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Intersection of Psychology and Profiling: Implications for Criminal Justice Administration

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ABSTRACT

Not every crime is rooted in violence; certain offences begin with trust, familiarity, and a teddy bear. The so-called Teddy Buddy case illustrates how psychological manipulation, grooming, and emotional conditioning have emerged as central strategies in modern criminal behaviour. Crime and psychology are closely related disciplines that seek to understand not only the occurrence of crimes but also the underlying reasons for their manifestation. While crime is typically assessed from a legal or societal standpoint, psychology redirects attention to the cognitive processes of individuals, examining the thoughts, emotions, motivations, and behavioural tendencies that may lead a person to engage in unlawful activity. By analysing factors such as personality characteristics, mental health conditions, environmental influences, and social interactions, psychology offers valuable insight into criminal conduct. This intersection helps to explain why certain individuals choose to commit crimes while others in comparable situations refrain from doing so, and it further illuminates questions of decision-making, impulse regulation, aggression, and moral reasoning. The examination of offenders through profiling, and consideration of the effects of trauma and upbringing, are vital components of law-enforcement strategy, rehabilitation, and crime prevention. Ultimately, approaching crime from a psychological viewpoint fosters a more thorough understanding of human behaviour, one that moves beyond mere punishment to emphasise prevention, intervention, and the potential for reform. Psychiatry and crime are interconnected in several ways. On one side are offenders who exhibit significant psychopathology; on the other are psychiatric patients who may engage in criminal acts while under the influence of their mental disorders. Over the course of their careers, psychiatrists will inevitably interact with the criminal justice system at some point. Forensic psychiatry, which encompasses these matters, remains a relatively underdeveloped field in India. This paper examines the relationship between crime and psychiatry, together with the contributing factors involved.

Keywords: Criminality, Criminal justice, Forensic psychiatry, Psychiatry, Substance abuse.

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I. INTRODUCTION

Psychiatry and crime are frequently linked. There is a longstanding belief that individuals who commit crimes are often mentally unstable, while, conversely, some regard those with psychiatric disorders as potentially violent and more prone to engaging in criminal acts.¹ The media frequently emphasises the conduct of offenders, as well as incidents involving individuals with mental health conditions. This connection has been explored by various organisations over the past two centuries. This paper seeks to examine the complex relationship between crime and psychiatry, together with the contributing factors.²

Individuals with mental illness have often been portrayed in a negative light in connection with crime. Substantial evidence indicates that people with mental health disorders are arrested, convicted, and imprisoned at rates exceeding their actual involvement in criminal activity.³ Owing to inadequate resources within the mental health sector, many such individuals are funnelled into the criminal justice system, a trend exacerbated by the process of deinstitutionalisation observed in numerous countries over recent decades.⁴ In India, efforts to shift mental health care from institutions to community-based settings have not been effectively implemented. Consequently, there is an increasing intersection between mentally ill individuals and law-enforcement agencies, which distorts perceptions of the link between crime and mental illness.⁵ Many psychiatric patients who lack family support become homeless and are frequently apprehended for minor offences under preventive policing measures.⁶ Several manifestations of mental illness can resemble antisocial or criminal behaviour, including aggression or aimless wandering.⁷ The likelihood of arrest is heightened for those suffering from mental health conditions, since they are more frequently identified by law enforcement through reports and calls for assistance.⁸ Additionally, there exists a bias in legal proceedings: individuals with mental illness tend to face charges more often and endure longer sentences than others for comparable offences.⁹

¹ Edward W. Cleary et al., MCCORMICK ON EVIDENCE 635 (3d ed. 1984).

² *Id.*

³ James A. Brussel, CASEBOOK OF A CRIME PSYCHIATRIST (Bernard Geis Assocs. 1968).

⁴ Yusuf Matcheswalla & Avinash De Sousa, *Crime and Psychiatry*, 13(1) MENS SANA MONOGRAPHS 143 (2015).

⁵ Tilman Steinert et al., *Incidence of Seclusion and Restraint in Psychiatric Hospitals: A Literature Review and Survey of International Trends*, 45(9) SOC. PSYCHIATRY & PSYCHIATRIC EPIDEMIOLOGY 889 (2010).

⁶ Amy C. Watson et al., *Mental Health Courts and the Complex Issue of Mentally Ill Offenders*, 52(4) PSYCHIATRIC SERVICES 477 (2001).

⁷ HANDBOOK OF FORENSIC PSYCHOLOGY (Irving B. Weiner & Alan K. Hess eds., 2d ed. 1999).

⁸ David Canter, CRIMINAL SHADOWS: INSIDE THE MIND OF THE SERIAL KILLER 12 (1994).

⁹ Ann Hamden et al., *Is Deinstitutionalization Working in Our Community?*, 20(4) INT'L J. MENTAL HEALTH NURSING 274 (2011).

II. CRIMINAL PSYCHOLOGY

The era in which society revered the highest ideals of humanity, and similarly honoured the concept of the state despite its imperfect representation of those ideals, has long passed. Today, few individuals adhering to older beliefs regard the state as a sacred entity worthy of special protection, nor do they feel that harm done to the state necessitates atonement.¹⁰ Typically, these antiquated views persist most strongly among the general public, who continue to believe in the necessity of atonement. Many prominent newspapers attempt to undermine the ideology of atonement in their editorials and front pages by equating it with state-sponsored retribution against individuals; yet, often within a mere page turn, they express disappointment that a particular crime currently capturing public attention has not been sufficiently atoned for. Thus, while contemporary columnists dominate the headlines, prevailing public sentiment resonates through other sections of the same publication.¹¹

This paper does not aim to explore popular notions of justice or related ideas; instead, it directly addresses modern perspectives represented by various scholars, judges, and authors. Regardless of any admiration for traditional concepts of atonement, or criticism directed toward present-day ideas as mundane or overly pragmatic, these contemporary notions cannot be ignored. They are not only present but actively functioning. The state is recognised as a technical entity requiring protection because of its demonstrated utility. A criminal wrongs both the state and law-abiding citizens; therefore, measures must be taken to prevent such offences. This prevention does not rely solely on deterrence but is increasingly viewed through the lens of rehabilitative education or confinement. However, for effective educational intervention or correctional effort to occur, an understanding of the criminal's profile must precede confinement. While these thoughts may lack novelty, they are indeed prevalent today and influence ongoing reforms in legal studies. There is a growing interest in understanding criminals' personalities; in other words, criminal psychology has become quite fashionable. Those who have invested significant scientific effort in studying criminal behaviour will likely welcome opportunities to share their research findings and personal insights with a broader audience, even if they harbour reservations about the motivations driving current trends that amplify interest in the subject.¹²

¹⁰ Hans W. Gruhle, *Aufgaben der Kriminalpsychologie*, 51 ZEITSCHRIFT FÜR DIE GESAMTE STRAFRECHTSWISSENSCHAFT 469 (1931).

¹¹ Joel Paris, *BORDERLINE PERSONALITY DISORDER: A MULTIDIMENSIONAL APPROACH* (Am. Psychiatric Press 1994).

¹² Hans W. Gruhle, *The Tasks of Criminal Psychology*, 22 J. AM. INST. CRIM. L. & CRIMINOLOGY 506 (1931).

An important point concerns the psychiatric referral and psychiatric labelling of criminals. Conduct problems are often viewed as symptoms of psychological disorder, and for many years it was felt that all criminals were psychiatrically ill. Psychiatry is often abused in the area of crime; for example, in China, psychiatry has been used to imprison political dissidents, with similar abuses noted earlier in the former Soviet Union.¹³ High levels of mental illness recorded in prisons are largely due to the psychiatric labelling of criminals, and psychiatric concepts are commonly applied to convicted individuals for ethical and social reasons rather than medical ones.¹⁴ For disorders such as borderline personality disorder, sadism, and intermittent explosive disorder, violent behaviour is one of the key diagnostic symptoms, and such psychiatric conceptualisations of violence as a key symptom lead to an over-diagnosis of these conditions.¹⁵ The symptoms of specific mental illnesses may directly include crime or delinquency, for example in conduct disorder or oppositional defiant disorder. An important diagnosis is antisocial personality disorder, which is the most common diagnosis among prisoners. This diagnosis has been criticised, and there is controversy over whether it constitutes a mental illness; many suggest that it is no more than a moral judgement given a diagnostic label. Most reports and reviews state that it is an incurable disorder, as are most personality disorders, yet the diagnosis is ever increasing, reflecting a tendency to label criminals as victims of psychiatric illness.¹⁶

The personality disorder diagnosis must be used where the characteristic traits of a personality disorder make their appearance in childhood, with antecedents present and most characteristics noted by the age of fourteen or fifteen years. It is wrong to diagnose someone whose offences are seen only after the age of eighteen as a case of personality disorder merely to save the individual from the reach of the law. It is also paramount that legal systems recognise that personality disorders cannot be equated with major mental illnesses such as schizophrenia and bipolar disorder, which begin at a particular point and may be episodic, whereas personality disorders constitute a lifelong, enduring pattern of traits and behaviour.

III. ANALYSIS

In light of growing media attention surrounding offender profiling in criminal trials, the method remains poorly understood by many, including judges, attorneys, and jurors. Some regard

¹³ Richard J. Bonnie, *Political Abuse of Psychiatry in the Soviet Union and in China: Complexities and Controversies*, 30(1) J. AM. ACAD. PSYCHIATRY & L. 136 (2002).

¹⁴ Fergus McNeill, *What Works and What's Just?*, 1(1) EUR. J. PROBATION 21 (2009).

¹⁵ Am. Psychiatric Ass'n, *DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-IV)* (4th ed. 1994).

¹⁶ Roger T. Mulder, *Antisocial Personality Disorder*, 5(4) CNS DRUGS 257 (1996).

offender profiling as an esoteric practice, while others dismiss it as mere fiction. This paper aims to clarify the concept of offender profiling and to enhance overall understanding of this investigative technique.¹⁷ Two propositions frame the discussion: first, that offender profiling is not broadly accepted in court owing to questions regarding its reliability and scientific foundation; and second, that discrepancies about its admissibility arise from conflicting rules and standards across different jurisdictions. The principal argument advanced in this paper is that offender profiling lacks sufficient reliability for use as evidence in determining an accused individual's guilt or innocence, and that its prejudicial consequences significantly outweigh its evidential value. Furthermore, there exists a fragmented relationship among various profilers and segments within the field, which has restricted the effectiveness of offender profiling. A critical issue pertains to the three rules governing the admissibility of expert evidence in the United States.¹⁸ This situation has produced inconsistent rulings on whether to admit or exclude offender profiling and related evidence, leading to numerous conflicting judicial decisions.

The first question to consider is whether offender profiling possesses sufficient reliability for admissibility.¹⁹ Offender profiling entails collecting data from crime scenes, witness accounts, victim testimonies, autopsy reports, descriptions of suspects (including physical attributes such as race and age), and criminal histories. Consequently, one must ask how accurate these collected data are and whether they should be submitted as evidence of guilt or innocence.²⁰ Notably, offender profiling does not identify specific offenders, nor does it ascertain whether a particular defendant committed a given crime; this concern arises from several cases in which the dependability of such profiles has been called into question.

The second point examines whether offender profiling is more prejudicial than probative. By its nature, offender profiling tends to be biased against defendants; it merely suggests characteristics typical of individuals who might commit certain types of crime, without pinpointing any single person.²¹ This issue has been highlighted by courts exhibiting inconsistency in their rulings on the matter. Primarily used by law enforcement to refine suspect lists when no physical evidence is present at crime scenes, the technique has more recently been introduced into courtrooms as admissible evidence, prompting significant debate over its validity. Thus far, various court decisions have proved contradictory regarding its standing as

¹⁷ David Canter, *Series Preface*, in *PROFILING IN POLICY AND PRACTICE* vii (David Canter & Laurence Alison eds., 1999).

¹⁸ Arthur Conan Doyle, *THE HOUND OF THE BASKERVILLES* (George Newnes 1902).

¹⁹ *CRIMINAL PSYCHOLOGY: A BEGINNER'S GUIDE* (Ray Bull ed., Oneworld Publ'ns 2006).

²⁰ *THE CALIFORNIA SCHOOL OF PROFESSIONAL PSYCHOLOGY HANDBOOK OF JUVENILE FORENSIC PSYCHOLOGY* (Neil Ribner ed., Jossey-Bass 2002).

²¹ *State v. Parkinson*, 128 Idaho 29, 909 P.2d 647 (1996).

acceptable evidence. The discussion on the reliability and scientific basis of the methodology has surfaced repeatedly, and the principles and practices associated with offender profiling reveal both strengths and weaknesses inherent in each approach.

Criminal profiling is a specialised area within forensic criminology, integrating concepts from both behavioural and forensic sciences.²² For students aiming to cultivate the skill of profiling, it is essential to acquire comprehensive education in scientific methodology as well as in behavioural science principles. The practice involves drawing conclusions about the habitual, physical, emotional, psychological, and even occupational traits of criminals. Various methods exist in criminal profiling, each differing in the robustness of its theoretical foundation, logical reasoning, and insight. Some approaches are broad and abstract, while others are detailed and specific.²³ Certain methods depend on statistical data concerning offender groups; others rely on personal experience or an examination of particular behavioural evidence tied to specific cases.

Criminal psychological profiling focuses on analysing the behaviour patterns associated with a crime or series of crimes in order to develop a descriptive profile of the likely offender. This technique has proved effective for law enforcement in various contexts and serves as a valuable means of streamlining investigations. However, profiling does not yield the exact identity of an offender; rather, it provides a description based on key behavioural and personality traits such as age, gender, marital status, and employment situation. The approach used by the Federal Bureau of Investigation defines the generation of criminal profiles as a method for pinpointing significant personality traits and behaviours by analysing the crimes committed.²⁴ Profilers excel at identifying dynamics within crime scenes that connect different types of offender committing similar acts. Profiling techniques have been applied in diverse situations, including hostage scenarios.²⁵ Law-enforcement officials must gather extensive information about hostage-takers to ensure the safety of hostages. In such instances, police may engage in limited verbal communication with offenders while potentially consulting family members or friends to assess likely actions or reactions.

Profiling has also assisted in tracing anonymous letter writers and individuals who issue verbal or written threats of violence.²⁶ In these cases, psycholinguistic strategies create a threat

²² HANDBOOK OF FORENSIC PSYCHOLOGY (William O'Donohue ed., Elsevier Acad. Press 2004).

²³ James A. Brussel, CASEBOOK OF A CRIME PSYCHIATRIST (Bernard Geis Assocs. 1968).

²⁴ Curt R. Bartol & Anne M. Bartol, CURRENT PERSPECTIVES IN FORENSIC PSYCHOLOGY AND CRIMINAL JUSTICE (Sage Publ'ns 2006).

²⁵ John C. Brigham, *What Is Forensic Psychology, Anyway?*, 23(3) LAW & HUM. BEHAV. 273 (1999).

²⁶ Fed. R. Evid. 405.

dictionary, categorising every word used in messages through computer analysis. By comparing vocabulary from threat communications with typical language use, investigators can identify unique signature words belonging to offenders. This process not only helps establish connections between multiple letters written by one person but also sheds light on the offender's background and psychology. Offenders such as rapists and arsonists can likewise be effectively profiled through detailed interviews with victims regarding their assailants' behaviour.²⁷ The premise is that behaviour mirrors personality traits; thus, examining behaviour may reveal insight into the type of individual responsible for a crime. Understanding these characteristics aids investigators in identifying potential suspects and formulating interviewing strategies. Nevertheless, research has primarily concentrated on specific offender categories and lacks broader applicability across all types.²⁸

Criminal profiling has shown particular utility in cases involving serial sexual homicides, crimes that incite considerable fear because of their seemingly random nature while receiving widespread media attention.²⁹ Investigators face intense public pressure to apprehend perpetrators swiftly, despite these cases often presenting significant challenges owing to their unpredictability. Analysing commonalities and distinctions among victims targeted by a specific serial killer can provide crucial insight into the motives behind seemingly motiveless crimes, potentially revealing aspects of the criminal. For instance, murders may stem from sadistic fantasies held by offenders who select victims based on symbolic elements related to those fantasies.³⁰

IV. CONCLUSION

Criminal profiling has yielded promising outcomes, especially in crimes where offenders exhibit consistent patterns at crime scenes. Although courts have typically dismissed testimony regarding profiling when presented directly, they have frequently gone to great lengths to accept profiling-based evidence or statements from profilers when these are framed differently. Offender profiling serves as a crime-investigation approach grounded in probabilities, stereotypes, suspicions, and assumptions. It does not identify a particular offender as responsible for a specific crime; rather, it offers generalisations. Consequently, it lacks the

²⁷ A. K. Rai, K. J. Mathew & D. Bhattacharjee, *Mental Health Promotion in India: A Critical Analysis*, 4(9) INT'L J. HEALTH SCI. & RES. 296 (2014).

²⁸ *State v. Roquemore*, 85 Ohio App. 3d 448, 620 N.E.2d 110 (1993).

²⁹ Michael R. Smith & Geoffrey P. Alpert, *Explaining Police Bias: A Theory of Social Conditioning and Illusory Correlation*, 34(10) CRIM. JUST. & BEHAV. 1262 (2007).

³⁰ Roy R. Hazelwood & John E. Douglas, *The Lust Murderer*, 49(4) FBI L. ENFORCEMENT BULL. 18 (1980).

reliability necessary to establish the guilt or innocence of an accused individual.³¹ While there is no doubt about the utility of offender profiling in criminal investigations, difficulties arise when such evidence is introduced in court. Currently, there is no objective method to assess the reliability and validity of offender profiling, as its nature does not allow for consistent testing. Additionally, replicating a crime scene presents difficulties; one cannot assert that a single offender will commit all offences in a uniform manner or consistently display the same characteristics across different crimes.³² Particularly in the case of serial offenders, individuals may adapt their methods on the basis of experience, media exposure, and victim reactions, resulting in potential changes to their operational techniques and signature elements.

In United States courts today, the admissibility of offender profiling and related testimony has varied considerably; some cases have accepted it, while others have rejected it altogether. This inconsistency raises significant concerns. In several instances where profiling evidence was allowed, it is noteworthy that its reliability was often not scrutinised rigorously. Some courts appeared swayed by the credentials of profilers without adequately evaluating the dependability and validity of their techniques. The mere utility of a technique during investigations does not automatically qualify it as reliable for courtroom use; usefulness should not be equated with reliability.³³ Fundamentally, offender profiling relates to the character traits of individuals and functions as character evidence. Its acceptance largely hinges on two factors. First, for such evidence to be admissible, the defendant must raise character issues; if the prosecution introduces character evidence prematurely, it will likely be deemed inadmissible.³⁴ Second, whether this type of evidence is allowed depends on its intended purpose, that is, whether it aims to demonstrate criminal intent or propensity, or merely to assist fact-finders. Generally, it tends to be acceptable when used to indicate criminal intent rather than simply to show criminal propensity. Cleary and others argue that, when either the plaintiff or the government presents evidence suggesting that a defendant fits an incriminating profile, such evidence might be excluded under rules prohibiting character evidence meant to indicate conduct on specific occasions. Nonetheless, one could contend that these rules should not universally prohibit admission in all such scenarios, since they rest on the assumption that the marginal probative value of character evidence tends to be low while carrying high risks of distortion, prejudice,

³¹ *Id.*

³² Carl E. Fisher & Jeffrey A. Lieberman, *Getting the Facts Straight About Gun Violence and Mental Illness: Putting Compassion Before Fear*, 159(6) ANNALS INTERNAL MED. 423 (2013).

³³ J. Steven Lamberti et al., *The Mentally Ill in Jails and Prisons: Towards an Integrated Model of Prevention*, 72(1) PSYCHIATRIC Q. 63 (2001).

³⁴ Fed. R. Evid. 404(a).

and waste of time.³⁵ If profiles can convincingly demonstrate both validity and distinctiveness between offenders and non-offenders with considerable accuracy, then admissibility may be favoured; however, it remains unclear whether any existing profile possesses such strength.

Consequently, when profile evidence is used defensively (for instance, to illustrate good character or to restore credibility linked with a self-defence claim), it falls within an exception to the restrictions against using character evidence. The determination of admissibility then relies heavily on how far expert testimony would aid jurors, weighed against typical counter-arguments concerning the qualifications of the experts involved and considerations regarding the reliability and validity of using profiles, all of which influence both admissibility decisions and the significance attributed to profile evidence.³⁶

In *State v. Haynes*, expert testimony provided by a criminal profiler was deemed impermissible character evidence and therefore ruled inadmissible. Richard Haynes faced charges including murder and grand theft auto after being convicted by the Court of Common Pleas in Lorain County, Ohio. He contended that, on 20 October 1986, he visited Douglas Fauver's residence intending only to fill out job-application paperwork, but ended up consuming drinks together with pills. According to his account, he awoke at about 11:30 p.m. to find Fauver naked beside him; Fauver claimed that they had engaged in sexual activity and asked whether he had enjoyed the encounter. Haynes went into the bathroom to clean up, whereupon, he said, Fauver confronted him wielding a small knife. A fight ensued, and Haynes claimed that he stabbed Fauver twice in the chest and once in the back after sustaining a cut to his own wrist during the struggle. He stated that he waited about two hours before police arrived, believing that neighbours had notified the authorities after hearing the commotion, before fleeing in a stolen vehicle. He was later arrested in Arizona in connection with a separate offence. Fauver was discovered deceased in his home the following day.³⁷

³⁵ Michael Golightley, *SOCIAL WORK AND MENTAL HEALTH* 22–43 (Learning Matters 2014).

³⁶ John C. Brigham, *What Is Forensic Psychology, Anyway?*, 23(3) *LAW & HUM. BEHAV.* 273 (1999).

³⁷ *State v. Haynes*, No. 4310, 1988 WL 99189, at *1 (Ohio Ct. App. Sept. 21, 1988).