



# No body, no crime? The role of forensic awareness in avoiding police detection in cases of sexual homicide<sup>☆</sup>



Eric Beauregard<sup>a,\*</sup>, Melissa Martineau<sup>b</sup>

<sup>a</sup> School of Criminology, Simon Fraser University, 8888 University Drive, Burnaby, British Columbia, V5A 1S6, Canada

<sup>b</sup> Behavioural Sciences Branch, Royal Canadian Mounted Police, 1426 St. Joseph Blvd, Ottawa, Ontario, K1A 0R2, Canada

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## ABSTRACT

**Purpose:** The study examines whether the use of forensic awareness strategies increases the chance of avoiding police detection in sexual homicide.

**Methods:** Logistic and negative binomial regression analyses are used on a sample of 350 cases of sexual homicide – 250 solved and 100 unsolved cases – in order to determine if forensic awareness strategies are related to the status of the case (i.e., solved versus unsolved) and the number of days before body recovery, while controlling for certain victim characteristics.

**Results:** Although an offender's use of precautions does not seem to increase the offender's chance of avoiding police detection, some modus operandi behavior adopted by the offender at the crime scene may help to delay the discovery of the victim, and thus delay the offender's apprehension. Moreover, the likelihood of whether or not a sexual murderer is apprehended varied significantly across victim characteristics.

**Conclusion:** Some offenders seem to exhibit rational thinking in targeting certain types of victims and in adopting certain strategies in order to delay body recovery. Number of days until body recovery is a more appropriate measure of detection avoidance than case status, as it is not biased by administrative rules or timing of data entry.

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## Introduction

*"Wherever he steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a silent witness against him. Not only his fingerprints or his footprints, but his hair, the fibers from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects. All of these and more bear mute witness against him. This is evidence that does not forget. It is not confused by the excitement of the moment. It is not absent because human witnesses are. It is factual evidence. Physical evidence cannot be wrong, it cannot perjure itself, it cannot be wholly absent. Only human failure to find it, study and understand it, can diminish its value."*  
(Edmond Locard, cited in Kirk, 1953, p. 4).

This citation illustrates one of the most important principles at the foundation of forensic science as we know it today – the Locard exchange principle. Edmond Locard (1877–1966) suggested that if the offender did not bring something to the crime scene, he certainly took something away, which could be revealed through proper forensic

examination (Walton, 2006). But what of the possibility of offenders becoming aware of forensic science practices and modifying their behavior at the crime scene accordingly?

According to Strom and Hickman (2010), the rise in the utilization of forensic evidence is mainly attributable to technological development and the diffusion of knowledge about the value of forensic evidence in both the criminal justice community and in popular culture. While we have witnessed a significant increase in the use of forensic evidence in criminal investigation due to technological advancement in the past 20 years (Beaver, 2010), most research has shown that better case outcomes (i.e., identifying suspects, pressing charges, securing convictions) have not followed (e.g., Baskin & Sommers, 2010a; Brown & Keppel, 2012; Ingemann-Hansen, Brink, Sabroe, & Sorensen, 2008). This can be partly attributed to the minor role that forensic evidence continues to play in many criminal investigations (see Horvath & Meesig, 1996 for a review), the decision not to submit forensic evidence to the crime lab for analysis (Strom, Roper-Miller, Jones, Sikes, Pope, & Horstmann, 2007), and case backlogs (Peterson, Johnson, Herz, Graziano, & Oehler, 2012).

Moreover, some researchers have postulated that the emergent popularity of forensic science has manifested in a proliferation of crime-dramas such as *CSI – Crime Scene Investigation* which could potentially influence offenders' modus operandi. The hypothesis that the science portrayed within crime dramas can influence offender's criminal behavior has been termed the "CSI effect" (see Baskin & Sommers, 2010b; Kim, Barak, & Shelton, 2009). Alternatively, Cole and Dioso-Villa

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\* Corresponding author. Tel.: +1 778 782 8134; fax: +1 778 782 4140.  
E-mail address: ebeaureg@sfu.ca (E. Beauregard).

(2007) have termed this hypothesis the *police chief's effect*, stating that crime dramas such as *CSI* are in fact educational for criminals, providing them with new strategies for avoiding police detection as well as an increased sophistication in the commission of their crime. For example, it has been noted that offenders are more frequently wearing gloves to avoid leaving fingerprints and using bleach (which destroys DNA) to clean up blood (Durnal, 2010; Stevens, 2008). Such behaviors and strategies used by criminals to avoid detection have been associated to a relatively new concept in criminology: forensic awareness. The current study aims to examine whether the use of forensic awareness strategies – i.e., taking additional steps and adapting the modus operandi used in a crime to hide evidence in order to ultimately avoid apprehension (Davies, 1992) – increases the chance of avoiding police detection in cases of sexual homicide.

## Literature review

### *Avoiding detection in homicide*

There is a dearth of research on detection avoidance in cases of homicide. Homicide clearance research is one source of data that may contribute to understanding some of the strategies used by offenders to avoid detection. The different factors which influence homicide clearance rates have been traditionally organized around two conflicting perspectives in the literature: the discretionary and the nondiscretionary. The discretionary perspective – or extralegal (Riedel, 2008) – suggests that victimology (e.g., age, gender) will influence how vigorously and diligently the police will work to solve a crime (Black, 1976). For instance, “victim preferencing” could explain why the homicide of a poor sex trade worker would be less likely to be cleared by the police than a case involving an upper class female victim. Research on homicide clearance rates that consider the influence of victim characteristics reveal a general consensus that cases of homicide involving younger victims tend to be solved more expeditiously (Addington, 2006, 2008; Alderden & Lavery, 2007; Jiao, 2007; Korosec, 2012; Lee, 2005; Puckett & Lundman, 2003; Regoeczi et al., 2000; Regoeczi et al., 2008; Roberts, 2008; Roberts & Lyons, 2009; Trussler, 2010). This could be due to three main factors: (1) when the victim is a child, the public are likely to experience increased moral outrage, and greater pressure is brought to bear on investigating agencies, resulting in the dedication of more time and resources to solve the case (Riedel, 2008); (2) children are usually in the company of others who may be potential witnesses to the crime and able to provide information to the police (Riedel, 2008); and (3) homicides of children are more likely to be committed by a family member, thus limiting the required scope of the investigation (Regoeczi et al., 2008).

A similar pattern emerged from the research examining victim gender. Several studies have shown that, as with cases of child murder, homicide cases involving female victims are cleared more expeditiously (Addington, 2008; Alderden & Lavery, 2007; Korosec, 2012; Lee, 2005; Regoeczi et al., 2000, 2008; Roberts, 2007; Trussler, 2010). However, a significant number of studies have found no relationship between victim gender and the solvability of the case (Addington, 2006; Puckett & Lundman, 2003; Riedel & Rinehart, 1996; Wellford & Cronin, 1999; Wolfgang, 1958). Studies examining other aspects of victimology have found lower clearance rates for victims with a criminal record, suggesting that the police may be less attentive to such victims because of their prior involvement in criminal activities (Jiao, 2007; Litwin & Xu, 2007). However, other studies have found no relationship (Litwin, 2004; Wellford & Cronin, 1999) or have suggested that what is really important is not the mere presence or absence of a prior record, but the nature of the criminal history for both victims and offenders (Regoeczi & Jarvis, in press).

The nondiscretionary – or solvability (Riedel, 2008) – perspective suggests that it is the characteristics of the offence itself (e.g., weapon use, accessibility of witnesses) that are most important in determining

the solvability of the crime. According to this perspective, the police are fully engaged and committed to clear every homicide, although they may not be able to do so due to external situational factors (e.g., characteristics of the offense may influence the outcome of the investigation, i.e., homicides where witnesses are available are more likely to be solved) (Gottfredson & Hindelang, 1979; Klinger, 1997). In this paper, a third perspective that has been previously neglected and deserves equal attention is suggested, namely the modus operandi perspective. According to the modus operandi perspective, criminals avoid police detection because they make specific choices that will allow them to go unnoticed. This perspective focuses on the actions of the criminal as opposed to the failure of the criminal justice system to solve the crime. The perspective indicates that criminals may target a specific type of victim (e.g., sex trade worker) and adopt specific behaviors with the express aim of hindering any subsequent police investigation and increasing the likelihood of avoiding detection. Criminals make conscious decisions and *choose* to act a certain way in an attempt to evade police detection. One specific subtype of behavior which increases the chance of avoiding detection is the use of forensic awareness strategies.

### *Forensic awareness strategies used by offenders*

Some offenders will adapt their modus operandi (MO) or take precautions before, during or post crime commission to decrease their risk of apprehension. Arguably, this adaptation of crime strategy may be deemed an indication of evolving criminal sophistication on the part of the offender. Offenders who adapt their MO to thwart police investigative efforts may be said to be exhibiting investigative awareness (i.e., a knowledge or understanding of police investigative practice; Beauregard & Martineau, in press). “Forensic awareness” (Davies, 1992) is exhibited when an offender reveals knowledge or an understanding of the importance of forensic evidence (e.g., DNA, fingerprints, dental impressions) to police investigation through their behaviors or actions. Thus forensic awareness is defined as the taking of additional steps and adapting the modus operandi used in a crime to hide evidence in order to ultimately avoid apprehension (Davies, 1992). According to Davies (1992), forensic awareness is manifested within four aspects of the offender's MO: (1) avoiding interruption (e.g., gagging, targeting women who are alone, disconnecting the phone), (2) protecting identity (e.g., masking one's face, leaving neither fingerprints nor semen by using gloves and condoms), (3) preventing victim reporting (e.g., threatening to return and harm the victim), and (4) ensuring a safe departure (e.g., telling the victim not to move, tying up the victim).

Research on the prevalence of forensic awareness among offenders and the impact that this awareness has on the crime process and investigation is scarce. Davies, Wittebrood, and Jackson (1997) found in their sample of 210 stranger rapists that 15% of offenders wore gloves or made efforts not to leave fingerprints, 5% attempted to avoid leaving semen at the scene, 28% took steps to prevent being recognized (i.e., hiding their face), and 20% lied about their name and/or address. Park, Schlesinger, Pinizzotto, and Davis (2008) found that serial sex offenders were more likely to exhibit forensic awareness than sex offenders who had perpetrated only a single sexual offence. However, the two groups did not show significant differences in relation to the removal of semen. In their study of 85 serial homicides committed by 17 offenders, Neimeyer, Pepper, and Salfati (2008) used the expression of “adaptive behavior” to describe the different strategies that would assist offenders in avoiding detection. Among their sample they found that less than 20% of offenders were using any one of the following strategies: hiding or covering the body, using preparatory actions, abducting at night, staging the crime scene, arson, and cleaning the body. Similarly, Salfati and Haratsis (2001) examined 210 cases of solved and unsolved homicide occurring in Greece. They found a significant correlation between the use of forensic awareness strategies and the solvability of cases. Specifically they found that offenders' failure

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