
A SURVEY ON CRIMINAL PSYCHOLOGY

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ABSTRACT:

This particular research paper focuses on Criminal Psychology referring carefully analyse the psyche of the criminals and to identify commonality in their behavior irrespective of the demographic aspect. It also discusses about the Criminal Profiling the origin of Criminal behaviour, Discusses the Juvenile Criminal psychology and the use of criminal psychology in the process of understanding crime. As a result, the goal of this study paper is to figure out what goes on inside a criminal's head before and after they commit a crime so that we can reduce the number of criminals in the world by understanding how they think.

Research Methodology:

The Doctrinal Research Methodology is followed while writing this research paper. This study is analysed while referring to some Secondary sources like books, Articles and e-resources.

Research Questions:

1. What is Criminal Profiling?
2. What is the Origin of Criminal Behaviour?
3. What is Juvenile Criminal Psychology?
4. How Criminal Psychology is used to understand crime?

Literature Review:

1. Introduction to Criminal Psychology:

This paper mainly focuses on crime and criminal psychology and also the work of the criminal psychologist.

2. The Psychology of Criminal Behavior: Theories from Past to Present:

Author Arista B. Dechant in this article mainly analysed the history and theories surrounding criminal behavior. The history and theories of criminal behavior continue to influence the work of today's Forensic Psychologist.

3. Psychological Profiling in Criminal Investigation: An Overview:

Tushar Singh and Shalini Mittal, in this article, analysed that This paper is an attempt to understand the importance of psychological profiling in criminal investigation. The paper also proposes that in the present era, when the crime rate has drastically increased and has become much more gruesome, the field of criminal profiling and victim profiling must also simultaneously evolve. The paper examines different profiling models for classifying crime scene activity,

psychological typologies, and methodologies and also makes recommendations for standardizing the process by allowing increased use of computer in the profiling process.

4. Criminal Psychology:

Rahesha Sehgal and Udit Malik, in this article said that Criminal psychology has always been a topic that has come into immense roar these days because of the increase in crimes all around the globe, it is impossible to make out who is iniquitous in today's time. Hence the aim of this research paper is to find out the mechanics inside a criminal's mind before and after committing a crime so that we can curb the number of criminals around the world by understanding their workings.

5. Development of Criminal Psychology and The Influencing Factors of Contemporary Criminal Law:

Author Qinyao Yu in this article highlights the significance of criminal psychology to the fair trial of criminal cases. With the aim to make contemporary criminal law fair and efficient in case discrimination, this paper analyses the development of the concept of criminal psychology, and looks for the influencing factors of the contemporary criminal law.

6. A Study of Criminal Behaviour (Causality & Prevention of Crime):

Aman Tiwari in his article focuses on the psyche of the criminals and to identify commonality in their behaviour irrespective of the demographic aspect. The research aims at analysing criminal law theories and their practical usage in the modern scenario.

Introduction:

Criminal psychology is concerned with the application of psychology to the study of crime and criminals. Throughout this research paper, we will examine various psychological viewpoints. Crime and criminal are two different terms; 'Crime' refers to an act against law, whereas 'criminal' includes even intentions or thoughts of doing a crime. It might sound similar, but when it comes

to the real world, these terms can be miles apart.¹

Crime can be defined as:

“A crime is an act committed or neglected in violation of a public law prohibiting or mandating it; a breach or violation of some public right or responsibility owed to a community as a whole. In its collective social capacity, as opposed to a civil injury”²

As a result, this denotes an illegal and punitive act. A crime, often known as an offence or a criminal offence, is an act that is harmful to both individuals and the community. In order to be defined as a crime, the act of doing something evil must be accompanied with the purpose to do something bad. It's crucial to remember that what constitutes a crime can vary over time as attitudes, beliefs, and laws evolve, resulting in acts of behaviour being criminalised and decriminalised. On the surface, crime appears to be a single act, but it is usually the result of a series of complicated psychological decisions that the criminal is typically unaware of since it is controlled by the unconscious self.

Criminal psychology is defined as:

Criminal psychology is the study of criminal behaviour, which encompasses personality, attitude, physiology, learning, motivation, thinking, and other cognitive factors that contribute to criminal acts or intents.³ Understanding criminal psychology is crucial because it allows us to characterise, explain, predict, and control criminal behaviour.

Criminal psychology has emerged from the major branches of Psychology they are:

1. Social Psychology
2. Clinical Psychology

¹ Criminal Psychology, Explained, by JZL CK, published in April 16th, 2020, <https://medium.com/psy-lens/criminal-psychology-explained-934315473c64>

² Criminal Psychology published by Focus Awards, <https://www.focusawards.org.uk/wp-content/uploads/2015/02/Criminal-Psychology-sample.pdf>

³ http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S001608/P001808/M027617/ET/1521003757e-texttemplatemod1.pdf

Deviance and crime can be associated in the context of criminal psychology, but they are not always considered the same. Rape, murder, and kidnapping, for example, are criminal and deviant acts.⁴ Failure to wear a seatbelt is an example of a criminal act that is not deviant; the act is criminal since it is against the law, but those who do not wear a seatbelt are not regarded criminal by the general public.

Psychology can be defined as:

The scientific study of the human mind and its functions, including those that affect behaviour in a given setting, is known as psychology. The human mind is extremely complex, and it is where all thought and behaviour originate.⁵ As a psychologist, one will be forecasting how a human should respond in various circumstances and situations. This is accomplished by running a series of tests that will either support or disprove their assumptions, and as a result, psychology entails psychologists using human behaviour as a hint to figure out how the mind works.

Hugo Munsterberg, a German psychologist,⁶ is credited with establishing criminal psychology, and his works from the 19th and 20th century are still relevant to psychologists. Since the early twentieth century, criminal psychologists' participation in the entire criminal justice process has grown quickly, and their work is now highly valued in every developed country on the planet.

Previously, it was believed that genetics was the sole cause of criminal behaviour; however, with time, it became clear that genetics is not the only cause of criminal behaviour; for example, a child whose mother is schizophrenic and whose father is a murderer/rapist will most likely become a criminal based on genetics, but if the child receives proper education, he will not become a criminal. So, in addition to heredity, circumstances have a significant role in determining an individual's criminal behaviour.

⁴Criminal Psychology published by Focus Awards. <https://www.focusawards.org.uk/wp-content/uploads/2015/02/Criminal-Psychology-sample.pdf>

⁵Criminal Psychology published by Focus Awards.
<https://www.focusawards.org.uk/wp-content/uploads/2015/02/Criminal-Psychology-sample.pdf>

⁶Criminal Psychology Volume 2, by Rahesha Sehgal and Udit Malik. This article was published in July, 2018.
<http://www.penacclaims.com/wp-content/uploads/2018/08/Rahesha-Sehgal-Udit-Malik.pdf>

Criminal Profiling:

Criminal profiling, also known as offender profiling, is a behavioural and investigative strategy that aids detectives in accurately predicting and characterising unknown criminal subjects or offenders. Some may say that the traits of an offender can be investigated and worked out by looking at the features of their crimes, therefore piecing together the pieces of information and attempting to solve the offender's puzzle by looking at their crimes in great detail.⁷ As criminal profiling can assist the police in more efficiently targeting their investigation and prioritising suspects, it is closely associated with traditional detective work.

A criminal profile is a collection of inferences about the qualities of the person responsible for committing a crime or a series of crimes. With no shortage of inferences based on a variety of methods, the criminal-profiling community and the literature it spawns suffer greatly from an absence of accuracy and applied understanding with respect to precisely what an inference is and how to make one without becoming lost in fallacy.⁸

Criminal Profiling is to provide aid to police investigations by assisting with the identification of criminals or potential criminals, reconstruction and the use of scientific method, logical reasoning, sources of information on people, criminology, victimology, and the experience and skill to analyse and interpret the events surrounding the commission of a crime. As a result, criminal profiling is concerned with establishing the most likely sequence of events.

The following are the four primary techniques to criminal profiling:

1. The geographical approach examines patterns in the location and time of crimes in order to draw conclusions about the relationships between crimes and provide recommendations about where criminals live and work.
2. Investigative psychology is a branch of psychology that employs well-established psychological theories and methods of analysis to anticipate offender characteristics from

⁷ Criminal Psychology published by Focus Awards.

<https://www.focusawards.org.uk/wp-content/uploads/2015/02/Criminal-Psychology-sample.pdf>

⁸ Wayne A. Petherick, Brent E. Turvey, in *Criminal Profiling* (Fourth Edition), 2012 – <https://www.sciencedirect.com/topics/social-sciences/criminal-profiling>

criminal behaviour.

3. The typological technique entails examining the characteristics of the crime scene in order to categorise perpetrators into several categories, each with its own set of typical characteristics.
4. When an offender is suspected of having a mental illness or other psychological disorder, the clinical method incorporates ideas from psychiatry and clinical psychology to enhance investigation.

Origins of Criminal Behaviour:

Sociological criminology is the study of social tendencies that push an individual to use illegal ways to fulfil his wants. The social class divide is one example of such a social pattern. Individuals who are on the disadvantaged side of society face societal restraints as a result of the unequal distribution of power in society. It eventually coalesces around the individual's psychology, causing the criminal part of their behaviour to rise to the surface. The cognitions in the form of beliefs and ideals, as well as thoughts related to a person about their social environment and humane interactions, make up a large part of psychological criminology.⁹

Some of the factors on which criminals base their prejudice and inflict crime are religion, gender, or ethnicity. Adult antisocial or criminal behaviour is frequently traced back to childhood, as each person's life has followed a unique developmental route. Each of these pathways may contain risk factors that lead to deviance and the introduction of bad traits into one's personality.

It was discovered that some people are more likely to engage in criminal activity as a result of their exposure to certain risk factors, which are defined as anything in a person's biology, psychology, developmental, or family history that increases the likelihood that they will engage in criminal activity at some point. Because they are exposed to specific protective variables, such as anything in a person's biology, psychology, developmental, or family history, some people are less prone to

⁹ A Study of Criminal Behaviour (Causality & Prevention of Crime) by Aman Tiwari. This article was published in May, 2020
https://www.researchgate.net/publication/341271352_A_STUDY_OF_CRIMINAL_BEHAVIOUR_CAUSALITY_PREVENTION_OF_CRIME

engage in criminal action. Furthermore, risk factors can emerge at any time during childhood. ¹⁰Rejection by peers and academic failure are risk factors in middle childhood, while commitment to a deviant peer group is a risk factor in late childhood and early adolescent. Other issues, such as hyperactivity/ADHD, learning impairments, foetal alcohol syndrome, low IQ, hormone imbalances, antisocial personality disorder, and metabolic abnormalities, may have an impact. This leads us to the major psychological viewpoints that explain criminal behaviour's causes.

Social Risk Factors:

Poverty: Poverty is defined as a state of deprivation in which basic resources essential to maintain an average level of living are unavailable. It entails having a low enough income to satisfy the minimum criteria in order to meet the basics. According to the Asian Development Bank, around 21.9 percent of India's overall population is poor, according to the 2011 Census. According to the World Bank, one out of every five Indians lives in poverty. Individuals who spent their youth in difficult economic circumstances, such as low-income families, poor housing, and unemployment, are more likely to act as victims or perpetrators of violent crimes. Poverty is always accompanied by its co-factors, which include prejudice, racism, social isolation, and resource inequity. ¹¹All of the aforementioned variables reduce a parent's ability to give consistent and supportive parenting, resulting in a lack of social support and opportunities. Parents frequently use coercion to discipline their children, causing them to have a bad self-image.

Impact of Peers (Rejection & Association): The effect of peers outweighs the parental influence during puberty. This is due to the ease with which adolescents connect with others their own age. Every individual undergoes significant changes during adolescence, both biologically and psychologically. Parents are not as adept at connecting with one another as youngsters of that age range. Furthermore, any individual who experiences social rejection by their peers throughout this time of life is more likely to engage in deviant or antisocial behaviour. They are drawn to antisocial peer groups by the rejection they receive from their peers as a result of their activities. Associating

¹⁰ Criminal Psychology published by Focus Awards.

<https://www.focusawards.org.uk/wp-content/uploads/2015/02/Criminal-Psychology-sample.pdf>

¹¹ A Study of Criminal Behaviour (Causality & Prevention of Crime) by Aman Tiwari. This article was published in May, 2020, https://www.researchgate.net/publication/341271352_A_STUDY_OF_CRIMINAL_BEHAVIOUR_CAUSALITY_PREVENTION_OF_CRIME

with such groups during the adolescent era may lead to the development of unfavourable qualities in the children's personalities. They may also be addicted to drugs or alcohol.

Parental & Family Aspect: The family environment is crucial in determining a child's conduct. The way parents engage with their children may become a risk factor for children's deviation in conduct. The presence of any aversive events, such as child abuse, coercive interaction between parents, and parental rejection, are all important factors to consider when evaluating parenting intervention. Parental practises are a parent's behaviour patterns that play a part in the development of any type of specialised behaviour and features in children. These are tactics used by parents to instil specific characteristics in their children that will help them achieve academic, social, or other goals that they wish for their children. Authoritarian parents frequently try to influence their children's conduct by controlling and inspecting them according to some pre-established fixed norms. As parents have absolute power, they prohibit any contact with their children that would imply equality between them. Parents require complete submission to their authority, and any deviant behaviour or conduct is handled with punitive and coercive means. Parents want to instil family rules and standards in their children's behaviour while also fostering freedom so that they can keep their identity.¹² Finally, the neglectful parenting style, which is seen to be the most significant style of parenting in inducing risk factors in children.

Lack of Attachment: All of these parenting approaches and styles have a significant impact on a child's psychology. Secure attachments and insecure attachments are the two sorts of attachments that can be found. When in the presence of their mother in an unknown situation, infants with secure bonds show confidence. They get sad while their caregiver is away, but quickly become thrilled upon their return, displaying good social behaviour. Mothers that are sensitive and affectionate while yet being responsible likely to nurture this form of attachment in their children, resulting in healthy psychology development.¹³ Children with unstable bonds, on the other hand, are likely to have the opposite effect. These insecure attachments can be divided into two types:

¹² A Study of Criminal Behaviour (Causality & Prevention of Crime) by Aman Tiwari. This article was published in May, 2020, https://www.researchgate.net/publication/341271352_A_STUDY_OF_CRIMINAL_BEHAVIOUR_CAUSALITY_PREVENTION_OF_CRIME

¹³ A Study of Criminal Behaviour (Causality & Prevention of Crime) by Aman Tiwari. This article was published in May, 2020 https://www.researchgate.net/publication/341271352_A_STUDY_OF_CRIMINAL_BEHAVIOUR_CAUSALITY_PREVENTION_OF_CRIME

anxious or ambivalent attachments and avoidant attachments. When their mother is absent, newborns with an anxious attachment style become extremely agitated and anxious, and they refuse to explore when placed in an unknown setting. Furthermore, they wail to fend off their mother's return and become resentful towards her. Infants in the avoidant type, on the other hand, display distress regardless of whether or not their mother is around, and rarely showing any emotion when they are reunited with or separated from their mother. Early life avoidance of attachment leads to adult detachment.

Psychological Risk Factors:

Lack of Empathy: Empathy can be divided into two types: cognitive and emotive. Cognitive empathy is the ability to put oneself in another's shoes and understand the pain they are experiencing. It necessitates a shift in mindset. Affective empathy, on the other hand, is defined as "an emotional response marked by sentiments of concern for another and a wish to alleviate that person's misery." Affective empathy is the ability to feel another person's emotions, whereas cognitive empathy is the ability to understand another person's feelings. Psychopathy is thought to be characterised by a lack of affective empathy. It's a condition that affects psychopaths and is characterised by a combination of psychological and behavioural elements that lead to deviance and antisocial behaviour.¹⁴ When looking at psychopaths' behavioural patterns, it appears that they have the ability to recognise others' emotions but not the ability to experience them. Cruelty to animals is said to be linked to a lack of empathy and can lead to aggressive conduct.

Cognitive and Language Deficiencies: Despite popular belief, the majority of boys develop antisocial conduct as a result of cognitive and language deficiencies. Problems with expressing oneself or comprehending others are referred to as language impairment. Children who experienced such deficits during early childhood, usually between the ages of five and ten, were found to be more prone to delinquent behaviour in adolescence than those who had not. Close examination of the causality of such an effect reveals that rejections and negative reactions from

¹⁴ A Study of Criminal Behaviour (Causality & Prevention of Crime) by Aman Tiwari. This article was published in May, 2020
https://www.researchgate.net/publication/341271352_A_STUDY_OF_CRIMINAL_BEHAVIOUR_CAUSALITY_PREVENTION_OF_CRIME

various elements of society, such as peer groups or teachers at the elementary school level, have a significant impact on the development of delinquent behaviour.¹⁵

Juvenile Criminal Psychology:

Child offenders are immune from criminal liability under sections 82 and 83 of the Indian Penal Code. The notion of juvenile justice underpins this protection. Articles 15(3) and 39(e) and (f) of the Indian Constitution provide the legal foundation for juvenile justice. It is seen in the case of *Gopinath Ghosh v. State of West Bengal*¹⁶; "Nothing in this article shall prevent the state from providing any provision for women and children," says Article 15(3). Article 39, clause (e), states, among other things, that children's fragile age is not exploited. Clause (f) states that children and youth must be provided with opportunity and facilities to develop in a healthy, free, and dignified way, as well as protection from exploitation and moral and material abandonment.¹⁷

Some essential ingredients of sec 82 and 83 are:

i. **Act of Child under Seven Years of Age:** As per section 82 a child below seven years is *doli incapax*,¹⁸ which means he is incapable of committing a crime and cannot be guilty of any offence. It presumes that he cannot distinguish between right and wrong. Even if there is clear evidence that the child caused an actus reus with mens rea, he cannot be held guilty once it appears that he, at the time of committing the act was below seven years. Section 82 totally absolves a child below seven years of age from criminal liability.

ii. **Act of a Child above Seven but below 12 Years of Age:** As per sec 83 a child above 7 but below 12 years of age is *doli capax*,¹⁹ which means capable of committing a crime depending upon his maturity of understanding of the consequences of his conduct. It can be refuted with evidence of the child's mischievous discretion. The prosecution must establish beyond a reasonable doubt that the youngster committed an actus reus with mens rea and that he knew his actions were not

¹⁵ A Study of Criminal Behaviour (Causality & Prevention of Crime) by Aman Tiwari. This article was published in May, 2020, https://www.researchgate.net/publication/341271352_A_STUDY_OF_CRIMINAL_BEHAVIOUR_CAUSALITY_PREVENTION_OF_CRIME

¹⁶ AIR 1984 SC 237; 1984 (1) SCR 803

¹⁷ PSA Pillai's Criminal Law Book, 14th Edition

¹⁸ PSA Pillai's Criminal Law Book, 14th Edition

¹⁹ PSA Pillai's Criminal Law Book, 14th Edition

just mischievous but also illegal. The child's liability is determined by his maturity in understanding the nature and consequences of his actions, not by his age. As a result, the question relevant to evaluating his liability is not one of his age, but rather one of the required degrees of his maturity of understanding at the time of the crime. As a result, the defence must show that the child was not only under the age of 12 when he committed the offence in question, but also lacked the maturity required to comprehend the nature and consequences of his actions. In the lack of such proof, the court assumes that the accused youngster intended to do what he actually did. In the case *Hiralal Mallick v. State of Bihar*,²⁰ However, if the court determines that the child in question lacks appropriate understanding maturity, the protection given by section 83 is as absolute as that conferred by section 82. In the case *Emperor v. Dhondya Duddy*,²¹ Even though the offender is a person of immature mind and incapable of understanding the nature and consequences of his act, there is no protection from criminal accountability after the age of 12. However, even if the accused is over the age of 12, the issue of his age does not become completely moot. The issue of his youth and understanding maturity will be significant in the context of the penalty that will be imposed on him if he is found guilty. The Juvenile Justice (Care and Protection of Children) Act, 2015²² governs the care of all juveniles, which includes those under the age of 18.

iii. Maturity of Understanding:

When a child accused of an infraction is over the age of seven but under the age of twelve, the court must determine whether the youngster has the maturity to understand the nature and consequences of his actions, according to Section 83. The term "consequences of his behavior" does not refer to criminal penalties, but rather to the natural consequences of his actions. In the case *Abdul Sattar v. Crown*,²³ before convicting a child, who is over 7 years but under 12 years of age, a judge is required to first conduct an enquiry and give a finding of fact as to whether the child had attained sufficient understanding to judge the nature of consequence of his act.

²⁰ AIR 1977 SC 2236: (1977) Cr. Lj 1921 (SC)

²¹ AIR 1919 Bom 173

²² PSA Pillai's Criminal Law Book, 14th Edition

²³ AIR 1949 Lah 51

Use of Criminal Psychology to understand crime:

Criminals can be classified into two groups, according to psychology. Psychopaths and Sociopaths, for example. Psychopaths are individuals who are born with a high criminal proclivity. Sociopaths are people who are not born with high criminal tendencies, but who pick a path that leads them to crime due to extrinsic reasons such as emotional imbalance, economic troubles, and family issues. Nobody wants to be a criminal at some point in their lives, as we all know. However, they unwittingly engage in an act that leads to them committing a crime and becoming a criminal.²⁴

The main psychological approaches relevant to criminal psychology are discussed below:

The biological/physiological method combines biology and psychology to explain human behaviour, assuming that the brain is the mind's organ and also where personality develops, and that human behaviour is determined by a person's disposition or heredity²⁵.

Perception, language, memory, attention, and problem solving are some of the mental processes that help us make sense of the environment, according to the **cognitive perspective**. The idea that humans actively endeavour to make sense of their surroundings by imposing order and meaning on the objects they experience is central to this approach.

Behaviour is viewed as a response to all stimuli in a **behavioural approach**. Behaviourists believe that an individual's behaviour can be moulded by a response to a stimulus in their current surroundings or by a previously learnt reaction to a stimulus they have encountered in the past.

People are moulded in fundamental ways by the environment through the learning process, according to the **social learning perspective**, which is comparable to the behavioural view. Take into account, however, that observational learning plays a significant role in influencing a person's behaviour. According to this theory, people learn by seeing others, and as a result, other people in the social context have a significant influence on behaviour.

²⁴ Scope of Criminal Psychology, by Mahima Sharma, published on Legal Advice India
<https://www.legalserviceindia.com/legal/article-1024-scope-of-criminal-psychology.html>

²⁵ Criminal Psychology published by Focus Awards.
<https://www.focusawards.org.uk/wp-content/uploads/2015/02/Criminal-Psychology-sample.pdf>

The **developmental method** examines how people's beliefs and behaviours are influenced by their early experiences; in criminal psychology, this frequently entails explaining criminality by pointing to underprivileged childhoods and taking into account the nature of children as witnesses.

Conclusion:

Criminal psychology also aims to comprehend developmental difficulties that may result in criminal behavior. Many previous studies show how criminal psychologists have attempted to analyses, evaluate, and construct hypotheses in order to better understand developmental disorders that may contribute to criminal intent and behavior.²⁶ Criminal psychology works with and assists in the resolution of cases involving child custody decisions and dispute resolution in marital and family proceedings.

In this research, the criminal psychology, the process of its concept, and its influence in the process on contemporary criminal law is found. However, in the research process, it focuses on the criminal profiling, origin of criminal behaviour, how criminal psychology is used to understand crime and the juvenile criminal psychology and its essential ingredients. So it should be analysed in detail in the later research. The examination of the concept of criminal psychology yields more clues for the detection of criminal cases and allows relevant personnel to gain a better understanding of the criminal psychology of suspects, resulting in a more reliable foundation for case detection and more ideas for criminal psychology research. Criminal Psychology is a rapidly expanding discipline in India, and the goal of Criminal Psychology demonstrates its critical importance in today's society.

²⁶ A Study of Criminal Behaviour (Causality & Prevention of Crime) by Aman Tiwari. This article was published in May, 2020, https://www.researchgate.net/publication/341271352_A_STUDY_OF_CRIMINAL_BEHAVIOUR_CAUSALITY_PREVENTION_OF_CRIME