OFFENDER PROFILING

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Edited by

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OFFENDER PROFILING

An Introduction to the Sociopsychological Analysis of Violent Crime
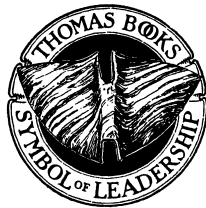
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To Adriana and Rosanna

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

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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

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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.

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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.

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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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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

combination with actuarial information allows the clinician involved in the administration of the tests to draw an interpretive analysis. In other words, on the basis of the test results, the clinician infers aspects of a type of personality within a probability, which may be useful in treatment. The clinician will look for personality traits and patterns, comparing them to a gamut of already established personality types. This is, in a sense, similar to the database used by Federal Bureau of Investigation profilers and others in their search for the typology of an unknown offender.

On the basis of psychological testing the psychologist will reach a diagnostic impression, pointing out not only the personality of the person tested but his behaviors in his interactions with others. A further appraisal will be derived from a direct interview and the results of the test material will be interpreted in view of the uniqueness of the personality of the individual. A comparison can be made between this information and the crime scene. Indeed, the crime scene can be thought of as a sociopsychological puzzle whose pieces must be rearranged and analyzed by investigators in order to derive a typology of a possible offender and his or her particular modus operandi.

Among the many variables assessed in psychological testing are the person's emotional stability, sociability, values, consistency, reliability, sexual identity, anger, hostility, impulsivity, obsessive-compulsive features, and the presence or absence of mental disorders. In this analysis, a psychologist may use both deductive and inductive methods. In so doing, a construct of an individual's character (the personality in action) is achieved. Such methods are also used in criminal profiling.

As is well known, during their development people acquire, primarily through their family and social contacts, customs, beliefs, and a code of behavior. Social customs and beliefs are formative elements of their personality. Although at times they are similar to those of others, they are never perceived in the same way. Indeed, it must always be remembered that each person will act in a unique way in his relationship with others, as will the criminal at the scene of a crime. Generalizations must be avoided. Some people may not grow up in accordance with societal expectations. Although they may misbehave, the majority of them do not upset the social balance with their somewhat nonconformist behaviors. At times, however, the behavior of others completely deviates from the norm and endangers the single individual or the collectivity. These are not just deviants, but often violent criminals–arsonists, rapists, murderers–who pose a danger to society. Their criminal conduct is recognized as a violation of the norms of conduct and, as Emile Durkheim (1950) stated, their behaviors, a reflection of their inner disposition, offend strong collective sentiments.

PHYSICAL CHARACTERISTICS

At times, physical features have been proposed as the outward manifestation of an individual's inner disposition. In Homer's *Iliad*, the poet, describing the physical characteristics of Thersites, implies that those features–ugly, deformed, and with scanty hair–were probably associated with a hidden criminal disposition. In *The Murderer and His Victim*, John M. Macdonald (1961) reported that Socrates agreed with a Greek physiognomist's comment regarding such a possibility but stated that although that was his natural disposition, he had overcome it. The above suggests that deformity may be connected with strong negative feelings, but that is, in fact, questionable, if one takes Socrates and his ugliness as a comparative measure. Certainly his behavior, as far as we know, was in most respects exemplary, as he guided his disciples to the perception of virtues. It can be theorized that overcoming his violent disposition most probably involved resolving or suppressing his inner negative emotions. In *Hippias Major*, Plato suggested that ugliness is not a sign of morals but of ontological imperfection and loss of rationality (Woodruff, 1982).

Closer to us, Charles Dickens (1987), describing some of his characters, at times associated ugly features with evil-doing and criminal behavior. The well-known ideas propounded by Cesare Lombroso (Gibson 2002) in that regard, successful for a period, were later completely rejected by criminological scholars. However, one cannot completely dismiss the possibility that people may react to a real or imaginary dysmorphic self with feelings of disappointment and anger, and that these feelings may be channeled into their attitudes toward others or even be transformed into feelings of anger at the world, fueling antisocial behavior.

Under the influence of an intense affect, such as elation or anger, hate or happiness, facial features may change. However, there are many people who are able to control such external manifestations or to sublimate a violent disposition, but who explode in particular situations. The psychopathic killer belongs to this type. For example, the faces of Ted Bundy and Jeffrey Dahmer, well-known serial killers, photographed at different times during their criminal careers show different expressions and a different affect. They generally had the ability to conduct themselves in a socially acceptable manner and to control their emotions, projecting a different self at different times. Thus, the often-televised artist's sketch of an offender's face, generally based on the testimony of witnesses to a crime, may be just the particular expression of a mood state of an offender at a particular moment. Many a crime has been committed by otherwise apparently well-behaved people, and the gamut comprises not only those who are classified as exhibiting an intermit-

tent explosive disorder, but also paranoid conditions, or the most malignant type of narcissism.

PSYCHOPATHIC TYPOLOGIES IN LITERATURE

Other literary scholars have also contributed to the shaping of human typology, offering motivations for criminal acting out through their creative imaginations. Dante Alighieri (1982), in his *Divine Comedy*, portrayed in a vivid and condensed manner personages who, because of their violent behavior and murderous acts, have passed into history. The poet gives the reader a clear perception of the heinous crimes they committed, their motivations, their dynamics, and their feelings, through the description of their postures, gestures, and facial expressions, the so-called unspoken language. Dante's meticulous descriptions of the murderers are relevant to the topic of criminal investigation, because of their incisiveness: typologies should avoid vagueness. In the Seventh Circle of Hell (Canto XII) he placed persons who are violent, the murderers, the tyrants, immersed and boiling in a river of blood, plunging their hands in blood and plundering. "Here they lament their ruthless crimes," he wrote, describing their commensurate punishment (p. 109). The criminals he describes perpetrated crimes of filicide and patricide, or avenged the killing of their fathers by killing their murderers. However lust and love are not forgotten by the poet. Indeed, Paolo and Francesca, still embracing one another and full of guilt, depict their incestuous relationship. Shakespeare, too, left a good portrayal of the platonic incestuous feelings of King Lear for his daughter Cordelia (Duthie, 1949).

In *The Prince*, Nicolò Machiavelli (1994) suggested that a leader should develop and cherish those traits that in the present-day criminological field would be considered psychopathic, such as "when [people] no longer believe in you and your schemes, you must be able to force them to believe" (p.21); "I believe that this (keeping your power) depends upon whether cruel deeds are committed well or badly. They may be called well committed . . . when they are committed at once" (p. 33); "Doing some things that seem virtuous may result in one(s ruin, whereas doing other things that seem vicious may strengthen one(s position and cause to flourish" (p. 35). And Machiavelli clearly stated, "Those rulers who have achieved great things in our times have all been considered mean; all the others have failed" (p.56). These statements clearly reflect the thinking and behaviors of a psychopathic personality: the lack of remorse and empathy for others, and a narcissistic, grandiose self in search of power, typical of many present-day offenders.

Later, Fyodor Dostoevsky (1990) gave an incisive typology of a borderline psychopath in Dmitri Fyodorovich Karamazov–a pleasant-looking, passion-

ate, charming, irritable, moody, young adult, prone to intemperate outbursts of anger, whose ambivalent and shifting moods made him at times, by his own admission, behave like a beast toward his own father. The typical picture of a present-day psychopath! And Raskolnikov in *Crime and Punishment*? He is the perfect picture of a disturbed character. A man whose name in Russian means schismatic, divided, who, unable to make up his mind, moves from good to evil, sees what he feels and feels what he believes: a typical borderline personality, charming, intelligent, and emotionally tortured. Nevertheless, a killer embodied in a humanist (Dostoevsky, 1993).

More recently, Luigi Pirandello (1993), with the characters in his plays and prose, portrayed a long series of conflicted personages, often living on the margins of society, embedded in the stark reality of their lives. Their unique typology changes with the social context, and often they feel different, estranged, and not part of their world. They certainly remind one of those inadequate, passive-aggressive persons, manipulated by a larger society, who wonder whether it is good to be good and who potentially are explosive personalities if their controlling defenses weaken.

On the lighter side, among the fiction writers who have dealt in some forms of psychological criminal profiling one finds Arthur Conan Doyle, creator of Sherlock Holmes (2003) and Agatha Christie (1985). The psychological profiling and the attention given to crime scenes in the writings of both authors are quite impressive. Their intuitiveness and their analytical assessment of the details and clues, especially at the scene of the crime, should be part of any methodological approach to criminal profiling.

THE ROLE OF FRUSTRATION IN PERSONALITY DEVELOPMENT

In the early 1970s, Abraham Maslow (1971), psychologist and sociologist of international fame, assessing human development, devised his theory of basic needs. The satisfactory fulfillment of these needs was viewed by him as fundamental for a person's self-maturation. He listed these needs as physiological and affective, a need for a sense of security and love, and a need for self-esteem. Whereas Maslow's theory had addressed social development, earlier theories of Sigmund Freud (1960) had addressed psychological development and the psychological factors at the basis of human aggression. Both theories are essential to our understanding of antisocial behavior and are useful in the development of a criminal profile; they are complementary and influence one another. Any frustration encountered by individuals in the process of their social or psychological maturation may bring about internal

and external conflicts, emotional disturbances and, even more so, difficulties in their interactions with others, eventuating at times in criminal acting out.

More specifically, frustration at any stage of Maslow's needs theory may bring about a gamut of antisocial reactions. Indeed, people may react with violence when deprived of food essential to their survival; when their safety or that of their family is threatened; when disrespected or dishonored by another–friend, lover, stranger. Disrespect–to be "dissed"–is frequently the justification for assaultive misbehavior by young adolescents on the streets. On the other hand, psychological immaturity and conflict are often fertile ground for the development of the anger and hostility that is at the basis of antisocial behavior.

Pertinent to this discussion, Colin Wilson (1990), in his book, *A Criminal History of Mankind*, introduced the concept of the *Right Man*, a man who firmly believes that he is always right, a man with a profound sense of *amour-propre* who, with stringent logic, affirms the rightness of his ideas, justifying in so doing his determination to get what he wants. Many a paranoid killer (spree, mass murderer, serial killer, or sniper) share the characteristics of the Right Man–intelligent, psychologically twisted, and inflexible in his thinking.

CONCLUSION

One may wonder about these reflections in the context of a book on profiling, but profiling is the prerogative of any human who does not live in a vacuum. Thus, in creating a sociopsychological criminal profile, one must remember that psychopathology cannot be understood and profiled without taking into consideration all types of psychological behaviors. People live in a social milieu and some form of profiling takes place in all social interactions. So, while Homer describes the features of Thersites, he psychologizes about his attitudes and predispositions. Although Socrates denies a proclivity to violence, he admits that such is his natural inclination, which he has managed to overcome. Dostoevsky's analyses of Dimitri Fyodorovich Karamazov and Raskolnikov give a typology of ambivalently obsessed and guilty minds. And Pirandello, with his realistic portrayals, throws us into the midst of those common people who, even though insecure, perplexed, and obviously resentful, are able to control their behavior while expressing their feelings, without resorting to criminal explosive acting out.

This book, however, deals with those people who have acted out or who may act out and, because of their antisocial behaviors, can be classified as psychopathic offenders, not always mentally ill, but certainly displaying sick, antisocial, and, at times, monstrous behaviors. Typical of such behaviors