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# **“INTERSECTIONS OF PSYCHOLOGY AND PROFILING: IMPLICATIONS FOR CRIMINAL JUSTICE ADMINISTRATION”**

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## **ABSTRACT**

Crime and psychology are closely related disciplines that aim to understand not only the occurrence of crimes but also the underlying reasons for their manifestation. While crime is typically assessed from a legal or societal standpoint, psychology redirects attention to the cognitive processes of individuals—investigating thoughts, emotions, motivations, and behavioral tendencies that may lead people to engage in illegal activities. By analyzing elements such as personality characteristics, mental health issues, environmental factors, and social interactions, psychology offers valuable insights into criminal conduct. This intersection clarifies why certain individuals choose to commit crimes while others in comparable situations refrain from doing so. It further illuminates aspects of decision-making, impulse regulation, aggression, and moral reasoning. The examination of offenders through profiling and the consideration of trauma and upbringing's effects are vital components in law enforcement strategies, rehabilitation efforts, and crime prevention initiatives. Ultimately, approaching crime from a psychological viewpoint fosters a more thorough understanding of human behavior—one that transcends mere punishment to emphasize prevention, intervention strategies, and potential for reform. Psychiatry and crime are interconnected in various ways. On one side, there are offenders exhibiting significant psychopathological issues; on the other, psychiatric patients may engage in criminal acts while under the influence of their mental disorders. Throughout their careers, psychiatrists will inevitably interact with the criminal justice system at some point. Forensic psychiatry, which encompasses these matters, remains a relatively underdeveloped field in India. This paper examines the relationship between crime and psychiatry, along with the contributing factors involved.

**Key Words:** Criminality; Criminal justice; Forensic psychiatry; Psychiatry; Substance abuse.

## INTRODUCTION

Psychiatry and crime are occasionally linked. There is a longstanding belief that individuals who commit crimes are often mentally unstable, while conversely, some view those with psychiatric disorders as potentially violent and more prone to engaging in criminal acts<sup>1</sup>. The media frequently emphasizes the actions of offenders, along with incidents involving individuals with mental health issues. This connection has been explored by various organizations over the past two centuries. This paper aims to explore the complex relationship between crime and psychiatry, along with the contributing factors.<sup>2</sup> Individuals with mental illnesses have often been portrayed in a negative light concerning crime. Substantial evidence indicates that people with mental health disorders face arrest, conviction, and imprisonment at rates exceeding their actual involvement in criminal activities<sup>3</sup>. Due to inadequate resources within the mental health sector, many of these individuals find themselves funneled into the criminal justice system a trend exacerbated by the ‘deinstitutionalization’ process observed in numerous countries over recent decades<sup>4</sup>. In India, efforts to shift mental health care from institutions to community-based settings have not been effectively executed. Consequently, there is an increasing intersection between mentally ill individuals and law enforcement agencies, which skews perceptions of the link between crime and mental illness <sup>5</sup>. Many psychiatric patients who lack family support end up homeless and are frequently apprehended for minor offenses under preventive policing measures<sup>6</sup>. Several manifestations of mental illness can resemble antisocial or criminal behaviors, including aggression or aimless wandering<sup>7</sup>. The likelihood of arrest is heightened for those suffering from mental health issues since they are more frequently identified by law enforcement through reports and calls for assistance<sup>8</sup>. Additionally, there exists a bias in legal proceedings; individuals with mental illnesses tend to face charges more often and endure longer sentences than others for comparable offenses<sup>9</sup>

## CRIMINAL PSYCHOLOGY

The era in which society revered the highest ideals of humanity and similarly honored the concept of the state, despite its imperfect representation of those ideals, has long passed.<sup>10</sup> Today, few individuals adhering to outdated beliefs regard the state as a sacred entity worthy of specific protections, nor do they feel that harm done to the state necessitates atonement.<sup>11</sup> Typically, these antiquated views persist most strongly among the general populace, who continue to believe in the necessity of atonement. Many prominent newspapers attempt to

undermine the ideology of atonement in their editorials and on front pages by equating it with state-sponsored retribution against individuals; yet, simultaneously often within a mere page turn they express disappointment that a particular crime currently capturing public attention has not been sufficiently atoned for. Thus, while contemporary columnists dominate the headlines, prevailing public sentiment resonates through other sections of the same publication.<sup>12</sup>

The paper does not aim to explore popular notions of justice or related ideas; instead, it directly addresses modern perspectives represented by various scholars, judges, and authors. Regardless of any admiration for traditional concepts of atonement or criticism directed toward present-day ideas as being mundane or overly pragmatic often labeled as American these contemporary notions cannot be ignored. They are not only present but actively functioning. The state is recognized as a technical entity requiring protection due to its demonstrated utility. A criminal wrongs both the state and law-abiding citizens; therefore, measures must be taken to prevent such offenses. This prevention does not rely solely on deterrents but is increasingly viewed through the lens of rehabilitative education or confinement. However, for effective educational interventions or correctional efforts to occur, an understanding of the criminal's profile must precede their confinement. While these thoughts may lack novelty, they are indeed prevalent today and influence ongoing reforms in legal studies. There is a growing interest in understanding criminals' personalities; in other words, criminal psychology has become quite fashionable. Those who have invested significant scientific effort into studying criminal behavior will likely embrace opportunities to share their research findings and personal insights with a broader audience—even if they harbor reservations about the motivations driving current trends that amplify interest in this subject matter. An important point is the psychiatric referral and psychiatric labelling of criminals. Conduct problems are often viewed as symptoms of psychological disorder and for many years, people felt that all criminals were psychiatrically ill. Psychiatry is often abused in the area of crime; for example, in China, psychiatry has been used to 'imprison' political dissidents with similar abuses noted earlier in the former Soviet Union as well (Bonnie, 2002<sup>13</sup>). High levels of mental illness in prisons is largely due to the psychiatric labelling of criminals and psychiatric concepts are commonly applied to convicted individuals due to ethical and social issues rather than medical considerations (Lamberti et al., 2001<sup>14</sup>). For disorders such as borderline personality disorder, sadism and intermittent explosive disorder, violent behaviour is one of the key diagnostic symptoms, and such psychiatric conceptualisations of violence as a key symptom leads to an over-diagnosis of these conditions<sup>15</sup>. The symptoms of specific mental illness may directly include crime or

delinquency, for example in conduct disorder or oppositional defiant disorder. An important diagnosis is 'Antisocial Personality Disorder' (ASPD), which is the most common diagnosis in prisoners. ASPD is being criticised, with there being controversy over whether it constitutes a mental illness, and many suggest that it is no more than a moral judgement given a diagnostic label. Most reports and reviews says that it is an incurable disorder as are most personality disorders, yet the diagnosis is ever increasing with a need to label criminals as victims of psychiatric illness<sup>16</sup>. The personality disorder diagnosis must be used where the characteristics traits of a personality disorder make its appearance in childhood with antecedents to the same being present and most characteristics being noted by the age of 14–15 years. It is wrong to diagnose someone with crimes seen after the age of 18 years as a case of personality disorder just to save him from the clutches of the law. It is also paramount that legal systems realise that personality disorders cannot be equated with major mental illnesses like schizophrenia and bipolar disorder which start and may be episodic while personality disorders are a lifelong enduring pattern of traits and behaviour.

### ANALYSIS

In light of the growing media attention surrounding offender profiling in criminal trials, this method remains poorly comprehended by many, including judges, attorneys, and jurors. Some individuals regard offender profiling as an esoteric practice, while others dismiss it as mere fiction. THE aims to clarify the concept of offender profiling and enhance overall understanding of this investigative technique.<sup>17</sup> First, that offender profiling is not broadly accepted in court due to questions regarding its reliability and scientific foundation; second, that discrepancies about its admissibility arise from conflicting rules and standards across different jurisdictions. The principal argument presented in this work asserts that offender profiling lacks sufficient reliability for use as evidence in determining an accused individual's guilt or innocence, with its prejudicial consequences significantly outweighing its evidential value. Furthermore, there exists a fragmented relationship among various profilers and segments within the field, which has restricted the effectiveness of offender profiling. A critical issue pertains to the three rules governing expert evidence admissibility in the United States.<sup>18</sup> This situation has resulted in inconsistent rulings regarding whether to admit or exclude offender profiling and related evidence, leading to numerous conflicting judicial decisions on the matter. The first question to consider is whether offender profiling possesses enough reliability for admissibility.<sup>19</sup> Offender profiling entails collecting data from crime scenes, witness accounts, victim testimonies, autopsy reports, descriptions of suspects—including

physical attributes such as race and age—and criminal histories. Consequently, one must query how accurate these collected data are and whether they should be submitted as evidence of guilt or innocence<sup>21</sup>. Notably, offender profiling does not identify specific offenders nor does it ascertain if a particular defendant committed a given crime; this concern arises from several cases where the dependability of such profiles has been called into question.

The second point examines whether offender profiling is more prejudicial than probative. Due to its nature, offender profiling tends to be biased against defendants; it merely suggests characteristics typical of individuals who might commit certain types of crimes without pinpointing any singular person.<sup>22</sup> This issue has been highlighted by courts exhibiting inconsistency in their rulings concerning this aspect.

Primarily utilized by law enforcement to refine suspect lists when no physical evidence is present at crime scenes, recent developments have seen this technique introduced into courtrooms as admissible evidence—prompting significant debate over its validity. Thus far, various court decisions have yielded contradictions regarding its standing as acceptable evidence. The discussion on the reliability and scientific basis of this methodology has surfaced repeatedly. The principles and practices associated with offender profiling while examining diverse approaches to it—highlighting both strengths and weaknesses inherent in each method. Criminal profiling is a specialized area within forensic criminology, integrating concepts from both behavioral and forensic sciences.<sup>23</sup> For students aiming to cultivate the skill of profiling, it is essential to acquire comprehensive education in scientific methodologies as well as behavioral science principles.

The practice involves drawing conclusions about the habitual, physical, emotional, psychological, and even occupational traits of criminals. Various methods exist in criminal profiling, each differing in the robustness of their theoretical foundations, logical reasoning, and insights. Some approaches are broad and abstract while others are detailed and specific.<sup>24</sup> Certain methods depend on statistical data concerning offender groups; others rely on personal experience or an examination of particular behavioral evidence tied to specific cases.

Criminal psychological profiling focuses on analyzing the behavior patterns associated with a crime or series of crimes to develop a descriptive profile of the likely offender. This technique has proven effective for law enforcement in various contexts and serves as a valuable means to streamline investigations. However, profiling does not yield the exact identity of an offender but rather provides a description based on key behavioral and personality traits such as age, gender, marital status, and employment situation. The FBI's approach defines the process of generating criminal profiles as a method for pinpointing significant personality traits and

behaviors by analyzing the crimes committed.<sup>25</sup>

Profilers excel at identifying dynamics within crime scenes that connect different types of offenders committing similar acts. Profiling techniques have been applied in diverse situations, including hostage scenarios (Reiser, 1982)<sup>26</sup>. Law enforcement officials must gather extensive information about hostage-takers to ensure the safety of hostages. In such instances, police may engage in limited verbal communication with offenders while potentially consulting family members or friends to assess likely actions or reactions.

Profiling has also assisted in tracing anonymous letter writers or individuals who issue verbal or written threats of violence.<sup>27</sup> In these cases, psycholinguistic strategies create a "threat dictionary," categorizing every word used in messages via computer analysis.<sup>28</sup> By comparing vocabulary from threat communications with typical language use, investigators can identify unique "signature" words belonging to offenders. This process not only helps establish connections between multiple letters written by one person but also sheds light on the offender's background and psychology.

Offenders such as rapists and arsonists can also be effectively profiled through detailed interviews with victims regarding their assailants' behaviors (Hazelwood, 1983) <sup>29</sup> . The premise here is that behavior mirrors personality traits; thus examining behavior may reveal insights into the type of individual responsible for a crime. Understanding these characteristics aids investigators in identifying potential suspects and formulating interviewing strategies. Nevertheless, research has primarily concentrated on specific offender categories and lacks broader applicability across all types.<sup>30</sup>

Criminal profiling has shown utility particularly in cases involving serial sexual homicides—crimes that incite considerable fear due to their seemingly random nature while receiving widespread media attention.<sup>31</sup> Investigators face intense public pressure to swiftly apprehend perpetrators despite these cases often presenting significant challenges due to their unpredictability. Analyzing commonalities and distinctions among victims targeted by a specific serial killer can provide crucial insights regarding motives behind seemingly motiveless crimes—potentially revealing aspects about the criminal themselves. For instance, murders may stem from sadistic fantasies held by offenders who select victims based on symbolic elements related to those fantasies<sup>32</sup>.

## **CONCLUSION**

In this regard, criminal profiling has yielded promising outcomes especially within crimes where offenders exhibit consistent patterns at crime scenes. Though courts have typically

dismissed testimony regarding profiling when presented directly, they have frequently gone to great lengths to accept profiling-based evidence or statements from profilers if they are framed differently. Offender profiling serves as a crime investigation approach grounded in probabilities, stereotypes, suspicions, and assumptions. It does not identify a particular offender as responsible for a specific crime; rather, it offers generalizations. Consequently, it lacks the reliability necessary to establish the guilt or innocence of an accused individual.<sup>33</sup> While there is no doubt about the utility of offender profiling in criminal investigations, challenges arise when such evidence is introduced in court. Currently, there is no objective method to assess the reliability and validity of offender profiling, as its nature does not allow for consistent testing. Additionally, replicating a crime scene presents difficulties; one cannot assert that a single offender will commit all offenses in a uniform manner or consistently display the same characteristics across different crimes<sup>34</sup>. Particularly in the case of serial offenders, individuals may adapt their methods based on experiences, media exposure, and victim reactions resulting in potential changes to their operational techniques and signature elements.

In U.S. courts today, admissibility of offender profiling and related testimonies has varied considerably; some cases have accepted them while others have rejected them altogether. This inconsistency raises significant concerns that are examined further in this chapter. In several instances where profiling evidence was allowed, it is noteworthy that its reliability was often not scrutinized rigorously. Some courts seemed swayed by the credentials of profilers without adequately evaluating the dependability and validity of their techniques. The mere utility of a technique during investigations does not automatically qualify it as reliable for courtroom use; usefulness should not be equated with reliability.<sup>35</sup> Fundamentally, offender profiling relates to character traits of individuals and functions as character evidence. However, its acceptance largely hinges on two primary factors: firstly, for such evidence to be admissible, the defendant must raise character issues themselves; if the prosecution introduces character evidence prematurely before this occurs, it will likely be deemed inadmissible.<sup>36</sup> Secondly, whether this type of evidence is allowed depends on its intended purpose whether it aims to demonstrate criminal intent or propensity versus merely assisting fact-finders. Generally speaking, it tends to be acceptable when used to indicate criminal intent rather than simply showing criminal propensity. Cleary et al argue that "when either the plaintiff or government presents evidence suggesting that a defendant fits an incriminating profile," such evidence might be excluded under rules prohibiting character evidence meant to indicate conduct on specific occasions. Nonetheless, one could contend that these rules should not universally prohibit admission in all such scenarios since they rely on the assumption that character evidence's marginal

probative value tends to be low while carrying high risks for distortion and prejudice regarding time consumption.<sup>37</sup> If profiles can convincingly demonstrate both validity and distinctiveness between offenders and non-offenders with considerable accuracy then admissibility may be favored; however, it remains unclear whether any existing profile possesses such strength.

Consequently, “when profile evidence is utilized defensively (for instance to illustrate good character or restore credibility linked with self-defense claims), it falls within an exception to restrictions against using character evidence.” The determination for admissibility then relies heavily on how expert testimony would aid jurors when weighed against typical counterarguments concerning qualifications of experts involved alongside considerations regarding reliability and validity associated with using profiles all influencing both admissibility decisions and significance attributed to profile evidence itself<sup>38</sup>.

In *State v. Haynes*, expert testimony provided by a criminal profiler was deemed impermissible character evidence and therefore ruled inadmissible. Richard Haynes faced charges including murder and grand theft auto after being convicted by the Common Pleas Court in Lorain County Ohio. He contended that on October 20th 1986 he visited Douglas Fauver’s residence intending only fill out job application paperwork but ended up consuming drinks paired with pills (speed).<sup>39</sup> Allegedly waking up at 11:30 PM from slumber finding Fauver stark naked across from him who then claimed they had engaged sexually together asking if he enjoyed said encounter leading Haynes into bathroom cleaning up afterward whereupon Fauver confronted him wielding small knife resulting fight ensued leading Haynes claiming he stabbed Fauver twice within chest along once towards back after sustaining cut upon his own wrist during struggle ultimately stating waiting two hours prior police arrival believing neighbors notified authorities hearing commotion stemming from altercation—eventually fleeing utilizing stolen vehicle arrested later Arizona committing separate offense whilst noting Fauver succumbed within home discovered deceased next day thereafter.<sup>40</sup>

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