



SSAP6005

Criminology and
Forensic
Psychology

* TO INTRODUCE STUDENTS TO THE PSYCHOLOGICAL
UNDERSTANDING OF CRIMINALITY AND THE COMPLEXITY
INVOLVED IN DEFINING CRIME



* AIMS:

- * Reflect critically on historical and contemporary theory regarding explanations of criminality.
- * Demonstrate a critical understanding of the contribution of forensic psychology to evidence based practice relating to the investigation of crime.
- * Demonstrate an ability to critically apply psychological theory to the process involved in judicial contexts.
- * Critically appraise psychological theory and practice that underpins practitioner`s attempts to identify and respond effectively to a range of criminal populations.

* LEARNING OUTCOMES:

*Critical review: 3,000 words (50%)
Friday 15/11/2019 before 11.59pm

*Exam: 2 hours 30 min (50%). Two questions from a choice of four. To be arranged by Registry, date between 8th - 17th January 2020.

*Exemplar topics: Offender Profiling, EWT, Offender Rehabilitation and Juries.



KEEP
CALM
AND
ENJOY
YOUR EXAM

*Assessment:

First half of term

Lecture 1:
What is crime? What is Criminology?

Lecture 2:
Biological and Psychological
explanations of crime

Lecture 3:
Psychopathy and Sociopathy

Lecture 4:
The development of delinquency:
Juvenile offenders, violence and gangs

Reading Week

Second half of term

Lecture 5:
Psychological approaches to
understanding serious crime: arson,
violence and sexual crime

Lecture 6:
Terrorism and Hostage Taking

Lecture 7:
Offender Profiling

Lecture 8:
Juries and Courts

Lecture 9:
Eye Witness Testimony

Lecture 10:
What works? Punishing, treating and
rehabilitating offenders

* **Lecture delivery:**

- *What behaviours can be considered a crime?
- *Violence against a person / animal?
- *Why are sports such as boxing not considered as criminal acts?
- *Sexual offences?
- *What do you think about capital punishment?
- *And the death penalty?

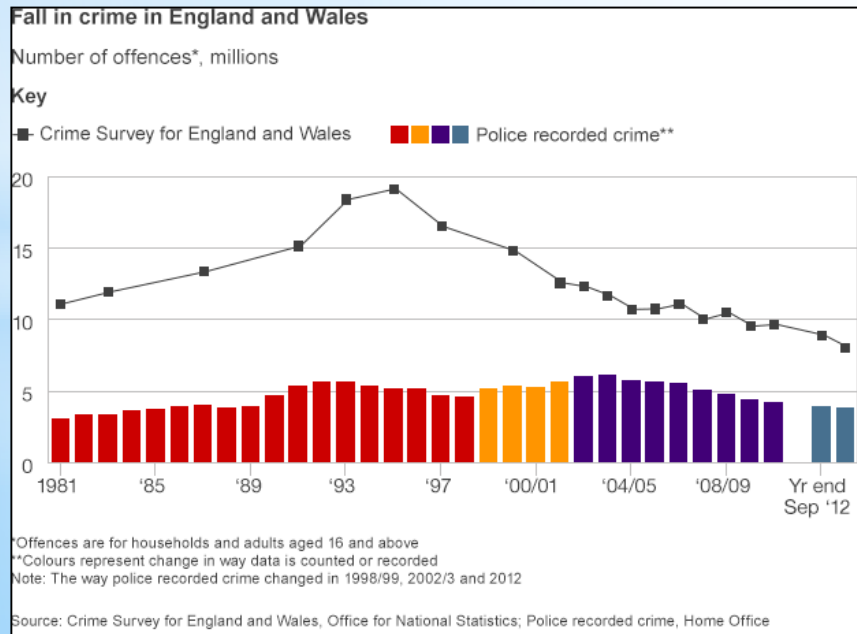
*The nature of crime

- * Spraying C.S. Gas into someone's face
- * Setting fire to a drink or food substance
- * Breaking someone`s nose
- * Exceeding the speed limit
- * Carrying a gun
- * Cannibalism



* ARE THESE
BEHAVIOURS EVER
APPROPRIATE?

- *The definition and measurement of crime
- *Official crime statistics
- *The social context of crime
- *Victims of crime
- *Modern Criminology



*Today's session

“Crimes...are acts attracting legal punishment.
[They] are offences against the community”

Blackburn (1993; p. 5)

- Crimes have consequences that may range from trivial to highly injurious. They also:
- Are socially disapproved of,
- Involve the violation of moral rules,

However, Blackburn notes exceptions to these conditions-

*What about...

*Using work stationery for personal use?

*Possessing marijuana?

*Consensual sex between 15 year olds?



*What is a crime?

- * “The core of criminal law is the same, but the border moves” (Feldman, 1993; p4). E.g.
 - * Sexual conduct
 - * Drugs and alcohol
 - * Religious conduct
- * Criminal law in these areas varies greatly over time and between different places.
- * Are there any acts that everyone can agree are deserving of legal punishment?



*What is a crime?

- * Most societies condemn murder, rape and theft (Lemert, 1972).
- * Whilst these are considered crimes pretty much everywhere, the definition of many acts as criminal depends on which societies you look at, and when.
- * Feldman's 'moving borders' might include laws about sexual conduct, drug and alcohol use and religious conduct.
- * E.g. UK laws have previously prohibited adultery and consensual sex between men, both of which are now legal in the UK but not necessarily elsewhere.
- * In the US, prohibition banned alcohol between 1919 and 1933 but not before or after, just as in many countries alcohol is still illegal.

* What is a crime?

- * The prevailing Western legal view is that a crime involves:
 - * *Actus reus* - a voluntary act (the guilty action)
 - * *Mens rea* - an intention to commit the act (the state of mind)
- * Does this distinguish between crimes and non-crimes?
- * In this view, acts that are not chosen by the individual are not crimes. E.g. an injury caused by a person who was having an epileptic fit satisfies neither the *mens rea* nor the *actus reus* criterion.
- * A person who acts under compulsion (e.g. a bank manager who opens the bank vault to a gang who are holding close relatives hostage and threatening to kill them) does not satisfy the *actus reus* criterion since the act is not voluntary, even if it is intentional.
- * However, in reality the legal picture is more complicated.

*What is a crime?

- * However, a general principle of British law is that ‘ignorance of the law is no excuse.’
- * Second, there are some ‘**strict liability**’ offences where a *person’s intentions are considered irrelevant* to their guilt (i.e. to have carried out the act is enough).
- * E.g. In UK law a man who has sexual intercourse with a girl under 13 years is guilty of rape regardless of what he believed her age to be.
- * Third, there is the issue of establishing **mens rea** where it is legally relevant. This is difficult in cases where it is claimed that a person could not have prevented themselves from acting in violation the law (e.g. through mental illness).

- * Leslie Gadsby killed his father in February 2004, and his mother in March 2010. Following the death of his father he was held at medium-security unit.
- * He was conditionally discharged in 2006 following a Mental Health Review Tribunal and moved to supported housing. Conditions of his release were that he must not go within 200 metres of his mother's house, though they regularly met for lunch with his key workers.
- * His mental health continued to deteriorate and he finally killed his mother, stabbing her five times.
- * He was jailed in 2011 after admitting Mrs Gadsby's manslaughter with diminished responsibility and is now detained at a high security Hospital.

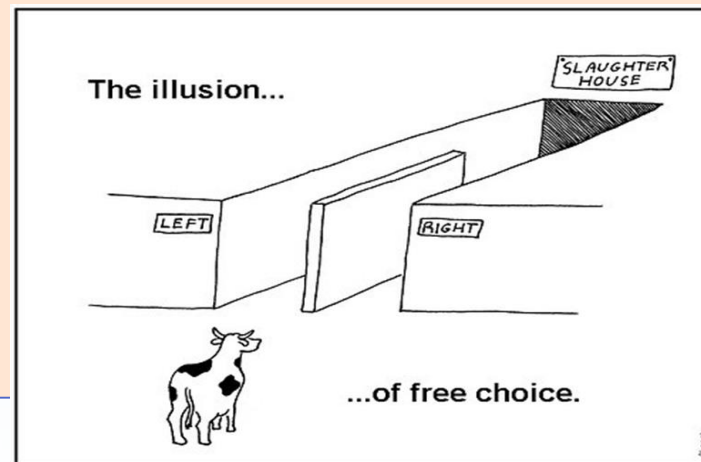
* **An example:**

- * This example illustrates the problem of criminal responsibility, which is one of several areas where the fields of legal and psychological knowledge may come into conflict.
- * Usually insanity claims fall under automatism or diminished responsibility.
- * Under English law, the Mc'Naughten rule, which governs the use of a plea of insanity, a person may be found not guilty of a crime by reason of insanity, if at the time they suffered from a 'disease of the mind' such that they either did not know what they were doing, or did not know it was against the law.



- * For many Psychologists these criteria 'set the bar too high' and impute criminal responsibility to people who should not be held responsible.
- * In recognition of this, 'diminished responsibility' will reduce the crime of murder to manslaughter if a defendant can show that their mental capacity was 'substantially impaired' when they carried out the crime. (NB. they are still guilty, only to a lesser extent).
- * A fundamental area of conflict between legal and psychological understandings of crime arises from the fact that the legal view of human behaviour is predicated on the idea that people choose how they act and their choices are the causes of their actions.

- * There is, therefore, an explicit endorsement of the idea of free will in the **legal view of crime**.
- * However, most Psychologists take a deterministic view of behaviour where every action has a cause and each cause has causes of its own.
- * Since the chains of causation that determine a person's actions ultimately extend outside the person it could be argued that no-one actually chooses how they act, which undermines the legal conception of criminal responsibility.



- *What we can agree upon, is that crime violates the law of a particular society at a particular time. Beyond that, 'crime' is a social construction - it means different things to different people in different societies and at different times.
- *Crime is not a natural category of behaviour. This leaves open the question of what it is that criminological/forensic Psychologists should study.
- *There are two choices. The first is to stick to a legal definition of crime.
- *But, this is unsatisfactory because as a science, Psychology must study natural phenomena; the law, changing as it does, does not fit the criteria easily.

*The alternative is to adopt a broader definition of crime, to include harmful and antisocial behaviour which may fall outside the legal definition of crime.

*

*Blackburn (1993) suggests the conscious breaking of rules. That is, there are people who understand that an act they are contemplating is a crime, know that it attracts punishment if detected and yet carry it out anyway.

*Looked at this way, Criminological Psychology encompasses not only law-breaking but other types of rule breaking and acts, such as aggression in children which, whilst not in themselves criminal, are related to criminal behaviour.



*Some basic conclusions:

- *A crime is an act that violates the criminal law of a particular society at a particular time.
- *‘Crime’ is not a natural or homogenous category of behaviour.
- *So Forensic Psychologists and Criminologists study-
- *Crime as legally defined, and
- *Harmful antisocial behaviour (‘criminal’ or not)



*What is a crime?

* “one common feature is the *knowledge* of the lawbreaker that it attracts legal punishment [...] *rulebreaking* is a meaningful [...] focus for criminological psychology.”

Blackburn (1993; p.17)

What issues arise in defining crime?

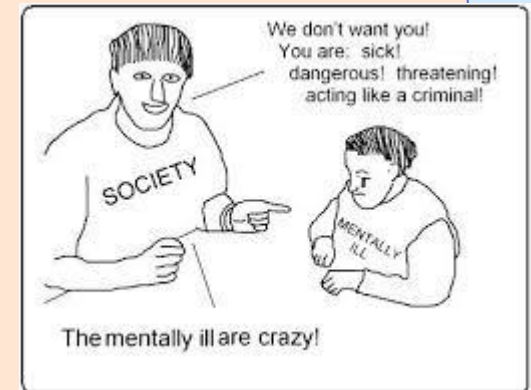
Moderating and mediating factors...

Age = moderator, SES = mediator.



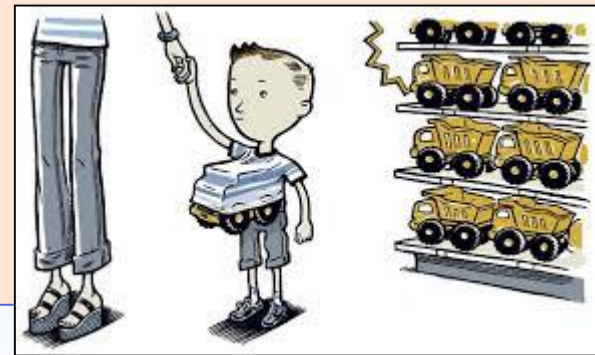
*What is a crime?

- * The term literally translates `Psychology in the context of Law`
- * Forensic Psychology took off in the 1980`s but its history goes back centuries to when `diminished responsibility` and fitness for trial were introduced into the legal system.
- * Diminished responsibility 16th century
- * Expert witness 17th century
- * Mental illness and crime 18th century
- * Criminology 18th century
- * First official crime statistics: France (1827)



* Where does Forensic Psychology arise From?

- * One of the earliest concepts in relation to Forensic Psychology was KLEPTOMANIA (1816) which refers to 'stealing insanity'.
- * Characterised by impulses to steal negligible value goods, not out of economic necessity, accompanied by elation or a sense of relief - often affecting women.
- * Some argued it was a form of repressed sexual desire or a form of penis envy, stealing phallic symbols. Still exists in DSM(5).



* Early concepts of crime

- * Crime is not seen in isolation. It is affected by many factors. For example:
- * Media Representation.
- * The different interpretations of crime statistics.
- * Crime research suggests that nearly half of men admit to committing at least one offence, and a third of women.
- * International comparisons of crime demonstrate variations across the world.
- * The variety of criminal justice systems worldwide show how the principles of crime are not universally applicable.



* **Social context of crime**

	Murders/year
United States (1999)	15,434
Taiwan (1996)	1785
Estonia (1994)	423
Japan (1994)	770
England & Wales (1997)	725

*Which is the most violent country?

Figures based on data obtained from http://www.guncite.com/gun_control_gcgvenco.html

	Annual Murders/100,000 pop.
United States (1999)	5.70
Taiwan (1996)	8.12
Estonia (1994)	28.21
Japan (1994)	0.62
England & Wales (1997)	1.41

Crime numbers do not permit comparisons between places or over time. **Crime rates** (the number of crimes per unit of population per year) do.

Figures based on data obtained from http://www.guncite.com/gun_control_gcgvinco.html

- * In which ways might the true extent of crime be distorted by looking at:
 - * The numbers of people convicted of various types of offence?
 - * The numbers of people imprisoned for various types of offence?

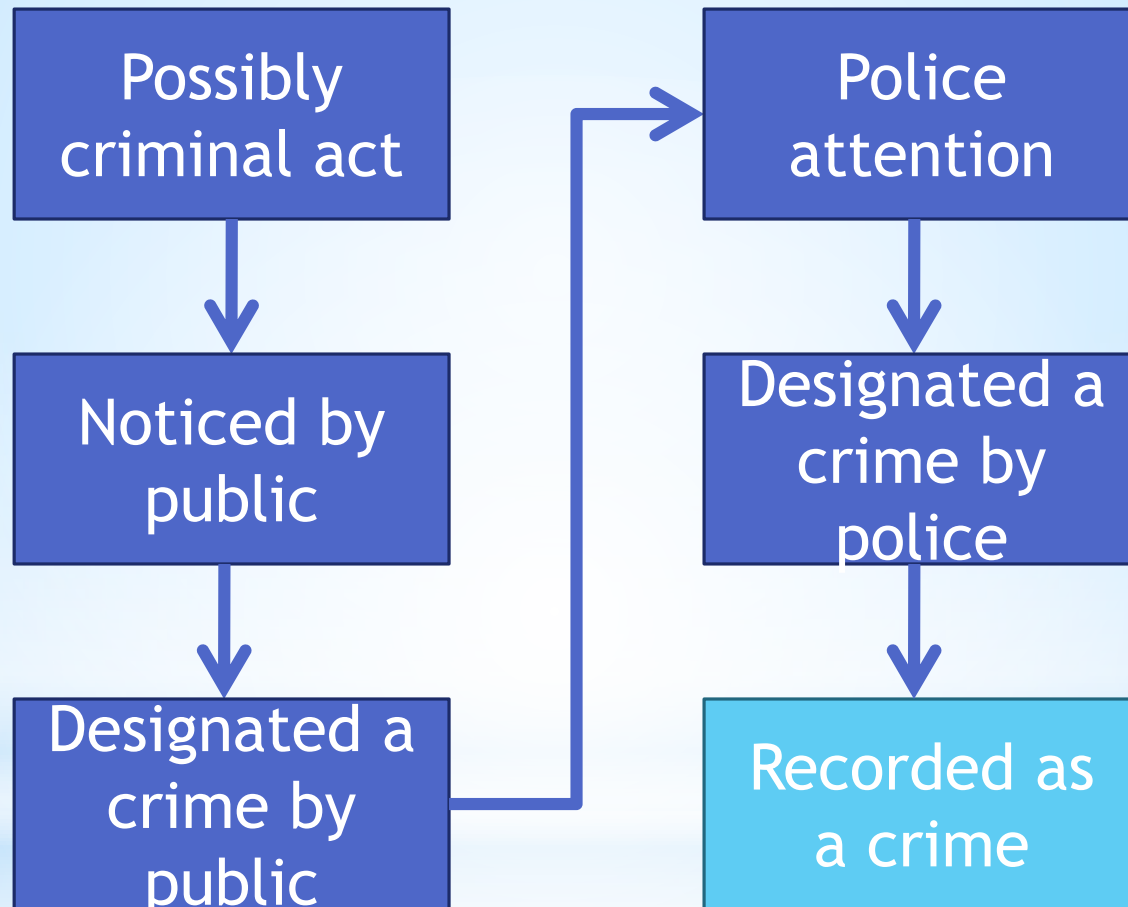
* Court & prison
statistics

- * Working out how much crime takes place is not easy.
- * Attempts to measure crime give a misleading picture of how much there is.
- * Different ways of measuring offending biases the measurement in various ways.
- * This does not mean that crime statistics are useless, but it does mean that no single measure can be relied upon to tell 'the whole truth' about the extent of crime.
- * Where does the information come from?

- * Official statistics
 - * Crimes reported to the police
 - * Court & prison statistics
- * General population surveys
 - * Victimisation surveys
 - * Offender surveys



* Ways of measuring crime



In what ways might this process produce an inaccurate account of the crime rate?

- * An obvious source of information on the extent of crime is the police. The police compile records of the crimes that come to their attention, divided into types: violence against the person, sexual crimes, burglary, vehicle crimes etc.
- * These give an indication of whether crime is increasing or decreasing and allow geographical comparisons.
- * However, there are many sources of bias (previous slide).
- * The courts record convictions and the prison system records how many offenders are in prison and what for.
- * As with police statistics, these figures are susceptible to bias.



- *The Crown Prosecution Service may decide that there is insufficient evidence to mount a prosecution.
- *The jury may not be convinced by the prosecution's case.
- *It may also be that a prolific offender is tried and convicted of only one or a few of many offences they have actually committed. Consequently, statistics on criminal convictions may also underestimate the true extent of crime.
- *Prison statistics suffer from the same problems with the additional issue that they also reflect sentencing policies that may be politically determined.
- *E.g. government 'crackdown' on drug offences or burglaries, translating into harsher sentencing policies, resulting in more imprisonments despite actual rates of offending remaining unchanged.

- * **General population surveys:**

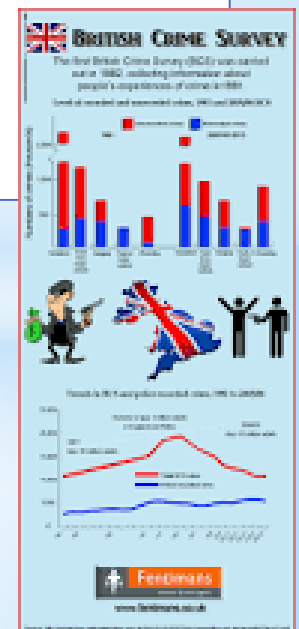
- * Provided the sample is sufficiently large and representative, this approach may avoid some of the biasing factors that affect official crime statistics.

- * **Offender surveys:**

- * In a general population offender survey randomly selected members of the population are asked about the crimes they have committed recently.
- * Whilst this approach is likely to detect some crimes that have escaped police attention they are likely to be biased by a tendency to under-report and the fact that the perpetrators of more serious offences are more likely to have been detected and convicted, removing them from the sampling frame.

*The British Crime Survey (BCS)

- * In the UK the BCS samples a large number of people about their experiences of crime and victimization in the previous year and their attitudes.
- * The BCS produces estimates of the crime rate that are substantially higher than official figures. Only about half of the crimes recorded by the BCS are reported to the police.
- * The BCS is considered the most accurate measure but is also affected by biasing factors.

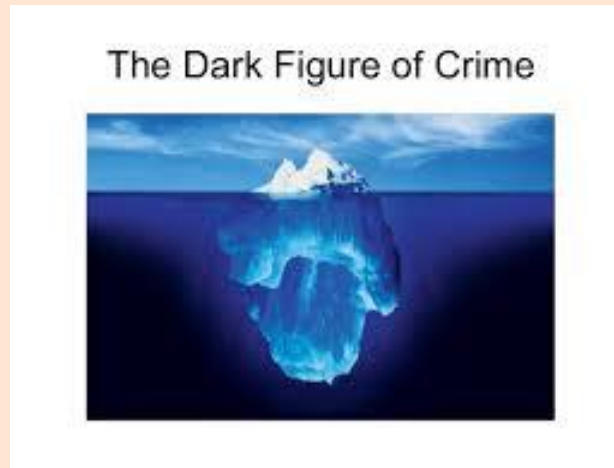


- * It relies on respondents' willingness to report victimization, which they may not. It also records incidents that the police might regard as 'no crime' so there could be a tendency for some types of offence to be over reported.
- * The BCS only samples individuals, so crimes against companies are not recorded and neither are crimes where the victim is not a person (e.g. vandalism of bus shelters). Until recently, the BCS was limited to adults, so crimes against children were not recorded. From 2010, however, children aged 10-15 have been included in the results.

- * Howitt (2009) makes several points.
- * Each measure provides a different perspective on the extent of crime.
- * Different measures are useful for different purposes. E.g. even though police statistics tend to underestimate the crime rate, they may still provide useful information about offending trends.
- * This, however, assumes that biased reporting remains constant over time, but, changing public attitudes may affect the rate of reporting. E.g. If the number of reported rapes increase, there is a question of whether more rapes were committed or victims were more likely to report having been raped.
- * This raises a third issue. Definitions of crime change over time producing artefacts in measures of crime. In the example of rape, until 2003 English law only allowed for women to be the victims of rape, making it difficult to compare statistics before and after this date.

- * Since crime is a political issue, crime statistics may be manipulated for political ends.
- * The opposition will typically focus on measures that make the government look bad by suggesting that crime is increasing, whereas the party in power will play up measures that show crime is falling.
- * Consequently, whilst crime statistics in the UK are compiled by an independent body free from political interference (the Office for National Statistics), questions are frequently raised as to their validity, usually by those with political motives.

- * There is a 'dark figure' of unreported and unrecorded crime
- * Generally, the more serious crimes are more likely to be noticed & reported, so much of the dark figure consists of less serious crime...
- * Or does it?



* General issues

- *What about Fraud, embezzlement, tax evasion?
- *Biases in the criminal justice system:
 - *The odds on women being imprisoned - 2%
 - *The odds on men being imprisoned - 11%
 - *The odds on blacks being imprisoned compared to whites - 19%-3%
 - *The odds on black men being imprisoned compared white men - 32%-6%
 - *64% of persons jailed are of ethnic minority

*Extent of criminality

*** Issues to consider are:**

* Laws that apply

* Circumstances surrounding the crime

* Public/Media/Victim perceptions of the crime

* The ethos of the police

* The system for dealing with psychiatric cases

* The rules governing court procedure

* Lawyer skills

* The Judge

*** Crime is not just the product of a criminal mind**

ASPECT	JAPAN	FRANCE	ENGLAND AND WALES
LEGAL SYSTEM	Influenced historically by French and German systems but more adversarial in recent times	Inquisitorial system – essentially the judge seeks the facts of the case from a variety of sources	Adversarial system based on cases put forward by prosecution and defence
JURY SYSTEM	Not in use in fact despite being available	Not used	Jury system for more serious crimes
AGE OF CRIMINAL RESPONSIBILITY	20 years of age	18 years of age	10 years of age but special provision up to 18 years
CRIMINAL STATISTICS: ASSAULTS AND THREATS IN ONE YEAR – VICTIM SURVEY**	0.6%	2.1%	5.6%
CRIMINAL STATISTICS: SEXUAL OFFENCES IN ONE YEAR – VICTIM SURVEY**	0.8%	0.3%	0.9%
CRIMINAL STATISTICS: ROBBERY IN YEAR – VICTIM SURVEY	0.2%	0.8%	1.4%
POLICE SYSTEM	Two-layered structure: (1) the national police and (2) the prefecture police	Three or more police divisions***	No national police force – separate forces at local level. Some smaller forces such as railway police
PRISON*	59/100,000	96/100,000	152/100,000
CIVIL CASES	–	A court can hear both civil and criminal cases	Separate systems for civil and criminal cases

International comparisons of the Criminal Justice System

* `Once a criminal, always a criminal...`

*The media promotes the publicity of serious crime.

*Also, peoples perception of crime and their vulnerability is varied.

* Peoples attitudes and fear
of crime



- * Much evidence suggests that the public perception of crime is inaccurate.
- * 1. In general, is crime on the rise or fall - true or false?
- * 2. There is a rise in the number of offences with sharp objects - true or false?
- * 3. The number of homicides is on the increase - true or false?
- * 4. Vehicle theft and burglary is on the decline - true or false?
- * 5. Robberies have decreased by a third - true or false?
- * 6. Computer misuse crime has fallen by 30% - true or false?
- * 7. “ out of 10 adults actually experience crime - true or false?

* Knowledge of crime

Indicator of fear	England and Wales	Scotland	Ireland	Australia	Canada	USA
Burglary of house likely or very likely in coming year	35%*	21%	33%	36%	25%	16%
Feel unsafe or very unsafe in street after dark	32%	30%	27%	19%	17%	19%
% homes with a burglar alarm system	42%	33%	49%	27%	28%	28%
*Figures taken from van Dijk, van Kesteren and Smit (2007)						

*Comparisons of `fear of crime`

- *The BCS regularly collects data regarding public fear of crime.
- *They reported that:
 - *Some proportions of the population are very worried about crime.
 - *Women were more concerned with violent crime and burglary than men.
 - *People over age 75 were the least worried about these crimes.
 - *People with ill health were fearful of crime, as were individuals living in deprived areas.
 - *Professionals were the least likely to be fearful of crime.

*The `fear of crime`

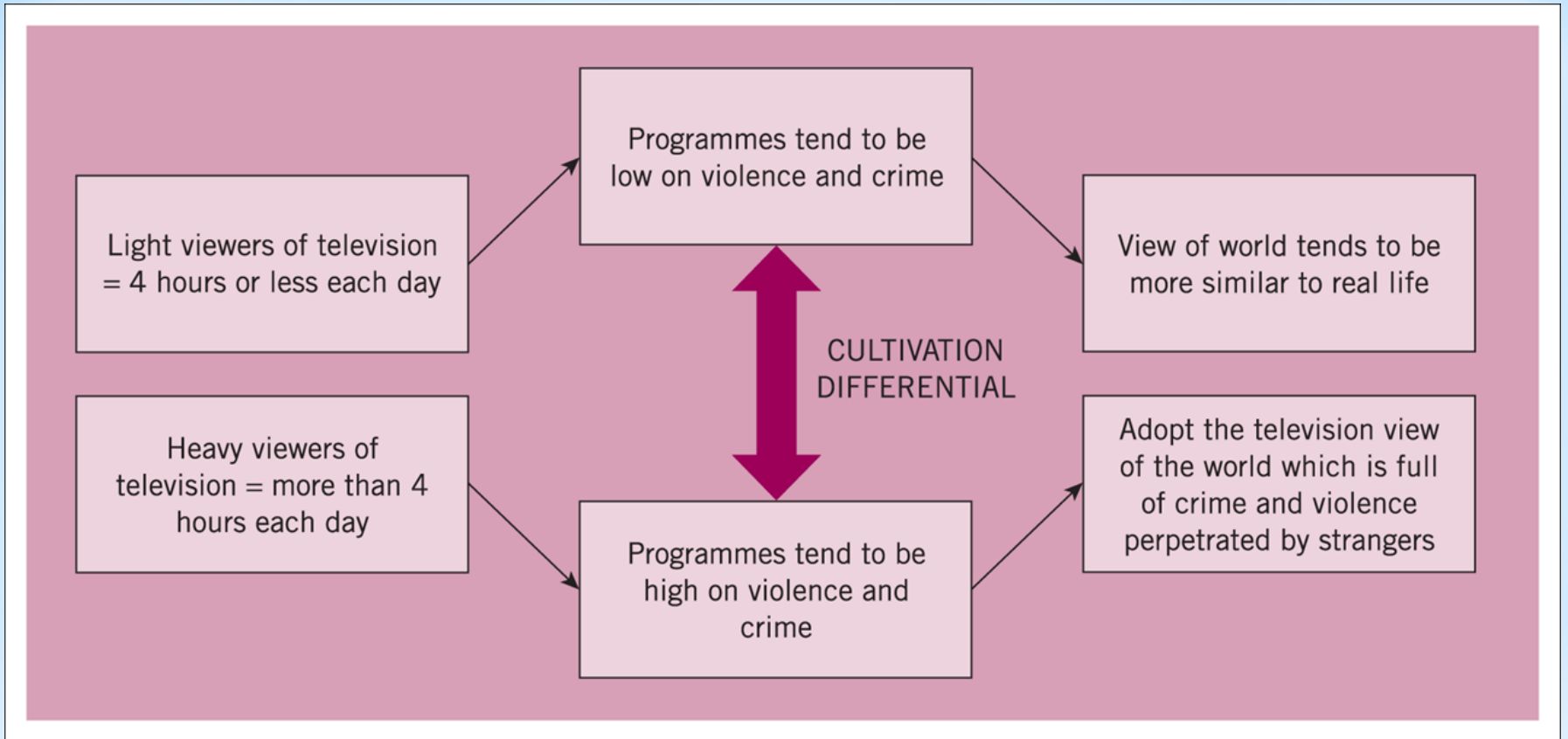
* There are three main ways in which our levels of fear are influenced:

- * Our direct knowledge from experience
- * The mass media
- * Our personality and social characteristics

* There are three significant theories regarding our fear of crime:

- * Cultivation Theory
- * Availability Heuristic Theory
- * Cognitive Theory

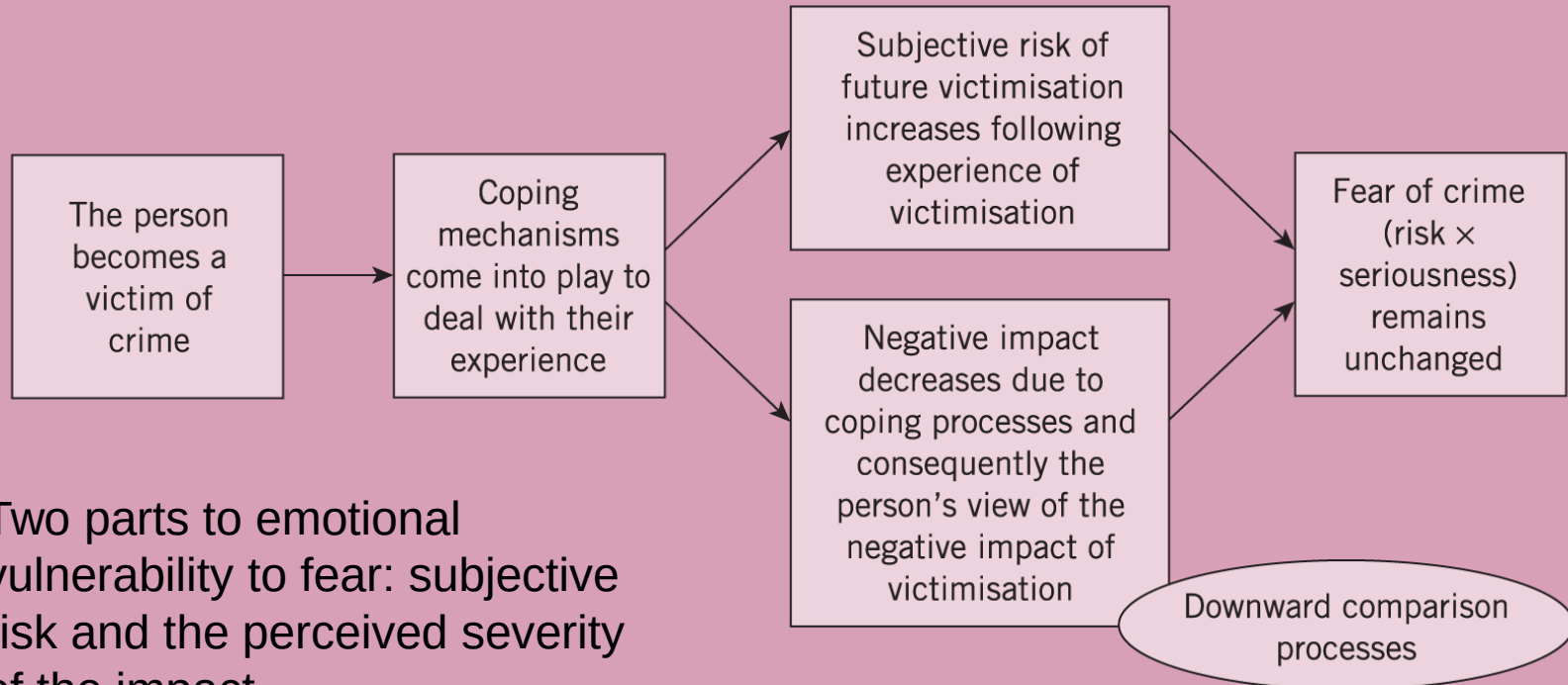
* Theories of the fear of crime



* Cultivation Theory and media portrayals of crime (Gerbner, 1972)

- * Certain types of information is more readily available from memory than others.
 - * The availability heuristic (vivid and readily accessible information).
 - * E.g. Shrum (1996) compared the TV viewing of people watching different TV channels. One channel contained soaps with rape themes.
 - * The individuals who watched these channels were more likely to respond with higher estimates to rape than the other group who did not watch the `rape themed soaps`.

* Availability heuristic



*Winkel's model of the fear of crime

- * Who are the victims of crime?
- * The social constructionist nature means that the boundaries move over time:
 - * E.g. Prostitution - the shift in focus has moved to the individuals who use the service...
- * What about the role of the victim?
 - * Do they have a part to play?
 - * Are some victims more or less deserving of justice?
- * Do some victims blame themselves?

* Victims of crime

- *Men are most at risk, in public and by strangers.
- *Women are most at risk from violence by known individuals.
- *Women are also at risk of sex offences by known individuals.
- *And...
- *The most risky stage of life for child abuse is young adulthood (NCS)

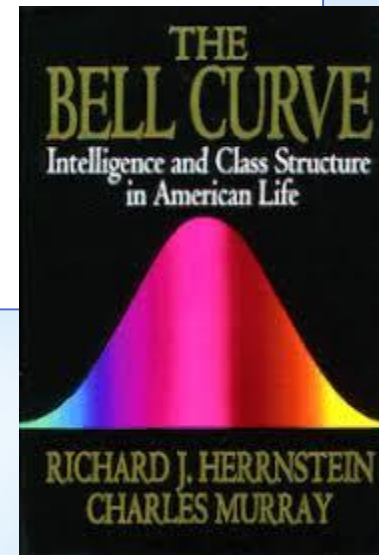
*The reality

- * Classical Criminology began over 200 years ago in an attempt to gain social order and control, and to reform the punishment system.
- * It began in Italy with Beccaria (1738-94) and was built upon by British born Bentham (1789).
- * Bentham originally wanted to radicalise imprisonment with the introduction of a `Panopticon`, in order to facilitate restitution and restoration.
- * Soon after Lombroso (1835-1909) became renown for his `Atavistic theory` followed by Goring (1913) and Sheldon (1942).



- * Lange (1921) and Crowe, Hutchings and Mednick (1975) then followed with genetics, twin studies and adoption studies before Dalton (1961) and Moyer (1971) researched biochemical and hormonal influences.
- * Early Sociological theories came from Durkheim (1858-1917) who saw crime as an inevitable part of our social structure, and led to `Strain Theory` (Merton (1910-2003)).
- * Merton saw criminal behaviour as an individuals lack of legitimate means to obtain life's goals based on their social position and birth.

- *The Chicago School of Sociology led to Shaw and McKay (1931, 1942) proposing that crime was culturally transmitted through socially disorganised neighbourhoods, which was further reinforced by Sutherland's 'Differential Association' theory (1939).
- *Other perspectives came under labelling theory, Marxist theory, feminist theory and Criminologist Realism ending up with Herrnstein and Murray's (1994) book 'The Bell Curve' which caused great controversy.
- *Hirschi and Gottfredson's (1990) 'General Crime Theory' is one of the more recent popular ideas to be examined.



- * Crime is not easy to measure.
- * Crime statistics are not necessarily accurate.
- * Criminal activity is diverse and subject to change across culture and time.
- * Public perceptions and beliefs about crime are influenced by many factors.
- * This poses a problem for psychologists, particularly when aiming to explain criminality and devise successful rehabilitation strategies.

* Conclusions