

# Research on Issues of Detection, Solving and Evidence Collecting in Cases of Professionally Executed Murders

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This paper analyses the complex problems of detecting, solving and evidence collecting in cases of professionally executed murders, specifically the analysis of the low clearance rate of professionally executed murders committed by unidentified perpetrators in Montenegro. The aim of the research is to determine the factors that contribute to a high number of unsolved professionally executed murders and to propose measures that can contribute significantly to a more efficient identification of perpetrators. The sample included all 69 cases of unsolved professionally executed murders over a period of twenty years. The research results show that 522 aggravated murders were committed from 1990 to 2015, of which 105 (20.11%) were professionally executed. Of these, there were 36 solved murders (34.28%), while 69 (65.71%) remained unsolved. It was found that the low clearance percentage was caused by a deficit of trace evidence allowing identification, a high level of organisation and specialisation in the commission of crimes, and the destruction of instruments used, among others. Unsuccessful identification of perpetrators was also affected by numerous shortcomings in the operational-tactical and forensic mode of police proceeding, which would not have occurred had they applied all the modern methods and techniques of detecting and solving professionally executed murders. The conclusion is that successful and efficient detection and prevention of professionally executed murders can be achieved if a scientific and practical basis for investigation and prevention of these offences is created and developed.

**Keywords:** murder, detection, evidence collecting, unidentified perpetrators

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## 1 Introduction

Life and bodily integrity are the greatest values we cherish. The protection of life in criminal law has existed historically but was not the same for all people. The principles of the equality and legality of the protection of human life were realised in modern society, so this value obtained a general and consolidated character. Today, humanity and democracy in society are measured by the efficiency of the protection of human life and the extent of the application of human rights and freedoms. Murder is the most extreme form of violence for which the most severe punishments are prescribed in modern criminal justice systems. If we analyse the typologies of murder, we see that there are various types of murders in the legislation of individual countries. In Germany, they differentiate between *mord* and *totschlag*. *Mord* (aggravated murder) is a non-stand-alone qualification of *totschlag* (manslaughter). Schönke and Schröder (2001) divided aggravated murders (*mord*) into three groups. The first group includes aggravated

murders characterised by a low level of motivation; the second includes aggravated murders involving particular danger and inhumanity during their commission, while the third group includes aggravated murders which are related to facilitating or concealing another crime (Schönke & Schröder, 2001: 1669). Common law jurisdictions grade murders. Hence, in America, there are criminal murders, justifiable murders, excusable murders, and praise-worthy murders. In English law, there is a differentiation between manslaughter and murder, with murder being a more serious offence than manslaughter, meaning the unlawful killing of another person with unambiguous malice aforethought. In most modern legislations, murder is divided into first and second-degree murder. First-degree murder involves the unequivocal intention to cause death, premeditation as the full and conscious knowledge of the purpose of the killing, and deliberation. Second-degree murder involves malice aforethought, but it is not premeditated or planned in advance (Inciardi, 1996: 73).

In the Montenegrin criminal legislation, there are more types of murders that are classified as ordinary, aggravated and privileged murders. The murder is ordinary when there is a deliberate intention to take away the life of another per-

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son under no special (aggravating or mitigating) circumstances. Aggravated murder exists when the killing with malice aforethought was committed in such a manner or under such circumstances that indicate a higher degree of risk which leads to a more severe punishment. According to the *qualifying* circumstances, aggravated murders can be classified into the following groups: a) according to the manner of commission, b) to the motives of the perpetrator, c) the circumstances of the commission and the consequences, d) the characteristics of the passive entity, and, e) the characteristics of the perpetrator. Article 144 of the Criminal Code of Montenegro (Krivični zakonik Crne Gore, 2003) states that imprisonment for not less than ten nor more than forty years shall be imposed on those who: 1) take the life of another person in a cruel and insidious manner, 2) take the life of another person in a carelessly violent manner, 3) take the life of another person and thereat act with wrongful intent to endanger the life of another person, 4) take the life of another person out of greed, in order to commit or conceal another criminal offence, out of unscrupulous revenge or other base motives, 5) take the life of a person acting in an official capacity or of a member of the armed forces while performing or in relation to the performing of an official duty, 6) take the life of a child or a pregnant woman, 7) take the life of a member of their own family or family community whom they have ill-treated previously, or, 8) act with wrongful intent to take the lives of several persons, where such acts do not constitute manslaughter, killing a new-born, or mercy killing. Privileged murders include manslaughter, killing a new-born, mercy killing and negligent murders.

Special importance pertains to the division of murders into professionally executed murders and non-professionally executed murders. Professionally executed murders are most often related to the activities of members of criminal organisations in which the deprivation of life is conducted in order to destroy the competition, win positions in the market, demonstrate power, or instil fear in opponents.

## 2 Scope and Purpose of the Research

The scope of this paper is to analyse the low clearance rates related to professionally executed murders committed by unidentified perpetrators in the territory of Montenegro, to determine the factors that contribute to the many unsolved professionally executed murders, and to propose measures and activities that can significantly contribute to the more efficient identification of perpetrators of professionally executed murders and to the prevention of these crimes.

## 3 Methods and Sample

The research was designed to examine a series of professionally executed murders including the relevant data archive. Content analysis of all cases of professionally executed murders committed by unidentified perpetrators was utilised, and the data were analysed by using descriptive statistical methods in the form of absolute and percentage frequency. Open cases held by the police and the prosecutor's office were available to the author of this paper since he has worked for two decades on the suppression of offences against life and limb.

The sample includes all 69 cases of unsolved aggravated murders executed in a professional manner in the territory of Montenegro over a twenty-five year period, and the study was conducted over the period from January 2013 to June 2015.

## 4 Results

In the period from 1990 to 2015, a total of 522 aggravated murders were committed in the territory of Montenegro, whose perpetrators were unidentified at the moment of commission, so the average per year is 20.88 murders. A total of 105 (20.11%) professionally executed murders were committed over the same period, and 36 (34.28%) were solved. A total of 69 (65.71%) of the professionally executed murders remained unsolved (see Table 1).

**Table 1:** Overview of recorded murders committed by unidentified perpetrators in the period from 1990 to 2015 (Official documentation of the Criminal Police Department of the Ministry of Interior Affairs of Montenegro for the indicated period)

Year	Number of aggravated murders	Number of professionally executed murders	Number of unsolved professionally executed murders
1990	25	2	2
1991	25	1	1
1992	30	3	3
1993	31	2	1
1994	32	2	2
1995	28	3	2
1996	28	2	2
1997	26	3	1
1998	29	3	2
1999	28	4	2
2000	21	4	3
2001	22	4	3
2002	27	5	4
2003	20	5	3
2004	14	4	3
2005	22	5	4
2006	12	4	3
2007	17	6	2
2008	14	5	3
2009	13	6	4
2010	11	6	4
2011	14	6	5
2012	9	7	4
2013	12	7	3
2014	15	7	4
<b>Total</b>	<b>522</b>	<b>105 (20.11%)</b>	<b>69 (65.71%)</b>

Based on the analysis of open professionally executed murder cases it was found that numerous circumstances had a significant impact on the impossibility of resolving these cases, out of which the following were singled out:

- 1) perpetrators not leaving any *physical* evidence at the crime scene which could be used to identify them;
- 2) the high degree of organisation in the commission of the crime;

- 3) very strong support for the perpetrators of the crime before the commission, during the commission and after the commission of the crime;

- 4) detailed planning of the crime, which also includes the multi-day practising of the mode of commission;

- 5) crimes committed most often out of greed, or for a specific reward or another benefit;

- 6) murders which were committed with a high degree of specialisation and training on the part of the perpetrators;

7) the instruments used for the liquidations were reliable and high-quality (automatic rifles, pistols, explosive devices, motor vehicles bearing stolen license plates and so on);

8) the instruments of the commission were destroyed after the crime, often by being burnt, or in a similar manner;

9) after the murder, the perpetrators quickly leave the country and go abroad;

10) the victim, who is most commonly from the criminal environment, is attacked at the moment when he/she is the least ready to fend off the attack;

11) the perpetrators often used forged travel documents;

12) in a number of cases of murder, the perpetrators used mobile phones with pre-paid cards for only one conversation, after which they destroyed both the phone and the cards in order to prevent identification by secret surveillance measures;

13) according to the method of commission, those were usually very brutal liquidations of adversaries.

#### 4.1 Sources of Finding About the Murders

With reference to these 69 professionally executed murders, the police were informed about the crimes through: 1) citizens' reports – 40 (57.97%), 2) reports submitted by family members – 11 (15.94%), 3) police operations – 10 (14.49%), 4) anonymous reports – 4 (5.79%), 5) rumours – 2 (2.89%), reports submitted by friends – 1 (1.44%) and reports submitted by acquaintances – 1 (1.44%). The killings were carried out in the cities and outside in the case of 48 murders (70%) and indoors in the case of 21 murders (30%).

#### 4.2 Time of Being Informed About the Professionally Executed Murders

The research revealed that the police were informed about the murder at the following time intervals: 1) in the period of 0-5 minutes from the moment of the commission – 7 cases (10.14%), 2) in the period of 5-10 minutes from the moment of the commission – 10 cases (14.49%), 3) in the period of 10-30 minutes – 15 cases (21.73%), 4) in the period of 30-60 minutes – 18 cases (26.08%), 5) in the period of 1-2 hours – 9 cases (13.04%), 6) in the period of 2-6 hours – 2 cases (2.89%), 7) in the period of 6-12 hours – 3 cases (4.34%), 8) in the period of 12-24 hours – 2 cases (2.89%), 8) in the period over 24 hours – 3 cases (4.3%).

#### 4.3 Securing the Crime Scene

The crime scene was secured in all 69 cases (100%); in 43 cases (62.31%) the crime scene was in an open area, whereas in 26 cases (37.68%) the crime scene was in an enclosed area. The place where the murder was committed represents a valu-

able basis for finding material traces and objects of the criminal act on which the outcome of criminal proceedings often depends. On the basis of clues, the versions of what has happened are set and the facts of the circumstances of the murder and the detection of the perpetrator are determined. It is therefore very important to secure the crime scene in a timely and professional manner.

#### 4.4 Crime Scene Investigation

Crime scene investigations were conducted in all 69 cases (100%) after the discovery of the corpse or parts of the corpse. In 27 cases (39.13%), the crime scene investigation team was not complete (the forensic medical examiner, the ballistics expert or the trace evidence examiner were missing). In 42 cases (60.86%) the crime scene investigation team was complete during the crime scene investigation.

Bearing in mind that an investigation is one of the most important investigative actions, the composition of the investigation team in all cases should consist of specialists in forensic medicine and other experts, depending on the means by which the murder was committed.

#### 4.5 Trace Evidence and Items at the Crime Scene

There was no biological trace evidence pointing to the identity of the perpetrator at the crime scene, whereas considerable elimination trace evidence was found.

During the crime scene investigation, a number of items were found which are presumed to originate from the perpetrator, but which were not used to commit murder.<sup>2</sup>

<sup>2</sup> At the scene of the crime, identification marks were not found (traces of papillary lines or DNA, for example) that would lead to the perpetrator, which indicates that the murders were committed by professionals who leave no traces, thus hampering the investigation considerably. The safest means by which the perpetrator of criminal act can be identified are traces of bare fingers, palms and soles, that are to be found at the site where the criminal act took place. During the commitment of criminal acts, by touching various objects with bare hands, palms or soles, the perpetrators leave traces of papillary lines. Papillary lines are lines on the cheeks and fingers articles, on palms and feet and they contain anatomical characteristics unique to each person. The main characters of the papillary lines are their individuality, durability, transferability and grouping. Genetic identification is a technique by which the identification between people of the same kind is done using only samples of their deoxyribonucleic acids (DNA); that is their genetic material. Deoxyribonucleic acid can be analysed from bodily fluids (blood, semen, saliva and urine), from the stains of these fluids on different materials as well as from other biological tissues that represents biological traces in a criminological sense (hair, various tissues, bones, teeth).

#### 4.6 The Instruments Used to Commit Murder

Firearms (*short-barrelled* and long-barrelled) were used to commit 56 (81.15%) murders, while 13 (18.84%) murders were committed by activating explosive devices. Pistols and rifles were not found in 48 cases (85.71%). In 8 cases (14.28%), the instruments used to commit murder were found burnt, leaving no possibility to find trace evidence leading to identification. Trace evidence leading to identification could not be isolated on the remains of the explosive devices.

#### 4.7 Age of the Victims of Professionally Executed Murders

Regarding the age of the victims of professionally executed murders, most were 31–40 years of age - a total of 38 victims (55.07%), followed by the age of 41–50 (20.28%). The next most numerous group was victims aged 21–30 years, where there were 12 victims (17.39%) and finally those who were 51–60 years old, totalling 5 victims (7.24%). All the victims of professionally executed murders were male.

The victims of these murders were the members of criminal groups in 49 (71.07%) cases, followed by entrepreneurs in 8 cases (11.59%) random victims in 7 cases (10.14%) police officers in 2 cases (2.89%) and journalists in a single case (1.44%).

#### 4.8 Perceived Shortcomings in the Work on Unsolved Cases of Professionally Executed Murders by Criminal Investigators

I

Shortcomings regarding the operational-tactical aspect are as follows:

1) The criminal investigative principles of the “golden hour” and fast track actions were not consistently implemented in 41 cases (59.42%). There was no immediate and simultaneous taking of operational-tactical and investigative actions.<sup>3</sup>

<sup>3</sup> This is one of the basic principles of criminology that is manifested in deliberate and fast procedures after committing a murder. In the case of the absence of the application of this principle, the opportunity for the successful clarification of the murder is reduced. Any practice which involves slowness, delay or procrastination in criminological action is unacceptable. The perpetrators of professional murders act instantly and decisively, trying to move away in the shortest time from the scene of crime and to destroy any traces of their involvement. This is especially conspicuous in a territorially small country like Montenegro where it is possible that the perpetrator of the murder might flee the country in a matter of minutes. It is essential to undertake fast and unrepeatable criminological actions that will prevent the perpetrator from escaping

2) The narrow and wide area in which the crime was committed was blocked off in only 19 (27.53%) cases, and not blocked off in 50 (72.46%) cases.<sup>4</sup>

3) Intensified work in the zone was carried out in only 11 cases (15.94%).<sup>5</sup>

4) Operational policing in terms of persons of interest, facilities and posts was conducted in only 9 cases (13.04%).<sup>6</sup>

5) Criminal checks were carried out in only 18 cases (26.08%).<sup>7</sup>

6) Ambushes were set up in only 8 cases (11.59%).<sup>8</sup>

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and destroying objects and traces of the criminal act immediately after committing a murder.

<sup>4</sup> A blockade is a general operational, tactical measure undertaken by police in cases of serious crimes commitment such as murder. The goal of a blockade is the closure of all the routes in and out of the site where the crime was committed. By an effective blockade, the perpetrator is prevented from leaving the place of the crime.

<sup>5</sup> A question is justifiably asked as to why increased police activity is missing in the security sector in cases of the execution of professional murders. One of the basic forms of operational activities of the police is the territorial form and its assignment is to prevent and to detect all the criminal acts within that territory. The territorial sector is divided into smaller units or security sectors. Within the security sector, regular police activities are conducted by the members of the police and the criminal police. If the occurrence of the criminal act happens in a particular sector it is the duty of the police in that sector to intensify their activities in order to identify the perpetrators of the criminal act.

<sup>6</sup> A criminological analysis is a form of operational activity on the part of the police that is focused on criminal phenomenon, that is the people, the objects and stations that have criminal predispositions. The objective of the operational coverage is the monitoring of those engaged in criminal activities in particular territories. On the basis of that, the police come to know about the perpetrators of criminal acts. In specific cases, the monitoring of the behaviour and the movements of potential perpetrators is missing as well as the adoption of estimates about the possible perpetrators of the criminal act.

<sup>7</sup> A criminological check is a general operational, tactical activity, the aim of which is to determine the truthfulness of the gathered clues that point to a particular criminal act, perpetrator and other circumstances significant for shedding light upon a criminal act. Those facts that are born with the emergence of the engagement of police officers, whether based on an operative source or on personal perception are very important. It is necessary to select data and determine their adequacy. All the checks must be done in a timely and detailed manner. If that detail is missing, as in these cases, good results on crime eradication will not be obtained.

<sup>8</sup> An ambush is a general operational, tactical activity which includes the hidden schedule of police officers immediately after they become aware of a committed or an approaching criminal act, in order to deprive the perpetrators of freedom. The ambush is always set in those places where the arrival of the people who should be deprived of freedom is expected. Police knowledge about the direction of movement of the criminals must be based on valuable data.



7) Operational and intelligence work in general were at a very low level.<sup>9</sup>

## II

Shortcomings in terms of the forensic aspect are as follows:

1) The CSI team did not come to the crime scene promptly in 14 cases (20.28%).<sup>10</sup>

2) The crime scene investigation was not conducted during the night, but rather the team waited until the next day in 10 cases (14.49%).<sup>11</sup>

3) A written plan for crime scene investigation was not made in any of the cases.<sup>12</sup>

4) Items and trace evidence found in 24 cases (34.78%) were not adequately collected, packaged and marked.<sup>13</sup>

<sup>9</sup> Operational and intelligence work is an inevitable method in the work of police when shedding light on a murder. Without operational links, informers and collaborators, the work of police is very often ineffective. The police apply their operational methods in order to reveal criminal acts, to gather data about the personality of the perpetrators and the place where they are, as well as about the objects which are potential holders of supporting information. Regarding the low level of operational work it is sufficient to see the fact that in all the unsolved cases, the police have collected very little operational information.

<sup>10</sup> The investigation is one of the most important evidentiary actions which is undertaken when it is necessary in order to establish and clarify important facts in criminal proceedings to give indirect perception. The main goals of the investigation are the detection and gathering of data that could be used to discover and identify the perpetrator of the criminal act. The investigative activities are important and unrepeatable because it is necessary to save, find and gather and fix all the object and traces of the criminal acts. If one comes too late to the scene of the crime, many of the traces disappear or are contaminated. Due to that, urgency in reaching the crime scene is emerging as a precondition for successfully shedding light on the murder.

<sup>11</sup> The reasons for the delay in the investigation commission are unwarranted. In a number of cases the leader of the team for investigation justified the delay based on the lack of an adequate device for illuminating the scene at night, whereas in a smaller number of cases the failure to perform investigation at night has been justified by the fatigue of the head of the investigation with the duty of the police to secure the place all night.

<sup>12</sup> The plan made for the crime scene investigation has significant practical importance. The plan must contain the key activities that will be completed in the informational, orientational, statistically identificational, dynamical, control and final phases of the investigation which is to be conducted. A well-made plan for the investigation makes it possible to ascertain at any moment the relative situation that existed at the time the murder took place.

<sup>13</sup> For the successful detection of traces on the spot it is necessary to know which traces are typical in cases of murder, where they

5) In as many as 37 cases (53.62%) the entire situation of the narrow and wider crime scene was not properly interpreted as an objective finding on all essential elements of the crime; instead, the interpretation of events was highly superficial and fragmented.<sup>14</sup>

### 4.9 Proposed Measures to Improve the Methodology of Detection and Evidence Collection in Cases of Professionally Executed Murders

Considering the many unsolved professionally executed murders within the territory of Montenegro, it is believed that the following actions should be taken in order to increase the success and efficiency of identifying the perpetrators of these crimes:

1) When investigating cases of professionally executed murders, apply modern models of criminal intelligence activities, including a studious crime analysis and criminal profiling.

2) All unsolved cases of murders must be subjected to crime analysis, which includes intelligence, strategic, tactical and administrative analysis, which would allow a systematic listing of all the obtained information that is relevant to criminal investigations.

should be found, which means should be used on the occasion of the search, what causes latent traces and especially the finding of microtraces. It is necessary to know the methods of trace fixing. The traces must be collected in a way which does not cause their damage or destruction. It is necessary to use the standard means and methods for packaging and storing traces in order to use them correctly and transform them into proof throughout expertise. The key deficiency in these cases was that there is the possibility of additional change and the contamination of traces. During the fixing of the traces in disputable cases, the precise place for finding traces has not been marked.

<sup>14</sup> The investigation of the murders committed by unknown perpetrators in a professional way requires the application of the best scientific and expert knowledge during the work on the revelation of these crimes. The police in these cases must act within their authorisation in order to obtain indicational material and physical facts that could indicate the murderer. That requires the further engagement of the police that must implement operational-tactical measures synchronically such as gathering notifications, checks, observation, monitoring, legitimization, the examination of people and vehicles, establishing identity, checks of alibies, sampling for DNA analysis and so on. Regarding evidentiary actions, the police are obliged to apply secret surveillance measures, searches of apartments, other rooms, movables and people as well as the temporary seizure of objects. It is evident that in unsolved cases of murder, an integrated approach has not existed in terms of synchronisation during taking official actions; rather, these cases have been approached partially and in a disorganised way, which the perpetrators of criminal acts have used in order to escape.

3) It is necessary to implement crime profiling for the purpose of pinpointing and registering specific behaviours of unidentified perpetrators which are sufficiently significant to at least narrow down the list of suspects.

4) In all future cases, ensure that the system operates in such a manner that the crime scene is secured and all necessary operational-tactical and investigative actions are taken in the shortest possible period of time.

5) In order to search for and find the instrumentalities and trace evidence of crimes, it is necessary to apply those methods used for crime scene investigation instead of the current method of passive observation of the macro situation.

6) Carry out crime scene investigation in all cases through 5 phases: a) information, b) identification, c) dynamic, d) control e) final.<sup>15</sup>

7) The detection, fixing and use of traces during the crime scene investigation must be organised so as to exclude the possibility of replacement, subsequent changes or misuse.

8) Traces must be treated in such a way as to identify every trace, establish the place in which it was found, and also determining the shape, dimensions and condition of the trace evidence.

9) Finding, marking, developing latent traces, fixing, collecting, packaging and examining needs to be conducted using modern methods and techniques of crime science.

10) Instead of the anachronistic methods used in a number of cases of murder, use modern methods in the process of solving crimes such as DNA fingerprinting, *scanning electron*

*microscopy/energy dispersive X-ray* spectroscopy analysis and the like.

11) Create a preventive approach to policing that would lead to reducing the number of these offences by eliminating the causes and conditions that are conducive to professionally executed murders.<sup>16</sup>

## 5 Discussion

Organised crime in the area of offences *against life and limb* is characterised by the commission of professionally executed murders using modern types of firearms and explosive devices. Many of these murders remain unsolved and that is why many facts relevant from the point of view of criminal investigation remain unknown. Therefore, the conclusions are not complete without a comprehensive factual basis. It is an undeniable fact that all these murders were planned remarkably well and executed professionally given the choice of place, time, manner of execution, instruments used and the lack of trace evidence at the crime scene.

Modern forms of crime can be countered only by applying appropriate preventive and repressive measures and by continuing to study them scientifically (Bošković, 2005: 1). The complexity, diversity and dynamism of aggravated murders dictate the necessity of continuing to develop and improve methods of crime investigation to make maximum use of the scientific and technical achievements in this area. One of the main tasks of crime detection and prosecution bodies is to solve all crimes committed by unidentified perpetrators and reduce the dark and grey figures of crime.

From the perspective of citizens, murder is the most dangerous form of criminal activity; one that creates a sense of fear and anxiety. Security in the community is measured by the number of murders committed, and the success of the police service is measured by the number of solved murders. When a murder is committed inevitably the question arises - who

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<sup>15</sup> According to the basic postulates of criminal science, the investigation is conducted in five phases, between which the boundaries are very fluid. In the first phase, which is named orientational-informational, the investigation authority informs itself about the state on the crime scene by personal perception and based on the statements of the police officers that secured the places as well as those of the witnesses, eyewitnesses and other citizens. Based on this initial information, the framework plan of the investigation commission is made. The second phase of the investigation is statistical-identificational. In that phase, an overview of the location and wider area is conducted, while the traces and the objects that are connected with the criminal act are described and marked by numbers or by letters. The existing situation is fixed by taking photos and sketching. The third phase is dynamic which results in a change in the existing situation in terms of causing invisible traces, casting relief traces as well as excluding traces. In this phase, the investigation team searches for and reveals information, examines the importance of the schedule of traces and objects, their mutual relationship and the like. In the fourth control phase, the investigative authority summarises the results of the investigation and searches for any possible omissions that should be corrected. In the fifth final phase, decisions are made about the evidence uncovered in terms of keeping it and delivering it for forensic examination.

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<sup>16</sup> The prevention of murder in these cases obviously does not function. It is necessary to establish a system of activities focused on the removal, objective and subjective conditions and circumstances that are suitable for the occurrence and commission of serious murder. In realising the general measures of prevention all the social and state authority must participate, including the family, social protection, the state authority and the like. Special measures of prevention that are under the jurisdiction of the police are important as well and they include those actions by which the commission of criminal acts are prevented. These are measures of criminological control and intensive supervision, constable activities, patrol activities, raids, ambushes, operational work and so on. It is important to remove these conditions that are suitable to criminality.

committed it? Perpetrators come from heterogeneous populations, although it is possible to create typologies based on the personal characteristics of offenders. Block and Christakos (1995) classified all murders into expressive and instrumental homicides. Expressive homicides are reactive violence in the heat of passion, the primary motive of which is exhausted in the manifestation of the violence and the infliction of injury, or the destruction of another person, while in cases of instrumental homicides, violence is primarily a means to achieve another objective, which comes down, as a rule, to material benefit, i.e., these are murders within the criminal market and criminal organizations in order to establish hierarchy or another “profitable” motive. The link between the criminal market and the murder is considered to be uncontested. Murder is often the outcome of a conflict regarding the market and money, a means of eliminating rivals, or of eliminating or intimidating witnesses (Blumstein, 1995).

It is a fact that the number of murders doubled in the 1990s in Eastern Europe (Fajnzylar, Lederman, & Loayza, 1998). Exposure to violence, violent models and the growth of tolerance to violence are strong indications which can lead to the reproduction of violence. As the theory of the cycle of deprivation and violence claims, the experience of direct violent victimisation is considered an important factor in the commission of future violence. Physically or emotionally abused children go on in adulthood to *repeat* the behaviour of their parents and become *physically* abusive themselves (10). International research into murders around the world has shown that violent deaths are one of the major problems of our time. Salecl (1990: 295) analysed murders in the context of psychoanalysis and Watson (2004: 44) wrote about numerous cases in which the identity of the killer remained forever unknown. Thus, our research shows a high percentage of unsolved murders and coincides with Newton’s (2006: 222) results that the most common way of committing a murder is the use of a firearm, poisoning, or a similar method. What is more, the detection of the killer is essential in the sense of shame that murderers can not hide. Likewise, Middendorff (1984: 15) wrote about murders for gain which were committed together with proprietary-criminal acts and Harbort and Mokros (2001: 324) found that out of 61 serial killers, 22 are thought to be sexual killers.

More recently, new technologies have been applied to some trace evidence problems intended to address one or more limitations of the investigative process. This has led to a third approach founded on discrete, highly technical methods addressing specific analytical problems. After evaluating the contributions and limitations of this third approach, we considered the different ways that technologies could be developed to address the currently unmet needs in forensic trace evidence analysis. The route toward the effective use of

new technologies stands in contrast with how forensic science laboratories currently choose and employ them. The conclusion is that although new technologies are contributing, as of yet we are not on a path that will result in their most effective and appropriate use. Stoney considers that the new approach is required (Stoney & Stoney, 2015).

Given the high rate of murders in Montenegro, it is my opinion that opportunities exist to prevent not only instrumental, but also expressive violence. Under the condition that the predominant findings on murders are analysed in an integrated manner, the following preventive measures might be outlined as a solution for reducing the number of these offences: 1) reducing overall exposure to violence and opportunities for identification with violence; 2) insisting on the non-violent resolution of conflicts, 3) reducing the availability and distribution of firearms by increasing the controls applied to them by the competent authorities; 4) increasing the success and efficiency of the police in detecting and solving murders; 5) early identification of the risk of victimization and subsequent protection of any potential victims.

Such a low percentage of clearance rates of professionally executed murders is connected to the inadequate operational activities of the police, which represent the most common method of detecting and solving criminal offences. Although the police use scientific and practical methods to discover crimes and their perpetrators, they must also take into account methods that would allow the active prevention of murders. Successful crime suppression requires a prior analytical analysis of the situation and trends of crime, and the formulation of criminal estimates and forecasts. In cases of professionally executed murders, one of the key methods of repressive action consists of quick responses following the crime aimed at preventing the escape of the perpetrator, his/her free movement and concealment, as well as the finding of physical evidence, the instrumentalities of the crime, the proceeds of the offence or items resulting from the offence. After learning of the murder, action should be taken immediately that would include both preventive and repressive measures, operational and tactical actions and evidence collecting actions. The most important operational and tactical actions to be taken in the case of a murder are: 1) informing all police units, especially the border police, of the criminal event, 2) blocking off the area, 3) raids, 4) surveillance, 5) observation, 6) checks 7) collecting information, 8) operational policing in terms of persons of interest, posts and facilities 9) issuing wanted notices, 10) checking alibis, and 11), traffic checks and similar measures. Concerning investigative actions, the following are conducted in combination: the search of the dwelling or other premises, movable property, people and vehicles, the seizure of items, the crime scene investigation, forensic examination, special investigative techniques and so



on. It is a combination of precisely this physical and personal evidence that leads to the solving of the crime (13). The state of Montenegro has a very important geo-strategic position on the southern branch of the Balkan route used for smuggling drugs, weapons and other illicit material. An aggravating circumstance for Montenegro is the fact that many citizens are armed and that perpetrators of murders can escape from its territory very quickly, given its small size. After the killer has fled across the border, international assistance in criminal matters is often very slow and inefficient.

## 6 Conclusion

Professionally executed murders are characterised by organised criminal activities and the killers are by impudence, perfidy, shrewdness, professionalism, perseverance and inhumanity. Criminal groups are organised extremely well, irrespective of administrative boundaries and geographical distances, indicating internationalisation and in turn the international character of professionally executed murders. Countering this type of crime should include a system of preventive and repressive activities involving the application of specific scientific and practical experience-based methods and means that are the most suitable to discover and solve a professionally executed murder, identify the perpetrator and provide evidence, as well as to prevent the commission of planned professional murders. A key task is to create, develop and disseminate scientific methods of investigating professionally executed murders as the best guarantee of living up to the adage that no innocent person should be convicted and that suitable punishments should be imposed only on the guilty party. Spreading and consolidating awareness that crimes will be detected is a powerful deterrent to those who have motives for the commission of these crimes.

The major contribution of this work is that, for the first time and in an integrated way, we have pointed to the deficiencies in criminal investigations committed by unknown perpetrators in professionally and presented new ways of processing these criminal acts, which may lead to increased efficiency in revealing the perpetrators and their processing. This paper contributes to criminology by presenting a comprehensive overview of the phenomenological features of this very serious crime from the perspective of an author who has been directly involved in the detection and clarification of professional murders. This paper indisputably demonstrates that professional murders are directly linked to organised crime, which uses them as a tool for eliminating competition, taking over markets, demonstrating strength or intimidating enemies. It also proves that professional murders are hard to clarify and that success in identifying the perpetrators is

a measure of the success of the work of both the police and the state prosecutors. It must be emphasised that behind professional murders, i.e. professional liquidations, or the elimination of enemies, there are clear interests that can be intertwined with other motives.

The paper offers an overview of the operations that have to be undertaken in the process of solving murder cases. The process begins by detecting a body or parts of a body and it includes numerous operational activities and activities related to collecting evidence which are undertaken by the state authorities. The central elements of the work are investigating the mechanism of the commission of the crime and the classification of the clues, as well as finding, fixing, serving, searching and assessing those clues. These are the sources of evidence that are far superior to personal sources. In order to get to the position that they deserve in the criminal process, these clues have to be secured, fixed and interpreted in the proper way. They provide information about many important circumstances which relate to professional murders since they can indicate the identity of the perpetrator, the manner, tools, place, time and motive of the crime. A special position in the process of detecting the perpetrators in murder cases is held by microclues, which are clues that are related to the murder but cannot be seen with the naked eye. Professional murderers are aware of the importance of microclues and they try to prevent their generation, i.e. they try to destroy them. In such efforts, most of the time they focus on visible clues and pay less attention to invisible clues that nevertheless do exist in cases of this type of crime. The experience of the author shows that the largest number of professional murders were solved precisely on the basis of the identification of microclues such as papillary lines, DNA evidence and other similar clues.

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## Raziskovanje problemov z odkrivanjem, razreševanjem in zbiranjem dokazov v primerih profesionalno izvedenih umorov

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V prispevku analiziramo kompleksne probleme z odkrivanjem, razreševanjem in zbiranjem dokazov v primerih profesionalno izvedenih umorov. V analizi se natančneje osredotočamo na nizko stopnjo razrešenih primerov profesionalno izvedenih umorov v Črni gori, ki so jih zakrivali neidentificirani storilci. Cilj študije je opredeliti dejavnike, ki vplivajo na visoko število nerazrešenih profesionalno izvedenih umorov in predlagati ukrepe za učinkovitejšo identifikacijo storilcev. V vzorec smo zajeli vseh 69 primerov nerazrešenih profesionalno izvedenih umorov v obdobju zadnjih dvajsetih let. Ugotovili smo, da je bilo v obdobju od 1990 do 2015 zaznanih 522 umorov, od katerih je bilo 105 (20,11 %) umorov izvedenih profesionalno. Izmed teh je bilo razrešenih 36 (34,28 %), medtem ko je 69 (65,71 %) profesionalno izvedenih umorov ostalo nerazrešenih. Nadalje smo identificirali pomanjkanje evidenc o sledovih, na podlagi katerih bi bila mogoča identifikacija storilcev, visoko stopnjo organiziranosti in specializacije pri izvrševanju kaznivih dejanj in uničenju inštrumentov, ki so bili uporabljeni za izvršitev kaznivega dejanja, kot glavne razloge za nizko stopnjo razrešenih primerov profesionalno izvedenih umorov. Na neuspešno identifikacijo storilcev so vplivale številne pomanjkljivosti v operativno-taktičnih in forenzičnih policijskih postopkih, katerim bi se bilo mogoče izogniti z uporabo vseh sodobnih metod in tehnik odkrivanja in razreševanja profesionalno izvedenih umorov. V zaključku izpostavljam, da je z vzpostavitvijo in razvojem znanstvene in praktične podlage za preiskovanje in preprečevanje profesionalno izvedenih umorov mogoče uspešno in učinkovito odkrivati in preprečevati tovrstna kazniva dejanja.

**Ključne besede:** umor, odkrivanje, zbiranje dokazov, neidentificirani storilci

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