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Application of criminal psychology in criminal law and criminology

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A B S T R A C T

One of the most fundamental concepts in criminal law and criminology is criminal liability. Traditionally, criminal law criminalizes a person who is wise, autonomous, and mature, while insane, compulsive, and minor persons are held criminally liable. Apart from the fact that there is no exact definition of insanity and the line between insanity and mental health is not clear, in some types of mental disorders such as paranoid disorder, borderline personality, anti-social personality and bipolar disorder, it is certain that the person from He does not have mental health, and unfortunately, criminal law, with its black or white view of human beings, includes such persons in the circle of healthy human beings and treats them similarly, while these persons cannot, like persons who They are mentally healthy to have control over their behavior. Criminal law is criticized by criminologists for dealing with the disabled or the crime instead of addressing the causes of the crime and delinquency. The truth is that criminal law with the criminal means at its disposal cannot observe justice and inevitably seek help from sciences such as criminology and criminal psychology.

Keywords: Criminal Psychology, Criminal Law, Preliminary Investigation Stage.

INTRODUCTION

Today, the role of criminology, and especially criminal psychology, in the administration of justice and the provision of order and security in society is prominent. Historical experience has shown that the mere use of punishment tools in achieving the aforementioned goals has been ineffective. Of course, addressing the issue of what is criminal psychology, how it was developed and the application of this science in criminal law has a lot of research and study, but in this article we try to outline the main content and main applications.

DEFINITION OF RESEARCH WORDS AND TERMS

Criminal Psychology

The term "criminal psychology" is defined in different ways. However, there is no single definition for it today. For example, about ten years ago, two leading criminal psychologists in the UK defined it as a branch of applied psychology that deals with gathering, examining, and presenting evidence for related judicial purposes. From this explanation, it appears that criminal psychology is related to investigations (related to the police) and to judicial processes. The

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disagreement between the definitions of criminal psychology is not far-fetched and should not come as a surprise.

Hence, a broader definition of the term "criminal psychology" seems to be needed. One of America's leading psychologists has come a long way in providing a single definition. He describes the term "criminal psychology" as the use of psychological knowledge or methods to deal with an important issue raised by the legal system (Association, 2013; Gavin, 2018; Gudjonsson & Haward, 2016; Weiner & Hess, 2006; Wrightsman, 2001).

Criminal law: Criminal law or criminal law or criminal law is a branch of public law that examines government protections for the rights of individuals and the values of society. Basically, criminal law does not create rights for individuals in society (Ormerod & Laird, 2018; Werle & Jessberger, 2020; Zahar & Sluiter, 2008); It only forces people to respect rights and values. That is why criminal law is also called "the law of values". A distinctive feature of criminal law is its strict enforcement guarantee. It is punishment that has turned criminal law into a repressive discipline as opposed to other tendencies. Since this tool is only in the hands of the government, criminal law has been considered a branch of public law (Ashworth & Horder, 2013; Bohm & Haley, 2017).

Preliminary investigation stage: This stage includes the discovery of a crime, the prosecution of the accused, the preliminary investigation and the interrogation of the plaintiff, the accused and the witness by police officers and the prosecutor. These actions are in order to gather the available evidence and file a case for a fair trial (Nielson, 2017; Winegar & Sunstein, 2019).

Criminal Profile: Criminal law or criminal law or criminal law is a branch of public law that examines government protections for the rights of individuals and the values of society. Basically, criminal law does not create rights for individuals in society; it only forces people to respect rights and values. That is why criminal law is also called "the law of values". A distinctive feature of criminal law is its strict enforcement guarantee. It is punishment that has turned criminal law into a repressive discipline as opposed to other tendencies. Since this tool is only in the hands of the government, criminal law has been considered a branch of public law (Bohm & Haley, 2017).

The criminal profile refers to a conclusion and inference from the characteristics and behaviors of his crime scene. For example, a criminal profile may display age, gender, or criminal history. This operation is referred to by other names including criminal profile making, psychological profile, and analysis of specific characteristics. The criminal profile is usually used to identify crimes in which the identity of the perpetrator is unknown. For example, crimes such as murder and rape can be mentioned. In addition, the profiles will work on crimes that are thought to have been committed by the same offender. Thus, the criminal profile will be divided into two general categories: 1- geographical characteristics, 2- characteristics and personality traits of the offender.

APPLICATION OF CRIMINAL PSYCHOLOGY IN THE PRELIMINARY RESEARCH STAGE

This chapter examines some of the key issues in criminal and police psychology and provides an overview. The function and role of the police as an institution providing security and maintaining public order and tranquility, making changes in its structure in accordance with the requirements of time and place, and the reflection of these changes in the image of the police in the minds of citizens are discussed. In addition, how the police respond to the requests and

complaints of members of the community, mentioning some of the goals scored regarding the establishment and provision of police services will be examined in this chapter.

Police and criminal psychology

The purpose of the police services is to maintain order and security in the society, to prevent the occurrence of crime, to arrest those who commit some obvious crimes. Interrogate the suspects, defendants, witnesses and informants, conduct local investigations against the locals, and photograph the scene of the crime, filming and recording the results of their observations. Police officers not only perform a wide range of "social service" tasks, but also deal with a variety of individuals in the criminal justice system, including criminals, informants, suspects, victims, witnesses, lawyers, judges, social workers, senior officers, and staff. They are dealing with an office. The diversity of responsibilities is probably one of the main reasons why the media, especially television programs, have largely turned their attention to police oversight (Cowley-Cunningham, 2019; Kapardis, 2009; van Aaken & Broude, 2019).

Police force stress control

It is worthwhile to discuss the stress experienced by police officers, because playing the role of police requires dealing with difficult situations and incidents, and sometimes in very dangerous and unpredictable situations. This is a global problem. Long-term stressors can have many detrimental effects, including psychological problems, absenteeism, staff turnover, alcohol problems, marital problems, and family disorders (Brown & Campbell, 1994; Burke, 2016; Toch, 2002).

The work of the police may be inherently stressful, but that does not necessarily mean that officers always suffer from it. The prevailing political ideology emphasizes that police officers must be capable and emotionally strong in order to deal with situations that civilians find stressful. If the work itself is inherently stressful, what can be done to reduce or eliminate its causes and effects?

Police may witness deaths and injuries, and may even have to notify family members of a colleague of his or her death. In many cases, he confronts dangerous criminals and responds immediately to dangerous or life-threatening conditions. While the number of such aggressive experiences is very small, high levels of uncertainty can be stressful on their own (Kapardis, 2009).

Findings Research studies show that not all officers will experience the same stress. In other words, different officers will face different levels of stress. Senior officers experience organizational pressures such as management and work records such as staff shortages, high staff turnover, resource scarcity, high workload, and increasing maintenance and new developments. Lower ranks are more prone to work stresses such as participating in severe traffic accidents and dealing with violence (Cowley-Cunningham, 2019).

Beyond their normal duties, police officers are often called to special situations that require a coordinated response to a civilian catastrophe or violent incident (eg, street riots and armed robberies).

Personality and characteristics of the police

Investigating the possibility of a "police character" is very important in terms of who is suitable for certain tasks and who can cope with stressful situations. There is no conclusive evidence on the origins of the police personality, but research evidence suggests that such a personality exists and that the police are different from other occupational groups. Characteristics such as authoritarianism, religious bigotry, conservatism, and pessimism are

present in the surveillance examples, but determining whether applicants with such a personality can serve in the police or whether police training can shape officer behavior. No, it is very difficult. Evidence suggests that this goes beyond police training and cannot measure people's behavior when entering police service. Recent studies have shown that characteristics such as authoritarianism will only develop when the police officer is involved in violent incidents(Button, 2019).

In many countries, the police force has a very positive relationship with the people. Despite turbulent times, accusations of racism, sexism, and other ugly behaviors of young people, the citizens of these countries have a special trust and respect for the police. Police officers and citizens believe that effective police oversight requires public support. Therefore, the police must maintain their interaction and cooperation with the community and provide very good police services(Button, 2003, 2019).

Increasing demands for more police on the streets may reflect a positive relationship between the public and the police. In Britain, people have called for an increase in the number of police on the streets. Recent research shows that the presence of more police on the streets reduces the fear of crime and is effective in maintaining law and order.

Detection of deception using behavioral symptoms

Numerous published books have claimed that they can show behavioral symptoms associated with lying. Some have focused on the criminal environment and others have examined the beliefs of experienced researchers on these points. Unfortunately, recent research in criminal psychology has found many of the misconceptions that these books claim. This means that although experts and unauthorized individuals in different countries have expressed similar beliefs about the behavioral symptoms of lying, these beliefs have been largely wrong. In this section, first the beliefs and then the existing facts about this matter are examined. Some of these beliefs are:

- Liars control their gaze too much.
- They move their arms and legs more;
- They change their body position.
- They touch their body more.

Many beliefs about the signs of deception are based on the hypothesis that when people lie, they become very nervous and may have to think about their own lies. The problem is that people who tell the truth may do the same. Innocent suspects may become nervous or forced to think more than usual during interrogation, especially if the interrogators are strong, aggressive, and bullying. When a person becomes emotional, it is often difficult to remember everything, so that it will be very difficult to even recall recent experiences. On the other hand, some criminals may not be able to behave nervously about their crimes or even during police interrogations (which may be repeated several times) (DePaulo et al., 2003).

Recent studies on the detection of lying using behavioral signs show that many of these lies are very small and partial and cannot be detected using signs, because many people control their behavior and like the beliefs of others. They do not behave about the behavioral symptoms of a liar.

The facts about detecting deception using behavioral cues are as follows: Professor Aldert Warey of the University of Portsmouth summarizes published research on the ability of professionals (e.g. police officers) to detect deception using behavioral and verbal cues. Data,

and have provided many reasons for changing their current performance(Hartwig, Granhag, Strömwall, & Andersson, 2004).

Due to the growing interaction between the British police force and criminal psychologists, as well as the efforts of many psychologists to achieve this relationship, we were able to use a large police force in the UK to help uncover and investigate the real lie. The investigation included actual police interviews with suspects, all of which were videotaped. These videos were recorded and analyzed in order to carry out this investigation, as well as to provide a large sample of police officers (who were not involved in the investigation). In this study, the average accuracy of falsehood / truth is sixty-five percent, the rate of detection of lies is sixty-six percent, and the detection of truth is sixty-four percent(Vrij & Fisher, 2016).

Polygraph (polygraph): A polygraph is a set of equipment that can measure the internal activities of the body such as heart rate, blood pressure, respiration and palm sweat. These activities are displayed on a graph or computer screen. Such equipment is used in many medical and scientific settings. The use of this device to detect deception is based on a very old hypothesis, according to which the internal activities of the body will change when lying. This device can measure the internal activities of the body with great accuracy, and this is while many issues have been raised to identify the liar and the liar, some of which are: Do the physical activities of people, when lying; is it different from when they tell the truth? Aren't these differences the same in telling the truth?

In the first attempts to identify criminal lies using polygraph methods, a number of new techniques called questionnaires were developed, the use of which is now completely obsolete. For example, the "irrelevant-irrelevant" technique is the only way to relate physiological responses to crime-related questions to irrelevant ones. One of the major problems with this technique is that some innocent people (For example, a loving husband) will show the strongest response to the relevant questions (for example, "Did you kill your spouse?") The questionnaire technique is one of the most common methods for identifying crimes today. This technique includes items such as the "Control Questions Test" and the "Crime Awareness Test" (Hartwig et al., 2004).

CONCLUSION

The application of criminal psychology in criminal law and criminology is somehow related to the long-standing and fundamental question of whether man is an autonomous or compelled being. Although throughout history many efforts have been made by philosophers, sociologists and psychologists to give a definitive answer to this question, but this case is still open. Acknowledging that it is very difficult to understand the truth of human nature, but with the advancement of science in recent decades, the issue of human determinism and free will has become somewhat closer to its clarity. Nowadays, the findings of neuroscience show that in many cases man is not as free as he thought, that is, the human person, as Sigmund Freud says, is in biological algebra. Later, other psychologists such as Carl Jung also dominated environmental algebra. And they have added a culture to it. These scientific findings can help us a lot in irony today, for example, as neuroscientists say, the ultimate cause of many human mental disorders, such as borderline personality disorders, antisocial personality disorders, narcissism, and bipolar disorder rooted in the human gene. And the person with these disorders in doing many things cannot have complete control over their behavior, that is, the self-control of the person in the face of many things is very low, for example, a person with antisocial personality tends to be destructive, and this is due to a genetic predisposition rather than a human will. Therefore, acts such as imprisonment or other violent reactions cannot correct such people. Of course, this is only one side of the issue. Regarding the other side of the case, it

should be said that the judge in judging should not consider people with these disorders to be equally to blame compared to people with mental health because these two groups are self-controlling. The rates are not equal. By addressing these issues, criminal psychology can help us to better administer justice and provide significant assistance to the offender and society.

REFERENCES

- Ashworth, Andrew, & Horder, Jeremy. (2013). *Principles of criminal law*: Oxford University Press.
- Association, American Psychological. (2013). Specialty guidelines for forensic psychology. *The American Psychologist*, 68(1), 7 .
- Bohm, Robert M, & Haley, Keith N. (2017). *Introduction to criminal justice*: McGraw-Hill Education.
- Brown, Jennifer M, & Campbell, Elizabeth A. (1994). *Stress and policing: Sources and strategies*: John Wiley & Sons.
- Burke, Ronald J. (2016). *Stress in policing: Sources, consequences and interventions*: Routledge.
- Button, Mark. (2003). Private security and the policing of quasi-public space. *International journal of the sociology of law*, 31(3), 227-237 .
- Button, Mark. (2019). *Private policing*: Routledge.
- Cowley-Cunningham, Michelle B. (2019). *Psychology of Law: 3 Critical Empirical Legal Problems (Presentation Slides)*. Paper presented at the Corresponding slides to CSLS Socio-Legal Seminar Series for students as Nicholas deB Katzenbach Fellow, New Directions in Socio-Legal Studies, University of Oxford.
- DePaulo, Bella M, Lindsay, James J, Malone, Brian E, Muhlenbruck, Laura, Charlton, Kelly, & Cooper, Harris. (2003). Cues to deception. *Psychological bulletin*, 129(1), 74 .
- Gavin, Helen. (2018). *Criminological and forensic psychology*: SAGE Publications Limited.
- Gudjonsson, Gisli H, & Haward, Lionel RC. (2016). *Forensic psychology: A guide to practice*: Routledge.
- Hartwig, Maria, Granhag, Pär Anders, Strömwall, Leif A, & Andersson, Lars O. (2004). SUSPICIOUS MINDS: CRIMINALS' ABILITY TO DETECT DECEPTION. *Psychology, Crime and Law*, 10(1), 83-95 .
- Kapardis, Andreas. (2009). *Psychology and law: A critical introduction*: Cambridge University Press.
- Nielson, Aaron L. (2017). How Agencies Choose Whether to Enforce the Law: A Preliminary Investigation. *Notre Dame L. Rev.*, 93, 1517 .
- Ormerod, David, & Laird, Karl. (2018). *Smith, Hogan, and Ormerod's Criminal Law*: Oxford University Press.
- Toch, Hans. (2002). *Stress in policing*: American Psychological Association.
- van Aaken, Anne, & Broude, Tomer. (2019). (The Psychology of International Law: An Introduction. *European Journal of International Law*, 30(4), 1225-1236 .
- Vrij, Aldert, & Fisher, Ronald P. (2016). Which lie detection tools are ready for use in the criminal justice system? *Journal of Applied Research in Memory and Cognition*, 5(3), 302-307 .
- Weiner, Irving B, & Hess, Allen K. (2006). *The handbook of forensic psychology*: John Wiley & Sons.
- Werle, Gerhard, & Jessberger, Florian. (2020). *Principles of international criminal law*: Oxford University Press, USA.
- Winegar, Angela G, & Sunstein, Cass R. (2019). How much is data privacy worth? a preliminary investigation. *Journal of Consumer Policy*, 42(3), 425-440 .
- Wrightsmann, Lawrence S. (2001). *Forensic psychology*: Wadsworth/Thomson Learning.
- Zahar, Alexander, & Sluiter, Goran. (2008). *International criminal law: a critical introduction*: Oxford University Press.