

## NEED FOR CRIMINAL PSYCHOLOGY IN THE FIELD OF LAW

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### ABSTRACT

*No society is immune to the problem of criminality. Its characteristics vary and are not uniform everywhere which means that with the changing pattern and organized criminals all over the world, we need to devise efficient tools and strategies to ensure the prevention of crime and the safety of the public at large. However, there are some flaws in the current legal system which need to be addressed and resolved by incorporating the knowledge and skills of the field of criminal psychology. This article shed light on the necessity of criminal psychology in the field of law as it enhances investigative techniques, aids in legal decision-making, and contributes to crime prevention efforts. By understanding the psychological aspects of criminal behavior, professionals in this field can work towards a safer and more just society. Furthermore, it discusses the faults in police interrogation techniques, famous cases regarding the precision of criminal profiling, the process and possibility of rehabilitation, early detection of criminal nature, and various guidelines regarding the protection and safety of the community from criminals.*

**Keywords:** Criminologists, Serial Killing, Forensics, Interrogation, Rehabilitation, Psychologist, Legal System, Criminal Profiling.

### INTRODUCTION

Do you ever wonder why some criminals have different modus operandi but have the same result and that is the death of their victim? Now what do we understand from this statement? This statement tells us that not every serial killer or offender possesses the same kind of strategies and patterns which means, to stop them from reoffending and to rehabilitate we need not only stringent laws but strategic legislations and regulations which will enhance and empower law-making institutions because “the process of law-making constitutes social behavior” which means amendment and adaptation should be made according to patterns of social change.

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Every society, culture, household, and neighborhood consists of different behavioral conditioning, norms, and attributes that would not be resolved and understood by obsolete and incompetent laws. For this reason, there is a need for a collaborative approach that will incorporate the field of criminal psychology into the field of law because criminology employs all the scientific techniques including case studies, observation, schedule, and interviews to collect facts as well as psychological techniques including analysis of criminal behavior, making educated guesswork, evaluation, and interrogation, etc. There are specific flawed and faulty approaches in the field of law that require extensive and up-to-date information and skills for the sake of the highest efficiency required.

### **SIGNIFICANT ROLE OF CRIMINAL PSYCHOLOGY IN THE LAW-MAKING PROCESS**

Criminal psychology plays a very significant role in the field of law by providing valuable insights into the minds and behaviors of criminals. The relationship between law and criminology is closely intertwined and complementary. While law focuses on the formal system of rules and regulations that govern society, criminology is the scientific study of crime, criminals, and the factors that contribute to criminal behavior. It puts forth a “reasonable strategy for balancing bad behavior and controlling and preventing law infringement depending on its gravity”.<sup>1</sup>

Criminal Psychologist help in decoding the minds of criminals which will give insight and knowledge about the pattern of offenders thereby deterring further cases of crime. There are various ways in which criminal psychology can aid, facilitate, and assist the process and making in the field of law-

**Criminal Behavior Analysis:** Understanding the motivations and underlying psychological factors that drive criminal behavior is crucial in solving and preventing crimes. Criminal psychologists can analyze patterns in criminal behavior, identify commonalities and linkages among offenders, and offer insights into the root causes of criminal acts.

**Shaping Legal Policies and Legislation:** Criminological research and findings can influence the development and reform of legal policies and legislation. For example, studies on the effectiveness of certain criminal justice practices or the impact of specific laws can inform

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<sup>1</sup> iPleaders, [Evolution and the future of criminology - iPleaders](#) (last visited June 18, 2023)

and aid lawmakers in their decision-making process. Criminologists can contribute their expertise by providing evidence-based recommendations for legal reforms in the criminal justice system.

**Witness and Suspect Evaluation:** Criminal psychologists can assess the credibility and reliability of witnesses and suspects by analyzing their behavior, statements, and psychological profiles. This evaluation helps in determining the validity of their testimony and assists in identifying potential inconsistencies or deception.

**Crime Prevention Strategies:** By studying the psychological factors that contribute to criminal behavior, criminal psychologists can assist in the development of effective crime prevention strategies. They can identify risk factors, narrow down suspects' lists, evaluate the effectiveness of interventions, and provide recommendations for reducing criminal activity.

**Jury Selection and Trial Consultation:** Criminal psychologists can contribute to the jury selection process by assessing potential jurors' biases, attitudes, and personalities. This helps attorneys and judges in identifying individuals who may have preconceived notions or prejudices that could impact their ability to be impartial. Additionally, psychologists can offer expert testimony during trials to explain complex psychological concepts and help the jury better understand the behavior of the accused.

**Resolving cold cases:** A variety of efficient tools such as criminal profiling, forensics data, DNA evidence, and behavioral analysis can help in resolving cases from decades ago. It is helpful not only for law enforcement agencies but also for the victim's families who have not given up looking for explanations.

For example, in the case of Wayne Bertram Williams<sup>2</sup>, the high-risk victims were identified through behavioral analysis as young, African-American guys who were captured in broad daylight in public areas. The experts' observations allowed law enforcement to rule out other homicides that also took place around that period. Later on, Williams was arrested in the spring of 1982 as a result of such indications and analysis. Hence, there is a significant requirement for assistance and support of criminal psychology in the field of law for the aforementioned reasons.

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<sup>2</sup> Williams v. Chatman, 510 F.3d 1290 (11th Cir. 2007)

## **INTERROGATION BY POLICE VS EVALUATION BY CRIMINOLOGIST**

There are lots of myths about body language and for a very long period, the Police academy taught and practiced certain techniques that are now discarded and refused. For example, if someone touches their nose or mouth, or coughs, they were lying. There were misconceptions like if someone asked for a drink of water or if they look up in certain directions, they were creating or inventing an answer. There were various things that they were falsely told and assumed to be indicative of deception and lying.

There were instances in which people were willing to admit to a crime just to stop the interrogation process by police authority due to many factors including – custodial and third-degree torture, psychological pressure, blackmailing, threatening demeanor, creating fear, etc. Because of this methodology and strategy, many people's life was ruined, and later with the help of DNA Evidence exonerated by the court. For example, in the case of Jackson v. City of Cleveland,<sup>3</sup>Ricky Jackson was convicted of murder, attempted murder, and robbery in 1975, along with brothers Wiley and Ronnie Bridgeman, and after spending 39 years in prison Jackson was exonerated in 2014 when the sole eyewitness came forward and admitted he had not seen the crime.

Therefore, we need specialized criminal investigators who will assist the police staff regarding the well-structured and effective methodology for interrogation which will induce psychological comfort to make the suspect calmer and not create any stress because stress affects the memory thereby no recall of the valuable piece of information. Escalating the situation by creating stress, intimidating the suspect, or raising a voice would never benefit anyone rather it will derail the whole object of interrogation resulting in wrongful conviction and then possibly exoneration if detected. This shows that not even a single prosecutor, police, or law agency detected the truth but they all claimed to be able to detect deception. Hence there is a dire need for proper backing and assistance by criminologists, behavioral experts, or criminal investigators to police and concerned authorities for the interrogation process because “the aim should be upon the discovery of truth rather than a forceful confession of the crime”.

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<sup>3</sup> Jackson v. City of Cleveland, 925 F.3d 793 (6th Cir. 2019)

## EFFICIENCY OF CRIMINAL PROFILING

Criminal psychologists assist in creating offender profiles to aid law enforcement agencies in narrowing down their search for suspects. By analyzing crime scenes, victimology, and other relevant information, they can provide valuable guidance on the possible characteristics, motives, and behavioral patterns of the perpetrator. Criminal profiling can help in numerous ways and they are-

- Apprehending criminals
- Helps in categorizing offenders
- Narrowing suspect pools
- Analyzing patterns and linking crimes resulting in relevant leads
- Deduce the offender's characteristics
- Can alert and notify anticipated victims
- Helps in revealing Modus Operandi
- Assessing the dangerousness of offenders<sup>4</sup>

Criminal profiling is an effective tool and is primarily used in crimes like- sexual murder offenses and serial killing because this technique helps in deciphering specific patterns which will further help in capturing the serial killer. There are many famous cases cracked with the help of criminal profiling including that of Ted Bundy<sup>5</sup> in which his psychological profile benefited greatly from a former girlfriend's information, eventually "ending the nationwide manhunt for Bundy and even linking him to other unsolved murders". On the other hand, in the case of serial killer Aileen Wuornos<sup>6</sup> psychologists were able to determine a consistent motivation for Wuorno's killings and that is her intense fear of losing her relationship with long-time partner Tyria Moore. This profile proved to be highly precise and accurate when each of Wuornos's killings was later linked to unstable and rough periods with short-term separations between the lovers.

## REHABILITATION AND AIDING LEGAL DECISION MAKING

The field of criminology deals with the anticipation and prevention of crime which deters crimes not only when the criminals are not arrested but also after criminals are released from

<sup>4</sup> ScienceDirect, [Criminal Profiling - an overview | ScienceDirect Topics](#) (last visited on June 20, 2023)

<sup>5</sup> Bundy v. State, 490 So. 2d 1258 (Fla. 1986)

<sup>6</sup> Wuornos v. State, 676 So. 2d 966 (Fla. 1996)

jail and start reoffending. By exploring the minds of criminals, psychologists can prepare guidelines as well as strategies to build an effort to-

- Warn neighborhoods and encourage communities to guard and regulate themselves.
- To provide skills training and parenting guidelines which will detect early signs of becoming an offender.
- Help offenders heal and rehabilitate through proper therapy and diagnosis which will later avoid recidivism.
- Providing requisite and corroborative pieces of evidence in the form of a report to aid legal decision-making.

Criminology explores the effectiveness of rehabilitation programs and interventions aimed at reducing recidivism rates and reintegrating offenders into society. This knowledge can influence the development of laws and policies that prioritize rehabilitation and support the successful reintegration of individuals who have served their sentences.

Criminological research and expertise can help and support legal decision-making processes because, in trials, decisions are based on a deeper understanding of the factors involved in criminal cases and corroborative forensic evidence produced. For example, in the case of John Wayne Gacy<sup>7</sup>, forensic psychologists made sure that the perpetrator didn't get off on a false insanity plea and were able to deduce through a series of interviews that Gacy planned out his murders in great detail and executed them with premeditation which confirmed that he was fully aware of the nature and consequences of the killing and assault. Traumatized families might not have ever been able to witness Gacy punished for his crimes without the help of forensic psychologists in this case.

Accordingly, a psychologist or an expert can help the courts administer the law fairly and effectively by providing evidence in the form of reports from interviews and analyses of the subject of the case. Under Section 45 of the Indian Evidence Act of 1872<sup>8</sup>, "the court can take help of the experts, whenever it has to form an opinion upon a point of foreign law, of science, or art, or as to the identification of handwriting, and the opinion of such an expert is relevant."

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<sup>7</sup> Gacy v. Page, 24 F.3d 887 (7th Cir. 1994)

<sup>8</sup> Indian Evidence Act of 1872, § 45, No.01, Act of Parliament, 1872 (India)

## **PREVENTION IS BETTER THAN CURE**

To reform society and to minimize the number of criminals we need to eradicate deeply rooted problems from the very early stage. Criminology is efficient because it employs scientific and psychological methods. The law can only deter crimes by creating fear of stringent laws and sanctions but on the other hand, the field of criminology can resolve and prevent criminal activities by identifying early signs of criminal behavior and finding the cure for the root cause which got much worse because of hostile environment and oblivious parenting. Traumatic experiences and abuse from childhood can later pull the trigger which results in violence and crime. Criminologists can help in the prediction and detection of early signs of aggression and abnormal behavior by focusing on the signs that fueled the fire for future crimes because, over time, fantasies become a behavior. For example- Lack of empathy, animal abuse, Pathological lying, impulsiveness, merciless, manipulative behavior, charismatic or superficial personality, etc. The law works for curative measures through penal laws and sanctions by imprisonment, forfeiture, solitary confinement, death penalty, etc., whereas the field of criminal psychology prevents crime by adopting the technique of early detection and protection of probable victims by identifying offenders beforehand as they assess the behavior of criminals resulting in the revelation of their true nature. Criminal psychology will provide a guide regarding how to not raise a criminal and the law will provide restrictions by sanctions to ensure the same. Overall, criminal psychology helps bridge the gap between the law and human behavior by integrating psychological knowledge into legal practices which enhances the understanding of crime, aids investigations, promotes fairness, and contributes to the development of effective legal strategies and policies.

## **CONCLUSION**

The question of criminal behavior always finds its way into the curious mind of society whether it is associated with the nature or nurture of the criminals. Later on, it has been emphasized and indicated that “Nature loads the gun, nurture pulls the trigger” because fantasies can become behavior if not detected or goes unchecked. This statement states that whether or not it is in the genes or is inherited by the person we cannot control it but what we can control is the nurture part, the conditions in which the person is brought up and raised. For this reason, we need to ensure a favorable, caring, and compassionate environment that is conducive to the growth and development of the person psychologically. Various tools like-conducting seminars, workshops, and conferences regarding the awareness of criminal

psychology, its early detection, parent's responsibility, victimization, and skills training in police regarding interrogation and criminal profiling can proficiently aid in the field of law and criminal justice system. Law and criminology are closely connected disciplines that mutually inform and influence each other because the knowledge generated through criminological research and development helps shape legal policies, guides law enforcement practices, supports legal decision-making, and contributes to the overall effectiveness and fairness of the legal system in addressing crime and promoting public safety. Hence, a collaborative and coordinated approach will not only deter crimes but will also exonerate innocents and resolve closed cases ensuring justice for victims and fairness in the legal system.

