

**A Criminological profile of male foreign offenders  
incarcerated in Gauteng Correctional Centres, South Africa**

by

**MOITSADI ZITHA**

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SUPERVISOR: Prof T. D. MATSHABA

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## DECLARATION

**Student Number: 30977878**

I declare that **Criminological profiling of sentenced foreign offenders in Gauteng Correctional Centres** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I submitted the thesis to originality checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.

Signature: .....Date.....

(M. Zitha)

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## **ABSTRACT**

Violent crime is one of the main challenges facing South Africa and its criminal justice system. The transition from apartheid to democracy during 1994 brought with it an influx of a large number of foreign nationals who have influenced the social setting. In addition, many companies closed, which caused an increase in the crime rates, particularly in violent crimes, which have often been linked to foreign nationals, specifically those who are undocumented. To understand the background and the demographics of sentenced foreign offenders, this study investigated foreign nationals' involvement in serious crime through the profiling of those who are incarcerated at selected Gauteng correctional centres. Profiling is a process of observation and reflection during which an attempt is made to answer the basic questions of why, where, when, how and who. In other words, it is a practice aimed at classifying and understanding criminal behaviour, including establishing the offenders' modus operandi and motivation for the commission of the criminal act. Therefore, to answer the questions in the above definition of profiling, this study examined the demographics of these offenders, causes of border crossing, family risk factors and the causes of and motives for their criminal behaviour.

A qualitative research approach was used. Qualitative research explores the meaning of individuals' experiences and feelings of social and human problems. Therefore, the research approach and the application of case studies utilised in this study enabled the exploration of the phenomenon under investigation through the use of criminal profiles of individual participants' lived experiences. For data collection, unstructured in-depth interviews were conducted with 17 sentenced foreign offenders incarcerated for serious crimes at Baviaanspoort, Kgoši Mampuru, Krugersdorp and Zonderwater Correctional Centres. The participants originated from African countries, namely Angola, Ethiopia, Lesotho, Malawi, Mozambique, Nigeria, Pakistan, Senegal, Tanzania and Zimbabwe. Data was analysed using the narrative data analysis approach which focused on the experiences and articulated life stories of the participants. The participants' narratives uncovered the causal ideologies engrained in their life experiences. An interpretative paradigm focused on comprehending participants' lived experiences from "their lenses, through their words". Moreover, data gathered was constructed through dual layer interpretation analysis. Inductive analysis

of participants' narratives was also supported by relevant integrated multidisciplinary theories to understand the unique and distinctive behavioural patterns of participants' involvement in violent crimes.

Although it is believed that illiteracy contributes to criminality, the majority of the sentenced foreign offenders had a basic, intermediate or advanced education background. The results suggest that many of the participants crossed the borders because of unscrupulous management of South African borders, escaping war in their home countries, poor socio-economic dimensions and a lack of employment opportunities. Based on family risk factors that might be connected to their criminality, the findings demonstrate that there was no relationship between family type and their involvement in criminal activities. It was also demonstrated that serious crimes committed by the participants were not premeditated or planned. A lack of self-control, co-offenders' influence, poor anger management, unemployment and poverty were the contributory reasons and motives that the participants perceived as guiding their violent criminal behaviour. Generally speaking, the perceptions of the community that foreigners are responsible for violence crimes are unjustifiable as the findings of this study demonstrate that the link between crime and immigration is weak. However, a strong link was established between the lack of proper security measure at our borders, poverty and unemployment in their countries of origin and in South Africa.

**KEY TERMS:** Immigrants, borders, undocumented, foreign nationals, Department of Home Affairs, violent crimes, borders

## TSHOBOKANYO

Bosenyi jwa tirisodikgoka ke nngwe ya dikgwetlho tse dikgolo tse di lebaneng Aforikaborwa le tsamaiso ya yona ya bosiamisi jwa bosenyi. Kgabaganyo go tswa mo tsamaisong ya tlhaolele go ya kwa temokerasing ka 1994 e tlile ka bontsintsi jwa baditšhaba ba ba tlhotlheleditseng seemo sa loago. Go tlaleletsa moo, ditlamo di le dintsi di tswetswe mme seo sa baka koketsego ya seelo sa bosenyi, bogolo segolo bosenyi jwa tirisodikgoka, jo gantsi bo amanngwang le baditšhaba, bogolo segolo ba ba se nang dikwalo. Go tlhaloganya lemorago le dipharologantsho tsa batlolamolao ba baditšhaba ba ba atlhotsweng, thutopatlisiso eno e batlisisitse seabe sa baditšhaba mo bosenying jo bo tseneletseng ka go dira porofaele ya ba ba golegilweng kwa ditikwatikweng tse di tlhophilweng tsa kgopololo kwa Gauteng. Go dira porofaele ke tirego ya go ela tlhoko le go sekaseka e mo go yona go dirwang maiteko a go araba dipotso tsa motheo tsa goreng, kae, leng, jang le mang. Ka mantwe a mangwe, ke tiragatso e maikaelelo a yona e leng go aroganya le go tlhaloganya maitsholo a bosenyi, go akarediwa mokgwa wa tiragatso wa motlolamolao le tshusumetso ya go diragatsa bosenyi. Ka jalo, go araba dipotso tse di mo tlhalosong e e fa godimo ya go dira porofaele, thutopatlisiso e sekasekile dipharologantsho tsa batlolamolao bano, mabaka a go tlola molelwane, dintlha tsa matshosetsi a lelapa le sebaki sa maitsholo a bona a bosenyi.

Go dirisitswe mokgwa o o lebelelang mabaka mo patlisisong. Patlisiso e e lebelelang mabaka e tlhotlhomisa bokao jwa maitemogelo a motho le maikutlo a mathata a loago le a botho. Ka jalo, mokgwa wa patlisiso le tiriso ya thutopatlisiso ya kgetsi e e dirisitsweng mo thutopatlisisong di kgontshitse tlhotlhomiso ya tiragalo e e batlisisiwang ka tiriso ya diporofaele tsa bosenyi tsa maitemogelo a nnete a bannileseabe. Go kokoanya *data*, go dirilwe dipotsolotso tse di boteng tse di sa rulaganang le batlolamolao ba baditšhaba ba le 17 ba ba atlhotsweng mme ba golegetswe bosenyi jo bo tseneletseng kwa Ditikwatikweng tsa Kgopololo tsa Baviaanspoort, Kgoši Mampuru, Krugersdorp le Zonderwater. Bannileseabe ba tswa kwa dinageng tsa Aforika, e leng Angola, Ethiopia, Lesotho, Malawi, Mozambique, Nigeria, Pakistan, Senegal, Tanzania le Zimbabwe. Go lokolotswa *data* go dirisiwa mokgwa wa tokololo ya *data* wa kanelo o o totileng maitemogelo le dikgang tse di tlotlilweng tsa botshelo jwa bannileseabe. Dikanelo tsa bannileseabe di senotse

megopolo ya sebako e e jaleletsweng mo maitemogelong a bona a botshelo. Molebo wa thanolo o ne o totile go tlhologanya maitemogelo a go tshela a bannileseabe go ya ka "molebo wa bona, ka mafoko a bona". Mo godimo ga moo, *data* e e kokoantsweng e rulagantswe ka tokololo ya thanolo ya maalo a mabedi. Tokololo e e sekasekang *data* ya dikanelo tsa bannileseabe e ne ya tshegediwa gape ke ditiori tse di golaganeng tsa maphatamantsi go tlhologanya maitsholo a a kgethegileng le a a itshupang a seabe sa bannileseabe mo bosenyeng jwa tirisodikgoka.

Le fa go dumelwa gore go tlhoka kitso ya go kwala le go buisa go tshwaela mo bosenyeng, bontsi jwa batlolamolao ba ba golegilweng ba baditšhaba ba na le lemorago la thuto ya motheo, e e magareng gongwe e e tsweletseng. Dipholo di tlhalosa gore bontsi jwa bannileseabe ba kgabagantse melelwane ka ntlha ya botsamaisi jo bo sokameng jwa melelwane ya Aforikaborwa, go tshabela dintwa kwa dinageng tsa bona, maemo a a bokoa a ikonomi-loago le go tlhabela ga ditšhono tsa go thapiwa. Fa go lebelelwa dintlha tsa matshosetsi a lelapa a a ka neng a golagane le bosenyi jwa bona, diphitlhelelo di bontsha gore ga go na kamano magareng ga mofuta wa lelapa le seabe sa bona mo ditirong tsa bosenyi. Gape go bontshitswe gore bosenyi jo bo tseneletseng jo bo dirilweng ke bannileseabe bo ne bo sa akanyediwa pele gongwe go rulaganngwa. Go tlhoka go itaola, tlhotlheetso ya batlolamolaommogo, go se kgone go laola maikutlo, botlhokatiro le khumanego e nnile mabaka a a tshwaelang a bannileseabe ba tsayang a kaetse maitsholo a bona a bosenyi jwa tirisodikgoka. Ka kakaretso, mogopolo wa baagi wa gore baditšhaba ba rwele maikarabelo a bosenyi jwa tirisodikgoka ga o na motheo gonne diphitlhelelo tsa thutopatlisiso eno di bontsha gore kgolagano magareng ga bosenyi le bofudugedi e bokoa. Le gale go bonwe kgolagano e e maatla magareng ga tlhalelo ya dikgato tse di siameng tsa tshireletso kwa melelwaneng ya rona, lehuma le botlhokatiro kwa dinageng tsa bona le Aforikaborwa.

**MAREO A BOTLHOKWA:** Bafudugedi, melelewane, -sa kwadisiwang, baditšhaba, Lefapha la Merero ya Selegae, bosenyi jwa tirisodikgoka, melelwane

## NGAMAFUPHI

Ubugebengu obuhambisana nodlame bungeny ezezinsalelo ezibhekene neNingizimu Afrika kanye nohlelo lwabo lwezobulungisa kwezobugebengu. Ukuguquka kwesimo ukusukela kumbuso wengcindezelo (*apartheid*) ukuya embusweni wentando yeningi (*democracy*) ngonyaka ka 1994 sekwenze ukuba kube nenani eliphezulu labantu abangamaphandle abangenayo, okungabantu abaguqule isizinda sabantu. Ukwengeza kulokho, izinkampani eziningi zivaliwe, okuyisimo esidala ukukhula kwezinga lobugebengu, ikakhulu ubugebengu obuhambisana nodlame, obukade buhlobene nabantu abayizakhamuzi zangaphandle, ikakhulukazi lawo maphandle angenawo amaphepha ayimvumo yokuhlala. Ukuzwisisa umlando kanye namademografiki weziboshwa eziphuma emazweni angaphandle, lolu cwaningo beluphenya ukubandakanyeka kwamaphandle kumacala obugebengu amabi ngokwakha isithombe salabo ababoshwe kumajele akhethiwe asesifundazweni saseGauteng. Ukwakha isithombe somuntu wuhlelo lokubhekisisa kanye nokucabangisisa ngesikhathi lapho kwenziwa umzamo wokuphendula imibuzo esemqoka yokuthi kungani, kuphi, nini, kanjani nokuthi ngubani. Ngamanye amagama, kuyingqubo ehlose ukwehlukana kanye nokuzwisisa izenzo zokuziphatha njengesiboshwa, kuxuba phakathi ukwakha isithombe sendlela yokwenza izinto yeziboshwa kanye nokugqugquzela ukuthi umthetho udlale indima yokulwa nobugebengu. Ngakho-ke, ukuphendula imibuzo yencazelo engenhla yokwakhiwa kwesithombe, lolu cwaningo luhlola amademografiki amayelana nalawa mabanjwa, abandakanyeka ekweqiwini kwemikhawulo, imithelela engafaka umndeni engozini kanye nezimbangela kanye nezizathu zokuziphatha kwawo ngendlela yobugebengu.

Indlela yocwaningo olwencike kwingxoxo (*qualitative research*) lusetshenziwe. Ucwaningo lwe-*Qualitative* luhlola incazelo yolwazi lwabantu kanye nemizwa yezinkinga zabantu kanye nezobuntu. Ngakho-ke, indlela yocwaningo kanye nokusetshenziswa kwezinhlelo zocwaningo lotho ezisetshenziswe kulolu cwaningo kusize uhlelo lokuhlola lolu daba ngaphansi kophenyo ngokusebenzisa izithombe zobugebengu ezakhiwe, okuyizithombe ezichaza impilo yomdlalindima ngamunye. Mayelana nokuqoqa idatha, izinhlobo ezingahlelekile ezijulile zenziwe ngamabanjwa



angamaphandle ayi-17 agwetshiwe, okungamabanjwa enze amacala amabi emajele ase-Baviaanspoort, Kgoši Mampuru, Krugersdorp kanye nase-Zonderwater Correctional Centres. Abadlalindima abadabuka emazweni ase-Afrika, wona yilawa; Angola, Ethiopia, Lesotho, Malawi, Mozambique, Nigeria, Pakistan, Senegal, Tanzania kanye naseZimbabwe. Idatha iye yahlaziywa ngokusebenzisa uhlelo lokuhlaziya ingxoxo (*narrative data analysis*) ebeyigxile phezu kwezehlakalo zempilo kanye nezindatshana zempilo ebezixoxwa ngabadlalindima. Izindatshana zabadlalindima zivumbulule izinkolombono (*ideologies*) eziqukethwe wulwazi lwempilo abayiphilile. Uhlelo lokuchaza, phecelezi (*An interpretative paradigm*) belugxile phezu kokuzwisisa izinto okuhlangabezenwe empilweni “*their lenses, through their words*”. Ngaphezu kwalokho, idatha eqoqiwe yakhiwa ngokusebenzisa uhlelo lokuhlaziya oluncwambambili. Uhlelo lwe-*Inductive analysis* lwezingxoxo zabadlalindima nalo futhi luxhaswe ngamathiyori afanele ahangene ezifundo eziningi ukuzwisisa amaphetheni angajwayelekile okuziphatha, okubandakanyeka kwabadlalindima kwizenzo zobugebengu obuhambisana nodlame.

Yize lokhu kuyinto ekholwekayo ukuthi izinga lokuswela imfundo lube negalelo kubugebengu, ubuningi bamabanjwa angamaphandle avalelwe bebenomlando wemfundo eyisisekelo, emaphakathi kanye nemfundo ethuthukile. Le miphumela iphakamisa ukuthi iningi labadlalindima lenqa imingcele ngenxa yokuphathwa ngobudedengu kwemingcele yaseNingizimu Afrika, bebaleka izimpi emazweni akubo, bebaleka izimo ezimbi zenhlalakahle yezomnotho kanye nokusweleka kwamathuba omsebenzi. Ngenxa yemithelela yobungozi leyo engahlobana nobugebengu obenziwa yibo, ulwazi olutholiwe lukhombisa ukuthi bekungekho ukuhlobana phakathi kwenhlobo yomndeni kanye nokubandakanyeka kwayo ezenzweni zobugebengu. Lokhu futhi kukhombise ukuthi amacala amabi obugebengu enziwe abadlalindima akenziwanga ngenhloso noma akahleliwe ngaphambi kwesikhathi. Ukwehluleka ukuzibamba, umthelela wabancedisi bobugebengu, uhlelo olubi lokulawulwa kwezenzo ezinolunya, ukusweleka komsebenzi kanye nobubha kubonakele njengezizathu ezinomthelela kanti futhi kuyizisusa lezo abadlalindima abazizwisisa njengezinkomba eziholela kwizenzo zobugebengu obuhamba nodlame. Empeleni ukubeka inkulamo ezwakalayo, imiqondo yomphakathi yokuthi amaphandle athinteka kwizenzo zobugebengu obuhambisana nodlame, kuyimiqondo engenabo ubufakazi

njengoba ulwazi olutholakele balolu cwaningo lukhombisa ukuthi ukuhlobana okuphakathi kobugebengu kanye nabantu abavela emazweni angaphandle kuyinkolelo engenalo iqiniso. Yize-kunjalo, kuye kwaba khona ukuhlobana okuqinile phakathi kokusweleka kwezinhlelo ezifanele zokuvikela imikhawulo yethu, ububha kanye nokusweleka kwemisebenzi emazweni abadabuka kiwo kanye naseNingizimu Afrika.

**AMAGAMA ASEMQOKA: Amaphandle**, imingcele/imikhawulo, ukungabi namaphepha okuhlala ezweni, izakhamuzi zasemazweni angaphandle, UMnyango weZindaba zasemaKhaya, izenzo zobugebengu obuhambisana nodlame, imingcele/imikhawulo.

## **ABBREVIATIONS**

AU	African Union
BPO	Borderline Personality Organisation
CBD	Central Business District
CFR	Central Firearm Registry
CMC	Case Management Committee
CNS	The Central Nervous System
CPF	Community Policing Forums
CSVSR	The Centre for the Study of Violence and Reconciliation
DCS	Department of Correctional Services
DHA	Department of Home Affairs
DRC	Democratic Republic of Congo
GATS	General Agreement on Trade in Services
HIV/ AIDS	Immunodeficiency virus
ISS	Institute for Security Studies
JCPS	Justice and Crime Prevention and Security
MYPE	Mid-year Population Estimates
NGO	Non-governmental Organisation
OAU	Organisation of African Unity
POPCRU	Police and Prisons Civil Reports Union
PRP	Permanent Residence Permit

RDP	Refugee Reception Office
RJ	Restorative Justice
RRO	Refugee Reception Office
SA	South Africa
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
SARPCCO	The Southern African Regional Police Chiefs Co-operation Organisation
Stats SA	Statistics South Africa
STIs	Sexually Transmitted Infections
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organisation

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# CHAPTER 1: GENERAL ORIENTATION AND RESEARCH METHODOLOGY

## 1.1 Introduction

In today's increasingly interconnected world, immigration has become a reality that affects the global world. Post-1994 South Africa has experienced an influx of documented and undocumented foreign nationals migrating to South Africa (Singh 2011:32). Though there are various policies and strategies that regulate foreign nationals in the country, immigration to South Africa has gained momentum (Mabudusha 2014:1; Madue 2015:60).

Khan (2018:6) clarifies influential motives for immigration and emphasises that these motivations fluctuate between push and pull factors. Further, in most cases, the pull factors have a greater influence on a person's decision to leave a place of origin. Pull factors include conflicts and war, natural disasters, poor health facilities and a lack of basic needs. On the contrary, push factors cause movements to a place considered ideal.

South Africa recognises numerous legislated classifications of foreigners in the country, including, refugees, asylum seekers, migrants and immigrants regardless of whether they are documented or undocumented. The issue of foreign nationals' involvement in contact or violent crimes has been debated on various platforms but the processing of foreign national offenders by the criminal justice system has received little attention and matters dealing with them are treated as highly sensitive. Mears (2001:14) agrees that contributory factors that are particularly unique to foreign nationals' offences have been rarely explored. These arguments are vital as effective criminal justice systems rely upon the correct interpretation of accurate data about the populations they serve. The knowledge of foreign nationals' patterns of crime involvement comes entirely from official crime data provided by the South African Police Service Crime Statistics however the main limitations concern the inconsistent statistics and the lack of the category of "foreign national".

An understanding of population data affecting cross-cultural interaction must first include definitions of the concepts of race, ethnicity and culture. However, research in

this area is lacking a clear theoretical framework on the phenomenon hence the different myths, views and perceptions on the link between migration and crime. South Africa has undertaken an immigration paradigm shift; the fact that so little attention is paid to the profiling of sentenced foreign offenders is itself a point of interest, hence this study. The main aim of profiling is to analyse the offender population in order to identify and determine trends in the various categories of offenders. This chapter provides insights into the background of the study, the purpose of the study, the problem statement, the goal of the research, research questions as well as an outline of the thesis chapters.

## **1.2 Problem statement of the study**

Global immigration has increased in many countries, including South Africa, and is shaped by a diverse ethnic and cultural fabric. Globalisation and liberalisation have weakened the nation state, and this has created substantial national differences in social exclusion and inclusion. This phenomenon is illustrated by the 2019 mid-year population estimates (MYPE). According to this report, South Africa's population is estimated to be 58.78 million. MYPE further provides population estimates at national and provincial levels. The report reveals that Gauteng and Western Cape Provinces were the most preferred by foreign nationals. In the period 2016-2021, net international migration to South Africa is estimated to reach over one million people. Gauteng Province, at 47.5 percent takes the lead in the total international migration figures because it is viewed as the economic hub of the country while the Western Cape followed with 11.6 percent, Free State 3.1 percent and the Eastern Cape 3.6 percent (Stats SA 2018).

Movements within and across South Africa's borders impacts on the entire economy and the country (Stats SA 2018). Singh (2017:129) maintains that the South African government spends at least R90 million annually on sending illegal immigrants back to their countries of origin of which the majority are from Zimbabwe. Mataboge (2013) reveals that many of those deported come back into South Africa within a short period of time. A report by Stats SA reveals that an "estimated ... total foreign-born (populace) has increased by about 62.5 percent (2.1 million to 3.6 million) in the period 2011 to 2018" (Karombo 2019). The lack of research based on reliable data results in policies

that are deeply political and conflict-ridden (Freilich & Newman 2007: xv). This includes the rise in violent and contact crimes committed, which exacerbates the problems of competing for resources, overcrowding at correctional centres, ethnic tensions and social economic marginalisation. The repercussions of illegal border crossing have financial implications in the running of the country and on the South African Police Services. The inmate population for 2019/2020 in correctional facilities stood at 154 449 inmates with an approved capacity of 120 567. It is revealed that 1 622 foreign nationals were subsequently released during the 2019 Special Remission and placed under the care of the Department of Home Affairs and Department of Correctional Service (Department of Correctional Services Annual Report 2019/2020:13).

Because this research is concentrated on the profiling and criminological analysis of sentenced incarcerated foreign nationals who have committed violent or interpersonal crimes, the study will discuss the violence phenomenon only. National trends in documented interpersonal violent crimes have revealed major developments over the long-term with varied results over the last few years. While the rates of murder, attempted murder, assault with intent to inflict grievous bodily harm (GBH), and common assault have all decreased by approximately 50 percent since 1994, a trend validated by self-regulating survey results, rates of murder are considered as a robust proportional indication of violence globally. This does not come as a surprise; murder occurrences are considered as the most reliable crime statistics (Lancaster & Newham 2020:9). This explains why South Africa, as of June 2020, has the highest prison population in Africa and the twelfth highest globally. (Statista, 2020). The table below illustrates the figures and state of interpersonal violent crimes in the country in the period 2017-2019.

Table 1.1: Interpersonal Violent crimes

INTERPERSONAL VIOLENT CRIME	RATE 2017/2018	RATE 2019/2019	PER CAPITA CHANGE 1 YEAR 2017/18 - 2018/19	PER CAPITA CHANGE 7 YEARS 2011/12 - 2018/19
Murder	36	36	↑ 0.4 %	↑ 22%
Total sexual crimes	89	90	↑ 1%	↓ 22%
Attempted murder	32	33	↑ 2%	↑ 16%
Assault with the intent to inflict grievous bodily harm	298	295	↓ 1%	↓ 20%
Common assault	278	280	↑ 1%	↓ 19%

Source: Adapted from Lancaster and Newham (2020:9)

Table 1.2: Violent property crimes

VIOLENT PROPERTY CRIME	RATE 2017/2018	RATE 2019/2019	PER CAPITA CHANGE 1 YEAR 2017/18 - 2018/19	PER CAPITA CHANGE 7 YEARS 2011/12 - 2018/19
Carjacking	29	28	↓ 5%	↑ 53%
Robbery at residential premises	40	39	↓ 2%	↑ 20%
Robbery at non-residential premises	36	35	↓ 3%	↑ 13%
Aggravated robbery	246	242	↓ 2%	↑ 25%

Source: Adapted from Lancaster and Newham (2020:8)

Lancaster and Newham (2020:8) assert that violent property crimes do not occur as frequently as non-violent property crimes. These authors deduce the contributory factors that might influence changes in incidents of violent property crime involving direct contact between perpetrators and changes attributed to security systems and technology, and failures of policing. The researcher believes that the third possible contributory factor can be explained by applying the rational choice theory. Generally, would-be perpetrators weigh potential rewards, satisfaction and self-interest against limited options or being detained (see section 2.4). The researcher's observation is supported by Kriegler (2021:6) who contends that, in South Africa, there is little evidence that shows that policing curbs criminal activities or has an impact on reducing the fear of crime.

The rate of South African criminal violence is around six times higher than the global average. Based on the above table, the national murder rate of 36 per 100 000 in 2018/19 is equivalent to 58 murders daily (Lancaster & Newham 2020:9). This explains why South Africa has the highest prison population in Africa and the twelfth highest globally. Criminal activities in the country are also shown by the number of unsentenced offenders which constitute 29.30 percent of the inmates.

The Department of Correctional Services report outlined the total number of inmates per region as at 31 March 2019. The regions with the highest inmates were Gauteng (22.66 percent), Western Cape (18.22 percent), KwaZulu-Natal (16.6 percent) and LMN (15.76 percent) (Limpopo, Mpumalanga and North West). The regions with the lowest number of inmates were Eastern Cape, 12.94 percent, Free-State and Northern Cape 13.71 percent. Crime rates are not evenly distributed between societies, nor do they occur with the same frequency within different societies. The current available statistics only reveal race but not ethnicity as the ethnicity sentencing debate is controversial. Oluwaseun (2016:154) argues that it is unfortunate that foreign nationals in this country are perceived as “freeloaders who leave their poverty-stricken countries to milk South African resources”. Furthermore, such misconceptions lead to the notion that undocumented foreign nationals are responsible for the high rates of crime. Social cohesion is crucial in the attempt to understand crime in a South African context. This is against the background of governance of the past regime which resulted in barriers between the population and culture groups (Bhorat, Lilenstein, Monnakgotla, Thornton & Van der Zee 2017:3). Today, we are witnessing the repercussions of economic exclusion which result in a culture of violence and xenophobic attacks resulting from limited resources as a means of survival. Neocosmos (2008: 586) states that “[p]overty can only account for the powerless, frustration and desperation of the perpetrators, but not for their target.” This problem of violent acts committed by and against foreign nationals is exacerbated by the South African legislation dealing with foreign nationals’ issues that is unclear. This includes the constitutional rights of foreign nationals because they are not clearly explained within the South African legislation.

The map below illustrates South Africa in context with its neighbouring African states.



**Figure 1.1: Map of Africa**



Source: Adapted from: [www.thefutureofeuropes.fandom.com](http://www.thefutureofeuropes.fandom.com)

According to Malik and Singh (2013:1), “globalisation, political discord, environmental hardships, socio-economic” and the desire for a better standard of living are the main motives for migration. As a result, the growth in migration to South Africa with the expectation of getting refugee status and “greener pastures” will continue (Singh, 2017:140). Nell (2009:235) argues that, to make sense of the current problem, the dynamics that shaped and influenced South Africa’s cultural and historical past must be acknowledged. It is also necessary to understand the foreign nationals’ backgrounds and the onset of their criminal activities in a holistic context.

There is a widespread perception that there are too many undocumented foreign nationals in the country and that is the reason for the escalation of crime rates, particularly violent and contact crimes. The Institute for Security Studies (ISS) refutes such claims and views them as unwarranted because there is no concrete evidence

to prove them (Newham 2017:1) while Gauteng Provincial Commissioner Lieutenant-General Deluwe de Lange claimed that about 60 percent of suspects arrested for violent crimes in Gauteng Province are illegal immigrants (Newham 2017:2). The commissioner mentioned that the South African Police Service does not have a category called “violent crime” but the category of “contact crime” entails “violent crimes” divided into seven broad categories that are murder, attempted murder, sexual assault, aggravated robbery, common robbery, assault with intent to commit grievous bodily harm (GBH) and common assault. In addition, the 2016/17 annual report revealed that SAPS was able to find the criminals in only 23.9 percent of murders and in 17.9 percent of aggravated robberies. Therefore, in 75 percent of murders and in over 80 percent of aggravated robberies, SAPS is unable to identify the perpetrators (Newham 2017:3). Lancaster and Newham (2020:3-4) point out that the South African police statistics are not gathered using scientific or objective measures that must include specifics of crime incidents, such as the location and the time the crime occurred. These authors argue that SAPS’ statistics signify a data collection process that is designed to support law enforcement organisation in their daily implementation and evaluation of responsibilities. They strongly believe SAPS’ crime statistics must be qualified as “Crime Statistics as reported by the Police”. These findings mean that having accurate and consistent data about various categories of violent and contact crime will assist SAPS in assessing current and future crime patterns and to set policy. Ewi (2017:2) notes that

“the view that organised crime in South Africa is run by foreigners is anchored in destructive clichés that connect nationals of different countries to various crimes. For example, Tanzanians are mostly linked to heroin trafficking, Russians and Italians to mafia and gangsterism, Chinese nationals to wild crimes. Pakistanis are linked to human trafficking, Mozambicans to arms smuggling and house robberies, Somalis to violent extremism and terrorist financing, Botswana to poaching. Botswana is also notorious for their expertise in the blasting of vans during cash-in-transit heists”.

In addition, Nigerians are linked to drug trafficking and various criminal acts (Tella & Ogunnubi 2014:154) (such as fraud and fake churches) while Zimbabweans are

allegedly the masterminds of armed robberies and cash-in-transit heists. The former Minister of Police, Mr Fikile Mbalula, addressed the media on the issue of foreign nationals' involvement in criminal activities. He alleged that Zimbabwean National Army members who fled from their military service are responsible for violent crimes in the country. He further stated that these ex-soldiers were in possession of dangerous weapons, such as AK47s, and that they used them for bank robberies and other criminal acts (Mbalula 2017). In addition, the Centre for the Study of Violence and Reconciliation (CSV) revealed that foreign nationals engage in specified "niche" areas in forms of organised crime and this defines the connection between foreign nationals and violence (CSV 2007:135).

Minister Bheki Cele acknowledged that foreign nationals are often involved in cash in transit heists but would not divulge which countries they came from for fear of being labelled xenophobic (African News Agency 2019). Furthermore, the CSV (2007:135) discovered that there is overwhelming evidence of the involvement of foreign nationals in cash-in-transit heists and other aggravated robberies. The report by the ISS reveals that former Justice and Correctional Services Minister, Michael Masutha, alleged that only 7.5 percent of incarcerated offenders in South African correctional centres were foreigners, which means that 92.5 percent of incarcerated offenders were citizens. The 2016/2017 DCS report on the number of incarcerated and detainee offenders does not provide verifiable evidence to support these claims. The figures in this report are contradictory to the pervasive media reports on the involvement of foreign nationals in violent crimes.

Lanier and Henry (2010:1) insist that "the changing geographical landscape and other factors shape our renewed discussion of crime and its causes". Empirical enquiry on immigrant factors, such as immigration policy, country of origin and age at immigration, could shed light on immigrant offending. Mears (2001:14) points out that these factors have been rarely investigated by countries of origin and are exacerbated in this country by exclusion and social discrimination.

The area of offender profiling has been advanced by a few high-profile cases (Vettor 2012:32) that have been reported by the media in South Africa. These include the case of Ananias Mathe which was profiled in crime documentaries. Mathe was a

Mozambican who was considered a “career criminal” who faced more than 60 charges that included attempted murder, rape, hijacking, housebreaking and armed robbery. Another case was that of a Nigerian national, Ugochukwu Eke, who was sentenced by the South Gauteng High Court on the 13<sup>th</sup> March 2017 for charges that included sexual exploitation of a child, living off the earnings of sexual exploitation, being an accomplice to rape and contravening the Prevention and Combating of Trafficking in Persons Act. He was sentenced to 20 years in jail. These reports justify the importance of this study because concerns about the criminality of foreign nationals have sparked public debate in South Africa.

Problem formulation “refines that which is to be examined and relates it to current and past enquiries, thus preventing the reinvention of the wheel or rediscovery of a dead end” (Hagan 2005:44). According to the CSVR (2007:29), the media is not a neutral role player in shaping perceptions of crime and media reports contribute to public fear because of the generalisation of occurrences of this kind. Fear of crime is a significant social cost of crime, especially violent crime (Conklin 1995:70). This study of foreign national offenders will contribute to the existing knowledge and provide an understanding of criminal behaviour in general by considering how individual and community characteristics interact to produce offending behaviour (Welsh & Farrington 2012:165).

### **1.3 Rationale of the study**

The rationale of a study is a statement that involves the meaning of a study and what it means to a researcher (Maree & Van der Westhuizen 2007:28). In South Africa, crime is one of the most topical issues in the public discourse, particularly crimes committed by illegal foreign nationals. The researcher particularly noted the scourge of xenophobic attacks and the allegations that the rise in crime was due to illegal foreign nationals. The point of departure for the proposed study was the fact that there is limited research focusing on offending by foreign nationals therefore cases lacking offender behaviour or other relevant information become difficult to profile.

This thesis contributes to the body of literature on foreign offending and to identify key variables in this paradigm. The researcher adopted a qualitative approach because

this study explored, described and clarified the research questions by probing various social settings and individuals who inhabit these settings (Flick 2018:6). As Hagan (1982:4) points out, “it is imperative that criminal justice professionals comprehend and critically evaluate new developments in their field”.

#### **1.4 Research objectives**

Kumar (2005:193) posits that aim of the study should be clear and specific. In line with the research questions of the study, the study will

- profile and understand demographics of foreign offenders incarcerated in Gauteng correctional centres;
- examine the causes of border crossing by foreign nationals;
- examine the family risk factors related to incarcerated foreign national offenders in Gauteng Correctional Centres;
- investigate the legislative and policy framework pertaining to foreign offenders in South Africa;
- establish the contributory factors to urban violence and foreign national deviancy;
- establish the causes and motives of foreign offenders’ criminal behaviour; and
- assess the effectiveness of rehabilitation programmes offered to offenders sentenced for long periods.

#### **1.5 Research questions**

The purpose of the research questions is to lead researchers to find the data that will answer those questions. Bachman and Schutt (2015: 23-24) explain that research questions guide and provide direction for the research to gather data through observation, probing and interviewing. In order to facilitate the profiling of foreign offenders in Gauteng Correctional Service Centres, the researcher ensured that research questions were formulated in a manner that conclusions can be drawn from them (Davies & Francis 2018:41). The following research questions resulted from the problem statement (see section 1.2):

- 1) Why is it important to profile and understand the demographics of foreign nationals incarcerated in Gauteng Correctional Centres?
- 2) What are the key contributory causes of border crossing by foreign nationals?
- 3) Which are the principal family risk factors observed relating to incarcerated foreign nationals?
- 4) How does South African legislation deal with foreign national offenders?
- 5) What are contributory factors to urban violence and foreign nationals' deviancy?
- 6) What are the causes and motives of foreign nationals' offending?
- 7) How effective are rehabilitation programmes offered to foreign national offenders sentenced for longer periods?

## **1.6 Significance of the study**

This study makes a significant contribution to foreign national offenders' profiling in the African context as it provides a holistic overview of the phenomenon of illegal foreign national involvement in crime. Furthermore, it reveals the key contributory factors to the influx of illegal foreign nationals to the country and uncovers the causes and motives of criminal activities perpetrated by them. Since little research has been conducted on foreign nationals' involvement in criminal activities, this study promotes transparency and eliminates myths and perceptions that ultimately incite violence.

Research is the primary tool for advancing the body of knowledge as well as sharing such knowledge (Creswell 2014:16). According to Denscombe (2002:43), the research must be current, relevant and solve practical needs to current issues. The researcher found that the issue surrounding illegal foreign nationals and their involvement in criminal activities was a sensitive issue in the country. Furthermore, the existing myths and perceptions that the level of crime has increased because of foreign nationals in the country have been fuelled by the pronouncements of government officials, media and community members.

## **1.7 Criminal justice system**

This study aimed to probe the realities of how crime affects members of the

community; to ignite debates on how to deal with overcrowding and the financial impact it has on the economy; to identify and create plans to reduce overcrowding; to investigate how crime statistics play a critical role in assisting the criminal justice fraternity to deal with the crime levels in the country; including the Department of Home Affairs (DHA) and the South African Police Services (SAPS) to address the gaps identified and develop policies and solutions that can prevent the influx of illegal foreign nationals into the country.

### **1.8 Department of Correctional Services**

This study will provide comprehensive offenders' backgrounds that will give the Department of Correctional Services (DCS) a broader understanding of its clients and advance the policy formulation on how to deal with foreign nationals, especially concerning rehabilitation. Berenji, Chou and D'Orsogna (2014:8) found that, for rehabilitation programmes to be effective, they must be facilitated for a reasonable period to make a meaningful impact. Based on the above, an enhanced policy must:

- create services linkages between individuals and groups that serve the targeted population;
- assign appropriate individualised developmental programmes that can find the correct balance for offenders sentenced to life imprisonment and special interactive programmes for offenders who do not receive any visits from family and friends;
- run awareness campaigns on hate speech and racial intolerance in the Correctional Centres; and
- provide equal treatment and work opportunities in the centres despite the offenders' country of origin because work opportunities play a fundamental part in their rehabilitation process.

### **1.9 Members of the community**

This study will inform members of the community on the issue of foreign offenders and assist in demystifying the stereotypical ideologies that a majority of foreign nationals came to South Africa with an aim of committing criminal offences. The researcher is

of view that the fight against xenophobic attacks and hate crimes can be minimised by the government and relevant stakeholders partnering with Community Policing Forum (CPF) committees in order to disseminate accurate information relating to illegal foreign nationals to minimise the fuelling of attacks and promote social cohesion.

### **1.10 Definitions of key theoretical concepts**

Leedy and Ormrod (2010:293) posit that, to ensure that both the reader and researcher have similar orientation and understanding, terms or key concepts that will be used in the study must be defined. Denscombe (2010:34) emphasises that key words capture the essence of the topic under investigation. Mills and Birks (2014:15) note that definitions highlight the importance of the intended meaning of a concept in relation to a study. The following concepts are used and defined for the purposes of this study:

#### **ASYLUM SEEKER**

According to the Refugees Amendment Act 33 of 2008 (RSA 2008), an asylum seeker is “a person who is seeking recognition as a refugee in another foreign country”.

#### **CAUSATION**

Causation is an element of a crime that requires the existence of a causal relationship between the offenders’ behaviour and harmful consequences (Reid 2018:481). Causation of crime calls for criminologists to discover the causes of crime. Criminologists generally focus on the individual and examine the association between judgment, psychological and biological traits, and antisocial behaviours. Researchers with a psychological contextual interpretation show that crime is a function of personality, development, social learning or cognition (Siegel 2019:6).

#### **CONTACT CRIMES**

Contact crimes refer to crimes where victims are targets of violence or where property is targeted and the victims in the property are exposed to intimidation or the use of violence (DCS 2019a). These crimes include murder, sexual offences, attempted



murder, assault GBH, common assault and common robbery.

## **CORRECTIONAL CENTRE**

According to the Correctional Services Act 111 of 1998 (RSA 1998c), “correctional centre” means any place established under this Act as a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody or to placement under protective custody. Correctional institutions are at the centre of the correctional process since correctional institutions offer much-needed external control to keep offenders in safety. Further, their resources are used by the criminal justice system to prevent dangerous offenders from continuing with the life of crime (Fox 1985:143).

## **CRIMINOLOGY**

Criminology is a multifaceted field that is influenced by various fields such as biology, sociology, psychology, law, philosophy and anthropology (Robinson & Cussen 2017:6). It is also viewed as a discipline that “gathers analyses empirical data in order to explain violations of the criminal law and societal reactions to those violations” (Conklin 1995:12). Criminology is described as a multidisciplinary scientific study that includes but is not limited to the causes and explanations of specific types of crimes, victims, the adjudication of crimes and crime prevention (Beukman 2008:15; Bartol & Bartol 2008:5). The scope of the field of criminology is wide and explains the processes of making laws, of breaking laws and reaching towards the breaking of laws (Siegel 2010:4). Criminology explores the origin, the degree and nature of crime that disrupts a society (Siegel 2016:5).

## **DEVIANCE**

Deviance is central to understand human conduct. Its sociological notion is mainly based on the acts, opinions, values, and behaviours that departs from the normative structure or social contract. Deviance can be regarded as having an “absolutist or objectivist, social constructionist and statistical standpoints” (Helfgott, 2008:532). Deviant behaviour refers to behaviour that goes against approved social norms and

may include a spectrum of behaviours ranging from violent crimes to those that are commonly viewed as illegal but do not fall under the legal definition of illegal crimes (Siegel 2016:6). Deviant behaviour is any behaviour that is in contravention with the law and social norms (Glick 2005:10). These are actions that depart from the social norm. Some are considered criminal, others merely harmless aberrations (Siegel 2019:13).

## **ETHNICITY**

Suyemoto, Curley and Mukkamala (2020:3) cite that “race” refers to a broader concept that includes specific groups within a construct, while “racialisation” refers to “a process of being socialised into the socio-systematic hierarchy and worldview”. Knowledge on the denotation of what entails race and ethnicity plays a role in reality where the actual connotation can be tested with how individuals interpret and conceptualise ethnicity in relation to individual psychology and how they interact with others. Ethnicity is a term that refers to one’s culture with geographically similar groups of people. Ethnicity is normally confused with race, which is genetically determined characteristic. It refers to the “traditions, language, religion and customs of a group” (Robinson & Cussen 2017:208). The reality is that racism cuts across numerous inequities that are central or caused by racism despite of individual’s ethnic cultural practice. Racism also affects inequalities in areas such as education, housing and socioeconomic wellbeing (Suyemoto et al. 2020:3).

## **FOREIGNER**

The Immigration Act 13 of 2002 refers to a foreigner as “someone who is neither a citizen nor a resident of a particular country” (RSA 2002). The South African Police Service Immigration Policy manual differentiates between undocumented foreign nationals and illegal foreign nationals by stating that a person who has crossed the border into South Africa and has not yet been able to seek asylum status from the Refugee Reception Officer (RRO) is an undocumented foreign national.

## **ILLEGAL FOREIGNER**

According to the South African Immigration Act and Immigration Amendment Act 13 of 2002, illegal foreign national refers to a foreigner who contravenes the provisions of this country's Immigration Act (RSA 2002:14). The term "illegal foreigner" is defined in s1 of the Immigration Act as "a foreigner who is in the Republic and in contravention of this Act" (Cote 2018:222).

## **REHABILITATION**

Rehabilitation is a goal of incarceration and aims to assist in moulding offenders' behaviour to become productive members of society. Rehabilitation is centred around the offenders' treatment and not their incarceration (Reid 2018:492). Rehabilitation is a goal of incapacitation; it aims to assist an offender to change or modifies an offenders' deviant behaviour through rehabilitation intervention programmes that reinforce acceptable societal human behaviour, and aims to instil skills and attitudes that will equip offenders with coping mechanisms outside of prison (Glick 2005:418).

## **LEGISLATION GOVERNING MIGRATION**

South Africa's immigration system was embodied in the 1991 Aliens Control Act and its existence until the enactment of the Immigration Act in 2002 (Ntlama 2018:38). It is a term that defines the country of a person's citizenship. An individual is either born in that country or applies for citizenship and becomes naturalised (Tarver, Walker & Wallace 2002:5). For the purpose of this study, nationality is defined by the country of origin.

## **OFFENDER**

An offender means any person, whether convicted or not, who is detained in custody in any correctional centre or remand detention facility or who is being transferred in custody or is *en route* from one correctional centre or who is transferred to another correctional centre or remand detention facility. Koekemoer (2017:1) posits that an offender is any person who has committed a criminal offence and is under lawful guardianship of a correctional centre.

## **LONG-TERM OFFENDER**

Setelela (2018:4) describes a long-term offender as an offender who is sentenced in a court of law and is incarcerated more than two years. Maximum-security correctional facilities are intended to keep dangerous and violent offenders in their care. The correctional institutions mandate is obligated to offer maximum security and control of incarcerated offenders (Glick 2005:421).

## **OFFENDER PROFILING**

Jackson and Bekerian (1997:66) assert that there is no collective and accepted definition of offender profiling. On the other hand, Douglas, Ressler, Burgess and Hartman (1986:405) are of view that offender profiling refers to an approach that is applied to examine key behavioural and personality attributes of crimes committed to an offender. Woodhams (2012:180) explain that the objective of offender profiling is to establish a holistic background of criminal behaviour and to predict the likelihood of imminent offending. Offender profiling can point out the crime patterns and offer motives that lead to an understanding of why people commit such crimes. In addition, it aims to identify and predict the potential offender and victim, including assessing the risk in each circumstance (Kocsis 2007:ix). Bekerian and Levey (2005:53) summarise offender profiling as a method of comparing fragments of information and data to establish the most likely offender who committed a crime. In addition, such information will inform and explain why and how the crime was committed.

## **POPULATION**

Population in this study refers to the entire group of people of interest that the researcher seeks to examine (Sekaran & Bougie 2013:240). Maxfield and Babbie (2014:217) state that a population in a research setting refers to individuals, groups or institutions that hold similar characteristics that a researcher is interested in.

## **REFUGEE**

In this study, the definition of refugee is adopted from the Refugees Amendment Act 33 of 2008. This Act defines a refugee as a person who has been granted shelter or a

place of safety in a foreign country. The Refugees Act 130 of 2008 (RSA 2008) defines a refugee as a person who,

- a) owing to a well-founded fear of being persecuted for reason of his or her race, tribe, religion, nationality, political opinion or is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or
- b) owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere; or
- c) is a dependant of a person contemplated in paragraph (a) or (b) (RSA 1998b:8).

The following section outlines the research paradigm, approach, design, population, sampling data collection and data analysis methods, data analysis, validity, reliability as well as research ethics.

## **VIOLENCE**

Violence can refer to several diverse behaviours. The word “violence” encompasses and represents all forms of behaviour that are characterised by similar social phenomena. Modern descriptions of violence normally categorise characteristics or conditions that are viewed as having an element of violence. The definition of violence is commonly linked to the criminal activity or deviant behaviour committed individually or in groups. Explanations of violence have elements of commonality (Zahn, Brownstein & Jackson 2004:6).

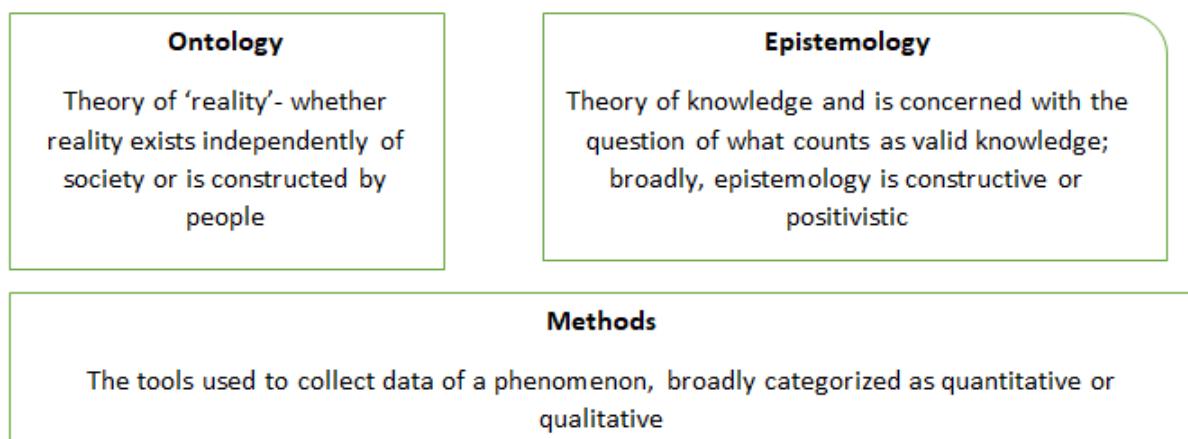
The main aim of this study was to explore, describe and explain the incarcerated foreign nationals’ offending behaviour through a criminological analysis and profiling of individual cases.

## 1.11 Philosophy of social sciences

Generally, philosophy refers to the use of conceptual notions and views that inform research. It is imperative to understand the importance of philosophical assumptions supporting qualitative research including identifying and assessing where they assimilate within the general process of research (Creswell & Poth 2018:16-18). Assumptions are frequently applied in research using paradigms and theories. Fritsch, Trulson and Blackburn (2014:41) posit that a paradigm is a term used to cover a broad category of things, including processes, in which information can be structured. Guba (1990:17), on the other hand, suggests that paradigms are a set of fundamental principles and beliefs that direct action. Kuhn (1970:16-17), summarises a paradigm as “some evaluation implicit body of intertwined theoretical and methodological belief that permits selection, evaluation, and criticism”. Ultimately, paradigms create our reality by providing structure, framework and perspective from which we can explore reality (Hagan 2014:9).

The figure below illustrates the main elements of methodology:

**Figure 1.2: Core elements of methodology**



Source: Adapted from Bows (2018:94)

## 1.12 Philosophical assumptions

Philosophical assumptions play significant role in research since they provide interpretive frameworks and provide direction to the study's research goals, outcomes, scope of training and research practices. There are four philosophical assumptions

recognised in qualitative research:

### **1. Ontological assumptions**

Ontology relates to the nature of reality and its characteristics. It is a term used in philosophy as “the answer one would give to the question: ‘what kinds of things are there in the world?’” (Benton & Craib 2016:4). Qualitative researchers embrace the idea of numerous realities by conducting research that focuses on people because it affords them the opportunity to interpret these numerous realities from individual’s experiences and viewpoints to discover their realities. In this study, the ontological viewpoint included circumstances that facilitated the emergence of social problems and various theories were applied, including psychodynamic and personality theories (see section 2.3). The ontological and epistemological assumptions have been proven to hold the social world and allow a researcher some room for observation with an aim of searching for truth (Scott 2018:143).

### **2. Epistemological assumption**

Qualitative researchers’ proximity to the participants being studied play an important role as subjective evidence is collected and constructed from participants’ interpretations of events. The researchers’ time in the field allows them to be familiar with the participants and gain rich knowledge because they will “know what they know” (Creswell & Poth 2018:21). To standardise the participants’ responses, the same unstructured interview schedule was administered to all participants to ensure that the order of the questions for all participants was similar and this enabled the researcher to take narrative notes that were organised in a sequence that was guided by the criminological profiling component of the case studies.

### **3. Axiology assumption**

Although research in all fields adds value to a study, qualitative research provides more information in comparison to other research methods. This is the axiological postulation that embodies qualitative research. Qualitative inquirers acknowledge “the value-laden nature of the study” that provides detailed principles and biases collected from the field. This suggests that researchers position themselves by recognising their “positionality” regarding research setting and framework (Creswell & Poth 2018:21). Axiology requires the application of ethical issues in conducting research that indirectly impacts on the validity and trustworthiness of the research. In line with the University of South Africa’s Ethical Guidelines and DSC Ethical considerations, the researcher

ensured that participants' narratives were not tampered with. The key principles when interviewing participants were to ensure their autonomy and confidentiality and that narratives were constructed according to the participants' realities.

#### **4. Methodology**

Methodology concerns the process of examining methods and linking the categories of knowledge and is reinforced by epistemological concerns, which are founded on how the researcher views knowledge.

Qualitative research is characterised as inductive, emerging, and shaped by the researcher's understanding during data collection and analysis. Qualitative researchers follow a logical inductive approach that begins from the ground up instead of from the researcher's viewpoints (Creswell & Poth 2018:21). Maxfield and Babbie (2008:39) assert that social scientists aim to discover patterns that point to common philosophies, with which to build a theory, by observing the characteristics of social life. The aim is to develop and build new inductive theories and interpretations that describe unique events rather than to approach social actors from a deductive research premise (Babbie & Mouton 2018:273). Understanding the phenomena under study from this paradigm requires answers to the key research questions. In answering these questions, the researcher used case studies, conducted a criminological analysis and profiling of each case and conducted an interpretive analysis that provided the nature and circumstances of the participants' offending behaviour.

#### **1.13 Epistemology**

The technical term for the theory of knowledge is epistemology (Benton & Craib 2016:3). According to Benton and Craib (2016:3), in the seventeenth century, there were disagreements regarding philosophy and science among scholars that gave rise to two opposing views. The "masterbuilders" philosophy was grounded on a rationalist interpretation and the enlightenment of knowledge. Its logical thinking was reached an assumption by using formal mathematical reasoning. This approach held that reliable data are limited to the report of these patterns in experiences and what can be inferred from them (Benton & Craib 2016:4). The theory of knowledge approaches below are discussed to clarify several epistemological positions that influenced the nature of this study.



### **1.14 Postpositivism**

Positivism is, by far, one of the oldest and most broadly used approaches. Postpositivism rather than positivism to denote the approach. Positivism views social science as a structured method that allows the combination of combining deductive logic with accurate empirical observation of participants that allows a researcher to discover and confirm a set patterns and behaviours that predict and informs a way of life (Neuman 2000:66). Researchers who use a qualitative research belief system rooted in postpositivism will take a scientific approach to research. These researchers employ a social science theoretical lens.

The term “postpositivism” is preferred over that of “positivism” because it does not believe in strict cause and effect but concedes that all cause and effect is a probability that may or may not occur. Postpositivism has the “elements of being reductionistic, logical, empirical, cause-and-effect oriented and deterministic based on a priori theories”. In practice, postpositivist researchers interpret inquiry as a succession of rationally interrelated phases, believe in numerous viewpoints from participants rather than a single reality, and adopt rigorous methods of qualitative data collection and analysis (Creswell & Poth 2018:23).

### **1.15 Social constructivism**

From a social constructivist viewpoint, individuals use their own lived experiences to make sense of their existence and to seek knowledge. This perspective allows researchers to make sense of and give meaning to certain experiences or things. Because these meanings are diverse and numerous, the researcher must examine the intricacy of interpretations rather than narrowing the meanings into a few classes or ideas. This suggests that the research objective is heavily reliant on the participants’ explanations of the circumstances which means that the personal meanings attached should be socially and historically negotiated. They are not purely generated from individuals’ meanings but are influenced and shaped by interactions with others (Creswell & Poth 2018:24). This is because meaning is not discovered but relies on the researcher’s construction of events (Mason 2018:206-207).

## **1.16 Transformative frameworks**

Whereas a postpositivist framework imposes structural laws and theories that are unsuitable for marginalised people, a transformative framework allows the researcher to uncover and integrate viewpoints of the marginalised. The main difference between the postpositivist and transformative framework is that the latter is viewed as a pragmatist paradigm that advocates for social change and gives room to confront stereotypes. Essentially, qualitative research is viewed as a strategy that must encompass plans to bring about positive change in participants' lives and contribute knowledge to their environments (Creswell & Poth 2018:25). A transformative framework deals with sensitive and complex societal issues, such as the population of this study that are incarcerated foreign nationals, who fall under the vulnerable and marginalised.

## **1.17 Interpretive frameworks**

Creswell and Poth (2018:32) assert that, in qualitative research, the use of interpretive frameworks is reliant on the framework and approach that researcher selects. Interpretive social science was discovered by a German sociologist, Max Weber (1864-1920), and German philosopher, Wilhelm Dilthey (1833-1911). Dilthey's "Introduction to the Human Sciences" (1883) maintains that there are two different basic types of science which entail a theoretical explanation, or an explanation communicated in an objectively explicit manner (Neuman 2000:70). Interpretive social science originated in the nineteenth century and is associated with hermeneutics, a philosophy of meaning, in the humanities. Hermeneutics refers to a thorough reading or investigation of text, which may require a conversation, composed of images or words.

An interpretive approach requires the researcher to read in order to discover the connotations embedded within a text. This process affords an opportunity to engage and gain deeper insight and show how information is connected. The construction of true meaning is seldom clear or obvious on the surface and requires spending time studying and detailing the text, considering the pieces of information and looking for connections among fragmented parts. Interpretative researchers use field inquiry and

observation to gain such “rich information” (Neuman 2000:71)

Creswell and Poth (2018:32-33) identified how interpretive framework can be practiced:

- The focus of research is to identify specific key issues or topics. Research problems and questions explored allow the researcher to gain deeper understanding of specific issues or conditions that serve to exclude disadvantage individuals.
- Research measures and frameworks are sensitive to participants. The procedures of research, including data collection, data analysis, the quality of evaluation and ethics highlight an interpretive viewpoint.
- The researcher must ensure that, during data collection, participants and research sites are respected and participants should not be marginalised.
- Researchers are co-constructors of knowledge. Good ethical practices necessitate that researchers should recognise the significance of the prejudice of “their own lens” and that they therefore hold a very powerful position throughout the research process. Furthermore, researchers must acknowledge the part that participants play in a research including the fact that participants possess knowledge ownership of information collected.
- Research is described and presented in various formats. Existing research is normally offered in journal articles, or in experimental approaches. Employing an interpretive lens demands societal action and transformation.

The meaning of science has been an evolving human creation. Until the 1800s, only philosophers and religious scholars who engaged in armchair speculation studied or wrote about human behaviour. The classical theorists contributed to modern civilization when they argued that the social world could be studied using science. Practicing researchers developed ways to research based on their informal notions of science (Neuman 2000:64-65). These research approaches are discussed below.

### **1.18 The postmodern perspective**

The postmodern perspective is founded on the knowledge claims set within the circumstances of modern times and in the numerous perspectives on race, ethnicity, class, gender and any other marginalised group. Negative conditions reveal

themselves in the incidence of hierarchies, power control by individuals and the multiple meanings of language (Creswell & Poth 2018:26). This study highlights South African history where race or ethnic groups are concerned. In the context of this study, the criminological narratives of participants advanced our knowledge and provided a perspective that forces individuals to move away from the myths and perceptions that have created an illusion that foreign nationals are solely responsible for the spike in crime rates in the country. These narratives were made without considering the political history of southern Africa and the political and economic dynamics of the African continent. This perspective complicates the evaluation of studies but encourages variability and flexibility in the discovery of evidence, contributes to science and encourages questioning of facts (Lanier & Briggs 2014:245). Qualitative researchers employ this approach because they value and align themselves with its beliefs and theories that guide their work. These philosophical assumptions are illustrated in Figure 1.2: Core elements of methodology.

## **1.18 Research approaches**

A research process naturally commences with a problem that must be determined or a question that needs to be answered. Before framing the goals and aims of a research project, the researcher must clarify the purpose of the research. There are four broad research strategies that are reviewed, exploratory, descriptive, explanatory and applied research.

### **1.18.1 Exploratory research**

In social scientific research, exploratory studies are aimed at formulating a problem and clarifying concepts. This strategy is typically considered when a researcher studies a new interest or a new subject. Criminal justice research is conducted to discover specific problems, in this case, the causes and motives of foreign offenders' criminal activities in a South African context. Babbie and Mouton (2018:80) assert that exploratory studies are normally aimed at (1) gratifying a researcher's inquisitiveness for enhanced understanding; (2) examining the feasibility of undertaking an extensive study; (3) expounding on approaches to be employed in any subsequent study; (4) clarifying the fundamental concepts and constructs of a study; (5) regulating priorities

for imminent research; and (6) advancing new theories concerning current phenomena. Exploratory studies are directed at gaining insights and knowledge rather than gathering comprehensive, accurate and reproducible data. However, their main shortcoming is that they rarely offer suitable answers to research questions because of the qualitative research sample size (Babbie & Mouton 2018:80).

### **1.18.2 Descriptive research**

Maxfield and Babbie (2008:20) argue that criminal justice observation, description and approaches rooted in the social sciences describe the observations of society on the lawlessness and crime that exist in a nation. According to Mouton and Babbie (2018:81), the descriptions of phenomena are derived from narratives. Guiding and supporting research questions can assist in defining individuals, circumstances or phenomena and are not necessarily driven by a structure (Bows 2018:94).

### **1.18.3 Explanation research**

Social and behavioural researchers are often interested in explaining why or how individuals do certain things, including how social structures function or the association of two or more processes. Qualitative inquiry allowed the researcher to understand and examine participants' behaviour in order to determine causal connections based on the information shared by participants (Babbie & Mouton 2018:81). In this case, the inductive and flexible nature of qualitative data collection was particularly useful for exploring the internal criminological processes of causes and motives of foreign nationals' criminal behaviour and to predict future incidences.

### **Basic research**

Basic research is central in the advancement of knowledge and the social world. It mainly focuses on disproving or supporting theories that explicate how the social world functions, that is, the influences on things happening and why society changes. Basic research offers a groundwork for information and understanding that concerns policy and how it is generalised to various settings, problems or some disciplines of study. It inspires new approaches or ways of thinking about deviance that have the probability of transforming and improving how researchers or experts address challenges

(Neuman, 2000:23).

#### **1.18.4 Applied research**

Applied research from a criminal justice study originates from a need for uncovering realities that require policy implications that are followed by their application into public policy. The Applied research is generally regarded as involving matters that are controversial and cause conflict. Applied research is descriptive in nature and can contest research and limit it to an applied setting and give it a sense of stability and consistency against real-world needs (Neuman, 2000:24).

### **1.19 Research methodology**

In this section of the discussion, a qualitative research approach is explored including the research methodology that is utilised. Research methodology involves a framework that outlines how a researcher plans to conduct a study (Bergin 2018:1). For this study, the plan is described in the data collection and analysis methods applied and justification is provided on why this method was viewed as the most suitable.

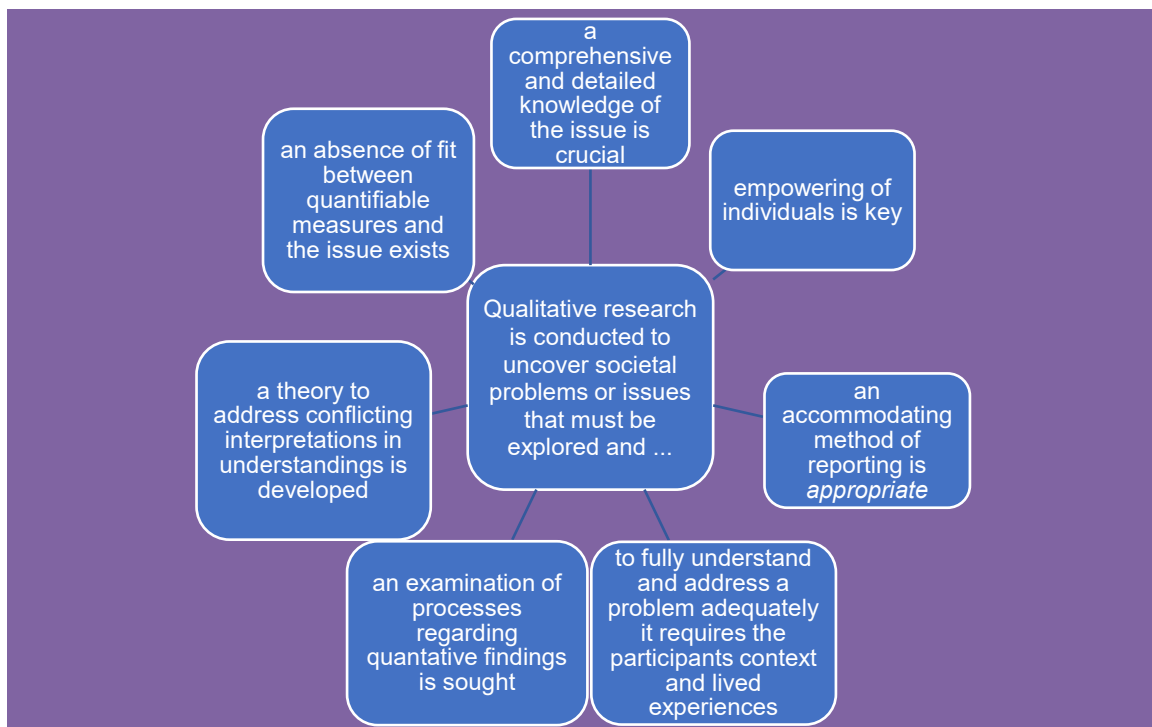
#### **1.19.1 Qualitative approach**

The sociologist, Max Weber (1864-1920), used the term *verstehen*, a German word that refers to “interpretive understanding” or “deep understanding”. According to Weber, the term *verstehen* differentiated between qualitative and quantitative research which is the natural or hard sciences (Lanier & Briggs 2014:109). Qualitative researchers describe a problem from the point of view of individuals who experience the problem and more in-depth information is sought from fewer cases. This is referred to as the “emic perspective”. Normally, studies using this approach are well-defined, are narrative in nature and provide a broad understanding (*verstehen*). Also, this approach is less focused on numbers and measuring patterns in behaviour but more on collecting “thick descriptions” of a phenomenon (Babbie & Mouton 2018:270). Clifford Geertz (1973), a cultural anthropologist, developed the concept of a “thick description”, an expression that refers to “a rich detailed description of specifics” (Babbie & Mouton 2018:272). A qualitative approach contributes to the “correct” understanding of behaviour because it reflects all factors, such as motivations or

contributory factors that caused certain behaviours (Lanier & Briggs 2014:109). To study the issue of foreign nationals offending in South Africa, the researcher used an emerging qualitative approach of inquiry which is the collection of data in a natural setting. This exercise allowed the researcher to view the world through the participants' lenses as they related their lived experiences (Babbie & Mouton 2018:270-271). The participants' narratives on their lived experiences allowed the researcher to capture the complexity of the problem under study. Chapter 8 outlines a criminological analysis and profiles emerging from the study.

The figure below illustrates when qualitative approaches are appropriate for a research problem:

**Figure 1.3: When to use qualitative research**



Source: Adapted from: Creswell and Poth (2018:46)

The researcher formulates the study within the premises and characteristics of the qualitative approach that involve features that are instrumental for data gathering on participants' interpretations and the delivery of diverse realities (Creswell & Poth 2018:47). In this study, participants' views regarding their offending behaviour allowed them to share the meaning and understanding that they assigned to the experiences

and events that led to their offending behaviour (Myers 2009:30).

### **1.19.2 Inductive reasoning**

Lanier and Briggs (2014:9) note that when qualitative researchers take an inductive approach, they start with a set of observations or they move from specific observations to broad generalisations. Inductive research uses the data provided to develop theory that explains increased crime rates in society. It applies what is known about limited cases to an entire group (Fritsch et al. 2014:9). Induction entails the inclusion of “fallacies” about a whole group based on knowing about a case or limited case (Hagan 2014:19).

A review of science and the research methods scientists’ employ will show that science is multifaceted, and the methods employed are also varied. Qualitative content analysis can be used in either an inductive or a deductive method. Both the inductive and deductive content analysis processes incorporate three essential phases: preparation, organisation and reporting of research results.

### **1.19.3 Deductive reasoning**

Researchers opting for a deductive approach begin with a convincing social theory and then test it with data. Deduction is the process that utilises a theory and its beliefs to develop a specific hypothesis. The goal is to test a theory that will confirm whether the propositions of the wider philosophy are accurate (Fritsch et al. 2014:41). Hagan (2014:19) asserts that a deductive approach requires moving from a level of theory to a detailed supposition. Deductive reasoning allows a researcher to study what others have done and then test the hypotheses that emerged from those theories (Lanier & Briggs 2014:10).

The motivation of a study determines whether a researcher will follow applied research or basic research. The type of research depends on the purpose the research has and the practical application thereof. Fouché and De Vos (2005:105) interpret pure (basic) research as encompassing a knowledge base. Hagan (2014:11) argues that basic research is more interested in gaining new knowledge for the purposes of developing a science or field. In most cases, basic research is conducted without the researcher



envisaging what the outcome will entail (Lanier & Briggs 2014:17). Applied research is concerned with resolving policy problems (Hagan 2014:11). Most academics are more concerned with pure research, which lacks applicability but contributes to the knowledge base and advancement of a scientific discipline (Hagan 2014:11). Research methodology employed in this study is discussed in detail in Chapter 7.

## **1.20 Contents of the research report**

The following layout was followed in this research study in order to achieve the abovementioned aims. This study is divided into seven chapters as follows:

**Chapter 1:** This chapter provides an introduction and orientation of the phenomenon under examination. This chapter outlines the focus of the study, scope, aims and objectives as well as the rationale for the study. The chapter concludes with an overview of the methodology that was applied in the study.

**Chapter 2:** Theoretical articulation on migration and crime in South Africa is discussed. This chapter advances integrated scientific knowledge on crime causation. Further, it reflects on an in-depth overview of the historical background of migration in South Africa. Theoretical articulation on migration and crime in South Africa is discussed. Possible shortcomings or findings of other researchers' work are highlighted.

**Chapter 3:** This chapter provides a general overview of offender profiling in different disciplines or fields. A brief background on the origins of profiling in a criminological context is given. The main goals, theoretical reasoning embedded in profiling and the limitations of the application of profiling are discussed. In South Africa, data and literature is not clear on the role that criminology and criminological profiling plays in the criminal justice system therefore the purpose of this chapter and this study is to evoke robust debates on criminology as a field, its implication and contribution in understanding crime, crime patterns and offenders' motivations, and criminogenic risk factors.

**Chapter 4:** This chapter examines the historical legislation and legal perspective on migration and crime from the South African perspective. The chapter reflects the

historical background of the South African legislation on pre- and post-apartheid and how it dealt with its various categories of citizens including refugees and asylum seekers.

**Chapter 5:** This chapter investigates the possible contributory factors of the push and pull factors. Further, motives, causes and possible contributory factors of urban violence and foreign nationals' deviancy are discussed.

**Chapter 6:** This chapter gives an overview on how the South African Criminal Justice and Correctional Services deal with offenders. Incarcerated offenders are offered rehabilitation programmes under the supervision of the DCS, these programmes are designed to alter the offenders' criminal behaviour and also prepare them for possible reintegration into their communities.

**Chapter 7:** This chapter discusses the different forms of the philosophy of science and provides perspectives central to qualitative research. The research aim, objectives and study questions are outlined.

**Chapter 8:** This chapter covers the interpretation according to the data sources and in relation to the research questions. A summary and analysis of the responses of foreign offenders is discussed. Generally, little data exist that provide systematic information about foreign nationals' deviancy and factors bearing on immigration. We cannot, therefore, conclude or generalise that such truth exists across a wide spectrum of foreign nationals who migrated legally or illegally.

**Chapter 9:** This final chapter concludes the study by elaborating on the findings and making recommendations to address the issues highlighted. The recommendations discussed take consideration of the outcomes of the research questions and objectives of the study. Further, the conclusion comprises a brief summary of the research project, particularly the design, findings and recommendations. The chapter also explores the limitations of this study and recommendations for future research are given.

## **1.21 Conclusion**

This chapter offered a general aim of the study. The background of the study, the

problem statement, research questions, research objectives and rationale of the study were outlined. The philosophical assumptions and interpretative frameworks were discussed that included ontology, epistemology, axiology and methodology. Chapter 6 discusses methodology approaches utilised in the study in detail, including the ethical considerations to be observed.

Chapter 2 focuses on the literature review pertaining to this research topic.

## CHAPTER 2: THEORETICAL BACKGROUND

### 2.1 Introduction

This thesis advances a theoretical strategy that will incorporate both structural and cultural arguments regarding race, crime and inequality in an African context. A theory makes statements about the connections between observable phenomena that “emerge from our lived experiences moving from our lips to the streets” (Zita 1998:207). A key issue for the South African criminal justice system is the understanding of theories that have evolved to explain the relationships between crime causation and specific groups (Tarver et al. 2002:37) and on the correlation between crime and economic conditions. However, these theories do not deal specifically with the unique problems faced by Africans who are affected by the inequalities of society.

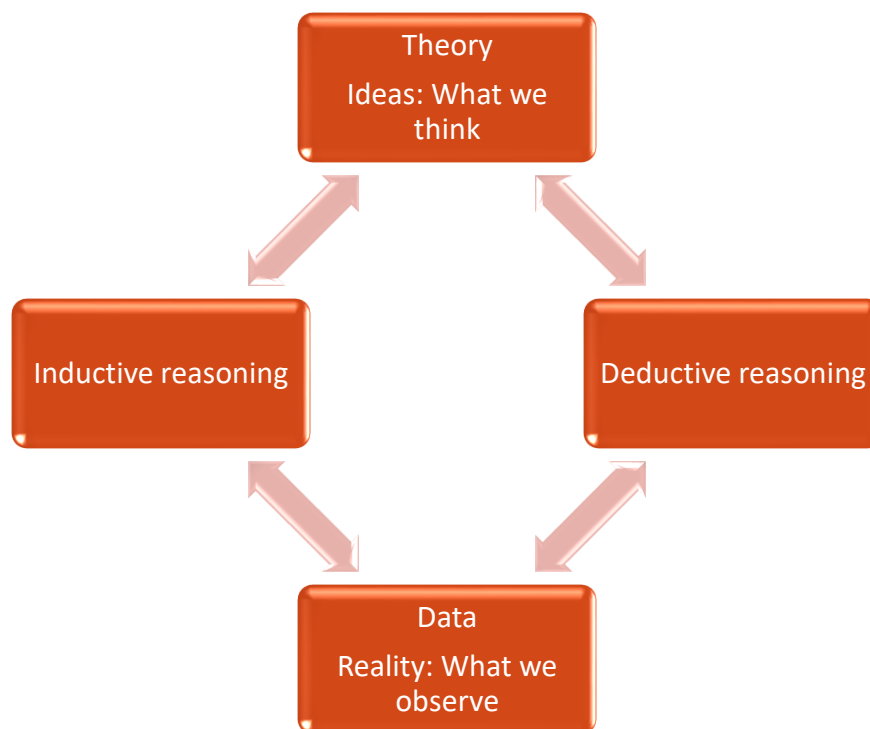
This study calls for a comprehensive explanation of foreign nationals’ offending, informed by knowledge acquired from multidisciplinary fields in order to assist in responding to the question of whether unfair bias is a major cause of racial and ethnic disproportions (Tonry 1997:11). The isolation of beliefs regarding the root causes of the criminal element serves as evidence that no philosophy is conclusive (Holmes & Holmes 2009:56). Bartol and Bartol (2005:2) assert that failure to prevent crime might be due to the general lack of understanding of the complex phenomenon of criminal behaviour, particularly in South Africa where daily criminal incidents are accompanied by senseless violence. This shows that circumstances of criminal behaviour are related to individuals’ environments and lifestyles (Smith & Cornish 2003:74).

A theory provides a rational and consistent explanation for the perceived truths and systems that re-count a specific aspect of life (Maxfield & Babbie 2016:51), in this instance, the profiling of foreign incarcerated offenders in Gauteng Correctional Centres. Because theories make statements about associations among observable phenomena, a key characteristic of scientific theories is that they can be falsified (Vold, Bernard & Snipes 2002:5).

Holmes and Holmes (2009:7) point out that the inductive and deductive approaches can be considered to advance a profile. The researcher will first discuss theories surrounding these relationships to explain, predict and eventually inform stakeholders

on how to prevent crime (Tarver et al. 2002:60). Researchers use a theoretical perspective that will outline the type of questions asked and inform how data are collected and analysed (Creswell 2014:64). Theories (1) predict and control actions; (2) account for disparities; (3) provide plausible explanations of reality and address the question “why”?; (4) explain and give insights on how certain events occur; and (5) identify key factors on how to improve our social lives (Saldaña & Omasta 2018:257). This is demonstrated by the figure below:

**Figure 2.1: The links between theory and data**



Source: Adapted from Bachman and Schutt (2014:34)

Theories are the foundation of understanding and linking criminal behaviour. They are not restricted to a specific focus area because the explanation of deviancy can occur in interrelated fields. Theories combine logic and scientific explanation to understand unconventional and criminal behaviour (Maxfield & Babbie 2016:50). This chapter advances cohesive scientific knowledge on crime causation by reviewing scholarly approaches to causal mechanisms that operate across multiple social contexts and individual development (Wikström & Sampson 2006:3). This chapter is divided into three subsections. The first deals with biological and biosocial explanations, the

second, psychodynamic explanations and the third examines the social and structural explanations that contribute to an individual's likelihood of engaging in deviancy. This acknowledges that the personality of the violent offender is complex and involves a variety of factors, such as biological inheritance, environment, culture as well as common and unique experiences (Holmes & Holmes 2009:51).

## **2.2 Biological and biosocial theories**

One of the oldest scientific approaches in criminological theory emphasises physical and biological abnormality as the distinguishing mark of the criminal. In this approach, offenders are viewed as abnormal, defective and different from "the normal" (Vold & Bernard 1986:47). Biosocial theory "has been coined to reflect the assumed link between physical and mental traits [and] the social environment behaviour" (Siegel 2018:143).

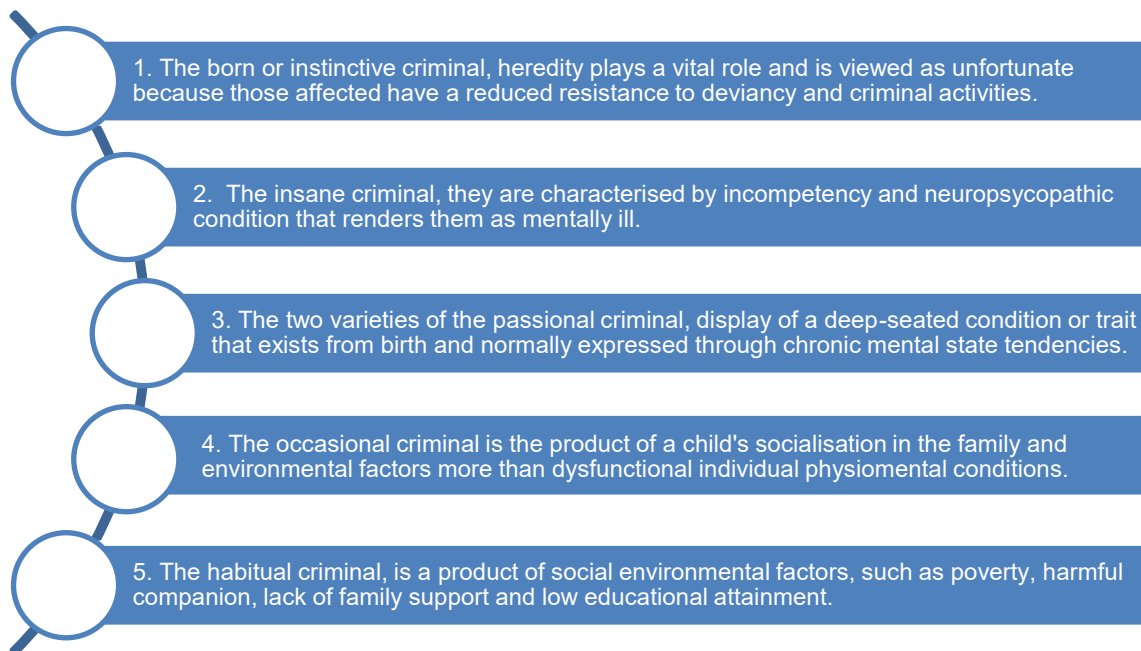
Psychoanalytical explanations of violence have been subjected to hostile criticism from positivists because they are not recognised as science (Maguire, Morgan & Reiner 1997:863). The assumption of this theoretical framework is that people who are involved in deviancy differ significantly from non-offenders. The goal of the scientific study of crime is to compare the offenders to the non-offenders by measuring a variety of features; the differences are then identified and classified to show why some people commit crimes (Henry & Lanier 2006:31). Individualised attention to the specific criminal, rather than to the crime, on the assumption that criminal offenders are different from members of the general population, ultimately led to variations in how offenders were treated and in how the courts sentenced them. This differential treatment led to greater discretion on the part of the police, the criminal justice system and correctional system (Henry & Lanier 2006:31).

Lombroso and other positivists laid the foundation for a scientific and biological analysis of criminal behaviour. The assumption that individuals' qualities can be traced from certain features of their physical appearance is termed physiognomy. This character assessment has been deemed a significant and reliable analytical tool by Lombroso who was acknowledged for establishing the classification of criminals that included the concept of the "biological or born criminal" (Reid 2018:67). Lombroso

outlined how a certain physical make-up ultimately contributes to criminal behaviour (Rafter in Henry & Lanier 2006:34).

Lombroso's theory was not only focused on the "born criminal, atavism and degeneracy" but was also concerned about the influence that the social and physical environment has on the offender (Glick 2005:70). Enrico Ferri, a student of Lombroso, asserted that there were three categories of criminals: those who were "born bad", those who were "insane" and those whose actions were the consequences of a set of circumstances in which they found themselves (Joyce 2006:6).

**Figure 2.2: Ferri's classification of born criminals**



Source: Adapted from Glick (2005:72).

Ferri admitted that there were shortfalls in his analogy and argued that not every offender will fit into his classification system, nor would those individuals who display deviancy in our daily lives fit the analogy as defined and suggested by the classification. In addition, he established that classes of offenders do not exist in nature however they are necessary "instruments by which the human mind can better understand the multiform reality of things" (Glick 2005:72).

Scholars, including Lombroso, criticised Ferri's methods of research saying that they had absent or inadequate control groups in his experiments and lacked sources of

information and the use of statistics (Glick 2005:70). Ferri expressed interest in Lombroso's ideas of the basic biological causation of criminal behaviour but emphasised the importance of consistency. In addition, his findings on the causes of crime were centred on the following factors (Glick 2005:72):

- Physical (race, location, etc.);
- Anthropological (age, psychological conditions, etc.);
- Social (population growth, religion, etc.).

Lombroso's born criminal is equivalent to the life-course persistent offender who continues violating the law into old age therefore he anticipated genetic explanations for crime. Based on the findings of this study, where genetic explanations are concerned, the researcher found that four of the participants were one pair of twins and one pair of siblings. The twin participants were identical therefore, based on Lombroso's argument, their deviancy might have been influenced by their genetic make-up or identical inheritance. The common trait identified on both sets of participants was that the older twin and the older sibling were dominant. In both cases, the researcher observed how the younger siblings sought approval even when explaining the events that led to the crimes committed. The researcher tried to establish if the criminality element was hereditary or not, but all participants alleged that their parents were never involved in criminal acts.

Regarding environmental influences, Vold et al. (2002:41) assert that it is difficult to separate the environment and heredity as contributing factors to crime. On Ferri's classification of born criminals, the findings reveal that a majority of participants can be classified as passional criminals, occasional criminals and habitual criminals (see Chapter 6). Although opinion varies regarding the value of Lombroso's contributions, there is little doubt he had a significant impact on research directed at the relationship between genetics and the disposition of deviancy (Bartol & Bartol 2005:84). Notwithstanding his many scientific shortcomings, Lombroso's claim of the "scientific method" that identifies criminals as a substitute for policing founded on intuition proves to be a leading method of combating or controlling crime. In other words, positivist assumptions are more inclined to implement contemporary policing practices that are progressively organised around the notion that a crime is caused by factors that are



not complicated to identify (Sian, 2017:6). However, today, his theory is regarded as unscientific. Modern theorists contend that traits that were presumed to be hereditary are, in fact, not genetically linked but might be triggered by diet and environmental factors (Siegel 2018:143).

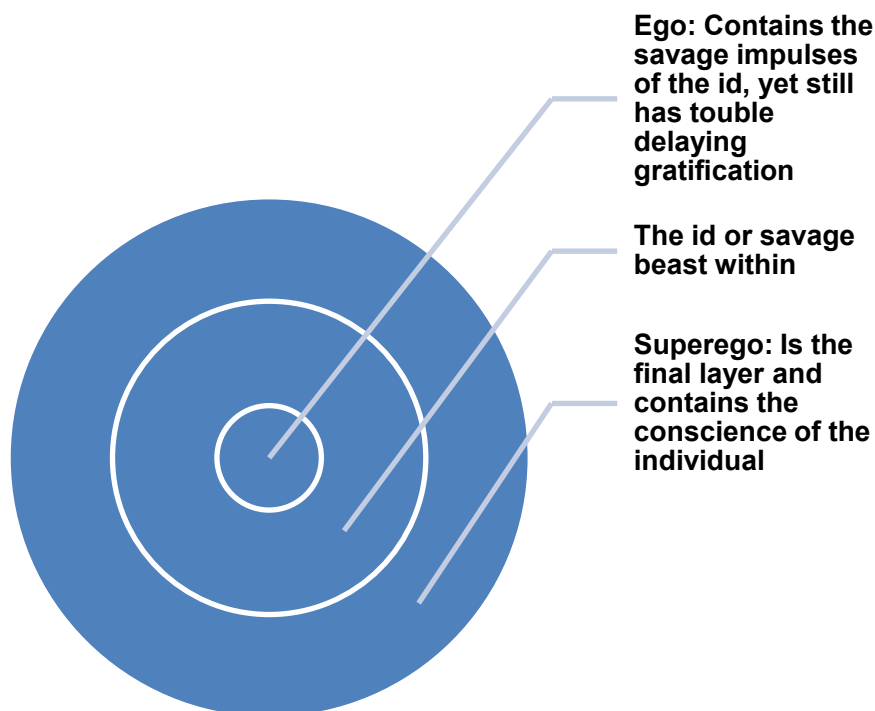
### **2.3 Psychodynamic and personality theories**

To study crime and deviance involves an understanding of human action and the reaction to it, but not in isolation or as two unrelated matters (Maguire et al. 1997:483). Contemporary psychodynamic theories of criminal behaviour are rooted in Freud's theory of the id, ego and superego. Psychodynamic theories of criminal behaviour focus on the development of the psyche from infancy. According to this perspective, "motivation for criminal behaviour is rooted in an individual's psychodynamic structure and development" (Helfgott 2008:61). In addition, Freud proposed that behaviour is the product of the interaction of the id, ego, and superego with the environment. The id represents human drive for pleasure, the ego regulates the id in accordance with the demands of the external environment and the superego reflects the conscience and ego ideal or the parental voice inside one's head that says, "do the right thing" (Helfgott 2008:61). The argument is that each type of behaviour is motivated by drive and, as the drive increases, the individual can take the necessary action to reduce it. Based on this theory, the ego has two masters, each to be obeyed and each pushing in different directions. While the id demands pleasure, the superego demands control and repression. The relationship with parents or guardians has proven to play a significant role on one's ability to exercise control or repression (Williams 2008:187) notwithstanding that numerous theories and typology developed from the psychoanalytic perspective suggest that there are different developmental routes to criminal behaviour.

Andrews and Bonta (cited in Helfgott 2008:62), reviewed four offender types that have emerged from psychodynamic theory: (1) weak superego type; (2) weak ego type; (3) the "normal" antisocial offender; and (4) the neurotic offender. The findings of this review is that the weak superego type needs immediate gratification and does not hear or respond to that "voice inside the head" whereas the weak ego type displays underdeveloped social skills and a degree of immaturity, gullibility and dependence

resulting in poor judgment of possible environmental factors that might lead to criminal behaviour. The “normal” antisocial offender type goes through the normal stages of development as a fully functioning adult however the psychoanalysts argue that offenders are those who have not channelled their desires into useful or harmless activities. Further, if the id remains uncontrolled, the likelihood of desires taking over and giving rise to socially unacceptable acts is high resulting in deviancy (Williams 2008:189).

**Figure 2.3: Freud’s Elements of the Human Psyche**



Source: Adapted from Holmes and Holmes (2009:65)

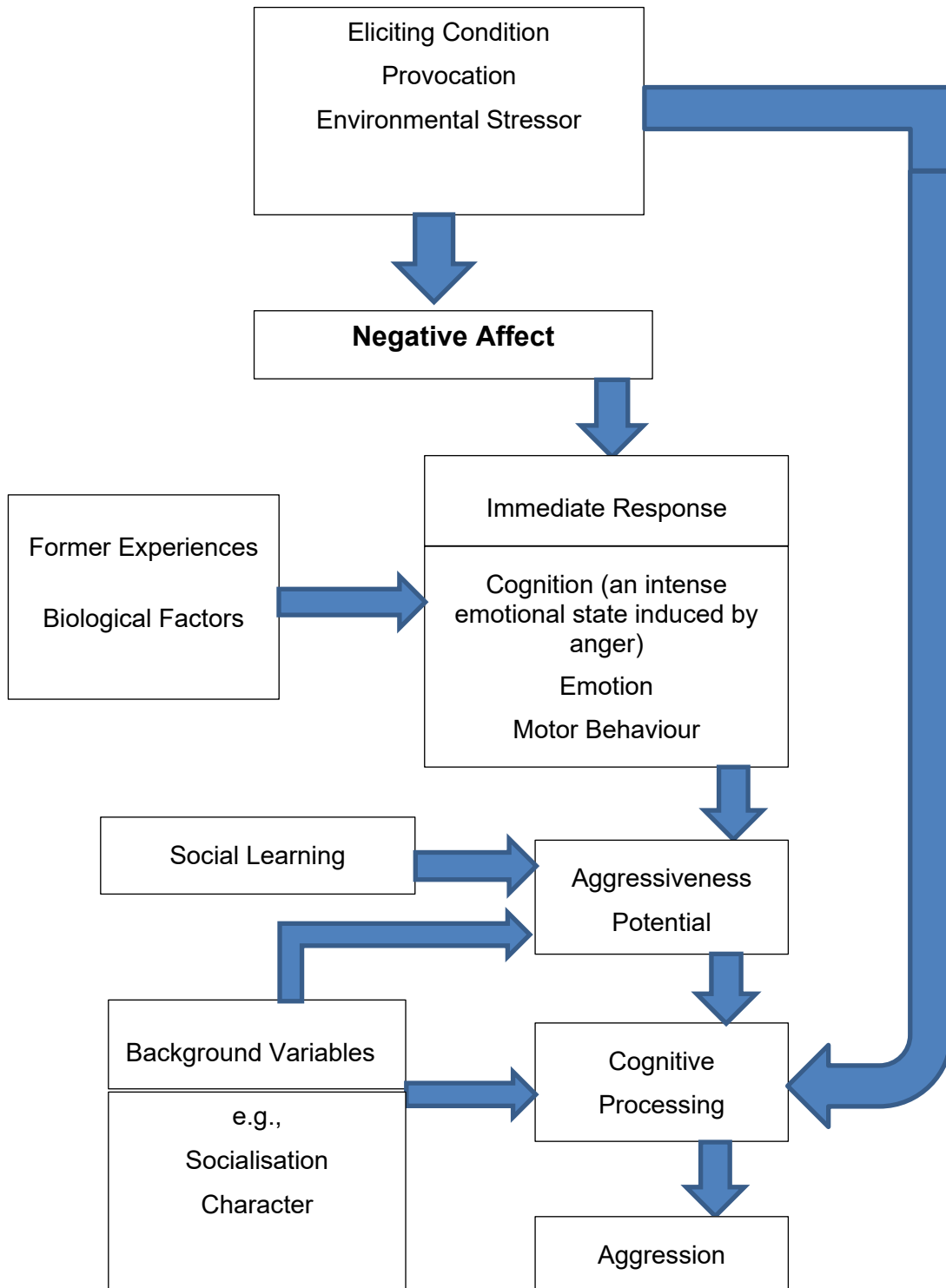
Flowers (2003:55-56) maintains that some theories assume that there is an inner force that desires aggression and violence as “the criminal rarely knows completely the reasons for his conduct” (Abrahamsen in Holmes & Holmes 2009:64). This finding emphasises the psychoanalytical theory that it is mainly the inner processes and conflicts that determine behaviour. Unresolved inner conflict and a lack of emotional stability are perceived to be the main reasons for undesirable behaviour and the environment plays a lesser role (Williams 2008:189). There is a supposition that there is a link between “aggression, impulsivity, antisocial behaviour, impulsivity and psychopathy and criminal behaviour” (Helfgott 2008:51).

Geen and Donnerstein (1998:1) postulate that contributory factors to aggression, such as frustration, insults and interpersonal attacks, were identified in the 1960s. Felson (2004:71) maintains that there are two basic theoretical approaches to violence and crime, the rational choice perspectives and frustration-aggression approaches. The rational choice theory states that individuals make informed decisions based on self-interest and possible benefit, while the second approach takes violence and crime as an irrational response to adverse stimuli. The developments involved in social learning are rewarded and produce an increased expectancy that such conduct will be beneficial under similar circumstances (Geen & Donnerstein 1998:5).

As reported by Felson (2004:71), a rational choice perspective can only provide an explanation of instrumental aggression (see section 2.6). The author argues that a biologically based frustration-aggression mechanism is required to explain expressive aggression, while the rational choice posits that all aggression is instrumental.

Felson (2004:74) clarified the difference between crime, aggression, and violence and highlighted their significance in understanding the roots of violent crime, because violent crime involves all three. Thus, an offender's inclination to commit violent crime may echo (1) a disposition to violate rules or regulations; (2) a desire to harm others; and (3) an inclination to use physical coercion. Figure 2.4 below illustrates the processes of affective aggression.

**Figure 2.4 Overview of processes in affective aggression**



Source: Adapted from Geen and Donnerstein (1998:3)

Although Geen and Donnerstein (1998:2-3) point out that the figure above is not a formal theoretical model, it was useful in shaping information which the researcher found applicable and relevant to this study.

Two assumptions underlie this diagram, the first, is that human aggression is twofold and comprises both instigating conditions and variables that contribute to a temperament to behave aggressively. The second is that the aggressive act results within a chain of events that begins with the provocation and that the act can only be understood through this chain. Further, Geen and Donnerstein (1998:2-3) reveal that biological factors in aggression influence the likelihood of an individual's responding to increased undesirable impulses and violent reactions.

Violence is commonly fragmented into (1) behavioural violence; and (2) structural violence. Also, behavioural violence can be classified into two broad types: intrafamilial violence; and (3) extrafamilial violence, or violence outside the family. Based on reported cases, the most common are "intrafamilial violence and structural violence" which is determined by measuring the number of criminal incidents or determining the number of fatalities or injuries resulting from violence (Flowers 2003:56). South Africa's crime statistics corroborate this analogy as most of the violent crimes are structural in nature and are influenced by race, ethnicity and classism (see section 1.18, 5.3.1).

Crime in which no harm is planned includes victimless crimes and accidents caused by the offender's carelessness. In the above scenarios, there is no motive or intent to harm others as these offenders are engaged in crime, but not in aggression or violence. Some of the acts of aggression are moralistic violence, predatory, and some are dispute related and dependent on the offender's attitude toward harming the victim Black (2004:146). For example, the participants of this study who committed robbery and rape typically involved predatory violence and displayed impulsivity. This type of offenders can also be referred to as exploitative rapists (Bartol & Bartol 2017:207). Violence and force used to make the victim comply allowed them to get something else they wanted, in this case, sex and monetary gain.

Robbers commonly “possess attitudes, values and beliefs favourable towards violating the law, and belong to a subculture that is supportive of criminal activity” (Flowers 2003:192). Incidents involving dispute-related aggression or harm are the immediate goals and the offenders’ desired outcome. In most cases, either the offenders had unresolved issues with their victims, or they lacked self-control. Insults, including any form of verbal attacks, stem from disputes, although they are not usually considered violations of law, until they escalate to threats and ultimately to violence resulting in a crime (Felson 2004: 74). Felson (2004:74) emphasises that the rational choice and frustration-aggression viewpoints vary in their explanation of the motivation for dispute-related aggression and labels these different perspectives as “their battleground”. An in-depth discussion of the rational choice perspective to expand on the link between aggression vs choice is in section 2.4.

### **2.3.1 Eysenck’s personality theory**

The term “personality” refers to “the complex set of emotional and behavioural attributes that tend to remain relatively constant as the individual moves from situation to situation” (Vold & Bernard 1986:108). Eysenck’s starting point is that individuals are genetically programmed with certain learning abilities, mainly the ability to be conditioned by environmental stimuli (Williams 2008:190). Eysenck further argued that personality is central to criminality and that personality is determined by physiological characteristics (Williams 2008:174). Eysenck was convinced that sociological theory had little to offer toward the understanding and treatment of criminals. Instead, he argued that psychological knowledge offers strategies and key responses to prevent criminal behaviour (Bartol & Bartol 2005:99). He further proposed that criminal behaviour is the result of the interaction between features of the nervous system and some environmental conditions. He believed that a comprehensive theory of criminality must allow for an examination of the neurophysiological make-up and the unique socialisation history of each individual. He argued that statements that crime is caused by social conditions such as poverty, poor education and unemployment are as inaccurate as hereditary and biological explanations as “[c]rime cannot be understood in terms of heredity alone, but it also cannot be understood in terms of environment alone” (Eysenck 1973:171). His analogy called for a multifaceted

approach. Eysenck maintained that diverse factors, such as environmental, neurobiological, and personality, are central to the development of different types of crimes. This theory places heavy emphasis on genetic predispositions toward antisocial and criminal conduct. In addition, he asserted that

“genetic causes play an important part in antisocial and criminal behaviour. This simple fact is no longer in doubt. It is found that one of the causes of criminal behaviour might be embedded in the fact that it is not crime itself or criminality that is innate, it is certain peculiarities of the central and automatic nervous system that react with the environment, with upbringing, and any other environmental factors that increases the probability that a given person would act in a certain antisocial manner” (Eysenck & Gudjonsson 1989:7).

It was found that majority of offenders who committed violent offenses display brain damage in the frontal and temporal lobes that are commonly linked with impaired self-control (Conklin1995:134). As such, it seems reasonable to assume that it controls behaviour of all sorts, learned or unlearned.

Williams (2008:170) postulates that if the assumption is that the brain has a direct effect on controlling behaviour, it is not surprising that criminologists try to establish the link between CNS and criminal behaviour. This is further supported by the neuropsychological theories of crime that propose that any possible damage to areas around the brain contribute to aggression, violence and antisocial behaviour (Helfgott 2008:58).

The human nervous system is made up of the central nervous system (CNS) and peripheral nervous system, which includes the autonomic nervous system (ANS). The ANS resides outside the brain and is responsible for functions necessary for survival, including regulation of heart rate, digestion, blood pressure, circulation and body temperature. ANS controls many of the involuntary functions of the body. CNS and ANS activity are genetically determined, but behavioural manifestations are highly influenced by environmental factors such as learning experiences and stressors (Bartol & Bartol 2005:100).

These findings are echoed by Eysenck's theory below.

**Table 2.1: Summary of Eysenck's theory**

Personality Trait	Neurobiological Influence	High Scores	Low scores
Extraversion	RAS, CNS	Stimulus seeking	Stimulus avoidance
Neuroticism	Autonomic NS	Nervous unstable	Stable, calm
Psychoticism	Excessive androgen	Tough-minded	Tender-minded

Note: RAS (reticular activating system); CNS (central nervous system); NS (nervous system).

Source: Adapted from Bartol and Bartol (2005:100)

Eysenck believed that, in the causes of offending, the ability factor is less important than the temperament factors. "We may conclude that intelligence as a factor in the causation of criminality but that its contribution is probably smaller than one might have thought at first" (Eysenck & Gudjonsson 1989:50). Bartol and Bartol (2008:97) adds: "if there seems to be a relationship between criminality and intelligence the nature of that relationship is both interesting and unclear".

Majority of studies on crime and personality focused on extraversion and neuroticism, which are fundamentally at the central concepts of Eysenck's theory. Further, Bartol and Bartol (2008:96) maintain that people at the extraversion end of the dimension require high levels of stimulation from their environment because of their biological make-up. On the other hand, because extraverts have higher needs for excitement and stimulation to break boredom, they are also most likely to be in conflict with the law. Eysenck suggested that both extraverts and introverts inherit a RAS that is responsible for cortical arousal in a distinct way, totally different from the RAS of the overall population (Bartol & Bartol 2005:103). Theorists recognise that these brain dysfunctions alone cannot explain offending behaviour and their effects can only be understood in the social context (Williams 2008:173).

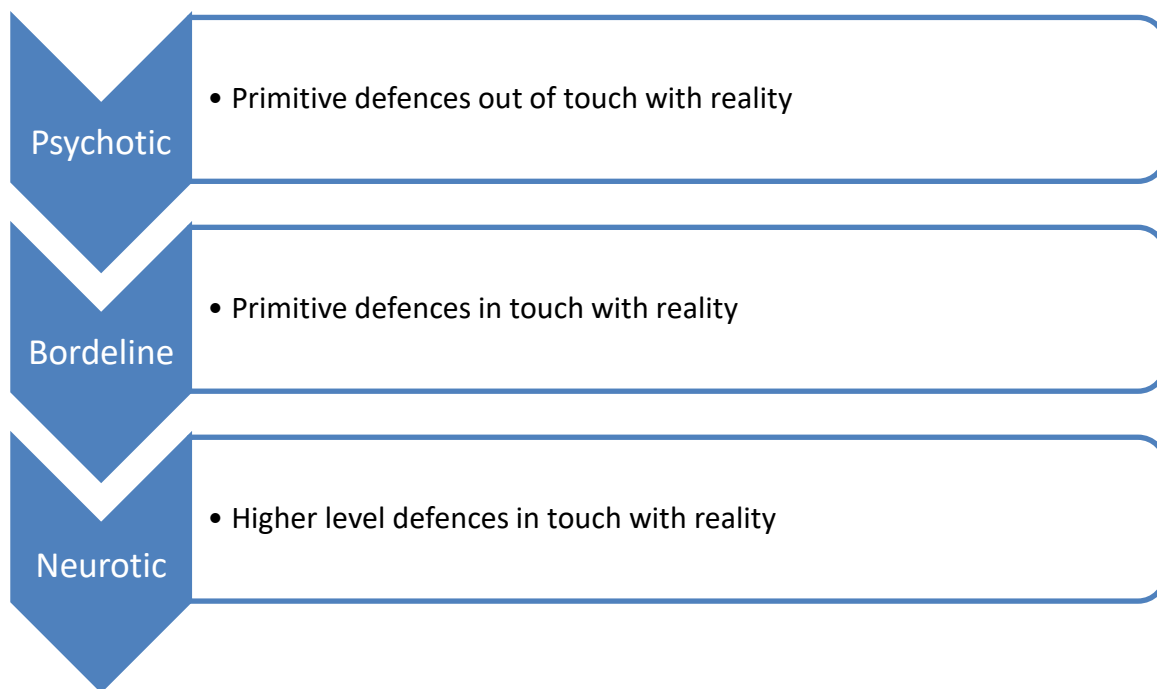


### 2.3.2 Kernberg's Theory of Borderline Personality Organisation

An additional prominent superego pathology theory is Kernberg's theory of borderline personality organisation (BPO). This theory assists in the comprehensive understanding of how a variety of internal conditions have an effect that eventually causes the predisposition to criminal behaviour. Furthermore, this theory postulates that personality is organised along different processes of development such as "psychotic to borderline and neurotic" but the absence of genuine testing characterises psychotic personality organisation (Helfgott 2008:62).

The figure below illustrates Kernberg's theory of borderline personality organisation:

**Figure 2.5: Kernberg's Theory of Borderline Personality Organisation**



Source: Adapted from Helfgott (2008:63).

Kernberg believes that borderline personality organisation plays the role of an intermediary between psychosis and neurosis. In cases where individuals have committed crime while "in a psychotic state of mind", such individuals cannot be legally held liable for the crime committed because they are perceived as lacking criminal capacity as their reality was distorted (Helfgott 2008:64).

Based on reviews of offenders' personality tests, the findings are inconclusive;

however, most offenders are classified under three personality types (Vold & Bernard 1986:121):

- The neurotic or conflicted offender – offenders in this category are characterised by some form of mental illness.
- The unsocialised or psychotic offender – offenders in this category lack empathy or feelings of guilt.
- The normal offender – the criminal behaviour of offenders in this category results from association with individuals who lack social contract.

Within the context of this multiple factor approach, evidence to date is insufficient to conclude that there is a causal link between biological differences in offenders and non-offenders.

### **2.3.3 The criminality personality**

Several studies attempted to establish whether certain personality traits are more common amongst offenders than non-offending individuals (Conklin 1995:143). These inquiries drew inconclusive results because of conflicting arguments from various researchers in the field of “criminal personality”. Nevertheless, psychologists and psychiatrists continue to advocate for the role that personality traits play in differentiating offenders from non-offenders (Conklin 1995:143). Holmes and Holmes (2009:7) assert that the development of profiling will address these issues. They suggest the adoption of the inductive and deductive approaches to give a wider understanding of the conflicting philosophies regarding offenders and non-offenders. The inductive approach is rooted in the hypothesis that, if individuals commit similar crimes, then those individuals have shared personality traits. Zinn (2010:29) postulates that examining the profile of relevant incarcerated offenders plays a crucial role in gaining rich and valuable knowledge on the modus operandi, crime and trends. Knowledge of these patterns can be of value in combating crime and profiling criminals. Interpretations of this nature are informed by data collected from previous convictions and records of offenders including information from the media. However, Yochelsson and Samenow (cited in Helfgott 2008:66) are of view that criminal personality theory should be approached as a subcategory when dealing with chronic

offenders who possess an element of a “criminal personality”. They further contend that offenders who continue to engage in or display chronic criminal behaviour across their lifespan might possess patterns that are unique to rationalising these acts and choose to maintain their criminal lifestyle. Due to the influence of their environment and upbringing, these individuals regard crime as normal and acceptable, and are unable to appreciate the wrongfulness of their offending behaviour (Williams 2008:190). Helfgott (2008:66) submits that these offenders have diminishing feelings of guilt and ignore external deterrents when committing acts of crime. This study concentrated on male offenders who show characteristics of the definition of the disorganised asocial offender. These offenders are said to be disorganised in their daily activities, including their behaviour, appearance and employment (Holmes & Holmes 2009:80). The disorganised asocial offender is perceived to be a loner although the reason for this is fundamentally different from that of the organised non-social offender.

Yochelson and Smanow (in Conklin 1995:144) claim to have identified

“thought patterns that exist among all offenders, whether blacks from the ghetto or whites from the suburbs, whether grade-school dropouts or college graduates. As a result, they argue that the criminal personality is not the product of socio-economic or other environmental factors”.

They identify 52 “errors of criminal thinking” that form the criminal personality that include:

- Chronic lying
- A view that other people’s property is their own
- Unrelenting optimism
- Great energy
- Fear of inquiry or being insulted
- Intense anger
- Manipulation and
- An inflexible high self-image.

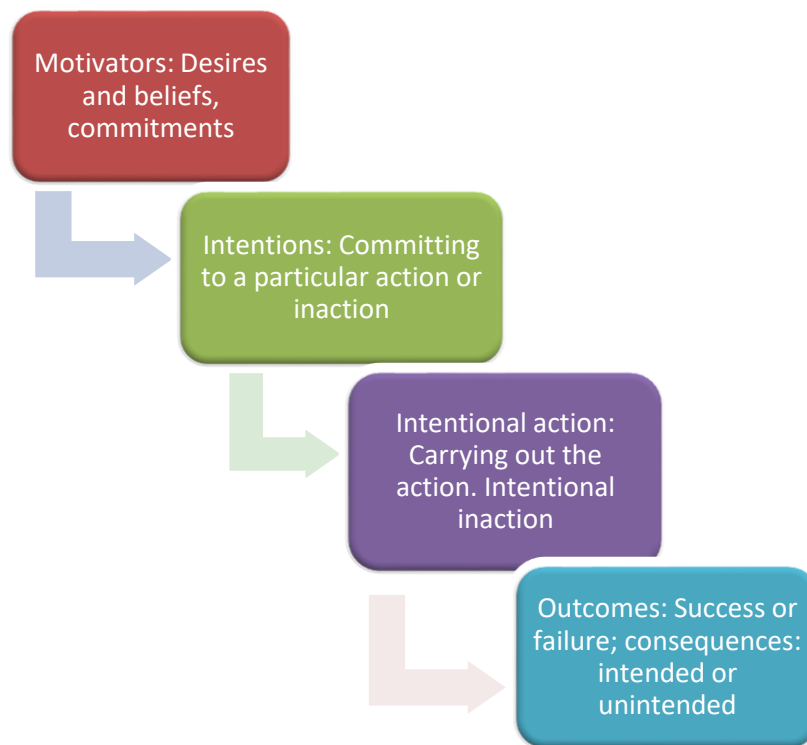
Offender profiling can assess whether there is a pattern of criminal behaviour. The typical profile includes the offender's age, race, educational level, marital status, employment history, living arrangements, reactions to the police, past criminal records, beliefs and value systems (Woodhams 2012:181). While this approach is commonly used by profilers, its biggest criticism is that it has been tested on very small samples of interviews and classifications are rigid (Woodhams 2012:181). For the purpose of this study, the researcher established "the primary reason for an action and its cause" (Davidson 1980:4) is to "understand how offenders see their options and prospects play a central causal role" (Schick 1991:7).

Basic psychological theories on learning are described below.

## **2.4 Rational choice theory**

According to Rubin and Babbie (2008:646), "theory is a systematic set of interrelated statements intended to explain some aspect of social life or enrich our sense on how people conduct and find meaning in their daily lives". Cesare Beccaria developed the rational choice approach and its ethos is engrained in classical criminology. According to the modern rational choice theory, deviant behaviour is the direct product of well thought planning before the commission of a criminal act (Siegel 2019:101). This approach postulates that, before any criminal act, the potential offender evaluates the risk, the seriousness of the expected punishment and the potential reward of the criminal act (Siegel 2019:101). Classical criminology tends to perceive offenders as "active in selecting, entering and leaving situations that offer opportunities to offend" (Smith & Cornish 2003:74). The process of choice is guided by the individual's moral rules and may be subject to interferences at different stages as illustrated in the figure below.

**Figure 2.6: The basic steps of the process of choice and its outcomes**



Adapted from Wikström (2006:77)

Figure 2.6 above exhibits how the three most important aspects of the process of choice are interrelated, particularly the role players in human choice by free will, rational choices and self-control. Gottfredson and Hirschi (Glick 2005:164) developed a general control theory and believed that “deviants and criminals lack self-control”. The question is to what extent is human choice characterised by free will, rational choices or self-control? Hirschi suggests that generally individuals who have a stronger bond with the significant other, such as the family, peers or school, are less likely to commit criminal acts than those who have weak bonds to such groups (Glick 2005:163).

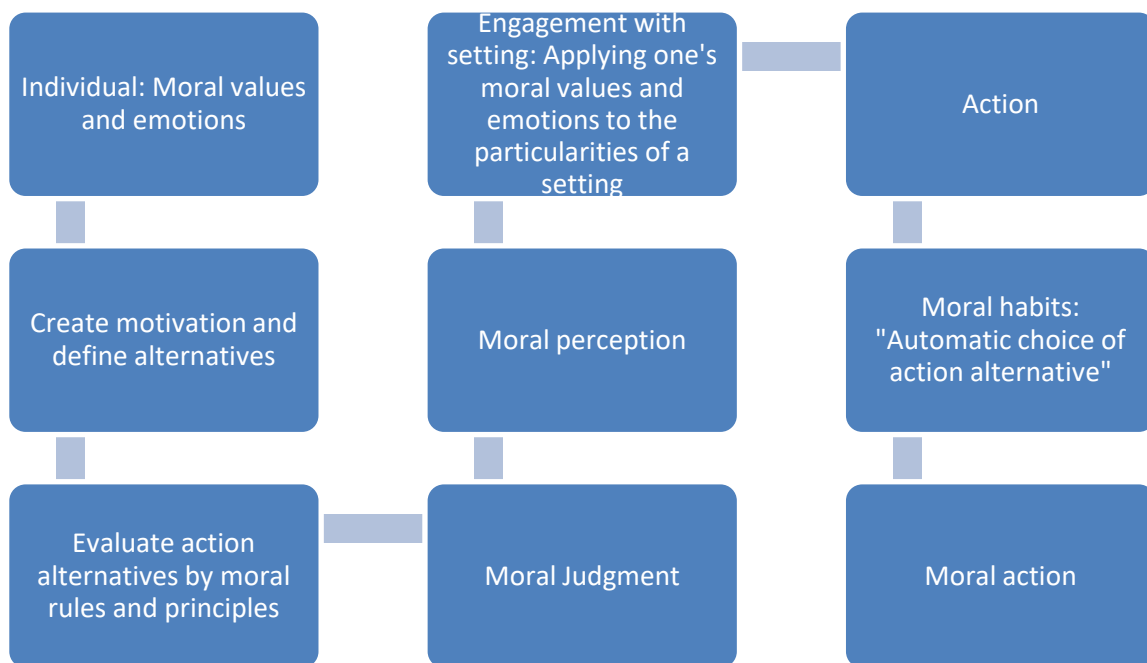
In addition, it was found that rational choices require deliberation because choosing the best alternative requires that the agent identifies action alternatives from which to choose as, according to Davidson (1980:113), “in order for x to engage in rational decision making, he [sic] has to assume he has a genuine choice”. Siegel (2019:109) also maintains that crime does not happen unintentionally, but that the potential offender has calculated the pros and cons of the risks and rewards in the planning of

the crime. Wikström (2006:94) assert that, when an individual is confronted with certain settings, they might

“(i) give rise to certain motivations and (ii) define certain actions, alternatives and their moral qualities to deal with these motivations. Based on moral perceptions, an individual will either (i) out of habit or (ii) after some deliberation form an intention”.

This means that when individuals reflect on their acts, including available alternatives, rational choice and self-control form part of the thought process. The basic steps of the individual’s moral engagement with a moral setting are illustrated in Figure 2.7 below.

**Figure 2.7: The basic steps of the individual’s moral engagement with a moral setting**



Source: Adapted from Wikström (2006:95)

Self-control plays a vital role in the process of making a moral judgment. Bernstein (1999:191) emphasises that “there can be no self-control of conduct or self-criticism unless there are norms by which we can distinguish the true from the false, the right from the wrong, the correct from the incorrect. All reasoning exists in a logical space of norms”. Newburn (2017:163) posits that all people have a choice to either accept the social norms of society or reject such norms by engaging in criminal activities.

The second group of theories that are considered in this chapter include the social and structural theories. The main emphasis of these explanations is on how society is organised and the stratification in social life and the influence that it holds on certain individuals (Holmes & Holmes 2009:71).

#### **2.4.1 Social reaction views of enacting criminal laws**

Social reaction theorists view the actions of criminals as part of defining and suppressing deviance. Societies define deviance by pronouncing certain human behaviours to be immoral and by attempting to minimise these unconventional behaviours. Because the specific behaviours chosen for this process vary because of influences, such as the environment, social reaction theorists maintain that the progression of defining and suppressing criminal behaviour is important for social solidarity, independent of the involvement of certain behaviours (Vold & Bernard 1986:263). Thus, concepts that relate to ethnic factions, deviance and crime have been separated from their relevant theoretical bases and are available for any association. This assessment sensitises a person not to be a reductionist. The implication of this analogy is that diverse experiences of the criminal justice system by groups in the communities of a country are not simply the result of “group differences in wealth, social status or political power” (Tonry 1997:1).

The contemporary philosophy of social science is separated into two focal camps regarding the model strategy that explores social facts: realism and anti-realism hermeneuticism. These philosophies embrace different views, the realist is of view that social facts are real and should be examined objectively while, the hermeneutic assertion is that the enquiry of social facts must commence by unveiling the intentions of the individual (Bunge 2006:16-17).

Examining various theories will assist in understanding foreign national offending and ultimately profiling it. However, the researcher understands that “no study has reliably demonstrated a characteristic pattern of frontal network dysfunction predictive of violent crime” (Brower & Price 2001:720). Having said that, without a theory that expounds on how individuals’ characteristics, experiences, and environmental features contribute to deviancy makes it even more challenging to derive credible

explanations of individual differences in crime involvement and differences in crime rates (Wikström 2006:70). Moehling and Piehl (2009:27) posit the early suppositions dealing with crime related matters emphasised the individual rather than group characteristics connected with crime while later theories understandings are that immigration has a negative influence on crime rates. Further, it was revealed that even with the general and scholarly discussion around the associations between immigration and crime, the empirical exploration of these links is limited (especially in the African context). This means that a thorough understanding of an individual's actions is crucial when all systems of which he/she is part of is understood, equally these systems are important in understanding systems that contribute to an individual's maintaining, reinforcing or weakening the bonds that keep them and others in their systems.

## **2.5 Social ecological theories of crime**

These theories view crime as determined by social change that occurs along with environmental change (Reid 2018:103). Durkheim argues that explanations suitable for the past cannot be considered in the alleviations of current problems. One of Durkheim's arguments is that rapid social change is linked to increasing crime levels owing to the interruption of social controls (Vold & Bernard 1986:160). Research found that racial heterogeneity, mobility of residents and poverty are the main variables of the ecological theory (Beirne & Messerschmidt 2006:315). In addition, Beirne and Messerschmidt (2006:315) hypothesise that social ecology refers to a study that observes the following aspects:

- The patterns of social fields such as lifestyle, deviance and conformity.
- Numerous geographical areas within cities, neighbourhoods and communities.

This theory explains what contributes to the absence of social control that prevents people from harming others (Williams & McShane 2004:195) and how the community is able to control crime. Barlow (1996:446) is of the opinion that social organisation can only be maintained when a group is committed to certain social rules however, if such commitment diminishes, social control automatically declines. Durkheim's view is that disassociation from the collective group causes further division and segregation



in communities. From this perspective, crime is rooted in two primary factors, which are differential opportunity and discrimination toward certain groups within the society (Helfgott 2008:70). In addition, this position proposes that, in a society where the rich and poor live in relatively proximity, the poor turn to crime. Research by the South African Cities Network (2006:16) reports that spatial dynamics of migration to particular urban centres contributes to higher crime rates because of the disruption to the lives of people who move from small towns and rural areas to large cities, such as Johannesburg, or from one country to another (Conklin 1995:98).

### **2.5.1 Structural approach**

According to the structural perspective, “society attempts to function as a well-oiled, integrated, and orderly machine” (Holmes & Holmes 2009:71). The structural theory views crime as an artefact of the structure of society. “According to Durkheim, founding father of sociology and structural functionalist, crime and deviance is the product of social distancing and anomie, a state of normlessness” (Helfgott 2008:70). Durkheim also believed that nonconformity and crime “serve as a social function by promoting social solidarity among the law abiding despite their negative effects” (Conklin 1995:70).

This theory has proved that main contribution is more the emphasis on the social life than on issues that deal with psychological causes. The structural approach theory was originally based in the context of a movement that was more inclined toward modernisation and the development of a society that is formed from an organic to a mechanistic state (Holmes & Holmes 2009:72). Holmes and Holmes (2009:72) further note that generally the increase in crime rates are more prone to be observed in societies where there is normlessness and a lack of attachment to society and others. In addition, this theory postulates that people in this state normally detach from the norms and values of their communities and only identify themselves with their profession and biological family.

### **2.5.2 Cultural approach**

Albrecht (1997:32) asserts that the concept of culture conflict can be traced back to the mid-1960s when foreign workers became subjects of concern. From the mid-1960s, the question has been asked whether crime patterns (and other behaviour patterns) of foreign national's exhibit signs of cultural conflicts and social disorganisation (Albrecht 1997:32). The concept of culture conflict attempts to explain the nature and extent of risks to social stability and integration (Albrecht 1997:43). These risks are the product of collective reactions related to the defence of cultural or national identities. In modern industrialised countries, the locus of stability and integration is no longer a culture based on shared values and collective morals.

Ferrell and Sanders (1995:15) argue that "to make sense of crime, it is necessary to make sense of culture". This perspective indicates how criminal behaviour is constructed. Several factors play a role in what is perceived as a popular culture and the "aesthetics" of authority that dictate what is "beautiful", "decent", "clean" and appropriate, including the media. Therefore, criminal behaviour is a cultural and subcultural product (Helfgott 2008:78). Any given type of criminal behaviour brings with it some cultural and subcultural understanding of the style, symbols, and accessories associated with that type of behaviour (Helfgott 1991:79).

For most crimes, the theoretical focus has shifted to general theories of crime, such as deprivation and control theories that emphasise the social structure and problems of social integration and give ethnic variables marginal or indirect importance. For foreign nationals, therefore, it is not specific cultural expectations that produce conflicts resulting in criminal offending because the same explanation for crime used among immigrants also explain crime in the general population (Albrecht 1997:67).

### **2.6 Learning theory**

There is acknowledgement by learning theorists that individuals' display of physiological mechanisms that allow them to conduct themselves in an aggressive manner, whether they will behave aggressively is determined by what they have learned, all behaviours are the result of conditioning, a process that continues throughout our lives (Reid 2018:80). Social learning theories are broadly understood

as a social behavioural approach that emphasises the “reciprocal interaction between cognitive, behavioural and environmental determinants” of human behaviour (Bandura 1977: vii). Engaging in criminal behaviour might be one person’s way of adapting or surviving under physically, socially or psychologically dire conditions, however learning theory states that human behaviour is learned. Learned behaviour depends upon knowledge, skills, habits and responses that have been developed as a result of experiences, or of the need to adjust to the environment (Williams 2008:280). However, behaviourists suggest that, since all human behaviour is learned, it can also be modified, using the same principles by which it was acquired (Reid 2018:79-80).

Learning theories are not closely connected to intelligence. Of course, the level of intelligence may affect the ability of an individual to learn complex types of behaviour, just as their physical make-up may affect their ability to perform certain activities. Nonetheless, human beings are, in large part, active problem solvers who perceive, encode, interpret, and make decisions because of what the environment has to offer. Thus, internal as well as external factors play significant roles in behaviour.

To explain human behaviour, social learning theorists place emphasis on cognitive variables, which are the internal processes we commonly call thinking and remembering (Bartol & Bartol 2005:169). Learning theorists interpret these consequences as conceptual framework used to understand how individuals absorb, process and retain information and how it impacts behaviour. The three identified types of consequences are (1) external reinforcement, such as social ranks; (2) vicarious reinforcement, such as observing the status of others; and (3) self-regulatory mechanisms, such as responding to individuals’ actions (Reid 2018:80). This type of learning revolutionised psychological criminology as it explains that behaviour results not from inner forces alone but from the interaction of a person and his/her environment and is shaped by upbringing (Williams 2008:281).

Learning theory has revolved around the concept of conditioning, wherein behaviour (responses) is related to the environment in which it occurs (stimuli). Social learning theorists view violence as something learnt through a process called behaviour modelling or imitation (Reid 2018:80). Learning theories have been combined with

biological approaches to criminal behaviour. Eysenck's approach, based on the principle of conditioning, emphasises the interrelationship between psychology and biology in explaining how humans learn to behave (Reid 2018:80). This theory is discussed in 2.3.1.

## **2.7 Social disorganisation theory**

Whereas social structure refers to the roles, statuses and institutions, social disorganisation relates to the actual modelling and regulation of human social interaction (Glick 2005:131). The social disorganisation theory links crime rates to neighbourhood ecological characteristics. "Communities where the fabric of social life has become frayed and torn are unable to provide essential services to their residents" (Siegel 2018:197). These essentials include proper housing, health care and education. According to the World Cities Report (2016:22), urban population growth and the effects of globalisation have heightened the exposure of citizens to violence and crime. Also, this shift has put citizens to an increased exposure and fear of crime. Siegel (2018:196) also notes that disorganised areas where social control in key social institutions has broken down experience higher levels of crime, conflict and despair, and create a platform where antisocial behaviour will flourish.

The first dimension of social disorganisation theory is behavioural-interactional that explains deviance as being produced through "direct association and interaction with others who engage in certain kinds of behaviour, as well as ... indirect association and identification with more distant reference groups" (Akers & Sellers 2004:85). In addition, characteristics of surrounding neighbourhoods can explain violence in a given neighbourhood (Sampson 2006:43).

The main focus of transitional neighbourhoods is to transform the framework of urban environment and ecological development of urban areas (Siegel 2018:198). Social disorganisation theory main is diverse in the explanation of crime. The explanation is mainly on the direct impact that environmental and urban conditions have on crime rates. It also focuses on the development of high-crime communities, which are associated with the breakdown of conventional norms and values as a result of increased immigration, industrialisation and urbanisation (Glick 2005:130). According

to Siegel (2018:199), this is influenced by the failure to encourage true integration and a sense of community, particularly in the inner-city environment where an influx of foreign nationals has chosen to settle. Conklin (1995:98) argues that, in many cases, immigrants are met by hostility and discrimination and that such treatment might push them into crime. Schick (1991:15) postulates that “the background of offenders is frequently cited, what people do is traced back to their childhood, to a strict or slack education, often to poverty, abuse to bad parenting. Matters of that sort cannot be ignored, but their bearing is indirect. The background at most predisposes”.

Social transformation means the breaking down of the old order that may leave a void regarding norms, values and social control, which translates to weakened social control that makes it easier to commit crime (Glantz 1996:6). In South Africa, like other countries, the highest crime rates occur in urban areas. Because the population explosion is far greater in urban than in rural areas, urban areas are placed under increasing pressure to support the growing population. Rapid migration to cities has led to a pressing shortage of housing which has resulted in informal settlements, inadequate services, unemployment and violence.

Theoretical research on the relationship between immigration and crime has been nominal. Perhaps the most prominent sociological theory to address this suggests that crime is more likely in “socially disorganised” areas marked by high levels of poverty, ethnic heterogeneity and residential mobility. It further suggests that immigrant youths are more likely to engage in criminal activity because of the difficulty of becoming integrated into urban life (Mears 2007:13). Shaw and McKay used a social-ecological zone model, also called a concentric zone model that expounds on the relationship between disorganised environments and crime. These elements are outlined as follows (Siegel 2018:199):

- Understanding social disorders, operational forces in lower-class urban neighbourhoods is fundamental in making sense of crime rates.
- Environmental factors are commonly the main ground of criminal behaviour rather than conflict.
- The culture of crime or violence is prevalent in disorganised areas irrespective of ethnicity or race.

- Neighbourhood disorganisation breeds normlessness.
- Common or shared values and norms promote unity among community members.

## **2.8 Strain as the explanation of criminal behaviour**

According to Robert Agnew (Reid 2018:99), there are three main theoretical standpoints in criminology, strain theory, social learning and learning theory. According to strain theorists, acts of criminality and deviancy are a product of differential opportunities (Helfgott 2008:70). Siegel (2019:177) suggests that a failure to attain goals through legitimate means evokes feeling of anger, resentment and frustration. The primary objective of this theory is to pay attention to “one specific group, the acute pressure created by the discrepancy between culturally induced goals and socially structured opportunities” (Vold et al. 2002:141). Strain affects a widespread diversity of people in the society, but it is mostly concentrated among people in the lower class. It has been established that the affected groups’ strain on cultural values ascends due to (1) the inconsistent general expectation of achievement and accumulation of wealth placed on individuals by culture and society; and (2) the social structure that is planned in such a way that the possibilities of achieving goals through the institutionalised means are limited. This inconsistency between culture and social structure is what Merton (Vold et al. 2002:136) describes as “anomie”. Merton (Reid 2018:100) postulates that a society’s norms define the goals and means yet those goals are not equally attainable to all which results in people resorting to unconventional means to attain them. The figure below depicts the attainment of expected societal goals and the influence of barriers.



**Figure 2.8: Failure to attain goals in accordance with social norms**

Crime occurs when individuals are inundated by barriers that restrict their access to legitimate lawful means of achieving goals that everyone strives for (Helfgott 2008:70). This theory validates the findings of this study, as most offenders migrated illegally to South Africa with the hope of a better life for themselves and their families. This theory explains the participants' frustration in seeking the cultural goal of success that they are not able to achieve in the conventional way. Because South African policies do not cater for illegal immigrants, this exacerbates their frustration and some turn to crime for survival. This finding is not unique to foreign nationals as the same pattern has been observed in South African citizens. Over the years, the researcher has observed that, when the youth and unemployed are not afforded opportunities, they experience frustration and disgruntlement. Reid (2018:101) posits that "strain should be expanded beyond the traditional emphasis on an individual's failure to achieve goals and that all types of negative relations between the individual and others" should be taken into consideration.

## **2.9 Deviance and social reaction**

Social reaction theorists strongly believe that it is almost impossible to understand

crime by only concentrating on the criminals and conclude that crime must be observed holistically, particularly in its social context. They claim that some people, including the official reactions in which specific people and events are legally defined as criminals, can only understand criminal behaviour in the context of their reactions into it (Vold & Bernard 1986:249).

## **2.10 Conclusion**

Realising that deviancy, like most human behaviour, results from an interaction of heredity, neurophysiology and environment, this chapter discussed the theories of criminal and violent behaviour that are applicable to contact crimes. When trying to understand human behaviour, especially that which is regarded as heinous, a multidisciplinary approach must be applied. The philosophies of numerous theories that emanate from these disciplines is established in the profiler's ability to combine them to reach an understanding of the motives, causes and personality of an offender (Holmes & Holmes 2009:75). Profiling of offenders is by no means a tool that has the ability to solve crime (Holmes & Holmes 2009:298) however, this study does not aim to solve an investigation of a particular crime but rather to understand contributory factors to foreign nationals committing contact crimes.

Research on ethnic minorities' involvement in crime is highly sensitive in South Africa. Most research is based on official statistics, which does not affirm the claim that foreign nationals' involvement in crime is higher than that of the South African population because of the fragmented evidence by key departments.

All available information indicates that foreign nationals' crime involvement does not pose risks for the social fabric of this country. However, it incites fear of crime and victimisation. In South Africa, research into public opinion seems to confirm this view. Recorded incidents of violent offences committed by foreign nationals have increased over the years. While these theories are founded on solid arguments and are corroborated by statistical evidence, there is no single explanation why people behave as they do or a single explanation that can point universal or conventional characteristics of violent criminal offenders, in spite of the fact that research continually searches for one (Ainsworth 2001:17-19; Holmes & Holmes 2009:55). Although few



theorists still advocate that heredity is exclusive to the cause of offending behaviour, constitutional criminological theories remain valid (Holmes & Holmes 2009:67).

The next chapter discusses the development and standards that shape the current South African legislation on immigration, refugees and asylum seekers.

## **CHAPTER 3: A BRIEF OVERVIEW OF CRIMINOLOGICAL PROFILING**

### **3.1 Introduction**

The use of offender profiling has been practiced in some developed countries since the 19<sup>th</sup> century. It was made known by Jack the Ripper and FBI crime investigations that are depicted in numerous media platforms (Ibe, Ochie & Abiyano 2012:179). There are still scholars and practitioners who do not appreciate the importance of offender profiling as a crime preventative tool, its potential impact and its contribution to the criminal justice system in solving crime (Ibe et al. 2012:180). The criticism and scepticism in the use and advancement of profiling emanated from the perception that its approach is inconsequential, unscientific and it is difficult to verify or refute theories developed from profiling (Canter 2001:117). This is a challenge in South Africa as it is a fairly new phenomenon and researchers are still debating what constitutes offender profiling. In this study, a criminological and psychological criminal profiling is utilised to profile participants of this study.

Explaining criminal behaviour is complex and necessitates the use of multidisciplinary explanations and literature supporting the use of criminological profiling is limited. A lack of sufficient empirical research on foreign nationals' involvement in crime led to the perceptions and existing myths in South Africa that blame the increased crime rates, spikes of xenophobic attacks and shortage of job opportunities in the country on foreign nationals.

Profiling of incarcerated foreign nationals sought to contribute important information that could assist in discouraging social branding and misconceptions surrounding foreign nationals. Profiling of the participants of this study was an attempt to have a better understanding of the motives, causes and instrumental and static factors contributing to foreign nationals' criminal behaviour. Understanding and gaining in-depth knowledge of the unique characteristics of participants can be used to inform legislation policies, including the Department of Correctional Services, to improve on the services provided to foreign nationals. The White Paper on Corrections (DCS 2005:83) maintains that deportation of foreign nationals is not a solution as it will deny

the Department of Correctional Services an opportunity to comprehend the motives and causes of crime, the nature of their place of origin, family background, social environment from which they came and the circumstances to which they will be returning to upon their release. Chapter 2 showed that offending is complex and cannot be attributed to a single factor, hence the importance of profiling. This chapter discusses the origins of profiling, the different types of profiling, their goals and the evaluation of its relevance and shortcomings.

### **3.2 Overview of offender profiling**

The discipline of profiling is disconnected and contains contradictory views (Ainsworth 2001:7). The disconnect is illustrated by the different terms that are used to describe offender profiling. The confusion on what criminal profiling is stems from debates surrounding its definition and what it entails. Whilst acknowledging that, in South Africa, there are no standard forms of training for prospective profilers, Labuschagne (2003:67) found that offender profiling, as an investigative tool, has been used worldwide for several years, even though there is still confusion surrounding the use of the term "profile". This confusion is documented as far back as the early 90s by Brent and Turvey (1992:2) who note that criminal profiling was referred to as behavioural profiling, crime scene profiling, criminal-personality profiling, offender profiling, and psychological profiling. To date, there is still no consistency and understanding of the above terms (Brent & Turvey 1999:2). The researcher observed that profilers can come from a variety of professions, backgrounds and perspectives. Their approach to profiling will differ because it will be guided by their unique tasks and field of study. Although profiling is well documented in other countries and is used as an investigative tool, there is little information on criminological profiling especially in the African context. Ainsworth (2001:182) posits that, if researchers cannot reach consensus as to which of the numerous factors acknowledged as risk factors contribute to criminal behaviour, that means that there is little agreement as to the way in which profiling should be conducted. Nevertheless, applying relevant theories in the explanation of criminal behaviour is an attempt to understand trends and patterns in the offenders' criminal activities (see Chapter 2).

### **3.3 Goals of profiling**

Goals in profiling are not unique and their role in supporting the criminal justice system in the curbing of crime and recidivism is significant. Holmes and Holmes (2009:9-11) identify three key profiling goals:

#### **Goal 1: To provide the criminal justice system with a social and psychological assessment of the offender**

The main goal of this objective is to provide an assessment that encompasses essential facts concerning the social and psychological characteristics of the offender's personality. Further, it aims to provide a comprehensive profile that includes the demographics of an offender. This demographic assessment entails the offenders' age, race, employment, religion, marital status, educational level and family background. This study concentrated only on incarcerated foreign national offenders in the four correctional facilities, as discussed in Chapter 1 and Chapter 7, to reduce the scope of the study. Case profiles as described in Chapter 8 contain information that alerts DHA, DCS and police to the possible criminological and psychological traits present at the time of the commission of crimes by the participants. This information can assist law enforcement in predicting future offences and on how to protect the borders.

#### **Goal 2: To Provide the Criminal Justice System with a Psychological Evaluation of Belongings Found in the Possession of the Offender**

The second goal reflects evidence gathered pertaining to a case, such as witness reports, physical evidence, and any other crucial information that can assist in identifying a perpetrator. A psychological (criminological) profile may provide important evidence that can identify items in possession of the offender that are connected to the crime under investigation. Where violent cases are investigated, such items may be a reminder of the violent episode or kept as trophies by the offender. This information is instrumental in assisting the investigating official with the preparation of interrogation and profiling.

### **Goal 3: To provide interviewing suggestions and strategies**

According to this goal, critical information and the best suitable questioning approach must be considered at this stage. Information gathered for the purpose of profiling must shed light on the personality of the offender and endorse ethnic inclusiveness. This is because, when dealing with a diverse group, the use of one strategy will not necessarily yield the same results for all offenders because they have different personalities. The researcher found that, although participants' understanding and responses differed to interview questions, including causes and motives for committing crimes, there were similarities especially where the motives for cross border were concerned.

### **3.4 The search for origins: The criminologists**

Knowledge about offending behaviour and its explanations is documented in criminological theories. Brent and Turvey (2002:3) maintain that typologies on the characteristics of offenders have a lengthy history in criminology. Adolf Gross, an Australian criminal jurist and criminologist, was labeled as the founder of criminal profiling. Gross shared his philosophies on the importance of acquiring knowledge in the field of profiling that can be applied to explain the behaviour of criminals. He further provided guidance on the best approaches profilers can apply in their respective fields in an attempt to compile a comprehensive report on the offender (Brent & Turvey 2002:7-8). Although profiling has the potential to enhance knowledge about offending behaviour, it is not without criticism. This is because it was "narrowly defined or boxed" (not inclusive) as it was commonly viewed as more appropriate or relevant for classifying behavioural characteristics of serious or serial criminals (Ainsworth 2001:98-101). Subsequently, there was a shift in this field of discipline when, in the nineteenth century, Cesare Lombroso, was acknowledged to have been one of the first criminologists to attempt to establish and categorise offenders aimed at statistical assessment (Ebisike 2007:29). In 1876, Lombroso published his book titled *The criminal Man* (Turvey & Brent 1999:3). Cesare Lombroso, Raffaele Garofalo, and Enrique Ferri established several typologies based on the personal characteristics of offenders (Miethe & McCorkle 2001:6). Lombroso's rationale was that the application of assessment or profiling regarding the roots and motivations of criminal behaviour

could be better understood and subsequently predicted (Turvey 1999:3). This includes linking information regarding comparable offenders that included race, age, sex, physical characteristics, education, and geographic region. The hypothesis underneath numerous criminological studies into biological and environmental criminal roots have been and continues to be decoded.

There are two identified distinct forms of profiling, inductive and deductive criminal profiling. These two-profiling reasoning are discussed in detail below

### **3.4.1 Inductive criminal profiling**

An inductive criminal profile plays a vital role in establishing offender features, through statistical and/or observed interpretation and correlation. Features used in the inductive profile represent offenders who have committed similar acts of crime. Inductively reduced criminal profiles include both formal and informal studies of known offenders and/or incarcerated offender population (Brent & Turvey 2002:26). Further, inductive profiling outcomes are normally a general profiling of offenders that emphasise the offenders' characteristics. For this study, the identification and reconstruction of what led to the commission of the criminal acts provided the researcher with a deeper understanding of the offenders' personalities, motives and the state of their mind at the time of committing the crime.

### **3.4.2 Deductive criminal profiling**

A deductive criminal profile is a set of offender characteristics that are analytic, merged and categorised according to the offenders' physical and behavioural evidence patterns associated to a crime (Turvey & Brent 1999:34; 2002:39; Woodhams, Bull & Hollin 2007:136). A wide-ranging written offender profile is crucial to support the attributes of the offender. The profile must comprise the physical evidence at the crime scene, offender's characteristics and any other clue that might shed some light on the patterns of the victim-offender relationship and the impact of the crime on the victim (victimology) (Turvey 2002:39). We need to acknowledge the critical role that scientific methods play in profiling offenders, because they avert stereotypes based on subjective generalisations that might influence prejudice and personal biases such as race, social class and gender. Further, it sensitises a researcher to act ethically and

to avoid interpreting and drawing conclusions about the motivations of an offender and unconnected yet comparable cases. It is important to recognise that only identifiable behavioural patterns gathered as evidence are suitable to influence the final profile (Brent & Turvey 1999:30). Ebisike (2007:27) noted that not all crimes are suitable for profiling and outlined crimes that are suitable for profiling, that include:

1. crimes where the offender exhibited elements of psychopathy;
2. crimes that form part of part of a sequence;
3. violent crimes;
4. attacks on strangers; and
5. contact crimes.

Although Brent and Turvey (1999:32) caution scholars from refraining from referring to any discipline that comprehends the multi-determined nature of human behaviour as a hard science, nevertheless, the authors acknowledge that a deductive method of criminal profiling can be informed by similar rational approaches. Ebisike (2007:28) emphasises that contact crimes are suitable for profiling because they are viewed as intrusive and can disclose the offenders' fundamental personality and motivations for committing crime (see Chapter 8). This is because the over-all objective of the deductive method of criminal profiling is to use behavioural evidence analysis to support an investigation, which is moving from a set of common suspect features to a more distinct set of suspect features. It gives insight into the wider personality and features of individuals accountable for the unlawful act (Brent & Turvey 1999:34).

The study participants' behavioural patterns are illustrated in Chapter 8, as the researcher kept to one of the major tenets of deductive profiling, which proclaims that no two criminals or people are exactly alike. Because every individual is a product of a unique life and developmental experiences, the researcher outlined the general similarities between participants in Chapter 8. This analysis was more practical especially where participants M, N, P and Q were concerned.

### **3.5 Forms of profiling**

According to Bartol and Bartol (2017:129), profiling is divided into five overlapping classifications: (1) psychological profiling; (2) suspect-based profiling; (3) geographical profiling; (4) crime scene profiling; and (5) equivocal death analysis. Although all the above-mentioned categories play critical roles in the profiling of offenders, the appropriateness of a category was guided by the profiler's investigation. The aim was to analyse and interpret the crime scene in order to advance a behavioural composite by applying multidisciplinary approaches that will offer a deeper understanding of the offender.

#### **3.5.1 Crime scene profiling**

Profiling that remains mostly focused on matters such as how an offender is cognitively engaged, including the interest in an organised and disorganised crime scene, has been practiced since the beginning of modern profiling and is the original work by Ressler, Burgess and Douglas (Salfati, Horring, Sorochinski & Labuschagne 2015:85). Crime scene profiling is a method used to identify certain personality traits, behavioural patterns, geographic habits, cognitive tendencies, and demographic features of an unknown criminal and relies heavily on the aspects of the crime. Crime scene profiling is sometimes referred to as criminal profiling, offender profiling, crime scene analysis, behavioural analysis or criminal investigative analysis (Bartol & Bartol 2017:131). In South Africa, the process would ordinarily include an assessment of the crime scene, attending the autopsy, examining all accessible docket material such as statements, photographs, forensic reports and investigative decisions. The profiler therefore needs to have access to confidential investigative information (Labuschagne 2003:68).

One of the high-profile cases in the history of South Africa, where the crime scene profiling and the expertise of a forensic criminologist and a forensic psychologist were used to solve a criminal case was the criminal trial of *S v Pistorius* (CC113/2013), held in the High Court of South Africa, Gauteng Division, Pretoria. The expert used by the prosecution in this case was Dr Jackie de Wet, a Forensic Criminologist and Forensic Psychologist, at the University of KwaZulu-Natal. When Dr De Wet gave expert evidence, he questioned the examination of Barend van Staden, a crime scene



photographer, to establish the chronological criminal events that transpired that led to the murder of Reeva Steenkamp.

### **3.5.2 Geographical profiling**

Geographical profiling plays a critical role in a criminal investigation and is a technique that provides an indication of where and how to locate an offender. This includes identifying where an offender resides, the time of the attack, the type of weapon used and any additional geographical locations that present a base for the acts of such an offender (Ebisike 2007:95; Bartol & Bartol 2017:130). The discipline of geography and urban analysis are key in the quest to understanding crime and criminals in a setting (Bartol & Bartol 2017:130). Further, the methodological and theoretical approaches adopted equip criminologists with the required systematic tools (Rossmo 2000:97). Geographical analysis offers effective approaches that have the potential to support crime investigators to solve criminal cases with the application of available evidence (Holmes & Holmes 2009:240). Although these approaches seem to yield results, Labuschagne (2003:67) notes that the application of studies conducted abroad have proven to have a limited application to a South African context.

Geographical profiling is mostly dependent on the use of advanced computer software programmes. The programmes used show identified movement patterns, feasible comfort zones of the offender including the offender's targeting of the victim. Despite the fact that a geographical criminal profile theorises around the demographic, motivations and psychological features of the crime, its attention is mainly on the location of the crime and exploring the connection to the offenders' activities (Bartol & Bartol 2017:130-131). According to Labuschagne (2003:70), a geographical profiling approach has mostly been tested in Europe and the USA but not in South Africa. He further argues that this can be influenced by the fact that the "generic" proposition that the likelihood of an offender committing a crime in an area that they feel comfortable in is not entirely applicable in a South African context because the circumstances vary from those of international counterparts that are influenced by their geographical dynamics. High profile South African cases that demonstrated that offenders did not only commit crime in areas that they felt comfortable in or were well known to them included Sipho Thwala, the Phoenix serial murderer, Kobus Geldenhuys, the Norwood

serial murderer and Moses Sithole, who operated in Atteridgeville, Boksburg and Cleveland and lived in Atteridgeville when his murder spree started (Labuschagne 2001:70). Sithole was named the worst serial killer in the late 1990s and his cases were profiled and came under scrutiny in the well-known Crime and Investigation Channel.

Labuschagne (2003:70-71) argues that one of the main reasons why the geographical profiling might not be an ideal approach of profiling in a South African context is because of the socio-economic circumstances of the majority of people in this country. This is because a large part of the population is unemployed and willing to risk traveling with strangers to secure employment or pursue employment promises. The main concerns are the livelihood of individuals and their daily social relations and not demographic information or statistical studies (Rossmo 2000:98).

### **3.5.3 Suspect-Based Profiling**

Suspect-based profiling is also known as prospective profiling. It refers to classifying the psychological and behavioural features of individuals who are likely to commit crime (Bartol & Bartol 2017:130). The aim of prospective profiling is to develop links between specific criminal activities and certain group-based traits in order to support the police in identifying possible suspects in an investigation. The practice of prospective profiling is based on two basic principles: (1) the rate of criminality of the members of certain social groups is consistently higher than their representation in the overall population; and (2) if these circumstances are observed, it is reasonable to assign police department resources to target these groups in proportion to their frequency of involvement in criminal activities. In addition, to these two premises, it is presumed that offenders act rationally and will respond accordingly to the variations in the prospect of being caught (Bourque, LeBlanc, Utzschneider & Wright 2009:7).

Nykodym, Taylor and Vilela (2005:262) posit that prospective profiling attempts to create a “template” of a distinct category of offenders based on the characteristics of previous offenders. These prospective profiles are then applied to a specific population to narrow down and determine individuals likely to offend. This type of profiling is normally criticised since it is not specific in its profiling but overly inclusive and could

potentially identify innocent individuals as suspects. Bartol and Bartol (2017:130) assert that suspect-based profiling is reliable and established on a logical gathering of demographic data because it is based on offenders who previously committed identical crimes. The conclusion of the type of offender that “fits” the profile is based on the offender’s behaviour, personality and cognitive factors. Thus, suspect-based profiling is fundamentally actuarial in nature since it employs statistical methods instead of clinical skills to arrive at a theory that concludes who is likely to commit a criminal offence. Bartol and Bartol (2017:130) posit that, because suspect-based profiling leans more towards ethnic or racial profiling, the challenge is proving its validity. The authors posit that, although there is some scepticism around its authenticity, it can however be applied where there are possible drug trafficking activities occurring at the borders and airports.

#### **3.5.4 Racial profiling**

In South Africa, racism has continually remained a key feature which was evident in the legislation practices that have double standards on foreign nationals’ treatment in the country. According to Bartol and Bartol (2008:340), during the 1990s, racial profiling was considered a niche area of study. The authors reveal that generally incidents of racial profiling were commonly experienced by people of colour and these occurrences were labeled “driving while Black” while, in South Africa, foreign African nationals are referred to as “Makwerekwere”, a dehumanising expression. Isike and Isike (2012:95) argue that, in South Africa, the philosophy of “Makwerekwere” has theoretical explanations of existence, “belonging and non-belonging” within which African immigrants are given appalling and unfair treatment only on the basis of being foreign. Umezurike and Isike (2013:54) state that the term “Makwerekwere” is derogatory slang used to define and label the sounds of foreign languages, especially as spoken by African foreign nationals. Gordon (2014:495) notes that, although South Africa has many international immigrants, which include Bangladeshi, Chinese and Pakistani immigrants, the most unwelcome are the Black Africans (Gordon 2014:495).

Bartol and Bartol (2008:341) observe that racial profiling is largely founded on the law enforcement narrative that a majority of minorities are involved in drug trafficking or are in possession of illegal weapons even though available data suggest that these

assumptions are baseless. The researcher found that this observation resonates with the existing perception of foreign nationals in South Africa (see Chapter 1). Racial profiling has the philosophy that racial and ethnic minorities' (immigrants) statistics are disproportionately stated. Moreover, racial profiling validates the potential risks and negative impacts that inaccuracies of reporting hold in the perceptions of citizens (Bartol & Bartol 2017:130). There is growing evidence that racial profiling and the misuse of criminal profiling is widespread. However, equally, some arguments defend racial profiling especially given the different patterns of crime involvement by different ethnic groups (Ibe et al. 2012:186-187). The danger is that, although there is not enough evidence to support such profile models to validate these claims, such myths still persist, and the misuse of profiling can inflict serious emotional anguish and stigmatisation (Ibe et al. 2012:189). The framework of this study was based on these assumptions that South Africa has seen increased violent or aggressive crime rates because of the influx of foreign nationals in the country.

Participants of this study were disproportionately incarcerated for serious crimes; however, it must be noted that, despite the inclination shown by certain nationalities to commit certain classes of crime, it is impossible to show whether the totality of crime has been increased by immigration. The biggest problem and challenge discovered is the failure of the South African government to execute immigration policies accordingly, including relevant departments, to regulate the porous borders, to keep a reliable database on how many foreign nationals are in the country and to monitor their illegal activities. Also, because the DHA fails to deal with corruption where the sale of identity documents is concerned, this invalidates the official number of incarcerated offenders in South African Correctional Centres as some are in possession of South African identities and are registered as such. The evidence in this study reveals that there are discrepancies between the number of incarcerated South African citizens and those of foreign nationals. It concludes that an increase in rates of violent or aggressive crimes in the country cannot solely be blamed on the increase in the foreign national population in the country.

In the quest to understand the vulnerabilities faced by foreign nationals in the country with regards to the origin of their criminal behaviour, relevant criminological literature was applied. Miller and Peguero (2018:8) caution that assumptions should not be

loosely made because early empirical assessments of the immigration-crime link differ and should be constructed upon the availability of data, its quality and analysis. In order to explain contemporary immigration patterns, risks and needs factors requires the application of theories of immigration patterns which are characterised by economic integration (see 2.5.2, 2.7, Chapters 4 and 8).

### **3.5.5 Psychological profiling**

The process of criminal profiling requires the merging of multidisciplinary fields because they all play a crucial role. Historically, sociologists, psychologists and criminologists have debated on the origin of crime. Some sociologists posit that the root cause of criminality lies in the relationship of humans with the existing social structure. Psychologists, on the other hand, claim that the root causes of crime are a result of failures in psychological development, thus, the criminals' individual and personality formation. Contemporary criminologists are uncertain and argue that the root causes of crime cannot be attributed to either of these two sources but are rather a combination of these two and many more (Holmes & Holmes 2009:56). In South Africa, advocates for the field of criminology have, for years, called for the field of criminology to be recognised and regulated by a formal body. Naudè (2008:9) posits that, in South Africa, trained and qualified criminologists are rare and commonly "locked up in the academic tower". Also, because criminology is a multidisciplinary field, academics must be afforded opportunities to contribute to the criminal justice system and apply their knowledge in practice (Hesselink & Booyens 2014:2). The researcher found that, of all the types of profiling already discussed, psychological profiling was similar to the criminological profiling that this study intended to achieve.

An offender profile is essentially a combination of variables for an offender. Critical issues are how to select the figure and the type of variables to include in a profile (Farrington & Lambert 2007:142). The process allows the profiler to establish the race, age, offender's background, psychological and mental state of the offender at the time of the commission of crime and the circumstances that led to the commission of the crime (Ibe et al. 2012:18).

Salfati et al. (2015:84) found that there are limited studies targeting components of

offending behaviour that can be used reliably for linking individuals' crimes as part of a single series. This important thread is then pieced together to produce a comprehensive profile (see Chapter 7). Although psychological and criminological profiling are not similar, the researcher argues that an analogy exists because psychological profiling consists of two basic approaches, threat assessment and risk assessment (Bartol & Bartol 2017:129). Threat assessment is the process of determining the validity and seriousness of the threat being carried out by a person or a group of persons. On the other hand, risk assessment is a process to evaluate "individuals who have violated social norms or displayed bizarre behaviour, particularly when they appear menacing or unpredictable" (Bartol & Bartol, 2017:130).

Threat assessment makes an informed decision on two critical questions: how reliable and serious is the threat itself? And to what degree does the threatener have the resources, intent, and motivation to carry out such threat? (O'Toole 2009:5) Specific, plausible details are required to evaluate a threat that include the identity of the victim or victims, the aim of making the threat, the means, weapons, and method by which it is to be carried out, the date, time and the place where it will occur (O'Toole 2009:7).

The principal goal of risk assessment is to evaluate and predict if a person might harm themselves or others including providing solutions to prevent such harm from occurring. Psychological profiling is an assessment practice intended to support the identification and prediction of behaviour in known individuals (Bartol & Bartol 2017:130). Criminological assessment is an all-inclusive analysis that focuses on the characteristics and individualised needs and risks for the management of the offender for treatment, individual development and rehabilitation purposes (Hesselink & Booyens 2014:3).

### **3.6 Criminological profiling**

For the purposes of this study, offender profiling is the preferred term for a sub-theme of psychological profiling. Woodhams (2012:172) posit that offender profiling is also called psychological profiling, criminal profiling investigative profiling, crime scene analysis and criminal investigative advice. Hesselink (2013:142) is of view that offender profiling has unlimited potential particularly in the criminological scope and

practice. In South Africa, the term “criminological offender profiling” is commonly used by the correctional services department.

Offender profiling and assessment play a crucial role from the time an offender is admitted to the facilities until they are released from their care. Further, such profiling should be an ongoing process so that monitoring and analysis takes place throughout the Integrated Justice System. This continuation of profiling will inform all relevant stakeholders on the following (White Paper on Corrections (DCS 2005: 51):

- 1) crime trends in South Africa;
- 2) communities of the origin of the offender; and
- 3) factors contributing to offending behaviour in South Africa.

The knowledge and understanding that criminologists and academics possess in “profiling, analysis of the criminal mind, identifying causes, motives, triggers and high-risk situations of crime and providing scientific explanations of criminal behaviour, empowerment and reintegration of the offenders” must not be underestimated (Herbig & Hesselink 2012:34-35). Turvey (1999:2) explains that modern offender profiling entails a diverse history that connects the rationale in the study of criminal behaviour (criminology), the study of mental illness (psychology and psychiatry) together with the investigation of physical evidence. The knowledge and make-up of criminal behaviour must be a standard principle for profilers that will guard against presenting presumptions as truths. Changing needs should be assessed through profiling and guided by the knowledge of the offenders’ state of mind, motives, causes, identified criminogenic factors and theoretical explanation of deviant behaviour (see Chapter 2 and Chapter 5).

Profiling and offender management at correctional facilities play a critical role in the security classification of offenders and must begin with the offender being acknowledged as an individual who is valued as part of a society (White Paper on Corrections 2005:51). This indicates that the security classification of offenders is intended to enable a needs-driven approach, as well as the needs-driven rehabilitation plan. This is in line with the security classification instrument that expects an offender profile to reflect the following White Paper on Corrections (DCS 2005:74):

- personal particulars;

- crime category;
- nature of the crime;
- nature of relationships of offender to victim(s);
- circumstances under which the crime was committed;
- effective length of sentence;
- number and nature of previous conviction; and
- time elapsed since previous conviction.

This information is required for the planning and design of individualised risks and needs intervention models that will modify deviant behaviour and curb recidivism. However, when dealing with illegal foreign national offenders, it is difficult to attain their history of previous conviction information because the South African Police Services (SAPS) capture all legal inhabitants' fingerprints by using the Fingerprint Identification System. Also, little empirical research exists in proving foreign nationals' previous criminal activities, if they exist, understanding why they committed crimes, their choice of the locations and victims, and the role that victims played in the dynamics of the offenders' behaviour (see section 2.3.3). For this study, offender profiling was used identify crime causation, motives and numerous instrumental factors that contributed to the participants' deviant behaviour. Generally, it is expected that a profiler must provide current empirical evidence that explains criminal behaviour and is founded in psychological (and criminological) principles (Bartol & Bartol 2017:135). While part of this is explained by the participants' ages at the time of immigration, cultural maladjustments and abject poverty that had an impact on the decision to commit crime, there were significantly correlated with educational background and immigration.

### **3.7 Limitations of the application of profiling**

Although profiling has been used worldwide, there is limited use and information in South Africa particularly regarding criminological offender profiling. Nevertheless, Hesselink and Booyens (2014:3) note that, in South Africa, criminologists' expertise is mostly used in advisory positions within the correctional services sector to provide criminological understanding of offenders' behaviour, including profiling, analysis and assessments that are rooted in the theoretical explanations of personal experiences



and knowledge. Generally, criminal profiling is not yet a career on its own because offender profilers come from diverse professional backgrounds (Woodhams 2012:178). Turvey (1999:11) views profiling as a multidisciplinary skill that is refined over time and will ultimately qualify a person to be regarded as knowledgeable in the field.

The fundamental principle of profiling is that, through the study of previous crimes, predictions can be made regarding comparable offences for future profiling. In effect, it is a form of retro-classification where typologies are developed from past crimes to provide an understanding of present crimes. However, the information from which these typologies are developed must be reliable. Two aspects appear particularly pertinent to profiling: limitations concerning sample representation and complications relating to the accuracy of the data itself (Kocsis & Palermo 2007:327). The most important shortcoming of profiling research is the reliability of the information contained within the archival records used as a source of material (Kocsis & Palermo 2007:328). This poses a challenge because existing literature describes the unreliability of information surrounding both the reporting and the recording of crimes. The researcher found that conducting criminological profiling within the correctional facilities is complex because “classified” information is not shared with researchers and there are no documents or records that are available for the researcher to verify the reliability of data collected. This includes the inability to scrutinise the official records to ascertain if there are possible offending trajectories of the offenders’ crimes. This is in contravention with the White Paper on Corrections (2016:88) that states that DCS will ensure that issues relating to the criminal justice system and corrections, as well as cooperation in this regard, are mainstreamed within SADC and AU processes. The objective is to facilitate the following:

- Treat Africa as a distinctive entity;
- The necessity for an all-inclusive approach on African correctional affairs;
- Promote consistency in terms of legislation, organisation, development and training;
- Advocate for professionalism and procedures through scientific research;
- Augment resources through the distribution of knowledge and services;
- Endorse African corrections in the international arena; and

- Abide by recommendations of international and African conferences.

In some countries, there is large-scale intelligence that holds information about the location and time/date of each crime in the database and the offender registration for criminal case investigation purposes. Although major disagreements remain between profilers as to how best to use this information, the researcher is of the opinion that the African continent can benefit from the use of profiling which will inform the AU, SADC and DHA on the best practice of dealing with illegal immigrants and those committing crimes outside their countries of origin. This can be done by establishing a database of criminal offenders that is readily available to assist the criminal justice system during crime investigations or court proceedings in Africa (see Chapter 8). Against this framework, criminological profiling will be a useful exploratory method that will inform policies and all relevant stakeholders on how to deal with immigration, crime, violence and xenophobia. This proves that profiling requires a commitment, not only to data collection, analysis, and research, but also to operational feedback and integration (Rossmo 2000:86).

### **3.8 Conclusion**

In this chapter, different types, goals and purposes of offender profiling are discussed. The discussion in Chapter 2 shows that the behaviour and personality of offenders is a result of a combination of factors that include dimensions of the participants' lives, their involvement in crime(s) committed, motives, modi operandi and causes and triggers for their criminal behaviour. In this case, the dynamics were affected by immigration to another country without the necessary support system. Although the application of profiling is still not fully supported, especially in South Africa, the value of its application and contribution to science cannot be underestimated. The value of profiling is in the profilers' ability to blend data collected to understand the causes, motives, triggers of behaviour and personality of the individual offender. It requires an multidisciplinary approach to allow the profiler to assess and include all relevant aspects that led to the commission of crime.

## **CHAPTER 4: LEGISLATIVE FRAMEWORK OF FOREIGN NATIONALS IN SOUTH AFRICA**

### **4.1 Introduction**

This chapter traces an important aspect of the ideological context of law. While criminal law aims to address harm and violence, immigration law reserves the right to determine who is allowed entry into the country and how many immigrants are allowed and for how long (DHA 2017: v). The White Paper (DHA 2017) explains how the South African laws and Constitution deal with foreign nationals in the country.

When we reflect on law, our focus is mostly on the foundation of the legal system and the role of rules. Legal theorists have therefore developed a body of learning about rules, their structure and the way we use them (Fletcher 1996:43). Because law is separate from both politics and morality, its philosophy is confined and analytical rather than based on major debates about justice and truth (Bottomley & Parker 1994:4).

Globally, immigration has proven to be one of the most controversial and sensitive topics in the contemporary political and social debate (Gheasi & Njikamp 2017:1-9). Despite the dynamics of public opinion about immigration being complex, the political and social consequences of a widespread belief that regards immigrants as threats are hard to ignore (Chouhy 2018:49). Inevitably, the high proportions of foreign-born offenders raise several important issues. Miller and Peguero (2018:1) found that social and behavioural scientists, politicians and members of the public have raised serious concerns about the possible link between immigration and crime.

The purpose of this discussion is to expound on the history of legislation in South Africa regarding foreign nationals. Since this study was based on offender profiling, it is necessary to highlight legislation that will explain what immigration is as it encompasses all individual movements across the South African borders. The discussion below presents the body of South African legislation that shapes our understanding of immigration within the contemporary political discourse.

## **4.2 Brief history of migration in South Africa prior to 1994**

Historically migration in response to population growth, climate change and adjustment in economic needs have always posed diverse challenges. Armed conflict including the development of nations and control contributed to both voluntary and forced migrations (Castles 2019:155). An in-depth and comprehensive knowledge of the historical background of migration patterns is crucial in any country (RSA 2016:8). The discourse of race and discrimination is entrenched in the stereotypical race-based thinking and reactions to the “alleged” connection between crime and immigration continued in immigration policies (Martinez jr 2006: 2-3). Donnelly (2013:88) highlights that racial discrimination in South Africa dates from the Dutch colonisation of the Cape in 1652. Since this era, the South African regime only recognised White people as “true” South African citizens while African people born in the country and African foreign nationals were not qualified to become citizens.

The Union of South Africa was formed in 1910 under British rule that granted dominion to White people over other races. Subsequently, in 1961, it became The Republic of South Africa independent of British rule, ruled by a White minority government.

The separation between the status of the citizenship and the rights that go with it was “the cornerstone of apartheid” as the Population Registration Act of 1950 stipulated that racial registration of each person at birth was mandatory (Donnelly 2013:88). In 1970, the apartheid regime implemented legislation that sought to deprive Black people of citizenship. According to the Black Homeland Citizenship Act (No. 26 of 1970), procedures were established to initiate sovereign “homelands” for Black people. This practice encouraged ethnic groupings and discrimination.

Although the apartheid regime gave the Bantu people both South African and “homeland” citizenship, as soon as a homeland was declared independent, citizens of that homeland automatically lost their South African citizenship. This move was orchestrated to guarantee that Bantu people would lose their rights in South Africa, including the right to vote, which was a gross infringement of their fundamental human rights (Hobden 2018:3). This resulted in “a broad international campaign against apartheid” (Donnelly 2013:91).

In 1994, South Africa became a democratic country and all South African citizens were conferred with equal rights and freedom before the law but South Africa's history of oppression and racial inequality is still central to numerous aspects of citizenship law and accommodates those who were deprived of their legal citizenship (Hobden 2018:1).

The concept of citizenship dates to classical times and is embedded in the discourse of equality. In South Africa, citizenship is defined in the South African Citizenship Act, 1995 amended by the South African Citizenship Amendment Act, 2010, which came into operation on 1 January 2013. This Act classifies numerous ways in which citizenship can be acquired in South Africa. Citizenship symbolises the bond between the state and the holder (Khan 2018:134-135).

The term "racialisation" refers to the process by which ideas about race are created and perceived as meaningful (Omi & Winant 2014:np). As a racialised status, "illegality" creates racial notions about what groups are "legal" and "illegal" therefore a fundamental component of immigration law stipulates that citizens and non-citizens are conceptually separated (Khan 2018:16). The distinguishing feature of citizenship is therefore the possession of the formal status of membership of a political and legal entity and having the rights and obligations within it. Under colonialism and apartheid, citizenship was limited to persons deemed to be "European". Africans were classified as "Natives" and were only recognised because of the migrant labour classification which maintained colonial economic control across South Africa (DHA 2017:8).

For the purposes of this study the terms "citizenship" and "nationality" are used interchangeably. The current political climate surrounding unauthorised foreign nationals provides an opportunity to critically examine the existing legal literature on policies (Miller & Peguero 2018:271).

"Illegal" and "unauthorised" migration is a permanent reality in contemporary society, constructed as a national crisis that calls for deterrent immigration laws and harsh prosecution (Armenta 2018:236). Despite the continuous debates surrounding the legality and constitutionality of policies dealing with such issues, some legal scholars endorse policies that promote and encourage "community cooperation with local law

enforcement officers” (Sullivan 2009:579-582). Currently, the global community is putting working policies in place that will deal with illegal immigration while in South Africa, discussions are geared toward the effect of governmental immigration policies on the criminality of foreign nationals (Sun & Reed 2007:110) as the history of foreign nationals and crime is set within a larger context of immigration. The issue of foreign nationals’ deviant behaviour is in contrast with the reasons most foreigners cite for leaving their home countries that include ongoing violence and conflict in their home countries, gender and politically based violence, maltreatment and poverty (Singh 2005:23).

Perhaps, the multiculturalism of immigration and national security through discourse masks a “slippage between racism and patriotism” (Winders 2007:934). According to Khan, Louw and Willie (2018:78), “security threats include ethnic and religious conflict, armed banditry and violent crime, environmental degradation and climate change, social unrest, human trafficking and drugs, economic sabotage and terrorism”. In addition, they are of view that the approach to security has shifted and the current view is concerned with “individuals qua persons” because the general notion is that

“[l]aw is a structural force that, at least theoretically, reaches everyone. It can be powerful in its scope, its frequency, and its intensity ... And a law that is not commonly accepted by the people still has the power to shape behaviour through sheer force of the punishments handed down for violations of it” (McAdams 1997:180).

This extremely legalistic approach that deals with the past has characterised many other “transition” issues. The debates on international migration and good governance in South Africa have proven to be an intricate discussion which fails to provide clear and consistent guidelines that clarify “best migration policies and governance systems” (Magidimisha 2018:196). To date, the South African government is still struggling and failing to create a working system that assists with the legalisation and protection of the projected millions of undocumented foreign nationals living in the country.

### **4.3 Types of migration in South Africa**

The South African legislation utilises three categories to describe foreign nationals,

the refugee, the migrant and the immigrant. In 2015, it was reported that 71 percent of refugee and asylum seekers' applications received and accounted for were from about 15 African countries (DHA 2017:28). It was also noted that 40 percent of asylum seekers were from the SADC countries which are commonly viewed as politically stable. There has been a noticeable increase in the number of refugees and asylum seekers that enter the country and it is estimated that over 90 percent do not qualify for refugee status (DHA 2017:16). During the National Assembly briefing by the Minister of Home Affairs, Dr Aaron Motsoaledi reported that there were 184 976 documented asylum seekers in the country as of 31 December 2019. He further gave a breakdown of this number as follows: 50 135 were asylum seekers from Ethiopia, 34 754 from the Democratic Republic of Congo, 27 243 from Bangladesh, 14 861 from Zimbabwe, 9 383 from Pakistan, 8 626 from the Congo, 6 781 from Nigeria and 6 425 from Burundi. The following section focuses on the definition and demographics of these categories in terms of contemporary South African Law.

#### **4.3.1 An asylum seeker**

According to the Department of Home Affairs (DHA 2016), an asylum seeker is a person who has fled his or her country of origin and has come to South Africa seeking recognition and protection as a refugee and whose application is still under consideration. In a case where the application is deemed unsuccessful, the applicant must leave the country voluntarily or he/she will be deported. Section 22 of the Refugees Act (RSA 2008) provides for the issuing of an asylum seeker temporary residence permit to an applicant, pending the outcome of an application in terms of Section 21.

#### **ELIGIBILITY PROCEDURE: ASYLUM SEEKER**

- A person enters the Republic of South Africa through a port of entry (a land border post, airport or harbour), claims to be an asylum seeker and is therefore issued with a Section 23 Permit which is a non-renewable "asylum transit permit" in the Immigration Act.
- The permit is valid for a period of 14 days only and authorises the person to report to the nearest Refugee Reception Office in order to apply for asylum in

terms of section 21 of the Refugees Act (RSA 2008).

- The asylum seeker is required to furnish:
  - A Section 23 permit
  - Any proof of identification from the country of origin
  - A travel document if in possession of one.

A Section 22 permit is valid for a period of six months and can legalise an asylum seeker staying in South Africa temporarily pending a final decision on his/her application. This also means the holder of a Section 22 permit has the right to work and study in South Africa and is protected against deportation to his/her country of origin.

#### **4.3.2 A refugee and asylum seeker**

The Refugees Act (RSA 1998a) was adopted in 1998 to provide international instruments for the reception of asylum seekers, establish conditions for the refugee application and determination processes, and define the rights and conditions of residence for refugees in South Africa. Consistent with the White Paper (DHA 2017), the Act outlines circumstances to qualify for or be excluded from refugee status. The Act also provides for the establishment of refugee reception centres staffed by refugee reception officers and refugee status determination officers (DHA 2017:13). The Refugees Act, 1998 (RSA 1998a) outlines the most important sections that deal with refugees as follows:

- Section 23 of the Immigration Act specifies admission requirements that must be adhered to by foreign nationals who wish to apply for refugee protection in South Africa.
- Section 24 of the Refugees Act (RSA 2008) provides for granting of a refugee permit for a period of five years.
- Section 27(c) of the Refugees Act (RSA 2008) entitles a refugee to apply for a permanent residence permit after five years of acquiring refugee status on condition that and if the Standing Committee certifies that he or she will remain a refugee indefinitely.



This class includes a person who has been granted asylum status and protection in terms of section 24 of the Refugees Act No 130 of 1998 (RSA 1998a). Subject to Chapter 3 of the Refugee Act no 130 of 1998 (RSA 1998a), a person qualifies for refugee status for the purposes of this Act if that person

- (a) owing to a well-founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [sic] nationality and is unable, or owing to such fear, is unwilling to avail himself [sic] of the protection of that country, or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or owing to such fear, is unwilling to return to it;
- (b) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence to seek refuge in another place outside his or her country of origin or nationality (RSA 1998b:24).
- (c) is a dependent of a person contemplated in paragraph (a) or (b).

This category first emerged during the country's political transition in relation to returning exiles in the early 1990s. In 1993, as the political transition became a reality, the South African government reached an agreement with the United Nations High Commissioner for Refugees (UNHCR) regarding the return of exiles to the country. The treaty defined clear criteria that will determine a refugee status. This international legislation underpins the current definition of a refugee in the 1998 Refugees Act (RSA 1998a), an act developed from recommendations in the 1997 Green Paper on International Migration (RSA 2016) to deal specifically with refugees in South Africa.

#### **4.3.3 Undocumented migrants**

The management of arrivals and departures goes beyond South African borders (DHA 2017:35). South Africa has become an attractive destination for undocumented foreign nationals, border jumpers, over-stayers, organised crime syndicates, and smuggled and trafficked persons which makes it difficult to have accurate statistics on immigrants in the country. In South Africa and elsewhere, regardless of a regular national census

on immigration, accurate and reliable data remain scarce and incompetently maintained (Segatti & Landau 2011:12) (see Chapters 1 and 5). Despite the well-known shortcomings of official crime statistics, criminological analysis of crime rates within foreign minorities relies almost exclusively on police statistics. It has proven to be an impossible task to verify the number of foreigners in the country, whether they are legally or illegally in the country and their criminal activities. However, over 91 000 applications for work-related temporary visas were received between 2010 and 2013. In terms of the country of origin, China accounted for the highest number of applications, followed by Zimbabwe, India, Pakistan and Nigeria. Further, these five countries constituted over 65 percent of applications between 2010 and 2013. This suggests that SA is attracting international migrants from a comparatively insignificant group of countries out of over 200 countries that constitute the global community (RSA 2016:29).

When it comes to profiling of foreign offenders, there are not readily available and reliable statistics to provide an overview of the extent of immigration in the country. This further demonstrates the importance of this research on every aspect of migration as it relates to crime and justice. More comprehensive data are needed to establish to what extent, and why there may be an immigration-crime nexus where foreign nationals are concerned, and improved criminological theories with an African context are needed to explain this nexus and its precise curves. This is critical for efficient and effective policy formation.

#### **4.4 The Constitution of the Republic of South Africa and immigration**

The 1996 Constitution (RSA 1996) clearly outlined the rights of immigrants and their protection from unconstitutional conduct that includes human rights violations (Hicks 1999:405). In other words, the constitution protects and advocates for human rights of all including those of non-citizens. This declaration is supported by the Bill of Rights which recognises the fundamental rights and procedural protections for all persons. It is crucial to understand the rights and obligations afforded to South African nationals and foreign nationals. The term “human rights indicates both their nature and their source: they are the rights that one has simply because one is human. In addition, human rights are a special type of rights as they are paramount moral rights” (Donnelly

2013:19). The link between human rights implementation and the state is so strong and central that we stereotypically do not describe ordinary crimes as human rights violations even when they deprive people of their fundamental and internationally recognised human rights.

Human rights are social practices formed to safeguard human dignity (Donnelly 2013:23-25). Section 21 of the Constitution enshrines the right to freedom of movement and residence, with rights being conferred on everyone. "Everyone" includes citizens and non-citizens within the Republic. The South African Constitutional principles relevant to immigrants, foreign nationals and asylum seekers are clarified as follows (DHA 2017:19):

- The right of the South African people to self-determination and sovereignty is fundamental and this includes the right to security and control of our resources. Section 39(1)(b) of the Constitution states that the Bill of Rights must be interpreted in accordance with international law. International law states that each country is free to determine its own rules regarding the acquisition and loss of citizenship, entry and residence of foreigners.
- Section 10 of the Constitution states that everyone has inherent dignity and the right to have their dignity respected and protected.
- Limiting of the freedom of movement, as enshrined in Section 21(1) of the Constitution, could only be done in line with Section 36 of the Constitution.
- Section 9(3) of the Constitution qualifies discrimination that is prohibited. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. Granting some immigrants, the right to permanent or long-term residency and citizenship and not other immigrants is not, on the face of it, discriminatory.

#### **4.5 Legislations and policies applicable to foreign nationals in South Africa**

In 1998, the Draft Refugee White Paper (RSA 1998b) was established with the aim of

providing a system that protects refugees and asylum-seekers. The White Paper also included a Draft Refugee Bill which was later adopted and legislated as the Refugees Act (RSA 2008). The White Paper (RSA 1998b) outlines principles guiding the treatment of refugees in South Africa, including the international principle of non-refoulement and non-prosecution because of illegal entry into the country; non-deportation except where there is a threat to national security or public order; basic security rights; basic human dignity rights; and basic self-sufficiently rights, including the rights to work and education (DHA 2017:12). Hanlop and Thomas (2014:1) contend that “migration has been central to population dispersal across the world”. Migration has become a permanent reality in modern society, which has turned into a national crisis that must be resolved through preventative immigration laws that will be strictly monitored (more so if they are viewed as contributing to the crime rate) (Armenta 2018:236). Contemporary policies have tended to focus on the control of marginalisation of immigrants (Magidimisha 2018:197). The following legislation regulates conditions under which foreign nationals could attain admission, residence and citizenship in South Africa:

#### **4.5.1 The Immigration Act 13 of 2002**

The current policy on international migration is set out in the White Paper on International Migration (RSA 1999) that became the basis of immigration legislation and regulations. The country’s formal international migration policy has remained in place since 1999, despite substantial changes in the world, country and region (DHA 2016:5). The Immigration Act No.13 of 2002 was legislated following the tabling of the White Paper on International Migration (RSA 1999) and the Immigration Act (RSA 2002). The Act specified an important policy and legislative that moved away from the Aliens Control Act of 1991. The Immigration Act is intended to encourage an environment conducive for human rights in line with the Constitution. The act aims to regulate the “admission of foreigners to, their residence in, and their departure from the Republic, and for matters connected therewith” (Ntlama 2018:40). This discourse is characterised by strong emotions, stereotypes and contested statistics (DHA 2016:6).

The Preamble of the Act highlighted a number of principles that include basic

requirements and procedures; the expeditious issuing of residence permits; security and state control over immigration; inter-departmental coordination; cognisance of globalisation and the General Agreement on Trade in Services (GATS); strengthening border monitoring and deterring illegal immigration; efficiently managing and administering border posts; efficiently and effectively enforcing immigration laws; accessing scarce skills while protecting South African workers; maintaining a policy connection between foreigner workers and the training of citizens; addressing migration issues with other states; ensuring human rights protection in immigration control; and preventing and countering xenophobia within government and civil society (DHA 2017:12). In contrast with the Aliens Control Act, which uses the term “aliens” to define non-South African citizens, the Immigration Act refers to non-citizens as “foreigners”, which simply means a person who is not a South African citizen (Ntlama 2018:40). The following sections outline the guidelines on the admission requirements (DHA 2017:20):

- Section 9 of the Immigration Act specifies admission requirements that must be adhered to. Section 9(1) of the Immigration Act stipulates that no person shall enter or depart from the Republic at a place other than a port of entry. Section 9(3) Immigration Act further posits that no person shall enter or depart from the Republic unless he or she is in possession of a valid passport.
- Sections 11 to 23 of the Immigration Act provide for various types of temporary visas that could be granted to foreign nationals: S11 for visitors; S13 for study; S14 for treaty agreements; S15 for business; S16 for crew; S17 for medical treatment; S18 for relatives; S19(1) for critical skills; S19(4) for general work; S19(5) for intra-company; S21 for corporates, S20 for retirement; S22 for exchange programmes; and S23 for asylum transit.
- According to Section 25(1) of the Immigration Act, the holder of a permanent residence permit (PRP) has all the rights, privileges, duties and obligations of a citizen, save for those rights, privileges, duties and obligations which a law or the Constitution explicitly ascribes to citizenship.
- Sections 26 and 27 of the Immigration Act provide for various types of PRPs that could be granted to foreign nationals: S26(a) holder of a general work permit; S26(b) spouse of South African citizen or PRP holder; S26(c) child of

South African citizen or PRP holder under 21 years; S26(d) child of South African citizen; S27(a) holder of a quota work visa; S27(b) holder of critical skills visa; S27(c) holder of a business visa; S27(d) refugee; S27(e) retired person; S27(f) financial independent person; and S27(g) relative of South African citizen or (PRP) holder within the first step of kinship.

#### **4.5.2 Aliens Control Act 13 of 2002**

The first migration policy reform came in 1995, with a statutory amendment to the Aliens Control Act No. 96 of 1991. The democratic government aimed to align the act with the country's new constitution. Previously, Section 55 of the Act provided that no decision of the Department of Home Affairs (DHA) was reviewable by a court or tribunal, and persons could be held in detention indefinitely without judicial review. The 1995 Amendment removed this provision and specified that detention for periods beyond 30 days must be subject to review (DHA 2017:10).

#### **4.5.3 Refugees Act 130 of 1998**

South Africa ratified the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the 1996 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of the Refugee Problems in Africa. Following this, refugee status is intended to be a temporary status until a situation from which the refugee fled is abated. The South African Refugees Act 130 of 1998, section 27(c) and the Immigration Act, Section 27(d) (RSA 1998a) make express provision for a refugee to gain permanent residence within a reasonable period as long as the refugee under valid conditions cannot return safely to their country of origin within the near future (Chapman 2018:161). Subsequently, the Draft Refugee White Paper (RSA 1998b) was developed in 1998 as a first step towards developing a system of protection for refugees and the asylum-seekers. The White Paper included a Draft Refugee Bill (RSA 1998b), which, after amendments, was adopted and legislated as the Refugees Act 130 of 1998 (RSA 1998a). The Act came into force in 2000 after the adoption of the Refugee Regulations. The White Paper defines the conditions of eligibility for refugee status in South Africa, as well as conditions for exclusion from this status (RSA 1998b). The Act provides for the establishment of refugees' reception centres

operated by refugee reception officers and refugee status determination officers. In addition, the Act aims to provide guidelines for the reception of asylum seekers including establishing conditions for the refugee application and determination processes, defining rights and conditions of residence for refugees in South Africa.

The White Paper (DHA 2017:20) outlines additional important Acts that direct the Refugees Act 130 of 1998 (RSA 1998a):

- Section 23 of the Immigration Act specifies admission requirements that must be adhered to by foreign nationals who wish to apply for refugee protection in South Africa.
- Section 22 of the Act provides for an issuing of asylum seeker temporary residence permit to an applicant, pending the outcome of an application in terms of section 21.
- Section 24 of the Refugees Act provides for the granting of a refugee permit for a period of five years.
- Section 27(c) of the Refugees Act entitles a refugee to apply for a permanent residence permit after five years of acquiring refugee status on condition that and if the Standing Committee certifies that he or she will remain a refugee indefinitely.

#### **4.5.4 White Paper on International Migration of 2017**

The White Paper on International Migration for South Africa (DHA 2017) summarises the basis of the policy. The main aim of the White Paper is to advance and develop the national security agenda of South Africa. One of the changes brought by the White Paper (DHA 2017) is that emphasis is put on skilled refugees. It further specifies that highly skilled refugees' applications for work permits must be prioritised and they should be allowed to stay in South Africa if the mandatory systems were established under the Immigration Act (Khan & Hurt 2018:111).

#### **4.6 Conclusion**

The issue of illegal migration has become a serious problem in South Africa. Measures

intended to curb irregular migration address the symptoms rather than the root causes of the influx of foreign nationals that enter the country illegally. Policies are in place, however, the current government is failing to implement them. For the Department of Home Affairs to function, it must be guided by the Constitution and supported by both the South African Police Service and the Criminal Justice Department. However, as there are irregularities in the system, the DHA is battling to control South African borders and to account for the number of illegal and legal foreign nationals in the country. The limited collaborative policies could lead to a shift in the composition of the local immigrant population. This loophole has fuelled perceptions of the foreign nationals' involvement in criminal activities and provoked contemporary debates on the relevance of immigration policy. The mere fact that, in South Africa, there are no working systems in place that categorise offenders by their origins will exacerbate the notion that undocumented foreign nationals are more inclined to engage in criminal behaviour without fear of the Department of Home Affairs and the criminal justice system because they are untraceable.

The next chapter discusses the contributory factors to foreign nationals' offending and notes several gaps in our understanding of the immigration and crime link, which must be addressed.

The exploration of crucial dimensions of foreign nationals' involvement in contact crimes will answer the following research questions:

1. What are the main contributory causes of border crossing by foreign nationals?
2. What are the causes and motives of foreign nationals' offending?



## **CHAPTER 5: CONTRIBUTORY FACTORS TO URBAN VIOLENCE AND FOREIGN NATIONALS DEVIANCY**

### **5.1 Introduction**

“Urbanization has helped millions escape poverty through higher levels of productivity, employment opportunities, improved quality of life via better education and health, large-scale public investment, and access to improved infrastructure and services” (World Cities Report 2016:34). The expansion of cities has been “an engine” for economic growth that has enabled millions of individuals to improve their living conditions (World Bank 2011:1).

Political economy plays an important role in immigration. Castelli (2018:np) posits that human development is extremely unbalanced and that this gap is progressively widening. Studies on the relationship between immigration and crime have proven to be an extremely complex social phenomenon (Stowell & Gostjev 2018:87). The economic disparities that exist between different racial groups might expand to the on-going conflict in societies that are dealing with issues of “ethnic/ racial, class disparities and antagonism” (Ikejiaku 2009:455).

Violence and crime are viewed from a range of perspectives along a continuum (Harries 1990:24) as scientific models cannot keep up with the altering social and cultural patterns that contribute to criminal behaviour. Research on immigration, ethnicity and crime is limited (Wortley 2009:351) which validates the importance of this study. This chapter explores the possible causes of urban violence and foreign nationals’ offending.

### **5.2 South Africa’s violence trends involving foreign nationals**

The culture of violence and conflict is multifaceted. In South Africa, violence is normalised to an extent that community members respond with violence as the general perception is that the government’s crime reduction approaches are unproductive, and the criminal justice system is unreliable (Lancaster 2019:np).

South Africa is characterised by high levels of crime and interpersonal violence in comparison to international standards. Lamb and Warton (2016:11) assert that high

levels of violent crimes in South Africa are the result of the legacy of apartheid and its colonial history. Galtung maintains that “violence breeds violence” (1990:295) that provides opportunities for deviancy (Harries 1990:30). The culture of crime and conflict in South Africa is normalised; this is demonstrated by daily media reports on senseless, violent and gruesome crimes committed. Section 2(1)(c) of the Constitution of the Republic of South Africa Act 108 of 1996, states that every person has the right “to freedom from all forms of violence from either the public or private sources”. Although the Constitution (RSA 1996:1) guarantees this right, South African society is rooted in a culture of violence. Harris (2002:14) explains the culture of violence as “a situation in which social relations and interactions are governed through violent rather than non-violent means”. The normalisation of violent crime, lack of consequences and displays of lawlessness influence the perceptions of many South Africans that violent crimes, including sexual crimes against children, are part of our daily lives. These observations are corroborated by an increase in the number of violent crimes and violence therefore becomes a normal solution to problems.

Research reveals that immigration disrupts social bonds and increases criminality. This occurs when traditional social bonds are broken by moving and are not substituted by other significant attachments that impede criminality (Conklin 1995:237-243). This might be the root of debates by relevant stakeholders, including the media fraternity and government officials, on foreign nationals’ involvement in criminal activities. Gauteng has the highest number of undocumented foreign nationals who prefer the city life where there are socio-economic opportunities (Tshikotshi 2009:14). Gauteng Police Commissioner, Lieutenant-General Deliwé de Lange, alluded that about 60 percent of the suspects arrested for violent crimes in Gauteng Province are illegal immigrants (Gous 2017:np).

The map below illustrates the Gauteng Province.

Figure 5.1: Map illustrating the Gauteng Province



Source: Adapted from <https://www.southafricato/Provinces/Gauteng/Gauteng.php>

The map depicts Gauteng Province which is regarded as the hub of the South African economy and has the highest numbers of immigrants. In 2018, Minister Bheki Cele visited the Sunnyside police station in Pretoria and found that, according to Brigadier Kekana, the most commonly reported incidents at the station committed by foreign nationals included theft of motor vehicles using remote controlled deactivating devices, house breaking, common robberies, trading in illegal drugs, which were mostly sold to students, and violent crimes. The Minister also visited the holding cells and found seven foreign national suspects from Nigeria, the DRC and Zimbabwe. *Timeslive* (2019) news reported that South African police arrested over 300 undocumented foreigners who were found living in a hijacked building in Hillbrow, Johannesburg. According to this report, “[a] total of 380 (353 males and 27 females) undocumented nationals from Malawi and Zimbabwe” were found.

Mears (2001:12) notes that factors unique to immigrants, such as country of origin, age at immigration and immigration policy, have been rarely investigated therefore empirical inquiry could shed light on foreign nationals' patterns of deviancy by countries of origin. Bursik (2006:30) agrees that such an approach is lacking in studies on foreign nationals and crime.

The researcher has observed that crime statistics are conflicting and often do not reflect the real extent of crime because of corruption, a lack of transparency, openness and accountability, and the public willingness to report crime. To make sense of criminal behaviour, it is important to know whether a particular criminal behaviour is a statistical anomaly or not and to pay attention to the differences in the extent of crime types across geographical areas, communities, cultures and time periods (Helfgott 2008:26).

### **5.3 Contributory factors to clashes and violence between South African citizens and foreign nationals**

The disproportionate representation of African foreign nationals in the arrest and conviction for violent crimes reflects social inequalities, such as a lack of employment and educational opportunities; racial oppression in its many forms; racial differences in the reporting of crime to police; and discriminatory treatment at the hands of the criminal justice system (Bartol & Bartol 2005:287).

The explanation of violence in South Africa can be conceptualised in terms of "political-historical factors; environmental factors; and individual factors" (Lamb & Warton 2016:11). Domenach (cited in Osaghae 1994:35-36) emphasises the role of the state in violence:

"... the state ... is precisely the authority that makes of violence an institution having no obligation to conform to any moral or legal norm, for it is always prepared to use the maximum force if it considers its survival threatened ... Whether we see the state absorbing violence or unleashing it, it is always tied to violence".

Given these unique and extreme conditions, research on the relationship between immigration, crime and socio-economic indicators in the South African context is essential. Certain variables, such as age, race, gender, socio-economic status and

interpersonal and ethnic-cultural affiliations, have proven to have substantial relationships with certain categories and patterns of crimes (Bartol & Bartol 2008:5). These variables are described below.

### **5.3.1 Ethnicity and crime**

In South Africa there is a long-standing history on the issues of ethnicity, crime and violence. Hagan (cited in Sampson & Lauritsen 1997:362) asks “Why has race so preoccupied us in the study of the criminal justice system?” Questions about the possible relationships between ethnicity, immigration and crime are not a new phenomenon as “[r]acial profiling creates a cycle of hostility” (Siegel 2017:49). Policy makers, scholars, the media and members of the community have become aware of the topic of foreign nationals that is fuelled by the growth of the foreign national population in South Africa. The number of foreign nationals in the country remains unknown (Campbell 2013:np) and “[t]he relationship between immigrants and violence is not always definitive” (Martínez 2006:12).

Based on the 2015 census figures, the United Nations projected that there were 3 142 511 international migrants in South Africa or 5.6 percent of the total population, whereas the 2016 Community Survey estimated that there were 1.6 million foreign-born migrants, representing 2.8 percent of the population in this country (Carciotto 2018:60). On the other hand, obtaining accurate statistics and/or information on the foreign national population in South Africa has proven to be a challenge because of inadequate data collection systems and irregular migration patterns (Meny-Gilbert & Chiumia 2016:np). Controversial reports have created incorrect perceptions hence foreign nationals have been viewed as deviant, criminal, immoral and atavistic (Miller & Peguero 2018:7), as Foster notes (cited in Cook 2006:169): “All too frequently high crime communities are perceived to be full of problem people, not people who may have problems”.

This challenge has spilled over on investigating the relationship between ethnicity and imprisonment statistics (Cook 2006:17). For instance, South Africa has been struggling to provide the exact figures of undocumented foreign nationals involved in criminal activities in the country. This statement is supported by Minister Cele, who

said “Foreign nationals ... [who] are undocumented give us a lot of problems ... because you can’t even trace their fingerprints” (SAnews 2018). Many host countries, such as South Africa, do not want to face up to the social and political problems brought about by both legal and illegal immigration. This is because, in government discourse, asylum-seekers (and refugees) are not only described as fraudulent, but of endangering the country’s physical and moral health and its ability to control crime. This discourse is nothing new, as we have seen states in Europe resisting asylum-seekers as they are associated with terrorism (Van Lennep 2018:np).

Miller and Peguero (2018:8) postulate that, in most cases, available empirical assessments on the immigration-crime link differ in quality or analysis. A distinction ought to be made between the etiology of crime as a social phenomenon inherent in society and the process by which certain individuals become involved in deviant behaviour. The latter is mostly studied from the individual point of view, whereas the former is viewed from a community’s perspective and expressed in crime levels (Shoham 2007:3). Notwithstanding the general lack of research on foreign nationals and crime, few scholars have examined the impact of immigration on violence and crime, including comparing the characteristics of foreigners to citizens’ victimisation (Martínez 2006:11). However, South African studies are mostly conducted on xenophobic attacks. This study is only concerned with foreign offenders who are incarcerated in Gauteng Correctional Centres therefore it has meso-analytic roots. The researcher’s observation is based on Meso analysis which “involves the study of crime within the subareas of a city or metropolis” (Brantingham & Brantingham 1991:21). This analysis is aligned with the Chicago School of Thought. Differences in crime rates among racial and ethnic groups are a function of group differences in age, income, occupation, education, family background, place of residence and other social characteristics as well as a function of differences in opportunities to commit crime.

Public policy in the realm of deterring violence has proved to be unsuccessful in part because there has never been a conclusive agreement on the causes, policies and approaches designed to address crime and violence [foreign nationals’ offending patterns] (Harries 1990:5). Albrecht (1997:45), asserts that key topics that have created a discourse on the possible relations between citizens and immigrants are crimes, fear of crime, safety and justice. Tonry (1997:1) asserts that some members

of underprivileged background in every Western country are more likely to be arrested and incarcerated for violent and drug related crimes including property crimes, particularly if the minority groups are members of different racial groups from the majority population because

“[t]he topic of race and crime still rankles, fueling ideologically charged discussions over competing schools of thought such as discrimination versus differential involvement, cultures of violence versus structural inequality, and empiricism versus critical theory” (Sampson & Lauritsen 1997:312).

While research reveals that an African population has a higher likelihood of being in contact with the criminal justice system than the White population, this finding does not necessarily indicate that race influences criminal behaviour. Scholars, including criminologists, use different research methods to investigate the crime-class relationship nonetheless the results are inconclusive (Glick 2005:50-51). The offending patterns and justice systems experienced by different groups in a country are not simply the result of group differences in wealth, social status or political power. The concept of the foreign or ethnic minority includes a range of minorities that differ with respect to religion, race, language, citizenship, material circumstances, cultural background, migration motives and histories of relations between their countries and the immigration country.

The situation is such that Hagan and Palloni (1999:630) conclude that “the link between immigration and crime is misleading, to the extent of constituting a mythology”. Newman, Freilich and Howard (2007:48) found that foreign nationals are not only affected by discrimination but by the inconsistencies of the criminal justice system including various legal restrictions imposed by most governments, which, in their view, create an environment where deviancy might flourish. This is because the concept of “foreign” and “ethnic minority” are vague and flexible (Albrecht 1977:45).

The South African government has been equally accused by various stakeholders of not treating foreign nationals humanely even though Harris (2001:84) states that South Africa is a democratic country that is characterised by equality, freedom and opportunities. These contradictory statements have the potential to offer a valuable review of policies where statistical implications are often given more weight than

substantive significance. In addition, these comparisons force us to think about the crime control policy in a more holistic way where factors, such as inequality, can have unintended consequences for crime control (Wilson & Petersilia 2010:7).

According to the Mail and Guardian (2015), “stereotypes and myths have largely informed South Africans’ views of immigration and foreign nationals”. Comparisons of crime rates or incarceration rates across the nation influence the general opinion and the public debate regarding these matters (Wilson & Petersilia 2010:5). These revelations are not surprising as, in 2016, the South African Correctional Services Minister announced that the auditor-general “still has serious concerns about the credibility of our records [of foreign nationals in correctional facilities]” (Makou, Skhosana & Hopkins 2017:np). From an analysis of fragmented evidence available, it is important to judge the increased official crime rate of foreign nationals’ offending as a result of biasness or standards that disadvantage foreign nationals (Smith 1997:103).

Zinn (2010:30) suggest that information obtained from offenders on their criminal activities plays a crucial role in enhancing the technique used for gathering information and profiling of offenders by the police and correctional services authorities. Jackson and Bekerian (1997:83) state that the purpose of offender profiling is to predict the characteristics of the offender and to prioritise a list of likely suspects during an investigation. Jackson and Bekerian (1997:2) believe that the types of motives and modus operandi involved in the commission of crimes are inadequate to do this. Ainsworth (2001:19) explains that an understanding of crime patterns and offender motives will lead to an awareness of the reasons people commit such crimes. Campbell and DeNevi (2004:26) add that understanding motives provides an indication of the offender’s motives and abilities to commit the crime.

The philosophy of social science is divided into two main camps regarding the optimal strategy to investigate social facts: realism and hermeneuticism. Realists hold that social facts should be investigated objectively, just like physical facts, while hermeneuticists claim that the investigation of social facts should start by revealing the intentions of the individuals that cause them (Bunge 2006:16-17). To explain crime is to clarify why individuals break moral rules defined in law (Wikström 2006:61). Studies



concerning the foreign national population, crime and criminal justice are mostly based on views that assign exclusive etiological importance to social structure and social integration. Hesselink-Louw (2005:61) suggests that a lack of support structures contributes to criminal behaviour.

### **5.3.2 Social reaction towards foreign nationals criminality**

“Crime often operates as a symbol, expressing or condensing a number of other issues, conflicts, insecurities, and anxieties regarding one’s neighbourhood, its social make-up and status, its place in the world, and the sense that problems from outside were creeping in” (Jackson 2004:950).

Crime is often approached as if it were an unchanging phenomenon, as if the reasons why a person would commit crime in one period or context carry over to very different or distant times, cultures, and situations (Helfgott 2008:31). The explanations that account for the causes, variations, and extent of crime are as complex as our society (Glick 2005:5). While debates about the pattern of foreign nationals’ offending in South Africa are ongoing, comparisons are made between South African citizens and foreign nationals’ offending. However, this thesis considers only people with a foreign background to explain how various rates of offending are generated among this population.

It is imperative to understand the crime rate of foreign nationals prior to moving from their country of origin and the problems of adjustment they encountered (Conklin 1995:98). The greater the cultural distance between an immigration group and a host country, the more difficult integration will be into the new society and the greater the risks for maladjustment and criminal activities. On the other hand, immigration may not be disruptive if the receiving community is willing to accept foreign nationals. Research has found that people who lack social ties in their new community are more likely to become involved in crime because of a lack of attachment. Hirschi regards parents, peers and schools as important social institutions to maintain ties and emphasises that attachment desists individuals’ involvement in criminal activities (Reid 2018:137).

Recent incidents of attacks reported by the media include the killing of a taxi driver,

Mr Jabu Baloyi, who was shot at a taxi rank, allegedly by a foreign national. It was reported that the deceased was trying to stop the foreign national from selling drugs to a young person at the busy Bloed taxi rank. Subsequently, the violence to avenge Mr Baloyi's death, which involved riots in the Pretoria CBD, escalated until it was out of control.

The second case, reported by the African News Agency (2019), involved the Police and Prisons Civil Rights Union (POPCRU) that condemned a mob attack on police officials in Johannesburg by an alleged group of foreign national shop owners. POPCRU "categorically" cautioned the African Diaspora Forum's (ADF) irresponsible utterances that suggested that the action to prevent criminal activity was victimisation. The Justice, Crime Prevention and Security (JCPS) cluster of Ministers claimed that government regarded the attack on police officers as a sign of undermining of the constitution (Sunday Times News 2019). According to (Khan et al 2018:78), the South African constitution deals with "security threats [that] include ethnic and religious conflict, armed banditry and violent crime, environmental degradation and climate change, social unrest, human trafficking and drugs, economic sabotage, and terrorism".

### **5.3.3 Informal settlements and violence**

Massey (2013:1) posits that, although in the first ten years of post-apartheid the government managed to distribute almost 1.5 million housing opportunities for disadvantaged communities, informal settlements are still widespread in South Africa. Hunter (2006:157) is of view that the existence of informal residences is rooted in the uneven provision of formal housing for Africans during the apartheid era and that these conditions perpetuate segregation and environmental degradation (Irurah & Boshoff 2003:255). The concept of "informal settlement" is extensive and includes rural communities, backyard shacks and illegal occupancy of inner-city buildings (Massey 2013:1). According to Castells (1998:164), a "slum" is defined by the United Nations Human Settlement Programme as an area that combines, to various extents, the following characteristics (United Nations Human Settlements Programme 2003:12):

- Inadequate access to safe water

- Inadequate access to sanitation and other infrastructure
- Poor structural quality of housing
- Overcrowding
- Insecure residential status.

Slums have long been a concern of policy makers, politicians and researchers. The United Nation's Human Security Agenda (cited in Muncie Talbot & Walters 2010:54), posit that slums represent segregation and places that "produce the social harms of poverty, crime and violence". Slums are more complex residential dwelling places than we might at first imagine them to be (Tshikotshi 2009:94). They are tied to other city areas and economic activities in ways that propose that exclusion does not prevent movement across boundaries. They encompass a myriad of housing settings and a widespread heterogeneity of people, involved in various activities (Muncie et al. 2010:55).

Globalisation has a direct impact on to the push factors that see many people migrating to South Africa (Ngomane 2010:18). Immigration is viewed as a critical factor in the breakdown of informal social control and affects population change and residential turnover (Lee & Martínez 2002:366; Mears 2002:284; Ousey & Kubrin 2009:449).

As centres of social, political and economic power, urban areas have the potential to turn into "flashpoints for violence and conflict" (World Bank 2011:23). Generally, when communities or neighbourhoods are abandoned, social controls are removed and there are no protective factors to deviancy. Crime occurs when residents feel isolated and unidentified and believe that they have no stake in their neighbourhood. Evidence reveals that, globally, social disorganisation is strongly associated with high rates of crime and violence and influences crime prevention at community level. Some areas in cities have weakened into "no-go-zones" that destabilise the overall governance of the area and trap the marginalised and less fortunate in very dangerous cycle of poverty and violence (World Bank 2011:1) as Currie (1989:10) explains:

"a preschool on every ghetto corner won't overcome the structural disintegration of the surrounding community – a disintegration whose sources lie well beyond the disadvantaged child, family, beyond the local community, and school".

Social organisation is the actual patterning and regulation of human social interaction. Society may become disorganised when social cohesion or unity breaks down because of the ineffectiveness of institutionalised patterns of behaviour (Glick 2005:131-132). Bauer (2010:4) argues that

“when a large population group in cities is afflicted by malnutrition, impoverishment, social exclusion and discrimination, ill health and poor conditions as well as restricted access to land and basic infrastructure, increasing levels of criminal violence, lack of safety and general fear in the use of public space are often observed”.

The World Bank (2011:23) found that municipalities undergoing rapid and unmanaged growth have a greater risk of having a violent environment. Slums may be viewed as hubs in which an illegitimate economy can flourish (Davis 2006:178). Gauteng Human Settlements MEC, Uhuru Moiloa, shares the same sentiments as he expressed his frustrations in the growth of informal settlements that, he believes, is caused by undocumented foreign nationals in Gauteng. Between 40 and 50 percent of the people in the squatter camp are foreigners. He further added that people have illegally occupied houses and half of them are foreigners. “People just come to South Africa without declaring themselves at our border control systems” (Dlamini 2019b:np). An example of such informal settlements is illustrated by the figure below:

**Figure 5.2: Image showing Stjwetla informal settlement in Alexandra populated by illegal immigrants**



Source: Thapelo Morebudi (Photographer) in Dlamini (2019a)

According to the United Nations Human Settlements Programme (2007:6), “crime and violence are typically more severe in urban areas and are compounded by their rapid growth”. Comparative studies can inform relevant stakeholders on how to disengage and prevent the onset of community criminal careers. As Massey (1995:113) notes, “At any one time different areas may be changing in contrasting ways; different battles are being fought out, different problems faced”.

It is imperative to consider the upgrading of disorganised neighbourhoods in response to poverty, vulnerability and social exclusion. Martínez and Lee (2000:489) note that a disorganised neighbourhood is a catalyst for crime. Shoham (1962:209) argues that “culture-conflict is most imminent when the original norms and values of the immigrant have disintegrated rapidly and [a] cultural vacuum or chaos is created”.

While housing has occupied a central role in explaining high rates of offending in certain areas of cities, these processes cannot be fully understood without some consideration of the changing structures of cities. The ways in which daily life is affected by these trends varies across societies, regions and cities (Hancock 2001:3).

#### **5.3.4 Circumstances that lead to violence over RDP houses**

By the end of the 1980s, townships were in a crisis as the housing situation was characterised by severe and inadequate infrastructure, service delivery backlogs, a refusal to pay for basic services, a breakdown in governance, inner city decadence and the mushrooming of informal settlements (SAHRC 2008). Section 26 of the Constitution of the Republic of South Africa mandates the state to take reasonable legislative and other measures within its available resources to achieve the progressive realisation of the right to adequate housing. To give effect to this obligation, the state enacted various pieces of legislation including the Housing Act 107 of 1997 which came into effect on 1 April 1998, which provides that

“every municipality must, as part of the reasonable steps within a framework of national and provincial housing legislation and policy ensure that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis”

(SAHRC 2016/2017).

In various provinces in the country, violence has ensued due to the unfair allocation of houses by corrupt officials. Recent violent protests and conflicts between South Africa citizens and foreign nationals for RDP houses show that “housing is a contentious political issue in the country” (Osman 2017). The picture below depicts a protest over housing at an informal settlement near Johannesburg.

**Figure 5.3: Image illustrating protest over housing at an informal settlement**



Source: Tukiri (2017)

The South African government did not anticipate that the influx and absorption of millions of foreign nationals into the country would cause disruptions. The perception of South African citizens is that the surge in the number of undocumented foreign nationals has a negative impact on service delivery (Claasen 2017:18). Palmary (2009:2) emphasises that the South African government has found itself in a dilemma on whether to share services among undocumented foreign nationals residing within their jurisdiction (as various political parties have different views on the issue).

In 2019, News24's Azarrah Karrim reported that an Alexandra resident, Melissa Mzizi's husband, was brutally attacked by a group of 40 people during a fight for their family's RDP house. Community members were not happy that Mzizi's family was allocated an RDP house while South Africans were still on waiting lists. According to the report, Mzizi's husband is from Zimbabwe and a naturalised South African citizen. On Radio 702, Bongani Bingwa reported that a group of foreign nationals in Alexandra were forcibly removed from their RDP houses by a group of locals calling themselves the "Bonified Organisation". A Mozambican national confessed that he had been occupying an RDP house, which was sold to him, since 2007. Some of the participants of this study also revealed that they bought RDP houses from South African citizens and officials. Corrupt officials and citizens working with a syndicate were mainly responsible for bypassing the laws and guidelines of the distribution of houses (see Chapter 8).

**Figure 5.4: South Africa's RDP houses**



Source: <https://onlinelibrary.wiley.com/doi/abs/10.1111./J.1745-9125.1988.tb00854>

These unfortunate incidents where individuals have lost their lives are against the

South African Human Rights Commission's stipulation that only South African citizens over the age of 21 can apply for low-cost houses. On the other hand, it is unlawful to evict people already staying in those houses using unnecessary force and violence. In the case of *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg vs City of Johannesburg and others (CCT24/07) ZACC 1; (2008) SA 208(5) BCLR475*, the Constitutional Court ruled that there should be consultation and meaningful engagement with occupiers before conducting evictions. While prioritising the rights of vulnerable groups and those facing potential eviction, all parties in the engagement must act with reasonableness and no party may act in an intransigent manner or make non-negotiable, unreasonable demands.

Johnston (2008:4) claims that "immigrants are jumping the queue for houses". Shaw and Retiano (2013:14) found that a weak capacity for governance in state institutions, their inability to provide stable regulatory frameworks and deliver services to marginalised populations has impacted negatively on Africa's economic growth. This was demonstrated by the killing of a guard, at Bardale, in the Western Cape, who was murdered for watching over new RDP houses being built (*TimesLive*, 2018). A letter from a reader on Sowetan Live suggests that "the allocation of RDP houses cannot be addressed properly with refugees roaming our streets". It was further alleged that "crime statistics will always swell, especially murder, robbery and rape" (*Sowetan Live* 2019:np).

In contrast, Gerber (2019) reported that, according to Professor Loren Landau, claims that foreign nationals who migrated to South Africa are responsible for the pressure on public services are incorrect. Cook (cited in Hancock 2001:16) suggests that clear policies will reduce the violence and killings over the occupation of RDP houses as "social policies may have perverse effects, in making both crime and punishment more likely for vulnerable individuals and social groups".

#### **5.4 Economic explanations for violence**

The South African economy has proven unable to solve the rising unemployment which is standing at 29.1 percent (SA Stats 2020), as Shabangu (2006:7) posits, "joblessness breeds poverty which in turn breeds crime". The socio-economic



inequalities weaken the social integration of a community, since these inequalities widen the gap between social classes even further. Although the issues of poverty and income inequality are not the only causes of social crime, we cannot underestimate the economic forces that lead people to commit these crimes (Lab 2004:151).

Smith (2005:3) disagrees with the abovementioned views and asserts that the association of poverty with powerlessness does not mean that people who are poor or powerless will necessarily become involved in crime. Nevertheless, in 2015, South Africa observed a trend of attacks particularly in KwaZulu-Natal and Gauteng. These violent incidents were sparked by a labour dispute over the employment of foreign nationals. The South African citizens claimed that foreign nationals were the preferred employees because they agreed to work for less remuneration. Another reason that foreign nationals were preferred by employers was because they were easily manipulated and abused by the system because they were vulnerable. This issue is not a new phenomenon as Danso and McDonald (2000:814) point out that countries surrounding South Africa, such as Botswana, Lesotho, Mozambique, Namibia, Swaziland and Zimbabwe, have been acting as “reservoirs for cheap contract labour”. Atkinson (2020:np) states that migrant workers are confronted with possible discrimination in the workplace, limited access to formal employment, poor working conditions and occupational health and safety risks.

Analysts reveal that labour market conditions in South Africa deteriorated from the early 2000s. In the mining sector, the proportion of foreign workers began to decline after 1994. During the 1990s, South African mines had to undergo major downsizing and retrenchment of their employees that created social disruption and increased poverty. The process of restructuring resulted in local miners being laid off in numbers as compared to foreign workers. As a result, the proportion of foreign workers rose from 40 percent in the late 1980s to close to 60 percent in the 1990s. This externalisation of the workforce was predominantly advantageous to Mozambicans (Crush, Williams & Peberdy 2005:7). By 2006, 38 percent of workers in South African gold mines were foreigners. The increased levels of subcontracting and lack of monitoring contributes to the lack of accurate numbers of foreign miners in South Africa (Segatti & Landau 2011:20). Malpractices and failure to observe the Immigration Act 13 of 2002 and the Employment Services Act of 2014 contribute to the labour

problems in the country. Section 8(1) of the Act 4 of 2014 stipulates that employers may not employ foreign nationals within the Republic of South Africa prior to such foreign national producing an applicable and valid work permit, issued in terms of the Immigration Act.

The World News reported that Spar supermarkets, particularly those in Tshwane, Gauteng Province been found guilty of employing undocumented foreign nationals only. This is in contravention with the SA's labour and immigration laws that stipulate that they must employ a minimum of 60 percent of local people. Further, a national joint operation investigated and charged seven employers for employing undocumented foreigners following inspections of 56 businesses including hotels, retail shops, garages and panel beaters in Tshwane and Johannesburg (Ensor 2017). Section 49(3) of the Immigration Act, 13 of 2002 (RSA 2002) makes provision for a fine or imprisonment for an employer who knowingly employs a foreign national without a valid work permit. The researcher is of view that desperation to survive is the main cause of violence between South African citizens and foreign nationals. Von Holdt (2011:3) argues that "most people, who participate in violent activities, live in poverty and see no prospect of a change in these circumstances".

Little is known about other sectors such as domestic work, security and agriculture. However, the country's food security has been affected by the killing of South African farmers which has also been blamed on foreign nationals. The Citizen newspaper (2018) reported that the South African Police Service Provincial Deputy Commissioner, Jan Scheepers, warned farmers to refrain from employing foreign nationals. He further informed them that those who ignored the warning could face up to R15 000 fine if found guilty because "the reality was that there were foreigners who illegally entered the country and committed crimes within the community". Claassen and Roets (2015:10) point out that the level of violence and brutality that is employed during these farm attacks is "a unique element". The Institute for Security Studies, Dr Johan Burger (2018), said the main factor that makes farmers vulnerable and continue to be targeted is because they live in isolation.

South Africa saw a decline in the unemployment rate during the transition to democracy in 1994. Tshabalala (2014:519) reveals that unemployment increased

between 1995 and 2001, going from 15.6 to 30.3 percent. Even though studies reveal that there is a link between poverty and crime, this relationship does not occur concurrently, but in sequence (Cheteni, Mah & Yohane 2018:5). In 2019, News24 reported that hundreds of people marched in the Johannesburg central business district demanding that foreigners leave the country. The marchers targeted shops they believed to be owned by foreign nationals. Five people were reported to have died during this protest and most of the victims were South Africans.

The South African Human Rights Commission (SAHRC 2008:6) findings are that high levels of poverty and the lack of service delivery in local municipalities are regarded as causes of the current levels of violence (Nel, Swanepoel, Kirsten, Erasmus & Tsabadi 2005:26). The table below illustrates some of the ways social citizenship may be undermined and denied through a multiplicity of inequalities, which can be legal, civil, political, social, economic and environmental in character:

**Table 5.1: Undermining Citizenship**

<b>Elements of Citizenship</b>	<b>Undermining Citizenship</b>
<p><b>Civil and Political Rights</b></p> <p>Independence of speech and association</p> <p>Freedom from judgement</p> <p>Protection from the law</p> <p>Political participation</p>	<p>Limitations/conflicts over public order, political protest and the freedom of citizens</p> <p>Harassment and discrimination: along lines of race, gender, sexual preference, age, religion and (dis)ability</p> <p>Institutional racism</p> <p>Differential patterns of criminal victimisation</p> <p>Erosion of legal rights</p> <p>Increasingly limited political participation</p> <p>Lack of trust</p> <p>Disempowerment and disengagement</p>
<p><b>Social and Economic Rights</b></p> <p>Education</p> <p>Housing</p> <p>Health care</p>	<p>Inequalities in the establishment and quality of education, health and social care, housing, transportation and social amenities</p>

<p>To own property</p> <p>To consumer services</p> <p>Work and participation in economic life</p> <p>Welfare rights</p>	<p>Inequalities in health, unemployment, under-employment and low pay</p> <p>Erosion of levels of welfare benefits</p> <p>Asset and pension inequalities</p> <p>Benefit sanctions and restrictions</p> <p>Welfare policing of, and for, the family</p>
<p><b>Environmental Rights</b></p> <p>Beneficiary of benefits, in amenity and health, of a safe and clean environment</p>	<p>Lack of basic services – water, housing/shelter</p> <p>Poverty, mortality and disease</p> <p>Genetically modified crops and food</p> <p>Threats to biodiversity</p>
<p><b>Human Rights</b></p> <p>Respect for humanity</p> <p>Economic, social cultural rights</p> <p>Freedom from fear and from want</p> <p>Interdependence of all these aspects of human rights</p>	<p>Poverty</p> <p>Lack of voice/powerless</p> <p>Political repression</p> <p>Denial of a fair trial</p> <p>Conditionality of citizenship rights, e.g.:</p> <ul style="list-style-type: none"> <li>• Withdrawal of security and application of sanctions for non-compliance</li> <li>• Effective legislation for those whose behaviour is considered unacceptable or not inline with the social contract</li> <li>• Criminal justice conditional upon conviction</li> </ul>

Source: Adapted from Cook (1997:30)

The socio-political environment is also extremely important and there is usually much interaction between employment relations and socio-political variables (Nel et al. 2005:26). Theoretical and empirical efforts have long been directed toward exploring the relationship between unemployment and crime. The nation's correctional centres are overcrowded with thousands of African men, most of whom were unemployed at the time of the commission of their crimes. These men were from disadvantaged family backgrounds and, if they were employed, they were probably receiving low wages. These are the links between poverty and criminal behaviour (Myers & Simms

1988:189-190).

Research by Cheteni et al (2018:5) found that individuals who experience lack of personal self-development, opportunity of employment end up being involved in criminal activities as a means of survival and earning a living. Also, there are great disparities in poverty levels across racial groups, with majority of Africans living below the poverty line (Bhorat et al. 2017:1). Having a job with a good salary is likely to reduce the chances that an individual will turn to criminal activities (Hirschi 1969:np). However, Waters and Eschbach (1995:438) suggest that the immigration-crime association is likely to be negative, in large part because ethnic enclaves allow immigrants to find employment that yields better revenue to their human capital than would be found in the secondary labour market outside the area. Social injustice arises when access to material and non-material resources is not equally distributed (Bradshaw 2006:4; Loewen 2009:7). Research found that economic inequality and not poverty might be responsible for the committing of violent crimes (Patterson 1991:759). Blau and Blau (1982:np) found that, where these inequalities occur, violent behaviour is prevalent.

South Africa is identified as one of the most unequal societies in the world and that inequality is viewed as the key driver of violent crimes (Bruce 2010:3). In addition, foreign nationals have an increased experience of unemployment, low household incomes, discrimination and institutional barriers (Wortley 2009:353). Poverty denies human rights and corrodes citizenship (Arbour, 2005:4). There is little doubt that poverty has a strong connection to persistent and violent offending (Bartol & Bartol 2008:38) when the existence of a value gap between the different social classes in society is challenged. This has created a xenophobic problem as South Africans regard illegal immigrants as competitors for scarce job opportunities (Glantz 1996:8).

## **5.5 Drugs and crime**

Drugs and crime are central to the social order as society defines itself by excluding itself from drugs and crime (Hammersley 2008:124). There is clear positive association between drug dependence and social disadvantage, including unemployment and poverty (UNODC 2016:72). An increase in drug usage and dependency has

contributed to the high levels of crime as Naudé (2000:8) reports that, globally, studies show that 50 to 70 percent of all perpetrators of violent acts were under the influence of alcohol at the time of the crime. This might explain the high rate of crime committed when people are intoxicated because the use of substances has a mood-altering effect. This includes substances ranging from caffeine, nicotine, alcohol, prescription and over-the-counter medication to crack cocaine, heroin and methamphetamines (Helfgott 2008:306). Inevitably, crimes committed under the influence affect the drug users' judgement, self-control and ability to inhibit violent impulses.

Immigration might contribute to experimenting with drugs as a coping mechanism for unemployment or can affect drug use patterns that are aggravated by the lack of support from the family or community (Cheteni et al. 2018:5-6). Research has found that substance abuse contributes to violent crime (Helfgott 2008:308).

During the apartheid era, South Africa was semi-excluded and protected from international drug syndicates because of the stringent border controls and limited international trade.

“[South Africa's] geographic location, lax border control, weak criminal justice system, modern telecommunications, banking systems and international trade links with South America, North America, Asia and Europe endanger the country to the transshipment of drugs” (Nyabadza & Coetzee 2017:1).

In Africa, the Nigerian syndicates began to participate in drug trafficking, using South Africa as a strategic “shipment route”. From the mid-1980s, South Africa saw a decrease in the arrival of Nigerian syndicates into the country (Van Heerden 2010:30). The 2012 report by the International Narcotics Control Board (INCB) notes that Nigeria has the highest trafficking and drug use in West Africa (Nwannennyana & Abiodun 2017:2).

Louw and Shaw (1997:5) are of view that the use of drug and alcohol influences a users' behaviour but does not necessarily influence the onset of a criminal career. There is a shared view that, although drugs have diverse effects, they are all unsafe in one way or the other (Hammersley 2008:31). Further, drugs are related to crime as they are indirectly associated with inciting criminal behaviour (Cheteni et al. 2018:7).

**Table 5.2: How discourse about drugs varies: A systematic mapping**

Dimension of variation	Examples
Drug	Alcohol, tobacco, cannabis, heroin, cocaine, ecstasy, nyaope, dagga, marijuana
Set: who is using?	Addict, parent, role model, peer, child Anti-model, stranger, criminal
Setting: where is use occurring?	Home, club, pub, car, residences in higher learning institutions
Perspective: who is observing or describing?	Self, parents, health, criminal justice, education, peer group
Timing	Past, current, future
Level: what social level of description is being presented?	Social, psychological, biological
Narrative tone	Tragedy, comedy, irony, romance

Source: Adapted from Hammersley (2008:32)

The relationship between drug use and criminal activity is complex. The causal relationship, however, is unclear. Failure to conclusively classify the causal link does not necessarily render the relationship useless to crime prevention (Lab 2004:224). According to the World Drug Report (UNODC 2016:94-95), although the relationship between drug use and violent crime is still under-researched and not clearly defined, some connections exist between the two phenomena. There are research studies that suggest that certain drugs tend to drive the association between drug use and crime that includes property crime, drug law offences and drug dealing. Walters (1994:2) argues that the drug-crime connection must be proven by investigating the existence of self-indulgence, social dissatisfaction and legal-political factors.

The following is a summary list of the relationship between drugs and violent behaviour.

**Table 5.3: The relationship between drugs and violent behaviour**

Drugs and crime relationship	Definition	Examples
Drug-related offences	Offences in which drugs contribute and are connected to drug distribution and enables users to earn an income to sustain use	Aggressive conduct resulting from drug effects or violence against rival drug traders
Drug-defined offences	This comprises offences such as violations of laws, prohibiting the use, supply and production of illicit drugs	Farming, use of and sales of marijuana, including sales of cocaine, heroin, nyaope and dagga, etc.
Drug-using lifestyle	The prospect and likelihood of participating in illegal activities is increased by unemployment and exposure to such a lifestyle	Available opportunities to offend resulting from illegal activities and illegal markets

Source: Adapted from Cheteni et al. (2018:7)

Nyabadza and Coetzee (2017:1), argue that opportunity plays a role in determining deviancy and drug related offences and they conclude that drug related crimes are committed because of weak law enforcement throughout South Africa. Their research shows that drug-related crimes are usually linked to poverty and inequality (Cheteni et al. 2018:13). The fact that substance use is related to criminal activity cannot be disputed. White and Gorman (2000:151) explain that the complex relationship between drugs and crime as: “(1) drug use leads to crime; (2) crime leads to drug use; and (3) that both drug use and crime are caused by the same factors”.

Understanding the effect of the abovementioned contributory factors toward offending plays a fundamental role in identifying personality traits and behavioural patterns based on the characteristics of the crime. Criminal profiling is much more complex than this as it involves a multilevel series of attributions, correlations and predictions.



## 5.6 Firearms and crime

The issue of illegal firearms has been a cause of concern since 1996 when the South African Service found that firearms smuggled across the country's international borders played a role in violent crimes in the country. In addition, it was found that two of the sources that played a role in the supply of these illegal firearms to criminal groups in South Africa are "hidden arms caches in Mozambique and firearms sold in the northern Namibian area of Rundu and Kavango near the border of Angola" (Hennop, Jefferson & McLean 2001:9). This discovery is supported by Naudé (2000:3) who states that the liberation struggle and wars that occurred at the borders of countries, such as Angola and Mozambique, might have contributed to the availability of illegal firearms in the country. Rossouw (cited in Thobane 2014:86) established that some members of Umkhonthe weSizwe and foreign nationals from Mozambique played an active role in the supply of high calibre weapons to armed robbers. Further, Thobane (2014:86) and Willis (2006:4) found that these professional offenders mostly purchased these weapons at Johannesburg (Hillbrow) and Pretoria (Sunnyside).

According to the *eNCA* report (2019), 184 illegal guns were confiscated by the Hawks in Cape Town and Gauteng. Further, Captain Philani Nkwalase, the Hawks provincial spokesperson, mentioned that "some of these firearms, the automatic rifles, you will find being used in cash-in-transit heists, so really, they should not be in ordinary people's hand". Nevertheless, in June 2020, the *Daily Maverick* reported that an arrest was made on an alleged underworld syndicate that involved former and current SAPS officers and foreign crime syndicates. It was further alleged that the suspects plotted with officers at the Central Firearm Registry (CFR) to acquire unlawful firearm licences. Johan Burger, senior researcher at the ISS, said the arrest of the accused is a demonstration of how easily criminals gain access to fraudulent SAPS members including those in senior positions.

Participants in this study who used illegal firearms in the commission of criminal acts confirmed that purchasing a gun in South Africa is easy, uncomplicated and inexpensive (see Chapter 8). Siegel (2018:48) concludes that the availability of firearms has a profound influence on patterns of violent crime. Conklin (1998:180-181) indicates that a firearm is used in 20 percent of robberies. According to Snodgrass

(2015:np), “gun-related murders are the leading cause of violent death, placing the country second in the world after the US”. Further, it was reported that, in the post-apartheid state, guns were easily accessible at an alarming rate either through theft, negligence, fraud or corruption. Although the connection may not be linear, availability of weapons in most conflicts or crimes are key in the contribution of transgressions (Harries 1990:182). An example of foreign nationals committing violent crime, in most cases with the use of illegal firearms, was reported by News24 in 2015. It involved three Zimbabweans who murdered a former world heavyweight boxing champion during an armed robbery at a birthday party in Oukasie, Brits. The deceased was shot with an illegal firearm. All three offenders were sentenced to 43 years each.

### **5.7 Department of Home Affairs on ports and borders**

The Department of Home Affairs is responsible for the administrative control of the ports of entry and the entry and departures of persons. Section 9 of the South African Immigration Act 13 (RSA 2002) regulates the admission and departure processes that oversee individuals’ movements, including the monitoring of who enters and departs from the country. Section 10 of the Immigration Act 13 (RSA 2002) states that anyone wishing to enter or depart from the Republic must do so at a port of entry (Mauritz 2018:170). However, in the past few years, large numbers of people from neighbouring countries have crossed South African borders illegally to seek work and settle in urban areas. South Africa’s ports of entry include 4 862 km of borders, which are shared with six countries, Zimbabwe, Botswana, Lesotho, Mozambique, Namibia and Swaziland (Hennop et al 2001:11), ten international airports and eight entry-ports that syndicates use to enter South Africa (INCB 2012). According to Hiropoulos (2017:1), “realistic estimates of migration based on triangulation from a variety of data sources indicate that two to three million foreign nationals currently live in South Africa”. This number includes both documented and undocumented migrants, refugees and asylum seekers. Foreign nationals in the country are mostly from Africa and predominantly from Zimbabwe, Mozambique, the Democratic Republic of the Congo, Angola, Somalia, Rwanda and Malawi.

The importation model is generally used to explain the presence of international crime syndicates, criminal gangs, and terrorist organisations because some individuals

migrate with the aim of engaging in deviant behaviour in the receiving country (Wortley 2009:352). Policy initiatives related to the importation model consist of improved screening of potential foreign nationals and refugees, better tracking of international criminals through cooperation with foreign police agencies, the restriction of immigration from “crime-prone” countries and the swift deportation of immigrants who are convicted of criminal offences. Dr Johan Burger from the Institute for Security Studies (ISS) reports that “South Africa is a land of opportunity for foreign criminals” and claims that there are many serious consequences of illegal migration. He explains that crime is no longer about borders as “[t]he planet has been reduced to the size of a computer screen”. However, he also emphasised that “not everyone comes across the borders to commit crime, many are fleeing situations of conflict, unemployment, poverty ... they see South Africa but then criminals come here in search of opportunity” (Martin 2011:np). These observations were reiterated during a briefing with Radio 702, on South Africa’s 2017/2018 crime statistics. At this briefing, Minister Bheki Cele said that the country needed more police officers as the population had grown from almost 54 million in 2010 to 57.3 million but National Commissioner, Khehla Sithole, said that the figure “excludes the undocumented migrants in the country”.

According to Prof. Mike Hough, former Director of the Institute for Strategic Studies at the University of Pretoria, some of the problems arise because of the lack of border security. He outlined issues that arise as direct effects of a lax border that include human trafficking across borders and the illegal movement of goods, such as “counterfeit cigarettes, stolen vehicles, small arms and drugs”. Further, he indicated that “border security is largely focused on ports of entry and not the border line, but the border line is nearly in a state of collapse” (DefenceWeb 2011:np). This problem is demonstrated by environmental crimes, such as poaching, committed at the border of the Kruger National Park. For instance, in 2010, 333 rhinos were killed, nearly triple that of the year before (DefenceWeb 2011:np).

Phakgadi (2018:np) reports that the majority of undocumented foreign nationals are arrested between Musina and the Beit Bridge border post in Limpopo. Ngomane (2010:18) argues that, in post-apartheid South Africa, demarcated borders are viewed as porous and thus encourage illegal migration. Mabudusha (2014:132-133) argues that foreign nationals who do not wish to enter at the port of entry are still able to gain

access to the country. The study revealed that, the further one moves away from the port of entry, the greater the chances of entering the country with ease but highlighted that such entries are dangerous. It has been found that securing ports of entry and borders will not solve the problem entirely as the economic and political situation in countries, such as Lesotho, Mozambique and Zimbabwe, is driving millions of people across the border (DefenceWeb 2011:np).

South Africa is perceived as superior to the rest of the African continent due to its levels of industrialisation and democracy (Neocosmos 2010:391). Gashaw (2017:np) argues that

“[i]mproper border design and the partitioning of ethnic groups have contributed to underdevelopment and instability in African states. In addition the disconnect between center-periphery relation demonstrated by the exclusion by some African states of borderland communities in economic development exacerbate the challenges, the lack of economic, social, social, and political development and limited upward mobility exposed borderland communities to a number of human security problems, including widespread poverty, lack of infrastructure, limited education, and cross-border intergroup conflict”.

According to Mabudusha (2014:134), this might be caused by networks that are used to assist foreign nationals to cross borders and to find accommodation and basic needs on arrival in the new country. Okreye (2018:20), assert that immigrants are prone to creating networks and self-sustaining ways of coping with life in a new country which has a direct influence on the potential immigrants decision to migrate.

Crime and security have become intimately linked, cutting through traditional conceptual boundaries between domestic and international governing (Friman 2009:104). The best common way of addressing movement of goods and people that cannot be controlled physically is to use the image of fluidity as streams of foreign nationals enter the country (Van Schendel & Abraham 2005:40). The discourse on illegal flows is based on constructing multiple contrasts between flows and borders. During the apartheid years, and due to stringent border controls and limited international trade, South Africa was semi-excluded from exploitation by the international drug syndicates. Chêne (2018:2) found that weak institutions, inadequate

governance and border policing increase Africa's border porous and affects the management movement of people and goods the country.

South Africa, when compared to other major migration destinations across the world, lacks monographs and empirical data on foreign nationals who have been in the country for a long period (Segatti, Adeagbo & Ogunyemi 2012:6). This problem cannot be resolved by South Africa on its own but calls for corroborated efforts by all African states. The Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) is the primary force in Southern Africa for the prevention of cross-border crime. This organisation was formed in 1995 in Zimbabwe and has since been used as a benchmark for international police cooperation. The types of crimes that have been prioritised in the SADC region and SARPCCO are, among others, firearms and explosives, illegal immigrants, stolen and lost travel documents and crimes against women and children. All African states should consider reviving this movement to fight crime and illegal entry into neighbouring countries.

## **5.8 Conclusion**

From the above, it is apparent that, although immigration is a vastly complex social process, it is essential for scholars and the wider public to have an open mind in trying to find solutions. It is imperative to understand the relationship between immigration and crime and also how it affects society. Despite the well-known shortcomings of official crime statistics and criminological analyses of crime rates, the researcher believes a comprehensive and balanced literature review will improve knowledge of the subject. Further, the following questions are important in understanding the link between foreign nationals' offending and crime in South Africa:

- (i) Do crime rates observed within foreign nationals differ from those observed in the majority of the population?
- (ii) Are there differences in the distribution of crime types?

Because there are gaps between the total number of incarcerated foreign nationals and what the media and officials are stating, it is important to discuss the limitations and complexities involved in making cross-national comparisons of crime and particularly of crime involving immigrants. While the inadequacies of official data

sources are well known, it is the researcher's view that it is inappropriate to generate profiles based on a lack of conclusive information.

The subsequent chapter focuses on the rehabilitation programmes offered to incarcerated offenders by the Department of Correctional Centres.

## **CHAPTER 6: PERSPECTIVE ON SOUTH AFRICAN CORRECTIONS PRACTICES ON LONG-TERM OFFENDERS AND REHABILITATION PROGRAMMES**

### **6.1 Introduction**

The first written documents of Western society provided consequences for deviant behaviour. Initially, the first approach to dealing with crime was punishment or seclusion from the social group (Bartollas 1985:2). Institutions, such as the police, the courts and correctional system, control crime, protect members of the community by keeping offenders in custody and try to correct their deviant behaviour (Matshaba 2007:24). Subsequently, corrections formed a part of society's interventions of social control with the objective of rehabilitation or the neutralisation of the deviant behaviour of offenders. Although corrections are generally considered the final stage in the criminal justice system, some aspects of corrections, however, come into play early in the process.

The term "criminal justice" is used to refer to the system of justice. The SA components of the criminal justice system include the police, courts and corrections. Because it contains a variety of organisations and agencies, each component can be termed a "subsystem". The subsystem of corrections, for example, includes correctional centres, agencies of probation and parole, jails and a variety of alternative programmes (Schmallegger & Smykla 2009:14). Criminology is the body of knowledge from which the practical application of corrections emerges. It is a multidisciplinary science that seeks to comprehend the causes, dimensions and implications of the multifaceted social disorder called crime and how to treat deviancy. It also appreciates that crime and deviancy is complex and changes across cultures and no single explanation can unpack the complexity of this phenomenon. Therefore, examining the characteristics of the individual offenders only, without considering the influence of the environment in which crime occurs will be a futile exercise (Reid 2018:94).

The South African Justice System and the department are prescribed to deal with offenders in their custody within the framework of the existing laws. According to the White Paper on Corrections (RSA 2005:61), for the department to deliver services

effectively, it must adopt a needs-based approach to rehabilitation. It further plays a central role in balancing the causal factors with the unique offence profile of the individual offenders. The primary objective of correctional institutions is to rehabilitate offenders so they can re-enter society as contributing citizens. The aim of profile-based rehabilitation is to encourage an offender to adopt acceptable values and norms. This chapter will focus on rehabilitation in the South African Correctional Centres and the practices and procedures which the department follows.

## **6.2 Incarceration of foreign nationals in South African Correctional Centres**

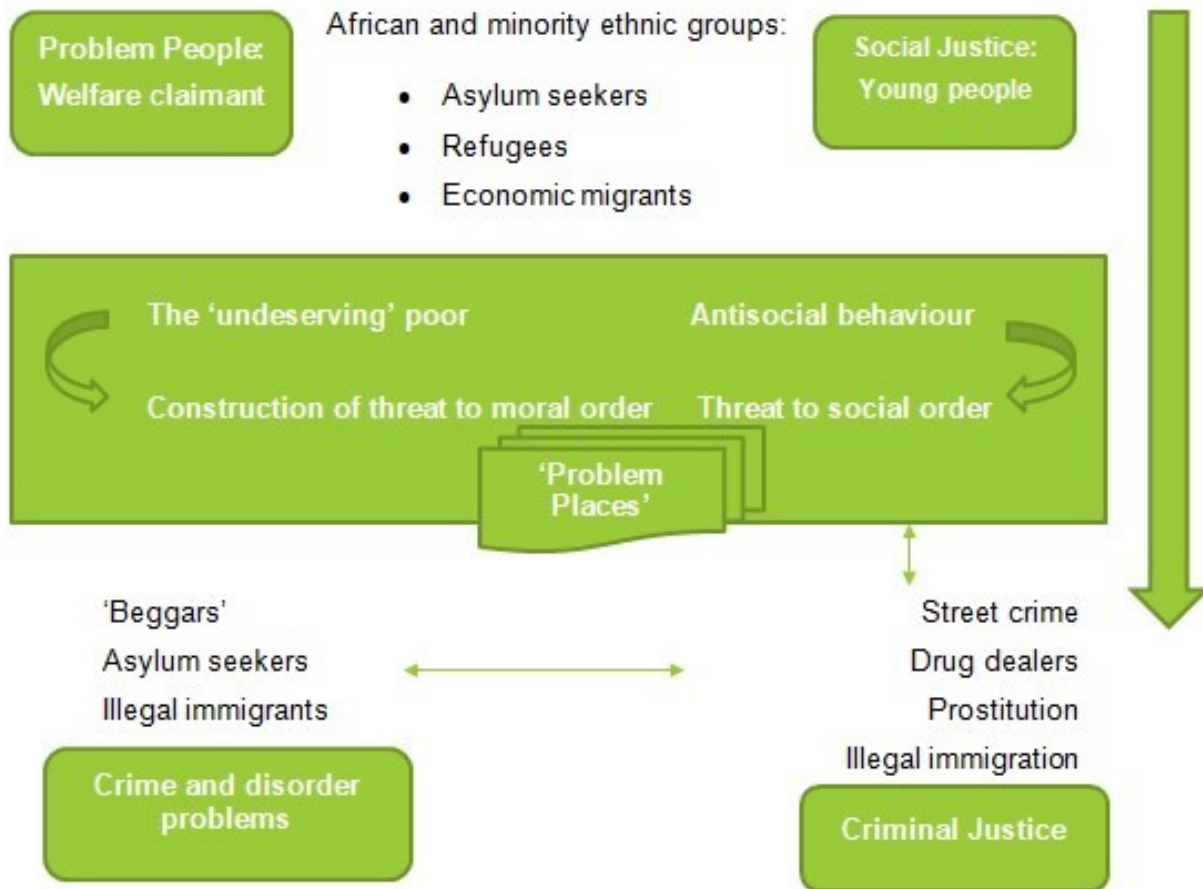
Africa is a highly diverse continent and home to thousands of different ethnic groups yet there is a scarcity of research examining the relationship between foreign nationality and crime in the African context. The immigration policy in South Africa was developed during the transition from the apartheid regime to a democratic South Africa (Tati 2008:423). Over the years, political parties reacted to the influx of immigrants to South Africa because they believed that the immigrants were involved in deviancy and criminal activities. Research on individual and group differences, mainly on sex and race, often cause debate and harsh critiques of researchers who document them (Nyborg 2019:139). When dealing with differential behavioural research, there is often a misrepresentation of facts on individual and group differences in science, literature and the media (Nyborg 2019:140), hence the criticism. “The tone of the discourses is, to a large extent, anti-immigration while a great deal of uncertainty and speculation surrounds the real magnitude of undocumented migrants” (Tati 2008:434) because “[c]entral to this sense of self and security is the casting of somebody else as ‘the other’, the opposite of oneself, whose vices ... are the inverse of our virtues” (Young cited in Cook 2006:169).

“minority ethnic groups, the young, the undeserving poor, crime problems places people and problem people are interrelated. The list of people and problems within this diagram is far from exhaustive not least because these processes are fluid and dynamic” (Cook 2006:169).

Figure 6.1 below summarises some of the issues raised here while, at the same time, it represents ways in which social constructions of



**Figure 6.1: Construction of Relations between Social and Criminal Justice for “Other” and “Problem Groups”**



Source: Adapted from Cook (2006:170)

This figure explains immigration issues in England however there are striking similarities with what is happening in South Africa where immigrants are concerned. This figure summarises the principal themes and details involved in understanding the connection between the offender and present-day societal perceptions. Often there is very little conclusive information on the background and character of the perpetrators that might aid in regulating offender risks. A noticeable change is the increased rate of foreign nationals in South African correctional centres across the country. Setelela (2018:69) argues that, since the late 1990s, South Africa has seen the prosecution of undocumented foreign national offenders. The researcher is of view that the media coverage and debates about undocumented foreign nationals and criminal activities is because of a lack of credible information.

During the 2019 National Assembly address, the Justice Minister, Mr. Ronald Lamola,

announced that there was a total of 13 437 foreign nationals incarcerated in South African Correctional Centres at that time. It must be noted that the numbers of those awaiting trials were not disclosed.

The researcher is of the opinion that DCS must give a breakdown of nationalities of foreign nationals because it is perceived to be a racial issue and that African states have no Inter-State Transfer Agreement. Schmallegger and Smykla (2009:20-21) argue that the notion of race is recognised as a social construct and is not viewed as an objective “biological fact”. To say that race is a social construct means that racial distinctions are culturally defined. It does not mean however, that such distinctions are without consequences. On the contrary, social significance is attached to biological or other indicators of race that play a role in social relations. The relationship between ethnicity and race is complex therefore, even though there is a connection, they must be viewed as distinct notions (Wan & Vanderwerf 2009:7). Significant overlap exists between the concept of race and that of ethnicity. Ethnicity is most closely connected with cultural heritage. Members of an ethnic group generally share a common racial, national, religious, linguistic and cultural origin (see Chapter 5 and Chapter 8).

**Table 6.1: Three Basic Approaches to understanding Ethnicity**

Perspective	Description
Primordialist Theories	Ethnicity is rooted at birth. Ethnic identity is entrenched on “primordial” and deep attachments to a community or culture.
Instrumental Theories	Ethnicity is commonly grounded on people’s “historical” and “symbolic memory”, however, leaders are likely to use it as an exploitation tool in order to serve their own interests.
Constructivist Theories	Ethnic identity is viewed as “fluid and subjective” because is not something people have power over but something they construct in certain social and historical contexts.

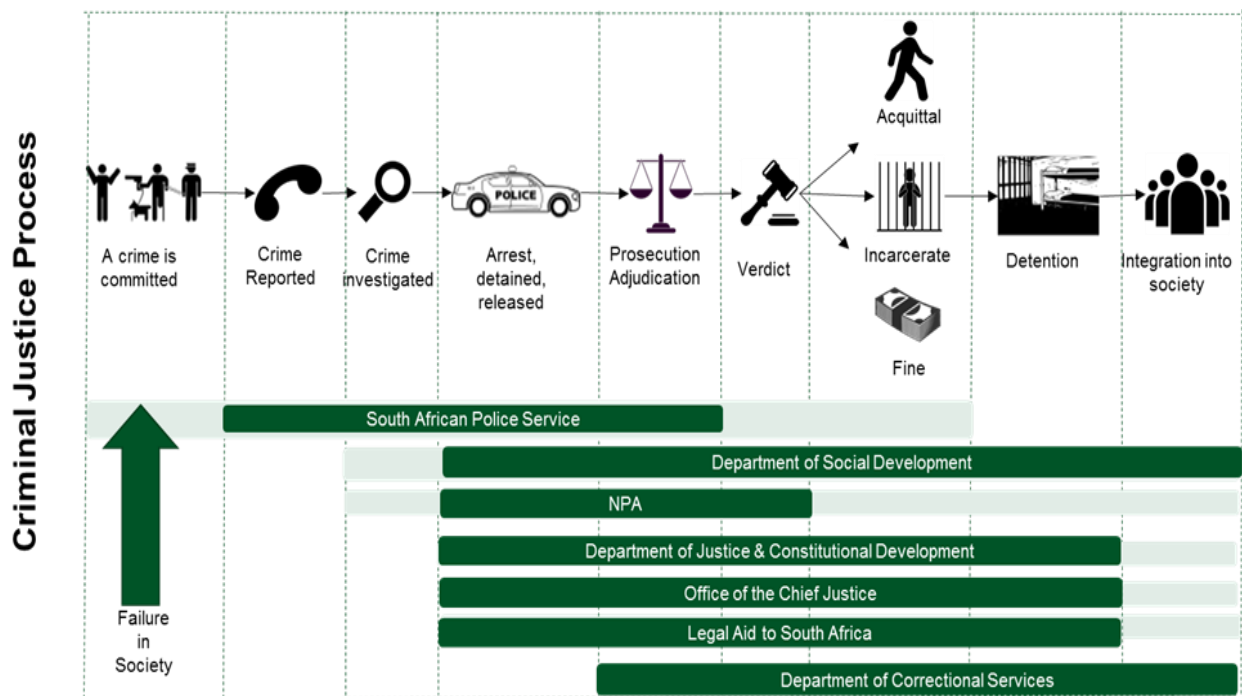
Source: Adapted from Wan and Vanderwerf (2009:8)

In the field of corrections, diversity matters are based on four perspectives: (1) as they impact individual correctional clients; (2) as they determine correctional populations and trends; (3) as they affect the lives and interests of those working in the field of corrections; and (4) as they change the operational and structural functioning of correctional institutions, services provided and programmes (Schmallegger & Smykla 2009:32).

Available data consist primarily of official arrest and incarceration statistics, which frequently do not reflect true overall or specific crime rates, much less crime rates for the immigrant population. Although there are data limitations regarding research on immigration and crime, little data exist that provide information on foreign nationals, immigration processes or community level factors that have a bearing on immigration related crime.

After an arrest until prosecution, there are several role players from the criminal justice system involved. The figure below illustrates the South African Criminal Justice process.

**Figure 6.2: Criminal Justice Process**



Source: Adapted from POPCRU (2019:47)

The process of establishing whether to prosecute starts when the police present a docket to the prosecutor. The South African Constitution empowers the National Prosecuting Authority to institute criminal proceedings on behalf of the State. The prosecutor can also drop the charges after filing them. The prosecutor must consider whether to request the police to investigate the case further to:

- institute a prosecution;
- enter into a plea or sentence agreement;
- decline to prosecute and to opt for pre-trial diversion or other non-criminal resolution; or
- decline to prosecute without taking any other action (National Prosecuting Authority of South Africa 2013:5).

Section 195(1)(g) of the Constitution (RSA 1996) requires the public administration to be transparent and furnish the reasons for the decision made by the prosecutor. This is because the decision to prosecute or discontinue a case has serious implications on the law enforcement agencies, the suspects, victims, witnesses and the

community. The prosecutor's primary function is to assist the court in arriving at a just verdict and, in the event of a conviction, a fair sentence based upon the evidence presented. The stakeholders should ensure that the interests of victims and witnesses are promoted without negating their obligation to act in a balanced and honest manner (The National Prosecution Policy 2013:4). Police and courts have a role to play in the prevention and reduction of criminal behaviour. By imposing appropriate sentences, the courts deter future deviant behaviour by the offender and others who commit criminal acts that endanger the community (Cavadino & Dignan 2007:3). If charges are not filed, the accused must be released.

Chapter 28 (ss276) of the Criminal Procedure Act 51 of 1977(1) stipulates that the following sentences may be passed upon a person convicted of an offence, namely:

- (a) imprisonment, including imprisonment for life or imprisonment for an indefinite period as referred to in section 286B (1);
- (b) periodical imprisonment;
- (c) declaration as a habitual criminal;
- (d) committal to any institution established by law;
- (e) a fine;
- (f) correctional supervision;
- (g) imprisonment from which such a person may be placed under correctional supervision at the discretion of the Commissioner or a Parole Board.

If an offender is arrested, booked and incarcerated, the intake, custody, confinement and supervision aspects of corrections come into play at this stage of the criminal justice system. There is no debate on the effects of incarceration on delaying recidivism, but the general probability of rearrests after serving a correctional sentence is not reduced but instead might increase (Siegel 2011:100). Skelton (2004:43) argues that rehabilitation has no effect on life-sentenced offenders. Since crime upsets the moral and social order of the state, punishment is necessary for restoring balance (Muthaphuli 2013:16). Hence, the utilitarian models advocate for crime control that is viewed as the main goal of punishment. Utilitarian theory of punishment seeks to

punish offenders and promote deterrence and regulate criminal activities (Barton-Bellessa & Hanser 2012:44).

Attempting to understand the surge of foreign nationals in correctional centres has proven very difficult as there is a lack of reliable statistics. The continuous growth in the diverse populations of offenders creates challenges, pressures and demands in the corrections operation environment. This is because correctional centres have turned into mechanisms of segregation and control (Garland 2001:177). However, the current state of violence and lawlessness displayed in maximum-security correctional facilities questions the future and purpose of correctional treatment (Schmallegger & Smykla 2012:287). There is a continuing debate on the effect of incarceration on the crime rate (Siegel 2011:101). Correctional centres play a vital role in ensuring the safety of society by controlling offenders' movements through custody, especially those considered to be dangerous. Incarceration of such offenders is in line with the African Charter, Article 27(2) as it places limitations on the exercise of right by an individual for the protection of the rights of others, and in the interests of collective security, morality and the interests of others. Unfortunately, violence has proven to be a serious problem in correctional facilities and demonstrates the seriousness of behavioural problems of offenders. Further, it shows that an attempt to resolve it through the criminal justice system is bound to fail because it does not address the underlying causes of what triggers the violent behaviour (Harries 1990:169). However, the goal of punishment is not only sentencing.

The forms of crime typologies are those alleged to have been committed by foreign nationals in the country. These crime typologies are classified in legal categories as discussed below.

### **6.3 Forms of violent crime in South Africa**

Criminal behaviour is disruptive and threatens the general welfare and safety of society. It is widely known that SA has one of the highest crimes and recidivism rates in the world (Thinane 2010:1).

**Table 6.2: Forms of violent crimes in South Africa**

CATEGORY	TYPE OF VIOLENCE	CHARACTERISTICS
A	Physical attacks sparked by arguments or domestic related differences and other circumstances (includes Murder A)	Interpersonal violence of various degrees of severity, often linked to arguments or anger or patterns that display intimidating and controlling behaviour
B	Robbery and other violent property crimes (includes Murder B)	Violent property crimes. This include burglary where violence can be used if perpetrators feel threatened.
C	Rape and sexual assault (include Murder C)	Sexual offences
D	Violent child abuse (includes Murder D)	Violence or sexual abuse within a domestic context is as a way of controlling and taking advantage of a child in a sexual way
E	Eruption of violent incidences because of territorial disputes, markets or power (Murder E)	Includes taxi violence, organised crime or individuals involved in drug syndicates, rivalry between gangs or between political parties over constituencies. This includes hate crimes and xenophobic attacks
F	The use of excessive and unwarranted force by public or private police or security, torture and vigilantism (includes Murder F)	Citizens and law enforcement officials, such as police officials, taking the law into their own hands.
G	The use of violence to resist law enforcement agencies interventions (includes Murder G)	Police official's violent attacks and this may include violence against private security officers carrying out their duties in accordance with the law
H	The use of violence against the state and economic institution in a form of terrorism and violent protests (includes	Oppositional violence aimed at institutions

	Murder H)	
I	Serial killers (includes murder I)	Title is self explanatory
J	Other violence (Murder J)	Includes intentional and planned murders. This category includes racially motivated murders, or other hate crimes that are not clearly characterised under other categories, such as A or E.
K	Kidnappings (Murder K)	Title is self explanatory
L	Unlawful and negligent actions that may the cause physical pain or injury	These are killings associated with negligence

Source: Adapted from CSVR (2007:57)

Statistics SA released the Victims of Crime Survey (VOCS), which was drawn out from the Governance, Public and Justice Survey (GPSJS) revealed that 12 000 murders were committed in the period 2018/19. On the other hand, the same report noted that SAPS data recorded 32 000 murders during the same period. The discrepancy between the two analysis puts an emphasis on the lack of reliable data in the country. However, the GPSJS explained the discrepancy in the estimates of recorded murder cases and SAPS statistics as influenced by the fact that GPSJS estimates are based on murders that are known to households while SAPS handle murders that may not be known to households such as murders of homeless people, immigrants, temporary visitors and gang related murders. The most common weapons used in home robbery were guns (54 percent) and knives (47 percent). Thirty-two thousand incidences of hijacking of motor vehicles and trucks took place.

The increase in crime rates came with debates, perceptions and myths, among politicians, members of the community and the media that the incidents of crime and violence were committed by undocumented foreign nationals in the country. Some of these perceptions are that foreign nationals know that committing crime in this country has few repercussions as those arrested for minor crimes do not serve time in our correctional centres because of corrupt of officials and poor investigations of such cases. Setelela (2018:70) claims that some of these offenders are released through



fine options or sentence expiry date and get deported to their country of origin.

The inconsistency in the reporting of foreign nationals' deviancy in the country has exacerbated the problem as the government and relevant stakeholders operate on assumptions. Public perception is that majority of incarcerated foreign nationals in South African Correctional centres are there for violent and aggressive crimes that include rape, murder, armed robbery and theft (Setelela 2018:70). Further, Setelela (2018:72) asserts that such offenders are classified under a category of offenders who need special protection. These categories are classified as follows:

- Ordinary inmates who fear for their lives in correctional facilities
- Celebrities
- High profile offenders
- Former law enforcement officers

Helfgott (208:498) suggest that criminology or criminal justice is a field that cannot be understood without recognising the context of its professional practice and application. However, it has proven difficult for policymakers to be well-versed with current crime trends and patterns which has a negative bearing on approaches that can be adopted to assist in understanding criminal behaviour. It is crucial to understand the criminal mind in order to reveal the type of person who committed any given crime (Kocsis 2007:49). The basic premise of profiling relies on the inferences about the characteristics of an offender. This information is crucial in enlightening a researcher on the use of suitable scientific methods that will assist in gathering information on the offenders' previous offenses and possibility of similar offences being committed in future. For this paradigm to be valid, the information from which these typologies are developed must be reliable (Kocsis & Palermo 2007:334).

#### **6.4 Philosophy and goals of criminal sentencing**

Contemporary sentencing of offenders is still linked with the historical philosophies of punishment. While philosophers argue why a wrongful act should be punished, social scientists, on the other hand, maintain that criminal punishment upholds social order. The premise of their argument is that punishment reduced the likelihood of continued

deviant behaviour and has a deterrent effect on potential offenders. Although incarceration is based on rehabilitation and treatment programmes, punishment is still its main objective in society's view (Schmallegger & Smykla 2009:71). This is because criminal offence causes damage to the victim and society, therefore, to ensure that the victim's rights are safeguarded would be to impose a criminal punishment on the offender (in the form of incarceration) (Maculan & Gil 2020:134). Generally, punishment is viewed as the only probable form of reparation for serious human rights violations.

The balance between offender punishment and rehabilitation is subject to considerable debate. Hence, it is important to understand the objective of sentencing Schmallegger and Smykla (2009:73). Punishment of an offence is clustered in the following four justifications: retribution, deterrence, rehabilitation and incapacitation. There is also a promotion of criminological strategies that include restorative justice (RJ) and therapeutic jurisprudence as responses to misconduct (Marson 2015:19) because rehabilitation echoes the restorative justice principles.

In order to understand the nature of punishment, it is important to first examine its conceptual basis then consider the various theories that have been developed to morally justify society's infliction of punishment. In the philosophical debate about punishment, two main types of theories of punishment dominate – the utilitarian theory and the retributive theory. Theories that set the goal of punishment as a preventative measure for future crime are referred to as utilitarian. Utilitarian philosophers emphasise that punishment can only be justified if the harm that it prevents is greater than the harm inflicted on the offender through punishing the offender (Hudson 1996:18). Under utilitarianism, only if punishment did not “deter, incapacitate, or facilitate rehabilitation would it be considered wrong” (Pollock 2005:6).

**Revenge and Just desert:** Revenge as a punishment is associated with retaliation and includes an emotional response to criminal victimisation. Offenders are also regarded as morally blameworthy and deserve the punishment meted out to them. Just desert asserts that offenders are morally blameworthy and deserving of punishment. It also restores the normal balance disrupted by crime (Schmallegger & Smykla 2009:73)

**Retribution:** Retribution is impersonal and balances the harm that the act of crime has caused. The retributive rationale proposes that people enter willingly into social contract by giving up a portion of their individual independence for the return advantage of protection. Therefore, the right of society to punish lies in the social contract (Pollock 2005:4).

**Deterrence:** General deterrence involves deterring potential offenders from offending by way of punishment for the offence committed. Marson (2015:21) asserts that deterrence theory is regarded as an early modern approach to crime in which punishment is viewed as a social disruption which society must control. This perspective maintains that people are rational and are self-interested. There is a general view that punishment must outweigh the benefits gained by wrongdoing. Pollock (2005:19) postulates that specific deterrence is when the individual does not commit further crime because of the punishment.

**Incapacitation:** Incapacitation is the notion that the primary goal of punishment is to incapacitate the offender to protect society from any future offences that the criminal may commit. The purpose is to protect society from the potential danger that the criminal may impose (Marson 2015:22). Individuals who commit crime and cannot be assisted through restorative justice measures must be segregated from society.

**Rehabilitation:** The rehabilitative model is a modern strategy of responding to crime which is often linked to the emergence of the social sciences. The rehabilitative response focus is on the offenders' social past, which is absent in both retributive and deterrence philosophies. The attempt to rehabilitate is often done by treatment that is specifically geared towards the offender (Marson 2015:22). Both deterrence and rehabilitation functions of punishment have less significance when dealing with criminalities that are not a result of deviant conduct but are a consequence of corrupt institutions or of inter-community conflict. The methodical nature of crimes emanating from the abovementioned influences requires a comprehensive response that will deal with varied structural measures that eradicate or, at least, reduce the ground on which the philosophy of the criminal system or origins of the conflict originated (Maculan & Gil 2020:147).

**Restoration:** The approach of DCS towards rehabilitation is informed by commitment to the application of the principles of restorative justice. DCS adopted the restorative justice approach in May 2000 as one of its key strategies towards the rehabilitation of offenders. This outlines an alternative philosophy, requiring correctional services to devote to:

- providing offenders with an enabling environment to make amends with their victims and community;
- increasing the skills of offenders;
- enabling victim-offender mediation that protect the public, victims and offenders through procedures in which all active participants are safe (Bailey & Ekiyor 2005:24-25).

Crime is mainly an offence against human relationships and secondarily a violation of a law. RJ practices of dealing with offending behaviour, is based on the understanding that restorative processes could be used in conjunction with the retributive system of justice (Bailey & Ekiyor 2005:10-11). According to Banks (2013:118), “rather than separating out the offender as a subject for rehabilitation, restorative justice sees social support and social control of offenders as the means of rehabilitation”.

### **6.5 An overview of South Africa’s Correctional Centres and its operations**

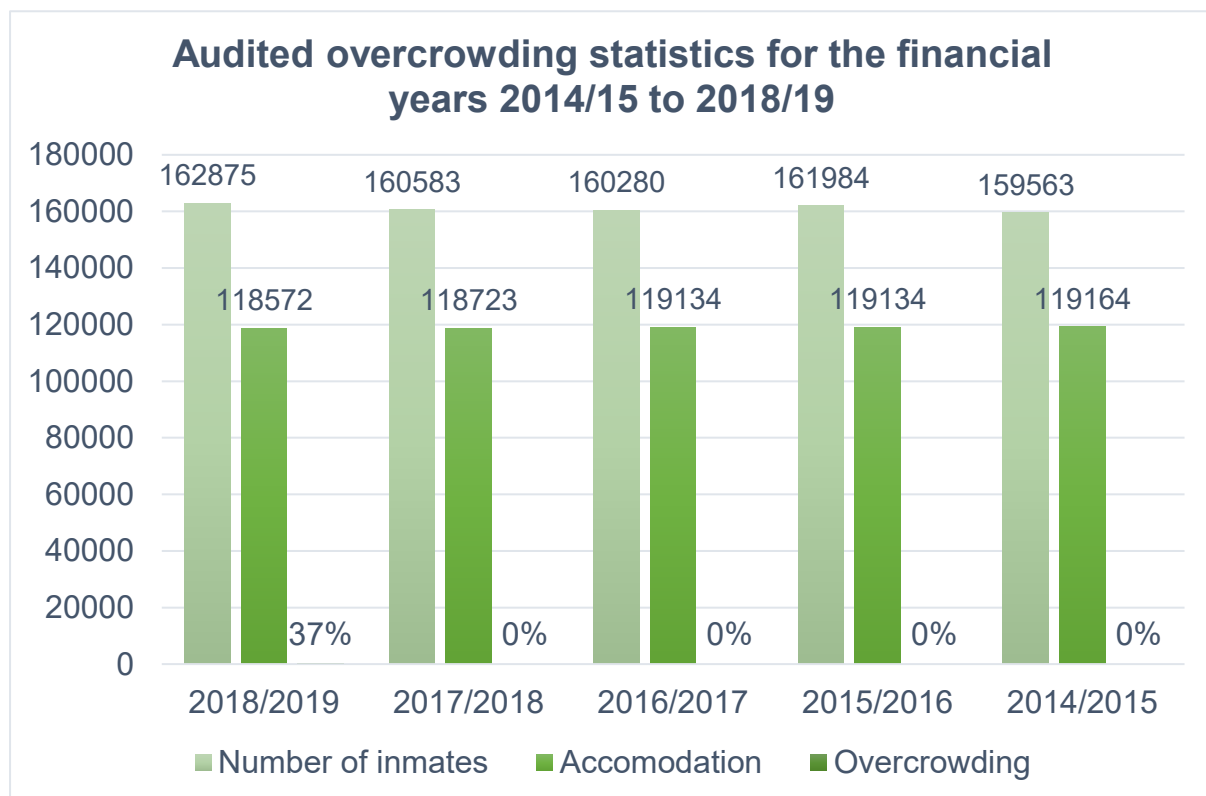
The Constitution of the Republic of South Africa (RSA 1996) lays the basis for the mandate of the Department of Correctional Services. The Act seeks to provide, amongst others, the custody of all offenders under conditions of human dignity and the rights and obligations of sentenced offenders. The correctional process begins formally when the criminal court finds a defendant guilty of violating a criminal law. The department is in control of the administration of 243 correctional centres with an approved lockup capacity of 119 134. Of the 243 correctional centres, there are two private centres. The department is responsible to ensure that all sentenced offenders in the country are catered for. The mandate of the department is to safeguard all people in South Africa and ensure that they are and feel safe. The South African Department of Correctional Services operates in six regions, namely, Gauteng, Eastern Cape (EC), Western Cape (WC), KwaZulu-Natal (KZN), Limpopo,

Mpumalanga and North West (LMN), Free State and Northern Cape (FS/NC).

Although, in most cases, incarceration is not optional, the SA criminal justice is still faced with a serious, continuous overcrowding problem (Peté 2015:102). According to the Annual Performance Plan (DCS 2019/2020:13), the biggest challenge with overcrowding is the physical design and construction of the buildings. Luyt (2008:182) posits that overcrowding in the various centres has far exceeded the design capacity. The DCS admits that overcrowding will remain an issue because they are obligated to detain offenders because, according to their mandate, failure to do so will be in breach of section 165(5) of the Constitution of the Republic of South Africa (RSA 1996). This section further stipulates that an order or decision issued by a court binds all persons and organs of State to which it applies (DCS 2019:6). Further, DCS (2019) reveals that overcrowding is usually severe during the festive season, from December until January, when courts are not fully functional. Between 2014/15 and 2018/19, overcrowding increased by 3.10 percent from 33.90 to 37 percent. Based on the audit that was conducted by the department during the fourth quarter of 2018/19, the approved bed space was determined as 118 572, which is 151 lower than the 118 723 reported in 2017/18. The inmate population, on the other hand, has increased by 3 312 inmates from 159 563 in 2014/15 to 162 875 in 2018/19 respectively. Although nationally, during 2018/19, centres were 37 percent overcrowded, some correctional centres had less or no overcrowding while others had significant overcrowding. The overcrowding is particularly challenging in major metropolitan centres, such as Johannesburg, Cape Town and eThekweni, and can only be resolved by building new facilities (DCS 2019b:6-15).

The figure below illustrates the current situation in the Correctional centres in the country.

**Figure 6.3: Audited overcrowding statistics**



Source: Adapted from (DCS 2019:14)

The consistent increase in the number of incarcerated offenders exceeds what the department expected, and this situation affects the rehabilitation strategy because of overcrowding. DCS admits that rehabilitation is difficult to achieve in overcrowded facilities and this will indirectly affect the likelihood of recidivism.

The department’s approach to reducing recidivism is to allocate the budget across the main five programmes, namely, administration, incarceration, rehabilitation, care and social reintegration (DCS 2018:16). Most of the core service delivery imperatives of DCS are in incarceration programmes therefore over 60 percent of the budget is allocated to this (DCS 2018:23).

Considering that the department is investing a lot on programmes, even so, levels of suicide and self-harm have been high in correctional centres, reflecting the imported vulnerability of many of those who enter the facilities, but also the increased vulnerability that can result from incarceration itself. The reality of correctional facilities

is that they are inhumane and not conducive for rehabilitation and for officials to perform at the best of their abilities. McCarthy (2010:12) explains the correctional situation as “long, sometimes tedious, sometimes demands extreme patience, and is not rewarding in terms of public acclaim”. The correctional client will have been through the screening process by the time he or she arrives at correctional institutions. The first place of screening process for the correctional client is police knowledge of the crime which must be included on the offenders’ case files which will, in turn, assist the correctional official to determine the risks and needs of individual offenders.

### **6.5.1 The correctional process**

The processing of offenders is essentially more or less the same in all correctional organisations, although the quality and effectiveness may vary as the success of each programme is dependent on other variables, such as the willingness of offenders to participate. When an offender arrives at the institution, the main evaluation is conducted upon reception into the institution and a file is set up in the record office. Mr Smalberger, who was the Chief Deputy Commissioner, explained that when an offender is serving 24 months or more and was first incarcerated, within six hours a risk assessment is carried out, leading to a risk classification within the first 24 hours and, within 21 days, a sentence plan is developed. The sentence plan aims to address the specific needs of the offender, including social problems, education, psychiatry and physical needs. Further, the sentence plan is not static and, in terms of policy, it should be reviewed to cater for offenders’ changing needs.

### **6.5.2 Offender classification**

Matshaba (2011:147) points out that offender classification is one of the most important aspects of offender rehabilitation and development. The purpose of offender classification is to divide the offender population into meaningful categories that will be aligned to the individual offender’s needs with available resources (Neser 1993:253-254). Torch (cited in Flanagan 1995:160) highlights that offender classification and assessment must be all-inclusive and consider other offenders. Offender risk classification is supported by section 38(2) of the Correctional Services Act, 1998 (RSA 1998c). The goal is to match the offenders’ strengths and

weaknesses. However, correctional facilities' overcrowding and classification affects offender programming (Schmallegger & Smykla 2012:269). According to Leech (1997:225), after offenders have been admitted, they are classified and placed into one of the following categories:

**Category A:** These are offenders who are extremely dangerous to the public and who may threaten national security.

**Category B:** Offenders in this category do not require the highest security classification but might still pose a threat to the public if they escape.

**Category C:** These are offenders who cannot be trusted in completely free conditions but who do not have the will or resources to make determined escape attempts.

**Category D:** Offenders who can be trusted to serve their sentence in the community.

Important advantages of offender classification are as follows:

- The separation of offenders by their risk levels and programme needs is central to successful rehabilitation of these offenders. This includes ensuring that aggressive offenders are put in high security and those who are less aggressive to be placed accordingly.
- Offender classification reduces chances of misclassification and endorses a safe environment for offenders and officials (Schmallegger & Smykla 2009:276).

### **6.5.3 Case Management Committee (CMC)**

The Case Management Committee ensures that all departments within the centres are informed about the receiving of new offenders in their facility. Case management connects clients with numerous needs to a progressively multifaceted social service delivery system (Monchick, Scheyett & Pfeifer 2006:5). Hanser asserts that case management is a process that affords offenders wide-ranging and coordinated services that address the offenders' vocational, social, educational and mental health functions (2010:254). According to Luyt (1999:127), case management is a system that is implemented to organise and control offender movement in the correctional system. The DCS Unit Management policy specifies that the Case Management



Committee (CMC) must coordinate all offender movements, including rehabilitation processes and the development and correction of sentenced offenders within the correctional centre. These activities include:

- Assessment;
- Development of sentence plans;
- Implementation of programmes in accordance with the sentence plan;
- Monitoring progress in relation to the sentence plan;
- Reassessment of offender/amendment of sentence plan;
- The integration of the offender back into society.

#### **6.5.4 Sentence administration**

Sentence administration of offenders is a crucial part of Correctional Services. It collates information on the offenders' previous convictions and sentence remarks for offenders' sentences of more than five years. Sentence administration explains the nature and intention of the crime. The Case Management Committee and Parole Board ensure that their information is correctly recorded. If information, such as previous convictions, is not available during assessment, the profiling of the offender will be incorrect (Fitz 2013:41).

#### **6.5.5 Orientation and induction of offenders**

The Correctional Services Act (RSA 1998c) stipulates that all new admissions must be provided with written information about the rules and regulations of the centre. Bales (1997:111) asserts that a well-organised reception and orientation programme for new offenders assists with their adjustment in the institution and reduces the likelihood of the "shock". Muntingh (2010:15) postulates that it is imperative for an offender to understand correctional rules and rights.

### **6.6 Rehabilitative philosophy**

According to Samaha (2011:27), rehabilitation theory is rooted on two assumptions. The first is based on determinism, which argues that offenders commit crimes because

of forces beyond their control and therefore they lack blameworthiness. The second assumption asserts that therapy by experts plays a vital role in changing the criminal behaviour of offenders. Polaschek (2012:2) asserts that the Risk-Need-Responsivity (RNR) model of rehabilitation is a “theoretical framework that outlines both the central causes of persistent criminal behaviour and the broad principles for reducing crime”.

The rehabilitative ideal has traditionally been identified with the medical model but, because the adjustment and reintegration models are also committed to changing the offender, they too should be included under the more inclusive term of “rehabilitative philosophy”. The three rehabilitative models are as follows (Bartollas 1985:25-28):

### **1. Philosophical underpinnings of the medical model**

The medical model, as applied to corrections, assumes the offender to be “sick”; that his/her offences are interpreted as a manifestation or symptom of an illness and a cry for help (MacNamara 1977:439). This interpretation believes that criminogenic factors are indigenous to the individual offender and that it is by doing “something” for, to or with him/her that rehabilitation can be affected. Allen (cited in Bartollas 1985:26) clarifies the basic assumptions of the medical model that:

- (1) “human behaviour is the product of antecedent causes”;
- (2) it is the obligation of the scientist to discover these causes;
- (3) knowledge of these antecedent causes makes it possible to control human behaviour; and
- (4) measures employed to treat the offender “should be designed to effect changes in the behaviour of the convicted person in the interest of his own happiness, health, and satisfaction”.

### **2. Philosophical underpinnings of the adjustment model**

The adjustment model is based upon four assumptions. First, offenders need help or treatment to conform to societal expectations. They need to be shown that their maladjusted behaviour, negative attitudes or inappropriate interpersonal relationships contributed to their deviancy. Second, offenders have the capacity to live a crime-free life and correctional treatment should be based on the assumption that offenders

believe that they are responsible for their present actions. Third, understanding the offenders' deviancy is important and, fourth, it is equally important to understand the effect of their interaction with the environment.

### **3. Philosophical underpinnings of the reintegration model**

The reintegration model is embedded in the assumption that offenders' problems must be solved in the community where they began. Another basic assumption is that society has an obligation to resolve its own problems by assisting law violators to reintegrate back into society and maintain the social order. The last assumption is that meaningful community contacts are central in achieving the objectives of reintegration. In addition, offenders must be provided with opportunities that will make the transition to their normal roles of citizens, family members and employees easier. Finally, proponents of the reintegration philosophy recommend community-based corrections for all but mostly for "hard-core" criminals. The process by which change takes place in the reintegration model is known as internalisation. To achieve internalisation, offenders must be presented with options such as education, employment, recreation and any other activity needed to provide direct or indirect alternatives to criminal behaviour.

The goal of rehabilitative philosophy is to provide interventions that are aimed at promoting behavioural change of an offender's character, attitudes or to lessen criminal tendencies (Chen & Dandurand 2012:149). Rule 39 of the United Nations Standard Minimum Rules for the treatment of offenders, provides that

"offenders shall be kept informed regularly with the more important news by the reading of newspapers, periodicals or special institutional publications, by learning from radio transmission, by lectures or by any similar means as authorized or controlled by the administration".

The main principle of rehabilitation is based on the belief that offenders' deviant behaviour can be moulded or changed (Schmalleger 1995:369).

#### **6.6.1 The significance of rehabilitation**

One of the main objectives of this chapter is to outline programmes that are provided

in the South African Correctional facilities because “dealing effectively with crime requires attacking its root causes” (Siegel 2011:405). The aim of this study is to understand contributory factors, offender characteristics, causes and motives of foreign nationals’ offending. In South Africa, profiling of foreign nationals who have committed violent crimes is scarce. Bumgarner (2007:273-277) asserts that various scholars, including social and behavioural scientists, have explored the effectiveness of various models and techniques of profiling. However, the researcher is of the opinion that effective rehabilitation programmes offered in correctional centres should also identify contributory factors to their clients’ offending, which will then assist in profiling them.

The Correctional Services Department has a mandate to ensure that the inmate population is kept in a secure, safe and humane environment. Further, it must provide rehabilitation and successful reintegration programmes in line with the Correctional Services Act, 1998 (RSA 1998c). The White Paper on Corrections (RSA 2005) emphasises rehabilitation, safety and security of offenders. DCS’s activities and focus is on addressing the offending behaviour by fostering reconciliation between offenders and victims of crime, restoring family relations and equipping offenders with skills necessary for reintegration (DCS 2018:13). Bartollas (1985:284-285) points out that, unless an environment is humane and safe, treatment is unlikely to take place. At the briefing meeting by the Justice and Correctional Services it was emphasised that the overall purpose of the correctional system was to contribute to a just and peaceful society by enforcing the sentences of the courts, detaining all inmates in safe custody, mindful of their human dignity, and promoting social responsibility and the human development of all offenders. The Department committed itself to the humane custody and rehabilitation of offenders before placing them back in society (Parliamentary Monitoring Group 2014:np).

The treatment approach is viewed as the most appropriate and practical approach to rehabilitate offenders. The aim of this approach is to equip the offender by therapy so that his/her responses to stress will be socially acceptable (Fox 1985:44-45). Correctional facilities provide an opportunity to improve learning deficits and instil skills and experience that will be necessary when offenders are released and reintegrated into their communities. These skills are necessary in assisting offenders upon release

and for job seeking purposes. It is a well-known fact that employment is the most important factor in curbing reoffending (McCarthy 2010:17). Hence, there are programmes that address basic skills.

The study of correctional treatment is important especially at a time when the public is concerned about crime being out of control and the streets in our cities being unsafe; every effort must be made to provide opportunities for offenders to adopt law-abiding behaviour. Correctional programmes are conducted in every community-based and institutional facility. These programmes play an important role in helping offenders do “easier time” and to enable offenders to gain valuable skills, insights about themselves or a sense of purpose in life (Bartollas 1985:xiii).

Correctional treatment takes place in a variety of preventative and correctional contexts. Some of the treatments available are designed to identify and intervene in the lives of individuals or groups of persons who are in criminogenic circumstances so that their future involvement with the justice system can be minimised but most correctional programmes are designed to rehabilitate those individuals who have already been detected and convicted for criminal acts (Bartollas 1985:2). Considering the Standard Minimum Rules for treatment of inmates, the treatment of offenders and their successful reintegration into society is a priority (Matshaba 2011:7). Section 41 of the Correctional Services Act 1998 (RSA 1998c) provides for the rendering of rehabilitation services aimed at preparing offenders for their return to society. The rehabilitation model embraces the idea that, given the proper care and treatment, offenders can be changed into productive, law-abiding citizens. This notion is influenced by positivist criminology and the rehabilitation school that suggests “that people commit crime through no fault of their own. Instead, criminals themselves are the victims of social injustice, poverty and racism, their acts are a response to a society that has betrayed them” (Siegel 2011:405).

The Department of Correctional Services (DCS 2005:37) defines rehabilitation as the result of a process that combines the correcting of offender behaviour, human development and promotion of social responsibility and values that involve both the departmental responsibilities of the government and the social responsibilities of the nation. Sentle (cited in Lekalakala 2016:125) asserts that rehabilitation in South

African Correctional Services can be perceived as a process that starts with the offender gaining insight into his/her need to change the deviant behaviour by:

- the creation of an enabling environment where a human rights culture is upheld and conciliatory, and forgiveness and healing are facilitated;
- the acquisition of knowledge and new skills that will equip the offender to return to society as a law-abiding citizen and with a reduced likelihood of reoffending.

Although DCS offers programmes that are designed to modify offender behaviour, they yield mixed results. The White Paper on Corrections in South Africa (RSA 2005:61) argues that effective delivery of rehabilitation programmes is dependent on a needs-based approach to rehabilitation. The White Paper on Corrections in South Africa (RSA 2005:61) states that, in order to deliver effectively on its core business, the department had to adopt a needs-based approach to rehabilitation.

## **6.7 Correctional programmes targeting offending behaviour**

The issue of offender rehabilitation is still a burning question asked by those affected either directly or indirectly by crime and violence as to “whether incarceration reforms the offenders or it turns offenders into hardened criminals” (Matshaba 2011:11). Dammer (2003:387) indicates that rehabilitation has been criticised as being ineffective. Components that address criminogenic needs are those that focus on antisocial attitudes and criminal thinking, substance abuse, criminal peer associations, life skills, self-control, anger management, education and employment (Barton-Bellessa 2012:408). Muthaphuli (2013:33) asserts that the appropriateness of the sentence which is imposed by the court on the convicted offender will determine the effectiveness of the correctional programme. Ntuli (2000:162) points out that ineffective rehabilitation programmes are largely responsible for recidivism.

Section 41(1) of the South African Correctional Services Act (RSA 1998c) stipulates that all offenders’ rehabilitation centres must provide programmes and activities that meet the rehabilitation needs of offenders. These programmes include health services, social work services, psychological services, spiritual care and skills development. The main objective is to equip offenders with “capabilities to meet their needs, pursue their interests, therefore, live happy, fulfilling lives” (Ward & Maruna 2007:109).

The DCS emphasises that the aim of rehabilitation programmes is to promote responsiveness, offer information, develop life skills and enable the social integration of the offender. These programmes are aimed at all sentenced offenders who are serving sentences of 24 months and longer based on the needs and risks identified in the offenders' Correctional Sentence Plans.

## 6.8 Social work and psychological services

The success or failure of rehabilitation programmes depends on factors such as the availability of professionals in the correctional environment, good work ethic and passion (Herbig & Hesselink 2012:31). The rehabilitation programmes in the DCS are mainly driven by social work services and psychological services. According to the Department of Correctional Services (n.d.), the core function of social work services is to assess the offenders and provide needs-based programmes and services in order to enhance the adjustment, social functioning and reintegration of offenders back into the community.

**Table 6.3: Number of psychologists per region**

Regions	Permanent Psychologists	Community Service	Total
LMN	11	2	13
FS/NC	7	3	10
KZN	7	2	9
Western Cape	20	11	31
Gauteng	30	6	36
Eastern Cape	9	5	14
Head Office	1	2 (Director & DD)	3
<b>TOTAL</b>	<b>85</b>	<b>31</b>	<b>116</b>

Source: Adapted from POPCRU (2019:70)

The department is currently more dependent on social workers, because based on the two tables, it is clear that the department is experiencing a shortage in the area of psychological services.

**Table 6.4: Number of social workers per region**

Regions	Permanent Social Workers (Filled Posts)	Vacant	Total
LMN	88	4	92
FS/NC	71	8	79
KZN	106	4	114
Western Cape	123	2	129
Gauteng	120	4	124
Head Office	6	2	8
Eastern Cape	90	4	94
<b>Total</b>	<b>604</b>	<b>36</b>	<b>640</b>

Source: Adapted from POPCRU (2019:70)

According to the DCS Annual 2016/2017 Report, 22 percent of offenders were assisted under these services compared to 14.77 percent in 2014/2015. Despite this challenge, the department has seen an increase in the attendance of offenders which could be influenced by the fact that, in 2013/2014, the department had 68 psychologists serving an offender population of 150 000, giving a work rate of roughly 2 200 offenders per psychologist. The psychologists provide various services such as offender assessment, counselling services (offered to individual offenders) and crisis intervention. Likewise, the primary responsibility of the psychologists is the management of a psychological/mental health programme where offenders are assisted to adjust in a correctional centre, learn new coping skills and curb recidivism. The following are the available social work services and psychological programmes offered in the South African correctional centres:

### **6.8.1 Anger management**

This programme aims to provide participants with information on the restoration of relationships. Further, it aims to enable participants to compile and implement a personal anger coping plan to deal with and manage future anger response behaviour.



### **6.8.2 Crossroads Correctional Programme**

The main purpose of the Crossroads Correctional Programme is to pay attention to the causes and consequences of substance abuse and their effect on deviant behaviour. Research reveals that introducing treatment in correctional facilities is the first step in effectively rehabilitating drug-abusing offenders (Barton-Bellessa 2012:357). Offenders are made aware that drug use is a symptom and not a disorder. The primary goal is to encourage a drug-free lifestyle. In addition, it seeks to provide offenders with information concerning alternatives to criminal behaviour and sources for the treatment of alcoholism and drug dependence. Lastly, offenders are sensitised on sexually transmitted diseases and are skilled on preventative measures.

### **6.8.3 Preparatory programme on sexual offences**

The main objective of the Preparatory Programme on Sexual Offences is to involve sexual offenders in a correctional programme addressing their sexual offending behaviour through the acquisition of the relevant knowledge and skills. This programme affords offenders to develop a repertoire of socially acceptable responses that will serve as preventative factors (Barton-Bellessa & Hanser 2012:554). It also aims to assist offenders to identify the possible causes of their deviant behaviour and empower them with information on biological and sexual development.

### **6.8.4 Pre-release programme**

The Pre-release Programme aims to prepare offenders for successful reintegration into society by providing them with skills and information to enable them to cope with possible challenges they may have to face after their release. All sentenced offenders who have release dates are obliged to complete this programme before their release from correctional centres. These skills include the “ability to solve problems, to communicate honestly, to gain and maintain social support and control emotions and personal feelings” (Gilchrist, Schinke & Maxwell 1987:73). Mitchell (1990:201) points out that educational programmes are “a means of retaining a sense of awareness of life outside the institution”. Thinane (2010:26) postulates that, after serving their sentences, offenders are expected to assume a productive and responsible life. Willis and Ward (2013:305) posit that interventions should engage participants in the

rehabilitation process and promote desistance from crime.

### **6.8.5 Substance Abuse Correctional Programme**

The main purpose of the Substance Abuse Programme is to help participants gain insight into the negative effects of substance abuse. To address alcohol and drug problems, treatment services should (1) be based on formal theories of drug dependence and abuse; (2) use the best therapeutic tools; and (3) give participants opportunities to build cognitive skills (Schmallegger et al. 2012:261). The assumption is that this programme must focus on building a sense of self (Siegel 2011:375).

### **6.8.6 Restorative Justice System**

This programme is embedded in the ethos of restorative justice which is a theory of justice that focuses on repairing the harm caused by the criminal act to the victim and the community. Additionally, it emphasises that the offenders must contribute to the repair of the harm caused by their deviant behaviour (Hess & Drowns 2004:45). This programme aims to orientate offenders in respect of restorative justice and to prepare them for further restorative interventions. This programme is guided by the core principles that characterise restorative justice which are that:

- 1) misconduct is a violation against social relationships;
- 2) victims and communities are fundamental to justice processes;
- 3) the main priority of justice processes is to assist victims and restore the community; and
- 4) responsibilities are shared among all relevant stakeholders for restorative justice process to succeed; however, participation is voluntary for both the victim and offender (Siegel & Welsh 2011:584).

It is argued that restorative justice values and principles offer a sound framework for the development of programmes that are aimed at rehabilitation, treatment and offender reintegration (Skelton & Batley 2008:33). According to the 2016/2017 DCS Annual Report (DCS 2017), a total of 9 886 victims and 5 063 offenders/parolees and probationers participated in the restorative justice process. RJ programmes must be

mindful of the cultural and social differences that can be found throughout our heterogeneous society. What could possibly be viewed as “restorative in one subculture may be considered insulting and damaging in another” (Siegel 2011:220). Based on the abovementioned statement, the researcher questions the effectiveness of correctional programmes offered to long-term foreign national offenders. This argument is based on culture, identity and language barriers.

### **6.8.7 New Beginnings Orientation Programme**

The New Beginnings Orientation Programme is a self-awareness programme. It aims to empower offenders to self-introspect and to be aware of their surroundings. The programme allows for offenders’ transition into and adjustment to the correctional centre. Further, it aims to instil self-awareness and assist offenders in adjusting in their new environment by focusing on:

- Self-esteem;
- Decision-making;
- Gangsterism;
- Smuggling; and
- Services available in the correctional centre.

For these programmes to be effective, Bartollas (1985:284-285) suggests that programmes must hold the following common elements:

- 1) Programme facilitators who are inspired and encouraging;
- 2) Programmes that are entrenched in a philosophy that aims to generate a sense of purpose among offenders;
- 3) The design of programmes must be a team effort involving all relevant stakeholders;
- 4) Offenders can exercise some sense of decision-making;
- 5) Support offenders with skills development programmes; and
- 6) Successful community-based and institutional programmes are often unique.

All categories of offenders can benefit from such programmes based on their needs, risks and level of responsiveness identified during assessments. According to the Corrections White Paper (RSA 2005:37), rehabilitation should not be interpreted as a strategy that only prevents crime, but rather as inclusive and advocating for:

- social responsibility;
- social justice;
- active participation in democratic activities; and
- empowerment with life-skills and other skills that contribute to making South Africa a better place.

#### **6.8.8 Health care services**

The health of offenders is addressed in Section 35(2) of the Constitution and the Department is obliged to ensure that

“[e]veryone who is detained, including every sentenced offender, has the right to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment”.

The right of offenders to adequate health care is based on the principles of adequate medical care (Muntingh 2010:20). Adequate health care plays a crucial role in ensuring that the day-to-day operations of a correctional facility are run smoothly. As Schmallegger and Smykla (2009:290) explain, investing in the adequate care of offenders eliminates unnecessary “correctional disturbances, disciplinary actions and offender injuries and less negative publicity for the institutions”. For instance, the department has encouraged an awareness of diseases such as immunodeficiency virus (HIV/AIDS), TB and Sexually Transmitted Infections (STIs), through education and prevention programmes offered in correctional facilities. Incarceration offers opportunities for high-risk offenders to learn basic disease information, safer sex practices, tattooing risks and triggers for behavioural relapse (Schmallegger et al. 2012:475). Further, the department reports that the number of offenders on antiretroviral treatment increased by 1 936 from 24 506 in 2016/17 to 26 442 in

2017/18.

### 6.8.9 Spiritual care services

The Correctional Services Act (RSA 1998c) gives effect to religious practices for offenders incarcerated in correctional facilities. Generally, chaplains are responsible for religious care of offenders (Coetzee & Gericke 1997:101).

**Table 6.5: Number of spiritual care workers per region**

Regions	Permanent Spiritual Care Managers (Chaplains)	Vacant	Total
LMN	8	0	8
FS/NC	6	1	7
KZN	7	0	7
Western Cape	7	4	11
Gauteng	8	0	8
Eastern Cape	4	1	5
Head office	3	2	5
<b>TOTAL</b>	<b>43</b>	<b>8</b>	<b>51</b>

Source: Adapted from POPCRU (2019:71)

Section 14 of the act stipulates that:

- 1) an offender must be allowed freedom of conscience, religion, thought, belief and opinion;
- 2) an offender may attend religious services and meetings held in the prison freely and voluntarily and may have in his or her possession religious literature;
- 3) where practicable, places of worship must be provided at every prison for prisoners of all religious denominations; and
- 4) no offender may be compelled to attend religious services or meetings or take part in religious practices.

### 6.9 The needs-based correctional sentence plan

Fundamental to rehabilitation is to create an enabling environment and the motivation of offenders to develop a positive commitment to, and voluntary participation in a correctional sentence plan (RSA 2005:55-56). The Department acknowledges the contribution towards the rehabilitation of offenders through the provision of:

- Basic academic education;
- Vocational training.

### **6.9.1 Formal education**

Research reveals that most offenders cannot read or write well enough to function in society. Hence, correctional educators are faced with serious hurdles in delivering the programmes effectively and in motivating offenders to attend. Generally, offenders with poor educational backgrounds are not eager and shy away from enrolling or participating in programmes (Schmalleger 2012:287). However, it is important to ensure that offenders need to be kept busy with meaningful activities in order to avoid “adopting negative behaviour” (Coetzee & Gericke 1997:84-89). One way of achieving that is by encouraging them to read and stay abreast with what is happening outside the correctional facilities. The Correctional Services Act (RSA 1998c) Section 18 stipulates that:

- 1) every offender must be allowed access to available reading material of his or her choice, unless such material constitutes a security risk or is not conducive to his or her rehabilitation;
- 2) such reading material may be drawn from a library in the correctional facility or may be sent to the offender from outside the correctional centre in a manner prescribed by regulations.

The educational programmes provided have different levels as follows:

- 1) Pre-Adult Basic Education and Training (ABET) and ABET level 1-4. These programmes are presented by trained ABET practitioners (educators/functional officials or trained offender facilitators);
- 2) Further Education and Training (FET) that include N1-N3;
- 3) Higher Education and Training (HET) that is attained by enrolling through

distance learning education institutions, such as the University of South Africa;  
and

- 4) Computer based learning.

### **6.9.2 Skills development programmes**

It must be noted that skills development programmes are different from formal education and are divided into Skills Development Programmes and Technical, Vocational and Educational Training (TVET) College Programmes. The TVET programmes are at N1 to N6 levels and are theoretical courses that take 18 months to complete (DCS 2018:92). According to the DCS Report, they have seen an increase in all centres in the number of offenders registered in the TVET College Programmes in the 2018/2019 financial year (DCS 2019a). The number of offenders that participated in skills training programmes increased from 11 163 to 14 171 in 2018/2019 financial year (DCS 2019a).

### **6.10 Conclusion**

The study acknowledges that crime and deviancy emerge from the cultural values and social problems in a society however, when a person has contravened the social contract and has been found guilty of a criminal act, that person must serve his/her punishment. However, punishment fails because it increases frustration and a sense of belonging diminishes particularly for long-term offenders. The programmes offered must address the loneliness, despair and feelings of hopelessness that offenders have. The traditional correctional programme varies widely between institutions including the methods used in maintaining an orderly centre. Though offenders are oriented and offered support, the challenge of overcrowding plays a major role as it indirectly affects the rehabilitative process. While incarceration is foremost in the correctional setting, treatment programmes are a process of helping a person adapt to the institutional environment with a minimum of anxiety.

Chapter 6 contains the analyses of empirical field work as well as the representation of the narratives of participants of this study. The narratives provided are given in their analysed and interpreted form.

## **CHAPTER 7: RESEARCH METHODOLOGY**

### **7.1 Introduction**

This chapter focuses on diverse methodological approaches in criminological research. This study discussed the methodology background that regulated how this study was conducted (Bows 2018:94). Methodology comprises of the collection of truthful facts and/ or data concerning the nature of crime and criminal justice policy. This called for the researcher to strive for knowledge and understanding of the varied qualitative methods relevant to the study. The effort to acquire knowledge is not new because from the earliest days of humanity, philosophers have maintained that human beings are inherently curious about their world and their surroundings (Babbie & Mouton 2018:4). Qualitative research is aimed at providing the researcher with an in-depth and a wide-ranging understanding of the research subject. In addition, it provides the researcher with all the relevant and relevant empirical sources (Lanier & Briggs 2014:11). By employing a qualitative research method was an attempt to capture the true essence of the experience of foreign nationals in a foreign country. A brief overview of model of research methodology that distinguishes between strategies and methods will be discussed.

### **7.2 Research methodology**

Mason (2018:24-32) point out that research methodology provides a researcher with room for creativity on how to explore their intellectual puzzle and a methodological strategy is the logic for re-joining research questions. The research approach for this study was exploratory and descriptive in nature because there is little knowledge and understanding on foreign nationals' offending and profiling. This is because data integration for the individual cases and the criminological offender profiling necessitates description of events. Exploratory studies are generally more suitable for persistent phenomena because the issue of the increase of violent crimes and the sudden spark to criminal activities in the country being blamed on foreign nationals is ongoing. To understand the context of this phenomenon requires an explanatory study (Babbie & Mouton 2018:80-81).



The exploration-description entailed case studies through multiple sources of information, including interviews, observations and documents. The rationale of selecting this method was to understand the meaning and to identify, describe and generate explanations for contact offences committed by foreign nationals incarcerated at Gauteng Correctional Service Centres.

The value of research is mostly dependent on how data were collected (Maxfield & Babbie 2016:140). A research methodology refers to the researcher's general approach in carrying out the research project and the techniques and methods used to collect information during the research process (Leedy & Ormrod 2010:99; Maxfield & Babbie 2008:74). A research approach guides a researcher's decisions on how to acquire knowledge and answer research questions (Ngulube 2015:127; Sarantakos 2013:29). The researcher chose a descriptive methodology because it is "the precise measurement and reporting of the characteristics" of a population or phenomenon under study (Babbie 2016:121), in this case, the profiling of foreign offenders in Gauteng Correctional Service Centres.

### **7.3 Qualitative approach**

To study the issue of foreign nationals offending in South Africa, the researcher used an emerging qualitative approach of inquiry which is the collection of data in a natural setting. This allowed the researcher to view the world through the participants' eyes as they related and painted a clearer picture of their lived experiences (Babbie & Mouton 2018:270-271). This allowed the researcher to capture the complexity of the problem under study. Chapter 7 outlines a criminological analysis and profiles emerging from the study.

### **7.4 Case studies**

As a research approach, a case study is used in various situations to contribute to our knowledge of individuals, institutions, social, political and interrelated phenomena. Case studies allow a researcher to understand a multifaceted social phenomenon by asking the questions: "why, who, what, where, how and why" (Yin 2003:1) that are the basis of the profiling of the study participants (see Chapter 8). Qualitative researchers are "writers who interpret as they write, so writing is a form of inquiry" (Denzin & Lincoln

1994:481). In conducting case studies, researchers use in-depth interviews and life experiences. Heale and Twycross (2018:7) posit that a case study is a logical enquiry that involves the population of interest to gain insight and comprehensive information within its natural setting. Further, these authors found that a multiple-case research study provides a deeper and more meaningful understanding of the individual cases under study through comparisons of similarities and differences of individual cases. Evidence gathered from multiple-case studies is likely to be more reliable than single-case research (Heale & Twycross 2017:7). Case studies allow individuals, in this case, offenders, to tell their own stories. Because qualitative researchers are mainly concerned with the meaning subjects give to their life experiences, the use of case studies allows them to understand the narrative of each participant at a given time (De Vos et al. 2011:320). The advantage of this method is that it offers a descriptive and explorative account of a way of life that is little understood (Fritsch et al. 2014:132). The use of this form of data collection approach was the most appropriate for this study as it allowed a deeper understanding of the participants' family background, criminal behaviour, underlying causes for entering the country, motivations for their aggressive behaviour and incidents that led to the criminal acts.

## **7.5 Research design**

Myers (2020:7) asserts that a research design is a set of processes and approaches that will be applied for the entire qualitative research project. In addition, it is a strategic context for "action that serves as a bridge between research questions and the implementation of the research". The aim of research design is to provide a road map of the entire project (Myers 2020:7). A research design is concerned with the overall research plan and the methods that are to be employed to carry it out (Crow & Semmens 2008:34). It also provides the research framework outline and serves as a blueprint for the research. Leavy (2017:8) emphasises that a research design is a process of building a structure for the research project. It explains how a researcher intends to conduct a study (Sarantakos 2013:120). Creswell (2014:12) describes it as an approach that provides the specific direction and procedures to be followed and Babbie (2016:115) explains that it outlines the purpose of the study including how the set goals are to be accomplished. It also addresses the scientific inquiry that entails

key features of research design, which are (1) that the researcher must stipulate what he/she wants to find out; and (2) establish the most appropriate method (Babbie, Mouton, Vorster & Prozesky 2010:72). According to Crow and Semmens (2008:34), a research design includes the formation and combination of numerous diverse elements. Furthermore, it ensures that a researcher have the basis of determining causality and outlines all the necessary steps that must be considered before the commencement of the project (Crow & Semmens 2008:35).

“Qualitative research is an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem” (Creswell 2014:4). It also yields a detailed understanding of human behaviour and experiences (Withrow 2014:298). In addition, qualitative researchers are concerned with understanding the meaning people construct, that is, how people make sense of their world and experiences (Leedy & Ormrod 2013:141-190).

## **7.6 Research population, sample and sampling method**

In this section, the researcher discusses the research population of the study including the sample and the method to be used.

### **7.6.1 Research population**

Babbie (2016:116) describes the population as group of individuals about whom conclusions are to be drawn. Bless et al. (2006:98) describe a population as the entire set of objects or individuals that have similar characteristics and are the focus of the research. Since it is not practical to study all members of the population that interest us, it is imperative to sample subjects for study (Maxfield & Babbie 2008:108). Lanier and Briggs (2014:206) describe a sample as a selection of the total population of interest. Also, it is directed by the quest to answer “who or what and how” of the research study. Sampling is developed through one or two strategies, (1) ensuring that the sample chosen is “mathematical” and allows the usage of statistics with inferences that can be drawn to a larger population (2) minimal focus on representation of larger populations and focus is shifted on examining targeted or selected groups (Lanier & Briggs 2014:206). In this study, a sample size of 17 offenders was selected from incarcerated foreign offenders at Gauteng Correctional Centres who committed

contact crimes. These centres were Baviaanspoort, Kgoši Mampuru, Krugersdorp and Zonderwater. Selecting samples from a subgroup of the general population is proven to be more practical, economical and beneficial than studying the entire population. The below discussion will briefly delve on sampling strategies:

### **7.6.2 Sampling techniques**

Lanier and Briggs (2014:108) posit there is no single qualitative method because the data that are used in qualitative research is derived from a variety of collection methods that include interviews with participants, observations of participants, places, actions and/or interactions to understand the “what, how, when and where of social structure” (Tewksbury 2010:43).

The most important distinctions made about samples are whether they are based on a probability or non-probability sampling method. A probability sampling method allows the researcher to know in advance how likely it is that any element of a population will be selected, whereas a non-probability method does not reveal the likelihood of selection in advance (Bachman & Schutt 2015:92). Furthermore, Bachman and Schutt (2015:100) assert that, when collecting a sample using non-probability sampling techniques, elements within the population have unknown probability of being selected for the sample. There are four non-probability sampling methods that are commonly used in criminology research: availability sampling, quota sampling, purposive sampling and snowball sampling.

For the purpose of this study, a purposive sampling method was adopted.

### **7.6.3 Purposive sampling**

Data gathering in research gives a researcher a better understanding of a theoretical framework under study. Though purposive sampling is the preferred strategy, there is “no single best sampling strategy” as the best plan is influenced by the research topic, access to resources and research participants (Lanier & Briggs 2014:226). Purposive sampling allowed the researcher to get rich information and understanding of the lived experiences of study participants. The researcher relied on Correctional Service Case Management personnel to assist with identifying the target group based on their official

records. This is in line with the characteristic of purposive sampling as the sample used is handpicked to serve a specific issue (Davies & Francis 2018:53).

A purposive sample is a key informant examination which targets individuals who are well-informed about the issue under investigation (Bachman & Schutt 2015:102). The focus for this case was exclusively on male foreign national offenders who were over 18 years of age. Tonry, posit that concentration on a single group avoided a “one-size fits all” approach (Mears 2001:12). Hagan (2014:130) states that purposive sampling is a method used in research to select a sub-unit of a population in order to analyse the entire population. This means that the sample utilised in this research was representative of the population from which it was selected as the researcher ensured that the population selected had roughly the same characteristics (Maxfield & Babbie 2016:193). The aim was to understand and learn about the foreign incarcerated offenders’ world, their understanding of self and share their meanings (Chenitz & Swanson 1986:7).

There was no assurance that the sample size chosen was representative of the foreign national population in Gauteng Correctional Service Centres, but a mere reflection of the population being studied (Crow & Semmens 2008:44). This means that the selection of participants was based on characteristics that framed the data needed for this study (Nieuwenhuis 2012:79) because it is critical for a researcher to select a set of elements from a population that is representative and characterises the total population from which elements are selected (Maxfield & Babbie 2016:144). The overall goal of this selection was to collect rich data, to grasp the meanings associated with the foreign offenders’ actions and to understand the contexts in which those actions were embedded (Babbie 2016:190).

According to Patton (2002:244), when conducting qualitative research, there are no instructions for sample size and, in social research, there is no limit to what or who can be studied (Babbie 2016:97). A researcher can recognise when enough sampling has occurred; this transpires when major categories demonstrate specificity, are dense in terms of properties, show dimensional variation and are well integrated (Corbin & Strauss 2015:141).

#### **7.6.4 Sampling strategies**

There are two wide-ranging sampling strategies that are commonly used and are referred to as probability sampling and non-probability sampling. A decision to select probability sampling implies that the researcher will select a sample from the population that is comparable the entire group. It is essential that the characteristics of the entire population, such as age, gender, socioeconomic status, race or ethnicity, match. Since probability sampling draws samples using figures, for the purposes of this study, non-probability sampling is more suitable (Lanier & Briggs 2014: 208). Also, a nonprobability sample is more appropriate to the study because its focus is on the targeted group only (Lanier & Briggs 2014:208).

#### **7.6.5 Unit of analysis**

A unit of analysis is the entity that a researcher analyses in a research because it is also the unit of observation. In this study, incarcerated foreign nationals who committed violent offences were the units of analysis. The researcher made observations describing the characteristics of offenders to provide a broader understanding of the phenomenon under study (Maxfield & Babbie 2008:91). Participants of this study are from ten different African countries as illustrated below (see Figure 1.1: map illustrating South Africa in context with its neighbouring African states).

In principle, qualitative researchers select a very small number of study participants from a specific site. Based on the illustration of the number of participants per country, participants from Mozambique were higher than other countries. Researcher analysed data derived from interviews using criminological narratives of individual offenders (see chapter 7).

#### **7.7 Pilot study**

Marshall and Rossman (2016:105) describe a pilot study as an exercise that permits a researcher to validate the instrument to be used by testing it on a small group of participants that form part of the intended population. Piloting ensures the reliability and validity of the instruments used. Its main purpose is to assist a researcher to test

whether their instruments are appropriate for what they intent to achieve. Also, it gives a researcher an indication and opportunity to verify whether the tools used will answer the research questions. For the purposes of this study, the researcher conducted a pilot study at Kgoši Mampuru Correctional Centre with five foreign national offenders incarcerated for violent offences. The researcher obtained access to participants through the CMS Management because they are responsible for structuring the daily activities of offenders and will notify the researcher of departmental operational activities. After being granted permission, the researcher explained the purpose of the study and possible benefits to the offender population. Explaining to vulnerable groups, such as incarcerated offenders, that voluntary participation does not hold any benefits, is important as it eliminates false hopes and gives them a full understanding that their participation will not have any direct or indirect bearing on their sentences, parole or current criminal justice status (Birzer & Cromwell, 2017:28).

The researcher took field notes and observed that there were certain interview questions that participants did not understand or felt uncomfortable answering. After the pilot study, the researcher evaluated the results and discussed them with the research supervisor. Adjustments and refining of some questions were made. This process is in line with the purpose of a pilot study as it affords the researcher the chance to improve the quality of interview questionnaires (Strydom & Delport 2012:395). Although the researcher was mindful of the fact that the study the pilot sample was not representative of any meaningful population, the test run effectively uncovered peculiar defects in the study questionnaires (Babbie 2016:187).

## **7.8 Geographical delineation**

Insufficient studies, unreliable data, including speculation, characterise many of the myths and perceptions regarding foreign nationals' involvement in crime in the country. The central point of criminological positivism, in this case, was the offender, and therefore their upbringing, peer influences, criminal careers and the effects of preventative measures were investigated (Rossmo 2000:111). However, in South Africa, few studies have been conducted on foreign nationals, including the underlying patterns of their offending behaviour and motives in order to find the "logic in the pathologic" (Rossmo 2000:25). Given that South Africa is divided into nine provinces

and has 243 correctional centres across the provinces, there were compelling factors that influenced the researcher to concentrate only on Gauteng correctional centres. Gauteng Province was the geographical unit identified to attain the specific objectives (see Chapter 1). Data were collected in only four correctional centres, Bavianspoort, Kgoši Mampuru, Krugersdorp and Zonderwater; reasons for this are outlined in Chapter 1 (study delimitations).

Among the factors that influenced the geographical delineation of this research were: (1) the project plan needed to be completed within one year from the period that the Department of Correctional Services gave permission/access to conduct research (see Annexure A); (2) sample size for qualitative research should be large enough to obtain enough data to describe the phenomenon under study to ensure that the study is feasible. The data collection methods and data collection process is discussed in detail below.

## **7.9 Qualitative data collection**

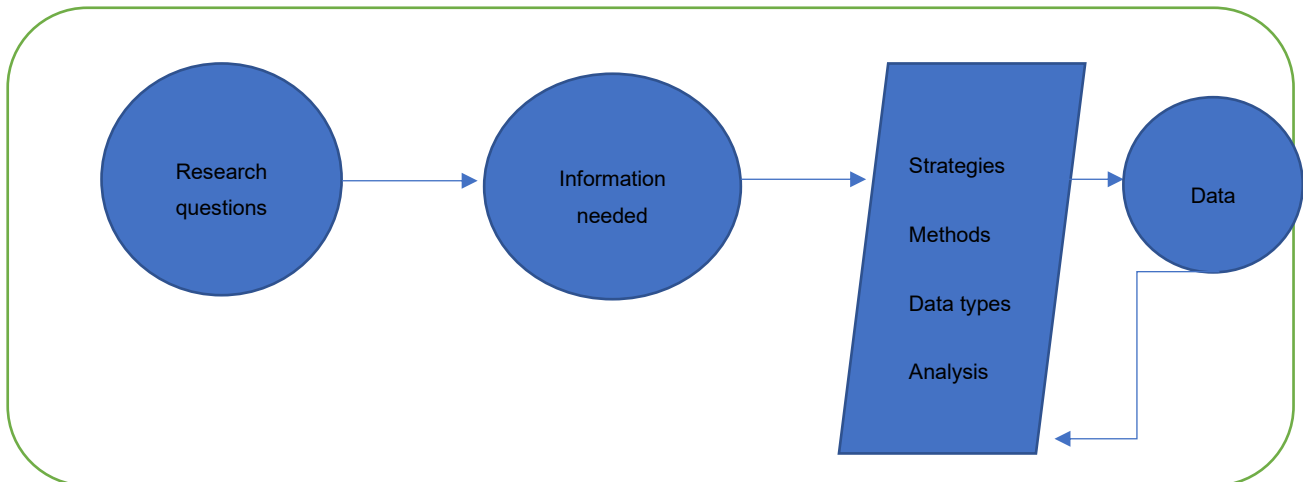
Data presented in Chapter 7 were derived from in-depth interviews with 17 adult male incarcerated foreign nationals. All interviews took place at four Gauteng correctional centres. The goal of the in-depth interviews was to gain a greater understanding of the causes and motives of foreign nationals offending from the participants' points of view. The researcher relied on the assigned case management officials to facilitate the process, including identifying convenient times for interviews based on the operational and logistics that correctional facilities must adhere to.

A questionnaire may contain questions and statements. The advantage of using both creates flexibility in the design and can make the questionnaire more interesting (Babbie & Mouton 2018:233). A researcher can ask questions in different ways to ascertain that participants understand the question and to collect narratives that will provide rich knowledge.

The figure below illustrates how this information is collected before being converted to methodology.



**Figure 7.1: Methodology in the context of information and data**



Adapted from Taylor, Sinha and Ghoshal (2006:10)

Taylor, Sinha and Ghoshal (2006:10) posit that the procedure to convert data to information necessitates methodology.

### **7.9.1 Interviews as a method of collecting information**

Deriving from the context of narrative criminology and narrative identity, researchers pursue knowledge that will empower them to comprehend how individual's narratives of place and identity are interrelated and how such narratives are used to explain violent acts and the planning that went to it. The magic of interviews results when the voices of offenders are heard and valued to form a framework that is mainly formed by their lived experiences including stories on their criminal activities. Interviews provide a researcher with a lens of truth and a realistic insight of the offenders' world (Hochstetter, Copes & Cherbonneau, 2017:74-75).

Interviewing refers to face-to-face situations where participants' responses are verbally solicited. Berg (2007:57) explains that interviews are discourses with a purpose, which is to collect information. The use of question gives the researcher a perspective of the belief systems thoughts, feelings and behaviour of individuals.

This section will concentrate on unstructured interviewing. Criminologists have extensive experience of interviewing offenders to gain understanding of the nature of crime and criminality. Deriving from the context of narrative criminology and narrative

identity, researchers pursue knowledge that will empower them to comprehend how individual's narratives of place and identity are interrelated and how such narratives are used to explain violent acts and the planning that went to it. The magic of interviews results when the voices of offenders are heard and valued to form a framework that is mainly formed by their lived experiences including stories on their criminal activities (Hochsteller, Copes & Cherbonneau 2017:74-75). Asking questions affords offenders a chance to describe their pasts, crimes and lifestyle from their personal viewpoints so that the voices of offenders are heard and valued, and a framework is formed that is shaped by their stories about their criminal activities.

For the purpose of this study, to elicit rich and deeper meaning of the life experiences of the participants, in-depth interviews were the most relevant approach because it supported the aim of narrative analysis.

### **7.9.2 Unstructured (in-depth interviews)**

The study necessitated face-to-face interviews and it gave the researcher an opportunity to probe and obtain details and context of the participants' cognitive state, criminal intent and offending behaviour. The language used in questionnaires was not necessarily geared to the target population, as most participants were non-English speaking. The researcher was able to navigate this potential problem because most participants were conversant with the official languages used in South Africa. The use of an in-depth and narrative data collection method was suited for the target group because of their relatively low level of literacy; the researcher was able to ask questions and document the participants' answers (Babbie & Mouton 2018:249). The researcher was therefore able to meet the criterion of face-to-face interviews (Babbie & Mouton 2018:251) which is the capability to speak the home language of the participants and to match ethnic grouping, gender and age category.

Unstructured interviews refer to focused or nondirective interviews with open-ended responses where researchers can keep field notes. Interviews involve one-on-one dialogues around a predetermined set of open-ended as well as structured questions. The use of unstructured interviews allowed the researcher to solicit rich information regarding the patterns of participants' offending behaviour and their perceptions and

motives for migrating to South Africa. Decker (2005:17) identified seven specific procedures for conducting offender interviews:

1. Create the goals of the interview;
2. Select offenders to interview;
3. Regulate who should conduct the interviews;
4. Find appropriate subjects;
5. Convince the subjects to participate;
6. Maintain field relations;
7. Conduct interviews;
8. Sort out the truth;
9. Analyse the interview outcomes;
10. Present the findings; and
11. Apply the interview results to tactical and strategic problem solving.

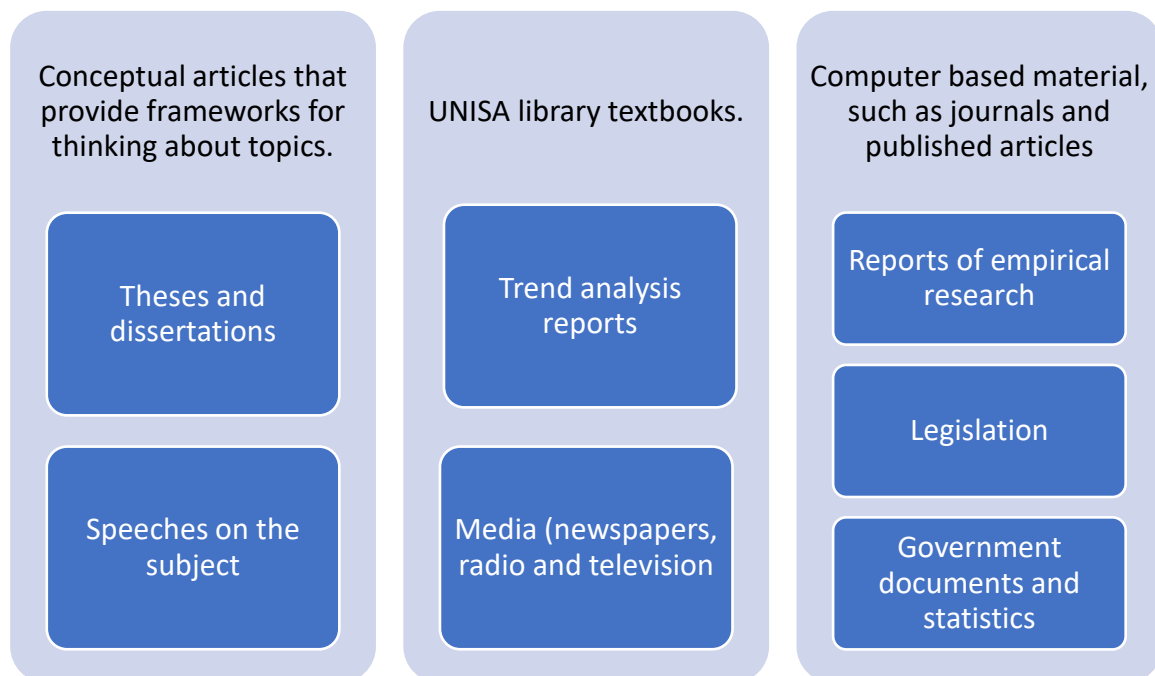
Decker (2005:1) cautions researchers on information gathered through interviews of active offenders and those already sentenced. He found that active offenders provide more valid information than those who are already incarcerated. The researcher corroborates this finding as participants alleged that they did not have criminal records and only started offending when they migrated into South Africa.

The main problem that the researcher found was that the profiling of foreign nationals did not paint a clear picture because the SAPS and DHA have no access to their criminal records in their countries of origin, including criminal offences committed in that country, as some of them entered the country illegally, meaning that their criminal activities went unrecorded (dark figures). This makes it very difficult for a researcher to ascertain whether the participants were being truthful. Each of these issues relates to the reliability of this study's findings. Although there are shortcomings, substantial information was gathered regarding the current crimes, including elements of the crime triangle, that is, victims, offenders and the location of the offence. The positive thing about offender interviews is that they provide useful information for strategic problem-solving interventions because they yield information about crime patterns. Such information can assist the South African government and relevant stakeholders to

devise strategies and implement policies that will respond to illegal immigration, prevent border jumping and modify criminal behaviour by foreign nationals.

### 7.10 Literature sources

Thomas (2009:31) notes that primary sources in literature consist of original and authentic information while secondary information consists of information that has been altered through a process of analysis, summarising or interpretation. The following table illustrates a list of primary and secondary literature sources that the researcher used for this study.



**Figure 7.2: Literature sources**

A literature review provides a researcher with a deeper understanding through the provision of contextual information of the phenomenon under study (De Vos et al. 2011:134). Kaniki (2006:19) identifies the benefits and purposes of conducting a literature review. It identifies gaps in developing a research problem, classifies issues and variables related to a research topic and identifies conceptual and operational definitions including methodologies. Thomas (2009:68) notes that the conclusion of a literature review will assist the researcher to “be able to see the wood from the trees”.

## 7.11 Interpreting case studies

The methods of psychosocial criminologists involve being critically in agreement with both what is said and shaped in interaction and dialogue during in-depth interviews (Gadd & Corr 2015:69). The defining characteristic of a case study is its emphasis on an individual unit. The unit of study was achieved through profiling 17 cases of incarcerated foreign national offenders.

Participants' narratives were noted through field notes for analysis and interpretation. The case studies were constructed through the profiling of participants. The following areas of criminological profiling approaches was utilised to classify and profile the incarcerated foreign nationals' offenders: participants' demographic information, family background, underlying causes of border crossing, explanation of criminal behaviour and rehabilitative programme. To make meaning of the criminological narratives, the researcher compiled information gathered following the reconstruction of individual participants' profiles and the aspects that moulded the offenders' lives. Chapter 8 explains the chronological events of the participants' offending behaviour in detail through profiling.

Criminological profiling of the study participants is engrained in the key questions of a "puzzle of profiling" (see section 7.1). The application of narrative analysis allowed the researcher to use information gathered to shape the study and to unravel the causes, motives and triggers of aggression in the behaviour of participants. A theoretical framework was used to explain and give a detailed descriptive individual case through a criminological analysis and profiling of the participants. The disposition of theories in logical explanations is an attempt to show the sense of the unassuming explanation at the level of noticeable patterns of phenomena (Benton & Craib 2016:34).

Narrative criminology seeks to draw theoretical connections between storied discourses and patterns of harmful and/or illegal conduct. It also maps out the relationships between stories and actions which may be unpredictable. Discourses and life are mutually conditioning, meaning that discourses or stories influence how we understand our experiences and our experiences influence the story (Presser & Sandberg 2015:97).

Narrative studies can be differentiated along two lines. One line is to consider the data analysis strategy used by the narrative researcher, and the other is to consider the types of narratives. The researcher can consider guiding the collection as part of a life history whereas the same story could also be analysed using a thematic approach. Data analysis in qualitative research proceeds together with other parts of a developing qualitative study, namely, the data collection and write-up of findings. This exercise aims to break down the data into manageable tendencies, forms, relationships or themes (Mouton 2015:108). A qualitative data analysis proceeds on two levels: (1) the more general procedure in analysing the data; and (2) the analysis steps embedded within specific qualitative designs (Creswell 2014:196).

It is vital as a researcher to look at qualitative data analysis from the specific to the general as it involves multiple levels of analysis. The researcher must also bear in mind that “data can be analysed in more than one way” (McMillan & Schumacher 2001:463). Therefore, there are two strategies that one can choose from when analysing data, that is, deductive data analysis or inductive data analysis. Both deductive and inductive can be used in qualitative research, although the latter is commonly used (Maxfield & Babbie 2008:37). Inductive reasoning is more open-ended and exploratory as the main purpose is theory building.

Deductive reasoning is narrower and more constrained, specifically where the purpose is to test or confirm a theory (Myers 2020:26). Delport and De Vos (2012:48) are of view that deductive research plays “an essential role in all scientific and professional thought” rather than producing new knowledge while inductive reasoning affords the researcher an opportunity to observe participants and draw conclusions on the population being observed (Leedy & Ormrod 2010:33).

The differences between the types of reasoning are summarised in the table below.

**Table 7.1: Deductive or inductive reasoning in qualitative research**

Deductive reasoning	Inductive reasoning
The researcher starts “top-down”	The researcher starts “bottom-up”
The researcher starts with a theory or some hypotheses that he/she wants to test	The researcher starts with empirical data from which he/she wants to build a theory
Confirmatory	Exploratory

Source: Adapted from Myers (2020:26)

Based on Table 7.1 above, inductive data analysis proved to be more suitable for this study because narrative research begins with the experiences as articulated in lived and told stories of individuals. Creswell and Poth (2018:198) posit that data collected in a narrative study must “be analysed for the story they must tell, a sequence of events of unfolding events and turning points of epiphanies”. Furthermore, a sequential approach can be developed from a study of the narratives (Creswell & Poth 2018:198). With a qualitative study, data collection and analysis often occur at the same time (Lanier & Briggs 2014:242-243). Richly defined case studies take numerous perspectives into consideration and make an effort to understand the impact that multilevel social systems can have on participants’ perceptions and behaviours (Babbie & Mouton 2018:281).

A deeper understanding of the chronological events of crime incidents proved that narrative data analysis and interpretation work hand-in-hand. The data analysis of this research followed the common thread of narrative analysis, that is, the collection of stories from participants gathered through field notes (in-depth interviews), recapping the participants’ stories constructed on narrative elements and reworking the stories so that they follow a chronological order and can be incorporated with the participants’ backgrounds and experiences.

A criminological/psychological profiling approach was adopted to explain, describe and explore the criminogenic risk factors that contributed to participants’ offending. Data analysis and data collection are linked to form a holistic and comprehensive picture when explaining offender behaviour (Flick 2015:178). In direct interpretation, a researcher examines each case and draws meaning from it without looking for

numerous instances. This process pulls interpretations together in more meaningful ways (Creswell & Poth 2018:206). Presser and Sandberg (2015:97) believe that a narrative criminologist seeks to draw out theoretical influences amongst storied discourses and patterns that illustrate harmful elements or illegal behaviour. A narrative criminological framework calls for relatively distinctive strategies of analysis. Narrative researchers must consider the five foci of analysis (Presser & Sandberg 2015:86):

- 1) Elements or parts of the narrative;
- 2) Subject and voice choices that represent participants;
- 3) Categories or types of narratives;
- 4) Narrative coherence; and
- 5) The storytelling context.

These foci of analysis are not the only things that narrative criminologists concentrate on, but their theoretical importance is in capturing and linking participants' activities and targets (Presser & Sandberg 2015:86). A researcher will then organise data and continue with the analysis and assessing the entire database (Creswell & Poth 2018:187). The data analysis process included the application of theories as a form of data interpretation. These processes indicate that a criminological analysis approach was adopted to analyse the causes and motives of criminal behaviour of foreign nationals incarcerated for committing violent or contact crimes. The construction of the information will lead the formation of a logical abstraction of the cases that highlights (a) the developments of the individual's life; (b) the diverse theories that explicate these experiences; and (c) the unique and overall features of the life (Creswell & Poth 2018:198-200, 206). Further, Creswell and Poth (2018) posit that the final phase of analysis is marked by the researcher developing generalisations from analysing the data, a process of formulating general concepts that individuals can acquire through knowledge of the case, apply acquired knowledge and insights to a population of cases, or transfer them to other cases being examined in a similar context. Birzer and Cromwell (2017:30) maintain that this process has multiple benefits as it also allows criminologists to gauge the offenders' criminal motives and allows them to assess and recognise whether an offender is hiding certain details or bending the truth even though an offender must always be viewed as an impartial narrator. Further, this



process might serve as an indicator for a criminologist to depict whether the way the offenders describe their lived experiences may have any effects on their prospects for rehabilitation (see section 6.5.2 and 6.7). Hofstee (2006:117) postulates that, once data are analysed, it must be turned into evidence. Creswell (2009:183) is of the notion that data analysis is a stage in research where the researcher makes sense “out of text and image data”. In the end, all fieldwork completes with analysis and interpretation of some set of data. The evidence in this study will contribute to a better understanding of foreign nationals’ offending behaviour.

The discussion on reliability, trustworthiness and credibility guides and cautions the researcher on the code of conduct of reporting including to exercise impartiality while presenting the data and what it discovered given the purpose and objectives of the study.

## **7.12 Reliability, trustworthiness and credibility in qualitative research**

### **Reliability**

Reliability refers to the degree to which a study can be repeated independently by administering the same instrument and whether the same results are yielded under similar circumstances (Maxfield & Babbie 2016:91). Fritsch (2014:43) adds that, to test the reliability of a study, the researcher must ensure that the responses received when applying questionnaires or interviews are dependable. To determine whether responses are dependable, a researcher in an interview may ask the same questions in different ways to test consistency of the measuring instrument (Hagan 2014:280) meaning that, if similar variables are measured under identical circumstances, a reliable measurement procedure will produce identical results (De Vos et al. 2011:177).

### **Trustworthiness**

In any scientific research study, to guarantee the study’s consistency and to avoid dispute, the researcher must safeguard possible issues that might be raised in questioning the reliability and validity of the study. Lincoln and Guba (1986:74) confirm that, because there is a dearth of knowledge on how to replicate consistency in a naturalistic paradigm, the assumption and the usage of conventional measures as

“analogues or metaphoric counterparts” is valued. Good principles of qualitative research are rooted in the notion of trustworthiness (Babbie & Mouton 2018:276).

### **Credibility**

Credibility is based on the compatibility between the constructed realities that exist in the minds of the participants and those that are attributed to them. Credibility is achieved through the following procedures (Babbie & Mouton 2018:277):

- Continued engagement: The researcher must stay the field until they reach data saturation;
- Determined observation: Analysis interpretation must be consistent;
- Triangulation: To elicit different views and contexts requires asking different questions and using different methods to solicit divergent constructions of reality;
- Referential competence: A researcher must be mindful of the material they consider documenting their findings;
- Peer debriefing: The researcher must identify a colleague who is not involved in the research but knowledgeable in the field and who is willing to review perceptions, insights, and analyses; and
- Member checks: Verify the foundation of the source including the data and the interpretation.

### **7.13 Ethical issues in criminal justice research**

Ethical issues in social research are both important and ambiguous (Babbie 2016:72) therefore most of the professional associations of social research have created and published formal codes of conduct describing what is considered acceptable and unacceptable professional behaviour. In general, there are two broad types of ethical guidelines for those conducting research in criminal justice. For the purposes of this study, the researcher was firstly guided by internal guidelines as outlined by the University of South Africa. The research proposal of the study was approved first by the College of Law Ethics Sub-committee before the researcher could apply for

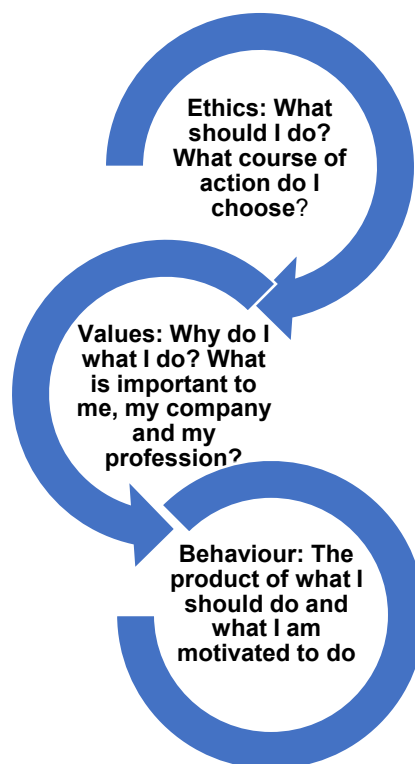
permission to conduct research at the Department of Correctional Service. Secondly, permission was obtained from the Correctional Service and protocol had to be followed accordingly (see Annexure A and Annexure B). The guidelines or codes of ethics developed within the discipline may include codes, constitutions, or even precedent case law. Each of these limits provides guidance that the researchers must adhere to (Fritsch et al. 2014:30). Also, the researcher was expected to familiarise herself with the relevant Ethical Codes, particularly the Departmental Health 2015 Ethics in Health Research and the requirements and procedures of the DCS Research Ethics Committee (DCS 2019c:8).

Codes or guidelines are necessary because criminal justice research focuses on a variety of targets that include the offender, the victim, the criminal justice system and practitioners as well as members of the community. Each of these topics raises unique ethical problems or concerns for the researcher because incarcerated offenders have usually been a source of research subjects. This study necessitated the observation of ethical concerns, which are at the heart of social research, that inform and shape the research practice. The researcher must be aware of ethical issues in criminological research prior to and throughout the research process (Bows 2018:107). This is confirmed by Creswell and Poth (2018:53-54) who emphasise that ethical issues must be addressed during the process of planning and designing a qualitative study because they occur prior to conducting the study, during data collection and data analysis, in reporting the data, and in publishing the data. The researcher followed this process as before conducting research, approval was sought from the College of Law Research Ethics Committee, where the researcher had to prove how relevant policies and ethical principles will be addressed in accordance with the prescript of the institution and the research standards. One of the main ethical issues that the researcher had to observe was to remain objective when approaching and reporting on the subject matter. Ethical considerations are significant in all research activities particularly those involving human subjects because researchers often work face-to-face with research participants (Roller & Lavrakas 2015:304). Commonly, ethical issues in field research revolve around probable invasions of participants' privacy (Kimmel 2007:117). Ethics are principles that guide our conduct as questionable actions might be acceptable to some but unacceptable to others (Thomas 2016:78).

Therefore, social research should never harm participants, psychologically or otherwise, irrespective of whether they volunteer or not. No matter how sensitive and considerate the researcher might be in safeguarding the rights of participants and ensuring that they are not harmed in any way, sometimes the precautionary measures are not enough hence a code of ethics promotes and ensures compliance and focuses on what is right and what is wrong. Knowledge production comes with a moral responsibility towards research participants. The rich literature on research ethics and qualitative research reflects the multitude of approaches informed by parallel, alternative epistemologies that reflects the question of how moral responsibility can be best attended to (Silverman 2016:42).

The figure below depicts the role of ethics and values in behaviour.

**Figure 7.3: The role of ethics values in behaviour**



Source: Adapted from Malloy and Pitter (in Kimmel 2007:7)

Dantzker and Hunter (2012:20) identify criteria that are pertinent to an ethical research study that include avoidance of harm, confidentiality and voluntary participation. The view that knowledge is derived through interaction leads to the acknowledgment of the

participants and the researcher's role in the process. Belmont Report called for the recognition of three basic principles:

- **The principle of respect for persons**

According to this principle participants must always be treated as independent people who have the right to be protected more so if their independence is threatened (Hagan 2014:48). Their autonomy is protected by using informed consent. Consent forms are commonly viewed as the foundation of any research study, particularly when dealing with human subjects. This process means that the researcher must inform and provide participants with correct and applicable information regarding the study. This includes the disclosure of possible risks and benefits of the study and it gives the researcher an opportunity to address any questions or discomfort that potential participants might have. Once informed, the participant can offer voluntary consent (Fritsch 2014:35).

- **The principle of beneficence**

This principle advocates that research study necessitates a risk benefit assessment and this can only be achieved if participants in a research are not harmed, envisioned benefits are increased and potential harm lessened (Hagan 2014:48).

- **The principle of justice**

The principle of justice is concerned with the distribution of risk and benefits to be equally spread. Also, where practical, participant selection should be equal especially where age, race, gender, ethnicity and socioeconomic status are concerned (Fritsch 2014:34).

Criminal justice researchers observe the abovementioned principles as a system of maintaining professionalism. Hagan (2014:54-57) outlines the code of ethics that researchers are obliged to observe:

- **Avoid procedures that may harm participants**

The foundation of any research study is to safeguard participants from harm. The use of a consent form safeguards research participants from harm. The issue of incarcerated offenders participating in a research study is viewed as complex as it is presumed that studies conducted at correctional facilities raise issues of unequal or different treatment of and control. The research under study was guided by the fact

that potential risk was justified by the scientific knowledge gained as this subject is under researched in a South African context.

- **Honor commitments to participants and respect reciprocity**

The current research study solely relied on the cooperation and participation of foreign national offenders. Therefore, the researcher had an obligation and ethical responsibility to keep to agreements that were made prior to the collection of data. These were mainly that their identities would be kept confidential, that only the study supervisor will have access to raw data when necessary and that their identities will not be disclosed to members of the correctional facilities or any other party that might show interest. In short, the researcher owed the participants professional regard.

- **Exercise objectivity, integrity and honesty that are essential expectations of ethical professional conduct**

The research under study required the researcher to remain impartial and adopt a neutral political approach because the issue under study is of national concern. The researcher had to subconsciously refrain from having subjective opinions to ensure that participants' worldviews and experiences were not misrepresented and to implement techniques that were likely to produce results to affirm or refute the researchers' preconceived ideas. The researcher was bound by research ethics to ensure that the findings were truthful and will allow other researchers an opportunity to judge the findings. Lastly, the researcher had an obligation to acknowledge the research participants and every person who contributed in the research.

- **Protect confidentiality and privacy of respondents**

All social science researchers are obliged to ensure that information obtained is treated as confidential and participants' identities are not revealed. It is only in rare cases where researchers require records that include participants' identifications apart from the initial stages of a project. Questionnaires were stored in a secure location. The researcher was guided by the University of South Africa's guidelines on how to ensure safe storage of data and that the information will be stored for five years as prescribed.

### **7.14 Informed consent**

Obtaining informed consent is an important component of conducting research. Before a research can commence, the researcher must explain the concept of “informed consent” to the participants (Babbie et al. 2010:522). Informed consent requires that participants understand the purpose of the research, possible risks and side effects, possible benefits and the procedures that will be used (Babbie 2016:38; Maxfield & Babbie 2015:64). The researcher needs to be mindful when dealing with a “special population”, such as incarcerated offenders, because they are accessible for interviews and experiments. This means the researcher must ensure that he/she does not exercise undue influence or coercion when recruiting offenders. In this case, the researcher ensured that the informed consent included a clear statement that offenders’ decision not to participate would have no influence on correctional privileges or parole decisions (Babbie 2016:39). Further, the researcher ensured that written consent, which contains participants’ details, is kept in a safe place with no access to anyone other than herself. This personal information will be destroyed in accordance with the University of South Africa’s ethical procedures and guidelines.

### **7.15 Professional honesty**

Mason (2018:103) asserts that the reputation and advancement of knowledge in qualitative research requires a researcher to report responsibly, truthfully and must guard against forming pre-prepared answers.

The researcher must not change the data collected as this is a transgression of the scientific code of ethics. In addition, all techniques and method of analysis must be disclosed (Babbie et al. 2010:526). Plagiarism means the misrepresentation of information, such as other people’s ideas, concepts and images, and using them as your own without crediting the author (Neuman 2011:144). The researcher will put the thesis through Turnitin before submitting for examination, which is in line with the UNISA policy.

Lastly, conducting research calls for the researcher to exercise empathy and be mindful when dealing with participants. A researcher must also be aware that he/she might be put in a compromising situation that might affect him/her psychologically. In

such situations, from an ethical standpoint, the researcher must put the research aside for a short time to care for the self.

### **7.16 A summary of study limitations**

While this thesis advances the profiling of foreign national scholarship, it was not without its limitations. Even though the gate keepers gave permission to conduct research in all Gauteng Correctional Centres, the researcher faced serious administrative issues and boundaries experienced in the Correctional Centres that participated in the study. These limitations are outlined as follows:

#### **ACCESS**

Gaining access and receiving assistance from the internal guide proved a very difficult undertaking. Firstly, the contact number given on the DCS permission letter was a fax number. This setback affected the timeframe planned to commence with data collection. The researcher was not given adequate support or clear directives as to who would help her at the various centres, and it was a daunting task to get adequate assistance. Secondly, the researcher had initially planned to conduct research at Kgoši Mampuru, Baviaanspoort, Krugersdorp, Johannesburg and Leeuwkop Correctional Centres, but officials at both Leeuwkop and Johannesburg Centres did not assist the researcher. Requests were sent by email and they initially responded but did not follow through with the researcher's request. These limitations resulted in the researcher changing the research approach and only interviewing 17 participants. However, it must be noted that qualitative research aims to gain an in-depth insight on the study undertaken and not to generalise the results.

#### **METHODOLOGICAL LIMITATIONS**

Qualitative research has its challenges and one of them is that data analysis is time consuming. The study concentrated on the ethnic backgrounds, circumstances under which undocumented foreign nationals arrived in the country as well as education, marital status, effects of conflict and unemployment in their country of origin. However, the study did not explore the different types of migrants' involvement in crime and deviancy. Also, the study did not have any reliable mechanism to verify the past



criminal histories of the participants therefore further studies on the subject are required.

The population that participated was not equally represented; the majority was Mozambicans nationals. The researcher was not responsible for choosing participants but DCS officials chose the population based on the ethical clearance but not on a specific nationality, hence the imbalance in the numbers of participants from various countries. It must be noted that the numbers of participants from countries of origin in this study were not a reflection of their numbers in Gauteng Correctional Centres.

Finding available and reliable national data on foreign nationals from all relevant stakeholders was daunting. Because of the sensitivity of the study, the researcher struggled to get current and accurate statistics on the number of documented or undocumented foreign nationals. Inconsistent reporting of published articles, both by the media and relevant government departments was a challenge.

Face-to-face interviews normally influence the data collected because of the awareness of the “other’s presence”. Brinkmann and Kvale (2015:38) call it “an asymmetrical power”, which means using this mode of data collection can influence the participants to “deliberately express what they believe the interviewer authority wants to hear”.

### **COST AND TIME REQUIREMENTS IMPACTED ON THE RESEARCH SCOPE**

The researcher acknowledges the fact that this study might have limited impact because the focus was population specific, meaning it only concentrated on foreign nationals who are incarcerated in Gauteng correctional centres for committing violent crimes.

The researcher had to be mindful of the financial and human resources necessary to ensure that the project was feasible and that the research scope was reflected in the research objectives. The correctional centres identified and the number of research participants were based on the researchers’ budget (travelling costs), the logistics, that is, the number of participants to be interviewed per day and the time allocated for face-to-face interviews. This last aspect was due to the researcher opting for unstructured interviews with the intention to solicit rich information. The downside of these types of

interviews is that they can be time consuming as the researcher must allow participants to narrate their life experiences. The researcher was also dependent on the availability of participants in accordance with the DCS regulations. Research scope was therefore determined by the time constraints and resources available.

## **7.17 Conclusion**

This chapter offers an introduction to qualitative research including the fundamentals of research processes. Qualitative research techniques used in gathering information from the study participants are discussed. The semi-structured and unstructured one-on-one interviews, as an information collection method, are presented in detail. This study employed an in-depth interview approach with 17 incarcerated foreign national offenders. Issues linked to narrative data analysis and interpretations are discussed. The methodological approaches and data analysis interpretation method applied was in line with the study's objective. The important features of ethical considerations in qualitative research are deliberated including the study limitations.

The next chapter discusses a criminological analysis and profiling of sentenced foreign national offenders.

## **CHAPTER 8: A Criminological Analysis and Profiling of Sentenced Foreign Offenders**

### **8.1 Introduction**

Criminological research has proven that a study of crime calls for an in-depth analysis, which does not only concentrate on the crime statistics or typologies but also on information that describe the characteristics of perpetrators (Reid 2018:28). Crime is a constant source of fear and global despair. South African media headlines and statements on the issue of crime and foreign nationals' deviant behaviour were the motivations for this study. These reports have initiated a dialogue amongst scholars, the media and members of the community (see section 1.5). Motivation, factors and forces contributing to violent crime by foreign nationals in an African context are revealed in this study by a careful analysis of offence characteristics. The aim of this study was not to prove or disprove that South African citizens are at risk from foreign nationals' criminality but to examine South Africa's own internal problems of crime, stemming from its violent past. Equipped with knowledge, "citizens can reach some answers to the who, what, when, where and why-type questions surrounding this matter of dealing with the criminal elements" (Miethe et al. 2001:2).

Criminologists have a long-standing history of extensive interviewing skills to gain understandings into the nature of crime, causes and motives of deviant behaviour. Information gained from offenders is important in making sense and exploring the criminal activities from the offenders' own accounts. Criminal profiling remains entrenched in classifying behaviour and understanding the origins of criminal behaviour. The objective of this study was to conduct a criminological profiling of sentenced foreign offenders in Gauteng correctional centres. The following areas are utilised to classify and profile the incarcerated foreign national offenders:

- participants' demographic information;
- family risk factors;
- underlying causes of border crossing;
- explanation of criminal behaviour; and
- rehabilitation programme.

## 8.2 Subjects and methods

Participants in the current study were foreign nationals incarcerated in four Gauteng correctional centres. This study utilised semi-structured interviews which were administered to 22 incarcerated offenders. Of the 22-population sample, data were collected from five participants from Kgoši Mampuru Correctional Centre for a pilot study. This data was excluded from the study analysis. Centres that were accessed for the profiling of 17 participants were Baviaanspoort Correctional Centre, Krugersdorp Correctional Centre and Zonderwater Correctional Centre. Further, all participants interviewed were incarcerated in maximum security correctional centres. Details describing the methodological approach employed for this study are discussed in Chapters 1 and 7.

In support of definitions and explanations provided in Chapter 2, Kocsis and Palermo (2007:328) further define profiling as “a process of observation and reflection during which an attempt is made to reassemble the collected pieces of a criminal puzzle as the profiler attempts to answer the basic questions: why, where, when, how and who?” In other words, it is a practice aimed at classifying and understanding criminal behaviour including establishing the offenders’ *modi operandi* and motivation for the commission of the criminal act. Presser and Sandberg (2015:85) summarise the elements of narrative story telling as stories that are “coproduced, tailored to the storytelling occasion and thus influenced by setting, the purpose of storytelling, and those with whom we communicate”. Narratives are used to reveal criminogenic factors in the past (Presser & Sandberg 2015:85).

The case studies below answer these questions in accordance with the definition above. These case studies are based on transcripts of the participants’ in-depth interviews. This approach allowed the researcher to adopt a dual layer of interpretation, meaning participants interpreted their own lives through narratives and the researcher constructed the participants’ narratives in the form of case studies.

## **PARTICIPANT A**

### **Demographic information**

Participant A was 45 years old at the time of the interview and was, at the time, serving a life sentence at Baviaanspoort Correctional Centre which is in the north of Pretoria. He migrated to South Africa from Mozambique during 2008, at the age of 18 years. He was raised in a single-family household. He was never married and his educational background is equivalent to grade 7 in South Africa. He has two children, a 15-year-old girl and 13-year-old boy with different mothers. His son is staying in Mozambique while his daughter stays in South Africa. Both of his children are now living with their mothers.

### **Family risk factors**

Participant A and his five siblings were raised single handedly by their mother. Although his parents never married, they had six children together. He has three brothers and two sisters; he is the youngest child in the family. He had a close relationship with his mother but never had a meaningful relationship with his father because he only visited them occasionally, mostly in December, and stayed for few days. Thobejane and Flora (2014:1063) point out that women in polygamous marriages often do not have the financial means to afford basic necessities, such as food, shelter and education, and, as a result, their children suffer.

His childhood was unhappy because of the circumstances he found himself in. He was exposed to violence at very young age. He revealed that he was raised during the times of the “rebels fighting”. He was constantly exposed to brutal killings and women being raped. His family stayed in the rural areas of Mozambique. They lived in fear of being attacked and were constantly on the run which affected their schooling. His mother eventually decided to move to the township where members of the community were protected by soldiers. Offenders who were exposed to conditions of war and conflict had their human rights contravened which “stripped them of their human dignity” (Glover 1999:337) in a process of dehumanisation (Muncie et al. 2010:211).

He grew up without a father figure. His father was an absent father and they did not

have a father-son bond. The researcher observed that the participant's children were also faced with growing up without a father figure. Mabusela (2014:21-22) theorises that the impact of fathers is crucial in a child development and contributes to their moral development and empathy. Also, masculinity in the home shapes is key to the upbringing of a well adjusted and socially competent child. Research reveal that children who are not adequately reared and monitored are prone to be exposed to deviant behaviour at a very young age has a long-term negative impact on a child's behaviour and outlook on life. This contributes to negative learned behaviour which is reflected in their norms, values and patterns of behaviour (see sections 2.5 and 2.6). Further, the issue of war and rebels impacted destructively on his schooling years, which caused him to drop out of school.

### **Underlying causes of border crossing**

As indicated, Participant A migrated to South Africa during the year 2008, at the age of 18. The aim was to find a job so that he could help his mother and older siblings financially. He realised that there were no job opportunities and decided to open a salon in a Germiston township where he was residing and also sold vegetables to augment his salary.

He paid the "driver" and border police a bribe to assist him to enter the country without the necessary documentation. He explained that, at the time, a person only paid an amount that they could afford but now there are fixed amounts. He wanted to start his life afresh and leave his life experiences behind. The most obvious cause of migration is the disparity in levels of income, employment and social well-being between different countries (Castles 2019:153). The exposure to border officials' corruption and their habit of extorting bribes demonstrates that South African Border policing is weak or non-existent in deterring illegal migration (Chêne 2018:6). This issue has raised concern and debate over the years by various stakeholders and, to date, the South African government is still to control its border posts (see sections 4.3.3, 5.2 and Chapter 8).

### **Explanation of criminal behaviour**

According to Participant A, he committed his first offence in 1991 and was sentenced

to five years imprisonment for housebreaking. He explained that he was looking for goods to sell to survive. His current offence was committed in 2013 when he was convicted for murder, attempted murder, armed robbery and possession of an unlicensed firearm. He was sentenced to 15 years. He was with a group of friends when they decided to rob a house in the Germiston suburbs. The occupants were three White victims. He was shot nine times by the owner. Participant A said that the “perpetrator” called him “kaffir and baboon” while shooting at him. He spent six months in hospital. He believed that they thought he would die and he knows where they live and does not know what will happen when he is released. He indicated that he did not have a fair trial; he was surprised that the court was filled with White people only who spoke in Afrikaans, yet Black South Africans claim they are in power. While on trial, his sister passed on and he could not attend her funeral. His trial in Boksburg lasted for three years because they were waiting for ballistic evidence. Although he wishes to appeal but, if the appeal will be conducted in the same court, he will not pursue it because it will be the same White people and, he believes, it will be a waste of time.

Chapter 2 discusses theories that explain crime and offending behaviour in a multidisciplinary approach which can throw light on Participant A’s deviant behaviour. The researcher found that he lacked empathy, including the appreciation of his wrongdoing. Such behaviour is explained by Kohlberg’s theory of Borderline Personality Organisation. Participant A’s behaviour illustrated cognitive misrepresentations in support of egocentricity that might have contributed to his offending behaviour. The observation is confirmed by his lack of accountability, the diminishing of his actions and blaming them on external factors in order to decrease feelings of remorse (Palmer 2012:19).

### **Rehabilitation programme**

Participant A explained that he had attended the following programmes: social work (three times a week); psychological programmes (only twice since his incarceration); spiritual care (Muslim); and anger management. He explained that it is not easy to adjust to the new life of being incarcerated and the programmes do not help. He explained that he was angry because his trial was unfair, and he felt that he was not responsible for the crimes committed as his co-accused instigated them. Participant A

described incarceration as difficult to adjust; he missed his family and friends and explained that he did not receive visits because his family stays in Mozambique. The only friend that used to visit him passed on in December 2019. He described prison as a place of hopelessness and isolation. Conklin (1995:236-237) maintains that migration disrupts social bonds and weakens the informal control of behaviour by key institutions in a person's life, particularly for individuals who migrate alone, as their lack of social ties weakens the formal social control over their behaviour. Based on the abovementioned discussion, Participant A appreciates the intervention treatments provided by DCS. However, the researcher noticed that the psychological interventions were inadequate and believes that Participant A could benefit greatly in understanding, acknowledging and taking ownership of his deviant behaviour.

The findings of this study can assist DCS with improving and providing more appropriate offender interventions (see Chapter 6) because identifying the key criminological and cognitive features is important in their rehabilitation. The purpose of criminological offender profiling is not only to identify offenders' characteristics but is also to curb recidivism (Kocsis & Palermo 2007:327).

## **PARTICIPANT B**

### **Demographic information**

Participant B was 43 years old at the time of interview and was, at the time, serving 47 years plus a life sentence at Baviaanspoort Correctional Centre which is in the north of Pretoria. He migrated from Mozambique to South Africa during 1996, at the age of 19 years. He was raised in a single-parent household. He was never married, and his educational background is equivalent to grade 6 in South Africa. He has two daughters, 14 years old and 9 years old, whom he has never met because he was incarcerated at the time of her birth. He fathered his daughters with different mothers. Both children are currently staying with their mothers, the eldest child stays in Polokwane and the youngest in Mozambique.

### **Family risk factors**

Participant B was raised in a single parent household with his six siblings. He is the



second child and, at the age of 10, his mother asked his uncle to raise him because she was not coping financially. He has four brothers and two sisters, but one brother has passed on. He had a loving relationship with his mother but never had a meaningful relationship with his father. He explained that his father is an Indian and had three children with his mother. His father never acknowledged him and his siblings. He further explained that his father was a racist and he does not understand how he had three children with his mother. His childhood was fairly happy but he had to learn from a very early age to be a “man” and to stand on his own. He grew up in a peaceful family and was never exposed to violence in his family or in the community.

According to Participant B, he was the only child chosen to be raised by his uncle and aunt. The family is regarded as the fundamental building block of human society (Bhandari 2018:109). Also, it plays a crucial role in the socialisation of a child. Although Participant B felt that his extended family provided him with a loving home, he still had feelings of rejection by both his parents. He felt rejected, abandoned and questioned why he was chosen to be raised by his extended family. Research confirms the importance of family factors as predictors of offending. Children’s psychological and social cognitive growth has also been found to be hampered by parental rejection and a lack of emotional and financial support (Mazembo, Thomson-de Boor & Mphaka 2013:10).

### **Underlying causes of border crossing**

As indicated participant B migrated to South Africa during the year 1996, at the age of 19. The aim of his migration was to find a job since he dropped out of school due to financial constraints. Significant empirical evidence finds that extreme poverty and poor socio-economic conditions contribute towards the influx of migrants in the country (Stark, Byra & Kosiorowski 2020:1).

He was recruited by his friend to migrate to South Africa because the prospects of finding a job were higher than in their place of origin. This finding is not surprising because most immigrants are attracted by “pull factors” that include the prospects of employment and a relatively higher standard of living (Gheasi & Nijkamp 2017:3). He found employment at a Chinese restaurant in Lynwood and he was offered a place to

stay. Unemployment in the country of origin is one of the key contributory factors to the participants' migration to South Africa. The crime and immigration association has been generally disregarded by economists as most of the experiential evidence emanates from criminological or sociological research (Light & Miller 2018:370-371). According to Participant B, he flew to South Africa with legal documents but could not describe the type of documentation he had. Gheasi and Nijkamp (2017:3) found that receiving countries have to deal not only with specified immigration forms (see Chapter 3) but also countless types of immigration which inherently constitute difficulties in developing strategies for a balanced immigration policy.

### **Explanation of criminal behaviour**

According to Participant B, he committed his first offence in 1996, the same year he migrated into the country. He was sentenced to two years for housebreaking. He explained that he had one co-accused from Tanzania. His current offence was committed in 2010 and he was convicted for murder, robbery with grievous body harm, possession of an unlicensed firearm and ammunition. He was sentenced for 47 years plus a life sentence. At the time of his arrest, he was staying in Atteridgeville (Pretoria), where he befriended his neighbours who were his co-accused. Participant B explained that, before committing the crime, he was intoxicated and the plan to commit crime was not preplanned but was a spur of the moment decision. They needed money and identified Sunnyside as the most likely place to make "quick money". His two accused are a South African and a Mozambican. The two accused were both sentenced to 30 years each. He further explained that they found three unlicensed guns in his possession. He described buying a gun in South Africa as "easy as jumping the border". He has a supplier in Alexandra and prices vary according to the type of gun required. Shaw (2017:11) found that, in Africa, there is a lucrative market for ageing stocks of weapons from historical conflicts amongst criminals and gangsters.

He explained that the victim was a Black South African, who was working as a street vendor and was a breadwinner. According to Lanza (2019:3), few studies have explored the role of co-offending on the severity of violence during an offence. Warr (cited in Lanza 2019:2) contends that the presence of co-offenders can increase violence, leading individuals to partake in criminal activities that, under normal

circumstances, they “never would have committed the crime had they been alone”. The rational choice theory takes a decision-making approach to explaining criminal behaviour (see section 2.4). The decision taken is influenced by considering both personal factors and situational factors (Siegel 2011:85).

### **Rehabilitation programme**

Participant B explained that he had attended both the social work and psychological sessions once. However, he felt he benefited mostly from anger management and educational programmes. He completed Levels 1, 2 and 3, and attended anger management programmes, including HIV/AIDS and TB programmes. He explained that the anger management assisted him a lot because, before he was arrested, he used to fight a lot with people, and he was feared by members of the community. He is now able to ignore inmates who provoke him. Further, he attended the spiritual care (Muslim). He explained that he misses home; he wishes he could be able to serve his sentence in his country of origin. He also described that it is hard for him to be far from his family and friends. The last visit he received was in 2019 from his Nigerian friend. According to Coyle (2005:111), incarcerated offenders find it difficult to deal with the loss of contact with their family and friends because such separation affects familial relationships. The researcher found that social work and psychological interventions are not utilised much, which is a concern as they play a critical role in behaviour modification. Matshaba (2011:267) posits that officials also play a crucial role in the rehabilitation of offenders.

## **PARTICIPANT C**

### **Demographic information**

Participant C was 43 years old at the time of interview and was serving a life sentence at Baviaanspoort Correctional Centre which is in the north of Pretoria. He migrated to South Africa from Lesotho during 2006, at the age of 13 years. He was raised in a nuclear household. He is married, and his educational background is equivalent to grade 7 in South Africa. He has three sons, aged 20, 18 and seven. All three of his children live in Lesotho with their mother.

## **Family risk factors**

Participant C was raised in a nuclear family system with his six siblings and his uncle's children. He has three brothers and sisters and he is the last born of the family. He had a good relationship with both his parents. He further indicated that his mother was a disciplinarian. He remembers his childhood as a happy one and, during his school years, he enjoyed working at his father's farm looking after the family livestock. According to research children growing up in disadvantaged families have an increased risk of misbehaviour, school failure and ill health (Western 2004:2) (see section 2.8).

He described his childhood friends as naughty and said that they used to steal but they were never in serious trouble. The environment that he grew in was peaceful; the only challenges were those of poverty and a lack of opportunities. Participant C explained that he did not finish school because he struggled with schoolwork. Educational factors are important risk factors that might contribute to the onset and continuation of male deviancy (Flowers 2003:47) (see section 2.3.3).

## **Underlying causes of border crossing**

As indicated, Participant C migrated to South Africa during the year 2006, at the age of 13. He came to join his cousin who worked in Johannesburg. The aim was to stay with him and learn his trade so that he could work when he came of age. He travelled to South Africa on a bus and entered the country illegally with the assistance of fellow travellers from the same community. Current studies into independent child immigration expose the new trend of children migrating independently either unescorted or disconnected from their families (Willie & Mfubu 2016:424). Landau and Segatti (2009:23) emphasise that the issue of children migrating alone is not a new phenomenon. These authors found that children as young as seven were migrating alone and that they were mostly affected by poverty, death in the family or were underprivileged to a point that schooling was affected.

Dealing with child migrants is complex. South Africa, as a party of 1989 Convention on the Rights of Children, is obliged to pass and implement laws which are in the best interest of the child. These rights are embedded in Section 28 of the South African

Constitution which is duty bound to protect, fulfil and promote children's rights in accordance to the Constitution's principles (Willie & Mfubu 2016:425). The Constitution guidelines and goals are clear in principle however, children who migrated like Participant C, who was unaccompanied, struggle to access appropriate documentation that will enable their continued stay in the country as these documents are obtainable either through the Immigration Act or the Refugee Act (Willie & Mfubu 2016:429).

The lack of guardianship and idleness might have contributed to his offending behaviour. During the day, he was mostly home alone and unsupervised, so he kept busy by having older friends who introduced him to a life of crime. He learnt from a very young age to fend for himself as he could not solely depend on his cousin, who was not earning much, to sustain both of them and send money back home. Conklin (1992:257) found that parental supervision and the attachment of the child to loving and caring parents play a significant role in preventing delinquency. He explains that he was never employed and, since 2008, he was earning a living through recycling.

### **Explanation of criminal behaviour**

According to Participant C, he does not have previous convictions. His first offence was committed in 2012 at the age of 32 and he was convicted for rape, kidnapping, robbery and assault. He was serving a life sentence. At the time of his arrest, he was staying at an informal settlement in George Skog (Johannesburg). He explained that his place of residence was rife with violence and xenophobic attacks. He explained that, before committing the crime, he was with his friends at a tavern and his girlfriend joined them. As they were enjoying their alcoholic beverages, some Zulu speaking men came in a group and wanted to walk away with his girlfriend of six months and, just before midnight, they left for his home. He further stated that he was highly intoxicated, and it was his lifestyle. To his surprise, the following day, she opened a case of rape against him and eight other individuals and alleged that she was raped at a railway station near his shack. Research shows that a positive correlation exists between alcohol and physical violence, particularly sexual violence (Reid 2018:253).

Only three accused were arrested including Participant C and the court revealed that

they were in possession of “knobkerries”. One accused was not sentenced but he was arrested with his co-accused who is his brother-in-law and married to his cousin. Participant C felt that he was wrongfully accused as his girlfriend was staying with her common law husband and he was not sure why she accused him of rape as they were lovers. The researcher observed that the participant was still angry and did not feel remorseful because he felt that he was unlawfully convicted as he was not involved. This behaviour could be attributed to cognitive development impairment or the offender “being out of touch with reality” (see section 2.3.2). Bartol and Bartol (2017:198) posit that the origins of sexual offending are multifaceted and are not obvious or common to detect. These authors describe such behaviour as incited by numerous, interactive factors. Hence there is no single profile that encompasses sex offenders. With reference to situational characteristics, alcohol plays a major role in both incapacitated and coerced sexual assaults. There is empirical evidence supporting a direct link between alcohol use and violence (see section 5.5). This is because the consumption of alcohol contributes to communication misinterpretation and impairs a person’s decision-making ability and diminishes self-control (Bartol & Bartol 2017:188-197). Hirschi and Gottfredson’s control theory that uses the link between self-control, self-interest and alcohol abuse can explain Participant C’s behaviour (see section 2.4 and Figure 2.6: The basic steps of the individual’s moral engagement with a moral setting). Participant C was unemployed at the time of his arrest.

### **Rehabilitation programme**

Participant C explained that he had attended both the social work and psychological sessions once. However, he felt he benefited mostly from crossroad, anger management and educational programmes. He completed Levels 1 and 2 and attended the anger management programme because he was advised to attend it by the social worker, but he does not understand its necessity as he has never had anger management issues. He also indicated that they are not interactive, so he just “sits and listens”. One of the biggest challenges of delivering offending behaviour programmes is that of offender engagement. Poor offender engagement reduces the offenders’ understanding and skills acquisition and affects the overall treatment benefits (Hatcher 2012:341).

He also participates in the spiritual care programme as he is a Christian. He voiced his unhappiness with the life sentence and felt it was too harsh for a first offender. He felt frustrated because he no longer had access to his children and the only person who visits once a year is his younger sister. Participant C's denial of his actions and reality will hamper the intervention as its main purpose is to accept one's wrongdoing. The rehabilitation of offenders is a multifaceted process. The main emphasis of risk management approaches is in the observation and modification of criminogenic needs. Ward, Rose and Willis (2012:408-414) assert that the need principle targets criminogenic needs. Young, Justice and Erdberg (2012:1103-1123), advocate that treatment efforts should be associated with criminogenic needs or, as in this case, the causes of sexual offending behaviour. Rehabilitation treatments must have an element of risk-need-responsivity (RNR) (see 6.6).

## **PARTICIPANT D**

### **Demographic information**

Participant D was 34 years old at the time of interview and was, at the time, serving a life sentence at Baviaanspoort Correctional Centre which is in the north of Pretoria. He migrated to South Africa from Angola during the year 2006, at the age of 19 years. He was raised in a single-family household. He was never married but lived with his live-in partner for 17 years and his educational background is equivalent to grade 7 in South Africa. He has three children, two boys and a girl, aged 19, 15 and 10 respectively. He fathered his children with different women. All three of his children stay in Mozambique with their mothers.

### **Family risk factors**

Participant D and his four siblings were raised by both his mother and his maternal grandmother. He is the second born child of the family. He was born of an Angolan father and a Mozambican mother. His mother and maternal grandmother played an integral part in his upbringing. He had a very close relationship with his mother. His father was present in his life up until the age of 13 years when he suddenly disappeared. He grew up in a violent environment; his parents were violent towards each other especially when they were both intoxicated. Violence within the home

impacts the child's immediate and long-term cognitive functioning and attitudes and affects how he/she deals with conflict resolution and violence (Bartol & Bartol 2005:318). Participant D was also exposed to a lot of violence due to political unrest and war, although the situation improved from 1998. This study concurs with Pelsler (2008:8) and Collins (2013:34) that children who grow up in communities where violence is the norm perceive violence as an effective and socially acceptable response.

### **Underlying causes of border crossing**

As indicated, Participant D migrated to South Africa during the year 2006, at the age of 19. He came with a friend looking for employment in Johannesburg because they heard from members of the community that there are employment opportunities in South Africa. The main aim was to look for a job because he fathered his first-born child at the age of 16 years and, because of his poor background, his family was unable to provide the basic needs of his child. He further explained that what made the situation worse was that his girlfriend's family denied him his rights to bond with his child and that they were well off compared to his family. He entered the country illegally three times by jumping the border fence. Jumping of the border fence, especially between Zimbabwe and South Africa, is one of the most popular methods of entering South Africa illegally. This method is referred to as "kujmba bhodha", which, loosely translated, means "border jumping" (Daimon 2002:2). Those supporting border jumping tactics are referred to as "impisi" (see section 5.7). The impisi are paid to assist with border jumping. Irregular migration is a very sensitive issue in South Africa because regular migration needs to take place in an orderly way for various reasons, including safeguarding the human rights of migrants, preventing exploitation by employers and to avoid conflict with citizens of the country (Castles 2019:161).

Participant D explained that when he first entered the country, he did not know how he was going to survive or where he was going to sleep. He was determined to find a job and he was informed that he would not struggle for long because he would meet his fellow brothers from home, and they would assist him with settling down. When foreign nationals create a network, it increases the projected return to migration by accessing the experiences and social capital in their former ethnic group members



(Gheasi & Njikamp 2017:4). The linkage between crime and inequalities are explained (see sections 2.5, 2.7 and 5.4). He lived in Soweto but struggled to find a job and worked at a local panel beating centre. He later found temporary employment at a construction company and worked there until he was arrested. Developed countries, such as South Africa, need unskilled and cost-effective labour but the citizens are not interested in low-paying jobs (Gheasi & Njikamp 2017:4).

### **Explanation of criminal behaviour**

According to Participant D, he does not have previous convictions. His first offence was committed in 2015 at the age of 29 and he was convicted for rape, attempted rape, kidnapping, housebreaking and possession of unlicensed firearms. He was, at the time, serving a life sentence. He explained that, one Friday, he was at a tavern with his friends from Mozambique. While at the tavern, they planned to rob a house. They were all armed with unlicensed firearms. They went into a house they identified as having the potential to have goods they targeted where a party was in progress. There were seven occupants of the house. They then decided to gang rape one of the female victims and attempted to rape the second victim.

Participant D and his co-offenders can be profiled or classified as impulsive or exploitative rapists because they engaged in spontaneous rape when an opportunity presented itself. Generally, such rapes are carried out in the context of another crime such as robbery (Bartol & Bartol 2017: 207). He had two co-accuseds and one of the perpetrators managed to flee before he could be arrested. He further revealed that this co-accused was a fugitive in Mozambique and was wanted because he was the most dangerous. He also mentioned that the co-accused was happy that he was not caught because he was going to kill the person who would have contributed to him being convicted and that he is still in South Africa.

Strained individuals who regularly interact with others experiencing the same strains may develop collective responses, including collective violence (Agnew 2004:47). Theories describing psychological explanations about criminal misconduct highlight both individual and environmental influences. These theories claim that there is an element in the environment that prompts an internal response in an individual's

personality that allows the individual to engage in unlawful activities (Bartol & Bartol 2005:115). On the other hand, the psychological theories of crime focus on an individual's personality and its formation. It is believed that impulsivity, a lack of self-control and innate aggressiveness are all components of a criminal personality. Priyadharshini, Rejani, Jadeja and Deka (2017:47), found that structural and functional brain anomalies contribute to the commission of sexual offences, this is because brain mechanisms are behind the "stimulation, direction and control of sex drive". Felson (1998:23) asserts that committing crime does not entail motivation but occurs as a result of the absence of self-control. He further argues that, as human beings, we are confronted by endless opportunities and enticements. Most people are able to refrain but those who unable to do so are "tempted more and controlled less".

### **Rehabilitation programme**

Participant D explained that he has never attended any psychological sessions or educational programmes. However, he attends social work sessions at least every six months. He also attends the anger management programmes and he realised, through the sessions he attended, that his biggest problem was excessive alcohol intake because, when he is intoxicated, he becomes aggressive. He describes the night of the incident as a life defining moment that changed everything and affected innocent women. He further shared that he struggles with insomnia because their actions were barbaric, and they were still haunting him. He said his mother was 70 years old and she did not deserve the pain and shame he brought to his family especially since she tried to teach them about good life choices. He explained that, although he misses his "normal life", he deserved the punishment he received because he was old enough to know what was right and wrong. The researcher was concerned about the fact that Participant D is not receiving the necessary psychological help. The combination of rehabilitation and punishment have a higher prospect of succeeding in improving the behaviour of offenders because it accounts for the emotional needs of individuals. It has been proven that punishment alone is not effective in changing behaviour (Corleto 2018:117) because, in order to transform individuals, correctional educational must "consider the whole person inside the uniform that comes with human needs, emotions and attitudes" (Deaton 2005:47).

## PARTICIPANT E

### **Demographic information**

Participant E was 29 years old and was, at the time of the interview, serving a life sentence at Baviaanspoort Correctional Centre which is in the north of Pretoria. He migrated to South Africa from Malawi during the year 2015, at the age of 25 years. He was raised by his mother only as his father died when he around six or seven months old. He is single, and his educational background is equivalent to grade 8 in South Africa. He has three children, two boys, 12 and four and a daughter aged seven. He fathered all his three children with the same woman, and they are being raised by their mother in his country of origin.

### **Family risk factors**

Participant E was raised by his mother and maternal grandmother. He described his relationship with his mother as good but she died in 2009 and his grandmother died in 2010. He has seven siblings, five sisters and two brothers. He is the last born of the family. Large families have a negative impact on a child's upbringing as they affect all aspects of family dynamics, that is, the finances, the lack of adequate time to manage and give attention equally to all the children and ultimately a lack of fair management of things that concern the children. There is a correlation between family type, size, environmental factors and criminality (Bhandari 2018:112). Participant E's situation was worsened by the loss of his mother and grandmother at a critical stage of his development. He explained that growing up without his father was difficult for him and he wished he could have at least met him. He grew up asking himself how his life would have turned out if his father was alive. Criminologists have emphasised the role that family plays in moulding a child and instilling values and norms that are in line with the social contract. However, it is equally important to understand the context of "absent father". In the participant's case, his father did not abandon him, but passed away. He was subjected to loss from an early age. People respond differently to strain including their coping mechanisms. In some instances, involvement in criminal activities is one of the coping mechanism strategies (Agnew 2004:41) (see section 2.8).

## **Underlying causes of border crossing**

As indicated, Participant E migrated to South Africa during the year 2015, at the age of 25 years. He came with a friend looking for employment because they were both unemployed. They entered the country legally and stayed in Hillbrow (Johannesburg) where most of their Malawian friends were staying. He was never employed full time but got odd jobs and saved that money to be able to afford transport. He thought that finding employment was easy, but found that it was far from the truth. Smith and Steyn (1997:401) content that circumstantial stresses that affect families hardly occur independently especially economic difficulties which are “inextricably intertwined with one’s aspects of adversity”.

He also struggled to adjust to the new environment and missed his children and girlfriend a lot but had to be strong so that he could find work and send money back home. A lack of support has a negative impact on the overall life of individuals especially in a foreign country. Participant E explained that he was employed by a Nigerian citizen at the Johannesburg CBD mall and he was selling clothes.

## **Explanation of criminal behaviour**

According to Participant E, he does not have previous convictions. His first offence was committed at the age of 26 and he was convicted for murder and robbery (GBH) and was, at the time, serving a life sentence. At the time of his arrest, he was staying in Hillbrow (Johannesburg). He was convicted of the murder of his brother-in law. They were at a tavern with a few friends from Malawi and Mozambique. A fight broke out and his brother-in-law was stabbed to death. Dispute interrelated violence might be considered as the borderline for a rational choice approach: “if one can take it there, one can take it anywhere” (Felson 2004: 80). The rational choice perspective maintains that only personal attacks, including those that a perpetrator mind find offensive can prompt an aggressive response. Further, there must be recognition or fear for deterrence.

According to Participant E, he was not part of the fight but, when he saw his brother-in-law fall and die, he panicked and fled the scene with his friends. He suspects that his friend got them drunk so that he could steal the deceased’s car because they later

found out that he sold it on the black market in Kempton Park for R7 000.00. He was never caught and remains a fugitive but both he and his co-accused were sentenced to life in prison. He explained that his actions caused a lot of pain to his family which has broken the ties between them. He felt that he was wrongfully accused because he did not stab him or plan his murder. The findings of the study revealed that foreign nationals are not only incarcerated for contact crimes against South African citizens but also against their own undocumented family members and friends. According to the United Nations Office on Drugs and Crime (UNODC 2015:3), violence can occur between and within foreign nationals because

“[e]thnic and other tensions may be imported from countries and regions of origin, manifesting in violence in countries of destination. Such tensions may be exacerbated where migrant populations are concentrated in areas and result in gangs and other allegiances being formed and divided along ethnicity and racial lines.”

### **Rehabilitation programme**

Participant E explained that he had attended social work sessions five times and psychological sessions three times. He was also actively involved in the spiritual care programme as he is Muslim. At the time of the interview, he was busy with a Level 2 educational programme. He explained that he enjoyed the anger management programme. He received visits from friends at least once a month. Although he misses home, he does not ever want to go back home as he feels embarrassed by what happened to his brother-in-law and his family does not trust his version of events but that of the court. The philosophy and goals of criminal sentencing (see 6.4) include the principles of restorative justice. For rehabilitation and intervention programmes to be successful, an offender must appreciate the wrongful act and be ready to correct the deviant behaviour and not continue with cognitive distortion.

### **PARTICIPANT F**

#### **Demographic information**

Participant F was 36 years old at the time of the interview and was serving a 20-year

sentence at Krugersdorp Correctional Centre which is near Johannesburg. He migrated to South Africa from Mozambique during the year 2001, at the age of 18. He was raised in an extended family by his paternal grandmother and grandfather. He is single and he has no educational background. He fathered two daughters, 14 and 10 years old with different women. Both his daughters stay in Mozambique.

### **Family risk factors**

Participant F was raised by his paternal grandmother who was in a polygamous marriage. He was raised in a household of eight siblings, five girls and three boys. He explained that he thought his paternal grandmother was his mother and only found out the truth at the age of 11 years. He felt betrayed and was deeply hurt. He never had a relationship with his mother. His father worked in the mines in South Africa. He started bonding with him at the age of 17 years. The participant did not have any attachment to either of his parents which plays a significant role in instilling good values and norms, because a child who does not learn social boundaries is likely to be involved in risky behaviour (Siegel 2018:250). Although his grandmother was loving, she was unable to provide for all his siblings and they struggled to get basic needs. He wished to go to school but his grandmother could not afford it, and it was painful watching his peers go to school while he could not read or write. There is much research on the relationship between crime and economic conditions. Children growing up in geographically marginalised families, with a low socio-economic status and limited social capital and where key adult members are unemployed, struggle the most (De Witte, Cabus, Thyssen, Groot & Maassenvandenbrink 2013:10).

### **Underlying causes of border crossing**

As indicated, Participant F migrated to South Africa during the year 2001, at the age of 18. He came with two of his brothers looking for employment in Johannesburg. They struggled to find a job in their home country and decided to move to South Africa as most of the people they knew had found employment in the country. They entered the county illegally by jumping the border fence. They settled at Lindelani in Benoni. South African Border Policing is weak or non-existent in deterring illegal migration. Tati (2008:425) argues that measures intended to curb illegal migration address the

symptoms rather than the cause of uneven development in the region. Chetty (2004:20) found that the lack of control is exacerbated by South African immigration officers who lack the necessary expertise and manpower to process asylum applications or renewals. Participant F was working at a construction site on a part time basis.

### **Explanation of criminal behaviour**

According to Participant F, he does not have previous convictions. His first offence was committed in 2008, at the age of 25 when he was convicted for rape and house robbery and was, at the time, serving a life sentence. At the time of his arrest, he was staying in Lindelani (Benoni). On the day that the crime was committed, he was with two of his friends and co-workers and they were on their way to catch a 4 am train, they saw a security car driving by and they panicked because they did not possess legal documents. They agreed to hide in the nearest house and they jumped over the wall. While in the yard, they agreed to go into the house and steal. They found a lady sleeping and decided to rape her. He explained that the decision taken was at the spur of the moment. Participant F and his co-accused fit the profile of opportunist sex offenders. Bartol and Bartol (2017:205) classify them as offenders who do not necessarily plan their assault, but rather take advantage of the occasion to sexually assault when a suitable victim is present. As these types of sexual offenders depend on the opportunity, they may select male children, or young or older women as their victims. In this case, Participant F alleged that he did not remember the race of their victim but, because they stole the victim's ID and credit cards, he remembers that she was born in 1980, meaning the victim was 28 years old at the time of assault. Participant F's trial started at the age of 24 years. According to Lanza (2019:6), age plays a role in controlling the connection between co-offending and violence.

### **Rehabilitation programme**

Participant F does not see the value of the intervention programmes. He explained that he grew up without parents and he does not believe that sharing his problems or feelings with strangers will assist in any way. He further explained that he was used to dealing with his problems on his own. He attempted to get assistance from a

psychologist as suggested by a social worker during the initial assessment after his incarceration, but he was informed that he was on a waiting list to get a session with a psychologist. Freeman (2012:7-8) argues that programmes need to be individualised to increase offender responsiveness, particularly when dealing with offenders with a low IQ and underlying learning issues. He further posits that individualised programmes afford offenders the opportunity to improve their numeracy and literacy skills as well as their broader functioning within the institutional community. Herbig and Hesselink (2012:34) affirm that the efficiency of the programmes is hindered by the lack of psychologists in the correctional facilities. Therefore, the primary aim of sentencing is not realised (see section 6.4).

## **PARTICIPANT G**

### **Demographic information**

Participant G was 42 years old at the time of interview and was, at the time, serving his 10-year sentence at Krugersdorp Correctional Centre which is outside Johannesburg. He migrated to South Africa from Mozambique during the year 2002, at the age of 17 years. He was raised in an extended family household. He was married and his educational background is equivalent to grade 7 in South Africa. He fathered four children with his wife, three boys, 14, 12 and four and a two-year-old girl. His wife stays in Mozambique with all their children.

### **Family risk factors**

Participant G was raised by his mother and uncles in the same household because his father died when he was very young. He does not remember his father. He did not have a close relationship with his mother. He grew up with his three siblings, two sisters and a brother, and his five cousins whom he refers to as brothers and sisters. He explained that he grew up being exposed to traumatic experiences, such as losing his father at a young age and witnessing a very close friend being hit and killed in a car accident. He further explained that he grew up during the time of war and conflict in his country, which made it more difficult to be committed to school. He explained that having witnessed war and conflict, “you are never the same”, which concurs with Ali (2018) who notes that,



“conflict situations invariably take a toll on education through physical destruction/damage to education facilities, loss of teaching staff, physical and psychological trauma, challenges of trying to carry on a ‘normal’ life with an ever-present threat of violence. Denial of education opportunities often means denial of future for young people – thereby perpetuating the negative impact of conflict”.

The impact of exposure to conflict, including psychological effects, even after the war is over, has long-term effects on the educational outcomes of young children (Justino 2010:11). Although numerous studies reveal that prevalence of exposure to violence has dire consequences, yet theory regarding the cause-and-effect link between vulnerability to violence and offending is far from clear (Farrell & Zimmerman 2018-727-730).

### **Underlying causes of border crossing**

As indicated, Participant G migrated to South Africa during the year 2002, at the age of 17 years. He migrated with his uncle and six other people. His uncle thought it would be best to start life afresh after the trauma that he had undergone. He was looking for employment and, while looking for a job, he arranged with his uncle to assist him with selling food and vegetables from his RDP house in Phelindaba (Atteridgeville). Ncube, Dube and Sithole (2014:117) found that migration to South Africa was driven by the “illusion” of securing lucrative employment opportunities in the country. Globally, it has been documented that irregular entry into the host country is driven by a multifaceted and complex set of factors ranging from macro-levels to micro-levels of poverty-related variables (Tati 2008:428).

Participant G gained entry to the country by travelling from Mozambique through Zimbabwe. He explained that it was not difficult to enter the country illegally. They paid R200.00 each at the border to people who were experienced with assisting with jumping the fence and knew the safest route to use where officials would not easily detect them. Daimon (2002:2) believes that the border between Zimbabwe and South Africa is one of the most permeable on the Africa continent due to the fact these countries are demarcated by rivers that are naturally infested by hippos and crocodiles.

## **Explanation of criminal behaviour**

According to Participant G, he does not have previous convictions. His first offence was committed in 2017 at the age of 37 and he was convicted for attempted murder and was, at the time, serving a 10-year sentence. He explained that he was staying with his underage nephew who assisted with selling alcohol beverages at his tavern, while he was temporarily employed at a steel company in Pretoria West. The victim, who is a Malawian, attempted to rob them and his nephew had a physical fight with him, and he tried to intervene. He believed that the witnesses in court were not truthful because he was feared in their area because his friends were known to be "bad". All societies have rules that govern behaviour. These rules are enforced by the family because it is the primary institution in the socialisation of a child. There are many different explanations of why an individual would commit crime and participate in a criminal career (Holmes & Holmes 2009:55-56). Siegel and Welsh (2009:136) allude that childhood experiences and socialisation make a permanent impression on an individual, even in the most adverse environmental circumstances. The impact of exposure to violence results in these children growing up ill-equipped to channel anger. Generally, it has been found that individuals whose bonds to society are weak are most likely to be involved in criminal activities despite their race, ethnicity, religious beliefs or social groups (Siegel 2018:250).

## **Rehabilitation programme**

Participant G did not see the value of the intervention programmes. He explained that he wished to work as a cleaner in the centre. He does not receive any visits because his wife cannot afford to travel. Research reveals that behaviour modification therapy depends on consistency in the treatment and the environment, which means that staff members must consistently provide positive and negative reinforcement (Bartollas 1985:132). Offender management echoes the importance of intervention programmes to modify deviant behaviour and curb recidivism. Correctional intervention service delivery includes individual and group therapy to assist offenders to better understand themselves which yields positive results in behaviour modification (Jonker 2011:55). This is because treatment includes a wide range of social problems that could be addressed with individual and group therapy (Herbig & Hesselink 2012:34). The

researcher believes that Offender G is at risk of reoffending because of his unwillingness to appreciate available interventions to change his criminal behaviour (see section 6.7).

## **PARTICIPANT H**

### **Demographic information**

Participant H was 33 years old at the time of interview and was serving a 10-year sentence at Krugersdorp Correctional Centre which is near Johannesburg. He migrated to South Africa from Lesotho during the year 2004, at the age of 18 years. He was raised in a polygamous family system. He is divorced and his educational background is equivalent to grade 4 in South Africa. He fathered two children, 13-year-old girl and a one-year old son with different women. His eldest child resides in Bloemfontein and the youngest in Carletonville.

### **Family risk factors**

Participant H was raised by both his parents. His parents were in a polygamous marriage and his mother was the first wife. He had three siblings, two brothers and a sister; he was the middle child. He had a good relationship with both his parents. His father passed away in 2008. He was unable to finish school because his father was not financially stable and did not earn enough to support three families. He described his mother as very loving however she was mentally ill and disappeared in 2015. Thobejane and Flora (2014:1059-1060) found that being a senior wife comes with its challenges and one of them is coping with the decision of a spouse to bring more wives into a family. These authors highlight the trauma that the senior wife must endure with the new living arrangement that has a direct bearing on unequal treatment. Also, it can create rivalry between the wives and the children can be unfavourably affected by the family dynamics.

He married the mother of his second child but they soon got divorced because their relationship was unhealthy and toxic. After she gave birth, his ex-wife left with their son and only came back a few months later because she wanted to benefit from the child grant. A study conducted by Känquist and Salzman-Erikson (2019:2066) reveals

that the home environment not only affects children psychologically during their childhood, but also creates difficulties that persist into their adult life, including guilt, humiliation, alienation, social restrictions and relationships.

### **Underlying causes of border crossing**

As indicated, Participant H migrated to South Africa during the year 2004, at the age of 18 years. He migrated with his older sister and the intention was to visit their mother who was staying in Bloemfontein at the time. They both had permits but decided not to go back to their home country and looked for work. His sister was employed as a domestic helper, while he was employed at the mines on a temporary basis. Historically, labour migration of unskilled or semi-skilled male workers dominated the movements of the population in southern Africa mainly in the South African mines (Tati 2008:424).

After his divorce, he moved to Carletonville. He remained in the country illegally and was once deported but he managed to return and is without the required documentation to date. The practice of deporting irregular migrants is not effective. Most deportees return to South Africa through various illegal channels and re-enter the country within a short time after deportation. This phenomenon is known as “the revolving door syndrome” (Tati 2008:431). Chêne (2018:5) argues that corruption is not the only problem that can be encountered at border points, but management of human resource system can equally affect the customs integrity. According to the Annual State of Cross-Border Operations Report (2017:15), most South African border post regions are still dependent on outdated approaches that regard border posts as services for controlling movements across borders rather than services that allow effective and efficient cross-border traffic flows. Participant H was employed temporarily at a building construction site in Carletonville as a bricklayer.

### **Explanation of criminal behaviour**

According to Participant H, he has no previous convictions. In the year 2016, at the age of 30 he was convicted and sentenced for murder and he is currently serving a 10-year sentence. He explained that he has one co-accused who is an accessory to the murder. The crime committed happened on a weekend when he was with friends

at a tavern and he had a few drinks. The victim and his co-accused had an altercation and he took sides. He then borrowed his co-accused's illegal firearm and shot the victim three times and killed him on the spot. He alleges that he thought his co-accused would only threaten their friend because they had known each for a long time.

Poor or inadequate child-rearing practices in the first decade of life set in motion forces, traits or propensities that do not, in themselves, lead inevitably to crime but "in the absence of socialisation, the child will tend to be high on crime potential" (Gottfredson & Hirschi 1990:61). Participant H's behaviour illustrates the lack of appreciating unlawful actions or inappropriate decisions that he takes regarding his life. For example, he explained that, before his incarceration, he stayed in an informal settlement but paid a South African friend R2 000.00 to organise an RDP house for him (see sections 2.3 and 2.4). This shows that, for Participant H, criminal acts provided "easy or simple gratification of desires" (Gottfredson & Hirschi 1990:89).

### **Rehabilitation programme**

Participant H enjoyed attending the intervention programmes except the educational programmes. He explained that he always struggled at school and attending the sessions might expose him as being "a bit slower" than others. He participated in the spiritual care programmes, murder course, cross-roads and HIV/AIDS programmes. Research reveals that offenders with limited cognitive problem-solving skills may require structured and concrete programmes in comparison to offenders who display higher levels of interpersonal, self-reflective and verbal skills (Dowden & Andrews 2000:453). The provision of educational programmes plays a key role in the rehabilitation of offenders as it will be easier for them to understand the tasks and/or group work allocated by the social workers. He disclosed his status because he believed there was no shame in talking about his status because there is medication and he has been infected since 2011. Adequate and appropriate health care within the correctional services plays an important role towards the well-being of offenders (see 6.8.8).

## **PARTICIPANT I**

### **Demographic information**

Participant I was 32 years old at the time of interview and was serving a 10-year sentence at Krugersdorp Correctional Centre which is near Johannesburg. He migrated to South Africa from Nigeria during the year 2004, at the age of 24 years. He was raised in a polygamous family system. He is married and fathered a seven-year-old daughter. His daughter lives with her mother in Nigeria. His educational background is equivalent to matric in South Africa. He was never married to the mother of his child.

### **Family risk factors**

Participant I was raised in a polygamous family system. His parents were in a polygamous marriage and his mother was the second wife. He had 10 siblings in total but only two children were from his mother. He is the eldest and has a younger sister. His father died when he turned 28 years of age. He described his father as a family-oriented person, who insisted that certain occasions, such as Christmas, must be celebrated with the entire family. This exercise brought all the wives and children closer together. He described his relationship with his mother as close and loving.

He attended boarding school. However, he noticed that they were struggling financially, as his father could not provide for all their needs because he was the only breadwinner. Thobejane and Flora (2014:1061) believe that large polygamous households may struggle to afford the needs and wants of many children and therefore unfavourably impact on the children's lives and health. Participant I explained that, because he is from a big family, they were hardly monitored or supervised. He explained that, after the death of his father, he felt the pressure to support and maintain his mother and sister financially. He further explained that, at the time of his father's death, he was employed but he was not earning enough to support his wife and extended family (biological mother and sister).

### **Underlying causes of border crossing**

As indicated, Participant I migrated to South Africa during the year 2004, at the age of

24 years. He migrated alone and had legal documentation. The main reason was that he did not feel safe in his country of origin because his uncle's (father's brother) life was threatened and, before he was killed, he advised Participant I to migrate to South Africa. He did not feel comfortable giving reasons for the threat and the situation surrounding his uncle's death. He was working at a construction site before migrating and felt confident that, as a semi-skilled worker, he would secure a paying job. He used an airbus and landed at O.R. Tambo. He did not know where he was going to stay but his friends from Nigeria told him to tell the metered taxi driver at the airport that he was new in the country and he needed a place to stay where his "homeboys" were living. The taxi driver informed him that most Nigerians stay at the White House in Hillbrow. "He dropped me and there and indeed I found Nigerian nationals staying there." Accommodation arrangements were temporary, and he was allocated a room in a Yeoville flat. Participant I explained that he was self-employed and transported learners to school.

### **Explanation of criminal behaviour**

According to Participant I, he has no previous convictions. In the year 2015, at the age of 28, he was convicted and sentenced for common assault and possession of drugs. He explained that he had one co-accused. He provided a brief background on what led to the criminal activities. He was introduced to his "boss", a Nigerian, while he was living in Yeoville. The individuals who provided accommodation also provided employment. He explained that he had to pay a fee to work as an agent. Gheasi and Nijkamp (2017:4) and Ngwenya (2010:12) found that migration movements are led by factors such as homogeneity, mother tongue and postcolonial ties. Also, foreign nationals form alliances based on their common language, experiences and challenges. Furthermore, once foreign nationals create their networks, a set of relational connections provides a pull factor for their relatives to follow alternative opportunities in the quest to improve their livelihoods.

He secured a job selling vegetables in the Johannesburg CBD as a cover because they were selling drugs. The money that he earned from selling drugs was enough for him to rent a flat in Florida (west of Johannesburg). In Africa, the growth of criminal economies parallels rapid multiculturalism. Furthermore, globalisation has brought

illegal markets to Africa. Although globalisation is positive in terms of the advancement of technology and its contribution to the growth of trade, it can also yield social disintegration, economic dislocations and worsens weakened conditions that might cause violence and conflict (Viano 2006:66). Further, globalisation is found where criminals take advantage of transitioning and the opportunity of open economies to create front businesses and quasi-legitimate businesses that enable illegal acts in the receiving country. These unlawful acts may range from smuggling, money laundering, financial frauds, piracy of intellectual property, identity theft to illicit schemes (Viano 2006:68).

He then met his girlfriend and current wife and decided to stop his illegal activities. He explained that his boss was angry with him and had a hand in his arrest. He had a physical fight with one of his clients who did not want to pay for the “stuff” he sold him. He wanted the money to pay his boss what he owed him for selling various types of illicit drugs, such as cocaine, narcotics and cannabis. This shows that illicit markets are deeply embedded in disorganised neighbourhoods, such as the Johannesburg CBD. Shaw (2017:6) argues that conflict and power, including the prevalence of corruption, provide conditions that worsen the influence of an illicit market.

Participant I explained that, while the victim opened a case against him, he did not disclose that they were both involved in illegal dealings and pressed charges of assault under the pretence that the victim had borrowed money to send home and when he failed to pay, he assaulted the victim. The police officials arrived at his flat with a search warrant, which gave him the impression that his “boss” had a hand in the case.

### **Rehabilitation programme**

Participant I attended only one session with the social worker after he was admitted to the correctional facility hospital for a very high blood pressure level because he was extremely stressed and felt betrayed by his “boss”. He did not attend or participate in any intervention programmes provided. He further explained that he preferred to be on his own and limited his interactions with other offenders. The social worker that referred the offender to the hospital should have made a follow-up on him to provide services and refer him to the correctional psychologist.



The researcher suggested that it was her opinion that Participant I was in dire need of emotional and psychological interventions to accept his wrongdoing and grow through participation in the treatments provided. Participant I refused and asked the researcher to promise that this information will not be shared. Issues such as these put a researcher in a difficult position because the right to privacy is guaranteed and the sharing of confidential information is prohibited on the consent forms signed by the offender (see section 1.4).

## **PARTICIPANT J**

### **Demographic information**

Participant J was 29 years old at the time of interview and was serving a 15-year sentence at Krugersdorp Correctional Centre which is close to Johannesburg. He migrated to South Africa from Zimbabwe during the year 2001, at the age of 18 years. His parents divorced when he was two years old. His educational background is equivalent to grade 10 in South Africa. He is single and has no children.

### **Family risk factors**

Participant J was raised by his paternal grandmother single handedly after his parents divorced. From his mother's side he had three siblings, two brothers and one sister and he is the eldest in the family. His paternal grandmother had to take the responsibility of raising him because his mother was working away from home and his father disappeared after he migrated to South Africa to look for employment. As a child he, was happy because his grandmother was loving and caring, but, as he grew older, he realised that he was different from other children. He longed for his mother's love and wished he could at least meet his father. He never had any kind of relationship with either of his parents. Growing up, he wished for a father who loved, cared and guided him. He described his life as full of hardship. Although his grandmother was loving, she could not provide for his financial and emotional needs. Although parental divorce has been linked to life long behavioural problems, the explanation for this relationship continues to be unclear. Boccio and Beaver (2019:89) explain the connection between parental divorce and negative outcomes by means of criminological or psychological theories. Goodsell and Meldrum (2010:251) assert that

the value and impact of parental involvement and attachment includes both the child-mother and child-father relationships. The authors maintain that mothers and fathers' roles are not compatible as the issue of attachment is complex and calls for learning and psychodynamic theories to explain the male construct (see section 2.3 and 2.6).

Participant J explained that he dropped out of school because his grandmother could not afford to buy him school uniforms and books and he had no food to eat at school. Also, he struggled with his schoolwork and his grandmother could not assist. He decided to look for a job to support himself and his grandmother. A lack of or insufficient resources because of parental absence impacts on the custodial parent's capacity to parent and oversee a child's behaviour effectively. The strain on the parent has consequences for the child's life because there is a lack of supervision as the parent might not be able to oversee the child's school progress, which will have a negative impact on the child's life (Boccio & Beaver 2019:89).

### **Underlying causes of border crossing**

As indicated, Participant J migrated to South Africa during the year 2001, at the age of 18 years. He migrated alone and had "legal documentation" which was forged. He travelled by bus with some of the locals that he knew with money that he borrowed to pay a bribe at the border post. The issue of illegal entry into the official Beitbridge Border Post is not a new phenomenon. Daimon (2002:6) refers to this type of entry to South Africa as "smart entry" which means that it is an illegal crossing through official entry points, such as the Beitbridge Border Post, which permits the dodging of customs and immigration officials. The illegal movements are possible because of a syndicate that works with illegal South African based cross-border transport operators. These cross-border operators are known as *omalayitsha* or *maguma-guma*, because they transport illegal immigrants and, in some instances, they smuggle illegal imports on behalf of their clients into South Africa (Daimon 2002:6).

The aim was to find employment and to improve his life and that of his grandmother. According to Ngwenya (2010:11), most people from the African continent are interested in migrating to South Africa because of its perceived economic strength and opportunities in comparison to other countries in Africa. Participant J was employed at

a hardware store at the time of his arrest.

### **Explanation of criminal behaviour**

According to Participant J, he has no previous convictions. In the year 2014, at the age of 25 he was convicted and sentenced for murder. He explained that he was angry at his best friend, a South African national. They had been friends for two years. He was not aware that his girlfriend had dated his friend. He stated that his friend visited him on the day he killed him. His friend informed him about his past with Participant J's girlfriend unprovoked and without context. He got angry and he stabbed him with a breadknife once. He was still of the opinion that the victim angered him. Participant J was not under the influence of any substance. Palmer (2012:21) asserts that emotional arousal can also impact on cognitive processes, with anger playing a significant role in understanding violence. Priyadharshini et al (2017:46) put emphasis on the impact that neuropsychological deficits have on the increased likelihood of violent impulsive aggression responses to 'uncomfortable. More explanations of Participant J can be found in sections 2.3.1 and 2.3.2.

### **Rehabilitation programme**

Participant J attended only two sessions of individual therapy with the social worker and has not received any psychological assistance from the psychologist. He explained that he enjoyed attending the anger management programme and can see how he could have ignored the victim even though he made him angry. He also took an opportunity to attend educational programmes. The provision of educational programmes plays key role in the rehabilitation of offenders as it will be easier to understand the task and/group work allocated by the social worker. Therefore, education remains a basic human right even for offenders. In terms of the Constitution of South Africa (RSA 1996), Section 29(1) (a), everyone has the right to a basic education. This is equally recognised in Chapter 3: Part (1) (2) (1) of the Correctional Services Act 111 of 1998 (RSA1998c).

## **PARTICIPANT K**

### **Demographic information**

Participant K was 42 years old at the time of interview and was, at the time, serving a life sentence at Zonderwater Correctional Centre which is in Cullinan (east of Pretoria). He migrated to South Africa from Senegal during the year 2006, at the age of 29 years. His parents divorced before he was born. His father remarried. He is single, and his educational background is equivalent to grade 8 in South Africa. He does not have children because, in Muslim culture, it is a sin to have a child outside marriage. Participant K explains that he was never employed in South Africa and survived by committing fraud.

### **Family risk factors**

Participant K was raised by his mother until he turned five years old and then he went to stay with his father and paternal grandmother until he reached adulthood. He had nine siblings from both parents, and he was the first-born child from both his mother's and father's sides. He had nine siblings from both his parents.

His father was actively involved in his upbringing. He described his relationship with his mother as strained because, when she remarried, she neglected him, and they only started reconnecting after her second divorce when he was 27 years of age. This meant that there was no communication with her for 22 years. He had a close relationship with his father although he also remarried and had two wives. He was raised in an extended family.

Participant K explained that he started to be naughty, stubborn and a bully towards other children at the age of 10. He further explained that he did not listen to his elders. He was also exposed to violence from both sides of the family. He was physically abused by his father because he was naughty. From what the researcher picked up, his behaviour was a "cry for help". He might have been seeking attention since his mother was not in his life and his father remarried and started a new family. Also, being a first-born child came with responsibilities of looking after the younger siblings which further makes a child feel alienated. The connection between parental divorce and misbehaviour has sparked interest for many scholars due to the changes that modernisation has brought about on family structures and the impact of the increased divorce rate on the children. Although current research suggests that parental divorce

affects a child's involvement in criminal behaviour, the relationship is unclear (Boccio & Beaver 2019:90).

Understanding the structure of a family in an African context can be complex. Children who grow up with emotionally absent parents are more likely to develop behavioural problems. Emotionally absent parents, inconsistent parenting styles and discipline, physical abuse and absence of supervision have been related to persistent violent offending (Siegel 2011:255). However, emotional support is not the only factor that predicts how a child will interact with others later in life (Reyes 2011:116-117).

### **Underlying causes of border crossing**

As indicated, Participant K migrated to South Africa during the year 2006, at the age of 29. He entered the country illegally with a friend. Initially, the plan was to migrate to Angola. While planning their migration, they realised that the Angolan government was deporting illegal immigrants, so they decided to move to South Africa. Their main intention was to find paying jobs and better their lives. He further explained that coming to South Africa was difficult because they drove through Zambia and Mozambique. He paid border police R300.00 to gain entry to South Africa. They stayed with a friend from Senegal in Rosettenville (Johannesburg).

The Annual State of Cross-Border Operations Report (2017:16) found that a "quick passage through inspection points is often facilitated by informal payments, which are far less than what would be payable for the offence committed". South Africa is lax about its border rules and this has been debated over the years (see Chapters 1 and 4). Participant K was never employed in South Africa.

### **Explanation of criminal behaviour**

He was, at the time, serving a life sentence for the rape of a minor and indecent exposure. In 2012, he sold his friend, a Mozambican citizen, a stolen car for R25 000.00. His friend refused to pay him which led to a physical fight. His friend later found that his 13-year-old was raped, and he accused him of the sexual assault although the court could not prove that he was the perpetrator because the DNA blood sample and semen were not linked to him. This delayed the court ruling as the trial

took 19 months and seven days before sentencing. He explained that the 13-year-old was not raped; the injuries found were as a result of the victim's father putting a finger in his daughter's private part so that it looked like rape. The offender's behaviour demonstrated lack of empathy (see sections 2.3.2 and 2.3.3).

### **Rehabilitation programme**

Participant K explained that he had attended a social work session and the sexual offence course once but that he did not see its benefit because he did not commit any crime. His rationale was that there was no need to attend any of the programmes available because he had enough time in the centre because he was serving a life sentence. Also, he explained that, since his incarnation, he had never received visits from his family or friends, therefore, no one asked him about changing or when he will be released. The failure of Participant K to appreciate that he has a problem is displayed in his behaviour.

The main role of psychologists and social workers is to assist offenders to own their actions, resolve conflicts and unconscious needs that drove them to criminality (Bartollas 1985:125). The researcher also noted a bizarre comment made by Participant K during the interview. He explained to the researcher that the CMC official disturbed him when he called him for the interview, because he was busy pleasuring himself and demonstrated with his hand. Also, after the interview, as he was escorted back to his cell, the officials noticed that he was aroused. The official reprimanded his behaviour, but he just laughed. Offenders deemed as sexual offenders are not homogenous in nature but will present to correctional officials with different risk and need profiles. Given the destructive effects of sex offending, the reduction and prevention of such violence should be the goal of risk and need assessment. From an intervention and treatment perspective, the identification of dynamic risk factors plays a critical role in informing specific sex offender risk and need tools (Hatcher 2012:335). Yates (2013:90) maintains that, for intervention treatment to be successful, it should address elements of cognitive-behavioural intervention that must encompass aspects of sexual self-regulation to address association and intimacy shortfalls, expanding on mechanisms that will evoke empathy for victims and inculcating accountability for behaviour in the offender and developing programmes that deal with relapse.

## **PARTICIPANT L**

### **Demographic information**

Participant L was 43 years old at the time of interview and was serving a life sentence at Zonderwater Correctional Centre which is in Cullinan (east of Pretoria). He migrated to South Africa from Ethiopia during the year 2003, at the age of 27 years. He was raised in a polygamous family system. He is married under customary marriage to a South African citizen. His educational background is equivalent to grade 11 in South Africa. He is a father to a 10-year-old girl. He stayed with his customary wife and daughter at Mamelodi (east of Pretoria).

### **Family risk factors**

Participant L was raised in a polygamous family system. His father was married to three wives and his mother was the eldest wife. He has nine siblings; he is the first-born child. Meyer and Nishimve-Niyabanira (2016:2285) found that an increase in a family size impacts the household finances negatively. This is expected because it affects the quality of life, including the affordability of basic needs.

He described his relationship with his mother as a good relationship, but he was never close to his father. His parents were never violent towards each other but quarrelled a lot. He described his childhood as not a happy one because, as the eldest child in a big family, he was deprived of being “a child” because he was expected to play a role of a provider which, he believed, was a heavy burden for a child to deal with and put pressure on him. He was unable to complete his schooling because of financial constraints and the expectation that he will fend for the family and improve their livelihood. Developing countries with smaller levels of commercial growth, inadequate transformation and a dominating subsistence agricultural sector continue to present bigger household sizes (Meyer & Nishimve-Niyabanira 2016:2283)

### **Underlying causes of border crossing**

As indicated, Participant L migrated to South Africa during the year 2003, at the age of 27. He entered the country illegally. It took him almost a year to migrate into the country. He jumped the borders through Kenya, Tanzania, Malawi, Mozambique and,

from Maputo, he jumped into Zimbabwe. It took him another five days from Zimbabwe to reach South Africa. He travelled by bus and there were roughly 85 passengers from other countries. He paid the bus driver R400.00 “to pay the middleman” to assist him to enter the country illegally. The issue of corrupt border officials requires a multifaceted approach to understand the motives and causes of corruption in order to fight and reduce such criminal activities (Manyaka & Nkuna 2014:1577). He came to South Africa seeking employment. He was motivated by his friends who migrated before him and had improved their lifestyles and affordability. Kriegler (2021:3-6) observed that although South Africa is perceived as a middle-income democracy, is confronted with high rates of violent crimes and SAPS activities are questionable where the fight of crime is concerned. Participant L explained that he was self-employed and stayed in Mamelodi.

### **Explanation of criminal behaviour**

Participant L is currently serving a 15-year sentence for murder and possession of illegal firearm and ammunition. He was accused of killing his stepbrother. His stepbrother wanted to control how Participant L ran the business that he started before his stepbrother joined him in South Africa. According to Participant L, his stepbrother saw his business as a family business. He owned three spaza shops in Mamelodi. On the day of the murder, they had their normal altercation, but his stepbrother was physical. Participant L explained that, in South Africa, when you want something, you point a gun, which is easily accessible on the black market. Shaw (2017:11) reveals that weapons seized and collected by the state were sold to criminal gangs in the Western Cape by a senior police officer responsible for the police armoury. Participant L’s stepbrother was shot and killed. According to Participant L, he found out the following day that his brother had been shot and killed.

The perceived source of strain impacts several dimensions of violence, particularly the choice of the victim and, through the choice of the setting of violence, offenders are most likely to attack the perceived source of their strain. Agnew (2004:45) asserts that, normally, strain symbolises the source of the problem for individuals and the violent reaction is, they believe, the best way to address the problem. Family violence is more likely when the perceived source of strain is another family member. In this case, the



attack on the victim symbolised an attack on the cause of strain and the desire for revenge. He explained that the death of his brother had divided the family however his demeanour seemed to be detached from the circumstances.

### **Rehabilitation programme**

Participant L explained that he was not interested in attending any of the programmes. He did not see their importance and all that he cared about was when he would be released from imprisonment. He described the corrections facilities as “bad” and said that, once incarcerated, “you lose many things and you are on your own”. He further explicated that none of his parents had paid him a visit since he was incarcerated. The only two people who visit him are his partner and a cousin from his maternal side but they cannot afford to visit often.

Rehabilitation services play a crucial role in altering the offenders’ criminal behaviour. It is believed that the severity, unpleasantness and social stigma of being incarcerated may serve as a deterrent for future criminal behaviour by promoting the principle that the “law has an eye opener effect” (Conklin 1995:439-240). Opposing points of view contend that, due to poor conditions within the correctional facilities and the absence of opportunities for change, most offenders will be returned to society hardened after having been exposed to an environment dominated by more experienced offenders which will affect their likelihood of reoffending (Berenji et al. 2014:np).

## **PARTICIPANT M**

### **Demographic information**

Participant M was 47 years old at the time of interview and was serving an 18-year sentence at Zonderwater Correctional Centre which is in Cullinan (east of Pretoria). He migrated to South Africa from Angola during 1987, at the age of 22. He was raised in a nuclear family system. He was married for 14 years at the time of the commission of the crime. He is a father of eight children, six biological and two adopted. He is an accountant by profession.

### **Family risk factors**

Participant M was raised in a nuclear family with his six siblings, but his sister passed away in 1984. He had good relationship with both his parents. His father was hardworking and able to provide for the family. He further explained that he wished he took after his father's character; he described him as a humble person who was able to control his temper in all situations. His mother was very affectionate. He was the second born child in the family of six children. He fondly remembered how affectionate his mother was and that he was their favourite child. Both parents have since passed away. Siegel (2019:183) posits that a family serves as an informal crime control. The fact that his parents were able to provide for his needs and provided the necessary guidance could have been his protective factors for not being involved in a life of crime at a young age. Siegel (2019:192) postulates that norms associated with middle-class communities support formal education, hard work and delayed gratification.

Participant M was married and had a stable life with his wife of 14 years. He fathered six children with different women and adopted two children. He had six boys and two daughters. In his marriage he fathered two children. His oldest child was 23 and the youngest was nine years of age. He stayed in Waterkloof, one of the affluent suburbs in Pretoria East. His wife is estranged and lives in the US with their two children, while four children are back home in Angola with his aunt and two children still reside in South Africa with their mothers.

### **Underlying causes of border crossing**

As indicated, Participant M migrated to South Africa during the year 1987, at the age of 22. He was employed at an accounting firm for six years before migrating to South Africa. His reason for migrating was twofold. He saw South Africa as a safer place to live in compared to Angola. Also, he was looking for change and greener pastures. He entered the country with legal documentation. He used an airbus to enter the country and stayed in Southgate with his cousin who migrated to the country in 1991. He then started his own business in production and logistics. The researcher observed that the participant age of migration and work experience were questionable. The researcher did not probe further consistent with the research ethical standards outlined in Chapter 7 (see section 7.13).

## **Explanation of criminal behaviour**

According to Participant M, he does not have previous convictions. His first offence was committed in 2013 at the age of 41 and he was convicted for murder (aggressive). He is currently serving 18-year sentence. He had an affair with a young Black South African female. They knew each other for six years as friends before they had an affair. The victim was staying in Mooikloof (east of Pretoria). On the day of the murder, he visited his mistress and she was with her brother at home. They had relational problems that they needed to resolve, which turned into a heated argument. He then went to the kitchen and took a kitchen knife and stabbed her and left her bleeding. The deceased's brother took her to hospital where she was admitted. Almost a week later, she died. He was informed of her death by her brother. He then decided to flee the country and went to Zambia then proceeded to Angola and came back to the country seven months after her death. His trial took four and a half years. At the court, he was informed that his victim was stabbed nine times, but he does not remember how many times he stabbed her. He refers to his criminal behaviour as "an accident and unfortunate". Participant M displayed overt aggression, because perpetrators of this type of aggression usually have a direct conflict with victims and this is exhibited by the nature of physical harm caused (Bartol & Bartol 2017:46). Researchers have found that much of the violence between intimate partners involves being pushed, hit or slapped but can escalate to stabbing or shooting (Flowers 2003:134).

General theories on domestic violence typically concentrate on four primary schools of thought, psychological theories (criminological theories), social stress theories, social structural theories and social-cultural theories (Flowers 2003:142). Detailed explanations of these theories are given in Chapter 2 (2.5.1; 2.5.2).

## **Rehabilitation programme**

Participant M explained that he does not see or value the purpose of the intervention programmes because a person's behaviour cannot be changed by intervention programmes as change is a personal choice. His view of the intervention programmes is that they are ineffective as far as changing an individual's behaviour or perspective to life, especially for those incarcerated for lengthy sentences. He

explained that, in his view, these intervention programmes are provided to incarcerated offenders to pass time or “push time”. He receives visits from his friends and family at least once a month. His children do not visit except for the eldest child. He explained that they are afraid of him.

The profiling of offenders according to the offence committed is key in dealing with underlying issues. This finding demonstrates that programmes do not include offenders with long sentences as these offenders have lost hope of being reintegrated into society and do not see the need to attend programmes offered. Programmes should address acceptance soon after they have been incarcerated so that they are able to deal with the repercussions of their actions. According to the risk principle of needs, an evaluation can identify areas that need treatment. These are criminogenic needs or characteristics that can be modified through therapy or other programmes offered by the correctional centres (see 6.7 Correctional programmes targeting offending behaviour).

The last two profiles are unique because they explain the criminal behaviour of biological brothers and identical twins respectively (siblings are Participants N and O; identical twins are Participants P and Q). These participants preferred to be interviewed together with their siblings.

## **PARTICIPANT N**

### **Demographic information**

Participant N was 43 years at the time of the interview and was serving a life sentence at Zonderwater Correctional Centre which is in Cullinan (east of Pretoria). He migrated to South Africa from Pakistan at the age of 18 years during the year 1994. He was raised in a nuclear family system with his nine siblings. He was married to a South Africa citizen but divorced and remarried a Pakistani woman. He fathered three sons with three different women. His children were aged 14, four years and six months at the time of the commission of crime. His educational background was equivalent to matric in South Africa.

## **PARTICIPANT O**

Participant O was 39 years at the time of the interview and was serving a life sentence at Zonderwater Correctional centre which is in Cullinan (east of Pretoria). He migrated to South Africa in 1999 when he was 19 years of age. He never married and his educational background is equivalent to a Master's degree in South Africa. The researcher attempted to establish the discipline of his postgraduate degree, but he did not feel comfortable with the probing and the line of question was abandoned in line with ethical considerations (see section 7.13).

### **Family risk factors**

Participants N and O were raised in a nuclear family. Participant N is the seventh child of eight brothers and a sister. While Participant O is the last-born child. They described their childhood experiences as being happy. They both had good relationships with their parents. Their parents were both disciplinarians and instilled good values and norms. They explained that their parents were very protective and put pressure on them not to be involved in intimate relationships or use any addictive substances. Also, they grew up as extremely close because they were not allowed to have any friends except those that they interacted with at school. An authoritarian and overbearing parenting style has negative long-term effects on children. Authoritarian parents expect and demand self-control but display low levels of compassion towards their children. Also, because they are generally strict, they do not consider their children's developmental needs or provide the necessary emotional support (Yazdani & Dryei 2016:101) (see section 2.7).

### **Underlying causes of border crossing**

As indicated, Participant N migrated to South Africa during the year 1994 at the age of 18 years and Participant O followed five years later in 1999 at the age of 19. Both participants entered the country legally, although their reasons differed. Participant N entered the country because he was visiting a friend from Pakistan and decided not to go home because he identified business prospects and opened a cell phone business in Pretoria CBD. Participant O entered the country because he wanted to live with his brother and assist with business ventures. Rogerson (1999:7) argues that the majority of immigrant entrepreneurs allude to economic factors behind their decisions to leave

their home countries and move to South Africa and Moreland (2006:6) adds that self-employment constitutes the most important aspect of entrepreneurship. Massey (1988:6) maintains that entrepreneurship contributes to the social and economic development of a country, while addressing employment and poverty alleviation issues.

### **Explanation of criminal behaviour: Participants N and O**

Participant N was 43 years old and Participant O was 39 years old at the time of interview. Both were serving life sentences at Zonderwater Correctional Centre which is in Cullinan (east of Pretoria).

According to Participant N, he was arrested in 2013 at the age of 33 years, for attempting to bribe a police official with R5 000.00. He did not feel comfortable in sharing what transpired. The researcher did not probe further consistent with the research ethical standards. A problem with a question-based approach to seeking information is that asking too many questions can be counterproductive (Holmberg 2012:140).

Both participants were adamant that they were wrongfully convicted for the murder of their victim. They had known the victim for over ten years because they had a long business history with his family. They explained that one of their enemies was killed in Pakistan in 2013 and their victim died in December 2013 and that they were automatically linked to the victims' murders by circumstantial evidence.

Offender profiling can assist in establishing the relationship between an offender's routine activities and his or her target patterns (Rossmo 2000:134). The participants described that the victim was kidnapped near the Kollonade Shopping Mall (in Montana, north of Pretoria), and his body was found dumped in a shallow grave in Cullinan. Although both participants claim they were not near the crime scene and were framed, when the researcher probed on how the victim was killed, Participant N, showed by demonstration where he was shot and Participant O, agreed and further explained that he was killed by one shot in the head at close range.

Black (2004:147) argues that earlier theories of violence focused on the characteristics

of individuals or collectives. However, a shortcoming of individualistic theories is that individuals are not always violent in their conflicts. Individualistic theories are unable to see beyond the individual to each conflict where violence occurs, and collectivistic theories are unable to see within the collectivity in each conflict where violence occurred. Participant N and Participant O are brothers and research dispute the fact that genes cause criminal behaviour, but they predispose individuals to certain conditions (Helfgott 2008:51). Because perspectives ignore the conflict structures that generate violence, they fail to predict “who is violent in a particular way toward whom, and on what occasion” (Black 2004:147). This study explains criminal behaviour by discussing biological and biosocial theories (see section 2.2), while Lombroso explains criminal behaviour using an individual’s makeup even though Glick (2005:89) says that there is no relationship between physical characteristics and crime. Although Lombroso’s theory has been criticised by various scholars, it has contributed to the profiling of criminal offenders. Lombroso has laid a foundation for researchers and scholars in various fields to consider profiling as a breakthrough in coming closer to understanding deviant behaviour. The study also applied literature on the criminal personality to understand the “deep rooted causes and motives of violent behaviour” (see section 2.3).

### **Rehabilitation programme for Participants N and O**

Participant N explained that attending programmes assisted in adjusting to the confined way of living. He explained that he sought psychological sessions when he started serving his life sentence because he “felt like he was losing his mind”. He found it difficult to adjust and be able to share a very small space with other offenders and that the language barrier made it even more challenging. The psychologist is currently assisting with his application to be able to receive food that is in their cultural diet (see section 5.8.6) and to make a phone call to his family in Pakistan. Additional intervention programmes attended include anger management (see section 6.8.1).

Participant O explained that he saw a psychologist once and that he requested to be moved to a single cell because he found it difficult sharing his personal space. Programmes attended included anger management, crossroads and changing lanes.

The researcher observed that although Participants N and O are siblings, their interests are not the same and they do not deal with strain the same way, which is supported by the critiques of Lombroso's theory.

### **PARTICIPANTS P AND Q (IDENTICAL TWINS)**

Participants P and Q are identical twins. They were 35 years old at the time of interview and were incarcerated in Zonderwater Correctional Centre which is in Cullinan (east of Pretoria). They are both from a nuclear family.

Participant P is serving a 20-year sentence. He migrated to South Africa from Tanzania in 2002, at the age of 17 years. He is single, and his educational background is equivalent to grade 9 in South Africa.

PARTICIPANT Q is serving a 16-year sentence. He migrated to South Africa from Tanzania at the age of 22 years. He is single and his educational background is equivalent to grade 9 in South Africa.

### **Family risk factors**

Participants P and Q were raised in a nuclear family. They have four siblings, three brothers and a sister. They are the only set of twins in the family. They are the middle children in their family. They grew up very close to both their parents and explained that their parents had domineering personalities. Participant P is the talkative twin and he explained that both parents were disciplinarians. They were committed Muslims and the children were expected to follow their belief system. Participant Q interjected and explained that they were never naughty as they grew up and went to a madrassa (religious Muslim school). He enjoyed attending school especially reading the Koran. The value of respecting the family was instilled in them (the talkative twin agreed, and they spoke to each other in their mother tongue and "sign language"). Participant P fathered two children from different mothers, a 14-year-old girl and 10-year-old girl. He does not have relationships with either of his children who are currently living with their mothers in South Africa. Participant Q does not have children because, in Sha'ariya law (Muslim law), it is forbidden to engage in sexual relations before getting married. Participant P laughed and changed the subject. Disciplinary practices by parents have



been found to be strong predictors of deviant behaviour among young offenders. Lax, inconsistent and harsh discipline has been shown to be more likely to result in antisocial behaviour than more consistent, responsible discipline. Flowers (2003:44) found that weak parental punitive measures and poor supervision were indicators of youthful and adult offending and convictions.

### **Underlying causes of border crossing**

As indicated, Participant P migrated to South Africa in 2002, at the age of 17. He was visiting a friend from Tanzania because he wanted to be independent far from home because their parents were overbearing. He decided not to go back home. He had legal documents (a visitor's permit) but it expired, and he remained in the country illegally. He then started his small businesses. He started first by selling clothes in Marabastad (CBD, in Pretoria).

As indicated, Participant Q migrated to South Africa in 2007, at the age of 22. He migrated into the country legally but could not explain the status of his documents. He explained that he remained behind when his twin brother migrated because he was four years behind with school grades compared to his brother. He looked forward to assisting his brother with his businesses. According to Participants P and Q, their business ventures grew, and they opened another branch in Groblersdal (Limpopo) selling clothes and also owned a hair salon. To recognise the socioeconomic impact of migrants in a country requires monitoring the role and economic elements of global immigration by applying rational, scientific evidence-based studies (Gheasi & Nijkamp 2017:2) against the backdrop that South African citizens claim that foreign nationals are "stealing" their jobs (see section 5.4).

### **Explanation of criminal behaviour**

Participant P was serving a 20-year sentence, while Participant Q was serving 16 years for money laundering, house robbery, possession of illegal firearms, theft and trespassing. Both participants denied being part of the crimes committed and claimed that they were not anywhere near the crime scene. According to Reid (2018:69-70), early studies of twins showed that hereditary factors play a major role in explaining behaviour, but these studies were based on small samples. Studies of twins reveal

important information about social causation and human behaviour. However, scholars are cautioned that these studies carry “conceptual flaws” (see section 2.4).

According to both participants, they only learnt in about charges against them in court. According to the court records, they were also convicted for the house robbery that took place in Pretoria. There were three occupants in the house and the victims were White South Africans. Further, they explained that they were surprised that the court informed them that they were wanted for money laundering. Participant P explained that there were five co-accused, including a South African police official who assisted with information regarding roadblocks or any other information that could assist them to avert contact with law enforcement. The police official in question later turned into a state witness and one South African co-accused was never arrested. The involvement of a police official symbolises a state of normlessness which is “a weakness in the normative order of a society” (Krohn, Hendrix, Hall & Lizotte 2019:162). The issue of police officials involved in criminal activities or corruption is not a new phenomenon in South Africa. It has been argued that their involvement might be influenced by financial constraints as they claimed they were not adequately paid. Manyaka and Nkuna (2014:1576) and Carrier and Klantschnig (2012:53) found that police officials may resort to corrupt practices in order to supplement their poor salaries. Participant N expressed his dissatisfaction with how they were unfairly treated because the South African police official was convicted for 15 years and served only three years of his sentence and was released while they were still standing trial. He added that one charge was incorrect because they did not shoot anyone. The other two co-accused were from Mozambique and Nigeria and were sentenced to 15 years each. Participant P was labelled Accused Number One and the court found that he was the mastermind. Participant O was Accused Number Two. Reid (2018:69) argues that, “if behaviour is inherited, we would expect the same behaviour among people with identical genes”. Therefore, identical twins should behave alike. Although studies of twins led researchers to conclude that hereditary factors play a major role in explaining behaviour, most of these studies were based on small samples.

### **Rehabilitation programme P and Q**

Participants P and Q explained that they did not see the necessity of attending

interventions. The only programme they saw value in was the spiritual care programme. They attended the Muslim Services on Mondays. The participants receive visits from their eldest sister from Tanzania once or twice a year. A study conducted by Ngozwana (2017:230-231) found that offenders with negative attitudes towards learning while incarcerated stand an increased chance of relapsing because of a lack of skills and knowledge required to function within acceptable social values and norms. Offenders who take initiatives to improve themselves stand a better chance of altering their deviant behaviour.

To understand the interplay of biological, sociological, psychological, cultural and phenomenological factors from which violent criminal behaviour emerges, the offence itself must be the central focus of analysis. The motivation, factors and forces contributing to violent crime can be uncovered only with careful analysis of offence characteristics (Helfgott 2008:148). Criminal (psychological and criminological) profiling is generally used in crimes of violence where the offender is a repeat or serial offender (Helfgott 2008:6). However, because this study concentrated on foreign national offenders, who mostly entered the country illegally, DHA and the Department of Correctional Services do not possess such information. Although that is the case, it does not necessarily mean that criminological profiling will not play a significant role in informing the relevant stakeholders on the patterns, causes and motives of their criminal behaviour once in the host country. Levy (2008:4) posits that criminal profiling attempts to determine the kind of person who committed a crime or multiple crimes, based on the idea that behaviour reflects personality. The researcher found that, where previous crimes or the onset of criminal behaviour is used to assist in the criminological profiling of offenders, in this case, it was a challenge because DCS does not share information on offenders' previous or current offences for an accurate risk and needs assessment. The approach that DCS is currently using as profiling is inaccurate as it does not contain offending background of the offender. Fitz (2013:42) argues that, should the DCS Case Management Committee and Parole Board not have information on their records that includes the offenders' previous convictions, then the profiling of the offender will be incorrect.

### **8.3 Conclusion**

Research looking at foreign nationals and crime should be cautious about data control and interpretation. Also, any research on immigrants and crime should reveal the true extent of intra- and inter-group crime and victimisation between similarly disadvantaged people. Few studies have explored a criminological analysis of sentenced foreign nationals in a South African context. This chapter employed the narrative criminological approach for the analysis and profiling of sentenced foreign national offenders in Gauteng correctional centres. A criminological analysis and profiling were based on interviews of 17 offenders incarcerated in specified Gauteng correctional centres. The participants' diverse narratives enabled the researcher to answer the critical questions of the study: "why, where, when, how and who?" The approach allowed the researcher to capture and construct an understanding of the offenders' lived experience by applying multidisciplinary theories in order to make sense of the participants' violent behaviour. For the purpose of this study, attention was only on participants' demographic information, family risk factors, underlying causes of border crossing, explanation of criminal behaviour and rehabilitative programmes. To answer the key profiling questions, it called for the application of multi-disciplinary theories because they lay a foundation for understanding and capturing information related to foreign nationals' offending behaviour. The connection between criminological, psychological and socio-economic theories was an essential component of understanding and unpacking the key questions. The relationship between the official and unofficial policies of governments and the daily circumstances of foreign nationals needs much closer examination to explore criminal behaviour at all stages of criminal justice in order to assess the risks and needs of individual offenders.

In the following chapter, a summary of findings, formulated on the study objectives and research questions, is addressed. Furthermore, recommendations to stimulate future research are outlined.

## **CHAPTER 9: FINDINGS AND RECOMMENDATIONS**

### **9.1 Introduction**

The issue of immigration and crime is not only multifaceted and complex, but also encompasses a wide range of sub-issues. Virtually all societies in the modern world are troubled by crime and immigration. In South Africa, increasing undocumented immigration is a reality. Although immigration to South Africa started before democracy in 1994, there is still lack of criminological research on undocumented foreigners mainly due to data constraints (Light & Miller 2018:379). Concern about the immigration-crime nexus has a long-standing history in South Africa. The findings and the recommendations of this study that are presented in this chapter are derived from the literature review chapters (Chapters 2, 3, 4 and 5) and the analysis of data collected from foreign offenders sentenced to serve incarceration terms at selected Gauteng Correctional Centres (Chapter 6). The recommendations and foreign offender profiles that are tabled in this chapter are based on the findings of this study. Finally, recommendations for future study are given.

### **9.2 Findings**

As indicated above, this section provides the findings of set objectives of this study.

#### **9.2.1 Finding 1: Profiling and understanding of demographics of foreign national offenders incarcerated in Gauteng correctional centres**

The profiling of offenders provides suggestions concerning their characteristics. Often personal attributes, such as age, race, sex, socio-economic status, residence description, educational level, marital status, employment background, criminal record, physical characteristics, habits, pre-offence behaviour, post-offence behaviour and the possibility of accomplices, are used to profile offenders (Geberth et al. in Rossmo 2000:73). Offenders who participated in this study were all males, originating from various African countries.

The majority of the participants originated from Mozambique (four), followed by Angola, Lesotho, Pakistan and Tanzania (two per country) and one per country from Ethiopia, Malawi, Nigeria, Senegal and Zimbabwe. These results are in line with the

study conducted by Karombo (2019). The study found that there were more Mozambicans, Zimbabweans and Malawians arriving in South Africa through land ports of entry than from any other African country. The number of participants of this study does not depict the number of foreign national offenders in the Gauteng Correctional centres; it is a mere reflection of the DCS population. Although migration data are often inaccurate and complex to measure, the number of Mozambicans who participated in the study is reflective of the “probable accuracy of the data” (Stats SA 2018:np).

The age distribution of the participants at the time of interviews ranged from 29 to 50. Two participants were between 25 and 30 years of age, five between the ages of 30 and 35, two were between 36 and 40, seven were between 41 and 45 years and one was between 46 and 50 years of age. Of the 17 participants, only two participants admitted having been involved in deviancy between nine and 10 years of age, while 15 participants revealed that they were never involved in deviancy while they were younger. By increasing the share of younger males in the total population, immigration raises the share of the population with “a crime-prone” demographic profile. Ousey and Kubrin (2009:674) highlight the role of immigration in demographic transitions that, in turn, affect the crime rate. While measures of population age structures, urbanisation and idleness commonly anticipate violent crime, none of these factors reduces the substantive connection between violence and the arrival of undocumented foreign nationals (Light & Miller 2018:388).

Generally, individuals who are considered to fall under the below average intelligent quotient functions are inherently vulnerable are socially disadvantaged to some degree because of possible learning difficulties that they might experience (Freeman 2012:2). Priyadarshini et al (2017:50), conducted neuropsychological profiling of offenders and found that low IQ is a predictor of deviant behaviour. According to Bartol and Bartol (2008:97) as discussed in Chapter 2 (see section 2.3.1), “there seems to be a relationship between criminality and intelligence and the nature of that relationship is both interesting and unclear”. However, Hjalmarsson, Holmlund and Linnquist (2014:129), argue that “increased schooling can decrease an individual’s criminal propensity by increasing his attachment to legitimate society. The more educated an individual, the more educated his peers are likely to be”. Although the

relationship between intelligence and crime, including the risk of incarceration, is higher on low educational attainment and the disadvantaged, one cannot generalise this finding to the general population. Walsh and Ellis (2007:170) pointed out that educational achievement and antisocial behaviour have a stronger connection to deviancy than IQ. Educational background plays a significant part in predicting the likelihood of involvement in criminal activities. Therefore, the findings of this study support the above-mentioned literature as most of the participants had lower educational levels as one participant did not have any educational background, two of the participants received an Intermediate phase education and eight received a Senior phase. While four were able to remain in school up until the FET phase, two had higher levels of education. During data collection, the researcher also observed that participants were struggling with the most basic skills, such as reading and writing, including understanding some of the questions they were asked during the interviews.

### **9.2.2 Finding 2: The family risk factors related to the incarceration of foreign nationals in Gauteng Correctional Centres**

This study explored possible family dynamics and family types that might have contributed to deviancy. The findings of this study demonstrated that participants were reared in five different family types. This is not surprising because in the 21<sup>st</sup> Century the traditional structure of the family has evolved because of many challenges faced many relations, such as the increased rates of divorce, extended families, migration and polygamous marriages (Mabusela 2014:7). Out of 17 participants, six were reared in a nuclear family, four from single family households, two from a divorced family and another three from a polygamous family while two were from an extended family type. However, this study found that there is no relationship between the family type and involvement in criminal activities. This is illustrated by the fact that a majority of the participants were raised in nuclear families while the lowest number came from divorced and polygamous families.

Participants, who grew up without a relationship with their biological fathers or had never met their fathers, expressed a sense of loss, anger and a lack of identity. Those raised in single family households gave an impression that the absence of their fathers did not impact their lives as extended family members took up the father figure role.

In line with literature on the role of fathers in their children's lives, absent fathers have an impact on the emotional well-being of their children. An absent father, by his lack of communication, conveys a powerful, constricting message to his son to hide his emotional state and motivations from others (Balcom 1998:285). Their absence has a greater direct consequence on the family and society at large (Balcom 1998:284). The apartheid era and the poor economic status of African states contributed to the absent father phenomenon. Participants alluded that most of the absent fathers left their home countries to look for employment in SA therefore this has now become a generational migration issue.

A similar pattern was noticed on the participants who were raised in extended, divorced and polygamous families. They expressed that the lack of meaningful bonding and the constant fight for attention had impacted them negatively. They felt neglected and unwanted, hence the decision to migrate at a very young age. Maxwell and Morris (2001:243) assert that parental neglect and poverty have consequences that may cause offending in the affected individuals. The least affected were participants whose fathers passed on while they were very young. Participants who had access to their fathers showed the least traumatic effects due to paternal deprivation (Qureshi & Ahmad 2014:2).

Participants who were exposed to violence and war in their home country expressed how the experiences had affected them. These experiences had adverse consequences that did not only impact on their emotional and psychological well-being. According to Steyn (2010:6) children and young people exposed to violence at school, in the family or are reared in violent neighbourhoods, have an increased probability of engaging in disruptive behaviour at a later stage in life (see sections 2.4 and 2.5). The findings of this study are that exposure to violence during childhood seems to have longer negative impact on a child's worldview. This observation is reiterated by various researchers (see Chapter 8). The learning theory and social factors explain behavioural patterns that stem from childhood and manifest later in life. A majority of participants revealed that they were not exposed to family violence however, those who were reared in homes marred by conflict were negatively affected as they showed a lack of conflict coping mechanisms.



As reported in Chapters 1 and 5, pull-push factors had an impact on the decision to migrate. Participants of this study were mostly reared in low socio-economic and dysfunctional families hence the decision to migrate to improve their lives and those of their family members. The study revealed that two participants migrated before the age of 18 years and eight before reaching 21 years of age. They revealed that part their decision to jump borders was not only influenced by economic reasons but also the lack of love, support and the feeling of emptiness contributed to their decision leave their families behind. This finding is critical in understanding the foreign nationals' offending patterns.

### **9.3 Conclusion**

The researcher interviewed 17 foreign nationals incarcerated in Gauteng Correctional Centres for violent crimes. Concerns were expressed on several occasions that much of the criminal activity committed by foreign nationals involves violent crimes. Criminological profiling and crime analysis were tools used to explain the offenders' motives and the causes and contributory factors of the crimes they committed. The primary consideration of this study was the nature of everyday offending by foreign nationals.

Little data exist that provide systematic information about foreign nationals' deviancy. We cannot, therefore, conclude or generalise that such truth exists across a wide spectrum of foreign nationals who migrated legally or illegally as these categories are disproportionally represented in the criminal justice system (Mears 2007:7). The findings of this study revealed that the pathways and factors contributing to the deviancy of participants in this study were similar to those faced by South African offenders. Further, the study revealed that foreign national offenders' circumstances are exacerbated by a lack of family support, cultural differences and myths. Offenders who migrated illegally to the country at a young age are at a higher risk of offending because of a lack of protective factors.

The study highlights the strain put on the South African government by the influx of illegal foreign nationals into the country. Further, improved systems of data collection will determine the extent of the immigration-crime nexus and measures to be put in

place to deal with it. Butcher and Piehl (1998:467) note that “fully understanding the routes through which immigration may affect crime is important for a targeted policy response”. Ideally, this will improve internal systems and inform the African public policies on issues of immigration.

Although the data in this study are limited, they add to the growing concern of all countries regarding the effects of uncontrolled migration on host populations. The greatest challenge for researchers interested in cross-national perspectives on foreign nationals and crime is to develop comparative research but several barriers stand in the way of comparative research across criminal justice practices because of different cultures and laws. Researchers must however exercise caution and sensitivity when dealing with the issue of immigration and crime as it relates to the marginalised and the disadvantaged. The aim of this study was to profile and understand demographics of foreign offenders incarcerated in Gauteng Correctional Centres.

This thesis suggests that the narrative that foreign nationals are the main reason for increased rates of crime is unfounded and unjustified. However, the unlawful arrival of foreign nationals in numbers into the country has negatively affected the South African economy and resources. This study found that the myth of foreign nationals’ involvement in criminal activities is mainly rooted in public and political discourses. Further, this study suggests that it is imperative to promote a collective integration of foreign nationals, whether documented or undocumented, to foster bonds with citizens as this might assist in addressing cultural barriers, myths, perceptions and ultimately reduce xenophobic attacks and hate speech.

#### **9.4 Recommendations**

The value of any research project is contained in the recommendations that are advocated by the researcher. Those recommendations must be packaged in such a way that they demonstrate the new information that enhances the advancement of knowledge. In response to the findings, the researcher makes the following recommendations according to the findings of each objective:

#### **9.4.1 Recommendation 1: Profiling and understanding of demographics of foreign national offenders incarcerated in Gauteng correctional centres**

The findings above provide a brief demographic background of foreign national offenders who are incarcerated in Gauteng Correctional Centres. Therefore, to better understand and profile these offenders the following measures are recommended:

- A register with demographic information of foreign national offenders be implemented nationally by the South Africa Criminal Justice Cluster.
- In order to understand the demographic information of foreign nationals, immediately after their admission into correctional centres, a special interview between them and custodial staff members, such as criminologists, psychologists and social workers, be conducted in order to understand their family background, socio-economic status, residence description, educational level, marital status, employment background and physical characteristics.
- The contributing factors that influence a mass movement of foreign immigration from SADC be investigated by the South Africa Criminal Justice system, with the intention of providing strategies to prevent illegal mass movements of foreigners from those countries.
- Criminological profiling of foreign national offenders to be conducted during the admission to correctional centres by criminologists and psychologists and special focus to be placed on their criminal records including, pre-and post-offence behaviour.
- To improve their literacy skills or education levels, during their admission into correctional centres, foreign national offenders should be encouraged to participate in schooling and related programmes immediately after their incarceration into correctional centres.

#### **9.4.2 Recommendation 2: Examine the causes of border crossing by foreign nationals**

The problem of illegal crossing has been debated but, to date, little has been done to

implement strategies that reduce the influx of undocumented foreign nationals into the country. Gaps identified in knowledge on border crossing are reflected in the difficulty in obtaining reliable data and information, the complexities of migration issues in the country and limited resources available to produce accurate data. The reliability of self-reporting on crime is a major concern as authorities are either reluctant to provide answers related to such questions or opt for deceiving the researcher. This echoes the poor management of South African borders and ports. Most of the neighbouring countries are aware of this shortcoming and take advantage of the gap. The following are recommendations based on literature and shared experiences of participants:

- SADC to establish a coordinated humanitarian system that will assist South Africa to deal with refugees, asylum seekers and undocumented foreign nationals.
- Dialogue between African countries to address the root causes of migration.
- Governments of both receiving countries and countries of origin should adopt effective sanctions against those who assist undocumented foreign nationals to enter the country illegally.
- African countries to be held accountable and not be allowed to take a passive role in ensuring peace, security and stability in South Africa.
- Government should have mechanisms in place to ensure that they halt the “revolving door” pattern by repatriated foreign nationals.
- Implementation of finger-print identification systems at all points of entry.
- Implementation of sanctions against corrupt officials who assist foreign nationals to enter the country illegally.

#### **9.4.3 Recommendation 3: Examine the familial risk factors related to incarceration of foreign nationals in Gauteng correctional centres**

Dealing with familial risk factors of foreign nationals is difficult as most foreign nationals are undocumented. The researcher recommends the following:

- Build decent refugee camps in all the provinces that accommodate young undocumented foreign nationals;

- Educational and vocational programmes to be facilitated at refugee camps;
- Establish welfare centres that assist foreign nationals with psychological and emotional trauma experienced in their country of origin;
- DHA to improve societal cohesion and integration.

#### **9.4.4 Recommendation 4: Investigate the Legislative and Policy Framework pertaining to foreign offenders in South Africa**

Empirical research plays a vital role in exploring the motives and causes of the volume of foreign nationals coming into South Africa and in informing stakeholders of the nature and causes of African migration. Controversial legislative changes since 1994 centralised the control of welfare provision for asylum seekers. Such changes undermined rather than supported the capacity of service agencies to provide for their welfare needs, while dispersal intensified host population resentment about access to housing and other public resources. Many stereotypes concentrate on negative images such as competition for jobs, cultural conflicts and the threat of crime. Generally, public policy in the realm of violence prevention has failed to comprehensively understand the current context therefore it will be useful to investigate comparative and historical perspectives. Violence trends in South Africa should be seen in the context of broader patterns and variations. The South African government must regulate the influx of unregulated foreign nationals by:

- restructuring the DHA;
- improving and providing realistic procedures and guidelines to be facilitated by DHA on legislation and immigration issues;
- DHA assigning a special unit that address issues of undocumented refugees and asylum seekers;
- DHA reviewing and designing admission policies that encourage integration;
- considering Inter-State Transfer Agreements with neighbouring countries;
- conducting awareness campaigns to eliminate xenophobia, abuse and discriminatory practices against foreign nationals.

The recommendations above will alleviate the existing stereotypes that exist regarding refugees, asylum seekers and immigration in general.

#### **9.4.5 Recommendation 5: Establish the contributory factors to urban violence and foreign national deviancy**

Disorganised neighbourhoods have proven to make certain individuals more susceptible to criminal activities. The urban background of homelessness, unemployment, commission of violent crimes and frustration calls for a multifaceted solution that will reduce violence and promote tolerance and Ubuntu among citizens and foreign nationals. The following are recommended:

- Enforce safety in the neighbourhoods;
- Interventions to contest the structural causes of violence;
- Coordinated structures that monitor the RDP allocation criteria;
- SAPS clusters to be trained on acceptable conduct when dealing with conflicts between citizens and foreign nationals;
- Stringent policies that deal with the smuggling and selling of illegal weapons;
- Interventions to manage ethnic conflict and violence; and
- Regulated policies on foreign nationals' employability including their businesses.

#### **9.4.6 Recommendation 6: Establish the causes and motives of foreign offenders' criminal behaviour**

Research has revealed that there is no simple link between the causes and motives of foreign nationals' criminal behaviour in the receiving country. Immigration is frequently mentioned as one of the most important issues facing politicians in advanced economies that include South Africa. This has contributed to the influx of foreign nationals into the country. Today, South Africa has one of the highest crime rates, particularly of violent crimes, compared to its neighbouring countries. The findings of this study point to the labour market as the principle determinant of the likelihood that foreign nationals will engage in criminal activities. Based on the findings

of this study the following are recommended:

- South African government to design an economic model for foreign nationals;
- Establish a workable screening tool at the point of entry and at all Departments of Home Affairs and police stations;
- Intensify gun control legislation and give harsher sentences for crimes committed with the use of illegal firearms;
- Establish a central place of receiving and housing undocumented foreign nationals for screening and vetting purposes before assigning them to refugee camps or NGOs that are strictly monitored; and
- Provision of services dealing with addressing social injustices.

#### **9.4.7 Recommendation 7: Assess the effectiveness of rehabilitation programmes offered to offenders sentenced for longer periods**

Participants of this study all received long sentences for violent offences, so it is imperative that they receive both social work and psychological support that address their individual needs. Davey, Day and Howells (2005:632) found that violent offenders are fundamentally diverse in terms of the functional backgrounds that lead to their violent acts and that violent offences might be a result of poor anger management. Violent crimes must be adequately conceptualised in order to design effective rehabilitation programmes that will affect the safety of both the offenders and DCS officials. Criminality is a socially constructed phenomenon that is associated with biological anomalies, roots of behaviours and traits that are linked to aggression, impulsivity, violence and other crime-related factors (Helfgott 2008:51). Interventions should target known predictors of criminal behaviour and recidivism, meaning they should focus on “anti-social attitudes, values and beliefs, cognitive emotional states and anti-social personal factors such as impulsiveness and low-self-control” (Muntingh 2012:51). However, this study found that there was a gap in terms of services provided by social workers and psychologists. Thirteen participants sought the services of a social worker more than once while only seven received services of a psychologist at least once and ten received services of spiritual care. Of the 17 participants of the study, four received services of the educationist. These findings illustrate that the

department is not well equipped to deal with trauma and the well-being of incarcerated offenders in its care therefore the participant is left to deal with his criminal behaviour on his own. Furthermore, crimes committed within the system are still a problem and the department is also not well equipped to deal with them as all offenders are punished for the transgression of some offenders. Specific recommendations are summarised below:

- Programmes that address and target offenders with long term sentences must be designed. These programmes must focus on encouraging and holding offenders accountable for their deviancy.
- Programmes that improve offenders' self-control are required.
- Programmes must be compulsory for all offenders as this will create structure and decrease violence among offenders and attacks on officials. This will be beneficial especially for offenders with long sentences as it will prevent idleness that leads to violence and disorder in the system.
- A programme monitoring system must be formulated and regularly evaluated for specific attitudes, beliefs and perceptions of offenders.
- Criminologists should oversee the evaluation of the programmes as they have the expertise and skills to model ethical behaviour and ensure that programmes are individualised to curb recidivism.
- Productivity and rehabilitation must be promoted by filling vacant posts and employing criminologists in all the centres.

Manage crisis prevention by:

- introducing ongoing self-defence training and physical fitness;
- always wearing protection gear; and
- making use of surveillance cameras to monitor the correctional environment.

#### **9.4.8 Recommendation 8: Further research**

The question of whether foreign nationals become criminals after arriving in South Africa or import criminal behaviour from their country of origin has not been established



or determined. There remains a research gap with respect to a large, cross-national study employing the same standardised research instruments that will be representative of the population applied across African countries. This should include:

- Comprehensive research understanding asylum seekers and refugees, and undocumented foreign nationals' experiences of offending and victimisation.
- The social, economic and cultural position in which foreign nationals find themselves in a foreign country.

There is little evidence to suggest that undocumented foreign nationals are linked to most violent crimes in Gauteng Province, however, the findings show a link with the increased crime rates in the province.

## **9.5 Conclusion**

The researcher interviewed 17 foreign nationals incarcerated in Gauteng Correctional Centres for violent crimes. Concerns have been expressed on several occasions that much of the criminal activity committed by foreign nationals involves violent crimes. Criminal profiling and crime analysis are tools to explain the offender, motive, causes and contributory factors of crime. The aim of this study was to profile and understand demographics of foreign offenders incarcerated in Gauteng Correctional Centres.

This thesis suggests that the narrative that foreign nationals are the main reason for the increased high rates of crime is unfounded and unjustified. However, the influx of foreign nationals into the country has negatively affected the South African economy and resources. This study found that the myth of the criminal immigrant and the criminogenic effects of immigration and crime are deeply embedded in public and political discourses. Further, this study suggests that it is imperative to promote a collective integration of foreign nationals, whether documented or undocumented, to foster bonds with citizens as this might assist in addressing cultural barriers, myths, perceptions and ultimately reduce xenophobic attacks and hate speech.

## LIST OF REFERENCES

- Abrahamsen, D. (1944). *Crime and the human mind*. New York: Columbia University Press.
- Adepoju, A. (2005). Review of research and data on human trafficking in sub-Saharan Africa. In F. Laczko, & E. Gozdziaik (Eds.), *Data and research on human trafficking: A global survey* (Pp. 75-98). Geneva: International Organisation for Migration (IOM).
- African News Agency. (2019). Namibia to deport 53 foreign nationals to South Africa. *IOL*. Available at: <https://www.iol.co.za/news/africa/namibia-to-deport-53-foreign-nationals-to-south-africa-38986668> (accessed on 17 February 2020).
- Agnew, R. (2004). In Zahn, M. A, Brownstein, H. H., & Jackson, S. L. (Eds.), *Violence from Theory to Research*. Ottawa, ON: Anderson publishing.
- Ainsworth, P. B. (2001). *Offender profiling and crime analysis*. Portland, OR: Willan Publishing.
- Akers, R. L., & Sellers, C. S. (2004). *Criminological Theories: Introduction, Evaluation, and Application* (4<sup>th</sup> edition). Los Angeles, CA: Roxbury Publishing.
- Albertus, C. (2010). *Offender reintegration in South Africa: A Complementary Crime Prevention Measure*. Pinelands: Open Society Foundation for South Africa.
- Albrecht, H. J. (1977). Ethnic minorities, crime and criminal justice in Germany. *Crime and Justice*, 21, 31-99.
- Albrecht, H. (1997). Ethnic Minorities, Crime, and Criminal Justice in Germany. In Tonry, M. *Ethnicity, Crime, and Immigration: Comparative and Cross-National Perspectives*. Vol. 21. The University of Chicago Press.
- Annual State of Cross-Border Operations Report. (2017). Cross-Border Road Transport Agency. Available at: <https://www.cbrta.co.za> (accessed on 10 February 2020).

- Arbour, L. (2005). *The United Nations High Commissioner for Human Rights: Principles and Guidelines for a Human Rights Approach for Poverty Reduction Strategies*. Paris: Office of the United Nations High Commissioner for Human Rights.
- Armenta, A. (2018). Policing and pushing illegality in the United States. In H. V. Miller, & A. Peguero, *Routledge Handbook on immigration and crime*. London: Routledge.
- Arnold, L. (2018). Caught in Catch 22: Child migrants in South Africa. Scalabrini Centre of Cape Town. Available at: <https://www.scalabrini.org.za/resources/report-caught-in-a-catch-22-child-migrants-in-south-africa/> (accessed on 12 February 2021).
- Aronowitz, A. A. (2009). *Human trafficking, human misery: The global trade in human beings*. London: Praeger.
- Arsovska, J. (2018). Eastern European Immigration and Crime. In H. V. Miller, & A. Peguero (Eds.), *Routledge Handbook on Immigration and Crime*. London: Routledge.
- Ary, D., Jacobs, L. C., Sorensen, C. K., & Walker, D. A. (2013). *Introduction to research in education* (9<sup>th</sup> edition). Boston, MA: Cengage Learning.
- Atkinson, R. E. (2020). *South Africa: Migrant Workers under South African Employment Law*. Available at: <https://www.mondaq.com> (accessed on 30-03-2020).
- Babbie, E. (2011). *The practice of social research* (11<sup>th</sup> edition). New York: Oxford University Press.
- Babbie, E. (2016). *The Practice of Social Research* (14<sup>th</sup> edition). Boston, MA: Cengage Learning.
- Babbie, E., Mouton, J., Vorster, P., & Prozesky, B. (2010). *The practice of social science research*. Cape Town: Oxford University Press Southern Africa.

- Babbie, E. & Mouton, J. (2018). *The practice of Social Research*. Cape Town: Oxford University Press.
- Bachman, R. & Schutt, R. K. (2011). *The practice of research in criminology and criminal justice*. Thousand Oaks, CA: Sage.
- Bachman, R., & Schutt, R. K. (2014). *The Practice of Research in Criminology and Criminal Justice* (5<sup>th</sup> edition). Thousand Oaks, CA: SAGE.
- Bachman, R., & Schutt, R. K. (2015). *Fundamentals of Research in Criminology and Criminal Justice* (3<sup>rd</sup> edition). Thousand Oaks, CA: SAGE.
- Bachman, R. D., & Schutt, R. K. (2020). *The Practice of Research in Criminology and Criminal Justice* (7<sup>th</sup> edition). Thousand Oaks, CA: Sage.
- Badenhorst, C. (2015). *Dissertation writing: A research journey*. Pretoria: Van Schaik.
- Bailey, K. D. (1994). *Methods of social research* (4<sup>th</sup> edition). New York: Free Press.
- Bailey, R., & Ekiyor, T. (2005). *Promoting Restorative Justice in South Africa's Correctional Services*. Available at: <https://www.africaportal.org/publications/promoting-restorative-justice-south-africas-correctional-services/> (accessed on 15 May 2020).
- Bak, N. (2013). *Completing your Thesis: A Practical Guide*. Pretoria: Van Schaik.
- Balcom, D. A. (1998). Absent Fathers: Effects on Abandoned sons. *Journal of Men's Studies*, 6(3), 283-296.
- Bales, D. (1997). *Correctional officer: Resource guide* (3<sup>rd</sup> edition). Lanham, MD: American Correctional Association.
- Bandura, A. (1977). *Social Learning Theory*. Upper Saddle River, NJ: Prentice Hall.
- Banks, C. (2013). *Criminal Justice Ethics: Theory and Practice* (3<sup>rd</sup> edition). Thousand Oaks, CA: SAGE.
- Barker, R. L. (2003). *The social work dictionary* (5<sup>th</sup> edition). Washington, DC: NASW

Press.

- Barlow, H. D. (1996). *Introduction to criminology* (6<sup>th</sup> edition). New York: Harper Collins.
- Bartol, C. R. (1986). *Criminal Behaviour, A psychological Approach*. Englewood Cliffs, NJ: Prentice-Hall.
- Bartol, C. R., & Bartol, A. M. (2005). *Criminal Behaviour: A Psychosocial Approach* (7<sup>th</sup> edition). Englewood Cliffs, NJ: Prentice-Hall.
- Bartol, C. R., & Bartol, A. M. (2008). *Criminal behaviour: A psychosocial approach* (8<sup>th</sup> edition). Upper Saddle River, NJ: Pearson Education.
- Bartol, C. R., & Bartol, A. M. (2011). *Criminal behaviour: A psychological approach* (9<sup>th</sup> edition). Upper Saddle River, NJ: Pearson.
- Bartol, C. R. & Bartol, A. M. (2017). *Criminal behaviour: A psychological approach* (11<sup>th</sup> edition). Upper Saddle River, NJ: Pearson.
- Bartollas, C. (1985). *Correctional Treatment: Theory and Practice*. Englewood Cliffs, NJ: Prentice-Hall.
- Barton-Bellessa, S. M., & Hanser, R. D. (2012). *Community-Based Corrections: A Text/ Reader*. Thousand Oaks, CA: SAGE.
- Bauer, B. (2010). *Violence prevention through urban upgrading: Experience from financial cooperation*. German Federal Ministry for Economic Cooperation and Development. Frankfurt: Government Printer.
- Baxter, J., & Eyles, J. (1997). *Evaluating qualitative research in social geography: Establishing "Rigor" in interview analysis*. *Transactions of the Institute of British Geographers*, 22, 505-525.
- Beder, N., Simpson, K., & Johnson, A. (1993). *Dimensions of poverty in the Western Cape Region, South Africa*. Cape Town: University of Cape Town.
- Beirne, P., & Messerschmidt, J. W. (2006). *Criminology* (4<sup>th</sup> edition). Los Angeles, CA:

Roxbury.

- Bekerian, D. A., & Levey, A. B. (2005). *Applied psychology: Putting theory into practice*. New York: Oxford University Press.
- Benton, T. & Craib, I. (2016). *Philosophy of social sciences: The philosophical foundations of social thought* (2<sup>nd</sup> edition). London: Palgrave Macmillan.
- Berenji, B., Chou, T., & D'Orsogna, M. R. (2014). Recidivism and Rehabilitation of Criminal Offenders: A Carrot and Stick Evolutionary Game. *PLoS ONE*, 9(1), e85531.
- Berg, B. L. (2001). *Qualitative research methods for the social sciences* (4<sup>th</sup> edition). Boston, MA: Allyn and Bacon.
- Berg, B. L. (2007). *Qualitative research methods for the social sciences*. Boston, MA: Allyn & Bacon.
- Bergin, T. (2018). *An introduction to data analysis: Qualitative, quantitative and mixed methods*. Thousand Oaks, CA: Sage.
- Bernow, R., & Boalt, A. (1989). *Immigrants in the Big City*. (In Swedish). Official Reports of the Swedish Government. Stockholm: Allmänna Förlaget.
- Bernstein, R. J. (1999). *Praxis and Action. Contemporary Philosophies of Human Activity*. Philadelphia, PA: University of Pennsylvania Press.
- Beukman, B. A. (2008). Professionalising criminology in South Africa. *Acta Criminologica: Southern African Journal of Criminology*, Special Edition No.3/2008, 11-23.
- Bezuidenhout, C., & Little, K. (2011). *Crime and criminology*. In C. Bezuidenhout (Ed.), *A Southern African perspective on fundamental criminology*. Cape Town: Pearson.
- Bhandari, A. (2018). The Role of the Family in Crime Causation: A Comparative Study of 'Family of Orientation and 'Family of the Procreation' (A study of women

- Prisoners in Central Jails of Rajasthan). *Journal of International Women's Studies*, 19(3), 109-118.
- Bhorat, H., Lilenstein, A., Monnakgotla, J., Thornton, A., & Van der Zee, K. (2017). *The Socio-economic Determinants of Crime in South Africa: An Empirical Assessment*. Available at: [http://www.dpru.uct.ac.za/sites/default/files/image\\_tool/images/36/Publications/Working\\_Papers/DPRU%20WP201704.pdf](http://www.dpru.uct.ac.za/sites/default/files/image_tool/images/36/Publications/Working_Papers/DPRU%20WP201704.pdf) (accessed on 12-07-2020).
- Birzer, M. L. & Cromwell, P. (2017). *In their own words: Criminals on crime* (7<sup>th</sup> edition). Oxford: Oxford University Press.
- Black, D. (2004). Violent structures. In Zahn, M. A, Brownstein, H. H., & Jackson, S. L. (Eds.), *Violence from Theory to Research* (pp. 145-158). Ottawa, ON: Anderson Publishing.
- Black, S. E., Devereux, P. J., & Salvanes, K. G. (2005). The more the merrier? The effect of family size and birth order on children's education. *Quarterly Journal of Economics*, 120(2, May), 669-700.
- Blaikie, N. (2007). *Approaches to social enquiry*. London: Polity Press.
- Blau, J., & Blau, P. M. (1982). The cost of inequality: Metropolitan structure and violent crime. *American Sociological Review*, 47(1), 114-129.
- Boccio, C. M. & Beaver, K. M. (2019). The Influence of Family Structure on Delinquent Behavior. *Youth Violence and Juvenile Justice*, 17(1), 88-106. Available at: <https://journals.sagepub.com/doi/pdf/10.1177/1541204017727836> (accessed on 15 February 2021).
- Botha, C. (2018). In the shadow of the Border Management Authority Bill. Available at <https://www.politicsweb.co.za/opinion/world-refugee-day--in-the-shadow-of-the-border-man> (accessed on 05-04-2019).
- Bottomley, S., & Parker S. (1994). *Law in Context* (2<sup>nd</sup> edition). Alexandria, NSW: The Federation Press.

- Bouma, G. D., & Ling, R. (2010). *The research process* (5<sup>th</sup> edition). New York: Oxford University Press.
- Bourque, J., LeBlanc, S., Utzschneider, A. & Wright, C. (2009). *The effectiveness of Profiling from a National Security Perspective*. Ottawa, ON: Canadian Human Rights Commission.
- Bows, H. (2018). Methodological Approaches to Criminological Approaches in Criminological Research. In Davies, P., & P. Francis. *Doing Criminological Research*. (3<sup>rd</sup> edition). SAGE.
- Bradshaw, T. K. (2006). *Theories of Poverty and Anti-Poverty Programs in Community Development. Working Paper Series*. Columbia, MO: The Rural Poverty Research Center. Available at [www.rupri.org/Forms/WP06-05.pdf](http://www.rupri.org/Forms/WP06-05.pdf) (assessed on 13 May 2019).
- Brantingham, P. J., & Brantingham, P. L. (1991). Introduction: The Dimensions of Crime. In P. Brantingham, & P. Brantingham (Eds.), *Environmental Criminology* (2<sup>nd</sup> edition), (pp 7-26). Prospect Heights, IL: Waveland Press.
- Braun, V., & Clarke, V. (2013). *Successful Qualitative Research: A Practical Guide for Beginners*. Thousand Oaks, CA: SAGE.
- Brent, E. & Turvey, M. S. (1999). *Criminal Profiling: An Introduction to Behavioural Evidence Analysis*. Amsterdam: Elsevier, Academic Press.
- Brent, E. & Turvey, B. (2002). *Criminal profiling: An introduction to behavioral evidence analysis*. Amsterdam: Elsevier, Academic Press.
- Brinkmann, S., & Kvale, S. (2015). *Interviews: Learning the craft of qualitative research interviewing* (3<sup>rd</sup> edition). Thousand Oaks, CA: SAGE.
- Brower, M. C., & Price, B. H. (2001). Neuropsychiatry of frontal lobe dysfunction in violent and criminal behavior: A critical review. *Journal of Neurology and Neurosurgical Psychiatry*, 71:720-726.
- Bruce, D. (2010). *Why South Africa is so violent and what we should be doing about*



*it: Statement by the Centre for the study of Violence and Reconciliation.*  
Johannesburg: The Centre for the Study of Violence and Reconciliation.

Bumgarner, J. B. (2007). Criminal Profiling and Public Policy. In R. N. Kocsis (Ed.), *Criminal Profiling: International Theory, Research and Practice*. Totowa, NJ: Humana Press.

Bunge, M. (2006). *A systemic perspective on crime*. In P. H. Wikström, & R. J. Sampson (Eds.), *Explanation of crime: Context, Mechanisms and Development*. Cambridge: Cambridge University Press.

Burger, J. (2018). Violent crime on farms and small holdings in South Africa. (ISS Policy Brief). Available at: <https://issafrica.s3.amazonaws.com/site/uploads/pb115-4.pdf> (accessed on 11-08-2020).

Bursik, J. Jr. (1988). Social disorganisation and Theories of Crime and Delinquency: Problems and Prospects. *Criminology*, 26(4), 519-551.

Bursik, J. Jr. (2006). Rethinking the Chicago School of Criminology: The New Era of Immigration. In R. Martínez Jr., & A. Valenzuela Jr. (Eds.), *Immigration and crime: Race, ethnicity and violence* (pp. 20-35). New York: New York University Press.

Butcher, K. F., & Piehl, A. M. (1998). Cross-City Evidence on the Relationship between Immigration and Crime. *Journal of Policy Analysis and Management*, 17, 457-93.

Buthelezi, M. (1996). Introductory Speech. Speech given at Policy Debate, National Assembly, 4 June.

Campbell, H. H., & DeNevi, D. (2004). *Profilers: Leading investigators take you inside the criminal mind*. Amherst, NY: Prometheus Books.

Campbell, J. (2013). *How many immigrants does South Africa have? That depends on who you ask*. Available at: <https://www.csmonitor.com> (accessed on 11-04-2019).

- Canter, D. (2001). Investigative psychology and the work of David Canter. In Ainsworth, P. B. (Ed.), *Offender Profiling and Crime Analysis*. Portland, OR: Willan Publishing.
- Carciatto, S. (2018). International migration and development in South Africa. In F. Khan (Ed.), *Immigration Law in South Africa*. Kenwyn: Juta: 57-73.
- Carrier, N. & Klantschnig, G. (2012). *Africa and the war on drugs*. London: Zed Books.
- Castelli, F. (2018). Drivers of migration: Why do people move? *Journal of Travel Medicine*, 25(1).
- Castells, M. (1998). *End of Millennium, Vol 3 of The Information age: Economy, society, and culture*. Oxford: Blackwell.
- Castles, S. (2019). International migration at the beginning of the twenty-first century: Global trends and issues. Available at: <https://onlinelibrary.wiley.com/doi/pdf/10.1111/issj.12185> (accessed on 27-05-2020).
- Cavadino, M., & Dignan, J. (2007). *The penal systems: An introduction* (4<sup>th</sup> edition). Thousand Oaks, CA: SAGE.
- Centre for the Study of Violence and Reconciliation [CSVr]. (2007). *The violent nature of crime in South Africa: A concept paper for the Justice, Crime Prevention and Security Cluster*. Available at: <https://www.csvr.org.za> (accessed on 15-04-2018).
- Chapman, C. (2018). The effect of the law of domicile on the migrant. In F. Khan (Ed.), *Immigration Law in South Africa*. Kenwyn: Juta.
- Chavez, L. R. (2013). *Shadowed Lives: Undocumented Immigrants in American Society*. Boston, MA: Cengage Learning.
- Chenitz, W. C., & Swanson, J. (1986). *From practice to grounded theory: Qualitative research in nursing*. Boston, MA: Addison-Wesley.

- Chêne, M. (2013). Corruption at borders. Available at: <https://knowledgehub.transparency.org/assets/uploads/helpdesk/Corruption-at-borders-2018.pdf> (accessed 15 February 2021)
- Cheteni, P., Mah, G., & Yohane, Y. K. (2018). Drug-related crime and poverty in South Africa. *Cogent Economics & Finance*, 6(1).
- Chetty, M. (2004). The Repatriation Process: Does South Africa Live Up to Its Human Rights Obligations? LLM thesis, University of Pretoria, Pretoria.
- Chin, V., & Dandurand, Y. (2012). *Introductory Handbook on the prevention of recidivism and the social reintegration of offenders*. New York: United Nations Office on Drugs and Crime (UNODC).
- Choane, M., Shulika, L. S., & Mthombeni, M. (2011). An Analysis of the Causes, Effects and Ramifications of Xenophobia in South Africa. *Insight on Africa*, 3(2), 129-142.
- Chouhy, C. (2018). Segmented assimilation and crime: Rethinking the relationship between assimilation and crime. In V. H. Miller, & A. Peguero (Eds.), *Routledge Handbook on immigration and crime*. London: Routledge.
- Claassen, L., & Roets, E. (2015). *Victims of Farm Attacks in South Africa: Does The Criminal Justice System Fail These Victims?* Report to the United Nations Forum for Minority Issues. Available at: <https://www.afriforum.co.za> (accessed on 01-04-2020).
- Claasen, C. (2017). South Africa Xenophobia. Working Paper, No. 1173. Available at: [https://media.africaportal.org/documents/afropaperno173\\_xenophobia\\_in\\_south\\_africa.pdf](https://media.africaportal.org/documents/afropaperno173_xenophobia_in_south_africa.pdf) (accessed on 15 February 2021)
- Clarke, R. V. (2004). Technology, criminology, and crime science. *European Journal on Criminal Policy and Research*, 10(1), 55-63.
- Coetzee, W., & Gericke, M. (1997). *Professionals Skills Development*. Kenwyn: Juta.
- Collins, A. (2013). Violence not a crime: The Impact of 'acceptable' violence on South

- African Society. *South African Crime Quarterly*, 43(March), 29-37.
- Conklin, J. E. (1992). *Criminology* (4<sup>th</sup> edition). New York: Macmillan.
- Conklin, J. E. (1995). *Criminology* (5<sup>th</sup> edition). Boston, MA: Allyn & Bacon.
- Conklin, W. E. (1998). *The phenomenology of modern legal discourse: The juridical production and the disclosure of suffering*. Farnham, UK: Ashgate.
- Cook, D. (1997). *Poverty, Crime and Punishment*. London: CPAG.
- Cook, D. (2006). *Criminal and Social Justice*. Thousand Oaks, CA: SAGE.
- Corbin, J., & Strauss, A. (2015). *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory* (4<sup>th</sup> edition). Thousand Oaks, CA: SAGE.
- Corcoran, B. (2013). Governments in Africa fail to reduce poverty despite economic progress. *The Irish Times*. Oct 3<sup>rd</sup>. Available at: <https://www.irishtimes.com/news/world/africa/governments-in-africa-fail-to-reduce-poverty-despite-economic-progress-1.1549194> (accessed on 25 February 2020).
- Cordella, P., & Siegel, L. (1996). *Reading in Contemporary Criminological Theory*. Boston, MA: Northeastern University Press.
- Corleto, D. (2018). Prison Rehabilitation: The Sociological, Physiological, and Psychological Effects of Animal-Assisted Interventions. *Themis: Research Journal of Justice Studies and Forensic Science*, 6, Article 8. Available at: <https://scholarworks.sjsu.edu/cgi/view> (accessed on 27 May 2020).
- Cote, D. (2018). Deportation. In F. Khan (Ed.), *Immigration law in South Africa*. Kenwyn: Juta.
- Coyle, A. (2005). *Understanding Prisons: Key Issues in Policy and Practice*. London: Open University Press.
- Creswell, J. W. (2009). *Research design, qualitative, quantitative and mixed methods*

- approaches* (3<sup>rd</sup> edition). Thousand Oaks, CA: SAGE.
- Creswell, J. W. (2013). *Qualitative inquiry and research design: Choosing among five approaches* (3<sup>rd</sup> edition). Thousand Oaks, CA: SAGE.
- Creswell, J. W. (2014). *Research Design: Qualitative, quantitative and mixed methods approach* (4<sup>th</sup> edition). Thousand Oaks, CA: SAGE.
- Creswell, J. W. & Poth, C. N. (2018). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (4<sup>th</sup> edition). Thousand Oaks, CA: Sage.
- Crow, I., & Semmens, N. (2008). *Researching Criminology*. London: Open University Press.
- Crush, J. (1998). *Beyond Control: Immigration and Human Rights in a Democratic South Africa*. Cape Town: IDASA.
- Crush, J., & Frayne, B. (Eds.) (2010). *Surviving on the Move: Migration, Poverty and Development in Southern Africa*. Cape Town: African Books Collective.
- Crush, J., & Williams, V. (2005). *International Migration and Development: Dynamics and challenges in South Africa and Southern Africa*. Available at: [https://www.un.org/en/development/desa/population/events/pdf/expert/8/P05\\_Crush&Williams.pdf](https://www.un.org/en/development/desa/population/events/pdf/expert/8/P05_Crush&Williams.pdf) (accessed 10-05-2020)
- Crush, J., Williams, V., & Peberdy, S. (2005). Migration in Southern Africa: A paper prepared for the policy analysis and research programme of the global commission on international and migration. Available at: [https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy\\_and\\_research/gcim/rs/RS7.pdf](https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/rs/RS7.pdf) (accessed on 12-07-2020).
- CSVR, see Centre for the Study of Violence and Reconciliation.
- Cullen, F., & Gendreau, P. (2000). *Assessing correctional rehabilitation: Policy, practice and prospects*. In J. Horney (Ed.), *Criminal Justice 2000: Policies, processes, and decisions of the criminal justice system*. Washington DC: National Institute of Justice.

- Currie, E. (1989). Confronting Crime: Looking toward the twenty-first century. *Justice Quarterly*, 6, 5-26. Available at: [https://www.tandfonline.com/doi/pdf/10.1080/07418828900090021?casa\\_token=Ww3YZErWRtAAAAAA:aK6CbNK6QYtdaRaT-O6ikhq3CxfITOdDCcZtXwr69gR5dU7pdXJ80GrIce6TvHfE\\_DoMHxIDJfk2Lg](https://www.tandfonline.com/doi/pdf/10.1080/07418828900090021?casa_token=Ww3YZErWRtAAAAAA:aK6CbNK6QYtdaRaT-O6ikhq3CxfITOdDCcZtXwr69gR5dU7pdXJ80GrIce6TvHfE_DoMHxIDJfk2Lg) (accessed on 12 August 2020).
- Daimon, A. (2002). *Smuggling through fluid and porous African Borderlands and the State's Response: The Case of the Zimbabwe-South Africa Border*. Available at: <https://static1.squarespace.com/static/5a44f918f9a61e04cdd5d717/t/5e8c8d395f00172e5a624849/1586269498127/Daimon.pdf> (accessed on 10 February 2021).
- Dammer, H. R. (2003). *The offender in the community*. Belmont, CA: Wadsworth.
- Danso, R., & McDonald, D. (2000). *Writing Xenophobia: Immigration and the press in post-apartheid South Africa*. South African migration project: Migration policy. Series No.17. IDASA. Cape Town.
- Dantzker, M. L., & Hunter, R. D. (2012). *Research Methods for Criminology and Criminal Justice*. Sudbury, MA: Jones and Barlett Learning.
- Davey, L., Day, A., & Howells, K. (2005). Anger, over-control and serious violent offending. *Aggression and Violent Behavior*, 10(5), 624-635. Available at: <https://www.sciencedirect.com/science/article/pii/S1359178905000029?via%3Dihub> (Accessed on 12-07-2020).
- Davidson, D. (1980). *Essays on Actions and Events*. Oxford: Clarendon Press.
- Davies, G. & Beech, A. (2012). *Forensic Psychology: Crime, Justice, Law, Interventions* (2<sup>nd</sup> edition). New York: Macmillan Company.
- Davies, P. & Francis, P. (2018). *Doing Criminological Research* (3<sup>rd</sup> edition). Thousand Oaks, CA: Sage.
- Davis, M. (2006). *Planet of slums*. London: Verso.

Davis, R. (2017). *Rural safety: Are farm murders being underplayed for politics?* Available at: <https://www.dailymaverick.co.za/article/2017-03-01-rural-safety-are-farm-murders-being-underplayed-for-politics/#gsc.tab=0> (accessed on 1-04-2020).

DCS, see Department of Correctional Services.

De Vos, A. S., Strydom, H., Fouché, C. B., & Delpont, C. S. L. (2005). *Research at grass roots for the social sciences and human service professions* (3<sup>rd</sup> edition). Pretoria: Van Schaik.

De Vos, A. S., Strydom, H., Fouché, C. B., & Delpont, C. S. L. (2011). *Research at Grass Roots: For the social sciences and human service professions* (4<sup>th</sup> edition). Pretoria: Van Schaik.

De Vos, A. S., Strydom, H., Fouche, C. B., & Delpont, C. S. L. (2016). *Research at Grass Roots*. Pretoria: Van Schaik.

De Wet, J. (2008). An exploratory analysis of serial rape in South Africa. PhD thesis, University of Pretoria, Pretoria.

De Witte, K., Cabus, S. J., Thyssen, G., Groot, W., & Maassenvandenbrink, H. (2013). A Critical Review of the Literature on School Dropout. *Educational Research Review*, 10, 13-28.

Deaton, C. (2005). Humanising prisons with animals: A closer look at “cell dogs” and horse programmes in correctional institutions. *Journal of Correctional Education*, 56(1), 41-46.

Decker, S. (2005). Using offender interviews to inform police problem solving. Problem-Solving Tools Series, Guide No.3. Available at: <https://live-cpop.ws.asu.edu/sites/default/files/tools/pdfs/InterviewingOffenders.pdf> (accessed on 15 January 2021).

DefenceWeb. (2011). *South Africa's border line is essentially in a state of collapse*. Available at: <https://www.defenceweb.co.za/security/border-security/south-africas-border-line-is-essentially-in-a-state-of-collapse-expert-says/> (accessed

on 25-06-2019).

Delpport, C. S. L., & Roestenburg, W. J. H. (2011). Qualitative data-collection methods: Questionnaires, checklists, structured observation and structured interview schedules. In A. S. de Vos, H. Strydom, C. B. Fouchè, & C. S. L. Delpport (Eds.), *Research at grassroots: For the social sciences and human service professions* (pp.171-205). Pretoria: Van Schaik.

Delpport, C. S. L., & De Vos, A. S. (2012). Professional research and professional practice. In A. S. de Vos, H. Strydom, C. B. Fouchè, & C. S. L. Delpport (Eds.), *Research at grass roots: For the social sciences and human service professions* (4<sup>th</sup> edition) (pp. 45-78). Pretoria: Van Schaik.

Denscombe, M. (2002). *Ground rules for good research: A 10-point guide for social researchers*. London: Open University Press.

Denscombe, M. (2010). *Ground rules for social research: Guidelines for good practices* (2<sup>nd</sup> edition). London: Open University Press.

Denzin, N. K. & Lincoln, Y. S. (1994). *Handbook of qualitative research*. Thousand Oaks, CA: Sage.

Department of Correctional Services [DCS]. (1998). Correctional Services Act 111 of 1998. Pretoria: Government Printer.

Department of Correctional Services [DCS]. (2005). White Paper on Corrections in South Africa. Executive Summary. Available at: <http://www.dcs.gov.za/wp-content/uploads/2016/08/WHITE-PAPER-8.pdf> (accessed on 10-07-2020)

Department of Correctional Services [DCS]. (2009). Annual Report. *National Offender Population Profile in the Department of Correctional Services*. Pretoria: Department of Correctional Services.

Department of Correctional Services [DCS]. (2017). *Annual Report 2016/2017*. Pretoria: Department of Correctional Services. Available at: [https://nationalgovernment.co.za/department\\_annual/176/2017-department:-correctional-services-annual-report.pdf](https://nationalgovernment.co.za/department_annual/176/2017-department:-correctional-services-annual-report.pdf)



Department of Correctional Services [DCS]. (2018). *Annual Report 2017/2018*. Pretoria: Department of Correctional Services. Available at: [https://www.gov.za/sites/default/files/gcis\\_document/201810/correctional-services-annual-report-2017-18.pdf](https://www.gov.za/sites/default/files/gcis_document/201810/correctional-services-annual-report-2017-18.pdf) Department of Correctional Services [DCS]. (2019a). Annual Report 2018/2019. Available at: [https://www.saps.gov.za/about/stratframework/annual\\_report/2018\\_2019/saps\\_annualreport2018\\_2019.pdf](https://www.saps.gov.za/about/stratframework/annual_report/2018_2019/saps_annualreport2018_2019.pdf) (Accessed on 10-07-2020)

Department of Correctional Services [DCS]. (2019b). *Annual Performance Plan 2019/2020*. Pretoria: Department of Correctional Services. Available at: [http://www.dcs.gov.za/wp-content/uploads/2019/04/DCS-APP-Report-LowRes-1-\(1\).pdf](http://www.dcs.gov.za/wp-content/uploads/2019/04/DCS-APP-Report-LowRes-1-(1).pdf)

Department of Correctional Services. (2019c). Standard Operating Procedures: Research Ethics Committee. <http://www.dcs.gov.za/wp-content/uploads/2017/12/Amended-Standard-Operating-Procedures-February-2019-.pdf>

Department of Correctional Services [DCS]. (n.d.). Available at: <https://www.corrections.sa.gov.au/careers/Working-with-prisoners-and-offenders/social-workers> (accessed on 19-08-2020).

Department of Home Affairs [DHA]. (2017). *White Paper on International Migration in South Africa*. Pretoria: Government Printer. Available at: <http://www.dha.gov.za/WhitePaperonInternationalMigration-20170602.pdf> (accessed on 12-07-2020).

DHA, Department of Home Affairs.

Ditz, A. (2018). Return or Remain? Finding Solution for Angolan Refugees in South Africa. Available at: <https://www.scalabrini.org.za/resources/report-return-or-remain-finding-solutions-for-angolan-refugees-in-south-africa/> (accessed on 10 February 2021).

Dlamini, P. (2019a). Foreigners pose big challenge for Gauteng human settlements. *Sowetan Live*. Available at: <https://www.sowetanlive.co.za/news/south->

[africa/2019-03-13-foreigners-pose-big-challenge-for-gauteng-human-settlements/](#) (accessed 11 -08-2020).

Dlamini, P. (2019b). 'Foreigners to blame for most shacks' – MEC Uhuru Moiloa. *Sowetan Live*. Available at: <https://www.sowetanlive.co.za/news/south-africa/2019-03-14-foreigners-to-blame-for-most-shacks/>

Donnelly, J. (2013). *International Human Rights: Dilemmas in world politics* (4<sup>th</sup> edition). Boulder, CO: Westview Press.

Douglas, J., Ressler, R., Burgess, A. W., & Hartman, C. (1986). Criminal profiling from crime scene analysis. *Behavioural Sciences & the Law*, 4, 40-421.

Dowden, C., & Andrews, D. A. (2000). Effective correctional treatment and violent re-offending: A meta-analysis. *Canadian Journal of Criminology*, 42, 449-467.

Dowey, C. C., & Fussey, P. (2013). *Researching crime: Approaches methods and application*. London: Palgrave Macmillan.

Du Preez, N. (2003). Integrated offender administration through correctional case management. PhD thesis. University of South Africa, Pretoria.

Dudziak, M. L., & Volpp, L. (2005). Introduction legal borderlands: Law and the construction of American borders. *American Quarterly*, 57(3), 593-610.

Durose, M. R., Cooper, A. D., & Snyder, H. N. (2014). Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010. Washington, DC: US Department of Justice.

Eagle, F. (2015). *Crime, fear and continuous traumatic stress in South Africa: What place social cohesion?* Available at: [https://pdfs.semanticscholar.org/f5da/46852da99c6b5e0f1ddc8fa5185c5a0662e1.pdf?\\_ga=2.80054482.412831978.1594045349-1899826802.1593492574](https://pdfs.semanticscholar.org/f5da/46852da99c6b5e0f1ddc8fa5185c5a0662e1.pdf?_ga=2.80054482.412831978.1594045349-1899826802.1593492574) (accessed 18 June 2019).

Ebisike, N. (2007). The Use of Offender Profiling Evidence in Criminal Cases. PhD thesis, Golden Gate University School of Law, San Francisco, CA. Available at:

<https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1023&context=theses> (accessed on 20 February 2021).

eNCA. (2019). Illegal firearms seized in Cape Town. Available at: <https://www.enca.com/news/illegal-firearms-seized-cape-town#:~:text=CAPE%20TOWN%20%2D%20The%20recent%20seizure,possesion%20of%20a%20gun%20shop> (accessed on 25-06-2019).

Ensor, L. (2017). Employers charged in illegal migrants' crackdown. *Business day*. Available at: <https://www.businesslive.co.za/bd/companies/2017-03-05-employers-charged-in-illegal-migrants-crackdown/> (accessed on 29-03-2020).

Eriksson, K. H., Hjalmarsson, R., Lindquist, M. J., & Sandberg, A. (2015). The importance of family background and neighborhood effects as determinants of crime. *Journal of Population Economics*, 29(1), 219-262. Available at: <https://link.springer.com/article/10.1007/s00148-015-0566-8> (accessed on 18-02-2020).

Ewi, M. (2017). *South Africa must move beyond its organised crime and who is committing it*. Institute for Security Studies. Available at: <https://issafrica.org/iss-today/south-africa-must-move-beyond-its-organised-crime-cliches> (accessed on 15-08-2018).

Eysenck, H. J. (1973). *The inequality of man*. San Diego, CA: EDITS.

Eysenck, H. J., & Gudjonsson, G. H. (1989). *The causes and cures of criminality*. New York: Plenum.

Farer, T. (1999). *An Inter-American Dialogue Book: Transnational Crime in The Americas*. London: Routledge.

Farrell, C. & Zimmerman, G. M. (2018). Is Exposure to Violence a Persistent Risk Factor for Offending Across the Life Course? Examining the Contemporaneous, Acute, Enduring, and Long-term Consequences of Exposure to Violence on Property Crime, Violent Offending, and Substance Use. *Journal of Research in Crime and Delinquency*, 55(6), 728-765. Available at:

<https://journals.sagepub.com/doi/pdf/10.1177/0022427818785207> (accessed on 11 February 2021).

Farrington, D. P. & Lambert, S. (2007). Predicting offender profiles from offense and victim characteristics. Available at: <http://eknygos.lsmuni.lt/springer/605/135-167.pdf> (accessed on 15 March 2021).

Fashola, O. S. (1998). *Review of extended day and after-school programs and their effectiveness. Report No. 24.* Available at: <https://eric.ed.gov/?id=ED424343> (accessed on 12-07-2020).

Feldmeyer, B., Harris, C. T., & Scroggins, J. (2015). Enclaves of opportunity or “ghettos of last resort?” Assessing the effects of immigrant segregation on violent crime rates. *Social Science Research*, 52, 1-17.

Felson, M. (1998). *Crime and everyday life* (2<sup>nd</sup> edition). Thousand Oaks, CA: Pine Forge Press.

Felson, R. B. (2004). A Rational-Choice Approach to Violence. In Zahn, M.A., Brownstein, H. H., & Jackson, S. L. (Eds.), *Violence from Theory to Research*. Ottawa, ON: Anderson Publishing.

Ferrell, J., Hayward, K., & Young, J. (2015). *Cultural Criminology* (2<sup>nd</sup> edition). Thousand Oaks, CA: SAGE.

Ferrell, J., & Sanders, C. R. (1995). *Cultural Criminology*. Boston, MA: North-eastern University Press.

Fink, A. E. (1962). *Causes of Crime: Biological Theories in the United States*. Philadelphia, PA: University of Pennsylvania Press.

Fitz, L. S. (2013). Penological Investigation of the Offender Rehabilitation Path. MA Dissertation. University of South Africa, Pretoria.

Flanagan, T. J. (1995). *Long-term imprisonment: Policy, Science and Correctional Practice*. Thousand Oaks, CA: SAGE.

- Fleetwood, J. (2016). Narrative habitus: Thinking through structure/agency in the narrative of offenders. *Crime, Media, Culture: An International Journal*, 12(2), 173-192.
- Fletcher, G. P. (1996). *Basic Concepts of Legal Thought*. New York: Oxford University Press.
- Flick, U. (2015). *Introducing research methodology: A beginner's guide in doing a research project*. Thousand Oaks, CA: SAGE.
- Flick, U. (2018). *The Sage handbook of qualitative data collection*. Thousand Oaks, CA: SAGE.
- Flowers, R. B. (2003). *Male Crime and Deviance: Exploring its causes, dynamics, and nature*. Springfield, IL: Charles C Thomas.
- Foster, J. (2002). People Pieces: The neglected but essential elements of community crime prevention. In G. Hughes, & A. Crawford (Eds.), *Crime Control and Community*. Portland, OR: Willan Publishing.
- Fox, V. (1985). *Introduction to corrections* (3<sup>rd</sup> edition). Englewood Cliffs, NJ: Prentice-Hall.
- Francis, P. (2018). Planning and Proposing Criminological Research. Approaches in Criminological Research. In Davies, P., & P. Francis. *Doing Criminological Research*. (3<sup>rd</sup> edition). SAGE.
- Franklin, L., Zimring, E., & Hawkins, G. J. (1973). *Deterrence*. Chicago: University of Chicago Press.
- Freeman, J. (2012). The relationship between lower intelligence, crime and custodial outcomes: A brief literacy review of a vulnerable group. *Vulnerable Groups & Inclusion*, 3, 1-15. Available at: <https://www.tandfonline.com/doi/pdf/10.3402/vgi.v3i0.14834> (accessed on 12-07-2020).
- Freilich, J. D., & Newman, G. R. (2007). *The International Library of Criminology*,

*Criminal Justice and Penology: Crime and Immigration* (2<sup>nd</sup> Series). Farnham, UK: Ashgate Publishing Limited.

Friendship, C., Falshaw, L., & Beech, A. R. (2003). Measuring the real impact of accredited offending behaviour programmes. *Legal and Criminological Psychology*, 8(1), 115-127.

Friman, H. R. (2009). *Crime and the Global Political Economy. International Political Yearbook* (Volume 16). Boulder, CO: Lynne Rienner Publishers.

Fritsch, E. J., Trulson, C. R. & Blackburn, A. G. (2014). *Applied research methods in criminal justice and criminology*. New York: McGraw-Hill.

Funger-Tas, J. (1997). Ethnic Minorities and Criminal Justice in the Netherlands. In M. Tonry (Ed.), *Ethnicity, Crime and Immigration: Comparative and Cross-National Perspectives*. Chicago, IL: University of Chicago Press.

Gadd, D. & Corr, M. (2015). Psychosocial Criminology: Making Sense of Senseless Violence. In Miller, J. & Palacios, W. R. (Eds.), *Qualitative Research in Criminology: Advances in Criminological Theory* (Vol. 20). London: Routledge.

Gaitho, M. (2018). *What is the Real Impact of Social Media?* Available at: <https://www.simplilearn.com> (accessed on 24-05-2019).

Galtung, J. (1990). Cultural violence. *Journal of Peace Research*, 27(3), 291-305.

Garland, D. (2001). *The culture of control*. Chicago, IL: University of Chicago Press.

Gashaw, T. (2017). Colonial Borders in Africa: Improper Design and its impact on African Borderland and Communities, southern voices. [Blog]. Available at: <https://africaupclose.wilsoncenter.org/colonial-borders-in-africa-improper-design-and-its-impact-on-african-borderland-communities/> (accessed on 10-07-2020).

Gee, D., & Belofastov, A. (2007). Profiling Sexual Fantasy in Sexual Offending and the Implications for Criminal Profiling. In R. N. Kocsis (Ed.), *Criminal Profiling: International Theory, Research and Practice*. Totowa, NJ: Humana Press.

- Geen, R. G. & Donnerstein, E. (1998). *Human Aggression: Theories, Research and Implications for Social Policy*. Amsterdam: Elsevier, Academic Press.
- Gerber, J. (2019). Foreign nationals are not pressurising public services – panel defends foreigners in SA. *News24*. Available at: <https://www.news24.com/news24/southafrica/news/foreign-nationals-are-not-pressurising-public-services-panel-defends-foreigners-in-sa-20190410> (accessed on 12-04-2019).
- Gheasi, M. & Nijkamp, P. (2017). A Brief Overview of International Migration Motives and Impacts, with Specific Reference to FDI. *Economies*, 5(3), 1-11. Available at: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjkr97biK3vAhVhQhUIHZLGBY8QFjAHegQIDxAD&url=https%3A%2F%2Fwww.mdpi.com%2F2227-7099%2F5%2F3%2F31%2Fpdf&usg=AOvVaw1Q-wEco0LaT79p6Zg44Co> (accessed on 10 February 2021).
- Gibbs, G. R. (2007). Analysing qualitative data. In U. Flick (Ed.), *The Sage Qualitative Research Kit*. Thousand Oaks, CA: SAGE.
- Gibbs, J. P. (1981). *Norms, Deviance and Social Control*. New York: Elsevier.
- Gilchrist, L. D., Schinke, S. P., & Maxwell, J. S. (1987). Life skills counselling for preventing problems in adolescence. *Journal of Societal Service Research*, 19, 73-84.
- Glantz, L. (1996). The causes of crime in South Africa. Paper presented at the CRIMSA International Conference on Crime and Justice in the nineties held at the University of South Africa, Pretoria, 3-5 July.
- Glick, L. (2005). *Criminology: Community College of Philadelphia*. Upper Saddle River, NJ: Pearson.
- Glover, J. (1999). *A Moral History of the Twentieth Century*. Oxford: Oxford University Press.
- Goldstone, H. (1990). *Problem-oriented Policing*. Philadelphia, PA: Temple University

Press.

Goodsell, T. L. & Meldrum, J. T. (2010). Nurturing fathers: a qualitative examination of child–father attachment. *Early Child Development and Care*, 180(1-2), 249-262. Available at: <https://www.tandfonline.com/doi/pdf/10.1080/03004430903415098?needAccess=true> (accessed on 11 February 2021).

Gordon, S. (2014). Xenophobia across the class divide: South Africa attitude towards foreigners 2003-2015. *Journal of Contemporary African Studies*, 33(4), 494-509.

Gottfredson, M., & Hirschi, T. (1990). *A General Theory of Crime*. Stanford, CA: Stanford University Press.

Gottlieb, A., & Sugie, N. F. (2019). *Marriage, Cohabitation and Crime: Differentiating Associations by Partnership Stage*. Available at: [https://www.researchgate.net/profile/Aaron\\_Gottlieb2/publication/324478763\\_Marriage\\_Cohabitation\\_and\\_Crime\\_Differentiating\\_Associations\\_by\\_Partnership\\_Stage/links/5eb5ca8f92851cd50da38d73/Marriage-Cohabitation-and-Crime-Differentiating-Associations-by-Partnership-Stage.pdf?origin=publication\\_detail](https://www.researchgate.net/profile/Aaron_Gottlieb2/publication/324478763_Marriage_Cohabitation_and_Crime_Differentiating_Associations_by_Partnership_Stage/links/5eb5ca8f92851cd50da38d73/Marriage-Cohabitation-and-Crime-Differentiating-Associations-by-Partnership-Stage.pdf?origin=publication_detail) (accessed on 15-05-2020).

Gous, N. (2017). 60% of suspects arrested for violent crimes in Gauteng are illegal immigrants, say police. *TimesLive*. Available at: <https://www.timeslive.co.za/news/south-africa/2017-11-14-60percent-of-suspects-arrested-for-violent-crimes-in-gauteng-are-illegal-immigrants-say-police/> (accessed on 21-05-2019).

Govender, P. (2017). Investigating serial murder: Case Linkage methods employed by the South African Police Service. MA Dissertation. University of South Africa, Pretoria.

Greeff, M. (2011). Information collection: Interviewing. In De Vos, A. S., Strydom H., Fouché, C. B. & Delport, C. S. L. (Eds.), *Research at grass roots: For the social sciences and human service professions* (4<sup>th</sup> edition). Pretoria: Van Schaik.



- Griffiths, C. T., & Murdoch, D. (2009). *The Social Reintegration of Offenders and Crime Prevention. Research Report: 2007-2*. Ottawa: The International Center for Criminal Law Reform and Criminal Justice Policy.
- Guba, E. G. (1990). The alternative paradigm dialog. In Guba, E. G. (Ed.), *The paradigm dialog* (pp.17-30). Thousand Oaks, CA: Sage.
- Hagan, J. (1982). *Qualitative Criminology: Innovation and applications*. Thousand Oaks, CA: SAGE.
- Hagan, F. E. (2005). *Essentials of Research Methods in Criminal Justice and Criminology*. Upper Saddle River, NJ: Pearson Education.
- Hagan, F. E. (2014). *Research methods in criminal justice and criminology* (9<sup>th</sup> edition). Englewood Cliffs, NJ: Prentice-Hall.
- Hagan, J., & Palloni, A. (1999). Sociological Criminology and the Mythology of Hispanic Immigration and Crime. *Social Problems*, 46(4), 617-32.
- Hagen-Zander, J. (2008). Why do people migrate? A review of the theoretical literature. Maastricht Graduate School of Governance. Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1105657](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1105657) (accessed on 15-04-2020)
- Hammersley, R. (2008). *Drugs and Crime: Theories and practices*. Cambridge: Polity Press.
- Hammerstad, A. (2011). *Linking South Africa's immigration policy and Zimbabwe diplomacy*. South African Foreign Policy and African Drivers Programme, Policy Briefing 42, 1:4.
- Hancock, L. (2001). *Community, Crime and Disorder: Safety and Regeneration in Urban Neighbourhoods*. London: Palgrave Macmillan.
- Handmaker, J., & Berkhout, R. (Eds.). (2010). *Mobilising Social Justice in South Africa: Perspectives from Researchers and Practitioners*. Pretoria: Pretoria University Law Press.

- Hanlop, B., & Thomas, T. J. (2014). *Global migration: The basis*. London: Routledge.
- Hanser, R. D. (2010). *Community Corrections*. Thousand Oaks, CA: SAGE.
- Hanser, R. D. (2013). *Introduction to Corrections*. Thousand Oaks, CA: SAGE.
- Harries, K. D. (1990). *Serious violence: Patterns of Homicide and Assault in America*. Springfield, IL: Charles C. Thomas Publisher.
- Harris, B. (2001). A foreign Experience: Violence, crime and xenophobia during South Africa's transition. In *Violence and Transition Series No. 5*. Johannesburg: Centre for the Study of Violence and Reconciliation. Available at: <https://www.csvr.org.za/docs/racism/aforeignexperience.pdf> (accessed on 10-02-2019).
- Harris, B. (2002). Xenophobia: A new pathology for a new SA? In D. Hook, & G. Eagle (Eds.), *Psychopathology and Social Prejudice* (pp.169-184). Cape Town: University of Cape Town Press. Available at: <https://www.files.ethz.ch/isn/100580/xenophobia.pdf>
- Harvey, E. (2008). Worse to come if conditions don't improve: Scramble for jobs, housing ignites violence. *Cape Times*, 22 May, p. 9.
- Hatcher, R. (2012). Risk Assessment and Offender Programmes. In Davies, G., & Beech, A. (Eds.), *Forensic Psychology: Crime, Justice, Law, Interventions* (2<sup>nd</sup> edition). Leicester: The British Psychological Society, Blackwell.
- Hawks, D. H., & Dewing, S. (2006). *Prevention of psychoactive substance use: A selected review of what works in the area of prevention*. Geneva: WHO.
- Heale, R. & Twycross, A. (2018). What is a case study? *Evidence-Based Nursing*, 21(1), 7-8. Available at: <https://ebn.bmj.com/content/ebnurs/21/1/7.full.pdf> (accessed on 18 February 2021).
- Heck, C., & Walsh, A. (2000). The effects of Maltreatment and Family Structure on Minor and Serious Delinquency. *International Journal of Offender Therapy and Comparative Criminology*, 44(2), 178-193.

- Held, D., McGrew, A., Goldblatt, D., & Perraton, J. (2000). *Global Transformations: Politics, Economics and Culture*. Cambridge: Polity. Available at: [https://link.springer.com/chapter/10.1057/9780333981689\\_2](https://link.springer.com/chapter/10.1057/9780333981689_2) (accessed on 15-05-2020).
- Helfgott, J. B. (2008). *Criminal Behavior: Theories, Typologies, and Criminal Justice*. Thousand Oaks, CA: SAGE.
- Hennop, E., Jefferson, C., & McLean, A. (2001). *The Challenge to Control South Africa's Borders and Borderline*. Available at <https://www.africaportal.org/publications/the-challenge-to-control-south-africas-borders-and-borderline/> (accessed on 30-03-2020).
- Henry, S., & Lanier, M. M. (2006). *The essential criminology reader*. Nashville, TE: Westview Press.
- Herbig, F. J. W. & Hesselink, A. E. (2009). The role and function of criminologist within the criminal and criminal justice and private sector. *Journal of Psychology in Africa*, 19(3), 441-448.
- Herbig, F. J. W., & Hesselink, A. (2012). Seeing the person, not just the number: Needs-based rehabilitation of offenders in South African prisons. *South African Crime Quarterly*, 41(2012), 29-37.
- Hesmondhalgh, D., & Saha, A. (2013). Race, Ethnicity and cultural production. *Popular Communication: The International Journal of Media and Culture*, 11(3), 179-195. Available at: [https://www.tandfonline.com/doi/pdf/10.1080/15405702.2013.810068?casa\\_token=2N8avbQ3h0EAAAAA:Cci-1FFiZeyM7J2WGDnxhvKoEOJbi9Z-oVv31MSxV3RlrQXuQjxigv0-V464EbY0FS1QQYblz4wl](https://www.tandfonline.com/doi/pdf/10.1080/15405702.2013.810068?casa_token=2N8avbQ3h0EAAAAA:Cci-1FFiZeyM7J2WGDnxhvKoEOJbi9Z-oVv31MSxV3RlrQXuQjxigv0-V464EbY0FS1QQYblz4wl) (accessed on 10-07-2020).
- Hess, K. M., & Drowns, R. T. (2004). *Juvenile Justice*. Belmont, CA: Wadsworth.
- Hesselink, A. (2013). A review of the practical potential of South African criminology. *Acta Criminologica: Southern African Journal of Criminology*, 26(2), 136-146.

- Hesselink, A. E. & Booyens, K. (2014). Correctional Criminology: An Innovative South African Practice. *Acta Criminologica: Southern African Journal of Criminology*, Special Edition No. 1/2014 (1), 1-15.
- Hesselink-Louw, A. (2005). The significance of a Criminological Report in understanding contributory factors to aggressive and violent behaviour: A case study analysis. *Acta Criminologica*, 18(1), 54-67.
- Hicks, T. F. (1999). The Constitution, Aliens Control Act, and Xenophobia: The struggle to Protect South Africa's Pariah – the Undocumented Immigrant. *Indiana Journal of Global Legal Studies*, 7(1), Article 15.
- Higham, J. (1998). *Strangers in the land: Patterns of American nativism 1860-1925* (2<sup>nd</sup> edition). New York, NY: Atheneum.
- Hiropoulos, A. (2017). *Migration and detention in South Africa: A review of the applicability and impact of the legislative framework on foreign nationals*. Available at: <http://apcof.org/wp-content/uploads/018-migration-and-detention-in-south-africa-alexandra-hiropoulos.pdf> (accessed on 21-05-2019)
- Hirschi, T. (1969). *Causes of Delinquency*. Berkeley, CA: University of California Press.
- Hjalmarsson, R., Holmlund, H., & Lindquist, M. J. (2014). The effect of education on Criminal Convictions and Incarceration: Causal Evidence from Micro-Data. *The Economic Journal*, 125, 1290-1326 Available at: <https://onlinelibrary.wiley.com/doi/pdf/10.1111/eoj.12204> (accessed on 15-05-2020).
- Hobden, C. (2018). Report on Citizenship Law: South Africa. Available at: [https://cadmus.eui.eu/bitstream/handle/1814/51447/GLOBALCIT\\_CR\\_2018\\_01.pdf](https://cadmus.eui.eu/bitstream/handle/1814/51447/GLOBALCIT_CR_2018_01.pdf) (accessed on 5-02-2019).
- Hochsteller, A., Copes, H. & Cherbonneau, M. (2017). It's a War out there: Contextualised Narratives of Violent Acts. *Journal of Criminal Justice*, 53, 74-82.
- Hofstee, J. (2006). *How to succeed in your Master's and Doctoral Studies*. Pretoria:

Van Schaik.

- Holmberg, U. (2012). Interviewing suspects. In Davies, G., & Beech, A. (Eds.), *Forensic Psychology: Crime, Justice, Law, Interventions* (2<sup>nd</sup> edition). Leicester: The British Psychological Society, Blackwell.
- Holmes, R. M., & Holmes, S. T. (2009). *Profiling violent crimes: An investigative tool* (4<sup>th</sup> edition). Thousand Oaks, CA: SAGE.
- Hudson, B. (1996). *Understanding Justice: An introduction to Ideas, Perspectives and Controversies in Modern Penal Theory*. London: Open University Press.
- Hunter, M. (2006). *Informal settlement as spaces of health inequality: The changing economic and spatial roots of the Aids pandemic from apartheid to neoliberalism*. Centre for Civil Society Research Report No.44. Available at: [http://ccs.ukzn.ac.za/files/RREPORT\\_VOL106\\_HUNTER.pdf](http://ccs.ukzn.ac.za/files/RREPORT_VOL106_HUNTER.pdf) (accessed on 19-05-2019).
- Hunter, R. D., & Dantzker, M. L. (2002). *Crime and criminality: Cause and consequence*. Upper Saddle River, NJ: Prentice Hall.
- Ibe, P., Ochie, C. & Obiyan, E. (2012). Racial misuse of "Criminal Profiling" By Law Enforcement: Intentions and Implications. *African Journal of Criminology and Justice Studies*, AJCS, (1-2), 177-196.
- Ibryamova, N. (2004). *Migration from Central and Eastern Europe and Societal Security in the European Union*. Jean Monnet/ Robert Schuman Paper Series 1 (2), 1-15.
- Ikejiaku, B. (2009). 'Crime', poverty, political corruption and conflict in apartheid and post-apartheid South Africa: The implications on economic development. *African Journal of Political Science and International Relations*, 3(10), Article CBCBBFB40568.
- International Narcotics Control Board [INCB]. (2012). *The report of the International Narcotics Control Board for 2011*. Vienna: United Narcotics Office on Drugs and Crime.

- Irurah, K. D., & Boshoff, B. (2003). An Interpretation of Sustainable Development and Urban Sustainability in Low-cost Housing and Settlement in South Africa. In P. Harrison, M. Huchzermeyer, & M. Mayekiso (Eds.), *Confronting Fragmentation: Housing and Urban Development in a Democratising Society*. Cape Town: University of Cape Town Press: 244-262.
- Isike, C. & Isike, E. (2012). A Socio-Cultural Analysis of African Immigration to South Africa. *Alternation*, 19(1), 93-116. Available at: <http://alternation.ukzn.ac.za/Files/docs/19.1/07%20Isi.pdf> (accessed on 10 February 2021).
- Jackson, J. (2004). Experience and expression: Social and cultural significance in the fear of crime. *British Journal of Criminology*, 44, 946-966.
- Jackson, J. L., & Bekerian, D. A. (Eds.). (1997). *Offender profiling: Theory, research and practice*. Chichester: Wiley.
- Johnson, H. A. (1988). *History of Criminal Justice*. Ottawa, ON: Anderson Publishing Co.
- Johnson, M. K., & Mollborn, S. (2009). Growing up Faster, Feeling Older: Hardship in Childhood and Adolescence. *Social Psychology Quarterly*, 72(1), 39-60.
- Johnson, R. (1987). *Hard time: Understanding and reforming the prison*. Monterey, CA: Brooks/Cole.
- Johnson, R. B., & Christensen, L. (2019). *Educational research*. Thousand Oaks, CA: SAGE.
- Johnston, N. (2008). Copy-cat ethnic cleansing. *Mail & Guardian*. Available at: <https://mg.co.za/article/2008-05-16-copycat-ethnic-cleansing> (accessed on 13-05-2019).
- Johnstone, G. (2003). *A restorative justice reader: Texts, sources, context*. Portland, OR: Willan Publishing.
- Jones, D., & Hollin, C. R. (1997). *Managing Problematic Anger: The Development of*

a Treatment Program for Personality Disordered Patients in High Security. *International Journal of Forensic Mental Health*, 3(2), 197-210.

- Jones, S. (2001). *Criminology* (3<sup>rd</sup> edition). New York: Oxford University Press.
- Jonker, D. C. (2011). The role of the Department of Correctional services in the rehabilitation of child molesters. Masters Dissertation. University of South Africa, Pretoria.
- Josselson, R. (1995). Imagining the real: Empathy, narrative and the dialogic self. In R. Josselson, & A. Leiblich (Eds.), *The Narrative study of Lives* (Vol. III) (pp. 27-44). Thousand Oaks, CA: SAGE.
- Joyce, P. (2006). *Criminal justice: An introduction to crime and the criminal justice system*. Portland, OR: Willan Publishing.
- Joyce, C. J., Dillane, J., & Vasquez, E. A. (2013). The role of anger in offending: A grounded theory analysis of mentally distorted patients. *The Journal of Forensic Psychiatry and Psychology*, 24(2), 247-268. Available at: [https://www.tandfonline.com/doi/pdf/10.1080/14789949.2013.773454?casa\\_tok=en=N-wHOKMBtMAAAA:tdwfyNWvFw3jlv9T-SAGPVg4GnOTH3aQlsgel-Gcl5GG2CiRR4a\\_hmY3P2hAfec\\_lwjCYLtZsM8](https://www.tandfonline.com/doi/pdf/10.1080/14789949.2013.773454?casa_tok=en=N-wHOKMBtMAAAA:tdwfyNWvFw3jlv9T-SAGPVg4GnOTH3aQlsgel-Gcl5GG2CiRR4a_hmY3P2hAfec_lwjCYLtZsM8) (accessed on 12-07-2020).
- Justino, P. (2010). *How does Violent Conflict Impact on Individual Educational Outcomes? The Evidence so Far*. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000190710> (accessed 12-02-2020).
- Kaniki, A. (2006). *Doing an information search*. In M. Terreblanche, K. Durkheim, & D. Painter (Eds.), *Research in Practice: Applied methods for social sciences*. Cape Town: University of Cape Town.
- Känquist, A. & Salzman-Erikson, M. (2019). Experiences of Having a Parent with Serious Mental Illness: An Interpretive Meta-Synthesis of Qualitative Literature. *Journal of Child and Family Studies*, 28, 2056–2068. Available at: <https://link.springer.com/content/pdf/10.1007/s10826-019-01438-0.pdf> (accessed 10 February 2021).

- Kaplan, A. (2003). Homeland insecurities: Reflections on language and space. *Radical History Review*, 85(1), 82-93.
- Kara, H. (2015). *Creative research methods in the Social Sciences: A Practical guide*. Bristol: Policy Press.
- Karrim, A. South Africa: 'Mod Eviction' Attack in Alexandra Leaves Family Terrified After Husband "Hit with Axe". News 24. Available at: <https://allafrica.com/stories/201909230165.html> (accessed 18-08-2020)
- Karombo. T. (2019). 62% rise in African migrants. *IOL*. Available at: <https://www.workpermitsouthafrica.co.za/62-percent-rise-in-african-migrants/> (accessed 11-08-2020).
- Kawachi, I., Kennedy, B. P., & Wilkinson, R. G. (1999). Crime: Social disorganization and relative deprivation. *Social Science and Medicine*, 48(6), 719-731.
- Keller, P. (1998). Re-thinking Ethnic and Cultural Rights in Europe. *Oxford Journal of Legal Studies*, 18(1).
- Kennet, J. (2001). *Agency and Responsibility: A Common-sense Moral Psychology*. Oxford: Clarendon Press.
- Khan, F. (2018). Citizenship in South Africa. In F. Khan (Ed.), *Immigration law in South Africa*. Kenwyn: Juta.
- Khan, F., & Hurt S. (2018). Temporary residence. In F. Khan (Ed.), *Immigration law in South Africa*. Kenwyn: Juta.
- Khan, F., Louw, K., & Willie, N. (2018). The securitization of migration – South Africa. In F. Khan (Ed.), *Immigration Law in South Africa*. Kenwyn: Juta.
- Kimmel, A. J. (2007). *Ethical Issues in Behavioral Research: Basic and Applied Perspectives* (2<sup>nd</sup> edition). Oxford: Blackwell Publishing.
- Klaaren, J., & Ramji, J. (2015). Inside Illegality: Migration Policing in South Africa After apartheid. *Africa Today*, 48(3), 35-47.



- Kocsis, R. N. (Ed.). (2007). *Criminal profiling: International theory, research and practice*. Ottawa, NJ: Humana Press.
- Kocsis, R. N., & Palermo, G. B. (2007). Contemporary Problems in Criminal Profiling. In R. N. Kocsis (Ed.), *Criminal Profiling: International Theory, Research and Practice*. Totowa, NJ: Humana Press.
- Koekemoer, H. (2017). A descriptive study of offender on offender assaults in Pollsmoor Medium B Correctional Centre. Master's Dissertation. University of Cape Town, Cape Town.
- Kollamparambi, U. (2017). Immigration, internal migration and crime in South Africa: A multi-level model analysis. *Development Policy Review*, 37(5), 672–691.
- Kraska, P. B., & Neuman, W. L. (2012). *Criminal Justice and Criminology Research Methods* (2<sup>nd</sup> edition). Upper Saddle River, NJ: Pearson.
- Kriegler, A. (2021). Building research-evidence that works for policing. Institute for Security Studies Policy Brief.
- Krohn, M. D., Hendrix, N., Hall, P. & Lizotte, A. J. (2019). *Handbook of Crime and Deviance*. Cham, Switzerland: Springer.
- Kuhn, T. (1970). *The structure of scientific revolutions* (2<sup>nd</sup> edition). In A. S. de Vos, H. Strydom, C. B. Fouchè, & C. S. L. Delport (Eds.), *Research at grassroots: For the social sciences and human service professions* (pp.171-205). Pretoria: Van Schaik.
- Kumar, R. (2005). *Research methodology: A step-by-step guide for beginners* (2<sup>nd</sup> edition). Thousand Oaks, CA: SAGE.
- Lab, S. (2004). *Crime Prevention: Approaches, Practices and Evaluations* (5<sup>th</sup> edition). Ottawa, ON: Anderson Publishing.
- Labuschagne, G. N. (2003). Offenders Profiling in South Africa: Its Definition and Context. *Acta Criminologica*, 16(4). Available at: <https://journals.co.za/doi/pdf/10.10520/EJC28794> (accessed on 7 February

2021).

Lali, V. (2018). Guard murdered for protecting RDP houses from thieves. Sowetan Live. Available at: <https://www.sowetanlive.co.za/news/south-africa/2018-07-31-guard-murdered-for-protecting-rdp-houses-from-thieves/> (accessed on 18-08-2020).

Lamb, G., & Warton, G. (2016). Why is Crime in South Africa so Violent? Updated Rapid Evidence Assessment on Violent Crime in South Africa. Available at: [https://www.researchgate.net/profile/Guy\\_Lamb/publication/326462816\\_WHY\\_IS\\_CRIME\\_IN\\_SOUTH\\_AFRICA\\_SO\\_VIOLENT\\_Updated\\_Rapid\\_Evidence\\_Assessment\\_on\\_Violent\\_Crime\\_in\\_South\\_Africa/links/5b4f17ccaca27217ff9f1c22/WHY-IS-CRIME-IN-SOUTH-AFRICA-SO-VIOLENT-Updated-Rapid-Evidence-Assessment-on-Violent-Crime-in-South-Africa.pdf?origin=publication\\_detail](https://www.researchgate.net/profile/Guy_Lamb/publication/326462816_WHY_IS_CRIME_IN_SOUTH_AFRICA_SO_VIOLENT_Updated_Rapid_Evidence_Assessment_on_Violent_Crime_in_South_Africa/links/5b4f17ccaca27217ff9f1c22/WHY-IS-CRIME-IN-SOUTH-AFRICA-SO-VIOLENT-Updated-Rapid-Evidence-Assessment-on-Violent-Crime-in-South-Africa.pdf?origin=publication_detail)

Lancaster, L. (2019). *Is mob violence out of control in South Africa?* Available at: <https://www.dailymaverick.co.za/article/2019-03-05-is-mob-violence-out-of-control-in-south-africa/#gsc.tab=0> (accessed 19 April 2019).

Lancaster, L. & Newham, G. (2020). *The State of Crime and Safety in South African Cities: Report*. Urban Safety research Group South African Cities Network (SACN).

Lancaster, L. & Newham, G. (2020). *The State of Crime and Safety in SA Cities Report 2020*. South African Cities Network (SACN).

Landau, L. B., & Segatti, A. (2009). Human Development Impacts of Migration: South Africa Case Study: United Nations Development Programme Human Development Reports Research Paper. Available at: [http://hdr.undp.org/sites/default/files/hdrp\\_2009\\_05.pdf](http://hdr.undp.org/sites/default/files/hdrp_2009_05.pdf) (accessed on 03 June 2020).

Lanier, M. M., & Briggs, L. T. (2014). *Research methods in criminal justice and criminology: A mixed methods approaches*. New York: Oxford University Press.

Lanier, M. M., & Henry, S. (2010). *Essential criminology* (3<sup>rd</sup> edition). Philadelphia,

PA: Westview Press.

- Lanza, B. (2019). Co-offending Group Composition and Violence: The Impact of Sex, Age, and Group Size on Co-offending Violence. *Crime & Delinquency*, 66(1), 93-122.
- Leavy, P. (2017). *Research design: Quantitative, Qualitative, Mixed Methods, Arts-Based and Community-Based Participatory Research Approaches*. London: The Guildford Press.
- Lee, M. T. (2000). Concentrated Poverty, Race, and Homicide. *The Sociological Quarterly*, 41:189-206.
- Lee, M. T., & Martínez Jr., R. (2002). Social disorganization revisited: Mapping the recent immigration and black homicide relationship in northern Miami. *Sociological Focus*, 35(4), 363-380.
- Leech, M. (1997). *The prison handbook*. London: Waterside Press.
- Leedy, P. D., & Ormrod, J. E. (2010). *Practical research: Planning and design* (9<sup>th</sup> edition). Upper Saddle River, NJ: Pearson.
- Leedy, P., & Ormrod, J. E. (2013). *Practical Research Planning and Design* (10<sup>th</sup> edition). Upper Saddle River, NJ: Pearson.
- Lekalakala, E. R. (2016). A comparative penological study on recidivism. Master's thesis. University of South Africa, Pretoria.
- Lemert, E. M. (1967). *Human Deviance, Social Problems and Social Control*. Englewood Cliffs, NJ: Prentice-Hall.
- Light, M. T., & Miller, T. Y. (2018). Does undocumented immigration increase violent crime? *Criminology*, 56(2), 370-401. Available at: [http://www.antonioacasella.eu/nume/LIGHT\\_Miller\\_2018.pdf](http://www.antonioacasella.eu/nume/LIGHT_Miller_2018.pdf) (accessed on 06-05-2020).
- Lincoln, Y. S. & Guba, E. G. (1986). But is it rigorous? Trustworthiness and authenticity

- in naturalistic evaluation. *Evidence Based Nursing*, 21(1), 7-8. Available at: <https://onlinelibrary.wiley.com/doi/epdf/10.1002/ev.1427> (14 January 2021).
- Lindegard, M. R., & S. Gear. (2017). Violence makes safe in South African prisons: Prison gangs, violent acts, and victimization among inmates. *Focaal – Journal of Global and Historical Anthropology*, 68, 35–54.
- Lister, R. (1990). *The Exclusive Society: Citizenship and the Poor*. London: CPAG.
- Loewen, G. (2009). *A compendium of Poverty Reduction Strategies and Frameworks*. Waterloo, Ontario: Tamarack Institute for Community Engagement.
- Lofland, J., Snow, D., Anderson, L., & Lofland, L. H. (2006). *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis* (4<sup>th</sup> edition). Belmont, CA: Wadsworth.
- Louw, A., & Shaw, M. (1997). *Contextualising crime and poverty*. In A. Louw, & M. Shaw (Eds.), *Stolen opportunities: The impact of crime on South Africa's poor*. ISS Monograph 14. Pretoria: Institute for Security Studies.
- Louw, F. C. M., & Luyt, W. F. M. (2009). The parole and parole decisions in South Africa. *Acta Criminologica*, 22(2), 1.
- Lovegrove, K. S. (2014). The construction of identity in a Mozambican community: Reflections on xenophobia in South Africa. Master's thesis in Clinical Psychology. University of South Africa, Pretoria.
- Luyt, W. F. M. (1999). Unit Management in prisons. D Litt et Phil thesis. University of South Africa, Pretoria.
- Luyt, W. F. M. (2008). Contemporary Corrections in South Africa after More than a Decade of Transformation. *Acta Criminologica*, 2(2).
- Mabudusha, S. A. (2014). The Policing of Undocumented Foreign Nationals in South Africa. PhD Thesis. University of South Africa, Pretoria.
- Mabusela, M. H. M. (2014). Absent fathers: An Ecosystemetic Eploration of Context.

MA Dissertation. University of South Africa, Pretoria.

- MacDonald, D. A., Mashike, L., & Golden, C. (2000). The lives and times of African Migrants and Immigration in Post-Apartheid South Africa. In D. A. McDonald (Ed.), *On Borders: Perspectives in International Migration in Southern Africa* (pp. 168-195). Cape Town: Southern African Migration Project.
- MacNamara, D. E. J. (1977). The Medical Model in Corrections: Requiescat in Pace. *Criminology*, 14(4), 439-448.
- Maculan, E., & Gil, A. G. (2020). The Rationale and Purposes of Criminal Law and Punishment in Transitional Context. *Oxford Journal of Legal Studies*, 40(1), 123-157.
- Madue, S. M. (2015). South Africa's foreign and migration policies missteps: Fuels of xenophobic eruptions? *The Journal for Transdisciplinary Research in Southern Africa*, 11(4), Special edition.
- Magidimisha, H. H. (2018). Migration Policies in the Region: Thinking Beyond the Enclaved Political Economy. In H. H. Magidimisha, N. E. Khalema, L. Chipungu, T. Chirimambowa, T. Chimedza (Eds.), *Crisis, Identity and Migration in Post-Colonial Southern Africa* (pp. 187-201). Cham, Switzerland: Springer.
- Maguire, M. & Delahunt, B. (2017). Doing a thematic analysis: A practical step-by-step guide for learning and teaching scholars. *All Ireland Journal of Higher Education*, 9(3). Available at: <https://ojs.aishe.org/index.php/aishe-j/article/view/335/553> (accessed on 15-01-2021).
- Mahlangu, S. M., & Obioha, E. (2015). Challenge in land Border Security and Control Experienced by the South African Police Service and other Agencies. *Acta Criminologica*, Special edition No 4/ 2015.
- Maguire, M., Morgan, R., & Reiner, R. (1997). *The Oxford Handbook of Criminology* (2<sup>nd</sup> edition). New York: Oxford University Press.
- Maillard, J., & Rochè, S. (2004). Crime and Justice in France: Time trends, policies and political debate. *European Journal of Criminology*, 1(1), 111-151.

- Mail & Guardian. (2015). Three powerful myths that fuel xenophobia. *Mail & Guardian*. Available at: <https://mg.co.za/article/2015-06-24-3-myths-fuelling-xenophobia-in-sa/> (accessed on 18-06-2019).
- Makou, G., Skhosana, I., & Hopkins, R. (2017). *Overcrowding, diseases and torture*. Available at <https://www.wits.ac.za/news/latest-news/research-news/2017/2017-07/overcrowding-disease-and-torture.html> (accessed on 01-04-2019).
- Malik, S., & Singh, A. (2013). Editorial: Love thy Neighbours-Exploring and Exposing Xenophobia in Social Spaces in South Africa. *Alternation Journal*, 20(Special Edition No. 7), 1-8.
- Mamabolo, M. A. (2015). Drivers of Community Xenophobic Attacks in South Africa: Poverty and Unemployment. *The Journal for Transdisciplinary Research in Southern Africa*, 11(4), December 2015, Special edition.
- Mannheim, K. (1998). *The Explanation of Criminality: The International Library of Sociology*. London: Routledge.
- Manyaka, R. K. & Nkuna, N. W. (2014). The Phenomenon of corruption in the South African Public Sector: Challenges and Opportunities. *Mediterranean Journal of Social Sciences*, 5(27).
- Maqhina, M. 13 437 Foreigners locked up in South Africa prisons, says Lamola. *Cape Times*. Available at: <https://www.pressreader.com/south-africa/cape-times/20190716/281715501194044> (accessed on 10-02-2020).
- Maree, K. (2011). *First steps in research*. Pretoria: Van Schaik.
- Maree, K. (2012). *First Step in Research*. Pretoria: Van Schaik.
- Maree, K. (2016). *First steps in research* (2<sup>nd</sup> edition). Pretoria: Van Schaik.
- Maree, K., & Van der Westhuizen, C. (2007). Planning a research proposal. In K. Maree (Ed.), *First steps in research*. Pretoria: Van Schaik.

- Marshall, C. & Rossman, G. (2016). *Designing qualitative research* (6<sup>th</sup> ed.). Thousand Oaks, CA: SAGE.
- Marson, J. (2015). The History of Punishment: What Works for State Crime? *The Hilltop Review*, 7(2), 19-29.
- Martin, G. (2011). *Feature: Illegal migration and the impact of cross border crime*. DefenceWeb. Available at: <https://www.defenceweb.co.za/security/border-security/feature-illegal-migration-and-the-impact-of-cross-border-crime/> (accessed on 10-08-2019).
- Martínez, D. E., Martínez-Schuldt, R. & Cantor, G. (2018). Sanctuary cities and crime. In H. V. Miller, & A. Peguero (Eds.), *Routledge Handbook on Immigration and Crime*. London: Routledge.
- Martínez, R. Jr., & Valenzuela, A. Jr. (2006). *Immigration and crime: Race, Ethnicity and Violence*. New York: New York University Press.
- Martínez, R. Jr. (2006). Coming to America: The impact of the new immigration on crime. In R. Martínez, & A. Valenzuela (Eds.), *Immigration and crime: Race, ethnicity, and violence*. New York, NY: New York University Press:1-19.
- Martínez, R. Jr., & Lee, M. T. (2000). On Immigration and Crime. In E. Jefferis, & R. Titus (Eds.), *Criminal Justice 2000, Volume 1: The nature of crime: Continuity and change* (pp. 486-524). Washington DC: National Institute of Justice.
- Mason, J. (2018). *Qualitative Researching* (3<sup>rd</sup> edition). Thousand Oaks, CA: Sage.
- Massey, D. S. (1988). Economic development and International Migration in Comparative Perspective. *Population and Development Review*, 14(3), 383-413.
- Massey, D. (1995). *Spatial Divisions of Labour: Social Structures and the Geography of Production* (2<sup>nd</sup> edition). Basingstoke: Macmillan.
- Massey, R. T. (2013). Informal Settlement Upgrading and the Effect of Governmentality on Women's Social Networks: A Case Study of New Rest and Makhaza, Cape Town. PhD Thesis. University of Stellenbosch, Stellenbosch.

Available at: <https://scholar.sun.ac.za/bitstream/handle/10019.1/> (accessed on 10-03-2019).

Mataboge, M. (2013). South African Immigration Act. *Mail & Guardian*, 17 May. Available at: <https://mg.co.za/tag/illegal-immigrants> (accessed on 07-03-2019).

Matetoa, J. M. (2012). The Professional Role of the Correctional officer in the Rehabilitation of Offenders. PhD Thesis. University of South Africa, Pretoria.

Matos, Y. (2018). Immigration within the contemporary political discourse. In H. V. Miller, & A. Peguero, *Routledge Handbook on immigration and crime*. London: Routledge.

Matshaba, T. D. (2011). A Penological Perspective on unit management as a rehabilitation tool for youth offenders. PhD Thesis. University of South Africa, Pretoria.

Mauritz, N. (2018). Admission and departure procedures. In F. Khan (Ed.), *Immigration Law in South Africa*. Kenwyn: Juta.

Maxfield, M. G., & Babbie, E. (2005). *Research Methods: Criminal Justice and Criminology* (5<sup>th</sup> edition). Belmont, CA: Wadsworth.

Maxfield, M., & Babbie, E. (2008). *Basics of Research Methods for Criminal Justice and Criminology*. Boston, MA: Cengage Learning.

Maxfield, M. G., & Babbie, E. R. (2015). *Research methods for criminal justice and Criminology* (7<sup>th</sup> edition). Boston, MA: Cengage Learning.

Maxfield, M. G., & Babbie, E. R. (2016). *Basics of research methods for criminal justice and criminology* (4<sup>th</sup> edition). Boston, MA: Cengage Learning.

Maxwell, J. (1996). *Qualitative Research Design*. Thousand Oaks, CA: SAGE.

Maxwell, G., & Morris, A. (2001). Family group conferences and re-offending. In A. Morris, & G. Maxwell (Eds.), *Restorative Justice for Juveniles: Conferencing, Mediation and Circles*. Oxford, UK: Hart.



- Mazembo, M. E., Thomson-de Boor, B. & Mphaka, M. (2013). "So we are ATM Fathers": A Study of absent Fathers in Johannesburg, South Africa. Available at: [Absent-fathers-full-report 2013.pdf \(uj.ac.za\)](#) (accessed on 15 March 2021)
- Mbalula, F. (2017). Zimbabwean soldiers are causing crime havoc in SA. *The Citizen Online News*. Available at: <https://citizen.co.za/news/south-africa/1496976/zimbabwean-soldiers-are-causing-crime-havoc-in-sa-mbalula/> (accessed on 10-07-2020).
- McAdams, A. J. (1997). *Transitional Justice and the Rule of Law in New Democracies*. Notre Dame, IN: University of Notre Dame Press.
- McCarthy, M. (2010). *Incarceration and human rights: The Oxford Amnesty Lectures 2007*. Manchester: Manchester University Press.
- McGinnis, K. L. (1995). *Programming for long-term inmates*. Thousand Oaks, CA: SAGE.
- McMillan, J., & Schumacher, S. (2001). *Research in education: A Conceptual Introduction* (5<sup>th</sup> edition). Boston, MA: Allyn & Bacon.
- Mears, D. P. (2001). The Immigration-Crime Nexus: Toward an analytic framework for assessing and guiding theory, research and policy. *Sociological Perspectives*, 44(1), 1-19.
- Mears, D. P. (2002). Immigration and crime: What's the connection? *Federal Sentencing Reporter*, 14 (5), 284-288.
- Mears, D. P. (2007). The immigration crime nexus: Toward an analytic framework for assessing and guiding theory, research and policy. In J. D. Freilich, & G. R. Newman (Eds.), *The International library of criminology, criminal justice and penology: Crime and immigration*. Farnham, UK: Ashgate.
- Meetsi, K. R. (2007). Factors that influence cross-border criminal activities: A South African reality and feasible alternatives. South African Police Service Colloquium held on 13 June 2007. Available at: <https://www.saps.gov.za> (accessed on 10-02-2020).

- Mellow, J. (1996). Measuring race: Historical and contemporary issues. *The Criminologist*, 21(2), 6-7.
- Meny-Gilbert, S., & Chiumia, S. (2016). *FACTSHEET: How many international migrants are there in SA? Africa Check*. Available at: <https://africacheck.org/factsheets/geography-migration/> (accessed on 11-04-2019).
- Merton, R. K. (1976). *Sociological Ambivalence and other Essays*. New York: The Free Press.
- Meyer, D. F. & Nishimwe-Niyimbanira. R. (2016). The Impact of Household Size on Poverty: An Analysis of various Low-income Townships in the Northern Free State region, South Africa. *African Population Studies*, 3(2).
- Michalowski, R. J. (1984). *Order, Law and Crime*. New York, NY: Random House.
- Miethe, T. D., & McCorkle, R. C. (2001). *Crime Profiles: The Anatomy of Dangerous Persons, Places and Situations. (2<sup>nd</sup> edition)*. New York: Oxford University Press.
- Miller, H. V., & Peguero, A. (2018). On the History of immigration and crime. In H. V. Miller, & A. Peguero, *Routledge Handbook on immigration and crime*. London: Routledge.
- Miller, R., & Browning, S. L. (2004). *For the Common Good: A Critical Examination of Law and Social Control*. Durham, NC: Carolina Academic Press.
- Mills, J., & Birks, M. (2014). *Qualitative Methodology: A Practical Guide*. Thousand Oaks, CA: SAGE.
- Mitchell, B. (1990). *Murder and penal policy*. New York: St Martin's Press.
- Mkhathini, M. M. (2016). A Critical Analysis of the Chaplaincy in the South African Department of Correctional Services after 1994. PhD Thesis. University of Pretoria, Pretoria.
- Moehling, C., & Piehl, A. M. (2009). Immigration, Crime and Incarceration in Early

- Twentieth-Century America. *Demography*, 46(4), 739-763.
- Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 674-701.
- Monchick, R., Scheyett, A., & Pfeifer, J. (2006). *Drug court case management: Role, function, and utility*. Alexandria, VA: National Drug Court Institute.
- Moreland, N. (2006). Entrepreneurship and higher education: An employability perspective. Available at: <https://www.qualityresearchinternational.com/esectools/esectpubs/morelandentrepreneur.pdf> (accessed on 11 February 2021).
- Morse, J. M. (1991). Approaches to qualitative-quantitative methodological triangulation. *Nursing Research*, 40(2), 120-123.
- Mouton, J. (2001). *How to succeed in your Master's & Doctoral Studies: A South African Guide and Resource Book*. Pretoria: Van Schaik Publishers.
- Mouton, J. (2015). *How to succeed in your masters or doctoral studies: A South African guide and resource book*. Pretoria: Van Schaik.
- Mujuzi, J. D. (2009). Life Imprisonment in South Africa: Yesterday, today, and tomorrow. *South African Journal of Criminal Justice*, 22(1), 1-38.
- Muncie, J., Talbot, D., & Walters, R. (2010). *Crime: Local and Global*. Portland, OR: Willan Publishing.
- Muntingh, L. M. (2002). Tackling Recidivism: What is Needed for Successful Offender Reintegration? *Track Two: Constructive Approaches to Community and Political Conflict*, 11(2), 20-24.
- Muntingh, L. (2010). A Guide to The Rights of Inmates As Described In The Correctional Services Act and Regulations. Civil Society Prison Reform Initiative, Community Law Centre, 2006 (Revised 2010). Available at: <http://repository.uwc.ac.za/xmlui/bitstream/handle/10566/227/MuntinghCPA2010.pdf?sequence=1> (accessed on 11-08-2020).

- Muntingh, L. M. (2012). An analytical study of South African Prison Reform after 1994. LLD Thesis. University of the Western Cape, Cape Town.
- Muthaphuli, M. (2013). Crime Prevention and Sentencing: A practical penological perspective. PhD thesis. University of South Africa, Pretoria.
- Myers, M. D. (2009). *Qualitative research in business and management*. Thousand Oaks, CA: SAGE.
- Myers, M. D. (2020). *Qualitative Research in Business and Management* (3<sup>rd</sup> edition). Thousand Oaks, CA: SAGE.
- Myers, S. L. Jr., & Simms, M. C. (1988). *The Economics of Race and Crime*. London: Routledge.
- National Prosecuting Authority of South Africa. (2013). *Policy Manual*. Pretoria: National Director of Public Prosecutions.
- Naudé, B. (2000). The South African National Crime Prevention Strategy: A Critique. *Acta Criminologica*, 13(2), 1-11.
- Naudè, C. B. (2008). The case for a regulatory board for criminologists. *Acta Criminologica: Southern African Journal of Criminology*, 3, 1-10.
- Ncube, G., Dube, N. & Sithole, M. (2014). Immigration Policy Reforms and Pervasive Illegal Migration: A Case of the Illegal Border Jumpers. *IOSR Journal of Humanities And Social Science*, 19(5), 114-121. Available at: <http://www.iosrjournals.org/iosr-jhss/papers/Vol19-issue5/Version-1/S01951114121.pdf> (accessed 12 February 2021).
- Neitzel, M. (1979). *Crime and its modification: A social learning perspective*. New York: Pergamon.
- Nel, P. S., Swanepoel, B. J., Kirsten, M., Erasmus, B. J., & Tsabadi, M. J. (2005). *South African Employment Relations: Theory and Practice* (5<sup>th</sup> edition). Pretoria: Van Schaik.

- Nell, I. (2009). The Tears of Xenophobia: Preaching and Violence from a South African Perspective. *Practical Theology in South Africa*, 24(2), 229-247.
- Neocosmos, M. (2008). The Politics of Fear and the Fear of Politics: Reflections on Xenophobic Violence in South Africa. *Journal of Asian and African Studies*, 43(6), 586-594.
- Neocosmos, M. (2010). Analysing Political Subjectivities: Naming the Post-developmental State in Africa Today. *Journal of Asian and African Studies*, 45(5), 534-553.
- Neser, J. J. (1993). *Penitentiary Penology* (2<sup>nd</sup> edition). Johannesburg: Lexicon Publishers.
- Nettler, G. (1982). *Killing one another*. Ottawa, ON: Anderson Publishing.
- Neuman, W. L. (2000). *Social Research Methods: Qualitative and Quantitative Approaches* (4<sup>th</sup> edition). Boston, MA: Allyn & Bacon.
- Neuman, W. L. (2000). *Social Research Methods: Qualitative and Quantitative Approaches* (4<sup>th</sup> edition). Boston, MA: Allyn & Bacon.
- Neuman, W. L. (2011). *Social Research Methods: Qualitative and Quantitative Approaches* (7<sup>th</sup> edition). Upper Saddle River, NJ: Pearson.
- Newburn, T. (2017). *Criminology* (3<sup>rd</sup> edition). London: Routledge.
- Newham, G. (2017). *Do foreigners really commit SA's most violent crimes?* Available at: <https://issafrica.org/iss-today/do-foreigners-really-commit-sas-most-violent-crimes> (accessed on 15-08-2018).
- Newham, G., Burger, J., Gould, C., & Lancaster, L. (2012). *Fact sheet: Explaining the official crime statistics for 2011/12*. Pretoria: Institute for Security Studies. Available at: [https://oldsite.issafrica.org/uploads/2012\\_Crime\\_Stats\\_Factsheet.pdf](https://oldsite.issafrica.org/uploads/2012_Crime_Stats_Factsheet.pdf) (accessed 9 May 2019).

- Newman, G., Freilich, J. D., & Howard, G. T. (2007). Exporting and importing criminality: Incarceration of the foreign born. In J. D. Freilich, & G. R. Newman (Eds.), *The International library of criminology, criminal justice and penology: Crime and immigration*. Farnham, UK: Ashgate.
- Newman, G. (2008). *The Punishment Response* (2<sup>nd</sup> edition). Albany, NY: Harrow and Heston.
- Ngomane, S. (2010). The socio-economic impact of migration in South Africa: A case study of illegal Zimbabweans in the Polokwane Municipality in the Limpopo Province. Master's thesis. University of Limpopo, Polokwane.
- Ngozwana, N. (2017). Adult offenders' perception of rehabilitation programs in Africa. *Australian Journal of Adult Learning*, 57(2), 217-241. Available at: <https://files.eric.ed.gov/fulltext/EJ1148610.pdf> (accessed on 10-07-2020)
- Ngulube, P. (2015). Qualitative Data Analysis and Interpretation: Systematic Search for Meaning. In E. R. Mathipa, & M. T. Gumbo (Eds.), *Addressing Research Challenges: Making Headway for Developing Researchers* (pp.134-153). Noordwyk: Mosala-MASEDI Publishers.
- Ngwenya, N. (2010). Africa Expatriate Communities in Africa: Their Size, Lifestyle and Relationships with their Sending State. *Africa Insight*, 40(1), 5-18.
- Nieuwenhuis, J. (2012). Qualitative research designs and data gathering techniques. In K. Maree (Ed.), *First Steps in Research* (pp. 72-100). Pretoria: Van Schaik Publishers.
- Nolan, J. L. III. (2001). *Reinventing justice: The American Drug Court Movement*. Princeton, NJ: Princeton University Press.
- Nshimbi, C. C., & Fioramonti, L. (2013). *A region without borders? Policy framework for regional labour migration towards South Africa*. MiWORC Policy Brief, 1: 1-6. African Centre for Migration & Society, University of the Witwatersrand.
- Ntlama, N. (2018). The South African Constitution and immigration law. In F. Khan (Ed.), *Immigration law in South Africa*. Kenwyn: Juta.

- Ntuli, R. M. (2000). *Community Corrections in Penological Perspective*. MA Dissertation. University of South Africa, Pretoria.
- Nwannennyana, C., & Abiodun, T. F. (2017). Illicit drug trafficking in Nigeria: Obstacle to National Development and Security. *Journal of Political Sciences & Public Affairs*, 5(1), 230.
- Nyabadza, F., & Coetzee, L. (2017). A System Dynamic Model for Drug Abuse and Drug-Related Crime in the Western Cape Province of South Africa. *Computational and Mathematical Methods in Medicine*, 2017, 1-14.
- Nyamnjoh, F. B. (2006). Insiders and Outsiders: Citizenship and Xenophobia. *Contemporary Southern African Studies*, 18(1), 135-142.
- Nyborg, H. (2019). Race as Social Construct. Available at: [https://www.researchgate.net/publication/332737688\\_Race\\_as\\_Social\\_Construct/fulltext/5cc737b5a6fdcc1d49b97cad/Race-as-Social-Construct.pdf?origin=publication\\_detail](https://www.researchgate.net/publication/332737688_Race_as_Social_Construct/fulltext/5cc737b5a6fdcc1d49b97cad/Race-as-Social-Construct.pdf?origin=publication_detail) (accessed on 11-08-2020).
- Nykodym, N., Taylor, R. & Vilela, J. (2005). Criminal Profiling and Insider Cyber Crime. *Digital Investigation*, 2: 261-267. Available at: <https://securitylab.disi.unitn.it/lib/exe/fetch.php?media=teaching:offtech:2015:nykodym-2005-digital-investigation.pdf> (accessed on 1 February 2021).
- Ohmer, M. L. (2016). Strategies for Preventing Youth Violence: Facilitating Collective Efficacy among Youth and Adults. *Journal of the Society for Social Work and Research*, 7(4), 681-705.
- Okyere, D. (2018). *Economic and Social Survival Strategies of Migrants in Southern Africa: A Case Study of Ghanaian Migrants in Johannesburg, South Africa*. Mini-Thesis, University of Western Cape, Cape Town.
- O'Leary, Z. (2017). *The essential guide to doing your research project* (3<sup>rd</sup> edition). Thousand Oaks, CA: Sage.
- Oluwaseun, T. (2016). *Understanding Xenophobia in South Africa: The individual, the State and the International System*. Thousand Oaks, CA: SAGE.

- Omi, M., & Winant, H. (2014). *Racial formation in the United States*. London: Routledge.
- Osaghae, E. E. (1994). *Urban violence in South Africa*. Available at: <https://books.openedition.org/ifra/785?lang=en> (accessed on 05-07-2019).
- Osman, A. (2017). South Africa urgently needs to rethink its approach to housing. The Conversation: Polity. Available at: <https://www.polity.org.za/article/south-africa-urgently-needs-to-rethink-its-approach-to-housing-2017-06-05>
- Osterburg, J. W., & Ward, R. H. (1997). *Criminal investigation: A method for reconstructing the past* (2<sup>nd</sup> edition). Cincinnati, OH: Anderson.
- O'Toole, M. E. (2009). *The School Shooter: A Threat Assessment Perspective*. Collingdale, PA: Diane Publishing. Available at: [https://books.google.co.za/books?hl=en&lr=&id=1V1A6KEalrIC&oi=fnd&pg=PA1&dq=criminological+threat+assessment&ots=8f0SJ\\_dJ5J&sig=qyjcdPG\\_il3fK8R5B2HPO4FwaUk&redir\\_esc=y#v=onepage&q=criminological%20threat%20assessment&f=false](https://books.google.co.za/books?hl=en&lr=&id=1V1A6KEalrIC&oi=fnd&pg=PA1&dq=criminological+threat+assessment&ots=8f0SJ_dJ5J&sig=qyjcdPG_il3fK8R5B2HPO4FwaUk&redir_esc=y#v=onepage&q=criminological%20threat%20assessment&f=false) (accessed on 15 February 2021).
- Ousey, G. C., & Kubrin, C. E. (2009). Exploring the connection between immigration and violent crime rates in the U. S. cities, 1980-2000. *Social Problems*, 56(3), 447-473.
- Padgett, S. (2015). *Profiling the Fraudster: Removing the mask to prevent and detect fraud*. Hoboken, NJ: John Wiley & Sons Inc.
- Palmary, I. (2009). *Refugees, Safety and Xenophobia in South African Cities: The role of local government*. Johannesburg: The Centre of the Study of Violence and Reconciliation.
- Palmer, E. J. (2012). Psychological Approaches to Understanding Crime. In Davies, G. & Beech, A. (Eds.), *Forensic Psychology, Crime, Justice, Law, Interventions*. (2<sup>nd</sup> edition). Leicester: The British Psychological Society, Blackwell.
- Parliamentary Monitoring Group [PMG]. (2019). Immigration Amendment Bill: Police Minister and Home Affairs Deputy Minister Input; Home Affairs Office



- Accommodation: Minister of Public Works Input. Available at: <https://www.pmg.org.za> (accessed on 03-04-2020).
- Parliamentary Monitoring Group [PMG]. (2014). Rehabilitation and Reintegration Programme Challenges: Correctional Services Briefing. Available at: <https://pmg.org.za/committee-meeting/17574/> (accessed on 19-08-2020)
- Patterson, E. B. (1991). Poverty, income inequality, and community crime rates. *Criminology*, 29(4), 755-776.
- Patton, M. Q. (2002). *Qualitative research and evaluation methods* (3<sup>rd</sup> edition). Thousand Oaks, CA: Sage.
- Peberdy, S., & Crush, J. (1998). Rooted in Racism: The Origins of the Aliens Control Act. In J. Crush (Ed.), *Beyond Control: Immigration and Human Rights in a Democratic South Africa*. Cape Town: Idasa and Southern African Migration Project.
- Pelser, E. (2008). Learning to be lost: Youth crime in South Africa. Centre for Justice and Crime. Discussion Paper for the HSRC Youth Policy Initiative, Reserve Bank, Pretoria, 13 May 2008. Available at: [http://www.cjcp.org.za/uploads/2/7/8/4/27845461/hsrc\\_youth\\_crime\\_discussion\\_paper2.pdf](http://www.cjcp.org.za/uploads/2/7/8/4/27845461/hsrc_youth_crime_discussion_paper2.pdf) (accessed 10-07-2020).
- Peltzer, K. & Phaswana-Mafuya, N. (2018). Drug use among youth and adults in a population-based survey in South Africa. *South African Journal of Psychiatry*, 24, a1339. Available at: <https://sajp.org.za/index.php/sajp/article/view/1139> (accessed on 18 February 2021).
- Peté, S. A. (2015). Like a bad penny: The problem of chronic overcrowding in the prison of colonial Natal: 1845 to 1910. *Fundamina: A Journal of Legal History*, 21(2), 341-358.
- Pezzin, L. E. (2004). Effect of family background on crime participation and criminal earnings: An Empirical Analysis of Siblings. *Estudos Economicos (Sao Paulo)*, 34(3), 487-514.

- Phakgadi, P. (2018). Over 160 illegal immigrants arrested at Limpopo border during police operation. *News24*. Available at: <https://www.News24.com/SouthAfrica/News/over-160-illegal-immigrants-arrested-at-Limpopo-border-during-police-operations-20181209> (accessed on 21-05-2019).
- Pijnenburg, A., Hansen-Gammeltof, T., & Rijken, C. (2018). Controlling Migration through International Cooperation. *European Journal of Migration and Law*, 20(4), 365-371.
- Polaschek, D. L. L. (2012). *An appraisal of the risk-need-responsivity (RNR) model of offender rehabilitation and its application in correctional treatment*. New Zealand: School of Psychology, Victoria University of Wellington. Available at: [https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.2044-8333.2011.02038.x?casa\\_token=8RKIAPsDCtUAAAAA:7ZhLHJ-hd49WchDP8-2Nvy8ap37-U7JSXRYOml8010ld6Pd9Hs6aaGkrhGQSRlpHqMRglYuhS71GHs](https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.2044-8333.2011.02038.x?casa_token=8RKIAPsDCtUAAAAA:7ZhLHJ-hd49WchDP8-2Nvy8ap37-U7JSXRYOml8010ld6Pd9Hs6aaGkrhGQSRlpHqMRglYuhS71GHs) (accessed 18-07-2019)
- Police and Prisons Civil Rights Union [POPCRU]. (2019). *Transformation of sectors*. 9<sup>th</sup> National Congress.
- Pollock, J. M. (2005). *The Philosophy and History of Prisons: The Rationale for Imprisonment*. San Marcos, TX: Texas State University. Available at: [https://samples.jblearning.com/0763729043/Chapter\\_01.pdf](https://samples.jblearning.com/0763729043/Chapter_01.pdf) (Accessed on 12-05-2020).
- POPCRU, see Police and Prisons Civil Rights Union.
- PMG, see Parliamentary Monitoring Group.
- Presser, L. & Sandberg, S. (2015). Research Strategies for Narrative Criminology. In Miller, J. & Palacios, W. R. (Eds.), *Qualitative Research in Criminology: Advances in Criminological Theory*. Volume, 20. Piscataway, NJ: Transaction Publishers.

- Priyadharshini, S., Rejani, T. G., Jadeja, M., & Deka, D. B. (2017). Neuropsychological Profiling of Offenders. *International Journal of Medical Research. Pharmateucal Sciences*, Volume 4 (Issue 2), 46-53.
- Punc, M. (1986). *The Politics and Ethics of Fieldwork*. Thousand Oaks, CA: SAGE.
- Qureshi, M. S., & Ahmad, A. (2014). Effects of Father Absence on Children's Academic Performance. *Journal of Educational, Health and Community Psychology*, 3(1), 1-6.
- Rebscher, E., & Rohrer, F. (1991). Police information retrieval systems and the role of electronic data processing. In E. Kube, & H. U. Störzer (Eds.), *Police research in the Federal Republic of Germany: 15 years research within the "Bundeskriminalamt"* (pp. 241-251). Berlin: Springer-Verlag.
- Reid, S. T. (2018). *Crime and Criminology: Criminal Justice Series* (15<sup>th</sup> edition). New York: Wolters Kluwer.
- Reiser, M. (1982). *Police psychology: Collected papers*. Los Angeles, CA: LEHI Publishing Company.
- Republic of South Africa [RSA]. (1996). *Constitution of the Republic of South Africa, 108 of 1996*. Pretoria: Government Printers.
- Republic of South Africa [RSA]. (1998a). The Refugees Act 130 of 1998. Pretoria: Government Printers.
- Republic of South Africa [RSA]. (1998b). Draft Refugee White Paper. (Government Notice No 1122 of 1998). *Government Gazette* 18988, 19 June 1998.
- Republic of South Africa [RSA]. (1998c). Correctional Services Act No. 111 of 1998. *Government Gazette* 35093, 1 March 2012.
- Republic of South Africa [RSA]. (1999). White Paper on International Migration. *Government Gazette* 19920. Pretoria: Government Printers.
- Republic of South Africa [RSA]. (2002). Immigration Act No. 13 of 2002. (Government

- Notice No 23478 of 2002). Pretoria: Government Printers.
- Republic of South Africa [RSA]. (2005). White Paper on Corrections in South Africa. Pretoria: Department of Correctional Services.
- Republic of South Africa [RSA]. (2008). The Refugees Amendment Act 33 of 2008. Pretoria: Government Printers.
- Republic of South Africa [RSA]. (2016). Green Paper on the International Migration. Pretoria: Department of Home Affairs. Available at: [https://www.gov.za/sites/default/files/gcis\\_document/201606/40088gon738.pdf](https://www.gov.za/sites/default/files/gcis_document/201606/40088gon738.pdf) (accessed on 12-07-2020).
- Reyes, E. (2011). Males raised by emotionally absent mothers: All nature no nurture. Available at: <https://pdfs.semanticscholar.org/62cf/a41c74ac0a7dfa4884691daf72c922bda040.pdf> (accessed on 23-06-2020).
- Riverland, C. (1999). *Super Maximum prison: Overview and general considerations*. Washington, DC: National Institution of Corrections.
- Robinson, S., & Cussen, T. (2017). *The Criminology and Criminal Justice Companion*. London: Palgrave Macmillan.
- Rogerson, C. M. (1999). International Migration, Immigrant Entrepreneurs and South Africa's Small Enterprise Economy. Migration Policy Series, No.3. Available at: <http://samponline.org/wp-content/uploads/2017/07/PS-3-International-Migration-Immigrant-Entrepreneurs-and-South-Africas-Small-Enterprise-Economy.pdf> (accessed on 14 February 2021).
- Roller, M. R., & Lavrakas. P. J. (2015). *Applied Qualitative Research Design: A total quality framework approach*. New York: The Guildford Press.
- Rossmann, G., & Rallis, S. F. (2012). *Learning in the field: An introduction to qualitative research* (3<sup>rd</sup> edition). Thousand Oaks, CA: SAGE.
- Rossmo, D. K. (2000). *Geographic Profiling*. Boca Raton, FL: CRC Press.

Rossouw, J. P. L. (2004). *The armed robbery cycle*. Research report 1, series 3. Midrand: SABRIC.

RSA, see Republic of South Africa.

Rubin, A. & Babbie, E. R. (2008). *Research Methods for Social Work* (6<sup>th</sup> edition). Belmont, CA: Thompson.

Rubin, A., & Babbie, E. R. (2017). *Research Methods for Social Work* (9<sup>th</sup> edition). Boston, MA: Cengage Learning.

Rule, P., & John, V. (2011). *Your Guide to Case Study Research*. Pretoria: Van Schaik.

Rutherford, A., Zwi, A. B., & Grove, N. (2007). Violence: A glossary. *Journal of Epidemiology and Community Health*, 61(8), 676-680. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2652990/> (accessed on 16-05-2019).

Ryan, A. B. (2006). Methodology: Analysing Qualitative Data and writing up your Findings. In M. Antonesa (Ed.), *Researching and Writing your thesis: A guide for postgraduate students* (pp. 92-108). Mace: Maynooth Adult and Community Education.

SA, see South Africa.

SAHRC, South African Human Rights Commission.

Saldaña, J., & Omasta, M. (2018). *Qualitative research: Analyzing life*. Thousand Oaks, CA: SAGE.

Salfati, C. G., Horrying, A. M., Sorochinski, M. & Labuschagne, G. N. (2015). South African Serial Homicide: Consistency in Victim Types and Crime Scene Actions Across Series. *Journal of Investigative Psychology and Offender Profiling*, 12, 83-106. Available at: <http://forensic-psychologist.co.za/wp-content/uploads/2017/08/Serial-homicide-in-SA-Consistency-in-victim-types-and-crime-scene-actions-2015.pdf> (accessed on 1 February 2021).

- Salmi, J. (2004). Violence in democratic societies: Towards an analytic framework. In P. Hillyard, C. Pantazis, S. Tombs, & D. Gordon (Eds.), *Beyond Criminology: Taking Harm Seriously*. London: Pluto Press.
- Salmon, W. C. (1998). *Causality and Explanation*. New York: Oxford University Press.
- Samaha, J. (2011). *Criminal Law* (10<sup>th</sup> edition). Belmont, CA: Wadsworth.
- Samenow, S. (1984). *Inside the criminal mind*. New York: Time Books.
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the Making: Pathways and Turning Points through Life*. Cambridge, MA: Harvard University Press.
- Sampson, R. J., & Lauritsen, J. L. (1997). *Racial and Ethnic Disparities in Crime and Criminal Justice in the United States*. Chicago, IL: The University of Chicago.
- Sampson, R. J. (2006). How does community context matter? Social mechanisms and the explanation of crime rates. In P. H. Wikström, & R. J. Sampson (Eds), *Explanation of crime: Context, Mechanisms and Development*. Cambridge: Cambridge University Press.
- SANews, South African Government News Agency.
- SAPS, see South African Police Services.
- Sarantakos, S. (2013). *Social Research* (4<sup>th</sup> edition). London: Palgrave Macmillan.
- Schick, F. (1991). *Understanding Action: An Essay on Reasons*. Cambridge: Cambridge University Press.
- Schmallegger, F. (1995). *Criminal Justice Today: An Introductory Text for the Twenty-First Century*. Englewood Cliffs, NJ: Prentice-Hall.
- Schmallegger, F. (1996). *Criminology today*. Englewood Cliffs, NJ: Prentice-Hall.
- Schmallegger, F., & Smykla, J. O. (2005). *Corrections in the 21<sup>st</sup> century* (2<sup>nd</sup> edition). New York: McGraw-Hill.
- Schmallegger, F., & Smykla, J. O. (2009). *Corrections in the 21<sup>st</sup> Century* (4<sup>th</sup> edition).

New York: McGraw-Hill.

Schmallegger, F., & Smykla, J. O. (2012). *Corrections in the 21<sup>st</sup> Century* (4<sup>th</sup> edition). New York: McGraw-Hill Higher Education.

Scott, D. (2018). The Politics and Ethics of Criminological Research. Approaches in Criminological Research. In Davies, P., & P. Francis. *Doing Criminological Research*. (3<sup>rd</sup> edition). SAGE.

Segatti, A., Adeagbo, O., & Ogunyemi, S. (2012). *Nigerians in South Africa: Facts and Figures (Issue Brief)*. Available at: <http://www.migration.org.za/wp-content/uploads/2017/08/Nigerians-in-South-Africa-Facts-and-Figures.-Issue-Brief-8a.pdf> (accessed on 21 May 2019).

Segatti, A., & Landau, L. R. (2011). *Contemporary Migration to South Africa: A Regional Development Issue*. Available at: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/943521468101356700/contemporary-migration-to-south-africa-a-regional-development-issue> (accessed on 25-04-2020).

Sekaran, U., & Bougie, R. (2013). *Research methods for Business* (6<sup>th</sup> edition). Hoboken, NJ: Wiley.

Sentle, S. (2002). Officials crusade against prison rape. *Nexus*, October 2002.

Setelela, R. (2018). Rehabilitation of long-term offenders in maximum security prison. Master's thesis. University of South Africa, Pretoria.

Shabangu, K. I. (2006). Possible solutions to overcrowding and recidivism. Master's thesis. University of South Africa, Pretoria.

Shadish, W., Cook, T. D., & Campbell, D. T. (2002). *Experimental and Quasi-Experimental Designs for Generalized Causal Inference*. Boston: Houghton Mifflin.

Shao, A. T. (1999). *Marketing Research: An aid to decision making*. Stamford, CO: International Thomson Publishing.

- Sharawy, H. (2003). *Fanon and the African revolution revisited at a time of globalisation*. Available at: <http://www.codesria.org/IMG/pdf/sharawi.pdf> (accessed on 15-05-2019).
- Shaw, M. (2017). *Africa's Changing place in the Global Criminal Economy*. Available at: <https://globalinitiative.net/wp-content/uploads/2017/09/2017-09-26-enact-continental-report1.pdf> (accessed on 14 February 2021).
- Shaw, M., & Reitano, T. (2013). *The evolution of Organised Crime in Africa: Towards a new response*. ISS Paper No. 224. Pretoria: Institute for Security Studies.
- Shoham, S. (1962). The Application of the "Culture-Conflict" Hypothesis to the Criminality of Immigrants in Israel. *The Journal of Criminal Law, Criminology and Police Science*, 53(2), 207-214. Doi:10.2307/1141073
- Shoham, S. (2007). The application of the "Culture-Conflict" hypothesis to the criminality of immigrants in Israel. In J. D. Freilich, & G. R. Newman (Eds.), *The International library of criminology, criminal justice and penology: Crime and immigration*. Farnham, UK: Ashgate.
- Shone, R. (2008). *Solving crimes through criminal profiling*. New York: The Rosen Publishing Group.
- Shozi, P. (2018). Is the unemployment rate to blame for crime stats? *News24*. Available at <https://www.news24.com/news24/southafrica/local/hillcrest-fever/is-the-unemployment-rate-to-blame-for-crime-stats-20180918> (accessed on 09-05-2019).
- Siala, T. (2008). It's easy to shout from lofty towers. *Sunday Times*, 18 May. Available at: <https://www.pressreader.com/south-africa/sunday-times-1107/20080518/281852934308346> (accessed on 10-11-2018).
- Sian, K. (2017). Born radicals? Prevent, Positivism, and 'race-thinking'. Available at: <https://www.nature.com/articles/s41599-017-0009-0.pdf> (accessed on 01 March 2021).
- Siegel, L. J. (2003). *Criminology* (8<sup>th</sup> edition). Belmont, CA: Wadsworth.



- Siegel, L. J. (2010). *Criminology: Theories patterns and typologies* (10<sup>th</sup> edition). Boston, MA: Cengage Learning.
- Siegel, L. J. (2011). *Criminology: The core* (4<sup>th</sup> edition). Boston, MA: Cengage Learning.
- Siegel, L. J. (2016). *Criminology: Theories, Patterns and Typologies* (13<sup>th</sup> edition). San Francisco, CA: Cengage Learning.
- Siegel, L. J. (2017). *Criminology: The Core* (6<sup>th</sup> edition). Boston, MA: Cengage Learning.
- Siegel, L. J. (2018). *Criminology Theories, Patterns and Typologies* (13<sup>th</sup> edition). Boston, MA: Cengage Learning.
- Siegel, L. J. (2019). *Criminology: The Core* (7<sup>th</sup> edition). Boston, MA: Cengage Learning.
- Siegel, L. J., & Welsh, B. C. (2009). *Juvenile delinquency: Theory, Practice and Law*. Belmont, CA: Wadsworth.
- Siegel, L. J., & Welsh, B. C. (2011). *Juvenile delinquency: The core*. Belmont, CA: Wadsworth.
- Siennick, S. E., Stewart, E. A., & Staff, J. (2014). Explaining the Association between Incarceration and Divorce. *Criminology*, 52(3), 371-398.
- Silverman, D. (2016). *Qualitative Research*. Thousand Oaks, CA: SAGE.
- Singh, G. (2005). Patterns of migration, settlement and dynamics of HIV? AIDS in South Africa. Available at: [https://sarpn.org/documents/d0001729/Migration\\_HIV\\_Singh2005.pdf](https://sarpn.org/documents/d0001729/Migration_HIV_Singh2005.pdf) (accessed on 10-02-2019).
- Singh, S. (2011). Xenophobia and crime: Foreign nationals awaiting trial in a South African prison. *Acta Criminologica*, 24(2), 31-47.
- Singh, S. B. (2017). Migration and African Foreign Nationals. Incarcerated at Westville

- Correctional Centre, Durban, South Africa. *Nordic Journal of African Studies*, 26(2), 126-143.
- Skelton, A. (2004). *Alternative Sentencing Review*. Civil Society Prison Reform Initiative (CSPRI). Research Paper Series number 6.
- Skelton, A., & Batley, M. (2008). *Restorative Justice: A Contemporary South African Review*. *Acta Criminologica*, 21(3), 37-51.
- Smith, D. F. (1997). *Ethnic Origins, Crime, and Crimina Justive in England and Wales*. In Tonry, M. *Ethincity, Crime, and Immigration. Comparatively and Cross-National Perspectives*. Vol. 21. The University of Chicago Press.
- Smith, C. A., & Steyn, S. B. (1997). *Delinquency and antisocial behaviour: A review of family processes and intervention research*. *Social Service Review*, 71(3), 382-420. Available at: <https://www.jstor.org/stable/pdf/30012625.pdf?> (accessed on 19-05-2020).
- Smith, C. S. (2005). *Ending global poverty: A guide to what works*. New York: St Martin's Press.
- Smith, M. J., & Cornish, D. B. (Eds.). (2003). *Theory for practice in situational crime prevention*. Crime Prevention Studies Volume 16. New York: Criminal Justice Press.
- Snodgrass, L. (2015). *Illegal guns fuel violent crime wreak deadly havoc in South Africa*. Available at: <https://theconversation.com/illegal-guns-fuel-violent-crime-wreak-deadly-havoc-in-south-africa-49006> (accessed on 25 June 2019).
- South African Cities Network. (2006). *State of the Cities Report 2006*. Johannesburg: South African Cities Network.
- South African Government News Agency [SAnews]. (2018). *Cele drops in unannounced at Sunnyside police station*. Available at: <https://www.sanews.gov.za/south-africa/cele-drops-unannounced-sunnyside-police-station> (accessed on 10 July 2020).

South African Human Rights Commission [SAHRC]. (2008). *Report on the SAHRC investigation into issues of rule of law, justice and impunity arising out of the 2008 public violence against non-nationals*. Available at: [https://www.academia.edu/223181/Report on the SAHRC Investigation into Issues of Rule of Law Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals](https://www.academia.edu/223181/Report_on_the_SAHRC_Investigation_into_Issues_of_Rule_of_Law_Justice_and_Impunity_arising_out_of_the_2008_Public_Violence_against_Non-Nationals) (accessed on 15 May 2019).

South African Human Rights Commission [SAHRC]. (2016-2017). Economic and Social Rights (SR): Research policy brief 2016/2017. Available at: <https://www.sahrc.org.za/home/21/files/SAHRC%20Research%20Policy%20brief%202016-2017%20--The%20Right%20to%20Adequate%20Housing%2031%20March%202017%20-v3.pdf> (accessed on 17 June 2019).

South African Police Services [SAPS]. (2018). Minister Bheki Cele presents 2017/2018 crime statistics: Media statement from the Department of Police. Available at: <https://www.saps.gov.za> (accessed on 14 May 2019).

Sowetan Live. (2019). *Let SA work, put refugees in camps* (reader letter). Available at: <https://www.sowetanlive.co.za/opinion/letters/2018-07-13-let-sa-work-put-refugees-in-camps/> (accessed on 14 June 2018).

Stark, O. (1991). *The Migration of Labour*. Cambridge: Basil Blackwell.

Stark, O., Byra, L. & Kosiorowski, G. (2020). On the Precarious Link between the Gini Co-efficient and the Incentive to Migrate. IZA Institute of Labor Economics, Discussion paper series. Available at: <http://ftp.iza.org/dp12910.pdf> (accessed on 18 February 2021).

Statista. (2020). Countries with the most prisoners. Available at: <https://www.statista.com/statistics/262961/countries-with-the-most-prisoners/#statisticContainer> (15 February 2021).

Statistics South Africa [Stats SA]. (2013). *Poverty Trends in South Africa: An Examination of Absolute Poverty between 2006 and 2011*. Pretoria: Statistics South Africa. Available at: <http://beta2.statssa.gov.za/publications/Report-03-10->

[06/Report-03-10-06March2014.pdf](#) (accessed on 13 May 2019).

Statistics South Africa [Stats SA]. (2018). *Mid-year population estimates*. Available at: [www.statssa.gov.za](http://www.statssa.gov.za) (accessed on 21 May 2019).

Stats SA, see Statistics South Africa.

Steele, M. (2006). *Report on Incentives Structures of Social Assistance Grants in South Africa*. Pretoria: Department of Social Development.

Steenkamp, C. (2009). Xenophobia in South Africa: What does it say about trust? *The Round Table*, 98(403), 439-447.

Steinberg, J. (2005). *A mixed Reception: Mozambican and Congolese Refugees in South Africa*: Monographs 117. June 2005. Pretoria: Institute for Security Studies. Available at: <https://issafrica.org/research/monographs/monograph-117-a-mixed-reception-mozambican-and-congolese-refugees-in-south-africa-jonny-steinberg> (accessed on 17 May 2009).

Steyn, F. (2010). Approaches to Diversion of child offenders in South Africa: A comparative analysis of programme theories. D.Phil. Thesis University of the Free State, Bloemfontein.

Stowell, J. I., & Gostjev, F. A. (2018). *Immigration and Crime Rates: Lasting Trends and New Understandings*. In V. Miller, & A. Peguero (Eds.), *Routledge Handbook on Immigration and crime*. London: Routledge.

Strauss, A., & Corbin, J. (1998). *Basics of qualitative research* (2<sup>nd</sup> edition). Newbury Park, CA: Sage.

Strydom, H., & Delpont, C. S. L. (2012). *Winning the research report*. In A. S. de Vos, H. Strydom, C. B. Fouchè, & C. S. L. Delpont (Eds.), *Research at grass roots: For the social sciences and human service professions* (4<sup>th</sup> edition) (pp. 277-294). Pretoria: Van Schaik.

Sullivan, L. (2009). Enforcing nonenforcement: Countering the threat posed to sanctuary laws by the inclusion of immigration records in the national crime

- information center database. *California Law Review*, 97(2), 567-600.
- Sun, H., & Reed, J. (1995). Migration and crime in Europe. *Social Pathology*, 1(3), 228-248.
- Sun, H., & Reed, J. (2007). Migration and crime in Europe. In J. D. Frelich, & G. R. Newman (Eds.), *The International Library of Criminology, Criminal Justice and Penology* (2<sup>nd</sup> Series). Farnham, UK: Ashgate.
- Sunday Times News. (2019). Police union condemns mob attack on police in Johannesburg. Available at: <https://www.iol.co.za/news/south-africa/gauteng/police-union-condemns-mob-attack-on-police-in-johannesburg-30264628> (accessed on 11 August 2020).
- Suyemoto, K. L., Curley, M. & Mukkamala, S. (2020). What do we mean by “Ethnicity” and “Race”? A Consensual Qualitative Research Investigation of Colloquial Understandings. *Genealogy*, 4, 81. Available at: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwim6qj8huTvAhXRXRUIHexDB6AQFjAMegQIJRAD&url=https%3A%2F%2Fres.mdpi.com%2Fattachment%2Fgenealogy%2Fgenealogy-04-00081%2Farticle\\_deploy%2Fgenealogy-04-00081-v2.pdf&usq=AOvVaw3Au53OTkRUN30Nm6Bycxmy](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwim6qj8huTvAhXRXRUIHexDB6AQFjAMegQIJRAD&url=https%3A%2F%2Fres.mdpi.com%2Fattachment%2Fgenealogy%2Fgenealogy-04-00081%2Farticle_deploy%2Fgenealogy-04-00081-v2.pdf&usq=AOvVaw3Au53OTkRUN30Nm6Bycxmy) (accessed on 10 March 2021).
- Tarver, M., Walker, S., & Wallace, H. (2002). *Multicultural Issues in the Criminal Justice System*. Boston, MA: Allyn & Bacon.
- Tati, G. (2008). The immigration issues in the Post-Apartheid South Africa: Discourse, Policies and Social Repercussions. *Espace, populations, sociétés*, 2008/3, 423-440. Available at: <https://journals.openedition.org/eps/3496>
- Taylor, B., Sinha, G. & Ghoshal, T. (2006). *Research methodology: A guide for researchers in management and social sciences*. Delhi: Prentice Hall India.
- Tella, O., & Ogunnubi, O. (2014). Hegemony or Survival: South Africa’s soft power and the challenge of xenophobia. *Africa Insight*, 44(3), 145-63.

- Tewksbury, R. (2010). Qualitative versus quantitative methods: Understanding why qualitative methods are superior for criminology and criminal justice. *Journal of Theoretical and Philosophical Criminology*, 1(1), 38-58.
- The Citizen. (2018). 'Don't employ foreigners' – Limpopo SAPS. Available at: <https://citizen.co.za/news/news-cns/1811213/dont-employ-foreigners-limpopo-saps/> (accessed on 11 August 2020).
- The World News. (2019). Undocumented workers arrested as cops pounce on 11 Tshwane Spar Supermarkets. Available at: <https://www.bing.com/search?q=Gauteng+Spar+supermarkets+been+found+guilty+of+employing+undocumented+foreign+nationals+only&form=QBLH&sp=-1&pq=gauteng+spar+supermarkets+been+found+guilty+of+employing+undocumented+foreign+nationals+only&sc=0-92&qsn&sk=&cvid=2347D6BD328B459099333E6D5931FD3E> (Available at 18 August 2020)
- Thinane, T. S. (2010). The Institutionalization of effective rehabilitation programmes at Groenpunt Maximum Security Prison. Mini dissertation. North West University, Vanderbijlpark.
- Thobane, M. S. (2014). The Criminal Career of Armed Robbers with Specific Reference to Cash-in-Transit Robberies. MA Dissertation. University of South Africa, Pretoria.
- Thobejane, T. D. & Flora, T. (2014). An exploration of polygamous marriages: A worldview. *Mediterranean Journal of Social Sciences*, 5(27), 1058. Available at: <https://www.richtmann.org/journal/index.php/mjss/article/view/5179> (accessed on 17 February 2021).
- Thomas, G. (2009). *How to do your research project*. Thousand Oaks, CA: SAGE.
- Thomas, G. (2016). *How to do your case study* (2<sup>nd</sup> edition). Thousand Oaks, CA: SAGE.
- Timeslive*. 2019. Over 300 undocumented foreigners found in hijacked building in

Hillbrow. 9 November. <https://www.timeslive.co.za/news/south-africa/2019-11-09-over-300-undocumented-foreigners-found-in-hijacked-building-in-hillbrow/>

*The Unit for Religion and Development Research* [URDR]. (2005). Stellenbosch: University of Stellenbosch. Available at: <https://blogs.sun.ac.za/urdr/> (accessed on 12 February 2020).

Tonry, M. (1997). Ethnicity, Crime and Immigration: Comparative and Cross-National Perspective. In M. Tonry (Ed.), *Crime and Justice: A review of Research* (Volume 21). Chicago, IL: University of Chicago Press.

Torch, H. (1984). Quo vadis? *Canadian Journal of Criminology*, 514.

Tran, M. (2013). War denying millions of children an education. *The Guardian*. Available at: <https://www.theguardian.com/global-development/2013/jul/12/war-denying-children-education> (accessed on 12-02-2020).

Tshabalala, N. G. (2014). Crime and unemployment in South Africa; Revisiting an Established Causality: Evidence from the KwaZulu Natal Province. *Mediterranean Journal of Social Sciences*, 5(15), 519.

Tshikotshi, V. (2009). The Challenges of Eradicating Informal Settlements in South Africa by 2014: The Case of the Seraleng Sustainable Human Settlement, Rustenburg Local Municipality. North-West Province. Master's Thesis, University of the Witwatersrand, Johannesburg.

Tukiri, C. (2017). South Africa urgently needs to rethink its approach to housing. Available at: <https://theconversation.com/south-africa-urgently-needs-to-rethink-its-approach-to-housing-78628> (accessed on 11 August 2020).

Turvey, B. (1999). *Criminal profiling: An introduction to behavioural evidence analysis*. San Diego, CA: Academic Press.

Turvey, B. E. (2002). *Criminal profiling*. Amsterdam: Elsevier, Academic Press.

Umezurike, S. A. & Isike, C. (2013). An analysis of the opinion of African Immigrants on Service Delivery by the Department of Home Affairs, South Africa. *Inkanyisa:*

*Journal of Humanities and Social Sciences*, 5(1). Available at: <https://www.ajol.info/index.php/ijhss/article/view/94069> (accessed on 15 February 2021).

United Nations Human Settlements Programme. (2003). *The Challenge of Slums: Global Report on Human Settlements 2003*. London: Earthscan.

United Nations Human Settlements Programme. (2007). *Reducing urban crime and violence: Policy direction* (Volume 1). London: Earthscan.

United Nations Office on Drugs and Crime [UNODC]. (2015). *Combatting violence against migrants*. Available at: [www.unodc.org](http://www.unodc.org) (accessed on 15 May 2020).

United Nations Office on Drugs and Crime [UNODC]. (2016). *World Drug Report 2016*. Available at: <https://www.unodc.org/wdr2016/> (accessed on 15 May 2020).

University of South Africa. (2007). *Policy on Research Ethics*. Pretoria: University of South Africa.

UNODC, see United Nations Office on Drugs and Crime.

Van Heerden, A. (2010). *Drug Trafficking: The use of South African Drug Mules in Cross border Smuggling*. Master's Dissertation. University of South Africa, Pretoria.

Van Lennep, T. (2018). *The State of the South African Refugee Protection Regime: Part II – Politics and Policy*. Available at <https://hsf.org.za/publications/hsf-briefs/the-state-of-the-south-african-refugee-protection-regime-part-ii-politics-and-policy> (accessed on 15 June 2019).

Van Schendel, W., & Abraham, I. (2005). *Illicit flows and criminal things: States, Borders, and the Other Side of Globalisation*. Bloomington, IN: Indiana University Press.

Van Wyk, B. (2012). *Research design, methods and methodology*. Cape Town: University of Cape Town.



- Vettor, S. L. (2012). *Offender Profiling: A Review, Critique and an investigation of the influence of context, perception, and motivation on sexual offenders*. PhD Thesis. The University of Birmingham, Birmingham. Available at: <https://etheses.bham.ac.uk/id/eprint/3429/1/Vettor12PhD.pdf> (accessed on 15 April 2017).
- Viano, E. C. (2006). *Globalisation Transnational Crime and State Power: The need For A New Criminology*. Available at: <https://core.ac.uk/download/pdf/25896143.pdf> (accessed on 20 March 2021)
- Vibert, F. (2011). *Democracy and Dissent: The Challenge of International Rule Making*. Cheltenham: Edward Elgar Publishing, Inc.
- Vila, B. (1994). A General Paradigm of Understanding Criminal Behavior: Extending Evolutionary Ecological theory. *Criminology*, 32(3), 311-360.
- Vold, G. B., & Bernard, T. J. (1986). *Theoretical Criminology* (3<sup>rd</sup> edition). New York: Oxford University Press.
- Vold, G. B., Bernard, T. J., & Snipes, J. B. (2002). *Theoretical Criminology* (5<sup>th</sup> edition). New York: Oxford University Press.
- Von Hirsch, A. (1976). *Doing Justice*. New York: Hill and Wang.
- Von Holdt, K. (2011). Overview: Insurgent citizenship and collective violence analysis of the case studies. In K. Von Holdt, M. Langa, S. Malopo, N. Mogapi, K. Ngubeni, J. Dlamini, & A. Kirsten. *The smoke that calls: Insurgent citizenship and the struggle for a place in the new South Africa* (pp. 5-32). Johannesburg: Centre for the Study of Violence and Reconciliation. Available at: <https://csvr.org.za/docs/thesmokethatcalls.pdf> (accessed on 11 August 2020).
- Walsh, A., & Ellis, L. (2007). *Criminology: An interdisciplinary approach*. Thousand Oaks, CA: SAGE.
- Wan, E., & Vanderwerf, M. (2009). *A review of literature on ethnicity, national identity and related missiological studies*. Available at: [http://www.globalmissiology.org/portugues/docs\\_pdf/featured/wan\\_literature\\_et](http://www.globalmissiology.org/portugues/docs_pdf/featured/wan_literature_et)

hnicity\_april\_2009.pdf (accessed on 15-02-2020).

- Ward, T., & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. London: Routledge.
- Ward, T., Rose, C., & Willis, G. M. (2012). Offender Rehabilitation: Good Lives, Desistance and Risk Reduction. In Davies., G., & Beech, A. *Forensic Psychology: Crime, Justice, Law Interventions*. (2<sup>nd</sup> edition). Leicester: The British Psychological Society, Blackwell.
- Warr, M. (2002). *Companions in crime: The Social Aspects of Criminal Conduct*. Cambridge, UK: Cambridge University Press.
- Waters, M. C., & Eschbach, K. (1995). Immigration and ethnic and racial inequality in the United States. *Annual Review of Sociology*, 21, 419-446.
- Welman, C., Kruger, F. & Mitchell, B. (2012). *Research Methodology* (3<sup>rd</sup> edition). Cape Town: Oxford University Press.
- Welsh, B. C., & Farrington, D. P. (2012). *The Oxford Handbook of Crime Prevention*. New York: Oxford University Press.
- Western, B. (2004). *Incarceration, Marriage, and Family Life*. Available at: [https://pdfs.semanticscholar.org/b28f/fa8e2351f69004a82e44923c94c0b563ded9.pdf?\\_ga=2.34270561.1555460625.1593960157-1237784387.1585804276](https://pdfs.semanticscholar.org/b28f/fa8e2351f69004a82e44923c94c0b563ded9.pdf?_ga=2.34270561.1555460625.1593960157-1237784387.1585804276) (accessed on 14 March 2020).
- White, H. R., & Gorman, D. M. (2000). Dynamics of the drug-crime relationship. *Criminal Justice*, 15, 1-28.
- Wikström, P. H. (2006). Individuals, settings, and acts of crime: situational mechanisms and the explanation of crime. In P. H. Wikström, & R. J. Sampson (Eds), *Explanation of crime: Context, Mechanisms and Development*. Cambridge: Cambridge University Press.
- Wikström, P. H., & Sampson, R. J. (2006). *The Explanation of Crime: Context, Mechanisms and Development*. Cambridge: Cambridge University Press.

- Wilkinson, K. (1973). The broken family and juvenile delinquency: Scientific explanation or ideology? *Social Problems*, 21(5), 726-739.
- Williams, F. P., & McShane, M. D. (1998). *Criminology Theory: Selected Classic Readings* (2<sup>nd</sup> edition). Ottawa, ON: Anderson Publishing Company.
- Williams, F. P., & McShane, M. D. (2004). *Criminological theory* (4<sup>th</sup> edition). Upper Saddle River, NJ: Prentice Hall.
- Williams, K. S. (2008). *Textbook on Criminology* (6<sup>th</sup> edition). New York: Oxford University Press.
- Willie, N. & Mfubu, P. (2016). No future of our children: Challenges faced by foreign minors living in South Africa. *African Human Mobility Review*, 2(1), 423-442. Available at: <https://www.sihma.org.za/journals/Willie-Mfubu.pdf> (17 February 2021).
- Willis, G., & Ward, T. (2013). The Good Lives Model: Does it work? Preliminary Evidence. In L. Craig., L. Dixon, & T. Gannon (Eds.), *What works in offender rehabilitation: An evidence-based approach to assessment and treatment* (pp. 305-317). London: Wiley-Blackwell.
- Willis, K. (2006). *The decision-making patterns of armed robbery offenders*. Canberra: Australian Institute of Criminology.
- Wilson, J. Q., & Petersilia, J. (2010). *Crime and Public Policy*. Oxford: Oxford University Press.
- Winders, J. (2007). Bringing back the border: Post-9/11 politics of immigration, borders and belonging in contemporary US South. *Antipode*, 39(5), 920-942.
- Withrow, B. L. (2014). *Research methods in crime and justice*. New York: Taylor and Francis Group. cit
- Woodhams, J., Bull, R. & Hollin, C. R. (2007). Case linkage: Identifying Crimes Committed by the Same Offender. In R. N. Kocsis (Ed.), *Criminal Profiling: International Theory, Research and Practice*. Totowa, NJ: Humana Press.

- Woodhams, T. (2012). Offender profiling and Crime Linkage. In *Forensic Psychology, Crime, Justice, Law, interventions*. (2<sup>nd</sup> edition). Leicester: The British Psychological Society, Blackwell.
- World Bank. (2011). *Violence in the city: Understanding and Supporting Community Responses to Urban Violence*. Available at: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/524341468331181450/violence-in-the-city-understanding-and-supporting-community-responses-to-urban-violence> (accessed on 10-03-2020).
- World Bank Group. (2018). *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*. Available at: <https://openknowledge.worldbank.org/handle/10986/28337> (accessed on 13 August 2019).
- World Cities Report. (2016). *Urbanization and Development: Emerging futures*. UN Habitat. Available at: <https://unhabitat.org/sites/default/files/download-manager-files/WCR-2016-WEB.pdf> (accessed on 10 May 2020).
- Wortley, S. (2009). *Introduction: The Immigration-Crime Connection: Competing Theoretical Perspectives*. Available at: <https://link.springer.com/content/pdf/10.1007/s12134-009-0117-9.pdf> (accessed on 19 June 2019).
- Yates, P. M. (2013). Treatment of Sexual Offenders: Research, Best Practices, and Emerging Models. *International Journal of Behavioral Consultation and Therapy*, 8(3-4), 89-95. Available at: <https://files.eric.ed.gov/fulltext/EJ1017917.pdf> (accessed on 19 February 2021).
- Yazdani, S. & Daryei, G. (2016). Parenting Styles and Psychosocial Adjustment of Gifted and Normal Adolescents. *Pacific Science Review B: Humanities and Social Sciences*, 2(3), 100-105. Available at: <https://www.sciencedirect.com/science/article/pii/S2405883116300351> (accessed on 15 February 2021).

- Yeager, M. G. (1997). Immigrants and Criminality: A Cross-National Review. *Criminal Justice Abstracts*, 29, 143-71.
- Yin, R. K. (2003). *Case Study Research: Design and Methods* (3<sup>rd</sup> edition). Thousand Oak, CA: Sage.
- Young, J. (1999). *The Exclusive Society*. Thousand Oaks, CA: SAGE.
- Young, J. (2002). Critical Criminology in the Twenty-first Century: Critique, irony and the always unfinished. In D. Cook (Ed.), *Criminal and Social Justice*. Thousand Oaks, CA: SAGE.
- Young, M. H., Justice, J. & Erdberg, P. (2012). A comparison of rape and molest offenders in prison psychiatric treatment. *International Journal of Offender Therapy and Comparative Criminology*, 56(7), 1103-1123.
- Zahn, M.A., Brownstein, H. H., & Jackson, S. L. (2004). *Violence from Theory to Research*. Ottawa, ON: Anderson Publishing.
- Zastrow, C. (2002). *Social problems: Issues and solutions* (5<sup>th</sup> edition). Belmont, CA: Wadsworth.
- Zinn, R. (2010). Inside information: Sourcing Crime intelligence from incarcerated house robbers. Available at: <https://journals.assaf.org.za/sacq/article/view/886> (accessed on 15-10-2018).
- Zita, J. (1998). *Body talk: Philosophical reflections on sex and gender*. New York, NY: Columbia University Press.

# LIST OF ANNEXURES

## Annexure A: Ethical clearance



### UNISA CLAW ETHICS REVIEW COMMITTEE

Date 20181026

Reference: P43 of 2018

Dear Mrs Zitha

Applicant: M Zitha

**Decision: ETHICS APPROVAL  
FROM 26 OCTOBER 2018  
TO 25 OCTOBER 2021**

**Researcher(s):** Moitsadi Zitha

**Supervisor(s):** Prof TD Matshaba

**A criminological profiling of sentenced foreign offenders in Gauteng correctional centres**

**Qualification:** PhD (Criminal Justice)

Thank you for the application for research ethics clearance by the Unisa CLAW Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

*The **medium risk application** was reviewed by the CLAW Ethics Review Committee on 26 October 2018 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment. The decision was ratified by the committee.*

The proposed research may now commence with the provisions that:

1. The researcher will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
3. The researcher will conduct the study according to the methods and procedures set out in the approved application.



University of South Africa  
Preller Street, Muckleneuk Ridge, City of Tshwane  
PO Box 392 UNISA 0003 South Africa  
Telephone: +27 12 429 3111 Facsimile: +27 12 429 4150  
www.unisa.ac.za

4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
7. No field work activities may continue after the expiry date of 25 October 2021. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

*Note:*

*The reference number P43 of 2018 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.*

Yours sincerely,



PROF N MOLLEMA

Chair of CLAW ERC

**E-mail:** [mollen@unisa.ac.za](mailto:mollen@unisa.ac.za)

**Tel:** (012) 429-8384



PROF CI TSHOOSE

Executive Dean: CLAW

**E-mail:** [tshooci@unisa.ac.za](mailto:tshooci@unisa.ac.za)

**Tel:** (012) 429-2005



University of South Africa  
Preller Street, Muckleneuk Ridge, City of Tshwane  
PO Box 392 UNISA 0003 South Africa  
Telephone: +27 12 429 3111 Facsimile: +27 12 429 4150  
[www.unisa.ac.za](http://www.unisa.ac.za)

## Annexure B: DCS Permission letter



### correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O WF Nkomo and Sophie De Bruyn Street, PRETORIA  
Tel (012) 307 2770

**Ms M Zitha**  
**PO Box 1959**  
**Faerie Glen**  
**0043**

Dear Ms Zitha

**RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: "A CRIMINOLOGICAL PROFILING OF SENTENCED FOREIGN OFFENDERS IN GAUTENG CORRECTIONAL CENTRES"**

It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- This ethical approval is valid from **31 May 2019 to 30 May 2021**.
- The relevant Regional and Area Commissioners where the research will be conducted will be informed of your proposed research project.
- Your internal guide will be **Ms ME Motsamai: Regional Head: Corrections, Gauteng**.
- You are requested to contact her at telephone number (012) 342 4211 before the commencement of your research.
- It is your responsibility to make arrangements for your interviewing times.
- Your identity document/passport and this approval letter should be in your possession when visiting the correctional centres.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) e.g. "Offenders" not "Prisoners" and "Correctional Centres" not "Prisons".
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You are required to submit your final report to the Department for approval by the Commissioner of Correctional Services before publication (including presentation at workshops, conferences, seminars, etc) of the report.
- Should you have any enquiries regarding this process, please contact the DCS REC Administration for assistance at telephone number (012) 307 2770.

Thank you for your application and interest to conduct research in the Department of Correctional Services.

Yours faithfully

**ND SIHLEZANA**  
**DC: POLICY COORDINATION & RESEARCH**

**DATE: 21/05/2019**



## **Annexure C: Consent form**

### **INFORMED CONSENT FORM**

**Affiliation:** University of South Africa

**Researcher:** Mrs M Zitha

**Supervisor:** Prof T. D Matshaba

**Title of study:** A Criminological profiling of sentenced foreign offenders in Gauteng correctional centres.

#### **Purpose of study:**

The point of departure for the proposed study is the fact that there is limited research focussing on foreign nationals' offending. A broader understanding of foreign national's deviant requires a consideration of how individual and community charactersitics interact to produce offending behaviour. Empirical evidence of foreign offenders profiling in Gauteng correctional centres is an inherently important result. As to date, little research has delved into potential cause of crime unique to foreign nationals. This study aims to contribute new knowledge, understanding and to fill the void in the social sciences on the profiling of foreign offenders.

#### **Procedures:**

The researcher will be conducting semi-structured interviews and field notes. Before the interview or during the opening of the discussion it will be communicated to participants the purpose of the research, why you need information from them and what you are hoping to achieve with the information. The interviews will be recorded with the consent of the participants. The interviews will not be restricted to a time frame; but the researcher will be considerate not to overwhelm the participants.

#### **Risks and discomfort:**

Social research should never injure or harm participants. The researcher should ensure that information that has potential to embarrass, endanger or affect their participants psychological well-being should be guard against. The respondent will be given an opportunity to voice their discomfort during the interviews. However, efforts to minimise such will be made.

**Benefits:**

This study will endeavour to make a significant contribution to foreign offenders, profiling, assessment and classification especially in the African context. Further, the results of this study may assist the Department of Correctional Services and the South African Police Services to devise efficient tools of offender profiling. In addition, this study will inform members of the community on the issue of foreign offenders and might assist in demystifying the stereotypical ideologies that majority foreign nationals came to South Africa with an aim of committing criminal offences. Participants involvement will have an immense value in understanding the phenomena under study and the researcher will gain rich knowledge and insight from the participants and all stakeholders involved.

**Respondent's rights:**

Ethical considerations in any research should be of the utmost importance, since the manner in which research is conducted will have direct or indirect consequences to the participants' lives. Participation in the study is voluntary and participants have the right to withdraw from participating in the study. The researcher will further ensure that the research does not bring any harm to the participants. All information will be treated with confidentiality and anonymity. The intention of this research is not to involve other people in observation. Data will be stored in a safe place. The researcher and her study supervisor are the only individuals who will have access to raw data from interviews and field notes, thus ensuring complete confidentiality.

**Professional honesty**

Researcher must not under any circumstances change their data, as is regarded as one of the most serious transgressions of the scientific code of ethics. In addition, all techniques and method of analysis must be disclosed (Babbie et al 2010:526). This fact includes ethical issues that might arise in scientific publishing, in particular plagiarism.

**Right of access to researcher:**

Participants are free to contact the researcher in connection with the study.

**Researchers contact details are as follows:**

**Office Number:** 012 433 9487

Email address:

**INFORMED CONSENT FORM**

I, the undersigned, agree to participate in this study voluntarily, and without duress.

Signed at ..... on this.....day of .....20.....

Signature: ..... (Print name.....)

Agreement

I ..... hereby consent to:

- Responding to questionnaires or being interviewed on the topic;  
.....
- The responses being recorded in writing; and
- The use of the data derived from these responses by the researcher in a research report as he deems necessary.

I also understand that:

- I am free to end my involvement or cancel my consent to participate in the research at any time should I wish to;
- Information rendered up to the point of my termination of participation can, however, still be used by the researcher;
- Anonymity is guaranteed by the researcher and data will under no circumstances be reported in such a way as to reveal my identity.
- I am free to determine that specific information that I reveal should not be recorded in writing;
- No reimbursement will be made by the researcher for information rendered or for any participation in this project;
- By signing this agreement, I undertake to give honest answers to reasonable questions and not to mislead the researcher; and
- Should there be need to get any form of help to facilitate the transmission of data, myself and the researcher will ensure that such data is transmitted timeously and safely.

I acknowledge that the researcher:

- Discussed the aims and objectives of this research project;
- Informed me about the contents of this agreement; and
- Explained the implications of my signing the agreement.

•

In co-signing this agreement, the researcher undertakes to:

- Maintain confidentiality, anonymity and privacy regarding the identity of the subject and information rendered by myself, the respondent.

Respondent Signature

Date:

Researcher Signature

Date:

I (the researcher) ..... certify that I explained the contents of the above.

THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY.

## Annexure D: Incarcerated participants questionnaire

### INTERVIEW SCHEDULE: UNSTRUCTURED INTERVIEW SCHEDULE

**RESEARCH PROJECT: A Criminological profiling of sentenced foreign offenders in Gauteng correctional centres.**

#### *Questionnaire Instructions:*

*This questionnaire should be completed using an ink pen. Please answer all the questions as honestly as possible by indicating your answer with a cross (X) in the appropriate box or writing a response in the space provided.*

*NB Your anonymity is assured. You do not need to identify yourself here and there is no way for your responses to be linked to you, either in the research findings or the final research report.*

### PART A: PARTICIPANTS DEMOGRAPHIC INFORMATION

DATE OF INTERVIEW: .....

#### CONSENT FORM SIGNED

Yes	No
-----	----

#### INTERVIEW NUMBER

**Age:**

**Gender:**

**Marital status:**

1. Tell us about the country that you are coming from?

.....

2. What is your educational background? Could you please give reason(s) to what contributed to your dropping-out of school?

.....  
.....

**PART B: FAMILY RISK FACTORS**

3. Were you raised by both parents?

.....  
.....  
.....

4. What type of family structure were you raised in?

.....  
.....  
.....

5. What kind of relationship did you have with your parents?

.....  
.....  
.....

6. Do you have siblings? If yes, how many?

.....  
.....  
.....

7. Describe your childhood and how you grew-up?

.....  
.....  
.....

8. Were you ever been exposed to violent activities in your family? If yes, what kind?

.....  
.....

.....  
9. What was your marital status before your current crime?

.....  
.....  
.....  
10. Do you have children? If yes, how many?

.....  
.....  
.....  
**PART C: UNDERLYING CAUSES OF CROSS-BORDER**

11. At what age did you migrate to South Africa?

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.....  
.....  
12. How did you come to South Africa?

.....  
.....  
.....  
13. Did you come to South Africa with your family, friend or alone?

.....  
.....  
.....  
14. What was the main reason(s) for your migration?

.....  
.....  
.....  
15. Were you permanently employed before migrating to South Africa? If yes, for

how many years?

.....  
.....  
.....

16. Were you employed at the time of your current sentence? Please explain.

.....  
.....  
.....

**PART D: EXPLANATION OF CRIMINAL BEHAVIOUR**

17. Is the crime committed violent in nature? If yes, explain.

.....  
.....  
.....

18. Were there any co-offenders involved? If yes, what nationality are they?

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.....  
.....

19. Did you use any weapon when committing crime? If yes, explain.

.....  
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.....

20. Was the victim a stranger or someone you knew?

.....  
.....  
.....

21. What influenced you to commit the crime?



.....  
.....  
.....

22. Were you under the influence of alcohol or drugs when committing crime? If yes, which one?

.....  
.....  
.....

23. Do you sometimes struggle with controlling your anger? If yes, explain

.....  
.....  
.....

**PART E: REHABILITATIVE PROGRAMME**

24. Age at admission on current sentence?

.....

25. How many years have you been convicted for the current offence(s)?

.....

26. Were you ever arrested at your place of origin?

.....  
.....

27. Number of previous convictions? (Offence(s) history)

.....  
.....

28. Did the Correctional officer from Case Management explain your sentence plan?

.....  
.....

29. Were you made aware of the expected conduct while incarcerated?

.....  
.....  
.....

30. Have you ever attempted to escape/ attempted to escape, or aided an escape?

.....  
.....

31. Were you made aware of the available rehabilitation programmes? If no, why

.....  
.....  
.....

32. Do you attend any of the programmes provided? If yes which one(s)

.....  
.....  
.....

33. Did you receive the educational, training and skills assessments? If yes explain

.....  
.....  
.....

34. Are you involved in any recreational facilities available in the centre? If yes, explain

.....  
.....  
.....

35. Are you receiving any social work or psychological sessions? If yes, explain

.....  
.....  
.....  
.....

36. Are you aware of the services that the spiritual care programme provides? If yes, explain

.....  
.....  
.....  
.....

37. Do you benefit from these programmes? If yes / no, please explain

.....  
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.....

38. Does the way these programmes are delivered encourage active participation?

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.....  
.....

39. What is the length of these programmes? (total number of hours / sessions)?

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.....

40. Do you receive visits from family and / friends?

.....  
.....  
.....  
.....

41. How many visits per month do you receive from your family and friends?

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.....  
.....

42. Do you believe you were given a fair sentence? Please elaborate

.....  
.....  
.....

43. Do you have any question for me?

.....  
.....  
.....

**THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY!**

## **Annexure E: Editing certificate**

*Barbara Shaw*  
*Editing/proofreading services*  
*18 Balvicar Road, Blairgowrie, 2194*  
*Tel: 011 888 4788 Cell: 072 1233 881*  
*Email: [bmslaw@telkomsa.net](mailto:bmslaw@telkomsa.net)*  
*Full member of The Professional Editors' Guild*

### **To whom it may concern**

This letter serves to inform you that I have done language editing, formatting and reference checking on the thesis **CRIMINOLOGICAL PROFILING OF SENTENCED FOREIGN OFFENDERS IN GAUTENG CORRECTIONAL CENTRES**

by **MOITSADI ZITHA**



Barbara Shaw

26<sup>th</sup> August 2020