

CRIMINAL PSYCHOLOGY- A STUDY OF THE CRIMINAL MIND

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ABSTRACT

The mind of a human is an interesting study involving various aspects of psychology and the element of conscious and subconscious activities. Any crime committed or omitted works upon the basic fundamentals of a human mind; application of intention and knowledge. However, some crimes of such a heinous nature bring about the question of the capability of the human mind. Psychologists have crossed many dimensions of psychiatry studies to understand the capability of the mind. This paper focuses on the study of the mind of a criminal known as criminal psychology, and gives answers to the society or assist in a case, about the depth of the element of intention combined with knowledge in a particular act or omission. The basics of criminal profiling help in categorizing the behavior or analyzing the state of mind of an accused before presenting his statements in a court of law. Also, it provides a discussion about insanity as a defense reiterating McNaughton's Rule and the roles and contributions of criminal psychologists in this field.

Keywords: Criminal anthropology, Psychopaths, Mens Rea, Criminal Psychologists, Criminal Profiling

INTRODUCTION

Criminal psychology is the study of the motives, behaviors, responses, opinions, and ideas of those who commit crimes and those who support them. Criminal anthropology and criminal psychology are linked disciplines. The research aids in understanding what drives a person to commit a crime as well as how they behave following the crime when evading capture, or in court. Therefore, in order to eradicate crime and offenders from society, we must comprehend its root causes. What goes on in a criminal's mind? Moreover, what led to the crime? All of these questions will have their answers in criminal psychology or criminology.¹

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¹ Mahima Sharma, 'Scope of Criminal Psychology' (*Legal Service India*, September 10 2019) <https://www.legalserviceindia.com/legal/article-1024-scope-of-criminal-psychology.html> accessed 20 April 2023

In terms of psychology, there are two groups that can be classified as criminals within; that is, sociopaths and psychopaths. Psychopaths are those who have strong criminal tendencies from birth. Sociopaths are those who, despite not having naturally high criminal propensities, eventually turn to crime owing to outside influences including mental instability, financial difficulties, and familial problems. Everyone knows they don't want to live a life of crime. But they inadvertently engage in behavior that pushes them into illegal activity.

WHAT IS CRIME?

Crime is defined by law as an action taken or not taken that violates a public law. Additionally, it is regarded as a legally prohibited act. It mostly consists of two parts: Actus Reus and Mens Rea.

There are primarily three accepted ideas that describe the crime, according to psychology.

Consensus view: This point of view contends that since change is inherently constant, it is impossible for crime to endure social change. In other words, criminality evolves alongside societal progress. For instance, child marriage was not a crime in the Middle Ages but is now considered to be one in modern society.

Conflict view: This viewpoint is totally opposed to popular opinion. Due to its disparities, society is viewed here as a collection of various groupings. This leads to disputes between them, and these conflicts encourage criminal activity.

Interactionist view: This is the viewpoint that is somewhere between conflicting and consensus viewpoints. This point of view contends that there is no such thing as a moral right or wrong, but rather that changes in moral standards have an impact on laws. Crime can be viewed as an act that infringes on people's rights, has an impact on society as a whole by inspiring or influencing sociopaths and psychopaths, and fosters a climate of fear and mistrust in the community.

MENS REA:

Mens rea is a technical term. In Latin, it means guilty mind. In legal use, it denotes the mental state, a subjective element of a crime, required for the particular crime in question. The term is typically understood to refer to some blameworthy mental condition, whose absence on any given occasion renders criminal activity unjustifiable. It is a necessary component of criminal

responsibility. A legal violation is only committed when voluntary conduct that is prohibited by the law is carried out. Volition, the driving force behind illegal conduct, is referred to as mens rea. Only when something is done with guilt in mind does it become a crime. Ordinarily, a crime is not committed if the mind of the person doing the act is innocent. There must be some blameworthy condition of mind before a person is made criminally liable.

MENS REA IN IPC:

Since the term "mens rea" as such does not appear elsewhere in the Indian Penal Code of 1860 (IPC), the Penal Code's definitional provisions largely capture its spirit. The concept of criminal intent expressed in mens rea is practically imported into every offense made up under the IPC. The words "wrongful gain or wrongful loss," "dishonest," "fraudulently," "reason to believe," "criminal knowledge or intention," "intentional cooperation," "voluntarily," "malignantly," "wantonly," and "maliciously" qualify nearly all of the offenses under the IPC.

CRIMINAL PSYCHOLOGIST

The people that decide on offenders are legal psychologists, also referred to as criminal psychologists. They determine if the perpetrators pose a danger to society. Criminal psychologists are frequently called witnesses in court so that the jury can better understand the minds of criminals. Dealing with the facets of criminal behavior is aided by psychology.

Criminal psychologists carry out the investigative job, such as looking through photos from the crime scene or speaking with the suspect. The conduct patterns are examined by psychologists to pinpoint the criminal. Assessing the offender's mental state—their capacity to discern right from wrong and what is illegal—at the time of the act is aided by questions about his sanity, insanity, or criminal responsibility.

Criminal psychologists will cover a range of roles such as:²

1. Research evidence to support practice
2. Implementing treatment programs

² Mahima Sharma, 'Scope of Criminal Psychology' (*Legal Service India*, September 10 2019) <https://www.legalserviceindia.com/legal/article-1024-scope-of-criminal-psychology.html> accessed 20 April 2023

3. Advising parole board
4. Modifying offenders behavior
5. Responding to the changing needs of prisoners and staff.
6. Appear in court as an expert witness.
7. Mental Health Tribunals.
8. Statistical analysis used for prisoner profiling.

Thus, psychology plays a vital role when considering insanity as a defense. Unsoundness of mind means the person is not able to understand the nature and consequences of his actions. This can be only determined by observing the actions, behaviors, and conditions of the suspect. An insane person has a gross detachment from reality. There is a defect of reason from disease of the mind. There may be reason for him to do the act but his reason is very unnatural. The person thinks to see something else while he is doing the other. All this determination is possible by the study of psychology only.

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CRIMINAL PROFILING:

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One of the key components of criminal psychology is criminal profiling. Criminal profiling, often referred to as offender profiling, is a procedure that predicts probable characteristics of a criminal offender(s) based on the behaviors they show during the commission of a crime, which aids police investigators in reducing the suspect list. Profiling is grounded in empirical research and more stringent methodological advancements.

Criminal investigative analysts, often known as profilers, are skilled law enforcement personnel that examine every detail and behavioral component of a crime scene where some degree of psychopathology has been present.

The following list of five behavioral traits can be deduced from the crime scene:

1. amount of planning that was involved in the crime,

2. degree of control that was used by the offender,
3. escalation of emotions at the scene,
4. the risk level of both the victim and the offender,
5. the appearance of the crime scene (organized versus disorganized).

This helps in understanding whether the crime was planned/unplanned, the degree of violence used, the grossness of the crime, etc. It is an accepted fact that if a person claims to be insane, then he will not be trying to escape arrest after committing the crime (as according to his mind he has not committed any offense), and the person will not try to destroy pieces of evidence, his behavior after committing such crime will be unnatural and other.

ROLE OF CRIMINAL PSYCHOLOGY

Clinical Role: In this role, specialists evaluate a person who has either been charged with a crime or has been identified as an accused by the courts. These evaluations can be used to decide if someone is competent to testify in court.³

Experimental Role: In this capacity, experts carry out investigations to assist judges and juries in deciding by challenging the reliability of the eyewitnesses and providing their views to them.

Actuarial Role: In this position, experts use statistics like the probability of an event and the likelihood that a person will not commit another crime.⁴

Advisory Role: In this capacity, criminal psychologists provide police with investigation-related guidance. It also aids judges in establishing just justice by helping them comprehend the criminal actions or psychology of the accused.

PSYCHIATRIC ILLNESS AND CRIMINALITY

The consensus is that those who suffer from mental illness are more likely to engage in violent or aggressive behavior. The media's tendency to portray criminals as "crazy" people often serves as the foundation for the general public's opinion of psychiatric patients as

³ Ibid

⁴ Ibid

dangerous people. A violent crime victim with a mental disorder is more likely to become a victim than an offender.⁵ This prejudice also permeates the criminal justice system, where people with mental illness are regarded as criminals, arrested, accused, and imprisoned for a greater period than people without mental illnesses.

An essential element that plays into the false equivocation of psychiatric illness and criminality is the incorrect labeling of all criminals as persons with mental illness. Due to the widespread belief that behavioral and conduct issues are signs of psychological disorders, criminality, and psychiatric disease are mistakenly associated in the public mind. The widespread mislabeling of criminals as having a psychiatric disorder is the main cause of the high reported rates of mental illness in jail and prison populations. These statistics are often based on societal factors rather than comprehensive medical and mental evaluation and diagnosis.

Certain psychiatric conditions do increase a person's risk of committing a crime. Research suggests that patients with mental illness may be more prone to violence if they do not receive adequate treatment, are actively experiencing delusions, or have long-standing paranoia.⁶ These people frequently exhibit the symptoms of mental illnesses such as command hallucinations. Other comorbidities include conditions such as substance use disorder, unemployment, homelessness, and secondary effects of mental illness such as cognitive impairment, which compound the risk of committing a violent crime.

The most important and independent risk factor for criminality and violence among individuals with mental illness is a long-term substance use disorder. There is a four-fold increase in the likelihood of committing a crime or engaging in violent behavior among individuals with comorbid substance use disorder and serious psychiatric disease.⁷ Studies have revealed that a history of alcohol and/or illicit substance abuse can fully explain the rise in violent crime perpetrated by people with mental illness.

MCNAUGHTON'S RULE AND INSANITY AS DEFENCE

The essential element of a crime is *Mens Rea*, that is, the criminal mind or intention to commit such a crime. To prove the guilt of the accused, the proof that he/she was able to

⁵ Noman Ghiasi; Yusra Azhar; Jasbir Singh, *Psychiatric Illness And Criminality* (StatPearls Publishing)

⁶ Ibid

⁷ Ibid

understand their actions and had the knowledge about the consequences of their actions. Thus, the most common defense used by such criminals is insanity.

The defense of insanity is provided by Section 84 of the Indian Penal Code. However, the term "insanity" is not used in this provision. The Indian Penal Code uses the phrase "mental soundness." According to the code, the defense of insanity, sometimes called the defense of mental insanity, comes from McNaughton's rule.⁸

Section 84⁹ of the Indian Penal Code, states that: *"Nothing is an offense committed by someone who is currently unable to know the nature of the act or does what is wrong or contrary to legislation due to a lack of a sound mind."*

However, it should be noted that the framers of the IPC preferred the expression "insanity of mind" rather than "insanity." Insanity is very narrow while the insanity of the mind is much broader.

For this defense, the following elements must be established:¹⁰

- At the time of the crime, the accused was in an unsound state of mind.
- He was unable to know the nature of the act or do what was either wrong or contrary to the law. The term 'wrong' differs from the term 'contrary to the law.'

It is not compulsory that anything that is 'wrong' also be 'contrary to the law.' The legal and medical conceptions of insanity differ significantly. The law does not recognize every form of insanity as a valid excuse.

Almost a century ago, when the penal code came into force in India, section 84 was interpreted following the McNaughton Rules. *R v. McNaughton*¹¹ was the landmark case that gave rise to the 'Right and Wrong Test' under 'McNaughton's Rule' and marked the actual beginning of 'Insanity' as a defense. The judgment established the fundamentals of "McNaughton's Rule" and provided the first legal definition of "insanity".

⁸ T.V. Asokan, 'Daniel McNaughton (1813-1865)' [2007] 49(3) IJP, 23

⁹ Indian Penal Code 1860, s 84

¹⁰ Hazara Singh v The State [AIR 1958 P H 104]

¹¹ R v McNaughton [1843] 8 ER 718 (C)

The principles were:¹²

- All are to be considered sane and having reason until proven otherwise,
- It must be clearly shown that during the conduct of his act, the accused was working under the defect of reason, and
- He didn't know the nature and qualities of his act.

In general, courts have not deviated from these rules. Thus, in every case where insanity has been raised as a defense, one is forced to follow these rules despite the advances that medicine, science, and psychiatry have made during this period. In determining the responsibility of a person charged with a crime who is insane, the court has not adopted a more progressive approach. There are no provisions in the law that permits this.

CONCLUSION

The scope of criminal psychology is extremely vast. It is a dynamic and ever-developing field of study, as no one can limit the ability of the human mind. What a person thinks or how one sees the world through their own eyes and mind is difficult to judge without the help of psychology. As it is a famous saying, "No one is born a criminal". It is the circumstances around and about a person that leads to the framing of a criminal mind. Thus, the study of criminal psychology helps in understanding what lead to the commission of the crime, what was the state of mind of the accused at the time of the commission of the crime, and how was the crime committed. The study of the behavior of a criminal can also lead to pieces of evidence concerning the method or mode of commission of the crime, which assists the investigators and adjudicators to understand the loopholes present in the case.

A proper study of criminal psychology prevents the abuse of law concerning the defense against criminal activity under IPC. The law aims to protect mentally unstable people from the crimes committed by them in the absence of any knowledge about the commission or omission of the act. However, it has also become the most common way to escape rigorous imprisonment for acts under the general law and avail special benefits for mentally disabled

¹² Princy A. F, 'A Detailed Analysis Of The Concept Of Rule Of Insanity Under Indian Law With The Help Of M'Naughten's Case Verdict' (*Legal Service India*, February 1 2021) <https://www.legalserviceindia.com/legal/article-5275-a-detailed-analysis-of-the-concept-of-rule-of-insanity-under-indian-law-with-the-help-of-m-naughten-s-case-verdict.html> accessed 20 April 2023

people. Criminal psychologists can help in understanding the depth of the truth of the statements of people opting for the defense of insanity.

