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CRIMINAL LAW

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ABSTRACT

In this paper we shall examine the phenomenon called deviation in social aspect and how it manifests itself and our approach to it. The norms that developed and established in the different societies, and the types of deviance from them.

Light overview the serial murder and the frequently met obstacles that the law enforcement agencies face during investigating them like linkage blindness, making solid commitment to the investigation, coordination, analyzing information, public and media pressure, victimology and analyzing previous investigation.

Follows short examination of the influence of globalization as a prerequisite one and the same serial killer to commit his crimes on different territories in the world and the way of investigating them.

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Since the human race came into being the humans lived in groups or communities. Every group developed and established its norms of behavior which appeared to be obligatory for each member of that group. Any deviation from these norms led to certain punishment for the violator of the norms.

Norms and deviance always depend on the culture of the society they exist. To study norms and deviance, one must study the culture of the group (society) where the action was performed and to consider it in the light of all

circumstances surrounding it.

Norms can be formal, as in case of laws, or informal, as it is about the behavioral codes. Formal type of deviance results in legal sanctions as fines or prison, while the informal deviation results in social sanctions or stigma.

Norms are learned by living and growing up in a determinate society and it is difficult to learn them if one does not live or grow up in the same social circle.

Nowadays the deviance is characterized by sociologists as any thought, action or feeling that members of a social group judge to be a violation of their values or rules”.

The two types of deviance, formal and informal, are also problems of the present day. Nevertheless the culture and the descended from it norms of behavior within the certain community developed, the characterization of the category deviation remains the same.

One of the most fearsome crimes was and continues to be the same today is the serial murder.

According to Encyclopedia Britannica the serial murder, also called serial killing means the illegal killing of at least two people, performed in a series over a period of time.

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Nevertheless this definition was accepted in the United States, it has been adopted in Europe and the rest of the world, but this type of crime is not officially included in the legal code of any country. The United States made no exception. Serial killing is differentiated from mass murder, in which more than one victims are murdered at the same circumstances.

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The term serial killer was widely spread in the 1970's by Robert Ressler, who an investigator working for the Behavioral Science Unit of the U. S. Federal Bureau of Investigation.

The psychologists consider the preliminary behavior of the criminals as a determinative. According to them there are three indications, called the Macdonald triad, such as animal cruelty, bedwetting and fire settings. This triad was known as the triad of sociopathy or the homicidal triad.

Later, due to profound researches of following social realities, new triad was formulated and it includes: domestic violence, parental substance abuse and child abuse.

Criminologists distinguish the classic serial murder, which involves stalking and usually sexually motivated, from the spree serial murder in which the criminals seek thrill. Although some serial murders were committed for profit, most lack an obvious rational motive. That fact differentiates them from that when actually political assassinations and terrorism are performed, and from the crimes committed by gangsters as their professional duties. It is assumed that serial killers kill for sexual compulsion and even recreation. Sometimes the killings are committed to give the killer a feeling of power over the victims.

However, the serial murders were and continue to be very difficult for investigation for the law enforcement agencies in the United States, as well as Europe and other countries.

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A worldwide study of serial killing found that “ 76% of all recently reported serial killing happened in the US, and 21% happened in Europe. Of this 21%.

England was responsible for 28% of that, Germany 27% and France 13% of the european serial murder.”(1)

Difference between US serial murders and that in the other countries is that the latter are more engaged with cannibalism. That was the case in Noida - New Delhi, England, Russia, Germany, China, etc.

In Germany they found out that out of 61 serial killers “ about one fifth of the individuals killed victims of either gender, and 22, 7% of the sample killed both children and adults.”(2)

1 - Vronsky. P. (2004) “ Serial killers the method and madness of monsters” (pp. 32 - 37)

New York, Berley books

2 - Harbort, S. & Mokros, A. (2001) “ Serial murderers in Germany from 1945 to 1995.

A descriptive study.” Homicide studies (pp. 311 - 334)

doi: 10. 1177/1088767901005004005

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According Morgan Summerfield in his post, dated Jan. 1, 2006, there are seven obstacles to serial murder investigation namely:

Linkage blindness. Murders committed in many different jurisdictions may not be linked to each other due to lack of cooperation between the agencies and lack of information shared between them. In this way a killer may go undetected for long periods of time and the cases will not be linked to each other.

Solid commitment to investigation. Many law enforcement agencies do not

want to announce they are investigating serial murder because it makes them “ look bad in the eyes of the community or that the idea “ this cannot happen in our town” looks more attractive.

Coordination. The lack of inside coordination in the law enforcement agencies and the transfer the cases from one to other investigator with different qualification also cause lack of cooperation.

Information for analysis. The vast amount of information requires to be entered into computer and to be analyzed but the different and sometimes low computer literacy among the police officers to use the specific functions of a program used to analyze the information makes the linkage between cases unnoticed.

Public and media pressure. Many agencies are badly prepared to deal with high level of pressure from the public and media. They do not have established protocols for informing them. The little information given out by officers who have little to no solid information can cause confusion and give the impression that the agency is failing in its investigation.

Victimology. Most of the victims of the serial killer are prostitutes, homeless, hitchhikers, etc. The investigators do not pay so big attention to the type of the victims the serial killer looks for and they do not gather valuable victimological information.

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Analyzing previous investigations. The failure to review the previous investigations linked to similar cases is common. Prior serial killer cases which have been solved can give very good information and direction to the investigating teams how to lead the investigation.

The free movement of people in the whole world nowadays is another big problem because the serial killer is doing the same and committing his crimes in many places making the investigation hard to be accomplished. The cooperation between the national law enforcement agencies is very important. Here comes the significant role of international law enforcement agencies like INTERPOL. It coordinates the information and corresponds with all national agencies for solving cases performed on different territories under different jurisdictions.

Brilliant example is the arrest of Smail Tulig, 57 in Podgorica, Montenegro.

The announcement made by Associated press in 2007, reported that “ A man wanted for allegedly mutilating and murdering an elderly woman in New York in 1990 is also being investigated in the suspected serial killings of five women in Belgium and of at least one in Albania”(3) was arrested in his home in Podgorica, Montenegro.

The excellent cooperation between the authorities of these countries made it happen.

In conclusion we may say that the good cooperation between law enforcement agencies worldwide is the key to successful resolution of such cases.

3 - Police investigate serial killings in US, Europe. The Associated Press 2007, USA Today

2/23/2007

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