

SECURITY MEASURES ORIENTED TOWARD THE PERPETRATORS OF VIOLENT CRIMES IN THE REPUBLIKA SRPSKA

Review Paper

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Abstract: Violence, as a destructive form of behavior, has always been present in interactive relationships. Legislation defines certain forms of its manifestation as offenses and provides for appropriate criminal sanctions. The Criminal Code of Republika Srpska retained the solutions from the Law on Amendments and Supplements to the 2013 Criminal Code of Republika Srpska, when certain novelties were introduced regarding criminal legal responses to violent crimes. This paper addresses personality traits in individuals who commit violent crimes, as well as security measures oriented toward the perpetrators of violent crimes in the criminal legislation of Republika Srpska.

Keywords: violence, offense, perpetrator, security measures.

GENERAL REMARKS ON VIOLENT CRIMES AND SECURITY MEASURES

Violence, be it organized or random, continuous or occasional, intense or uncontrollable, always harms or destroys the object at which it is aimed or is attempting to do so (Bartol & Bartol, 2005: 241). It is a phenomenon difficult to explain. The difficulties in defining crimes of violence arise from the fact that they can be comprehensively understood, thus viewpoints that every crime represents a form of violence may be accepted. Levi and Maguire (Levi & Maguire, 2000) argue that it is a “slippery” term covering a very wide range of activities ranging from terrorist attacks, gangs, street robberies to domestic violence between spouses, which again may range from murder and rape to insults causing psychological injuries (Levi & Maguire, 2002: 796). It

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is about forms of crimes using assaults and threats to the victim to achieve a goal (Marković, 2007: 203-204). Man is distinguished here as a unique being, and the malignant aggression that occurs in him/her is not phylogenetically programed. Only man can torture and murder his/her own kind, while feeling pleasure at the same time (Kovačević, 2006: 14).

Criminal legal responses to the undertaking of violent actions are focused on two directions. Certain human behaviors are qualified as offenses. In this way, the legislature provides criminal legal protection for certain legal goods.² Violent crimes toward which security measures are oriented are usually contained in the chapter entitled *Crimes against Marriage and Family*. This type of violence, also referred to as “violence among partners” or “violence among spouses”, means any insult, intimidation, sexual insult, as well as any other act that may result in a bodily injury or death of a family member or someone living in the same household (Wallace & Seymour, 2007: 299). Some researchers (Johnson, 1995) indicate different forms of intimate partner violence and/or different types of aggressors. Studies conducted on clinical samples (respondents from safe houses and respondents who sought medical assistance or reported violence) describe intimate partner violence as intimate terrorism. In such cases, violent men are far more powerful than female perpetrators, aggression is largely unilateral (except in the case of self-defense), it is more frequent and escalates suddenly. On the other hand, studies addressing intimate partner violence in a sample of the general population mainly describe violence as *mutual*. This form of aggression is less severe, less frequent, does not escalate over time, and it usually involves both partners using physical force during the conflict.

The perpetrators of *mutual* (domestic) violence commit less severe forms of physical violence toward their spouses/partners and do not commit crimes outside the family. Basically, these individuals do not differ from non-violent individuals with disturbed marital relationships. On the contrary, the perpetrators of intimate terrorism (antisocial domestic violence) (Holtzworth-Munroe & Stuart, 1994) are involved in serious physical, sexual and psychological abuse of their partners. They are characterized by negative attitudes toward women, alcohol abuse, drug abuse, in other words, by a wide range of socially undesirable behaviors.

The criminalization of such behaviors represents a legal framework for another form of criminal legal response – criminal sanctions. In addition to the victim, the judiciary should bear these offences in mind as well, because it is in the commission of these offences that the perpetrator’s (abuser’s) personality

² Violent crimes are not usually systematized in a way to be grouped only in one chapter of the Criminal Code. On the contrary, they are interlinked throughout the entire Special Section of the Criminal Code (e.g., crimes against life and body, offences against sexual integrity, public order offences, crimes against marriage and family, crimes against the freedom and rights of citizens, crimes against property, and so on). In this regard, it may be noted that these offences constitute the largest number of the total crimes committed. For more details, see: Statistical Yearbook of Republika Srpska. Retrieved August 21, 2018, from <http://www.rzs.rs.ba/front/category/8/>.

traits come to the fore, which is supported by the introduction of new security measures in our criminal legislation. These supplementary criminal sanctions enhance the preventive effect of punishment. In this regard, research findings and practical experience have demonstrated that the suppression of criminality of certain criminological categories cannot be accomplished through the application of punishment alone (Drakić, 2005: 123). The legislature is very explicit here: within the framework of the general purpose of the criminal sanctions, the purpose of security measures is to eliminate situations or conditions that might influence the perpetrator to perpetrate offences in the future (Article 71).

Prior to the adoption of the Law on Amendments to the Criminal Code of Republika Srpska³, the security measures oriented toward perpetrators of violent crimes were not encompassed by the provisions.⁴ However, within the reform of misdemeanor legislation, the Law on Amendments to the Law on Protection from Domestic Violence provided for appropriate protection measures in Article 23(a): the removal of the perpetrator from the apartment, house, or other dwelling, the measure prohibiting the perpetrator from approaching the victim and from harassing and stalking the victim of domestic violence, mandatory psychosocial treatment, and mandatory addiction treatment (Law on Amendments to the Law on Protection from Domestic Violence).⁵ In this regard, in 2013, the security measures oriented toward the perpetrators of violent crimes, primarily regarding the offense of domestic violence, were included in the criminal legislation for the first time. They were also retained in the new criminal legislation of the Republika Srpska. Thus, the current Criminal Code of Republika Srpska⁶ also contains three measures oriented toward the perpetrators of violent crimes within the framework of security measures: the measure prohibiting the perpetrator from approaching and communicating with the victim (Article 79), mandatory psychosocial treatment (Article 80) and the removal of the perpetrator from the joint household (Article 81). The purpose of these measures is to ensure special prevention, which are formulated to prevent the perpetrator from perpetrating offenses in the future. Regarding the perpetrators of violent crimes, security measures are aimed at eliminating the situations and conditions contributing to the commission of future offenses.

The connection between the personality of the perpetrator, the neighborhood, the environment and life opportunities, coupled with some personality traits, contribute to producing a criminal act (Drakić, 2005: 126). The connection between the criminogenic characteristics of personality and

³ Official Gazette of RS, No. 67/13.

⁴ Prior to the amendments and supplements to Chapter V, the former Criminal Code encompassed five measures: mandatory psychiatric treatment (Article 58), mandatory addiction treatment (Article 59), the prohibition on performing professional practice, activity, or duty (Article 60), a driving ban (Article 61), and the forfeiture of items (Article 62).

⁵ Official Gazette of RS, No. 108/13.

⁶ Official Gazette of RS, No. 64/17

crime has been investigated within several personality models,⁷ and some of them will be mentioned.

It is likely that the largest number of studies dealing with the relationship between personality traits and crime production originated from a lexical⁸ personality model including five broad traits: extraversion, neuroticism, agreeableness, conscientiousness and openness to experience (Costa & McCrae, 1992; John, Naumann & Soto, 2008). The most reluctant findings describing criminal behavior by means of these traits suggest that the personality profile of offenders is described by, first of all, low cooperation, that is, conscientiousness (Le Couff & Toupin, 2009; Miller & Lynam, 2001). The personality trait that distinguishes both male and female perpetrators of violence among partners is a low level of cooperation, that is, a difficult nature, distrust and intransigence, which is very important for understanding personality, that is, behavior (Feist & Feist, 2009). Research findings (Thorton, Graham-Kevan & Archer, 2010) demonstrate that this trait, in addition to neuroticism, is more pronounced among the male perpetrators of violence compared to the perpetrators of non-violent crimes. Additionally, both of these traits are associated with aggression, which produces violent behavior. Emotional instability and low scores regarding the dimension of cooperation “produce” suspicion, the critical and hostile behavior of violent perpetrators (Feist & Feist, 2009). Expressed neuroticism reflects negative emotions such as anger or anxiety (Stead & Fekken, 2014).

The connection between the traits of the five-factor model and the phenomenon of criminality was also empirically demonstrated in Serbia, both in the sample of adult convicts (Međedović, Kujačić & Knežević, 2012a) and institutionalized adolescents (Međedović, Kujačić, Đoković, Jerinić & Knežević, 2011; Međedović, Kujačić & Knežević, 2012). Caspi and his colleagues argued that criminality, among other things, was determined by low self-control and negative affect. These two qualities are inversely proportional, meaning that people with low self-control tend to have high scores regarding negative affect and in the absence of strong social control they cannot keep their anger and irritation under control. Although some individuals may have a genetic basis for a high level of negative affect and low self-control, both features are influenced by the midpoint factors, especially family dynamics involving emotional and physical abuse (Caspi et al., 1994). It is important to bear in mind that all of these characteristics are the result of different types of temperaments and different developmental experiences, and that they (personality traits) are distributed along the continuum, that is, they are not dichotomous. The point is that all people have these qualities, to varying degrees.

Unlike the conditions that may contribute to the commission of offenses, the current psychic “condition” of the perpetrator, which can

⁷ Eysenck's personality model (Eysenck & Eysenck, 1976), Zuckerman's personality model (Zuckerman, 1994), Five-factor personality model (Costa & McCrae, 1992), the HEXACO personality model (Lee & Ashton, 2009).

⁸ This personality model is based on the lexical hypothesis that all the important individual differences in personality traits are coded in the words of individual languages.

manifest itself in various forms (mental illness, temporary mental disorder, or mental retardation) may play a more significant role in imposing the security measures on the perpetrators of violent crimes. It is about the psychic factors that contribute to the commission of crimes, such as mental disorders which encompass behavioral disorders and psychological structure which change the characteristics of an individual (psychosis, neurosis, mental deficiency, alcoholism) (Ignjatović, 2011: 186 – 187).

The security measure of mandatory psychosocial treatment is aimed at removing the situation that may contribute to the commission of offenses in the future, while the other two measures (the measure prohibiting the perpetrator from approaching the victim and the removal of the perpetrator from the joint household) are aimed at eliminating the conditions leading to the commission of an offense. Further, since they are non-medical measures, it is possible to combine them with other security measures. In fact, the offense committed may point to several specific aspects of the dangers posed by the perpetrator (Bačić, 2009: 479). In this way, the court may, in addition to the security measure of the removal from the joint household, also impose mandatory addiction treatment or mandatory psychiatric treatment.

SECURITY MEASURES ORIENTED TOWARD THE PERPETRATORS OF VIOLENT CRIMES

It has already been noted that the new criminal legislation contains three security measures oriented toward perpetrators of violent crimes. In addition to these measures, the legislature prescribed six more security measures that can be imposed on the perpetrators of offences along with the perpetrators of violent crimes. Some of these security measures can also be issued cumulatively: mandatory psychiatric treatment and supervision in a health institution (Article 74), mandatory psychiatric treatment outside an institution (Article 75), mandatory addiction treatment (Article 76), the prohibition on performing professional practice, activity, or duty (Article 77), the prohibition on attending certain sporting events (Article 78), and the forfeiture of items (Article 82).⁹ Nevertheless, the focus is placed on new security measures (at least with regard to the criminal legislation of Republika Srpska).

Prohibition on approaching and communicating with a certain person

The prohibition on approaching and communicating with a certain person is a security measure imposed by the court on the perpetrator of violent crimes, which is aimed at prohibiting the perpetrator from approaching the victim within a specified distance for a certain period of time and from coming within a specified distance of the premises or workplace, that is, to prohibit

⁹ For more details, see: Criminal Code of Republika Srpska (Official Gazette of RS, No. 64/17).

further communication with the victim if it may reasonably be expected that the further commission of such acts by the perpetrator would pose a threat of danger to the victim (Article 79, paragraph 1). Additionally, this prohibition may also refer to approaching or communicating with other persons, if such a behavior of the perpetrator would mean a psychological harassment of the victim (Article 79, paragraph 2). The conditions for issuing this measure are two-fold: first, the commission of a violent crime, and second, the justified expectation that the continuation of such acts by the perpetrator would pose a threat of danger to the victim.

As indicated above, a violent crime goes beyond the commission of *domestic violence*; it may also include the offense of *bodily injury* or *serious bodily injury*. The measure consists of a number of prohibitions: the security measure prohibiting the perpetrator from approaching the victim within a specified distance, from coming within a specified distance of the premises or workplace, or from future communication with the victim. Prohibition on coming within a specified distance of the premises or workplace is clearly formulated. In contrast, the distance between the perpetrator of the crime and the victim is determined on a case-by-case basis, whereby the court primarily takes into account the subjective feeling of fear present in the victim. On the other hand, the prohibition on future communication with the victim, in addition to the prohibition on direct communication, implies a ban on contacts by telephone and electronic mail. In essence, the quality of communication, that is, the quantity of emotions and degree of emotional closeness between the perpetrator and the victim prior to the delict are assessed (Kovačević, 2006).

Additionally, the legislature stipulates that the perpetrator of these offenses may also be prohibited from communicating with other persons, if such a behavior would mean the harassment of the victim. These are constellations that indirectly disturb the victim, for example, by communicating threats through that other person, or threatening, for example, family members, if at the same time it represents a psychological harassment of the victim.

Regarding the second condition, the court will issue the appropriate prohibition only when there is reasonable expectation that the undertaking of certain actions is likely to pose a threat of danger to the victim. These actions are usually undertaken following the commission of the criminal offense and this security measure is issued to prevent the perpetrator from "taking such actions" in the future. Therefore, the actions of the post delictum nature are of paramount importance, in other words, the justified expectation that they will pose a threat of danger to the victim or mean a psychological harassment for the victim. It is important to point out that the World Health Organization multi-country study on women's health and domestic violence conducted in several US states (Ellsberg, Jansen, Heise, Watts & Garcia-Moreno, 2008), confirmed that women who experience intimate partner violence are more likely to have suicidal ideation, attempt suicide more often, and show more emotional distress than women who have not experienced any abuse. The results of meta-analysis,

which included studies conducted on general population samples, demonstrated that women are more likely to be physically injured by their spouses/partners and are more likely to seek medical care for the injuries than men (Archer, 2000).

The legislature has generally stipulated that the prohibition on approaching and communicating with a certain person can last no more than two years. It lasts as long as the reasons for which it was issued exist (Article 79, paragraph 3), meaning the court exercises control over its implementation and justification. The law also stipulates that the period of time spent in prison, that is, in treatment and custodial facilities, will not be deducted from this measure. In this regard, this measure can be issued alongside of other security measures, through which the conditions leading to the commission of an offence are removed. This measure can also be imposed alongside of the suspended sentence. If the order prohibiting the perpetrator from approach or communication with the victim or another person is breached, the suspended sentence will be revoked and the court will impose the specified punishment.

Mandatory psychosocial treatment

Another security measure that can be imposed on the perpetrators of violent crimes is mandatory psychosocial treatment (Article 80). Mandatory psychosocial treatment is issued in cases in which, on the basis of the earlier life of the perpetrator and the psychic characteristics of his person, the court determines that there is a risk that the perpetrator will repeat such or similar acts and that a psychosocial treatment is required in order to eliminate this danger (Article 80, paragraph 1). The purpose of the treatment is to stop and prevent further violent behavior by achieving positive changes in the conduct of the perpetrator.

It is necessary to cumulatively achieve two conditions in order to impose a measure: (a) the commission of a violent crime, and (b) a psychosocial treatment is required in order to eliminate this danger. Considering the first condition, it corresponds to the condition which is provided for the measure of *Prohibition on approaching and communicating with a certain person*. In contrast, the second condition, that is, the existence of a danger that such an offense or a similar one may be repeated, is assessed by the court based on, for example, witness testimonies, criminal records or psychiatric forensic expertise. These offenders of crimes are more socially dangerous than the perpetrators on whom the prohibition on approaching and communicating with a certain person is imposed. These persons have more pronounced character traits that may lead to disharmony between certain psychic functions, that is, insufficient mental and social functioning. The personality disorder most commonly associated with criminal acts and violent behavior is a dissocial personality disorder, described in classical psychiatric literature as a psychopathy. Psychopathy includes predatory behavior, emotional coldness, recklessness, impulsivity, and persistent antisocial behavior (Hare, 2003; Patrick, 2006). According to research

findings, after having served the prison sentence or after the hospitalization, psychopaths, compared to non-psychopaths, commit more serious violent crimes and are more likely to reoffend (Hemphill, Hare & Wong, 1998; Leistico, Salekin, DeCoster & Rogers, 2008). Additionally, behavioral disorders (narcissistic and antisocial personality disorders) are linked to the need for control of others and are particularly characteristic of the male perpetrators of domestic violence (Hamberger & Hastings, 1988).¹⁰

Few existing studies on the female perpetrators of intimate partner violence indicate the existence of a borderline, antisocial and dependent personality disorder (Goldenson, Geffner, Foster & Clipson, 2007; Ross, Gask & Berrington, 2011; Stuart, Moore, Gordon, Ramsey & Kahler, 2006). According to the preliminary data, women deprived of their liberty due to domestic violence show more pronounced personality disorders than male perpetrators (Henning, Jones & Holdford, 2003). Unlike the former security measure which is imposed to prohibit the perpetrator from approaching and communication with the aim of preventing certain actions undertaken after the commission of a specific offense and which can endanger the victim, this measure is imposed after taking into account the facts existing before the commission of a certain offense, which may affect the repetition of such an offense or a similar one. In this regard, the court has no expectations and the court's decision is based on the facts related to the life of the perpetrator and his psychic characteristics. The aim is that the perpetrator gains insight into his actions, to accept responsibility and adopt self-regulation of behavior. The perpetrator learns social skills and changes those beliefs that have contributed to the establishment of violent behaviors within group meetings in which he is actively involved.¹¹

The security measure of mandatory psychosocial treatment lasts from six months to two years and is executed alongside of the prison sentence or suspended sentence (Article 80, paragraph 3) in a penitentiary or other appropriate facility, and can be continued outside the appropriate facility after the convicted person has been released on parole. The avoidance of psychosocial treatment represents the basis for revoking release on parole and the suspended sentence, and in this case, instead of the community service sentence, a decision on the execution of the prison sentence will be reached (Article 80, paragraph 4).

¹⁰ In addition to perpetrators, victims may also be subjected to psychosocial treatment. Hamberger & Guse (2002) reported that women who were ordered by the court to attend counseling regarding domestic violence, including women in shelters, were more likely to feel intense fear and more often sought police help, unlike the male victims of domestic violence who did not take their partner's violence seriously (they were laughing).

¹¹ For more details, see: <http://www.psyhoaktivna.hr/tretmanski-centar/psihosocijalni-tretman-nasilnika.html>. Retrieved August 22, 2018.

Removal from the joint household

Removal from the joint household (Article 8) is the only security measure which states that it should be imposed in respect with the offence of *domestic violence*.¹² Thus, the legislature further points to the importance of preventing domestic violence and its consequences.¹³ This measure is imposed on the perpetrator who has committed the crime of violence against the person with whom he or she lives in the joint household, if there is a high degree of danger that the perpetrator will commit the violent act again against a member living in a joint household and, in order to eliminate this danger, it is necessary to remove the perpetrator from the joint household (Article 81, paragraph 1). As in previous cases, certain conditions must be met to apply this security measure. It is about three cumulatively foreseen conditions. On the one hand, the commission of the offense of violence against a person living in the same household is required, while on the other hand, the existence of a high level of danger that the perpetrator will again commit violence against a member of the joint household is required, and finally, the request to remove the perpetrator from the joint household in order to eliminate this danger is emphasized.

Regarding the first condition, by formulating the offense against the person with whom he/she lives "in the joint household", the legislature has limited the possibility of applying this measure. A passive subject (victim) is a person living in the joint household. It is usually a family member but it can also be other people living in the joint household, from which it can be seen that the circle of passive subjects is expanded. Statistical data on the gender/sex representation of crimes in the sphere of marriage and family in the Republika Srpska in the period from 2011 to 2015, show that female perpetrators were represented in 194 cases (or 8.06%) of 2404 offenses¹⁴. Accordingly, the results

¹² Statistical data demonstrate that it is about a constellation positioned immediately after the most frequent crimes, that is, crimes against property, life and body, official duties, public order offenses, environmental crime. Considering the fact that the old Criminal Code contained 19 group protection facilities, crimes against marriage and family were often ranked 5th or 6th by the number of their commissions. In the period 2010-2015, crimes against marriage and family represented an average of 3.55% of the total offenses committed. Over a period of six years, an increase in these offenses in the total number of the offenses committed was reported: in 2010, crimes against marriage and family accounted for 520 (or 3.09%) of 16779 offenses committed; in 2011, 364 (or 2.48%) of 13169 offenses committed; in 2012, 364 (or 2.92%) of 12448 offenses committed; in 2013, 436 (or 3.66%) of the total of 11901 offenses committed; in 2014, 695 (or 5.03%) of the total of 13808 offenses committed; and in 2015, of the total of 13966 offenses committed, crimes against marriage and family accounted for 582 (or 4.16%). For more details, see: Statistical Yearbook of Republika Srpska. Retrieved August 21, 2018, from <http://www.rzs.rs.ba/front/category/8/>.

¹³ The findings of the largest annual victimization survey conducted throughout the world (National Crime Victimization Survey, NCVS) have consistently pointed out that approximately 85% of all the victims of domestic violence, regardless of whether the incident was reported to the police or not, constituted women (Greenfeld et al, 1998; Healey, Smith & O'Sullivan, 1998; Rennison & Welchans, 2000).

¹⁴ For more details, see: Statistical Yearbook of Republika Srpska. Retrieved August 21, 2018, from <http://www.rzs.rs.ba/front/category/8/>.

of Archer's meta-analysis (2000) confirm that women reported more frequent use of physical force in partner relationships, in other words, men more frequently inflicted injuries on women than women on men.

The second condition is that the court determines the existence of a "high level of danger" that the perpetrator will again commit a crime of violence. A high level of danger is determined by the court in specific cases, and the circumstances preceding the commission of an offense are taken into account, on the basis of which the court reaches a conclusion that the offense will be committed again. Risk factors of repeat domestic violence include, by frequency, constant and violent jealousy, the control of the partner's daily activities, the struggle for child custody and access to disputes, death threats, stalking, assaulting or threatening with a firearm, and forced sexual intercourse (Juodis, Starzomski, Porter & Woodworth, 2014).

Attention deficit disorder increases the risk of intimate partner violence, that is, interpersonal conflicts due to the difficulty in listening to others (partners) and the inability to appropriately observe a complex situation (Fang, Massetti, Ouyang, Grosse & Mercy, 2010). The Revised Danger Assessment (Revised Danger Assessment, DA; Campbell, Webster & Glass, 2009) carried out in a sample of 37 cases of domestic violence with a fatal outcome, found that they did not appear "out of the blue", that is, in 82.9% of the cases, it was about premeditated murders, and in 86.5% of the cases there was a risk of murder (Juodis, et al., 2014). The same study found that in 83.8% of the cases, the murders were preceded by more serious and frequent domestic violence. Research findings demonstrated that the perpetrators of these crimes were possessive, vindictive and had a dominant urge to inflict injuries on their spouse. In line with previous studies, previous cases of domestic violence in which women were victims are listed as the most common mortality factor in this context (Campbell, Glass, Sharps, Laughon & Bloom, 2007). The comparison of demographic characteristics, criminal history, and domestic violence history for 5,578 men and 1,126 women arrested (Henning & Feder, 2004) demonstrated that male reoffenders of domestic violence and violence in general constituted a larger portion than female reoffenders.¹⁵

Finally, the third condition for imposing this measure pertains to the necessity of its application. It is only applied if the danger of reoffending violent crimes cannot be eliminated in any other way. Regarding this security measure, the legislature also stipulates its method of execution by providing that the perpetrator on whom this security measure is imposed is obliged to leave the apartment, house or other area that makes a joint household with the victim in the presence of a police officer immediately following the final judgment. The security measure lasts from six months to five years, and at the time of its duration, the time spent by the perpetrator in the penitentiary

¹⁵ On the other hand, domestically violent women inflict more severe injuries, have problems finding employment, and are younger. Also, this research demonstrated that violent women had fewer criminal complaints than men, and their partners were less likely to feel seriously endangered. Likewise, men had more problems with drug and/or alcohol abuse.

institution or treatment facility (Article 81, paragraph 2) does not count. Clearly, this measure may be imposed under certain conditions even alongside of the suspended sentence. It should be noted that a suspended sentence is the most common criminal sanction imposed on the perpetrators of crimes against marriage and family. Thus, in the period 2011-2015, of the total of 961 criminal sanctions imposed on the perpetrators of crimes against marriage and family, 824 suspended sentences (85.74%) were imposed.¹⁶ This is where the imposition of security measures should come to the fore. In addition to the above, the legislature, as with the previous measures, determined that the non-enforcement of this measure constitutes the basis for the revocation of conditional release (Article 81, paragraph 3), and the solution that a person who has been removed from the household is obliged to contribute to the financial support of persons who have remained in the household in the manner determined by the court has been adopted (Article 81, paragraph 5).

CONCLUSION

Offenses with the potential for violence represent one of the most significant constellations of criminal behavior. Particularly important issues here include the study of the personality of perpetrators of these offenses and criminal legal responses to the commission of violent crimes. An abundance of research has been conducted on the perpetrators of violent crimes, indicating that the structure of the personality of the perpetrators of these offenses is unique, which are underlied by deeply rooted maladaptive patterns manifesting in a wide range of attitudes toward themselves and the environment.

It is precisely this “deformed” variant of a normal personality without psychopathological contents typical of mentally ill population, along with the biological and psychological components found and the criterion of significantly diminished responsibility that can be taken as a condition for imposing security measures oriented toward perpetrators of violent crimes. This view should be taken as a recommendation, since the legislature of the Republika Srpska prescribes only mental illness, temporary mental disorder and mental retardation as a biological basis for significantly diminished responsibility.

The new Law on Amendments to the Criminal Code of the Republika Srpska provides for security measures that apply to the perpetrators of violent crimes. The perpetrators of these crimes can be prohibited from approaching and communicating with a certain person, they may be ordered to have a mandatory psychosocial treatment and be removed from a joint household. The conditions for imposing these security measures are not identical, which is understandable. They are adapted to the personality of the perpetrator to the highest extent possible. It is important that the application of these security measures removes

¹⁶ For more details, see: Statistical Yearbook of Republika Srpska. Retrieved August 21, 2018, from <http://www.rzs.rs.ba/front/category/8/>.

the situations and conditions leading to the commission of violent crimes and that the perpetrator who is no longer dangerous be integrated into society.

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