

# **SECTION A**

## **INTRODUCTION, HISTORIC OVERVIEW, NATIONAL AND INTERNATIONAL RESEARCH ON OFFENDER NEEDS AND RISK ASSESSMENT**

### **CHAPTER ONE**

#### **1. INTRODUCTION AND ORIENTATION**

##### **1.1 Introduction**

Worldwide, the assessment of criminal behaviour is a reliable practice to challenge, address and correct criminal behaviour in custodial settings. Internationally, offender assessment is mostly utilised for classification (medium and/or maximum categories), intervention (to determine offenders' needs), risk management (to determine the risk to escape and self-harm) and pre-parole (reoffending risk) purposes. Offender assessment is the basis of criminological intervention and this practice directs therapists and custodial officials to rehabilitate offenders adequately (Alexander 2000:119; Simourd 2004:306-307; Sumner 2004:211; Toch 2002:120; Bonta, Wallace-Capretta & Rooney 2000:314). This outlook is consistent with research findings, suggesting that offender assessment effectively abates, reduces and addresses criminal and reoffending behaviour (Bonta & Cormier 1999:236; Bonta 2002c:356; Ferguson 2002:474; Hollin 2001:22-23; Myer 2001:xiii; Sumner 2004:211).

In South Africa, forensic reports have mostly been used for pre-custodial or pre-sentencing purposes. That is, criminological reports have been compiled by experts to assist and inform the court of who the accused as a person is, and to highlight the specific circumstances surrounding the crime. In this regard, aspects such as the contributing factors, personal, social and environmental influences, the offender's background, family orientation, school experiences, education and a theoretical explanation (of the criminal behaviour) are offered to assist the court (Labuschagne 2004:1; Terblanche 1999:111-112). These pre-sentence reports are, however, not used for custodial purposes. Once an offender is incarcerated, the Department of Correctional Services commences with an outlay of the prisoner's custodial

(classification) and correction (intervention) plan. During this phase an offender should be assessed to determine his or her needs for rehabilitation. The probable risk that this individual holds for the correctional system should also be examined (De Bod, personal interview 6 August 2004; Hesselink-Louw & Holtzhausen 2003:111; Hesselink-Louw & Schoeman 2003:162).

No structured and/or scientific offender assessment practices do, however, exist within the Department of Correctional Services. Currently, the assessment of criminal behaviour mostly depends on the individual practitioner's (social workers and psychologists) skills, experience, exposure, and training in issues pertaining to criminality (Bergh, personal interview 23 April 2003; Hesselink-Louw & Schoeman 2003:162; Luyt, personal interview 18 November 2003; Monacks, personal interview 1 October 2004). This void contributes to an increasing reoffending rate (recidivism) and results in ineffective intervention practices (Burger 2004:19; Draft White Paper on Corrections in South Africa 2003:21; Vapi & Boyle 2004:1).

Ideally, incarceration should reduce, not increase, an offender's propensity to reoffend (Hesselink-Louw & Holtzhausen 2003:111; McGrath, Cumming, Livingston & Hoke 2003:3; Venter 2004b:1). Due to a lack of appropriate assessment and rehabilitation, it has therefore, been suggested that the Department of Correctional Services contributes to the high reoffending and crime rate, and that the South African prisons are perceived to be "universities of crime" (Burger 2004:19; Vapi & Boyle 2004:1; Venter 2004b:1).

According to Kriek (National Director of Remission and Parole, Department of Correctional Services) and Jansen (Director and Advocate of Lawyers for Human Rights), the treatment, rehabilitation and assessment of prisoners are some of the most burning issues in the Department of Correctional Services and a holistic approach to treatment is needed to effectively rehabilitate prisoners (Addressing Overcrowding in South African Prisons: An Introduction to New Generation Prisons, 9 May 2003). It was further propagated by Kriek and Jansen that the Department "cannot cope" with their responsibility to assess and rehabilitate offenders. The reason for this was mostly ascribed to staff shortages and overcrowded conditions in prisons (Bergh 2002:5, 8).

Current South African governmental policy is that prisons should concentrate on the assessment and rehabilitation of sentenced prisoners (Burger 2004:19; Draft White

Paper on Corrections in South Africa 2003:59-61; Government Gazette No. 26626, 2004:34; Mbete, Ramsingh, Sokupa & Moodley 2001:78; Muntingh 2001:6). Coetzee (1999:20) and Luyt (1999a:11) accede that the assessment of offenders is a responsibility that the Department of Correctional Services (DCS) has never really mastered in the past (Department of Correctional Services, Annual Report 2001 / 2002:38).

During a *Consultative Research Forum Meeting*, at the Department of Correctional Services (Pretoria, 7 May 2004), it was said that offender assessment is one of the top ten research priorities in corrections. The aim is to “gear” practitioners and therapists to effectively assess criminal behaviour in order to address the high crime and recidivism rate in South Africa (Draft White Paper on Corrections in South Africa 2003:59-61; Mbete *et al* 2001:78; Muntingh 2001:6). Emphasis is now placed on transforming South African prisons from being so-called “universities of crime” into effective rehabilitation centers that produce individuals who are capable of successful reintegration into their communities as law-abiding citizens (Department of Correctional Services Strategic Plan for 2003/4-2005/6:4; Luyt 1999a:3).

According to the Department of Correctional Services Annual Report (2000 / 2001:97-98) and the Draft White Paper on Corrections in South Africa (2003:59-61), the assessment of an offender is the key to personal growth, development and rehabilitation. Proper assessment, then, has to include knowledge of the criminal mind and crime, motives, causes, behavioural triggers, identification of risk factors, offender profiling and a theoretical explanation of criminal behaviour (Bergh, personal interview 27 August 2002; Cornwell 2003b:84-89; Draft White Paper on Corrections in South Africa 2003:45, 59-61; Du Preez 2003:191, 194, 263). The utilisation of criminologists (in corrections) to address issues (such as causes, motives, triggers and explanations of crime) can diminish the overwhelming workload of therapists (psychologists and social workers), and enhance a multi-disciplinary assessment and rehabilitation effort (Luyt, personal interview 18 November 2003; Sumner 2004:211, 219).

Coetzee (2003b:19), a corrections expert, suggests that what South Africa needs for the effective and efficient management of a complex correctional system is:

“ ... the implementation of a management approach that recognises the complexity of both the organisation and the environment. Looking at the functions of assessment it appears that there are sufficient evidence that an effective and efficient

inmate assessment system could play a very important role in managing a complex prison environment” (Coetzee 2003b:19).

Other correctional experts, namely Du Preez (2003:186) and Luyt (Personal interview 18 November 2003) concur with Coetzee and they argue that offender assessment practices can reduce recidivism and contribute to effective rehabilitation practices.

This research project is unique in that it explores, describes, explains and examines the practice of offender assessment in custodial settings from a criminological perspective. National and international research on offender assessment is used as a guideline to individually analyse relevant case studies related to the different dimensions of assessment, namely classification, intervention, risk management and pre-parole assessments. To this end, the importance, contribution and benefit of criminologists within the Department of Correctional Services are illustrated and explained, and from an offender rehabilitation perspective, creative opportunities are provided for therapists to improve their intervention practices (Williams 2003:78-79).

## **1.2 Misconceptions regarding imprisonment and the treatment of offenders in South African prisons**

Several misconceptions regarding imprisonment and the rehabilitation of prisoners in South African prisons exist (Coetzee 2003b:4). On the one hand, some citizens believe that institutional treatment produces a quick and magic result (Coetzee, Krüger & Loubser 1995:15). Correctional Services has been criticised for giving prisoners more privileges than they are supposed to have. It was for this reason that prisons were dubbed “five star” hotels, holiday homes and even “Sun City”, in which the least deserving are provided, at the taxpayers expense, with the comforts and luxuries that law-abiding citizens must work to attain (Botha 1998a:11; Coetzee 2003a:64; Mbete *et al* 2001:15; Morris, 2004; Ramafoko 1998b:10).

On the other hand, some citizens believe that criminals should suffer more than just a loss of liberty through incarceration (Coetzee 2003b:4). The public attaches an element of cruelty to the prison system where they expect offenders to meet with the harshest form of punishment (Mbete *et al* 2001:14). Subjection to inhumane jail conditions are viewed by some citizens as a meaningful component of the criminals’ punishment. In addition to this, Tshiwula (2001:137) states that:

“We are stuck in the 19<sup>th</sup> century because crime evokes anger, resentment, fear and bitterness, and the dark side of human

nature cries out for vengeance or for a chance to hit back. It is this fearful side that longer sentences and the 'hang them' brigade appeals to, and this is the side that needs to be kept in check."

The abovementioned misconceptions regarding the imprisonment and treatment of prisoners contribute to the public's lack of interest in, and support of the effective treatment of offenders.

### **1.3 National and international research on the assessment of offenders**

The importance and need for offender assessment in South African prisons are supported by a lack of national research on this phenomenon. The following section highlights existing South African and international research on offender assessment. A comprehensive discussion, relating to national and international research on the assessment of offenders' needs and risk will follow in Chapters Three and Four of this study.

#### **1.3.1 South African research on offender assessment**

Two South African studies (Labuschagne (1992) and Du Toit (1998)) address aspects of offender assessment. Labuschagne's (1992) study deals with the pre-sentence assessment of accused persons for sentencing purposes, while the study of Du Toit (1998) focuses on the development of assessment tools to determine the functionality of the inmates' family.

Labuschagne (1992), a forensic criminologist, focuses on an assessment structure based on a pre-sentence evaluation report for sentencing purposes of offenders. This study highlights the role of criminologists as expert witnesses in court, with regard to individualised sentencing recommendations. The pre-sentencing evaluation report assists the presiding officer in understanding the offender as a person and the circumstances in which the crime was committed. This assessment structure addresses the potential risks and needs of offenders and the treatment responsibility of offenders for rehabilitation purposes (Labuschagne 1992:21; 2004:1; Labuschagne, personal interview 26 May 2003).

Du Toit (1998:1-8), a social worker, developed an assessment structure for the Department of Correctional Services to specifically assess and determine the following: The functionality of the offender's family, the influence and/or impact that the family might have had on criminal behaviour, and the family's role as a support

structure. This researcher (1998:1-8) examined the necessity of assessment instruments for offenders in South Africa and identified relevant aspects regarding the family to be assessed by social workers in the prison environment. A multi-media computer programme with a touch screen, named MIKE, was developed (Du Toit 1998:18, 26). This programme offers a sound material questionnaire and dialogue. Components of MIKE have been introduced and implemented as an assessment structure within Group 4 Private Prison, Global Solutions, South Africa (Mangaung Maximum Security Prison, Bloemfontein).

According to De Klerk (Personal interview 27 March 2003), several disadvantages and/or shortcomings have been identified in this assessment structure. It does not focus on the causes, risk and trigger factors, motives of the crime or the *modus operandi* of criminal behaviour. It also does not account for an offender's personality traits, procriminal attitudes and treatment susceptibility. De Klerk asserts that the assessment structure offers no opportunity to probe for more detail, to clarify misunderstandings or to explain and analyse individual behaviour (De Klerk, personal interview 27 March 2003).

### **1.3.2 International research on offender assessments**

Canadian and British scientists have made significant contributions to the advancement of the assessment and treatment of offenders (Girard & Wormith 2004:150; Simourd 2004:306-232). Canadian research and outputs prove that the Canadians are at the forefront of research efforts in offender assessment (Hanson (1998); Hanson & Bussière (1998); Hanson & Harris (2000); Motiuk & Serin (2001); Simourd (2004); Wormith & Olver (2002)). An in-depth analysis of the British and Canadian assessment structures and programmes will serve as a basis and scientific guideline for this study. This in-depth examination of international research on offender assessment will be elaborated on in Chapters Three (International research on offender needs assessment) and Four (International research on offender risk assessment) of this study.

### **1.4 The Department of Correctional Services: Service delivery**

The following section underscores the important role of corrections regarding the treatment, development, rehabilitation and appropriate assessment of prisoners in South Africa. Challenges faced by the Department of Correctional Services that hinder effective rehabilitation of offenders will be explored as well. This section also supports the necessity of this research project.

The treatment of offenders remains one of the most important functions of imprisonment (Burger 2004:19; Landman 2004:19; Mubangizi 2001:120; Smith 2004:12; Venter 2004b:1). The Department of Correctional Services is the custodian of people who have offended against the community and transgressed the laws of the state (Skelton 2004:4). The Correctional Institution contains people with diverse backgrounds and cultures. It is a community with its own culture. It carries the responsibility of correcting behaviour which society has failed to deal with (Department of Correctional Services Annual Report 2001/2002:5, 10, 14; Mbete *et al* 2001:52).

One of the Department of Correctional Services' main objectives is to provide prisoners with the opportunity to develop and to grow into individuals who can positively contribute to conventional society (Burger 2004:19; Draft White Paper on Corrections in South Africa 2003:4, 59-60; Mbete *et al* 2001:ii, 114; Smith 2004:12). The Department should provide diligent and excellent services, and the emphasis should be on service delivery of which rehabilitation and the assessment of offenders should be a priority (Draft White Paper on Corrections in South Africa 2003:59-61; Luyt, personal interview 18 November 2003; Mohajane 1998:8). According to Coetzee (2003b:3, 6-7) and the then Chief Deputy Commissioner of Functional Services, (Department of Correctional Services), Ms Schreiner, the core business of DCS is the humane treatment and rehabilitation of prisoners. The prison environment must therefore help to facilitate rehabilitation (Schreiner, personal interview 27 May 2002). A driving force in the Department known as "Gearing DCS for Rehabilitation" has been formed with this in mind (Bukurura 2003:82; Department of Correctional Services Strategic Plan for 2003/4-2005/6:4; Mlotshwa 2002:13).

In Setswana *motho ga a latlhive*, directly translated, means that a human being cannot be thrown away. These words of wisdom form the core of what the concept *botho/ubuntu* means and underpins a central pillar of Christian faith, which is that no human being is beyond God's redemption (Mbete *et al* 2001:23-24). This principle of *botho/ubuntu* affirms the primary objective of the DCS, namely the rehabilitation of prisoners who have transgressed the laws of the country. It should be expected that people coming out of the system should come out better off than when they went in, and will be responsible citizens (Burger 2004:19; Mbete *et al* 2001:24; Smith 2004:12).

The vision and mission of the Department of Correctional Services is to render services that contribute to community protection and the rehabilitation of offenders (Burger 2004:19; Draft White Paper on Corrections in South Africa 2003:30; Smith 2004:12). The rehabilitation of offenders is a key mission, and one of eleven focus points identified by Correctional Services (Coetzee 2003b:6; Department of Correctional Services Strategic Plan for 2003/4/-2005/6:6).

The rehabilitation of offenders necessitate the development of an effective human resource strategy that will address and facilitate a multi-skilled treatment approach to offenders (Budget Vote by the Minister of Correctional Services, National Assembly, 5 June 2001). Included here is the procurement and acquisition of adequate resources (including criminologists), which enable effective responses to rehabilitation (Burger 2004:19; Draft White Paper on Corrections in South Africa 2003:4, 8; Du Preez 2003:263). According to Tshiwula (2001:138), the mission, vision, purpose and objectives of Correctional Services, and the way in which it views its role and function, supports the necessity and importance of the assessment of offenders. Within this context the need to tailor individual assessments is also emphasised.

The increasing cultural diversity, poverty, illiteracy and unemployment rates in South Africa present new challenges for therapists and the government (Cox 2004:2; Draft White Paper on Corrections in South Africa 2003:26, 40; Landman 2004:19; Michaels 2004:2; Thompson 2004:6). In this regard, Bergh (Personal interview 27 August 2002), Cornwell (2003b:84-89), a British criminologist, Du Preez (2003:263) and Hollin (2001:21-30, 75-81) suggest that effective rehabilitation can be achieved through a multi-disciplinary approach that focuses on the provision of offender assessments and culturally appropriate rehabilitation programmes.

Based on the foregoing section, the rehabilitation of offenders cannot therefore be achieved without addressing obstacles within the Department of Correctional Services such as high incarceration rates, overcrowding and staff shortages. These factors contribute to the ineffective treatment of offenders and a lack of appropriate assessment of offenders.

#### **1.4.1 Challenges within the Department of Correctional Services**

Mvalo (2003:26) states that: "We are aware that our Department (DCS) is faced with a number of challenges that will lead it to great heights. Today you can cry because

roses have thorns, or you can celebrate that thorns have roses". The following challenges (identified within the Department of Correctional Services) need to be addressed to fulfill the Department's mission, vision and objectives regarding effective rehabilitation, assessment of offenders and the implementation of a cross-disciplinary treatment approach. These identified challenges also support the rationale and the importance of this research project.

#### **1.4.1.1 The South African crime rate**

South Africa has one of the highest incarceration rates in the world, and has become a country with a growing crime problem (Draft White Paper on Corrections in South Africa 2003:6, 40; Hesselink-Louw & Schoeman 2003:158; Skelton 2004:4). In this regard, Coetzee (2003b:3) believes that:

"It could be said that South Africa's worst troublesome social problem is its very high crime rate. In spite of efforts through the criminal justice system to combat this disturbing social evil, a gulf of crime is still terrorizing and disrupting the lives of peace-loving citizens."

Skelton (2004:4) and Venter (2004b:1) state that crime in South Africa is widespread and rife and that life sentences have no effect on criminals. According to Morris (2004), South Africa incarcerates offenders at more than double the rate of any European country.

Witbooi and Ramafoko (1998:10), journalists from the Department of Correctional Services, note that South Africa has a long way to go to bring crime rates down to an acceptable level (Bukurura 2003:87; Skelton 2004:4). The high crime rate brings about an important question to be asked: "Does treatment of offenders work in South Africa?" According to research (Burger 2004:19; Hesselink-Louw & Schoeman 2003:158), there is no simple answer to this question. Severe skepticism exists regarding the ability of even effective treatment to reduce reoffending. It is argued that even if treatment is only effective for a small minority of serious offenders, or for a short period of time, the economic and emotional burden to society accordingly diminishes.

The high crime rate may create the perception within the community that crime is out of control. As a result of this, the community puts pressure on the government to be tough on crime and criminals, and the road of "zero tolerance" and longer prison sentences for offenders, seem to be very attractive (Landman 2004:19; Mbetse *et al*

2001:9; Skelton 2004:4; Venter 2004b:1). The escalation in crime emphasises the need for a better understanding of criminal behaviour, an adequate assessment structure, and offence-specific programmes to enhance the effective treatment of offenders (Hesselink-Louw & Schoeman 2003:158).

Since 1994, reported crime has increased by 14 percent and serious reported crime by 37 percent. Of these reported crimes, just over ten percent were prosecuted in court and eight percent resulted in convictions. The decline in conviction rates has failed to affect a decrease in prison numbers. A critical mistake that misleads the public is the misconception that increased incarceration alone can reduce crime (Dissel & Kollapen 2002:10).

Masuku (2003:17) professes the following regarding South African crime trends in 2002:

“National and provincial police crime figures indicate that crime has, to a certain extent, leveled off in the course of 2002. Murder continues to decline, as does vehicle theft. However, the trends for car hijacking are less positive. Of all the provinces, Western Cape, Northern Cape and Gauteng featured prominently in most of the crime categories. The volume of interpersonal violent crime remains a cause for concern, which suggests that government intervention should expand its focus on crime prevention through social development.”

This statement highlights the need of offender assessment and an integrated approach to offender rehabilitation in order to reduce the crime and recidivism rate in South Africa.

No reliable statistics exist on the rates of reoffending in South Africa, and the Department of Correctional Services does not maintain recidivism statistics (South African Prisons: Where life means death 2004:8). South African research estimates that between 85 percent and 94 percent of prisoners re-offend (Dissel & Ellis 2002:5; Draft White Paper on Corrections in South Africa 2003:71). During a Workshop entitled *Addressing overcrowding in South African Prisons – Different options* (30 April 2004), it was submitted that the Department of Correctional Services maintains a 70 percent recidivism rate, while Vapi and Boyle (2004:1) postulate that “...60 percent of our prisoners are repeat offenders.” In addition, Adams (2004:2) submits that overcrowding in South African prisons stands at 68,86 percent. According to the Draft White Paper on Corrections in South Africa (2003:47, 70-71), it is stated that

South Africa has a high recidivism rate and that “the rate of recidivism in South Africa is widely acknowledged to be unacceptably high”.

According to Coetzee *et al* (1995:1) and Luyt (1999a:26), the fight to control crime is strongest in the last stage of the criminal justice system, namely the correctional phase. It is in prison where the greatest effort should be made to keep an inmate in safe custody and to release an offender with the necessary insight and understanding of his or her crime, criminal behaviour and the harm caused to society. Ultimately, this "fight" should result in the need to reduce recidivism (Vapi & Boyle 2004:1). The Department of Correctional Services can fully contribute to a permanent reduction in the South African crime rate through the implementation of an integrated treatment approach where all relevant practitioners such as social workers, criminologists, psychiatrists and psychologists are able to make a contribution. Furthermore, appropriate assessment of offenders can reduce crime rates and contribute to the effective development, treatment and rehabilitation of offenders (Cornwell 2003b:84-89; Draft White Paper on Corrections in South Africa 2003:59-61; Du Preez 2003:263).

#### **1.4.1.2 Prison population**

During 2004, the Department of Correctional Services managed 241 prisons countrywide. South Africa has approximately 320 prisoners to every 100 000 of the population, and four out of every 1 000 South Africans are incarcerated (Skelton 2004:4; Rossouw 2004:2).

The reliance on incarceration as a means of addressing crime results in an increase in incarcerated populations and greater demands on an already fragile correctional infrastructure (Draft White Paper on Corrections in South Africa 2003:6; Landman 2004:19; Sitole 1998:14). During February 2004, the Department had cell accommodation for 113 551 prisoners, as opposed to a total prison population of 187 065 prisoners (Kriek 2004; Morris 2004). Some prisons are just under 100 percent occupied, many are over 200 percent occupied, with one reaching an astonishing 393 percent (Kriek 2004; Morris 2004; Landman 2004:19).

During July 2004, the South African prison population comprised 187 065 prisoners, both sentenced and unsentenced prisoners. There is occupation space for only 114 787 prisoners. This means that the national average level of overcrowding is between 62 to 68 percent (Adams 2004:2; Kriek 2004; Morris 2004; Rossouw

2004:2). Correctional Centers such as the Durban Medium C Facility is 370 percent overcrowded, while the Thohoyandou female prison (in the Limpopo Province), is approximately 386 percent overcrowded (Rossouw 2004:2).

Prison overcrowding is one of the social ills of the world that is found in all continents and in all regions (Coetzee 2003b:4-5; Landman 2004:19; Venter 2004a:4). Prisons in South Africa are trapped in a situation where overcrowding is beyond control (Burger 2004:19; Draft White Paper on Corrections in South Africa 2003:2, 23, 47; Jansen 2004; Morris 2004; Landman 2004:19; Venter 2004a:4). This inevitably results in the warehousing of incarcerated offenders, with little or no emphasis on assessment and effective, individualised development programmes (Department of Correctional Services Strategic Plan for 2003/4-2005/6:4; Luyt, personal interview 18 November 2003). When overcrowding reaches a certain level there are distinct psychological, behavioural and physiological effects. Identified effects have included elevated blood pressure, an increase in complaints of illness and serious health-related (coronary problems) concerns. In terms of behaviour, overcrowding causes problems such as increased assaults and disciplinary infractions among prisoners (Jansen 2004; Kriek 2004; Morris 2004; Landman 2004:19; Luyt 1999a:7).

As stated above, rehabilitation efforts are made even more difficult by the severe overcrowding of South African prisons (Venter 2004a:4; Witbooi & Ramafoko 1998:9). Overcrowding stretches limited staff resources and makes it difficult to effectively deliver on rehabilitation. Due to this, serious operational problems such as offender assessment and specific development programmes for inmates are almost non-existent in overcrowded prisons (Burger 2004:19; Jansen 2004; Kriek 2004; Morris 2004; Landman 2004:19).

Pandemic overcrowding remains one of the greatest challenges with which the Department is faced (Burger 2004:19; Draft White Paper on Corrections in South Africa 2003:2; Jansen 2004; Kriek 2004; Morris 2004; Landman 2004:19; Venter 2004a:4). The Department of Correctional Services must, in conjunction with other role-players in the criminal justice system (including criminologists), continue to seek ways to reduce the prison population and try to improve prison conditions (Burger 2004:19; Cornwell 2003b:84-89; Du Preez 2003:263). Overcrowding creates additional burdens on staff and increases tensions amongst prisoners and staff (Dissel & Kollapen 2002:95; Luyt 1999a:25). Custodial staff and practitioners (employed by the Department) are overwhelmed by an unmanageable workload and

instead of the individual assessment of offenders, group therapy and crisis intervention are resorted to. The result is the ineffective rehabilitation of offenders (Jansen 2004; Morris 2004; Luyt, personal interview 18 November 2003). Criminologists can positively contribute to relieving the workload of existing therapists in corrections, and they can also be used to assess offenders for referral and rehabilitation purposes (Cornwell 2003b:84-89; Maree, Joubert & Hesselink-Louw 2003a:122-123; Hesselink-Louw & Schoeman 2003:171).

Seiter (2002:169) states that assessment practices can be used in awaiting-trial facilities to reduce the security levels of non-violent inmates that do not pose a risk or immediate danger to society. This will temporarily relieve the problem of overcrowding by placing inmates in lower-security facilities that do not experience a crowding problem.

#### **1.4.1.3 Ineffective treatment of offenders**

According to the Department of Correctional Services Annual Report (2001 / 2002:12), the limited skills and lack of appropriate training of the Department of Correctional Services' staff to support the rehabilitation of inmates remain blockages to the delivery and transformation of the Department. The ineffective treatment of offenders in South African prisons is also supported by research conducted by Bergh (2002:24), Bukurura (2003:89), Hesselink-Louw and Schoeman (2003:171) and Landman (2004:19).

Dissel and Kollapen (2002:86), Du Toit (1998:4), Luyt (1999a:25) and Venter (2004b:1) confirm that there is an increasing dissatisfaction with treatment and rehabilitation services available to offenders in South African prisons. Ineffective treatment of prisoners can result in an increase in recidivism (Landman 2004:19). Criminological research (Tshiwula 2001:137) confirms the ineffectiveness and counter-productiveness of offender development in South African prisons. In this regard, Tshiwula (2001:137) states that imprisonment in South Africa further criminalises offenders and is a costly waste of valuable human resources.

According to Stewart (1997:23), rehabilitation is up to the individual prisoner but efforts to accomplish growth and development in South African prisons are non-existent. Stewart (1997:23) is of the opinion that although therapy is available in the prison, the resources for treatment and intervention are severely limited. One prisoner in Stewart's (1997:23) research stated that:

“You know, it’s hard for them, they are only three of them. One has just left, and another is leaving soon. They have such a heavy workload, and they have so many prisoners they have to see every day. I mean, how can two people handle 3 000 prisoners, I mean it’s ridiculous. The services of the psychological staff were considered to be one of the only two ready resources to help prisoner’s cope - the other being God“.

#### **1.4.1.4 Staff shortages within the Department of Correctional Services**

South African prisons are severely understaffed (Bergh 2002:23-24; Kriek 2004; Luyt, personal interview 18 November 2003; Volksbald: Internet site). The overall staff prisoner ratio is 1:5, and this number includes administrative personnel, and is not a reflection of warder-to-prisoner rates within the prison (Dissel & Kollapen 2002:9). During August 2004, there were 33 385 correctional staff (including administrative personnel) in the country, in relation to a constantly growing prison population (De Bod, personal interview 6 August 2004).

Although there are shortages of personnel in all the support services of the DCS, South African prisons are specifically under-resourced with regard to the social and psychological services offered to prisoners (Du Toit 1998:4; Hesselink-Louw & Schoeman 2003:162). Whilst the role of the prison social work department is valued under-resourced, psychologists are in an even more dire position (Botha 1998a:11). Coetzee (1997:8) emphasises the professional crisis regarding the rehabilitation of offenders in the Department of Correctional Services. In this article Dr. Lorinda Bergh, Director of Psychological Services, reported that: “ ... psychological, social work and educational rehabilitation is not effective and does not function in full capacity. This crisis can be ascribed to an overload of cases and a staff shortage to rehabilitate prisoners”. This is not a new problem within the Department of Correctional Services (De Bod, personal interview 6 August 2004).

According to this article, professional staff (psychologists, social workers and educationalists) concentrate mostly on crisis-intervention. This means that the more critical cases (such as suicide) receive attention while others do not. A lack of human resources results in limited services to prisoners, and enhances idleness and boredom that in turn contribute to high levels of frustration and aggression in prison (Dissel & Kollapen 2002:9).

Staff shortages furthermore undermine any possibility for effective correction. The result is that first time and young offenders are incarcerated with seasoned criminals

and come out as better criminals (Luyt, personal interview 18 November 2003; Mbetse *et al* 2001:94). To increase correctional personnel and to relieve the correctional practitioner's workload, the Department of Correctional Services should utilise all relevant role players (such as psychologists, educationalists, social workers, psychiatrists and criminologists) to work with offenders.

#### **1.4.1.5 Offender assessment**

According to the Draft White Paper on Corrections in South Africa (2003:4, 59-64), offender needs and risk assessment should be implemented as the basis of the Department of Correctional Services' service delivery, rehabilitation, intervention and offender management strategies. This means that **assessment** of criminal behaviour and the identification of offender **needs and risk** should ideally be the first and most important step of any intervention strategy of offenders (Draft White Paper on Corrections in South Africa 2003:59; Government Gazette No. 26626, 2004:34; Luyt, personal interview 18 November 2003). The individual assessment of offenders is specifically emphasised in the Draft White Paper on Corrections in South Africa (2003:4). Once an offender has been assessed, a sentence plan can be compiled. Thus, the offender-specific sentence plan will be based on the total needs (intervention needs, security needs, education and training needs) of the offender (Draft White Paper on Corrections in South Africa 2003:4; Du Preez 2003:263).

During an *Intervention with Perpetrators Course* (the South African Institute for Traumatic Stress, Observatory, Johannesburg, 4 to 6 March 2004) it was stressed that offender assessment is the "first and utmost" guide to the intervention, therapy, and treatment of offenders. During this course it was stated that a proper assessment should give a holistic picture of the offender, the crime and the behaviour in question including the causes, motives, triggers, environmental, personal and social factors related to criminal behaviour.

### **1.5 Rationale of the study**

No assessment structure exists within the Department of Correctional Services to determine the needs, risk, responsivity, motives and causes of crime for the effective treatment of offenders (Bergh, personal interview 23 April 2003; Hesselink-Louw & Schoeman 2003:162-163; Monacks, personal interview 1 October 2004). Furthermore, no extensive research on offender assessment (in custodial settings) in the South African context exists (Bergh, personal interview 23 April 2003; Hesselink-Louw & Schoeman 2003:171). Research on the assessment of offenders in custodial

settings is, however, a unique, vital and relevant research field within the Department of Correctional Services (Bergh, personal interview 23 April 2003; Consultative Research Forum Meeting, Department of Correctional Services, Pretoria, 7 May 2004; Sishuba, 2002; Schreiner, personal interview 27 May 2002).

According to Hollin (2001:22-23), a British Professor for Applied Psychology, Forensic Section, University of Leicester, and Sumner (2004:211-212), an American Criminologist, offender assessment is the basis of the appropriate treatment and rehabilitation of inmates. However, empirical studies addressing offender assessment in South Africa are scarce, and scant attention has been paid to offender assessment in South African literature. Correctional management (Bergh, personal interview 23 April 2003; Schreiner, personal interview 27 May 2002; Sishuba, 2002) believe that the Department should address the problem of ineffective rehabilitation by introducing appropriate assessments of offenders, which should ideally form the basis and beginning of the rehabilitation process. The necessity of offender assessment to enhance effective rehabilitation efforts is also promulgated by Cornwell (2003b:84-89), Du Preez (2003:263), Du Toit (1998:xxi, 3, 5, 45), Luyt (1999a:26; 1999b:71), Nesor (1989:320) and Tshiwula (2001:138).

The need for offender assessment is also regulated in Correctional Services Act 8 of 1959, Provision/Act 94 and the Departmental Orders (Division A and B) (Du Toit 1998:21; Government Gazette, No. 26626, 2004:34). According to the Correctional Services Act 111 of 1998, the "promotion of social responsibility and human development" facilitates offender development and rehabilitation. This policy stipulates that the individual assessment of offenders is a legal right and the aim of this policy is to address prisoner development by providing the offender with an individualised, assessment-based development plan (Tshiwula 2001:136).

The assessment of criminal behaviour holds benefits for both the Department of Correctional Services (the effective rehabilitation of prisoners and a reduction in crime), and for the prison population (individual development). It is a reliable technique to scientifically identify offender-specific needs for treatment and to develop treatment programmes. Through assessment, correctional personnel can be used more effectively and an objective parole evaluation can be made (Du Toit 1998:6). This ensures that the Department fulfils its responsibility to provide each prisoner with an opportunity to overcome identified deficiencies. In this way, solutions

are provided to problems that may hinder the prisoner's adjustment to the community (Neser 1989:316).

One of the most consistent findings (Bonta 2002a:1) is that evidence-based, actuarial measures are more accurate in the assessment of criminal behaviour, and in the prediction of reoffending than professional, clinical judgements. International actuarial measures, needs and risk assessment instruments, and sound research evidence are utilised as general guidelines to offender assessment practices. In addition, professional judgement and personal experience should also be applied to supplement these measures. This study therefore, focuses on offender needs and risk assessment practices that are interpreted from a criminological perspective. The research design is inspired by international research findings and actuarial assessment scales applicable to the offender population.

However, Luyt (Personal interview 18 November 2003) and Neser (1989:32) stress that although international guidelines may be utilised to guide the South African context, care should be taken against the application of a first world model (such as the Canadian and British offender assessment frameworks). These frameworks should rather be adapted for a changing community as that of South Africa, where both third and first world standards apply. With the development of needs and risk assessment instruments the unique multi-cultural South African environment should always be considered (Neser 1989:321).

The rationale of this study is further supported by the National Commissioner of Correctional Services, Mr. LM Mti (Appendix B) who states that: "The Department of Correctional Services acknowledges the importance of the involvement of registered criminologists in individual offender assessment and profiling of criminal behaviour in the rehabilitation, offender development and treatment processes." This is also supported by Venter, Managing Director of Mangaung Maximum Private Prison (Bloemfontein, Group 4, Global Solutions, South Africa), who reiterates the importance of criminologists in Corrections (Appendixes C and D).

## **1.6 Study objectives and contributions to the study**

This study aims to explore, describe and explain the practice of assessment of criminal behaviour from a criminological perspective and to translate into practice what is shown from research on effective interventions with offenders. Too often social science progress is seen as an abstract enterprise that has little relevance to

real life and recommended solutions are perceived to be too costly to implement. An important aim is to prove that much of what researchers have learned can be put into daily practice in a cost-effective manner.

The basis of this research project is divided into primary and secondary objectives. The **primary objective** is to *explore, describe and explain the practice of assessment of criminal behaviour from a criminological perspective*. Such an assessment can assist corrections in effective intervention, offender management and pre-parole decisions.

In order to reach the primary objective of this study, **secondary objectives** are identified to:

- ❑ Utilise *national and international research* (Canadian and British), on offender assessment as a guideline for this research project. This objective is highlighted in Chapters Three and Four (International and national research findings on offender needs and risk assessment), of this study.
- ❑ Determine the needs and risks for general, sex and other violent offenders. Chapters Three, Four and Six (Criminological assessment of case studies) address this section of the study.
- ❑ Determine significant *assessment tools* (such as interviewing, observation, document analysis and a theoretical explanation). Chapter Five (Methodological outlay and assessment tools) of this research project addresses the various assessment tools necessary to conduct criminological assessments.
- ❑ Identify *causes and motives* for criminal behaviour. During a workshop held at Pretoria Central Prison on *Predicting Reoffending and Dangerousness* (27 February, 2003), correctional psychologists and social workers stated that they are not equipped to address and identify the causes of criminal behaviour and that criminologists should be incorporated in the "treatment team of offenders" to assist with the analysis, identification and explanation of criminal behaviour. During a Seminar on *Competency Requirements for Correctional Social Work* (Holtzhausen 2003), and at a Workshop on *Addressing Overcrowding in South African Prisons* (Jansen 2004) it was confirmed that practitioners working with offenders (within the DCS) lack sufficient knowledge and training to scientifically address and identify the causes of criminal behaviour. Furthermore, Kocsis (2003:43) believes that psychologists do not have the special training, knowledge or expertise on criminal behaviour. This section is outlined in Chapters Five and Six of the study.

- *Scientifically analyse, understand and explain criminal behaviour.* Tested, scientific theories will be used to explain criminal behaviour. Chapters Five and Six highlight the theoretical outlay and application of theories in the research project.
- *Individual assessment of selected case studies.* Four case studies are selected to criminologically assess and analyse in order to demonstrate the different dimensions (namely classification, intervention, risk management and pre-parole assessments) of offender practices in custodial settings.

This study furthermore **contributes** to:

- Assist in an inter-disciplinary approach regarding the intervention and rehabilitation of offenders. Worldwide, the assessment of offenders and a cross-dimensional treatment approach appear to be a successful intervention (Cornwell 2003b:84-89; Hesselink-Louw & Schoeman 2003:171; Hollin 2001:123; Naser 1989:319). According to research (De Klerk, personal interview 27 March 2003; Hesselink-Louw & Schoeman 2003:158), the effective treatment of offenders is a multi-dimensional phenomenon that requires a holistic and comprehensive approach consisting of an inter-disciplinary team that should ideally include experts such as social workers, religious workers, criminologists and psychologists. Tshiwula (2001:142) notes that the Department of Correctional Services is still facing the challenge to find treatment approaches that are holistic and multi-disciplinary in nature for offenders. It is further suggested by the Departmental Annual Report (2001:8), that the role of various disciplines (working with offenders) should be repositioned and redefined within the context of rehabilitation.
- The *effective treatment* of offenders through the utilisation of reliable assessment practices. This will enhance service delivery in the Department of Correctional Services in so far that the personal needs and risk of offenders will be addressed and individualised rehabilitation programmes can be improved to develop and manage offenders.
- *Assist Parole Boards* in making decisions regarding parole. An adequate assessment report will ensure informed decisions regarding an inmate's reoffending possibility.
- *The prediction of reoffending behaviour.* An assessment report can contribute to a more balanced prediction of reoffending and ultimately contribute to a reduced recidivism rate.

Various **assessment dimensions** (outcomes) are also illustrated through an individual analysis, evaluation and assessment of selected case studies (adult male offenders) in this study. These dimensions include: Risk management, re-classification, intervention and pre-parole assessments of offenders and will be illustrated by four case studies to highlight the various assessment outcomes.

An analysis of the aforementioned study objectives suggest that society and specifically corrections can **benefit** from offender assessments by:

- ❑ The application of the skills, assistance and knowledge of criminologists;
- ❑ The utilisation of criminologists within the Department of Corrections;
- ❑ Relieving of an overwhelming workload of correctional practitioners working with offenders;
- ❑ The individualised assessment of offenders;
- ❑ The identification of specific offender needs, risks and responsivity to treatment;
- ❑ The identification of motives and causes of criminal behaviour;
- ❑ A scientific explanation of antisocial and criminal behaviour;
- ❑ Enhancing a multi-disciplinary treatment approach;
- ❑ The effective treatment of offenders;
- ❑ The development of individualised treatment programmes;
- ❑ The assistance to Parole Boards to predict reoffending;
- ❑ The evaluation of existing rehabilitation programmes;
- ❑ A reduction in recidivism;
- ❑ An enhancement of crime prevention and community safety;
- ❑ The reduction of an overcrowded prison population by addressing reoffending patterns.

## **1.7 Definitions**

It should be noted that throughout this work, the terms “professional”, “practitioner”, and “assessor” are used to refer to any skilled and qualified individual from a psychologist, psychiatrist, social worker, criminologist, educationalist, case manager to a parole officer. The focus of this study is generally on adult male offenders. For convenience, the **male pronoun** (namely “he”, “his” and “him”) will be used throughout the study with the presumption that some of the content of the study may also be applicable to female offenders.

Luyt (1999a:14) claims that a research project brings about certain concepts that appear regularly within the continuum of the investigation. It is necessary to clarify these concepts to ensure that the same meaning is continually attached to the same concepts. The following concepts are central to this study. Definitions of key concepts central to this study, will be defined and operational definitions will be formulated to avoid confusion.

### **1.7.1 Criminology**

Siegel (2004:474; 2005:412) defines criminology as: “The scientific study of the nature, extent, cause and control of criminal behaviour”. Schmalleger (2003:745) views criminology as a science that incorporates the causes and prevention of crime, as well as rehabilitation and punishment of offenders. Labuschagne (1992:7, 9, 10, 29-31) maintains that criminology is the science of crime and criminal behaviour. Criminology includes a scientific understanding and explanation of the complexity of criminals, criminality, crime in totality (offender, victim criminal justice process), crime etiology (causes of crime), crime patterns, control, intervention and prevention.

Bartol (1999:3) and Cornwell (2003a:1-20; 2003b:84) perceive criminology as an inter-related science. These authors state that criminology was traditionally housed in sociology, but disciplines such as psychology, biology, anthropology, neurology, political science, economics, psychiatry, social work, public administration, law and police science have also made valuable contributions to this subject (Cornwell 2003b:84). In addition, Hollin (2001:8-9) postulates that criminology has its roots in early psychiatric research in prisons and that the first studies in criminology determined the differences between criminals and non-criminals. Later on, by the 1950s, sociological criminology (the Chicago school) emerged as a field of study (Hollin 2001:9).

Maree *et al* (2003a:73) argue that criminology is a science with a long and varied history. Criminology gained prominence as an academic area of study because of the constant threat of crime and the social problems it highlights. Consequently, criminological sources are a combination of theory and empirical research enfolded into a body of knowledge on crime as a social phenomenon (Maree *et al* 2003a:73). Other experts (Sumner 2004:211-212; White & Haines 2001:3; Williams 2001:10) describe the aim of criminology as ascertaining the causes of crime to pre-empt or prevent crime by “treating” its perceived causes, to study the effects of crime on society, and to analyse societal reactions to crime. Sheley (2000:3) and Hunter and

Dantzker (2002:24) identify the creation and use of laws in society, examination of patterns of crime, causation of crime and criminality, societal reaction or response to criminality, the administration of criminal justice, custody and punishment of accused and/or convicted persons, treatment and rehabilitation of offenders and treatment of victims of crime, as important issues embedded in criminology.

For the purpose of this study, the term **criminology refers to an inter-disciplinary scientific study, analysis, evaluation, understanding and explanation of crime and criminal behaviour in all its facets. Criminology includes but is not limited to the causes, motives, triggers, influences (personal, environmental, social and biological), personal, familial and criminal background, personality traits, attitudes, associations, needs, risks and responsivity (treatability) of offending behaviour.**

### **1.7.2 Criminologists**

Siegel (2004:11, 474) posits that criminologists are researchers who are primarily interested in studying crime and criminal behaviour through scientific methods in order to determine the nature, extent, cause, and control of criminal behaviour. During the *Jill Dando International Crime Science Workshop* (November 2003), it was reiterated that criminologists are:

“ ... behavioural experts, analysts and scientists who should analyse, explain and understand the conditions and influences that give rise to crime, behavioural precursors and triggers to criminal actions, the causes of crime, and the various motives for crime”.

Criminologists should furthermore focus on:

“... crime problems, the various types of behaviour associated with criminality, circumstances facilitating and contributing to crime, profiling wanted perpetrators and known offenders, explore options to tackle and solve crime, understanding the steps an offender has to go through to commit crime, analysing various patterns of criminal behaviour, be able to predict the probability of reoffending and dangerousness, and give meaningful guidance to police and corrections for intervention purposes” (Jill Dando International Crime Science Workshop, November 2003).

In addition, Karmen (2004:21-22), an American victimologist, and Sumner (2004:211-212) argue that criminologists:

- Ask why certain individuals become involved in law-breaking behaviour;
- Recognise that most people occasionally break certain laws (especially during adolescence), but are otherwise law-abiding;

- ❑ Acknowledge that only some who engage in delinquent acts graduate to become hard-core offenders and career criminals;
- ❑ Explore how social, economic and political conditions generate criminal activity;
- ❑ Place emphasis on administering proper methods of gathering and interpreting data;
- ❑ Apply research findings to develop crime prevention strategies and to test risk-reduction tactics;
- ❑ Study how the criminal justice system works and how suspects, defendants, and convicts are treated by the criminal justice system;
- ❑ Assess the needs of offenders for counselling, psychotherapy, additional education, job training, and drug treatment;
- ❑ Evaluate the effectiveness of various rehabilitation programmes;
- ❑ Calculate the social and economic costs of criminal activity to society;
- ❑ Agree among themselves that they should limit their studies to illegal activities and criminal behaviour.”

For the purpose of this study, **a criminologist is a skilled expert in the analysis, examination, evaluation, assessment and explanation of crime and criminal behaviour, who possesses a sound balance between theoretical knowledge and practical experience related to criminal behaviour. This is also supported by Howitt (2002:8-9), who advocates that it is an accepted principle that professionals should be trained in theoretical knowledge, research and practice (practical experience) to obtain maximum results when working with criminal behaviour.**

### **1.7.3 Assessment**

The term *assessment* first appeared as a psychological term in the *Assessment of Men* (U.S. Office of Strategic Services, 1948) (Barclay 1991:10). Assessment of criminal behaviour is not a new phenomenon. Barclay (1991:4-5, 17) and Naser (1989:316) suggest that *assessment* is a broad subject and that different meanings can be assigned to this concept. However, the practice of assessment of offenders for effective rehabilitation, and to prevent reoffending, originated in Canada (Bonta, personal interview 25 August 2003).

Assessment of criminal behaviour is part of the modern rehabilitation philosophy where prisoners are referred for therapeutic intervention on the basis of a needs-

assessment (Neser 1989:232). It is a crucial and consistent tool in the analysis and treatment of criminal behaviour and forms the basis on which an offenders' future is decided (Barclay 1991:4, 10). There is little consensus on what the functional components of assessment are, how they should be weighed, how they should be integrated, and what role predictions should play as an outcome of assessment (Hollin 2001:174; McMurrin & Hodge 1994:2).

According to Barclay (1991:17), all assessments begin with an empirical evaluation of the verbal report of the offender. The key purpose of assessment is to understand the offender's problems, determine what resources are needed, what opportunities are available to commit crime, identify factors relevant to the crime and determine treatment targets for appropriate interventions (Andrews & Bonta 1998:211; Du Preez 2003:191-192; Du Toit 1998:5, 6; Tshiwula 2001:138). This usually involves asking a series of questions about specific areas of an offender's life, such as personal and family background, education, mental health, substance abuse, personality traits and support structure (Du Toit 1998:1, 38, 83-84; Department of Correctional Services Strategic Plan for 2003/4 – 2005/6:6; Ellis & Sowers 2001:30). Often, these questions are supplemented with reviews of various official and agency records (Hollin 2001:123,134; Luyt 1999a:64; McMurrin & Hodge 1994:1; Neser 1989:316).

Tshiwula (2001:139) states that the assessment process is characterised by: Developing an accurate understanding of the problem, let the client tell his own story, assist the client to develop new perspectives and an understanding of the problem, and plan how the desired state could be achieved. Du Preez (2003:191, 225, 263), Du Toit (1998:1, 38) and Hollin (2001:123) argue that assessment is an essential function of those who work with offenders in order to determine offender needs and to predict the likelihood of reoffending and/or the dangerousness of offenders.

Coetzee (2003b:19) points out that from a criminological-penological perspective, offender assessment refers to the process by which inmates are systematically divided into groups on the grounds of variables that justify differences in their management. Coetzee (2003b:20) identifies the following three functions of assessment:

- a) *Assessment as a treatment function*: This type of assessment is based on the offenders' needs for intervention.

- b) *Assessment as a management function*: Risk assessment determines the effective management of offenders and assist in the allocation of correctional resources to ensure the safety, security and individualised treatment of offenders.
- c) *Assessment as a planning function*: Assessment has significant value for the planning of future projections such as the building of prisons, the use of personnel and the establishment of programmes (Coetzee 2003b:20).

For the purpose of this research project, **criminological offender assessment can be defined as the analysis, evaluation, profiling, examination, determination and assessment of crime and criminal behaviour in all its facets. That is, any relevant aspect (such as personal, family and social background) associated with an offender's criminal behaviour (for instance precursors, triggers, causes and motives of crime, offender characteristics and influences) that can determine an offender's personal needs, risks (such as escape, suicide and recidivism) and responsiveness (treatability). This assessment process is based on empirical, meta-analysis literature, tested theories, relevant research findings, approved international actuarial scales, personal judgement and experience related to the behaviour in question.**

#### **1.7.4 Needs Assessment**

Coetzee (2003b:26) suggests that “a need is perceived as a lack or deficiency in something that is necessary, desirable or useful, or as a condition that requires relief. In order to identify a need, a needs assessment is required”. Areas of priority in each offender such as employment, education and a support structure, are identified and individual treatment programmes are formulated.

Needs assessment is necessary in a humanitarian prison system (Neser 1989:236). Neser (1989:233), a South African criminologist and penologist, does, however, advocate the development of standardised criteria for objective assessment mechanisms. This author is of the opinion that the foci of needs assessment should be on the individual offenders' needs and potential remedies for criminal behaviour. Neser (1989:315) declares that offender needs assessment is “vital to the goal of orderly and timely assignments to programmes and services. Resources can be strengthened, shifted, or developed in response to an analysis of offender characteristics and needs”. Thus, a needs-directed assessment can guide the effective use of limited professional personnel (Neser 1989:315).

Neser (1989:320) states that needs assessment determines offender subgroup management and the level of functioning of inmates. He highlights the purpose of offender needs assessment as:

- ❑ Needs assessment is necessary to assign prisoners to appropriate programmes.
- ❑ To compile a programme profile of each prisoner, offender needs assessment is necessary. There are various levels of need assessment, namely intake, dispositional and intensive assessment.
- ❑ During *intake assessment* (admission of prisoners to a correctional facility) needs assessment instruments should be utilised to determine which prisoners should be integrated into subgroup management, problem-oriented and individual programmes.
- ❑ With the *dispositional assessment* an analysis is made of the prisoner's disposition (for instance substance abuse, anger, hostility and anxiety problems) from the particulars available regarding his functioning. This analysis is used to ascertain which programmes are appropriate for the prisoner.
- ❑ During the *intensive assessment* priority areas (such as family counselling, sexual fantasies and cognitive functioning) are identified and individual treatment programmes are formulated.
- ❑ Upon completion of the needs assessment, individual and other identified programmes are incorporated into a programme profile (Neser 1989:320).

The operational definition of **needs assessment is the analysis, identification, evaluation and assessment of individualised offender needs for therapeutic intervention and the development of rehabilitation programmes. Important offender needs to consider (but not limited to) are: Education, substance abuse, support structure, employment skills, anger management, coping skills, problem-solving skills, life skills, religious care, cognitive functioning, leisure and recreation, attitudes, associations and responsivity.**

Criminologists can also identify the need for offenders to take responsibility for their actions, recognise their cycle of offending, identify high-risk factors, develop offender profiles, identify the motives, causes and *modus operandi* and assist prisoners, social workers and psychologists in the development of strategies to prevent future criminal behaviour (Andrews & Bonta 1998:4; Hesselink-Louw 2001:37-40). They can thus, contribute to the development of prisoners by applying specialised criminological

knowledge and skills, and by giving theoretical explanations of criminal behaviour. Also, crime causation and analysis of risk can guide therapists in the rehabilitation of offenders (Andrews & Bonta 1998:5). Through this the criminologist should be able to address, identify, predict and prevent criminal behaviour. Criminological skills can be applied both in a reactive (the prevention of crime and a decrease in recidivism), and a proactive (for rehabilitation purposes) manner.

### **1.7.5 Risk Assessment**

There is little consensus about the term *risk* and how it should be defined. Kemshall (1998:78) defines risk assessment in terms of the possibility of an offender reoffending, displaying physical violence, dangerousness and abusing sexually. Cornwell (2003b:87-88) distinguishes between two forms of risk, namely external and internal risk. External risk concerns public safety and decision-making regarding an escorted absence from the prison (for instance for further court appearances or medical treatments). Internal risk determines the risk a correctional client poses regarding reoffending and future dangerousness.

Seiter (2002:138) submits that risk assessment is a subcomponent of offender classification and that this phenomenon attempts to predict offenders' future behaviour and helps to guide the placement of offenders into homogeneous management categories. In addition, Howitt (2002:356) describes risk assessment as an ability to predict the likelihood that an offender will reoffend after release. This author further distinguishes between a) determining which correctional clients will behave violently, aggressively or criminally, and b) identifying the particular conditions in which a specific individual is likely to behave violently, aggressively or criminally (Howitt 2002:356).

For the purpose of this study, **risk assessment entails the systematic evaluation, analysis and assessment of criminal behaviour, in order to determine an offender's risk to escape, abscond, bullying behaviour and dangerousness. The risk to recidivate or to cause harm to the public (such as a serial offender or a mentally disturbed person), known individuals (for instance an "ex" partner), children, staff (assault) or the self (suicide, self-harm and vulnerability) are included. Risk assessment can be utilised to assist in prison classification, offender management strategies, therapeutic intervention, parole decision-making, community supervision as well as in the sentencing of offenders.**

### 1.7.6 Rehabilitation

Various meanings are attached to the term *rehabilitation* – in fact, this term is often used interchangeably with other terms such as “treatment”, “intervention” “reform”, “change”, “correction” and “development” (Alexander 2000:4-5, 6). This highlights the flexible use and application of the term *rehabilitation*.

Mubangizi (2001:120) believes that rehabilitation refers to activities designed to change criminals into law-abiding citizens. Tshiwula (2001:136) describes rehabilitation as “the provision of professional assistance or job training to offenders to make them less likely to engage in future criminality”. Holtzhausen (2002:17) and Siegel (2005:417) view rehabilitation as an assistance process where offenders are provided with psychosocial and educational opportunities, job training and religious care, to reduce their propensity to crime in order to help them to reintegrate into the community.

The Panel on Research on Rehabilitative Techniques (PRRT) defines *rehabilitation* as “the results of any planned intervention that reduces an offender’s further criminal activity, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values, or other factors. The effects of maturation and the effects associated with fear or intimidation are excluded, the result of the latter having traditionally been labeled as specific deterrence” (Alexander 2000:4). According to Coetzee (2003a:63-71), rehabilitation occurs when an offender can identify, recognise, and acknowledge the damage caused to his or her victim(s), understand the elements contributing to the offence and can take responsibility for his or her actions. Coetzee (2003b:10) and Nesor (1989:237) propound that rehabilitation entails hope, the prospect of change and the opportunity for self-improvement.

It is furthermore suggested that for rehabilitation to succeed, prisoners must be treated as individuals, the community must be involved in rehabilitation efforts (as a long-term solution to crime), and hindrances (such as stigmatisation) should be eliminated to successfully reintegrate offenders into the community (GCIS Media Briefing, Correctional Services Briefing, 21 August 2002). The rehabilitation of offenders should include addressing the various ways in which offenders respond to cues in their immediate environment, motivation for crime, personal development and the reduction of criminal and antisocial behaviour and lifestyles (Du Preez 2003:234-235; Mbetse *et al* 2001:79-80; Sentle 2002:14).

Sentle (2002:14) states that rehabilitation in the South African correctional context can be perceived as:

- ❑ “The creation of an enabling environment where a human rights culture is upheld, reconciliation, forgiveness and healing are facilitated, and prisoners are encouraged and assisted to discard negative values and to develop positive ones;
- ❑ The creation of opportunities, the acquisition of knowledge and new skills, the development of an attitude of serving with excellence and the achievement of principled relations with others, to prepare the prisoners to return to society with an improved chance of staying out of prison as productive and law-abiding citizens;
- ❑ A process that starts with the prisoner gaining insight into his need to change the negative behaviour”.

In addition, the Draft White Paper on Corrections in South Africa (2003:3-4, 22, 29, 31, 39, 42, 45, 47, 59-61) states that rehabilitation refers to:

- ❑ Correcting correctional clients to promote human development and social responsibility;
- ❑ Ensuring that offenders internalise the impact that their actions have had on their victims and on society as a whole;
- ❑ Separating the offender from the offending behaviour;
- ❑ Changing criminal attitudes, behaviour and social circumstances that promote criminality;
- ❑ Promoting positive social values and responsibility;
- ❑ Preventing recidivism;
- ❑ Focusing on a holistic, multi-disciplinary approach pertaining to the rehabilitation of offenders;
- ❑ Addressing the causes of criminal behaviour;
- ❑ Empowering offenders through life and other skills;
- ❑ Conducting needs and risk assessments of offenders;
- ❑ Ensuring social reintegration of offenders back into their communities by focusing on after-care services.

Mr. Frikkie Venter, Managing Director of Group 4, Global Solutions South Africa, Mangaung Maximum Private Prison, Bloemfontein, (Personal interview 24 February 2004) believes that the traditional meaning of the term rehabilitation is to “restore to normal life by training and therapy after imprisonment” (a former condition). Venter

states that interventions with the goal to *restore* an offender to a “former condition” in South Africa would most probably be one where the correctional client was illiterate, unemployed and did not have the necessary skills to be employable. It may also be a situation where violence and “taking from the rich to feed the poor” is perceived as acceptable behaviour. To restore offenders to “normal life” may open up the question of “What is perceived as normal life in South Africa?” Venter notes that South Africa is a country with high unemployment and illiteracy rates – therefore, “normal living” is not an acceptable goal to strive for. This means that the Correctional System should focus on addressing and developing offending behaviour. That is, offenders should ultimately understand that committing crime is not acceptable to society. Furthermore, the reasons for criminal behaviour should be determined, understood and addressed to effectively empower the offender not to reoffend (Venter, personal interview 24 February 2004).

To sum up, the operational definition of **rehabilitation entails the cross-disciplinary development, treatment, intervention, correction, reformation and alteration of criminal and antisocial behaviour. This encompasses all aspects of the prisoners’ life such as assessment of personal needs, social, psychological, education, spiritual and intellectual development. The role of the criminologist is to obtain an understanding of how the world is perceived from the viewpoint of the offender. Criminologists can contribute to the rehabilitation, reintegration and empowerment of prisoners through the analysis, evaluation, assessment and explanation of the criminal mind and of criminal behaviour (Hesselink-Louw 2001:39). This assessment can be accomplished through an understanding of the offenders’ culture, customs, personal history, intelligence, pro-criminal attitude, associations, causes and motives for crime, support structures, education, political and economic circumstances. That is, the circumstances and factors that played a role in “shaping” the offender as an unique individual (Hesselink-Louw 2001:39).**

### **1.7.7            Recidivism**

According to Prinsloo (1995:20), a Professor of Criminology at the Institute for Criminological Sciences, University of South Africa, *recidivism* refers to a general academic term, indicative of a specific society, community or populations’ needs, perceptions and interpretations. Prinsloo (1995:16-21) argues that a recidivist can be characterised by:

- ❑ Repetitive and continuous criminal behaviour (the most important aspect of the definition);
- ❑ Being rearrested for a crime;
- ❑ Committing breach of parole or supervision;
- ❑ Being found guilty of two or more crimes on different occasions;
- ❑ Being found guilty on two or more occasions of a similar crime;
- ❑ Serving an indeterminate sentence;
- ❑ Reoffending within a stipulated period of time after release;
- ❑ Therapeutic interventions having little or no impact on the individual's offending behaviour;
- ❑ Resulting in the labeling or stigmatisation of the offender.

Champion (1994:87) affirms Prinsloo's definition of recidivism but offers a more detailed definition that includes:

- ❑ Rearrest;
- ❑ Parole or probation revocation or unsatisfactory termination;
- ❑ Technical parole or probation rule violations;
- ❑ Conviction for a new offence while on parole or probation;
- ❑ Return to prison;
- ❑ Having a prior record and being rearrested for a new offence;
- ❑ Having a prior record and being convicted for a new offence;
- ❑ Any new commitment to a prison for sixty days or more;
- ❑ Presence of a new sentence exceeding one year for any offence committed during a five-year parole follow-up;
- ❑ The return of released offenders to custody of state correctional authorities;
- ❑ The use of drugs or alcohol by former substance abusers;
- ❑ Failure to complete educational or vocational / technical course(s) in or out of prison custody.

Champion (1994:87) and Siegel (2005:417) cite that the most common meanings of recidivism are reoffending, rearrests, reconvictions, revocations of parole or probation and reincarcerations. Bonta (2003:1) is of the opinion that "recidivism" can be measured in different ways for different purposes. According to him (2003:1), there is no single measure of recidivism that does not have a disadvantage. The various measures that have been used (such as rearrests and reincarceration), all have shortcomings but also certain advantages that justify their continuation. However, reconviction, as a measure of recidivism, has a number of advantages over

other measures. Firstly, compared to rearrest, reconviction requires a plea or finding of guilt in court. Therefore, it minimises the likelihood that someone will be viewed as committing a new crime when in fact that person did not. Secondly, this definition of reconviction includes the full range of crimes from the least to the most serious (whereas reincarceration would normally indicate only the more serious offences) (Bonta 2003:1).

Various types of criminal recidivism can be distinguished for the purpose of this study. **General recidivism includes a reconviction for any offence (Långström & Grann 2000:861). Sexual recidivism refers to a reconviction due to a sex offence (Långström & Grann 2000:861). Violent recidivism includes offences against persons that involve physical contact with the victim (Barbaree, Seto, Langton & Peacock 2001:492). For the purpose of this study, the concept violent recidivism does, however, not include sexual offences as this is discussed and addressed in a separate category in this study.**

#### **1.7.8 Interdisciplinary approach**

Experts (Cornwell 2003a:1-20; 2003b:84; Draft White Paper on Corrections in South Africa 2003:45; Hollin 2001:8-9; Siegel 2004:477; 2005:414) view an interdisciplinary approach as a combination of various disciplines and sciences with a common interest. Schmallegger (2003:749) describes an interdisciplinary approach as “an integration of various viewpoints to explain crime and violence”. For example, criminology, psychology, social work and psychiatry study various and different aspects of criminal behaviour. Terms such as *cross-disciplinary*, *inter-related*, *multi-dimensional* or *multi-disciplinary* are synonymous with the term *interdisciplinary*.

For the purpose of this study, terms such as ***cross-disciplinary*, *inter-related*, *multi-dimensional*, *multi-disciplinary* and *interdisciplinary* are synonymous and refer to one or more science or profession (such as criminology, psychology, social work, psychiatry) sharing a common purpose (assessing criminal behaviour) to form a multi-disciplinary team approach.**

#### **1.7.9 Economic crime**

Bartol (1999:317) believes that economic crimes involve the illegal acquisition of money and material goods, the illegal destruction of property for financial gain, and avoiding confrontation with victims of crime. Siegel (2004:372, 745) refers to economic offences as acts of violation that result in financial gain to the offender

and/or a corporate body. The term *economic crime* serves as an “umbrella term” for offences such as (Bartol 1999:317, 325, 326, 331; Karmen 2004:118-121; Siegel 2004:372-373, 391):

- ❑ *Theft*: Included here are forms of theft for financial gain, such as credit card theft and employee theft (Siegel 2004:382).
- ❑ *Identity theft*: A new, increasingly sophisticated and rapidly spreading economic and white-collar crime that arises from the unauthorised illegal appropriation of personal information (another person’s name, address, occupation and date of birth), to obtain among other things, new credit cards, loans, employment, new bank accounts, to empty existing savings accounts and to write “bad checks” (Karmen 2004:118).
- ❑ *Shoplifting*: Involves the taking of goods from a retail store, for example, clothes, records, jewelry or appliances (Bartol 1999:326; Siegel 2004:380; 2005:417).
- ❑ *Fraud*: Is a crime of false pretenses and involves misrepresenting a fact in a way that causes a victim to willingly give his property to the wrongdoer, who then keeps it (Siegel 2004:384).
- ❑ *Confidence games*: Swindlers who aspire to separate a victim from his hard-earned money. These “con games” involve a target interested in a quick-rich scheme, which may have illegal overtones (Siegel 2004:385; 2005:412).
- ❑ *Embezzlement*: This type of economic crime occurs when someone who is trusted with property fraudulently converts it. For example, a fraudulent person keeps another person’s property for his own use or the use of others, a bank teller misappropriating deposits or a stockbroker stealing a customer’s money (Siegel 2004:386, 475; 2005:413).
- ❑ *Burglaries*: The unlawful breaking and entering of a property of another with the intent to commit a crime for *financial gain* (Bartol 1999:319; Siegel 2004:386; 2005:411).
- ❑ *Arson*: The willful and malicious burning of a property or a vehicle for *financial gain* (Siegel 2004:390; 2005:411).
- ❑ *Larceny*: Is defined by Bartol (1999:325) and Siegel (2004:379, 477; 2005:415) as the unlawful taking, carrying away or riding away of the personal property of another with the intent to steal. Currently, definitions of larceny often include shoplifting, passing “bad cheques”, and other theft offences that do not involve the use of force or threats on the victim (Bartol 1999:325; Siegel 2004:379).

Brown, Esbensen and Geis (2001:493) suggest that economic crime is an opportunity crime promoted by jealousy, a lust for personal goods and a competitive striving for material goods. Examples of such crimes include fraud, embezzlement and employee theft. Joubert (1999:37) is of the opinion that one should focus on the amount of money involved, the profile of the perpetrator and the motive behind the crime when defining economic offences.

Edwin Sutherland (1939) coined the term “white-collar” and refers to this type of crime as a sub-component of economic crime (Bartol 1999:335; Conklin 2001:77). White-collar crime offers immediate benefits with little effort and includes any illegal act, punishable by a criminal sanction, that is committed in the course of legitimate occupation, pursuit by a corporation or a respectable individual of high social standing, or, an economic offence that has been committed in the course of legitimate activity (Conklin 2001:77). Schmallegger (2003:762) also prefers the term “white-collar” crime to “economic crime” and indicates that white-collar crime is associated with non-violent crime. This type of crime is mostly committed for financial gain by means of deception by offenders whose occupational status is professional or semi-professional, who utilise their special occupational skills and opportunities to commit crime (Schmallegger 2003:762). Examples of white-collar crime are violations of occupational health and safety laws, deceptive advertising, tax fraud, false medical-aid claims, price fixing and a failure to recall a product known to have a serious defect which could potentially cause physical harm (Bartol 1999:337, 339; Brown, Esbensen & Geis 1998:492-494; Conklin 2001:77).

The South African Police Service Annual Report (2002 / 2003:41-43, 63) perceives “property related and commercial crime” to be economic offences. Included in this description are theft of motor vehicles, theft out of/from motor vehicles, shoplifting, stock-theft, house breaking, other theft (such as garden tools and cellular telephones), crimes committed against individuals, the government and/or the corporate industry for financial gain. Examples of commercial crime cases include Internet fraud, counterfeit credit cards, cyber crime, asset based finance fraud, identity fraud, stolen credit cards, stolen cheques, cloned cheques, forgery and corruption (the South African Banking Risk Intelligence Centre (SABRIC) Annual Threat Assessment Report 2004:18-19; The South African Police Service Annual Report 2002 / 2003:63).

For the purpose of this study, an **economic crime can be defined as an opportunistic crime, which involves non-violent, non-aggressive or non-threatening acts, committed for financial gain.**

#### **1.7.10 Violent crime**

MacAulay (2001:7) and Schmallegger (2003:762) describe a *violent crime* as:

“An offence which involves the use, or attempted use of violence against another person, endangering, or the likelihood to endanger the life or safety of another person, inflicting, or likely to inflict severe psychological damage to another person”.

Types of crimes to be considered as violent are murder, accessory to murder, aggravated assault, assault causing bodily harm, assault with a weapon, attempted murder, breaking and entering with intent to commit an indictable offence, breaking and entering and committing an indictable offence, rape, conspiracy to commit murder, discharging a firearm with intent to wound or endanger life, kidnapping, manslaughter, possession of a weapon for dangerous purposes, robbery and unlawful confinement (MacAulay 2001:47-48; Schmallegger 2003:762; Sheley 2000:191; Sullivan, Veysey & Dorangrichia 2003:24).

Violent behaviour assumes the form of violent actions against others and implies the intent to harm or injure another person. Such behaviour is mostly learned behaviour and relevant precursors to aggressive behaviour may include violent fantasies, thoughts and substance abuse (Kaplan & Sadock 1998:154-155).

The South African Police Service Annual Report (2002 / 2003:26) refers to “contact crime” or crimes against the person which include murder, attempted murder, rape and attempted rape, assault, grievous bodily harm (GBH), common assault, aggravated robbery and malicious damage to property (as this usually involves assault both common and serious). These crimes are called “contact crimes” because of the physical element associated with violence. Furthermore, these crimes tend to (The South African Police Service Annual Report 2002 / 2003:26):

- ❑ Directly threaten life;
- ❑ Cause trauma and post traumatic stress;
- ❑ Negatively affect the whole family;
- ❑ Project a negative image abroad;
- ❑ Inhibit confidence, investment and tourism;
- ❑ Promote loss of skills;

- ❑ Provoke vigilantism;
- ❑ Affect the psychological profile of the population;
- ❑ Present an aberration (as abnormal violence is associated with South Africa's crime rate).

According to the South African Banking Risk Intelligence Centre (SABRIC) Annual Threat Assessment Report (2004:4, 8, 15-18), crimes such as aggravated bank robberies and cash-in-transit robberies can be perceived as violent and aggressive crimes because of the presence of weapons and/or physical threats associated with these crimes.

For the purpose of this study, a **violent crime involves any act, attempted act or threat to physically injure, harm or damage another person, including the death of a person.**

#### **1.7.11 Sexual crimes**

Bergh (2002:vii) states that there is no general consensus as to what constitutes a sex offence. MacAulay (2001:47-48) views sexual crimes as unwanted aggravated sexual assault, the use of a weapon, force, threats, or coercion, an invitation to sexual touching and sexual interference. According to the South African Law Commission (Project 107, 2002:20, 22, 24-25, 31, 39-40, 43, 47, 53, 57, 83, 91), the following acts constitute sexual acts:

- ❑ Any common law sexual offence;
- ❑ Any indecent, unlawful sexual act committed outside the scope of informed consensual sexual activity;
- ❑ Sodomy;
- ❑ Bestiality;
- ❑ Rape;
- ❑ Attempted rape;
- ❑ Penetration with an object - including any part of the body of an animal or any part of the body of a person, into or beyond the anus or genital organs of another person;
- ❑ Penetration and/or exposure of the genital organs of one person, or of an animal into, or beyond the mouth of another person (oral genital sexual violation);
- ❑ Common law incest;

- ❑ Acts of sexual penetration or indecent acts committed with mentally impaired persons;
- ❑ Acts of sexual penetration or indecent acts committed in the presence of children or mentally impaired persons;
- ❑ Acts of sexual penetration or indecent acts with consenting children (such as child prostitutes);
- ❑ Child trafficking (for sexual purposes);
- ❑ Recreational sex venues (regulating recreational sex venues or sex-on-site venues);
- ❑ The need for an offence aimed specifically at harmful HIV-related behaviour in cases of non-consensual sexual intercourse.

For the purpose of this study, **sexual crimes include all the abovementioned categories of unlawful, indecent, sexual violation and sexual offences, as stipulated by the South African Law Commission, Project 107.**

#### **1.7.12 Paraphilias**

The word *paraphilia* is derived from the Greek words “to the side of” and “love” (Kaplan & Sadock 1998:700). Paraphilia involves unusual fantasies, sexual urges or behaviours that are recurrent and sexually arousing. These activities generally focus on humiliating sexual activities or interests with oneself, a partner, children, other non-consenting persons or non-human objects. The urges and behaviours should at least occur for a period of 6 months, and should cause distress or impairment in social, occupational or other areas of functioning. Therefore, paraphilia involves illegal activities and criminal sexual offences (Kaplan & Sadock 1998:700).

The abovementioned definition is also supported by Pratt, Patel, Greydanus, Dannison, Walcott and Sloane (2001:2). These authors define *paraphilia* as a set of behaviours characterised by intense sexually arousing urges, fantasies or behaviours. Examples of common paraphilias include paedophilia and sexual sadism (Pratt *et al* 2001:2). In addition, Barlow and Durand (2002:G-12) and Siegel (2004:479; 2005:416) perceive paraphilia as bizarre, abnormal sexual practices, sexual disorders and deviations that involve recurrent sexual urges focused on objects, humiliation or children.

For the purpose of this research project, **paraphilia can be defined as abnormal, deviant sexual fantasies, urges, arousal patterns or behaviours where children,**

**non-human objects, animals, non-consenting adults, a partner or oneself are subjected to humiliation and/or exposure to bizarre, deviant and sexual activities.**

### **1.7.13 Personality**

*Personality* refers to characteristic patterns of thinking, feeling and acting that may be evident in individuals (Andrews & Bonta 1998:46). According to Aiken (1998:380), the term *personality* can be defined as the sum total of all the qualities, traits, and behaviours that characterise a person's individuality by which, together with his physical attributes, the person is recognised as unique. Siegel (2004:479; 2005:416) argues that an individual's personality comprises stable patterns of behaviour, thoughts and emotions that distinguish uniqueness of character. Curran and Renzetti (2001:94) hold that the term *personality* includes a set of enduring behavioural characteristics, including thoughts and internal predispositions, that describe how a person reacts to the environment.

For the purpose of this study, the term **personality can be defined as unique behaviour and characteristic patterns in individuals that include thinking patterns, feelings, emotions and responses to others and environmental stimuli.**

### **1.7.14 Cognitive functioning**

*Cognitive functioning* refers to the ways in which an individual attends to, or confers meaning to experiences that contribute to behavioural and emotional consequences (Barriga, Landau, Stinson, Liao & Gibbs 2000:37). In addition, Sumner (2004:216) views cognitive functioning as "self justificatory thinking, misinterpretation of social cues, deficient moral reasoning, and the like", defined as an individual's response to cues, trauma, stimuli from the environment, social demands and general life stressors such as employment, relationships and education.

Alexander (2000:105-110, 122), Andrews and Bonta (2002:10-11, 292), Barriga *et al* (2000:37), Kaplan and Sadock (1998:44, 281, 1132) and Sullivan *et al* (2003:25) propose that cognitive functioning refers to an individual's ability to respond to life stressors and to the quality of that person's functioning in the real world. These authors believe that certain psychological and psychiatric behaviours are associated with a person's cognitive functioning. Psychological aspects associated with cognitive functioning include among others, factors such as the level of adaptive functioning,

emotional distress, anxiety, depression, problem-solving abilities, passivity, aggression, verbal abusiveness, anger, hostility, intellectual functioning, memory, judgement and insight, negative attitudes toward the self, self-management skills and interpersonal skills. Psychiatric problems such as psychosis, strange verbalisations, irrationality, creativity, abstract, conceptual and future oriented thinking, speech impairment, excessive fears, impulse control, withdrawal, over-activity, disregard for the feelings of others, reduced ability or inability to feel guilt/shame and mental disorders (such as auditory hallucinations, bizarre delusions, schizophrenia and personality disorders), are important indicators for a disruptive cognitive functioning.

Alexander (2000:106) postulates that:

“In the offender population, certain mental disorders are more prevalent than others, such as substance-related disorders, which are quite abundant, and sleep disorders, which may be rarer. Other disorders found in correctional institutions are schizophrenia, other psychotic disorders, mood disorders and mental retardation. For the older offender population, dementia may be an issue. Within the juvenile population, one might find childhood disorders, such as attention-deficit / hyperactivity disorder, obsessive-compulsive behaviour, but conduct disorder and oppositional defiant disorder are probably the most prevalent.”

For the purpose of this research project, **cognitive functioning refers to an individual’s ability to respond to life stressors, other individuals, the environment and social demands. The ways in which an individual experiences, interprets, responds and understands the meaning of the stressors are equally important.**

### **1.7.15 Personality disorders**

Research (Alexander 2000:109; Barlow & Durand 2002:387; Curran & Renzetti 2001:88-90; Karmen 2004:134-145) shows that personality disorders are prevalent in the adult correctional population. Examples of personality disorders include paranoid personality disorder, schizoid personality disorder, antisocial personality disorder, borderline personality disorder, histrionic personality disorder, narcissistic personality disorders, avoidant personality disorder, dependent personality disorder, obsessive-compulsive personality disorder, and personality disorder not otherwise specified (Alexander 2000:109).

Curran and Renzetti (2001:88) and Karmen (2004:133, 141-144) point out that within this group, antisocial personality disorders (also internationally referred to as

*psychopathy*), are the most prevalent in corrections. For example, research found that 65 percent of prisoners had a diagnosis of antisocial personality disorder, while another study found that 66 percent of prisoners suffered from an antisocial personality disorder (Alexander 2000:109, 111-112).

Alexander (2000:111-112) and Barlow and Durand (2002:387-389) advocate that the following impaired characteristics may be related to personality disorders:

- ❑ Speech – any abnormalities in a person’s speech and how speech is communicated;
- ❑ The individuals’ orientation, memory (immediate, recent and remote), attention span, concentration and calculation abilities;
- ❑ The individuals’ abstract ability, intelligence, insight and judgement;
- ❑ Personal appearance;
- ❑ Attitude toward interviewer, staff and fellow inmates;
- ❑ Mood (affect);
- ❑ Inflexible and maladaptive functional impairment;
- ❑ Thought, including thought process and content;
- ❑ Perceptual disturbances;
- ❑ Cognitive functioning.

Alexander (2001:111-112), Myer (2001:xiii-xiv) and Snyders (the Head of Department Psychology, University of South Africa, personal interview 30 September 2004), furthermore suggest that non-clinicians, (such as criminologists), who work with offenders should concentrate on the abovementioned criteria when assessing personality aspects of offenders. Correctional clients that display such characteristics should then be referred for clinical (psychological or psychiatric) in-depth evaluation and assessment.

For the purpose of this study, **a personality disorder will include all the examples specified by Alexander (2000), Barlow and Durand (2002), Curran and Renzetti (2001), and Karmen (2004). These examples include paranoid personality disorder, schizoid personality disorder, antisocial personality disorder, borderline personality disorder, histrionic personality disorder, narcissistic personality disorders, avoidant personality disorder, dependent personality disorder, obsessive-compulsive personality disorder, and personality disorder not otherwise specified.**

### 1.7.16 Psychopathy vs. antisocial personality disorder

There seems to be a continued non-consensus concerning the terms *psychopathy* and *antisocial personality disorder* (Alexander 2000:109; Barlow & Durand 2002:389; Bartol 1999:78; Rogers, Salekin, Sewell & Cruise 2000:234). According to Rogers *et al* (2000:234-239), the terms *psychopathy* and antisocial personality disorder are connected and hold the same meaning. Foreman, Doyle and Cave (2003:5) and Sue, Sue and Sue (2000:236) cite that the terms *antisocial personality disorder*, *sociopathy* and *psychopathy* are synonymous and inter-related. This means that some clinicians and researchers use the two terms inter-changeably (Andrews & Bonta 1998:302, 304).

Internationally, the term *psychopathy* is used to refer to the antisocial personality disorder (Sumner 2004:221). However, Alexander (2000:109) claims that the concepts of *psychopathy* and *antisocial personality disorder* are not related. The reason for this is that antisocial personality disorder focuses on behaviour, while psychopathy focuses on personality traits. Hemphill and Hare (2004:209) argue that the term *psychopathy* carries with it considerable emotional baggage and may lead to harmful stigmatisation. Alexander (2000:110) posits that psychopathy is a psychological construct that consists of an impulsive, antisocial, unstable lifestyle or social deviance. Most individuals diagnosed with an antisocial personality disorder do not meet the criteria for psychopathy, whereas most individuals with a diagnosis of psychopathy meet the criteria for antisocial personality disorder (Alexander 2000:110).

Andrews and Bonta (1998:302) note that psychopaths have the outward appearance of normality. They do not hallucinate or have delusions and they do not appear encumbered by anxiety or guilt. Psychopaths appear to be unresponsive to social control. For example, they continue to get into trouble despite punishment from society and those around them. Criminal behaviour is not an essential characteristic thereof, for not all criminals are psychopathic (Andrews & Bonta 1998:302-303).

In South Africa, the term *psychopathy* is not utilised by clinicians and professionals – instead, the terms *antisocial personality disorder* and/or *sociopathy* are used. Snyders (Personal interview 12 May 2003) states that the term *psychopathy* is not acceptable and not in use in South Africa. This is also supported by Mostert, Chief psychologist, Leeuwkop Management Area, Department of Correctional Services

(Personal interview 18 March 2004) who posits that South African clinicians and psychologists refer to the term *antisocial personality disorder* instead of *psychopaths*.

According to *Bull and another v S* (221/2000[2001] ZAZCA 89), the terminology of the *American Diagnostic and Statistical Manual of Mental Disorder IV*, refers to psychopaths as “persons suffering from antisocial personality disorder”. This term (antisocial personality disorder) is currently utilised in South Africa. The findings of this court case are sustained by Snyders who postulates that the term *psychopathy* discriminates against individuals diagnosed with this condition. He holds that South African professionals refer to such individuals as *sociopaths* or individuals suffering from an *antisocial personality disorder* (Snyders, personal interview 12 May 2003).

Bartol (1999:79) states that the term *antisocial personality disorder* is used by psychiatrists and psychologists to refer to offenders who demonstrate a failure to conform to social norms with respect to law-abiding behaviour. In addition, the term *sociopath* is often used by criminologists and sociologists to refer to the repetitive offender who does not respond appropriately to treatment, rehabilitation or incarceration (Bartol 1999:79).

The criteria for a diagnosis of an antisocial personality disorder and/or psychopathy include (Alexander 2000:109, 122-123; Andrews & Bonta 1998:292, 301-302; Barlow & Durand 2002:389-400; Bartol 1999:42, 78-79, 82-85, 140; Foreman *et al* 2003:4-5; Hare 1996:25; Hollin 2001:76-77; Howitt 2002:362; Kaplan & Sadock 1998:784-785; Rogers *et al* 2000:234-235, 237, 245-246; Siegel 2004:164-165; Sue *et al* 2000:236-238; Sumner 2004:221):

“A minimum age of 18, dishonest, irresponsible in work and social settings, law-breaking, superficial charm / glibness, callous / lack of empathy, a disregard for the rights of others, deceitful / cunning, manipulative, impulsive, aggressive, irresponsible, a lack of remorse, a history of childhood conduct disorder (truant and uncontrollable at home), antisocial behaviour (not a product of a schizophrenic / manic episode), above-average intelligence, absence of psychotic symptoms (delusions and hallucinations), absence of anxiety, failure to learn from experience, egocentric, lacks emotional depth / shallow affect, a trivial sex life / promiscuous sexual relations, unreliable, failure to follow a life plan, untruthful, suicide attempts rarely genuine, grandiose sense of self-worth, chronically unstable lifestyle, a need for stimulation, a parasitic lifestyle, poor behavioural controls, juvenile delinquency, unresponsiveness to treatment, prone to boredom, pathological lying, lack of guilt, a lack of realistic long-term goals, failure to accept responsibility for own actions, many short-term marital

relationships, revocation of conditional release, criminal versatility, failure to conform to social norms with respect to lawful behaviours, reckless disregard of safety to self or others, irritability, rationalising behaviour, selfishness, incapable of significant loyalty to others, blames others for behaviour, poor judgment, inability to maintain enduring relationships, unable to sustain consistent work behaviour, failure to honour financial obligations, low tolerance to frustration, forcing someone into sexual activity, physically cruel to other people, physically cruel to animals, deliberately engaged in fire setting, uses a weapon in more than one fight, deliberate destruction of property, lacks the ability to function as a responsible parent, often initiates physical fights, adult antisocial behaviour, no regard for the truth, expulsion or suspension from school, ran away from home overnight at least twice, repeated drunkenness or substance abuse and chronic violation of rules at home and/or school”.

For the purpose of this study, **both the concepts antisocial personality disorder and psychopathy will be used. The reason for this is the current international confusion between the utilisation of the concepts *psychopathy* and *antisocial personality disorder* (Andrews & Bonta 1998:302, 304; Alexander 2000:109; Foreman *et al* 2003:5; Rogers *et al* 2000:234). Furthermore, current international research refers to both the terms *psychopathy* and *antisocial personality disorder*. The abovementioned criteria as stipulated by Alexander (2000), Andrews and Bonta (1998), Foreman *et al* (2003), Hare (1996), Hollin (2001), Howitt (2002), Kaplan and Sadock (1998), Rogers *et al* (2000), Siegel (2004), Sue *et al* (2000) and Sumner (2004) are accepted for this research project to define an antisocial personality disorder and/or psychopathy.**

#### **1.7.17 Actuarial scales and measures**

Professionals commonly base their predictions of reoffending and dangerousness on statistical, research-based estimates of risk – an actuarial approach. Actuarial risk scales consist of items that are quantified and then added together to produce a summary score. Each item may be scored a value of 1 (factor present) or 0 (factor absent) and the total score relate to the likelihood of an offender committing a new offence (Andrews & Bonta 1998:259; Bonta 2002a:1).

Actuarial assessment has been shown to be far better than clinical assessment (professional and personal judgement) when predicting the incidence of reoffending (Lowenkamp, Holsinger & Latessa 2001:544). It involves the use of a standardised, objective risk/needs instrument that has been developed through extensive research. These instruments are generally considered to be quantifiable measures of

criminogenic risk and needs, and are linear in nature. That is, the higher a person scores on the instrument, the greater the individual's presumed propensity for criminal/antisocial behaviour in the future (Lowenkamp *et al* 2001:544; Petherick 2001a:1). In addition, Seiter (2002:139) professes that actuarial methods involve: Identifying factors that are linked to future behaviour, determine the strength of the relationship between these factors, and evaluating behavioural outcomes of past offenders to create formulas to predict expected future behaviour.

For the purpose of this study, **actuarial assessment and/or scales involve the systematic empirical derivation of a common quantitative estimate of the degree of association between dangerousness and recidivism. In other words, methods that scientifically estimate an offender's likelihood to be dangerous or to reoffend. This statistical estimation is based on empirical research findings, theories and meta-analysis scales.**

## **1.8 Methodology**

This study is divided into three main sections. *Section A* constitutes the essential background to the study (Chapters One to Four) and encompasses an introduction, historic overview, and national and international research on assessment of offenders' needs and risk. *Section B* (Chapters Five to Six) focus on the empirical and methodological outlay of this research project, while *Section C* (Chapter Seven) concludes with the research results, a summary and a conclusion of the study. A qualitative, explorative and explanatory research design is followed to analyse and assess selected case studies.

### **1.8.1 Research design**

This study draws on a qualitative approach amongst selected adult convicted male offenders in various prisons in Gauteng. It explains offender assessment practices on a national and an international level, and explores the impact and contribution of offender assessment in correctional intervention and rehabilitation in the South African context.

#### **1.8.1.1 Research goals**

No South African research currently exists on offender assessment. This void motivates the researcher to explore, describe and explain offender assessment as a relatively new field. Therefore, explorative, descriptive and explanatory research

models will be utilised to steer the methodology of this project (Babbie 2001:93-94; Champion 2000:135; Sarantakos 1998:6-7).

#### **1.8.1.2 Unit of analysis**

Selected individual male offenders - case studies - will be observed, interviewed, assessed, analysed and evaluated from a criminological perspective (Champion 2000:145). Furthermore, where applicable, their respective behaviour will be scientifically explained. Specific offender characteristics, attitudes, motives, and thinking patterns will be scientifically analysed to compliment a criminological offender assessment structure (Babbie 2001:94-95).

#### **1.8.1.3 Time dimension**

The selected case studies will be analysed and evaluated over a period of time. Offender assessments will be conducted in seven to ten in-depth interview sessions, and each interview will last approximately one and a half hour. This means that each offender will be interviewed over a period of eight weeks.

#### **1.8.1.4 Demarcation of the study field**

The research population for this study is confined to convicted adult male offenders representative of Leeuwkop, Baviaanspoort and Zonderwater correctional centers (Gauteng). Selected adult male prisoners participated in this project. The reason for this geographical demarcation is that the researcher has received access and permission to conduct criminological assessments and profiles for the Department of Correctional Services on a voluntarily basis at these prisons.

#### **1.8.1.5 Sampling Technique**

The study will be directed by a non-probability sampling technique (Champion 2000:192-193). Reliance on available subjects and purposive sampling (select a sample on the basis of knowledge of a population and the purpose of the study) will be the focus point to determine the respondents of this research project (Babbie 2001:179).

#### **1.8.1.6 Access to subjects**

An application (Appendix A) to conduct this research was directed to the Department of Correctional Services. Permission was granted to scientifically analyse case studies for classification, intervention, risk management and parole purposes at Leeuwkop, Baviaanspoort and Zonderwater prisons.

### **1.8.2 Measuring instruments**

The following measuring instruments will play a vital role in the assessment of criminal behaviour:

- ❑ Personal observations of offenders;
- ❑ Documentary analysis: Criminal and life history of respondents;
- ❑ In-depth, semi-structured interviews with offenders;
- ❑ Semi-structured interview schedules.

### **1.8.3 Data collection**

An extensive literature study regarding relevant research findings on offender assessment in various scientific journals, books, and the World Wide Web (the Internet) will be explored to guide this research project. Furthermore, personal interviews with national and international experts on offender assessment, and personal visits to prisons where offender assessment practices are utilised, will supplement the data collection methods of this study.

### **1.8.4 Data interpretation**

Case-orientated analysis regarding specific behavioural patterns, characteristics, motives, triggers and causes of criminal behaviour, as well as lifestyle patterns will be intertwined with deductive theories and research findings, to attempt to understand and explain criminal behaviour (Babbie 2001:359-360; Champion 2000:43-44).

### **1.8.5 Research objectives**

The study will not be supported and tested by research hypotheses. However, the following research objectives will guide and direct this study:

- ❑ An analysis and assessment of various case studies from a qualitative-explanatory-criminological perspective;
- ❑ Determination of offender needs and risks of general, sex and violent offenders;
- ❑ The utilisation of national and international research regarding offender assessment (specifically Canada and England) to serve as a guideline to analyse and assess criminal behaviour;
- ❑ Proposed significant criminological assessment tools (namely observation, interviewing, document analysis and a theoretical explanation of criminal behaviour);
- ❑ A scientific analysis, understanding and explanation of criminal behaviour;
- ❑ An identification of the causes and motives of criminal behaviour;
- ❑ Individual assessment of offenders.

The abovementioned research objectives will be supported by a comprehensive literature study of this phenomenon, personal in-depth interviews with offenders and personal observation of prisoners who represent the various dimensions of offender assessment (classification, intervention, risk management and pre-parole) practices. An interview schedule will furthermore assist the researcher to conduct semi-structured in-depth interviews with offenders. Finally, interviews will also be conducted with national and international experts in the field of offender assessment to compliment the research project.

## **1.9 Outlay of the Study**

A summary of the various Sections and Chapters will be discussed below, while a systematic illustration (page 49, Figure 1.9.1) will serve as guide to the outlay of the study.

### **SECTION A: INTRODUCTION, HISTORIC OVERVIEW, NATIONAL AND INTERNATIONAL RESEARCH ON THE ASSESSMENT OF OFFENDERS, AND ASSESSMENT TOOLS**

#### **Chapter One**

Chapter One focuses on an introduction and an orientation regarding rehabilitation and the assessment of criminal behaviour. Relevant concepts central to the topic are defined and the rationale of this study is discussed. Finally, the methodology that supports this research is explored.

#### **Chapter Two**

Chapter Two comprises a review of the history of rehabilitation and the assessment of offender behaviour in South African prisons. The various roles of practitioners working with offenders are also outlined in this chapter.

#### **Chapter Three**

This chapter summarises national and international (Canadian and British) research on offender needs assessment for general, sex and violent offenders. This research will guide the assessment of South African case studies.

## **Chapter Four**

In this chapter international offender risk assessment targets and practices for general, sex and violent offenders are explored and examined.

## **SECTION B: EMPIRICAL STUDY**

### **Chapter Five**

Chapter Five attends to the necessary assessment tools and the methodology of this study. Attention will be paid to (among other issues): Interviewing, observation and document analysis. Empirical theories will be applied as a practical tool to explain and predict criminal behaviour. The empirical foundation presents a qualitative design where explorative and explanatory methods are utilised to analyse and assess selected case studies. Personal observation, document analysis, in-depth, semi-structured interviews and a semi-structured interview-schedule are the empirical measuring instruments used for this research project.

### **Chapter Six**

Chapter Six focuses on an empirical evaluation of case studies to illustrate pertinent outcomes of assessment. In this chapter, selected case studies are analysed and assessed from a criminological perspective. Attention will be paid to offenders' needs and risk assessment, and relevant assessment targets for the behaviour in question will be identified. Each case study will be concluded with a theoretical explanation of criminal behaviour.

## **SECTION C: RESEARCH RESULTS, SUMMARY AND CONCLUSION**

### **Chapter Seven**

This chapter discusses the relevant research results and findings of Chapter Six and provides a summary of the purpose of the study, recommendations and future research prospects regarding the assessment of criminal behaviour. In conclusion, a summary of all the chapters is provided.

The following diagram highlights the outlay of this study.

**Figure 1.9.1 Outlay of Chapters**

<p><b>SECTION A</b> Introduction, Historic Overview, National and International Research on Offender Needs and Risk Assessment</p> <p><b>CHAPTER 1</b> <b>Introduction and Orientation</b> The relevance, contribution, background and rationale of the study, a short methodological outlay, goals and purpose of the study and definitions of key concepts.</p> <p><b>CHAPTER 2</b> <b>Historic Overview: Rehabilitation and the Assessment of Offenders within the Department of Correctional Services</b></p> <ul style="list-style-type: none"> <li>• Rehabilitation in South Africa</li> <li>• The need for assessment in South African prisons</li> <li>• The relevant roles of social workers, psychologists and criminologists</li> </ul> <p><b>CHAPTER 3</b> <b>National and International Research on Offender Needs Assessment</b></p> <ul style="list-style-type: none"> <li>• Needs Assessment targets for general, sex and other violent offenders</li> <li>• International research on offender needs assessment: Canada and England.</li> <li>• National research on offender needs assessment</li> </ul> <p><b>CHAPTER 4</b> <b>International Research on Offender Risk Assessment</b> Risk assessment practices and targets for general, sex and other violent offenders</p>	<p><b>SECTION B</b> Empirical Study</p> <p><b>CHAPTER 5</b> <b>Methodological Outlay and Assessment Tools</b></p> <p>A Qualitative, explorative case study analysis</p> <p><b>Measuring Instruments :</b></p> <ul style="list-style-type: none"> <li>• Observation</li> <li>• Document analysis</li> <li>• In-depth, semi-structured interviews</li> <li>• A semi-structured interview schedule</li> </ul> <p><b>Assessment Tools :</b></p> <ul style="list-style-type: none"> <li>• Interviewing, observation and document analysis</li> <li>• Theoretical analysis of criminal behaviour (causes, motives, needs and risks): <ul style="list-style-type: none"> <li>➤ Traditional criminological theories</li> <li>➤ Contemporary criminological theories</li> <li>➤ An evaluation of crime theories</li> </ul> </li> </ul> <p><b>CHAPTER 6</b> <b>Criminological Assessment of Case Studies</b></p> <p>An Empirical evaluation of:</p> <ul style="list-style-type: none"> <li>• The identification of risk factors</li> <li>• Treatment targets</li> <li>• Causes of criminal behaviour</li> <li>• Motives for crime</li> <li>• Indicators for intervention, risk management and pre-parole decisions</li> <li>• Theoretical explanation</li> </ul>	<p><b>SECTION C</b> Research Results, Summary and Conclusion</p> <p><b>CHAPTER 7</b> <b>Research Results, Summary and Conclusion</b></p> <ul style="list-style-type: none"> <li>• Research results</li> <li>• Summaries of chapters</li> <li>• Recommendations</li> </ul>
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