

Role of Psychology in Crime Investigation and in Expediting Justice: A Review

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Abstract:-The relationship between psychology and law can be traced back to the 19th century, albeit with little attention having been given to the two disciplines' interactions. The interface between these disciplines has grown tremendously over the years and the existing relationship needs to be nurtured and developed if the criminal justice system is to win the war against crime and criminality. The main objective of this paper was to review the literature related to the contributions of psychology to the field of law with a view to coming up with better answers to the questions that have always been raised about unresolved criminal matters. The author discusses how psychology can be harnessed by law enforcement agents, psychologists and other criminal justice system experts to improve on the investigation of crime and the general administration of justice. The paper analyses the importance of offender profiling, interviewing witnesses and suspects, construction of police line ups/identification parades as well as the importance of testimony giving by experts in the criminal courts. From the review of literature, the author concludes that psychology and law are two inseparable fields that need to rely on each other for justice to be properly served. The review, also acknowledges that police line ups are not foolproof when it comes to identifying the correct suspect but their usage in criminal investigation goes a long way in aiding witness memory. The paper concludes that, without the proper integration of psychology into the criminal and legal matters, many cases can be improperly handled resulting in false convictions, wrongful acquittals and inappropriate sentencing of accused persons

Key words: Crime investigation, Expert witness, Forensic psychology, Justice, Law, Police line ups, Profiling

I. INTRODUCTION

Modern-day policing is a colossal task for many law enforcement agencies. Oftentimes, the challenges faced are largely due to the unpredictability of the policing environment. The advent of new digital technologies, as well as the general increase in education, should stimulate the law enforcement agencies to innovate and come up with robust models for investigating and detecting crime. Further, those charged with the investigation, prosecution and hearing of cases for the purposes of administration of justice need to be familiar with how human beings behave and also, how their behaviour can be studied for the purposes of understanding crime. Psychology as a science which deals with human behaviour, should, therefore, be harnessed and exploited for proper and effective delivery of justice. It has to be remembered, however, that perpetrators of crime are increasingly employing a wide range of sophisticated tricks to conceal their tracks after committing crimes. Some resort to

faking mental illnesses to escape prosecution while others may feign dumbness or deafness to avoid questioning by law enforcement authorities. It is prudent, therefore, that the criminal justice systems utilise psychology and its methods to understand criminal behaviour through conducting screenings and assessments on accused persons and prisoners, to investigate psychological disorders among criminal or civil court defendants, and to examine the mental state of criminals to consider if they can stand before a magistrate or jury. Psychologists, and other mental health professionals such as psychiatrists, therefore, have a wide range of roles to play in the proper administration of justice.

II. AN OVERVIEW OF PSYCHOLOGY

To understand the role of psychology in the criminal justice system, it is critical to explain what psychology is and what its aims are. According to Kalat (2016), the term psychology derives from the Greek roots *psyche* meaning "soul" or "mind" and *logos* meaning "word" and thus, psychology is literally the study of mind or soul. A clearer definition was provided by Feldman (1993) when he posited that psychology is the scientific study of behaviour and mental processes. In support, Gross (2015) postulate that psychology as a discipline seeks to understand, predict and control human behaviour. In other words, psychology is concerned with explaining, predicting, modifying and improving the lives of people and the world in which they live. To achieve its aims, psychology employs scientific methods and procedures in order to answer questions about the nature of human behaviour. It is primarily concerned with the elimination of harmful and unwanted behaviours while nurturing and promoting helpful ones. The role of psychology in crime investigation can be fully explained using forensic psychology which is a subfield within psychology which deals with crime investigation for the purposes of making court decisions. A more comprehensive definition of forensic psychology was proffered by Gudjonsson and Haward (2016) when they postulated that forensic psychology as a concept, is derived from a Latin word '*forensis*' which means the forum, or the court system of the Ancient Rome where matters in a dispute were settled. In support, Heibrun (2000) clarify that forensic psychology is the professional practise by psychologists within the area of clinical psychology, counselling, psychology, neuropsychology, and school psychology when they are engaged regularly as experts and represent themselves as such in an activity primarily to provide professional psychological expertise to the judicial system. In

other words, forensic psychology is a discipline of psychology focusing on the application of psychology to issues that involve the law and the legal system. In support, Canter and Young (2009) argue that psychology is of central importance in criminal investigations because it allows investigators to define the relationship between offender's behaviours and his/her characteristics, thereby assisting investigators in terms of where and what type of person to look for. The process of interpreting the behaviour observed at a crime scene is the function of psychology and is key to successful investigations. During the investigation, one can expect to collect five behavioural characteristics that can then form part of the evidence. For example, amount of planning that went into the crime, degree of control used by the offender, escalation of emotion at the scene, the risk level of both the offender and victim and the appearance of the crime scene in terms of whether it is an organized or disorganised scene.

III. CRIMINAL PROFILING

One of the most visible roles played by psychology in crime investigation is criminal profiling. This is an investigative technique used by psychologist or police officers to infer an offender's characteristics from his or her crime scene behaviour. Criminal profiling is sometimes referred to as psychological profiling, offender profiling, criminal investigative analysis, crime scene analysis, behavioural profiling, criminal personality profiling, socio-psychological profiling and criminological profiling. In this review, however, the phrase criminal profiling will be used interchangeably with offender profiling and psychological profiling. In an attempt to explain what criminal profiling is Douglas and Olshaker (1995), aver that criminal profiling is the development of an investigation by means of obtainable information regarding an offence and crime scene to compile a psychosomatic representation of the known architect of the crime. In support, Ebisike (2007) asserts that offender profiling is a crime investigation technique whereby information gathered from the crime scene, witnesses, victims, autopsy reports and information about an offender's behaviour is used to draw up a profile of the sort of person likely to commit such crime. Profiling is by its very nature, a complementary technique and is usually taken up when no physical traces were left at the crime scene. Offender profiling does not point to a specific offender. It is based on the probability that someone with certain characteristics is likely to have committed a certain type of crime. Criminal profiling is typically used with crimes where the offender's identity is unknown and with serious types of crime such as murder or rape. Profilers are also likely to work on crime series, which are collections of crimes that are thought to have been committed by the same offender (Bull et al., 2006). For example, a profiler may try to infer a criminal's age, gender or employment history commencing from the manner he or she has performed throughout the period the crime was carried out. In psychological profiling, behavioural consistency is a key issue. This is largely so because of the understanding that offenders normally engage in the same specific behaviours

from one crime to the next. This behavioural consistency has come to be known as the *modus operandi* in crime investigation. In summary, psychology is vital in solving complicated criminal cases because it allows for the development of profiles based on common psychological traits and similar patterns of behaviour.

IV. INTERVIEWING WITNESSES AND VICTIMS

Witnesses are a crucial constituency in the criminal justice system. The success or failure of any investigation depends to a larger extent, on witness testimony hence the need for witnesses to be accurate in their perceptions. Police Investigators may interview both witnesses and victims to elicit the truth about a criminal or civil case before them. In carrying out interviews, investigators employ a number of approaches at their disposal. These approaches are meant to improve the recall ability of the witness. One such approach as propounded by Geiselman (1984) and cited in Oxburgh and Dando (2011) is the Cognitive Interview (CI) procedure. This approach is primarily concerned with the enhancement of memory performance. It is also described as the Innovative Interviewing technique and is based on the psychological theory and research examining the retrieval of information. It employs two techniques namely the Change Temporary Order (CTO) and the Mental Reinstatement of Context (MRC). According to Oxburgh and Dando (2011) in CTO, a witness is instructed to attempt retrieval in a backward order to facilitate previously inaccessible memories. The MRC as a technique which requires interviewees to mentally reconstruct the crime event they witnessed is of vital importance in enhancing memory and its contribution to effective witnessing can not be underestimated. For psychologist or police officers to get the best from witnesses, it is of paramount importance for them to understand that witnesses need to be assisted to recall certain criminal episodes because some episodes bring trauma, anxiety, mental disorientation and even panic, hence the need to promote calm so that the witnesses return to manageable levels. In fact, some witnesses need emotional and psychological support throughout their interactions with the criminal justice system. They need to feel psychologically safe when relating to crime issues.

V. INTERVIEWING SUSPECTS

Successful crime investigation is anchored on proper interviewing of crime suspects. To achieve that, psychologists and police officers need to be aware of interviewing tactics if they are to obtain accurate and objective information about a crime committed. The quality interview which yields correct information is only possible if appropriate questioning techniques are used. According to Pearse and Gudjonson (1999) cited in Oxburgh and Dando (2011), appropriate questions which are open-ended and probing should be utilised as opposed to the inappropriate questions which are closed, direct, leading and suggestive. These do not encourage frankness.

Interviewing suspects or criminals is surely not an easy exercise. The majority of criminals do not share information for fear of incriminating themselves. Oftentimes, criminals go to the extent of telling lies in order to avoid prosecution. The act of lying was described by Masip, Blandón-Gitlin, Martínez, Herrero and Ibabe (2016) as deception. As alluded to, suspects lie for different reasons and these may range from lying to avoid arrests and being linked to criminal cases while witnesses lie to avoid giving testimonies in courts or to avoid being hurt by criminals for exposing their criminal activities. To explain deception, Vrij (2014) argues that lying is more demanding cognitively than truth-telling because those engaging in lies should always remember what they say and to whom it is said in order to maintain consistency. To detect lies, one should always be on the lookout for increased pauses, decreased blinking, and decreased hand and finger movements which are all signs of the cognitive load imposed on the individual by lying (Vrij, 2014).

VI. POLICE LINE UPS/IDENTIFICATION PARADES

Police line ups, also known as identification parades in investigation terminology, are a police procedure used to identify a suspect by placing him or her among a group of individuals who normally have nothing to do with the crime being investigated. While these line ups are regarded as a mere police procedure, it is critical that they are understood in a psychological sense. As a matter of fact, once a line up has been constructed, a key witness or witnesses are invited to come and identify the suspect. Remember, eye witness identification is a function of memory. For one to accurately identify a suspect, much is dependent, to a larger extent, on their ability to retrieve information stored in the memory. But, a person's ability to recall incidences can seriously contaminate the identification as a result of such issues like their own biases or stress factors resulting from the crime experienced. For example, if the accused persons committed the offence while brandishing a firearm or a knife, the experience can severely disrupt the witness's memory leading to faulty storage. Faulty storage can only lead to faulty retrieval. In explaining factors affecting memory, Laney and Loftus (2016), argue that mistakes in identifying perpetrators can be influenced by a number of factors such as poor viewing conditions, too little time to view the perpetrator or too much delay from the time of witnessing to the identification. To give further credence to the identity parade, 'fillers' or other individuals forming the parade should be of the same height, build, posture as well as the complexion with the suspect. Noteworthy also, is the fact that the 'fillers' are known before the line up is constructed to be innocent hence no confusion should arise if a 'filler' is mistakenly identified. It is important also, and for the admissibility of evidence in court, for these line ups to be conducted in a fair manner. According to Carlson (2011), perpetrator distinctiveness is an important factor to consider when conducting eyewitness identification. According to this study, it has to be borne in mind that some people are easier to identify than others depending on their facial features. This, therefore, calls for vigilance when

conducting police line ups. In fact, a common handbook for police line ups giving clear instructions as to how a parade is to be conducted should be adopted by all who use line ups as an investigative technique. This handbook if adopted should be clearly interpreted for the avoidance of false identifications. Over and above, police line ups are to be used together with other strategies if their helpfulness is to be realised.

VII. EXPERT WITNESS

Another key contribution of psychology to crime investigation and justice is in the courtroom. Psychologists especially the forensic psychologists, are normally invited to criminal or civil courts to provide psychological evaluation for the determination as to whether the accused or the plaintiff is fit to stand trial. In support, Wilson (2019) traces the contribution of psychology to the courts to as far back as 1896 when a psychologist identified as Albert von Schrenck-Notzing testified at a murder trial about the ramifications that suggestibility has on witness testimony and based on that action, psychological factors were taken up for considerations during subsequent criminal, civil and family trials. Since then, psychology has played a role in evaluating the competence of the accused or plaintiff in terms of their cognitive, emotional and psychological competence to offer an acceptable defence. Remember, the main aim of a psychologist in the courtroom is to integrate mental health evidence and practices with court proceedings. The expert is sometimes required to evaluate and testify whether an accused was present during the commission of the crime or whether they were in their sound and sober senses. This determination of crime causation goes a long way in deciding whether the accused should be held liable or not for the crime committed. Over and above, expert testimony seeks to cure issues to do with false convictions, inappropriate sentencing and wrongful acquittals.

VIII. THE INTERSECTION BETWEEN PSYCHOLOGY AND LAW

As illustrated on Figure 1 below, both Psychology and Law seek to control human behaviour for the good of the individual concerned, the community they live in as well as the country they are a citizen to. Psychology seeks to control behaviour through altering cognition or thought processes by getting rid of 'bad' thoughts and replacing them with 'good' thoughts while law controls human behaviour by imposing sanctions such as punishment on the offender for them to feel the pain and shun bad behaviour. The two fields, therefore, play a complementary role in controlling human behaviour for the good of society.

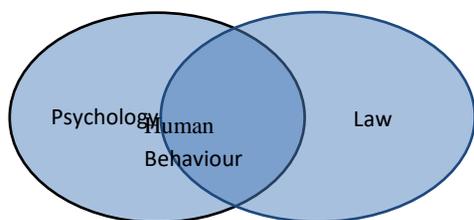


Figure 1: The intersection between psychology and law.

Source: Author 2020

IX. CONCLUSION

From the discussions made, it can be seen that the interplay between psychology and the criminal justice system is the backbone of effective criminal investigation and the good administration of justice. The symbiotic relationship between the two fields needs to be nurtured and developed in a way that benefits the criminal justice system in particular and the society in general. It has to be remembered, however, that the discussions made in this review are not exhaustive in terms of what psychology can offer to the legal field. Empirical studies can be carried out to validate the relationship between psychology and the criminal justice system.

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