

*Marešová, Alena et al.:*

## **Násilná kriminalita v nejisté době**

### **Violent Crime in Uncertain Times**

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#### ***Summary***

Manifest examples of violence enjoy considerable attention in the Czech media (including Internet news servers). The professional community in relevant fields devotes much less attention to the matter of violence. When the professional press addresses violence, or else aggression or aggressiveness, this tends to concern cases of domestic violence. The overall approach to the causes, manifestations and to identifying definitions of what we understand under the terms violence and aggression, including providing the theoretical starting points of all of the above terms, has, with certain exceptions, been adopted by Czech professionals from foreign professional literature.

The prevailing, inconsistent attitude towards violence (aggression, violent behaviour, hostility) is becoming more intense in society as regards dealing with specific manifestations of violence that overstep the mark tolerated by society and are therefore punishable under the law, i.e. violent criminality.

In professional literature, the term “**violent criminality**” has never been and is still not understood in universally in the same way. Not even Czech penal laws cite crimes of a violent nature as one single group. Although, unlike its forerunner, the penal code applicable as of 1 January 2010 places crimes against life and health in the first chapter of a special section thereof, we find violent crime in almost all other chapters of that same penal code: in the second, third, fourth, seventh, eighth, ninth and tenth. As a rule, the most dangerous forms of violence are contained in the last chapter – thirteen: crimes against humanity. Many further crimes also tend to be committed in a violent manner, even if such violence or threat does not constitute the essence of the crime in question. We find the same grey areas too in the statistics issued by all criminal justice authorities. In some commentaries – e.g. that of the Supreme Public Prosecution Office, we can come across the label violent criminality, but this primarily refers to crimes that appear in the first chapter of the special section of the penal code and therefore markedly differs from the interpretation in materials issued by the MoI CR.

This publication, following up on previous ICSP studies, presents new findings concerning violence and the results of research, the **subject** of which was violent crime, in the current interrelationships between such findings, reflexion on violence from the viewpoint of theorists from the Czech Republic and abroad – subjective attitudes of persons who encounter violence and its perpetrators, or the consequences of violent acts in the course of their occupation. The **objective** of the research was to describe the phenomenon of violence in a wider social context, including its tangible manifestations in the form of violent criminality in

the Czech Republic; concretely to identify any quantitative and qualitative changes evident from analysis of the statistic data published by criminal justice authorities, to establish whether there really is an increase in brutality and ruthlessness in the violent behaviour of perpetrators, including the use of excessive violence by means of a questionnaire presented to experts/specialists from various professions that have long-term experience of violent criminality and its consequences.

To achieve this objective, the following **methods and techniques of criminological research** were employed:

- 1) Analysis of statistical data on cases of violent crime on police record that occurred between 2005 and 2014, including a description of their structures, a breakdown of the perpetrators and their victims and the consequences of violent attacks.
- 2) Analysis of statistical data and materials concerning criminal justice, primarily Reports on the activities of public prosecutors between 2005 and 2014, including commentaries in the separate reports, Czech Ministry of Justice Year Books etc.
- 3) Study of Czech and foreign literature addressing the phenomenon of violence (aggression, aggressiveness, hostility) published over the last few years.
- 4) Study of available official sources addressing violent criminality: Reports on the situation in the field of domestic security and public order for the years studied, etc.
- 5) Processing of data obtained using specially created questionnaire for experts from the ranks of forensic doctors (expert witnesses) and criminal police officers working in the violent crimes unit, a questionnaire focused primarily on changes in the intensity of recorded violent crime (murders, intentional bodily harm, robberies, extortion, abuse of persons in a common household).

Where the conditions of the research permitted, the above methods were supplemented by interviews with criminalists on the topic of contemporary violent crime.

- 6) The research was broadened (as against the plan) by an analysis of violence committed by the prison inmates, both retrospectively and currently, addressing men and women separately.

The following terms have been used in the text of this publication:

**Aggression** – this term is used in the study to identify the **behaviour (actions) of an individual or a group of persons** who knowingly (intentionally) cause harm, forcefully restricts freedom and harms other people or objects. (Acts of aggression may be committed by an individual, a group of people or even by the State).

**Aggressiveness** is an **inherent readiness** to act aggressively (a character trait), a tendency towards aggressive behaviour which can take various forms. It is a natural and essential characteristic of animals for their survival. It is a manner of reaction in the case of fear, frustration, but it is also hereditary.

**Brutality** is a **mental property** that manifests itself in conscious, remorseless behaviour directed at causing pain to other people with the purpose of achieving the perpetrator's intended goal (in which case brutality is merely a means). In many cases, the parallel or even

the sole goal may be satisfaction from the mere act of harming another person (or animal), to abuse them.

**Hostility** – an unfriendly **attitude** to people in general. This term is used mainly by forensic psychologists for identifying people remarkable for their unfriendly attitude, malice towards people linked with feelings of resentment, suspicion and anger, with a paranoid and hostile personality.

**Violence** – in the study, this is often used as a synonym for the term aggression, i.e. **behaviour of an individual or group of persons** that knowingly (intentionally) causes harm (not only physical harm), forcibly restricts freedom and harms other people or objects.

### **Violent Criminality**

Violent criminality is a term used primarily by the Police of the Czech Republic and may be defined by what constitutes the crimes included under this term by the police and identified by the police's tactical and statistical classification of crimes defined by articles of the applicable penal code (a list of crimes identified by the police as being violent appears in table 1). Since quantitative analysis of violent criminality in this study is based mainly on police statistics, **what falls under the term violent crime is identical to the police interpretation.** Unless specified otherwise in the text, **perpetrators of violent crimes are understood to include persons with criminal responsibility from a point of view of criminal law, i.e. sane persons and those over the age of 15 years old.**

In view of the vast quantity of data processed in electronic form in criminal statistics (approx. 1,500 pages for the past year) lacking any detailed commentary, the use of statistics from the criminal authorities for necessary synthesis of findings concerning criminal phenomena in the Czech Republic and methods of reaction against them (completely ignoring the matter of latent criminality) is becoming problematic.

**In order to explain the paradoxes found, we must use field workers – experienced experts who alone generally help to elucidate certain statistically surprising turnabouts.**

The problematic nature of interpretation of certain findings in the criminal authorities' analytic materials eventually led to a plan for the task of searching for answers to fundamental questions about contemporary violent criminal activity by collecting facts and opinions on the current situation and development trends in violent criminality.

Official materials from the Ministry of the Interior of the Czech Republic, the Supreme Public Prosecutor's Office etc. highlight a sharp drop in violent criminal activity over the past years. The number of both murders and robberies on record has fallen significantly. As in previous years we may read in materials that in 2015, the Police of the Czech Republic has registered a higher level of brutality in the attacks made by youths. "Attacks using weapons and rash behaviour resulting in the most serious of crimes are no exception."

Over the past decade, **as against only a slight drop in solution of such crimes, the number of annually criminally prosecuted known perpetrators of violent crime has fallen by a sharp 4 %** (from 16,000 persons prosecuted in 2005 down to 12,000 in 2014),

which applies mainly to perpetrators of robberies. **The most radical fall in numbers of perpetrators of violent crimes on police record concerns youth offenders.** In 2005, 1,027 youths were prosecuted for violent criminality, while in 2014 this number had fallen to 529 youths, which represented approx. 4 % of all persons prosecuted for violent crime in 2014<sup>1</sup>. For comparison: the proportion of youths amongst perpetrators of robberies in 2014 was 10.4 %, amongst perpetrators of intentional bodily harm 5 % and in the case of property criminality 3.5 % (MoI, 2015) / (MV, 2015). Known child perpetrators (under the age of 15 years old) of robberies, intentional bodily harm and extortion on record numbered approx. 300 persons (while in 2005 this number was ten times higher at over 3,000). For illustration, in 2014 there were altogether almost 1,000 perpetrators of violent criminality under the age of 18. Murder was committed by 3 of them – all youths.

Of the groups under scrutiny, **most violent crimes over the past years were committed by criminal recidivists.** They account for more than half of known perpetrators in the case of robberies, murders and almost half in the case of intentional bodily harm.

**Numbers of victims of violent crimes,** both of those that figure most often in the annually high number of victims on record with the police and of those with smaller numbers of victims, have **fluctuated variously** over the past ten years. **Exceptions to this were victims of robberies** where a longer-term, uninterrupted, **sustained downward tendency** is apparent, particularly over the last five years of the decade studied. **A smaller number of murder victims is also apparent** during the second half of the decade as opposed to the first. This fall however is not part of a sustained downward tendency, as it is in the case of robbery.

Analysis of the ten-year development of numbers of victims of selected violent crimes showed that although the numbers of victims underwent various fluctuations, for the most part during for the decade under scrutiny they did not indicate any stable long-term tendencies towards change, either upwards or downwards.

## **Questionnaire survey and its results**

The fundamental impulse for conducting the research were frequent claims even by the professional public that, **on the one hand, perpetrator aggressiveness is rising sharply** (they often attack at a time when the victim is defenceless, unconscious etc.), i.e. in situations where for the attacker aggressiveness is unnecessary and senseless, and **on the other hand the age of perpetrators is falling** (it is no coincidence that the ministry of education is currently considering a change in the law due to growing aggressiveness in those below the age of majority). Such a situation is, in the eyes of substantial numbers of those involved in criminal proceedings and also of forensic doctors, regarded as a growing problem where police statistics are lagging behind reality. “In other words, we all know about it, but it is not visible in the publications of the “competent” professional authorities”. The estimated rise in aggressiveness is therefore put into the broader context of common problems of the so-called “postmodern society” – the disappearance of the elite, the absence of role models and vision to the future, the crisis of the family, absolutisation of performance and growth, the absence of morals, general vulgarisation and reversion of society to slobbery, the destruction of

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<sup>1</sup> The proportion of youths to all perpetrators prosecuted in 2014 was 2.3 %.

culture, disappearance of empathy, the cult of money and success, the growth of the gutter press.

We drew upon approx. 100 experienced investigators from the Criminal Police of the Czech Republic focused on violent crime (more than 5 years' service in this specialised unit) and all Czech doctors working with the courts. Subsequently 6 public prosecutors, 2 judges and 2 employees of the Prague Police Academy – according to our criteria, all were experts on violent crime. For comparison we also approached Slovak criminalists, but we received just 3 completed forms from the city of Prešov. The questionnaires were distributed to all respondents at the end of 2014 and the beginning of 2015.

The goal of this part of the survey was to establish whether, in the eyes of the experts, brutality and the abandon used in violent attacks of has actually increased over the past years. The questionnaire was distributed in considerable numbers, but the response rate was low. This was on the one hand due to scepticism of criminalists, lawyers and doctors regarding similar projects, and on the other hand a certain jadedness from incessant completion questionnaires from all directions. We must confirm these last claims from our own experience. Some of those approached warned us of the pointlessness of similar projects. Despite this, we chose this method because we are of the opinion that rather than presenting our own opinions or to merely accept the opinions published in the media, it is better to turn to experts who are willing to complete a questionnaire here or there and who understand that this is one of the few practical methods of learning the opinion of the professional public in the greatest number of regions. At the same time, by admitting to such a method of data collection, although we might be limiting the usefulness of the opinions learnt due to greater generality, we can still substantiate the opinions of more than 100 experts in the violent crime unit, which certainly holds greater value than speculation over departmental statistics.

The questionnaire was anonymous and was submitted for completion by one of the co-authors (MUDr. Havel) to all expert witness doctors in the field forensic medicine (approx. 80 persons) – just 10 questionnaires were returned. Via the Police Academy, the questionnaire was distributed to criminalists working in the violent criminality unit – just 78 questionnaires were returned. In addition to these, the questionnaire was completed by 3 criminalists from the Department of Criminal Police of the County Police Force Directorate in Prešov, 2 judges and a total of 6 persons from 2 violent crime senates at the Supreme Public Prosecution Office in Prague (penal department). A further 2 questionnaires were completed by PA employees – experts on violent crime. I.e. all together this meant 101 correctly completed questionnaires. **The tables contain data processed from 98 questionnaires (from Czech respondents) divided into three groups: criminalists, forensic doctors, others together with public prosecutors. The answers from our Slovak colleagues are displayed beneath each table simply as extra information to the findings.**

The findings from the questionnaire were processed for each group separately. In the course of processing and afterwards, the findings were supplemented by interviews with certain respondents.

**The answers to the basic questions of the questionnaire divided respondents into 2 groups of roughly the same size, regardless of their profession. One group contains respondents that disagree with the frequently presented claim that the intensity of**

**violent criminality has been rising over the past years, and a second group is formed of those who agree with such a claim.** We had expected a greater prevalence of answers agreeing with the publicly presented opinion that violence in society is on the rise and brutality is increasing. However, the result did not surprise us; the authors of the survey itself do not hold firm opinions with regard to evaluating the level of violent behaviour and, after completing research and processing all materials, in the end they tended towards the opinion of one of our respondents among the criminalists, that the current situation in the Czech Republic in comparison with times past is not remarkable as concerns exceptional acts of violence. In comparison with the 1990s, the situation concerning violent criminality has calmed and stabilised. The excessive rise in violence, the use of unusual items of attack, firearms, a massive rise in the numbers of murders, intentional bodily harm etc. is something that belonged to the last decade of the last century.

But our times are not calm, fears about the near future are growing in society and so it might happen that we might have to rethink our the attitude to violence in this country and elsewhere in the not too distant future, find alternative solutions to conflict situations that do not involve the use of violence, and learn how to combat new criminal phenomena.

Only after processing the research task did we realise that the perpetrators of violent crimes together with perpetrators of property crimes constitute the mainstay of criminal recidivism and so it is important to study not just violence itself, but also the reasons behind the same offenders repeating their actions, the efficacy of the sentences given and the efficacy and manner of implementation of the most stringent sentences – i.e. serving unconditional prison sentences and options for how to prevent repetition of violent crimes under the current circumstances. **Therefore we have attempted to collect the opinions of experienced penologists about violence in prisons**, although experience in this area is considered undesirable in the field of penology.

In the end, we (the authors of the study and the survey) arrived at the relatively unanimous opinion that violence (violent criminality) is a topic that is very hard to pin down, or at least that is the conclusion at which we arrived in the course of our work on this publication. The use of statistics to describe what form the violence takes, the frequency of its occurrence, the dynamics of its development, identifying changes in violence as influenced by spatio-temporal development is insufficient to paint a clear picture, because the bounds of the phenomenon of violence are very vague and hard to set. Not even professional literature in the fields of psychiatry, psychology, sociology and politics from home or abroad contribute anything clear towards the issue of violence, not even a firm opinion on which to build (that would provide a topic for expert discussion). Aggression, which is often seen as a synonym for violence, is part of all of our lives to some extent, either from a point of view of self-defence against violence from others or protection of other people from criminal attack, defending the weak from those who are stronger etc. And the line where violence becomes a pointless attack, motivated by pure selfishness, is hard to define, let alone prove.

The influence of society and the accepted culture on the attitude to violence, manifestations thereof, its restriction, and also chastisement of socially unacceptable violence, but also the influence of society on forming a scientific opinion of violence cannot

be denied. Nor can it be denied that, for its own defence, but also to achieve prosperity, society employs, justifies and condones certain types of (especially group) violence as being in the general interest of society, for religious reasons etc. Many societies even base their existence on, and impose their authority with violence and individual acts of violence aimed at supporting them is seen as necessary and right.

Although our attempt at mapping the current level of violence and violent crime through the eyes of criminologists, forensic doctors and penologists has a fairly narrow focus and opinions are more a matter of personal standpoint – any generalisation is impossible in our opinion – but we are confident that it will contribute to potential subsequent discussion on how to regard violent criminality more objectively with its new findings and potentially critical claims, because only by knowing one's enemy can one combat it more effectively.

The target we set ourselves was to define the phenomenon of violence from a broader range of viewpoints and to describe in more detail the current situation with respect to violent criminality in the Czech Republic according to the sources available to us. We believe that the preceding text achieved that target.

However, real life rarely takes scientific opinions into account, does not read professional literature and always manages to surprise us all, especially the experts.

Translated by: Presto