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**THE SIGNIFICANCE OF CRIMINOLOGICAL PRE-SENTENCE EVALUATION  
REPORTS FOR REHABILITATION DIRECTIVES IN CUSTODIAL SETTINGS:  
SEX OFFENDER DOCKET ANALYSIS****Anni Hesselink<sup>1</sup> and Karen Booyens<sup>2</sup>**

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**ABSTRACT**

*Criminological pre-sentence evaluation reports assist courts by providing a comprehensive picture of an offender as a human being; the factors that contributed to the crime; an explanation of the offending behaviour, and also by recommending individualised sentencing options. In corrections, criminologists compile expert needs and risk assessments to determine exclusive pointers for offender rehabilitation efforts. It is thus assumed that criminological pre-sentence evaluation reports, that are compiled before sentencing, should form, to some extent, the basis of the criminological after-sentencing (offender needs and risk) reports. If this is the case, offender-specific and offence-specific factors, as outlined in the pre-sentence reports, can guide correctional criminologists with the identification of offenders' unique needs and risks for rehabilitation submissions. This article draws attention to the plausible worth that criminological pre-sentence reports hold for corrections. The aim is to establish if pre-sentence evaluation reports hold any benefit or significance for the exposure of rehabilitation indicators in terms of offender needs and risks. Four pre-sentence evaluation reports (document analysis) of adult sex offenders, who committed the same type of offence, with the same category victim, were assessed to ascertain the implication of the content of the reports for rehabilitation purposes. The researchers followed a qualitative approach to analyse and assess the case studies presented in the reports. Rehabilitation indicators in the reports were deliberated on and evaluated against what is scientifically known to be applicable and effective for rehabilitation of this type of sex offender. The findings indicate a void in correctional treatment targets (causes, motives, contributory factors, influences, triggers, and high-risk situations) and a vacuum in an offender-specific and offence-specific analysis. Aforementioned focus areas will contribute towards correctional criminologists' assessments in underlying rehabilitation directives for the adequate rehabilitation and treatment of offenders.*

**Key words:** *criminological pre-sentence evaluation reports, needs and risk assessment, sex offenders, correctional criminologist, rehabilitation indicators*

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**INTRODUCTION**

Criminologists in practice are multidisciplinary professionals that make real world contributions (Hesselink, 2013: 136). In this respect, prodigious expert criminological contributions have been made to the South African criminal justice system in the last 30 years (Hesselink & Booyens, 2014: 2). From a forensic perspective, voluminous pre-sentence evaluation and victim impact statement reports were presented by criminologists to the courts (Labuschagnè, 2003: np; Van der Hoven, 2006: 152-171; Hesselink, 2013: 138-139, 141). In corrections, criminologists have conducted assessments of offending behaviour to ascertain distinctive needs and risks of offenders for

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rehabilitation determinations (Hesselink, 2013: 142-144; Hesselink & Booyens, 2014: 2). Pre-sentence evaluation and victim impact statement reports were compiled by qualified criminologists, and to be precise, professional persons with vast practical experience in working with offenders; with relevant and accredited research contributions; and with a minimum qualification of a Master's degree in Criminology (Cassim, 1999: 19-26; Van der Hoven, 2006: 152-171).

Supporting this, the Director of Pre Release and Resettlement of Department of Correctional Service (DCS), Mr Piet de Bruin, emphasised that criminologists should hold at least a Master's degree in Criminology with adjacent experience in working with offenders to be recognised as skilled and knowledgeable professionals who can be employed by the DCS towards a multidisciplinary risk assessment approach (De Bruin, Department of Correctional Service, 17 October 2017, Criminology Colloquium, Department of Criminology and Security Science, University of South Africa).

South African criminological pre-sentence evaluation reports emanated during the late 1980s from the endeavours of the now deceased Dr Irma Labuschagnè (Labuschagnè, 2003: np; Van der Hoven, 2006: 152-171). Flowing from this, criminological needs and risk assessment of offenders evolved in the mid-1990s with the aim of fitting into, complementing, participating, and completing the criminal justice assessment process relating to offending behaviour. The centre of both applications (criminological pre-sentence evaluation reports and offender assessments) is the identification, analysis, assessment, evaluation and scientific explanation of crime and criminal behaviour in all its facets (Hesselink, 2013: 138, 142; Labuschagnè, 2003: np). Included here are the precipitating factors (causes), motives, contributory factors and influences, Victimology (victim-offender relationship and victim characteristics), offender predispositions (specific traits), scientific explanation of the offending behaviour (theory application), and prevention (prediction and rehabilitation) focus points (Labuschagnè, 2003: np). Through this causal lens, it becomes clear that pre-sentence reports and the assessment of offenders' needs and risks for rehabilitation submissions; seek to analyse and explain crime and criminality from pre-arrest (planning phase/pro-criminal thinking patterns and influences), arrest, conviction, sentencing, punishment (i.e. imprisonment), and rehabilitation (identification of offender needs and risks), through to re-entry into society (Hesselink, 2013: 138, 141; Hesselink & Booyens, 2014: 4; Labuschagnè, 2003: np; Van der Hoven, 2006: 152-171).

The difference between offender assessments and pre-sentence evaluation reports is that pre-sentence reports assist courts with appropriate and individualised sentencing recommendations that are linked to an offender's risk of reoffending, future dangerousness, and rehabilitation possibilities (Hannah-Moffat & Maurutto, 2010: 262-286; Labuschagnè, 2003: np; Tata, Burns, Halliday, Hutton & McNeill, 2008: 835-855; Van der Hoven, 2006: 152-171). Correctional criminologists, on the other hand, use the same focus points outlined in the pre-sentence reports, but expand on offender risks (for self, fellow inmates, to known persons in society, correctional staff, and for reoffending purposes) and needs (factors linked to crime causation) for specified and individualised rehabilitation pointers (Hesselink & Booyens, 2014: 8).

The proposed argument is that because both applications have predominantly the same focus, pre-sentence evaluation reports should encompass adequate and detailed offender information for correctional criminologists to expand on, in order to identify unique offender needs and risks for effective and intensive rehabilitation efforts.

## **METHODOLOGY**

This research entails a document analysis of court reports with specific focus on criminological pre-sentence evaluation reports. A qualitative research approach was employed to evaluate four pre-sentence evaluation reports. According to Patton (2015: 4-8, 14), a qualitative approach should fit the data, (i.e. a document analysis), and not vice versa. In this regard, a desktop study examined the content of the reports, and assisted in developing insight and understanding of the offending behaviour presented in the reports.

In addition, Annum (2016: np) postulated that a document analysis provides researchers with grounds for exploration, meaning around a topic, convenient background data, and insight into personal accounts of people's actions, beliefs, and experiences. A document analysis also unveils what people do, and what they consider to be important in their lives (Annum, 2016: np).

The first author was the beneficiary of criminological pre-sentence evaluation reports. This right of ownership ethically binds the researcher from revealing the identities of the offenders presented in the reports or the criminologists' who compiled the reports. Hence, care was taken that none of the offenders could be identified through references of court reports, including the criminological pre-sentence evaluation reports relating to a specific offender. This was done to ultimately safeguard the offenders' right to privacy, confidentiality, and anonymity.

As stated above, four pre-sentence evaluation reports, illustrative of adult sex offenders that raped minor females were selected. Although it is opined (Strydom & Delpont, 2011a: 391) that there are no rules for sample size in qualitative studies, Mason (2010: np) stated that samples for qualitative research are much smaller than that for quantitative research, as qualitative research is concerned with meaning and not making generalisations. As the authors do not wish to generalise their findings, but rather focus on the importance (meaning) of pre-sentence reports for rehabilitation efforts during the corrections phase, the four reports were deemed to be adequate for that purpose. Furthermore, the aims of the study are important with reference to determining the design and, therefore, also the sample size. For the purpose of this article the research aims relate to:

- i) the evaluation of the pre-sentence evaluation reports (document analysis);
- ii) in order to ascertain the correctional application of the content of the reports, and whether these reports are significant for correctional use. In other words, the identification of offender rehabilitation indicators for treatment determinations.

The documents were analysed by means of content analysis, and as Strydom and Delpont (2011b: 380) state, this is done to quantify the frequency of elements within the selected documents.

Lastly, the necessary ethical approval was granted for this desktop study by the University of South Africa's Ethics and Research Committee.

## **DISCUSSION**

The criminological focus points of the pre-sentence reports were analysed to ascertain whether they hold any valuable rehabilitation pointers for correctional professionals. Next, the authors outline scientifically proven indicators that are used for the effective treatment and rehabilitation of sex offenders (for offenders similar to ones presented in the pre-sentence reports). Thirdly, the authors evaluate the value of the pre-sentence reports against the known scientific indicators used for the rehabilitation of sex offenders. The authors conclude by recommending effective rehabilitation focus points to be included in future criminological pre-sentence reports of similar

cases, to enhance the effectiveness of pre-sentence reports for rehabilitation utilisation in corrections.

### **Sex offender criminological pre-sentence evaluation reports**

This section presents the biographic details of the four rapists. An in-depth discussion follows regarding the focus points presented in the reports, such as the offenders' family dynamics, schooling experiences, crime analysis, causes and contributory factors, as well as motives and remorse. The theories used to explain the rapes are also briefly outlined. The authors highlighted noteworthy indicators for rehabilitation purposes that were depicted in the reports. Lastly, important and efficacious rehabilitation indicators for similar cases (criminological pre-sentence evaluation reports) for future inclusion are recommended.

Hereafter, some of the biographic details, namely the offenders' race, age, marital status, schooling and education, occupation, and offence and victim selection are presented in Table 1 below. Other information of importance to the biographic background of the offender is discussed in the subsequent text.

**Table 1: Biographic details**

<b>Offender</b>	<b>N1</b>	<b>N2</b>	<b>N3</b>	<b>N4</b>
<b>Race</b>	Black	Caucasian	Caucasian	Caucasian
<b>Age at time of offence</b>	<b>20</b>	<b>26</b>	<b>50</b>	<b>36</b>
<b>Marital status</b>	Single, never married	Single, never married	Divorced	Married (father of two stepchildren and one own child)
<b>Level of schooling /education</b>	Standard 5 (Grade 7)	Illiterate	Standard 4 (Grade 6)	Standard 10 (Grade 12), BChD degree (Bachelor of Dentistry)
<b>Occupation prior to arrest</b>	Looked after cattle	Never employed, mentally handicapped	Artisan	Dentist
<b>Offence and Victim ages (at time of arrest)</b>	Rape: Cousin (no age indicated)	Rape: Female, aged five-years	Rape: Female, aged 12-years	Rape: Stepdaughter, aged 13-years

### **Biographic details discussion**

As depicted in Table 1, the four adult offenders were found guilty of rape of minor female girls. The youngest offender (N1) was 20-years-old at the time of arrest, and the oldest offender (N3) was 50-years old when arrested. None of the offenders had previous criminal records and were all first offenders. One Black (N1) and three Caucasian males (N2, N3 and N4) were represented in the reports and only one offender (N4) was married at the time of his offence. Two offenders (N1 and N2) were never married (single), whereas one offender (N3) indicated that he was divorced. The married offender (N4) was the father of two minor stepdaughters and one minor son born from his marriage (the one stepdaughter (the victim) was 13 years of age at the time of the offences, while the ages of the other children were not indicated in the report). The divorced offender (N3)

had two children, and the ages of his children were also not indicated in the report. Both single men (N1 and N2) did not father any children.

The educational level and occupations of the offenders varied from illiterate and unskilled to a tertiary education qualification. Offender N2's illiteracy was linked to his mental handicap, and he attended a school for mentally handicapped children. Offender N4 was highly qualified (BChD degree), offender N1 completed Grade 7, and offender N3 completed Grade 6. In this regard, offender N1 looked after the family's cattle, offender N2 was mentally handicapped and was never employed; offender N3 indicated that he is an artisan, while offender N4 was a dentist. In terms of the offenders' religion, it was stipulated in the reports that three offenders (N2, N3 and N4) came from vastly religious households, whereas offender N1 originated from a non-religious (being nonbelievers) upbringing. With respect to the offenders' health, offender N2 suffered from epilepsy, uncontrolled aggressive behaviour, a high sex drive and arousal patterns (hypersexuality) for which he received daily medication (for all mentioned conditions).

As far as the socioeconomic status of the offenders is concerned, it was specified in the reports that three offenders (N1, N2 and N3) came from financially deprived backgrounds, and at the time of their arrests, offenders N1 and N2 have never been employed. Offender N4 was self-employed with his own practice at the time of his arrest, and he came from a financially affluent family and background.

### **Victims and sentencing recommendations**

As stated above, the four victims were minor female girls. Only two offenders (N1 and N4) knew their victims (N1 – cousin and N4 – stepdaughter) beforehand. The other two victims of offenders N2 and N3 were strangers (unknown to them). Only three victims' ages were indicated in the reports, namely offender N2's victim was five-years-old, offender N3's victim was twelve-years-old, and offender N4's victim was thirteen-years-old. Regarding offender N1's victim (cousin), it is clearly stated in the report that the victim was a 'small child'.

Pertaining to the recommended sentences, one imprisonment sentence (for offender N2 who is mentally handicapped) and three community supervision sentences (for offenders N1, N3 and N4) were suggested. It was furthermore proposed that offender N4 should financially compensate the mother of his victim by paying for therapy and all future schooling, education and basic living expenses for both the victim and her sister (the latter was not sexually abused or raped by the offender). No specific time frames for the proposed sentences were indicated in the reports. It was argued in one of the reports that, should incarceration be the choice of punishment (for instance, as is the case with offender N2), that the length of imprisonment should be taken into account in order not to subject the offender to the negative effects (i.e. violence, gangsterism and sexual, and emotional or financial victimisation) of imprisonment, as a lengthy imprisonment sentence might contribute to reoffending behaviour, which in turn may destroy the future of the offender. Other factors that contended an imprisonment sentence for offenders N1, N3 and N4, included overcrowding conditions in correctional centres, the unacceptable recidivism rate (despite high rates of incarceration), the fact that incarceration does not deter all offenders from reoffending, and a lack of resources and capacity to ensure effective rehabilitation outcomes.

### **Offenders' family dynamics**

The family circumstances of the offenders varied from seemingly stable to dysfunctional family lives. In this regard, offender:

*N1*: Came from a single-parent family, he never met or knew his father, his mother was unemployed, the family of three adults (maternal grandmother, mother, and uncle), and four

children (siblings and cousins) lived in a small mud-hut and solely relied on the grandmother's pension. According to the offender, he grew up in a safe, loving and supportive environment where the members of the family respected each other.

N2: Had no knowledge of his parents or his sister's ages or occupations, although it is stated in the report that both his parents worked as car guards. Offender N2 suffered severe emotional and physical abuse from his father, and he was subjected to a violent family environment characterised by domestic violence. His father physically abused his mother and both children, and it is mentioned in the report that the father 'kicked and hit the mother and the children with his fists'. A psychiatrist proposed for the offender to be removed from his parents as they did not understand their son's disability. Hence, at the age of seven years, the offender was placed in a special care facility that catered for his special needs. It is, thus, safe to say that offender N2 never felt sheltered, nurtured or loved at home.

N3: Reported no emotional or physical abuse during his childhood, and noted that he came from a 'normal' and loving family. His father also worked as an artisan and his mother was an operator (not specified in which field in the report). Thus, there is a lack of detail on offender N3's family background in the report. Regarding the offender's own family, he could recall the ages or birth dates of his two children and cited 'alcohol abuse' as the reason for his divorce.

N4: Is one of four siblings, and his parents are farmers. The offender described that affection (showing love to one another in the family) at home was seen as a weakness and thus resulted in very poor parent-child and sibling relationships and attachments. Although there was money, the offender reported to have been financially deprived during his childhood. It was also stated in the report that the offender's father meted out strict discipline (i.e. physical punishment).

### **School experiences**

Concerning the offenders' school experiences, none of the offenders were involved in delinquent gangs, truancy, promiscuity, and not one of the offenders was expelled from school. The relationship between the offenders and teachers and fellow learners were not explored in the reports, and the schooling experiences of the offenders differed in as much as offender:

N1: Mentioned that school was very difficult for him because there was no money for extra-curriculum activities (i.e. sport clothes, transport to matches and school tours), proper school uniforms, school material (i.e. books), and there was also not enough food for him to take a lunch box to school. Because of this, offender N1 was often teased and bullied at school. He failed Grade 8, and dropped out of school to look after the family cattle.

N2: Attended a special school for mentally disabled children. The psychiatrist found that physical punishment (which the offender was subjected to at home) had no effect on the offender, that he is intellectually severely handicapped, displayed severe aggressive behaviour, and was in need of medication to control his temper and hyper-sexuality.

N3: Reflected that he struggled academically at school and resultantly failed Grade 3 and Grade 6. It is, furthermore, mentioned in the report that offender N3 held no leadership positions at school.

N4: Excelled academically although he was a loner and 'frightened' child. Offender N4 reported bed-wetting and having nightmares about terrorists during his school-going years. He did not have many friends and described his dog as his 'best friend' and 'most important person' in his life. The offender did, however, play rugby for the high school's first rugby team. After school the offender attended University where he was exposed to alcohol, girls and sex, and subsequently failed his first year of studies because of these newly found interests. Hereafter (after repeating his

first year), the offender completed his qualification. According to the report, the offender's loneliness (being a loner) continued during his tertiary education.

### **Crime situation**

As noted before, all four offenders were found guilty of the rape of minor girls. The offenders' rapes are encapsulated inasmuch as offender:

N1: Drank a lot of beer with his friends on the day of his crime and the friends boasted about their sexual encounters with girls. At this stage, offender N1 was sexually inactive; he felt left out, and was teased about the fact that he was still a virgin. Later that night, while the adults (in his family) attended a wedding, and offender N1 supervised the children in the hut, he raped his little cousin. The offender acknowledged that he was under the influence of alcohol, that he was curious about sex, and that he wanted to experience sex with a girl.

N2: Was enjoying the day with his friend at the friend's house when his sister came to visit her friend and children in the same street later the day. The sister and her friend's children came over to the house where the offender was. The offender and one of the girls went to his friend's room where he taught her how to play the drums - during this incident offender N2 raped the girl.

N3: Was busy painting his house when a twelve-year-old girl approached him for money to buy sweets. Offender N3 invited the girl into the house and asked her about her need for money. According to the offender, the girl then sexually enticed and provoked him and they had consented sex. Offender N3 was found to be under the influence of alcohol when arrested shortly after the rape. He displays a history of alcohol abuse and his alcohol addiction was also cited as the reason for his divorce.

N4: The offender and his oldest stepdaughter (13-years of age) spent a lot of time together, they were reported to be very close and the stepdaughter confided in offender N4 about her boyfriend and wanting to go to a party with him. The mother was very strict and did not allow her to go out. Offender N4 agreed with his stepdaughter to convince the mother to allow her to go to the party with the boyfriend in exchange for sexual favours (touching, kissing and oral sex). This relationship progressed over a period of months into a sexual relationship, which according to the offender was consensual sex. The offender stated that he was in love with his stepdaughter and he believed she felt the same way about him. Later on, when the stepdaughter fell pregnant and threatened to commit suicide, their sexual relationship was discovered.

In relation to three of the offenders (N1, N3 and N4) it was postulated that they exhibited no inherent desire to injure or harm other people, including their victims.

**Table 2: Causes and contributory factors to rape identified in the pre-sentence reports**

<b>Participants</b>	<b>Causes and contributory factors</b>
<b>N1</b>	Alcohol abuse, curiosity/inquisitiveness, lack of self-control, inadequate social skills, poor decision-making skills, social isolation, exposure to sexual behaviour at an early age, poor insight and understanding, confusion about sex roles, a sense of entitlement, impaired judgement, low moral standards, low frustration tolerance, low self-concept, misuse of power and trust, a lack of respect for others and of personal boundaries, and disrespect for women.
<b>N2</b>	A lack of self-control, inadequate social skills, poor decision-making skills, social isolation, intellectual disability, poor insight and understanding, confusion about sex roles, a sense of entitlement, impaired judgement, low moral standards, low frustration tolerance, low self-concept, misuse of power

	and trust, a lack of respect for others and of personal boundaries, and disrespect for women.
<b>N3</b>	Alcohol abuse, pursuing self-interest, lack of self-control, inadequate social skills, poor decision-making skills, social isolation, poor insight and understanding, a sense of entitlement, impaired judgement, low moral standards, low frustration tolerance, low self-concept, misuse of power and trust, a lack of respect for others and of personal boundaries, and disrespect for women.
<b>N4</b>	A lack of self-control, inadequate social skills, poor decision-making skills, social isolation, poor insight and understanding, a sense of entitlement, impaired judgement, low moral standards, low frustration tolerance, low self-concept, misuse of power and trust, a lack of respect for others and of personal boundaries, and disrespect for women.

When abstracting the causes and contributory factors from Table 2, twelve overlapping causes were identified that were present with all of the participants. These factors include a lack of self-control, inadequate social skills, poor decision-making skills, social isolation, poor insight and understanding, a sense of entitlement, impaired judgement, low moral standards, low frustration tolerance, low self-concept, misuse of power and trust, a lack of respect for others and of personal boundaries, and disrespect for women.

In addition, with participant N1, his sexual curiosity is linked to his early exposure to sexual behaviour and this can be attributed to his condensed accommodation and living conditions. Alcohol abuse played a role in two of the participants' (N1 and N3) rapes. With participant N3, pursuing of self-interest was identified as a contributory factor, and participant N3 displayed an intellectual disability that contributed to his involvement in rape. Lastly, both participants N1 and N2 exhibited confusion about sex roles that added to their criminality.

### **Pedophilia and hebephilia**

Although it is assumed that when adult men show persistent sexual interests in minor girls, they are perceived to be either pedophiles or hebephiles and that pedophiles have an intense and determined sexual interest in prepubescent (age 12/13 and below) children (Frances, 2011: np; Imhoff, 2015: 35-44; Kaplan, 2015: 75-170). Hebephiles in turn have persistent sexual interests and urges towards pubescent children from ages 12/13 upwards (Frances, 2011: np; Seto, 2009: 391-407). It was mentioned in the reports that not one of the offenders fit into the category of a pedophile or a hebephile.

However, pertaining to offenders N1 and N2, there is a lack of detail regarding their pre-offence behaviour towards their victims. With offenders N3 and N4 more detailed information was provided on their pre-offence behaviour and relationships with the victims.

When contemplating the possible grooming practices associated with pedophiles and hebephiles, offenders N3 and N4 might have lured, enticed and groomed their victims into sexual intercourse with them insofar as offender:

*N3:* Was aware of the fact that the victim was a minor child (12-years of age), he invited her into his home, where he engaged with her in a conversation about her need for money. The offender twisted the victim's request and need for money into a sexual-oriented conversation. This speaks of premeditated actions (Frances, 2011: np; Kaplan, 2015: 75-170) in enticing the child to have sexual intercourse with him. Offender N3 might have used his position of trust (Frances, 2011: np), as an adult over a child, to mislead the victim into sexual interaction. According to



offender N3, he made “an agreement” with the victim, which of course relates to the following grooming traits:

- manipulation skills, need for power and control (Frances, 2011: np);
- a lack of self-control (Seto, 2009: 391-407);
- pre-offence sexual thoughts (Seto, 2009: 391-407);
- fantasies and uncontrollable sexual urges (Frances, 2011: np; Kaplan, 2015: 75-170; Seto, 2009: 391-407);
- poor coping mechanisms (Kaplan, 2015: 75-170);
- a sense of entitlement (Frances, 2011: np);
- acting upon an opportunity when it presents itself, sexual self-interest (Imhoff, 2015: 35-44; Seto, 2009: 391-407);
- justification and minimisation of behaviour (Frances, 2011: np; Kaplan, 2015: 75-170); and
- shifting blame, and absolving himself of guilt and responsibility (Frances, 2011: np).

N4: Had been living in the same house as his victim for five to six years. The offender’s negotiations, misuse of power and trust, impaired cognitive ability, sense of self-interest, and his sexual thoughts, fantasies and sexual urges for his stepdaughter commenced when the victim was about eleven/twelve years old. Offender N4 placed himself in a position where he spent a lot of time with the victim (they became very close), he gained her trust, and enticed her into sexual talks with him long before they engaged in sexual intercourse. The victim needed more freedom at home to socialise with her friends and to go out with her boyfriend, and for this the offender made ‘an agreement’ with the victim to relax the house rules in exchange for sexual favours (touching, fondling and oral sex). After a while, offender N4 pressurised the victim to have sex with him to which she eventually gave in.

In both cases the offenders lured and enticed their victims by negotiating with them, i.e. offender N3 believed there was a (misplaced) ‘mutual understanding’ whereby money was proffered for sex, while offender N4 agreed to relax the house rules in exchange for sexual intercourse which evolved into a sexual relationship.

### **Motives for the rape**

With reference to the motives (motivation and rationale) for the rapes, it was listed in the pre-sentence evaluation reports that offender N1 committed the rape out of curiosity and/or inquisitiveness while offender N2 denied any involvement in the rape and made it out as a lie. The criminologist, thus ascribed the motive to ‘human weakness’. Offender N3’s motives are stated in the report as shifting blame, victim blaming and lack of responsibility. The motives for offender N4’s rape and sexual relationship with his stepdaughter are pronounced as a character flaw and a lack of values. As is the case with offender N2, the criminologist linked offender N4’s sexual relationship and the rapes of his stepdaughter to ‘human weakness’.

Clearly, the motives evaluated for offenders N3 and N4 are not directly linked to the offenders’ pre-offences immediate needs, desires, rationale or motivations. Rather, the factors given resonated with the criminologist’s evaluation of contributory factors to the rapes.

### **Remorse**

Concerning the issue of remorse, it is stated in the reports that offender N1 did not think what he did was wrong (due his early sexual exposure at home). Only afterwards (after his arrest) did the offender realise the harm and damage he had caused to the victim and to his family. Offender N2’s

sense of remorse (as with the motives) was linked to his impaired cognitive development as he denied involvement in the rape, he said he did not know what happened, he was confused about the charges, and believed that the allegation of rape was a lie. Offender N3 lacked remorse, shifted the blame on the victim, and consequently lacked a sense of responsibility. Offender N4 stated that he should have waited until his stepdaughter was an adult - depicting his lack of insight and understanding of his crime. Offender N4 displayed limited remorse; only after his arrest did he acknowledge the devastating effect of his behaviour and crime on the family, extended families, and the child. Since his arrest, offender N4 has voluntarily participated in psychological counselling sessions to address the causes of his crime, his attitude towards his sexual encounters as well as his misconception about his mutual and consensual loving relationship with his stepdaughter.

The following section highlights the structure of the pre-sentence evaluation reports as well as the theoretical explanations extended for the offenders' rapes.

### **Criminological focus points of the pre-sentence evaluation reports**

The four reports followed more or less the same structure. Besides the general sub-headings, (i.e. the Introduction and Conclusion), the following common themes were presented in the reports: family of origin, school background and leisure time, the offence (encapsulating the offender's own words, view and experience of his crime), theory explanation, and further relevant factors.

Regarding the sub-heading of 'further relevant factors', matters such as the role of alcohol abuse (with N1 and N3), profile of rapists (N1 and N4), categories/classification of rapists (N1, N2, and N3), why men rape (N2 and N4), childhood factors of rapists (N3 and N4), psychodynamics of the rapist (N3), the issue of rape (N2 and N4) and borderline personality (N2) were discussed.

Other themes in the reports included: the interest of the community, motive, intent, remorse, impact of the crime (consequences for the victim), and punishment and sentencing options. Relevant South African case law matters were quoted throughout the reports - mainly to support the significance of a criminological pre-sentence report, to outline the meaning of motive and intent, and to sustain arguments pertaining to punishment and sentencing options proposed by the criminologist.

### **Theoretical explanations used in the reports**

Two main theories were used to explain the offenders' rapes. Inconsequential and selective discussions on 'self-control' linked to the control theory were presented while trivial references to situational theories (with no focus on a specific theory) were provided. Hirschi and Gottfredson's (1994) control theory, with specific focus on self-control and the relationship to rape in the reports, was applied to offenders N1, N2 and N3. The link between self-control, rape, self-interest, immediate gratification, exciting and thrill-seeking behaviours and alcohol abuse were illustrated with offenders N1, N2 and N3.

Besides the control theory, general (non-specific) reference was also made to situational theories with offenders N2, N3 and N4. No specific theory was singled out here; rather general principles were offered to explain the rape encounters with the minor female victims. These principles included that the offenders were mainly: "at the wrong place at the wrong time with the wrong person(s)". The rapes were also linked to mutual interaction between the offenders' personalities and the situations they found themselves in - being in contact with, and in the presence of the victims. The rapes were seen as impulsive, and spur-of-the-moment actions (N2 and N3), the offenders acted on impulse without anticipation or pre-planning (N2 and N3), that it

was unplanned behaviour to unexpected situational stimuli (being in the same environment as the victims – N4); and mindless behaviour (associated with urges, stress and rage) that was linked to emotional arousal without any consideration of the consequences of their acts (N2, N3 and N4).

All three offenders (N2, N3 and N4) were, according to the compiler of the reports, not motivated to rape the victims; rather they were “attracted” to (N4); “invited” or “provoked” (N3) by the victims. It was, furthermore, cited that offenders N3 and N4 believed that their victims were consensual and willing sexual partners.

Although the control theory was used to explain abovementioned offenders’ lack of self-control, it was stated in the reports that not one of the offenders displayed a history or a life pattern of deviant sexual behaviours (i.e. sexual fantasies with children), or a lack of self-control in their daily functioning and socialising endeavours prior to their convictions.

### **Directives from the pre-sentence evaluation reports for rehabilitation determinations**

In reviewing the treatment indicators for the four sex offenders, vital causes linked to sexual offending, that are sustained by significant research findings (Helmond, Overbeek, Brugman & Gibbs, 2015: 245-262; Hempel, Buck, Cima & van Marle, 2013: 208-228; Lennings, Brummert-Lennings, Busseyk & Taylor, 2014: 61-75; Naidoo & Sewpaul, 2014: 84-98; Tully, Browne & Craig, 2015: 211-224; Wooditch, Tang & Taxman, 2014: 276-299; Young, Justice & Erdberg, 2012: 1103-1123) on the treatment of sex offenders, can be utilised for treatment directives for the offenders.

Accordingly, the following indicators, resultant from the causes in the reports, can serve as rehabilitation pointers for the offenders:

- *Skills deficits*: personal distress, a sense of self-interest, lack of self-control, poor social skills, problematic decision-making skills,
  - *Cognitive deficits and functioning*: (minimisation, justification, rationalisation and shifting blame), a lack of responsibility poor impulse control, poor insight and understanding, mental ability, diminished judgement, lack of morals and standards, low self-esteem, poor frustration tolerance, a lack of boundaries and respect for others, and disrespect for women. social isolation
  - *Substance abuse*: alcohol-related leisure time activities,
  - *Peer association*: negative peer associations and/or social association
- History of sexual behaviour*: early onset of sexual stimulation

### **Other scientific indicators for sex offenders**

It is promulgated that only a minority of sex offenders reoffend (Bersot & Arrigo, 2015: 32-44) - except for serial rapists, child molesters, pedophiles and hebephiles - who have higher reoffending rates than other types of sex offenders (Rettenberger, Briken, Turner & Eher, 2015: 424-444). Despite this, research on sex offenders (Hanson, Helmus & Harris, 2015: 1205-1224; Hempel et al, 2013: 208-228; Young et al, 2012: 1103-1123) is clear that treatment efforts should be related to criminogenic needs or the causes of sexual offending behaviour. If unaddressed, Andreu-Rodríguez, Peña-Fernández and Loza (2015: 51-56) caution that reoffending is likely to occur if offenders’ treatment needs (linked to their criminogenic factors) are not taken into account for rehabilitation resolutions.

Besides the treatment indicators identified in the pre-sentence evaluation reports, capacious criminogenic factors for sexual offender treatment are still outstanding. The following factors

identified in research are also applicable in the analysis and assessment of sex offenders irrespective of the focus of the assessment (i.e. for pre-sentence evaluation reports' or for offender rehabilitation purposes). These factors are listed and reported on by the following scholars:

- A history of substance abuse – alcohol and drug abuse (Andreu-Rodríguez et al, 2015: 51-56; Lennings et al, 2014: 61-75; Tully et al, 2015: 211-224);
- A criminal history (Andreu-Rodríguez et al, 2015: 51-56; Tully et al, 2015: 211-224);
- An early age of onset of sexual deviance (Andreu-Rodríguez et al, 2015: 51-56);
- Impulsivity (Young et al, 2012: 1103-1123);
- An antisocial personality (Andreu-Rodríguez et al, 2015: 51-56; Tully et al, 2015: 211-224);
- Being morally deprived (Bersot & Arrigo, 2015: 32-44);
- Poor problem-solving skills (Hanson et al, 2015: 1205-1224; Young et al, 2012: 1103-1123);
- Anger and stress (Andreu-Rodríguez et al, 2015: 51-56; Bench & Allen, 2013: 411-428; Rettenberger et al, 2015: 424-444);
- Prosexual and procriminal thought patterns (Helmond et al, 2015: 245-262; Tully et al, 2015: 211-224);
- A sense of entitlement (Young et al, 2012: 1103-1123);
- Child abuse and neglect (Amirault & Beauregard, 2014: 78-104; Hempel et al, 2013: 208-228; Lennings et al, 2014: 61-75);
- Emotional problems (Hanson et al, 2015: 1205-1224; Young et al, 2012: 1103-1123),
- Family instability, discord, weak bonds and lack of parental involvement (Hempel et al, 2013: 208-228; Lennings et al, 2014: 61-75), and
- Poor sexual self-regulation (Hanson et al, 2015: 1205-1224; Hempel et al, 2013: 208-228).

Additional treatment targets for sex offenders include:

- Sexual interest in children/deviant sexual interests (Imhoff, 2015: 35-44; Hanson et al, 2015: 1205-1224; Kaplan, 2015: 75-170);
- Grooming behaviour (Imhoff, 2015: 35-44);
- Emotional congruence with children (Hanson et al, 2015: 1205-1224);
- Relationship/marriage problems (Wooditch et al, 2014: 276-299);
- Poor support structure (Wooditch et al, 2014: 276-299);
- Psychological detachment (Lanterman, Boyle & Ragusa-Salerno, 2014: 822-843; Young et al, 2012: 1103-1123);
- Poor family ties (Wooditch et al, 2014: 276-299);
- Cognitive distortions (Friedstad, 2012: 465-482; Wooditch et al, 2014: 276-299);
- Victim empathy (Amirault & Beauregard, 2014: 78-104; Van Vugt, Asscher, Hendriks, Stams, Biljeveld & Van der Laan, 2012: 986-996);

- Poor social relationships (Hanson et al, 2015: 1205-1224; Naidoo & Sewpaul, 2014: 84-98),
- Deviant fantasies (Kaplan, 2015: 75-170; Rettenberger et al, 2015: 424-444);
- Uncontrolled sexual urges (Kaplan, 2015: 75-170; Rettenberger et al, 2015: 424-444);
- Deviant sexual thought patterns (Kaplan, 2015: 75-170; Rettenberger et al, 2015: 424-444);
- Pro-sexual and pro-criminal attitude (Wooditch et al, 2014: 276-299; Rettenberger et al, 2015: 424-444);
- An inability to delay gratification (Hempel et al, 2013: 208-228);
- Intimacy problems (Hanson et al, 2015: 1205-1224);
- Gratification of intimacy needs/need for attachment (Young et al, 2012: 1103-1123);
- Poor coping mechanisms (Lanterman et al, 2014: 822-843; Young et al, 2012: 1103-1123);
- Deviant sexual preference – i.e. child victims (Bench & Allen, 2013: 411-428; Hanson et al, 2015: 1205-1224);
- A lack of remorse (Amirault & Beauregard, 2014: 78-104; Hempel et al, 2013: 208-228);
- Low emotional intelligence (García-Sancho, Salguero & Fernández-Berrocal, 2014: 584-591; Sharma, Prakash, Sengar, Chaudhury & Singh, 2015: 54-58), and
- A history of aggressive behaviour (García-Sancho et al, 2014: 584-591).

It needs to be mentioned that the diverse treatment factors above, should, however, be paired with each sex offender's offence-specific (i.e. type of sexual offence and victim characteristics) and offender-specific (i.e. personality traits and specific cognitive deficits) factors for treatment determinations.

### **The value of pre-sentence evaluation reports for rehabilitation indication**

In terms of value, the researchers could identify important rehabilitation indicators from the four offenders' pre-sentence evaluation reports that can be directly linked to their criminogenic treatment targets. Thus, the content of the pre-sentence evaluation reports hold value for correctional use in the identification of offender treatment indicators. This identification signifies the noteworthy link between criminological pre-sentencing reports and post-sentencing assessments.

**Table 3: Treatment targets not identified in pre-sentence evaluation reports**

<b>Participants</b>	<b>Identified treatment targets not addressed in the pre-sentence evaluation reports</b>
<b>N1</b>	Deviant sexual fantasies, urges, needs and arousal patterns; Unresolved emotional feelings and frustrations; A sense of entitlement, impulsivity, immediate gratification; Cognitive deficits, Intimacy problems, childhood abuse and neglect; Pro-criminal, pro-sexual and deviant attitudes; Poor problem-solving skills and coping abilities, poor sexual self-regulation; and A void in victim empathy, low emotional intelligence.

<b>N2</b>	<p>Deviant sexual fantasies, urges, needs and arousal patterns;          Unresolved emotional feelings and frustrations;          A sense of entitlement, impulsivity, Immediate gratification;          Cognitive deficits, Intimacy problems, childhood abuse and neglect;          Family instability and poor parental support/involvement;          Pro-criminal, pro-sexual and deviant attitudes;          Poor problem-solving skills and coping abilities, poor support structure; and          Poor sexual self-regulation, A void in victim empathy, low emotional intelligence.</p>
<b>N3</b>	<p>Deviant sexual fantasies, urges, needs and arousal patterns;          Unresolved emotional feelings and frustrations;          A sense of entitlement, immediate gratification, cognitive deficits;          Unresolved issues about love, security, and trust, Intimacy problems;          Pro-criminal, pro-sexual and deviant attitudes;          Poor problem-solving skills and coping abilities;          Poor support structure, poor sexual self-regulation, grooming behaviour; and          A void in victim empathy, Low emotional intelligence.</p>
<b>N4</b>	<p>Deviant sexual fantasies, urges, needs and arousal patterns;          Unresolved emotional feelings and frustrations;          A sense of entitlement, cognitive deficits, A need for attachment;          Intimacy problems, childhood abuse and neglect;          Family instability and poor parental support/involvement;          Pro-criminal, pro-sexual and deviant attitudes;          Poor problem-solving skills and coping abilities;          Unresolved issues pertaining love, trust and security;          Poor support structure, poor sexual self-regulation, Grooming behaviour; and          A void in victim empathy, Low emotional intelligence.</p>

Even though the rehabilitation indicators resultant from the pre-sentence evaluation reports correspond with indicative treatment targets for the sex offenders, it is evident from Table 3 that many vital treatment directives that are directly linked to the offenders' criminogenic factors/causes were excluded or ignored. The treatment targets listed in Table 3 are offender-specific and offence-specific factors.

From the aforementioned outstanding treatment targets, it is evident that the causes, motives, contributory factors, influences, triggers, and high-risk situations were not comprehensively presented in the reports.

### **RECOMMENDATION**

Many cause-treatment links were not highlighted or taken into consideration with the compilation of the pre-sentence evaluation reports. In order for pre-sentence evaluation reports to be meaningful for correctional use, forensic criminologists should undoubtedly and explicitly assess and outline the causes, motives, contributory factors, influences, triggers and high-risk situations linked to the offender's behaviour in their reports. A detailed discussion of these factors will enhance correctional criminologists' endeavours in pinpointing the rehabilitation indicators for the effective rehabilitation and treatment of offenders.

## CONCLUSION

Criminologists, and in particular forensic criminologists, have an important role to play in the rehabilitation of offenders. The significance and benefit of criminological pre-sentence evaluation reports are often undervalued for rehabilitation use in corrections. This article highlights how the focus areas of these reports can form the foundation of correctional therapy, and other rehabilitation endeavours, thus accentuating the meaning of criminological pre-sentence evaluation reports within a correctional set-up.

There exists a large volume of articles describing the importance of expert pre-sentence evaluation reports and the assessment of offenders' needs and risks for rehabilitation purposes. Yet, to date no study has examined the link between these two reports and whether the pre-sentencing reports can be applied for correctional use with regards to the assessment of offenders for rehabilitation submission.

This article explored the significance of criminological pre-sentence evaluation reports of four adult sex offenders. It was found that the content of the pre-sentence reports can be used for the identification of offenders needs and risks, although the factors associated with the offending behaviour presented in the reports are partial. It is, therefore, proposed that a more in-depth analysis of the etiology of offending behaviour; the influences, motives and contributory factors in order to effectively guide correctional criminologists with the identification of rehabilitation indicators is undertaken.

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