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Identification of Patterns in Crimes: A Study on Principle of Modus Operandi and Its Attributes

ANISHA M.¹

ABSTRACT

Modus Operandi (MO), or method of operation is an important factor in the fields of criminology, psychology, law enforcement and behavioural analysis. A habitual offender, in most cases falls into a specific pattern consciously or subconsciously in the commission of his crimes. This pattern is termed as the Modus Operandi of the criminal. In this paper Modus operandi is extensively discussed with reference to its origin and historical background. It also focuses on the types of clues and evidence left behind by the criminal that constitute to his Modus operandi and differentiates between a Modus operandi and Signature. It further includes a section on the Indian scenario with challenges, limitations, and suggestions. Thereby, this article aims to shed light on how studying modus operandi of a criminal could be key to catching him.

Keywords: *Modus operandi, signature, evidence, psychology, behavior.*

I. INTRODUCTION

The term ‘modus operandi’, is a Latin phrase which means ‘method of operation’. Modus operandi means a person’s pattern or procedure involved in the way they work, especially pertaining to crime investigations. This term is widely thrown around to address the techniques used by a criminal which are often similar in nature from one crime to the other. It is useful for creating a criminal profile against a criminal which helps to establish his psychological and behavioural aspects. By this establishment, the criminal’s forthcoming crimes can be predicted and prevented.

II. HISTORICAL BACKGROUND

The term modus operandi (hereinafter referred to as MO) was first used in the year 1654² but was not given much thought or explained in the appropriate manner. It later gained momentum around the 1800s. However the term wasn’t always used just in a criminal context. In the United

¹ Author is a LL.M. Student at The Central Law College, Salem, Tamil Nadu., India.

² Keppel. Robert. D, Birnes. Williams. J, “SERIAL VIOLENCE: ANALYSIS OF MODUS OPERANDI AND SIGNATURE CHARACTERISTICS OF KILLERS”, 2008, 1st edition.

States, it was used in Patent law for a while to describe the working mechanism of new inventions.

In the late 1800s the term was used in a more practical sense, when detectives in Scotland began recording and storing archives of the process followed by a criminal in the commission of a crime. These records were stored for the purpose of being transferred from one district to another in case there arose a necessity to compare the behaviour and form a pattern.³

Following this, the Scotland Police set several fundamentals or checklist of factors to be taken into account while analysing the pattern referred to as the Scotland Yard method. The following were to be examined to determine any existent pattern:

- Kind of Property attacked.
- Point of entry
- Any tools or weapons used.
- Kind of property or objects taken from the crime scene
- Whether the criminal established a certain identity when intervened.
- Any clues or disclosure about the identity of the criminal by himself
- Whether any accomplices were involved
- Mode of transport
- Any special or unusual signature connecting specific to certain crimes.

The idea of MO was also applied by the criminologist Edwin Sutherland who defined it as, “Modus operandi is that the principle that a criminal is probably going to use constant technique repeatedly, and any analysis or record of that technique utilized in each serious crime can give a method of identification in a very explicit crime.”⁴

This concept was further studied by criminologists, and they put forward a theory that the MO of a criminal may change or evolve within a period of three or four months.⁵ A criminal, while continually committing crimes, learns new ways and techniques to do the same more efficiently and easily. This development was during the late 20th century.

III. THE PRINCIPLE OF MODUS OPERANDI

A criminal is more likely to stick to his pattern or routine of the crime in a specific established

³ Fosdick. Raymond. B, “EUROPEAN POLICE SYSTEMS”, 1915.

⁴ Sutherland. Edwin H, Cressey. Donald R, “PRINCIPLES OF CRIMINOLOGY”, 2011, 6th edition.

⁵ Hazelwood, Burgess, “PRACTICAL ASPECTS OF RAPE INVESTIGATIONS”, 2001.

manner because he knows it has gotten him in no trouble till then, which resultantly makes him feel comfortable in adhering to that method. He thereby strikes similar locations or similar victims in a hope of not being caught yet another time. He has no reason whatsoever to change his ways unless hindered. Eg: The MO of Jack the Ripper, one of the earliest serial killers in history, was to strike his victims who were mostly lonely sex workers late in the night when not a lot of people were around. He always attacked the victims by slitting their throats from behind so that no blood splattered on him facilitating an escape without any blood stains being noticed.⁶

MO requires a certain cognitive approach when it comes to criminality. Although this serves as a great factor to predict the criminal's moves, it is still dynamic and might change over time due to experience, availability of better tools or methods, the criminal's conceit, and confidence etc. This is also the case because there are many other factors to be taken into account when a criminal is committing his crime which may alter his MO. For instance each victim responds differently when faced with an instinctive apprehension, the criminal could be interrupted by a third party, unavailability of victims etc. On the other hand, the criminal might also deteriorate in dexterity and skills due to a diminishing mental state. This is most likely to be seen in habitual offenders especially serial killers. Not all but some aspects of the MO are susceptible to change. The steps that have worked well for the offender which has not resulted in a negative outcome is more likely to be followed by the criminal on another occasion. As the procedure is followed by the criminal like a ritual, he familiarises himself with the pattern and is confident about the consequences of it. Conforming to the same ritualistic behaviour allows the criminal to believe that he has a certain level of control over the situation letting him focus merely on the aggressiveness and intensity of the crime.⁷

IV. RATIONALE OF THE STUDY

- It is helpful to store data which can be classified and later made accessible and used to identify the offender.
- This system helps to analyse, study, and classify all the perceivable evidence in a technical and scientific manner and collects the record for future individualisation and identification.
- It contains extensive potential for evidence.

⁶ ROBERT D. KEPPEL, JOSEPH G. WEIS, KATHERINE M. BROWN, KRISTEN WELCH, "The Jack the Ripper Murders: A Modus Operandi and Signature Analysis of the 1888–1891 Whitechapel Murders", *Journal of Investigative Psychology and Offender Profiling*. Published online in Wiley Inter Science.

⁷ Robert R. Hazelwood, Janet I. Warren, "LINKAGE ANALYSIS: MODUS OPERANDI, RITUAL, AND SIGNATURE IN SERIAL SEXUAL CRIME", 2004.

- When various crimes are committed by the same offender it is comparatively easier to investigate when a connection is made between those crimes and identified that it was done by the same individual.
- A specialised knowledge is required to properly utilise these techniques and approach the MO criteria in a systematic way which warrants proper or better investigative results.⁸

V. FORENSIC EVIDENCE CONSTITUTING A MODUS OPERANDI PHYSICAL CLUES

Any type of physical evidence which follows a noticeable pattern could be construed as an MO. For instance, a burglar would target certain types of houses or would always break into a particular window of the house or steal only certain types of objects.

Physical evidence is a wide variety of obtainable evidence and are often used to establish a connection between the crime scene and the criminal. Physical evidence could be including and not limited to:

- Body material (body parts like bones, hair, nails, teeth etc., body fluids or any internal organs)
- Chemical substances (alcohol, accelerants, paint, drugs etc.)
- Weapons (knives, firearms, any sharp or heavy object.)
- Documents (notes or a message left by murderers in some cases)
- Tool marks on the body (helps to deduce what type of tool caused the mark, the force and direction in which it was used)
- Impressions (finger and footprints, shoe prints etc.)

Richard Ramirez who was a serial killer in Los Angeles during the 1980s had a dynamic MO and very few moves that were found to be in connection from one crime to another. He was caught by the use of a .22 Revolver in several of his murders. He also mostly killed his victims by breaking and entering their houses during the night. His series of events, once he entered the house was found to be similar in several cases too. He first killed the man in the house and sexually assaulted the woman whom he then killed. Once all the inmates in the house had been murdered, he didn't flee from the scene but wandered around the house for a bit, even ate an apple from one of the houses, which was then confirmed by the DNA obtained from it. He then

⁸ J H Prinsloo, "The theoretical and operational significance of modus operandi data", *Acta Criminologica*. Vol. 5, No. 1

leaves the house not in a real hurry. In two other crime scenes, his shoe print was collected from which the detectives could record his foot size and the print of the shoe he was wearing which allowed them to confirm that both the crimes were presumably committed by the same person. These were some physical evidence left by the murderer which linked him to the crime.⁹

In more serious crimes like serial murders, signatures are major physical evidence left by the offenders. In some cases, the killers leave a calling card to own up to his crimes while still maintaining anonymity. Eg: The Zodiac Killer left cryptic messages with symbols and hieroglyphics to deduce a hidden message. He also used a ‘target’ symbol in every one of his letters and crime scenes like a sort of trademark for all his crimes.¹⁰

Other signatures can be when the killer takes something from the crime scene or a corpse as a memento or a trophy, which in most cases is a body part. Eg: Serial killer, Charles Albright enucleated his victims and stored their eyes as his personal trophies.¹¹

VI. PSYCHOLOGICAL CLUES

Behavioural analysis helps to indicate the psychology of the criminal during and around the time he was committing the crime. This has a wide range of use while dealing with serial killers, rapists, and psychopaths because their psychology must be analysed far before the crime was committed, going way back to their childhood trauma, behaviour, and conduct. For example, serial killers like Jeffrey Dahmer¹², Richard Ramirez¹³ etc have been subjected to immense trauma and abuse during their childhood and it is necessary to understand their psyche to obtain the idea of why they killed their victims.

It could also be used while examining the crime scene on how the murder was committed, as to whether it was a crime of passion or if the crime scene was sloppy or organized and well planned etc. These findings might follow a pattern which could be identified as the killer’s MO. Behavioural analysts have studied that the crime scene might indicate a few predictive steps of the killer after he committed the crime. For instance, a sloppy and unorganized crime scene was most likely not done by a habitual offender but a person who is still learning his ways. It is possible that he hid the murder weapon within a short radius from the crime scene and he would probably leave the town for a few days under some deceitful reason. There is high chance of

⁹ Tiller Russell, James Carroll, “The Night Stalker”, 2021, Netflix.

¹⁰ Ossiana Tepfenhart, Serial Killer Calling Cards That Were Truly Terrifying, <https://vocal.media/criminal/serial-killer-calling-cards-that-were-truly-terrifying>

¹¹ Ibid.

¹² Adam Janos, “Jeffrey Dahmer’s Childhood: A Pail of Animal bones was his toy rattle”, True Crime: Stories and News. Published 02/01/2019.

¹³ Ibid. Note. 7

obtaining more than enough physical evidence from the scene in this case. Whereas in an organized crime scene it can be deduced that the killer could be a habitual offender, seems to know his way around the process, less likely to leave a lot of evidence behind and will conceal his identity as much as possible.¹⁴

VII. SIGNATURE AND MODUS OPERANDI

Modus operandi and signature of a criminal are often misconstrued. MO is the preparation and course of action done deliberately by the criminal for the commission of his crime. It includes tools he uses to kill or to restrain, time of attack, sequence of action etc. Whereas a criminal signature is not completely relevant to the commission of the crime but stems from a psychological or emotional gratification.

While both are significantly useful to link the crime to the criminal and to link one crime to another, modus operandi and signatures have some key differences between them, and it is important to understand them to better identify the motive of the criminal. An MO evolves with each crime and is subject to change, but a signature can be seen in every crime of the same criminal and in most cases, does not change. An MO is typically the physical aspects employed by the criminal in order to commit the crime but a signature comes from a psychological aspect of the criminal. In an MO, the evidence left behind is the process itself and any other evidence obtained was possibly not intended; in a signature the evidence is usually intentionally left behind by the criminal himself to tie him to the crime.

(A) The Case Of Nathaniel Code Jr. - Modus Operandi And Criminal Signatures

In this case a distinct difference between the MO and the signature can be found. Nathaniel murdered over 8 people and while his MO evolved as he found better ways to commit the crime, his signature was found to be the same in all the crimes allowing a connection to be made between the murders. In most cases his victims were found to be gagged. In the first murder Nathaniel didn't exactly plan on the execution so the first victim was gagged by a cloth found on the site. This changed in his subsequent murders as he began carrying duct tape with him. The method of murder was also found to be different where the first victim was stabbed multiple times, but the other victims were shot or strangled. In some cases, he even found that turning on the television or the radio helped drown the noise made by the victims. He further learned that it was better to kill the adults as instantly as possible but if the victims were children, he did not intend to waste any bullets on them and instead preferred to strangle them.

¹⁴ Tradecraft, Wired," Former FBI agent explains Criminal Profiling" 2020. Available at <https://youtu.be/LHqbfJ3tq4Y>

On the other hand, his signature in all crimes remained quite similar. Before murdering his victims, Nathaniel ordered them to kneel on the floor and look away which indicates that he enjoyed asserting a level of dominance over them. All his victims were brutally mutilated, some beyond recognition which allows one to assume that this type of overkill could be because the criminal is expressing his rage. This could be seconded on the fact that none of his female victims were sexually assaulted but still mutilated no less, thereby confirming that his crimes came from rage and not a desire for lust. He also always used electrical cords exclusively to restrain the victims but did not use the duct tape that he brought neither did he bring a rope. This was a distinct feature that was psychologically appealing to the criminal for some reason. Further, all his victims were American blacks which also indicates some sort of emotional or psychological factor as to why he chose a specific race.¹⁵

VIII. MODUS OPERANDI IN INDIA

Section 173 of the Criminal Procedure Code¹⁶ provides for a charge sheet which contains all the details of a crime including the date, time and place of the crime, weapons or other objects seized from the scene, medical reports, forensic evidence among other basic details like names of the victim(s), witnesses, complainant etc. The charge sheet is submitted to a criminal court of law which then decides if the accused has prima facie evidence to be put on trial.¹⁷ The information contained in a charge sheet when examined carefully might lead to an MO that becomes a significant link between the criminal and the crime. The Supreme Court of India, however, in the case of *Rajesh Yadav V. State of Uttar Pradesh*¹⁸ observed that the final report of an investigating officer containing the details of the crime are merely the opinions of the investigating officer on account of the forensic evidence and expert opinions. It reflects a version of “truth” that is pieced together by the investigating officer and cannot be used as substantive evidence but only as corroborative evidence provided that there is other evidence to link the criminal to the crime.

Police officers record and store the information of crimes and associated criminals and maintain a database. This database is classified based on the MO of the criminals. These are then identified with gangs to which particular criminals belong which made apprehension of offenders a lot easier.

¹⁵ Douglas, J.E., & Munn, C. (2013). Violent crime scene analysis: Modus Operandi, signature, and staging.

¹⁶ The Criminal Procedure Code, 1973. Sec. 173

¹⁷ RELEVANCE OF CHARGE SHEET UNDER CODE OF CRIMINAL PROCEDURE, <https://www.iilsindia.com/blogs/relevance-charge-sheet-code-criminal-procedure/>

¹⁸ CRIMINAL APPEAL NOS. 339-340 OF 2014

In 2016, Uttar Pradesh Police identified and convicted a rather higher rate of criminals like robbers, looters, drug peddlers etc. This rise in criminals before the conviction motivated the Police to adopt a new method which would allow them to go a long way into cracking the cases. They realised that in order to catch a criminal it was highly important to get in a criminal's headspace and learn his MO and recreate the pattern of the crime scene exactly as he would. For instance, when a case of theft or robbery or drug peddling was brought to the attention of the police, they checked the MO of the offenders to identify the criminal and the gang that he belonged to. The Additional Superintendent, in this case stated that the police kept tabs on the movements of these criminals after they've been released on bail and became immensely familiar with the gang's MO which aided in narrowing down and finding out the gang to which the criminal belonged. He further stated that they maintained a database of the criminals' MO, their photographs, past known addresses, associations etc., which was then used by the surveillance team to track down the offenders.¹⁹

Another incident where one Rahul Singh, a robber who executed 2 loots in jewellery shops was encountered after being caught in a crossfire against the Police. Rahul Singh worked as a building contractor and the employees who worked under him were lured into being his accomplices in robbery. These "employees" were given training for a whole month where they were taught to scale walls, jump really long and to handle weapons, mostly guns. The two loots were bigger crimes committed by him after hitting several small shops from which he successfully got away. The Police kept track of his MO and the two big loots that happened in Aliganj and Aashiana perfectly matched his MO. This helped the Police to immediately identify that it was indeed Rahul's work and apprehend him.²⁰

IX. MODUS OPERANDI - THE FUTURE WAY

The National Crime Records Bureau is currently working under the supervision of the Union Home Ministry in developing an artificial intelligence system which will read FIRs through Natural Language Processing and classify them into similar MOs. Around 16,000 police stations all over the nation will be granted access to this database. This would help police solve cases in a much faster and easier way since they learn about the ways of the criminal. The collected database will be stored by the Modus Operandi Bureau, and it will be updated on a

¹⁹ Kanwardeep Singh, "Identifying gangs, learning their modus operandi helped crack many cases: Bareilly cops", 2019, *The Times of India*.

Available at: <https://timesofindia.indiatimes.com/city/bareilly/identifying-gangs-learning-their-modus-operandi-helped-crack-many-cases-bareilly-cops/articleshow/72463567.cms>

²⁰ Slain criminal used to operate gang, lured youths into crime
<https://timesofindia.indiatimes.com/city/lucknow/slain-criminal-used-to-operate-gang-lured-youths-into-crime/articleshow/90467851.cms>

regular basis with new methods of commission of crime. As mentioned, MOs are always evolving and there are new crimes developing without bounds occurring every day. These are not exhaustive, and it is important to collect and track every such thing for future reference and linkage between existing crimes and their ways. This was police officers will be able to obstruct a crime from happening before it does. Back when technology did not find its way into police work, police officers maintained handwritten cards which were classified and stored based on MO. Searching and linking one MO to the crime committed or the criminal was a manual task. With this MO database police officials can get access to this information from wherever they are. This database would go a long way in preventing a lot of crimes.²¹

X. CHALLENGES

- Although MO helps in identifying a criminal's ways, it proves to be extremely confusing when there is an involvement of copycat criminals. This would lead a person to be convicted for the wrong crime and the actual criminal gets to hide behind his veil.
- Any criminal that might know how police officials study the MO might as well be one step ahead and have no MO which might confuse the cops leading to a dead end before they pursue other routes.
- The new database using Artificial Intelligence still requires manual work to a certain extent where the Police officials have to upload the FIR copies into the database and any irregularities in this process might be a challenge to keep the database up to date.

XI. SUGGESTIONS

- Police officers must be made aware of the difference between MO and Criminal signature which might help them understand the psychology of the criminal which would be a great help in identifying the criminal once they understand how his mind works.
- More studies must be done into analysing the "not so obvious" clues in a criminal's MO where he adopts different methods but still subconsciously sticks to few similar aspects which might create the connection.
- Police officers should be regular in recording a criminal's behaviour in every crime and establish his MO as soon as possible. They should be able to access it anytime so that

²¹ Neeraj Chauhan, Centre plans AI-backed database to solve similar crimes faster, prevent them <https://www.hindustantimes.com/india-news/centre-plans-ai-backed-database-to-solve-similar-crimes-faster-prevent-them/story-uOtsuDTF3HpTsxHUFZvwzH.html>

when they approach a crime scene, they could immediately know that there has been a similar crime before.

XII. CONCLUSION

Studying a criminal's MO is handy when it comes to all sorts of crimes, but it has been vastly useful in the process of identifying serial killers more than anything else. Since they leave behind several crime scenes, establishing that two or more of those scenes were left behind by the same individual facilitates easier access to the collection of evidence against him. Even when one or two crime scenes have less or no evidence left by offender, with an established MO, the evidence collected from other scenes of the same individual could be used to apprehend him. MO is a whole spectrum ranging from the smallest idiosyncrasies of the criminal to his most subconscious psychological aspects. It is important to examine and analyse all of that while creating the modus operandi in the criminal's profile.

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