

# Profiling of Criminals under the Influence of Substance Abuse: A Judicial Role in Forensic Psychological Investigation

Ms. Shivani Kachhiya<sup>1</sup>, Mr. Pravesh Charan Isai<sup>2</sup>

<sup>1</sup>Graduate Student, Dept. of Forensic Science, Parul Institute of Applied Sciences, Parul University, Vadodara, Gujarat

<sup>2</sup>Asst. Professor, Dept. of Forensic Science, Parul Institute of Applied Sciences, Parul University, Vadodara, Gujarat

**Abstract** - The term substance abuse refers to intake of substances such as alcohol, various types of drugs, like amphetamines, opioids, LSD (Lysergic acid diethylamide), nicotine, cocaine, phencyclidine and sedatives, hypnotics or anxiolytics. The use of toxins, drugs may occur in environmental, social, situational, and cultural context that influence the potential for violent outcomes. Different substance affect individually differently on basis of their history, physiology, psychology, gender and other cultural factors which is somehow related to individual's past life events. The concept of Criminal Profiling is one such reliable domain which we can rely & get the accurate results in terms of Behaviorism pattern of any individual & also we can differentiate whether we should categorize the same individual in sounded mind person or unsounded mind person. Addiction to drugs & alcohol the person might get end up in commission of the violent crime specifically, not only that it also impacts individual's neuropsychological functions as well. In this research study will be focusing more on the profiling part of those individual who is getting indulge into the substance abuse as it'll give us clear cut picture of individual's behavioral pattern i.e. "Criminal Behavior Pattern" . Through profiling, targeting only one specific domain i.e. Substance abuse it is focusing in many other sets of sub domains like biological functions, central nervous system (CNS) and many more. It will provide a new pathway towards the investigating approach. Symptoms like rapid heartbeat, paranoia, nausea, hallucinations and other disturbing sensations the individuals has little control over which lead them to commit the violent form of crime. As far as legal domain is concerned the treating drug involved offenders provides a unique opportunity to decrease substance abuse and to reduce associated criminal behavior. Emerging Neurocognitive trends has the potential to transform traditional sanctions oriented public safety approaches by providing new therapeutic

strategies against addiction that could be used in criminal justice system. In future, if it is implemented in Criminal justice system it would help improve public health & reduce criminal behavior.

**Index Terms** - Criminal Profiling, Substance Abuse, Criminal Behavior Pattern, Judicial Role, NDPS Act etc.

## INTRODUCTION

Substance abuse is term that refers to intoxication of substances such as alcohol, drugs like cocaine, opioids, amphetamines, LSD (Lysergic acid diethylamide), nicotine etc. The term "Substances" can refer to a drug of abuse, a medication, or a toxin (American Psychiatric Association [APA] , 1994). Addiction of certain toxins to individual among youth is common nowadays. When someone develops addiction, the brain craves the reward for substances and continues to do so for certain days. In today's society substance abuse and crime rates are simultaneously correlates with each other. Intoxication is quiet strongly associated with crimes of violence. Commission of any offence by substance abuse voluntarily impairs his own self-control and good judgment as well as very effective to human body as its negative impact that leads to certain changes in personality, psychologically and physically which ultimately harm to social, environmental and cultural relations. For example Neuroticism is the trait disposition to experience negative effects including anger, frustration, Aggression, Anxiety, self-consciousness, irritability, Emotional instability and depression. This kind of behavior pattern may cause difficulty in taking care of oneself and basic needs

such as shopping, hygiene, paying bills or keeping a job as a result of anxiety and depression. Due to this consumption of more and more drugs, alcohol and other substances to fulfill needs and overcome anxiety people engage in violent offence. Neuroticism has come to know as reflecting traits that show tendency to become easily aroused when intoxicated with stimulants or chemicals released from such psychotropic substances or inability to calm oneself down easily when upset or get worried. According to definition given by (Costa and Mc Crae and others), Neuroticism is negative personality trait involving, maladjustment and negative emotions, poor self-regulation or the ability to manage urges, trouble dealing with stress, strong reaction to perceived threat and the tendency to complain. This various factors effect to the criminal behavior of perpetrator who indulge in substance abuse. Drug abuse has led to detrimental effect to society and country. The Uniform Crime Reporting Program (UCR) of the Federal Bureau of Investigation (FBI) reported that in 2007, 3.9% of the 14,831 homicides in which circumstances were known were Narcotics related. There is certain malicious activity such as homicide; Murders, Trafficking or Manufacturing of drugs and its related offences is increasing. According to certain sources violent activities against college students by keeping them engage in abusing substances such as drugs by group of people, under peer pressure or in attitude with psychology of adulthood and making their own decision teenager as well as students use drugs and to fulfill their requirement in greed, practice deception and thieving money from the parents or other activity which is bound to be illegal. Usage of substances among adult is common nowadays as rate of crime is also increasing. Profiling of certain offender is made to inference their behavior, history and psychological factors that affect them to commit such offence or to know the involvement of Mens rea or Actus rea according to which punishment is implemented to the perpetrator.

Law and criminal justice system plays an utmost role to give justice to the offender who by his subconscious mind commit any crime. Long term effect of addiction can cause even brain damage and, lead to death of individual. Judiciary system plays vital role to give justice to the offender for the crime being committed due to substance abuse unknowingly or without knowledge. As, drug related arrest, conviction and

incarceration continue to increasing day by day Criminal Justice System faces the problem to handle such large amount of cases in court of law. Here by review based research paper that covers all the three domains of Law, Psychology and Forensics which deals with criminal abusing substances to relate their modus operandi of violent activities, crime scene and Behavior pattern of an individual. There are certain sections in Criminal justice system that deals with the criminal who is intoxicated with various substances and commit violent activities.

#### REVIEW OF LITERATURE

Substance abuse in general and alcohol abuse in particular are associated with increase in risk of interpersonal violent behaviors (Boles and Miotto, 2003; Grann and Fazel 2004; Hoaken and Stewart, 2003). Interpersonal violence accounts for large proportion of fatal or serious physical injuries as well as psychological trauma and severe loss of quality of life for victims (Krug et al, 2002). The Relation is complex addressing issues of proximal and distal risk factors, pharmacological effects, social context and personal expectancy as well as biological and psychological vulnerability (Boles & Miotto 2003; Chermack, Giancola, 1997; Hoaken and Stewart, 2003). Additionally, an inclination or tendency to behave in particular way for aggressive behavior enhance the risk of being aggressive when under the influence of alcohol or illicit drugs (Taylor and Chermack 1993). The effect of alcohol an aggression and violent behavior has been studied from the perspective of several disciplines (Chermack & Giancola, 1997; Paker, 2004) and in relation to variety of violent offences, for example: Assault, Homicide, Domestic Violence, Sexual assault (Cloner et al, 2011, Darke 2010; Murdach et al, 1990). Other substances that increase the risk factors for violent behaviors are Benzodiazepines and anabolic androgenic steroids. Benzodiazepines are prescribed for anxiety, insomnia and several alcohol withdrawals. To our knowledge, only one previous study investigated the triggering or acute effect of alcohol, illicit drugs and Major classes of prescribed psychotropic drugs in violent behavior of offender (Haggard, Grann et al 2006)

The per capita consumption of alcohol in India increased 38% from 1.6 liters in 2003-05 to 2.2 liters

in 2010-12. According to these (WHO) report, which also revealed that more than 11% of Indians were binge drinkers against the global average of 10%? Several psychological factors have been found to play a vital role in violence (Cher Mack, and Giancola 1997). The factors include influence on the individual behavior patterns which begins developing in early childhood so continue to evolve through adulthood. The Bureau of Justice statistics (BJS) National Crime Victimization Survey (NCVS) asks the victim of violent crime who reported seeing the offender whether they perceived the offender under the influence of drugs. According to 1992 survey, about half of the victims could not determine whether the offender was under the influence of substance, of those who could make determination, about 59 % reported that the offender was under the influence of drugs / alcohol. The most common substance identified was almost not combined with other drugs. About 20% reported that offender was under the influence of drugs alone or in combination with alcohol. According to Bureau of Justice Statistics, over 7, 50,000 crimes were committed involving individuals being under the influence of alcohol or drug in 2007.

A study published in the psychology of violence journal involved the following findings:

- The relationship between substance use and violence is apparent among a wide range of various population and types of abuse, i.e., violence in the community, violent criminal recidivism, etc.
- Drug and alcohol use are both linked to violence.
- The highest risk of violence occurs when drugs and violence occurs when drugs and alcohol use takes place in combination.
- Abusing alcohol seems to be significantly linked to the risk of being physically assaulted or injured, yet the association with drug is not as strong.
- Violent acting out while under the influence of drug or alcohol was significantly higher for men than women.

The National Institute on Drug Abuse (NIDA) state that drug abuse categories in three types of drug related offence.

- Drug possession and distribution
- Directly related to drug abuse (i.e. stealing to get money for drugs.)

- Lifestyle of engaging in illegal activity ,( i.e. association with other offenders or with illicit markets )

The NIDA believes that treatment provides the best alternative for minimizing and eventually stopping the drug abuse and criminal activity. Gender may also be of fundamental importance in modifying the relationship between alcohol and psychoactive drug use increases those behaviors (Reisis & Roth, 1993). National survey report that male drinking patterns are more likely , than those of females, to incorporate binge drinking with aggressive behavior while under the influence of alcohol is very rare among females (as cited in Fagan , 1990; Pihl & Peterson, 1993). In contrast to alcohol, drug use has been found to be associated with violent behavior for both women and men (Friedman, 1998).

#### INVESTIGATING APPROACH ON CRIMINAL PROFILING

Criminal profiling is a forensic technique which seeks to provide investigative agencies with specific information which will help to focus on individuals with personality traits that is parallel of other perpetrator who have committed similar offences [ From Criminal Profiling ; Principles and practices By : R.N. koesis , Homana press Inc, Totowana,N]. More recent description of Criminal Profiling is refers to the process of identifying or making an inference of personality trait of criminal , behavioral tendencies , geographic locations and demographic or biological description of an offender based on his mode of crime , mens rea , etc. It is also an attempt to provide investigator with more information on a serial murderer who is yet to be identified or already punished. It also known as behavior analysis, this aspect of field of psychology offers law enforcement practice tools with which to apprehend serial criminals. Behavioral analysis creates profiles which are then used to connect seemingly unconnected incidents which help the judiciary system to make an investigation much easier. Criminal profiling of criminal, behavior and history can give idea of the crime being conducted after substance abuse. Profiling of criminal is required to know the literacy, mental and physical state. Profiling of individual considers the factors like neurological, psychological, geographical, cultural as well socio-economic status of individual

that influence him to commit crime. Criminal profiling helps in investigation and to predict the characteristic of known individual. Not only forensic aspect it is interlinked with psychology, law and biological field. For example many notorious serial killers are caught by criminal profiling. They are as follows

- George Metesky
- Ted Bundy
- Joseph Paul Franklin
- Wayne Williams and Andrew Cunanan

By looking at major factors such as their History, Biological, Psychological and Behavior pattern of criminal, profiling is made.

- Past Background History – If any individual who has early childhood problems , low parental support, lack of guidance , ignorance by guardian , lack of academic score, impulsive behavior , weak physical and mental health, antisocial behavior etc. can lead to person engage in substance abuse at present time and ultimately violent behavior to overcome the memories of childhood problems.
- Psychological Illness Issues – The chemical compound present in Stimulant, Nicotine, Opioids, alcohol and Sedatives enter the brain through blood stream upon use that can cause people to lose control of their impulses or crave harmful substances. In response many users continue to use it may lead to feeling of euphoric and strange behavioral traits as well as impulsiveness and short-tempered that leads to commit harmful violence.
- Biological Aspects – Criminal whose parents or one of the family members engage in substance abuse or due to certain genetic disorders abusing drug or addiction to it may lead to violent effect to society an environment.

According to the above features profiling or behavior pattern of criminal is made to identify and make investigation easy or to link the series of crime through certain factors to single individual. By comparing modus operandi of offender, crime scene, its geographical location certain inference is made.

#### HISTORICAL BENCHMARK OF CRIMINAL PROFILING

The first modern case of criminal profiling was the analysis made by Dr. Thomas bond on the serial killer Jack the Ripper (Patrick 2005). In the 1980 s Dr. Bond a police Surgeon, performed the autopsy on Mark Kelly (Jack The Ripper’s last victim). From the autopsy he deduced that the man had lack the skill of autopsy or anatomical knowledge of surgeon .In an attempt to understand what had occurred, he reconstructed the murder and tried to interpret the behavioral pattern of the assailant (Offender Profiling, 2006). After much examination Bond came to conclusion with a profile for the police to investigate further. It included a quiet harmless looking man. He was physically strong, composed, daring despite being a longer without any real occupation. Bond also concluded that five crimes were committed by same man (PETHRICK 2005). Despite the case remains unsolved Dr. Bond was widely regarded as the first Offender Profiler (Offender Profiling 2006). For example, Profiling of famous serial killer Ted Bundy, Bundy was a cunning and charming psychopath who kidnapped, raped and murdered more than 30 women in seven states between 1974 to 1978. Difficult childhood, strained relationship with his step father and constant bullying. He is an organized offender who with well-planned location and strangulate the women at a place.

#### IMPACT OF SUBSTANCE ABUSE ON INDIVIDUALS HEALTH

The effect of drug abuse depends on the type of drug, any other substances that a person is using and their health history. Addiction to certain substances impact brain on many levels. Alcohols, Drugs contain chemical compound that affect the mind and body. There are different on basis of types of drug used, dosage and delivery method. Using any kind of drug with less quantity and moderation has short term effect. For instances one or two glass or servings may cause mild intoxication. A person may feel relaxed, uninhibited, or sleepy. On the other hand misusing medication may lead to long term effects as well as addiction to such substances. Substance abuse majorly by youth of present scenario affects not only psychologically but also certain factors such as biological, sociological, and cultural factors. Criminal behavior and criminal profiling of any individual, is accomplished to know the modus operandi and Men’s

Rea behind any offence. Like drug addiction consumption of alcohol can cause feeling of disillusion, dissatisfaction in life due to lack of financial status, poor academic achievement, aggressiveness etc., are the various factors that lead to commit violence by the individual and harm to nearby family members, society and friends. It not only affects individual life but also socio-economy of India. According to survey report by National survey on the extent, pattern and trends of drug abuse in India (2004), alcohol is the most commonly used substance for addiction even for women as well whose rate is increasing day by day. Various crimes such as larceny, shop-lifting, stealing, burglary, robbery, sexual assault, homicidal cases are often increasing by narcotic and substance abusers day by day. People with Substance Use Disorder (SUD) are unable to cease during drug abuse that lead to poor academic performance, financial or economic problem that lead to engage in violent activity under aggression or intoxication.

#### JUDICIARY SYSTEM & PSYCHOLOGY

According to section 27 of NDPS ACT 1985, punishment for consumption of any narcotic drug or psychotropic substances shall be punishable with rigorous imprisonment for a term which may extend to one year or with fine that can extend to twenty thousand rupees or both. Currently, under section 27 of the NDPS ACT, possession of small quantities for personal consumption of drugs is a punishable offence, and can attract a fine of ten thousand rupees and imprisonment of six months or both. SECTION 35 is a law that allows a qualified person to request a court order requiring someone to be civilly committed and treated involuntarily for an alcohol or Substance Use Disorder (SUD). SECTION 85 defined as nothing is an offence which is done by a person who at the time of doing it, is by reason of intoxication, incapable of knowing the nature of the act or that he is doing what is either wrong or contrary to law. While on the other hand, SECTION 86 deals with intoxication of person when he commits crime knowingly or with criminal intention. The apex court, thus laid down a principle that, where an offence is committed by a person under influence of intoxication, it can be presumed that he has knowledge of the act which he is committing, but it cannot be presumed that he has got intention and the

same has to be inferred from the facts and circumstances of the case.

#### PSYCHOLOGICAL EFFECT ON BASIS OF DIFFERENT SUBSTANCES

- Smoking - When person smokes nicotine reaches the brain about 10 sec. At first it improves mood and concentration decreases, anger and stresses, relaxes muscles and reduces appetite. However research has shown that smoking actually increases anxiety, and tension. Nicotine creates an immediate sense of relaxation. So people believe that it reduces stress and anxiety. Smoking encourages brain to switch off own mechanism for making dopamine so in the long term supply decreases, which in turn prompts people to smoke more that leads to ultimately increase in Neuroticism.
- Alcohol - It may cause damage to your Central Nervous System. It can affect your ability to make rational choice. It can also damage frontal lobe that is part of brain responsible for vital functions, like impulse control, short term memory and judgment. Alcohol may encourage aggression or violence by disrupting normal functions. According to Disinhibiting Hypothesis. For example Alcohol weakens brain mechanism that normally restrains impulse behavior including inappropriate aggression. Crime it may lead to such as Homicide, sexual assault, drink & drive etc.
- Drugs - Some individuals use aggressive techniques to steal money to buy more drugs, others may be involved in drug trafficking which often leads to violent crimes. Person addicted to methamphetamines for instance may suffer from anxiety, confusion, insomnia, mood disorder, and aggressive or violent behavior. In addition, the psychological risk associated with cocaine use includes violent erratic or paranoid behavior. It leads to increase in Domestic Violence, Sexual assault, Suicide attempts, and other aggressive behavior.

#### IMPLEMENTING CRIMINAL PROFILING ON SUBSTANCE ABUSE INDIVIDUAL

Criminal profiling of person engaged in substance abuse is made to under certain factors to know easy investigation of criminal and inference is made whether the violent crime is committed due to substance abuse. Certain other factors are responsible for a person to indulge in substance abuse. According to case study profiling of criminal is made to know the Mens Rea or Modus operandi of Criminal who are engage in substances whether voluntarily or without knowledge. According to research, there is a strong link between criminal activity and substance abuse (Chaiken 1986; Inciardi 1979; Johnson et al. 1985). Eighty-four percent of State prison inmates who were scheduled to be released in 1999 were involved with alcohol or illicit drugs at the time of their offence; 45 percent were under the influence when they committed their crime; and 21 percent committed their crime for money to buy drugs (Office of National Drug Control Policy [ONDCP] 2003).

#### DISCUSSION

Substance Abuse use has complex biological and social determinants, and substance use disorders are medical conditions characterized by the disruption of key brain circuits. Implementing profiling of criminals who are under the substance abuse influence has a chronic-illness-management approach may be needed to treat the most severe substance use disorders; and Access to recovery support services can help former substance users achieve and sustain long-term wellness. From the previous case study on criminals consuming substances and according to judicial system, it is concluded that offenders should get justice and abetment is made in justice system for the one in unsound mind and commit violence. As neurocognitive trends is emerging and the therapy related to it, could help for public safety and decrease in addiction rate which indirectly effect to crime rate. If any law for offender is made in judiciary system recidivism, reformation and rehabilitation of perpetrator is possible that leads to crime free India. From the recent study of criminal profiling of offender, if the person who is not in state of mind or drunkenness and did not know the consequence what he did and cannot be convicted for the offence punishable under section 302 IPC.

#### REFERENCES

- [1] DiClemente, C. C., & Hughes, S. O. (1990). Stages of change profiles in outpatient alcoholism treatment. *Journal of substance abuse*, 2(2), 217-235.
- [2] Fazel, S., Långström, N., Hjern, A., Grann, M., & Lichtenstein, P. (2009). Schizophrenia, substance abuse, and violent crime. *Jama*, 301(19), 2016-2023.
- [3] Kazdin, A. E. (1993). Adolescent mental health: prevention and treatment programs. *American Psychologist*, 48(2), 127.
- [4] Kocsis, R. N., & Palermo, G. B. (2016). Criminal profiling as expert witness evidence: The implications of the profiler validity research. *International journal of law and psychiatry*, 49, 55-65.
- [5] Mayes, L. C., & Truman, S. D. (2002). Substance abuse and parenting.
- [6] McCollister, K. E., French, M. T., & Fang, H. (2010). The cost of crime to society: New crime-specific estimates for policy and program evaluation. *Drug and alcohol dependence*, 108(1-2), 98-109.
- [7] Meyer, C. B. (2008). Criminal Profiling as Expert Evidence?. In *Criminal Profiling* (pp. 207-247). Humana Press.
- [8] Rogers, M. (2003). The role of criminal profiling in the computer forensics process. *Computers & Security*, 22(4), 292-298.
- [9] Tevyaw, T. O. L., & Monti, P. M. (2004). Motivational enhancement and other brief interventions for adolescent substance abuse: foundations, applications and evaluations. *Addiction*, 99, 63-75.
- [10] Turco, R. N. (1990). Psychological profiling. *International Journal of offender therapy and comparative criminology*, 34(2), 147-154.