

THE PSYCHOLOGY OF THE ACCUSED IN THE POST-CRIMINAL PERIOD – IMPLICATIONS IN THE PSYCHIATRIC FORENSIC EXPERTISE

Călin Scripcaru^{1,2}, Diana Bulgaru Iliescu^{1,2}, Mădălina Diac^{1,2,*}, Vlad Iacob^{1,2,*}, Andrei Scripcaru^{1,2}

¹*Institute of Legal Medicine*, ²*“Socola” Institute of Psychiatry, Iasi, Romania*

Abstract: The present paper aims to analyze the particularities of the accused's behavior in the post-criminal period, a period full of emotional stress and suspiciousness. The behavior of the accused during this period may produce major disturbances in the interrogation but may cause “artifacts” in the case of submitting him to a psychiatric forensic examination. The paper briefly describes the concepts of general and judicial psychology, detailing the purpose of judicial psychology. Subsequently, the authors particularize aspects of judicial psychology in the case of the main psychiatric disorders and the way of approaching the patients suffering from these diseases in the post-criminal period. We appreciate as a final conclusion that it is necessary to improve the techniques of judicial psychology and use them more widely. Judicial psychology has proven its usefulness in a large number of forensic cases, which recommends it as part of the psychiatric forensic expertise committees.

Keywords: Judicial psychology, post-criminal period, expertise.

THE CONCEPT OF GENERAL PSYCHOLOGY

The dynamics of social life, through the system and order of human acts and phenomena, substantiates and allows the understanding of social relations and conflicts. The approach of human acts, deeds and processes existing in isolation, without identifying the repeatability and imbalance of the psychic processes that accompany them, does not determine with certainty the real meaning between the intention and the external conduct of the person.

The notion of psychology (Gr. psyche- soul and logos-science) is defined as the science of psychic processes, of human attributes and inter-human relationships. The characteristic dominance of human existence derives from the cognitive, volitional and affective processes, resulting from the deeds produced by man, as well as from the qualities, traits and psychic reflection of the human relations. In the process of psychic reflection of reality, of the complex system of human relationships, of natural, social, economic processes, a distinct role belongs to the character, temperament and skills of the individual.

Branches of psychology

The psychological orientation separated from

philosophy only in the 19th century, by initiating and developing experiments regarding human psychic phenomena, distinguishing itself by its own object of activity from the natural and social sciences. Considering the structural-objective criterion, as well as the functional and operational criteria, psychology has the following branches:

- general psychology, studies the general laws on the psychic phenomena of human;
- child psychology, having as field of study the laws and peculiarities of the psychic development of the child and the adult;
- pedagogical psychology, having as main reference framework the psychological laws of learning and education, organizing the instructive- educative process;
- work psychology becomes operative in organizing psychological problems regarding the organization of the work process, the formation and orientation of work skills, of methods of work protection and safety;
- social psychology, follows the interference of the relations between the individual and the society, of the role of the psychological factors in determining the individual and group behaviors, as well as of the

*Correspondence to: Madalina Diac, “Grigore T. Popa” University of Medicine and Pharmacy, Faculty of Medicine, Department of Forensic Science, 16 University street, Iași, Romania. Email: madalina_dc89@yahoo.com

resolution of the tensions within social conflicts;

- engineering psychology, having as objective the adaptation of equipments to the psychological peculiarities of the workers;

- judicial psychology, establishes the psychic interaction between the criminal and the victim and investigates the behaviors of the participants involved in the judicial process;

- medical psychology, outlines the relations between doctor and patient;

- art psychology, analyzes the act of creation, authority and influence of the creator in social life;

- psychology of religion, deals in detail with the processes of interaction between believers, religious authorities and the influence of the act of faith on society.

Judicial psychology

Definition Judicial psychology is a pragmatic informative discipline that has as object of study the human being involved in the judicial drama in the sense of obtaining knowledge and highlighting the psychological regularities able to substantiate the correct interpretation of human behaviors with judicial or criminogenic finality.

The objective of judicial psychology

1) Defining the reference range from different perspectives:

- a. from the perspective of theoretical concerns:

- the organization and development of theories and concepts with which judicial psychology operates;

- elaboration of theoretical-explanatory models;

- validation of the theoretical-explicative conceptual models elaborated by the general judicial and social psychology following their testing in the legal field.

- b. from the perspective of practical-applicative concerns:

- development of a specific methodology for researching, investigating in the judicial field;

- providing relevant and useful information on the mental reality in the judicial system;

- the organization of programs for preventive social action;

- psychological assistance in specialized expertises provided to both judicial bodies and criminals.

2) Psychological analysis of the criminal act from an exploratory perspective (crime scene).

3) Psychological issues of testimony and witness.

4) Psychological analysis of judicial questioning.

5) The field of judicial investigation.

6) Psychology of judgment divided into:

- a. the judicial duel;

- b. psychology of intimate belief;

- c. the personality of the magistrate;

- d. defense psychology from the perspective of the defender.

7) Simulated behavior.

8) Psychology of penitentiary detention.

9) Psychological problems of the act of public administration.

Psychological typologies of the killer

1. Mental disorders

Hereditary predisposition to individual behavior through its physiological effects can cause a somatic disease or mental disorder.

The hereditary factor, as an element of individual behavior, is imposed by personal qualities, being under the influence of social and educational factors and is transmitted to the descendants.

Heredity imposes on the individual the animal vigor of self-confrontation, the psychic endowment for the satisfaction of brutal organic needs, the removal or repudiation of everything that he does not accept or cannot understand.

The impulses that make up the essence of individual behavior derive from the nature of heredity (normal or abnormal) organizing the behavior or producing attitudinal disorder.

The intervention of special causes of human psyche damage (psychoses, mental debility) creates the inability to provide a normal behavior, thus extending to the irresponsibility of the individual for the committed deed.

The exaltation of the ideal of self-control belongs to the normal individual who, by respecting morality and mastering affections, solves in a reasonable way inter-individual conflicts. The mentally ill person is possessed by fictitious tensions that threaten to disaggregate his existence, so he will not understand the real value in the sense of action or conflict.

As long as he gaps between dualistic, unreal ideas and perceptions, he is not held responsible for his actions.

However, if his disorder is limited in time (it is not permanent), he will be held responsible for the act committed in the fullness of his mental faculties.

The incapacity of the mentally ill person results from the first aptitude jet, in the sense that although he seems guilty, he will not be able to answer for the criminal act.

The crime will not have a criminal if he has his mind alienated from judgment (mentally alienated) as a result of the intervention of a "mental illness or deficiency".

Unlike mental disorders or abnormal movements, the human body can also be affected by some simple or complex tics, which indicate affective ailments, signs of anxiety, the discharge of a strong tension and consist of permanent, sudden movements or vocalizations, fixed in specific stereotypes:

Simple motor tics:

- facial grimaces;
- jerking of the neck;
- shaking the shoulders;

Complex motor tics:

- manual gestures (habit of gnawing nails - onychophagia);
- the search for the feeling of relaxation through squatting;

- vulgar gestures (copraxia);

2. Schizophrenic

The nature of schizophrenia is understood by different ways of relating the individual to the degree and limits of perceiving reality, animal existence and moral life.

The absence of the state of detachment, of the lack of actional promptness, of the transient moment generated by the state of expectative, the tendency of exaggerated isolation, which indicates the deficit of adaptation to reality (shyness, introversion), mimicry, no longer correspond to the feeling lived.

Emotional instability (distress, fear, hatred, passivity) is the attitude that deviates from the usual experience, being specific to schizophrenia.

Schizophrenia occurs in the situation of family disorganization and instability, in the case of brutal rejection manifested by one of the parents, at the death of the parents and leaving the person without affective support, if these causes overlap the inherited brain disorders.

Because the characteristics of normal behavior consist in "living in harmony" with the environment, any behavior which does not respect the attitude and deep feelings of the social order, will represent an abnormal behavior.

The schizophrenic cannot rationally control his behavior, his criminal acts being determined by "mental disorders or deficiencies", thus he cannot coordinate his mental state, elementary ideas, perceptual organs stimuli, physiological events.

The individual no longer has the ability to assess the harmful consequences of deeds or prescriptions and prohibitions contained in the law.

The schizophrenic murderer suddenly interrupts, for a period of time or definitively, the criminal act begun, becoming insensitive to the torments

of the victim.

The schizophrenic is considered a mentally incapable person, who cannot supervise his behavior and because of this he is not punished criminally (not criminally liable), and a security measure will be adopted against him (both to protect him and to prevent him from committing serious deeds).

The mental illness of the individual removes the state of responsibility because he/she is "unable to appreciate" the seriousness of the acts committed.

The outbreak of violence is sudden and shocking, as the patient uses obscene language (coprolalia).

In the physiological aspect of the schizophrenic, a reduction of the frontal lobe and the thalamus is identified.

The onset of schizophrenia rarely occurs before adolescence and frequently in adolescence, even up to the age of 30, but can also occur after the age of 45. The behavior of the schizophrenic is characterized by the lack of measure in everything he does: exaggerated water consumption (water poisoning), auditory and visual hallucinations on religious topics, precipitated presentation of bizarre events, disorganized behavior, flat and inadequate affectivity. Schizophrenia manifests itself in 5 types: paranoid, disorganized, catatonic, undifferentiated and residual.

3. The paranoid

Paranoia is represented by a serious behavioral disorder that causes the severe deviation of the individual from the social rules, through the manifestation of hallucinations of persecution or grandeur. The onset of paranoia is found in schizophrenia.

a) The outer personality of the paranoid

The behavior of the paranoid is characterized by delusional ideas and auditory hallucinations, the serious confusions being both cognitive and affective in nature.

Devoid of the distinction of reason, the paranoid manifests himself under the influence of delusional ideas of persecution, grandeur or jealousy.

The paranoid appreciates that the disorder of his behavior is determined by the malice and perversity of others, his appreciations not being able to provide a real basis.

The qualitative anomaly of affectivity – The paranoid does not understand and does not accept the way things are, which determines ample contradictory or conflicting states and anger spontaneously interrupted by suicidal tendencies.

Being dominated by hostile attitudes, the paranoid feels entitled to correct those he knows, seeking to become a justice-bringer, regardless of the

consequences generated.

Paranoid disorder involves individual freedom taken to the limit of the absurd.

The quantitative anomaly of affectivity – The whimsical inclinations of the paranoid reject the logic of things, the natural order, because he uses in a confusing way the contradictions, the presuppositions on which it rests. His speculations are elaborated prudently, secretly and with unnatural discipline, suggesting through false inferences that the responsibility lies with others (in principle with those close to him), taking measures to remove injustices by killing the culprits.

4. The oligophrenic

Oligophrenia is an insufficiency of intellectual development due to a brain disease, reduced thinking power and of individual consciousness. The oligophrenic will not acquire the ability to learn, to perceive, to reflect, to conclude and to propose measures.

The external personality of the oligophrenic

The oligophrenic manifests a delay in both intellectual and even physical development, disturbing the development of personality. The individual manifests a delay in his general development or only for the intellectual capacity. Possessing a weak emotiveness, the oligophrenic is characterized by the inability of ordinary understanding, being unfit to learn and, thus, manifesting sickly indifference.

Individual conduct is not related to social and interindividual factors, because his mental activity is reduced, as a result of intellectual development halting. Lacking the possibility of appreciating a value system, the oligophrenic responds violently and can get to transient delusional states.

The inner personality of the oligophrenic

The congenital insufficiency of his intellectual evolution does not integrate into the different meanings of human attitudes, so that the perspective of understanding his acts will never be realized.

Without any guidance of thought, the moods of the oligophrenic consist only in answers to instinctual acts. Personal or social attitudes do not exist.

Personal reactions refer to a determined object (person, animal), his attitudes being limited to the satisfaction of instincts.

5. Demented

Dementia represents the deterioration, exhaustion, pathological wear and tear of the individual's intelligence, of the psyche as a result of immeasurable effort, a long period of time or of the intervention of an organic brain disorder.

The outer personality of the demented

The individual has suffered in time a deterioration, a general mental degradation, in the sense that both the way of perceiving and the way of analyzing reality are degraded. The demented is no longer aware of anything, and the things and events no longer have any significance, so he is no longer afraid of any consequences.

The previous force of the determinants of behavior has degraded (the demented lives in an imaginary world, controlled by states of delirium), in the sense that the interaction between the judgment perception and memory becomes uncontrollable, it atrophies, after which it disappears.

The degradation of perception and judgment is explained by the absence of the power to evaluate the cause-effect factors, the actions committed solving this ratio negatively and artificially.

The necessity and difficulty of performing an act have disappeared, so that the individual no longer has the sense of morals, of social evaluation (collects garbage), the appreciations are no longer controllable, he becomes vulgar, addicted to insignificant things and aggressive when is annoyed. He no longer distinguishes between what is admitted and what is forbidden, ending up eating his own excrements (coprophagy, scatophagia).

The inner personality of the demented

Devoid of temptations and feelings, manifesting one-dimensional and contradictory reactions to the possible affirmed needs (lack of shame), the demented adopts bizarre and puerile attitudes.

Inactive and indisposed, with an affectivity derived more from fatigue, the demented forgets to look for pleasure. The demented does not claim anything, he doesn't choose anything, and he doesn't want to answer for anything. Dementia is the consequence of cerebral lesions, of tumors, syphilis or arteriopathy, the outcomes of which will worsen the existence of the individual.

6. Changes in consciousness

The relationship of the individual with the world is reflected by the conscious arrangement of the data presented by senses and memory, so as to form the conviction that a certain act is accepted or forbidden, that it is subject to error or that it was imposed by coercion, determining the concern to defend the legitimacy of its social interpretation.

The thinking, feeling or action of the individual are determined by the extent to which his consciousness is in a state of alertness (excessive activity, strong emotions, rapid reflections) or in a state of coma (reduced motor reactions that precede the state of falling asleep).

The way of reflecting upon existence can be altered in the situation when the act of knowledge is

incomplete, erroneous (consciousness providing a motivation for rejecting the real causes) or when it is affected, coercive.

Psychology of the accused or defendant in the post-criminal period.

After committing an illicit act, a state of psychic tension, other than that of pre-criminal tension, more or less obvious, determined by the fear of not being discovered, and which motivates the depressive dominance of the individual, can befall in most criminals.

The investigated (suspected, accused, defendant, witness, plaintiff, etc.), who is in a direct relationship with the investigator (who asks for clarifications, questions, depicts, specifies) manifests an emotional feeling, sometimes strongly felt, created by the confrontation with the official representative of authority. The interiorization of the emotional expressions of the investigator are a good clue of checking the veracity of the information transmitted not only verbally but also through the nonverbal behavior: mimicry, body posture, gestures, glance, quality of voice (intonation, tone, accent, rhythm, silence) as well as some physiological reaction which cannot be masked nor provoked voluntarily.

The most illustrative manifestations are: reddening (pallor) of the face, increasing the volume of blood masses (observable in the temples or in the area of the carotid artery), intense movement of the epiglottis (Adam's apple), nervous movement of the hands, reduction of salivation that entails the bite of the lips, temporal region sweating, latency in responses. The investigator must capture both the voluntary components of the behavior and the disguised, simulated ones. The accused can easily simulate calmness, self-control, perplexity, some states of suffering (cardio-respiratory diseases, fainting), the attitude of revolt, of protest to impress, to intimidate the investigator. The artificiality of these simulations is easily revealed by an experienced investigator who can deduce the psychological discomfort of the investigated who is face to face with the authority. Experience demonstrates not the difficulty in capturing these aspects but in their correct interpretation.

In order to alleviate the emotional state of the investigated (which can be amplified by the emotional lability, by his criminal past, by the state of health, by the critical issue of the cause for which he is being investigated) some introductory discussions are recommended, with reference to the family, professional situation, history, health status, skills, passions, perspectives, etc. Thus, a disconnection of the person can be created, which facilitates a better connection.

In the case of the sincere, but emotionally labile

person (such as minors, women, the elderly, people in convalescence) it is necessary to create a climate of safety and mutual trust, an open, relaxed, cooperative dialogue.

All these aspects prove their usefulness also in the case of psychiatric forensic expertises which are usually carried out in the post-criminal period. The role of psychiatrists and psychologists who are part of the committee is particularly difficult in conducting the dialogue with the suspect due to the alterations generated by his behavior. It is usually done from the very beginning in inducing a state of alleviating of the accused by asking questions tangent to his personal or professional life and subsequently it is resorted to repeating some questions related to the deed after a period of time. It is constantly emphasized that the committee is made up of doctors who aim to identify a possible mental illness and not investigators. If the accused is hospitalized prior to the examination in the committee, the data reported by the staff of the section where he was hospitalized is corroborated with the data reported during examination. Last but not least, we must mention that the interrogation must be individualized on a case-by-case basis according to the particularities of the deed. Sometimes the deep analysis of the psychic structure of the accused requires inducing a contradictory discussion with him, creating a state of nervousness or even of anger that can reveal hitherto hidden statements.

All these aspects highlight the role of judicial psychology in any type of discussion with the accused. They may tend to take the "lead" of an interrogation, more or less subtly depending on the degree of intelligence. That is why a psychologist with judicial experience will be the only one who will be able to conduct the dialogue in the direction desired by the investigator without mentally traumatizing the suspect or inducing a state of fear. Judicial psychology as a science should – from our point of view – be much more used in any type of discussion with suspects, proving itself abundantly useful.

Conflict of interest

The authors declare that they have no conflict of interest.

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