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Criminal Psychology in Reality

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Abstract

Criminal psychology is a multidisciplinary approach to the study of the most difficult forms of criminal acts, or perpetrators of the most serious forms of criminal acts. The aim of criminal psychology is to study the characteristics of a criminal act and to find relevant information about a perpetrator of a criminal act. With the help of this information, the profile of the perpetrator of a criminal act is created, which narrows down the potential circle of the suspect and assists him in bringing to the justice.

Keywords: Crime, Psychology, Violence, Law.

Introduction

As every introductory psychology textbook will quickly tell us, psychology is 'the science of mental processes and behavior [1]. Criminology textbooks are rather less concise or uniform in how they define their discipline, but broadly speaking criminology is defined as the study of crime, criminal behaviour and responses to crime. Criminal psychology, then, critically involves the use of psychology as a science to advance our understanding of the causes of crime. Psychology here, therefore, refers to the academic discipline of psychology (which includes the study, among other things, of brain processes, development, cognition, personality, social influence and culture) not just peoples' thinking process and personality. Unfortunately, although there is some agreement regarding the boundaries of 'psychology' and 'criminology' there is no such consensus on what is meant by 'criminal psychology' and there are a number of overlapping terms that are also employed, including 'forensic psychology', 'psychological criminology' and 'legal psychology'.

For some, the term 'forensic psychology' refers specifically to the application of psychology to the legal system – as reflected in the etymology of the word 'forensic', as 'pertaining to the courts of law'. Other scholars offer a more narrow interpretation of 'forensic psychology' as the 'practice of clinical psychology to the legal system'. To complicate matters, the term 'forensic psychology' is also used more broadly to embrace the application of psychology to virtually anything related to crime, including our understanding of the causes of crime.

One of the major contributions of psychologists to legal proceedings is in assessing whether defendants at the time of the crime were unable either to understand the nature of what they were doing or, if they did understand, to recognize that it was wrong [2]. This is different from not knowing it was illegal, because, as is often quoted, 'ignorance is no defence before the law'. Rather it is a lack of moral awareness of the wrongful nature of the action. It is this subtlety that often confuses

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lay discussions of obviously heinous crimes such as the serial killing of strangers. The killings may appear to be so beyond what is morally acceptable that the murderer by any reasonable standards must be regarded as mad. However, if he has enough contact with reality to be aware of what he is doing, and that it is wrong, then under the law he cannot plead insanity. This is why very few serial killers are ever found not guilty by reason of insanity.

Agresion and Violence

A man pulls out a knife and demands money from a shopkeeper; a heated dispute between two young men in a bar results in one man killing the other with a handgun; a man threatens to kill his wife if she leaves him; a young parent neglects the physical and psychological needs of his infant daughter; a high school student spreads a malicious rumour about a classmate; a participant in a social psychology experiment selects an especially fiery hot sauce to administer to a fellow participant [1]. These are all acts that result in, or have the potential to result in, harm to others. But do they all count as instances of aggression, or even violence? As we shall see, there is no straightforward answer to these questions because the concepts of 'aggression' and 'violence' have been defined in different ways. Moreover, as these examples illustrate, the class of acts that we might consider as aggressive or violent encompasses a diverse range of human behaviour. This is an important point because it suggests that there is unlikely to be any single or simple explanation for violent behaviour. However, let's begin by considering some of the main attempts to define and classify aggression and violence.

A fairly standard working definition of aggression is: 'Aggression is any form of behaviour directed toward the goal of harming or injuring another living being who is motivated to avoid such treatment.' There are several key features to this definition that psychologists typically agree upon. First, intention is crucial. If I accidentally harm you by mowing the lawn as you walk by, causing stones to fly up and hit you in the face my act is not one of aggression. Accidental injuries clearly do not count. A second key aspect of this definition is that harm includes both physical and psychological harm. The intentional use of insults and verbal abuse, therefore, count as instances of aggression. Finally, for the act to count as aggression the individuals must be motivated to avoid that harm. A drill wielding dentist, despite deliberately causing pain, is not behaving aggressively because the intent is not to cause harm and the patient, in an obvious sense, accepts the pain as something they need to endure. Violence can be conceptualised as 'aggression that has extreme harm as its goal' or as 'destructive physical aggression intentionally directed at harming other persons or things'. These definitions highlight that all instances of violence are also instances of aggression but that violence involves behaviours that are more harmful in nature, typically involving more extreme physical aggression. Finally, criminal violence can be viewed as violence that is prohibited by the law. Although much violence is, therefore, criminal violence there are clearly instances of violent acts that are legitimised by the state (e.g., punishment, and the

use of reasonable force by the police) that do not count as instances of criminal violence.

Violent Crime

Violent crime, then, can be differentiated by the primary target of the violence and the context in which it occurs [1]. Violent crimes can also be categorised in terms of specific legal boundaries. These focus on the different nature and gravity of the offence. The exact number of different types of violent offence varies widely among different national and state jurisdictions. However, the most widely recognised category is homicide, which can be defined as 'the killing of a human being, whether the killing is lawful or unlawful'. Homicide can be sub-divided into two main categories: (1) criminal homicide (the killing of another human that is prohibited by the law), and (2) non-criminal homicide (killing that is not prohibited by the law—e.g., capital punishment). Criminal homicide can be further sub-divided into acts of murder that involve the intentional killing of another person, and manslaughter where the killing of another person was not specifically intended.

Manslaughter itself can be further divided into two categories: voluntary manslaughter (referred to as non-negligent manslaughter in the United States) and involuntary manslaughter (negligent manslaughter in the United States). The boundaries between murder and voluntary manslaughter are not particularly clear cut (and can be very hard to determine in practice) but essentially voluntary manslaughter involves the killing of another person without 'malice aforethought'—in other words, without a specific planned intent to kill. Involuntary manslaughter involves cases where someone is killed as a result of recklessness or negligence. For instance, someone who drinks a significant quantity of alcohol and crosses the centre line causing an accident that results in the death of the other driver may be convicted of involuntary manslaughter.

Violence and aggression in an inpatient forensic setting are relatively common behaviors that threaten the safety and well-being of patients and staff who care for them [3]. Data suggest that most psychiatric staff, including nurses, psychiatrists, and direct care mental health workers, have been assaulted by a patient or verbally threatened at least once in their career. Violence has a number of significant negative consequences including post-traumatic stress response in injured staff, staff burnout and turnover, lost wages, financial costs to institutions due to loss of time from work by staff, and decreased effectiveness of treatment.

Traditionally, inpatient settings have relied primarily on control measures in response to these problematic behaviors including the use of restraints/seclusions, medications, and aversive measures (punishment). Despite common use, these control measures, alone, have limited effectiveness in the treatment of violent patients and serve to keep patients institutionalized or warehoused in prisons and forensic inpatient settings. For patients, these measures do little to contribute to and may even retard the acquisition of the daily living skills, coping skills, and prosocial behaviors that are required for successful transition back into the community.

Family Violence

The importance of families in most people's lives cannot be underestimated [1]. Humans have a strong need 'to belong' and close, loving relationships with partners, parents, siblings, children, grandparents, and other relatives are an integral part of human existence. However, perhaps paradoxically, the family is also an environment in which a significant amount of conflict occurs. It is generally recognised that family violence should include all harmful acts perpetrated by a family member against another family member, including physical attacks, sexual violence and abuse, psychological/emotional abuse, controlling behaviours and neglect. If we accept this broad definition, then it is perhaps unsurprising that family violence is one of the most prevalent forms of violence in most Western countries. Family violence can also be distinguished from other forms of violence in that victims and perpetrators typically have an ongoing relationship that usually exists both prior to and after violent episodes. Unlike other forms of violence there are also substantive and ongoing debates concerning what constitutes criminal violence within the family context, with many forms of violence accepted or condoned within the family that would be criminalised in other contexts.

Diminished Capacity

Diminished capacity is considered a *mens rea* defense. In other words, it refers to a decreased level of culpability because of lesser intent [4]. In this regard, first-degree murder, second degree murder, and manslaughter differ in their level of intent. Without invoking the insanity defense, defendants occasionally bring mental state into play by claiming a decreased level of intent because of such factors as alcohol or drug intoxication, medication use, neurological conditions, or extreme emotional disturbance. An extreme example is the automatism defense, by which defendants claim no conscious awareness of their acts. Examples have included crimes committed while sleepwalking, during a seizure, while unaware secondary to head injury or other encephalopathic conditions, and even during dissociative episodes. Although courts have generally allowed testimony to this issue, they have limited its use when the defendant experienced the disability previously and should have taken precautions to prevent a potential criminal event. An example would be a man with a known history of aggression secondary to complex-partial seizure disorder who refuses prophylactic treatment to help avoid seizures (and thereby aggression and assault).

When considering diminished capacity, it must be realized that there are both general and specific intent crimes. Felon in possession of a weapon is an example of a general intent crime. By definition, possessing the weapon carries with it the prerequisite intent as long as the defendant understood, or should have understood, that it was illegal for him or her to possess a weapon. Bank robbery requires specific intent, that is, resolve for a particular act to occur. Intent must be differentiated from motive. Motive prompts an act, whereas intent "refers only to the state of mind with which the act is done".

The most common basis for diminished capacity is intoxication. An example would include whether a defendant could form the prerequisite intent to first-degree murder. It may very well be that alcohol intoxication made this level of intent rather unlikely. Under this circumstance, a jury could use a lesser included offense such as second degree murder or even manslaughter, depending on the facts of the case.

Law

The general misconception that personal injury cases only involved individuals who suffer physical injury in some form of an accidental situation is one that is held by professionals and nonprofessionals alike [5]. There are two parts to every personal injury lawsuit: Damages, which refers to how much damage has been caused by the injury, and liability, which refers to who is responsible for those damages. Personal injury cases can include any situation where an individual is injured physically or psychologically in which damages occur, including accidents resulting in physical or psychological injury; medical malpractice cases resulting in psychological injury; and sexual abuse, harassment, and/or misconduct cases resulting in psychological injury. Damages without liability or a liability without damages will render a personal injury legal action moot. Psychologists generally become involved in personal injury cases on the damages side.

Each year, as government finds it increasingly necessary to regulate the activities that most intimately influence our daily lives, science merges more closely with civil and criminal law [6]. Consider, for example, the laws and agencies that regulate the quality of our food, the nature and potency of drugs, the extent of automobile emissions, the kind of fuel oil we burn, the purity of our drinking water, and the pesticides we use on our crops and plants. It would be difficult to conceive of a food or drug regulation or environmental protection act that could be effectively monitored and enforced without the assistance of scientific technology and the skill of the scientific community. Laws are continually being broadened and revised to counter the alarming increase in crime rates. In response to public concern, law enforcement agencies have expanded their patrol and investigative functions, hoping to stem the rising tide of crime. At the same time, they are looking more to the scientific community for advice and technical support for their efforts. Can the technology that put astronauts on the moon, split the atom, and eradicated most dreaded diseases be enlisted in this critical battle?

Unfortunately, science cannot offer final and authoritative solutions to problems that stem from a maze of social and psychological factors. However, science occupies an important and unique role in the criminal justice system—a role that relates to the scientist's ability to supply accurate and objective information about the events that have occurred at a crime scene. A good deal of work remains to be done if the full potential of science as applied to criminal investigations is to be realized.

A defendant stands accused of a terrible crime [7]. Lawyers make opening statements, witnesses are called,

motives are questioned, secrets are revealed. In their closing arguments, lawyers make impassioned pleas to the men and women of the jury. Jurors struggle to find the truth. In a hushed courtroom, thick with tension, the jury foreperson announces the verdict: "We find the defendant . . ."

The courtroom trial is a staple of great and trashy literature, of distinguished films and lousy television. This is so because the trial is a compelling psychological drama. There is the question of motivation-was it love, hate, fear, greed, or jealousy that caused the behavior of a criminal? There is persuasion-lawyers and witnesses attempt to influence a judge or jury and, during deliberations, jurors attempt to influence each other. Perceptual and cognitive processes come into play-eyewitnesses must remember and report what they saw, jurors must sift through evidence to reach conclusions. Finally, there is decision-making: The goal is to reach a decision, a verdict. And, if the verdict is guilty, there is a choice about what punishment the defendant deserves.

The trial is the most visible piece of our justice system. But it is only a small piece. When we look beyond the trial, we find that the legal system is saturated with psychological concerns. Every area of psychology (e.g., developmental, social, clinical, cognitive) is relevant to some aspect of law.

Conclusion

The public interest in particularly violent crimes, as well as crimes in general, has been present since ancient times. People have always nurtured the idea of the personality of a person who committed criminal act which segregate him from the mass of others. In addition to the great interest of

the media and the general public for horrific crimes when they occur, this is also witnessed by a large number of TV series and films with the mentioned theme. Unfortunately, criminals often are shown in an appealing way - as a particularly intelligent or physically attractive person, which is a stereotype that is often far from the truth. It must be said that the interest in criminal psychology is accompanied by a relatively weak familiarity with the field of criminal psychology because the perception of the public in this area is based mainly on TV crime series and films. The reality is often completely different.

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