Crimsa Unit for Offender-Evaluation

- A specialised service for legal practitioners

Prof CMB Naudé
Vice-President of Crimsa

Introduction
The Crimsa Unit for Offender-Evaluation was recently established on an experimental basis by Crimsa (The Criminological Society of Southern Africa) to assist legal practitioners when pleading for an appropriate sentence for their clients. After discussions with individual practitioners, members of the various Bar Councils, Law Societies and presiding officers, the need for such a service in South Africa was identified.

Legal representatives play a significant and important role in the sentencing process and it is their task to place before the court all information regarding the offender and factors that could have contributed to the offence to ensure an appropriate sentence. This is especially relevant in the light of the new community-based community sentencing options. Section 297(1)(a) of the Criminal Procedure Act 51 of 1977 has now been amended to make provision for correctional supervision in the community as an independent sentencing option.

Rationale for service
It is a recognised fact that most legal representatives and presiding officers have little or no formal training in the behavioural sciences.

By assisting legal representatives to plead in a criminological-scientific way, a contribution will hopefully be made in respect of individualised punishment which will be to the advantage of the offender and society. It is by no means the unit’s intention to negotiate the lightest possible sentence for the offender but to assist in coming to a just sentence.

It is also common knowledge that very few probation officers are available to render such a service to the courts. A further problem is that legal representatives, rightly or wrongly,
are often hesitant to request a proba-
tion report from state probation
officers by virtue of the fact that they
are state employees and therefore not
regarded as suitable to assist the
defence for sentencing purposes.
However, it is not Crimsa’s aim to
replace probation officers, but it is felt
that criminologists can as a result of
their comprehensive training render
a valuable complementary service. It
should further be mentioned that
criminologists can now also be
appointed as probation officers in
terms of the recent amendment to the

South African courts are also
becoming increasingly overloaded
and pressed for time and an indepen-
dent report by an expert which
focuses on the offender, the factors
that contributed to the crime and the
interests of society can play an impor-
tant role in just and individual sen-
tencing.

Main objectives
of the unit

The main objectives of the unit can
briefly be summarised as follows:

To compile, at request, a crimino-
logical evaluation report which the
legal representative can use to plead
for an appropriate, just and
individual sentence.

Offenders will be evaluated in
respect of personal and social back-
ground circumstances as well as
aspects that contributed to the com-
mitting of the crime. The informa-
tion will then be critically analysed
and evaluated, whereupon a recom-
mandation can be made, if so
instructed, with regard to an
appropriate sentence for consider-
ation by the court.

The report will be made available
to the legal representative who will
decide how the report should be used.
In terms of a recent amendment to
section 212 of the Criminal Proce-
dure Act 51 of 1977 social workers,
correctional officers, criminologists,
psychologists and other behavioural
scientists can now make recommen-
dations for an appropriate sentence
by means of a sworn statement
instead of giving oral evidence.
Should the criminologist be required
to attend the court proceedings and
to testify, the necessary arrangements
will have to be made personally with
the criminologist concerned.

The rendering
of the service

The service is available country-wide
for all population groups.

Adults and juveniles appearing in
a Magistrate’s Court (Regional or
District) or Supreme Court can be
evaluated.

A very moderate fee is charged and
the service is free for pro Deo cases.

Only criminologists with at least an
Honours BA degree who have been
selected and trained by Crimsa are
used to render the service. Intensive
training by a multidisciplinary team
consisting of presiding officers, psy-
chologists, social workers and crimi-
nologists is provided, focusing on
aspects such as the collection of the
data required for the report, ethical
behaviour, interviewing techniques,
training in appropriate sentencing
recommendations, giving oral evi-
dence in court and court ethics, draft-
ing the evaluation report and
confidential record keeping. Crimi-
nologists so trained will also be sub-
ject to the ethical and professional
rules of Crimsa to whom complaints
should be channelled in writing in the
case of serious problems. Crimsa will
then investigate the complaint.

Conclusion

It is hoped that criminologists who
have comprehensive training in
many aspects of the social sciences
will by means of this service render
valuable assistance in the interests of
society. Only a small panel of crimi-
nologists is presently available and
the members of the unit will be
expanded in terms of demand for the
service. Further information and a
list of available criminologists can
be obtained from Prof CMB Naude,
telephone (021) 429-6498.

JUTA PRIZE
FOR CONTRIBUTIONS TO
Consultus

1. The prize-winner will receive a
cash sum of R500.
2. A panel of advocates nominated
by the editorial committee will
consider contributions for the
prize and award the prize.
3. The decision of the panel will be
final.

Juta and Company
Limited offers an
annual prize for first
time contributions to
Consultus

4. Queries and correspondence
should be directed to:
The Editor Consultus
1605 Momentum Centre
East Tower
343 Pretorius Street
Pretoria 0002
Tel: (012) 322-1511 (Ext 1605).