

Chapter #24

CRIMINAL BEHAVIOUR OF A JUVENILE OFFENDER AS A VICTIM OF DOMESTIC VIOLENCE

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ABSTRACT

The article presents the results of the research of the criminal behaviour of adolescents underwent domestic violence, who committed crimes against family tyrants and other persons. The analysis of the criminal acts includes studying procedural documents of the criminal cases. The comparative analysis of the behaviour of the juvenile offenders, who committed a crime against the family tyrant, and of those who abused third persons has been carried out. In all the cases the criminal offenses have been committed in a manner similar to the one that had been used by the abusers against the adolescents, but the crimes against the family tyrant are characterized by more pronounced aggressiveness and cruelty. In the crimes against third persons the criminal acts are less aggressive.

The analysis of the communicative relations between the criminal and the victim has showed that in most of the cases there was a hostile relationship between the family tyrant and the juvenile offender. In the moment prior to committing the crime the adolescents provoked development of a bitter conflict. In the cases of committing a crime against third persons the offence arouses unexpectedly for a victim, without any communicative interaction between the victim and the abuser.

Keywords: criminal behaviour, domestic violence, juvenile offender.

1. INTRODUCTION

Currently, the problem of domestic abuse is of crucial importance for Russia as well as for many other countries. Thus, Armetta (1999) provides provided statistical data demonstrating that in Australia 54% of all murders are committed in the family and in 90% of those crimes the victims are women and children. Every day from 32 to 40 thousand women and children in Europe spend the night in special institutions because of the fear of possible violence in their families.

Criminological analysis of delinquency in Russia shows the evidences of the outrunning growth of violent crimes and that domestic violence occupies a considerable proportion in their structure (Kudryavtsev & Eminov, 2010). The victims of the latter are often underage members of a family (Bagmet, Bychkov, & Sazhaev, 2017; Kholopova, 2010; Kochenov, 2010; Straus, Gelles & Steinmatz, 1980). Studying the problem of the violence against children Dodge, Bates, and Pettit (1990) have concluded that the experience of the physical violence in early childhood leads to development of corresponding chronic aggressive models of behaviour. According to the criminologist Schneider (2014), 64% of the victims of crimes in their childhood and youth become criminals in adult age when those who did not have this trauma only in 22 % of cases.

The problem of connection between the crimes of juveniles and the violence against them as a criminogenic factor as well as the problem of the victimity of a family tyrant and the future criminal behaviour of his underage victim does not receive enough attention in

the scientific literature. Essentially, there are no studies concerning the connection of the violence in the family against underage persons with the forms of their unlawful conduct and of direct or indirect impact of the intrafamilial violence on the development of personality of a criminal, including the mechanism of influence of domestic violence on the character of behaviour of juveniles and making their decision to commit a crime.

The actuality of studying the problem of domestic violence is justified not only by the growth of disorganization of familial relations, but also by the fact that the obtained results can be applied in the prevention of juvenile crimes.

2. OBJECTIVES

The objective of the research is studying the connections between the forms of domestic violence against underage children with forms of the future illegal behaviour of the juveniles, the victims of domestic abuse.

The authors of the research have suggested the following hypotheses:

- (1) The fraction of juvenile offenders, the victims of domestic abuse, who committed violent crimes in the total number of violent offenders is much bigger than the fraction of juvenile offenders, the victims of domestic abuse, guilty of lucrative crimes among the other lucrative offenders;
- (2) There is a similarity of objective characteristics of violent crimes committed by juveniles, the victims of domestic violence, and objective characteristics of the acts of domestic abuse itself.
- (3) In cases when the victim of a violent crime committed by a juvenile offender is not the abuser but a third person despite seeming a wanton attack the motive of the crime is self-affirmation.

As Revin (1996) mentions, the obligatory characteristic of the violent crimes in the sphere of the family is the existence of a functional familial communication between the offender and the victim, which is causally relevant with committing the crime. In accordance with that, the member of the family of the juvenile is considered as a member of a small group based on marriage, cohabitation, blood or other relationship, where the members of the small group are in condition of functional familial communication with the juvenile.

Considering the above-mentioned, the violent crimes committed towards the children, adolescents and young men in the familial sphere should be considered as criminal actions characterized by physical, mental or sexual violence against the victim, making an attempt at life, health and sexual immunity of the underage persons, being in the state of functional familial communication with a tortfeaser of physical or moral damage.

3. METHODS

The empirical basis of the research consists of materials of 300 criminal cases of male juvenile offenders including 56 criminal files on the violent crimes of adolescents who had earlier become victims of domestic violence. According to the specially designed questionnaire a detailed analysis of criminal cases concerning crimes specified by the Article 105, 107, Part 1, Article 108, 111, 112, 113, Part 1, Article 114, 115, 116, 117, 119 of the Criminal Code of the Russian Federation.

The materials were collected in the court archives in Irkutsk and Moscow regions.

Analysis of the criminal files of the given category (including experts' conclusions)

was conducted according to the specially created technology allowing uniting personality features into the following blocks: bio-psychological features (age, physical and psychological development, hereditary load), characteristics of socialization (family social status, style of upbringing and role behaviour, psycho-traumatic situations, forms of socialization, manifestation of social maladjustment), personal traits (features of character, behavioral strategies, intensity of some forms of addictive behaviour, motivational components in communication, achievements in studying and professional interests, domestic habits, hobbies).

4. RESULTS

To fulfil the research objectives and to check the hypothesis, the analysis of the personalities of the juvenile offenders, victims of domestic abuse, has been carried out.

According to the results of studying the criminal cases of violent crimes of juvenile offenders, the victims of domestic violence, the following data have been obtained:

- 90% of the adolescents have been undergone the physical violence, 88% - the psychological one and 72% - both types of violence. 4% of the criminals survived intrafamilial sexual assault.
- Psychological abuse is of two types: verbal and non-verbal.
- Verbal abuse includes various verbal threats, insults, humiliation etc. The example of non-verbal assault is the situation when the abuser swings a knife in front of the victim, puts a gun to his chest etc.
- In most cases the persons abusing underage victims use both types of psychological abuse.

As the analysis of the criminal cases shows, the proportion of the lucrative criminals who underwent the family abuse was only about 4.3% among all the lucrative criminals. For the underage “violent” criminals this index is 5 times higher and the proportion is 21.3% among all the violent criminals.

As the result of the research we have defined differences between the violent attacks of juvenile offenders against family tyrants who abused them physically and against third persons (Table 1). Thus, in the situations when the family abuser is a victim of the juvenile offender one third of the acts of violence are performed the same way as having been used against him (mainly beating by kicking and punching). In those cases, when the adolescent was beaten with sticks and other heavy objects, in inversion he uses thrust, cutting and hacking weapon against his abuser. In other words, the juvenile offenders are crueller against the family tyrants. When committing crimes against third persons (abusers not belonging to the family) the situation is opposite: similarity can be observed in 75% of the cases (beating by kicking and punching) and only in 25% of the cases there was a difference.

Table 1.
Acts of violence of juvenile offenders against family tyrants and abusers not belonging to the family.

Similarity of the attack method	A victim is a family abuser	A third person is a victim
The attacking method is similar to those applied to an adolescent	34% (mostly beating by kicking and punching)	66% (mostly beating by kicking and punching)
The attack method is different from those applied to an adolescent	76% - when an underage person was beaten with sticks or other heavy weapons, due to inversion he used thrust, cutting or hacking weapons to attack an abuser	24% of juvenile offenders were less aggressive against other abusers

In general, the analysis of the criminal cases shows that 78% of juvenile offenders, the victims of domestic violence, systematically take alcohol drinks (with a frequency from 2-5 times per month). 13% of them have medically confirmed diagnosis of alcoholism.

Speaking of their moral and emotional spheres, we should mention that most of these adolescents have such features as rudeness, aggressiveness, exasperation, and lack of shame.

Sixteen percent of the criminals have relatively positive personality orientation and 8% of them reveal ambivalent tendencies: such features as hastiness, aggressiveness, cruelty against schoolmates combines with kindness and sensitivity towards their mothers also being abused by their fathers or step-fathers, with social activeness and with need of friendship and care.

Thirty-eight percent of juvenile offenders, the victims of domestic violence, provoke a conflict by their negative behaviour in those cases when such conflict arises between the adolescent and the future victim. That demonstrates the depth of their moral and juridical deformation.

The research results allow describing such phenomenon as Role Inversion (when within one conflict interaction future juvenile offender, a victim of a family abuse, and a family abuser change their roles)

Table 2.
Presence of the role inversion “abuser-victim”.

Crime	Role inversion – “criminal – victim” existed	Role inversion – “criminal – victim” did not exist
Murder and heavy bodily injury	56% of crimes	44% of crimes
Light and medium bodily injury and beating	12% of crimes	88% of crimes

The leading motives of the crimes committed by the underage victims of domestic violence are:

1. Self-defence and defence of brothers/sisters/mothers – in cases of acts of violence against the family tyrant – in all cases;
2. Self-affirmation – in those cases when third persons (not the abusers) are the victims of the juvenile offender. In 69% cases self-affirmation is the leading motive although at first sight the crime seems having no motive at all.

In 2% of crimes a specific motive of “imitation of father” is found out, when an adolescent beats his schoolmates to be “like his father”.

In the process of criminal cases studying it has been established that 62% juvenile offenders and their victims had been having relatively long-lasting relationship (blood relationship, neighbouring, co-education) and 28% (almost one third of the subjects) are family tyrants having abused the adolescents. It is obvious that between the juvenile offender and the family abuser – the future victim of the adolescent, hostile relations existed which were the source of the future violent act of the underage person.

In other 34% cases the relations between the adolescent and his victim can be characterized as friendly (4%) or indifferent (30%).

If in case of murder and a heavy bodily assault hostile relations were established in 63% of the crimes then in case of beating and medium/light bodily assault they can be found in 12% cases. This fact leads us to conclude that in cases of murder and a heavy bodily assault committed by a juvenile offender, a victim of domestic violence, the hostility against the future victim was intensive and, probably, dominated in the system of their relationship.

The conflicts in cases of murder and a heavy bodily assault can be divided in two groups:

- 1) Long-term conflicts: they arise among the family members having a hostile relationship because of insults and beatings committed by family abusers – future victims, having terrorised other family members including future juvenile offenders.
- 2) Short-term conflicts arising among adolescents, victims of domestic violence and their acquaintances (not the family abusers), being indifferent to each other, in a course of drinking alcohol together when the quarrel or scuffle began. In those cases, the victim of the juvenile offender either provoked the violent act or facilitated it by immoral or unlawful actions.

For juvenile offenders, victims of domestic violence is typical causing medium or light bodily harm (and beatings) to strangers. Often a crime is committed by the victim of domestic violence together with other persons without saying a word to the victim. The motive of such crimes is self-affirmation of the adolescents, victims of domestic violence.

The victims in this situation belong to two almost equal groups:

- 1) Underage males;
- 2) Males in the age of 55-65 years.

In those crimes, such features of adolescents as easy coming under somebody's influence, hostility, biases, caused by ungrounded generalization of their own abnormal relations with abusers – members of their families and transferring those relations on other persons by the juvenile offenders can be seen. As it has been mentioned the victims of such crimes are either underage or senior persons. The choice of the former can be

explained by the fact that they suppose not to be able to put up resistance; the latter's – by the association of the future victim with the father-abuser.

The victims of murders and severe bodily damage can be characterized, as a rule, by the victimogenic deformation of personality. Thus, most of those victims offended by adolescents experienced domestic violence misused alcohol, did not work, preferring living on social benefit, were of low cultural level of household and leisure, had a low social status, were hot-tempered, rude, cruel, aggressive and that could be seen in constant quarrels, conflicts and scuffles.

The victims of medium and light bodily harm or of beating can be characterized by age victimity, lowered capability to resistance along with a high excitability, abnormal reactions on imaginary hurting their pride, unhealthy self-affirmation in adult age.

When studying the criminal cases of the juvenile offenders, victims of domestic violence, it has been found that they had been suffered of abuse during a long time. The violence against 14-15-year future criminals lasted for several months. It reported that 87% of 16-17-year adolescents had been objects of such violence for 3-5 years. Thus, it can be concluded that in early stages of domestic violence they possessed age victimity; I.e. before committing the crime, most adolescents had been the victims of family tyrants when their age victimity could be seen.

It is this kind of victimity that causes the crime against their abusers: either real or seeming impossibility to get rid of suffering on legal grounds makes those adolescents to take the law in their hands.

Most juvenile offenders can be characterized by proneness to conflicts, aggressiveness against schoolmates and strangers, taking alcohol from the age of 11-12 years, neglectful attitude towards other people, and that indicates the antisocial orientation of their personality. In other authors' works (Rybalskaya, 1998), it is also mentioned that when committing violent crimes, the antisocial orientation of the personality practically coincides with pronouncedly demonstrated victimogenic deformation of the criminal's personality. Thus, hastiness, rudeness, aggressiveness in combination with alcohol misuse, low culture of everyday life and leisure, identifying the antisocial orientation, indicate the victimogenic predisposition to the infringements of a violent character.

Two kinds of situations can be marked out when both sides of the conflict possess a victimogenic deformation of personality:

(1) When a conflict arises between an adolescent, a victim of domestic abuse, and persons, familiar to him; either one or the other has moral-psychological characteristics which increase the probability to become a crime victim (alcohol misuse, low culture of everyday life and leisure). The conflict in such situation arises during a joint drinking of alcohol and in some cases, is provoked by the antisocial action of the adolescent, the victim of domestic abuse, whose social-psychological characteristics of personality (misuse of alcohol, inadequate hastiness, aggressiveness) are the result of his negative socialization in the family. The provocation of the conflict is carried out in the ways similar his "familial" experience (insults, humiliation etc.). As it has been established, those adolescents could have been exposed to the criminal infringement from their future victims, but they had been faster in recognizing the situation as a conflict one, and that had provided them with the initiative in the choice of conflict interaction (the choice of which once again had been conditioned by their early socialization).

(2) The victims of the juvenile offenders were the domestic abusers, if the conflict was developed by role inversion. When, during the same conflict, the future juvenile offender, the victim of domestic abuse, and the family abuser change their roles both have the similar characteristics: aggressiveness, low culture of everyday life, misuse of alcohol,

rudeness and hastiness. Those characteristics expose in the mutual insults, beatings, humiliation of each other's dignity. Those actions when either family tyrant or adolescent are the abuser and the victim in the same conflict are conditioned by the victimogenic deformation of the personality of the family tyrant and the victim of domestic abuse, equally as the antisocial orientation of each of them.

Regarding the issue of the role inversion, it should be mentioned that an early arisen difference is applicable to murders and heavy bodily injury on one hand, and a medium and light bodily injury and beatings, on the other. Thus, if in the first case the role inversion "abuser-victim" is found out in 56% of crimes and in all those cases the family tyrant has been turned into the victim, then in the second case only 12% of family tyrants have become the victims of the violence, inflicted by the adolescents.

The data of our research have confirmed the hypothesis concerning the similarity of the acts of domestic violence and the violent crimes committed by the juvenile offenders, the victims of domestic abuse. As a result of comparing the mentioned criminal acts the differences of the violent infringements against family tyrants and third parties have been marked out. Thus, in the situations when the victim of the juvenile offender was the family tyrant, one third of the crimes were committed the way similar to those applied to the adolescent himself (mainly beating by punching and kicking). In those cases, when the adolescent had been beaten with sticks and other heavy objects in inversion he used thrust, cutting and hacking weapon against his abuser. In other words, the juvenile offenders were crueller against the family tyrants.

When committed infringements against third persons (not the family abusers) the opposite picture can be seen. The similarity in the way of committing a criminal action can be seen in $\frac{3}{4}$ of cases (beating by punching and kicking) and only in a quarter of cases the difference can be seen.

5. CONCLUSION

While studying criminological-victimological characteristic of a juvenile offender, a victim of domestic violence the following conclusions have been obtained:

1. The criminological characteristic of a juvenile offender, a victim of domestic violence alongside with other typical features of a juvenile offender possesses a complex of specific features: retardation in educational level, defined by the number of finished school years; the bigger part of unemployed and not learning anywhere persons (twice higher than the corresponding index for all juvenile offenders) combined with differences of other indexes concerning the type of activity; every fourth victim of domestic violence is from a one-parent family (every second or third among other juvenile offenders), but at the same time in a half of those families the second parent is a step-father but not their own father; in all the families with domestic abuse the relations can be described as hostile or indifferent (in every third family in case of other offenders); the percentage of persons with psychopathic features in 2-2.5 times bigger comparing with this index in the control group.

2. The hypothesis stating that in case of committing violent acts against strangers (not the abusers) the motive of juvenile offenders, victims of domestic violence are self-affirmation receives its justification.

3. The major part of the victims of domestic violence can be characterized by age victimity and in elder age the victimogenic personality deformation can be seen.

4. The hypothesis of similarity of acts of domestic violence and violent crimes of the juvenile offenders in the ways of committing those crimes against strangers has been also confirmed.

The research has been an attempt to consider some aspects of the problem of interconnection of domestic violence against underage persons with certain types and forms of their criminal behaviour and influence of family abuse on the development of personality of a juvenile criminal.

As a result of the research, some elements of the mechanism of influence of domestic violence on the character of behaviour of the adolescents and making their decision to commit a crime are more clearly understood.

The following hypothesis of the first stage of research has been confirmed: (a) that violence against adolescents effect negatively on the development of their personality and leads to a higher probability of committing the crimes of similar aetiology; (b) concerning the similarity of the acts of domestic violence and violent crimes of the victims of family abuse in methods (in case of crimes against strangers but not the abusers).

Thus, it has been established that violence against adolescents has a pernicious effect upon their personality development and leads to a higher probability of committing crimes of similar aetiology by them. The similarity of methods committing the crimes and acts of domestic violence in case of crimes against not the abusers themselves but against third persons has been found.

REFERENCES

- Armetta, D. (1999). Issledovanie po voprosu primeneniya zakonodatelstva dlya zashchity zhertv semeinogo nasiliya. Mezhdunarodnyi opyt. [Research on the issue of application of the legislation for protection of the victims of domestic violence. In Russian]. In Kudryavtsev, V.N. (Ed.) *Materialy po problemam domashego nasiliya*, (pp.63-120). Moscow: Publ. of MVD RF.
- Bagmet, A.M., Bychkov, V.V., & Sazhaev, A.M. (2017). *Rassledovaniye iznasilovaniya i inykh nasilstvennykh deistviy seksualnogo kharaktera, sovershennykh v otnoshenii i/ili nesovershennoletnimi v sostave gruppy*. [Investigation of Cases of Raping and Other Sexual Assaults against/committed by Underage Persons in a Group]. Moscow: Yuniti-Dana.
- Dodge, K.A., Bates, J.E., & Pettit, G.S. (1990). Mechanisms in the Cycle of Violence. *Science*. 250 (4988), 1678-1683.
- Kholopova, E.N. (2010). *Sudebno-psikhologicheskaya ekspertiza*. [Court psychological expertise]. Moscow: Yurlitinform.
- Kochenov, M.M. (2010). *Sudebno-psikhologicheskaya ekspertiza: teoriya i praktika. Izbrannye trudy*. [Court psychological expertise: theory and practice. Selected works]. Moscow: Genesis.
- Kudryavtsev, V.N., Eminov, V.G. (2010). *Kriminologiya*. [Criminology]. Moscow: Infra-M.
- Revin, V.P. (1996). Kriminalnoe nasilie v sferakh sem'i, byta, dosuga [Criminal violence in the spheres of family, everyday life and leisure]. In Ivashchenko, A.V. (Ed.), *Sotsialno-pravovye problemy borby s nasiliem*, (pp.12-28). Omsk: Publ. of Omsk Jur.Inst. MVD RF.
- Rybalskaya, V.Y. (1998). *Viktimologicheskie problemy prestupnosti nesovershennoletnikh*. [Victimologic problems of delinquency]. Irkutsk: Irkutsk University Publ.
- Schneider, H.J. (2014). *Kriminologie. Ein internationales Handbuch Band 1: Grundlagen* [Criminology. An international handbook, Volume 1: Foundations]. Berlin: De Gruyter.
- Straus, M.A., Gelles, R.J., & Steinmatz, S.K. (1980). *Behind closed doors: Violence in the American family*. New York: Doubleday/Anchor.

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