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Concealing the Crime of Homicide by the Perpetrator

Maskowanie przestępstwa zabójstwa przez jego sprawcę

SUMMARY

This article deals with the issue of masking the homicide by its perpetrator. The considerations made hereby are an attempt to bring the problem of the behavior of the homicide culprit at the crime scene, as well as outside of it, which are aimed at avoiding criminal liability for the committed crime. Unlimited human imagination leads to a multitude of ways in which criminals can behave in order to try to hinder or prevent their detection by law enforcement agencies. In addition, it should be noted that on the basis of the Polish Penal Code, the perpetrators who mask their offences do not bear criminal liability.

Keywords: homicide; masking; forensics science; feigning

Crimes against life and health, especially the crime of homicide, arouse widespread interest both among the public and among those who attempt to investigate these crimes extremely harmful in social perspective. As J. Leszczyński rightly pointed out, homicide focuses the attention of both scholars and legal practitioners representing different fields of study; from criminal law, criminology and forensics to forensic medicine or psychology[1]. The killing of a human being is widely considered as one of the most serious crimes, both because of the social harm and severity of criminal sanctions imposed under applicable laws. This crime raises extremely negative emotions among the public since it turns against the highest good, against life – the value considered the most precious and vested without

[1] J. Leszczyński, *Zabójstwo na tle seksualnym – analiza kryminologiczna przestępstwa*, „Palestra" 1987, nr 10–11, p. 164.

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exception in every human being. Therefore, homicide is the subject of interest and excitement, often providing the basis and ideas for films and novels, as it is extremely exciting and mysterious[2].

The purpose of this study is to provide examples of conduct by homicide perpetrators in order to make it difficult or impossible for law enforcement agencies to detect the fact that they committed a crime, and consequently, to avoid the criminal liability provided for in the Penal Code.

The Polish legislature penalises homicide in Article 148 of the Penal Code[3], providing for each case a sentence of imprisonment of various length, ranging from a period of not less than 8 years to a 25-year sentence or life imprisonment[4]. The crime is a common crime, which can be perpetrated by any person capable of incurring criminal liability, whose action or omission would result in the death of another person. This does not apply to the qualified type of the offence specified in Article 148 § 3 of the Penal Code, the perpetrator of which can only be a person convicted previously for homicide. The criterion so defined transforms the qualification of the crime of homicide from a common offence to a criminal offence committed by a specific group of offenders[5]. The severity of the criminal sanction to be imposed on the perpetrator for committing this offence indicates its particular importance.

It is worth noting that both the extraordinary severity of criminal sanction and the particular value of the good against which the criminal offence is targeted and the social significance of the crime causes the public to assess the efficiency and effectiveness of law enforcement agencies especially by assessing the extent to which the perpetrators of homicides are detected. It is a failure to find the killer that usually results in the most critical remarks addressed to them[6].

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[2] K. Daszkiewicz, *Zabójstwo*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny" 1965, nr 3, p. 25.

[3] Act of 6 June 1997 – Penal Code (Journal of Laws No. 88, item 553 as amended), hereinafter referred to as PC.

[4] This refers to Article 148 § 1 PC. In accordance with the content of Article 148 § 2, whoever kills a human being: with particular cruelty, in connection with hostage taking, rape or robbery, for motives deserving particular reprobation, with the use of firearms or explosives shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life. The same penalty shall also be imposed on a person who kills more than one person in one act or a person who had previously been convicted of homicide and the perpetrator of the killing of a public officer, committed during or in connection with that officer's duties related to the protection of human security or the protection of human security or public order. In the event of a homicide by the offender who was under the influence of an intense emotion justifiable of circumstances, the criminal sanction is between 1 and 10 years of imprisonment.

[5] M. Budyn-Kulik, [in:] *Kodeks karny. Komentarz*, red. M. Mozgawa, Warszawa 2015, p. 409; R. Kokot, [in:] *Kodeks karny. Komentarz*, red. R.A. Stefański, Warszawa 2017; M. Szwarczyk, [in:] *Kodeks karny. Komentarz*, red. T. Bojarski, Warszawa 2013, pp. 360–369.

[6] J. Gurgul, *Śledztwa w sprawach o zabójstwa*, Warszawa 1977, p. 7.

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It is difficult to question the fact that the perpetrator of homicide will in many cases try to take actions either to conceal the fact of committing an offence, or to cause the law enforcement agencies to change their views on the nature of the incident. This is because the perpetrator naturally, almost instinctively seeks to avoid criminal liability for the act committed. However, it should be noted that adults, as homicide perpetrators, are a heterogeneous group, which diversity, as B. Hołyst puts it, stems from their diverse psychological characteristics[7]. Therefore, it can be deduced that not every offender, including a killer, will seek to avoid being detected and prosecuted. The example may be J.W. Gacy who killed 33 people[8].

In human nature from the earliest childhood, it is possible to find behaviours that are aimed at downplaying or escaping from the consequences of committing a certain deed. Every person, already in his or her childhood, has met (to a greater or lesser extent) the situations and concepts that were in his or her consciousness as a prohibition of a particular behaviour or an instruction of desired conduct. The behaviour of a child aimed at the avoidance of punishment for infringements of a particular prohibition or the failure to execute instruction could consist in redirecting the suspicion on the siblings or other persons (most often peers who have witnessed the event in question)[9]. The obvious purpose of such behaviour was to avoid the unpleasant consequences of one's actions.

One of the modes of operating of the perpetrators of homicides, which is supposed by them to help them avoid criminal liability for the act committed, may include staging an incident. Humanity meets such activities aimed at creating a fake situation, event or state in almost every area of life from the most distant times[10] until today. The staging of an event will be aimed at concealing the genuine situation and making up a new event or situation different from that which actually took

[7] B. Hołyst, *Psychologia kryminalistyczna*, Warszawa 2006, p. 281.

[8] Gacy used to visit sites attended mostly by homosexual people, most of whom were travelers, guests and other people who would not be looked for after a longer period of being missing. He used to invite his victims to the house where they were intoxicated with alcohol and drugs and then proposed to watch pornographic films, first heterosexual and then homosexual. Having watched them, if the victim did not protest, Gacy presented the person "tricks" involving gagging the victim, handcuffing or choking. Then he used to rape a bound person, then put it in a half-filled bathtub to choke the person further by using a plastic bag placed on the victim's head. He brought around the victims, then tortured and raped again, often reciting the passages of the Bible. As regards one of the victims, Gacy played also the "Russian roulette" with a revolver without bullets. This victim managed to get away alive because the offender released this person from his house informing that the police would not believe this person's testimony. See more R. Ressler, T. Schatman, *Whoever Fights Monsters*, London 1993, p. 337.

[9] L. Gruntkowski, *Samopoplecznictwo po przestępstwie zabójstwa*, „Kwartalnik Prawno-Kryminalistyczny. Szkoła Policji w Pile" 2010, nr 1(3), p. 38.

[10] An example may be the situations described in the Rome law of *ius Aquilia* concerning situations where people simulated diseases to achieve tangible benefits; or provisions contained in the Code of Hammurabi § 126 – for more, see J. Klima, *Prawa Hammurabiego*, Warszawa 1957, p. 283.

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place. Therefore, to do this, the offender would try to convince the law enforcement agency that another type of event has been committed, with a different course and features than the actual (actually committed) event[11]. In view of the above, we can talk about simulating events by their perpetrators in order to mislead, by creating false evidence and situations, the law enforcement agencies or other entities such as: insurance companies, medical facilities, people close to the victim of crime, by suggesting that (as B. Sygit points out[12]):

1. An actual event labeled as non-criminal was, in fact, criminal in nature.
2. A criminal incident which occurred as a result of the simulation was of a different kind than the crime actually committed by the author of the simulation, which ultimately is intended to conceal the latter.

An example of the activity mentioned in item 1 may be the explanation by the person simulating the event that the body poisoning resulted from independent drug overdose is the result of an attempt of assassination on him by administering it without his knowledge and consent. In the second case, the perpetrator of the actually committed homicide may try to hide this crime by performing manipulations that would indicate that another offence was performed, e.g., euthanasia, which in the Polish legal order is punished with a less severe punishment than homicide defined in Article 148 PC[13]. Leszczyński notes that feigned homicides are offences committed for other motives, wherein the perpetrator, after committing the crime, simulates the existence of some elements that constitute an element characteristic of a proper offence[14].

Offenders, in order to make it difficult or even impossible to detect the fact that they have committed a crime, can use a range behaviours other than feigning, such as so-called concealing activities not mentioned earlier. It is these activities which are the main object of this study, aimed in particular at determining the essence of concealing a crime, identification of the difference between concealing and feigning, and presentation of methods by which the offence or fragment thereof may be concealed.

Concealing activities should be understood broadly. As T. Rydzek puts it, concealing activities can be a large number of behaviours, encompassing all the activ-

[11] B. Sygit, *Zachowania pozorujące przestępstwa i ich zwalczanie*, Warszawa–Poznań 1985, p. 13.

[12] *Ibidem*, p. 14.

[13] Pursuant to Article 150 § 1 PC, whoever kills a human being on his demand and under the influence of compassion for him shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years, and in some extraordinary circumstances the court may apply an extraordinary mitigation of the penalty or even renounce its imposition.

[14] The author also points out that feigned homicides represent one of the four varieties of apparent sexual homicides, which include, apart from feigned homicides, the following types: quasi-sexual, incidental, accessory. See more J. Leszczyński, *Ofiary zabójstw na tle seksualnym*, „Palestra" 1986, nr 10–11, p. 76.

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ities aimed at avoiding criminal liability by the perpetrator for the deed committed by him[15]. The catalogue of these activities includes hiding his identity, hiding tools used to commit the offence, by creating his alibi, or obliterating traces of the course of the event or his stay at the scene of the incident[16]. Perpetrators of crimes also manipulate the environment by pretending to be law-abiding citizens, which aims to being released from the suspicion of the possibility of committing a murder or other crime[17].

In the literature on forensics, the concealing activities were also defined by Hołyst. The author pointed out that crimes are concealed through actions of perpetrators of deaths resulting from criminal activity, who seek to create a semblance of an unfortunate accident or suicide[18]. However, it is not possible to agree with this assertion because, as it seems, the concealing cannot be deemed tantamount to feigning. This has been noticed by Rydzek, who stated that in the case of feigning, the offender does not conceal the corpse, but even does everything to make it visible and easy to find by third parties[19]. However, sometimes the offence-concealing activities are accompanied by activities having traits of feigning. This view is shared by Hołyst, who indicates that there are cases where the perpetrator of a homicide hides or removes the victim's corpse in addition to feigning another offence or any other non-criminal incident[20]. The catalogue of these behaviours noticed and mentioned by this author, fully presents the essence of concealing activities as a diverse spectrum of behaviours performed by offenders to disguise the fact of the homicide committed. It seems that feigning the incident, including criminal one, is a particular form of concealing, but cannot be deemed tantamount to it.

However, the very concept of concealing activities relates not only to actions aimed at obliterating the traces of the murder committed. We may also encounter this notion when discussing the issue of money laundering offences[21].

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[15] T. Rydzek, *Zabójstwa połączone z maskowaniem zwłok w świetle badań*, „Archiwum Medycyny Sądowej i Kryminologii" 1984, nr 34(2), p. 91.

[16] *Ibidem*, pp. 89–91.

[17] J. Widacki, *Zabójca z motywów seksualnych. Studium przypadku*, Kraków 2006, p. 123.

[18] B. Hołyst, *Suicydologia*, Warszawa 2012, p. 860.

[19] T. Rydzek, *op. cit.*, p. 92.

[20] B. Hołyst, *Suicydologia*, p. 860.

[21] Here it needs to be briefly mentioned that money laundering should be understood as all the techniques, procedures, methods or processes that are intended to conceal, hinder or thwart the finding that the financial resources come from prohibited acts. With regard to this, concealing is one of the phases of money laundering. It involves separating the income generated by the crime from its source of origin. This is done by carrying out a number of complex financial transactions aimed at making it difficult or, as intended by the offender, preventing these proceeds from being linked to their true source of origin. These actions result in the situation in which the trace of the real source of money is broken. See more D. Chodziński, *Pranie pieniędzy jako jedna z form działania zorganizowanych*

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Given the above, the analogy between concealing activities taken by perpetrators of these two completely different categories of offences becomes apparent. It is the evasion of criminal liability by delay, hiding, thwarting or hindering the determination of finding the very fact and the course of committing a crime forms the essence of concealing activities both in the sphere of financial crime and crime against human life and health[22].

The term of concealing activities can also be found in the draft Act on operational and surveillance activities of 2008, which, however, has not entered into force[23]. The context of these activities, in this case, is quite different and should not be associated with the previously mentioned objectives of activities of criminals, which are to be achieved by means of concealing activities as they relate to methods and modalities of officers of services authorised to carry out operational and surveillance activities[24].

In most cases, perpetrators of crimes seek to prevent the disclosure of their acts and, consequently, to complicate work of investigating bodies so as to hamper or prevent from proving the fact that they had committed a criminal offence. Perpetrators of homicides wanting to remove or distort evidence of the fact of committing a criminal offence preform concealing activities not only at the place of committing the crime but also on the way of escape or at the place of stay after the homicide[25]. The concealing activities carried out by the perpetrators on the crime scene are primarily directed towards the removal of evidence of the crime committed. In addition to removing the evidence, the perpetrator of an offence may, in the context of concealing operations taken on the crime scene, modify the evidence in such a way as to raise a suspicion in the law enforcement authorities towards another person, and consequently cause the actions of those authorities

grup przestępczych, Legionowo 2012, p. 9; W. Jasiński, *Pranie brudnych pieniędzy*, Warszawa 1998, p. 77.

[22] It is also possible to carry out concealing activities in other categories of crime. However, due to their large number, this study will not provide the enumerative presentation of this catalogue as it would go beyond the scope of its subject matter.

[23] Draft Act on operational and surveillance activities, Sejm Papers No. 353 of 7 February 2008.

[24] The draft Act indicates that special operations constitute a specific type of operational combination, characterised by the application of concealing operations in the form of a set of activities relating to special facilities, operational combination, operational game. For more, see A. Taracha, *O projekcie ustawy o czynnościach operacyjno-rozpoznawczych*, „Annales UMCS sectio G (Ius)" 2009/2010, t. 56–57, p. 175.

[25] I. Dembowska, *Kryminalistyczna problematyka zachowania się sprawcy po popełnieniu przestępstwa zabójstwa*, [in:] *Innowacyjne metody wykrywania sprawców przestępstw. Materiały z konferencji*, red. M. Szostak, I. Dembowska, Wrocław 2014, p. 144.

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to be directed against the person. Activities in the form of feigning a non-criminal event or offence may also be carried out on the crime scene[26].

In the light of the above, it appears to be fully reasonable to assume that concealing activities by offenders constitute the generality of their behaviours both at the crime scene and elsewhere, and aimed at hindering or preventing detection of the fact that they have committed the offence, by manipulating the traces of a criminal incident in the sphere of tangible reality and beyond that.

Removing evidence of a murder, in most cases, involve the removal of the corpse of the victim. The steps to achieve this goal, depending on the method used by the perpetrator, may raise many difficulties due to various factors – from the fact that the size and weight of human corpse and the high risk of leaving a bloody footprint on the surfaces with which the corpse is contacted hinders their movement to the fact that the victim is very often sought after by their relatives and other close persons or other entities involved in his or her finding[27].

The number of methods and ways to conceal a crime that can be used by assassins is almost impossible to be presented in an enumerative way. However, it is certainly possible to distinguish primitive methods such as: burying the corpse, throwing the body of the victim into a water reservoir, superficial covering the victim with branches, grass or soil; or more sophisticated methods such as: destruction of the corpse by means of chemicals, dismemberment of the corpse or its complete incineration[28].

The catalogue of concealing activities to remove evidence of committing a crime through actions against the victim's corpse is very diverse. Z. Marek noted that, depending on the psychophysical profile of the perpetrator, his motives, *modus operandi*, circumstances and the place and time of the crime, there are several possible groups of methods of offender's action that can be found[29]:

1. Simple methods – a set of the most primitive activities, requiring from the offender the least possible commitment, ingenuity and "creativity".
2. Methods involving relatively long-term concealment of a corpse – these are operations whereby the offender is going to hide the victim's body from law enforcement agencies for a sufficient period of time to make it harder or impossible to find. They do not require the perpetrator to have special finesse, dexterity or specialist equipment or substances.

[26] Offence feigning activities have been mentioned herein only in outline. Due to the broad scope of the issue and the complicated matter, for more information see B. Sygit, *Zachowania pozorujące…*

[27] J. Walczyński, J. Kobiela, *Badania doświadczalne nad działaniem stężonych kwasów bioorganicznych na zwłoki*, „Archiwum Medycyny Sądowej Psychiatrii Sądowej i Kryminalistyki" 1952, nr 4, p. 61.

[28] B. Hołyst, *Kryminalistyka*, Warszawa 2007, p. 386.

[29] Z. Marek, *Usuwanie zwłok przez sprawcę zabójstwa*, „Problemy Kryminalistyki" 1960, nr 26–27, pp. 510–511.

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3. Complex methods – consisting in hiding or disguising the corpse while still obstructing or even preventing them from being recognised. These are methods in which the offenders through boiling, scalping, dismemberment, burning or other activities make irreversible changes in the victim's corpse.

The above catalogue should be supplemented by methods of treatment consisting in the complete destruction of human corpses by charring by exposing them to fire or heat, destruction with concentrated inorganic acids or other chemical substances. It seems appropriate to propose a specific distinction of this group of methods by naming it a group of destructive methods[30].

It should not be questionable to conclude that because of the unlimited human ingenuity and the increasing awareness that the detection capabilities of the law enforcement agencies owing to the development of technology, experience earned in homicide cases and the research of scholars of law, it is not possible to list and specify all the possible perpetrator's behaviours, both in terms of how the crime was committed and concealing its traces[31].

In order to characterise the simple methods, aimed at masking traces of the crime committed, it is necessary to refer to the fact that these are the most primitive methods, least sophisticated in terms of their complexity and thus their effectiveness. They may involve moving the corpse at a small distance from the crime scene or removing it from the visual field by covering with materials available in the immediate vicinity of the offender. To illustrate this, one may indicate such activities as transporting the victim's corpse to a place distant from human settlements, either by transportation means or by dragging or carrying the corpse at a small distance[32], covering the body by leaves, branches or soil. There are also cases where the corpse is covered with bedding, pillows or mattresses[33]. An analysis of the manner of corpse

[30] According to a dictionary definition "destruction" means 'decomposition, decay, damage'. See *Słownik języka polskiego*, t. 1: *A–K*, red. M. Szymczak, Warszawa 1978, p. 386.

[31] Homicides are subject to numerous studies. According to Z. Lasocik (*Zabójca zawodowy i na zlecenie*, Kraków 2003, p. 102), an average university library in the United States usually contains a few hundred book items on various aspects of homicide. Most of the literature is accompanied by a rich bibliography ranging from 200 to 400 items. In the Polish scholarly reflection, one can also find many interesting items contributing to the discussion of the subject of homicide in the broad sense. The following may be mentioned as an example: P. Horoszowski, *Zabójstwo z afektu*, Warszawa 1947; J. Leszczyński, *Zabójstwa na tle seksualnym w Polsce*, Warszawa 1982; J. Gurgul, *op. cit.*; C. Grzeszyk, *Wykrywanie sprawców zabójstw z rozbojem*, Warszawa 1994; K. Gradoń, *Zabójstwo wielokrotne. Profilowanie kryminalne*, Warszawa 2010.

[32] Such behaviour was followed by J. Knychała, who in the description of one of the crimes committed by him, stated that: "I [Joachim Knychała] noticed that I was facing a residential building from which someone could see me, even if it was night. I noticed a small mound several dozen steps from the place of the assault and dragged the corpse to there…". See more J. Widacki, *Zabójca z motywów seksualnych…*, p. 76.

[33] This is how Tadeusz C., the 49-years-old murderer, treated the corpse of a 79-years-old resident of Radziejow – Wiesława A. The blood-stained body of the woman was found in an abandoned

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handling, and more broadly, an analysis of the way of committing the homicide can provide information regarding, e.g., the degree of organisation of the offender. The knowledge thus learned can allow even the creation of a psychological profile of the personality of the offender, which would significantly facilitate the detection of the offender profiled[34]. According to the developed and accepted typology, the transfer of the corpse to a secluded place or the concealment of the victim's body indicates that the perpetrator belonged to a group of organised offenders[35].

Moreover, it seems that this category of activity will include all the manipulations with the corpse of the victim without transferring to another location. The appearance of the corpse may be formed by the perpetrator in such a way as to mislead the law enforcement authorities as to the actual motive of his action[36].

The second method mentioned above consists of steps that are slightly more complex in terms of technical and logistical procedure than simple methods. Moreover, in many cases, they will require considerable physical strength. While the very crime scene (e.g. a swamp, a hard-to-reach mountain summit or crevice), may impede, or even prevent the discovery of the corpse, then a place without adequate characteristics will require the perpetrator to apply a considerable amount of effort and adequate time planning, as well as the use of appropriate tools to disguise the victim's body. Indeed, the offender will strive as accurately and long as possible to hide the corpse from the environment. As Rydzek notes, the perpetrator will have two choices: either to hide the corpse where it is located, at the cost of his own increased effort, by concealing it in concrete, throwing to a water reservoir or swamp, or burying in soil and similar places; or he will decide to transport it in order to hide in another area[37]. A study by this author showed that among 781 bodies of victims of homicide, only 12.3% (96 bodies) were hidden at the crime scene. The remaining majority of corpses (685 bodies) were hidden in a different place than where the crime was committed. The distance between these two places, in the overwhelming majority, did not exceed 100 metres or was between 100 and 500 metres[38]. An interesting case of application of this kind of concealing activity

house in Osięciny. It was covered with old mattresses. See *Radziejów. Zwłoki kobiety były przykryte starymi materacami*, www.pomorska.pl/wiadomosci/radziejow/art/7193606,radziejow-zwloki-kobiety-byly-przykryte-starymi-materacami,id,t.html [access: 20.03.2018].

[34] J. Widacki, *Zabójca z motywów seksualnych*..., p. 33.

[35] B. Lach, *Profilowanie kryminalistyczne*, Warszawa 2014, p. 112. More on the subject of organised and non-organised perpetrators: J.E. Douglas, R. Ressler, A.W. Burgess, C. Hartmann, *Criminal profiling from crime scene analysis*, "Behavioral Science & Law" 1986, Vol. 4(4), DOI: https://doi.org/10.1002/bsl.2370040405.

[36] J. Bednarz, T. Zapałowski, *Niektóre problemy techniczno-taktyczne związane z zabójstwem z lubieżności*, „Służba MO" 1967, nr 4–5, p. 535.

[37] T. Rydzek, *op. cit.*, p. 94.

[38] *Ibidem*, pp. 96–97.

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was the conduct of R. Kuklinski with the corpse of L. Masgay[39]. The perpetrator who performed similar actions was also J. Christie, who murdered at least eight people: seven women (including his wife) and a child[40].

Frequent cases are also actions of the perpetrators of homicides involving throwing the victim's corpse into the water. In order to reduce the risk of corpse emerging on the surface of the water, objects are attached to the corpse to submerge the body. This includes, i.a., stones, bricks, metal bars or other objects of very low displacement, which in some way are attached to the corpse[41]. The mere way of fixing these "weights", or identification of their kind can reduce the circle of the people searched for by the law enforcement authorities. This is due to the classifying of people who may have specific skills (e.g. tying complicated knots) or those who may have access to items attached to the corpse (e.g. objects with a visible logo or made of rare materials).

In the intention of the perpetrator, loading the body with weights is aimed at permanently submerging the body of the victim to prevent or significantly hinder the search for the corpse. However, as shown by the research on changes taking place in the human body after death, even corpses loaded with concrete blocks weighing about 35 kilos are able to float on the water surface. This is due to the presence of putrefactive gases that form after death in the human body[42]. As confirmed by the research – the process of decay of bodies in water is different compared to the terrestrial environment, which may lead to difficulties in identifying the deceased or determining the time of his or her death[43].

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[39] Z. Lasocik, *op. cit.*, p. 233 ff. More on the case of R. Kuklinski, see A. Bruno, *The Iceman. The True Story of Cold-Blooded Killer*, New York 1993.

[40] He processed bodies of his victims as follows: he buried corpses of two women in his garden among plants, two another he buried outside of the garden, three he concealed in the kitchen, while the corpse of his wife he placed under the floor in the living room. See *John Christie (murderer)*, https://en.wikipedia.org/wiki/John_Christie_(murderer) [access: 20.03.2018].

[41] This is how W. Mazurkiewicz acted in order to conceal traces of the murder of W. Brylski. The perpetrator put the corpse into a bag, filled the bag with stones, and then he dragged the bag to the banks of Vistula with the intention to leave the bag with the corpse on the bottom of the river at the location where the level of water was at his throat's height (the example is from B. Sygit, *Kto zabija człowieka… Najgłośniejsze procesy w powojennej Polsce*, Warszawa 1989, p. 20). The victim's body may also be wrapped in a metal mesh preventing the corpse from floating on the surface. The metal mesh, by instilling in the body, prevents enlargement of its size as a result of the decaying processes taking place inside the corpse.

[42] T. Konopka, E. Kaczor, A. Gross, F. Bolechała, K. Woźniak, M. Strona, A. Moskała, *Zabójstwa sprzed lat badane we współpracy z policyjnym Archiwum X*, „Roczniki Pomorskiej Akademii Medycznej w Szczecinie" 2007, t. 53, pp. 13–16.

[43] P. Siermontowski, *Rola nurka w dochodzeniu medycznym*, „Polish Hyperbaric Research" 2005, nr 2(11), pp. 49–56. The water environment, and especially cold water, can have an adverse effect on the decaying processes in the human body. However, fat/wax transformations, i.e. saponification, may take place instead of putrefaction and decay of the corpse. As a result of this process,

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The third group of treatments related to the removal of a crime victim's corpse are methods that could be called "combined methods". Such nomenclature may be justified by the fact that these are complex methods, through which the perpetrator seeks to simultaneously hide the corpse and hinder its identification or make it impossible. Their complexity results from the diversity of actions necessary to be taken to achieve the above-mentioned results. Marek indicates that this group should include all the actions of homicide perpetrators, which consist in hiding corpses with its simultaneous: dismemberment, scalping, cutting off or destruction of the head, cutting fingers or even partial destruction with the help of unlit lime or charring with fire[44].

It is worth taking a closer look at the problems of the dismemberment of the corpses. It is a procedure often used by perpetrators of homicide, aimed at making it difficult to recognise the victim or to conceal the body more easily. The perpetrators, through dismembering the corpse, seek to destroy or sufficiently distort those parts of the victim's body that can be used to identify it[45]. These parts of the body include head, palms with fingers[46], feet or other body parts characterised by certain special marks such as tattoos, scars, deformities. It should be noted that the perpetrators damage the corpses in various ways, for example mechanically or thermally. Kuklinski, already mentioned herein, can also be mentioned in the context of the discussed method. This perpetrator dismembered the corpses mechanically, using a chainsaw, and then packed the corpses into bags to transport them to a dump. The method of dismembering the corpses also served to hide the bodies of his victims in metal barrels. An example of a victim whose corpse Kuklinski treated this way was G. Malliband[47].

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the so-called "adipocere" is formed – a substance that in a moist form has a very musty smell (see V.J. DiMaio, D. DiMaio, *Medycyna sądowa*, Wrocław 2008, pp. 35–36). In turn, the possibility of identifying corpses extracted from the aquatic environment may be significantly impeded to be carried out using some identification methods. This is due to the fact that the human skin swells under the influence of water and the epidermis detaches from the dermis. This causes difficulties or even prevents fingerprint identification and possible description of foot and hand injuries due to the rapid drying out of the exposed skin after taking from the water. In spite of this, there are known cases of fingerprint identification of the corpse, whose skin was extremely soggy – e.g., the identification conducted by A. Bohanan – for more, see B. Bass, J. Jefferson, *Trupia farma*, Kraków 2017, p. 183.

[44] Z. Marek, *op. cit.*, p. 510.

[45] L. Gruntkowski, *op. cit.*, p. 41.

[46] R.D. Keppel, R. Walter, *Profiling Killers: A Revised Classification Model for Understanding Sexual Murder*, "International Journal of Offender Therapy and Comparative Criminology" 1999, Vol. 43(4), DOI: https://doi.org/10.1177/0306624X99434002, pp. 433–434. The authors indicate the case of a 22-year-old man who kidnapped a 21-year-old nurse, raped and murdered her. Then he dismembered her corpse and scattered it over a large area. He hid in a particularly scrupulous way the body parts that are easiest to identify (according to the authors) – the head and fingers of palms.

[47] Z. Lasocik, *op. cit.*, p. 233.

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Dismembered corpses are also easier to hide or destroy by means of appropriate measures. Therefore, this leads to the conclusion that the mere dismemberment of corpses does not exclude the possibility of other actions performed by the perpetrator. As in the above-mentioned case of Kuklinski, the dismemberment of a corpse may be combined with its subsequent concealment in a container but also, as evidenced by the examples given in the literature: sending by post or rail to another place[48], dumping into a water tank or sewer pipes[49].

Almost analogically as in the case of investigating the methods of hiding corpses by submerging in the water, the analysis of dismemberment of the corpses can provide a lot of information about the perpetrator. By studying the technique of cuts or fractures in the victim's body, there is a possibility of drawing conclusions about the abilities or profession of the perpetrator. The professionalism of the activities performed will justify the assumption that the perpetrator could perform a profession requiring the skill to use cutting tools or otherwise acquired knowledge in the field of anatomy or forensic medicine. Taking this into account, it will be possible to narrow the circle of alleged perpetrators down to those who, for example, perform the profession of butcher, surgeon, veterinarian, etc.[50]

Human corpses can also be exposed to fire. However, for this category of methods aimed at concealing corpses with hindering or preventing their identification, it is necessary to distinguish between exposing corpses to fire and burning corpses in the strict sense[51].

The perpetrator of an incident may set fire to the place where the victim's corpse is located or other place where the traces of the crime are present, including the victim's body. An interesting description of an experiment to examine the

[48] An example cited by L. Gruntkowski (*op. cit*., p. 41), described by F. Burszyn and J. Groniewicz. A suitcase with a dismembered corpse of a woman was found on the Turin-Naples train. After a few hours, another suitcase containing the rest of the victim's body was found in another carriage of the train.

[49] This was how Bogdan A. did according to the investigation of the Provincial Prosecutor's Office in Katowice (II Ds. 22/67). The perpetrator made attempts to destroy the corpse by boiling them in chlorinated water and cutting out some muscles, soft tissues and internal organs, which he threw into drain pipes and rinsed with water (the example comes from J. Gurgul, *op. cit*., p. 71). A similar case was described by Z. Marek (*op. cit.*, p. 514). It concerned the case of the murder of Zofia P., whose corpse was dismembered by the perpetrator and partly thrown into the river, and partly buried on the river bank. The head of the victim was never found.

[50] B. Lach, *Profilowanie kryminalistyczne*, Warszawa 2014, pp. 32–33. The author raises this issue with regard to the possibility of inferring about the identity of Jack the Ripper.

[51] T. Rydzek (*op. cit.*, p. 101) indicated that the burning of corpses in the strict sense consists in transforming corpses into small particles such as ash and other fine-grained matter, while cases in which the perpetrator seeks to destroy all traces of crime and his presence at the crime scene, hence to disguise the circumstances of his participation in the incident, are activities aimed at a wider range of objects, not only the corpse. The author concluded that the result of the assumption thus adopted in this way lacks the basis for equating both activities.

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phenomenon of burning corpses together with the room in which they were found was presented by B. Bass[52].

The last group of methods of concealing homicide, which was defined as "destructive methods", are sets of activities consisting in the complete destruction of a human corpse, through a complete change of their physiochemical structure. It is the most complicated to carry out, nonetheless the most effective way of concealing the traces of the homicide committed[53]. The most widely used processes applied by killers to destroy human corpses include the use of inorganic acids, such as sulfuric, nitric and hydrochloric acids; complete destruction of corpses with the use of quicklime; or the burning of whole corpses or their complete disintegration by boiling. Already in the 1950s, the issue of destroying human corpses with acids aroused wide interest. J. Walczyński and J. Kobiela conducted research on the effect of selected inorganic acids on corpses and parts of clothing. The authors have concluded that sulfuric acid is the strongest and fastest-acting on human body. The weakest but at the same time the best dissolving teeth and bones is hydrochloric acid. These researchers found that the corpse of a human fetus weighing 1 kilo is transformed in nitric acid into a soft mass and yellowish clots during 18 hours, while corpses of the same weight decay in hydrochloric acid for 5 to 6 days, retaining residues of tissue. The strongest of the acids tested by the authors – sulfuric acid, dissolved the corpse of a human fetus weighing 2.5 kilos in 2 hours[54].

Another chemical that can be used to destroy human corpses is sodium hydroxide, more commonly known as caustic soda. This substance, when mixed with water and heated to about 150 degrees Celsius, is able to dissolve human bodies in about 3 hours[55]. However, human bones and teeth are not destroyed in this process, so people who attempt to destroy them, need to apply another procedure, e.g., the burning of other parts of the body or their burial[56].

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[52] The author described the course of an experiment in which deer bones, whose structure is very similar to human bones, were placed in the basement under the house. A few of them were placed on the ground, some of them were buried at a depth of three centimetres, and some at a depth of five centimetres. The house was drenched with petrol and set on fire. Despite the temperature of 930 degrees Celsius in the cellar, the bones did not char but acquired characteristic features that could be an indication for investigators on the basis of medical and anthropological research. In more detail: B. Bass, J. Jefferson, *op. cit.*, p. 258.

[53] Considering, of course, removing the trace in the form of the corpse of the victim.

[54] J. Walczyński, J. Kobiela, *op. cit.*, p. 61 ff.

[55] B. Palmer, *Soluble Dilemma. How long does it take to dissolve a human body?*, www.slate.com/articles/news_and_politics/explainer/2009/12/soluble_dilemma.html [access: 23.03.2018].

[56] An example of this proceeding is described based on S.M. Lopez – a Mexican member of mafia structures who for over 10 years of its activity destroyed more than 300 human bodies using this substance. See more: L. Sánchez Ley, *One Man Dissolved Dozens of Bodies and Dumped Them in This Mass Grave in Mexico*, www.vice.com/en_us/article/ne35zg/one-man-dissolved-dozens-of-bodies-and-dumped-them-in-this-mass-grave-in-mexico [access: 23.03.2018].

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Human corpses can also be completely decomposed with the use of quicklime[57]. However, this is a problematic and sometimes difficult method. The perpetrator has to dig a pit in the ground, which can accommodate the entire body of the victim (although of course, it is possible to use the natural terrain), then place the corpse therein and cover it with a layer of quicklime. Then, the pit has to be covered. The place of action of the perpetrators, where such a procedure may be performed, are places selected by them, which meet the criteria assumed by them[58]. For example, locations may be indicated where the risk of such behaviours is increased. These are most often construction sites which are deprived of 24-hour supervision[59], excavations, as well as abandoned industrial facilities.

Due to the significance of the difference, it should be repeated that the concealing activity will differ from feigning actions that can be performed by the killer at the crime scene – e.g., the staging of death in the fire, in that in the first case the perpetrator will try as much precisely as possible to completely destroy the corpse, so that their identification is impossible. He will not care that law enforcement agencies, or third parties, notice the effects of his actions, that interest in them will be aroused by this act, but rather he will try to hide all traces of the offence as rigorously as possible. The fact of paying attention to the effects of an event is, in fact, the essence of feigning, not of concealing activities[60].

The catalogue of activities aimed at concealing the act committed does not end with the above-mentioned behaviour of the offender. In order to conceal the fact of committing a crime, these actions do not have to be directed only against the traces in the form of the victim's corpse. Perpetrators may also take other actions that will distort some of the traces left by them at the crime scene[61]. This includes displacement, concealment or other interference in the location and structure of objects located at the crime scene, by: attempting to redirect the investigative actions of law enforcement agencies towards a third party; and modification and arrangement of the place of the event so as to suggest the lack or entirely different motive of the perpetrator. They are deliberate and organised operations, the main purpose of which is to confuse the law enforcement agencies and avert the suspicions from the actual perpetrator[62]. It should be kept in mind that the manner of perpetrator's actions (both before, during and after committing a crime), that is his

[57] Quick lime (burnt lime) is calcium oxide CaO. A compound obtained by burning limestone at 900–1000 degrees Celsius. Burnt lime easily absorbs moisture from the air and undergoes a chemical reaction that results in calcium hydroxide or calcium carbonate.

[58] In such a case, the perpetrators' actions will have a well thought out and planned nature.

[59] L. Gruntkowski, *op. cit.*, p. 43.

[60] T. Rydzek, *op. cit.*, p. 92.

[61] More on the term of forensic traces: J. Widacki, *Kryminalistyka*, Warszawa 2002, pp. 184–185.

[62] I. Dembowska, *op. cit.*, p. 149.

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modus operandi revealed in the traces left by him, is an important forensic factor[63] affecting the effectiveness of detective work of law enforcement agencies.

Another kind of concealing activities taken by perpetrators of homicide and carried out at the crime scene may include actions based on obliterating traces that may be the evidence of the relationships between the victim and the perpetrator. If the existence of emotional and partner relationships between these two people evidenced by any tangible items or traces on them, then the perpetrators of homicide would in most cases try to dispose of them at all costs[64]. The perpetrators will be able to either clean up the items from the traces or bury them in order to hide them as much effectively as possible, and will try to destroy these objects – also by employing the methods used to destroy the corpse of the victim. Perpetrators may also transfer possession of these items to a third party in order to avert the suspicion and to direct investigators' suspicions and interest towards that person.

After the murder and possibly concealing the traces of this act at the crime scene, the perpetrators also take into account fact that on their way of moving away from the crime scene, there may be obstacles hindering or preventing their escape. They undertake efforts to guarantee them a safe and quick departure from the crime scene. Activities related to departing from the crime scene may range from general activities[65] to actual actions – i.e. those directly aimed at avoiding suspicions of committing the act. The second group of activities includes: changing the appearance or disposal of items used at the crime scene[66], planning several escape routes, or preparing a few different means of transport just in case.

In order to change their appearance, the perpetrators sometimes take to the crime scene various types of accessories, as well as other means allowing them a kind of metamorphosis[67]. Perpetrators may also change their hairstyle after committing a crime, attach an artificial beard, put on a wig or glasses, or simulate limping, broken hand, and being inebriated with alcohol[68]. It should be kept in mind that it is these external features of the perpetrator that are most visible to possible witnesses of the incident and best remembered by them. This is demonstrated in the content of testimonies made by witnesses, which allow for the reproduction of

[63] M. Całkiewicz, *Modus operandi sprawców zabójstw*, Warszawa 2010, p. 22.

[64] I. Dembowska, *op. cit.*, p. 150.

[65] For example: determining the way and hours of leisure time spent by the neighbours of the victim; period of patrolling the area by a security guard; hours of departure of public transportation buses. These are not concealing activities in the strict sense of the word, i.e. they do not involve actual modification of the space, but they may constitute an element conducive to obliterating traces of the crime.

[66] These are, e.g., masks, gloves, overalls, balaclavas. Perpetrators pay special attention to ensuring that none of the above-mentioned objects remained at the scene of the incident.

[67] B. Sygit, *Kto zabija człowieka…*, p. 67.

[68] The case of Iwan Ś. vel Zygmunt B. as cited in: J. Gurgul, *op. cit.*, pp. 144–145.

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morphological and psychological traits of the perpetrator, and consequently – the reconstruction of his appearance[69].

Concealing activities may also be carried out at the place of stay of the perpetrator, where he resides after committing the offence. As L. Gruntkowski points out, at this stage the perpetrators undertake activities aimed at the ultimate disposal of the tools used to commit the crime, as well as the creation of such relations with the environment in which the perpetrators are staying, so that the fact of the committed crime can be concealed for as long as possible[70]. Sometimes, the concealing of a criminal offence committed by the perpetrator may even involve informing the law enforcement agencies about the occurrence of the incident and providing guidance to help them in the detection of the alleged perpetrator. Criminals engage in such activities expecting that they will manage to avoid possible suspicions of committing the prohibited act.

Offenders, in order to avert the suspicions of law enforcement agencies from them, may also sometimes cooperate with these agencies. Cooperation is understood here as actual participation of perpetrators in activities such as, e.g., an inspection of the scene, but not as a party. Due to the fact that this activity is carried out as soon as possible after receiving information about the occurrence of the incident, the suspect may not yet be known to law enforcement authorities[71]. Taking advantage of this fact and participating in such activities, as well as giving the impression of a real desire to support investigative actions, the perpetrators hope not to be included in the circle of people against whom suspicions could be targeted. It is an attempt to conceal their participation in the incident by creating their image of a law-abiding citizen. The activities that can be undertaken by the perpetrators, apart from participating in the inspection of the scene of the incident, include also: formulating and forwarding to the attention of law enforcement agencies various hypotheses regarding the identity of the perpetrator, the course of the incident or indicating the escape route of the alleged offender[72]. As M. Szaszkiewicz rightly points out, some perpetrators keep track of media coverage of the subject of the crimes they committed, analyse all available details of the proceedings and while not exposing themselves, they try, acting as informers, helpers of police officers or witnesses, to make contact with the persons conducting the case. The author also stresses that such actions result mainly from the need to experience further excitement from the committed crime as well as from the need to more effectively

[69] C. Grzeszyk, *op. cit.*, p. 16.

[70] L. Gruntkowski, *op. cit.*, p. 53.

[71] A. Taracha, *Wybrane zagadnienia kryminalistyczne i procesowe oględzin*, „Annales UMCS sectio G (Ius)" 1988, t. 35, pp. 360–364.

[72] P. Horoszowski, *Śledcze oględziny miejsca*, Warszawa 1959, p. 91.

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protect oneself against detection[73]. It seems that the exceptional, almost excessive precision and accuracy of the contribution made by the person who "assists" the investigators in this way, may sometimes raise doubts about the authenticity and truthfulness of intentions of this person.

It should be noted that by concealing the offence, its perpetrator is not criminally liable for acts or omissions that obstruct or thwart the criminal proceedings, and thus somewhat detrimental to the administration of justice. In accordance with the content of Article 239 § 1 PC, whoever obstructs or frustrates penal proceedings by aiding a perpetrator to evade penal liability, and especially whoever hides the perpetrator, or obliterates physical evidence of the offence shall be subject to criminal liability. Such a person is subject to imprisonment from 3 months to 5 years. Thus the Polish legislation penalises being an accessory after the fact, thus excluding the criminal liability for perpetrator's self-assistance in concealing the crime[74]. Also, it is clear from the content of Article 239 § 1 PC that this crime can be committed by anyone, because it is a common offence, but the person cannot be the perpetrator of the offence, who conceals the offence committed by him, and thus performs actions aimed at avoiding being punished. Also, an instigator and aider/abettor do not bear criminal liability[75].

It seems that the phenomenon of concealing the offence by its perpetrator, due to the instinctive (in most cases) willingness to avoid criminal liability for committing it is an extremely important and very complex problem. Due to the above, its detailed and comprehensive discussion is highly complicated. This article is an attempt to explain in a synthetic way the most important aspects of the discussed issues, including it puts the emphasis on the significant difference between concealing and feigning the incident, which sometimes are used interchangeably in the literature and practice. Moreover, the methods of concealing homicide presented herein, analysed together with the psychophysical profile of the murderer, his motives, *modus operandi*, circumstances of the incident and the place and time of committing the crime, may help the law enforcement agencies carry out the detection process.

The current models of conduct of perpetrators of homicide are often characterized by a high degree of sophistication and complexity. It leads to increasingly

[73] M. Szaszkiewicz, *Model opracowywania charakterystyki psychofizycznej nieznanego sprawcy zabójstwa*, [in:] *Zabójcy i ich ofiary*, red. J.K. Gierowski, T. Jaśkiewicz-Obydzińska, Kraków 2002, pp. 210–211.

[74] M. Mozgawa, [in:] *Kodeks karny. Komentarz*, red. M. Mozgawa, Warszawa 2015, p. 653.

[75] M. Szewczyk, W. Zontek, A. Wojtaszczyk, [in:] *Kodeks karny. Część szczególna*, red. W. Wróbel, A. Zoll, t. 2, Warszawa 2017, p. 353; W. Zalewski, [in:] *Kodeks karny. Część szczególna*, red. M. Królikowski, R. Zawłocki, t. 2, Warszawa 2017, p. 327. The above is also confirmed by the established case law of the Supreme Court (judgement of the Supreme Court of 5 August 2009, II KK 136/09; judgement of the Supreme Court of 7 June 1979, II KR 99/79).

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more frequent cases of concealing committed crimes in an unconventional way. This is an effect of mass media, elements of pop culture, as well as almost unlimited knowledge available in the literature and the Internet have. It is comforting, however, that along with the raising awareness, advancement, and skills of offenders, law enforcement agencies, using state-of-the-art technology and experience, are able to effectively tackle the phenomena discussed and discover such behaviours, as evidenced by statistical data published by the Police[76].

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[76] According to statistical data published by the Police Headquarters, as of 2 March 2018, the number of homicide crimes recorded in 2017 was 513, of which 501 were detected, which is 97.1%. See *Statystyka*, www.statystyka.policja.pl [access: 11.04.2018].

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STRESZCZENIE

W artykule omówiono zagadnienie maskowania przestępstwa zabójstwa przez jego sprawcę. Przeprowadzone rozważania stanowią próbę przybliżenia problematyki dotyczącej sposobów postępowania sprawców zabójstw, zarówno na miejscu popełnienia przestępstwa, jak i poza nim, mających na celu uniknięcie odpowiedzialności karnej za popełnioną zbrodnię. Nieograniczona wyobraźnia ludzka przekłada się na mnogość sposobów zachowania przestępców, mających na celu utrudnienie lub uniemożliwienie ich wykrycia przez organy ścigania. Ponadto należy zauważyć, że na gruncie obowiązującego Kodeksu karnego sprawcy, którzy maskują popełnione przez siebie przestępstwo, dopuszczają się tzw. samopoplecznictwa, za które nie ponoszą odpowiedzialności karnej.

Słowa kluczowe: zabójstwo; maskowanie; kryminalistyka; samopoplecznictwo; pozoracja

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