprises additional demographic information such as employment, residence, and family ties (Herbig, 2010). When focusing on the employment history of the offender, current employment and employment history are to be noted.

When the PSR is compiled, it is very important to include the family history of the offender (Oven, 2006). The reason is the belief that the childhood or family history of an individual can drive the person to commit a crime. Kingston and Webster (2015) argue that the majority of individuals who experience childhood trauma, poverty or crime are likely to become criminals at a later stage in their lives.

After compiling the family history, details of the “present crime” should be included (Terblanche, 2016). “Present crime” is the crime that the individual is being convicted of, such as assault, murder, house-breaking and other violations (Terblanche, 2016). Under the heading “previous convictions”, it is very important to include all the crimes that the individual once committed (Terblanche, 2016). Geldenhuys, Swanepoel, Terblanche, and Van Der Merwe (2014, p. 269) state that, “based on

Section 272 of the Criminal Procedure Act (CPA) No. 51 of 1977”, previous convictions can be proven “simply by handing in the accused’s fingerprint record in the South African Police Criminal Record System 69”. It is very wise if the criminologist/compiler of the report has evidence when arguing this part before the court. According to the third rule of evidence, investigators, judges and social scientists should not base their decision on speculation or suspicion, but their decision must be based on logical and material evidence (Joubert & Van Wyk, 2014).

According to Geldenhuys et al. (2014), Section 271 A of the CPA provides that previous convictions “fall away” after 19 years, provided that the criminal has not perpetrated a fairly serious crime within that period. Conviction that “fall away” is a less serious crime, or any offence for which the passing of a sentence was postponed in terms of Section 297(1)(a), or for which the accused was merely cautioned and discharged (Ibid.).

The accused is also given an opportunity to supply evidence in mitigation of a sentence (Geldenhuys et al., 2014). In less serious cases, mitigating features are frequently described by the accused or the legal representative simply by addressing the court from the bar (Ibid.). It has, on occasion, been held that the address on the mitigation of sentencing should not include facts, as facts should first be proven (Ibid.). The next section that must be completed deals with suspended/postponed sentences. Such sentences occur at a point at which a sentence of imprisonment is imposed, but it is not put into immediate effect (Bradfield & Bartels, 2016; Terblanche, 2016). The offender or criminal is thus released on determined conditions and is subject to serve the term of imprisonment in the event of breach of those conditions that are set up by the criminal justice system (Ashworth, 2015; Bradfield & Bartels, 2016). The criminologist/compiler must thus take note of any suspended sentences of the offender when compiling a PSR.

The following section requires information on sentences of correctional supervision/parole placements. Correctional supervision is a community-based sentence that is served by an offender in the community or society under the control and supervision of correctional authorities or probation subject to conditions which have been set by the court or the Commissioner of the Department of Correctional Services (DCS), with the specific end goal of securing the community and preventing a relapse into crime (Visser, 2009). The PSR should incorporate information on the previous correctional supervision or the parole agreement of the offender.

The next section that is completed concerns the violation of parole conditions/escapes. Parole is a sentence of imprisonment that is served in the community under the control and supervision of correctional officials. These conditions are set by the Commissioner of Correctional Services or his/her delegate (Louw & Luyt, 2009; Mujuzi, 2011a). Therefore, the violation of a parole agreement is tantamount to committing or violating the law of the state. The compiler of the report must take note of the violations of parole if the offender was once under parole supervision. According to Hesselink (2013), the report should also include the physical and psychological conditions of the offender. A history of medical conditions and treatment, the names of treating physicians, and prescriptions are also included in the PSR (Tam, 2018). The court may require the officer to uncover all known medical information about the offender with the specific goal of determining relevancy and fair sentencing of the offender. The offender’s history of the use of drugs/alcohol and support system for abuse should be noted. The focus during the interview should be on the offender’s present or current substance abuse history (Ellis, 2014; Petherick et al., 2009). This information is required on account of the correctional service that is needed to set up certain programme arrangements that will help the offender to fight substance abuse while being incarcerated, and hopefully thereafter.

2. Methodology

A systematic research design was adopted to examine the topic of the study and specify the one-on-one methodological approach of in-depth interviews employed in the process of data collection for the study. In executing this methodological approach, participants for the interviews were

selected using a purposive sampling technique. This is necessary to help the richness of this study by probing further beyond the capacity of what questionnaires can cover so as to minimize possible errors and enhance trustworthiness of the research through high-quality data collection (Olofinbiyi & Steyn, 2018, p. 2). A peculiar justification for selecting a qualitative research design is that this study is indeed motivated by a desire to move beyond the inadequacy of close-ended approach of questionnaires and possible errors that are usually generated by the dominant quantitative approach based on a positivist paradigm (Olofinbiyi & Steyn, 2019, p. 8).

2.1. Study population and sample size

A total number of eleven (11) participants were recruited for the study. The participants were purposively selected from among the identified groups at the Durban High Court and the Faculty of Criminal Law at the University of KwaZulu-Natal (UKZN). The choice of the purposive sampling technique was justified based on the participants' knowledge and experience in compiling pre-sentence reports. The study sample included a criminologist, who had experience in compiling PSRs, lawyers, judges, and prosecutors working at the Durban High Court. Moreover, Lecturers in Criminal Law at the UKZN, who had some experience of criminal cases in the Durban High Court were also included in the study so as to give the study a more comparative research approach. It was affirmed that these selected participants provided rich data that answered the study's research questions. Table 1 provides a tabular presentation of the participants sampled and the justification for selecting them.

2.2. Method of primary data collection

The data were collected by means of face-to-face interviews. Such interviews have long been the dominant interview technique in the field of qualitative research (Opdenakker, 2006). This method was utilized to gain in-depth data that would assist in eliciting a comprehensive understanding of the role of the criminologist in compiling PSRs. This method provided this study with many benefits such that induced first-hand information from the interviewees, pertaining to their encounters, challenges, frustrations and feelings; and in so doing data that were considered most significant in addressing the objectives of the study were obtained (Otoo, Badu-Baiden, & Kim, 2019). An interview schedule was used to guide the interview process, but where required, some deviations occurred when the participants were probed for more in-depth information. The questions were open-ended, making it possible for the interviewer to include new insights during the interview procedure depending on the responses of the participants and the additional information that was required for the study (See King, Horrocks, & Brooks, 2018)). The interviews were voice recorded with the participants' permission. A digital voice recorder and a backup recorder were used. Every

Table 1. Participants sampled for the study

Designation	Number of participants	Justification for recruitment
Attorneys/Lawyers	3	Only three lawyers were selected to participate in the study. Due to their knowledge of criminal law and their involvement in cases at the Durban High Court. it was also envisaged that they would provide rich data for the study.
Prosecutors	3	Their knowledge of trial procedures, the use of the PSR and their rich experience in the sentencing of offenders were deemed invaluable to the study. Permission was also granted by the NPA to involve these prosecutors in the study.
Judges	2	As the officials are ultimately responsible for sentencing offenders, their contributions were deemed very vital.
Criminal Law lecturers at UKZN	2	Two Criminal Law lecturers were selected who had also gained experience as trial lawyers in the High Court in Durban.
A Criminologist	1	The reason for interviewing a criminologist was because of his expert experience in pre-sentence report preparation and the in-depth information that he would contribute to the study.

interview was conducted in the participant's office where security and privacy were assured and where they felt comfortable and unthreatened. A copy of the interview schedule and the contact details of the researcher were given to every interviewee for possible future enquiries.

The objectives of the study, the confidentiality clause, and the procedure that were adopted in conducting the interviews were explained to the interviewees. They were also provided with a time frame for each interview and its format. All these were stated on the informed consent form designed for the study. They were assured that the information that they were going to provide would be treated in the utmost confidence. This was achieved by allocating a pseudonym to each participant and securing their permission to record their voice as they responded to the questions.

Number of interviews	Length of each interview
11 participants	20–30 min

The investigators provided an informed consent form to each of the interviewees to read, while a portion of the informed consent form was signed by the principal investigator in the presence of each respective participant. The guidelines for the length of the interviews were as follows:

The interview with the criminologist who was based in Gauteng was conducted via Skype. All the interviews were conducted in English and verbatim transcriptions were made for data analysis purposes.

2.3. Method of data analysis

Deductive thematic analysis was adopted to analyze the collected data. This method of analysis was chosen because the researchers were able to analyze, classify and present the data according to themes or patterns (Pearse, 2019). The data that emerged from this process illuminated the information in detail and were easily managed by means of interpretations, regardless of the diverse subjects (Alhojailan, 2012). The principal investigator could, thus, develop themes according to the research objectives and questions that guided the study. In this manner, the narratives of the participants in relation to their experiences of working with criminologists and the challenges experienced in their efforts to compile/utilize PSRs were adequately explored, and this process lent validity to the study, thus ensuring the trustworthiness of the entire research. In achieving this, the study employed five stages of thematic analytical method, as well elaborated upon by Olofinbiyi and Steyn (2019), to guide the data analysis process:

- (i) **Familiarization with the Data:** The field notes that had been constructed based on observations and impressions and the verbatim transcripts were read several times. This facilitated familiarity with participants' remarks and enabled the identification of their different views about the role of criminologists in compiling PSRs. This process assisted the researcher in gaining an initial understanding of the views of the participants concerning the research subject.
- (ii) **Identification and Coding of Themes:** Themes that emerged from the data were identified and coded in each text. These important statements were manually transcribed and highlighted in different colours to clearly distinguish the various emerging themes.
- (iii) **Organizing Responses into Categories:** Statements that had the same meaning and that were in line with the objectives of the study were grouped together. Important issues in the first interview were noted and grouped together with all the statements that were relevant to the research objectives. The same process was followed with the rest of the texts.

- (iv) **Summary of the Findings:** A summary was written according to the themes and topics depicting key issues that were addressed by the participants. This summary engendered some interpretation of the findings that were describing the role of the criminologists in compiling the PSR at the Durban High Court.
- (v) **Discussion:** This was the final stage of the data analysis process. It was at this stage that the researchers mainly made linkages and interpreted the data, comparing key findings to those reported in other studies. This section provided a platform for demonstrating the practical as well as the theoretical implications of the results.

3. Results and discussion

3.1. The functions of criminologist and the details of the PSR

This section presents the details of the pre-sentence report and what is expected of the criminologist when compiling this report. The findings based on the literature review and the interview reports revealed that the role of criminologists in compiling the PSR should be taken seriously because of the contribution they have made in this regard in other countries and the potential for enhancing the CJS in South Africa. When questions were posed on the role of criminologists in the criminal court system, a participant who was a criminologist by profession, was able to assert that criminologists should be called to compile a PSR when there is a serious criminal case and when they are dealing with a dangerous criminal:

When I request a pre-sentence report from the compilers, I expect the following to be present. This will help me when I am defending my client before the court. The reason for requesting it, is because I want the court to have a clear understanding of my client's identity as the accused, so name, surname, ID no., gender, home language, religion, residential address, family composition such as name, age, relationship to the accused; social background and educational factors; financial circumstances; physical and mental health status of accused; socio-cultural aspects such as traditions, religion; substance abuse; previous offence, current offence; evaluation and assessment; and recommendation ...

Another participant, who was a lawyer gave a similar response to the question asked of him on the role of criminologists in compiling PSR:

"The role of the criminologist will be the following: Identity of the offender, family composition ... columns [under] name, age, relationship to the accused; social background and educational factors and financial circumstances; psycho-social aspects (physical and mental health status of accused); socio-cultural aspects (traditions, religion); substance abuse; previous offence; current offence; evaluation; and recommendation"

The conceptual clarifications and narratives of the following participants have provided a cause to unravel the role of criminologists in compiling pre-sentence report. On this note, the following responsibilities of an expert criminologist as regards PSR compilation are comprehensively discussed as follows based on the participants' points of view.

3.2. Biographical data compilation

The first thing that a criminologist should do when compiling a PSR is to procure relevant biographical data of the offender. Knowledge of the biography of the offender is imperative as it provides background information of the offender such as what an offender experienced (particularly during childhood) and what motivated the offender to commit the crime (See Human, 2018; Hesselink, 2013, p. 246; Sukyirun, 2016, p. 101). In this process, criminologists should utilise their knowledge of offender profiling to explain and clarify the offender's criminal conduct. The approach should in particular be employed to appropriately structure the arguments that will be contained in the PSR (Human, 2015). Thus, criminologists should utilise their criminological research approach to identify and analyse the characteristics of offenders based

on their in-depth understanding of crime and criminal behaviour from bio-psychosocial perspectives. The argument, in this respect, posits that biological, psychological and social environment of the individuals play a major role in his/her character development and decision to commit a crime (See also Schoeman, 2016). This will be essential in expatiating the behavioural factors that could have surrounded the cause of the criminal act. Based on the findings of this study as regards criminologists' fundamental understanding of criminal behaviour vis-à-vis their proficiency in compiling PSR, the conclusion is that the inclusion of these professionals in the Criminal Justice System will strengthen the public faith in the process.

3.3. Identifying the offender

Identification of the offender is also very paramount to a criminologist's function in PSR. According to Hesselink (2013), criminologists who work in the criminal court serve as experts who are able to profile a criminal by means of biographical and other data pertaining to the criminal and the crime. Thus, an analysis of the character of the offender is very important in the PSR because it gives insight into the drivers that motivated the offender to commit the crime.

Information about the identity of the offender must entail the following: name, surname, ID number, gender, home language, religion, and residential address. This means that before the criminologist or any expert does an in-depth investigation about the offender, the first thing is to collect the information. After this section the social background and the educational background should be attended to. An empirical evidence in support of this argument is established in the response of a participant as follows:

"They should present this in the front page of the PSR: Name, surname, ID no., gender, home language, religion, residential address"

Another participant added that:

"Identification of the offender must be taken serious. This can be achieved by writing down their name, ID, home address, marital status, date of birth, sex, ethnic group and other status characteristics that can provide access to their identity"

3.4. Social and educational background of the offender

This study has shown that criminologists are the first of all, among psychologists, social workers, probation officers or any individuals that prepare a pre-sentence report, to understand the social and educational background of the offenders. As indicated by Sutherland's differential association theory, the individual learns techniques and methods for carrying out wrongdoing through social settings. The social background is the environment or the society in which an individual resides. The participants also stated that social background has a major impact on the life of the individual. Previous researchers additionally argued that the social background of an individual has a way of contributing to the behaviour of the individual (Herbig, 2010; Human, 2015). As the community is a group of individuals who live in the same region and who have similar interests, religion and nationality (Mouret, 2006), criminologists should analyse the structure of the environment of the offender and see how the environment has contributed to the life of the individual. The participants also suggested that criminologists should investigate how common a specific crime in a society is. The investigation also needs to incorporate community members' comments about the wrongdoing and should not overlook the norms and values of the society in which the crime was committed.

However, one participant argued that if criminologists should consider community members' views, then the sentencing decision may be ruled by emotion, which is undesirable. This comment illuminated a dichotomy, because ignoring the perspectives of the community may result in an unreasonable decision which may place an offender in a hazardous situation because the community has a tendency to take the law into their own hands if they perceive that justice was not served in the court. In this context, criminologists are urged to use their problem-solving skills derived from an in-

depth and theoretical understanding of the underlying causes of crime. Moreover, by utilizing this approach, criminologists will reach a decision based on critical thinking and analysis that will not be subject to the miscarriage of justice, because growing up in an area with high incidence of crime does not always mean that people will become criminals. Conversely, people in the community sometimes uphold a false witness to protect one of their own kind. However, such critical understanding of criminal behaviour will help support criminologists in reaching fair and unbiased conclusions.

Educational factors must never be ignored either. The criminologist should interview the teachers, peers and the offender's friends that are or were at school with him/her and find information about the offender's school performance. Research has demonstrated that poor academic performance and misconduct are connected (Felson & Staff, 2006). Weak performers tend to turn to crime for satisfaction, money, status, and confidence because they are not rewarded at school (Felson & Staff, 2006). Criminologists should present such information critically before the court so as to help the court reach a fair conclusion. Excerpts in support of these assertions are captured in the statements of the following participants:

The social background elaborates further on how the individual was raised and the community of the individual is so import. By adding this to the pre-sentence report we will know what has contributed to his behaviour.

The above statement was similar to the argument that was offered by one of the judges interviewed:

The society should never be ignored because it will reveal how prevalent that crime is in the society.

Another participant argued that:

The community should be investigated more to see how common that crime [is in the] society.

It was further elaborated that, by acknowledging the community's view, the court will obtain a clearer view of the crime and the offender. However, this statement was contradicted by one of the participants who offered a thought-provoking point:

The views of the community should never be added because the sentencing is a very difficult stage and we do not want to be ruled by emotions.

Another factor that was raised was the educational background of the individual. It was suggested by one of the participants that, by including information about the education of the offender, the behaviour of the individual can be better understood: The truth of this statement is expressed in the excerpt below:

The educational background. We want to see how an individual's behaviour at school was; was he or she a deviant person? How was the offender performing at school? Was the offender struggling or not? (Participant 1).

3.5. Family structure and substance abuse

It is also wise to incorporate the offender's history of substance abuse and the family structure in the report. Family structure is generally closely associated with the behaviour of individuals who commit crime. Robinson (2017) argues that the broken family factor has been mentioned as playing an important role in shaping offenders' tendency towards criminality. This implies that the criminologist should investigate the family structure and experiences of the offender. The reason for interviewing family members is that, according to Sutherland's theory, people learn about crime from those close to them such as family and friends. Criminal behaviour thus rarely occurs without the influence of significant others. However, criminologists need to be mindful that

coming from a family of violent individuals is not necessarily an indicator that an individual will turn to criminal behaviour. It is therefore imperative that criminologists are critical thinkers. However, at some point, criminologists may even go so far as to meet the relatives and friends of the offender. Aspects such as level of poverty/wealth, criminals in the family, substance abuse and other negative factors that may result in crime or deviant behaviour should be explored. When this information is presented before the court, criminologists must apply critical thinking approach to explain to the court in what manner the offence has been committed due to behaviour that was learned through interactions with intimate groups. It will thus be wise to explain the upbringing of the offender with reference to Sutherland's assertion (Gover & Wells, 2019).

Human (2015) and Herbig (2010) argue that the marital status of the offender should be taken into consideration during the sentencing process. If the offender is married, then the criminologist involved should investigate the relationships between the spouses and between the offender and the children. One of the interviewed participants also suggested that the relationship of the offender and his/her relatives should be noted in the PSR. This statement is significant because if the court chooses to incarcerate an offender, it should first determine whether the individual is a primary care giver or not. Likewise, if it happens that the individual has an aggressive and abusive personality, then the criminologist will have to note that and explain that in the report.

However, it was suggested by some participants that the conduct of the individual is not only influenced by family structure but also substance abuse. Many crimes are committed when the perpetrator is under the influence of liquor or drugs. Research has found a strong correlation between substance abuse and crime (Mcmurran, 2003). The criminologist who investigates the influence of drugs or liquor on the crime should also explore the causes of and the motives for taking drugs and consuming liquor in excess of normal standards. Reasons for substance abuse are often a combination of poverty, stress and unemployment. Other reasons are greed, jealousy and revenge. Criminologists should also investigate the real cause of substance abuse when planning the rehabilitation program for the offender. A participant, who is a university lecturer had this to say:

The compiler should never ignore substance abuse. We want to know if the crime was committed under the influence of drugs or alcohol.

According to one of the lawyers interviewed during the course of the study, he stated that:

"The compiler should ask more questions on the offender's family structure and the nature of the family from which the offender comes from ... I am of the opinion that an expert criminologist must do this better because of their deeper understanding of the criminal behaviour"

3.6. Financial circumstances and employment status

A study that was done in the UK uncovered that financial conditions may drive a person to commit a crime (Webster & Kingston, 2014). On this note, criminologists should, therefore, have to do a profound investigation of the financial circumstances of the offender. This process involves looking into all payments received and the work responsibilities of the individual. Criminologists should be very alert because crimes are not committed only by the poor; indeed, the rich commit various "white collar" crimes that often involve millions, valuable material things and even murder. Criminologists should also investigate the conduct of the offender in his/her working environment. Colleagues, co-workers and peers should thus be interviewed concerning the conduct of the offender at the workplace. At the point when the criminologist is clarifying this information before the court, he/she should provide insight into the interactions the offender had with people in his/her most intimate social group, as these people tend to possess a substantial effect on deviant conduct and the development of criminal tendencies. This study also revealed that the financial circumstances of the offender should never be ignored. Evidence in support of this finding is captured in this excerpt.

Financial circumstances are very crucial. It reveals how much an individual is making for a living and it helps us not to be biased because sometimes we do get cases of rich people who have been found guilty of a crime. So, by adding the financial circumstances we want to know if a crime was committed due to greed or poverty.

3.7. Socio-cultural and psycho-social factors

The participants who spoke about the role of the criminologists did not mention the socio-cultural aspect, which could mean that they were not aware that this aspect is imperative in criminal profiling. Socio-cultural aspects include elements such as the culture, norms, customs and religion that the offender adheres to. The respondents who understood the role of the criminologists to some extent thus focused on their knowledge of the contents of the pre-sentence report but could not refer to the deeper investigations a criminologist should perform. Without violating the human rights of the offender, the compiler of the PSR should determine if the offender adheres to a particular faith or not, and this should be stated in the PSR. Individuals have different belief systems, and such belief systems tend to influence identity and behaviour. For example, if the offender is a Christian, the criminologist should take note of the denomination of the church and the name of the minister/priest. Some of the church members should also be interviewed for their comments on the behaviour of the offender. The doctrine that the offender adheres to should also be noted, because some churches have doctrines that are in contravention of the South African Constitution. For example, members of some “churches” may be required to make an offering of human blood.

There is a paucity of research that has dwelled on the importance of religion in the compilation of the PSR for South African courts, probably because it has never been viewed as essential. However, information on the religion of the criminal could be useful, particular here in South Africa, because churches may have been established by criminals who want to hide their criminal activities in the name of religion. In line with this finding, it is indicated that countries such as the United States engage in deeper investigations of the religious tendencies of offenders (Ellis, 2014).

The customs and cultural values of offenders may sometimes be in conflict with the law. Thus, traditional beliefs such as the power of traditional medicines that are made of the body parts of humans (particular people with albinism) often lead to crime (Reimer-Kirkham, Astle, Ero, Panchuk, & Dixon, 2019). There is, therefore, the need for criminologists to work with psychologists to explain the behaviour of the individual according to African Psychology (Adelowo, 2015), which clarifies the conduct of offenders in the African context. Criminologists should thus consider the role of “sangomas” (traditional African healers) as much as that of psychologists in the lives of offenders. For example, in African culture, it is often believed that if a person acts in a strange manner, it could be caused by a lack of communication with the dead and the living. Sometimes a criminologist and psychologist may explain the behaviour of an offender through the lens of witchcraft practices, which will also acknowledge the importance of African criminologists in the field. Many South African cultures are embedded in African traditions and norms, and therefore, whatever is brought before the courts should be approached from an African context as well as a European context, because the laws of the land are essentially Eurocentric, which is a legacy of colonialism. This strengthens the argument that the criminologists will have to be critical and should question every piece of evidence without disregarding the psycho-social aspects of the offender (De Klerk, 2013).

The psycho-social aspects referred to above incorporate the psychological and physical well-being of the individual (Beukman, 2008; Human, 2015). It was mentioned by the participants that the criminologist is not really capacitated to comment on the psychological aspects of the offender, and that the criminologist will, therefore, have to collaborate with a psychiatric and/or a psychologist when addressing the psycho-social aspects of the offender. This suggests that a psychologist and doctors should conduct appropriate psychological and physical tests; however, it is this researchers’ contention that if criminologists are trained in administering psychological tests, then criminologists should ought to do the test and present the findings to the court. Psychological theories have been influential in shaping the way society thinks about crime and delinquency and in shaping policies that relate to

these issues (Moore, 2011). Therefore, because the differential association theory does not argue much about the mental aspect of the offender, it would be wise for the compiler of the report to utilize theories like the psycho-analytical trait theory, which sees crime as the consequence of an imbalance between the id, ego and superego parts of human personality that are believed to be a symbolic way of meeting unconscious needs (Moore, 2011). Another theory that can be employed is the social learning theory that considers wrongdoing as a behaviour that is learnt through socialization with others. Evidence in support of this assertion is expressed in the statements of the following participants:

We would like to see the psychological part of the offender during the crime and after the crime.

Also, the physical condition and well-being of the offender were mentioned by the participants as one of the factors that can influence the sentencing of the offender. For instance, a participant added that:

The report should have the physical factors. We want to know if the offender has any disability or not

3.8. Analyzing previous and current offences

A previous offence is an offence that an individual once committed that led to a court trial or hearing (Terblanche, 2016). Criminologists should scrutinize case documents for the criminal record of the offender. Criminologists should also research what caused the previous offence and why it was different from or the same as the current crime. This will shed some light on the offence pattern of the offender and will assist in the recommendation of a suitable sentence. In support of this argument, a participant submitted that:

The previous crime should not be left behind because it shows us if an offender is a law breaker or not. Sometimes it also shows us if the individual has rehabilitated or not.

However, a current offence is the offence that an individual has been charged for. The participants argued that having details of the current offence is very important because it enlightens the court about the crime that has been committed and it also gives insight into the criminal inclinations of the offender. To substantiate this argument, a participant expressed that:

The current offence presents the crime an individual is guilty of

3.9. Evaluation and assessment of the offender

Finally, evaluation and the assessment of the offender must be done collaboratively by a criminologist, psychologist, medical doctor and social worker. This is very important because it is viewed as a process that will give direction to the compiler in terms of his/her recommendation for sentencing. In addition, it will be wise if the compilers also work with Correctional Services because the assessment of the offender is a correctional process that must also consider the risks (danger to self, others and the community) and the offender's needs (education, finances, family, substance abuse program, mental health issues, and potential for re-offending) (Moore, 2015). Evaluation of the offender is essentially offender profiling which is also known as criminal profiling. It is viewed as the process whereby criminologists will have to scrutinize the behavioural tendencies, personality traits, geographic location, and demographic or biographic descriptors of criminals based on the characteristics of a particular crime (Ebisike, 2007). Criminologists are therefore required to be a critical thinker during all aspects of the report. Every piece of evidence must be questioned and evaluated, and arguments must be presented logically and unambiguously. An empirical evidence in support of this assertion is expressed in the statement of this participant:

"The criminologist should do the evaluation of the offender. We want to know if we are dealing with a dangerous offender or [whether he/she] is not dangerous"

One of the prosecutors that were interviewed in the study added this:

“To be candid the best person to do evaluation and assessment of the offender is a criminologist. We all want to know if we are dealing with the right offender so that at the end of the day we will not be punishing an innocent person for an offence he/she knows nothing about”

4. Conclusion

The findings strongly suggest that criminologists, who are currently functioning peripherally in the CJS, can be employed to exert greater influence on the compilation of PSRs not only in the Durban High Court but also across a wide range of global societies. It was adequately demonstrated that the role of criminologists should not be restricted to research and scholastic endeavours only. Clearly, their knowledge, skills and expertise should be utilized in the compilation of PSRs for criminal courts in South Africa. Sadly, the role of criminologists in this regard is currently being marginalized and little value is placed on their ability to contribute to sound and valid arguments regarding the sentencing of offenders. PSRs are compiled by psychologists and probation officers (generally social workers) almost exclusively, but this study argues that collaborative efforts in the compilation of these reports will be beneficial to all role-players in the sentencing phase of criminal cases. However, the study revealed that some influential specialists in the CJS had limited knowledge regarding the roles of criminologists in the sentencing phase of criminal trials, and some even believed that criminologists are only consulted in the case of very serious crimes involving dangerous offenders. It is argued that, if criminologists were afforded the opportunity to participate actively in the CJS, particularly in the process of sentencing, their influence would enhance a just and fair criminal trial system in South African. A case in reference is the highly publicized trial of Oscar Pistorius who shot and killed Reeva Steenkamp. In this case, criminologists made a tremendous contribution to the judge’s decision, and thus the court was able to pronounce a reasonable and fair sentence that was justified by a careful consideration of all the facts and factors surrounding the offender, the crime, the victim and her family. This implies that if a similar comprehensive investigation were employed in all cases, numerous offenders would receive an impartial and rational verdict and there maybe not as much of likelihood for recidivism. Moreover, the professionalization of criminologists will enhance and elevate their role as experts, and this will strengthen South Africans’ faith in our criminal justice system.

Funding

The authors received no direct funding for this research.

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Authors’ Activities

All the authors have worked collaboratively to ensure the success of this paper. Bongoletu Diko conceived the idea, led the data collection and analysis process while re-writing, paraphrasing, formatting and critical review of the manuscript was done by Sogo Angel Olofinbiyi. The overall project was supervised by Jean Steyn for constructive insights and final examination of the manuscript before submission for publication consideration

was jointly carried out by Sogo Angel Olofinbiyi and Jean Steyn.

Citation information

Cite this article as: A cause to unravel the role of criminologists in compiling pre-sentence report: A South African perspective, Bongoletu Diko, Sogo Angel Olofinbiyi & Jean Steyn, *Cogent Social Sciences* (2019), 5: 1704601.

References

- Adelowo, A. (2015). African psychology: The psychological adjustment of African women living in New Zealand. *Papers on Social Representations*, 24(6), 1–6.21.
- Alhojailan, M. I. (2012). Thematic analysis: A critical review of its process and evaluation. *West East Journal of Social Sciences*, 1, 39–47.
- Ashworth, A. (2015). *Sentencing and criminal justice* (6th ed.). London: Cambridge University Press.
- Beukman, B. (2008). Professionalising criminology in South Africa. *Acta Criminologica: Southern African Journal of Criminology*, (2008), 11–23.
- Bezuidenhout, C. (Ed.). (2011). *A Southern African perspective on fundamental criminology*. Cape Town: Heinemann/Pearson Education South Africa.
- Bradfield, R., & Bartels, L. (2016). *Phasing out of suspended sentences: Tasmania law reform institute final report*. Tasmania: Department of Justice.
- De Klerk, K. L. (2013). *The role of the victim in the criminal justice system: A specific focus on victim offender mediation and victim impact statements*

- (Unpublished Doctoral dissertation (Ph.D)).University of Pretoria, Pretoria. Faculty of Law.
- Demichele, M. T., Payne, B. K., & Matz, A. K. (2011). *Community supervision workload considerations for public safety* Online. Lexington, KY: Council of State Governments, American Probation and Parole Association. Retrieved from <http://www.appa-net.org/eweb/docs/appa/pubs/CSWCFPS>
- Ebisike, N. (2007). *The use of offender profiling evidence in criminal cases*. (Unpublished dissertation (Ph.D)). Golden Gate University. School of Law doi:10.1094/PDIS-91-4-0467B
- Ellis, A. (2014). *Federal sentencing: Federal pre-sentence investigation report*. 29 (3).Retrieved from <http://alanellis.com/wp-content/uploads/2018/06/federal-pre-sentence-report.pdf>
- Felson, R. B., & Staff, J. (2006). Explaining the academic performance-delinquency relationship. *Criminology*, 44, 299–320. doi:10.1111/crim.2006.44.issue-2
- Fiftal-Alarid, L., & Montemayor, C. D. (2010). Attorney perspectives and decisions on the pre-sentence investigation report: A research note. *Criminal Justice Policy Review*, 21, 119–133. doi:10.1177/0887403409344166
- Geldenhuis, T., Swanepoel, J., Terblanche, S. S., & Van Der Merwe, S. (2014). *Criminal procedure handbook* (14th ed.). Cape Town: Juta and Company.
- Gover, A. R., & Wells, K. S. (2019). Social learning theory of victimization. *The Encyclopedia of Women and Crime*, 1–3.
- Herbig, F. J. W. (2010). Criminal justice/criminology and forensic psychophysiology: A symbiotic interface. *South African Journal of Criminal Justice*, 23, 78.
- Herbig, F. J. W., & Hesselink, A. M. E. (2009). The role and function of criminologists within the criminal justice and private sector. *Journal of Psychology in Africa*, 19, 441–447. doi:10.1080/14330237.2009.10820313
- Hesselink, A. (2013). A review of the practical potential of South African criminology. *Acta Criminologica: Southern African Journal of Criminology*, 26, 136–146.
- Hesselink, A., & Booyens, K. (2014). Correctional criminology: An innovative South African practice. *Acta Criminologica: Southern African Journal of Criminology*, 1, 1–15.
- Hughes, J. M., & Henkel, K. S. (2015). The federal probation and pretrial service system since 1975: An era of growth and change. *Fed. Probation*, 79, 48.
- Human, M. (2015). *An exploration of the criminologist's role in establishing the criminal capacity of children in conflict with the law*. (Unpublished dissertation (M.A)). University of South Africa .School of Criminology.
- Human, M. (2018). *The role of criminologists as specialised practitioners in the child justice system* (Doctoral dissertation). University of South Africa.
- Joubert, M., & Van Wyk, C. (2014). Social work forensic reports in South African criminal courts: Inevitability in the quest for justice. *Social Work*, 50, 485–503.
- King, N., Horrocks, C., & Brooks, J. (2018). *Interviews in qualitative research*. California: SAGE Publications Limited.
- Kingston, S., & Webster, C. (2015). The most 'undeserving' of all? How poverty drives young men to victimisation and crime. *Journal of Poverty and Social Justice*, 23(3), 215–227.
- Lawrence, B., & Janse van Rensburg, R. (2006). Forms of sexual abuse and the practical implications of applying south african law to sexual offences cases. *Sexual abuse: dynamics, assessment and healing*. Pretoria: Van Schaik Publishers.
- Louw, F., & Luyt, W. (2009). Parole and parole decisions in South Africa. *Acta Criminologica: Southern African Journal of Criminology*, 22, 1–20.
- Magano, M. D. (2016). The academic wellness and educational success of juvenile offender learners in a Gauteng correctional school. *Educational Research for Social Change*, 5, 148–152.
- Mcmurran, M. (2003). Alcohol and crime. *Criminal Behaviour and Mental Health*, 13, 1–4. doi:10.1002/(ISSN)1471-2857
- Messina, N., Burdon, W., Hagopian, G., & Prendergast, M. (2006). Predictors of prison-based treatment outcomes: A comparison of men and women participants. *The American Journal of Drug and Alcohol Abuse*, 32, 7–28. doi:10.1080/00952990500328463
- Moore, M. (2011). Psychological theories of crime and delinquency. *Journal of Human Behaviour in the Social Environment*, 21, 226–239. doi:10.1080/10911359.2011.564552
- Moore, R. (2015). A compendium of research and analysis on the Offender Assessment System (OASys).
- Morgan, K. D. (2017). Pre-sentence investigation report. *The Encyclopedia of Corrections*, 1–4. Online. doi:10.1002/9781118845387
- Mouret, F. (2006). A phrase structure approach to argument cluster coordination. *The Proceedings of the 13th International Conference on Head-Driven Phrase Structure Grammar* (pp. 247–267). California: Stanford.
- Mujuzi, J. D. (2011a). Unpacking the law and practice relating to parole in South Africa. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 14(5), 14.
- Naudé, C. B. (2008). The case for a regulatory board for criminologists. *Acta Criminologica: Southern African Journal of Criminology*, (2008), 1–10.
- Olofinbiyi, S. A., & Steyn, J. (2018). The Boko Haram terrorism: Causes still misunderstood. *Journal of Social Sciences*, 14, 129–144. doi:10.3844/jssp.2018.129.144
- Olofinbiyi, S. A., & Steyn, J. (2019). *Using a qualitative method analysis to conceptualize democratic leadership as a breeding ground for youth recruitment into Boko Haram Terrorism in Nigeria*. London: SAGE Publications Ltd.
- Opendakker, R. (2006). Advantages and disadvantages of four interview techniques in qualitative research. *Forum Qualitative Sozialforschung/Forum: Qualitative Social Research*, 7(4). Netherlands.
- Otoo, F. E., Badu-Baiden, F., & Kim, S. (2019). A qualitative cognitive appraisal of tourist harassment. *International Journal of Tourism Research*, 21, 575–589. doi:10.1002/jtr.v21.5
- Ovens, M. (2006). The functioning of the criminologist in the South African criminal justice system. *Acta Criminologica: Southern African Journal of Criminology*, 19(1), 127–136.
- Pearse, N. (2019, June). An illustration of deductive analysis in qualitative research. In *18th European Conference on Research Methodology for Business and Management Studies* (p. 264). Johannesburg.
- Persson, A., & Svensson, K. (2012). Shades of professionalism: Risk assessment in pre-sentence reports in Sweden. *European Journal of Criminology*, 9, 176–190. doi:10.1177/1477370811424985
- Petherick, W., Turvey, B. E., & Ferguson, C. E. (2009). *Forensic criminology*. New York, NY: Academic Press.

- Reimer-Kirkham, S., Astle, B., Ero, I., Panchuk, K., & Dixon, D. (2019). Albinism, spiritual and cultural practices, and implications for health, healthcare, and human rights: A scoping review. *Disability & Society*, 34(5), 747–774. doi:10.1080/09687599.2019.1566051
- Robinson, G. (2017). Stand-down and deliver: Pre-sentence reports' quality and the new culture of speed. *Probation Journal*, 64(4), 337–353. doi:10.1177/0264550517734928
- Schoeman, M. I. (2016). Determining the age of criminal capacity. Acting in the best interest of children in conflict with the law. *SA Crime Quarterly*, 57, 35–42.
- Singh, S., & Gopal, N. (2010). Criminology in the 21st century. *Acta Criminologica: Southern African Journal of Criminology*, (2010), 11–24.
- Singh, S. B. (2016). Offender rehabilitation and reintegration: A South African perspective. *Journal of Social Sciences*, 46, 1–10. doi:10.1080/09718923.2016.11893506
- Sukyirun, P. (2016). Biosocial interaction and juvenile delinquency behaviours of Thai Juvenile Delinquents. *International Journal of Criminal Justice Sciences*, 11 (2), 100–113.
- Tam, M. (2018). *Pre-sentence reports and sentencing comments: Description and comparison of psychiatric and psychological reports and their use in sentencing decisions* (Unpublished thesis (Ph.D)). Swinburne University of Technology, Centre for Forensic Behavioural Science, Melbourne, Australia.
- Tata, C. (2010). A sense of justice: The role of pre-sentence reports in the production (and disruption) of guilt and guilty pleas. *Punishment & Society*, 12, 239–261. doi:10.1177/1462474510371734
- Terblanche, S. (2016). *Guide to sentencing in South Africa*. Durban: LexisNexis.
- Tyng, C. M., Amin, H. U., Saad, M. N., & Malik, A. S. (2017). The influences of emotion on learning and memory. *Frontiers in Psychology*, 8, 1454. doi:10.3389/fpsyg.2017.01454
- Van Der Hoven, A. (2006). The criminologist as an expert witness in court. *Acta Criminologica: Southern African Journal of Criminology*, 19, 152–171.
- Visser, J. G. (2009). *The role of correctional supervision in curbing overpopulation in prisons* (Unpublished dissertation(M.A.)).University of South Africa. Penology.
- Webster, C., & Kingston, S. (2014). *Poverty and crime*. London: Joseph Rowntree Foundation.



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