

OFFENDER PROFILING

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OFFENDER PROFILING

An Introduction to the Sociopsychological Analysis of Violent Crime

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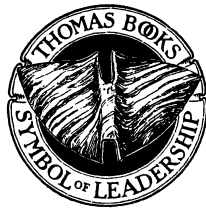
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To Adriana and Rosanna

FOREWORD

Law enforcement officers consider profiling an important tool in the investigation of crime. Critics, however, contend that profiling is based on racism or ethnicity. Hundreds of motorists in the United States who have been stopped and searched by the police have claimed to be victims of “racial profiling,” or as the practice became known, “driving while black in a white neighborhood.”

To be sure, standing alone, an arrest based on a profile is discriminatory but not when considered with other evidence. It is one factor among many—like dress or demeanor—that law enforcement officers must consider for effective police work. Objections to profiling are countered by a *reduction ad absurdum*: “If a tiger springs out of the bush and bites you on the rear end, and you give chase, you hunt for the tiger and not a hippo.”

In an article on the topic in the *New York Times Magazine*,¹ Jeffrey Goldberg interviewed Bernard Parks, chief of the Los Angeles Police Department. Parks, who is black, and asked rhetorically of racial profiling: “Should we play the percentages? . . . It’s common sense.”

Profiling is ingrained in our thinking. In daily life, as stated in this book, we stereotype, consciously or unconsciously. The danger comes when personal biases, rather than actual police experiences, guide instantaneous decision making on the street.

On the scientific evidence, the primary function of stereotypes is what researchers call “the reality function,” that is, stereotypes are useful tools for dealing with the world. Confronted with a snake, our immediate response is determined by a stereotype about snakes. Stereotypes are merely an aspect of the mind’s ability to make generalizations. At some level, everybody knows it.

A distinction must be drawn as to the purpose for which a profile is used (as a basis to justify a search and seizure or as evidence at trial to establish guilt or innocence). The use of race as an indication of suspicion, which has been called **racial profiling** (or “driving while black”), is to be distinguished

1. June 1999.

from profiling that looks at the specifics of a particular crime in order to draw a portrait of the culprit.

The term **profile** is loosely used not only as to its meaning but also as to its application. The process of inferring distinctive personality characteristics of individuals responsible for committing criminal acts has commonly been referred to as **criminal profiling**, but it has also been referred to, among other less common terms, as behavior profiling, crime-scene profiling, criminal-personality profiling, offender profiling, and psychological profiling.

In one use of the term, a profile is a list of characteristics, compiled by a law enforcement agency, that have been found through experience to be common characteristics of those engaged in a certain type of criminal activity. The most common example is a drug courier profile, but officers also employ other profiles for specific criminal activity. The primary use of profiles is in police investigation, where they are tools for identifying crime suspects. The Immigration and Naturalization Service also uses profiles of illegal immigrants. In the wake of the terrorist attack on the World Trade Center, Attorney General John Ashcroft focused attention on nonimmigrants from the Middle East, and the concept of profiling sprang immediately to mind.

What about the use of profiles to establish guilt or innocence at trial where the rules of evidence apply? Larry King in his CNN television program invited experts to discuss whether O.J. Simpson fit the profile of a stalking spousal killer, and Simpson's prosecutors at trial did the same.

Prosecutors routinely offer drug courier profile testimony as the basis of expert opinion of law enforcement witnesses to bolster circumstantially substantive proof of guilt at trial. The fact that an individual matched a drug courier profile may be admitted as evidence to prove that the individual must have known that he was carrying drugs, and, consequently, that he intended to distribute them.²

In the 1980s, many therapists adopted the view that child molesters often have a psychiatric condition called paraphilia. They also established a battering parent profile (a "battering parent" frequently exhibits low empathy, short temper, and lack of self-esteem). At times, such profiles have been admitted as evidence in court. A number of courts have allowed testimony that the accused does or does not share the characteristics of individuals who typically abuse children. In a case where medical testimony regarding the battering parent profile as well as the battered child profile was admitted at trial, the Minnesota Supreme Court said:

We hold that the establishment of the existence of a battered child, together with the reasonable inference of a battering parent, is sufficient to convict defendant herein in light of the other circumstantial evidence presented by the

2. See, e.g., *United States v. Jackson*, 51 F.3d 646 (7th Cir. 1995).

prosecution. It is very difficult in these prosecutions for injuries and death to children to establish the guilt of a defendant other than by circumstantial evidence. Normally, as was the case here, there are no eyewitnesses.... The prosecution properly presented to the jury the psychological framework which constitutes a battering parent. It did not attempt to point the finger of accusation at defendant as a battering parent by its medical testimony. Rather, it presented sufficient evidence from which the jury could reasonably conclude that defendant fit one of the psychological patterns of a battering parent.³

Three years later, the Minnesota Supreme Court determined that battering parent evidence was not an indispensable element of the state's case in a child abuse prosecution but held it was not reversible error to receive it into evidence.⁴ Then, five years later, the same court ruled that the prosecution is not permitted to introduce evidence of a battering parent profile or to establish the character of the defendant as a battering parent unless the defendant first raises that issue.⁵ The rules of evidence specifically provide that the accused must initiate the use of character evidence before the prosecutor may offer character evidence of a negative type.⁶ The court stated, "We feel this finding is required until further evidence of the scientific accuracy and reliability of syndrome or profile diagnoses can be established." In sum and substance, we would say: Many people fit a profile, but few act accordingly. As evidence, it would be misleading as there would be too many false positives.

In undue familiarity (sex with a patient) cases, the psychiatrist (or other defendant) may seek to offer evidence that he is not the type of person who would engage in that type of behavior. In his experience of evaluating, treating, and consulting on many cases of physician sexual misconduct, Dr. Glen Gabbard, then of the Menninger Foundation, found that the vast majority of the physicians involved fall into four psychodynamically based categories: (1) lovesickness, (2) masochistic surrender, (3) predatory psychopathy and paraphilias, and (4) psychotic disorders.⁷ There is no way, however, to establish the known or potential rate of error in the classifications used to establish profile evidence, therefore this evidence would be excluded at trial. Exploiting therapists cover a wide range of people from the very good to the very bad, as Gabbard's findings indicate, hence profile evidence does not offer much to the jury in a particular case.

3. State v. Loss, 295 Minn. 271, 204 N.W.2d 404 (1973).

4. State v. Goblirsch, 309 Minn. 401, 246 N.W.2d 12 (1976).

5. State v. Loebach. 310 N.W.2d 58 (Minn. 1981).

6. Rule 404(a), Federal Rules of Evidence; and counterpart in various state rules of evidence.

7. G. O. Gabbard, "Psychodynamic approaches to physician sexual misconduct," in J. D. Bloom, C. C. Nadelson, & M. T. Notman (Eds.), *Physician sexual misconduct* (Washington, DC: American Psychiatric Press, 1999).

Even assuming scientific reliability of character evidence, in a criminal case the accused may keep the evidence out by not introducing evidence of character (or by not pleading not guilty by reason of insanity). Once the defendant introduces evidence of good character (or pleads not guilty by reason of insanity), however, the prosecution then may rebut it with evidence of bad character.⁸ The defendant, however, has no option in excluding evidence of habit or evidence of his other crimes, wrongs, or acts that tend to establish motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.⁹

In this book, two eminent scholars, George B. Palermo, M.D., M.Sc.Crim. and Richard N. Kocsis, Ph.D., both active in clinical and research work, grapple with the timely topic of criminal profiling. Their purpose in writing their very comprehensive and objective book is to attempt to separate myth from reality. The book stands on firm psychological/psychiatric foundations as the basis for offender typologies. In the first section, the authors describe the major violent crimes, particularly multiple/serial murder, serial arson, serial rape, and burglary-related felonies as strictly connected with the underlying personality of the offenders. In the second section of the book, they discuss the crime scene. A special chapter by former FBI agents Robert R. Hazelwood and Michael R. Napier presents the staged crime scene, often puzzling for investigators. The third section includes a historical review and criticisms of the major theoretical research on profiling.

The book is well written, enlightening, and easy to read, even when presenting psychiatric and statistical research. The authors accompany the reader on an interesting voyage through the development of profiling without apparent effort, a quality that denotes a profound knowledge of the subject that derives from their many years of forensic experience. The book will be of interest to professionals involved in criminal work, whether psychologists, psychiatrists, attorneys, or criminal investigators. It is a major contribution to the field of criminal profiling.

RALPH SLOVENKO, EDITOR
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8. Rule 404(a), Federal Rules of Evidence; and counterpart in various state rules of evidence.

9. Rules 404(b), 406, Federal Rules of Evidence.

PREFACE

This book has been written with the intention to bring clarity to the field of profiling, which, thus far, seems to lack a coherent theoretical model on which profiling decisions are based. Because of the uniqueness of the offenders and of their offenses, difficulties are frequently encountered in the clearance of major crimes. In order to overcome this, we have attempted to look at profiling in a holistic manner. From this, the idea of sociopsychological criminal profiling came about. Indeed, we look at the offender as a social being, who lives in a society and because of that is subjected to social forces. In addition to being a willful act of an individual with a specific psychological makeup, crime is an expression of social factors, at times a reaction to social frustrations. Because of this, our holistic approach to profiling includes historical, social, and psychological underpinnings.

We believe that profiling is a common practice in all human interactions and has been present throughout the history of humankind. However, in the context of this book, we attempt to identify specific types of individuals who tend to commit a specific crime. Therefore, we focus our attention on the various personality traits and personality patterns and look at their interplay in the formation of a criminal predisposition. We briefly report the efforts of eminent past and present psychiatric, psychological, and criminological scholars, those who have formulated various criminal typologies. These typologies have been found to be useful in the composition of a profile, and actually laid the foundations for present-day profiling.

We have illustrated the most important theoretical approaches to the field of profiling with the purpose of enlightening the reader on scholarly thinking in more recent years. We present what we believe to be constructive criticism and have expounded at length on the theory of Crime Action Analysis. However, we recognize that all the methods presented are based on assumptions, data collections and databases, quantification and statistics, and the development of pertinent diagrams. These diagrams, derived from various crime scene settings, are designed to distinguish common offender traits from more specific traits or patterns that are at the basis of the uniqueness of

the offender. We believe that our holistic approach is more thorough, more research-oriented, and more objective than others, even though some readers may find it to be more complex.

The book is divided into three parts. Part I presents historical views on profiling; psychological factors in perpetrators of violent crimes; sociological perspectives on the perpetrators of violent crimes; violent crimes and violent criminals, with special reference to murder, multiple murders, rape, arson, and burglary related to felonies. Part II discusses the crime scene and the crime investigator. It includes a chapter on the staged crime scene. After an introductory chapter on profiling in general, Part III includes the main approaches to profiling, with chapters on criminal investigative analysis; investigative psychology; geographic profiling; and crime action analysis. In the chapter on crime action analysis, the personalities of offenders are again dealt with in regard to specific crimes. The book concludes with a summary of this information and personal reflections on sociopsychological criminal profiling.

Obviously, much has been left out, because it would be impossible to include all the work about the topic that has appeared in the past. We have tried to be inclusive and objective as we have attempted to separate the wheat from the chaff. We hope that we have been successful.

G.B.P.
R.N.K.

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OFFENDER PROFILING

Part I

**THE PSYCHOSOCIAL SUBSTRATE OF
CRIMINAL PROFILING**

Chapter 1

PSYCHOLOGICAL PROFILING: ITS ORIGINS

INTRODUCTION

Offender profiling is the combination of sociological, psychiatric, psychological, and criminological disciplinary knowledge in the analysis of criminal behavior. Taking these elements into consideration, we have coined the term **sociopsychological criminal profiling**, which, in our opinion, is not a new form of profiling but reflects the various disciplines used in it.

PSYCHOLOGICAL TESTING

Psychological profiling is not totally the creation of present-day profilers. It comes to us from the keen observation of literary scholars, the fantasy of fiction writers, the early developments in the field of psychology with the advent of psychological testing, and the vast research in psychology/psychiatry as applied to criminology. One may consider psychological testing to be the forerunner of sociopsychological criminal profiling.

Diagnostic psychological testing and attitudinal testing have been used for many decades by psychologists and counselors and have been, and still are, an adjunct to psychiatric examinations. Both testing procedures are helpful in shedding light on the personalities and motivations of patients/clients, not only in the diagnosis but also in the treatment of the person being tested. Psychological testing is also used in the assessment of criminals for dangerousness and recidivism. The testing procedures aid in the assessment of diverse variables related to the intellectual endowment, cognitive capacity, affectivity, attitudes and criminal predisposition (e.g., to acting out, aggression, lying, etc.) of a given person. Usually, the collection of these data in