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# Criminology and Victimology in Practice

International Perspectives

*Edited by Anni Hesselink*





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Edited by Anni Hesselink

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# Meet the editor



Professor Dr. Ann-Mari Hesselink holds a BA, a BA Honours in Criminology, and a Master's degree (cum laude). She earned her Doctorate in Criminology from the University of South Africa (UNISA), with a dissertation titled "Criminological Assessment of Prison Inmates: A Constructive Mechanism Towards Offender Rehabilitation", and is recognized as a rated researcher. Her specialization lies in working with female offenders and sex workers, with a focus on crime analysis, profiling, rehabilitation, and offender reintegration. She conducts in-depth assessments of offenders and their criminal behavior, playing a key role in the criminological profiling of persistent and serial offenders. Dr. Hesselink has authored criminology study manuals for academic institutions, published numerous scholarly articles on criminal behavior, and presented her research at national and international conferences. She previously served as Deputy Director at the Department of Correctional Services (DCS), where her responsibilities included the development of offender assessment tools and staff management. She also worked as a criminologist at a private maximum-security facility. Formerly a senior professor at UNISA, she now holds a full professorship in Criminology and Criminal Justice at the University of Limpopo. Prof. Hesselink mentors DCS-UNISA volunteer Honours criminology students and supports the academic development of Master's and Ph.D. candidates within correctional facilities in South Africa's Limpopo province. She compiles criminological assessments and reports for the DCS and the National Council for Correctional Services and advises Parole Boards on risk indicators for various offender categories, including life-sentenced inmates. Additionally, she is actively involved in the criminological assessment and profiling of at-risk children, supporting social workers at youth care centers in early behavior identification. Prof. Hesselink also served as the editor of Child Abuse Research in South Africa (CARSA), an accredited academic journal.



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# Preface

The roles, scope, and practices of criminologists and victimologists involve theoretical foundations and contributions to understanding crime, criminal behavior, and victimology. During the past decades, criminology has evolved from conventional criminology to a contemporary practical field, as in South Africa, where criminologists and victimologists, as professionals, contribute their knowledge, experience, and practical skills to the criminal justice system and society. Consequently, criminologists and victimologists contribute to a multidisciplinary approach in which crime, offenders (e.g., criminological needs and risk assessments and profiling), offending behavior, police, courts, restorative justice processes, victims, and society are all considered.

The conjunctive objective of this book, *Criminology and Victimology – International Practices*, is to present contemporary, modern, and nuanced developments related to criminology and victimology within an international context. The goals are increasing knowledge and skills and applying criminology and victimology. This is illustrated by South African criminological pre-sentence reports, which are linked to the content and focus of pre-sentence reports in the United States, demonstrating South African criminologists' skills, values, and contributions to sentencing convicted individuals.

Expert advice regarding livestock farmers' risks and victimization in rural areas is in high demand for rural criminologists in South Africa. Various African countries, such as Nigeria, Ghana, Tanzania, and Ethiopia, experience the same magnitude of stock theft as South Africa. Rural criminologists' liaison with local networks and international collaborations is essential for addressing the increasing problem of stock theft.

Insights and contributions from prominent sociological research in Montenegro can enhance relevant criminological and victimological assessments within a multidisciplinary team perspective. Key factors to consider in assessments of juvenile delinquency include parental alcoholism, especially from fathers, substance abuse such as heroin addiction, attempts at suicide, instances of suicide in the family, and mental health issues among parents and family members.

Criminology and victimology in Iran have been part of criminal law and criminology as MA and PhD postgraduate studies since the 1960s. Criminology is considered the foundation of criminal sciences, but its dependence on criminal law compromises its professionalization at the academic and judicial levels. Therefore, choosing criminal law over criminology hinders possible career paths and directions in criminology. Consequently, criminological and victimological skills and insights may be expanded.

Research from the United States highlights important insights for criminologists and victimologists regarding sexual and gender minority men (SGMM), which includes lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individuals involved in the criminal justice system. In addition to serving as both offenders and victims, these

individuals are frequently targeted and labelled as deviants. It is very common to overlook the threat of violence to older SGMM prisoners, specifically those who are 50 and older. They experience multiple intersectional stressors and are vulnerable to verbal, physical, and sexual abuse by their fellow inmates and prison staff. The negative consequences of these experiences can be severe, leading to increased anxiety, depression, substance use, chronic illness, physical health problems, accelerated ageing, and even an increased risk of death.

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## Chapter 1

# How Urban and Architectural Design Could Contribute to Crime Prevention: A Review of Spatial Perception Related to Fear of Crime, Crime Prevention, and Urban Policies

*Gonzalo Hoyos-Bucheli and Fernando Altamirano-Hidalgo*

### Abstract

Recent studies spanning various disciplines, such as psychology, urban design and planning, urban geography, urban morphology, economics, sociology, and criminology, have consistently demonstrated a direct relationship between spatial quality, spatial perception, and crime. This interdisciplinary approach has enriched the analysis, evaluation, and simulations of these connections. Existing literature suggests that the physical design of built environments affects perceptions of crime, fear, and criminal activity. This section aims to delve into a selection of studies conducted over the past 10 years that contribute to our understanding of how spatial quality, perception, and fear of crime are interconnected. It is concluded that psychological studies on user behavior in the built space are fundamental for criminology. In addition, the study from various disciplines on the importance of spatial quality can help criminologists develop more effective crime prevention strategies and improve urban security.

**Keywords:** crime prevention, spatial perception, fear of crime, urban policies, design

### 1. Introduction

In urban planning and design, spatial perception and crime intersection have become a growing interest with significant practical implications. This research has the potential to significantly improve the quality of life and well-being of urban residents, offering a hopeful vision for the future. The quality of urban and architectural design influences the perception of security and the actual occurrence of crime. Recent studies have indicated that urban and architectural design quality characteristics, such as visibility, territoriality, connectivity, and protection of targets,

directly impact crime levels and fear of crime in urban areas [1–3]. In other words, the form and design of the built environment can encourage or prevent criminal activity and ensure a greater sense of security. The quality of public space design, furniture, lighting, and vegetation is critical determinants in reducing the risk and perception of criminality. However, complexity and perceived safety can paradoxically be related to higher crime rates.

The development of urban environments, which encompasses various growth patterns, also affects the perception of safety or insecurity in public spaces [2]. The morphological characteristics of the urban layout and the integration and visibility from the private space to the public space significantly influence the feeling of security and the number of crimes [4]. Other morphological elements such as commercial balance, street surface area, and proximity between urban living spaces correlate with increased or decreased crime rates [5].

The interdisciplinary study has been crucial to understanding the relationship between urban design, the perception of security, the fear of crime, and actual crime levels. This multifaceted approach, which encompasses psychology, design, urban planning, geography, urban morphology, economics, sociology, and criminology, has consistently demonstrated the direct relationship between spatial quality, perception of space, and crime. The integration of these approaches has enriched the analysis, evaluation, and simulations of these complex connections, offering a more comprehensive view and more effective strategies to address these urban challenges [6, 7]. Along the same lines, the combination of urban design, planning, environmental psychology, sociology, and criminology also stands out as a significant contribution to empirically understanding the connections between spatial quality, the perception of insecurity, and crime rates. In this sense, crime prevention strategies through environmental design have become a key focus in these disciplines.

Studies that involve the urban form (morphology) factors at the macro scale, such as street networks, layout patterns, and urban nodes, correlate the spatial distribution of crime [8]. In contrast, at the micro-scale, the design of street furniture significantly impacts safety and user perception [1]. From sociology and urban planning, the concept of “eyes on the street,” initially coined by Jane Jacobs, refers to how the design of public spaces promotes natural surveillance and the activity of passersby, which contributes to the perception of security and the reduction of criminal behaviors [5].

In parallel, the human scale of urban design, referred to creating more accessible and comfortable public infrastructure suitable to the human spatial perception; the permeability of public spaces (in terms of flows, accessibility, and inclusivity); connectivity; and natural control over spaces have been identified as spatial characteristics that positively impact the perception of security and crime levels [1, 9]. The interaction between street lighting and vegetation plays a crucial role in the perception of safety and walkability of urban spaces, especially at night [10].

Finally, the perception of fear of crime and its integration into urban design has also been widely studied [11, 12]. Recent research have shown that neighborhood characteristics, including perceived disorder and abandonment, and a lack of natural policing, are associated with higher levels of fear of crime and a lower sense of security [13]. In this sense, recent advances in crime prevention through environmental design (CPTED) [14–16] have emphasized the importance of livability, public health,

and sustainability in creating safer urban environments to improve the quality of life and reduce crime levels in cities [16].

This section aims to analyze how urban and architectural design can contribute to crime prevention based on the review of interdisciplinary research on this topic. We have examined through desk research over the past 5 years the links between the characteristics of the built environment, the perception of safety, and actual levels of crime, as well as the main concepts and strategies that have proven effective in building safer and more livable communities.

From a psychological point of view, this work is intended to review studies on how the perception of space affects the feeling of security and fear of crime, considering the psychological impact of built environments as an essential aspect of integration into urban and architectural design. In the disciplines related to urban design and planning, those specific studies in which improvements in crime levels have been identified through particular interventions in the layout of streets, the design of urban furniture, lighting, and vegetation are reviewed. On the other hand, from the perspective of urban geography and morphology, it seeks to understand how the general configuration of the city and the spatial characteristics at different scales influence the distribution and concentration of crime, which is crucial to proposing effective prevention strategies. Finally, the sociological and criminological literature review aims to understand the role of social, economic, and cultural factors in the relationship between space and crime. These factors are fundamental to developing comprehensive urban policies holistically addressing crime prevention.

The review focuses on literature published in the last 5 years in specialized journals and databases such as Scopus, ScienceDirect, Google Scholar, and other relevant academic sources. It has also extended its search to research carried out in the last 15 years, looking for studies that associate normative instruments with crime prevention in the public space.

Particular emphasis has been placed on adopting a multidisciplinary perspective, integrating knowledge from several relevant disciplines such as psychology, environmental psychology, urban design, planning, urban geography, urban regulations, and criminology. This approach allows the relationship between urban design and crime prevention to be analyzed from multiple angles, enriching the understanding of the phenomenon.

In the first part of this literature review, the relevant information from each field of study addressed has been exhaustively synthesized, with the aim of understanding in depth the essential findings and contributions of the relevant studies reviewed. This has made it possible to obtain a comprehensive vision of the phenomenon by integrating knowledge from multiple disciplines.

In the analysis and discussion, the findings on how urban design and planning influence the perception and fear of crime are synthesized, and the importance of the relationship between spatial quality and the perceived safety of citizens is also highlighted. Then, it assesses how urban policies and regulations can improve safety through urban design. Finally, conclusions and recommendations highlight the study's implications for criminology and urban planning, highlighting the added value of the findings as a contribution to expanding criminological research and practice. It also includes reflections on the importance of an interdisciplinary approach and the implementation of specific regulatory instruments that consider spatial quality to create safer urban environments.

## **2. Literature review**

### **2.1 Psychological perspective**

Recent research on the relationship between built space and perception of space has revealed the crucial role of feelings of security and fear of crime. Psychological aspects of spatial perception and fear of crime are primarily associated with physical, social, environmental, and gender factors.

Physical aspects of the built environment directly influence users' perception of safety [17, 18]. Indeed, for users, factors such as visibility, lighting, connectivity, and the feeling of control over the environment are decisive in determining the perception of safety in a place [14]. Inadequate lighting, or a lack of it, is the most relevant physical characteristic, as it directly affects the visibility and perception of safety of users in the space. Insufficient lighting can generate dark areas and shadows, creating a sense of insecurity and providing opportunities for crime [17, 19, 20].

However, social aspects such as neighborhood context, social contacts, and collective efficacy influence users' fear and behavior [13, 21]. For example, the perception of physical and social disorder in the neighborhood and the lack of natural vigilance by residents are related to higher levels of fear of crime and a lower sense of security. Likewise, interactions and social networks within the community can contribute to generating a sense of belonging and collective control over the space, increasing the sense of security among users [12].

From an environmental point of view, air pollution, noise, vegetation, and climatic conditions affect the perception of comfort in space. Users' perception of spatial comfort is negatively associated with spaces that present pollution, scarcity of vegetation, unfavorable climatic conditions, inadequate infrastructure, steep slopes, and long distances between origins and destinations [19].

Factors such as the gender of users play a role, as women generally tend to feel more afraid of crime and perceive spaces as less safe compared to men. This is due to gender differences in the experience and perception of public space, as well as the security concerns that women face more frequently [20, 22–27].

The perception of insecurity is a complex phenomenon that goes beyond crime statistics. As researchers point out, the culture of control and criminal policies play a fundamental role in the social construction of fear of crime [28, 29]. Criminal laws, prevention policies, and social control strategies can generate a sense of greater security [30]. However, it does not always translate into an actual decrease in crime. Other researchers warn of the risks of an excessively punitive approach, which can lead to the erosion of fundamental rights and less legitimacy of the State [31].

The perception of insecurity is a social construct shaped by legal (lack of inclusive laws or municipal ordinances), political (inaccurate or inexistent urban policies), and social (segregation, exclusion) factors. As reviewed, it is necessary to consider criminal policies focused in considering perception and citizens' responses. A comprehensive approach that combines prevention, control, and justice measures, always considering respect for human rights and citizen participation.

Studies [9] suggest that perceived safety often coincides with actual crime rates, which are influenced by visitor volume and time of day. In this sense, the authors note that environments with a greater flow of people during the day tend to be perceived as safer than they are, and conversely, environments with higher nighttime activity are often considered more dangerous than crime rates reflect [9]. Nevertheless, it could

also suggest the existence of a perceptual bias, due a mismatch between the perception of security of individuals and the crime levels recorded in that area [9].

## **2.2 Urban design and planning perspective**

The relationship between the quality of public space in street environments and crime remains complex, with sometimes contradictory findings [8], requiring further research on macro-scale urban configurations [2]. Despite the complexity, recent studies have shown that the quality of public space, street furniture, lighting, and the human scale are directly related to the incidence of crime [4, 32]. Likewise, the connection between public and private spaces through visual relationships has been analyzed. Moreover, principles of Crime Prevention Through Environmental Design (CPTED) have recently evolved, incorporating cultural and social aspects in addition to the physical design [1, 33–35].

According to Silva and Li's study [32], the Composite Urban Built Environment index (CUBEI), which represents the physical spatial configuration of neighborhoods, was inversely related to crime levels, even after accounting for socioeconomic factors such as household income and socioeconomic indicators [32]. Factors such as the road network configuration, lighting, visibility, and active facades influence the incidence of criminal activities [4, 36].

On the other hand, it is essential to understand the direct relationship between public and private space. Jane Jacobs [37] concept of “eyes on the street” is supported by findings that commercial balance, street area, and proximity to public spaces and transportation are associated with fewer thefts. In this sense, a more direct relationship with public space in physical and visual terms, together with a balance and homogeneity of land uses, contributes significantly to the occurrence of crimes in public space [5].

As a basis for more holistic urban planning, CPTED is an approach that aims to reduce crime by designing the built environment [33]. It has been applied in a variety of contexts, including urban areas. CPTED's principles focus on natural surveillance, access control, territoriality, and maintenance. Studies have found significant associations between urban design quality and crime density, as well as relationships between the characteristics of the built environment and the occurrence of crime. Likewise, implementing the CPTED principles can improve both the physical safety and psychological comfort of the users of the spaces.

CPTED is an approach that seeks to reduce crime by designing the built environment. It has been applied in urban contexts [33]. CPTED principles focus on natural surveillance, access control, territoriality, and maintenance [34]. Studies have found significant relationships between the quality of urban design and crime density [1], as well as between the characteristics of the built environment and the occurrence of crime [32]. Lamoreaux and Sulkowski argue that implementing CPTED principles can improve users' physical safety and psychological comfort [35].

## **2.3 Perspective of urban geography and morphology**

Recent research linking criminology with spatial analysis and urban morphology has focused on the relationship between urban environments and crime patterns [4, 32]. The studies concluded that macro-scale factors in the city, such as block's shape, land use distribution, landscape connectivity, and facilities' presence, influence the presence or not of crime in public space [2]. On the other hand, the distribution of

micro-installations in public spaces could be an essential aspect of spatial characterization on pedestrian walkability that significantly affects the spatial distribution of crime in a territory [38].

Regarding the shape of urban space, the study by Kim and Hipp [36] argues that the built environment, characterized by density, diversity, and design, significantly affects crime patterns in street segments. It also notes that the rapid increase in detailed spatial data has outpaced the development of new theories to guide the analysis and interpretation of this data, leading researchers to often rely on traditional criminological theories (measures of crime concentration, randomness of crime in space) [39].

The presence of urban facilities and their spatial configurations also influence the occurrence of crimes. The study by He et al. [40] used a pattern mining approach of spatial co-location and pattern reconstruction to identify significant spatial configurations of urban facilities that influence the occurrence of crime, which was more accurate than previous methods. The study's findings confirmed and expanded previous research on the joint influence of urban facilities on crime occurrence. The high-risk spatial configurations identified in the study can contribute to crime prevention and urban planning [40].

Pedestrian walkability has been shown to have a solid linear effect on robbery rates and nonlinear variable influences on other types of crime [41]. Pedestrian walkability has a positive relationship with block-scale robbery rates, suggesting that the connection between walkability and criminality may depend on the socioeconomic characteristics of the neighborhood, with higher rates of violent crime being observed as walkability increases in low-income neighborhoods [41]. On the other hand, micro-facilities, such as pubs and fast-food restaurants, and super-facilities, such as football stadiums, influence crime distribution [38].

## **2.4 Normative perspective**

The academic literature that addresses the normative role of crime prevention and its relationship with public space has been scarce from a legal perspective in the last 5 years. Most studies indicate that public spaces can be regulated through various regulatory bodies to prevent crime and improve security and by incorporating strategies based on the results of territorial analysis for crime prevention [1, 32–35]. In this sense, fear of crime and citizens' perceptions of the built environment are often overlooked in sustainability agendas and should be explicitly included [14].

A more extensive temporal analysis before 2019 applies to specific case studies where the relationship between existing regulations and the occurrence of crimes is analyzed and where municipal regulations and ordinances are used to control behavior in public spaces, as observed in Italy [42]. Although, it does not necessarily indicate the relationship between urban design and crime, a study by Moroni and Chiodelli [42] focuses on municipal regulations, specifically "ordinances," and how they regulate public space use. This study [42] aims to describe the key features of these municipal ordinances and analyze how they have been implemented in recent years. In addition, the study offers a critical analysis of the implications of these municipal ordinances, particularly in terms of regulating behavior in public spaces based on conceptions of "correctness," as well as the inherent limitations of these ordinances as applied in Italy [42].

Other studies [43] suggest that mixed-use zoning, which combines residential and commercial areas, has been associated with lower crime rates than commercial-only

areas. In the case of Los Angeles, United States, the study by Anderson et al. clarifies a relationship between existing regulations in terms of zoning and criminality, in which blocks with both residential and commercial zoning have lower crime rates than blocks zoned exclusively for commercial use. Conversely, neighborhoods that experience zoning changes, primarily toward more residential uses, experience more significant reductions in crime levels compared to neighborhoods with similar previous crime trends [43].

Modifying the built environment through changes in zoning, street configurations, and housing designs can help manage crime levels. This quasi-experimental study demonstrates that changes in zoning, street configurations, housing design, and access to public transportation can help manage and reduce crime [44].

Urban planning and zoning laws in the United States incorporate crime prevention techniques into the design of new developments [45]. This study discusses regulatory techniques for incorporating crime prevention into urban planning and development projects and specific planning techniques and regulations that can be used to integrate crime prevention standards and guidelines into the design and site plans of new development projects. The study also analyzes regulatory techniques and briefly overviews studies on place-based crime prevention programs [45].

## **2.5 The impact of urban design and interdisciplinarity on criminal policy and law**

Modern criminal policy has begun to recognize the critical role of urban design in crime prevention [1, 32–35]. Beyond police intervention and traditional punitive measures, the built environment can significantly influence the perception and reality of public safety [9, 12, 13, 17–21, 23–31]. This section examines how urban design, interdisciplinarity, and other key factors contribute to more effective and preventive criminal policy.

One of the most prominent approaches to crime prevention is urban design. Cozens argues that urban planning not only directly impacts the occurrence of criminal activities but also improves the perception of security in public spaces [14]. Proper visibility, connectivity, and lighting can deter criminals and make citizens feel safer. This approach demonstrates how integrating urban design into criminal policy can transform how insecurity problems are addressed in cities.

Interdisciplinarity is essential in the construction of effective criminal policies. According to Tapia and Pérez, integrating disciplines such as criminology, psychology, and urban design to develop crime prevention strategies allows for more holistic and practical approaches [46]. This combination allows the problem to be addressed from multiple perspectives, enriching intervention strategies and ensuring that policies respond not only to crime statistics but also to the perceptions and behaviors of the population [46].

Another relevant aspect is improving spatial quality as a factor in crime prevention. Poyser [47] highlights that criminal policies aimed at improving lighting, connectivity, and the quality of street furniture (i.e., benches, bike racks, kiosks, street lamps, planters, and green spaces) can significantly reduce opportunities for criminal activity. Well-designed and maintained spaces hinder criminal action and strengthen the sense of community and natural vigilance [47].

In this context, crime prevention through environmental design (CPTED) is a critical approach in criminal policy. Mihinjac and Saville describe how natural surveillance, access control, and territoriality can effectively reduce criminality by transforming the physical environment into an ally against crime. This strategy improves physical safety and increases users' psychological comfort [16].

In addition, the perception of security and its bias are crucial elements in developing criminal policies. Zhang et al. [9] point out that there is often a disconnect between perceived safety and actual levels of criminality, which can negatively influence citizens' quality of life. Therefore, criminal policies must integrate studies on the perception of fear and adopt interventions that address both the criminal reality and the misperceptions of insecurity [9]. The gender approach is also crucial for an inclusive and effective criminal policy. The differences in the perception of crime between men and women, as highlighted by Çolpan and Sevin, must be considered in the design of urban spaces and policies. Women tend to experience more fear of crime and perceive certain spaces as less safe, which calls for specific policies that address these concerns and promote greater inclusion and safety [27].

Urban regulations play a crucial role in regulating public spaces and preventing crime. Moroni and Chiodelli argue that implementing adequate urban regulations can strengthen security by controlling the use of and access to these spaces, integrating crime prevention into urban planning from a criminal policy perspective [42].

The morphological factors of the built environment also influence the incidence of crime. Kim and Hipp highlight how the configuration of the road network, the organization of accesses, and the planning of public spaces can facilitate or hinder surveillance and therefore crime reduction [36]. Integrating these factors into criminal policy can result in safer and more functional cities.

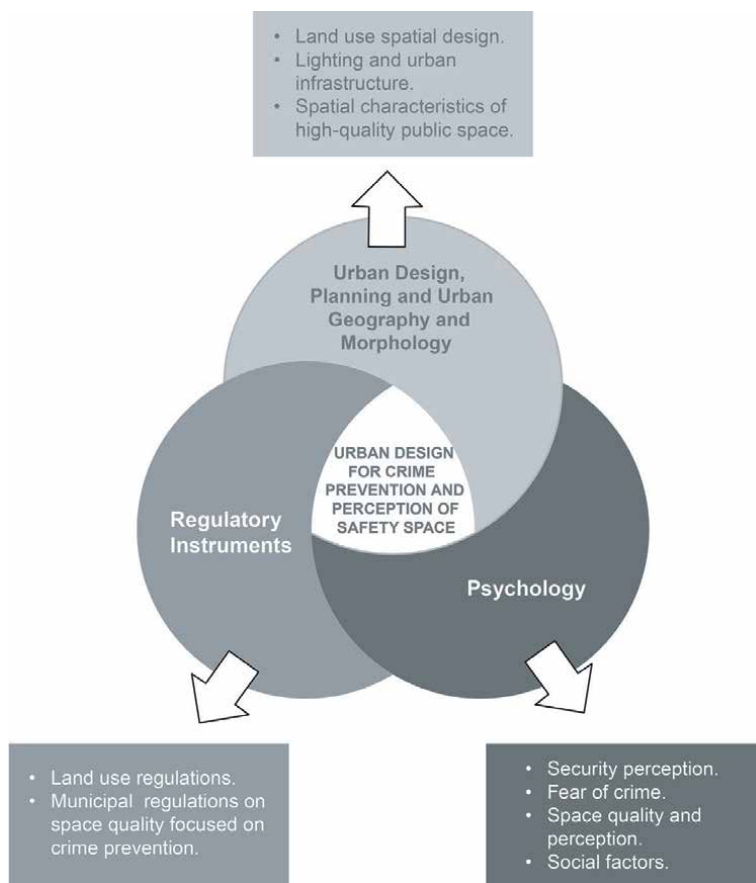
The connection between public and private spaces is another relevant factor in criminal policy. Jacobs [37] highlights that the design of connected and visible spaces encourages natural surveillance, which is crucial to crime prevention. Visual and physical integration between spaces promotes greater social interaction and collective surveillance, deterring criminal behavior [37].

### **3. Analysis and discussion**

The study of the behavior of users of the built space is essential to understanding the intrinsic relationship between the quality of the space and the perception of safety [9, 12, 13, 17–21, 23–31]. The review of relevant literature shows three categories: the first, on the psychological factors that influence the perception of security and criminality; the second, on the physical elements of space that directly affect this perception through disciplines such as urban design, planning, morphology, and urban geography; and the third, on the practical applicability of normative instruments in the territory (**Figure 1**).

Regarding psychological factors, recent research has found that the perception of safety and fear of crime are related to various physical, social, and environmental factors. The physical aspects of the built environment, such as visibility, lighting, and connectivity, directly influence users' perception of safety [4, 32]. In addition, social factors, such as neighborhood context and community interactions, also affect levels of fear of crime. Likewise, environmental conditions, such as pollution and climate, affect the perception of comfort and safety. On the other hand, the gender of the users plays an important role, as women generally perceive spaces as less safe than men. In addition, perceived safety often does not match actual criminality levels [9].

About the physical factors of the built space, urban design and the planning of the built space are essential to guarantee the spatial quality of the users. Recent studies



**Figure 1.** Interdisciplinary integration on the study of the perception of security and criminality in the built space. The figure shows the psychological, physical, and normative characterization as a tool for territorial applicability. Source: Authors (2024).

[4, 32, 47] have shown that the quality of public space, street furniture, lighting, and the human scale are directly related to the incidence of crime. The road network configuration, lighting, visibility, and active facades influence crime [36]. CPTED is an approach that seeks to reduce crime by designing the built environment, focusing on natural surveillance, access control, territoriality, and maintenance [1, 33–35]. Studies [14, 32, 40, 42] have found significant relationships between the quality of urban design and crime density, as well as between the characteristics of the built environment and the occurrence of crime. Likewise, implementing CPTED principles can improve users' physical safety and psychological comfort [32]. However, the relationship between the quality of public space and crime remains complex, with sometimes contradictory findings requiring further investigation. Recent research [4, 8, 32] have linked criminology with spatial analysis and urban morphology, focusing on the relationship between urban environments and crime patterns. The studies [41] focus on the shape of the urban space, the presence and distribution of urban facilities in the public space, and pedestrian walkability. The findings [38] indicate that the built environment, spatial configurations of facilities, and pedestrian walkability influence

crime patterns. Walkability is related in a complex way to criminality, depending on the socioeconomic characteristics of the neighborhood. In addition, the presence of micro and macro facilities also affects the distribution of crime [38, 41].

Finally, from the perspective of practical applicability in regulatory instruments, academic research on the normative role of crime prevention and its relationship with the public space has been limited from a legal perspective in the last 5 years. Studies indicate that public spaces can be regulated through different regulatory bodies to prevent crime and improve safety [45]. Strategies based on territorial analysis appear to be the most promising for crime prevention, even though fear of crime and citizens' perceptions of the built environment are often overlooked in sustainability agendas [1, 16, 32–35]. Studies before 2019 analyze specific cases of the relationship between existing regulations and the occurrence of crimes and the use of municipal regulations and ordinances to regulate behavior in public spaces, as in Italy, without necessarily indicating the connection between urban design and criminality [42]. Some studies point out that mixed-use zoning is associated with lower crime rates than commercial-only zones and that changes in zoning, street configurations, and housing design can help manage crime levels. In addition, urban planning and zoning laws in the U.S. incorporate crime prevention techniques into design new developments [43].

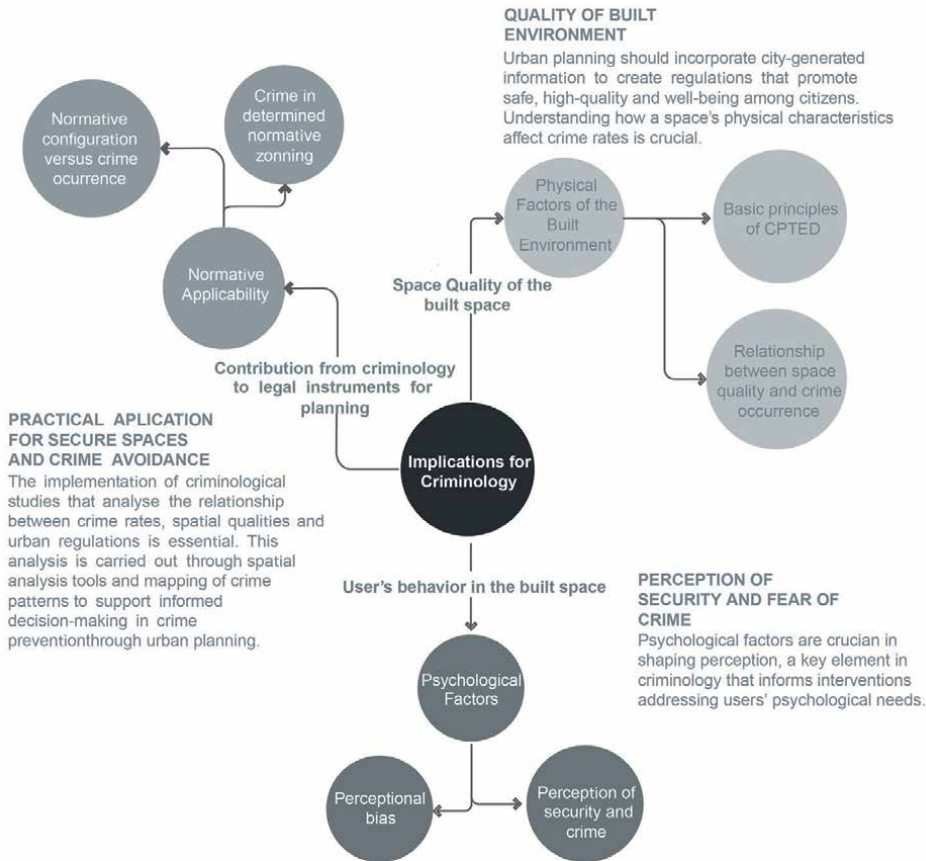
### **3.1 Implications for criminology**

Based on the findings, a wide range of possibilities for study and regulatory applicability opens up for the design, rehabilitation, and renovation of the built space, focused on spatial quality, perception of security, and reduction of crime rates. Studies that contribute to understanding the behavior of users in the built space are fundamental for criminology as they allow us to understand how spatial quality influences the perception of security and the incidence of crime. On the other hand, studies from various disciplines that agree on the importance of spatial quality can help criminologists develop more effective crime prevention strategies and improve urban security.

This implies that crime analysis in the built space is valuable input for developing guidelines and strategies that minimize crime rates. However, the findings suggest that urban design can contribute more from a preventive perspective, such as applying the principles of CPTED. In addition, it is essential to understand the occurrence of crime in space and integrate users' perceptions of safety into urban planning and regulatory processes. Psychological factors play a fundamental role in perception, an essential input in criminology that contributes to the design of interventions focused on the psychological needs of users (**Figure 2**).

It is also important to consider from criminology the “perceptual bias” in spaces with the perception of insecurity and fear of crime when actual crime rates are low and vice versa. Implementing security impact assessments, which combine perception studies and actual crime levels, along with spatial studies, is critical to understanding the reasons for such bias. Multidisciplinary study is vital.

Developing analysis tools based on big data is essential for studying crime in space, even in real time. Access to information generated by cities and analyzed by academia must necessarily be integrated into planning practices as an input for generating urban regulations that ensure quality spaces with low crime rates while generating a perception of security and well-being in citizens. This aspect is fundamental to understanding the physical characteristics of spatial quality that contribute to higher or lower crime rates.



**Figure 2.** Implications for criminology from urban planning and design, psychology, and regulatory practical applications. Source: Authors (2024).

It is essential to promote multidisciplinary studies to develop evidence-based policies that improve urban safety and the importance of evaluating the impact of urban interventions through interdisciplinary approaches, which allows for the design of criminal policies that are more adapted to the specific realities of each environment.

Criminal policy must go beyond traditional punitive responses and integrate urban design and interdisciplinarity as critical tools for crime prevention. Through improving spatial quality, considering security perception and bias, and including a gender approach, more effective and equitable strategies can be developed that promote safer and more livable cities.

Interdisciplinary coordination between key actors in space psychology, planning, urban design, geography and urban morphology, criminology, and urban legislation, together with local authorities, is essential to comprehensively address the problems of space for the safety and well-being of citizens. Implementing criminological studies that analyze the relationship between crime rates, spatial qualities, and urban regulations is essential through spatial analysis tools and mapping of crime patterns that support informed decision-making in crime prevention through design. It is essential to carry out studies that holistically relate psychological, spatial, and normative aspects from a criminological perspective, to directly apply strategies

based on territorial analysis and adequate regulations for an effective development of crime prevention policies.

#### **4. Conclusions**

- The study of the behavior of users of the built space is essential to understanding the relationship between the quality of the space and the perception of safety.
- The literature review shows three key categories: the psychological factors that influence the perception of safety, the physical elements of the space that affect this perception, and the practical applicability of normative instruments.
- The perception of security and fear of crime are influenced by various factors, including the physical, social, and environmental characteristics of the built environment. Considering these factors in spatial characterization, more studies are critical to understanding the causes and effects of different spatial perception levels.
- Perceived safety often does not match actual criminality levels, known as “perception bias.” This suggests further in-depth studies to understand the natural causes of the different levels of perception in terms of spatial characterization, existing regulations, and crime rates.
- Urban design and planning of the built space are essential to guarantee spatial quality due to their direct impact on the occurrence of crimes. Studies and findings must be integrated as critical inputs for planning and generating regulations that ensure spatial quality.
- Implementing the principles of CPTED can improve users’ physical safety and psychological comfort. However, the relationship between the quality of public space and crime remains complex, requiring more research and linkage to public policy and planning.
- Public spaces can be regulated through different regulatory bodies to prevent crime and improve safety, although fear of crime and citizens’ perceptions are often overlooked in sustainability agendas.
- Mixed-use zoning is associated with lower crime rates than commercial-only zones, and changes in zoning, street configurations, and housing design can all contribute to managing crime levels.
- Studies on user behavior in the built space are fundamental to criminology, as they allow us to understand how spatial quality influences the perception of security and the incidence of crime.
- The integration of multidisciplinary approaches and the consideration of urban design is essential for developing effective criminal policies adapted to the specific realities of each context. Abandoning traditional punitive responses and adopting interventions that improve the quality of urban space, considering

security perception and bias, and incorporating a gender approach will allow for the creation of more inclusive and equitable strategies. This will contribute to crime prevention and promote the development of safer, more livable, and socially equitable cities.

- Finally, studies from various disciplines on the importance of spatial quality can help criminologists develop more effective crime prevention strategies and improve urban security.

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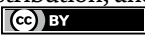
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## Chapter 2

# Perspective Chapter: Education Psychology and Public Media

*Tatjana Vujovic*

*Examination of the structure of parental psychopathology in families of juvenile delinquent*

### Abstract

The aim of the research was to examine the structure of parental psychopathology as a group of risk factors in families of juvenile delinquents that increase the likelihood of delinquent behavior. The research is part of an extensive sociological study conducted in Montenegro on three independent samples: a sample of 100 juvenile delinquents (experimental sample), a sample of 100 adolescents with psychological problems (experimental sample), and a sample of 100 adolescents with socially acceptable behavior (control sample). For the purposes of this scientific paper, a sample of juvenile delinquents was used. The researcher subjected a scale of 11 variables measuring parental psychopathology to factor analysis, namely the principal component method. The obtained results show that paternal alcoholism, mental illnesses among family members, a family member's suicide, parental drug abuse, and a family member's criminal act are five independent risk factors that increase the likelihood of delinquent behavior. A specific risk factor is shown in the first factor and refers to paternal alcoholism.

**Keywords:** juvenile delinquents, adolescence, parental psychopathology, father's alcoholism, depression, suicide, criminality

### 1. Introduction

The role of the family in personality development is primary. The quality of family relationships will determine the psychosocial development of children [1]. Numerous sociological studies conducted in the last two decades emphasize the importance of family risk factors in the occurrence of psychosocial disorders in children [1, 2]. Family risk factors prevent the formation of prosocial behavior patterns and create individual conditions and beliefs, as well as states that favor the occurrence, development, and repetition of delinquent behavior [3]. Based on the synthesis of results from numerous empirical studies [3–8], in this paper, the researcher opted to examine the structure of parental psychopathology as a group of risk factors. The most common forms of parental psychopathology are: father's

alcoholism, addiction diseases, mother's prostitution, mother's depression, and antisocial personality disorder [9].

The rate of behavioral problems in children whose parents are dependent on alcohol is higher than in children whose parents are less dependent [10]. Early studies of children of alcoholic parents indicated an increased rate of externalized behaviors such as attention disorder and hyperactivity [10] and conduct disorder [10]. Parental alcoholism is not a direct factor of aggression and antisocial behavior in adolescents but is indirect and mediated by other variables such as whether one or both parents are alcoholics, the gender of the alcoholic parent, and the gender of the child. More recent studies also indicate an increased risk of externalized problems in children whose mothers are alcoholics [11, 12]. Laura et al. [11] and Bountres et al. [13] in their studies found that in children of parents with a history of psychoactive substance abuse, there is a higher rate of externalized problems, attention disorders, and impulsivity than internalized problems.

In the past decade and more, the most researched topic has been maternal depression and its impact on the psychological adaptation of the child. Maternal depression is consistently linked to delinquent behavior in adolescence [14, 15]. Depressed mothers show additional difficulties in their role as mothers in raising a child. They exhibit more characteristics of insecure attachment, indicating that emotional attachment problems, and not just maternal depression, pose a risk for child depression [16]. Schizophrenia is a debilitating disorder that can also negatively impact parenting ability. Studies have shown that mothers with schizophrenia have little mother-child interaction and poor parenting practices pressure, and excessive indulgence [16, 17]. The results of the research [18] in families of schizophrenic mothers, show family discord, lack of warmth, physical abuse and hostility, poor communication, and dysfunctional parenting (such as overprotection, poor monitoring/supervision, inappropriate pressure, and excessive indulgence).

Parental criminality, especially that of fathers, is considered a significant risk factor for the development of antisocial behavior, regardless of whether the father lives with the child and how much contact he has with the child. The research [19] found that parental criminality in children up to 10 years old is a strong predictor of later delinquency. The risk may be higher if two or more factors from the domain of parental psychopathology are present in the family. Vagrancy, prostitution, and promiscuity as forms of socio-pathological phenomena present in parents have a very negative impact on child development. Immoral behavior of the mother leads to early increased interest in frequent and short-term relationships with older men, antisocial behavior, and committing criminal acts in adolescent girls [20]. A study [20] on a sample of 348 parents examined two groups of parents and their children: parents who had depression and schizophrenia and a group of parents who did not have these problems. The study's findings revealed negative/ineffective discipline and insufficient monitoring among parents with psychopathology [20]. Likewise, their children (adolescents) had more behavioral problems compared to those whose parents did not suffer from these issues.

*The research aimed* to examine the structure of parental psychopathology as a group of risk factors in families of juvenile delinquents.

*The basic hypothesis of the research reads:* It is assumed that certain risk factors will be structured so that they form specific types, which, as such, would have predictive value in the occurrence of delinquent behavior.

## **2. Method**

### **2.1 Sample and population**

The sample consisted of 100 respondents, of whom 68 were male and 22 were female. The respondents were of average age 16.5. It is a convenience sample. The sample consisted of juvenile delinquents who have been registered with the Centre for Social Work of the Municipality of Podgorica in the last 2 years, as follows: juvenile delinquents who were sentenced to an educational measure of increased supervision by the guardianship authority, as well as juvenile delinquents who were subjected to an institutional corrective measure. The selection of juvenile delinquents was random, so it can be said that the sample is representative.<sup>1</sup>

### **2.2 Procedure**

The examination of adolescents was conducted on the premises of the Centre for Social Work of the Municipality of Podgorica and the Centre for Children and Youth "Ljubović" in Podgorica. The examination was conducted during their visit for treatment and in the case of hospitalized adolescents, during the doctor's visit. Cooperation with these adolescents was satisfactory.

Ethical approval for conducting the research has been obtained.

#### *2.2.1 Research instruments*

The main research instrument was a non-standardized questionnaire, designed for the purposes of extensive sociological research. The model proposed in the paper represents a reformulation and synthesis of the Family Adaptability and Cohesion Scale (FACES III) model proposed by Olson and colleagues [21] and the Family Interaction Quality Scale "(KOB) Model" proposed by Anita Vulić-Prtorić [22].

#### *2.2.2 Family cohesion scale*

The Family Cohesion Scale contains 10 questions that measure the emotional bond among family members (how much they love each other, share space, time, and friends, and make decisions together). For example, "We like things to happen only within the family circle." The scale was modeled after the FACES III proposed by Olson et al. [21]. The task of the respondents was to assess how much each statement relates to their perception of family cohesion by circling their response on a five-point Likert scale (1—almost never, 2—rarely, 3—sometimes, 4—often, and 5—almost always). The established internal reliability coefficient (Cronbach's alpha) is 0.70.

#### *2.2.3 Scale of perception of psychopathological phenomena in the family*

The Scale of Perception of the Presence of Psychopathological Phenomena contains 11 items that measure the presence of socio-pathological phenomena among family

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<sup>1</sup> There are three groups of educational measures that can be imposed on juvenile delinquents, and they are: disciplinary measures, increased supervision measures, and institutional measures.

members. For example, “Did your mother use alcohol during your childhood?” The task of the respondents was to assess on a five-point scale how often family members behaved in the described manner, where one indicates that they never behaved that way, and five that they almost always behaved that way. Factor analysis determined a single-factor structure of the aggressive behavior scale, and the internal consistency reliability (Cronbach’s alpha) is  $\alpha = 0.81$  ( $\alpha$  boys = 0.79;  $\alpha$  girls = 0.81). The questions relate to the problem of parental alcoholism, the presence of a heroin addict in the family, the tendency to commit criminal acts, and family member suicide.

#### 2.2.4 Data processing methods

Statistical data processing was performed using the Statistical Package for the Social Sciences (SPSS) program version 17.

### 3. Results

The scale of 11 variables from the questionnaire describing psychopathology in the parental families of juvenile delinquents was subjected to factor analysis using the principal component method. The 11 variables of the research were reduced to a range of five factors. Factor analysis identified five factors that account for 80.392% of the total variance, with the remaining 20% of the variance attributed to factors that are not significant (**Table 1**).

The eigenvalues  $\lambda$  of each factor and the percentage of variance they explain are shown in **Table 1**.

In order to fully comprehend the true meaning of the obtained factors, the researcher also considered commonalities. The contribution of each independent variable to the system of criteria is given in **Table 2**.

Factor analysis using the principal component method (**Table 3**) identified five factors, of which the first three are the most interpretable. Conventionally, the researcher considered values above 0.500 as statistically significant. In this way, the researcher aimed to obtain a simpler factor structure.

The first factor indicates the structural connection of those statements expressing the perception of frequent alcohol consumption by the father and antisocial personality disorder among family members. The first factor is a general factor and explains the largest percentage of the total variance, that is, 28.387. This factor gathers five items with high loadings. The variables that define the first factor have high saturations on this factor (**Table 3**) and are highly correlated with it (**Table 3**). Of all the listed variables, the first factor is best defined by variables related to the consumption

Factors	$\Lambda^*$	Percentage of variance	Cumulative
1	3123	28,387	28,387
2	1817	16,517	44,905
3	1569	14,260	59,165
4	1323	12,030	71,195
5	1012	9197	80,392

**Table 1.**  
*Eigenvalues and percentage of variance.*

Variable	Source	Communalities
Alcohol consumption (father)	1000	0,922
Frequency of alcohol consumption (father)	1000	0,907
Alcohol consumption (mother)	1000	0,836
Frequency of alcohol consumption (mother)	1000	0,830
Drug use (parents)	1000	0,888
Heroin addiction among family members	1000	0,821
Criminal activity of a family member	1.000	0,674
Suicide attempt by a family member	1.000	0,801
Suicide of a family member	1.000	0,700

*Communality represents the contribution of independent variables to the system of criteria.*

**Table 2.**  
 Communalities of variables.

Variable	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5
Alcohol consumption (father)	<b>0,833</b>	0,480	-0,050	-0,268	-0,389
Frequency of alcohol consumption (father)	<b>0,801</b>	0,049	0,124	0,182	0,463
Criminal activity of a family member	<b>0,690</b>	0,188	<b>0,789</b>	0,100	<b>0,522</b>
Suicide attempt by a family member	<b>0,614</b>	0,380	-0,190	-0,425	0,237
Frequency of alcohol consumption (mother)	<b>0,575</b>	0,075	-0,206	0,428	0,373
Schizophrenia among family members	-0,227	<b>0,851</b>	0,239	-0,011	-0,051
Depression among family members	0,306	<b>-0,812</b>	-0,253	0,060	0,101
Suicide of a family member	0,370	-0,009	<b>0,815</b>	0,087	0,105
Alcohol consumption (mother)	0,378	-0,271	0,663	-0,284	0,095
Drug use (parents)	0,028	-0,224	0,300	<b>0,745</b>	-0,197
Heroin addiction among family members	0,422	0,346	-0,082	0,564	-0,326

*Questions in the table are given according to the size of the saturation of variables and factors.*

**Table 3.**  
 Factor model matrix.

and frequency of alcohol consumption by the father. The first two key statements express a negative attitude toward parental behavior, especially the father's behavior. This factor shows that among juvenile delinquents, there is a firmly structured attitude about the presence of socio-pathological phenomena in their families. The researcher can call this factor *paternal alcoholism and antisocial personality disorder among family members*.

The second factor indicates the structural connection of those statements expressing the perception of the presence of mental illnesses in parental families of juvenile delinquents. This factor explains 22.837% of the total variance. On the second factor with loading above 0.500, two statements were singled out: schizophrenia among family members and depression among family members. It is noted that the second factor is best defined by variables related to the presence of mental illnesses among

members of the parental family of juvenile delinquents. The researcher called this factor *Mental illnesses among family members*.

The third factor, which was extracted by factor analysis, is defined by the suicide of a family member (0.815) and alcohol consumption (mother) (**Table 3**). This factor explains 59.165% of the total variance. These two key statements point to the structural connection of those attitudes in which the perception of a family member's suicide and the mother's alcohol consumption are expressed. The researcher can call this factor *the suicide of a family member and mother's alcohol consumption*.

On the fourth factor, only the variable parental drug use (mother) has high saturation (0.745). The fourth factor can be called *Parental drug abuse*.

On the fifth factor with loading above 0.500, only one variable was singled out: the criminal offense of a family member (0.522), and therefore, it is a specific factor. Therefore, the researcher will tentatively call it by the name of the variable: *Criminal offense of a family member*. This factor explains 6.096% of the total variance.

Criminal offense of a family member.

The factorization of the scale showed that paternal alcoholism and antisocial personality disorder of family members, mental illnesses among family members, suicide of family members, and mother's consumption of alcohol are the most significant structural dimensions. All the aforementioned psychopathological risk factors, as possible risk factors that influence the occurrence of juvenile delinquency, based on statistical analyses, indicate that they can act as factors that increase the possibility of occurrence but that they are not the key causes of the occurrence of juvenile delinquency. That is why these factors can be defined as supplementary, which act in a constellation with some other factors.

#### **4. Discussion**

The research aimed to examine the structure of parental psychopathology as a group of risk factors in families of juvenile delinquents. The researcher tried to answer the hypothesis of whether certain dimensions of parental psychopathology form special structures that are so strong that they could be called types that would be predictive of the emergence of behavioral disorders in adolescents. Recent studies have pointed to the importance of parental psychopathology for the development of psychosocial disorders during adolescence [15, 23, 24]. A cold and emotionally distant family atmosphere can contribute to the development of emotionally unstable personalities with unacceptable behavior [25]. The factorization of the scale showed that paternal alcoholism and antisocial personality disorder of family members, mental illness among family members, suicide of family members, and mother's consumption of alcohol are the most significant structural dimensions. All of the aforementioned psychopathological risk factors, as possible risk factors that influence the occurrence of juvenile delinquency, increase the possibility of occurrence but are not the key causes of the occurrence of delinquent behavior. That is why the researcher can define these factors as supplementary, which act in a constellation with some other factors.

Factor analysis using the principal component method showed that a specific risk factor is shown in the first factor and refers to paternal alcoholism. The father's inclination toward alcohol is associated with a tendency to commit criminal acts. More frequent conflicts with the law represent a difficulty in performing parental duties. Paternal alcoholism leads to a disruption of emotional relationships among family members, creating

a cold and loose emotional bond between the father and the children [25]. Frustrated in satisfying their needs, children lie to fulfill their needs [25]. The alcoholic responds to their lies with aggression [25]. This creates a vicious cycle. In such situations, children feel anger, rage, rejection, hurt, and isolation. Suppressing the expression of hurt and anger, especially toward the father during childhood, leads to the manifestation of aggressive behavior toward peers during adolescence [25]. The findings of this research are consistent with studies indicating that paternal alcoholism is an important predictor of delinquency [25, 26].

I found that parental mental illnesses and psychoactive substance dependence are important predictors of delinquent behavior. The obtained results are in agreement with the results of previous research. The authors [27, 28] believe that boys who grow up in families where the mother is dependent on opiates and simultaneously depressed are particularly at risk of exhibiting behavioral disorders. The findings of this research are also consistent with the research [29], which indicates a connection between parental dependence on psychoactive substances and emotional and behavioral disorders in children.

By comparing the obtained results of the research with the established norms in some recent studies [29], it can be concluded that adolescents in the research show slightly higher assessments of the prevalence of parental psychopathology (especially alcohol abuse among family members and history of chronic criminality). In the study [29], adolescents report higher estimates of socio-demographic characteristics such as the father's age over 50, the mother's education and employment, and family structure, but also the prevalence of the father's psychopathology (especially paternal alcoholism and criminality). Recent studies show that children of parents with a history of psychoactive substance abuse have a higher rate of externalized problems, attention disorders, and impulsivity than internalized problems [30].

However, it is necessary to investigate the characteristics of the compared samples of adolescents, that is, differences in the mentioned age groups of individual samples. Adolescents in this study belong to the group of younger adolescents with an average age of 11 and 12 years, while the sample of adolescents in the research includes a broader age group of adolescents, that is, adolescents aged 12–18 years. Further research should consider different socio-demographic characteristics of respondents with an equal age range when comparing results, as different periods of adolescence have their specific challenges (early, middle, and late adolescence).

## **5. Limitations**

When considering the research results, it is necessary to also reflect on its shortcomings. This is a study conducted on a convenient smaller sample, and the results could have been influenced by numerous environmental factors or individual characteristics. The analyzed problems were operationalized using the self-assessment method, which carries certain drawbacks such as response distortion due to incorrect assessment, individual differences in introspective abilities, and the possibility of providing socially desirable answers. Future research should consider using multiple data sources to increase the reliability and validity of measurements. Another limitation is the small sample size of juvenile delinquents used in this study, which may limit the generalization of the findings. Future research should aim to replicate these findings on a larger sample to increase the external validity of the study. Overall, the limitations of this study highlight the need for further research in this area to better

understand the complex relationship between parental psychopathology and adolescent delinquent behavior.

## **6. Implications for research, policy, and practice**

Despite the limitations, this study highlights the potential significance of parental psychopathology symptoms in the development of behavioral disorders in minors. This study advances existing research on parental psychopathology and child functioning by emphasizing the important role that paternal alcoholism can play in child development. Furthermore, the findings from this study suggest that symptoms of parental antisocial personality disorder, which have received relatively little empirical attention, deserve further study. The findings of this study can serve as a valuable resource for criminologists, sociologists, mental health professionals, educators, and policymakers in designing effective prevention and intervention programs to address delinquent behavior among adolescents.

Scientifically based preventive programs for families should simultaneously aim to reduce risk factors in the family, as well as to strengthen and create protective factors that precede or explain them.

The findings of this study are of particular importance for criminologists who work with juveniles within the Criminal Justice System, such as in the development of preventive programs. Recommendations for criminologists regarding the application of the findings of the research would be:

1. When creating preventive programs, put special emphasis on educating children about alcoholism.
2. Put special emphasis on practical work with minors from alcoholic families, especially when it comes to the father's alcoholism, creation of a support program for children whose parents are in prison.
3. Work on establishing direct and positive contact between children with behavioral disorders and their parents who are in prison (holding hands, activities adapted to children, and reading books), which is of great importance for preventing psychosocial disorders in children.
4. Group work with parents and children in order to establish positive relationships and improve positive parenting practices, such as warmth, involvement, and consistency and reducing negative parenting practices such as negative/ ineffective discipline and insufficient monitoring.


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## Chapter 3

# Perspective Chapter: Understanding the Role of Criminologist in Compiling a Pre-Sentence Report

*Bongolethu Diko, Nomakhosi Nomathemba Sibisi  
and Shanta Balgobind Singh*

### Abstract

The growing relevance of criminologists has consistently been discussed in numerous countries, particularly within the criminal justice system, in preparing presentence reports. This problem stems from criminologists' difficulty defining their unique identities in specific countries. This has led numerous countries to regard criminologists as researchers within the academic realm. However, in some countries, criminologists are more valued. This chapter examines the role of criminologists in formulating pre-sentence reports in South Africa and the United State of America. The chapter used qualitative methods. Purposive sampling was used to choose secondary data. The data was collected from 54 sources, including 25 articles, 18 books, and 11 Web sites. Content analysis has been used to interpret the data. The findings indicate that forensic criminologists significantly influence the compilation of presentence reports. They help the court by assessing, analyzing, explaining, evaluating, and contextualizing the crime perpetrated by the offenders to build a comprehensive understanding of the offender. Their expertise extends beyond merely providing the court with a thorough knowledge of the offender; it also includes assisting in sentence recommendations and rehabilitation efforts for the offender. Nevertheless, the evidence indicates that while forensic criminologists help the legal system in rendering informed and equitable sentencing decisions, there are constraints regarding their role. Consequently, the evidence suggests that criminologists should collaborate with psychologists when compiling presentence reports.

**Keywords:** criminal justice system, criminologist's role, court system, forensic criminology, international perspective, pre-sentence report

### 1. Introduction

The growing relevance of forensic criminologists has consistently been discussed in numerous countries, particularly within the criminal justice system, in preparing pre-sentence report (PSRs) [1]. For instance, according to Boleu [2], in countries like

South Africa, there is an inadequate understanding of the criminologist's position as an expert witness in court. When a criminologist enters the judicial system, they do so as an expert, precisely a forensic criminologist [3]. According to Turvey [4], forensic criminologists are experts who conduct criminological assessments by examining the depths of crime, causes, and perpetrators to address investigative and judicial inquiries.

In South Africa, a forensic criminologist is regarded as an expert with a minimum of a master's degree in criminology, extensive practical experience in offender management, and relevant, approved research contributions [5]. In the United States of America (USA), forensic criminology is a specialized profession that integrates both empirical and theoretical disciplines, including forensic science, biology, psychology, and sociology [6]. As previously stated, one of the roles of a forensic criminologist is to conduct a criminological analysis and assessment of criminal behavior: The criminological analysis and evaluation of criminal behavior includes individual offenders' needs and risks, causes and contributory factors of crime, high-risk situations, triggers, intervention, and risk management indicators, propensity for recidivism, and theoretical explanations of criminal behavior [7]. Forensic criminologists study the offender and prepare the victim impact statement for the court, which entails studying crime victims, analyzing the causes of victimization, and formulating plans to assist victims and prevent future crimes. Although forensic criminologists conduct in-depth analyses and assessments, their function in court remains controversial and has faced significant criticism, particularly in compiling pre-sentence reports.

In countries such as South Africa, although criminology has existed for some time, the professionalization of forensic criminology within the judicial system remains contentious [1]. However, forensic criminologists are held in higher esteem in other nations, like the USA, and the United Kingdom (UK) [3].

This chapter intends to explain the function of forensic criminologists in writing PSRs. Forensic criminologists have a crucial role in writing a PSR, aiding the judiciary in determining a suitable sentence for the convicted individual [5]. While their participation in creating a PSR is often criticized, their specialized knowledge helps guarantee that the sentencing procedure considers the crime committed, the broader circumstances of the offender's life, and their capacity for rehabilitation [3, 6]. This issue stems from criminologists' persistent struggle to create unique identities [3]. This has led to a growing acceptance of the importance of criminologists in academia since they serve as researchers who study and analyze crime and criminal behavior [1]. Their goal is to develop scientific approaches to assess, evaluate, and explain the nature, extent, causes, and control of criminals and prepare a victim impact statement [8].

The PSR is compiled by a probation officer, forensic criminologist, social worker, psychologist, or other professionals who assist the court in making an equitable judgment regarding the offender [9]. The presentence report is the most crucial document for the criminal justice system [10]. Since the 1920s, it has served as the primary source of information to aid judges in determining appropriate sentences [11]. The current PSR was first developed in the 1840s by John Augustus, a shoemaker from Boston [10]. Augustus believed that the purpose of the law was to rehabilitate convicts and deter crime rather than to punish them out of malice or a desire for revenge [11]. It originated in the USA and then spread to other countries. Criminological PSR evaluation reports in South Africa originated in the late 1980s from the work of Dr. Irma Labuschagnè [3]. The practice of using PSR became firmly established based on the belief that crime is a pathological condition that can be diagnosed and treated like a disease [11]. A PSR aims to uncover the underlying causes of criminal behavior by examining the offender's past, promote forgiveness and understanding, and

ultimately facilitate positive change in the future [11]. This chapter will explore the role of criminologists in compiling a PSR in South Africa and the USA.

## **2. Methodology**

To ensure the authenticity of this chapter and the production of scientifically accurate results, a qualitative method was used based on secondary data/a desktop study. The target population of this chapter encompasses books, journals, newspapers, conference papers, Web sites, and blogs that focus on criminologists' role in preparing PSRs and the goals of these reports. This chapter employed purposive sampling to choose material relevant to the role of criminologists in creating PSRs. The data was collected from 54 sources, including 25 articles, 18 books, and 11 Web sites. This section utilized content analysis to interpret the data. Content analysis is a research methodology employed to identify the occurrence of specific words, topics, or concepts within qualitative data.

## **3. Literature review**

The legislature has established penal codes that direct judges toward the sentences they should impose [12]. Various elements impact legal discretion during sentencing [13]. The reviewed literature revealed that several components affect sentencing procedures, such as the attitude of the offender, the administrative context, and the PSR [14]. PSRs are used in most developing countries, such as Brazil, India, Canada, and Australia [3]. Most democratic countries use a PSR according to various themes that guide the compilers on what to include in the report [3]. Some sources and countries refer to the system used in the USA to compile the PSR as the most effective [1]. However, as each country has unique challenges and laws, this does not mean that the USA report will be the most appropriate for all countries [1, 3].

### **3.1 Purpose of the pre-sentence report in South Africa**

The PSR is a crucial document in sentencing processes, assisting judges in gaining a deeper understanding of the offender and their motivations for the crime committed [15]. Tata [16] indicates that the PSR is the source of information regarding the offender and the offense. For instance, the PSR clearly explains the offender's identity and the motivations behind their criminal actions. It aids the judge in determining the sentencing choice on whether to impose community supervision or incarceration, the duration of the punishment, and the associated conditions [17]. Diko et al. [1] indicate that the PSR is not intended to influence the judge's decision but to summarize the case specifics and provide supporting evidence concisely. In South Africa, the report has multiple purposes, functioning not only during the sentencing phase but also as a reference for the Department of Correctional Services (DCS) or correctional institutions (e.g., for rehabilitation, parole, and reintegration services) and in establishing suitable treatment recommendations for offenders [18]. Consequently, in various nations like South Africa, police officers must produce the PSR when transporting prisoners to correctional facilities, which proposes rehabilitation programs for offenders [1, 16].

The PSR is crucial in correctional facilities as it often provides essential sentencing remarks from the presiding officer (e.g., an offender not to be housed with or be in contact with a co-accused) as it allows for recommendations on sentencing from experts

such as criminologists, psychologists, and social worker to understand and explain offenders' criminal behavior [18]. The report aims to help incarcerated individuals manage their time in jail and prepare for their post-prison life by equipping them with personal skills [3]. It also includes a medical report that guides correctional center clinicians on appropriate offender treatment [3]. Judges may require the report during the sentence stage or court hearing to understand the offender's medical condition better [5, 19]. In South Africa, the PSR can also be used during parole board proceedings, as parole is an additional incentive for the PSR, granting early release from their sentence [1, 20].

Within South Africa, no court may impose a term of correctional supervision or sentence without a PSR from either a correctional official or a probation officer [21]. PSRs in South Africa are used in statutory provisions, with the Criminal Procedure Act being the principal statute in this context [21]. Sections 276(1)(h) and 274 of the Criminal Procedure Act require consideration. Section 274 of the Criminal Procedure Act stipulates that a court may, before sentencing, accept any evidence (i.e., a criminological PSR) it deems appropriate to determine the suitable sentence [21].

A PSR can also assist with community supervision. Community supervision plays a vital role in releasing individuals back into society, providing a secure and cost-effective substitute for imprisonment [19, 22]. It also assists in the planning of rehabilitation programs. Efficient rehabilitation programs are crucial, and risk assessments are vital for strategizing and implementing these programs [1]. The risk assessment helps recognize recidivist conduct, ensures that the support and supervision offered correspond to the offender's risk level, and gives insights into the sort of rehabilitation required by the offender [21]. The final usage of the PSR in South Africa might also serve to uphold the restorative justice system's principles and highlight the mitigating factors [1]. Restorative justice is a process that promotes reconciliation between offenders and those harmed by their actions, including victims, families, and community members [23]. The presence of genuine remorse is one of the reasons the PSR incorporates examples of offender mitigating considerations, which include self-defense, provocation, and absence of prior offenses.

### **3.2 The purpose of the pre-sentence report in the United State of America**

The PSR in the USA performs the same function as the PSR in South Africa. United States research indicates that a PSR is utilized in nearly every case within the federal system [24]. The presentence investigation and report are regulated by procedure; the fundamental objective of the PSR is to aid the court in establishing a suitable punishment [24]. The sentencing judge is supplied with facts regarding the offender's life and characteristics, including the offender's background, circumstances contributing to criminal behavior, and criminal past [24].

The PSR is designed to aid the probation officer in supervising defendants throughout subsequent terms of probation, parole, or supervised release [25]. The report assists the U.S. Bureau of Prisons in its designation, classification, programing, and release planning processes while supplying the U.S. Parole Commission with relevant information for parole consideration, when applicable [25]. The report additionally reinforces the monitoring and research duties of the Sentencing Commission [25].

It also enables probation—officially referred to in Tarrant County as the Community Supervision and Corrections Department, or CSCD—to provide the court with insights on the potential sentence and suggest conditions of probation if relevant [26]. The Correctional Institutions Division (CID) is also aided in classification when the defendant receives a prison sentence [26]. The final part of the purpose

of the PSR in the USA is that it provides a victim impact statement, which focuses on the impact of crime on the victim and the community [25].

The PSR is crucial in both countries as it aids the criminal justice system, particularly in criminal courts and during incarceration. Additionally, although this aspect was not previously mentioned, it benefits society as rehabilitated individuals reintegrate into the community as improved citizens. It also plays a part in the individual's life by offering anger management programs, developmental skills, and other skills that may be beneficial during incarceration. While the PSR is advantageous to the criminal justice system, it sometimes fails to acknowledge the victim's emotions adequately and fully represent their interests, mainly when the perpetrator is on parole. It advocates for the rights of the criminal. For example, perpetrators of rape and murder may receive parole while the victim is still recovering. The PSR neglects to follow up on the offender, particularly after their release from prison and does not consider the implementation of rehabilitation programs for the criminal.

### **3.3 South African content of the presentence report**

The purpose and content of the PSR are generally consistent, even though the compilation process varies from nation to nation. The compilation of the PSR, the individual responsible for compiling the PSR, and the content that should be included in the PSR are all regulated by the laws and statutes of the respective nation [3].

Research conducted by Diko et al. [1] indicate that a comprehensive PSR must encompass the following factors:

#### *3.3.1 Identification of the offender*

As stated by Terblanche and Herbig [13, 27], the first step of writing the PSR involves concentrating on the offender's facts, including name, surname, identity number, case number, marital status, and case name.

#### *3.3.2 Crime history and current offenses*

The offender's criminal history and current offenses are significant components of the PSR. According to Herbig [27], knowledge of historical crimes can impact jury verdicts. According to Geldenhuys et al. ([28], p. 269), previous convictions may be established "merely by submitting the accused's fingerprint record from the South African Police Criminal Record System 69," as stipulated in Section 272 of the Criminal Procedure Act (CPA) No. 51 of 1977. As per Terblanche [13], the present crime refers to the offense for which the accused is being convicted, including assault, murder, burglary, and other transgressions. This section also encompasses the suspended sentence of the suspended/postponed sentences. Such sentences arise when a jail term is imposed but not executed immediately [29]. This section also comprises violations of parole conditions and escapes. Parole is a term of incarceration executed in the community under the supervision and control of correctional officials [29]. The Commissioner of Correctional Services or his/her delegate establishes these requirements [29]. The violation of a parole order is the same as breaking state law.

#### *3.3.3 Social factors and educational background of the offender*

The existing research from Hesselink and Booyens [5] shows that the offender's educational background is significant as it elaborates the relationship between the

offender and their teachers and peers, as well as the offender's academic performance and the nature of their friendships during their schooling. It discloses an individual's character during school years, indicating whether the offender showed criminal tendencies [5]. Social factors, including low self-esteem, poverty, homelessness, and lack of family support, are integrated into the present report as they reveal the offender's character within the community and the nature of their social relationships [1]. This material is crucial for the court as it aids in understanding the social and community variables that have influenced the offender's criminal history [1].

#### *3.3.4 Family structure and substance abuse*

Family structure and substance misuse are significant factors that should be addressed in a PSR, as they contribute to criminal behavior [1]. The emphasis during the interview ought to be on the offender's current drug abuse history [1]. According to research, parental attitudes that favor violence, together with family dynamics such as parental crime, family conflicts, and instances of physical abuse and neglect, can all lead to the development of criminal behavior [30]. Specific research indicates that criminal behavior may be transmitted throughout generations due to genetic, environmental, and learned influences [31]. Children raised in homes with a history of criminal behavior may encounter deviant ideals and attitudes from a young age. Substance abuse is a significant issue in compiling the PSR [30]. Many people with substance addiction engage in criminal activity, with some offenses perpetrated to fund their addiction [5, 32].

#### *3.3.5 Financial circumstances and employment status*

According to Diko et al. [1], financial conditions and employment are paramount; they reveal an individual's income, assisting the court in maintaining impartiality, particularly in instances involving affluent defendants convicted of a crime. By including financial conditions, the court seeks to ascertain whether the crime was motivated by greed or poverty [1].

#### *3.3.6 Evaluation and assessment*

The evaluation and assessment of the offender involve criminologists thoroughly investigating behavioral patterns, traits, geographic location, and demographic or biographical aspects of criminals about the specifics of a particular crime [33].

#### *3.3.7 Physical and psychological*

Another significant issue identified in the PSR is the physical and psychological aspects of the offender. Psychological factors, such as family conflict or insufficient parental supervision, may increase the likelihood of criminal behavior, experiences of trauma during childhood, aggressive behavior, and depression. The physical factors contributing to criminal behavior include genetics and neurotransmitter imbalances, particularly serotonin and dopamine, which can influence mood, impulse control, and aggression, increasing the likelihood of criminal behavior. Hesselink [8] argues that the report must encompass the offender's physical and mental state. The PSR includes a history of medical conditions and treatments, the names of attending physicians, and prescriptions [34]. The court may mandate the officer to disclose all necessary medical information regarding the defendant to ascertain relevance and ensure an equitable sentence.

### *3.3.8 Aggravating and mitigating factors*

The final component evaluated before forming the sentence pertains to the aggravating and mitigating considerations. Aggravating and mitigating elements are significant in preparing the PSR [28]. The crime's significance and the offender's seriousness are essential for a suitable sentencing based on the specified rationales. Judges who determine criminal penalties usually consider aggravating and mitigating considerations [28]. With aggravating factors (eg., lack of remorse, offender's criminal history, and victim's mental health) the sentencing judge considers/include the victim's status, such as being a child or disabled, the offender's intent to commit the crime, and additional factors previously mentioned, including the offender's criminal history [1]. Mitigating factors are circumstances that may result in a decreased sentence, including expressions of remorse, cooperation, the offender's status as a first-time offender, willingness to provide restitution, full acknowledgment of the facts and guilt, and the offender's age [28].

### *3.3.9 Sentencing recommendation*

The final stage of compiling a PSR involves providing sentencing recommendations for the offender. When recommending a sentence, alternatives may include community sentencing, suspended sentences, diversion, or probation [1, 3]. It is essential to present a clear sentencing recommendation based on criminological analysis and an evaluation of the offender and the aforementioned categories/factors [3].

One of the nations that executes best PSR practices is the USA because different experts are required to contribute to the criminal court, and this means that one-sided reports are generally ruled out in sentencing procedures in this country [35, 36].

## **3.4 The content of the presentence report in the United State of America**

The USA regards the PSR as a record or document that the court may rely on when determining punishments, particularly in cases where a guilty plea has been entered, and the court possesses limited information about the offender [37]. This document is utilized by the Federal Bureau of Prisons (FBP) to make designations and other determinations during an inmate's incarceration [36]. The PSR of the USA is divided into sections.

### *3.4.1 Face sheet and defendant's identification*

The PSR in the USA will commence with a face sheet, which serves as the initial page of the document containing the defendant's essential identifying information and the charges for which they were convicted [36, 38]. This sheet will specify the sentencing judge, prosecutor, defense attorney, sentencing date, arrest date, release status (indicating the duration, if any, of the respondent's custody), detainers, co-defendants, related cases, and the date of the report's preparation [36]. The next portion includes the following details: the offender's name, date of birth, age, race, nationality, gender, social security number, Federal Bureau of Investigation (FBI) number, and U.S. Marshal number [36]. The first phase involves a meeting with the U.S. Probation Office post-sentencing, during which the defendant will be scheduled for an interview with a United States Probation Officer (USPO) tasked with compiling the report [36].

Generally, in most probation offices, two divisions exist: PSR compilers and officers who oversee individuals on probation or supervised release [36]. To assist the USPO's responsibilities, counsel will be provided with a worksheet to be completed

and submitted to the USPO at or before the meeting [36]. The report has at least 20 pages and contains a thorough account of the offender's history [39]. The report includes details of the offense and any criminal history, as well as personal information (such as date of birth, age, place of birth, race, sex, country of citizenship, Hispanic origin, immigration status, number of dependents, education, Social Security Number, FBI Number, and U.S. Marshal's Number), along with family information regarding guardians, parents, and siblings, their occupations, health, and their relationship with the defendant [38, 39].

Petherick et al. [39] assert that the PSR details the offender's childhood upbringing, family support network, marital status, and parental background. At this stage, the criminologist or probation officer interviews the offender's spouse, ex-spouse, and children [38]. The final elements covered in this part include the offender's plea bargain, related cases, count of convictions, and information regarding the detainee [39].

#### *3.4.2 Acceptance of responsibility and the defendant's physical condition*

The PSR worksheet will include a document titled "Acceptance of Responsibility" or "Defendant's Version of the Offense." This report contains a section on the offender's physical state, addressing childhood and adult ailments [39]. This section examines the offender's mental and emotional health, psychological treatment, challenges faced by the defendant, history of substance abuse, potential drug addictions, and any treatment programs the individual may have participated in [39].

#### *3.4.3 Education, vocational skills, and financial condition of the defendant*

Afterward, a section addresses the offender's educational background and vocational skills [36]. The assessment of this section regarding educational background and vocational training is significant, as only a native of the USA can be appointed to a base security government prison camp [39]. Suppose the perpetrator is a naturalized U.S. citizen (a person born outside the USA and obtained U.S. citizenship). This must be recorded, and the naturalization date should be included [39]. Without this information, the Federal Bureau of Prisons may not assign the criminal to a federal security detention facility [36]. The compiler will examine the offender's highest completed grade, academic history (including the name and location of the school), and any specialized training or talents [1].

The expert will examine the offender's employment history, including job descriptions, duration of each position, compensation earned, and reasons for termination [39]. The employment part may also encompass the offender's military history, including the branch of service and highest rank attained [36]. The subsequent section addresses the financial position, detailing the defendant's assets and liabilities and a credit report [39].

#### *3.4.4 Victim impact statement*

The PSR will thereafter evaluate a "victim's impact statement, indicating to whom and the extent of compensation owed" ([40], p. 1). A victim impact statement (VIS) is a written or spoken account that enables a crime victim to address the court during the sentencing of the guilty defendant or at future parole hearings as part of the legal

process [41]. Booth [42] asserts that the victim impact statement will include information regarding the crime's effects on the victim emotionally, physically, financially, and socially. The expect will also incorporate other items into the victim impact statement report, illustrating the crime's effects on the victim through letters, photographs, drawings, or medical reports [43]. The VIS is not only compiled in the USA, even in South Africa; however, it is only compiled separately from the PSR, which means it is not part of the PSR.

#### *3.4.5 Obstruction of justice*

The VIS will thereafter be followed by an episode addressing the defendant's potential obstruction of justice. Obstructing justice is interfering with the systematic execution of the law [36]. Typical instances involve intimidating witnesses or attendants, perjury before judicial or governmental entities, bribery of court officials or legal adjudicators, and tampering with or obliterating evidence [44]. Offenses perpetrated against the administration of justice are likewise described [44]. Legislation at both state and federal levels addressing these violations has been in effect for many years. O'Sullivan [45] asserts that the deterrent of equity is established under Section 73 of Title 18 of the U.S. Code, with Article 1503 being the most prominent provision governing this matter.

#### *3.4.6 Accountability of the offender and criminal history of the offender*

The PSR will further outline the offender's acknowledgment of accountability. If the defendant has admitted to complicity, a culpable plea is submitted to obtain a reduction in sentence under U.S. Sentencing Guidelines 3E1.1 [36]. The expect will then calculate the preparatory recommended governmental sentencing guidelines for the overall offense level [39]. The FBP will examine the previous record area of the PSR. Pending charges may be considered detainers or unresolved offenses that could impede the arrangement for the offender's detention in a minimum-security federal prison camp [36]. The court will carefully evaluate the financial status section to determine the offender's ability to pay a fine, including the amount and the associated terms and circumstances. Finally, the statement will outline the proposed guideline array.

#### *3.4.7 Sentencing option*

The final section includes sentencing alternatives and outlines the statutory range for incarceration and supervised release, monetary penalties, the availability of probation, the suitability of compensation or restitution, sentencing guideline ranges, justifications for potential upward or downward departures from those ranges, and confidential, detailed sentencing recommendations [39].

The above information indicates that the PSR is a reference for the court to understand the criminal better. However, there are gaps between the two countries regarding compiling the PSR. PSR content that is not addressed by the South African PSR. The American PSR is more comprehensive and detailed, particularly when it emphasizes the VIS. The scope extends beyond the primary victim to encompass the effects of crime on community members, who are considered secondary victims.

**Table 1** summarizes the PSRs of the U.S.A. and South Africa.

<b>Section</b>	<b>U.S.A</b>	<b>S.A</b>
1.	Identification of the offender <ul style="list-style-type: none"> <li>• MARITAL STATUS,</li> <li>• OFFENDER’S NAME,</li> <li>• DATE OF BIRTH,</li> <li>• AGE,</li> <li>• RACE,</li> <li>• NATIONALITY,</li> <li>• GENDER,</li> <li>• SOCIAL SECURITY NUMBER,</li> <li>• FEDERAL BUREAU OF INVESTIGATION (FBI) NUMBER, AND U.S. MARSHAL NUMBER,</li> <li>• MILITARY RECORD.</li> </ul>	Identification of the offender <ul style="list-style-type: none"> <li>• NAME OF THE OFFENDER,</li> <li>• MARITAL STATUS,</li> <li>• DATE OF BIRTH,</li> <li>• AGE AND RACE,</li> <li>• GENDER AND NATIONALITY</li> </ul>
2.	The examination of changes and the conviction history of the offender.	The examination of changes and the conviction history of the offender.
3.	Details of the judge, prosecutor, and the lawyer.	In South Africa, the structure and literature review of the PSR does not specify that the PSR should include the details of the judge, prosecutor, and defense attorney.
4.	Criminal history/related crime.	Criminal history of the offender and the/related crime.
5.	Offense conduct (incidences of violence in which the individual was involved).	Violation of parole conditions/escapes/ascendances.
6.	VIS (the victim impact statement goes with the PSR).	The PSR is accumulated independently from the VIS.
7.	Obstruction of justice.	In South Africa, the obstruction of justice is not included in the PSR template but is documented in the offender’s docket.
8.	Offender’s childhood upbringing and family.	The offender’s childhood life is addressed within the subtheme of the background of the offender and family structure.
9.	Offender’s plea bargain.	In South Africa, the offender’s plea bargain is typically documented in the offender’s docket.
10.	Physical and psychological characteristics of the offender.	Physical and psychological characteristics of the offender.
11.	Financial circumstances and employment status.	Financial circumstances and employment status.
	Substance abuse of the offender and social factors.	Substance abuse of the offender and social factors.
12.	Financial circumstances and employment History of the offender.	Financial circumstances and employment history of the offender.
13.	Accountability.	In South Africa, an offender’s accountability is addressed through the mitigating aspect of remorsefulness.

Section	U.S.A	S.A
14.	VIS	In South Africa, the VIS is prepared separately from the PSR.
15.	Sentencing option.	Sentencing option and assessment.

Source: Author.

**Table 1.**  
*Comparison of the USA and South African PSRs.*

### 3.5 Role of the criminologist in compiling a pre-sentence report

Anderson [46] states that the contributions of criminologists, psychologists, and social workers were officially integrated into the judicial system in 1908 by Louis Brandeis in *Muller v. Oregon*. Since the 1950s, social scientists in the United States have served as crucial expert witnesses. Experts in behavioral and social sciences, particularly criminology and criminal justice, have been increasingly requested to serve as expert witnesses [46]. In the USA, forensic criminologists initially emerged as private sector professionals; however, because of the increasing demand for their expertise in court, they were subsequently integrated into the criminal court as specialists responsible for compiling private PSRs [47]. In South Africa, the first organized project to integrate criminologists into South African courtrooms was undertaken in the 1980s by Dr. Irma Labuschagne and Dr. Charlene Lea under the supervision of Judge Richard Goldstone [48]. Labuschagne was the inaugural documented forensic criminologist in South Africa who assisted the courts in this capacity [48]. The function of a forensic criminologist in preparing a PSR in South Africa matches that of the forensic criminologist in the USA. Research indicates that in the USA, forensic criminologists are summoned to provide expert testimony on the comprehensive dynamics of the crime during trials [49]. They assist the jury in comprehending various elements of the crime to arrive at an equitable conclusion; for instance, when one individual shoots another, numerous inquiries arise: Was that an act of self-defense? What prompted the shooting? Did the victim constitute a threat to the perpetrator? Did the victim provoke the shooter? What do the witnesses report? The responses to these inquiries determine the gravity and impetus of the offense, enabling the appropriate sentencing of the perpetrator. In South Africa, forensic criminologists produce reports to aid the court and the sentencing judge in understanding the crime and the offender, including the motivations behind the offense and the offender's history of criminal behavior [50].

When the court requests a PSR from a forensic criminologist, the report is drafted following the laws of evidence and standards, and the expert witness must always have an explicit knowledge of the evidence required [51]. Expert witnesses from several fields provide opinion evidence after detailed forensic investigations [2]. According to Van Niekerk [3], the law of evidence is crucial to the expert witness in forensic court work because it governs which evidence can be given to the court when the expert is called a witness. The criminologist who works as a forensic criminologist in court has the ability and expertise to practically apply theoretical knowledge based on authoritative theory, empirical evidence, and experience to make an informed, objective, and scientific contribution to the criminal justice system [35]. Criminologists' methodologies must be based on high ethical principles that promote societal well-being and justice [35]. For a forensic criminologist to create an effective PSR that will assist the court in sentencing an individual, the forensic criminologist should assess, interpret, explain, evaluate, and contextualize the crime committed by the offenders [1].

By understanding and assessing the crime committed by the offender, the forensic criminologist can generate a report that promotes the following factors [1, 3, 52].

- Fair individualized sentencing.
- A comprehensive assessment of the offender (offender profile).
- Making decisions on appropriate measures for specific situations (including assessing motives, causes, triggers, and personal effects of criminal behavior).
- The framework for the subsequent rehabilitation of the criminal.
- Recommend offender management and program development.

When the forensic criminologist offers sentencing recommendations, various views must be considered [39, 53]. One view is the deterministic view, which, according to Beukaman [53], is mainly shared by social scientists who feel that the criminal was molded by their conditions or circumstances beyond their control. Legal advisers and magistrates often endorse the deterministic view [53]. Because offenders are influenced by selection (choice), they should be accountable for their actions. Certain crimes, such as murder, robbery, and rape, are circumstances that demand compulsory judgments, such as life incarceration for homicide as well as rape [54]. Such sentencing should be enforced, except when the court finds convincing and substantial circumstances or conditions that legitimize a lesser sentence [53].

Another factor that makes a PSR compiled by the criminologist more valuable is that the forensic criminologist can assess an accused's blameworthiness [39]. While criminologists cannot evaluate the mental capacity or accountability of the offender, they can determine an accused's blameworthiness based on mitigating and aggravating circumstances [39]. This kind of evidence could impact the type and severity of the sentence. Aggravating factors are identified in line with the conditions of the offense itself, such as the usage of a weapon or the seriousness of the injuries suffered by a victim [55]. Except for earlier convictions, a court may not utilize aggravating variables to impose a harsher sentence than a regular one unless the jury observed those components beyond a reasonable doubt [55]. As stated above, the lawyer and the criminologist should present evidence of mitigating elements supporting sentencing leniency [39].

During the sentencing phase, numerous experts (forensic criminologists, psychologists, social workers, and medical doctors) are summoned to evaluate the offender, presenting a comprehensive understanding of the individual to the court. When experts from various professions prepare a PSR, they are all governed by the statutes and the law of evidence about the contents of such reports [1, 54]. For instance, statutes typically mandate that the PSR has information regarding broad categories such as the defendant's "social history," "family background," "current condition," or "characteristics." As several expert witnesses are summoned, each will address the case of the criminal by their area of specialization [56]. Consequently, the report generated by a criminologist will differ from those produced by other professionals [3]. The criminological evaluation mainly concentrates on the following topics [3, 8, 50, 52]:

- Forensic criminologists utilize their expertise in human sciences to evaluate and examine the criminal behavior of criminals, their involvement in crimes, and their criminal histories.

- The forensic criminologist's evaluation report also includes the motives for the crime. The criminologist explains before the court the factors that prompted the offender's criminal behavior, such as revenge, wrath, greed, and jealousy. Forensic criminologists employ criminological theories to explain the causes, influences, contributory factors, and motives linked to the offender's criminality, thus emphasizing the factors that have driven an individual to perpetrate a crime.
- To explain further, causal factors might include criminal associates and influences such as involvement in gang-related and organized crimes. The report from the forensic criminologist encompasses additional criminological explanations for criminal activity, including abuse of drugs, poverty, unemployment, and peer group influence. Criminologists consider these characteristics influencing an individual's engagement in crime and criminal behavior.
- The report includes a section on the *modus operandi* (MO). This section expounds on the use of violence, force, and weapons, as well as the precise methods utilized in the commission of a crime.
- Victimology section. The forensic criminologist elucidates the offender-victim relationship, the impact of crime on the victim, and the victim's characteristics.
- Evaluating the recidivism behavior of the offender: The forensic criminologist explains to the court the conditions under which the offender is most predisposed to recidivism and the opportunities for reoffending.
- Criminological risk assessment: This entails a scientific prediction involving the likelihood of future criminal involvement, possible categories of crime, and variation in criminal competencies (e.g. diverse criminality). An evaluation report from a psychiatrist or clinical psychologist must substantiate the criminologist's risk prediction [39].
- The final stage is a forensic criminologist's report outlining the safety and security of society, evaluating the risk that the offender presents to the community and vulnerable individuals, as well as the likelihood of recidivism.

While criminologists cannot assess the mental capacity or accountability of the offender, they can determine an accused's blameworthiness based on mitigating and aggravating circumstances [39]. This kind of evidence is essential in the criminological report because the evidence can impact the type and severity of the sentence [55].

The above assessment and analysis that criminologists do should be scientifically and theoretically explained. This means that when criminologists explain criminal behavior before the court, they must use criminology theories to build their argument [1]. In addition to the above, the report that a criminologist submits must be enlightening, should educate aspirants and non-criminologists, and be defensible. Furthermore, Diko et al. [1] argue that the report should have a logical and systematic layout before the court. After evaluating an offender and translating the analysis, the expert must reach straightforward deductions and make suggestions regarding the offender's sentencing [54]. Suggestions and results might be covered in the report's recommendations and "conclusion" sections [54]. The recommendations and conclusion should be based on the expert's critical thinking and evaluation processes.

### 3.6 Limitations of criminologists

Criminologists are not trained to diagnose mental illnesses or personality deviations, nor can they apply or translate identity or knowledge tests unless prepared by psychometrics [1]. Diagnosis and psychometric tests are a highly specialized field of psychiatry and clinical psychology [39]. Although personality deviations occur within the study field, criminologists can describe the characteristics of such individuals and indicate similar attributes in the accused [53]. However, a criminologist with a master’s degree in psychology is equipped to diagnose mental illnesses or personality traits in offenders. In summary, criminologists follow a holistic approach to understanding individual personalities and violent tendencies [1].

#### 3.6.1 Comparison of the roles of the psychologist, criminologist, and social worker in a criminal court

PSRs, typically compiled by probation officers, can include experts like criminologists, psychiatrists, and psychologists. These experts play various roles, as Beukaman [53] summarized in **Table 2**.

From the above table, it is evident that social science experts have distinct roles in the court’s sentencing phase and while creating the PSR. They contribute to understanding the criminal behavior of the offender. This implies that experts must be aware of their area of expertise to prevent encroaching upon the domains of other

Subject areas	Psychology	Criminology	Social worker
Focus	Identification and classification of the behavior of the accused.	Explaining the criminal behavior by examining the accused and their social surroundings in relation to the causes, motives, MO, contributory factors, influences, and scientific assessment of crime and criminality as a whole, including consultations with the accused, family, and friends.	Identifying and construction of events that contributed to the behavior of the accused (social problems).
Tools	Psychological testing (personality test) 16PF, Rorschach test and Thematic apperception test (TAT). Clinical observations and impressions.	Reports concerning the victim, knowledge of existing reports from a psychologist and social worker, and cognizance of the police docket. Corroborating analysis with recent research findings and explanatory scientific theories.	Consultation with the accused, his lawyer, his attorney, and his mother. The police report was consulted as well as other existing reports.
Role in court	Construct a personality profile of the accused.	Explain criminal behavior, identify mitigating and aggravating elements, and recommend a individualized sentence for the offender. They also do criminological profile.	Identify factors that contributed to criminal the behavior.

*Source: Beukaman [53].*

**Table 2.**  
*Comparison of the roles of criminologists, social workers, and psychologists.*

social scientists. Furthermore, the court must clearly understand the role of criminologists when they are involved in creating a PSR.

#### **4. Theory**

A PSR is prepared to provide the sentencing judge with a comprehensive understanding of the offender. One theory is inadequate to explain an offender's actions fully.

This chapter has employed two different theories. The first theory is Terrie Moffitt's Developmental theory [57], followed by Agnew's integrated Strain Theory [58].

The Developmental theory, proposed by Terrie Moffitt [57], explains the developmental processes that result in criminal behavior [59]. Moffitt's theory posits that there are two primary categories of criminal offenders: adolescence-limited offenders, who display antisocial behavior only during adolescence due to peer pressure, societal influences, family-related environment, the impact of delinquent peers, and the availability and misuse of drugs and alcohol; and life-course-persistent offenders, who begin antisocial behavior in early childhood and perpetuate it into adulthood [59]. According to Ramakulukusha et al. [60], life-course-persistent offenders are those who engage in criminal behavior as a result of inadequate family discipline, parental neglect, alcoholism, and a deficiency in emotional bonding. Furthermore, parental criminality and the transfer of criminogenic attitudes by parents may affect criminal behavior [60]. Another theory to be used is strain theory.

Strain Theory posits that specific strains or pressures produce negative emotions, resulting in pressure for intervention [61]. Crime may be a potential reaction, particularly when individuals cannot manage legally; the costs associated with illegal behavior are minimal, and a propensity exists for such conduct [62]. Examples of life stressors that may develop criminal behavior include divorce, unemployment, grief, poverty, substance abuse, lack of qualifications, lack of support, and debt [32, 63–65].

Developmental and Strain Theories are essential for explaining criminologists' role in preparing a PSR. However, they are not the exclusive theories employed for criminological PSRs. To better understand the criminal behavior of the offender and reach a conclusion regarding the criminal case, the criminologist must examine the offender's behavior throughout their developmental phases and investigate the life stressors that induced strain, leading to the commission of the crime. This is due to the claim of Agnew [62] and Laub and Sampson [66] that specific life experiences compel individuals to engage in criminal behavior. For the PSR to be comprehensive, it must encompass the individual's life from infancy to adulthood.

#### **5. Discussion**

The earlier literature has indicated that the findings show that forensic criminologists are essential to the criminal justice system, particularly in preparing the PSR [3]. The PSR must encompass details regarding the offender's background, identity, social and educational history, familial relationships, substance abuse problems, financial and employment conditions, sociocultural factors (including religion, values, and norms), psycho-social elements (such as psychological distress and work environment), an analysis of past and present offenses, and a comprehensive evaluation of the offender [16, 21, 34]. The function and role of criminologists are to analyze the crime perpetrated by the offender, investigate the underlying causes, and propose

suitable punishments [50]. They concentrate on the aforementioned variables to simplify the offender's unlawful behavior [50]. Forensic criminologists acquire an in-depth comprehension of the offender by analyzing the individual's developmental stages, providing the court with essential background information, and identifying significant life events that have strained the offender and contributed to criminal behavior. The individual's developmental stages are the focal point, as they give criminologists critical insights into the offender's background, including family history, childhood experiences, and other pertinent variables necessary for creating a PSR. To explain the crime history of the offender, the forensic criminologist will inform the court if the offender is a life-course persistent offender or an adolescent-limited offender. To ensure the PSR is coherent, the forensic criminologist must ascertain the factors that prompted the offender to commence criminal behavior throughout youth or adolescence. According to Dube et al. [67], negative parenting practices, such as verbal criticism, parent-child conflict, and severe discipline, have been strongly linked to antisocial behavior issues in children and adolescents. Moreover, factors contributing to youth criminal behavior include elevated violence in schools, economic instability, negative peer influence, and neglectful home environments [68].

The forensic criminologist's function is to study the circumstances that prompted an offender to begin criminal behavior in early childhood or adolescence, correlating these variables with the present crime committed by the offender. Consequently, Ovens contends that the criminologist's purpose and function is to study the circumstances that compel an individual to commit a crime [50]. In constructing a comprehensive offender profile, the strain or stressor and other elements are considered while preparing a PSR. The Strain Theory asserts that particular factors cause strain or frustration, potentially motivating individuals to commit illegal acts. Van Niekerk [3] states that the marital status and employment history of the offender are consistently included in the PSR, as unemployment, low income, or divorce may motivate criminal behavior. The forensic criminologist examines all elements contributing to criminal behavior and explains them through criminological theories, subsequently enabling the criminologist to offer clear recommendations.

## **6. Conclusion**

Although the debate around the role of criminologists in preparing PSRs is uncertain, it is clear from the evidence presented that they can substantially enhance the sentencing process and its consequences. Criminologists apply their expertise and experience in criminological theories to clarify the criminal behavior of offenders, enabling the court to understand the character and personality of the perpetrator. The presentence inquiry can be an essential resource for the judicial officer in developing a reasoned, constructive, and successful sentencing. Furthermore, the PSR can support the probation agency and correctional and penal institutions significantly. Although criminology significantly influences sentencing, criminologists must collaborate with psychologists and social workers due to their limitations in conducting mental or psychological evaluations. This means that criminology is an interdisciplinary science linked to and overlapping with psychology, sociology, and social work.


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## Chapter 4

# The Roles of Rural Criminologists to Understand Stock Theft in South Africa: Towards African Research Networking and Collaborations

*Witness Maluleke*

### Abstract

This chapter objectively uses existing African seminal scholars on stock theft discourse, while regarding it as a rural crime, to diffuse and invalidate the existing notions surrounding research on this crime. It is submitted that many established and emerging researchers in the fields of ‘Criminology and Criminal Justice’ Forensic Science, Policing, or Social Sciences largely are currently showing undivided interest in this subject. This chapter followed a qualitative research approach, aided by the exploratory research design. The non-probability: Purposive sampling was employed to select 113 participants from the selected rural areas of Limpopo (LIM) and KwaZulu-Natal (KZN) Provinces of South Africa. This sampling technique was supported by the application of the non-empirical research design: Systematic Review, to sample latest African relevant studies on stock theft. The Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) were adopted for data collections, with the consideration of the inductive Thematic Content Analysis (TCA) for data analysis. This chapter revealed that the systemic and consistent views on a dearth of scientific knowledge in Africa on stock theft should be debated, shared, and properly managed by the African Rural Criminologists, as it is currently misleading the masses. Therefore, understanding the stock theft phenomenon in the African rural context is critical through the lenses of South African Rural Criminologist critics.

**Keywords:** African, collaborations, networking, policing, rural criminologist, South Africa, stock theft

### 1. Introduction

The stock theft case of 1806 marks the earliest recorded incident of its kind. At the time, rural livestock farmers were hardly concerned about this crime and it provided that if it occurred, the effects were minimal, and security geared towards this crime

was less effective and prioritised [1, 2]. Notably, different crimes committed within the rural agricultural communities need to be researched, as they negatively impact on economy and food security, and crimes committed in the South African rural settings are often neglected by researchers in the field of Humanities and related research areas [3]. Contrary to belief and perception, stock theft is not limited to a continent, country, or area. It is a global phenomenon that manifests on various scales and dimensions across Nations, having been committed since livestock herders first tamed the aurochs in 7000 Before Common Era (BCE), and being the first crime to attract a restorative justice sentence mentioned in the Bible [4–7].

Importantly, stock theft is a significant challenge faced by livestock owners in South Africa, particularly in rural areas [8]. This problem is not only affecting small-scale farmers but also commercial/industrial farmers and stud breeders. The stock theft issue remains prevalent, well-organised, and widespread throughout various livestock farming sectors [9]. However, despite its negative impact, livestock farming practices have the potential to reduce poverty and create employment opportunities, and this is especially crucial given the current socio-economic conditions in South Africa. Stock theft is more common among emerging farmers, who only own a few herds of livestock, unlike other property-related crimes [10]. Moreover, Eastern Cape (EC) and KZN are identified as stock theft hotspots in South Africa [11]. Continuous reporting of such crimes could have a devastating effect on livestock farmers if not adequately addressed [12]. Additionally, rural livestock farmers are not only experiencing psychological and financial losses due to stock theft, but they also depend on livestock farming to support their families [13].

There has been an increase in criminology's attention to rural crime, as evidenced by published books, book chapters, and journal articles, however, the covered research topics are multidisciplinary in nature, ranging from 'environmental crimes, stock theft, water theft, rural policing, and the application of criminological theories to rural crimes, among others' [14]. They emphasise that most of the available scholarly products emanated from America, Europe, and Australia, with few studies exclusively investigating African contexts. Moreover, there is evidence that rural crime and criminality are diverse and contextual. Although there are journal articles and book chapters from Africa, there has been no book that synthesises rural criminological issues in Africa in a way that brings out the uniqueness of rural Africa [14].

For emphasis, the Donkeys, mules, and horses have been traditionally used for transportation and farm work in many rural areas of South Africa. However, due to the prevalence of stock theft, the accessibility of these domesticated animals has decreased, with few individuals remaining as owners [15]. Livestock rearing in South Africa contributes economically and socially, often used for the Lobola, agricultural purposes (including meat, milk, wool and other products), cultural practices, sports and recreation, animal feed, and aesthetic value [10]. Negatively, the challenge of stock theft is a pressing issue with far-reaching implications for South Africa's food security and economy [16]. Livestock farmers, who rely on their herds for their livelihoods, have been particularly hard hit as incidents of theft continue to rise unabated. To compound matters, these farmers are often subjected to violence and cruelty at the hands of thieves, who have been known to harm and even kill the animals [9]. Stock theft trends show no signs of abating, leaving farmers in a perpetual state of uncertainty and vulnerability [12].

This chapter presents that to prevent, combat, and investigate this crime more efficiently, all relevant Anti-Stock theft stakeholders at National, Provincial, and communal (local) levels should embrace a multi-agency approach. This approach would ensure that positive results are attained and maintained. Stock theft is

considered a major nationwide crisis in South Africa and its neighbouring countries, Namibia, Lesotho, and Botswana. The region has seen significant turmoil due to this issue [15]. In 1999, during a ministers' meeting, the Southern African Development Community (SADC) recognised stock theft as a serious crime and emphasised the importance of taking swift measures to combat it. In response, the region has developed intelligence-led partnerships with information systems designed to identify and track livestock, among other measures [17].

By supplementing the information provided in the abstract section, it is submitted by the researcher that 'from Afrocentric perspectives,' this book chapter uses African seminal scholars on a discourse of stock theft, as a rural crime, to diffuse the existing notions that this crime is under-researched by academics [researchers] in the study fields of Criminology and Criminal Justice, Forensic Science, Policing, and Social Sciences holistically. This will be done to clarify the roles of the Rural Criminologists in understanding stock theft in South Africa, and to possibly offer lessons towards African networking and collaborations, confined to KZN and LIM Provinces. This critique identified scholarly limitations on this subject while arriving at differing views to offer possible solutions to deviate from unfounded misinformation disseminated by African academics on this subject. This crime is evidently becoming a growing problem in Africa, compounded by serious complexities to effectively address it effectively.

This chapter employed the qualitative research approach and evaluative research design. The non-probability: Purposive sampling was adopted to select 113 participants from the selected South African rural areas of KZN and LIM Provinces, this was aided with the non-empirical research design: Systematic Review, to sample relevant studies on this subject. FGDs and KIIs were employed for data collections, with the adoption of the inductive TCA. This chapter established that the systemic and consistent views on the lack of scientific knowledge in the African context regarding this crime should be constantly debated, shared, and properly managed by the African Rural Criminologists. Therefore, understanding the stock theft phenomenon in the African rural context is critical through the lenses of South African Rural Criminologists.

## **2. Contextualising the Afrocentric theory**

This chapter is underpinned by the Afrocentric Theory, as pioneered by Molefi Kete Asante [18–20]. This selection was influenced by its cognitive and functional elements. The Afrocentric Theory seeks to locate Africans and provide them with a grounding, orientation, and perspective, dislocating them to the periphery of making their own meanings on specific phenomena. The Afrocentric Theory advocates that African knowledge should be prioritised and their experiences and culture should not be viewed using a Eurocentric lens [21–22]. Thus, in order to break the monotony of Eurocentricity understanding of this subject, this chapter employed the Afrocentric Theory to escape from Euro-American theories that hegemonise the knowledge structure of the global political economy [21–23].

Overall, this chapter adopted the Afrocentric Theory to explore the identified research problem. This theory seeks to re-locate the African Criminologists as agents of human history to eliminate the Eurocentric understanding of certain phenomena [18]. It is believed that for many years, Africans have been taken off their cultural, economic, religious, political, and educational rights (research) while existing

primarily on the periphery of European standpoints [24, 25]. Therefore, this theory is the philosophical and theoretical concept in the discipline of African Studies where laws (including Rural Criminology studies), transfer of study findings, ideologies, methodologies, and creation of theories are implemented to achieve its objectives towards accomplishing proposed change (towards African research networking and collaborations in this context) [26]. The shared perspectives acknowledge African understanding of rural criminology as a foundation to help society in practicing and solving pressing social problems (stock theft in this regard), as it affects the agricultural sector, the country's economy, livestock farmers' sustainability, and society in large, while negatively working against their potential of improving their lives and preclude positive social change [27]. Summarily, this theory has become a formidable Pan-African force to reshape the disturbing conditions of African people and offer remedies for past experiences [28].

The lasting value of this theory serves as a foundation for exploratory, explanatory, and descriptive objectives of research [26, 29]. This theory offers the importance of African criminological studies on this subject to clearly define the roles of Rural Criminologists. This can ease an understanding of stock theft prevalence while improving the prevention, combating, and investigating strategies. This attempt can also provide multiple benefits to the rural citizens, from which, the study of this nature can add to the identified vacuum in the body of knowledge. In addition, this theory is applied in this chapter to explore how South African Rural Criminologists can collectively work towards formulating research networks and collaborations to inform existing strategies for policing this crime. Furthermore, only the untapped African perspectives and discoveries on this subject are gathered to invalidate the existing notions relating to the dearth of research studies on this subject.

### **3. Roles of rural criminologists in understanding stock theft in South Africa: A need for African research networking and collaborations**

It is confirmed that stock theft in South Africa is on the rise [30]. During 2022–2023, the South African Police Service (SAPS) indicated that there were more than 25,255 counts of stock theft in the cited financial year. The KZN and Eastern Cape (EC) together accounted for nearly 45% of these incidents nationwide. Alarming, stock theft continues to increase annually, with Gauteng Province (GP), Northern Cape (NC), and LIM witnessing the steepest increases in the year 2023 [31]. Positively, stock theft which includes the theft of livestock also registered a drop in the number of cases reported. Through our Rural Safety Strategy that is being implemented to address stock theft and crime in the rural and farming areas, we were able to reduce the number of stock theft incidents by 2.1%. It is believed that by working collectively with the farming community and farm watchers, we will register a drop in more reported cases [32]. However, this crime continues to pose dual threats to South Africa's livestock farmers in rural areas: Economic loss/stability and serious emotional turmoil. Rural communities still face dire challenges threatening livelihoods, lives, food security, and biosecurity. Worryingly, research disseminated by African academics on this subject is isolated, as well as multidisciplinary and interdisciplinary in nature. Even though this crime continues to remain a major issue in the African agricultural sector and rural areas, there are complexities to combat, investigate, and police effectively, with the entrant/emerging/subsistence and established commercial livestock farmers reportedly suffering. Stock theft in African is not receiving

much needed collaborative and networking attention from the African stock theft researchers.

Cattle rustling is on the rise in various African countries, Nigeria, Ghana, Tanzania, and Ethiopia. In Lesotho and Eastern Cape, the stock theft crisis in Southern Lesotho and the former Transkei region (Now the Eastern Cape) has been out of hand for a long time, and this area is the stock theft hotspot in Southern Africa [4, 5, 33–35]. Stock theft remains a major threat to livestock production in Africa and has been on the rise in recent years. This includes countries like Kenya, Madagascar, Mozambique, Swaziland, and Zimbabwe. Other crimes in African rural areas, including theft of agricultural commodities, farm attacks, farm theft, Rhino poaching, and cross-border theft of livestock, are common in Africa [30]. While invalidating the lack of or limited research in this study field [8, 36], the following local and international networks are established in Africa as created by Mr. Willie Clack of the University of South Africa [UNISA] (an established stock theft researcher across South Africa and a Senior Lecturer, attached to the Department of Corrections Management):

- Local networks:
  - Witness Maluleke—Rural Criminologist, University of Limpopo (UL).
  - The Criminological Society of Africa (CRIMSA) selectively.
  - Kotie Geldenhuys and Annalise Kempen of Servamus Safety and Security Magazine.
  - Ms. Doorewaard-Janse van Vuuren, Cecili—UNISA.
  - Prof Anthony Minnaar—Research Associate—UL.
  - Prof Ann-Mari (Anni) Elizabeth Hesselink—UL.
  - Dr. Willem Lombard—University of Free State (UFS).
  - South African Police Service (SAPS) Brigadier Schwartz Kobus.
  - Mr. Corine Steyn—The Red Meat Producers Organisation (RPO) [30].
- International collaborations:
  - Prof Joseph Donnermeyer—International Journal of Rural Criminology.
  - Dr. Kyle Mulrooney—Centre for Rural Criminology, University of New England (UNE), Australia.
  - Dr. Alistair Harkness—Centre for Rural Criminology, UNE.
  - Dr. Bridget Harris—President of International Society for the Study of Rural Crime.
  - Dr. Emmanuel Bunei—UNE, from Kenya.

- Dr. Wendell Wallace—Department of Behavioural Sciences, The University of the West Indies.
- Prof E Barclay—Former UNE.
- Bamidele, S—Institute of Peace, Security and Governance, Nigeria [30].

Some of the selected snapshots of the latest stock theft studies in South Africa and other African countries relate to the following:

- Masuku, SC—Community involvement as the strategic approach in combating stock theft in Dr. Pixley ka Isaka Seme Municipality, Mpumalanga Province (2021).
- Komako, NE—A critical analysis of stock theft in the Free State province: A case study of Qwaqwa policing area (2020).
- Doorewaard, C—UNISA—Livestock theft: A criminological assessment and sample-specific profile of the perpetrators (2020).
- Pasiwe, QS—University of Fort Hare (UFH)—The socio-economic impact of stock theft on victims: An explorative study of Alice, Amathole district, Eastern Cape, South Africa (2018).
- Müller, GS—University of Free State (UFS)—Magnitude of livestock theft in Kwa Sani and factors that could influence it (2016) [30].

The following databases showcase the availability of African studies on this subject:

- Open Access Theses and Dissertations: <https://oatd.org/oatd/search?q=livestock+theft+in+africa+&form=basic>
- [www.pdfdrive.com](http://www.pdfdrive.com)
- [www.freepdf.com](http://www.freepdf.com)
- National Electronic Theses and Dissertations (ETD) portal and Google Scholar [70, 400 – #Livestock theft in Africa - Keyword/phrase used] [30].

### **3.1 The traditional methods of policing stock theft in Africa**

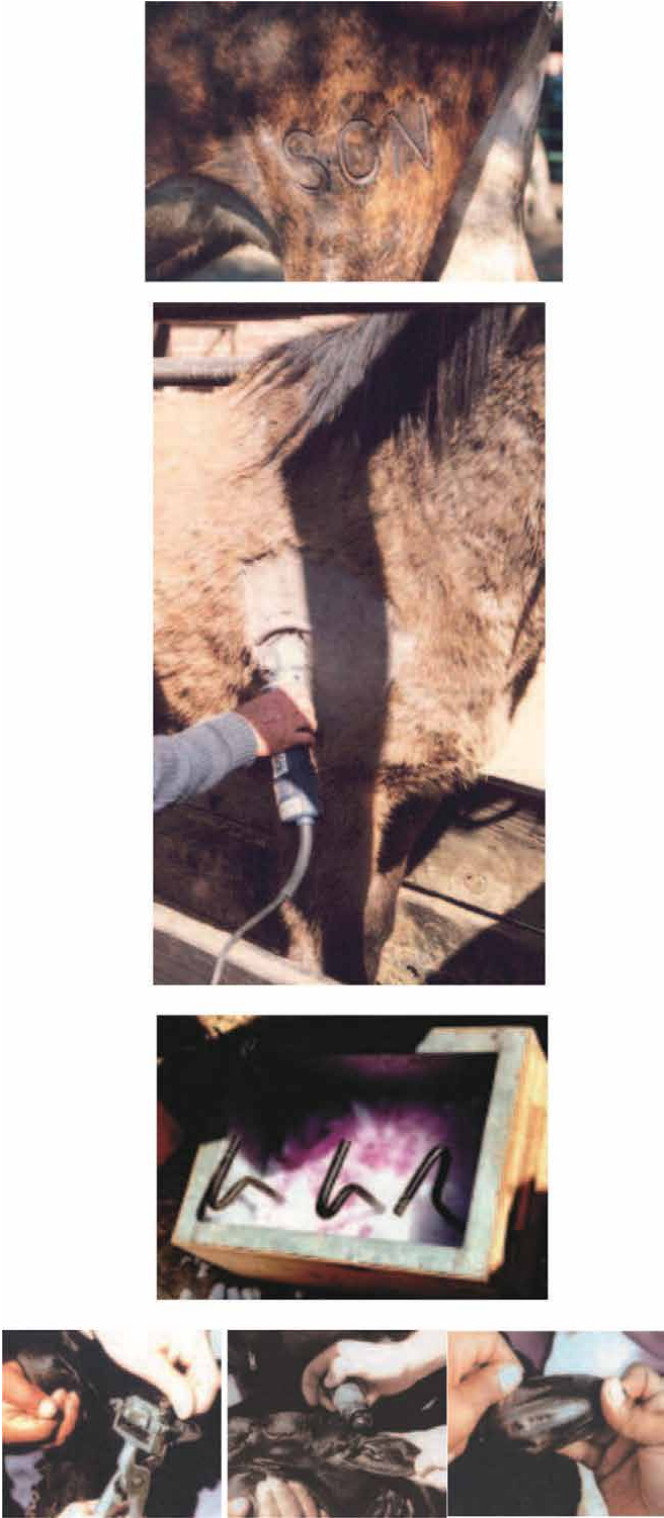
The traditional methods of policing stock theft in Africa (including South Africa) consist of the physical matching of animal hides, bones, and ivory with animal identification tools, such as brand-marking and tattooing, these are regarded as some of the conventional/traditional methods. As a result, **Figure 1** presents types of brand-marking and tattooing, **Figure 2** showcases the related brand-marking and tattooing tools, and **Figure 3** depicts the hot iron branding, freeze branding, and tattooing practices. The administration of justice is an important aspect of forensic and criminal investigation science while integrating the traditional (brand-marking and tattooing) and contemporary methods (Deoxyribonucleic Acid—DNA technology)



**Figure 1.**  
Types of brand-marking and tattooing. Source: [8, 37-40].



**Figure 2.**  
Brand-marking and tattooing tools. Source: [8, 37, 39, 40].



**Figure 3.** Hot iron branding, freeze branding, and tattooing. Source: [8, 37, 40].

of policing this crime. This involves institutions dealing with stock thieves through the Criminal Justice System (CJS), namely the police, the courts, and the Department of Correctional Services (DCS), whose operations commence the moment stock theft is reported and end when a prisoner is finally released. Also included are the investigation of a crime; the tracing and arrest of a criminal; the prosecution, trial, and pronouncement of sentence; and the detention, rehabilitation treatment, and release of prisoners by the DCS [8, 41].

Furthermore, in dealing with the significant problem of stock theft, customary or traditional courts have several considerable advantages over formal modern courts, such as their geographical convenience, informality, simplicity, lower cost, and an absence of backlogged cases that ensure that matters are disposed of speedily. However, there are also serious concerns about customary courts, such as the lack of formal training of the presiding officers; the exclusion of legal representation before such courts, despite the long sentences they are allowed to impose; and the fact that the informal nature of the proceedings may not offer accused persons the best opportunities to defend themselves. On the other hand, judges in customary courts may readily appreciate the traditional markings on livestock and have a good general understanding of the cultural and social context of this crime [41].

#### 4. Identified study themes and recommendations

To identify the study themes and offer recommendations, the collected data was organised. This was accomplished by breaking down the objective of this chapter into smaller units, such as the keywords/phrases; a reference is made on **Table 1**

Identified study themes	Recommendations
Theme 1: The alleged dearth of scientific knowledge on this subject should be refined and revised based on the roles of Rural Criminologists.	This chapter recommends that systemic and consistent views on the lack of scientific knowledge in Africa on stock theft should be constantly debated, shared, and properly managed by the African Rural Criminologists, like the current standpoint of African Criminology and their roles should be clearly defined to respond to this scourge with ease. The African collaborations can initiate new opportunities for networking, research collaborations, and partnerships.
Theme 2: Improvements on limited African [Collaborative] perspectives on stock theft.	Knowledge Management (KM) should be adopted to improve collaboration and knowledge sharing among African livestock farmers and other responsible stakeholders to better police this crime. Understanding the stock theft phenomenon in the African rural context is critical through the lenses of South African Rural Criminologists.
Theme 3: The importance of establishing mechanisms to transfer KM and share strategies for understanding stock theft in the African context is lacking.	The African research incapacity and inadequate resources should be urgently re-visited, geared on improving the available skills, knowledge, and experiences of responding to stock theft, based on community policing, Intelligence-Led Policing (ILP), situational problem-solving policing, proactive and reactive evidence-based investigations and policing, while enhancing organisational and personal approaches towards this crime.

Source: [30].

**Table 1.**  
*Identified study themes and recommendations on the dearth of African knowledge on stock theft research networking and collaborations.*

depicting themes 1–3 and recommendations. The researcher read the collected data several times, to obtain the participants' perspectives on this subject, while writing down notes and using the voice recorder. The identified themes gave the researcher a general sense of the patterns of the collected data. The collected data were integrated and summarised for the reader to understand thematically (refer to **Table 1**). For this chapter, the researcher followed the following Six (06) steps of the inductive TCA when analysing the collected data as proposed by Birks M et al. [42, 43].

## **5. Conclusion and recommendations**

It is concluded that as initially indicated 'from Afrocentric perspectives,' this chapter used African (South African) seminal scholars on a discourse of stock theft, as a rural crime, to diffuse the existing notions that this crime is under-researched by academics in the study fields of Criminology and Criminal Justice, Forensic Science, Policing and Social Sciences largely while collaborating with other anti-stock theft associations. The neglect of rural crime is outdated, as it is currently (2024) researched around the world, by the 'International Society for the Study of Rural Crimes, Centre for Rural Criminology, and various African and international seminal researchers.' This critique identifies misleading scholarly limitations on this subject while arriving at differing views to offer possible solutions to deviate from unfounded misinformation disseminated by African academics on this subject. This crime remains a major issue in the African agricultural sector and rural areas, with the entrant/emerging and established livestock farmers suffering. However, this crime is evidently becoming a growing problem in Africa, compounded by serious complexities to effectively address it. It is becoming more common, organised, and sophisticated in Africa posing social challenges, with the CJS failing to contain it.

This chapter recommends the following to improve the current status [30]:

- In the African context, it is concluded and recommended that a quality research environment should be fully supported by ALL relevant stakeholders. This can possibly lead to joint African research and intelligence gathering on African stock theft incidences should be enhanced.
- Social media platforms, such as Facebook, WhatsApp, Twitter, and other online platforms, should be used by African researchers and other anti-stock theft organisations to communicate the latest trends on stock theft prevalence.
- The unverified notion of stock theft being under research in Africa should be buried.
- The close and concerted partnership-based collaboration, interactions, KM, and information exchange, based on the stock theft Integrated Crime Prevention Strategy, should be implemented across Africa.
- Workshops and seminars should be frequently arranged and prioritised.
- African researchers with an interest in rural crime should foster collaboration.

- Information about any African events relevant to the study of rural crime should always be shared.
- The relevant African stakeholders should participate in their local CJS, with the establishment of the 'African Rural Crime Hub,' consisting of public and private Law Enforcement Agencies (LEAs) and Higher Education Institutions (HEIs), to enhance collaborations.

Overall, the reduction of stock theft in Africa cannot be solely attributed to the sole efforts or strategies acting in isolation, it requires an African multifaceted approach involving collaboration among various stakeholders, with the induction of Rural Criminologists. While the LEAs (public and private) efforts are touted to be crucial, addressing the root causes of this crime heavily demands combative, investigative, and preventive measures, involving community policing initiatives, intelligence operations against the organised crime syndicates (stock thieves), and support mechanisms for stock theft victims. Sustainable progress necessitates understanding the socio-economic factors driving rural crime and actively engaging with affected areas. The relevant stakeholders should not overlook socio-economic issues, such as poverty, unemployment, inequality, and access to justice, as neglecting these risks could perpetuate the cycle of stock theft. An unwavering commitment towards a comprehensive, proactive, and African-centred approach to combat, police, and safeguard stock theft, as well as the well-being of rural South African livestock farmers, remains a priority.

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# Perspective Chapter: Criminal Sciences in Iran – Developments and Prospect

*Mehrdad Rayejian Asli*

## Abstract

Criminal sciences are a body of disciplines that jointly study crime and its related concepts and phenomena, for example, offender, victim, and punishment. These disciplines include, inter alia, criminal law, crime policy, criminal justice, penology, criminology, and victimology. In Iran, criminal sciences have been recognized in the form of criminal law and criminology as MA and PhD courses of graduate studies since 1960s, and thus, victimology is not defined as a single subject or unit of teaching. However, criminal sciences have been developed through the endeavors of three generations of Iranian scholars who have played an important role in codifying and interpreting the national criminal legislations and domestic literature of criminal sciences. Based on a descriptive-analytical method, the present chapter explores the role of these generations in the context of three periods, including codification, interpretation, and contemplation. The author concludes that these domestic criminal sciences have been influenced by comparative studies, particularly those derived from French and Anglo-American traditions. Consequently, the findings show that criminology and victimology are overshadowed by criminal law within the sphere of criminal sciences in Iran, based on the assumption that there is the supremacy of criminal law over criminology in the Iranian high educational system.

**Keywords:** criminal sciences, criminal law and criminology, codification period, interpretation period, contemplation period

## 1. Introduction

The history of criminal sciences in Iran has been tied to the law as a scientific discipline, particularly one of its graduate studies, criminal law and criminology, which is offered at MA and PhD levels in the domestic high educational system. In the 1920s, following the change of the School of Political Science to the School of Law [1], employing legal scholars and law professors was started. They consisted of European scholars and professors who were invited to teach the law as well as the Iranian postgraduates who returned from Europe. With the establishment of the Faculty of Law, Political Science, and Economics in 1934 [1], criminal law and procedure

as significant parts of criminal sciences were taught by Iranian scholars. In 1964, criminal law was adopted as an MA and PhD course in higher education. Recognition of criminology as another main part of criminal sciences was realized by the establishment of the Institute of Research for Criminal Sciences and Criminology in 1966 that “offered a one year program in criminology for in-service training of various professionals in the field of criminal justice” [1].

Today, criminal law and criminology are defined in the form of a unified system of graduate studies. In light of the development of criminal sciences in Iran, three generations of scholars have played a role in recognition and growth of these disciplines. The focal point of the present chapter is to introduce these generations by comparing their characteristics and roles in developing criminal sciences, as well as their influence on the Iranian legal system, especially on the domestic criminal justice system.

The contents of the present chapter are organized into three main parts using a descriptive-analytical methodology. The required data has been collected from sources and references that mainly form the domestic literature of criminal sciences in Iran. Therefore, the author explores the data based on a series of descriptions comprising a triple period for the purposes of the research. The author also analyzes these descriptions by referring to historical events (e.g., in two pre-revolutionary and post-revolutionary times), and especially by signifying the advantages and disadvantages of facts and events of each period. Accordingly, part one in the title of *codification period* examines the first criminal legislation in the context of the founder generation. Part two, entitled *interpretation period*, presents the first commentaries of criminal law and criminology in the light of the expounder generation. Finally, part three offers a *contemplation period* in which a new generation named reflective thinkers emerges.

In line with the chapter’s objectives, the author argues that these three periods and their generations can explain the development of criminal sciences and their prospect in Iran, and determine the place the high educational system of Iran in the context of contemporary criminal sciences.

## **2. Codification period: First legislations in the light of founder generation**

The codification period began in the Qajar dynasty of the mid-nineteenth century. It also coincided with the constitutional movement of Iran in 1900s [2]. As some writers point out, “many attempts were made for codification and adaption of the laws of European countries” [3]. The first criminal legislations were adopted in the light of a founder generation in this period. The Conte Code is a major example, adapted from Western (European) literature of criminal sciences. It is known as the police code which was drafted by Conte de Monte Forte, a French-Italian officer, who was hired to modernize Persian police force [4]. The Conte Code had two main characteristics. First, it demonstrated liberal thought and the anti-tyranny movement, particularly precipitated by Iranian intellectuals and postgraduates from Europe. Second, as a document involving criminal sciences literature, it was a translation of European criminal codes that provided for a statutory law system in Iran [5].

The Temporary Provisions of Criminal Trials (Criminal Procedure Code) 1912 is a significant example of the statutory criminal law which was prepared by Hassan Pirnia

(*Moshir od Dowleh*), the prominent Iranian politician, in collaboration with Adolph Perni, a French jurist, based on the French Criminal Procedure Code [6]. As the first legislation relating to criminal procedure, the Code 1912 defined these procedures as principles of criminal proceedings. This code reflects characteristics similar to those of the Conte Code.

The Institutionalized Penal Code 1916 is another example of codified statutes in this period that was prepared by Firouz Nosrat-ed-Dowleh, the Ministry of Justice. The word “institutionalized” in this code’s title indicated an evolution in Persian society in parallel with the constitutionalism movement in the early decades of the twentieth century. Hence, it could be used in contrast to *sharia* (Islamic rules) as a secular matter. In a broader sense, some authors argue that such reformative actions were conducted with a view to secularizing the domestic judicial system [3]. As a representative of the European viewpoint, Perni played a similar role in codifying this code based on the French Penal Code.<sup>1</sup> Despite the enactment of Code 1916, it did not come into force due to political reasons. But alongside the aforementioned legislations in the Qajar Dynasty, these laws provided for a statutory legal system, and particularly in respect of the Code 1916, it prepared a setting for the first General Penal Code in the structure of criminal sciences in Iran.

As the translation of the French-language Code Pénal of Iran demonstrated [8], the General Penal Code 1926 was prepared under the supervision of Perni, and thus, had the French criminal law, esp. Napoléon Code Penal 1810 as its model insofar as some of its articles were just translations from the Code Pénal [6–9]. The Code 1926 could be seen toward Pahlavi Government’s plan for reform that came to power after Qajar Dynasty [10]. It could be construed through the modernization and secularization of the domestic legal system that Reza Shah Pahlavi followed [11]. The founder generation of law and criminal sciences scholars were indeed the representatives of educated elites who proposed that the legal and judicial systems of Iran should adapt Western models instead of conventional Islamic jurisprudence [3].

The Act on Conditional Release of Prisoners (Parole) 1959 [12], the Secure Measures Act 1960 [13], and the Suspension of Sentence Act 1967 [14] were other instances of the codification period upon which the first generation of Iranian jurists and scholars in criminal sciences took part in codifying domestic criminal legislation, particularly through the translation movement influenced by European statutory law. These acts can be seen as the first manifestations of criminological/penological doctrines and theories within the Iranian legal system.

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<sup>1</sup> Given the role of Perni in codifying this law, it could be said that Firouz Nosrat-ed-Dowleh sought to replace a new legislation based on European model instead of *Sharia’s* rules that were dominant in the Qajar Dynasty. However, he faced a serious challenge due to Islamic clergymen (*fuqahā*) who resisted any new ideas or developments contrary to their jurisprudence (*fiqh*). It should be noted that *Sharia’s* rules that are codified in Islamic jurisprudence (*fiqh*) have specific provisions relating to criminal offenses and their punishments. They are divided into four categories: (1) offenses and punishments (called “*hudud*”), which are fixed based on the basic sources of Islam, that is, Qur’an and Sunna. (2) Offenses against the physical integrity of persons, which include intentional injury and homicide, are regarded as matters to be settled between the offender and the victim. They call *qisas* (retaliation). (3) Offenses that require the financial compensation/money (*diyyaa*) paid to the victim or his/her heirs by the offender in the cases of murder and bodily harm that may apply as an alternative sanction to *qisas*. (4) Offenses that are not fixed but their criminal sanction or penalty are discretionary (called “*ta’zir*”) [7].

### **3. Interpretation period: First commentaries in the light of expounder generation**

New legislations resulted from the codification period required an expounder generation to explain and account for them based on the criminal sciences doctrines and theories. The expounder generation was the first commentator on the codified criminal legislation, and they moderately became translators and writers of Persian literature of criminal sciences. This phase is called the interpretation period.

After the establishment of the School of Law in 1918 on the initiative of Firouz Nosrat-ed-Dowleh and Adolph Perni, all of its instructors were French [1]. Among them, three instructors taught substantive and procedural criminal law [15]. By recruiting Persian postgraduates in the Faculty of Law, Political Science, and Economics since 1934, they mainly served in the fields of economics, judicial and political sciences, but criminal sciences had no place because criminal law and criminology had not been recognized in programs of the new faculty [15]. By that time, the literature of criminal sciences was mostly formed into three series. First, translated texts, such as a translated copy of the French Code Pénal 1810. Second, *polycopié* or handouts, for example, the handouts of criminal law by Ali-Akbar Dāvar, who was minister of justice. Third, commentaries, such as a commentary on the General Penal Code by Seyyed-Ali Haaeri-ye-Shahbaq, who was a judge and also the attorney general [5]. Therefore, there was not a pure domestic literature on criminal sciences based on the Iranian social and legal systems because the above three series were mainly adopted from the European (French) model.

Before the recognition of criminal law and criminology as a postgraduate program, the Institute of Research for Criminal Sciences and Criminology was founded with a 1-year program in criminology in 1966 [1] that was not considered as an MA degree. But, one year later, when the Faculty of Law, Political Sciences, and Economics was renamed the Faculty of Law and Political Sciences due to separating the Department of Economics [1], the program of criminal law and criminology was added to the faculty's chart.

The expounder generation played a similar role as the founder generation in creating the literature of criminal sciences except that we witnessed their diligent endeavor to write and translate a lot of works in these fields, particularly in criminal law and criminology. As a reference representing the title of criminal law and criminology, a book by Ali Sedarat, the doctor of criminal law and jurisprudence from France, is notable [5]. Another work is the Criminal Law five-volume commentary by Abdol-Hussein Ali-Abadi, which was adapted from a French book by Henri Donnedieu de Vabres, the French jurist and one of the Nuremberg trials judges, who was Ali-Abadi's professor in France [5]. This five-volume consists of the legal part of criminal sciences, including substantive and procedural criminal law and international criminal law.

In the field of criminology, a three-volume entitled Criminal Sciences by Mehdi Keynia, a doctor of criminal law and criminology from France and a Professor at the University of Tehran who is called as "the father of criminology in Iran" is remarkable. It was the achievement of his teaching in the Institute of Research for Criminal Sciences and Criminology of the University of Tehran [5], and given its next editions [16–18], it consists of the empirical part of criminal sciences, including forensics and criminology. Volume one is assigned to the basics of criminology with an attitude to its history and developments, emphasizing upon criminal biology. But volumes two

and three are designated to criminal sociology as one of the significant orientation of criminology based on an interdisciplinary approach with a specific outlook to criminological methodology, and social causes of crime such as family and divorce. Despite the influence of European literature, these three volumes have a more translation feature than the previous five volumes, perhaps because criminal law, compared to criminalistics and criminology, requires more analytical discussions and arguments.

One of the critical points relating to the interpretation period and its expounder generation is the supremacy of criminal law over criminology in the postgraduate programs of high educational system of Iran. From a historical viewpoint, criminal law, due to its ancient roots, is older than criminology because of the developments of criminal sciences [19]. Therefore, such a long historical background has brought a supremacy of criminal law over criminology that its history traces back to the eighteenth and nineteenth centuries. At the level of the Iranian legal system, in spite of adapting from the French model [20], recognizing a postgraduate program as criminal law and criminology made criminology overshadowed by criminal law. As a typical example, one of the major works of specific criminal law in the interpretation period was authored by a scholar who was in charge of the Institute of Research for Criminal Sciences and Criminology [5]. Thus, there was an overlapped function in the expounder generation that has as yet influenced on criminal sciences in Iran. Today, criminology is taught by two groups of scholars and faculty members who teach syllabuses of both courses of criminal law and criminology [21]. This means that there are no separate specialists in criminal law and criminology in the faculties of law in Iran.

After 1979 Revolution, the expounder generation continued to exist. They have produced a lot of works with the same characteristics of the pre-revolutionary era, especially in translation and commentary. One principal scholar of this generation was Hassan Dadban, a doctor of criminal law from Paris and a professor at the University of Tehran, who translated two series of General Criminal Law/*Droit Pénal Général* and Criminal Procedure/*Procédure Pénal* from French jurists, Gaston Estefani, George Levasseur, and Bernard Bouloc. According to the preface of a volume of his books, he decided to translate these books on a sabbatical leave in France in 1990s, particularly due to the relationship with Estefani and Levasseur as the jury members of his doctoral thesis in the pre-revolutionary era [5].

Even with the recognition of criminal law and criminology as postgraduate studies in the domestic high educational system [1], a new trend has been formed for rethinking it in the context of criminal sciences' terminology since 2000. A number of the expounder generation who were younger than their senior counterparts initially took part in introducing this terminology. As a typical instance, a translated article that was an edited written lecture by Jean-Yves Lassalle, the French Professor and director of the Institute for Criminal Sciences and Criminology in Aix-Marseille Université [22], was the starting point. The lecture introduced the developments of criminal sciences with a particular attention to the study and research of criminology in France. Lassalle divides criminal sciences into two main parts, including legal and empirical disciplines of these sciences. Legal criminal sciences consist of branches of criminal law (substantive and procedural), whereas empirical criminal sciences comprise criminalistics/forensics and criminology. While criminology encompasses various sub-branches such as theoretical versus applied, and micro versus macro criminology, conversely, victimology is not a distinct branch of criminal sciences, but instead, it is

defined as a sub-discipline of criminology [22]. Since then, a large number of works have been produced based on the proposed model of criminal sciences in that article. Accordingly, today, the domestic model of criminal sciences has been defined in light of its relevant French pattern, which divides these disciplines into two of the above-mentioned parts.

This binary division has been reflected in a series of collection of essays since 2009. The series comprises a four volumes of Criminal Sciences under the leadership of one of the representatives of the expounder generation [23–26]. Volumes one and two include the edited written lectures of Iranian scholars. However, volumes three and four involve various authored and translated topics of criminal law, criminal policy, criminology, victimology, penology, and penal philosophy. For example, the first part of volume three, under the title of “criminology,” involves various topics, including green criminology, news-making criminology, red-collar criminals, the relationship between restorative justice and criminological theories, and victimological surveys [25].

By considering the recent developments, criminal sciences in Iran seem to be ready for the next period that promises a new generation.

#### **4. *Contemplation period: Toward a new generation***

As the previous periods showed, criminal sciences in Iran have immediately been influenced by European tradition. Both generations of these periods have been postgraduates in European countries. Thus, it is obvious that they brought foreign doctrines and theories home from abroad. With plenty of translated and written sources and literature of criminal sciences produced by the founder and expounder generations, now it is time for a new generation to provide doctrines and theories consistent with the social and legal contexts of Iran.

This new generation and its encompassing period can be described as reflective thinking or contemplation. By referring to its concept and definition as the deep reflective thought and the “consciously thinking and analyzing” [27], the contemplation period and its representative generation can have three features at least. First, they need what has previously been done and experienced. Thus, it requires the achievements of previous periods and their generations. Second, they need to learn that legacy not by replicating the existing materials but instead by innovation and creativity. Third, these innovations and creativity necessitate what they should do which is to make theories and doctrines.

With reference to recent authorities of criminal sciences in Iran [23–26], a large part of their contributors has formed from young students and scholars who could have the potential to become the reflective thinker generation. Yet, the current literature on criminal sciences in Iran still has the traditional characteristics, specifically the translation pattern, and there is a significant lack of domestic theories and doctrines.

Despite some reforms and changes in criminal justice policies in recent years that have been influenced by the contemporary developments of criminal sciences, a lack of reflective thinking in policy-making, especially in criminal legislation, is still felt. The provisions of the Islamic Penal Code 2013 [28] and The Regulation of Mediation in Criminal Matters 2016 [29] are two major examples.

The Code 2013, compared to the old Code 1991, reflects a variety of contemporary developments in criminal sciences, particularly in the field of criminology.

The provisions of criminal sanctions, including deferment of sentence, probation, semi-liberty system, parole, alternatives to imprisonment, supervision period, and community service in Arts 40–87 of Part Two of Code 2013 have been adapted from Western literature of criminal sciences, specifically in criminology and penology areas, largely through translation process<sup>2</sup>. By keeping the model of previous penal codes, the Code 2013 demonstrates an emulation from *Sharia* (Islamic jurisprudence), on the one hand, and an adaption from Western developments of criminal sciences based on criminological doctrines and theories, on the other hand. The provisions relating to *Sharia* include the conventional rules of Islamic jurisprudence (*fiqh*), that is, *hudud*, *qisas*, and *diyaa*, that apply to offenses against the person and involve corporal punishments (in *hudud* and *qisas*) and financial punishment (in *diyaa*). But, the provisions adapted from *Western* model are mainly prescribed in *ta'zir* that do not follow fixed rules like *hudud*, *qisas* and *diyaa*, but instead, are discretionary [7]. Accordingly, the above-mentioned provisions of criminal sanctions, derived from criminological doctrines and theories, are defined as *ta'zir* in the Code 2013.

These emulation and adaption patterns in the post-revolutionary era have been taken by the expounder generation, which did not allow a group of reflective thinker scholars or researchers to write a domestic penal code based on their doctrines or theories.

The Regulation of Mediation in Criminal Matters 2016 is another instance that reflects the European model of penal mediation. The definition of mediation in Art. 1 of Regulation 2016 is similar to the definition of the Appendix to Recommendation R (99)19 of the Council of Europe concerning mediation in penal matters to a certain extent [31]<sup>3</sup>. Penal mediation in the *Western* model of criminology is an alternative to the criminal justice system [32] that was incorporated into the domestic literature of criminal sciences, particularly in the field of criminology in Iran. The writers of Regulation 2016 have sought to provide an instrument for naturalizing penal mediation in the social-cultural context of Iran. Such effort may indicate the presence of a representative of the reflective thinker generation in drafting Regulation 2016.

## 5. Conclusions

Within the high educational system of Iran criminal sciences are recognized as the MA and PhD courses of criminal law and criminology in the postgraduate studies. These courses involve a narrow scope of the broader sphere of criminal sciences, and thus they do not cover significant disciplines like penology, victimology,

<sup>2</sup> For instance, see [30]. This article analyzes the provisions of criminal sanctions in the light of criminological approaches like decriminalization, depenalization, and diversion.

<sup>3</sup> According to Art. 1 of the Regulation 2016: “mediation is any process whereby the victim and the offender negotiate with regard to the causes, effects and consequences of the attributed crime as well as the ways of reparation of loss arising from the crime, and if they get reconciliation, the rights and obligations of both parties will be determined under the management of a mediator” [31].

Council of Europe provides a similar definition upon which penal mediation is “the search, prior to or during criminal proceedings, for a negotiated solution between the victim and the author of the offense, mediated by a competent person” in the form of “any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the crime through the help of an impartial third party (mediator)” [28].

criminal policy, and criminal justice. However, this deficiency has been tried to make amend in the syllabus of curriculum of high educational system. For instance, in the Curriculum of MA Course of Criminal Law and Criminology [33], criminal justice and human rights, victimology, penology, penal sociology, and criminal policy have been defined as mandatory and optional syllabuses. Similar syllabuses have also been defined in the Curriculum of PhD Course of Criminal Law and Criminology [34].

Considering these recent examples, one could suggest the change of these curriculums' titles from criminal law and criminology to criminal sciences as a more updated term to encompass various disciplines and branches like criminology and victimology for studying crime, punishment, offender, victim, and other relevant subjects and concepts.

Given the current curriculums, one criticism is the supremacy of criminal law over criminology. As the title of MA and PhD courses demonstrates, there is a preference for arranging these courses insofar as criminal law is more important than criminology. Such a supremacy has made criminology overshadowed by criminal law.

In the MA course, there are three clusters of criminal law, international law, penal philosophy and jurisprudence (clusters A and C comprising 29 syllabuses), and criminal policy and criminology (cluster B comprising 12 syllabuses). In the PhD course, there are 18 syllabuses of criminal law, compared to 12 syllabuses of criminology, criminal policy, criminal justice, victimology, penology, and penal sociology, among which criminology and criminal justice, compared to 6 syllabuses of criminal law, are considered as the only mandatory syllabuses. All these facts demonstrate an evident preference for criminal law over criminology. Additionally, such preference is seen in the national entrance examinations of criminal law and criminology for universities in Iran. While criminology was not included in the exam materials of MA entrance examination for many years, the two recent curriculums have surprisingly made an interchange in this regard. Accordingly, criminology has been added to the exam materials of MA entrance examination [33], whereas it has been subtracted from PhD competitive examination. Therefore, the Curriculum of PhD Course of Criminal Law and Criminology has respectively defined general criminal law, specific criminal law, criminal procedure, and penal Islamic jurisprudence as the required materials [34], and thus, the volunteers of such important examinations are not obliged to prepare for criminology that is a significant component of the unified system of graduate studies in the Iranian high educational system.

Another criticism relates to the form of these entrance examinations. While the national entrance examinations of criminal law and criminology for universities in Iran involved a hybrid method of multiple-choice and detailed questions by 2000, they have been changed into a single method of multiple[four]-choice questions in two recent decades. Therefore, by relying on a skill to answer the multiple-choice questions, the volunteers are not obliged to solve the detailed questions requiring argument analysis abilities.

With regard to criminology as a pillar of criminal sciences, the supremacy of criminal law over criminology, which was discussed before, has led to a lack of professionalism in criminology at both academic and legal/judicial careers' levels. At the academic level, the preference for criminal law over criminology does not allow a career as a criminologist to emerge. According to the author's observation and experience, the faculty members of departments of criminal law and criminology mostly teach a variety of syllabuses (e.g., three clusters of the Curriculum of MA Course of Criminal Law and Criminology). Thus, a faculty member who teaches criminal law or

jurisprudence may teach criminology in his/her own department. One solution can be the separation of criminal law from criminology as two distinct postgraduate studies<sup>4</sup>.

At the criminal justice policies' level, there is not a supra-profession of criminologist. Even in criminal legislation process, criminal law's scholars seem to have a more significant role than their counterparts in criminology. As a typical example, some of provisions of the Criminal Procedure Act 2014 [38] are directly influenced by criminological/victimological doctrines and theories that have mainly been drafted by the former group. Thus, the absence of criminologists resulted in, for example, a partial definition of victims of crime in Art. 10 of the Code 2014<sup>5</sup>.

As a criminal justice career, the profession of criminologist has had a precarious place. Old regulations relating to the prison system had some references with respect to criminology and penology. For example, the 1986 Act of Changing the Council of Supervision on Prisons and Secure and Corrective Measures into the Prisons and Secure and Corrective Measures Organization mentioned "criminology" as a discipline for studying all required information and statistics gathered by the organization [41]. The Old Executive Regulation of the Prisons and Secure and Corrective Measures Organization 2005 was another legislation that acknowledged the use of penology and penologists by the organization [42]. Nevertheless, the new Executive Regulation 2021 is silent in this regard and has merely recognized other professions including psychologists, educational sciences, and social workers [43].

From the perspective of the generations of criminal sciences' scholars, except a few who graduated from common law countries (e.g., England, India, and the

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<sup>4</sup> Notwithstanding the establishment of the Institute of Research for Criminal Sciences and Criminology as a distinct professional institution within the academic framework since 1966, it has been in an unstable place. As the ex-director of the institute writes in the first number of *Journal of Criminal Sciences* (as the bi-quarterly of the institute), it was abolished due to some changes in the management of the University of Tehran and its faculty of Law and Political Sciences in 1970, and thus the laboratory equipment of the criminalistics unit of the institute was transferred to the Tehran University of Medical Science! Yet, in 1974, it was reopened after a visiting by Denis Szabo, Canadian-Hungarian criminologist and the consultant to the United Nations, from Iran and some African countries, following the UN recommendation to its members for establishing criminological institutions [35]. After the 1979 Revolution, the institute was abolished once again but resumed its activities in 1989 [1]. Since then, the institute has only had bits and pieces of activities, and in recent years it has fallen into abeyance. As two other professional institutions, the Iranian Associations of Penal Law and Criminology have suffered the same fate. They are permanently affiliated with one specific organization, Shahid Beheshti University, where both were founded in 1993 [36, 37]. They have no official website or a regular election for their boards, and therefore, their deans who have had no focused research in the special interest of the associations have kept their position for many years.

<sup>5</sup> While the standard definition of victims of crime that has globally been recognized, for example, in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 [39], according which "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power", the Code 2014 reflects a narrower definition. Accordingly, "victim means a person who has suffered harm through a criminalized conduct". Therefore, one of the consequences of this definition is that it does not include indirect victims who have a position in many types of crimes and criminal victimization. Such an interpretation is seen in commentaries of some of the Iranian scholars on Art. 10 of the Code 2014; see, for example, [40].

United States),<sup>6</sup> most Iranian students who decide to continue their studies abroad have returned from French universities. However, by developing the PhD courses in domestic universities since 2000, we have witnessed an increasing number of post-graduates who use English literature and sources of criminal sciences in their studies and research, given the fact that English is recognized as the second language after Persian in the universities of Iran. The writers and translators of essays in the four volumes of *Criminal Sciences* that were mentioned before (see no. 3; also [23–26]) are largely the representatives of these scholars.

Consequently, in light of the developments influenced by globalization and communication trends and processes, it appears that criminal sciences in Iran are paving the way to growth and development that can promise the stabilization of a reflective thinker generation on the path ahead. Meanwhile, as regards the future and the benefit and value of criminology and victimology in Iran in accordance with the subject and aim of the present book, it would depend on some suggestions that arise in this chapter. One denotes a change of the current curriculums' title from criminal law and criminology to criminal sciences that could upgrade the narrow scope of ongoing curriculums to a broader sphere of disciplines relating to crime, offender, victim, punishment, and other relevant subjects in this area, and thus, criminology and victimology would be able to develop within the domestic high educational system. Another one refers to the separation of criminal law from criminology as two distinct postgraduate studies that appears more achievable in the current situation of the Iranian high educational system.

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## **Conflict of interest**

The author declares no conflict of interest.

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<sup>6</sup> Meanwhile, in past decades, many Iranian students and scholars in criminal sciences have used the visiting status from Max Planck Institute for the Study of Crime, Security and Law (by March 2020, named MP Institute for Foreign and International Criminal Law). For a list of these researchers, see, for example, [44].


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## Chapter 6

# Policy and Practice Recommendations for Older Incarcerated Sexual and Gender Minority Men

*Jennifer Hillman and Brenda Russell*

### Abstract

The aim of this chapter is to review the available literature and explore the challenges, risks, and unique stressors faced by older sexual and gender minority men (SGMM) in prison, including the impact of systemic victimization, minority stress, and inadequate policy responses, and to provide recommendations for improving outcomes and reducing human rights violations among this underserved population. Although the number of older incarcerated adults and the costs associated with housing them have nearly tripled within the last decade, and sexual and gender minority men (SGMM) are overrepresented in criminal justice systems worldwide, older SGMM prisoners remain largely overlooked, understudied, and at risk. Consistent with Minority Stress and Iridescent Life Course Theories, this chapter reviews reported relationships in the literature between older SGMM inmates' intersectional minority stressors, their increased risk of verbal, physical, and sexual victimization by both inmates and staff, and their reported negative outcomes in anxiety, depression, substance use, chronic illness, physical health problems, accelerated aging, and death. Associated international and United States legislation is also reviewed, and key changes to policy, risk assessment, and practice are recommended to promote the basic human rights of older incarcerated SGMM.

**Keywords:** older, aging, sexual and gender minority men (SGMM), incarceration, inmates

### 1. Introduction

Older incarcerated adults, defined here as people aged 50 and older, represent the most rapidly growing and expensive prison population worldwide [1]. In the United States alone, between 1999 and 2016, the number of older incarcerated people rose by 284%, while the number of younger prisoners only increased by 3%. Estimates suggest that by 2030, more than 400,000 older adults will be living and dying inside United States prisons [2]. Because more than 5 million people in the United States are expected to identify as a sexual and gender minority (SGM) [3], and sexual and

gender minority men (SGMM) are significantly more likely to experience incarceration than their heterosexual, cisgender (individuals whose gender identity matches the sex assigned at birth) peers [1, 4], this dramatic population shift includes increasing numbers of not only older but older SGMM prisoners.

Because prisoners age more rapidly in prison, resulting in a 2-year reduction in life expectancy for each year spent behind bars [5], researchers and policymakers, including the United States Department of Justice, commonly define older prisoners as those aged 50 and older. And along with their increasing numbers, the average cost of housing older prisoners has skyrocketed. According to the National Institute of Corrections, it costs United States taxpayers an average of \$70,000 a year to house older inmates, nearly three times the amount needed for prisoners aged 49 and younger; this significant price difference is due primarily to older prisoners' increasing health care needs [2, 6]. Despite increasing awareness of these significant trends, little empirical information is available regarding this rapidly growing, underserved, and at-risk population of older SGMM prisoners. What we do know is that they face unique challenges, including verbal, physical, and sexual victimization, exacerbated by minority stressors, aging, and the harsh realities of a hypermasculine criminal justice system.

Between 1970 and 2000, the United States introduced a variety of tough-on-crime policies that led to their burgeoning population of older prisoners [1], including older SGMM. These policies included mandatory minimum sentences, increased sentence lengths, *three-strikes laws* (law that mandate life imprisonment for individuals convicted of three or more serious criminal offenses) [1], *truth-in-sentencing laws* (which require prisoners to serve nearly 85% of their sentence before becoming eligible for parole) [1], and the abolishment of parole [1]. As a result, many young SGMM prisoners have aged behind bars to become older SGMM prisoners. As noted, SGMM are overrepresented within criminal justice systems internationally [7]. United States policies that criminalize homelessness also disproportionately affect both older adults [1] and SGMM, who are significantly more likely to become unhoused, and thus arrested, than their younger heterosexual and cisgender peers [7].

This growing population of older incarcerated SGMM face significant challenges, including increased risk of harassment and victimization from both fellow prisoners and prison staff [8]. According to both Minority Stress Theory [9] and Iridescent Life Course Theory [3], older SGMM inmates represent a largely *hidden* and overlooked population, faced with multiple minority identities and stressors. This chapter explores the scope of the problem and reviews international policies' adequacy in addressing the unique risk factors, minority stressors, and human rights violations typically faced by older SGMM inmates. Recommendations for key changes to policy and practice are provided to promote more positive outcomes in older SGMM prisoners' lives and to minimize the growing census and financial strain associated with this burgeoning population.

## **2. Topic and scope of the problem**

The criminalization of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individuals has a long history, with laws historically targeting and labeling queer expression as deviant, which have contributed to the overrepresentation of sexual and gender minorities in the criminal justice system [10]. Studies show routinely that SGMM are disproportionately represented in every stage of the criminal justice

process, from juvenile justice involvement to adult incarceration, and that they face a disproportionate risk of victimization and abuse within the system. Factors such as poverty, homelessness, and crimes associated with survival (e.g., petty theft; entry into vacant buildings) contribute to their high rates of incarceration [1, 11]. SGM youth, particularly those of color, face cumulative challenges that increase their likelihood of criminal justice involvement.

Negative stereotypes about queer identities and same-sex sexual relationships have been perpetuated in many societies and in various aspects of social media, leading to public disdain and related bias within the criminal justice system [12, 13]. Consequently, older SGMM are disproportionately represented at every stage of the criminal justice system, beginning with juvenile justice involvement. A clear relationship exists between queerness, poverty, and incarceration [14]. Estimates indicate that 20% of SGM youth are placed in the juvenile justice system compared to 5% of their heterosexual, cisgender peers [1, 15, 16].

High rates of arrest and incarceration are also experienced by gender minority individuals [4, 17]. While only 6.6% of the United States population, in general, has experienced incarceration, 16% of gender minority people have already spent time behind bars [4, 18]. According to the National Survey on Drug Use and Health, SGM people are 1.35–2.25 times more likely to be arrested than those with a heterosexual orientation [11, 19]. Additional United States findings [4] revealed that twice as many trans men (10%) have spent time behind bars compared to 5% of cisgender men. Also, note that this statistic fails to reflect the 3.8% of United States male prisoners who report engaging in same-sex sexual behavior without identifying as a sexual minority [11].

Victimization and abuse of sexual minorities within the criminal justice system also occur at disproportionately high rates. Sexual minority men (SMM) are over-represented in probation and parole and experience higher rates of solitary confinement and other sanctions, poorer mental health, and increased rates of sexual victimization compared to their heterosexual counterparts, SGM individuals report similarly elevated rates of discrimination and harassment within the criminal justice system [4, 7, 17, 20].

### **3. A pipeline to prison: Cumulative challenges that lead to increased risk of incarceration**

SGMM often encounters marginalization and discrimination that adversely impacts their lives and leads to negative interactions with the criminal justice system [21]. SGM youth often experience victimization, due to their minority sexual identity, via hostile school environments, racism, poverty, homelessness, and family and community rejection [21–23]. Such victimization and discrimination can lead SGMM to become homeless and commit crimes for survival, including theft and drug dealing, which in turn leads to a heightened risk of criminal justice involvement. Homophobia (negative attitudes and feelings about LGB individuals) and transphobia (fear, hatred, or dislike of trans or non-binary individuals) can also prompt law enforcement to over-police, target low-income areas, over-police, and arrest SGMM, based solely on their presumed participation in illegal activity [12, 22, 23]. The intersection of racism and homophobia can lead to additional discrimination and over-policing of SGMM of color. One study [24] found that 87% of SGM youth of color reported interactions with the police, compared to only 33% of SGM white youth.

Additional minority stressors can heighten the risk of incarceration for trans male youth. A qualitative study of trans male prisoners' life experiences [25] revealed that many experienced children and other types of abuse in their youth, which prompted many of them to run away from home. Subsequent resulting experiences of underemployment, unemployment, and homelessness, coupled with poor coping strategies (e.g., drinking, getting into fights) in response to various traumas, led many to spend time behind bars [25, 26]. Such adverse, early life experiences and increased likelihood of interacting with law enforcement among SGM youth can foster *discrimination to prison pipeline* [21]. The disparate targeting and criminalization of SGM males of all ages can lead to additional stigma and discrimination, creating a stressful, hostile environment that ultimately produces additional adverse psychological and physical health outcomes. This process can be better understood through Minority Stress Theory [9] and Iridescent Life Course Theory [3].

#### **4. Minority stress and iridescent life course theories**

Minority Stress Theory [9] explains how specific stressors experienced by minority communities contribute to health disparities and allows us to examine the structural factors that underlie mental health disparities among SGMM. Individuals from minority populations, including older SGMM, encounter distal stressors such as discrimination, prejudice, and violence, and proximal stressors such as internalized stigma, fear of rejection, and pressure to hide one's SGM identity. These stressors build over time, typically resulting in negative impacts on their physical and psychological well-being, including anxiety, depression, and substance abuse. Meyer's [9] model stresses that these compounding challenges faced by SGMM, influenced by norms and cultural beliefs, lead to hypervigilance and emotional strain. Older SGMM populations may struggle with ageism, internalized homophobia, and transphobia, for example. Heightened sensitivity to rejection can also intensify stress levels and foster physical and mental health problems. While Minority Stress Theory mainly addresses the pressures faced by marginalized individuals, it also sheds light on the disparities in both physical and mental health as a function of these stressors.

Fredricksen-Goldsen's Iridescent Life Course Theory [3] uses a conceptual life course framework to integrate SGM people's experiences, including the life paths unique to SGM people. For example, SGMM face unique life trajectories, impacted by hetero- and cis-normativity, which ultimately affect their opportunities, obstacles, and decision-making. This theory also emphasizes how aspects of identity, such as race, sexual orientation, and gender identity, influence personal journeys throughout the lifetime. In recognition of the fact that historical and social settings have an impact on SGM people's experiences, Iridescent Life Course Theory highlights the flexibility and heterogeneity of life paths, including queering and life course transformation and integration. This theory also highlights the repercussions of conflicting representations and points of view in society, as well as the intersectionality of sexuality, gender, race, ethnicity, and other cultural positions. Additionally, Iridescent Life Course Theory [3] considers the resiliency and coping mechanisms that older SGMM may develop in response to a lifetime of discrimination and societal pressures.

## **5. Victimization of older SGMM prisoners**

Chronic exposure to both proximal and distal stressors can lead to notable health inequalities for older incarcerated SGMM. This is particularly evident when examining the various forms of victimization those prisoners experience and its subsequent impact on their mental and physical health. Identified factors associated with the incarceration of SGM individuals [27] include poverty, being unhoused, discrimination and violence against LGBTQ+, increased rates of substance disorders (most likely related to stigma, fear of rejection, and lack of acceptance), police bias, anti-transgender laws, and discriminatory bail practices. Additional types of victimization experienced by older incarcerated SGMM include physical, sexual, and emotional abuse.

### **5.1 Physical and sexual abuse**

Incarcerated SGMM commonly report being physically assaulted by other inmates and correctional officers (COs) [7]. Older prisoners bring significant administrative challenges in adapting prison programs to meet their specific needs and physical safety [28], and chronic health problems, including physical and psychiatric disabilities, play a role in their vulnerability to physical and sexual assault. Although the increased age of an incarcerated SGMM can provide a shielding effect, wherein the inmate is respected as an elder and protected, or it can make them more vulnerable to abuse [29]. According to the National Inmate Survey [15, 16], older incarcerated SGMM reported a higher number of physical assaults compared to their heterosexual counterparts. A study of 65 older adult inmates serving time in state prisons [28] revealed that nearly 11% of them experienced physical victimization. Because those older prisoners were victimized primarily by younger inmates, most older prisoners preferred age-segregated living arrangements to avoid additional abuse.

Sexual abuse, one of the most dreaded experiences among inmates [30], became so problematic that the Prison Rape Elimination Act [31] was enacted to prevent sexual assaults in prisons, jails, and detention centers and to offer additional protection for SGM prisoners. Despite its passage, however, the prevalence of sexual victimization in prisons continues at rates of 4–6% [15–17]. The 2012 National Inmate Survey reported that 9–12.5% of sexual minority prisoners were sexually victimized by other inmates, compared to 1% of heterosexual prisoners, and that 40% of gender minority state and federal prisoners experienced sexual victimization. Frazer and colleagues [7] found that SGM inmates reported higher rates of physical and sexual abuse compared to all prisoners, in general. Male inmates who did not identify as a sexual minority but who engaged in same-sex sexual behavior were also more likely to be victimized by staff and other inmates than heterosexual inmates.

Older incarcerated men experience a disproportionate number of sexual assaults, often because they have more cognitive and physical disabilities than younger prisoners, which makes them an easier target of abuse. According to the National Inmate Survey [15, 16], sexual minority inmates have a higher likelihood of being sexually victimized than heterosexual inmates. Accordingly, older SGMM are particularly vulnerable to sexual and physical abuse. Male-to-male sexual activity in prison can be used to enforce dominance and exert power and control over other inmates [32].

Men's prison culture exudes hypermasculine, heteronormative masculinity and physical aggression [33], in which older SGMM, perceived as violating traditional gender and sexual norms, are ranked low on the prison social status hierarchy.

This lack of social status makes them particularly susceptible to violence [12, 32]. Trans male prisoners, who often face inappropriate questions about their male identity [34], have reported repeated experiences of abusive, voyeuristic strip and body cavity searches by COs and other criminal justice workers [35]. In response, older SGMM inmates typically experience constant fear of sexual violence and must remain hypervigilant to avoid being assaulted [26].

Identifying what constitutes sexual abuse among older SGMM prisoners can also be difficult. Approximately 50–61% of SGM inmates reported being in an intimate relationship with other prisoners, wherein sexual coercion is often applied and the boundaries between consent and compliance can become blurred [36]. Additional examples of blurring the line between consent, compliance, and victimization include older SGMM inmates who choose to engage in sex with another male inmate for protection, money, or commissary.

## **5.2 Emotional and verbal abuse**

Hypermasculine male prison culture also promotes over-policing and punishment of inmates who fail to conform to traditional gender norms [12], including physically and mentally vulnerable older SGMM. Studies have consistently reported increased rates of post-traumatic stress disorder, chronic health conditions, and mental illness, and a greater need for healthcare services among older, compared to younger, incarcerated men [29, 37, 38]. Although prisoners of all ages have reported experiences of verbal and physical abuse from other inmates and COs [17], such abuse can be particularly problematic for older incarcerated men [29]. Lydon and colleagues [14] reported that 83% of SGM inmates experienced verbal harassment by other inmates, 70% experienced discrimination and harassment from staff, and 85% spent time in solitary confinement.

Lydon and colleagues' [14] study of SGM prisoners also revealed that while 65% of SGM inmates identified their sexual or gender minority status to others in prison, 35% did not. It can be difficult to *come out* while in prison, as most men are acutely aware of the uneasy social dynamics of prison culture, including what they perceive as the likely costs versus benefits of revealing their minority identity. For example, older SGMM prisoners might see how other sexual minority inmates are treated and assume that their eligibility for benefits and health care might be in jeopardy [8, 34]. To fit in, SGMM inmates may engage in hypermasculine behavior or conceal their identity. However, once suspected by other inmates, they can face derogatory name-calling, discrimination, and denial of preferred assignments [14, 36]. Trans male prisoners are commonly infantilized [4] and harassed by other prisoners and staff for not being *masculine enough* [34].

Gender minority prisoners often face additional mistreatment. One study found that over 40% of gender minority prisoners experienced harassment, threats, and attacks during incarceration; 28% experienced verbal discrimination from staff and felt unsafe as a result, and 72% indicated that staff made no attempt to help them succeed [39]. Some facilities house trans inmates based solely on their gender assigned at birth, increasing their vulnerability to abuse. In a recent study of gender minority inmates in state prisons [39], while 78% of those inmates reported that they would like to be housed in a unit designed specifically for trans people, only 21% were given placement in those requested units. Gender minority inmates also reported spending more time in solitary confinement than their cisgender peers. For example, 22% were currently housed in confinement, and 89% reported being placed in solitary confinement at some point in their incarceration.

Many gender minority prisoners are also denied access to gender-affirming care [36, 39, 40]. Studies of gender minority inmates who had been taking prescription medications to support their gender transition before their incarceration revealed that more than half (53%) were denied access to their medication [39]. Nearly half of the respondents believed that the providers overseeing their health care in prison possessed insufficient knowledge about trans people and their related medical issues [14, 39]. Both older and younger trans male prisoners have reported denials of gender-affirming care, including testosterone injections and the ability to wear gender-affirming clothing like boxer briefs and chest binders, when requested [35]. Barriers to receiving gender-affirming healthcare during incarceration [7, 14, 40] include placement in units that do not align with an SGMM's gender identity and being kept in separate, isolated facilities, which introduce further stigma. Additional reports suggest that some correctional staff intentionally use incorrect pronouns and force trans prisoners to shower publicly, with potentially dangerous, transphobic inmates, rather than privately [9, 41, 42]. Some prison administrators also elect to make treatment decisions about inmates' gender-affirming care, ignoring or overruling medical professionals' input [43, 44].

Various prison administrators have tried to protect at-risk SGMM inmates by housing them in designated LGBTQ units or by placing them in protective custody (i.e., solitary confinement) [20, 45]. Although this approach can offer increased safety, it can also result in extreme social isolation, which can exacerbate the vulnerabilities of a stigmatized population already prone to increased risk of victimization, self-harm, and suicide [4, 46]. Such segregation and placement of older SGMM in solitary confinement also often exclude them from participating in educational and vocational programming [47]. This use of solitary, protective custody can also trigger older SGMM inmates' loss of independence and privacy.

## **6. The impact of victimization**

The victimization of older SGMM, both prior to and during incarceration, is associated with significant negative mental health outcomes [40]. The marginalized social status of older SGMM within the hypermasculine prison system exacerbates distal stressors, including stigmatization and discrimination from other inmates and correctional staff [9, 41], and many older SGMM inmates experience constant fear of assault and verbal abuse from members of the general prison population [8]. The heightened risk of physical and sexual assault for these prisoners can result in psychological effects including anxiety, post-traumatic stress disorder, depression, rape trauma, substance abuse, and hypervigilance [15, 16, 40]. Despite older inmates reporting high rates of depression, they are often denied treatment-related medication and psychotherapy while in prison. The increased risk of physical ailments with age, including high blood pressure, asthma, heart failure, osteoarthritis, stroke, and dementia [48], also adversely impacts older SGMM inmates' well-being. Such mental and physical problems, resulting from increased levels of stigma and discrimination, can further diminish older SGMM inmates' ability to interact with other prisoners and participate in available programming.

Although older male prisoners typically face multiple physical and mental health problems [49], many prisons do not offer specific programming for older adults [50]. Older inmates' problems with psychological adjustment often arise from fears of discrimination and victimization, dying in prison, and concerns for their family

members [51]. Older prisoners with unidentified or untreated sensory and mobility problems can inadvertently engage in certain behaviors, like walking much more slowly than other inmates and not responding to guards' verbal commands, that can be interpreted and punished as refusing to obey an order [52]. In contrast, some criminal justice staff appear to neglect older inmates because they view them inaccurately and inappropriately, as members of a quiet, generally compliant, *low-maintenance* population. These inaccurate conceptions only reinforce older SGMM inmates' hidden identities and needs within the context of the criminal justice system. Because older SGMM prisoners are less likely to have contact with family and SGM community members than younger prisoners, they typically receive little social support while in prison and, upon release, experience additional isolation [53].

The use of segregation for the protection of SGM inmates can lead to increased administrative sanctions and segregation as punishment, compared to the treatment of heterosexual, cisgender inmates. Solitary confinement has been associated with perceptual distortions, hallucinations, heightened anxiety, rage, fear, impaired impulse control, and depression, among other ill effects [54]. Segregation is related to additional adverse physical and mental health outcomes among SGMM inmates, including severe psychological distress [20], suicidality, self-harm, and victimization [4, 46]. Lastly, access to appropriate programming and supportive interventions can be halted for protective custody or solitary confinement [47]. The cancellation or interruption of gender-affirming care (e.g., testosterone injections) for older SGMM inmates placed in solitary confinement can also lead to adverse effects, including anxiety and depression [44].

The impact of victimization is likely exacerbated by pre-existing factors and minority stressors that older SGMM inmates face prior to incarceration, including higher levels of psychological distress and exposure to homophobia, transphobia, and childhood trauma [20]. The process of incarceration itself can lead to increased psychological trauma and is considered a determinant of mental health issues [55]. Older adults with histories of incarceration have reported significantly more physical limitations (e.g., in walking, sitting, climbing stairs) and diagnoses of anxiety and depression than their non-incarcerated peers, and older incarcerated adults of color reported more negative outcomes [56].

Iridescent Life Course Theory [3] offers an all-encompassing framework for comprehending the life experiences of older SGMM prisoners. This theory suggests that social factors and transitions to institutions like prisons have a significant impact on their lives. Critical life events that shape the paths of older SGMM prisoners include *coming out*, their experiences during incarceration, and heteronormative cultural attitudes that rebuke same-sex relationships [57]. It also is important to note that SGMM have very different life experiences depending upon the historical context in which they grew up. Many older SGMM prisoners grew up during times of severe societal stigma against *coming out*, which included legal discrimination against homosexuality [58]. Older SGMM who only revealed their SGM identities later in life, or who felt compelled to hide them for extended periods of time, may feel more psychologically distressed and possess internalized stigma, which can have a negative impact on their mental health and coping skills if they enter the prison system.

Older SGMM prisoners face additional stressors at the intersections of age, minority sexual identities, and incarceration. Harsh prison environments can increase the marginalization and vulnerability associated with aging and SGM identities (see [59]). Because studies have demonstrated consistently that incarceration causes individuals to age more rapidly via unhealthy lifestyles, chronic stress, and a general

lack of medical care [42], correctional facilities typically consider inmates over age 50 elderly. Simply becoming incarcerated can serve as a significant turning point in an older SGMM's life, intensifying minority stressors and upsetting previously established coping skills. In sum, incarceration can be an unpleasant and alienating experience that complicates life paths and exacerbates mental health problems [60].

Although older inmates released from prison are significantly less likely to engage in recidivism, at a rate of 5%, compared to younger prisoners with a rate of 41% [52], older prisoners are unlikely to be released from prison. Many older SGMM prisoners languish and die in prison, often due to debilitating chronic and terminal illnesses, probably exacerbated or hastened by their at-risk status. This result of confounded minority stressors, including victimization, has additional implications beyond that of violating those inmates' basic human rights; it costs taxpayers up to four times the price to house an older SGMM prisoner within skilled nursing and hospital prison units than it does to provide housing for inmates in maximum security [2].

## **7. Challenges in risk assessment**

Appropriate risk assessment during intake is critical to addressing the safety and security of older SGMM prisoners. Intake procedures should address the privacy and unique healthcare needs of each inmate. While some policymakers and states within the United States call for inclusive measures of sexual orientation, aside from standardized identification with the sexual and gender binary, and for inclusive measures of the cognitive and physical disabilities common among older SGMM adults and prisoners, evidence for the effective implementation of inclusive screening measures is woefully lacking [61, 62].

While some facilities have become more attuned to the importance of identifying vulnerable inmates, the efficacy of policy reforms remains unknown. For example, policies suggest encouraging disclosure in a respectful manner or offering SGMM to inform staff of any concerns about potential vulnerabilities and medical needs they might have pertaining to their gender identity. While many inmates prefer not to self-disclose, it is necessary that staff examine the inmate's appearance, behavior, and mannerisms that might make them vulnerable to sexual or other forms of abuse from other inmates. In addition, an inmate's age and records of previous incarceration, sexual victimization, sex offenses, and health history should all be reviewed carefully and privately [47].

Ideally, intakes should be performed by a gender classification specialist or trained staff member. Screening forms have been developed to examine transgender prisoner preferences related to their specific needs (see [63, 64]). However, many facilities lack the specialized training needed to implement these strategies. The effectiveness of these screening measures also remains unknown; no follow-up data is available to demonstrate their effectiveness.

Because traditional, binary-gendered physical and mental health screenings are typically used at intake, SGMM inmates are frequently housed or placed according to their external genitalia or the sex they were assigned at birth; facilities often lack the appropriate procedures for appropriate needs and risk assessment [31, 65]. Correctional staff are typically not given any specific instructions. The safety, security, and program requirements of older SGMM prisoners can be jeopardized in the absence of independent medical examination and appropriate risk assessment and can even put the lives of other prisoners and personnel at risk. Older SGMM prisoners

who fail to disclose their gender at intake can also face consequences, including denial of gender-affirming healthcare and placement in inappropriate housing [66].

Older prisoners also need to be screened for mental and physical health problems to ensure that they have appropriate mobility and accessibility within their facility, as well as protection from abuse from other, often younger and physically stronger, inmates. Consistent with general recommendations from the Federal Bureau of Prisons [52], all criminal justice staff and care workers should receive training for the screening and identification of commonly occurring mental and physical disabilities among older SGMM inmates, both at intake and at regular intervals throughout their additional incarceration. Hiring healthcare providers to treat older SGMM prisoners' health-related issues is also recommended.

Authorities must make critical choices about an inmate's risk for danger, needs for housing, and official classification when they are taken into custody; these decisions are most often made based on gender. SGMM prisoners who identify as gay, bisexual, or gender nonconforming face difficulties because of this. As older SGMM people tend to be more vulnerable to various forms of abuse, many correctional facilities attempt to house them in administrative segregation or age- or SGM-specific units to help protect them from sexual assault and harassment [31, 52]. While this may provide temporary security for older SGMM inmates, instituting and maintaining these segregated units long term may be untenable due to prison overcrowding, limited staffing, and the inability to make older infrastructure and buildings readily accessible [52].

The authorities must make critical choices about danger, shelter, and categorization when someone is taken into custody; these decisions are most often made based on gender. SGMM prisoners who identify as gay, bisexual, or gender nonconforming face difficulties because of this. Since older SGMM people are vulnerable, many correctional facilities house them in administrative segregation or specific population units to keep them safe from sexual assault and harassment. While this may provide temporary security, these solutions are often unsustainable for long periods. According to Prison Rape Elimination Standards [31], prisoners who pose a significant risk of sexual victimization must not be placed in forced segregation unless every other option has been considered and found to be unfeasible. A promising approach to intake screening that could be applied to older SGMM prisoners is the Rhode Island Department of Corrections clinical model for gender-affirming care [65]. Developed for use in a state prison with inmates who identify as transgender and gender diverse, a foundational component of this model is the use of standardized screening protocols conducted by a trained healthcare professional (i.e., a nurse) shortly after intake.

## **8. Review of existing international policy**

International policies that affect older SGMM prisoners vary widely, from draconian (extremely harsh punishment) to egalitarian (policies that respect human rights) [67, 68]. Sixty-three nation-states still criminalize same-sex sexual behavior and minority gender identities for men of any age and levy punishments that range from flogging to lengthy prison sentences to death sentences [67]. Nations that endorse the death penalty for consensual, same-sex activity among men include Afghanistan, Brunei, Iran, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, the United Arab Emirates (UAE), and Uganda, and nearly all countries that criminalize *homosexuality* provide no protection for older SGMM prisoners' human rights [61, 69].

In response, the United Nations Human Rights Council International Commission of Jurists passed the *Yogyakarta Principles* in 2006 [68] and the *Yogyakarta Principles Plus 10* in 2017 [69] to address the needs of incarcerated SGM people, including older SGMM. The Yogyakarta Principles [68] call for the repeal of all laws that target SGMM, including laws that prohibit *acts against nature*, sodomy, public indecency, morality, cross-dressing, and impersonation. They also call for the repeal of laws that disproportionately affect SGMM, including legislation that criminalizes adultery, loitering, homelessness, vagrancy, substance use, and begging, as well as gender-affirming medical treatment [68, 69]. In addition, police officers, the judiciary, and healthcare providers are expected to participate in training designed to protect the rights of older SGMM prisoners, and all law officers must be held accountable for any acts of violence, abuse, and intimidation against SGMM prisoners [61, 69].

The expanded Yogyakarta Principles Plus 10 [69] require nations to treat SGM prisoners with humanity and respect. This includes the placement of older SGMM prisoners in settings that minimize their risk of mental, physical, and sexual abuse and allow those prisoners to have as much say as possible in their housing placement (e.g., within a male or female prison and an age-integrated or age-segregated unit). Older incarcerated SGMM are also expected to have routine access to SGM-related medical and mental health care, including psychotherapy, therapy for sexually transmitted infections including human immunodeficiency virus, pre-exposure prophylactic therapy for human immunodeficiency virus, and gender-affirming care [61, 69, 70]. Additionally, older SGMM cannot be placed in solitary confinement for their own protection more often, or for longer periods of time, than younger heterosexual and cisgender prisoners. In addition, both governmental and non-governmental agencies should conduct independent monitoring of all detention facilities [61, 69].

The United Nations also recognizes SGMM inmates as *special needs* prisoners due to their SGM status [70] and recommends that its Principles for Older People [61] serve as the foundation for all international policies regarding the treatment of older prisoners, including older SGMM prisoners. Accordingly, older incarcerated SGMM should enjoy the same basic human rights and respect for their dignity, beliefs, and needs, free from mental and physical abuse, afforded to younger, heterosexual, and cisgender prisoners. Older SGMM prisoners should have the same access to healthcare, education, and training programs that younger prisoners do, as well as the ability to share their knowledge and experience with younger generations [68]. Consistent with Iridescent Life Course Theory [3], this notion that older SGMM prisoners can bolster their resilience in overcoming multiple, stigmatized identities by mentoring younger SGMM prisoners [8] and even prison staff [71] has already been supported by research.

Various United States policies offer some degree of protection and support for older SGMM prisoners. Prison Rape Elimination Act [31] represents the first federal laws requiring United States prison administrators and staff to protect vulnerable inmates, including older SGMM, from sexual harassment and abuse. The Prison Rape Elimination Act calls for initial screening of all prisoners to identify their SGM status. Older male prisoners who identify as SGM are expected to be placed in units that limit their exposure to potentially abusive inmates. And SGMM prisoners are to be offered gender-affirming medical care, and to have as much say as possible in their placement of male or female housing to minimize their risk of victimization [31, 67]. The Prison Rape Elimination Act also states that older SGMM inmates can only be subjected to legally warranted strip searches that are conducted in private by a staff member with the gender of the inmates' choosing.

The Americans with Disabilities Act [71] also provided older SGMM prisoners, who are significantly more likely to experience physical and psychiatric disabilities than their younger, cisgender heterosexual peers [72], with equal access to the same prison facilities, services, and programming, without fear of victimization or abuse. For example, older SGMM prisoners with physical disabilities (e.g., arthritis, heart failure, hearing loss) are entitled to the use of assistive devices (e.g., crutches, walkers, hearing aids) and accessible bathrooms, beds (e.g., a bottom bunk), and recreational spaces [71]. Older SGMM prisoners with a psychiatric disability (e.g., substance use disorder, depression) are also entitled to routine, confidential treatment.

Similarly, Australia, various European countries, and other nations have passed legislation to support the basic human rights of SGMM prisoners [67]. The United Kingdom Equality Act of 2010 [73] prohibits discrimination against older SGMM prisoners via their protected characteristics of age, sexual orientation, and gender reassignment. This act also requires monitoring of all prisoners' sexual and gender orientation to promote the development of additional, supportive policies [74]. Programs that allow for compassionate release, in which older prisoners who have become cognitively or physically incapacitated or who have been diagnosed with a terminal illness and have 12 months or less to live are eligible to leave prison [6], have also been adopted by the United States federal government and all states except Iowa.

Despite the existence of these policies designed to protect and support the rights of older SGMM prisoners, it is essential to note that any policy, however well-intended, can produce negative outcomes if ignored, not instituted properly, monitored objectively, or enforced consistently [75]. For example, when corrections staff ask prisoners if they have an SGM identity loudly, in front of other prisoners (e.g., [76]), and challenge the validity of other inmates' SGM status, older incoming SGMM prisoners are highly unlikely to reveal their minority identity out of fear of impending violence and discrimination.

The extent to which prisons in the United States provide older, at-risk, and disabled prisoners of any sexual orientation or gender identity with mandated, disability-related services or housing in age-segregated units for their own protection remains unknown. Many individual states opt out of federal legislation for the Prison Rape Elimination Act [31] because the deterrent is only a 5% reduction in their operating budget. Compassionate release programs are rarely used [6], as long procedural processes, legal language that is often confusing to family members, and a lack of deadlines for administrative review of inmates' applications serve as significant barriers, often causing qualified inmates to die in prison, under costly, around-the-clock, skilled nursing care.

## **9. Recommendations for policy and practice**

This chapter demonstrates the significant challenges faced by older incarcerated SGMM, who suffer an increased risk of victimization and health disparities. Such research is necessary for criminologists and victimologists who work in prisons and with SGMM populations. This chapter reveals the intersectional stressors these prisoners face, thus informing policies and practices that can help protect their rights and enhance their well-being.

To properly protect and support older SGMM prisoners and reduce the skyrocketing cost of their care, key policy changes and practices are recommended. Revising legislation that criminalizes consensual same-sex behavior and trans male identities,

as well as laws that disproportionately target older SGMM for homelessness, vagrancy, and substance use, can minimize the infamous pipeline to prison. In addition, revisiting laws that are *tough-on-crime* and that limit the availability of parole can be used to stem the rapidly growing numbers of older SGMM who live, grow old, and die behind bars.

Conducting an objective, formative assessment of an institution's culture, attitudes, knowledge, and behaviors toward older and SGMM prisoners is a requisite first step in best practice, followed by the delivery of frequent, mandated education and training for criminal justice and care workers. Providing criminal justice, legislative, and care workers with frequent, mandated, older SGMM-affirming training, which includes the use of inclusive, non-pejorative language, respectful communication, and proper screening for the presence of chronic illness and mental and physical disabilities, can improve the treatment of older SGMM prisoners. This education and training must also be tailored to address issues within each institution's specific culture; taking a cookie-cutter approach to education, training, or policymaking is not appropriate or effective.

Criminal justice workers, including corrections officers, should also be provided with time and relief during their assigned, paid shifts to participate in any mandated training. In other words, criminal justice workers should be paid to participate in any required training, and judges and court-appointed attorneys should have their own mandated training on age- and SGMM-affirming care issues. The development of clear, effective policies and practices designed to objectively monitor criminal justice and other care professionals while holding them accountable for their actions, in both public and private prisons, remains essential.

At intake, care must be taken to properly identify older SGMM inmates along with any of their special needs (e.g., for accessibility, treatment of chronic and acute mental and physical illness, and gender-affirming care). Because effective screening is requisite to providing older SGMM inmates with the necessary resources and protection from victimization, criminal justice, and other care workers need appropriate, evidence-based screening tools, as well as frequent, mandated training to make this process private, respectful, and successful. A critical need also exists for data-driven, empirically validated risk assessment measures for older SGMM prisoners at intake. Studies are urgently needed to assess the effectiveness of the Rhode Island Department of Corrections approach [65] in screening older SGMM inmates at intake.

Once identified as a member of an at-risk population, older SGMM prisoners should be given as much say in their housing placement (e.g., male versus female; age-segregated versus non-age-segregated) as possible, and solitary confinement should only be used as a last resort for protection. Additional research is needed to examine the effectiveness of different housing options in providing older SGMM inmates with protection from violence. Older SGMM inmates should also be granted timely, routine access to psychological assessment and treatment (e.g., for substance use, depression, trauma-related care) and gender-affirming undergarments (e.g., boxer shorts, chest binders) and health care (e.g., testosterone creams and injections). Access to aging- and SGM-related educational materials for these inmates is also essential.

In addition, consensual same-sex behavior between inmates, including older SGMM inmates, should not be punished. Condoms and pre-exposure prophylactic therapy for human immunodeficiency virus should be available to all inmates, and staff should be trained to recognize the difference between consensual and coercive sexual behavior. Older SGMM inmates should also not be denied conjugal or other

visits based exclusively on their age or SGM identity. To better protect older SGMM inmates, tougher penalties are also needed for individual states that fail to comply with established Prison Rape Elimination Act [31] Standards [35].

Policies that support older SGMM prisoners' reintegration into the community are also needed. Providing older SGMM inmates with training in basic living and vocational skills, access to community-based aging- and SGMM-related networks, and assistance in locating safe housing [53] is expected to minimize their already low risk of recidivism. The timely processing of applications for older SGMM inmates who qualify for compassionate release programs, along with clear instructions and enforceable deadlines, is also essential [72]. This practice should minimize the increasing number of prisoners who will require costly, end-of-life, skilled nursing care in hospital prison units. From both a human rights and taxpayer perspective, such changes to policy and practice, in support of older SGMM inmates' basic human rights, can benefit society as a whole.

## **10. Conclusion**

Criminologists and victimologists can play a critical role in advocating for policy reforms, implementing supportive prison practices, and promoting inclusive risk assessments. Further, understanding minority stressors and the unique experiences of SGMM prisoners can help practitioners provide safer environments, enhance mental and physical healthcare access, and work toward ending victimization in prison.

Addressing the costly and generally unmet needs of the rapidly growing number of older SGMM prisoners, who typically face discrimination, victimization, solitary confinement, complex health problems, disabilities, and a lack of aging- and SGM-related services within a hypermasculine criminal justice system, is essential. Changes to tough-on-crime and compassionate release policies are needed to reduce the disproportionate growth of this prison population. Best practices include the development, adoption, and enforcement of human rights affirming age- and SGMM-related policies; frequent, evidence-based, mandated education and training for all criminal justice and care workers; data-driven intake screenings and housing assignments that offer protection from victimization; and equal access to age- and SGM-affirming care.

This chapter highlights policy changes that can be enacted, including the revision of laws that criminalize consensual and same-sex behavior, the implementation of inclusive intake screenings, and the provision of gender-affirming care. Criminologists and victimologists are urged to advocate for these policies and practices to ensure equal and humane treatment for older SGMM prisoners. By understanding and addressing the multifactorial minority stressors faced by this burgeoning population, we can improve their quality of life while minimizing taxpayer costs. Ensuring the humane treatment of older SGMM prisoners by advocating for their rights within the criminal justice system is essential for fostering a more just and equitable society for everyone.

## **Conflict of interest**

The authors declare no conflict of interest.


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*Edited by Anni Hesselink*

*Criminology and Victimology - International Perspectives* elucidates the practical contributions, engagements, focal areas, and applications of expertise, knowledge, and skills by criminologists and victimologists in practice, thereby extending towards an invaluable enhancement of intellectually enriching multidisciplinary fields within the realms of human and social sciences, the criminal justice system, and both the formal and informal sectors of society. This book highlights the role and contributions of criminologists in formulating pre-sentence reports for the judiciary and informing sentencing decisions.

It also highlights the acumen and capabilities of rural criminologists, along with their analytical endeavors and initiatives concerning rural environments, as well as the risks and victimization of livestock. Profound insights can be derived from criminological and victimological assessments of sexual and gender minority men (SGMM), including individuals from the lesbian, gay, bisexual, transgender, and queer (LGBTQ+) community, who face victimization and stigma within correctional contexts. Sociological inquiries from Montenegro unveil critical risk factors associated with juvenile offenders, correlating these risks with unstable family dynamics and exposure, thereby illuminating the offender-victim nexus and applying practical skills concerning these individuals. In Iran, criminology and victimology remain heavily reliant on criminal law, which stifles the professionalization and career prospects within the judicial sphere, thereby accentuating the necessity for advancing criminology and victimology as autonomous disciplines with tangible career trajectories. They are frequently subject to misapprehension. This book, *Criminology and Victimology - International Practices*, endeavors to elucidate the academic and theoretical frameworks that have evolved into a compelling and pragmatic application of knowledge and expertise. It entails that while firmly anchored in scientific theories, principles, and research, the fields of criminology and victimology have matured to furnish invaluable and pragmatic insights and contributions to multidisciplinary teams.

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