

# CRIMSA NEWSLETTER

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<http://journals.sabinet.co.za/crim/crimsa.html>

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## FROM THE EDITOR

The results of South Africa's Census 2001 was released on July 8, 2003. Based on these results, South Africa has a population of 44 819 782, consisting of 47,8 percent men and 52,2 percent women. The highest percentage of the population (21%) reside in KwaZulu-Natal, followed by Gauteng with 19,7 percent. The smallest percentage of the population is to be found in the Northern Cape. When taking crime trends in consideration, based on the statistics of the CICA of the South African Police Service, the province with the highest number of crimes reported is Gauteng, followed by the Western Cape, while the province with the lowest number of reported crimes is Northern Province. About 49 percent of women and 51 percent of men are reported to have completed Grade 12, while 371 000 women and 385 000 men have undergone tertiary education. Gauteng is the province with the highest proportion (12.6%) of higher-

education graduates, followed by the Western Cape (11,2%). Most of the people without any level of education were found in the former homelands. Education is important and CRIMSA contributes in this regard through the Criminology and Criminal Justice SGB, as reported in the update. This issue also contains more about Criminology as a school subject.

A survey conducted by the accounting firm PricewaterhouseCoopers ([www.businessreport.co.za](http://www.businessreport.co.za) 9/7/2003), found that economic crime is not only a problem world-wide, but that South Africa suffered particularly from this sort of crime. Over the past two years 71percent of local companies in South Africa had fallen victim to economic crime, which affected staff morale, business relationships and reputations. As a result of several factors larger companies with more than 1 000 staff members were more likely to fall victim to fraud and the other detected economic crimes than small companies. These factors include, inter alia, better fraud risk-management systems. The financial loss from economic crime is difficult to quantify. Against this background it is small wonder that South Africa became a member of the Financial Action Task Force (FATF), an international body that sets standards in respect of money-laundering control and the suppression of funding of terrorism. Read more about this body in a contribution by Professor De Koker.

In this issue a contribution on Corrections as a vehicle to rehabilitate offenders is closely linked to the report on dramatherapy and corrections, which appeared in the previous issue. Both authors had visited South Africa during June as guests of the Criminology Department of the University of South Africa and presented papers at the Zonderwater prison.

Please add to the initiatives and contact the editor regarding contributions on preliminary research findings, research projects, newsworthy items and letters for inclusion in the next newsletter. Contributions should not exceed 500 words. Your name, e-mail address and telephone number should accompany all letters and material submitted for publication.

All correspondence related to the newsletter should be addressed to:

The Editor, CRIMSA Newsletter. PO Box 28936. SUNNYSIDE

0132 OR E-mail: [mareea@unisa.ac.za](mailto:mareea@unisa.ac.za)

Alice Maree

**UPDATE ON THE CRIMINOLOGY AND CRIMINAL JUSTICE STANDARDS  
GENERATING BODY (SGB)**

**Alice Maree**

The SGB presented a workshop from 3 to 4 July 2003 at the Collosseum Hotel, Pretoria. During this two-day workshop Dr Loffy Naudé of SAQA explained the generic BA qualification and its place within the NQF. The generic BA degree is not registered as a qualification *per se* but rather as a design specification, which could be used as a basis for the construction of specific Bachelor degree qualifications. Such qualifications would then be registered on the NQF individually, with the field of specialisation indicated (e.g. Criminology). The generic standard is non-prescriptive and different institutions can choose how to group or cluster the core, fundamental and elective components of a degree programme in different ways. It is important that the standard should not be prescriptive or restrictive.

The draft BA Criminology qualification was reviewed in terms of the SAQA document and amended. During July 2003 the draft BA qualification and three unit standards will be sent to providers/interest groups for comments. The draft BA qualification will then be finalised at a SGB EXCOM meeting after which the draft, together with all the unit standards, will be submitted to SAQA for publication in the *Government Gazette*. The NSB 08 will review the draft BA Criminology qualification after the 30-day period allowed for comments. Thereafter it will be registered or referred back to the SGB for amendment.

A draft Further Educational and Training Certificate – FETC – (4) qualification was reviewed and amended. Exit level outcomes and unit standards were identified. The writing of unit standards and the updating of the draft FETC (4) Criminology qualification will commence in the near future.

The EXCOM of CRIMSA wishes to thank Professor Beaty Naudé, the Chairperson of the Criminology and Criminal Justice SGB and all SGB members, for their hard work, and providers and interest groups for their contributions.

## **CRIMINOLOGY AT FET LEVEL FOR GRADE 12 LEARNERS**

**Susan Deysel (P.R.O. for CROWA SA cc)**

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The Criminological Research Centre for Wildlife and Ecological Crime in Southern Africa (CROWA SA) is actively promoting Criminology as subject at Further Education and Training (FET) schools and colleges. CROWA SA already offers Criminology, a subject approved by the Department of Education, as a Grade 12 subject at FET schools such as Hoërskool Waterkloof, Wonderboom, Oos-Moot and Staatspresident C.R. Swart in the Gauteng Province.

Criminology is currently an approved subject with OBE portfolio guidelines that are laid down at the Gauteng Department of Education. Learners also undertake field visits to the police, correctional services and other relevant institutions as part of the curriculum. This not only contributes to a more inclusive Senior Certificate where only six subjects are offered, but can also be taken as a seventh subject that will add value and distinctions for the more motivated and discerning learner. For their portfolio assignments the learners – by own choice – for example conducted research on a very basic level at their own institutions on the following topics:

- Juveniles who drive vehicles illegally, i.e. without having obtained licences.
- The incidence of sexual molestation and domestic violence among learners.
- The incidence of child pornography, sexual molestation and domestic violence among learners.
- The incidence of use and abuse of pornography among the youth.
- The use and abuse of alcohol, drugs and tobacco.
- Theft of cell phones and other commodities in the school environment.
- Verbal abuse and racism in schools.

CROWA SA wishes to expand this educational service to other schools and especially Adult Based Education and Training (ABET) centres to accommodate and support the approximately 4 000 plus learners per year that register for Criminology at Grade 12 level. According to the CEO of CROWA SA, Criminology offers an alternative as a subject in the humanities and criminal justice process which can open up opportunities for learners to pursue careers in law, security, police, social sciences, customs and the correctional service. Criminology may serve as a basic subject for all these programmes at tertiary level.

Generally speaking, the subject contributes valuable knowledge to households about the understanding and prevention of crime in their own communities, which is a huge problem all over South Africa. In addition, the victims of crime (including rape, domestic violence, drug and alcohol victims), are provided with information such as where to get help. Since it also deals with psychological (such as self-image, motivation, suicide, aggression, depression) and sociological/societal issues (such as broken homes, drug, alcohol and sexual abuse), it is a highly informative subject that will contribute to healthier homes, communities and the South African community as such. The scope of the subject goes beyond basic *Life Skills/Orientation* as promoted by the Department of Education.

**ECOLOGICAL CRIMINOLOGY WORKSHOP – THE FIRST EVER AT THE  
FORTHCOMING 13<sup>TH</sup> INTERNATIONAL CONGRESS ON CRIMINOLOGY TO  
BE HELD IN RIO DE JANEIRO**

**Gerhard Swanepoel (Founder-CEO of CROWA SA cc)**

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In his closing address at the 12<sup>th</sup> International Conference on Criminology the Scientific Commission President<sup>1</sup> mentioned that he had a vision in which he saw criminologists moving towards a more practical scenario, where they would play a significant role in courts, police offices and in metropolitan development structures. These criminologists would be able to provide advice on criminal trends, to compile psychological profiles, and plan pro-active crime prevention strategies that would move away from the current re-active and contemporary crime explanation models.

The Criminological Research Centre for Wildlife and Ecological Crime in Southern Africa (CROWA SA) is actively promoting the concept of Ecological Criminology as crime prevention and conservation strategy in various research and educational programmes throughout Southern Africa. Ecological Criminology as part of the humanities and the criminal justice process is concerned with human behaviour which impacts negatively on the whole ecology during the interaction between humans, animals, plants and the natural environment they share.

It is the vision of CROWA SA to promote Eco-responsibility through advocating responsible human behaviour which is aimed at preserving the natural heritage and genetics, species and ecosystem diversity to the benefit of all life on earth. This will be done by promoting a positive human response to the reduction of pollution and to the wasteful exploitation and consumption of natural resources. Against this background, the CEO of CROWA SA, Gerhard Swanepoel, will be addressing the 13<sup>th</sup> International Congress on Criminology in Rio de Janeiro during August 2003. It will also be the first time ever that a workshop for Ecological Criminology will be held at such a high-profile

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<sup>1</sup>Sherman, Lawrence. 12th International Conference on Criminology. Seoul, Korea.

event. The topics that will be presented are: *Ecology and Crime in a Postmodern Society (the case of Environmental Criminology vs. Ecological Criminology)*; *Ecological Criminology – An African Model* and *Nature: The Silent Victim – Ecological Perspectives in Victimology*.

This centre also offers value-adding *one-day* seminars on Ecological Criminology and Eco-Crime Profiling that can be incorporated in humanities, criminal justice, policing etc. syllabi as well as OBE-portfolio assessment according to SAQA standards.

**THE FINANCIAL ACTION TASK FORCE (FATF)**

**Prof Louis de Koker**

**Director: Centre for the Study of Economic Crime. RAU University**

[http://general.rau.ac.za/law/English/CenSEC\\_2.htm](http://general.rau.ac.za/law/English/CenSEC_2.htm)

The Financial Action Task Force (FATF) is the international body that sets standards in respect of money-laundering control and the suppression of funding of terrorism. South Africa was admitted as an observer to the FATF in 2002 and, after a stringent evaluation of its money-laundering laws and systems, received membership of the FATF on 19 June 2003. The current membership of FATF comprises 31 countries and two regional organisations. The membership of FATF represents the major financial and strategic countries of the world. FATF co-operates closely with the World Bank, the International Monetary Fund, organs of the United Nations and several FATF-style regional bodies. This partnership ensures that the money-laundering systems of the countries of the world are evaluated in terms of their adherence to the FATF standards. FATF adopted a set of standards with regard to money-laundering control in 1990. These standards, commonly referred to as the Forty Recommendations, were supplemented in 2001 with eight special recommendations relating to funding of terrorism. The two sets of standards address matters such as national obligations regarding money laundering and funding of terrorism, the compliancy obligations of businesses (e.g. client identification and reporting of suspicious transactions) and international co-operation in criminal matters. Since 2001 the Forty Recommendations have been reviewed and in June 2003 the Revised Forty Recommendations were issued. It is envisaged that the laws of the more than 130 countries that have adopted the FATF standards will change to reflect these revised standards. The members of the FATF delegations are drawn from a wide range of government representatives, including departments and institutions such as National Treasury, regulators and the Departments of Justice and Safety and Security.

## **CORRECTIONS AS A VEHICLE TO REHABILITATE OFFENDERS**

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In October 2001 the state government of Victoria in Australia provided substantial funding to the correctional system. Current demand is being met through improved prison infrastructure. At the same time predicted demand is being reduced by 600 beds by retaining offenders in the community (through a strengthened community-correctional service, home detention, bail advocacy and court support) and by reducing reoffending rates (through pre- and post-release support and rehabilitation programmes).

Over the past two decades, research has shown that reoffending rates can be reduced through rehabilitation. The more recent return to a rehabilitation focus is one of the most significant events in modern correctional policy (Gendreau 1996). A rehabilitation framework requires a theoretical base and for Victoria this includes risk-need, good lives and therapeutic jurisprudence.

The risk-need approach focuses on community protection (Andrews & Bonta 1998; Gendreau 1996). An assessment of risk and need is conducted upon sentencing. Risk assessment determines the likelihood that an individual will reoffend. Criminogenic need assessment determines dynamic (changeable) risk factors. At present, Victoria is delivering more intensive cognitive skills programmes, drug and alcohol programmes, and sex offender programmes to higher-risk offenders. Best practice programmes for violent offenders, based on international best practices, are currently being developed.

As a supplement to the risk-need approach, the good-lives model assists offenders to lead better lives and focuses on individual offender well-being (Ward & Stewart, in press). In order to relinquish an offending lifestyle, it is necessary to replace it with a socially acceptable life. Non-criminogenic needs such as low self-esteem, mental illness or a poor residential neighbourhood may act as obstacles to rehabilitation. Currently the assessment and intervention processes being developed in Victoria are determining how a "good-lives plan" can be incorporated into rehabilitation.

Both the risk-need approach and good-lives model assume internal offender motivation. However, external motivation to change offending behaviour may be required. Therapeutic jurisprudence views legal rules, legal procedures, and the roles of legal actors as potential therapeutic agents (Wexler & Winick 1996). Birgden (2002) has developed a framework to harness correctional staff to positively engage offenders in programmes. Prison officers, community corrections officers, clinicians, senior managers, etc are currently participating in training which is aimed at teaching staff how they can humanely support change in offenders on a daily basis. The experiential (dramatherapy) training is designed to tap into values and attitudes, develops ethical decision-making, and aims for a cultural shift towards rehabilitation. Competency-based

training of case managers in motivational interviewing techniques that assist offenders to move from "precontemplation" to "contemplation" of readiness to change, will be provided. The tools which are necessary to assess where offenders appear on this continuum are also being developed.

Like South Africa, Australia is a multicultural society. We are currently adapting or developing new programmes for offenders from culturally and linguistically diverse backgrounds as well as for Aboriginal offenders. We also considering the rehabilitation needs of women, those with cognitive and mental impairments, and young adult offenders. An accreditation and monitoring system for rehabilitation programmes is, however, still required. All of these changes are being captured within an evolving offender management system which will balance security, industry and rehabilitation needs.

Andrews, DA & Bonta, J. 1998. *The Psychology of Criminal Conduct*. (2<sup>nd</sup> ed.) Anderson publishing: OH.

Birgden, A. 2002. Therapeutic jurisprudence and "good lives": A rehabilitation framework for corrections. *Australian Psychologist*, 37, 3:180-186.

Gendreau, P. 1996. Offender rehabilitation: What we know and what needs to be done. *Criminal Justice and Behavior*, 23:144-161.

Ward, T & Stewart, C. (in press). Criminogenic needs and human needs: A theoretical model. *Psychology, Crime & Law*.

Wexler, DB & Winick, BJ. (Eds.) 1996. *The law in a therapeutic key: Developments in therapeutic jurisprudence*. Carolina: Carolina University Press.

## **POLYGRAPHY AND SECURITY VETTING OF PERSONNEL**

**Gerald Watson**

### INTRODUCTION

The aim of this article is to discuss the role that polygraphy plays when prospective employees (job applicants) and current staff members are subjected to a screening and vetting process (Personnel Security) to determine their level of integrity and honesty.

### DEFINITIONS

#### **Polygraphy**

The psycho-physiological detection of deception and verification of truth, as conducted by professional polygraphists, using a polygraph instrument and specific polygraph examination procedures.

## **Polygraphist**

An individual who has undergone specific professional training in the psycho-physiological detection of deception and the verification of truth, and who pursues the profession of polygraphy.

## **A polygraph**

An instrument used exclusively by polygraphists to conduct polygraphy.

## **Screening**

The evaluation and selection of a job applicant through the use of specific criteria based on the needs and requirements of the employer, in order to determine the job applicant's suitability for the available job. The criteria usually include criminal record checks, interviews and minimum skills levels.

## **Vetting**

The detailed evaluation of a screened job applicant through the use of specific criteria based on the needs and requirements of the employer, in order to determine the job applicant's level of integrity and honesty, and his/ her suitability for a specific job. The criteria usually include criminal record checks, interviews, psychometric evaluations, consulting references, polygraph examinations, minimum skills levels and specific expertise.

## USING POLYGRAPHY IN THE PROCESS

### **Pre-employment vetting**

Generally, the aim of conducting a vetting procedure before employing a job applicant is to:

- keep convicted criminals from obtaining employment in your business;
- prevent those with criminal intentions from gaining access to your business and assets;
- ensure that the staff you employ are honest and display a high degree of integrity; and
- ensure that the staff you employ have the skills and qualifications required by your business.

When polygraph examinations are used as part of the vetting process, one is much more likely to expose job applicants who:

- provide false information on their curriculum vitae and employment application forms;
- have lied about their skills and previous experience;
- have fabricated or falsified qualifications, certificates or a driver's licence;
- have serious financial problems;

- have committed as yet-undetected crimes;
- have mental disorders or display anti-social behaviour; and
- are chronic abusers of alcohol or drugs.

### **Periodic or routine vetting of employees**

Polygraph examinations can be used as part of a periodic or routine vetting process in respect of current staff members and would be aimed at exposing employees who:

- are deliberately causing your business financial, stock, monetary or asset loss;
- are committing crimes inside or outside the workplace; and
- do not maintain the level of integrity and honesty expected, given their position.

### **Specific vetting of key personnel**

Specific key personnel who have access to valuable company assets or information, or who occupy sensitive positions in a company, and who could cause serious economic and physical harm to a business, fall into this category.

These staff members, who for example include Computer System Controllers, Stock Controllers, Security Staff and Financial Officers, should be required to undergo a vetting including a polygraph examination regularly.

### **Industrial counterespionage**

To take measures a step further down the road of proper **Personnel Security**, it is essential for any enterprise conducting business that deals with very sensitive information, trade secrets, patents or products, particularly in an industry which is very competitive, to be aware of the dangers of industrial or economic espionage.

Other than a whistle-blower, counterespionage polygraph examinations are probably the only tool which will expose members of staff who are conducting industrial or economic espionage against an enterprise, on behalf of a competitor. Routine and random polygraph examinations will ensure that businesses that run these risks, have staff who display a good level of honesty, integrity and security competence. The activation of technological and audio-visual equipment does deter individuals who contemplate such crimes, but polygraph examinations will usually expose them.

## WHEN TO INCORPORATE POLYGRAPH INTO THE VETTING PROCESS

### **Pre-employment vetting procedures**

Only after all other screening and selection processes have been completed polygraphy examinations should be introduced. The more sophisticated the position/ post, the later the examination should be in the process, ideally at the end of the process.

### **Routine vetting and re-vetting of staff**

This varies from industry to industry and depends on the size of workforce. Annual or biannual, ad hoc and unscheduled random re-vetting tests are very effective as a deterrent.

### **Specific vetting of key personnel**

The same principles as mentioned above apply. This must, however, be very focused in order to support other counterintelligence measures and investigations.

### **Industrial counterespionage**

The same principles as mentioned above apply.

### INSTITUTING REALISTIC STANDARDS

The standards, norms and values that should be applied to provide the security-level required depends on the industry and the type of service it provides, as well as the scope of the risks involved.

Some typical dilemmas that are encountered include extramarital affairs vs supervision of staff, or alcohol abuse vs social drinker, or domestic violence vs a corporate image.

### LEGAL ASPECTS

#### **Regarding pre-employment vetting**

The Constitution states that no person may be unfairly discriminated against when applying for a job. However, certain jobs require specific levels of honesty and integrity from the employee. The employer's rights to choose in this regard are protected by the Labour Relations Act, 66 of 1995.

Polygraphy is recognised as an accurate tool in any vetting process, and can help to establish whether job applicants meet a required level of honesty and integrity or not.

Employment that is conditional on the successful conclusion of a pre-employment vetting process, are not unusual or in conflict with any individual's rights. It is merely a case of the job applicant complying with the minimum operational requirements of a specific position. The employee is free to refuse to undergo the process and to seek other employment (Basic Conditions of Employment Act).

Polygraph examinations must, however, never be used to pry into unrelated issues that could be, regarded as private and discriminatory, for example religion, political or trade union affiliation.

## INSTITUTING REGULAR VETTING IN A COMPANY

The adoption of a regular vetting process as a new policy in an enterprise must be preceded by detailed consultation, a briefing and marketing process aimed at informing employees as to what it entails, and what its aims are.

Often polygraphy is treated with suspicion when employees do not understand its role, function, or the process, procedure and utilisation. Once these issues are clarified, the process is carried forward by the momentum and enthusiasm of the honest employees, who do make up the vast majority of the staff.

Conflict may arise in cases where an employee refuses to subject himself to this new process. While it is an employee's basic right to refuse, it is generally required that the employee should then provide reasonable reasons why he or she has refused. Often such cases can be resolved through dialogue.

In cases where a company may feel the need to challenge the employee's refusal, legislation offers various solutions to resolve such a matter, including redeployment etc. Finally, all actions in this regard must be conducted in strict accordance with the Labour Relations Act, the Basic Conditions of Employment Act and other relevant legislation.

An enterprise that already utilises an efficient and fair vetting process should always stipulate this fact in all employment applications and contracts because this will eliminate any later challenges to its legitimate use of the vetting process in the workplace.

## **LOCAL AND INTERNATIONAL CONFERENCES**

### **The Richard L Rachin Conference**

**Title:** Innovations in European Drug Policy

**Date:** 18 to 19 September 2003

**Location:** Tallahassee, Florida

**Contact details:** [jdi@gamet.fsu.edu](mailto:jdi@gamet.fsu.edu) and refer to conference registration number MEET.802.02-6146, online registration [www.learningforlife.fsu.edu](http://www.learningforlife.fsu.edu)

### **The European Academic of Forensic Sciences, Istanbul**

**Title:** Third European Academy meeting of Forensic Science workshop: Y-chromosome analysis and its application to forensic casework.

**Date:** 22 to 27 September 2003

**Location:** Istanbul Convention and Exhibition Centre, Istanbul, Turkey

**Contact details:** [eafs2003@enfsi.org](mailto:eafs2003@enfsi.org)

**Australian and New Zealand Society of Criminology**

**Title:** Controlling Crime: Risks and responsibilities

**Date:** 1 to 3 October 2003

**Location:** Sydney, Australia

**Contact details:** [www.lawlink.nsw.gov.au/anzsoc2003](http://www.lawlink.nsw.gov.au/anzsoc2003).

**Midwestern Criminal Justice Association**

**Title:** Communities, Crime and Criminal Justice

**Date:** 2 to 4 October 2003

**Location:** Best Western Inn, Chicago, Illinois

**Contact details:** Abstracts are due on 2 September 2003. Contact James Frank at [James.Frank@uc.edu](mailto:James.Frank@uc.edu)

**Academy of Criminal Justice Sciences**

**Title:** Crime prevention: One goal, multiple approaches

**Date:** 9 to 13 March 2004

**Location:** Riviera Hotel and Casino, Las Vegas, Nevada

**Contact details:** Abstracts are due to topic area chairs by 1 October 2003. [www.acjs.org/PDF9620Files/Committee.pdf](http://www.acjs.org/PDF9620Files/Committee.pdf)

**Centre for Mental Health Services & Criminal Justice Research - First Biennial Conference**

**Title:** Re-entry to recovery: People with mental illness coming home from prison or jail

**Date:** 14 to 16 April 2004

**Location:** The Sheraton Society Hill Hotel, Philadelphia, PA

**Contact details:** Deadline for submissions is 1 November 2003. Contact Kirsten Gilmore at [cmhs&cjr@ihhpar.rutgers.edu](mailto:cmhs&cjr@ihhpar.rutgers.edu)

<b>CRIMSA MEMBERSHIP AND MEMBERSHIP FEES</b>
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**Student members:** R70.00 (US\$10.00) for the financial year if the e-journal and newsletter are received (electronically) *via* Sabinet Online.

However, should hard copies be required a fee of R140.00 (US\$70.00) will be charged inclusive of postage and handling.

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**Individual international members:** All foreign members will pay the same membership fees as the other members in the respective categories for which they qualify provided

that they receive the e-journal and newsletters (electronically) *via Sabinet Online*. In other words, a student living in France will qualify for student membership (R70.00 or US\$10.00) provided that such a student receive the journal and newsletters electronically. However, should hard copies be required, a fee of R600.00 (US\$70.00) inclusive of postage and handling will be charged.

A membership application and/or renewal form is attached. Please complete the form and mail it with the necessary payment to:

**CRIMSA  
PO Box 28936  
SUNNYSIDE  
0132  
SOUTH AFRICA**

**Alternatively, deposit payment in the current account of CRIMSA:**

**ABSA Bank  
Esselen Street  
Sunnyside**

**Current account number 010471656**

**and**

**fax the deposit slip and membership form to:**

**Fax number: (0027 12) 012 429-6766**

**Clearly marked for the attention of the CRIMSA coordinator.**

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**Postal address**

**Code**

**Place of work/profession**

**Capacity**

**Work address**

**Telephone code and number (h)**

**Telephone code and number (w)**

**Cellular/mobile**

**Fax number**

**E-mail address**

**Student members**

**Educational institution where registered**

**Student number**

**Qualification registered for**

**Level**

**Active members**

**Qualifications obtained:**

<b>Qualifications</b>	<b>Institution</b>	<b>Year</b>
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