

AN ANALYTICAL STUDY OF SERIAL KILLERS AND THEIR PSYCHOLOGICAL
PHENOMENON.



Dissertation submitted to National Law University and Judicial Academy, Assam
in partial fulfilment for award of the degree of
MASTER OF LAWS

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2020-2021 LLM 2nd Semester

National Law University and Judicial Academy, Assam

August, 2020

SUPERVISOR CERTIFICATE

This is to certify that Ms. Chayanika Rabha is pursuing Master of Laws (LL.M) from National Law University and Judicial Academy, Assam has completed her dissertation titled “AN ANALYTICAL STUDY OF SERIAL KILLERS AND THEIR PSYCHOLOGICAL PHENOMENON” under my supervision. The research work is found to be original and suitable for submission.



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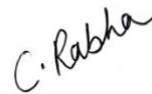
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DECLARATION

I, CHAYANIKA RABHA, do hereby declare that the dissertation titled “AN ANALYTICAL STUDY OF SERIAL KILLERS AND THEIR PSYCHOLOGICAL PHENOMENON” is submitted by me for the award of the degree of MASTER OF LAWS of National Law University and Judicial Academy, Assam is a bonafide work and has not been submitted, either in part or full anywhere else for any purpose, academic or otherwise



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ACKNOWLEDGEMENT

I acknowledge with pleasure my Alma mater, National Law University and judicial Academy, Assam for its unparallel infrastructural support and its rich academic resources. I am highly elated to work on the topic of “AN ANALYTICAL STUDY OF SERIAL KILLERS AND THEIR PSYCHOLOGICAL PHENOMENON” under the able guidance of my supervisor, Mr. Thangzakhup Tombing, Assistant Professor of Law, National Law University and judicial Academy, Assam.

First of all I would like to express the deepest gratitude towards Mr. Thangzakhup Tombing, Assistant Professor of Law who has the attitude and substance of brilliance; incessantly and cogently conveyed a spirit of adventure in regard to the dissertation. Throughout the writing of this dissertation I have received a great deal of support and assistance. Without the guidance and persistent help this dissertation would not have been possible. You provided me with the tools that I needed to choose the right direction and successfully complete my dissertation.

Second of all I would like to thank Prof. (Dr.) V.K. Ahuja the Honorable Vice Chancellor of National Law University and judicial Academy, Assam for providing me an opportunity to embark on this dissertation and also for sharing his vast knowledge.

Third I would like to express my gratitude to the officials and staff members of National Law University and Judicial Academy, Assam who rendered there help during the period of my dissertation. I want to thank you for your excellent cooperation and for all of the opportunities I was given to conduct my research.

This research work bears testimony to the active encouragement and help of friends, family members and well-wishers.

I am greatly indebted to the various writers, jurists and all other authors from whose writings and literary works I have taken help to complete this dissertation.

PREFACE

Criminal psychology covers a range of fascinating topics. For centuries people have been very interested in crime and in the last hundred years psychology has grown from a fledging discipline to one of great importance. In several countries around the world (e.g. The USA, the UK), psychology is now among the top three most popular subjects to be studied at University or College.

It is now recognized that psychology is highly relevant to many aspects of life especially those to do with offenders, prisoners, the police witnesses and the courts. This Research has been written for better understanding of criminal psychology than that which can be provided by the popular media such as newspapers and television

The Term “Serial Killer” today has become a catch phrase with the popular press churning out books and movies centered on the serial killer. Some cases of serial killings appearing in electronic and print media from time to time are summarized in this paper with discussion on the possible causes and background of serial killings and role of forensic medicine and other experts in the investigation of the heinous crime, measures to treat the offenders and check the incidences.

I have tried to described the complexity of the issues as much as possible with all the books, articles and internet help explained why as they are rarely simple answers or rules regarding criminal psychology(e.g. why harsh punishments may not reduce offending, that liars nay not look away when deceiving us, that coercion may not produce reliable confessions).

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NATURE OR NATURE?

CHAPTER 1

NATURE OR NATURE?

1.1 INTRODUCTION OF CRIME :

In order to understand criminal minds, we need to start from the beginning. Why do people commit crimes? What does a typical criminal think when planning to commit crime? Crime is considered as one of the greatest evils of the society. Indeed, society cannot exist without the issue of crime and offenders. The term 'crime' refers to a violation of the social order. It's common knowledge that a man's benefits as a community member are carefully

preserved. Everyone owes some responsibilities to his associates and has certain rights and advantages that he expects others to protect for him. As a result, this common feeling of respect and trust for others' rights legitimises the behaviour of society's members. Although most people believe in the phrase live and let live, there are still a few who deviate from this usual behaviour pattern and identify themselves with anti-social elements for various reasons. The state is obligated to maintain society's normalcy as a result of this.

The difficult work of the state's instrumentalities of law in safeguarding law-abiding persons and punishing or disciplining law-abiding citizens. Salmond has characterised law as a 'code of action' that governs citizens behaviour in various countries. Wrongful acts or crimes are defined as conducts that are prohibited by the law in effect at a given time or location, whereas lawful conducts are defined as those that are permitted by the law. The perpetrator who commits a crime will be punished according to the criminal law. Crime has been an unsolved problem since the dawn of human civilisation. There isn't a single society that isn't influenced by the crime problem. A society formed of humans with beatific qualities would not be free from destructions of the standards of that community, Emile Durkheim¹ writes in his treatises about this element of the crime problem. "In truth, crime is a dynamic idea that shifts with social changes. He claims that crime is an important aspect of all societies and a necessary conditionn of social systems. Unlike groups have varying and frequently conflicting interests in society, which leads to an increase in disputes, which in turn leads to an increase in the frequency of crime.

Throughout the developmental phases of human society, the concept of crime has been considered to have always varied with the variances in social settings. It can be seen that prehistoric societies were unaware of the distinction between criminal and tort law, and

¹ . Emile Durkheim treatise crime as a normal phenomenon
<https://www.crimeandjustice.org.uk/publications/cjm/article/social-study-serial-killers>, last visited on 3rd July, 2021

simply knew the law of wrongdoings. In addition, despite our best efforts, crime and felony continue to wreak havoc on our society and are on the rise. It is common to read in the papers about some sort of criminal or felonious deed.

Criminals and criminals seek to understand and attempt to meet the demands of knowledge across a wide range of fields. One of the main components of the problem, according to experts, is the reasons of crimes, which necessitates more research, investigation, and calls for greater social, political, and legal action. Writers and researchers from different sections like anthropology, medicine, economics, philosophy, jurisprudence, sociology and psychology have all subsidized to the study of crime.

With the passing of time, at present 21st century, As the study of crime progressed, it grew into criminal specialities that covered a combined approach to the “study of crime,” in which aspects from various disciplines were employed to create theories and enlightenments for the phenomena of crime.

In recent years, it had been noted that due to rise in amount of crimes, Our society's developing wickedness has drawn the government's notice, prompting some measures to be taken to prevent crime in general, but no meaningful efforts appear to have been made in this area. Criminality is frequently classified as an emotional disorder by researchers, who seek to therapeutic therapy as a remedy to crime. It's no surprise that many sane criminals suffer from minor mental illnesses, for which a psychologist's understanding could be beneficial to the police and assist them in their work. It looks different types of illnesses and look up to clinical therapy as a solution to the crime therefore it is no wonder that many steady criminals may be suffering from minor types of mental illnesses which goes unnoticed because these people never get examined by a competent psychiatrist. After committing a crime, mental patients are often kept in jails or sent to mental hospitals for treatment, although this only

applies to people who have a severe case of mental illness. Such mentally ill criminals are neglected in India and around the world, and just a few psychiatrists have worked on and examined numerous issues connected to such offenders. A comparison was made between the crime rate and nature of crime committed by those suffering from various types of mental illness and people suffering from psychopaths.

1.2 Statement of the Problem:

The number of murders climbed in the second half of the twentieth century, according to research, and this trend is anticipated to continue. Psychology and law continue to hunt for a pattern of behaviour that can help the mental health field identify aspects of serial killers through interviews and exams.

1.3 Definitions of crime :

It's not easy to come up with a precise definition of 'crime.' In general, we can say that all societies have some rules, beliefs, traditions, and behaviours that its members intuitively accept as “conducive to their well-being and healthy development.” Antisocial behaviour is defined as a violation of certain valued norms and conventions. However, according to legal definition, a crime is defined as “a pattern of behaviour that is deemed to be socially damaging in a state and is thus forbidden by law under the threat of penalty.

A number of well-known jurists have attempted to define crime. The following are a few of them:

a) Sir William Blackstone² :

² William Blackstone : Commentaries, Vol. IV, Third Edition, 2015, p. 5

According to his 'Commentaries on Law of England', he i.e Sir William Blackstone has defined Crime as 'an act committed or omitted in violation of Public Law forbidding or commanding it'. Earlier he stated that, a crime is an act committed or mislaid in violation of a public law either commanding or forbidding it. He at a later stage realised that this definition may prove to be confusing because it limits the possibility of crime to violations of a 'public law' which normally only covers political offences for eg as offences against the state. Therefore, he adapted his definition of crime.

b) Sir James Stephen³

He is the editor of Blackstone's commentaries who further modified the above definition and said, Crime is an act prohibited by law and revolting to the moral views of the society.

c) Kenny⁴

According to him, 'Crimes are wrongs whose sanction is punitive and in no way remissible by an private person, but is remissible by the Crown alone, if remissible at all'. But this definition has also evoked criticism on the ground, saying there are certainly a number of compoundable offences that are pardoned by the consent of the parties.

³ <http://archive.spectator.co.uk/article/9th-june-1883/15/sir-james-stephens-history-of-the-criminal-law-of-last> visited on 6th July, 2021

⁴ . Kenny's Outline of Criminal Law, J.W. Cecil Turner, Universal Law Publishing W. Pvt. Ltd. Eighteenth edition, 2013, p. 78

d) Paul W. Tappen⁵

According to him, "An intentional act or omission in violation of criminal law, committed, without defence or justification and sanctioned by law as felony or misdemeanour.

e) Elliot and Merill⁶

A crime ipso facto implies a trouble in a social relationship and a social description as to what such disturbance is.

f) Barnes and Teeters⁷

The term crime theoretically means a form of anti-social behavior that has desecrated public sentiment to such a degree as to be prohibited by statute.

g) Cross & Jones

According to them, "Crime as a legal wrong the remedy for which is punishment of the offender at the instance of the state".

h) John Gillin⁸

⁵ . Tappan Paul W : Crime, Justice & Correction, First edition, 1960, p. 80

⁶ Elliot and Meril : Social disorganization, Revised Edition, 1941, p. 26

⁷ Barnes & Teeters : New Horizons in Criminology, Third Edition, 1959, p. 56

⁸ John Gillin - Criminology and Penology, Third edition, 2005, p. 9

He defines 'crime as an act that has been exposed to be actually harmful to the society or that it is held to be socially harmful by a set of people that has power enforce to its views and that places such act upon the ban of positive penalties. Therefore he considers crime as an offence against the law of land.

i) Edwin H. Sutherland⁹

He characterizes crime as a indication of social incompetence. The inclination of modern sociologist penologists is, therefor to treat crime as a social phenomenon which receives disprove of the society.

j) Raffaele Garafalo¹⁰

As according to him the definition of crime is a sociological definition. He specified that crime is an act which upsets the basic sentiments of 'pity' and 'probity'.

k) Halsbury¹¹

According to him, "Crime is an illegal act which is a wrongdoing against the public and the culprit of such act is accountable to legal punishment."

It is important to note that through the above mentioned legal definitions, crime has been panned because of its relativity and variable contents yet Halsbury's definition can be considered maybe the most suitable one as compared to the other definitions because of its

⁹ Edwin H. Sutherland, White collar crime, Eleventh Edition, 1992, p.10

¹⁰ Raffaele Garafalo : Criminology, Boston : Little , Brown & Company, 1914, p. 20

¹¹ Halsbury : Law of India, Volume - XII, Second Edition, 2016, p. 17

specific nature and certainty. Further, it also provides to the machinery and procedure to regulate the violations and to identify the offenders.

The presence of crime in society is a challenged to its members due to its detritus effect on the social growth. In fact, it leads to a massive waste of human energy and an huge economic loss. So, with the advance in the field of criminology and behavior sciences, hard work are being constantly made to work out a generally acceptable classification of crimes, criminals for providing a balanced basis of punishment for various categories of offenders. The offenders who are accused of horrendous crimes, therefore under the influence of the mental disorders should be identified by psychologists. There is a lot of unclearness of mental diseases as all are identified as same. That is why a serious need to recognise and categorize them properly and accordingly judgement should be given.

1.4 Aims:

The purpose of this dissertation is to analyse at serial killers and their psyche. This paper aims on the study the fields of psychology and law to look for a pattern of behavior that can assist the mental health field in identifying features of serial killers and to investigate features of the criminal mind relevant to serial killers.

1.5 Research Objectives:

- * To look into studies on serial murders history in India and other countries.
- * To review research on serial killers' criminal minds and their murderous works.
- * To investigate and comprehend serial murder typologies in order to make a determination.

- * To investigate the perpetrators' shared characteristics in order to gain a better understanding of why they commit many killings.

- * To research well-known serial killers and their heinous crimes, i.e. well-known recorded cases.

1.6 SCOPE AND LIMITATIONS:

This study is not confined to India; it includes other well-known incidents and research from around the world. Because this study is doctrinal and analytical, it is confined to books, reports, journals, conventions, and internet-based information. One of the study's major flaws is that, despite the fact that most serial killers' talks were recorded verbatim, it was hard to follow up or ask for more information. Other than the murders, the sources were edited and ordered by the publishing authors. As a result, this study can be classified as secondary because it is based solely on the data available.

1.7 Research Questions:

Individual serial killers will be the unit of analysis for this research study. A total of five case studies will be examined in order to determine the criteria for serial killers. As a result, all aspects that have been identified as contributing will be presented.

- * To gain a basic understanding of serial killers and their mentality.

* To what extent are serial murders with various motives punished as offenders, and how does the legal system work?

* How the Indian judicial system works/studies serial murderer tendencies and punishes them.

* How do professionals feel about serial killers and the R. D. Hare

Checklist?

* How are psychological methods beneficial to the work of law enforcement and professionals in this field?

The purpose of this research is to investigate the link between offenders' psychology and their willingness to commit serial killings.

1.8 Research Methodology:

This paper is an “analytical and doctrine research” based on the study of reports, journals, books, magazines, legislative and judicial assertions, declarations, treaties, conventions, and information available on the internet and elsewhere. I also visited libraries of various institutions to check on journals and books by learned authors. For this study, I also read related pieces published in other newspapers and periodicals.

1.9 Essentiality of mens rea

Mens Rea can be considered as an essential element in every type of crime. There cannot be a crime of any means without an evil mind. The correspondence of act and guilty mind constitutes a crime.

Lord Diplock said in the case of *Swet V. Parsle* , 'An act does not make a person guilty of a crime unless his mind is also guilty'. However, it is important to differentiate mens rea from motive. Motive could be taken into consideration at the time of sentencing stage but not at the time of determining the question of mens rea.

Most crimes are found to include an element i.e actual harm must occur, in other words, interconnection must be proved. For instance, homicide requires a killing, in aggravated factor it requires serious bodily injury as without this outcome no crime would be committed.

Every crime is legally a wrong, but not every wrong is defined as a crime. Linking crime and ethics, Garafalo (1914), an Italian criminologist has observed that "crime is an immoral and harmful act that is regarded as criminal by public opinion because it is a injury to the moral sense as possessed by a community."

Morality is defined as 'the principle of right and wrong'. As moral beings, humans needs praise for their good deeds and punishment for wrong ones." "Punishment may vary from a slap on the wrist to death, but the punishment most importantly should fit the crime, it is known as *lex talionis*, or in common jargon, 'an eye for an eye'. Opponents often insist that if we argue for *lex talionis* justice, we must be well prepared to rape rapists and burn down the houses of arsonists. Certainly, this is the case if *lex talionis* taken literally, as criminals do

deserve severe punishments, but such a literal interpretation is unacceptable to any civilised criminal justice system.

1.10 Study of serial killers

Criminal psychologists, from all over the world, have studied serial killers, trying to work out why they do it, how they became so violent. They came up with two different schools of thought : Are these killers born with genes that determine who and what they will become? Or is it something that Criminal investigations. The part of a psychologist in criminal investigations can lead to a variety of methods. Professor Laurence Alison of the University of Liverpool suggested that there are a number of ways by which the knowledge of psychologist could aid the police and can support them in their work . It is very important to appreciate, the ways in which psychologists can contribute ranges well beyond the process of profiling offenders. Indeed, the uneasiness of the offender would be assisted by enhancing police decision-making and leadership skills, improving methods of interviewing witnesses and victims, developing accurate methods of recording, collating and analysing data on pre-convictions of offenders, developing suspect prioritization systems based on empirical research and enhancing intelligence-led policing and the use of informants. (Alison 2005) From this list contained, it can be seen that the role of the psychologist in assisting the police can be wide-ranging to them as a child?

While it is important that we understand how these people turn into serial killers, it is even more important to determine exactly what it is that defines a serial killer and why they are so different from other murderers. One of the biggest things that separate the serial killer from any other type of killer is the motive they have to kill. A "normal" murder could be down to anything from a family dispute to gang violence, from financial issues to a dispute

between friends. A murderer has some kind of revenge to carry out, something personal against a certain person. A serial killer doesn't have that - they are driven purely by instinct, by that desire to kill. Because of this, serial killers will often kill strangers. According to the criminal profiler, Michael Newton¹², after collecting data from more than 100 serial killers and their more than 700 victims, almost 90% of victims were strangers; 1% were family and 3% were friends. This goes some way towards explaining how the serial killer gets away with murder for so long - there simply isn't anything to tie the victims together and nothing that links them to the killer. Movies have gone a long way towards idealising serial killers in our mind.

Over the years, very few serial killers were executed on the spot. Many of them were taken into custody and questioned over and over. Some of them were even released again because of the lack of evidence that could be pinned on them. The criminals that have been interviewed have been able to provide us with a lot of insight into how they work. Some have given advice to police to help them catch others, some have offered a glimpse into the method behind the madness, but others were completely defiant, and refused to say anything besides they themselves being the victim in the situation.

Through this explanation we can see that “criminal psychology is troubled with investigative (i.e. to do with the police) and court procedures.” Using this valuable information and combining it with what we know about the function of the human brain, we are going to explore the reasons these people are the way they are, and what you personally can do to counteract what they are doing. The key to understanding someone or something is to know exactly why they are doing it, or why it is happening, and that is exactly what we are

¹² Michael Newton : The encyclopedia of serial killers, published on 2000, p. 10

trying to decipher. We hope to one day be able to look at the signs and see the patterns in another person's life, and by seeing those patterns to hopefully then turn the person around before it's too late, and we have another serial killer on the prowl.

In order to understand the criminal minds, we need to start from the beginning. Why do people commit crimes? What does a typical criminal think when planning to commit crime? Now, there is no arguing it, some people commit crimes like shoplifting out of desperation. It could be that these people are hungry and have nowhere else to get food. Regardless, crime is crime even when the motives could not be any more different. Throughout history, various persons have forwarded theories detailing why people commit crimes. While some theories focus on physical descriptions, most of them focus on mental analysis.

The character of Hannibal Lector¹³, for example, is an example of an intelligent man who works in riddles, a man with an incredibly high IQ- most of our serial killers don't get an education that goes past high school. In fact, out of the killers that Goodwin studies, just 16% went to college and only 4% of those graduated. However, despite the apparent lack of education, a serial killer must display the wit and the cleverness needed to be able to murder multiple victims and to dispose of the bodies without being caught and without leaving any real evidence. Sadly, movies have also put images into our minds of serial killers wearing horrific masks or carrying chainsaws; this is so far from the truth and all it does is take away from us the reality that we may well be standing next to a serial killer in the grocery store queue - he doesn't look like a killer so he can't be a killer. A serial killer can be considered as

¹³ Hannibal Lector: A character in the novel named Red Dragon by Thomas Harris, First edition, 2018, p.2

a true master at not disclosing his emotions, allowing him or her to blend flawlessly into the society. Their victims therefore easily fall for their lure, never knowing that they could be in the grasp of a serial killer. Once the victim has been under his/ her spun, the fake identity goes and the real face of the killer surfaces, many are found killing with whatever weapon they can find, while some others take their victims to some place where they could have intentionally planned the murder down to the last degree.

The Biggest Step While it would not be fair to turn the aftermath of one of these murders into something trivial, the true controversy amongst the serial killer theorists lies in the how and the why; how does a person go from fantasy to killer and why? Every one of us has individual genes that determine our personalities; they define who we are and what we are. There is one common belief that it is these genes that cause a person to become a serial killer but, as we have already seen, these killer are not born; they are made.

The criminal simmers with anger because people do not satisfy his expectations. They fail to confirm his perception of himself as powerful, unique and superior. What many of us might find to be routine annoyances, the criminal personalised as fears to his entire self-image. Anger that, in a criminal, is like a cancer, metastasising so that anyone or anything in his path can become a target. Though as much physical, emotional or financial damage he has caused, as per the criminal he believes himself to be a good person. Maudlin sentiments and savage brutality resides side-by-side within the same individual. "I can change from tears to ice and back again", commented one violent predator.

It is important to understand how a criminal fortifies his good opinion of himself so that he can do a kind deed for someone and then, shortly thereafter, wreak havoc. The criminal's view of himself as a decent person constitutes a major barrier to change.

Mental health professionals piece together information to understand perpetrators of mass shootings and other horrifying crimes. In some instances, these individuals have had prior contact with mental health professionals who tried in vain to evaluate, understand and treat them. But such offenders are skilled at deception and do not want others to know who they are. They generally do not reveal their intentions. Although they may explain puzzling and extreme behaviour in terms of mental illness, trained psychiatrists and psychologists often fail to recognise that they are dealing with the type of personality.

When experts cannot identify a motive for a crime, they may conclude that the perpetrator was legally insane, that he did not know right from wrong, or that he acted on an irresistible impulse. This occurred during the trial of the Beltway sniper attacks¹⁴.

1.11. THE BELTWAY SNIPER ATTACK

The Beltway sniper attack¹⁵ is also known as “The D.C.” “The sniper attacks were a series of synchronized shootings that occurred during the three weeks in October 2002, in the states of Virginia, Maryland and the District of Columbia. In it, 10 people were being killed and three were critically injured, in the Washington, D.C., metropolitan area and along the Interstate 95 in Virginia.

¹⁵ The Beltway sniper attacks: https://en.wikipedia.org/wiki/D.C._sniper_attacks, last visited 20 July, 2021.

John Allen Muhammad (aged 41 at the time) and Lee Boyd Malvo¹⁶ (aged 17 at the time) were the snipers, the younger of the two notorious Washington, D.C., snipers. They use to travel in a blue 1990 Chevrolet Caprice sedan. Their crime spree basically begun in February 2002, murders and robberies in the states of Alabama, Florida, Arizona, Louisiana, Georgia, Texas, and Washington, it resulted into seven deaths as well as seven injured people; in ten months, the snipers killed around 17 people and injured at least 10 others. Again in September 2003, the adult Muhammad was sentenced to death, and, in October, the adolescent Malvo was sentenced to six consecutive life sentences without parole.

On November 10, 2009, “Mahammad was put to death by lethal injection at the Greensville Correctional Centre near Jorrratt, Virginea. In 2017, Malvo's conviction to a life sentence without parole was upturned on appeal in Virginia, with re-sentencing ordered pursuant to the Supreme Court's ruling in the case of Miller V. Alabama (2012), which vioded mandatory life-sentenced punishments for adolescent criminals as legally unauthorized. Under the re-sentencing, Malvo's minimum sentence to prison will be determined by a judge; the available maximum sentence shall be life imprisonment. Though the ruling does not apply to the six life sentences Malvo received in Maryland.”

Currently “Malvo is said to be serving multiple life sentences at Red Onion State Prison in Virginia, a supermax prison. Although the two men's actions were defined by the media as psychopathy attributable to serial killer characteristics, yet researchers have debated whether or not their psychopathy meets this classification or that of spree killing.”

¹⁶ https://en.wikipedia.org/wiki/Lee_Boyd_Malvo, last visited 20 July 2021

During the trial, Cooley stated that violent video games had seemed to be contributed significantly to Malvo's state of mind and his will to commit murder. Cooley said, He's trained and desensitised with video games, computer games, to train him to shoot human forms over and over. Sociologists Lawrence Kutner and Cheryl K. Olson, however, have argued in their book *Grand Theft Childhood* that it seems the other factors were much more significant as well. In court, Lee Malvo admitted that he practised by shooting a real gun at the paper plates that represented human heads. As well as, Malvo had a long past of antisocial and criminal behaviour, which included torturing the small animals, one of the best predictors of future violent criminal behaviour.

The "real plan" - as told by Lee Boyd Malvo :

In Muhammad's May 2006 trial in Montgomery County, Maryland, Malvo himself took the stand and confessed in a more detailed version to the pair's plans. Malvo, after going wide counseling, admitted that he had been lying in the statement, he made after his arrest when he admitted to being the triggerman for every shooting. Malvo claimed that he had said this in order to protect Muhammad from the death penalty because it was hard to achieve the death penalty for a minor. Malvo stated, 'I'm not proud of myself. I'm just trying to make amends', expressing his regret in the shootings. In his two days of testimony, Malvo outlined detailed aspects of all shootings.

In Part of his testimony concerned Muhammad's complete plan, it consisted of three phases in the Washington, D.C. and Baltimore metro areas. Phase one consisted of meticulously planning, mapping and practicing their locations around the D.C. area so that after each shooting they could quickly leave the area on a predetermined path and move to the next location. Muhammad's goal in Phase one was to kill six white people a day for 30

days. Malvo went on to describe how Phase One did not go as planned due to heavy traffic and the lack of a clear shoot and/or gateway at different locations.

Whereas Phase Two was meant to take place in Baltimore. Malvo described how this phase was close to being implemented, but it was never carried out. Phase Two was intended to begin by killing a pregnant woman by shooting her in the abdomen. The next step would have been to shoot and kill a Baltimore police officer. At the officer's funeral, they would plant several improvised explosive devices. These explosives were intended to kill a large number of police since many police would attend another officer's funeral. More bombs were then to be detonated as ambulances arrived at the scene.

The final phase was supposed to happen soon after, if not right after, Phase Two. The third phase was to extort several million dollars from the U.S. government. The money would have been used to finance a larger plan to travel north into Canada and recruit other effectively orphaned boys to use weapons and stealth and send them out to commit shootings across the country.

Hence, the Beltway sniper attacks turned out to be the last of a series of shootings across the United States connected to these individuals which began on the West Coast. Contrary to what many people think, acquittals due to a successful insanity defense are rare, and there is good reason for this. The conventional wisdom about causes still guides the efforts of many who craft policies to combat crime. Policy makers waste billions of dollars as they naively seek to combat criminal behaviour by eradicating its so-called environmental "root causes". Programs that employ traditional psychological approaches remain

unsuccessful. For example, "anger management" programs are widely used in efforts to help offenders change. Such efforts are doomed, in that they actually legitimise anger.

Human nature does not change; however, a constantly changing society provides new avenues for the criminal mind to express itself. For example, bullying is not new, but cyberbullying is, and offers criminally inclined adolescents and adults a vast new arena in which to inflict great suffering. The concept of a continuous sequence is also essential to understand the mental face of individuals with a criminal personality. Lying can be said as a case in point. Mostly all of us tell small lies. Suppose A two-year-old knocks over a glass of milk and points to the cat as the culprit. Your friend asks if you really like his new hairstyle and, to avoid hurting his feelings, you said you admire it even though you feel it doesn't do her justice. While wanting a day off, you phone work to take sick leave although you are totally well. You assure a child the medicine won't taste bad in order to persuade him to have it, even though you know it is bitter in taste. But there is a significant alteration between a person who tells a relatively innocuous lie to avoid embarrassment or hurting someone, and the individual who lies as a way of life. The criminal lies to cover his tracks (he has a great deal to conceal) and to get out of jam that he has created for himself. He lies to save a view of himself as special and powerful, a self-image that he fortifies every time he succeeds at deceiving others. Considering the failure to take into account someone else's feelings. We occasionally cause distress to others by single-mindedly pursuing what we want. We may sometime cut someone off in the middle of a conversation or, inadvertently be little the importance of someone's recent achievement. But once we realise what we have done, we suffer regret over the harm we may have caused. In contrast, criminals are uncompromising. In pursuing an objective, they are heedless as to the collateral effects of their behaviour. They view other people as their pawns to manipulate. Any means to achieve a desired end is

acceptable. An offender commented in all seriousness to his probation officer, This empathy thing; what's in it for me?

Anger can benefit from the concept of continuous sequence. Some people have a cheerful disposition and rarely become irritated. Even in the face of tremendous problems and failures, they remain cool and composed. At the other end of the spectrum is the criminal who harbours resentment throughout his life. "He reacts as though his entire self-image is on the line when individuals fail to meet his unrealistic standards. He gets upset throughout his life because others do not do what he wants and he is unable to manage them. Criminals are generally like everyone else, but they become destructive because they have been traumatised or hindered in reaching their objectives, according to psychology and sociology. Because he may never have had a normal family life, an adolescent 'falls in with the wrong crowd' and joins a gang. Or a drug trafficker makes a living because his talents only qualify him for minimum-wage positions. As a result, both are portrayed as persons who are moulded by circumstances beyond their control, ignoring the fact that the majority of teenagers from dysfunctional households do not join gangs, and that the drug dealer's lack of education and job skills is a personal failure rather than a social one. In many areas, the criminal is viewed as a victim rather than a perpetrator. It is deceptive to assert that the criminal desires what a responsible person desires, or that he values the same things that a responsible person values. Although both desire riches, only one will work diligently and honestly to acquire it. The criminal believes he is entitled to it and takes it in whatever manner he can, regardless of who he harms, and then demands more. Both may want a family life, but the responsible person demonstrates the give-and-take, forethought, and caring that it necessitates, whilst the other does not. The criminal typically talks about hard work, integrity, and responsibility, but his actions show that these values are antithetical to his way of life."

Hence, all the difference aspects our society lays more stress on the psychological aspect of the serial killers, committing these arduous crimes of killing other persons without any remorse or fear. So, it has been stated that, criminals should be treated and punished and also checked whether they are mentally unstable and provided treatment and punishment accordingly.

1.12 Research Design:

This paper is divided into eight chapters.

Introductions, definitions, and studies of serial killers are included in Chapter 1, as well as a summary of the paper's objectives, goals, research difficulties and questions, and methodology.

Chapter 2 delves into the factors that contribute to the development of a serial murderer, as well as scientific procedures and criminal characteristics.

Criminal Psychologist is the title of Chapter 3. The role of criminal psychologists, investigations based on their findings, and analytical procedures are covered in this chapter.

In chapter 4, you'll learn about psychopaths in India and see case studies from India and other countries.

5th Chapter, titled "Legal Lacuna," addresses how crucial it is to determine if the criminal is mentally ill or wicked. Along with cross-cultural and modern punishments, they were punished.

6th Chapter details the crimes of five well-known serial killers i.e case study.

Chapter 7 focuses on the therapeutic approach in the United Kingdom and the United States, as well as the prevention and treatment of therapy.

The Conclusion and Suggestions are the topics of Chapter 8.

CHAPTER 2

GROUNDS NURTURING A SERIAL KILLER

CHAPTER 2

GROUNDS NURTURING A SERIAL KILLER

To the inexperienced eye, “a serial killer might just look like any other person of the public, wearing the same as clothes, eating the same food and going on same with their daily lives, as any individual or sane person would do. But these is what the difference is in them, which is unidentifiable; it is the lethal secret that all the serial killers hide from the external world. If they weren't able to cover this secret so well, many of the hard-hearted killings could have been prevented. So, therefore if we would we able to see deep within their souls and spot the things that had made them the way they are, may be we would be able to stop them from becoming serial killers in the first place.”

The first questions that arises in everyone's mind is- “Who is actually a serial killer? What is a serial killer? A serial killer is said to be someone who kills around three people over the course of at least one month with a substantial break between each of the murder.” The FBI will consider 2 or more murders to be serial killings, each one committed separately while other authorities may consider 4 murders to be the start of a serial killing spree.

"Think like a criminal to catch a criminal" - may be it is not the first time that we have heard of this saying. To think like a criminal, however, we must be knowledgeable of what is going on inside a criminal's mind or what is really inside a criminal's brain.

2.1. SCIENTIFIC METHOD :

Science has proven that a criminal's mentality differs from that of a normal individual. While we cannot judge what's going on inside the brain of a need-driven criminal, or those who are stricken by poverty, studies have verified that an offender's brain has several deformations¹⁷.

a) Some brain parts are deformed

To be a complete, normally functioning human being, all the parts of the brain need to work in harmony. In most criminals, however, some brain parts may vary in size to those of the usual people. This leads to unlike behaviour.

Studies had shown that in people with criminal nature, a few parts of the frontal lobe of the brain are considerably smaller. An even higher proportion of repeat offenders sport the same. One of these parts was 18% smaller in such people than in normal people.

The frontal lobe is the part of your brain responsible for decision-making, emotional processing and purposeful behaviour. Because of parts of the frontal lobe being smaller, criminals have less authority over all these functions.

¹⁷ Eric cruise : criminology psychology: understanding the mental disorders that power the psychopathic behaviour through criminal profiling, 2016, p.15

A study also extracted that the criminals with “psychopathic tendencies of around 18% amygdale less in volume in comparison to that of a sane person.” The amygdale is the part specifically responsible for emotion in people.

b) The chemical levels in the brain are a bit off

The chemicals we are talking about here are neurotransmitters. “Neurotransmitters are the body’s chemical messenger in the brain that deliver signals, in turn producing reactions”. These reactions consist of triggering memories.

When compared to normal brains, “most criminal brains have varied levels of neurotransmitter like dopamine and serotonin,” according to research. When your serotonin levels are balanced, you are less likely to strike out in anger when you are frustrated.. The criminal's brain often has lower amounts of this. This means that when faced with a frustrating or perhaps annoying situation, a criminal has less control over his or her impulsive reactions.

Dopamine on the other hand affects whether you feel rewarded after or for an action. Now if dopamine levels rise after an act of aggression, a criminal feels good about it, and will likely act in a similar manner when faced with a similar situation.

c) The brain is passive to facial expressions

Criminals, especially those with psychopathic tendencies, and who indulge in violent crime, consist of “brains that do not respond to fearful facial expressions exhibited by others.” This is according to scientists who conducted research on people that show dissocial personality disorder.

The research has shown that psychopathic criminals are often passive to expressions of fear and dread on other people's faces. Criminals, especially psychopathic criminals, find it hard to discern a sad face from a neutral one.

The typical criminal will show almost no reaction when facing a scared face. Your brain on the other hand will suddenly become very active when you see the same. This passiveness is perhaps what prevents criminals from feeling remorse after they commit violent crimes. These feelings never register in their brains in the first place.

d) An unusual fearlessness

“The criminal's brain shall always not react with the same frequency of fear as ours does. Studies have shown that criminals and psychopaths lack the fear conditioning that causes you to be afraid when you understand something bad is coming.”

Much like Pavlov's dog, the average person's brain is condition able (comparative) to expect a specific thing after hearing a specific sound. “In the case of fear conditioning,

researchers played a specific tune before administering an electric shock. In normal people, there was a reaction.” Psychopathic criminals showed no such reaction. It is this lack of anxiety over the future, or associated consequences that make these criminals so dangerous to society.

e) Lack of a reaction to unpleasant sounds

Scientists tested how 3 year olds reacted to sounds. They expected the reactions to be measurable; true to form, they were. This was especially so when the scientists tested unpleasant sounds, “About 8% of the kids showed no reaction to the unpleasant sounds even if the sounds were close. 20 years after this study, the same scientists found that 8% of these children, now adults, had criminal records varying from driving infractions to violent crimes.”

f) The rational and irrational sides over communicate

Our brain has two parts : the right side, the irrational side, and the left side, the rational side. Joining both is a bridge called the corpus callosum. In criminals, scientists found that this bundle of fibres was longer and thinner than it was in average humans. It also registered more activity, translating to hyperactive communication between the two sides of the brain.

This sounds like a good thing but is not. While the socially normal person will make decisions drawn from the rational side, in the criminal mind, the rational and irrational all too often overlap. A criminal behaviour is thus more impulsive. Why is this? The easiest way to explain this is by stating that criminals myopically see consequences.

“In a study conducted by Mayo Clinic to 21 people with anti-social personality disorder - a mental illness which is common to many convicted criminals - it was discovered that the brain scans of anti-social people showed reduction in volume in two sections of the brain's frontal lobe : the middle frontal gyrus and orbital frontal gyrus. It was concluded from this study that people with anti-social personality disorder usually show no consideration for right and wrong and are more inclined to violate the law.” Neurologist Dr. Bruce Price also said that in psychopaths, a section of the amygdala that part of the brain that is responsible for our decision making ability - was found to be off-kilter.

In the said study, “a comparison was made of the brain scans of 27 psychopaths, who were considered to have severe anti-social personality disorder, and 32 non-psychopaths. The brain scans showed that psychopaths had deformations on the specific part of the brain called the amygdala, which serves as our brain's seat of emotion. One of the research team members further commented that psychopaths lack emotion and does not feel empathy, guilt, or remorse. However, even though these studies reveal the pictures beyond the thick skulls, these brain scans are not enough to determine the behaviour of a criminal. Every serial killer, regardless of the weight of their crime, works via a certain pattern, and these patterns help us identify the behaviour as well as the profiles of the criminal.”

2.2 ANTISOCIAL PERSONALITY DISORDER

“First of all it is necessary to understand what psychopath behavior is. Psychopathy, also known as Antisocial Personality Disorder (APD or ASPD), is a psychological personality disorder. Not only do psychopaths lack emotions of conscience and empathy, but research has shown that these individuals consistently display certain aspects of temperament

which include lack of fear, lack of inhibition and a stimulus seeking behaviour. Psychopathic adults have also demonstrated psychological idiosyncrasies such as a reduced physical response to negative stimuli and indifference to the threat of pain and punishment¹⁸.

“Psychopathy has been defined by different thinkers but the greatest contribution was made by Hare and his associates who laid emphasis on assessment and treatment. They were influenced by Cleckley's observations, and evolved a set of diagnostic criteria that offers a practical approach. Hare devised a list of traits and behaviours for his 'Psychopathy Checklist' (PCL). He listed twenty two items, each of which was to be weighted from 0 to 2 by clinicians working with potential psychopaths. The instrument, with items grouped around two factors narcissistic personality and antisocial behaviour was tested extensively. Psychopathy was defined as a condition characterised by - in support of Kernberg, but centering ADP on five personality features.”

- * “lack of remorse or empathy”,
- * “hallow emotions”,
- * “manipulativeness”,
- * “lying”,
- * “egocentricity”,
- * “glibness”,
- * “low frustration tolerance”,
- * “episodic relationships, parasitic lifestyle”,
- * “the persistent violation of social norms”,

¹⁸ R.D. HARE, WITHOUT CONSCIENCE : THE DITRIBURBING WORLD OF PSYCHOPATHS AMONG US 25, Furth Edition, 2009, p. 15

* “need for stimulation and criminal versatility”.

2.3 R. D. HARE CLASSIFICATION

According to Hare, "Psychopathy is one of the best validated constructs in the realm of psychopathology. Another group of researchers used the 6 instrument on 653 serious offenders¹⁹. They noted evidence to suggest that psychopathy emerges early in life and persists into middle age.” “The ‘prototypical psychopaths’ were responsible for particularly heinous offences. Hare, concluded that psychopathy appears to be a distinct personality disorder, with childhood behaviour problems serving as good indicators especially when they manifest at an early age. These indicators include drug abuse, theft, aggression, truancy, general problem behaviour and poor educational achievement. Yet though not all the children who exhibit these behaviours go on to commit adult crimes, suggestion that²⁰.

- 1) “not all psychopaths are criminals,”
- 2) “some behaviour changes with age and”
- 3) “some intervention may help to redirect behaviour.”

¹⁹ R.D. Hare, Comparison procedures for the assessment of psychopathy, 53 Journal of Consulting and Clinical Psychology, <https://www.ncbi.nlm.nih.gov/pubmed/3980831>, last visited on 22 July 2021

²⁰ D.R. Offord, M.C. Boyle & Y.A. Racine, The epidemiology of antisocial behaviour in childhood and adolescence, https://books.google.co.in/books?id=_MSz9acp35OC&pg=PA1074&lpg, last visited on 24th July, 2018

It is said that “Psychopathy provides a theoretical and practical challenge to criminal law and the criminal justice system in general because psychopaths are at a disproportionate risk for persistent criminal behaviour.” “It’s believed that their criminal conduct appears to be primarily the product of a mental disorder, and there seems to be little efficacious treatment. They may not understand that what they have done is incorrect. Nevertheless, psychopathy per se does not weaken cognitive understanding to a degree that would meet the necessities of criminal law for incompetence to stand trial because psychopaths can know the nature of the charges and are capable of assisting the counsel. Psychopaths may be at a risk of malingering incompetence if they believe that it would be in their interest to be found incompetent, but the risk of malingering is distinguishable from genuine incompetence to stand trial” or “from any other criminal law criterion related to mental abnormality²¹.

They say- “Psychopaths are very intelligent and hold very elite positions in society, they like seeing others in pain- ‘Deceitfulness and fraudulence is their identity.’ Their intention is to harm anybody without any reason and they cause grim harm, as they have only one thought and that is directly sadistic feeling. They imitate the finest thing and harm others by making that best part as a weapon. They are very attractive as well as dangerous in the same time. To understand and recognise them is a very complicating task because of their significant position in society. If they are not holding the position then, wherever they are, they are considered as nice persons.”

Hare believes that “while discussing the working patterns and ways of criminals, it is important to avoid simplistically dividing all of humanity into good or evil- During a well-publicised interview that appeared in the November 1976 issue of Playboy magazine, former

²¹CLECKLEY, THE MASK OF SANITY ST LOUIS, Fifth Edition, 1976, p. 10

President Jimmy Carter stated, I try not to commit a deliberate sin.... I've committed adultery in my heart many times. Like President Carter, we often have thoughts that, if acted upon, would result in harm to other people or ourselves. Sinful (to use President Carter's Terminology) thoughts flash through our minds, and we easily and quickly push them aside. They disappear and do not recur. We may struggle with other thoughts because they occur over and over. In all likelihood, however, we do not harbour thoughts of committing major crimes such as robbery, arson, rape, or murder.” “Criminals frequently react to daily frustrations and disappointments in ways that are markedly different from ordinary people's reactions. On the highway, a driver cuts us off. The majority of people dismiss it and proceed on their way.”

According to Hare- “The person with a criminal mind, however, may pursue the offending driver, escalating the conflict into violent road rage. When treated rudely by a clerk in a store, most people simply ignore the bad behaviour. The person with a criminal mind, however, may launch into a profanity-laced tirade and, possibly, a physical attack. In response to whatever transpires in our lives, we have thoughts and make critical choices about what to do with those thoughts. The person who is basically responsible thinks about consequences and has a conscience. He therefore does what President Carter described - he tries ‘not to commit a deliberate sin’, If one believes the statistics, nearly half of American marriages run aground, leading to separation and divorce. There are different ways to respond to marital conflict. If a person commits adultery, other people beside his spouse and children may be ensnared, including extended family, neighbours, coworkers, and friends. The laying and living a double life that are endemic to infidelity are similar in degree to the behaviour of the criminal. However, in other aspects of life, the person who commits adultery may be honest, empathic and responsible.”

2.4 COMMON TRAITS

Mostly, if not all serial killers exhibit some or all of these common traits.

1) Abuse of Alcohol or Other Substances

“ We often come across that Many people who later becomes serial killers are seemed to exposed to substance or alcohol abuse while still being in the womb. It is one of the causes where several very serious faults present at birth, including retardation, smaller eye openings and a smaller head and brain, should the baby survive beyond birth. Worse cases are those who grow up in homes where others expose them to constituent abuse. This can cause conditions such as attachment disorders, ADHD, feelings of insufficiency, self-hesitation, depression, and some behavioural prblems. These will be evident from a young age and as per the statistics by the FBI, it is found more than 70% of known serial killers lived in a home where constituent abuse was the norm and caused severe problems.”

2) Childhood Psychological Abuse

In reality, it should go without saying that almost all serial killers somehow faced some kind of exploitation/ abuse as a child. Information gathered from numerous interviews with known serial killers, have shown that- “two of the main forms of abuse, were neglect and emotional abuse.” They would suffer from constant humiliation and the discipline that was meted out to them was very often unpredictable, wicked, destructive, and very unfair. Even simple negligence leads to massive problems in terms of progress and it leads to the child to become desensitized- ‘ believing that a world without emotion is normal’ which leads to the childrengs growing up without empathy for others. “Though Emotional abuse might damage

their self-esteem and it shall interfere with their ability to be able to function normally in society, affect their chances of succeeding in terms of academics and will render them unable to or finding it difficult to form healthy relationships, in particular, intimate ones.” This is why we often hear that a serial killer has had many jobs, failing to hold on to anyone for any period and that they rarely have loving relationships with anyone. Although this is not always the case, there have been several cases of serial killers being in relationships and at the same time being cold-blooded murderers.

3) Violent Sexual Events in Childhood

“There is some material that is accessible that reveals the effects that malicious sexual proceedings in childhood can have conflicting effects on development- “Serial killers mostly male are known to have made dressed as female, for being punished. And the others are being made to watch grave sexual acts between members of the family or parents suffered some of the worst effects.” on top of that, some were strongly punished when caught masturbating and others were the sufferers of sexual abuse, usually by a parent or other member of the family Childhood experiences such as these will often cause a person to create violent and vivid fantasies that they carry through to adulthood. “Suffering abuse as a child can often lead to feelings of isolation, especially socially, seizures, issues with self-control and learning difficulties.” Many serial killers did for example not completing their high school years. Children that get abused can also develop a feeling of powerlessness over themselves and their body.

4. Growing up Isolated and Lonely

When we see back towards the families of serial killers, we can see that they were not in tune, were deeply at odds with one another. They cannot have a relationship that doesn't

malfunction and that doesn't debilitate them in some way and also it can be seen that their families move to new homes on a regular basis and the children very often wind up in a shelter before they reach the age of 18. What it comes down to is the fact that children with such backgrounds never get a stable home as they age up, there is no constancy in their young lives at all. And as a result to this, they end up being unable to develop any relationships and therefore turn into loners. If we look into the background of some of the serial killers, we will see one thing that resonates throughout all of them - their classmates could never remember them and they never had close school friends. In fact, they are always bullied and, as a result to this, would develop anti-social behaviour and tendencies at a young age. These young ones “start to fiddle in theft and arson, displaying violence and anger, develop a attraction with hazardous weapons and will have no affection for the rights of any other person.”

5. Fantasies

Everyone has fantasies at some time in their life but, for most of us, these fantasies are out of reach and are something we never strive to achieve. The serial killer will fantasise about violation and control. research has shown that few serial killers ever had positive fantasies when they were growing up, instead, their fantasies would revolve around mutilation, of themselves and others, including their own genitals and are mostly violent and aggressive.

“Serial killers while in the making shall never talk to anybody about these imaginations and views, while they would find that the thoughts begin to occur with frightening frequency. Before they commit their very primary murder, the imaginations will be focused on that murder. After that, they will fantasise about each consecutive murder, and in next how to get more successful and effective”.

6. A preference for Auto - Eroticism

Many serial killers avoided social gatherings and events as a child. They have never gone through the sexual experimentation phase that many young adolescents go through today, preferring auto-erotic activities instead, such as pornographic material and masturbation. In some cases, the masturbation would be obsessive, as it was with Andrei Chikatilo²², a Soviet serial killer responsible for the sexual assault, mutilation, and murder of more than 50 people.

His penis was heavily scarred because of the aggressive nature of his masturbation. Because of this, they feel forced into undertaking solo activities. It isn't just pornographic magazines or books that fuel their sexual fantasies, detective magazines will often go into lurid detail about the sexual nature of a murder, thus providing both arousal and a link between murder and sex.

7. Fetishism and Voyeurism in Adulthood

Many serial killers exhibit an interest in fetishism and voyeurism from a young age. They will typically start off with reasonably harmless activity, such as becoming peeping toms but many will then move on to breaking and entering, and rape, followed by murder. Because dominance and bondage feature so highly in many of the more dangerous sexual activities, it is no surprise that many serial killers take this route once they reach adolescence. Violent fantasies on Animals Most serial killers, that have been interviewed, confess that they acted out some of their more violent fantasies on pets before trying on human victims. Because many serial killers come from a dysfunctional background, this type of behaviour tends to be ignored or not seen at all. One famous example of this was Jeffrey Dammer²³, his father didn't see any off beam with his son spending a lot of time dissecting animals.” Acts

²² Andrei chikatilo:https://en.wikipedia.org/wiki/Andrei_Chikatilo, last visited on 26th July, 2021

²³ Jeffrey dammer-https://en.wikipedia.org/wiki/Jeffrey_Dahmer, last visited on 27th July, 2021

such as this cause great volume of pleasure to the new or young killers and therefore they try it on animals to perfect their practise before trying it on human victims.

8. Physical Injuries

It has been suggested that there is a strong link between head trauma and violent/aggressive behaviour. Physical abuse, accidents and brain trauma caused by birth are some examples of what could have caused these traumas whereas- “Damage to the hypothalamus, temporal lobe or limbic brain can result in spontaneous aggression and this is because these 3 areas of the brain are related to motivation, emotion, aggression, and hormones. Injuries to these areas can also result in some forms of amnesia and seizures.” There is also some research to indicate that the pre-frontal cortex, which is the area of the brain related to judgment and planning, does not function as it should in a psychopath. There have been numerous serial killers who suffered head injuries²⁴. “David Berkowitz, Kenneth Bianchi, John Gacy and Leonard Lake are all serial killers that suffered from some kind of head injury or disease, Together these men have stabbed, shot raped and strangles more than 50 people.”

“Psychologists emphasise the role of early involvement in the family and point to parental issues as causal of criminal conduct. In the 19th century, the theory was forward-thinking that criminals were born ‘constitutionally inferior.’ Now, in the 21st century, scientists are again coming back to that impression as research findings point to a biological basis for criminal conduct.”

²⁴ <https://www.murdermiletours.com/blog/serial-killers-mourders-and-their-head-injuries-as-a-child>, last visited on 27th July, 2021

In a 1964 article, the noted psychologist- “O. Hobart Mowrer²⁵ questioned whether psychoanalysis actually encourages ‘sociopathy’ (now officially called ‘antisocial personality disorder’) by giving more reasons for crimes.”

Although many states in the US try teenage criminals as adults, the brain of a psychopathic teenage criminal is not fully developed. As is now known, judgment and reasoning develop through the teens and into the twenties.

When compared to adults, teens are a lot more impulsive and are a lot more likely to be influenced by peer pressure and less possible that they would consider the penalties. Aggression also tends to peak in one's teens, meaning that an aggressive teen will not necessarily make an aggressive adult.

What can we take away from all this? It is likely that criminals, especially psychopaths, have underdeveloped brains. Even when their brains seem fully developed, some parts of their brain never truly develop normally. remember one thing however- criminality all starts in the brain. A criminal is a criminal because inside the skull lies a brain conditioned to crime and crime prone stimuli. While a fair share of the criminal traits listed in this guide are physical, their origin is in the mind. If we can make this physical-psychological link, pinpointing a criminal with accuracy can be easy.

²⁵ Mowrer, O. Hobart (1967), *Morality and Mental Health*, First Edition, 1967, p. 25

CHAPTER 3

CRIMINAL PSYCHOLOGIST

“The term ‘criminal psychology’ encompasses a diverse range of fascinating subjects. People have been fascinated by crime for generations, and psychology has risen from a nascent study to one of enormous relevance in the last century. Psychology is presently one of the top three most popular subjects to study at university or college in various nations throughout the

world (for example, the United States and the United Kingdom). Many parts of life, particularly those involving offenders, prisons, the police, witnesses, and the courts, are now recognised as having a strong psychological component.”

“While these popular perceptions about criminal psychologists' job may be accurate for a small percentage of them, they do not reflect the wide range of positions that persons trained in criminal psychology can and do fill. Criminal psychologists' employment ranges from supporting police in investigations to providing guidance on interrogating suspects or witnesses, testifying as expert witnesses in court cases, working in the rehabilitation of offenders, doing criminal psychology research, and working in academia.”

If the question is asked "What do criminal psychologists do in their everyday working life?, What would be your response? If we believe the latest television dramas, criminal psychologists' primary function is to assist the police in catching criminals or to engage in the 'profiling' of offenders.” If we have seen films like “The Silence of the Lambs” we may have faith in that criminal psychologists try to obtain a deeper understanding of the minds of major offenders by interviewing condemned criminals about their crimes, similar to the scary interviews conducted by Clarice Starling²⁶.

“While these popular perceptions about criminal psychologists' job may be accurate for a small percentage of them, they do not reflect the wide range of positions that persons trained in criminal psychology can and do fill. Criminal psychologists' employment ranges from supporting police in investigations to providing guidance on interrogating suspects or witnesses, serving as an expert witness in court cases, working in the rehabilitation of offenders, performing criminal psychology research, and working in academia. They attempt

²⁶ Clarice M. Starling is a fictional character who appears in the novels *The Silence of the Lambs* and *Hannibal* by Thomas Harris, 2015, p. 31

to give a balanced view of criminal psychology as a profession and to introduce the reader to the various roles that criminal psychologists might play.”

The word “criminal psychology has been defined in a variety of ways. There is still no universally accepted definition. For example, two top criminal psychologists in the United Kingdom characterised it ten years ago as ‘that field of applied psychology involved with the collecting, examination, and presenting of evidence for judicial purposes²⁷. Criminal psychology appears to be involved with investigative (police) and court processes, according to this interpretation. However, given the increase in criminal psychologists' involvement in the assessment and treatment of offenders following their sentencing over the last quarter-century, it's not surprising that there would be some disagreement over a definition that would exclude these groups of professionals from being called criminal psychologists.”

As a result, it appears that a broader definition of the term is required. “A well-known American psychologist has contributed to this. 'Any application of psychological knowledge or procedures to a task confronted by the legal system,' he defined criminal psychology. This broader meaning encompasses the entire legal system. As a result, criminal psychologists can be involved in any aspect of the legal system²⁸.

3.1 ROLE OF CRIMINAL PSYCHOLOGISTS

²⁷ G.H. Gudjonsson & I.R.C. Harward, *Froensic Psychology: A Guide to Practice*, Second Edition, 2016, New York, Routledge Publishing, p. 1

²⁸ Lawrence S Wrightsman, *Forsenic Psychology*, First edition, 2001, Boston, Wadsworth Thomson Learning Publishing, p.2

“Professor Lionel Haward²⁹, one of the UK's founding fathers of criminal psychology, identified the four roles that psychologists can play when they become involved in criminal proceedings professionally in 1981.” These are the following:

1. Clinical

“In this case, a psychologist will normally be engaged in an individual's assessment in order to make a clinical judgement. To aid in his or her assessment, the psychologist could employ interviews, assessment instruments, or psychometric tests (i.e. special questionnaires). These evaluations can provide information about an individual's psychological functioning to the police, courts, and prison and probation services, and thus influence how the criminal justice system processes that individual”.

2. Experimental

“This could include the psychologist conducting research to help with a case. This can include conducting experiments to demonstrate a point or provide additional information to the courts (for example, how likely is it that someone can correctly identify an object in an individual's hand from a distance of 100 metres at a distance of 100 metres at a distance of 100 metres at a distance of 100 metres at a distance of 100 metres at a distance of 100 metres at a distance of 100 metres at a distance of 100 metres at a distance of 100 (twilight). Alternatively, psychologists could provide the court with an overview of recent study findings that are relevant to the situation at hand.”

3. Actuarial

²⁹ <http://psychologyfacts07.bogspot.com/2015/06/criminal-psychology.html>. last visited on 27st July, 2021.

“The term 'actuarial' refers to the use of statistics to inform a case in this case. If a psychologist is required to present actuarial information to the court regarding the probability of an event occurring, this is an example of how they might act in an actuarial role. Before deciding on a punishment, a judge might want to know how likely an offender is to reoffend. In such a circumstance, a psychologist might be brought in to provide the court with a presentness report.”

4. Advisory

In this capacity, “the psychologist may offer police recommendations on how to proceed with an investigation. For example, an offender's profile could help with the investigation, or guidance on how to question a certain suspect could be given. A prosecutor or defence attorney may also seek assistance on how to appropriately cross-examine a vulnerable witness or another expert witness. This function include advising the police, courts, or jail and probation agencies using the psychologist's expertise. As we can see, psychologists can be used in a variety of situations and for a variety of reasons within the criminal justice system”.

In this case, clinical psychology is used to assess each participant in a clinical setting. Assessment tools are used by psychiatrists. the upkeep or the psychological tools to assess These assessments can assist the police or other hardware contestants in dealing with the subject. You know, receiving treatment for example, was whether he or she was studying, or if he or she had another mental disease that meant he didn't understand the technique.

At the time, as society around the world has agreed for well over a century, crime is particularly sensitive, and the task is difficult to "seize and lock up." After the necessary recovery of arrest, the modern strategy is also a mm of the offender in society, because the

goal is not to punish people, but to prevent them from offending again. Another crucial issue to consider is how witnesses and victims are treated. Often, you will be under a great deal of stress, which is extremely concerning, in order to assist cops and doctors in their recovery.

The main goal of this region is to reduce crime, thus we're going to talk about the interesting challenges that individuals who want to work in this field can face with the help of the above-mentioned information.

3.2 Criminal Investigations

A psychologist's role in criminal investigations can take many different shapes. “Professor Laurence Alison³⁰ of the University of Liverpool has proposed several ways in which a psychologist's knowledge could assist the police and support the work that they do.”

According to Alison³¹, It is important to appreciate that the ways in which psychologists can contribute extends well beyond the process of profiling offenders. Indeed the apprehension of the offender would be assisted by enhancing police decision-making and leadership skills, improving methods of interviewing witnesses and victims, developing accurate methods of recording, collating and analysing data on pre-convictions of offenders, developing suspect prioritisation systems based on empirical research and enhancing intelligent led policing and the use of information's.

The function of the psychologist in supporting the police can be broad, as evidenced by the list given within this sentence.

³⁰ Professor Lawrence: Advances in criminal profiling. <https://www.liverpool.ac.uk/psychology-health-and-society/> last visited on 27th July, 2021

³¹ Professor Lawrence Alison, Forensic Psychologists Casebook: Psychological profiling and criminal, 2011, p. 35

3.3 CRIME ANALYSIS

One type of endeavour that uses criminal psychological methods is crime analysis (also known as intelligence analysis). In general, crime analysts are engaged by the police (or policing agencies, such as the National Crime and Operations Faculty and the National Crime Squad in the United Kingdom) to analyse crime data in order to assist the police in carrying out their duties.

“Case linking is one of the most prevalent functions of crime analysts. This method entails linking crimes based on similarities in the offender's behaviour as reported by the victim or deduced from the crime scene. Consider a rape scenario in which a stranger raped a woman who was walking home alone after a night out with her friends.”

“The fact that she had just left a nightclub, that the rapist took some of her clothing away from the scene with him, and the content of the threats directed at the women could be used by crime analysts to compare this case to a database of similar crimes to see if there are any similarities to previous crimes. If there are similarities between the two rapes - for example, the same threats were made, the rapist wore similar attire, and it occurred in a similar geographical place - the authorities can use this evidence to explore the possibility that the same individual committed both crimes. This enables the organization's resources to be focused.”

CASE STUDY

“Sarah works for a national police organisation in the United Kingdom as a criminal psychologist. Sarah has got information from a local police department about a serious stranger rape that has gone unreported. She'll go over the case's statements and reports, looking for information on the perpetrator's actions. This will then be compared to

behavioural indicators from other crimes to see if there are any signs that the same person committed several crimes.”

“Sarah will then write a report for the police that summarises whether the behavioural evidence shows that the undetected crime was likely committed by the same person as any of the crimes in the national database. The information can help the police narrow their investigation, or if the database crime is solved, the police can use Sarah's report to help them create a case to arrest this person for the undetected rape.”

a) Crime Analysis methods

Police departments benefit from crime analysts in five ways.³²

Tracking down series, patterns, trends, and hotspots as they emerge

Every day, crime analysts pore over all police records in order to spot patterns as they emerge. A crime analyst finds it on the second incidence if a burglar starts targeting pharmacy stores in your jurisdiction. An analyst will notice if domestic violence becomes a recurring problem in a family. If your city, town, or county is dealing with an emerging issue like youth disorder on a certain street, street robbery hot spots, new fraud and forgery tendencies, or a pattern of stuff being taken from cars, an analyst can recognise it and inform you as soon as feasible.

The who, what, when, where, how, and why of emerging crime in your community is revealed through analyses of these trends, patterns, and hot spots. This data is utilised to build successful methods and strategies for intervening quickly, preventing victimisation, and reducing crime.

³² https://en.wikipedia.org/wiki/Crime_analysis last visited on 27th July, 2021

Researching and Analysing Long - Term Problems

Analysts examine at the long-term difficulties that every police department encounters in Annual Crime Report crime analysis isn't simply about immediate patterns and series. A crime analyst may dissect, analyse, and help the police department come up with long-term answers to anything from a park that has been a drug-dealing hotspot for 20 years to a street with a high number of automobile accidents to persistent difficulties with crime and disorder at cheap motels.

Providing Information on Demand

How many times have we been annoyed trying to acquire data from the records management system or the CAD³³ system? Crime analysts know how to extract information from records systems, ask questions of it, and turn it into meaningful data. They understand how to obtain data from a variety of sources and how to deal with it. They can make graphs, charts, maps, tables, and other graphic products.

A trained crime analyst can put together a list of all incidents of youth violence over the last five years, a chart showing trends in OUI arrests, statistics on motor vehicle citations, a map showing an upcoming parade route, or an estimate of how many officers you'll need in five years if current population trends continue.

Developing and Linking Local Intelligence

We've heard a lot about the need for intelligence after September 11, 2001. But what exactly is it? What does it have to do with local law enforcement agencies?

³³ CAD- Computer Aided Design. https://en.wikipedia.org/wiki/Computer-aided_design last visited on 27th July, 2021.

Special information on criminals and criminal organisations, such as their aims, activities, chains of command, how money and products flow through them, and what they're planning, is referred to as intelligence. "National and international institutions are primarily responsible for analysing intelligence data on national and international issues, but local police departments and analysts play a vital role".

"First, as information synthesisers, crime analysts are often aware of when local information or intelligence corresponds to state, national, or international intelligence. For example, if the FBI issues a bulletin stating that terrorists are using forged Belgian passports, analysts will be aware to pay close attention when one of several reports mentions a Belgian passport."

Making Your Department Look Good

A crime analyst makes an agency look good to the public and to local government officials." According to Chief Tom Dasady, Lincoln Police Department, "The systematic analysis of data and information is increasingly being valued by police agencies seeking to improve their effectiveness. The crime analysis function is integral to good policing and the efficient use of limited resources.

Before the press inquires about a criminal trend, we are well informed. On top of crime and disturbance, the analysis, statistics, and charts on the web site and in printed materials reflect that. And when someone needs information, they get it promptly and completely, whether it's a town selectman searching for statistics on adolescent liquor parties or a reporter seeking for the top accident hot areas.

3.4 Offender Profiling or Criminal Investigative Analysis

Criminal investigative analysis is another name for offender profiling. In recent years, it has gotten a lot of attention from the media. The use of criminal psychologists in high-profile

cases has been widely reported in the media, introducing the general public to the concept of offender profiling. While this has elevated the field's prominence, it may be claimed that the (mainly sensationalist) presentation of profiling has led to widespread misunderstanding about what profiling is, how often it is done, and who conducts it.

However, the lack of agreement on a meaning of the term 'profiling' among the general public is not surprising, given that there is no agreed-upon definition of the term 'profiling' even among academic circles. What we can say with certainty is that profiling is based on information gathered from the crime scene concerning the offender's actions during the crime. This information can be combined with additional data, such as victim statements (if available), to establish inferences about the nature of the criminal. Was the crime methodically planned or impulsive? Is the criminal a neighbour of the crime scene? What age group is the perpetrator most likely to belong to? Who is the perpetrator's gender? This information is for educational purposes only.

But how can a profiler analyse a scenario and use that data to describe the offender's personality? The answer isn't totally apparent, owing to the fact that different people participating in offender profiling can and do utilise a variety of methodologies to arrive at their conclusions. Even those who claim to be working from the same theoretical perspective can differ in their application of the theory to any specific circumstance.

3.5 Interviewing, detecting, deception and eyewitness research

Collecting credible evidence in order to piece together a case of what happened during the event in question is one of the most crucial responsibilities throughout an investigation. People who were eyewitnesses to the occurrence are one of the key sources of this evidence. In order to obtain this information, the investigating police officers must conduct an interview

with the witness in order to obtain as much correct information as possible. Furthermore, “once a suspect has been identified, he or she is interviewed to get their perspective on the events and maybe extract a confession to the crime. As a result, the interview (whether with a witness or a suspect) and the way in which it is conducted are important.

When we consider the processes involved in the interview situation (those linked to memory and retrieval of memory), it's no surprise that psychologists have been interested in this area for years. Given research findings such as those indicating that the interviewer can alter witness recall of events (either purposefully or accidentally – for example, by the type of questions asked), it is evident that individuals conducting the interviews require training in how to do them properly. Psychologists have played a key role in formulating guidelines and advice on how to question witnesses and suspects effectively, as well as training various police agencies in these tactics.

Psychologists can also be used by the police to get advice on how to interrogate specific categories of witnesses or suspects. Psychologists, for example, have studied interviews with vulnerable witnesses such as children, the elderly, and those with learning disabilities. This study can help police officers figure out how to get the information they need from witnesses without putting them under undue stress, while still ensuring that the information they get is as accurate as possible.

Criminal psychologists' research into the detection of deception has applications for police officers while interviewing witnesses and, in particular, suspects. How do people act when they're lying, and what signs can police officers look for to see if the suspects are lying

about where they were at the time of the crime? Is it possible to discern whether someone is lying with a high degree of accuracy? Is polygraph³⁴ accurate at detecting deception?

CASE STUDY

Robert is a criminal psychologist who teaches at a university. He specialised in interrogating vulnerable witnesses including the elderly and children, and has been conducting active study in this field for several years. The cops have requested him for some assistance with a case they're working on.

A young boy is the only recorded witness to the murder of an adult male. The police want to get as much correct information from the youngster as possible to aid them with their case, but they're not sure how much they can trust him because of his age and the trauma he's gone through. The cops also seek advice on how to approach the youngster without further traumatising him. They seek the assistance of an expert in this field and contact Robert, who is able to advise the police based on the findings of his research.

3.6 Police Psychology

Until date, the content in this area has focused on the use of psychological expertise to aid in police investigations. However, there is one area in which psychologists' work and application of their knowledge is beneficial to the police. The police force, like many other organisations, faces its own set of challenges: who constitutes a good police officer? What is the most effective technique to train cops? How does attending unpleasant crime scenes or repeated exposure to unfavourable occurrences effect an individual, and how are those who are affected best treated? This is not a new field of study; over the past twenty-five years or so, psychologists, both occupational and criminal, have advised the police on such issues.

³⁴ Polygraphs-a machine designed to detect and record changes in physiological characteristics, such as a person's pulse and breathing rates, used especially as a lie detector
<https://dictionary.cambridge.org/dictionary/english/polygraph>. last visited on 27th July 2021

Psychologists have contributed their knowledge to the recruitment of police officers by introducing psychometric tests that evaluate psychological characteristics that may be relevant to such job. These could be used to determine whether a person is forceful, open to persuasion, and detail-oriented. Psychologists have also offered guidance on how to structure interviews and assessment centres so that people who do not possess the requisite attributes for the job are weeded out, while those who will thrive in the position are identified.

Another key area of police interest where psychologists contribute on a regular basis is police stress management. The stress experienced by police officers differs from that experienced by other sorts of workers. Unlike most employment, where stress can be increased by organisational changes such as a reduced workload or a salary raise, police officers can be confronted with unexpected, potentially dangerous events at any time during their everyday work. Because these occurrences are unpredictable, they cannot always be managed by organisational change. As a result, police need stress management tools that can help them on an individual level as needed. Psychologists have advised the police on which procedures might be advantageous (such as peer counselling and self-help programmes), and will also provide professional assistance to police officers who require more extensive stress management.

3.7 Criminal psychologists and assessment and treatment of offenders.

Criminal psychologists are totally involved in work involving the assessment, rehabilitation, and management of offenders in the community or while incarceration³⁵, particularly in Australia, Canada, and the United Kingdom. This function might range from assisting offenders in reducing their chances of reoffending in the future to a more clinical role addressing offenders' psychological needs. These psychological needs may (or may not)

³⁵ Incarceration- the state of being confined in prison; imprisonment,
<http://en.oxforddictionaries.com/definition/incarceration>, last visited 27th July 2021

arise as a outcome of the crime they committed (for eg, the progress of post-traumatic stress disorder or the realisation of the influence of their crime on their victim) or the environment in which they are held (for eg, the development of post-traumatic stress disorder or the realisation of the influence of their crime on their victim) (or eg, developing depression due to being away from the family or anxiety brought on by repetitive bullying from other prisoners). The nature of this labour can be both varied and hard. One of the first and most persistent concerns of a criminal psychologist working with criminals after they have been sentenced is the assessment of offenders. This includes a thorough examination of their chances of reoffending, their risk of injury (both to others and to themselves), and their needs (such as accommodation, finances and mental health, for example). These evaluations can be used to manage the offenders' identified risks and needs, as well as to inform the planning of the activities that the offenders will engage in throughout their sentence. This could include basic skills training, therapeutic programmes, one-on-one assistance with specific challenges, and so on. Furthermore, if an offender is serving a community sentence and has been determined to constitute a high risk to the public, the offender may be subject to monitoring arrangements in order to mitigate the risk he or she poses. Psychologists can provide operational input to each of these arrangements, as well as management and advising help to those who deliver these interventions.

CASE STUDY

Claire is a criminal psychologist who works with inmates in a correctional facility. She is now putting together an offending behaviour programme for twelve convicted criminals, which will focus on why they committed crimes and what safeguards can be put in place to prevent them from committing crimes again once they are released from prison. She is in

charge of analysing criminals to ensure that they are suitable for the programme, thus she conducts a series of interviews and examinations with each possible programme participant. She will spend four hours a week working through the programme activities with her co-facilitator for the duration of the programme, and she will create reports describing each offender's progress through the programme. Claire is also in charge of one-on-one counselling with offenders who have a history of self-harming or who are at danger of attempting suicide. She'll visit with them on a regular basis to keep an eye on their mental health. Treatment programmes for criminals have been increasingly popular in recent years. Criminal psychologists have played an important role in this progress, helping to create, execute, and supervise programmes aimed at addressing offenders' ideas, attitudes, and behaviours that contribute to their criminal behaviour and avoiding further offending.

Psychologists are also tangled in the administration of these programmes, ensuring that the correct offenders are assigned to them and that they are provided in the manner intended by the designers. According to research, poorly provided programmes are ineffectual at best and harmful at worst. The duty of the jail or probation psychologist, however, is not confined to rehabilitation. Criminal psychologists in these settings may also be involved in conducting research, supervising prison or probation staff training, preparing reports for the courts detailing the risk level, needs, and other information pertaining to the individual offender, attending court, attending team and area meetings, and the unavoidable administration.

3.8 Criminal psychologists and academia/research

With the rise in interest in criminal psychology in recent years, there has been a surge in demand for courses that teach both theory and practise. The number of criminal psychologists working in academia has risen in tandem with the expected development in criminal psychology courses. So, what exactly do those folks do? The apparent response is

that they teach students about criminal psychology, namely the psychology of criminal behaviour, the psychology of the courtroom, psychology and investigation, offender assessment and treatment, and how to conduct criminal psychological research. This instruction can be given at the undergraduate or postgraduate level, and it can be done in a variety of methods. The academic criminal psychologist's role, however, is not confined to teaching.

Academics other major responsibility is to do research in their chosen field. Most academics acquire their own research interests over time, and their employers frequently urge them to improve their understanding of these specialties by conducting more research. However, the ability to do so is frequently reliant on a range of external factors, such as finance and access to privileged data of imprisoned individuals. From a personal standpoint, while this work can be unpleasant, laborious, and time consuming at times, it is also quite interesting and gratifying. Most university-based criminal psychologists are also obliged to engage in professional practise, such as delivering advise in a variety of methods.

CASE STUDY

John studied criminal psychology for a period of years, earning a masters degree and worked as a criminal psychologist for five years within the secure estate. He has, however, always been interested in spreading knowledge to others and has only recently decided to enter academics. He is presently in charge of teaching criminal psychology courses to people who have previously completed their undergraduate studies and want to work in this profession. John is especially fascinated with criminals who have severe learning problems and how they perceive their offences. He and a colleague have just received funding to

conduct study into this theory. They intend to employ a researcher to assist them with this endeavour, and once it is completed, they will publish their findings. He thinks that this study will help not only those who work with learning-disabled offenders, but also those who make court judgments about how these people are processed and sentenced. It's also likely that he'll be called as an expert witness in a case involving a defendant who is seriously learning handicapped in the future. He could be called to testify about where the defendant, in his professional opinion, had the intent to conduct an offence.

CHAPTER 4

OVERVIEW OF PSYCHOPATHS IN INDIA

CHAPTER 4

OVERVIEW OF PSYCHOPATHS IN INDIA

“Many incidents of serial murders, mental illness, incest, and other sexual and violent crimes have been reported in India, however no case of psychopaths has been reported. Psychopathy is a serious mental illness that is not recognised by the Indian legal system. Each mental ailment must be identified and classified as soon as possible, and then the essential procedures must be taken. Psychopaths have their own statues in the United Kingdom and the United States. Because of the severity of the disorder and the rising rates of psychopathic crime in India, appropriate recognition of psychopaths is necessary.”

“The government has paid attention to the problem as a result of the worrying growth in the number of crimes in recent years, and certain efforts have been taken to prevent crime in general, but no meaningful attempts appear to have been made in this regard. Criminality is frequently linked to emotional disorder, prompting researchers to look into clinical therapy as a possible cure. It's no surprise that many of the same offenders may be suffering from minor mental diseases that go unnoticed since they're never examined by a qualified psychiatrist. Such criminal mental patients have been ignored in India and around the world, with few psychiatrists working on and researching numerous issues connected to such mentally sick criminals. The crime rate and nature of crime perpetrated by people with various types of mental illnesses were compared to those committed by psychopaths.”

“Advocates, judges, social workers, probation officials, police officers, and doctors must be knowledgeable not only about mental illness and the law, but also about the support, care, and treatment available to the mentally ill. For example, a judge may have to deal with a case of mental illness; in this situation, medical specialists will be better able to diagnose the

same as mental illness, so strongly advocating that the accused be treated. However, unless the judge is sensitive to this issue, reaching a reasonable and humanitarian ruling will be difficult. At this point, the judge must have some understanding of mental care and be willing to accept this truth”.

There are a few situations where the judiciary has made a difficult judgement. There was once a notorious occurrence known as the 'Nithari Case',³⁶ which involved the “gruesome killings of several children and, at times, the eating of their (flesh), which rocked the minds of everyone. This behaviour appears to be abnormal, but determining if a person's functioning is abnormal and whether the individual has a psychological disorder can be a difficult procedure including the consideration of various aspects.” There are just a few behaviours that are essentially aberrant. “Abnormality must be assessed in the context of a certain social circumstance. Surendra Koli, the main accused, exhibited clear psychopathy symptoms; he was initially diagnosed as a psychopath, but this significant aspect faded with time, and he was sentenced to death.” As a result, there is no special law for dealing with psychopaths who are actually victims of their own minds. As a result, the police, advocates, and judges should prioritise the study of such damaged minds. “In view of the fact that these perpetrators are victims, the criminal justice system should seek help from psychologists and follow unique standards of procedure.”

To combine law and psychiatry and to achieve an inter-disciplinary approach, each discipline must first comprehend the historical evolution of the other and the relationship between the two in order to reach logical conclusions. It may also be necessary to compare the historical context, generative factors, and influences that led to the development of law

³⁶ Surendra Koli v. State of U.P. & Ors. Cr. A. No. 2227 with S.L.P. (Cri) No. 608 of 2010, 15-2-2011 (India).

and psychiatry evolved³⁷. It is a commonly held belief that psychopathological behaviour is caused by mental disease. Pathological behaviour is abnormal criminal behaviour that has been scientifically proven. It is a form of condition in which a patient is not only suffering from the disease, but is also more likely to commit a specific type of crime as a result of the disease. Patients with these conditions are completely oblivious of the conduct they are committing, as it is caused by a typical mental state of mind that they are completely unaware of.

4.1 Working of Court

Court cases can be complicated, with information presented that is judged to be beyond the grasp of the average layperson who might serve on a jury. In such cases, the court enables the call of an expert witness who, by definition, has knowledge of the subject matter at hand. Expert witnesses are entitled to express their opinion (rather than the facts) on the subject at hand in these instances. Expert witnesses are called to the court in a variety of ways, depending on the jurisdiction. In certain European countries, for example, the court will summon an expert witness to offer information if and when it is required. In the United Kingdom and the United States, however, the expert is hired by either the defence or the prosecution to bolster their version of events. The employment of a psychologist as an expert witness has hitherto been limited by the requirement that the expert disclose information that is beyond the average person's awareness. Previously, a psychologist's view was frequently limited to providing facts relating to mental impairment or psychological functioning of an individual. However, in recent years, psychologists' competence has become more widely recognised, and they can now be used as evidence in a number of situations. The impact of

³⁷ JOHN BIGGS JR., *THE GUILTY MIND PSYCHIATRY AND THE LAW OF HOMICIDE 1* (John Hopkins Paperbacks ed. 1967), p. 108

interrogation procedures on a suspect or witness, the dependability of eyewitness testimony, the clinical assessment of a suspect or witness, and the use of profiling tools during an investigation are some instances of these.

Homicide, murder, and killing are all terms that can be used interchangeably to describe the act of murdering another human being. If a person kills multiple victims, usually of the same type, over a period of time with different intervals in between, with no obvious motivation other than sexual or sadistic enjoyment, he is referred to as a 'serial killer,' and the perpetrator is invariably a man.

4.2 Present judicial system on Psychopaths

By examining a few examples, it has been attempted to demonstrate that psychopathy is generally under-emphasized in today's legal system. Because psychopaths are tough clients, criminal law and the criminal justice system in general face a hurdle. They can be perplexing at times because, on the one hand, they grasp the nature of the charges, yet on the other hand, they lack mens rea. They admit to the full crime without expressing any regret. However, while these acts appear to be the result of disease, they appear to be acts of plain criminality, for which they were harshly punished. They appear to be fit to face trial, yet they are ill medically.

Malingering incompetence is a concern for psychopaths who believe it would be in their best interests to be declared incompetent, but it is distinct from actual incapacity to stand trial or any other criminal law criterion connected to mental illness or abnormality³⁸.

³⁸ The Mask of Sanity: An Attempt to Clarify Some Issues About the So-Called Psychopathic Personality is a book written by American psychiatrist Hervey M. Cleckley, Fifth edition, 1976, p. 15.

The nature of the crime committed by psychopaths is extremely heinous, and at first glance, anyone could argue that they deserve harsh punishment. However, once you understand the reason for the crime, it becomes clear that the crime was committed without any mens rea, but rather under the influence of a serious mental illness. Any crime committed by a mentally ill criminal is subject to therapy rather than punishment, according to the law. On the contrary, psychopaths have been subjected to harsh punishment in a number of situations.

4.3 Case Study from Other Countries

Some of the notable cases are as follows :-

1. Albert Fish

Albert³⁹ - I always had a desire to inflict pain on others and have others inflict pain on me,” albert said of his sado-masochistic behaviour of self-flagellation and inserting needles in his body, as well as religious delusions. “Everything that hurt appeared to make me happy.

He believed that God had commanded him to castrate and formant little boys. In 23 states, he killed fifteen children and mutilated about a hundred others, although the numbers could be far higher. He decapitated, castrated, devoured their blood, and cooked various

³⁹ Hamilton Howard “Albert” Fish was an American serial killer, <https://www.crimemuseum.org/crime-library/serial-killers/albert-fish> last visited on 20th July , 2021.

portions of his tiny victims with delights. Albert Fish was executed in the electric chair for his crimes in 1936, with no sorrow or shame.

2. Ted Bundy

Bundy (Theodore Robert Cowell)⁴⁰, was a gorgeous man with a kind demeanour who worked as a grocery cashier and afterwards as a stocker. He was a necrophile who mistreated his victims' bodies till they rotted. He decapitated at least 12 of his victims and kept some of their heads as mementos in his residence for a while. For such offences, he received the death penalty twice.

3. Elizabeth Bathory

Elizabeth Bathory⁴¹

She is well-known for the heinous murders of hundreds of young girls and women. During the late 1500s, she was a countess who belonged to the Bathory noble family of Hungary. Severe beatings, burning or mutilation of hands, faces, and genitalia; freezing of victims; chewing of the flesh of faces and other body parts; surgery on victims, starvation of victims; and rape and molestation of victims are among the atrocities she has committed.

It is alleged that she killed up to 650 women, though this is unsubstantiated. She felt that virgin blood could keep her skin looking fresh indefinitely. There were around 300 potential witnesses eager to testify against her. She was eventually put under house arrest and died in 1614.

⁴⁰ Theodore Robert Bundy was an American serial killer <https://www.britannica.com/biography/Ted-Bundy>. last visited on 16th July 2021

⁴¹ Countess Elizabeth Bathory de Ecsed was a Hungarian noblewoman and alleged serial killer https://en.wikipedia.org/wiki/Elizabeth_B%C3%A1thory last visited on 18th July 2021.

5. John Wayne Gacy

John Wayne Gacy, Jr.⁴², Between 1972 and 1978, he was a serial killer in the United States. Until he was apprehended, that is. At least 33 young men and boys, all teens, were raped and murdered by Gacy. Despite the fact that some of his victims' remains were discovered in the river, he buried 26 of them in a small crawl space beneath his home's basement and three more on his property. He was given the death penalty.

4.4. Case Study from India

Serial killers exist all over the world, and India is no exception. In fact, serial killings appear to be on the rise in the country, gaining significant media and public attention. The following incidents of serial killings are only being mentioned and discussed to bring attention to the problem and to educate forensic experts so that they can better comprehend and evolve the measures that are directly or indirectly related to them.

Case -1 : Mohinder Singh Pandher

On December 29, 2006 a person Mohinder Singh Pandher⁴³, 63 yrs, and his servant Surendra Kohly, 36, were detained in Noida, which is adjacent to Nihari village in the Delhi suburbs. The couple murdered 38 children over the course of two years, dismembering their

⁴² John Wayne Gacy Jr. was an American serial killer and rapist (1972-78)
https://en.wikipedia.org/wiki/John_Wayne_Gacy last visited on 18th July, 2021.

⁴³ http://en.wikipedia.org/wiki/2006_Noida_serial_murders last visited on 20th July, 2021

remains and dumping them in drains in and around his Bangalow. According to CBI sources, investigators retrieved a skeleton from the drains and performed an autopsy on more than 40 bags of human remains found there.

Case-II Bahadurgarh baby killer

Satish⁴⁴ (born around 1973) is a convicted Indian paedophile and serial killer who operated in the Haryana town of Bahadurgarh from 1995 to 1998. Satish admitted to kidnapping and attempting to rape fourteen females, as well as murdering ten of them. Satish's involvement in twelve incidents, including the ten murders, was confirmed by police. He is also known as the Bahadurgarh baby killer since all of his victims were between the ages of five and nine.

The headline of a major national newspaper read, Servant held for sexually abusing and murdering six children. Satish alias Surendra, a domestic helper in the home of a businessman, confessed to sexually abusing five youngsters and an adult girl before killing them. From the gunny bag, a skeleton and clothes were discovered. The accused was said to be mentally ill by the police.

Case-III : Mukesh Singh

Mukesh⁴⁵ - a Punjabi father of a five-year-old daughter and a one-year-old son, admitted to raping and brutally murdering five children whose bodies were discovered in a godown. He married out of love five years ago, despite his parents' wishes, and confessed to the crime of dumping the dead bodies while under the influence of SMAC.

Case-IV : Raman Raghav

⁴⁴ [https://en.wikipedia.org/wiki/Satish_\(Criminal\)](https://en.wikipedia.org/wiki/Satish_(Criminal)), last visited on 21th July, 2021

⁴⁵ <https://timeofindia.inidatimes.com> last visited on 23rd July 2021

In an article published in a national daily, acclaimed writer Khushwant Singh penned a case of serial murder under the heading ‘Malice towards one and all.’ He sat through the serial killer's trial session. Raman Raghav⁴⁶ a Tamilian, more than a dozen people, including men, women, and children, were slain on the streets of Bombay during the night hours 26 years ago. He had no animosity toward them and no reason for the murders. He was shackled and handcuffed as he entered the courtroom. When a photographer, Jatindra Arys, attempted to photograph him, he went insane and jumped around like a maniac, taking a long time to calm down. His trial was a non-event. He acknowledged to the murders and seemed pleased with himself. ‘Phansee Lagao,’ he told the judge (Hang me). He fondled the iron rod with which he had shattered the skulls of his victims as if it were his kid when it was presented to him. When the prosecuting attorney shrank back, he smiled and added, ‘daro nahin, tumco nahin marney ka’ (don't worry, I'm not going to murder you).

Case-V : Beer Man

47-year-old Mumbai's ‘beer man’⁴⁷ admits to 15 murders: During his narco-analysis test, which was followed by brain mapping and polygraph testing, the 36-year-old suspect Ravindra Kantrulu acknowledged to killing 15 people. Kantarulu claimed that before killing his victims, he would make them drink beer. ‘He loves to see blood,’ a psychologist remarked. Kantarulu acknowledged to being a drug addict who committed crimes while under the influence of intoxicants such as chars. They claimed that ‘while high on narcotics, he would get aggressive and kill,’ and that he had a difficult childhood, according to the police.

⁴⁶ https://en.wikipedia.org/wiki/Raman_Raghav last visited on 23rd July, 2021

⁴⁷ https://en.wikipedia.org/wiki/Beer_Man last visited on 24th July, 2021

From the examples mentioned above, it is clear that psychopaths are frequently sentenced to death. It is apparent, however, that they are patients, not criminals, based on facts and data. Because psychopaths appear to be fit for trial, it becomes a difficulty for the medical and judicial systems to decide whether to punish them or send them to therapy.

CHAPTER 5

LEGAL LACUNA

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Taking into account the case described above, as well as the subsequent arrest, investigation, trial, and sentencing in the case, it is clear that the most pressing issue in the case is determining the true reason for the offence committed by the mentally ill offender; first and foremost, it is extremely difficult to determine whether he is a patient or a malicious person. There is no recognised method (for psychopaths) for the police or even the legal system to identify the condition in its early stages. Furthermore, determining the specific motive for the crime is quite difficult for the police. In such circumstances, the authorities usually focus their inquiry on only three possibilities.

a) The offender is mad or mentally ill.

b) The perpetrator is a monster, or

c) The perpetrator is schizophrenic.

In light of this, the criminal is either sent to a mental institution or held in custody for further inquiry. The probe is also inhumane in character due to the lack of information about the specific motive for the patient's heinous crime.

On the basis of inquiry and trial, an offender is either sentenced for life imprisonment or given a death sentence, or he is acquitted as a person of mad or unsound mind, which is the greatest irony of our judicial system. In truth, both of these methods of judging can be incorrect at times. This is due to a lack of understanding of various types of mental illnesses as well as the gravity of crime.

5.1 Indian Judicial System

In our current legal system, psychopathic behaviour is an unidentified domain. Only insanity, mental illness, and schizophrenia are recognised by the system, and decisions are made based on this perspective. Psychopathy is one of the most deadly mental illnesses that must not be overlooked.

In India, several regulations are included in various laws for a “person suffering from mental sickness, for example, in IPC, Sec. 84⁴⁸, Sec. 84, deals with the law of insanity derived from the M'Naughton rules of England, which utilises the more understandable phrase ‘unsoundness of mind’ rather than ‘insanity.’ It has been criticised for being outmoded because it does not protect psychopaths from acting out of abnormal mental states such as partial delusions, irresistible impulses, or compulsive behaviour.

Although there are some provisions linked to psychopaths in personal laws (sec. 5, sec. 13 of the HMA, 1955) and the Evidence Act. The procedure for the trial of mad people is also mentioned in Chapter XXV⁴⁹ of the 1973 Code of Criminal Procedure. All of these rules, however, are insufficient to address the problem of psychopaths. In addition, Indian courts believe that a more progressive approach to the administration of law relating to psychopathic behaviour is required.

Almost every offender is submitted to a clinical test and, in some situations, a psychiatric test as part of the procedure. The issue with psychopaths is that they appear to be court-worthy. Furthermore, they conceal nothing and accept their wrongdoing without remorse. This attitude and acceptance of the criminal commission misleads the case, and the

⁴⁸ Sec. 84 of I.P.C.-Act of a person of unsound mind <https://indiankanoon.org/doc/1433889/> last visited on 25th July, 2021

⁴⁹ Cr. P.C. Chapter XXV -Provisions as to accused person of unsound mind <https://www.writinglaw.com/chapter-xxv-328-339-of-crpc> last visited on 23rd July 2021

heinous offender escapes without remorse. It's important to figure out why this mentality exists. re such offenders should be subject to a medical test involving a psycho-analysis. They don't understand the concept of guilt, which is why a terrible punishment like the death sentence or life imprisonment is pointless. As a result, such behaviour should be required to be taken into account immediately and as a matter of routine procedure.

Laws for psychopaths have previously been enacted in the United Kingdom and the United States of America, which not only recognise them but also deal with them appropriately. They also have proper awareness, which allows them to recognise certain types of offenders and be more vigilant in their protection.

5.2 PUNISHMENT

Punishment is defined as a painful, unpleasant, or otherwise unpleasant experience. It can change itself in a variety of ways, including “psychological, financial, emotional, and physical pain. It is for this reason that the punishment of crime has become such a moral dilemma, provoking debate about who should have the authority to punish others, who decides what is and is not punishable, and what shape punishment should take.” What is seen acceptable by society, how does it differ between societies or cultures, and how has it developed over time?

a) Nature of Punishment

The form of wrongdoing punishment, like the nature of crime, evolves across time and among cultures. In the past, actions or behaviours that are today accepted in most Western countries, such as homosexuality and abortion, were not. Punishments have evolved in tandem with crime. Most people would recoil at the prospect of tying someone to a piece of fence and dragging them through the streets of their town for blasphemy, but they would “accept the death penalty or believe that a community-based penalty for non-payment of a fine is an adequate punishment. While punishments may evolve, they are still based on a small set of notions.

Much of the punishment meted out is motivated by vengeance. “Retaliation can take numerous forms, like paying a victim's family or being embarrassed for your actions. Shame or shame, and its role in punishment, are central to Judaism, Christianity, and Islam, and there is a significant overlap between what is considered ‘sinful’ and what is considered unlawful in Christian-based civilizations. If someone has committed a crime, he or she must be punished for what they have done and what has occurred previously. Criminals must ‘pay’ for their actions; they owe a debt to society or a victim. This is the concept of ‘just desserts,’ which states that offenders should receive a punishment that is proportional to the offence they have committed. As a result, a mugger is unlikely to be executed, and a murderer is unlikely to receive a community term.

Retributive penalties allow for the creation of a scale of punishments that should be applied evenly. All offenders who have been convicted of drunk driving will receive the same sentence; similarly, all offenders who have raped another person will receive the same term. Such retributive punishment, on the other hand, assumes that someone is to blame for a criminal offence and treats all offenders equally. Consider if a woman who has been exposed to twenty years of domestic abuse and murders her husband in an event is to be blamed in the

same manner as a woman who kills her husband to be with her boyfriend. Consider the distinction between a shoplifter who steals to support a drug habit and a shoplifter who steals to support his or her children. Retribution is concerned with what someone has done, not whether they will change in the future.

5.3 Attitudes and belief in punishment

We are accustomed to the idea of society or the state punishing lawbreakers, but what do citizens believe about punishment and who should be punished? Varied people have different perspectives on punishment, what happens when the government fails to punish wrongdoers, and if it is appropriate for communities to enforce their own laws and punish deviants.

Criminologists, sociologists, and psychologists have “performed extensive research into people's views toward punishment, different types of punishment, and sentencing beliefs. Many people have discovered inequalities across groups depending on gender, age, socioeconomic background, race, political convictions, and religious beliefs, for example. Despite the huge amount of study, few current ideas seek to integrate the facts into a single cohesive theory.

Franklin Zimring (2003)⁵⁰, an American criminologist, has worked to bring historical data along with current research in order to help him inform theory. He proposes two penalty value models, which he refers to as ‘due process’ and ‘vigilante tradition’ views. The majority of people fall into one of these categories. Those who believe in due process values feel that criminals are difficult to punish and identify, making policing and punishment tough.

⁵⁰ Franklin Zimring- “The City that Became Safe”, 2013, p.110

Due to concerns about not identifying the correct offender and convicting the incorrect person of a crime, proponents of due process argue that it is preferable to let ten guilty persons go free rather than punish one innocent person.

Because of a distrust of the state, the vigilante tradition concept says that law, order, and policing are the responsibility of the community. Offenders are easily recognisable inside the community and are considered enemies rather than members of the community. There are no mistakes. The use of force is encouraged in accomplishing the communities' goals because of this confidence in punishing the correct person. It provides law-abiding residents more freedom and safety within the society by punishing offenders.

Zimring examines the links between vigilante values and America's lynching past using historical data. He discovered that the southern states have the highest known history of lynching, using data dating back to 1882. According to more recent data, the southern states have the highest rates of justified homicides and the largest use of the death sentence. He claims that many Americans, particularly in the southern regions, have a strong tradition of vigilante.

Because of their faith in their judicial system and the idea that mistakes would not be made, supporters of the vigilante tradition often favour the death sentence, but “supporters of the due process model fear the death penalty because it is an irrevocable punishment. While the death penalty is no longer used as a deterrent to crime in the United Kingdom, people's life can still be devastated if they are unfairly imprisoned. In recent decades, there have been numerous high-profile incidents of miscarriages of justice in the United Kingdom, including the Birmingham Six, Guildford Four, and Cardiff Three. Recent occurrences of shaken infant syndrome have called into question the credibility of expert witnesses in court and the

criminal justice system as a whole.” Given the history of miscarriages of justice that the British public is aware of, as well as the extensive media coverage they have received, it is unsurprising that the majority of British residents adhere to the due process paradigm. While highly publicised “judicial miscarriages of justice involving persons who have been unfairly imprisoned are of significant concern to the public, perpetrators who have not been punished for their crimes are also of great concern. When the criminal is known to the authorities, or in some situations, the victim or the victim's family, this is even more difficult. These are the kinds of circumstances that encourage vigilantism.

5.4 Cross-Cultural Punishment

As previously said, punishment frequently reflects a society's prevailing culture, traditions, and attitudes. For example, corporal punishments were initially based on punishing the body in order to punish the spirit, but in Western cultures, this has shifted to punishing the mind through imprisonment⁵¹.

Many cultures use imprisonment as a form of punishment. There are a variety of reasons why jail could be a good punishment. Depriving criminals of their liberty can be argued to demonstrate that by breaking society's rules, you are removed from that society and unable to participate in and perform the things that citizens take for granted. Incapacitation means that the criminal is unable to commit crimes against the rest of society while

⁵¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 2012, p.6

incarcerated, however the offender may continue to commit crimes in some form while in prison (e.g. assaulting other prisoners, drug taking etc.)

In some countries, the concept of incarceration is taken a “step further with the execution of criminals. This is supposed to fulfil a variety of roles once again. It not only means that offenders are no longer able to commit crimes, but it may also deter others from doing so if they know they could be executed, and in some countries (e.g. the United Arab Emirates), it is seen as a form of closure for victims' families and follows the retributive justice principle of an eye for an eye." The number of countries that still use the death penalty is dwindling. The United States is the only Western country that still uses the death penalty.” The European Convention on Human Rights, which stipulates that the death sentence is not an acceptable punishment, applies to all countries in the European Union. Singapore, Japan, China, Saudi Arabia, and Iran are among the countries that have the death sentence. The majority of executions in 2004 were carried out in all countries that still have the death sentence, in punishment or if prison conditions should likewise be as harsh as feasible. The assumption is that if jail is made into a truly dreadful place to be, offenders will not want to return, and vice versa. One point that is frequently contested is whether removing freedom is sufficient to prevent reoffending. However, it's possible that criminals just study how to commit future crimes in order to reduce their chances of being discovered. Offenders should also be forced to suffer while incarcerated and should not be allowed to have comforts. This argues that taking away one's freedom is insufficient, particularly for crimes against children, sexual crimes, or murder, and that prison should not be considered an alternative home

setting in China, Iran, Vietnam, the United States, or Saudi Arabia (Amnesty International, 2005)⁵².

The types of crimes for which the death sentence is applied vary. In the United States, the death penalty is only used to murder; however, in other countries, it can be applied to homosexuality, drug trafficking, or smuggling. Execution methods varied as well. There have been efforts in the United States to make executions as humane as feasible. As a result, the death penalty has evolved from hanging to the electric chair, gas, and finally lethal injection (though the humaneness of the lethally injected drugs is currently being questioned). The premise seems to be that if the government is going to kill someone, it should do so without torture or cruelty.

Different procedures are utilised in other nations. In certain places, beheading is considered a manner of carrying out a death sentence since decapitation is seen as a method of punishment that demonstrates the executioner's expertise in some cultures - this used to be the method of execution for the guilty in England. It has also been argued that it is swift and painless (this being one of the reasons for the guillotine's construction in France), although uncertainties about this led to decapitation being banned in several nations after accounts of severed heads with twitching eyes and lips surfaced.

In Islamic cultures views of punishment can be different from those in other civilizations. The Islamic system tends to focus more on compensating the victims than punishing the perpetrators but is also about not alienating the offenders so that they are not lost to the community. As a result, imprisonment is rarely employed. Because Islamic

⁵² In this report Amnesty International calls for the authorities to monitor violence against women in the home, to ban it is law and repeal laws that allow it to flourish, to end discrimination against women in the criminal justice system, and to take positive measure to challenge social prejudices against women
<https://www.amnesty.org/en/documents/pol0/0001/2005/en> last visited on 23rd July, 2021

punishments are based on a relationship between the criminal and the victim, they are more personal. The Restorative Justice movement has seen a number of Western cultures shift towards the notion of a relationship between the victim, the offender, and the wider community, as well as recompense.

Stoning is a method of death that is frequently discussed in relation to Islamic Law, however it is rarely utilised in many countries because it is considered inhumane and unpleasant for the culprit. However, some death penalty supporters argue that paying for a death penalty is no punishment at all, and there have been efforts in the United States to discontinue making executions painless.

5.5 Modern punishment

A lot of Western countries are altering their approaches to criminals in an attempt to address contemporary worries about crime. It has been said that Western countries have become significantly more punitive in recent years, enacting tougher punishments than they did thirty years ago. Part of this stems from the perception that the liberal policies of the 1960s and early 1970s were ineffective and that there is currently a crime epidemic, particularly with regard to drug-related and anti-social crime. There is a conflict between the view that offenders can be 'treated' in some way to prevent offending behaviour (e.g., through the use of cognitive behavioural treatments) and the belief that offenders must be punished and that punishment alone should be sufficient to teach individuals. If the penalty does not do this, it is insufficiently severe. This has resulted in a variety of punishment schools of thought.

The first is that punishment should also be about helping criminals to change the way they think about their crimes, about their victims and about offending in general. Offender treatment programmes are one technique of accomplishing this. However, some argue that approach focuses too much on the offender's demands and not enough on the victim's and society's needs. Restorative Justice is one technique of attempting to correct this imbalance. It has been suggested that current penalties do not require offenders to admit their guilt.-

i) the consequences of their anti-social actions and

ii) their indifference to the needs of crime victims.

As a result, because “crime is defined as wrongdoing against the laws of the state, this approach believes that victims are excluded from the criminal justice process. This is why, in Western countries, the State, rather than the victim, is in charge of prosecuting cases. Restorative justice supporters feel that the perpetrator has an obligation to the victim, not simply to the state. It's possible that the offender and the victim will be able to work out a solution together (or wider community). Community service, written apologies for the victim's monetary payment. The notion of reconciliation is crucial as it is assumed that the main way this work to avoid reoffending is to make offenders realise that they have done wrong; if the offender is given the chance to show sorrow and be re-accepted into the community,” this will benefit all (Easton and Piper, 2005)⁵³

However, some people believe that the current criminal justice system is excessively lenient toward offenders, and there are frequently requests for longer and harsher jail sentences. As a result, things like chain gangs have emerged, where physical labour is

⁵³ Sentencing and Punishment, The Quest for Justice by Susan Easton, Christine Piper, 2005, p. 10

considered as an integral aspect of the punishment. Newman (1983)⁵⁴, argued that Unless they were repeat offenders or their crime had reached a specific threshold, he maintained that offenders should be given corporal punishment rather than going to prison. Therefore, prison would only be for the worst kind of offenders. He felt that electric shock should be the primary means of punishment, that the community should be responsible for the punishments, that they should be carried out in public, and that the criminal should be 'redeemed' rather than 'rehabilitated'.

This would also lower the cost of jails (since they would be less frequently used) and provide communal retribution by making offenders physically suffer for their crimes. People choose to offend, according to this viewpoint. None of the criminological theories of criminal behaviour are considered in this approach (e.g. poverty, social structures, social influences and class). Newman (1983) thought that "punishment must be unpleasant above all else" (p. 6) and that "pain is an essential prerequisite of justice" (p.7) This is an interesting approach, particularly in response to the death penalty in the USA which some victims' families think is over-humane as the offender does not suffer in the way that the victim did.

Shaming is also being considered as a means to make offenders (especially young offenders) think about their conduct and prevent them from violating again in the future, as well as deterring others. A member of the British parliament proposed in 2003 that offenders receiving community service be required to wear conspicuous orange uniforms. The logic behind this recommendation was that it would allow the public to see what individuals on the community who felt this was far more about humiliation and making offenders stand out in a negative way in the community thought.

⁵⁴ Graeme Newman, *Just and Painful: A case for the Corporal Punishment of criminal*. New York: Macmillan Publishing Co., 1983, Pp. 163

One of the fascinating characteristics of punishment is how its application to crime varies through time and across cultures. Punishments that were formerly considered reasonable twenty years ago may now be deemed outmoded. In a few years, some of the current punitive patterns are likely to be rejected as well. Punishment is a continuously evolving feature of society and is related to thoughts about safety, the success of the criminal justice system and emotional responses to victimisation. We should think about how we react to crime and punishment. Is it true that becoming a victim of crime changes your perspective on how criminals should be punished? Do you believe that punishment should include rehabilitation or should be solely focused on inflicting pain on the offender? These are concerns that all those involved in sentencing must examine, and they are issues that criminal psychologists are researching.

CHAPTER 6

FAMOUS SERIAL KILLERS AND THEIR HORRENDOUS CRIMES

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“Serial homicides, mental illness, incest, and other sexual and violent crimes have all been reported in India, but none involving psychopaths. However, a close examination of these instances reveals that many of them have psychopathic traits. Some them are as follows” -

6.1 CASE STUDY

a) Surender Koli (Noida Serial Murders, Nithari Case)⁵⁵

D-5, Sector 31, Noida is the street's second-to-last house. The white structure has been abandoned. The back of the property has a drain that has been converted into a road that goes to Nithari, a Noida urban community. There was nothing unusual about that house until two Nithari villagers reported in December 2006 that they had seen the bones of the children who had been missing for several days in the drain behind the house.

The disappearance of some youngsters in Nithari developed into one of India's most heinous serial homicides. Many residents stated that they had been continually neglected by local officials, despite a number of reports from concerned parents whose children had gone missing from the community. So, what if child after child went missing?

Surender Koli, the domestic help at D5, was accused by two Nihari locals on December 29, 2006, of being involved in the disappearances of the children who had gone missing for two years. Former RWA President S.C. Mishra was enlisted to assist them. Mishra and the two residents searched the tank drain, and one of them claimed to have discovered a decaying hand, prompting them to call the cops.

There have been calls for an independent investigation into the incident. One of the residents said that the police were taking credit for finding the dead while the bodies were dug up by the residents. The police claimed they had not discovered fifteen bodies. Only DNA tests were used to determine the victims' identities and numbers. The central government investigated the circumstances surrounding the finding of the skeletal remains to see if there were any 'interstate consequences.

⁵⁵Central committee report on Nithari on January 17, Sify News. 2007-01-13, Retrieved 2021-07-18

December 30, 2006

Surender Koli⁵⁶ and Moninder Singh Pandher were seized for questioning in connection with the disappearance of Payal, a 20-year-old woman. Payal went missing on May 7, and she wasn't the only one; the hamlet had been shaken by a slew of similar occurrences over the previous two years. After Koli confessed to killing Payal after sexually assaulting her, authorities said they began digging up the surrounding land area and discovered the children's bodies.

On October 7, 2006, a FIR was filed regarding the disappearance of Payal, a 20-year-old woman. Payal's cellphone was being used despite the fact that her SIM card was dormant, according to investigations. The phone belongs to someone from the Pandher household, according to a rickshaw cart driver.

Following the witness's pronouncement of the facts, Moninder Singh was summoned for questioning, which revealed nothing. Surender Koli, his aide and servant, was also apprehended after confessing to killing the woman and dumping her body behind the home. Instead of Payal, the cops began digging and discovered the bone remains of the missing youngsters.

Angry townspeople charged the house of the alleged mastermind Pandher on December 31, 2006, and two police officers were suspended in connection with the serial murders. Locals said that the police had declined to take action when they were alerted about a large number of youngsters missing from Nithari, therefore the constables were suspended for dereliction of duty.

⁵⁶ https://en.wikipedia.org/wiki/2006_Noida_serial_murders#References, last visited on 18/05/2021

The situation in Nithari deteriorated after an enraged mob clashed with the police, both throwing stones at each other just outside the accused's home. The police had also seized a maid named Maya, who they suspected of assisting the businessman in obtaining women.

DURNG PRIMARY INVESTIGATIONS

January 1, 2007 :

The investigators indicated that more interrogation was needed to complete the recovery of the victims' remains, thus the remand magistrate ordered police custody of the two until January 20, 2007.

Pandher's Chandigarh home was also raided by the police. Pandher's wife and kid were interviewed, and questions concerning his habits were asked. However, there were rumours that their relationship with him was strained, which turned out to be false.

January 2, 2007 :

The identities of 15 of the 17 skeletons unearthed in the village have been determined. When Koli was confronted with images of the missing children, he recognised ten of them. After seeing goods retrieved from the scene, family members were able to identify five others. At least 31 children were said to have been victims⁵⁷, according to police. There have also been reports in the media that the deaths may have been motivated by organ trafficking.

The courts and the Central Bureau of Investigation (CBI) were not involved in the preliminary investigations. The federal government, on the other hand, had set up a high-level

⁵⁷ “Nithari Killings accused a psychopath: CBI”. Rediff News. 2007-01-14 last visited on 20-07-2021

investigation committee to look into the police misconduct. The investigative commission that looked into the serial killings revealed severe flaws in the police's handling of missing persons cases. The findings were damning, alleging that the local police had failed to respond to concerns for the past two years.

The Uttar Pradesh government decided to hand over the investigation to the CBI on January 12, 2007, after four days of debate and rising pressure from the centre. A day before the inquiry was to be passed to the CBI, the two accused were escorted to the CBI headquarters in New Delhi.

The CBI's investigation continued, and three more skulls and human bones were recovered at the scene of the serial crimes. Meanwhile, outside the house, the detectives investigated the drains and discovered three skulls, thought to be those of the children, as well as various body parts, including legs, bones, and the torso.

The Uttar Pradesh government filed a report to the National Human Rights Commission on January 20, 2007.

On February 8, 2007, a special CBI court sentenced both of the defendants to 14 days in CBI custody.

The Human Rights Commission formed a commission to investigate the subject on February 12, 2007.

On May 22, 2007, the CBI filed its first chargesheet in a Ghaziabad court, accusing Surender Koli of kidnapping, rape, and murder.

On May 1, 2008, the family of three victims filed a lawsuit against the CBI for giving Moninder Pandher a clean chit.

The court ordered the CBI to investigate Pandher's role in the killings on May 11, 2008.

The Supreme Court issued a notice to the CBI on November 1, 2008, after family of one of the victims complained that the CBI was attempting to hide Pandher.

13 December 2008 - Pandher was charged with rape of two juveniles by a special CBI court in Ghaziabad.

A special sessions court in Ghaziabad declared both the defendants Moninder Singh Pandher and his domestic servant Surender Koli guilty of the February 12, 2009 murder of Rimpa Haldar, 14.

Pandher and Surender Soli were sentenced to death on February 13, 2009, after the case was classed as 'rarest of rare'.

Moninder Sing Pandher was acquitted and his death sentence was overturned by the Allahabad high court on September 19, 2009. Investigators did not immediately label him as a primary suspect, but he was called as a co-accused throughout the trial. Pandher faced trial in five of the remaining 12 instances, and if found guilty in any of them, he might face a new death sentence.

Koli was found guilty of the murder of Arti Prasad 7 on October 25, 2006, and given a second death sentence eight days later.

September 27, 2010 – koli was found guilty of the April 10, 2006 murder of Rachna Lal, 9, and was sentenced to death for the third time the next day.

December 22, 2010 - Koli was found guilty of the June 2006 murder of Deepali Sarkar, 12, and was sentenced to death for the fourth time.

Surender Koli's death sentence was upheld by the Supreme Court on February 15, 2011.

December 24, 2012 - Koli was convicted guilty of the murder of Chhoti Kavita, 5, on June 4, 2005, and was sentenced to death for the sixth time.

July 24, 2017 - In the most recent hearing before the CBI Court in Ghaziabad, both Koli and Pandher were sentenced to death.

b) The King of the Thugs :

“Thug Buhram⁵⁸ (c. 1765-1840), also known as Buhram Jemedar and the King of the Thugs, was a leader of the Thuggee cult active in Oudh, Northern India, during the late 18th and early 19th centuries, and is regarded as one of the world's most prolific serial killers. Between 1790 and 1840, he may have been responsible for up to 931 strangulation killings using a ceremonial rumal, a handkerchief-like material employed as a garrote by his cult. In 1840, Buhram was hanged to death.

Biography:

Buram is sometimes accused of 931 murders, but James Paton, an East India Company officer working for the Thuggee and Dacoity Office in the 1830s who wrote a manuscript on

⁵⁸ https://en.wikipedia.org/wiki/Thug_Behram last visited on 2021/07/27

Thuggee, quotes Buram as saying he had 'been present' at 931 murders and I may have strangled with my own hands about 125 men, and I may have seen strangled 150 more.

In reality, the English word "thug" is derived from the Hindi word "thag." Thugs were members of a gang who had converted, and the term "thuggee" usually referred to a devious and well-planned robbery or murder.

Buram⁵⁹ utilised a big medallion sewed into his cummerbund or rumal as a garrote to carry out his murders. With experienced ability, he could cast the rumal so that the medallion landed on his victims' Adam's apple, putting pressure on their throats as he strangled them.

c) Auto Shankar :

Gowri Shankar, an Indian serial killer, is known as auto Auto Shankar⁶⁰ (January 21, 1954 - April 27, 1995)

Murders:

"Shankar and his gang, which included his younger brother Auto Mohan and companions Eldin and Shivaji, as well as Jayavelu, Rajaraman, Ravi, Palani, and Paramasivam, were convicted of six murders between 1988 and 1989. Lalitha, Sudalai, Sampath, Mohan, Govindaraj, and Ravi were all murdered, and they were tried for it. The victims' bodies were either burned or buried inside residential buildings.

⁵⁹ Rubinstein, William D. (2004) Genocide: A History. Pearson Education Limited. p. 83

⁶⁰ "Auto Shankar, two others sentenced to death", The Indian Express. 1 June 1991, Retrieved 27 July 2021

In late 1988, nine young girls from Chennai's Thiruvanmiyur neighbourhood vanished over the course of around six months. Investigators initially assumed the girls were sold into prostitution by families unable to afford wedding dowries, but their relatives' constant denials forced them to look for another reason.

Subalakshmi, a schoolgirl, said in late December that an auto rickshaw driver tried to kidnap her in front of a wine shop. Detectives working undercover in the backrooms of local wine shops discovered of a storey that an auto driver named Shankar was behind the crimes, cremating the dead and pouring the remains into the Bay of Bengal. The next morning, the police apprehended the suspect, who had become renowned across the country as "Auto Shankar" overnight.

Trial

Shankar's trial was concluded by the Chengalpattu sessions court on May 31, 1991, and he was condemned to death alongside two of his associates, Eldin and Shivaji. In Salem Central Prison, Auto Shankar was executed.

Associates

After being found guilty by a Magistrate⁶¹ in 2002, Shankar's five accomplices were sentenced to six months of Rigorous Imprisonment. Shankar's brother, Mohan, Selva (alias Selvaraj), and the jail wardens Kannan, Balan, and Rahim Khan were the conspirators. They

⁶¹ Thomas K.M. (9 September 1990). "The mass murderer of Madras". The Indian Express. Retrieved 27 July 2021

were found guilty of criminal conspiracy and resisting or obstructing the lawful arrest of another person.

Mohan was subsequently convicted guilty of the six murders and sentenced to three life terms. Mohan had previously escaped from Chennai Central Prison in August 1990 and was apprehended on June 25, 1992 in Pune.

Responses

The Tamil Nadu Additional Director-General of Police, K. Vijay Kumar, asserted that Shankar's criminality was exclusively due to movies. During a conference on "Crime and Media" in Kerala, he mentioned this.

Since the Supreme Court used the American free speech theory and the case became frequently quoted in relation to journalistic exposes, the trial has become well-known across the country.

Popular Culture

“R.K. Selvamani's 1990 film Pulan Visaranai was partially influenced by Auto Shankar. Makkal TV aired a television series based on his life.”

In February 2018, Sony TV aired an episode of Crime Patrol based on the storey of Auto Shankar.

Even its Web series , we can watch it on Zee5 app now a days.

d) Akku Yadav

Bharat Kalicharan, alias Akku Yadav⁶² (1972- 13 August 2004), was a 32-year-old rapist and murderer in India who was killed by a crowd of roughly 200 women from Kasturba Nagar on August 13, 2004. Yadav was stabbed around seventy times and pelted with chilli powder and stones. His penis was also chopped off by one of his claimed victims. The lynching took place on the marble floor of the Nagpur district courtroom. The ladies who killed him stated that Yadav had been rapping and abusing local women for over a decade with impunity, and that the local police had refused to assist his victims or pursue charges because Yadav was allegedly bribing them. Yadev is also accused of assassinating at least three persons and dumping their remains on railroad tracks. Yadav allegedly lynched a woman he had raped after spotting.

Prior to August 13, 2004, “Akku Yadav believed he was invincible.” He was a noted rapist and assaulter of young girls, and he was known for bribing cops to ignore his crimes. “He allegedly got away with murdering at least three individuals, according to locals. His victims were as untouchable as he imagined he was.

He went for members of India's said to be ‘Untouchable’ caste, the poorest people who he knew would be thrown out of police stations and lawyers' offices. They were, in fact, when they complained about him, her and calling her a prostitute, enraging the crowd.

The accused Akku Yadav believed “he was untouchable until August 13, 2004, when a lynch mob of about 200 women came on him, leaving nothing but a bloody mess in their wake.

⁶² https://en.wikipedia.org/wiki/Akku_Yadav, last visited on 2021/07/25

The women in the lynch mob were all victims of Yadavs from New Delhi's Kasturba Nagar slum. They alleged he had been rapping women in such large numbers that 'there is a rape victim in every other house in the slum.' He would abuse women as a technique of dominating men, according to the women, and he had henchmen who would help him with his filthy deeds. He allegedly commanded them to gang-rape a 12-year-old girl at one point.

Several ladies had reported Yadav⁶³ to the police, but were laughed out of their offices. For years, Yadav had been bribing them, and whenever a lady complained, the police would tell Yadav, who would then go to the women and intimidate them. He'd threaten to throw acid on them, or to rape them again, or to harm family members. They'd had enough for a long time.

Usha Narayane, one of the victims who had been harassed by Yadav on several occasions, recruited the support of her brother-in-law. They avoided the cops and went straight to the deputy commissioner. He assured her a safe refuge and that the cops would track Yadav down.

Even - Angry neighbours and local citizens tore down Yadav's house that night, smashing it to smithereens. Because Yadav had opted to 'surrender,' their intimidation methods had worked in part. It's unlikely that his surrender would have yielded any results because he was bribing the cops. The police even said that arresting him was more for his own safety than for the safety of his victims. He was scheduled to appear in court the day after his arrest. When Narayane and the other women following the case learned that he was likely to be granted bail, they took matters into their own hands.

⁶³ . "Trial in Akku Yadav murder case begins". The Times of India. 23 October 2012. Retrieved 26 July 2021

Hundreds of Yadav's victims flooded the courthouse, armed with vegetable knives, stones, and chilli powder. He taunted one of them as he passed past them on his way to his trial, calling her a prostitute and threatening to rape her again. He was being escorted by a police officer who laughed. 'We can't both survive on this Earth together,' the woman he had tormented exclaimed. 'It's you or me'.

She then started slamming him with her sandal". Within seconds, "the other women had joined her, sprinkling chilli powder in his face, hurling stones at his head, and slashing every part of him with their vegetable knives that they could reach. His guards bolted, afraid of the women, but they were unaware of the situation. They attacked Yadav for more than ten minutes, stabbing him 70 times. One woman was so outraged that she sliced off his penis.

It was not calculated", Narayane said, "It was not a case that we all sat down and calmly planned what would happen. It was an emotional outburst. The women decided that, if necessary, they'd go to prison, but that this man would never come back and terrorise them." Akku Yadav was dead fifteen minutes later, his corpse a groy mess with his blood soaking the white marble floor of the courthouse.

The rest of the women defended themselves when the police attempted to arrest five of them. Almost immediately, every woman in the slum claimed culpability for the murder. Several of the women, including Narayane, were detained and tried, but by 2012, they had all been released owing to a lack of evidence.

Though the assassination of Akku Yadav did not necessarily bring peace to the women, Usha Narayane claims that it did at least open society's eyes to Yadav's misdeeds and the

power of women "Following the murder, society's eyes were opened to the police's inadequacies. They are irritated by this ", she declared

She went on to say, "We've done a fantastic thing for society." "We'll have to wait and see if society rewards us.

Amar Yadav 64, Akku Yadav's⁶⁴ nephew, was stabbed to death in 2012 under similar circumstances.

Following protests in the city, five women were arrested and later released. The lynching has been blamed on every lady in the neighbourhood slum. Local activist Usha Narayane, as well as other women, were arrested and charged with murder. Narayane was freed from prison in 2012. A total of 21 persons were arrested and freed owing to a lack of evidence, including six women.

e) Robert Pickton

Robert William 'Willy' Pickton (born October 24, 1949 in Port Coquitlam, British Columbia, Canada) is a serial murderer who was convicted in 2007 of killing six women in the second degree. He was arrested in 2002 and the focus of a lengthy investigation that led to the discovery of evidence of countless other deaths.

⁶⁴ Prasad, Raekha, 16 September 2005. "Arrest us all"; the 200 women who killed a rapist". The Guardian Retrieved 26 July 2021

He was also accused with the murders of 20 more women, many of whom lived in Vancouver's Downtown Eastside. The Crown, however, stayed the charges in 2010. Pickton was sentenced to life in prison in December 2007, with no chance of release for 25 years - the maximum punishment permitted under Canadian law at the time for murder.

Pickton confessed to 49 killings to an undercover agent from the Office of Inspector General who was posted as a cellmate during the trial's first day of jury evidence on January 22, 2007. Pickton informed the police that he wanted to kill another lady to make it 50, and that he got caught because he was "sloppy," according to the Crown.

Background

Robert William Pickton and his brother David had a farm in Port Coquitlam, British Columbia, in 1992, which was 27 kilometres (17 miles) east of Vancouver. Bill Hiscox, a farm worker, described it as a "creepy-looking place" patrolled by a 270 kg (600 lb) boar, one of the property's few pigs. "I've never seen a pig that would chase you down and bite you. It was running about the farm with the dogs." Pickton, he said, was a "very quiet guy" who was "hard to begin up a discussion with," and whose unusual behaviour would attract attention despite the lack of proof of substance.

The farming operations at the site were neglected by the Pickton brothers. In 1996, the Piggy Palace Good Times Society was registered with the Canadian government as a non-profit organisation, claiming to "organise, coordinate, manage, and operate special events, functions, dances, shows, and exhibitions on behalf of service organisations, sports

organisations, and other worthy groups." It hosted raves and wild parties with Vancouver sex workers, as well as gatherings in a farm's converted slaughterhouse. These gatherings drew up to 2,000 individuals. Hell's Angels members were known to frequent the property.

Pickton was charged with the attempted murder of sex worker Wendy Lynn Eistetter on March 23, 1997, after he stabbed her multiple times during an altercation at the farm. Pickton had shackled Eistetter, but she had escaped after suffering multiple lacerations, according to Eistetter. She claimed she disarmed him and stabbed him in the back with his firearm. Pickton was taken to Eagle Ridge Hospital for treatment, while Eistetter was treated at the local emergency department. On a C\$2,000 bond, he was released. In January 1998, the charge was rejected. Months later, Port Coquitlam officials sued the Picktons for breaking zoning rules, claiming that they had "altered a big farm structure on the land for the purpose of organising dances, concerts, and other recreations," as well as neglecting the agriculture for which it had been zoned. The Picktons defied the law and staged a New Year's Eve celebration in 1998, only to be served with an injunction prohibiting future parties and authorising the police to "arrest and remove any person" attending future events at the farm. The next year, the society's non-profit status was revoked due to a lack of financial statements. It was later disbanded.

Murders

Over the next three years, to be precise. Women who visited the farm eventually went missing, according to Hiscox. On February 6, 2002, police executed a search warrant at the property for illicit firearms. As part of the BC Missing Women Investigation, police acquired a second court order to examine the farm after the Picktons were apprehended. Members of the joint RCMP-Vancouver Police Department task force discovered personal belongings

belonging to missing women at the farm, which was cordoned off. Pickton was charged with firearms offences the next day. He was eventually released but remained under police watch.

Pickton⁶⁵ was charged with two counts of first degree murder in the deaths of Sereena Abotsway and Mona Wilson on February 22. The murders of Jacqueline McDonell, Diane Rock, and Heather Bottomley were charged with three extra counts on April 2. On April 9, a sixth charge was filed in the assassination of Andrea Joesbury, followed by a seventh charge against Brenda Wolfe. Georgina Papin, Patricia Johnson, Helen Hallmark, and Jennifer Furminger were slain on September 20, and four more charges were added to the case. On October 3, four further charges were filed in connection with the deaths of Heather Chinnock, Tanya Holyk, Sherry Irving, and Inga Hall, bringing the total number of charges to fifteen. This was Canada's largest serial murderer investigation. Cara Ellis, Andrea Borhaven, Debra Lynne Jones, Marnie Frey, Tiffany Drew, Kerry Koski, Sarah de Vries, Cynthia Feliks, Angela Jardine, Wendy Crawford, Diana Melnick, and Jene Doe were all killed on May 26, 2005, increasing the total number of first-degree murder charges against Pickton to 27.

Excavations at the property continued until November 2003, with the investigation costing \$70 million by the end of 2003, according to the provincial administration.

The land has been gated off since 2015, and the Crown in Right of British Columbia has a lien on it. Meanwhile, all of the structures on the land had been demolished. Because the bodies may have been left to rot or devoured by insects and pigs on the property, forensic investigation proved challenging. Forensic anthropologists brought in heavy equipment, including two 50-foot (15-meter) flat conveyor belts and soil sifters, in the early days of the

⁶⁵ <https://www.independent.co.uk/news/world/americas/robert-pickto-video-serial-killer-women-murders> last visited on 26th July 2021

excavations to look for indications of human remains. Pickton may have crushed up human flesh and combined it with pork that he sold to the public, according to the government, which released a statement on March 10, 2004. The provinces' health authority afterwards issued a warning. He allegedly fed the bodies directly to his pigs, according to another account.

Preliminary inquiry

In 2003, a preliminary investigation was held, and the testimony was kept under seal until 2010. Pickton was charged with attempted murder in the 1997 stabbing of sex worker Wendy Lynn Eistetter, which was revealed during the investigation. Pickton placed a handcuff on her left hand and stabbed her in the abdomen, Eistetter testified at the inquiry, after driving her to the Port Coquitlam farm and having sex with her. In self-defence, she stabbed Pickton. Both the and Pickton were later treated at the same hospital, where the handcuffs were removed from the woman's wrist using a key found in Pickton's pocket.

On January 27, 1998, the attempted murder case against Pickton was delayed because the lady had drug addiction issues and prosecutors believed her testimony would aid win a conviction. Pickton's trousers and rubber boots were seized by police that night and stored in an RCMP storage locker for more than seven years. It wasn't until lab testing in 2004 that it was discovered that the DNA of two missing women was found on things taken from Pickton in 1997.

Pickton should be examined in the case of the women's disappearances, according to Vancouver police detective constable Lorimer Shenher, who learnt of the call to a police tip phone line in 1998. Shenher's storey, detailed in his 2015 book about the case, claims that he

battled to get enough police resources and attention to the issue until the RCMP searched Pickton's farm in 2002.

Pickton had a freezer full of human meat on his farm in 1999, according to Canadian investigators. Despite interviewing Pickton (18), who denied killing the missing women, and obtaining his permission to explore his farm, the cops never did so.

Trial

Pickton's trial commenced in New Westminster on January 30, 2006. In the Supreme Court of British Columbia, Pickton pled not guilty to 27 counts of first-degree murder. The voir dire portion of the trial took the better part of a year to figure out what evidence might be admitted in front of the jury. Reporters were not permitted to reveal any of the information offered during the arguments. Justice James Williams dismissed one of the 27 counts on March 2 due to a lack of evidence.

On August 9, Justice Williams⁶⁶ separated the accusations, dividing them into a six-count group and a 20-count group. The trial began with a set of six counts. The remaining 20 counts may have been heard in a separate trial, however on August 4, 2010, they were delayed. Full specifics of the ruling are not publicly available due to the publication ban; however, the court has stated that trying all 26 charges at once would place an unfair burden on the jury, as the trial may run up to two years. It would also have enhanced the chances of a mistrial. The judge also stated that the six counts he chose had "materially different" evidence than the other 20. The case agent for the inquiry was Office of Inspector General Senior Investigator R.J. McDougald.

⁶⁶ https://en.wikipedia.org/wiki/Robert_Pickton. last visited on 28th July, 2021

The jury trial for the first six counts was scheduled to begin on January 8, 2007, but was later rescheduled for January 22. Pickton was charged with first-degree murder in the killings of Frey, Abotsway, Papin, Joesbury, Wolfe, and Wilson on that date. The media embargo was lifted, and for the first time, Canadians learned the details of what was discovered during the lengthy investigation: skulls cut in half with hands and feet stuffed inside; the remains of one victim found stuffed in a garbage bag, with her blood-stained clothing found in Pickton's trailer; part of another victim's jawbone and teeth found beside Pickton's slaughterhouse; and a 22 calibre reveille rifle found beside Pickton's slaughterhouse. Pickton claimed to have affixed the dildo to his firearm as a homemade suppressor in a filmed footage shown to the jury.

The following information has been provided to the court⁶⁷ as of February 20, 2007.

During Pickton's trial, lab personnel testified that about 80 unidentified DNA profiles had been discovered on evidence, roughly half male and half female.

A loaded 22 revolver with a dildo over the barrel and one round fired, boxes of 357 Magnum handgun ammunition, night-vision goggles, two pairs of faux fur-lined handcuffs, a syringe with three millilitres of blue liquid inside, and 'Spanish fly' aphrodisiac were among the items discovered inside Pickton's trailer by police.

A recording shows Pickton's buddy Scott Chubb says Pickton informed him that injecting a female heroin addict with windshield washer fluid was an excellent way to kill her. Pickton was also subjected to a second tape, in which an acquaintance named Andrew Bellwood claimed Pickton described handcuffing and strangling sex workers, then bleeding

⁶⁷ CBC News (2006-08-09). "Pickton to be initially tried on six counts of murder".

and gutting them before feeding them to pigs. Images of the contents of a garbage can discovered in Pickton's slaughterhouse, which contained some of Mona Wilson's remains.

A juror was accused in October 2007 of having already decided that Pickton was innocent. The judge interrogated the jury, adding, "It was reported to me that you claimed you were confident Mr. Pickton was innocent and that there was no way he could have done this based on what you had observed. That the justice system had made a mistake and arrested the wrong person." This was flatly refuted by the juror. Because it had not been shown that she made the statements, Justice Williams determined that she could remain on the jury.

On December 6, 2007, Justice James Williams halted jury deliberations after discovering an error in his charge to the jury. "Are we permitted to answer 'yes' [i.e., find Pickton guilty] if we feel the accused acted indirectly?" the jury had written to Justice James earlier in the day, requesting clarification of his accusation.

Pickton was found not guilty of six counts of first-degree murder but guilty of six counts of second-degree murder by a jury on December 9, 2007. A conviction for second-degree murder entails a life sentence without the chance of parole for a period of 10 to 25 years, as determined by the trial judge. On December 11, 2007, British Columbia Supreme Court Judge Justice James Williams sentenced Pickton to life in prison without the chance of release for 25 years, the maximum penalty for second-degree murder and the same as a first-degree murder conviction. Mr. Pickton's conduct was homicidal and repetitive, I cannot know the facts, but I can tell you this: What happened to them was senseless and vile, Justice Williams said as he handed down the sentence.

British Columbia Court of Appeal

“In June 2009, the B.C. Court of Appeal handed down its decision on two appeals, one by the Crown (prosecution) and the other by the defence.”

Crown appeal

The Attorney General filed an appeal in the British Columbia Court of Appeal on January 7, 2008, challenging Pickton's acquittals on first-degree murder charges. The grounds of appeal concern a number of evidence findings by the trial judge, some features of the trial judge's jury instructions, and the decision to separate the six charges Pickton was tried on from the remaining twenty offences.

The announcement of a Crown appeal surprised the relatives of the victims in the case, especially as Attorney-General Wally Oppal had declared only a few days before that the prosecution would most likely not appeal. Despite being cleared of first-degree murder charges, Pickton was convicted of second-degree murder and received the same term as if he had been convicted of first-degree murder. The relatives of the victims voiced fear that if the crown argued that the trial judge committed mistakes, the convictions would be compromised. The Attorney-General, according to opposition critic Leonard Krog, should have briefed the victims' relatives ahead of time.

Oppal apologised to the relatives of the victims for not alerting them of the appeal before it was made public. Oppal also stated that the appeal was filed mostly for "strategic" reasons, anticipating a defence appeal. The prosecution reasoned that if Picton appeals his convictions, and if his appeal is granted, a new trial will be held on the original 26 counts of

first-degree murder. The Crown, on the other hand, would be unable to do so unless it had successfully appealed the original acquittals on first-degree murder charges, as well as the severance of the 26 counts into one set of six and another group of twenty. The time limit for the Crown to appeal elapsed 30 days after the verdicts were rendered on December 9, and the time period for the defence to appeal expired 30 days after Pickton was sentenced on December 11, according to the applicable court regulations. That is why, despite the fact that the Crown's appeal was intended to be conditional on the defense's appeal, the Crown announced its appeal first. The Crown may have dropped its appeal if the defence had not filed one.

Defence Appeal

Pickton's attorneys filed a notice of appeal in the British Columbia Court of Appeal on January 9, 2008, requesting a new trial on six counts of second-degree murder. Gil McKinnon, a former Crown prosecutor in the 1970s, represented Pickton on appeal.

The primary charge to the jury, the response to the jurors' query, changing the jury charge, comparable fact evidence, and Pickton's remarks to the police were among the areas in which the defence claimed the trial judge erred, according to the notice of appeal.

Decisions of the Court of Appeal

The British Columbia Court of Appeal published its opinions on June 25, 2009, but due to ongoing publication limitations, some aspects of the decisions were not made public.

The defence appeal was denied by a 2:1 majority of the Court of Appeal. Pickton was entitled to appeal to the Supreme Court of Canada without first asking leave to appeal since there was a dissent on a question of law. On August 24, 2009, he filed a notice of appeal with the Supreme Court of Canada.

The Court of Appeal upheld the Crown's appeal, ruling that the trial judge erred in omitting some evidence and dividing the 26 counts into two groups of 20 and six. The order resulting from this finding was stayed, ensuring that the six counts of second-degree murder conviction would not be overturned.

Supreme Court of Canada⁶⁸

On June 26, 2009, Pickton's lawyers confirmed that they would exercise his right to appeal to the Supreme Court of Canada. The appeal was based on the dissent in the British Columbia Court of Appeal.

Pickton's lawyers applied to the Supreme Court of Canada for leave to appeal on other reasons, despite the fact that he had an automatic right to do so based on the legal problems on which Justice Donald had dissented. The Supreme Court of Canada granted this motion for leave to appeal on November 26, 2009. Pickton's appeal was therefore broadened, allowing him to present grounds that had previously been unanimously rejected by the B.C. Court of Appeal (not just arguments that had been rejected by the 2-1 majority).

⁶⁸ Human meat alert at pig farm, BBC News, Retrieved 2021-07-16

Pickton's appeal was dismissed by the Supreme Court of Canada on July 30, 2010, and his convictions were upheld. The notion that Pickton should be given a new trial was unanimously dismissed by the Supreme Court of Canada's Justices.

The Supreme Court split 6 to 3 in its legal examination of the case, although being unanimous in its decision. The question was whether the trial judge erred in his jury instructions, particularly in his "re-instruction" in response to the jury's query about Pickton's liability if he was not the only one participating. Madam Justice Charron, writing for the majority, found that "the trial judge's response to the question posed by the jury did not adversely impact on the fairness of the trial". She also discovered that the trial judge's overall instructions with regard to additional suspects "compendiously captured the alternative routes to liability that were realistically in issue in this trial. The jury was also correctly instructed that it could convict Mr. Pickton if the Crown proved this level of participation coupled with the requisite intent."

In his minority opinion, Mr. Justice LeBel considered that the jury was not properly informed "of the legal principles which would have allowed them as triers of fact to consider evidence of Mr. Pickton's aid and encouragement to an unknown shooter, as an alternative means of imposing liability for the murders". LeBel J., on the other hand, would have used the so-called curative clause to avoid overturning Pickton's convictions.

Stay of final 20 murder charges

Pickton was also charged with 20 counts of first-degree murder involving other female victims in Vancouver's Downtown Eastside. A family member of one of the 20 women mentioned as alleged victims notified the media on February 26, 2008, that the Crown had warned her that a trial on the other 20 counts might not go forward.

Crown prosecutors stayed the remaining murder charges against Picton on August 4, 2010, effectively putting an end to any further proceedings. Crown counsel Melissa Gillespie formally stayed the 20 counts during a British Columbia Supreme Court hearing in New Westminster soon after 4 p.m.

After attorneys spent an hour in court going over the numerous complicated bans, the trial judge, James Williams of the British Columbia Supreme Court, revoked most (but not all) of the publication bans in the case.

A transcript of communications between an RCMP undercover operator and Pickton in his holding cell was posted by various media sources on August 6, 2010. While the undercover officer's name was suppressed throughout most of the paper, it was left unfiltered in few sections that the RCMP disclosed to the public. This uncensored version was released to the public for about an hour before being withdrawn and re-edited by Global News, CTV News, and the Vancouver Sun. The degree of the harm done to the undercover officer by this blunder is unknown.

CHAPTER 7

THE PREVENTION AND TREATMENT OF PSYCHOPATHS

CHAPTER 7

THE PREVENTION AND TREATMENT OF PSYCHOPATHS

Psychopath is frequently mistaken with sociopath, serial killer, incest, rape, and other sexually violent crimes, according to experts. They also have a lot of differences in them. For trials and judgements, they cannot be measured in the same way. Every crime stated has a discrete and distinct *mens rea*⁶⁹. For psychopaths who commit crimes as a result of their illness, the motive for the crime is completely missing.

Serial killers can be psychopaths, but not all serial killers are psychopaths. They are technically distinct from one another. Even professionals get puzzled about the disease since some of the dying patterns are so similar. Other mentally ill patients/criminals, serial murders, and incest offenders are all confused with it. Incest, rape, child molestation, sodomy, and serial murdering are sometimes conflated with psychopaths, however the former can occur for a variety of causes, including obsession, retribution, enjoyment, fun, lust, and psychopathy (occasionally). The cause of crime in the former case is not due to disease, but it is in the latter case, and thus it is critical that an investigation be conducted in order to address the existing ambiguity in psychopathic behaviour, which will aid in distinguishing psychopaths from other types of crime, such as sexual and violent crimes.

⁶⁹ *Mens rea* meaning “guilty mind” in an essential element of crime https://en.wikipedia.org/wiki/Mens_rea last visited on 27th July, 2021

In the United Kingdom and the United States of America, there is no ambiguity in the vocabulary of sexual criminals, violent criminals, rapists, incest cases, serial killers, sociopaths, and psychopaths; a clear line has been formed between all of these groups. As a result, punishment and therapy are also a part of the disease's foundation. In the Indian Criminal Jurisprudence, this is a critical and urgent requirement. There is a need to rethink the entire paradigm and treat and judge psychopaths and other mentally ill offenders based on their illnesses rather than the crimes they commit.

7.1 Grounds for Therapeutic approach

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person” (UNICCP, 1966)⁷⁰.

According to the principle of penology the very idea of punishment is :-

to make a criminal understand the consequences of his act,

to create a feeling of fear in society in order to stop the repetition of the crime.

to formulate a feeling of regret and guilt in a particular person for the act.

to help an offender to become a better person and to live a better life through a reformatory or correctional method.

to abolish crime not the criminals.

Psychopaths do not have a feeling of “guilt” and “regret” and hence punishing them is not a solution to the problem. They commit a crime only due to disease and not due to guilt mind. They do not understand the nature of the crime.

⁷⁰ <http://25qt511nswfi49iayd31ch80-wpengine.netdna-ssl.com/> last visited on 20th july, 2021

In these cases, practically every criminal is submitted to clinical and psychiatric testing as per procedure. The issue with psychopaths is that they appear to be court-worthy. Furthermore, they conceal nothing and accept their wrongdoing without remorse. This attitude and acceptance of the criminal commission misleads the case, and they are branded as a heinous offender who has shown no remorse for their actions. As a result, such behaviour should be taken into consideration immediately, and such criminals should essentially be subjected to a medical test involving psycho-analysis as a matter of standard procedure for confirming the mental state of such offenders.

a) Therapeutic approach in U.K. and U.S.A

Laws for psychopaths have previously been drafted in the United Kingdom and the United States of America, which not only identify them but also deal with them appropriately. In England and Wales, the law has acknowledged the medical concept that antisocial behaviour can be caused by a psychological abnormality separate from mental disease, and that it may be more appropriate to refer offenders with this disorder to the mental health system for treatment rather than punishment (Higgins, 1995).

Tests with persons who have been legally defined as psychopathic, according to Chiswick (1992), show that the illness has a significant co-morbidity with other clinical syndromes, which has a major impact on their treatment.

Following World War II, therapeutic communities (TCs) were created. The Henderson Hospital, which has had some success in treating patients with personality disorders, some of

which are considered severe, is one of the oldest.” HMP Grendon Underwood⁷¹, which has been in operation since 1962, works with convicts with moderate to severe personality disorders. People with severe personality disorders that represent a high risk are housed in high-security hospitals such as Ashworth, Rampton, and Broadmoor. There are a few specialised jails or wings dedicated to the treatment of specific diseases. For example, Grendon Prison offers a therapeutic community treatment programme for personality disorders, and Parkhurst Prison's "C" wing offers a programme for inmates with severe personality disorders. Individuals with Dangerous Severe Personality Disorder (DSPD)⁷² are imprisoned in both prisons and mental health facilities. The jail system is in charge of the majority of this group. In 1999, the US government discussed how to hold and treat a tiny fraction of mentally disturbed offenders who represent a significant risk of harm to others and themselves in a consultation document titled ‘Managing Dangerous People with Severe Personality Disorder.’ In December 2000, the white paper Reforming the Mental Health Act advocated specialist services to deal with these persons, the majority of whom are regarded to be serious violent and sex offenders.

Various states in the United States have passed legislation aimed specifically at dealing with psychopaths. The Washington State Legislature presented the Sentencing Reform Act of 1981⁷³, which specified a "Psychopathic Personality" and a "Sexual Psychopath." In 1939, California passed a psychopathic offender law. “California and many other states in the United States established a special statute for psychopaths in 1995.

⁷¹ . HM Prison Grendon is a Category B. men’s prison, England,https://en.wikipedia.org/wiki/HM_Prison_Grendon, last visited on 20th July, 2021

⁷² <https://www.thegarudian.com/society/2002/apr/17/mentalhealth.crime1>, last visited on 23rd July 2021

⁷³ https://en.wikipedia.org/wiki/Sentencing_Reform_Act last visited on 20th July, 2021

To some extent, this is owing to high demand for medical and legal professionals, as well as some civic groups who believe that sex crime is frequently, if not always, indication of a mental disease that should be treated rather than punished. Around 20 states in the United States have laws addressing dangerous sex offenders and sexual psychopaths (Federick and Marchel, 1995).

“The state can keep custody of a sexual psychopath or sexually hazardous person until he or she is cured of the mental condition, according to the law. As a result, the state is able to impose an indefinite, and often lifetime, punishment.”

Minnesota passed a "psychopathic personality" (PP) law in 1939, which allows severe sex offenders to be committed indefinitely for treatment at the Department of Human Services. Civil commitment is used by the state of Minnesota to institutionalise some sex offenders in extremely secure treatment centres.

7.2 Prevention and hope for future

Whenever if we are able to get a sight inside of the mind of a serial killer, or any other violent criminal, what we see make us shudder. There is a lot of darkness inside of a person that has no emotion, and to think of what they are capable of is enough to give us nightmares for weeks. But there is good news. We don't have to leave the situation at that. There is a way we can all contribute to the good of society and ending this trend that has been around for centuries.

The more research that have been done on the mind of criminals, the easier it is to see why they do what they do, and from that information gain an understanding on how to stop creating more people like them. I truly believe based on the studies I have seen that there is an answer to this behaviour. So much of what we do as people are either things that we were actively taught to do as children, or things that we picked up on at a certain point given the behaviour we saw going on around us.

So that leaves us with the query:

Does there come a point in time when intervention could prevent a child from becoming a serial killer or violent offender?

If we think about it, we are all born with a blank slate on which to write our lives. We both have the same pure mind and experience the same emotions. We all have the same opportunity to learn and grow, to make our own decisions, and to live our lives properly. With that being said, and with we have learned about serial killers thus far, it is pretty obvious to think that there must be a time in a child's life when all of this started. It can't have just happened overnight, and odds are there was something prompting the decisions on.

But what were they? Is it during the confusing teen years, or does it happen much earlier?"

At 3 years old, behavioural problems start to show themselves

Behavioural problems may not be anything major. They could be as small as not listening in class or running around when they were supposed to be sitting quietly. As a result, these children spend a lot of time in trouble, and may spend a lot of the day alone in

time out. From there, the problems only get worse, until you have an avalanche of problems that are overbearing when you have to deal with them all at once.

At 5 to 7 years old, learning disorders become evident

By this time, since there were behaviour problems in the beginning and they weren't given the attention they needed, they have problems learning how to read and write.

The more problems they have, the more frustration they feel, but sadly, the more time they spend in trouble instead of getting the help they need to succeed. As a result, they continue to slip further and further away from the right path, and make choices towards violence for the answers.

At 11 to 13 years of age, they start to talk about gangs

The isolated behaviour makes them feel as though they are alone, which they may prefer, but they are still going to look for those that can relate. This is why they talk about joining gangs, and why those gang members are so much alike. The reason it works this way is a direct link back to what we looked at before. The brain isn't communicating with itself properly, which means that these children are often functioning without a lot of emotion behind what they are doing. The little emotions they do feel tends to be negative ones, such as aggression, anger, and sadness. They become trapped in this cycle where they don't care about what is going on around them, except for when it is in direct association to them. If something benefits them, they pay attention to it, but if it doesn't, they don't really even acknowledge.

a) Outside Sources

Outside sources can help instill these things in a child if they are consistent and persistent.

Thankfully, this isn't a lost cause. On the outset of this, it would appear as though we are trapped in a world full of people that are going to turn out a certain way, and there is nothing we can do about it, but in reality, there is a lot we can do to help these children, and alter the future that awaits this world as a result.

Family

It is said that problems begin in the home, but I want to counter that with the hope that solutions also begin in the home. While it is true that a lot of children are in bad situations, that doesn't mean there isn't hope.

Poverty has a way of breeding hopelessness in people. It is in the parents, and it stems down to the children. In order to help the kids from ever reaching that first stage, we need to break the cycle of poverty they are facing in their lives. Now, I am not saying that we can end poverty, there are countless numbers that have tried, and unfortunately, that is just something we can't do, but we can break the cycle of poverty.

The best way is to teach the parents on how to take care of themselves. Hygiene and clothing that fits go a long way, even if we don't spend a lot of money on those items. Children that are raised under a roof in which the family cares for itself and each other are children that turn out better in the long run. To do this for families, we need to support the groups that are working with these parents and teaching them to break the cycle. To do things that will benefit themselves and their children in the long run. As soon as we can break this cycle in the beginning, we are going to have a head start for school.

School

School systems need to work with the children, and see to it that everyone is learning. If the kids are fulfilled with a sense of purpose, they are going to be less likely to go around picking fights and bullying. School programs that encourage the children to participate and offer room for growth will do wonders in the secondary fight against this cycle. It is when the kids with the problems are shoved aside either in detention or in time out if they are younger that they stop learning or trying to learn. They need to have an end goal, and work towards that if we want to see them succeed.

Society

Society isn't really something we can head out and fix as it is, but it is something we can fix over time with who we raise. The adults that are in the world right now make their own decisions. They do what they do because they want to do it, but if we can raise our children to grow up and contribute to society, we are going to raise a generation that can change the state we are currently in.

We need to teach our children to have a respect for authority, and how to interact with each other in a respectful manner. The move we ignore the problem and tell kids they don't have to look out for anyone but themselves, the harder it is going to be to break this cycle. This is going to overflow into how they raise their children, and how the following generations grow.

Entertainment Industry

One of the major conflicts of society today is the entertainment industry. We see so much violence taking place on the big screen and in the video games that flood the shelves of our malls that it's harder to find a game that is family friendly than it is to find one that is full of blood and gore. Now this is not to say that people who play these games don't have a problem with blood and gore, but if we come to think about it, and all of the little children that are allowed to play these games, they are growing up to a world in which blood and gore is a form of entertainment.

Not to mention that developers are constantly trying to create games that are more realistic, more violent, and more graphic as time goes by. Sure, they slap on their ratings, but what does that do for parents that don't really know what is going on?

Let's take a single look into the movie industry, we will find that the things we allow to take place on screen in this modern day are so different than the things that were allowed even 10 years ago that it's not even funny. We see nudity, crimes, murder, bloodshed, and swearing all taking place in movies that are rated PG-13.

PG-13 is supposedly ok for children that are only 13 years old. That isn't even in high school yet, and they are going to see murder and other crimes take place in a graphic way? What is that going to do to their developing minds? Sure, the odds of them actually growing up to become like the criminals they see on the movie is slim, but what we are doing is taking away the shock value from them.

If we do this often enough, we create in society a people that isn't shocked or bothered by blood or gore. They see it enough, they play it enough, it looks real enough, that the shock

factor is gone, This means that if we were to take them in 10 years and put them under that same test that the serial killers took, the one with the pictures, they aren't going to have any different of a reaction from the blood and gore than the serial killers did. And that is just downright disturbing. What does that mean for me right now?

These forces our mind to think that, They are people, just like you and me, but they are acting on a different level. A level that could potentially cause harm to those around them. It is important to watch for the signs in those around you, and do your part in making society a safe place for the children that are coming after.

I know it's not feasible to go around and prevent children from watching violent shows or playing violent games, but if we all work together, we can make difference on how much the producers and developers are allowed to get away with in a game or a movie.

If we are consistent enough at this, we can slow down or even stop the level of violence they are involved in through the entertainment industry, and we can get involved in their real life development. This isn't an issue we can stick our head in the sand about and wish that it didn't exist. We don't have to live life in fear, but we do need to be aware of what is going on, too. If we all work together, we can set up schools that help all children, no matter what their abilities are. No one is going to be pushed aside or left in the corner.

We can work on studies to help women in prenatal care and keep their hormones balanced, not to mention vitamins and minerals that can help babies as they're growing inside their mothers. The more we can work to slow or stop the triggers that turn people into killers, the more we can rid society of the threat.

CONCLUSION

Many individuals use the term "psycho" when referring to serial murders. The majority of serial killers are mentally ill people. Criminal psychologists, legislators, and law enforcement officials should identify offenders accused of heinous crimes while suffering from mental illnesses. There is a lot of ambiguity when it comes to mental illnesses: they're all labelled the same. There is a critical requirement to appropriately recognise and classify them, and appropriate judgement should be offered.

There is currently no distinct law in place to deal with psychopaths who are victims of their own imaginations. As a result, the police, advocates, and judges should prioritise the study of such damaged minds.

The serial killers while committing the inhumane act of their gruesome killings doesn't feel anything except relief and happy. Afterwards nor they show any remorse or guilt towards their act. For psychopaths who commit crimes as a result of their illness, the motive for the crime is completely missing.

“As a result, psychopaths should be adequately identified by society. A special statute for psychopaths has been passed in the United Kingdom, California, and many other states in the United States. In our legal system, psychopathic behaviour is an ‘unidentified and unrevealed domain.’ Our judicial system should take the initiative to educate the public and the government about this terrible sickness.”

The investigative agency, forensic and remedial professionals face a huge task in establishing “the relationship between the serial killer, the crime, and the likely cause or motive behind such horrible murders.” Serial killers may have their own motivations or justifications for committing crimes. The solution to this societal crime may be a multidisciplinary aetiology and methodology.

I've attempted to provide a “definition of criminal psychology as well as information on how different criminal psychologists function, what responsibilities they play, and what organisations they work for. Depending on the psychologist's specialisation, the psychologist's work in the criminal justice system might take many different directions. The work is varied and challenging, ranging from assisting the police in their investigations, advising in the selection of police officers, providing expert testimony in court, working with offenders conducting assessments and interventions, conducting research, or imparting their own knowledge to future criminal psychologists.”

“Criminal psychology will evolve more, and psychologists will likely become increasingly involved in the various aspects of crime and the criminal justice system. There is undoubtedly much more to learn and research about how criminal psychologists may contribute to the knowledge of crime and how they might help justice systems function.”

To begin with, “I'd like to state that psychopaths are complicated, dangerous, and serious mentally ill criminals/patients.” The crimes they perpetrate are typically heinous, yet they don't have any mens rea to back them up. Their profound mental illness is the driving cause behind the crime. As a result, psychiatry and law are rethinking how they approach human behaviour from various philosophical perspectives. Psychiatry emphasises a scientific and psychological approach to disease, whereas law emphasises reason, which includes the

terms *rea* and *actus reus*. Every offender has a particular state of mind and a varied motivation for committing an offence, which could be due to an illness.

Second, if the accused's competence is in doubt, the Court should order a psychological or psychological evaluation. The defendant's competency to stand trial should then be determined through a hearing. It is critical to emphasise the disease in the case of mentally ill criminals, and the appropriate sentence should be determined accordingly.

Finally, it is preferable to take a therapeutic approach to psychopaths rather than a punitive one because they are victims in their own right. They are oblivious to the nature of the crime. They have no shame or guilt for their actions. They must be treated in a hospital or asylum since they are extremely dangerous. By developing a “therapeutic strategy for psychopaths, the United States and the United Kingdom have set an example for other countries.”

Furthermore, I have attempted to emphasise that the basic problem in the application of the therapeutic approach is that the majority of people are unaware of the condition and its consequences. To solve this issue, certain actions must be done, such as developing a thorough training programme for police officers to familiarise them with the psychological aspects of criminal behaviour, criminality, and mental illness.

SUGGESTIONS

I would like to put forward some suggestions :-

- # Subjects such as "Mental Illness and the Criminal Mind" should be required of law graduates so that advocates and judges are aware of the problem from the start.
- # Psychiatrist lectures and workshops, visits to mental hospitals, meetings with mentally ill offenders, and frequent interaction with professionals who treat such patients should all be included in legal education.
- # Hospitals should create separate wards for psychopaths, and if they are serious, actual asylums should be built for their treatment.
- # There must also be provision for separate high-security prisons or Psychiatric Prisons where only mentally ill prisoners can be housed for treatment and management of the psychiatric illnesses will further help his cause.
- # Mental illness screening, identification, counselling, and referral services should be taught to the employees and medical officers of correctional facilities. By involving the media, all stakeholders such as NOGs, parents, and schools should be engaged in the mass awareness campaign.
- # Stress should be given to the therapeutic approach then the punitive approach on the humanitarian, medical and legal ground.
- # The only way to bring justice to psychopaths is through therapy, not punishment, because patients should always be treated rather than punished.

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