



Forensic Psychology: In Pursuit for Better Justice System

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ABSTRACT

Investigating a crime has always intrigued people over the course of time thanks to the creative television. Understanding a human's brain is a tough job and is even more challenging when it comes to a mentally unstable one. Like any other domain psychology when plays its part in a legal area is termed as Forensic Psychology. Crime scene experts have immense responsibility over their shoulders while examining and searching a crime scene. Similarly a forensic psychologist has to assess and judge whether the person is of sound state of mind or not. Once the assessment is complete, the expert needs to generate a report, which of course has to be legally fit. The current article deals with the importance of forensic psychology in today's criminal justice system.

Keywords: Forensic science, psychology, criminal justice system, court of law

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INTRODUCTION

India is a developing nation with the current digits of population being 138 crores. India contributes 17.71% to the entire world population [10]. These digits increase with every passing second. With the abundance of population, there has been increase in the criminal activity and criminal behaviour in the nation. There are number of reasons that contribute to growing crime rate, at the apex lie poverty, resulting in inefficiency to fulfil the daily needs of the family. With the greed and in hope of a single meal for the day, the individuals direct in negative path to attain those resources. Another aspect is the impaired judgement capabilities to choose between right and wrong. Individuals once they get into the habit of attaining resources through uncivil ways, it is nearly impossible to get rid of the habit, especially when that is the only possible way to achieve resources. After commission of crime, they get apprehended and are ultimately sent to prison as a correctional remedy, as they pose a threat to themselves, their family and the society at large as per our Justice System. Cases have been reported where the apprehender is not fit for trial. The justice system of India clearly states that an innocent should never be apprehended as a criminal, this gives criminals certain liberties that aid them in removing the stain of a criminal from their collar. Article 20(3) of the Indian Constitution states that, no individual can be forced/compelled to testify against oneself. Article 21 of the same, grants right to life and personal liberty, this has been extended judicially to include the right against spiteful, callous, and demeaning treatment [12]. McNaughton rule states that any crime committed by a person with unsound state of mind will not be punished as that of a criminal with a sound state of mind. As such a person is incapable of judging the severity of act being committed by him/her. A separate section for the same is provided in the IPC, Section 84. With the growing technology, majority of the individual have smart/android phones with internet facility, everything is available to the individual with just a click/touch away. Criminals are becoming smarter every day; they now know techniques to get out of punishment while imposing certain rights. Another intriguing and disturbing at the same time feature that has arisen is that there are not many evidences left at the crime scene, the police comes across oral testimony, eye witnesses and only suspects are arrested. With lack of evidence, they are set free. Forensic Psychology plays an important role in digging into the memory of individual and extracting facts that are known only to individual and cannot be obtained by any other means. Forensic Psychology is composed of two extremely relevant words, forensic that provide and aids services to the court, psychology on the other hand, inculcates, understanding human brain and the behavioural aspect behind it, it also includes conscious and unconscious state of mind along with the role feelings and thoughts play in an individual's life. With the growing crime a need and urgency of developing techniques that would provide a helping hand in

granting justice has arisen. Therefore forensic psychology has implementation in all aspects of managing the crime and criminals as per the law via professional conventional methods. These methods have derived numerous theories and principles that have evolved after conduction of clinical and scientific study on human behaviour and the actions resulting from it. Apart from just analyzing the offenders, psychology also plays an important role in understanding, the perspective of victims, the perception of public regarding crime and impact of crime on police officials who are exposed to it almost 24*7. Concept wise, forensic psychology is the main trunk, with its branches incorporating criminology; psychiatry; jurisprudence; sociology; geography; social, clinical and developmental psychology.

Forensic Psychology

Psychology itself dates back to 1879, the first laboratory was established in Leipzig, Germany which was solely dedicated for conduction of psychological research. Therefore as long as there has been psychology there has been its utilization in managing crime and reducing the rate of criminals. The inexorable presence of crime throughout the societies from early times and simultaneously failure to curb the rate of crime indicates the crime has been inbuilt in the nature of humans. Therefore it is of utmost importance to eliminate the causes of crime from the society [1].

Forensic psychology is the converged edge between providing justice and understanding human behaviour behind any committed crime. It incorporates perceiving the depths of criminal law that is prevalent and used in jurisdiction. This is necessary for efficient interaction between the judges, attorneys and other designated legal authorities. To go into depth, forensic psychology helps in understanding:

- Why a person gives thought to or envisage into crime,
- Their modus operandi for the same,
- What inputs have to be provided into investigating the case that would result in catching of criminals,
- Provide counselling to the entities involved in both civil and criminal disputes,
- The contributions that can be made in working of prisons,
- Enhanced and better ways in dealing with the offenders, and
- Producing newer forms of treatment and rehabilitation.

With the above mentioned activities, there lie a number of psychological issues that have been considered as the root cause behind criminal activities. Therefore, focus has to be given to these points in order to yield certain propagandas that would aid in criminal justice system. Various focused propagandas include;

- The reason and explanation behind the psychological basis of the personality that results in criminality,
- Knowledge regarding the psychology behind memory, and its utilization during interviewing suspects and witness,
- The behavioural and social aspects of proceeding sessions of a court,
- Reaching towards a verdict by the jury members,
- Assessing and managing the risk of re-offending,
- The role played by correctional institutes and rehabilitation centres in reforming individuals,
- How mental disorders result in crime, and
- What makes people to abstain from crime.

The key interest area of forensic psychology is very similar to that with criminology, but both are completely different domains. The latter is the study of crime; it focuses on the reasons behind the cause of crime, varied manners of committing crime, how it develops and adoption of ways to reduce crime rate. On the contrary, forensic psychology is the study of criminals. For instance, one of the reasons behind commission of crime is lack of education; psychologists will agree to the fact and go into depth into yielding the reason as to why such people commit crime, why and how is their behaviour resulting in such a heinous event. A criminologist would study the relation of lack of education and crime [1, 3].

Other focused areas of interest in Forensic psychology include, the possibility of any deceitful intention behind commission of crime, assessing the mental health of the person for pleading insanity, whether or not the person is competent enough to stand the trail, anticipating and assessing the degree of violence and risk caused by it, which parent would be granted the child's custody in cases of divorce, interpretation of the report generated after conduction of Deception detection techniques and assessing the personality of the criminals.

Forensic Psychology has been housing in India way back to 1960s, the first lie detection division was established by the government of India in the Central Bureau of Investigation in the division of Central Forensic Science Laboratory. There were no trained professionals or institutes that could be available at that time to run the tests efficiently. When the tests were to be conducted, the personnel's used to refer to

the guides, books and published research articles originating from the western culture. In order to yield a conclusion on a trail with the report of lie detection was based on the trial and error methodology of scientific discipline. The first reported case for the conduction of narco-analysis was in 1989 by Dr. S.L.Vaya. Although for the conduction of test there was no consent taken of the person that was under question. Dr. S.L Vaya later asserted that both the permission sanctioned from the court to conduct narco-analysis and the consent of the culprit to undergo the test should be taken, prior to the conduction of tests, as they apprehend Article 20 (3) to some extent. When these tests were newly adopted, they were conducted in the prison itself [3, 12].

Deception Detection Techniques or DDTs all have psychological origin. As all of them deal with the physiological changes that occur in the brain that aid in determining whether the person is or is not concealing any information that is relevant to the case. These tests mainly include, brain fingerprinting, narco analysis, polygraphy and BEOS [14].

Narco Analysis: In this technique, drugs such as sodium pentothal, scopolamine and sodium amytal are administered intravenously into the suspect's body. This causes the person to enter into the stage hypnosis. These drugs are CNS depressants; that bring individual into semi sleep stage. The human's deceive using the mind's eye and by these tests we monitor that eye. The entire conduction of the procedure follows the guidelines published by National Human Rights Commission of India. The test is conducted in front of a number of authorities, namely; lawyers, physician, cardiologist, neurologist, anaesthetist, and district magistrate. The person is made to answer questions when the trance is achieved.

Brain Mapping: This test monitors the change in electrical field potential that is generated by the neural activity of the brain; this is captured by the electrodes attached on the surface of head and face. This test when used in India is also known as Brain Electrical Activation Profile Test or P300 test. While conduction of the test the individual is subjected to images, sounds or videos related to the case that is being investigated side by side. The theory suggests that if the situation is familiar and known to the person, P300 wave is generated and recorded in a graphical form.

Polygraphy: Lying require more cognitive ability, the efforts required causes a hyper arousal state, this is monitored by the polygraph. Measuring of hyper arousal state is picked up varied parameters; change in blood pressure, heart rate, change in respiration, electrodermal response and impulses generated by the muscles. The ideology behind the application of this test is usually put into question. As the above mentioned responses can be observed when the person is under pressure, or is nervous, anxious, depression, fearful, or can be under the influence of some substance (drug, alcohol). Such condition can arise when the person is being questioned during the analysis. Individuals can bypass the test by suppressing and controlling the arousal symptoms, which can be achieved through meditation and yoga. This is the reason the competency of this technique has been put into question [13].

BEOS: Retrieval of information from memory can occur through recognizing and remembering the event that has already taken place in the past. The technique, Brain Electrical Oscillation Signature profiling, utilizes probes, which is an audio clip, which is shown to the suspect during analysis. The person undergoing the test has to remain silent and is not required to give any oral testimony. When an individual remembers any episode out of memory the oscillations generated are called signatures and awareness regarding the event is termed as Experiential Knowledge. The report is generated on the basis of the waves produced by the brain in regards about the amount of information known by the person [4, 9].

The relevance of the above mentioned tests falls especially when in court it is extremely important to justify whether the oral testimony that is being given is correct and relevant for the case under trail.

Forensic Psychologist in the Courtroom

For the analysis of evidences that were collected from the crime scene, they are sent to the FSL's for examination and generation of testimony, over there the experts analyze and perform relevant tests on the evidences and yield the report. As per Indian Evidence Act, 1872 Section 45, it determines the opinion of expert and also explains an expert. The person who has thorough knowledge of the subject with valid qualification can opine on cases when called upon by the judge into the courtroom. The most crucial role played by a psychologist is to assess the psyche of a criminal. In simpler terms, they acknowledge that the person in question is of stable state of mind and is competent enough to stand a trial. If the assessment, observation of the criminal stands on different ground, the psychologist will suggest the treatment and medication that is to be provided. Forensic Psychologists may assist police officers in investigating a case. They observe while the interviews and interrogations are conducted, their combined knowledge of law and psychology makes the process legally easy. The most crucial role played by forensic psychologist is to detect *mens rea*, which needs to be legally addressed. Their prime job and role is to understand whether

the act committed is by a guilty mind or an unstable mind. They also aid the judges, prosecutors and defendant related to the case in reaching to a sound conclusion [14].

Victimology and Police Psychology

Apart from assisting the court and its proceedings, the psychologist also study the impact of crime on the factors that are most accustomed and prone to it. The Police is an essential ingredient of any criminal justice system, they are the ones that are responsible for apprehending the criminals and putting them behind bars. Police need to have stable state of mind, with the ability to perform multiple tasks simultaneously. They are mostly under extreme pressure, stress and anxiety when rapid decisions which have to be speedily coordinated with accuracy. For doing such a task, the individual needs to have a balance in their emotional and physical stimuli. This cannot be achieved if the personal is incapable of making the correct decision and balancing their emotional state of mind [5]. This is the reason extra efforts have to be made for the proper functioning of the police with an emotional equilibrium [6]. Another key aspect of studying police psychology is that after performing their duty, they have to go back to their family. Constant dealing with criminals during the work hours causes a different personality of them, they cannot deal with their family in the similar manner as they do during work hours and vice versa [11]. This drastic change and effective management does require additional efforts. Victimology is also a crucial aspect of psychology, it is studying the impact of crime on them. They are the ones who are most affected by any sort of criminal activity [2, 7, 8]. Victims need to be studied, in order for them to lead a life without the guilt and footprint of the incidence. The coping strategy includes the first and foremost step as building trust. Crime is not just an act that is performed by the criminal but its effects are observed way too clearly on the victim and the society at large. Effective strategies have to be incorporated for the victims to rebuild their lives.

CONCLUSION

Apart being increasing the strictness in laws and harsher punishments, it is necessary that the mental health should also be focused. The person has to be mentally strong in order to perform daily tasks effectively and to deal with life. This is extremely important for the judicial system and the victims. Forensic Psychology aids in apprehending the criminals and also aids in effective judgement that have to be taken in the court of law. They also aid the criminals to certain extent especially when they person is not of a stable state of mind. They also assist in building a stronger frame of mind of the police, which is extremely relevant in today's world as the crime rate has increased at an extreme rate. In order for the victim to rebuild the life critical role is played by forensic psychology.

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