

## Lesson One

### **INTRODUCTION TO CRIMINAL PSYCHOLOGY**

#### **Aim**

To define crime and criminal psychology.

Before we go on to consider the work of the criminal psychologist, let us first consider, what exactly is crime? You may think you know the answer to that, but as with most things, it is not as simple as we might first think.

#### **Definitions of Crime**

In psychology, there are three theories that are the most widespread approaches to defining crime. There are other approaches, but as these are the most widely accepted, we will consider those here.

#### **The Consensus View**

This view stems from the sociological theories of J Shepherd (1981). This school of thought holds that society functions as an integrated structure, the stability of which is dependent on consensus or agreement by its members, so that the rules, values and norms are respected by all. Therefore, the legal system of the society is a reflection of what is considered tolerable and intolerable behaviour within that particular society i.e. intolerable behaviour is disapproved of by the majority.

Before a crime can be said to have occurred, it has to be committed. So without an action, there can be no crime.

The act must be legally forbidden. It is not enough to just be anti-social behaviour. For example, picking your nose in public is considered anti-social in many cultures, but it is not considered a crime. So the act must be forbidden by law.

Usually, the person who commits the act must also have a criminal intent to commit the act. For example, if a person drives a car and hits another car we would have to consider whether there was criminal intent. In other words, was it an accident or did the driver intentionally ram the car?

There is also the issue here of morals. That is, something may be morally wrong but this does not necessarily mean that it is legally wrong. For example, racism and sexism are morally wrong but it is only in recent times that they have become legally wrong also.

What is considered a crime within society can also change. For example, in the past, printing a lewd book, being homosexual, or having an abortion, or have all been considered criminal sexual acts. Laws change all the time to fit in with what society considers acceptable and not acceptable.

Some behaviours such as, acts of prostitution, will flit in and out of the legal system but some acts tend to remain there permanently such as murder, assault, rape, inflicting harm on property (burglary, trespass).

The function of criminal law is to maintain the universal aims of the society, to protect the individual's person and property. However, laws also exist to protect the State itself. Within this theory is also the concept of 'criminal law' where a person receives retribution for transgressing the agreed boundaries of what is acceptable. The idea of punishment for crimes is not an easy one, as many ethical issues will arise. We will discuss this in more detail in later lessons.

### **The Conflict View**

The Conflict View is the direct opposite of the Consensus View. Proponents of this theory argue that society is a collection of diverse groups, not an integrated structure. They believe that within society, there are different groups of people, such as students, professionals, unions, businessmen and so on. These groups are in conflict with each other in a range of ways due to the inequality of the way that wealth is divided. There will be some poorer people, some wealthier people, some with power, some with no power, and so on. This inequality leads to a society based on conflict, which is thought to then promote crime.

This theory grew in popularity during the 1960s and 70s. A distinct branch of this was the Marxist theory which thought that crime was a direct result of the capitalist society. Some people have wealth, some do not. Every group and class has people within it who commit crime, but the type of crime is dictated by the system. For example, poorer people will commit crimes such as theft, burglary, murder, whilst middle class people may commit crimes such as theft from employers, white collar crime, fraud, and so on. The upper classes may commit crimes such as environmental pollution and damage, which may not be considered crimes in the same way as burglary, for example.

The justice system is viewed in the same way that criminal law exists to protect the rich.

### **The Interactionist View**

The Interactionist View falls between the Consensus and Conflict View. It began as a field of thought within sociology called symbolic interactionism. The view is based on a number of assumptions:

1. Every individual's behaviour is due to their own interpretation of reality and the meaning that events hold for them.
2. People will learn meaning by observing how other people react, both positively and negatively.
3. We evaluate our own behaviour according to the meanings we have learned and that we have acquired from others.

This view therefore maintains that there is no moral right or wrong, rather changes in moral standards affect the legal standards. For example, killing another person is a criminal act. However, in some situations, for instance, when a person kills in self-defence, it is considered a legitimate killing.

### **So what actually is a crime?**

Using the models above, we can see that crimes are acts that break the law of the particular society. The Oxford English Dictionary defines crime as:

*“An act punishable by law, as being forbidden by statute or injurious to the public welfare. An evil or injurious act, an offence, sin, especially of a grave character.”*

However, we also have to consider does the law cover all acts that may cause injury to public welfare? What about damaging decisions made by the government? Also, what is considered a crime – as we have discussed above, some behaviours are considered immoral or antisocial, but are not necessarily a crime.

Think about the following:

- Euthanasia
- Killing in self-defence
- Drinking too much alcohol
- Taking drugs
- Killing during a war
- Failing to join the army as required in a war time situation.
- Making personal phone calls at work
- Using the internet in work time
- Using work envelopes/stationery etc
- Finding money in the street and keeping it
- Prostitution.

So, on the one hand we have crimes that break the law, and hence represent the ‘legal’ definition of crime. On the other hand, we have acts that offend our moral code which represent the ‘normative’ definition of crime.

We have probably given you more questions than answers here, but defining crime is not, as we said earlier, a simple matter. As we can see, crimes are defined by societies and by culture and the time that we live in. For example, it would not have been a crime one hundred years ago to not pay your TV licence in the UK, because there was no TV. In Victorian pharmacies, cocaine was sold, but today this would be considered illegal in most countries.

So what we view as a crime depends on:

- How crime is viewed
- Time
- Particular society
- Culture

There is no objective, simple definition of crime. The meaning of crime is affected by the particular society in which you live. Therefore, we can say that the meaning of crime is actually a **social construction**.

Crime has several meanings all of which are socially constructed. There are crimes that occur within strict legal definitions and those that relate to codes or conventions known as normative definitions. They are usually formal moral codes such as religions, or informal codes such as socially acceptable behaviour.

So now we have discussed crime in society, let us now consider the role of the criminal psychologist.

### **What is a criminal psychologist?**

Criminal psychologists may be known by a variety of names:

- Criminal psychologist
- Forensic psychologist
- Investigative psychologist
- Profiler
- Criminologist

In this course we will use the term criminal psychologist. A criminal psychologist deals with the psychological aspects of the legal process. This includes:

- Understanding the psychological problems associated with criminal behaviour.
- Treatment of criminals.
- Applying theory to criminal investigations.

### **What do Criminal Psychologists do?**

Criminal psychologists will cover a range of roles, such as:

- Research evidence to support practice
- Implementing treatment programmes
- Modifying offender behaviour
- Advising parole boards
- Responding to changing needs of prisoners and staff
- Stress management techniques for staff and prisoners
- Statistical analysis used for prisoner profiling
- Use psychological testing to assess offenders
- Provide psychological reports to the defence/prosecution
- Appear in court as an expert witness
- Crime analysis
- Mental health tribunals.

### **CASE STUDY – CRIMINAL PSYCHOLOGY IN THE UK**

In the UK, the largest employer is the HM Prison. This includes prisons, the Home Office Research and Development Unit). They may also be employed by the health service in secure hospitals and rehabilitation units, social services (police service, young offenders units, probation service), and in universities or private consultancies.

Criminal psychologists may also be responsible for developing programmes such as:

- anger management
- rehabilitation
- drug and alcohol addiction treatments
- cognitive skills
- social skills
- support of prison staff
- understanding and coping with bullying
- hostage negotiation techniques

Let us now consider the role of the criminal psychologist in a bit more detail. As mentioned above, the criminal psychologist will have a number of roles in a criminal investigation.

1. Profiling – when a crime has been committed a criminal psychologist may be called in to act as a criminal profiler. Many of us have an idea of what a profiler does through TV, cinema and crime novels. Criminal profiling involves a psychologist using his/her understanding of human behaviour, pathology and motivation to try to create a psychological profile of the offender. Profiles can be very accurate. The profiler can use information from the scene of the crime to infer behavioural characteristics of the person who committed the crime. The profiler will also use their knowledge of the ‘typical offender’ who commits this sort of crime and predict how the offender is likely to behave in the future and what their physical appearance may be. Profiling can be very exciting but fortunately there are not a lot of serial offenders around, so there are limited job prospects and training prospects. Once an offender has been apprehended, there are more opportunities for psychological intervention. It has been used in investigative police work, interrogation and in police line ups. Typically, psychologists will carry out research in these areas and use it to inform police procedure, but sometimes they may act as a consultant or offer training to the police. Police psychologists will also sometimes work with officers, including counselling, evaluation and crisis counselling.
2. Courts – there are many opportunities to apply criminal psychology within the court system. Criminal psychologists are often asked to attend criminal and civil cases. In the criminal field, they may be required to assess competency, that is, whether the person is fit to stand trial, can make legal decisions on their own behalf, and so on. Evaluations are also carried out when the defendant appears to have a mental deficit, mental disability, or psychiatric disorder, such as schizophrenia. Psychologists may also have to evaluate the defendant’s mental state at the time of the offence. The idea of ‘not guilty by reason of insanity’ relies on a psychological evaluation of the defendant’s inability to form a criminal intent. Criminal psychologists can also be used in civil law to determine the level of trauma. For example, civil criminal psychologists may work on cases involving child custody, immigration issues, sexual harassment, or any other civil matter where it is necessary to determine the amount of distress a victim may have experienced. Criminal psychologists may also be asked to evaluate potential jury members. A good evaluator can determine whether a juror may be on their side and, in doing so, try to eliminate any potential prejudice in the selection process. Both sides will do this to hopefully end up with a balanced jury.
3. Correctional Systems – some criminal psychologists will work in prisons, jails and juvenile correction facilities or psychiatric hospitals. They will be involved in a variety of roles, such as therapeutic intervention, diagnosis, psychometric testing and so on. Their evaluations can be important to future paroles.



#### **SELF ASSESSMENT**

Perform the self assessment test titled ‘Self Assessment Test 1.1.’  
If you answer incorrectly, review the notes and try the test again.

**Set Task**

Research the role of the Criminal Psychology in your country. Make notes on what a criminal psychologist does, where they will work, what sort of tasks they have in relation to their job.

**ASSIGNMENT**

Download and do the assignment called 'Lesson 1 Assignment'.