

M.Gergovsky

Sofia University, Bulgaria (E-mail: www200762@mail.ru)

Psychological diagnosis of the criminal behavior and risk assessment among homicide (men and women)

This study is the psycho-diagnostic analysis and risk assessment of criminal behavior of offenders of the homicide, both of men and women in Bulgaria. It examines: 1) the demographic characteristics of these offenders of both sexes, as well as corresponding sentences under legislation (the Bulgarian Criminal Code); and 2) problems considering mainly the aspects of the offenders personalities, their motivation and behavior based on the MMPI-2 and survey. Parallel to this analysis is made an attempt for predicting the probability of serious social damage/recidivism of the above mentioned offenders on the basis of two American models («HCR – 20» and «SARA») of risk assessment. The results show that their crimes were realized due to the negative socio-economic conditions in which our country (i.e. Bulgaria) is in conjunction with their disharmonious interactions.

Key words: psycho-diagnostic analysis, homicides, offenders, criminal psychology, victims of violence, witnesses.

The current work is an attempt for doing a comparative psycho-diagnostic analysis and risk assessment among offenders of homicides, both male and female, in situational aspect. Problems considering mainly the aspects of the offenders personalities, their motivation and behavior are analyzed in the paper. Parallel to this analysis is made an attempt for predicting the probability of serious social damage/recidivism of the above mentioned offenders on the basis of two models of risk assessment (by applying American instrumentation). Therefore, an integral and corresponding review of the criminologists and criminal psychologists' publications is made, and the paper also contains citations related to important particularities of the criminal behavior of committers of specific crimes.

Relevance. The problem of the identity of the offenders of the homicide is among the most relevant in the criminal psychology and has a particular place of a world-wide scale in the theory of criminal personality. The scientific interest is oriented to the process of formation of the individual and the disclosure of the worst factors of criminality that influence its formation process.

The number of the annually convicted (2001–2011 y.) for homicide in Bulgaria has the average of 193 cases [1], out of which 180 men and 13 women. Those data show that the ratio of the homicides, according to the sex of their offenders, is 14:1 for the men.

Definition of homicide according to the Bulgarian Criminal Code is «taking the life of one person by another». The same definition is applied in the USA, while in FBI is applied the Megargee' definition (1982:94): «Murder is the unlawful taking of human life. It is a behavioral act that terminates life in the context of power, personal gain, brutality, and sometimes sexuality» [2]. However, the juridical definition of homicides in the USA reads differently [3] — «The criminal act need not be the sole cause of death, but only a recognizable causal factor. The legal definition of homicide also requires that the death occur within a year and a day from the time the injury was inflicted». And in the UK the suicide is also considered a homicide [4].

1. Chronology of research. In 1928 in the USA (Illinois State) is introduced the assessment of criminal offences or recurrence as a method for predicting future crimes. Presented in such way, the «risk assessment» is recorded with consistently integrating the prognosis of recurrence and planning the sentence of the convicted [5]. The risk assessment was quickly implemented by psychological and clinical institutions subject to the justice system.

Similar is the approach of Marvin Wolfgang, in a study of two groups of young people (born in 1945 and in 1958 in Philadelphia) — described is the accidental (situational) offense [5]. That study presents the relations of factors for recidivism and the initiation of stricter sanctions for antisocial crimes and their reduction.

In this respect, the future risk of violent behavior is important from a legal prospect. In practice, predicting the likelihood of future violence will limit the release in society of those convicted for homicide.

Court juries, in serious criminal cases, take into consideration whether a convicted killer presents him/herself as a future danger [6]. Psychologists are required to have the right competence for predicting the risk in relevance to the specific legal context.

The first studies of «risk assessment» are done by the American Psychiatric Association (1970–1971), which claims that the «risk assessment» in psychiatric clinics is subjective. On this basis, psychiatrists are against the «risk assessment» — «it was not ethical» [7] or «the precision of the evaluation is subjective» [8]. In later studies were introduced more precise methods for both short-term forecasts (with greater accuracy) for possible damages and also for long-term forecasts for possible violent actions [9].

2. The system for «risk assessment» (introduced in 2002 in Bulgaria) determines the probability of a convicted to re-offend [10]. The system indicates the degree of risk in causing serious damage to the very person or to others. Costanzo and Krauss arrive to the same conclusion.

«The risk assessment» for committing new crimes marks the «zone of needs» [11]. It is the anti-criminogenic needs of the convicted which must be satisfied in order to prevent future criminal behavior. The risk degree is composed by static (past and present criminal offense) and dynamic (alcohol and drug abuse, emotional or psychological factors, interpersonal behavior and way of reasoning) risk indicators. Static risk indicators result from the socio-economic conditions. In behavioral aspect, static is the «psychopathic» aspect of behavior, and dynamic are «impulsiveness» and «irresponsibility».

3. Methodology for «risk assessment» of convicted with a final sentence enforced. For assessing the risk we have applied the following methodologies: 1) «Historical Clinical Risk Management – 20» (HCR-20); and 2) SARA (Spousal Assault Risk Assessment). HCR-20 belongs to the structured professional judgment (SPJ) models for «risk assessment» with reference to violence (Webster, Douglas, Eaves, & Hart, 1997), similar is SARA (the assessment is done after single offence cases and is not considered as a recurrence, but only as social damage). In both instrumentations, the «static» and «dynamic» factors which influence the situational dynamics are measured. In addition, those measurements do not have a specific time frame requirement where during a specified period the predicted criminal behavior of the convicted could occur. The researcher is not obliged to summarize the various categories. Therefore, he/she can choose to give higher value to a certain factor which he/she considers appropriate for each item [6]. Both instrumentations are suitable for MMPI-2.

The information accumulated for each convicted is to certain degree subjective and it is necessary to interpret it professionally in order to design a faithful profile of the needs, the risk of recurrence/re-offence and possible harms [12].

4. Research base.

During the research of offenders homicide (men and women) were used (participants are between 22 and 74 years old): analysis of the archives, MMPI-2, survey and non-standard interview [13].

5. Respondents.

The respondents in the current work are as follows: convicted males for homicide (experimental group) residing in the Central Sofia Prison and convicted females for homicide (control group) residing in the prison in the city of Sliven.

5.1. Demographic data.

The respondents were 61 in total — 45 men (73,8 % of the population) and 16 women (26,2 % of the sample). Their age is between 22 and 74, and among the women, between 25 and 64. The majority (more than 70 %) of those convicted was born or are residents of the capital-city Sofia.

5.1.1. General characteristics.

5.1.1.1. Family status. The respondents fall into four groups: 1) single — 28 respondents (45,9 %); 2) married — 23 respondents (37,7 %); 3) divorced — 4 respondents (6,6 %); and 4) widows/widowers — 6 respondents (9,8 %).

5.1.1.2. Respondents with heirs. Sector distribution according to the parameter. Respondents with children are 24 (39,3 %), and those childless — 37 (60,7 %).

5.1.1.3. Professional occupation. The data presented (profession/occupation — income providers) refer to the before-the-crime period — 37 respondents (60,7 %) were employed, and 24 respondents (39,34 %) were unemployed.

Educational level. Sector distribution according to the parameter: 1) with «incomplete primary school education» — 4 respondents (6,6 %); 2) with «primary school education» — 6 respondents (9,8 %); 3) with «secondary school education» — 24 respondents (39,3 %); 4) with «high school education» — 19 respondents (31,1 %); and 5) with «vocational high school education» — 8 respondents (13,1 %).

5.1.1.5. Distribution of the respondents under Criminal Code (BG).

5.1.1.5.1. Perpetrators of crimes under Art. 115 of the Bulgarian Criminal Code (article 96, vol.1, Criminal Code of the Republic of Kazakhstan). There are 30 respondents that fall into this group (49,2 %). They have a relatively unstable family ambience. Do not feel guilt with reference to their crime.

5.1.1.5.2. Perpetrators of crimes under Art. 116 of the Bulgarian Criminal Code (article 96, vol. 2, Criminal Code of the Republic of Kazakhstan) [14]. The group is composed by 29 respondents (47,5 %). Among the majority is observed an unstable family ambience. Do not feel guilt with reference to their crime.

5.1.1.5.3. Perpetrators of crimes under Art. 118 of the Bulgarian Criminal Code (article 98, vol. 1, Criminal Code of the Republic of Kazakhstan). The group is composed by 2 respondents (men — 3,3 %) at the age of 67. Had a balanced family ambience. Do not feel guilt with reference to their crime.

6. Empirical data resulting from the current research and result analysis.

According to the above mentioned, the objective of the current research is connected to the personality typology of the homicide and the designing of a summarized personality profile of those convicted for homicide.

6.1. Results under MMPI-2.

For the entire population of homicide offenders, the following behavioral and personal characteristics can be observed: the crime committers possess a clear organization (psychopathic tendencies — 52.5 %) in relation to planning their lifestyle. This indicator represents the persistency of their leadership antisocial actions (among some even pathological) against the social norms. Dementia does not define a situational behavior or attitudes of the respondents. With reference to dementias, it could be claimed that «neuroticism» (55,7 %), «schizoid» (52,5 %) and «social self-perception» (57,4 %) are elements of their anti-norms personal disposition (external locus of control; emotional rigidity, limited friends' environment, stubbornness reaching the levels of rigidity, which corresponds to autonomy and pretensions; egocentric; restless, unstable, wayward and irritable, which behavior stimulates their aggressiveness/hostility in their interactions and various situations) and emotional focusing under stress.

6.2. Results of the interview questionnaire

The experienced violent actions by crime committers we describe in two categories: victims and witnesses. In both categories, we distinguish five types of violence against them: «threats», «slapping, hitting, punching», «beatings» and knife/firearms attacks.

6.2.1. Experienced home violence.

The corresponding share of the respondents which provided data is within the range 23 % to 37,7 % from the sample.

Comparative characteristics. The victims of the three types of home violence have a more pronounced share than the witnesses. The male sample has prevalence among those subjected to «threats» and «slapping, hitting, punching» in both categories; in the female sample it prevails only among the victims of «beatings», differently from the male who were greater among the witnesses.

As for the frequent acts of violence (in corresponding shares among the respondents) data are as follows: 1) daily violence — the majority of victims are women, and the witnesses — men; 2) frequent acts of violence — prevail the female victims of violence, and among men — the witnesses; and 3) casual acts — the victims of violence and witnesses are mainly from the male population. The female population is most often a victim of violence by the father or husband; but witnesses mainly see violent acts by the father towards the mother. Among the males — victims of violence and witnesses of violent actions by the father.

6.2.2. Experienced violence at school.

The corresponding share of the respondents which provided data is within the range 3,3 % to 32,8 %.

Comparative characteristics. The victims of violent actions in school environments are significantly less than the witnesses in the corresponding share. In both categories are prevalent the males.

The data at frequent acts of violence (in corresponding share of the respondents) are: 1) daily — women have prevalence in both categories: victims of violence and witnesses; 2) frequent acts of violence — are observed only among the male sample where among the victims of violence, prevalent acts are «slapping, hitting, punching» and among the witness — the «threats» and «slapping, hitting, punching»; and 3) casual acts — the victims and witnesses are mainly from the male population in the three types of violence. The perpetrators of violent acts are classmates of the convicted.

6.2.3. Experienced violence in the community/headquarter.

The corresponding share of the respondents which provided data is within the range 8,2 % to 23 %.

Comparative characteristics. The victims of violent acts in their community are less than the witnesses in corresponding shares. In the three types of violent acts, the male sample is prevalent.

For the frequent acts of violence (in corresponding share of the respondents) the data are as follows: 1) daily — the female group has prevalence both as victims of violence and witnesses; 2) frequent acts of violence — it is observed only in the male group — victims of violence and witnesses; and 3) casual acts — prevalence has the male sex in the three types of violent forms — victims of violence and witnesses. The perpetrators of violent acts in the majority of cases (more often among the men) are acquaintances, followed by friends, neighbors and strangers.

6.2.4. Experienced Violence resulting from knife attacks.

The corresponding share of the respondents which provided data is within the range 13,1 % (witnesses) to 24,6 % (victims).

Comparative characteristics. The victims of violence of knife attacks have a greater corresponding share than the witnesses of similar attacks. The male group has prevalence in both categories.

For the frequent acts of violence (in corresponding share of the respondents) the data are as follows: 1) daily — victims only among the male group; 2) frequent acts of violence — it is observed only among the male group for the witnesses, and among the victims the number of cases is equally distribution between the two sexes; и 3) casual acts — prevalence has the male sex where the victims of violence are more than the witnesses. The same ratio refers to the female sex.

6.2.5. Violence experienced as a result of a firearm attack.

The corresponding share of the respondents which provided data is within the range 13,1 % (witnesses) to 23 % (victims).

Comparative characteristics. The victims of firearm attacks have greater corresponding share than the witnesses of such attacks. The male population has prevalence over the female one in both categories.

For the frequent acts of violence (in corresponding share of the respondents) the data are as follows: 1) frequent acts – it is observed only among the victims of violence, and its occurrence is equally distributed among the two sexes; and 2) casual acts — prevalence has the male sex where the victims are more than the witnesses. The same is valid for the female sex.

Conclusions. Based on the quantitative data we could claim that the main factor generating violence among the offenders of homicide, and which is also reflected into their personality, emotional and social adaptability to social norms, is their disharmonic family environment. Their criminal behavior is a lot less influence by factors outside the family world (school and neighborhood ambience). Nevertheless, it should be mentioned that violence in the school and neighborhood ambience influences not only the educational status of the offenders, but also their raising, their value system formation and their way of life. Those two types of environments, among some of the convicted have led to the forming of antisocial behavior, self-interested determination in interactions with people, use/abuse of alcohol/amphetamines. Among 1/6 of the convicted it is observed that they had lived in a misbalanced ambience (family, school and society). According to the above presented data, homicide offenders were attacked more often with knives than with firearms.

6.3. Data on «Risk assessment».

The «Risk assessment» values of the risk among homicide offenders is calculated accumulating a sum of values that mark corresponding levels (low, medium, high) where as base reference is the «HCR – 20» and for comparative values — «SARA». The accumulated sums could mark two levels, where the higher and correspondingly the lower value depend on the particular profile of the offender. For this reason, for example, with a value of 19 in «HCR – 20» an offender could have a medium risk level, whereas another — with a higher value. It is due to the type of selected methodology factors.

6.3.1. Results in «HCR – 20».

The information presented is on the following historical criteria: historical factors, clinical factors and risk management.

Conclusions. Based on the data accumulated we could claim that in their majority, homicide offenders with high probability will reoffend again and will demonstrate future criminal behavior, where the male population predominates. Recidivism is possible mainly among the convicted of clear asocial/antisocial and/or hooligan lifestyle, in particular when released. The conclusion comes in contrast to social damage, where the re-offence is possible also due to provocation/frustration in situational aspect regardless of the fact whether the respondent is in prison or free (mainly due to lack of emotional, personality and social maturity of the convicted).

6.3.2. Results according to «SARA».

The data presented is on the following criteria: criminal past, psychological-social relations, history of husband-wife interactions, present/following crimes, other considerations (specification of all risk factors that are not classified elsewhere) and risk of partner's violence. As shown above, in accordance to the SARA methodology, we have analyzed victims who have experienced partner's violence, regardless of whether the victim is their spouse/an intimate partner.

The data gathered include 14 (23 %) respondents, and there are 8 (13,1 %) female and 6 (9,8 %) male respondents.

Conclusions. The majority of homicide offenders show low probability for a future violent act against their spouse/intimate partner, and the female population is predominant. At the other extreme is the male sample that in their future intimate contacts would do violent acts. Based on those characteristics we can assume that regardless of the smaller share of males (due to missing data on husband-wife interactions), the probability of their future, social damage offence is higher.

Characteristics. In both methodologies for «risk assessment» at the high scale levels predominant is the male group with equal value coefficients. In «SARA» only of the male convicts (aged 26 and 63) showed high coefficient values (value of 20–23) for a future violent re-offence. Both individuals in «HCR-20» have greater coefficient values (25 and 24 correspondingly), which describes them as highly probable future violent/offenders despite the environment where they would «correct» their criminal behavior. Based on the data, we can confirm the conclusions of both instrumentations that homicide offenders of male sex, under the influence of their personality, emotional and social immaturity, in combination with relatively low education levels, social stats, damaged family and friends' ambience, when unemployed can do very serious social damage and probably recidivistic acts.

The problems connected to the criminal behavior of homicide offenders needs a profound and systematic consideration. Psychological anomalies and deformations in interpersonal relations which have led to a similar criminal act often cannot be seen as single acts or from a single/constant point of view because their crimes are due mainly to the negative social-economic conditions present in our state, i.e. Bulgaria, in combination with their disharmonic interaction. For this reason, more than 1/3 of the presented population has committed crimes only in their personal interest.

The psychological diagnosis in various typologies, based on the analyses of criminal behavior, results from their historical significance and specific application for our specific aim to understand the various types of criminal behaviour in their social and situational aspect.

Criminalization in early age. They youngsters commit criminal acts, on one hand, due to personality (egocentric type of motivation) or emotional immaturity (negative I/self-image and misbalance of the functioning self-assessment in combination with alcohol and/or amphetamines abuse), and on another — due to lack of adequate influence for them of socially acceptable behavior. They result from a disharmonic social identity initiated by deteriorated social (mainly family and less school or community) relations in combination with low education levels and low professional realization. The above mentioned negative characteristics are less present among the adults (lack of family balance in combination with alcohol abuse) and more common among the young (up to 36) which confirms the age for which are typical asocial (accompanied by amphetamines use) and antisocial acts. However, among those convicted, the majority are of Gypsy origin (among both sexes). The personality integrated units presented here express themselves in socially dangerous behavioral models and have continuous criminal career, especially among the male sample convicts having past sentences for violent acts (hooligan acts and thefts).

Educational level. The majority (above 55 %) of the group have not completed Secondary school as educational level. The majority of the convicts are between 23 and 40 for both sexes. More than 60 % (37 respondents) of the homicide offenders have worked and possess professional qualification/occupation, where the unemployed of almost permanent lack of employment, which can provide the existential minimum for their social survival, are less than 40 % (24 respondents); such lack of employment has been the indicator of confrontation in their interactions.

Isolation is a source of catalysis to the problems of personality and psychological health among the homicide offenders. The research has shown an extremely worrying picture of problems in the personality characteristics of the convicted — hostile attitudes, schizoid, aggressive behavior, lack of skills to combat

anger; lack of skills for comprehending their problems, for reasoning with reference to the possible consequences of their behavior. Among some of them is observed a clear permanent presence of self-organization combined with leadership skills when it comes to planning their asocial/antisocial way of life. The essential role in forming/developing criminal behavior is that of the social influences (as a negative factor — criminal surroundings, as a positive — therapeutic programmes) modelling such behavior formation. Among the convicts is typical a misbalanced family environment and disharmony in interpersonal relations. The already mentioned negative personality characteristics also result, for some of the convicts, from the difficult socialization among the various respondents and that generates conflicts. Some of the homicide offenders, in particular those of male sex, benefit by the above mentioned European directives (state financial support) and see the prison as a free-of-charge hotel/pension with all its advantages instead of leading a full of insecurities life in society.

During the recent years, the treatment of these people has improved greatly, not only in terms of medical cure but also as correction-therapeutic programs in cognitive-behavior model; homicide offenders also participate in those programs.

The risk assessment with reference to future social damage and recidivism in social aspect depends on the differences and characteristics of the various social groups. The factors that influence future, social damage acts and, in extreme cases, re-offences, in our state, Bulgaria, are the following: lack of guilt for the current or past crimes, especially if done out of self-interested or hooligan motives, lack of harmony in the home/family ambience (lack of a partner and/or permanent housing) and missing perspectives for professional occupation. In the light of the description presented in the present research, the probability value of the assessment under «HCR-20» of high values is in the range of 19–30, which shows a tendency of above average to high level of probability for future, social damage acts and possible re-offence. The value coefficients are typical for more than 45 % of the total population where dominant are the males, and those values refer to homicide offenders of all age groups.

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М.Герговский

Қылмыстық іс-әрекеттің психологиялық диагностикасы және қылмыскерлер (ерлер және әйелдер) арасындағы тәуекелге баруды бағалау

Мақалада Болгариядағы қылмыстық тәртібімен қылмысқа кінәлі ер және әйелдердің психологиялық-диагностикалық талдау мен тәуекелге баруы бағаланған. Сонымен қатар 1) заңнамаға сәйкес (Болгарияның Қылмыстық кодексі) екі жынысты қылмыскерлердің демографиялық сипаттамасы; 2) тұлғалардың ерекшеліктері, олардың мінез-құлығы, ынталарына байланысты сұрақтар қарастырылған. Тәуекелге баруды бағалау үшін «HCR – 20» және «SARA» американдық үлгінің нәтижелері көрсетілген.

М.Герговский

Психологическая диагностика преступного поведения и оценка рисков среди убийц (мужчин и женщин)

В статье даны психолого-диагностический анализ и оценка рисков, связанных с преступным поведением лиц (мужчин и женщин), виновных в убийствах в Болгарии. Рассмотрены: 1) демографические характеристики преступников обоих полов, а также предложения в соответствии с законодательством (Уголовный кодекс Болгарии); 2) вопросы, связанные, главным образом, с особенностями их личности, мотивации и поведения. Показаны результаты использования американской модели («HCR – 20» и «SARA») для оценки риска, свидетельствующие о воздействующей роли социально-экономических условий.

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Р.М.Жамиева¹, В.Е.Сухотерин¹, Б.А.Жакупов²¹Карагандинский государственный университет им. Е.А.Букетова;²Карагандинская академия им. Б.Бейсенова МВД РК (E-mail: roza_mus@mail.ru)

Некоторые вопросы законодательного регулирования прокурорского надзора в Казахстане

В статье проанализировано действующее законодательство с точки зрения соблюдения норм юридической техники, ясности в используемых дефинициях. Рассмотрены направления и отрасли прокурорского надзора, их связь с предметом надзора. Отмечено, что на разных этапах развития законодательства о прокурорском надзоре они прямо или косвенно находили отражение в самом тексте законодательного акта, но формулировка была различной. Исследовано содержание деятельности прокуратуры, сущности и задачи прокуратуры и прокурорского надзора, предмет и объект прокурорского надзора с позиций законодательного регулирования этих понятий. Показаны выявленные в Законе «О прокуратуре Республики Казахстан» недостатки с точки зрения использования юридического языка и несоответствия некоторых положений Конституции РК.

Ключевые слова: прокурорский надзор, направления деятельности прокуратуры, отрасль прокурорского надзора, объект и предмет надзора, сущность и цели надзора.

Действующий Закон Республики Казахстан «О Прокуратуре» [1] отражает конституционные основы о сущности и задачах прокуратуры и прокурорского надзора. Статья 4 анализируемого закона закрепляет основные направления и содержание деятельности органов прокуратуры. На разных этапах развития законодательства о прокурорском надзоре основные направления деятельности прокуратуры прямо или косвенно находили отражение в самом тексте законодательного акта, но их формулировка была различной. Например, в «Положении о прокурорском надзоре в СССР» от 24 мая