

Forensic Aspects of Alcohol Abuse and Homicide

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ABSTRACT

Numerous investigations indicate a close link between violent behavior, homicide (murder) and alcohol intoxication. With increased frequency of drinking and the chronic consummation of alcohol, the risk of the fatal outcome or homicide and victimization caused by violence is more likely to occur. Studies conducted on convicted murderers suggested that about half of them were under the heavy influence of alcohol at the time of perpetration of murder. The sample in this survey consisted of 177 male offenders which committed criminal act of murder in Croatia from the year of 1990 until 2007 (capital murder and attempted murder). All were assigned for the forensic psychiatric evaluation by the Criminal Justice System (Court of Law) at the Department of Forensic Psychiatry, Neuropsychiatric Hospital, Popovača, Croatia. For the purpose of this work the sample is divided in two groups of subjects: 1) offenders which were intoxicated at the time of murder and committed offence on intoxicated victim 2) offenders who were sober and committed offence on sober victims. Groups are compared according to the variables of crime and history of alcohol abuse. On the basis of obtained results we can conclude that there are significant differences in relation to the variables and modalities of criminal offence between two groups of offenders and victims. We could conclude that alcohol intoxication in offenders and victims at the time of murder could strongly affect the modalities of murder.

Key words: alcohol abuse, intoxication, criminal offence, murder, offender, victim, modalities, victimization, forensic expertise

Introduction

Numerous investigations indicate a close link between violent behavior and homicide (murder) with alcohol intoxication^{1–10}. With increased frequency of drinking and the chronic consummation of alcohol, the risk of the fatal outcome or homicide and victimization caused by violence is more likely to occur¹¹. In many cases the alcohol intoxication of both; offender and the victim, preceded the aggressive criminal offenses such as rape, physical assaults, domestic violence and murder¹². Studies conducted on convicted murderers suggested that about half of them were under the heavy influence of alcohol at the time of perpetration of murder¹³. According to criminal records in Croatia, approximately half of murder victims were intoxicated at the time of murder (*tempore criminis*)¹⁴. In a three-year British national clinical survey (1996–1999) conducted on 1594 persons convicted for murder in England and Wales, results showed that more than two fifths of perpetrators (42%) had a history of serious alcohol abuse or severe alcohol de-

pendency problems¹⁵. Perpetrators were mostly men who had earlier recorded violence, personality disorder, and previous contacts with mental health services. They were not previously known or in a close relationship to the victims. The survey conducted on a large sample in 10 different geographical cities in the U.S. found that more than two-thirds of the perpetrators of murder or attempted murder were intoxicated with alcohol or drugs at the time of crime, while at the same time less than a quarter of offenders were females¹¹. Statistical data collected from FBI and other American federal offices showed that a majority of convicted offenders were intoxicated with alcohol at the time of perpetration of crime. Furthermore, data collected from U.S. federal prison system showed that in 40% of cases of convicted murderers, which are serving time in federal prisons, alcohol intoxication (among other factors) actually played a major role at the time of murder¹⁶. The survey among prisoners convicted of capital crime (murder) in the state of New

York pointed out that 31% of interviewed murderers clearly stated that they were intoxicated at the time of crime and 19% of them strongly believe that alcohol intoxication were cause of their violent behavior at the time of murder¹⁷. Study on prisoners in Brazil which are convicted of various violent crimes showed that alcoholism represents the most common diagnosis in forensic expert analysis of violent crimes¹⁸. Examples of two Brazilian cities; Curitiba and Sao Paolo, where studies on alcohol related violent crimes were conducted, showed close relationship between alcohol intoxication and murder in both parties involved: murderers and their victims. Forensic toxicology reports in this study, conducted on 130 murder cases, showed that severe alcohol intoxication were diagnosed in 58.9% of perpetrators of murder, as well as, in 53.6% of murder victims¹⁹. Furthermore, the extensive toxicological analysis of the murder victims in the city of San Paolo pointed out that 42.5% of the victims were heavily intoxicated with alcohol at the time of murder²⁰. Moreover, higher level of BAC (Blood Alcohol Concentration) has been found in male victims compared to female victims. The survey conducted in 14 European countries (east, south and central European regions) clearly shows positive and significant statistical correlation between alcohol sale and distribution and murder rates in 11 countries²¹. The effect of alcohol sale and distribution is more conspicuous in crimes committed by men then by women and estimated murder rates related to increased alcohol consumption was equal in all three European regions. Several studies conducted in Russia, the country which has one of the largest murder rates in the world and one of the highest levels of alcohol consumption among the general population, show that alcohol had a direct or indirect contribution in 30% of all recorded deaths^{22,23}. Homicide and alcohol abuse are closely related in countries and cultures where alcohol consumption is mainly focused on »binge« drinking and intoxication and this phenomenon could represent a significant factor in clarifying the high rates of murder²⁴. At the same time, the determination of the precise mechanisms that lie in the background link between alcohol and violence is a complex issue due to the fact that all persons who drinks alcohol do not necessarily express violent behavior and vice versa; persons who do express violent behavior does not necessarily have to be under the influence of alcohol⁸. The variables which are important for a comprehensive understanding of the complex relationship between alcohol and homicide includes specific individual differences in underlying factors that immediately preceded the crime, contextual social factors describing the particular circumstances on the crime scene (environmental factors), as well as, particular cultural factors associated with alcohol consumption and behavior. Given the fact that the murder in general is closely linked to the social environment it is necessary to follow the specifics of such crimes in relation to different countries, as well as, joint general characteristics of murders associated with alcohol consumption. The aim of this research is to identify differences in modality of murder in cases where the offender and victim were intoxicated as

well as in cases where the offender and victim were sober at the time of murder.

Methods and Subjects

Modalities of murder depend on a number of contextual factors that as a rule can not be registered except in the framework of organized clinical research and examining each individual case. Forensic psychiatric expertise in Croatian mental health services are based on individual interviews led by specialists; forensic psychiatrist and psychologist which allows collecting the most accurate data on each individual case. Forensic psychiatric expertise in general consist of the access to court records, access to available medical history and records, psychiatric interview and specific psychological testing and finally the examinations performed during the expertise (physical, neurological, psychiatric, psychological and laboratory exam and other exams by medical specialist when necessary). After collecting and processing all data, the observant and the case are displayed before the team of psychiatric forensic experts for the final analysis and evaluation. Finally, after evaluation at the meeting, forensic expert team brings an opinion and conclusion on particular case. The modality of crime is observed in the framework of several variables: gender of the victim, time of the offence, place of the offence, means of the execution, planning of crime, possibility of provocation by victim, the level of victim abuse by offender and emotional attitude of the offender toward the act. The sample in this survey consisted of 177 male offenders who committed the criminal act of murder from the year of 1990 until 2007 (capital murder and attempted murder). All offenders were assigned for the forensic psychiatric evaluation by the Criminal Justice System (Court of Law) at the Department of Forensic Psychiatry, »Dr. Ivan Barbot«, Neuropsychiatric Hospital, Popovača, Croatia. For the purpose of this work the sample is divided in two group of subjects: 1) offenders which were intoxicated at the time of murder and committed offence on intoxicated victim (N=76) and 2) offenders who were sober and committed offence on sober victims (N=101). Groups are compared according to the variables of crime and history of alcohol abuse.

Results

In order to examine the specifics in modality of murders, differences between the two groups of offenders were analyzed by χ^2 -test. The results of analysis are shown in variables associated with χ^2 , df and p (Table 1). We have set the value for statistically significant level of risk which is less than 5%. From a total of 8 variables that were analyzed in the study we have found 7 that were statistically significantly different. On the basis of obtained results we can conclude that there are significant differences in relation to variable modalities of criminal offence between two groups of offenders; one which were intoxicated at the time of murder and com-

TABLE 1
COMPARISON OF HOMICIDE PERPETRATORS. PERPETRATOR AND VICTIM ARE UNDER ALCOHOL INFLUENCE (N=76);
BOTH OF THEM ARE SOBER (N=101) ACCORDING TO CRIMINAL OFFENCE CHARACTERISTICS

Criminal offence variables	Perpetrator and victim under alcohol influence (%)	Sober perpetrator and victim (%)	χ^2 ; df; p
Male victim	84.2	56.4	15.468; 1; 0.000
Time of day			
0–3 hours	11.8	12.9	
4–7	1.3	9.9	
8–11	2.6	16.8	22.777; 5; 0.000
12–15	6.6	13.9	
16–19	28.9	19.8	
20–23	48.7	26.7	
Crime scene			
House/apartment	44.7	39.6	
Courtyard/courtyard house	10.5	9.9	
Alien house/apartment	9.2	18.8	24.833; 5; 0.000
Street	13.2	4.0	
Food and beverage facilities	17.1	4.0	
Other	5.3	23.8	
Means of committed offence			
Own physical strength	10.5	12.9	
Fire arms/explosives	32.8	27.7	11.577; 4; 0.021
Cold weapon	46.1	36.6	
Tools	3.9	12.9	
Other	1.3	9.9	
Planned criminal offence	5.3	23.8	11.145; 1; 0.001
Perpetrator was provoked by the victim	18.4	82.2	71.171; 1; 0.000
Perpetrator specifically abused the victim	17.1	20.8	0.380; 1; 0.538
Emotional attitude toward homicide			
In remorse	14.5	10.9	
Indifferent	10.5	27.7	8.258; 3; 0.041
Denies	10.5	10.9	
Justifies its actions	64.5	50.5	

mitted offence on intoxicated victim and offenders who were sober and committed offence on sober victims. Finally, by comparing the first group of offenders in which the offender and victim were intoxicated at the time of murder to group of offenders and victims which were sober at the time of murder we have found significantly higher presence of history of alcoholism in the family, as well as, more frequent diagnosis of heavy alcohol abuse (Table 2).

Discussion

The modality of execution in capital crime, specifically murder is an important source of information that significantly contributes to risk assessment and prediction of committing the capital crimes. According to Mittermayer murders are mostly committed by men of different age²⁵. Usually, the murder is a result of spontaneous, impulsively affective violence among male per-

sons who are familiar with each other²⁶. In cases when the offender and victim were intoxicated at the time of the murder, the victim was mostly male (84.2%). On the other hand, when the offender and victim were both sober, the gender ratio is similar for male (56.4%) and female (43.6%) victim. One of the possible explanations of murder between men who are intoxicated could be the influence of cultural factors like conditional learning of aggressive behavior after heavy drinking⁹. A similar explanation also offers a social learning theory according to which the link between alcohol and aggressive behavior is a result of learning by observation, experience and through socializing. Based on these experiences social and cultural beliefs could be created. This social framework is actually a basis for alcohol related high risk behavior which is culturally accepted. Such attitudes, beliefs and expectations, combined with the drinking of alcohol can lead to murder^{8,27}. Given the degree of alcohol intoxication in offenders and victims, there are differences in the

TABLE 2
COMPARISON OF HOMICIDE PERPETRATORS. PERPETRATOR AND VICTIM ARE UNDER ALCOHOL INFLUENCE (N=76); BOTH OF THEM ARE SOBER (N=101) ACCORDING TO ALCOHOL HISTORY

Alcohol history	Perpetrator and victim under alcohol influence (%)	Sober perpetrator and victim (%)	χ^2 ; df; p
Alcoholism in nuclear family	59.2	33.7	11.454; 1; 0.001
Alcohol use			
Does not drink	0.0	36.6	
Moderate drinking	17.1	33.7	60.939; 3; 0.000
Alcohol abuse	30.3	18.8	
Alcoholism	52.6	10.9	

time of day in which the murder was committed. Majority of murders (40.6% vs. 10.5%) occurs when the offender and the victim are sober, during the early morning hours until early afternoon (4am to 15pm). On the other hand, the murders which occur in the late afternoon and evening hours the offender and victim are mostly intoxicated with alcohol (77.6%). Possible explanation lies in the fact that at that time, most people do not work, and are either staying at home or are going out socializing which increases the possibility of interpersonal conflict, especially if they are consuming increased amounts of alcohol. The results in this study show that most murders were committed in the house of the offender. When the data on crime scene are placed in a relation to the degree of alcohol intoxication of the offenders and the victims, it is obvious that majority of murders occur more frequently in alien apartments (18.8% vs. 9.2%) and among the sober offender and victim. In the cases where offender and the victim are both intoxicated, the murder occurs more frequently in food and beverage facilities or out on the street (30.3% vs. 8.0%) Other murder places are relatively rare among drunken perpetrators and victims (5.3% vs. 23.8%). The usual means of execution among both types of murders are cold weapons and firearms. It is also significant that sober offenders are using more often different tools and other means of execution rather than convenient weapons (22.8% vs. 5.2%). The cross – cultural studies showed different patterns of homicide specific to a particular culture. For example, in England and Wales cold weapons and physical force are commonly used, while in the United States the usual means of homicide is firing weapons²⁸. Alcohol is a significant contributing factor in capital crime such as murder. In a state of acute alcohol intoxication there are changes in cognitive, behavioral and psychological functioning. During acute state of alcohol intoxication there is reduced capacity for planning or possible action in situations that are perceived as threatening and increased perception of pain all resulting in strong display of defensive aggression and lack of self-criticism, increased high risk behavior and diminished reasoning abilities². Significantly more unplanned murder happens in situations where the offender and victim are highly intoxicated with alcohol (94.7% vs. 76.2%). To understand the situation in which murder occurs, it is necessary to know

something about the relationship between the offender and victim. It is important to understand if the victim has increased their risk of victimization by provoking another person who perceived provocation by victim as a threat to its own integrity. Sometimes, the only way perceived by the offender, in order to avoid humiliation in such circumstances and preserve his dignity, is the attack on the person who caused the humiliation²⁹. In the cases of murder when the offender and victim were intoxicated, victim was rarely provoked the offender (18.4% vs. 82.2%), which suggests distorted perception in offender under the influence of alcohol. Every murder involves certain level of victim abuse although there is a fact that some offenders are extremely violent and they »cross the border« which is »sufficient« for completion of murder²⁵. In the sample analyzed in this study, the level of victim abuse is in a similar ratio in both cases; one where the offender and the victim were intoxicated and the other when they were both sober. Reviewing data on the emotional attitude of the offenders towards offence we could conclude that a majority of the offenders (64.5%) justifies the act of murder by »inappropriate« conduct of victims who were intoxicated at the time of murder. In cases where the offender and the victim were sober more than a quarter of the offenders had a vague attitude toward the murder. In order to understand the risk factors we have tried to explore history of alcohol abuse and dependency in offenders. We have found significantly higher alcohol abuse and dependency in the family history of the offenders in the group where the offender and the victim were both intoxicated at the time of murder compared to the group, in which the offender and victim were sober (59.2% vs. 33.7%). Furthermore, persons whose close relatives were dependent on alcohol were under greater risk to develop the same dependence in the adult age. Moreover, along with genetic factors, many of psychosocial factors are responsible for developmental patterns of behavior (such as hostile environment, violent behavior in childhood and adolescence, violence in the family, inadequate parental care and substance abuse) which all can contribute to alcoholism or other form of substance abuse and ultimately to violent behavior^{30,31,2,3}. The fact that person committed the murder under the influence of alcohol does not necessarily mean that the same person is an alcoholic or vice versa.

We have therefore referred to the ways of consumption of alcohol. In the group where the offender and victim were intoxicated at the time of the murder we have not registered persons who do not drink. On the other hand, we found that 82.9% of them had a diagnosis of alcohol abuse or dependence. Among sober offenders whose victims were not intoxicated at the time of the murder we have found 70.3% of both who do not drink or drink moderately.

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Conclusion

We could conclude that alcohol intoxication in offenders and victims at the time of murder could affect the modalities of murder. The results presented in this study show a better understanding of the important role of alcohol in the murder. They point out to the early recognition of the risk factors which could be prevented and thereby contribute to the prevention of alcohol related homicide.

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UBOJSTVO I FORENZIČKI ASPEKTI ZLOUPORABE ALKOHOLA

SAŽETAK

Brojna istraživanja su pokazala usku povezanost između nasilnog ponašanja i ubojstva sa zlouporabom alkohola. Rizik od ubojstva, kao krajnjeg i fatalnog ishoda nasilnog ponašanja, te rizik od viktimizacije značajno se povećava s učestalom i kroničnom zlouporabom alkohola. Brojne inozemne studije koje su provedene na zatvorskoj populaciji tj. među osuđenima za kaznena djela ubojstva pokazale su da je polovina osuđenika bila pod jakim utjecajem alkohola u vrijeme počinjenja kaznenog djela. Istraživanje u Hrvatskoj provedeno je na uzorku od 177 muških počinitelja koji su optuženi za kazneno djelo ubojstva i pokušaja ubojstva u periodu od 1990. do 2007. godine. Svim okrivljenicima sudskim putem je određeno psihijatrijsko vještačenje koje je provedeno u Zavodu za forenzičku psihijatriju u Neuropsihijatrijskoj bolnici »Dr. Ivan Barbot« u Popovači. U svrhu ovog istraživanja uzorak je podijeljen u dvije grupe; 1) okrivljenici i žrtve koji su bili alkoholizirani u vrijeme počinjenja djela i 2) okrivljenici i žrtve koji su bili trijezni u vrijeme počinjenja djela. Grupe okrivljenika i žrtava su uspoređene prema varijablama kaznenog djela i prema alkoholnoj anamnezi. Provedeno istraživanje pokazuje da intoksikacija alkoholom kod počinitelja i kod žrtava, u vrijeme počinjenja kaznenog djela ubojstva, značajno utječe na modalitet ubojstva.