

Family Homicide in The Republic Of Croatia: Perpetrators' Characteristics In Regard to Their Statement When Conducting The Interview



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Abstract

The paper deals with the certain characteristics of perpetrators of family homicides, with an emphasis on the perpetrator's statement during the interview at the police station. In order to understand the differences in the particular characteristics of the perpetrators, the observed characteristics are placed in relation to the criterion variable that defines the perpetrator's statement during the investigative interview with the police. Secondary sources of data were used for the research sample - collected police files of homicides and aggravated homicides within family, committed on the territory of the Republic of Croatia in the period from 1 January 2005 to 31 December 2010. The research was conducted from March 2012 to February 2013, by completing questionnaires based on insight into police records and verdicts accordingly. A total number of 113 homicides and aggravated homicides was analyzed for this research but the research sample, given the specific research goal, included data related to 73 perpetrators because the other 40 perpetrators committed suicide immediately after committing the homicide or aggravated homicide in the family. The purpose of the research was to gain insight into certain characteristics of the perpetrator of family homicides, while the specific aim of the research was to determine the existence of differences in the characteristics of the perpetrators with respect to his confession or denial of committed crime of family homicide during the interview with the police.

Keywords: Family homicide perpetrators; Police interview; Directive 2013/48 / EU; Confession or denial of crimes

Introduction

Numerous foreign researchers [1-4]. but also researchers in the Republic of Croatia [5-9]. conducted a series of scientific researches primarily related to the criminological characteristics of homicides, family homicides, and homicide of intimate partners. Given that a number of authors were primarily concerned with the research of the criminological characteristics of family homicides, in this paper, apart from some criminological characteristics related to homicide perpetrators, it was also investigated how these perpetrators behaved in relation with their certain characteristics in the course of criminal investigation at the police station, or whether they admit or denounce the criminal offense they were charged during the interview. The manner in which they gave their statement to the police was interesting to investigate also due to the fact that a year ago, in Croatian criminal legislation, significant amendments took place in the context of the police officers' handling of an interview with the suspect. Namely, in the Republic of Croatia, the procedure of police officers during criminal investigation is standardized by the Criminal Procedure Act [10], the Police Duties and Powers Act [11] and the Code of Practice for Police Officers.

The mentioned significant amendment in Croatian criminal legislation occurred in the last VII. Novella of Criminal Procedure Act. At that time, Directive 2013/48 / EU of the European Parliament and of the Council of the 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (hereinafter referred to as the Directive 2013/48 / EU) was transposed. Unlike the previous period in which the police conducted an informal interview with the suspect, the Article 208a of the Criminal Procedure Act formalizes the suspect's questioning by police officers by determining the content of the summons to the suspect for questioning, the content of the instruction on his/her rights to be given before the questioning, clear warnings about the right to a lawyer, the course of questioning and its recording (audio-video recording), as well as the consequences of the violation of thus prescribed manner of suspect's questioning. Considering the new provisions of the Criminal Procedure Act, and taking into account that the practical aspect of informal investigative interview with the suspect is of

great importance for the proceedings of police officers, especially in the context of directing criminal investigation itself, such as the disclosure of potential accomplices, or objects and traces of the perpetration or those used for the committing of a criminal offense and ultimately to prove that this particular criminal offense was committed by the suspect, it was interesting to investigate in this paper how the perpetrators acted in the sense of expressing themselves during interviews before VII. Novella of the Criminal Procedure Act came into force. Considering that the new provisions of the Criminal Procedure Act have been in force since 1 December 2017, future investigations will show whether the suspects will continue to be equally formal and substantive in terms of confession or denial of homicide during criminal investigation.

Methodology of Research

The research aim

The purpose of the research is to gain insight into certain characteristics of the perpetrator of family homicides, while the specific aim of the research is to determine the existence of differences in the characteristics of the perpetrators with respect to his confession or denial of committed crime of family homicide during the interview with the police.

Sample

Secondary sources of data were used for the research sample - collected police files of homicides and aggravated homicides within family, committed on the territory of the Republic of Croatia in the period from 1 January 2005 to 31 December 2010. For the purposes of the research conducted, the definition of family from the Croatian Criminal Code of 1997 [12] was used; it includes marital and extramarital partners, former marital and extramarital partners, close relatives in direct line, adoptees and adoptive parents, relatives in side line up to the third degree and in-law relatives up to the second degree and it is expanded with the relationship between the children of a single parent (half-sisters and half-brothers), as well as the relations of the other parent to the children of their current or former spouse or extramarital partner. Definition of the concept of extramarital community from the 2003 Family Act of the Republic of Croatia was also used and covers the living community of an unmarried woman and unmarried man lasting for at least three years or less if a child is born to both of them. A total number of 113 homicides and aggravated homicides was analyzed for this research and the research sample, given the specific research goal, included data related to 73 perpetrators because the other 40 perpetrators committed suicide immediately after committing a homicide or aggravated homicide in the family.

Instrument

The data needed for the realization of this research were collected, for this purpose, by using a specially compiled questionnaire. The research questionnaire contained a total of

148 variables divided into 6 units, as follows: characteristics of a criminal offense, characteristics of the perpetrator, characteristics of the victim, earlier delinquent behavior of perpetrator, earlier delinquent behavior of victim and the course of the proceedings. Specific aim of the research was to determine the existence of differences in the characteristics of the perpetrators with respect to his confession or denial of committed crime of family homicide during the interview with the police within the following 6 variables:

1. the qualification of a criminal offense by police officer,
2. the type of kinship between victim and perpetrator,
3. perpetrator's gender,
4. perpetrator's age *tempore criminis*,
5. perpetrator's education,
6. perpetrator's confession during criminal proceedings.

In addition to these 6 variables, a variable defining the perpetrator's confession or denial of a committed homicide during the interview with the police was used. These variables were chosen for the purpose of realizing the aims of the investigation, that is to gain insight into certain characteristics of the perpetrators of the family homicide and to establish the existence of differences in the mentioned characteristics with regard to his confession or denial of family homicide during an interview with the police.

Method of conducting research

The Ministry of the Interior of the Republic of Croatia provided a consent for the implementation of the research titled "Criminological and criminal justice aspects of homicide and aggravated homicide within family". No special consent was required from the Ethics Committee, which is usually sought in research involving people as respondents, given that research was conducted based on the analysis of secondary data. In terms of the general ethical principles in scientific research, anonymity of perpetrators and victims was respected in a way that the identification data was not included in the questionnaires. The research was conducted from March 2012 to February 2013, by completing questionnaires based on insight into police records and verdicts accordingly.

Data processing method

After completion of the data collection, the data from the research questionnaires were entered into the database in the SPSS statistical software (version 16.0), and after the data entry was completed, logical control was performed. Descriptive statistics was used for the purpose of defined research objectives, and for the determination of statistically significant differences in the analyzed characteristics, the Hi - square test was used (significance level - $p < 0.05$).

Research Results

In order to prevent the criterion variable defining the confession and denial of the perpetration of the family homicide during the interview in the police from achieving too low frequencies, the variable defining denial also included cases where perpetrators defended themselves with silence (N=10) and cases in which the police officers did not conduct an interview with the perpetrator (N=3). The results of the research conducted showed that out of a total of 73 perpetrators, 75.3% were reported for the perpetration of the homicide, while the others were reported for the qualification form of aggravated homicide. The largest number of perpetrators (N=46) confessed

the perpetration of a family homicide they were charged with during the interview in the police. Within the category of criterion variable defining the perpetrator's confession, 80.4% of perpetrators confessed committing the homicide, and 19.6% of perpetrators confessed committing an aggravated homicide. Also, in the category of criterion variable defining denial it is also apparent that there is a relatively higher number of perpetrators who denounced perpetrating the homicide (61.9%) than those who denied perpetrating an aggravated homicide. It should be noted here that in the six cases covered by the research (5homicides and 1 aggravated homicide) no data was found regarding the confession or denial of the criminal offense they were charged with (Table 1).

Table 1: Qualification of a criminal offense by police officers in relation to the perpetrator's confession during the interview.

Qualification of a criminal offense by police officers	The perpetrator confessed the perpetration of a criminal offense at the police station			Total	Statistics	
	No data	Yes	No		X ²	Relevance
Homicide	ap.	5	37	13	2,889	,236
	%	83,3	80,4	61,9		
Aggravated homicide	ap.	1	9	8		
	%	16,7	19,6	38,1		
Total	ap.	6	46	21		
	%	100	100	100		

Table 2: Kinship between the victim and the perpetrator in relation to the confession of the perpetrator during the interview.

Kinship between the victim and the perpetrator	The perpetrator confessed the perpetration of a criminal offense at the police station			Total	Statistics	
	No data	Yes	No		X ²	Relevance
Spouse	ap.	/	14	10	9,116	,167
	%	/	30,4	47,6		
Extramarital partner	ap.	/	5	1		
	%	/	10,9	4,8		
Relative by blood in direct line	ap.	5	18	9		
	%	83,3	39,1	42,9		
Other type of kinship	ap.	1	9	1		
	%	26,7	19,6	4,8		
Total	ap.	6	46	21		
	%	100	100	100		

The variable defining kinship of the perpetrator and the victim was placed in relation to the criterion variable and showed relatively highest rate of homicides of relatives by blood in direct line (43.8%) and then the spouse (32.9%). Relatively lowest rate of homicides was showed in cases when perpetrator and the victim were in some other form of kinship (15,1%) and where the perpetrator lived with the victim in a domestic partnership (8,2 %). If the obtained results are observed within the category of the criterion variable that defines the perpetrators' confession, it is apparent that perpetrators have relatively more confessed the perpetration of family homicide at

the expense of relatives by blood in direct line (39.1%), and then the spouses (30,4%). Perpetrators have relatively less confessed the perpetration of family homicide at the expense of the victim with whom there is some other kinship (19.6%) and those with whom they were in a extramarital partnership (10.9%). In the category of the criterion variable defining the perpetrator's denial of the perpetrated criminal offense, it is apparent that the perpetrators relatively most denied committing of homicide of a spouse (47.6%), and then committing of homicide at the expense of relatives by blood in direct line (42.9%). It should also be noted here that in five cases of homicide of relatives by

blood in direct line and in one case of homicide of the victim with whom the perpetrator was in other kind of kinship, no data was found regarding the perpetrator's confession or denial of the criminal offense (Table 2).

A variable defining gender of offenders has shown that the relatively highest number of perpetrators in the observed sample was male (89.0%). Given the above circumstance, the results related to the gender of the offender in relation to the criterion variable defining the perpetrator's confession during the interview in the police were expected. Namely, within the category of the criterion variable that defines confession and within the category defining the denial, the relatively largest number of perpetrators were male who acknowledged (93.5%) or denied (81.0%) committing a criminal offense. In the analyzed cases for five male offenders and one female, no data was found regarding their confession or denial of the perpetrated criminal offense. (Table 3). Table 4 shows that the variable that defines the perpetrator's age is related to a criterion variable that

defines the perpetrator's confession or denial of family homicide during an interview with the police. From the data obtained it is apparent that in the total sample there are the relatively highest proportion of perpetrators who were *tempore criminis* aged between 31 and 40 (24.7%), then between 21 and 30 (20.5%) and between 41 and 50 (19.2%). Following them, with comparatively equal shares, offenders are aged from 61 to 70 (13.7%) and those aged from 51 to 60 (11.0%). Relatively lowest is the share of the youngest perpetrators from the age of 14 to 18 (2,7 %) and the oldest ones i.e. those older than 71 years (8.2%). Within the category of the criterion variable defining the perpetrator's confession, it is evident that the relatively highest share of perpetrators is from 41 to 50 years old (28.3%), followed by the relatively equal share of offenders between the ages 31 and 40 or 61 to 70 with a relative share of 19.6%. Then with comparatively equal shares are perpetrators aged 21 to 30, those aged between 51 and 60 and those older than 71. Only one offender of the youngest age (14 to 18 years) admitted committing a family homicide during an interview.

Table 3: The gender of the perpetrator in relation to the confession of the perpetrator during the interview.

Gender of the perpetrator		The perpetrator confessed the perpetration of a criminal offense at the police station			Total	Statistics	
		No data	Yes	No		X ²	Relevance
Male	ap.	5	43	17	65	2,537	,281
	%	83,3	93,5	81,0	89,0		
Female	ap.	1	3	4	8		
	%	16,7	6,5	19,0	11,0		
Total	ap.	6	46	21	73		
	%	100	100	100	100		

Table 4: The age of the perpetrator *tempore criminis* in relation to the confession of the perpetrator during the interview.

Age of the perpetrator <i>tempore criminis</i>		The perpetrator confessed the perpetration of a criminal offense at the police station			Total	Statistics	
		No data	Yes	No		X ²	Relevance
14 to 18 years	ap.	/	1	1	2	27,320	,007
	%	/	2,2	4,8	2,7		
21 to 30 years	ap.	/	5	10	15		
	%	/	10,9	47,6	20,5		
31 to 40 years	ap.	4	9	5	18		
	%	66,7	19,6	23,8	24,7		
41 to 50 years	ap.	/	13	1	14		
	%	/	28,3	4,8	19,2		
51 to 60 years	ap.	/	5	3	8		
	%	/	10,9	14,3	11,0		
61 to 70 years	ap.	1	9	/	10		
	%	16,7	19,6	/	13,7		
over 71 years	ap.	1	4	1	6		
	%	16,7	8,7	4,8	8,2		
Total	ap.	6	46	21	73		
	%	100	100	100	100		

For the perpetrators who denied the perpetration of the criminal offense, slightly different results were obtained. Namely, within the category of criterion variables 'deny' it is apparent that the most perpetrators are 21 to 30 years old (47.6%) and then those aged 31 to 40 (23.8%) and those in age from 51 to 60 years (14.3%). It is interesting to note that no offender between 61 and 71 years of age did not deny the criminal offense s/he were charged with. Table 4 also shows that in four cases where the perpetrator *tempore criminis* was between 31 and 40 years old, and in one case in which the perpetrator was between 61 and 70 years old and older than 71, no data related to the perpetrator's confession or denial of the criminal offense was found. The age of the perpetrator *tempore criminis* in relation to the confession of the perpetrator during the interview shows a statistical significance. The variable that defines the perpetrator's education in relation to the criterion variable has shown that the relatively high number of perpetrators during

their formal education has finished secondary education by completing a secondary school or grammar school (63.0%). Following them are perpetrators who completed elementary school (23.3%) and those who did not (9.6%). In the total sample, the relatively smallest number of perpetrators finished university, college or polytechnics (4.1%). Considering that the total sample contained the relatively highest proportion of perpetrators who had completed a high school or grammar school, the obtained results were expected. Namely, within the category of the criterion variable that defines the perpetrator's confession and within the category of the criterion variable that defines the perpetrator's denial of the criminal offense it is apparent that the relatively highest share of the perpetrators are the ones who finished secondary education (confesses - 63.0%, denies - 66.7%). Following them, within both categories of criterion variables, are the perpetrators who have completed elementary school (confesses - 26.1%, denies - 19.0%).

Table 5: Perpetrator's education in relation to the confession of the perpetrator during the interview.

Perpetrator's education		The perpetrator confessed the perpetration of a criminal offense at the police station			Total	Statistics	
		No data	Yes	No		X ²	Relevance
Did not completed elementary school	ap.	2	3	2	7	4,889	,558
	%	33,3	6,5	9,5	9,6		
Completed elementary school	ap.	1	12	4	17		
	%	16,7	26,1	19,0	23,3		
Completed secondary school or grammar school	ap.	3	29	14	46		
	%	50,0	63,0	66,7	63,0		
Completed a university, college or polytechnics	ap.	/	2	1	3		
	%	/	4,3	4,8	4,1		
Total	ap.	6	46	21	73		
	%	100	100	100	100		

It is visible in the overall sample that for one of the perpetrators who finished elementary school and for two of them who did not finish it, as well as for three perpetrators who had completed high school or grammar school, no data was found regarding their confession or denial of the criminal offense (Table 5). It was also examined whether the perpetrators changed their testimony during the criminal proceedings, given the testimonies they provided to police officers during an interview. The obtained data show that the relatively high number of perpetrators have formally confessed a criminal offense during the criminal proceedings (56.2%). Within the category of criterion variable that defines the perpetrator's confession, it is evident that the relatively highest number of perpetrators who confessed perpetrating a criminal offense during the interview with the police, formally makes the confession during the criminal proceedings (65.2%). Relatively lowest share of perpetrators are the ones who confessed during the interview at the police and then later, during the criminal proceedings, denied the perpetration of the criminal offense (6.5%). It should be noted

that four perpetrators, who confessed perpetrating a criminal offense during an interview, were later during the criminal proceedings incompetent for trial as it was determined that they were without mental capacity at the *tempore criminis*. Within the category of the criterion variable defining the perpetrator's denial during the interview, it is apparent that the relatively large number of perpetrators changed their testimony, i.e. during the criminal proceedings they confessed perpetrating the criminal offense (42.9%). Following them are the perpetrators who denied the criminal offense during the interview and later during the criminal proceedings (38.1%). For two perpetrators who denied the perpetration of a criminal offense during the course of an interview, it was subsequently found in the criminal proceedings that the criminal offense was committed in a mentally incompetent state. In two out of all analyzed cases where the perpetrators during criminal proceedings confessed perpetrating a criminal offense, and in one case where it was determined during criminal proceedings that the perpetrator was incompetent for trial, no data was found regarding the

confession or denial of the criminal offense during the interview. Also, in the three analyzed cases, no data was found regarding perpetrator's testimony during the interview or during the criminal proceedings. The variable defining the perpetrator's

confession during the criminal proceedings in relation to the confession of the perpetrator during the interview with the police shows a statistical significance (Table 6).

Table 6: Perpetrator's confession during the criminal proceedings in relation to the confession of the perpetrator during the interview.

Perpetrator's confession during the criminal proceedings		The perpetrator confessed the perpetration of a criminal offense at the police station			Total	Statistics	
		No data	Yes	No		X ²	Relevance
No data	ap.	3	9	2	14	16,762	,010
	%	50,0	19,6	9,5	19,2		
Confession	ap.	2	30	9	41		
	%	33,3	65,2	42,9	56,2		
Denial	ap.	/	3	8	11		
	%	/	6,5	38,1	15,1		
Incompetent for trial	ap.	1	4	2	7		
	%	16,7	8,7	9,5	9,6		
Total	ap.	6	46	21	73		
	%	100	100	100	100		

Discussion and Conclusion

The results of the conducted research showed that the relatively high number of perpetrators of family homicides during the interview with the police confessed perpetrating the criminal offense they were charged with (63.0%). Research carried out by the authors Gluščić & Kondor-Langer [9] also showed that in the cases of executed homicide perpetrator's confession is relatively high (63,6 %), while perpetrators of attempted homicide in ¾ cases are denying perpetration of the criminal offense during the interview at the police station. The perpetrators who confessed the perpetration of a family homicide most often did so in cases where they killed relatives by blood in direct line (39.1%) and spouses (30.4%). Concerning the perpetrator's kinship with the victim, Vanamo et al. [2]. found that parents mostly kill their children aged 20 to 29. Given that the share of male perpetrators was relatively the highest in the research, it was expected that they most commonly confessed the perpetration of family homicides. Regarding the age of perpetrators with respect to their confession of the crime, the results show that perpetrators from 41 to 50 years of age are the most inclined to confess (28.3%) and relatively equal those who are between 61 to 70 years of age and those from 31 to 40 years of age (19.6%). Thus, the age of perpetrator *tempore criminis* in relation to his/her confession during the interview shows statistical significance. For example, foreign research by Hata et al. [1]. showed that the highest percentage of homicide perpetrators was between 31 and 50 years of age. The same data were obtained from Pavliček et al. [7] Namely, their research has shown that the relative majority of the perpetrators of homicides and attempted homicides were between 31 and 50 years of age (45.8%).

The perpetrator's level of education in relation to the confession has shown that the perpetrators with completed

secondary school or grammar school most commonly confess to perpetrating a criminal offense (63.0%). Similar results were found by Thomas et al. [3] Namely, in their sample almost 50% of the perpetrators of homicide at the expense of their intimate partner had formal secondary education. Also, Pavliček et al. [7] found that male, as well as female perpetrators, relatively most often finished secondary education (52.8%). Kondor-Langer [8]. found in her sample that 61.8% of male and 63.6% of female perpetrators of family homicides finished secondary education. Unlike the above-mentioned research, Catanesi et al. [4]. found that the relatively highest number of perpetrators of homicides and attempted homicides had a low level of education, i.e. completed elementary school or received no education (39.41%). Furthermore, the relatively highest number of perpetrators confessed to the criminal offense during the interview, and later during the criminal proceedings (65.2%). It is interesting to note that the category of the criterion variable defining the denial of the criminal offense during the interview with the police has shown that the relatively largest number of perpetrators later in the court proceedings formally confessed the perpetration of the criminal offense they were charged with (42.9%). Nađ and Dundović [5,6] researching homicides of family members and intimate partners found that nearly 60% of the respondents fully confessed to a criminal offense during the criminal proceedings. Regarding the constraints related to the conducted research, it is necessary to mention a lack of certain data in some analyzed cases, which is why the category "no data" was formed.

In conclusion, from the results of the research carried out, it is apparent that the relatively highest share of perpetrators confessed to perpetrating a criminal offense during the interview with the police, which was presumably had a significant impact on the direction of further criminal investigation., finding the objects and traces that were caused by the perpetration

of the offense or those used to commit the criminal offense and ultimately for the indisputable proof that the suspect had committed this particular criminal offense. Future research will show how and whether the current inability to conduct an informal investigative interview with the suspect will have a positive or negative impact on the criminal investigation, i.e. whether the suspects will now, in a relatively high proportion of cases, confess to perpetrating criminal offenses to the police with regards to the new conditions of the formalized manner of questioning.

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