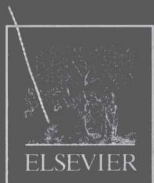


# Criminal Profiling

AN INTRODUCTION TO BEHAVIORAL EVIDENCE ANALYSIS

FOURTH EDITION



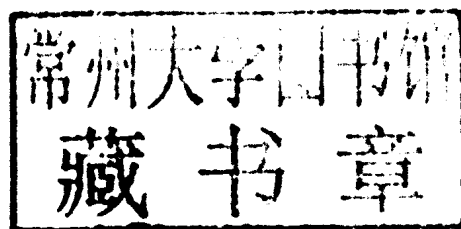
BRENT E. TURVEY

# Criminal Profiling

## An Introduction to Behavioral Evidence Analysis

Fourth Edition

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**Sitka, Alaska, USA**



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Then I look about me at my fellow-men; and I go in fear. I see faces, keen and bright; others dull or dangerous; others, unsteady, insincere—none that have the calm authority of a reasonable soul.

—H. G. Wells, *The Island of Dr. Moreau*

# Foreword to the Third Edition

Men of genius do not excel in any profession because they labor in it, but they labor in it because they excel.

—William Hazlitt (1778–1830)

In the 1970s, I was introduced to profiling at the FBI Academy when several classes were taught to the American Society of Crime Lab Directors. I saw this field as an adjunct to crime scene investigation and I had a great deal of enthusiasm for its merits. Later in my career, I worked with the FBI-trained profiler for the California Department of Justice (CA DOJ) and even considered transferring out of the crime lab business to follow a similar path. The successor to the original DOJ profiler caused me to rethink my position.

In the early years of profiling's development at the FBI, the public knew little about the actual methods used by profilers, or that there were such things as profilers at all. They perhaps knew, for example, that a profiler had helped with the Atlanta Child Murders, but little else. It was the later films based on the works of author Thomas Harris that caught the public eye and caused profiling to become a profession of interest; in particular, *Mindhunter* (1986) and *Silence of the Lambs* (1991). As a direct result of these and other similar films, and of the TV shows that came after, like *UNSUB (Unknown Subject)*, *Millennium*, *Profiler*, and more recently *Criminal Minds*, more than a few criminal justice students have been inspired to become profilers.

However, many of the television programs became more supernatural in their orientation, with the profiler having "flashes" of the crime as it had occurred. This did not provide a real sense of what profilers actually can and cannot do. Profiles do not come in a flash or vision; they take long hard work examining physical and behavioral evidence. This was something that I wanted my own students to understand.

During the 1990s, when I worked for CA DOJ, I often invited our DOJ profilers to lecture in my crime reconstruction class. They had been trained by the FBI and could explain some of the methods and services that were available. On one such occasion, one of my students asked, "What happens if there are different opinions or interpretations about a profile?" The profiler responded, in essence, "That could never happen. We get together before a report is finalized and all come to an agreement." The "we" referred to the DOJ profiler and the FBI profiling unit back in Quantico. Bear in mind, this statement was made to a class of forensic scientists; all of them were criminalists with at least 10 years in crime labs, and who actively responded to crime scenes. We were shocked that there could not be different opinions about the same evidence. That everyone must reach a consensus before an FBI-style profile could be drawn up was unbelievable.

Criminalists frequently disagree about the interpretation of physical evidence and do not always reach consensus. You can't compromise a physical fact, just the interpretation. And interpretations can vary.

For someone interpreting the characteristics of a person committing a crime to say that all profilers (in the field and back at Quantico) must reach agreement before a report could be written just blew our minds. While this tradition builds consensus and squashes dissent (and lets it appear as though the final report has passed a form of peer review), it's fairly bad practice. At that moment, my class realized that FBI-style profiling was not an infallible discipline, despite what we were previously led to believe. Good science dictates that we cannot always agree; there must be room for differing opinions and interpretations. As Samuel Butler wrote,<sup>1</sup>

Then he saw also that it matters little what profession, whether of religion or irreligion, a man may make, provided only he follows it out with charitable inconsistency, and without insisting on it to the bitter end. It is in the uncompromisingness with which dogma is held and not in the dogma or want of dogma that the danger lies.

The pioneering work done by the FBI in forming their profiling group was certainly groundbreaking and commendable. However, as is too often believed within closed law enforcement circles, they considered themselves somehow unique, considerable, and exceptional. FBI profilers continue to believe that criminal profiling can only be performed by those trained in a very specific program by the FBI or by those who have "apprenticed" under an FBI-trained profiler. The exclusivity of the group has rendered it just that—a closed society of narrow-thinking law-enforcement investigators. Ironically, they were and are actually treading in the realms and research of other established professionals: forensic scientists, forensic psychologists, forensic psychiatrists, and criminologists. And being a closed circle working outside of their actual profession (the formal education and actual experience of FBI profilers varies greatly), they don't always know what they are doing or when they are wrong. With a propensity for quashing dissent and everyone having to agree all the time, I guess it's not a surprise that their methods haven't changed substantially in three decades.

Film, television, and good public relations by the FBI have continued to inspire students toward criminal profiling as a career choice. However, even in the mid 1990s, there were no organized programs of study, no specific practice standards or principles, and the only publicized route was through law enforcement—specifically the FBI. For those students unfamiliar with the players and the field, there was no visible profession to enter. This remains a problem for students interested in FBI profiling, because the FBI has fewer than 20 "profilers" working for them at any given time—and they often don't even call themselves profilers anymore.

What does it take for a vocation to become a profession? Is forensic science a profession? This basic question has caused many heated discussions at forensic science meetings. According to one definition, which is as good as anything I've seen,<sup>2</sup>

A profession is an occupation that requires extensive training and the study and mastery of specialized knowledge, and usually has a professional association, ethical code and process of certification or licensing.

In many legal regimes that have "regulated professions" the issues of "public safety" or "client welfare", harm, ethics, accreditation or credentialing, licensing, peer discipline, special knowledge, judgment, training, practical experience and oaths of conduct are common to the regulated

<sup>1</sup> Butler, S. (1903) *The Way of All Flesh*, United Kingdom: Grant Richards Pub.

<sup>2</sup> *Profession* at Wikipedia.com; [www.en.wikipedia.org/wiki/Profession](http://www.en.wikipedia.org/wiki/Profession).

professions. One or more of these factors may suffice to distinguish the profession from a related trade. The professional is obligated and sworn to exercise expert judgment on behalf of the client's interest. The client is not usually assumed to understand the complexities of the professional's special knowledge domain.

In the Preface to the First Edition of this textbook (1999), Brent Turvey wrote that criminal profiling "has not yet achieved the status of a profession." He then gave several reasons why. However, in the past few years there have been developments that may have overcome his reasoning, not the least of which is that Dr. Saferstein correctly refers to the field as the "profiling profession" at the end of the first paragraph of the Foreword to the First Edition.

When Brent Turvey first moved to California, criminalist Keith Inman told him "his first onus was to his profession."<sup>3</sup> That made an impression on him. The public face of criminal profiling was at that time almost exclusively law enforcement. The only entry, it was often stated, was through law enforcement, and within that construct only a few were allowed to become profilers. Brent did his homework and realized that there was a community of professionals already practicing criminal profiling beyond this narrow scope, and he saw the need to bring them together.

In 1998, after he finished the manuscript for the first edition of this book, Brent reached out to a group of forensic scientists, mental health professionals, and investigators. He wanted them to meet with him under one roof. The group included NYPD Detective John Baeza, ex-FBI profiler Mike Chamberlin, Dr. Michael McGrath, and myself. The subject of discussion was the formation of a professional association for profilers. The result of that meeting was the formation of the Academy of Behavioral Profiling (ABP). The ABP was the first independent professional organization for criminal profilers, with firm educational requirements and a published code of ethics. Brent took the additional measure of inviting several people from various parts of the world to participate in the formation of the association. The first step was taken to establish profiling as a profession: an *association*.

The ABP has various levels of membership, from students to affiliates, to full members in the investigative, forensic, behavioral, criminological, or general sections. The membership, currently almost 200 strong, is able to participate in an on-line forum for discussion of events in the field, to attend the ABP's annual meeting, and to publish their work in the *Journal of Behavioral Profiling*.

Full membership requires, among other things, an examination—the Profiling General Knowledge Exam (PGKE). The exam was designed by an international committee of investigators, forensic scientists, and behavioral scientists at the request of the ABP's PGKE Committee. The PGKE was completed and first administered in 2001. This testing process is a second step toward the establishment of criminal profiling as a profession: *certification*.

The ABP also undertook the task of developing practice standards. After many long discussions and extensive rewrites, the Board of Directors published these guidelines in 2000.<sup>4</sup> The guidelines have been refined over the years, and they have reached a pinnacle in the current edition of this text. At this point, the field of profiling meets the major criteria for being a profession. The only remaining question is whether there is extensive specialized knowledge in the field.

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<sup>3</sup> Personal communication with the author.

<sup>4</sup> Baeza, J., Chisum, W.J., Chamberlin, T.M., McGrath, M., Turvey, B., Academy of Behavioral Profiling: Criminal Profiling Guidelines, *Journal of Behavioral Profiling* 1(1) (January, 2000).

This text, now in its third edition, certainly shows a wealth of specialized knowledge. It provides clear principles and practice standards, a strong code of ethics, and an undeniable map of the connection between criminal investigation, forensic science, criminology, mental health, and criminal profiling. These are the last threshold steps in demonstrating professionalism.

Henry Ward Beecher stated, "To become an able and successful man in any profession, three things are necessary, nature, study and practice."<sup>5</sup> One must have the nature to want to understand the field, the ability to study and learn about the field, and the desire to practice in the field to be a professional. The novella *Profession* by Isaac Asimov reiterates this theme. Asimov shows it is the ability to think, to learn, to be innovative, and to strive to improve the profession that makes a professional, not the title.<sup>6</sup>

Brent's body of work, ably supported by that of many others, fits the criteria necessary for criminal profiling to be considered a profession. Not only has Brent helped to build the profession, but also he has worked within the community to create courses of training and written material that have assisted others to learn the methods. The third edition of *Criminal Profiling* is a worthy furtherance of that effort and represents another tremendous step forward in the advancement of criminal profiling methods and research.

—W. Jerry Chisum

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<sup>5</sup> Henry Ward Beecher (1813–1887); [www.brainyquote.com/quotes/authors/h/henry\\_ward\\_beecher.html](http://www.brainyquote.com/quotes/authors/h/henry_ward_beecher.html).

<sup>6</sup> Asimov, I. *Profession, Astounding Science Fiction* (July 1957).

# Preface to the Fourth Edition

## *Criminal Profiling: The Imperatives of Scientific Methodology and a Behavioral Science Education*

Criminal profiling is a subdiscipline of forensic criminology (Turvey, Petherick, and Ferguson, 2010). It is, therefore, a discipline within criminology, rooted in the behavioral sciences and forensic sciences alike. Thus it is imperative that students seeking to develop the skill of profiling educate themselves properly, and thoroughly, in scientific methodology and the behavioral sciences.

Generally speaking, criminal profiling involves making inferences about the physical, habitual, emotional, psychological, and even vocational characteristics of criminals. However, there are many different methods of criminal profiling, and all vary with respect to the soundness of underlying theory, logic, and insight. Some methods are abstract, general, and trait predictive; others are concrete, specific, and state descriptive. Some rely on offender group statistics; some rely solely on experience; and some rely on examining case-specific behavioral evidence.

The variety of profiling methods used around the world, across agencies and analysts, has resulted in a state of professional confusion. Profilers are often poorly educated in the forensic and behavioral sciences and consequently are confused about who they are and where they fit within the criminal justice system; other criminal justice professionals recognize and are confused about the same things, resulting in more than a little skepticism and even animosity; the media adds to myth by portraying profilers as ball-gazing supercops; and the general public views profilers as a more specialized form of psychic. And too many inept and uneducated profilers are benefiting from this lack of professional cohesion and the ignorant misperceptions it allows to persist.

If criminal profilers are to be taken seriously in the twenty-first century, as professional operatives with a substantive contribution to offer the criminal justice system, then there are areas in which reforms must be made. Education is the first.

## **METHODOLOGY**

The method of criminal profiling that one claims to use will dictate the education necessary to use it. This methodology must be clearly and unequivocally defined. If a profiler does not know or cannot explain the method he is using to perform his examinations and reach his conclusions, then those conclusions can hardly be considered professional, reliable, or even acceptable.

The professional criminal profiler deals with facts and evidence, not assumptions and emotional hyperbole. He or she seeks to educate, not advocate. A profiler's method of choice will therefore be objective and necessarily rooted in the tenets of the scientific method. Learning what this is and what it means is vital to staying on a professional path, as opposed to remaining a profiling ingénue.

A criminal profiling method with a solid scientific foundation will be associated with one or more textbooks covering all aspects in detail—from definitions of key terms to related theory, to the nature of behavioral examinations involved, to the limitations of conclusions that may be offered. While this seems a minor hurdle, it is rare for any criminal profiling method to achieve. Most methods are associated with thinly prepared and poorly researched texts, or memoirs, without clear definitions or practice standards. Many are written by those who lack scholarship or the ability to explain how they arrived at a particular conclusion beyond summoning their “years of experience.” Others wrap themselves in nearly unintelligible jargon, to confuse readers into believing that science has been employed when it actually hasn’t.

The best criminal profiling texts are those that provide insight into criminal investigation and behavioral evidence by fusing real-world case experience, relevant behavioral and forensic science scholarship, and the scientific method. They provide tools, set limits, and don’t leave the reader with the impression that criminal profiling is the domain of a select few. Exclusivity, whether from a law-enforcement profiler or an academic, is intended to dampen scrutiny from “outsiders.” A true professional not only invites professional scrutiny, but also provides the means for it in the methods used.

If a criminal profiler is using a heuristic method of his or her own, without clear and consistent terms, definitions, and practice standards, it signals a lack of professionalism and accountability. It also demonstrates the absence of scientific education and training. This is not desirable, as the mandates of good science (e.g., objectivity, the scientific method, and transparency) are also crucial to professionalization.

## SKILL IDENTIFICATION AND DEVELOPMENT

Given a clear and identifiable profiling methodology, the knowledge, skills, and abilities necessary for competent performance should become evident. This information can then be used to identify the necessary course of education, training, and experiences required to develop those skills and abilities. It will also allow for the development of professional competency tests, to assess whether basic thresholds of knowledge have been achieved and are being maintained.

Regardless of the method being used, the following knowledge, skills, and abilities are generally of benefit to every criminal profiler:

1. Knowledge of the criminal justice system in general
2. Knowledge of the various methods of criminal investigation
3. Knowledge of the scientific method
4. Knowledge of the science of logic
5. Knowledge of forensic science and the various methods of physical evidence collection and examination
6. Knowledge of victims, crime, and criminals
7. Knowledge of human sociology in relation to the study and examination of victims, crime, and criminals
8. Knowledge of human psychology in relation to the study and examination of victims, crime, and criminals
9. Knowledge of mental illness in relation to the study and examination of victims, crime, and criminals
10. Knowledge of drugs and alcohol in relation to the study and examination of victims, crime, and criminals
11. Knowledge of human anatomy and physiology

12. Knowledge of human sexuality in all of its contexts and incarnations
13. The skill and ability to perform competent research
14. The skill and ability to write competently and professionally
15. The skill and ability to make valid arguments based on sound logic and reasoning
16. The skill and ability to write reports that meet judicial standards
17. The skill and ability to give effective courtroom testimony
18. The ability to travel
19. The ability to examine evidence relating to the violent, the sexually graphic, the bizarre, and the grotesque without becoming overwhelmed by personal feelings
20. The ability to meet deadlines
21. The ability to recognize bias and work toward maintaining objectivity
22. The ability to keep a confidence and to maintain confidential information
23. The ability to remain honest and ethical despite the short-term rewards for professional dishonesty and unethical practice

## EDUCATION

The development of a firm base of theoretical knowledge, and its practical application, can often be found in a formal college or university education. Successful completion of a degree program demonstrates the ability to commit to a long-term course of study and to see it through to completion. It is evidence to others regarding one's professional dedication and personal stamina. Therefore, less formal education is not better. However, too much college or university education of low quality can be worse, especially when it is not honed by actual experience with crime, criminals, and victims.

It should go without saying that criminal profiling involves the application of the behavioral sciences to criminology. Given this fundamental intersection of applied knowledge, it is hard to argue that one can be a qualified behavioral analyst if one does not possess a formal education in at least one of the behavioral sciences (e.g., psychology, sociology, criminology, social work). Too many criminal profilers still fail this basic litmus test, yet offer their services as though such a foundation is irrelevant.

Again, if you do not have a formal behavioral science education, you really have no business performing behavioral evidence examinations of any kind.

A criminal profiler's final educational path should be dictated by the method that she or he intends to use. If the profiler intends to use a method that involves statistical analysis, she or he must have a formal education that involves mathematics and statistics. If she or he intends to engage in scientific practice, he or she must have a formal education that features understanding and applying the scientific method. If the profiler wishes to examine and reconstruct crime scene behavior, he or she must study forensic science. Formal education provides the theoretical foundation required to give their eventual internships and work experience meaning.

## EXPERIENCE

Experience is important to the development of knowledge, skills, and abilities. Criminal profilers must gain experience being correct, being incorrect, and being corrected. In this way they learn how to recognize when they are wrong, how to self-correct, and how to express scientific humility. Experience is accumulated from formal internships, mentoring, on-the-job training, and, of course, from life in general.

However, the experiences accumulated must be relevant, and, for them to have any value, they must be informed by outside knowledge and sound theory. This is why formal education must come first. For example, police officers often stand watch over crime scene security. This does not mean that they have knowledge and experience related to investigating crime, unless they are performing the duties of a detective. More experience standing watch over scene security will not teach them to be good investigators. Detectives, on the other hand, often attend and witness the autopsy in cases of homicide. However, this does not mean that they are qualified to perform the autopsy, as they do not have the same education, training, and background as a forensic pathologist. Their job as witnesses to the autopsy is not the same as the forensic pathologist's job in performing it, and each is educated and trained to take different things away from the experience.

In addition, there is the issue of quantity vs. quality. Dr. Paul L. Kirk (1902–1970), the father of modern forensic science, offered the following thought (1974, p. 16): "The amount of experience is unimportant beside the question of what has been learned from it." If one does not learn from experience, and repeats the same errors time and time again, then experience has little meaning. Someone may have been doing their job for 20 years, but it may also be the same year of errors repeated 20 times.

Another concern regarding experience is that it is used as a shield, to argue the soundness and veracity of conclusions. This is actually a logical fallacy referred to as an *appeal to authority*. When a purported professional offers a conclusion based solely on the authority or expertise of themselves or others, their logic and reasoning is without solid foundation. Dr. John Thornton, a practicing criminalist and a former professor of forensic science at the University of California (UC) at Berkeley warns that (1997, pp. 17):

Experience is neither a liability nor an enemy of the truth; it is a valuable commodity, but it should not be used as a mask to deflect legitimate scientific scrutiny, the sort of scrutiny that customarily is leveled at scientific evidence of all sorts. To do so is professionally bankrupt and devoid of scientific legitimacy, and courts would do well to disallow testimony of this sort. Experience ought to be used to enable the expert to remember the when and the how, why, who, and what. Experience should not make the expert less responsible, but rather more responsible for justifying an opinion with defensible scientific facts.

Consequently, appeals to authority have no place in professional or scientific practice.

## BEA

In order to competently and effectively execute the methods of examination and classification provided in this text, in relation to *behavioral evidence analysis*, the following education and training are required:

1. *An undergraduate degree in a behavioral science* (psychology, sociology, criminology, social work): This will provide an understanding of human behavior and related behavioral theory and will also provide exposure to the scientific method. A criminal justice degree is not the same as a criminology degree, and most CJ programs will only prepare you for a career in law enforcement or corrections.
2. *Undergraduate term papers*: Many undergraduate courses allow students to choose term paper research subjects. As much as possible, research and write on subjects related to criminal profiling and related specialized areas of interest.
3. *A graduate degree in forensic science or a behavioral science*: As just about anyone can get an undergraduate degree, graduate work signals a professional-level commitment to your career. Students should choose a graduate program by seeking to study under someone who both published in their area of interest and also still has a hand in casework. Professional scholars without real-world experience make for poor teachers. They also lack the ability to help students get good internships.

4. *Graduate term papers*: Many graduate courses allow students to choose term paper research subjects. As much as possible, research and write on subjects related to criminal profiling and related specialized areas of interest.
5. *Graduate thesis*: It should go without saying that any graduate-level thesis should be written on a subject related to criminal profiling in some fashion—specifically oriented toward the student's specialized areas of interest. This presupposes that the student, by this time, has developed specialized areas of interest.
6. *Graduate internships*: Seek an internship that exposes you directly to the criminal justice system and its inhabitants. This can include a group home, the public defender's office, an ME or coroner's office, or a law-enforcement agency. Multiple internships are recommended for the broadest exposure. Even when college credit is not available, internships are still recommended. If your college or university program cannot offer you good internship possibilities, you are in the wrong program.

With this formal educational background, the student will be well suited to begin learning and eventually to apply BEA methodology in any career they decide to take up within or related to the criminal justice system. Bear in mind that it is a skill, not a job. The skill may be used in a career as an investigator, paralegal, lawyer, social worker, forensic examiner, or a mental health expert.

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# Preface to the Third Edition

## *The Persistence of Faith-Based Profiling*

The first step is admitting we have a problem.

Faith is often enough to make decisions in personal matters. Faith can give much needed hope and strength in times of personal crisis or difficulty. Faith can build relationships, give inspiration, and provide personal guidance. But personal faith is not to be confused with an actual proof, or actual evidence.<sup>7</sup> As such, personal faith and belief should not be imposed in a professional context where the burdens and consequences to others are grave—as in the criminal justice system.

Many people have transcendent or phenomenological belief systems that give their lives both meaning and bearing. Personal belief systems can take root at a very early age, sometimes as a part of our cultural or ethnic identity. As a result, they are almost impossible to remove without eroding the soil of substance that gives one both a sense of identity and purpose. As a consequence, most will not surrender a deeply held personal belief for fear it could lead to their spiritual loss or death. Therein lies the problem.

There is nothing inherently wrong with personal beliefs. Each person finds meaning and purpose in their own way and that is as it should be. We all have our own journey to take in life and it is deeply personal. However, there is a difference between faith and reason. As the reader will learn in the pages that follow, it is not the position of this work that personal faiths and beliefs are a problem unless they get in the way of objective forensic investigation and examination.

Let us speak clearly: faith and the phenomenological must have no influence over the objective investigation of fact. This includes religious faiths, spiritual beliefs, the metaphysical, the paranormal and the supernatural. These are personal matters and should remain personal.

In faith-based reasoning, the premise of an argument and the conclusion are a matter of personal belief and subsequently considered above criticism. Those who question the premises of such beliefs, religious and otherwise dogmatic, are labeled heretics, or worse. In faith and personal belief, there is little room for critical thinking, and no place for doubt. As a consequence, the nature of faith runs contrary to knowledge building.<sup>8</sup>

Criminal investigation and forensic examination are professional endeavors in the service of the criminal justice system. Any conclusion that is not based on actual proofs susceptible to testing does not belong in

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<sup>7</sup> An apt analogy would be that *faith* is akin to believing what an apple will taste like based on what others have said; *proof* is akin to actually having eaten an apple oneself.

<sup>8</sup> It cannot be overemphasized that organized religions are but one form of faith or belief. There are also “religions” or belief systems organized around charismatic people, popular methodology, and popular agencies and institutions. When students or professionals cannot or do not question, and give uncritical loyalty to a person, method, or institution without seeking proofs, they are treading on the same grounds—faith and belief over reason.

the structural supports of a criminal investigation, or a forensic examination. The reason for this should be obvious. When we rely on faith-based reasoning to support a conclusion, we are more susceptible to bias, and there is no way of knowing whether or not we are wrong. For a conclusion to be reliable and valid our methods must be susceptible to independent review, and the conclusion itself must be falsifiable. That is to say, there must be actual proofs that everyone can experience, and there must be identifiable mechanisms for disproving our conclusions should our reasoning be biased or faulty.

As we will learn, criminal profilers will often serve as both criminal investigator and forensic examiner. Criminal investigators are tasked with serving the criminal justice system by establishing the objective facts and evidence of a given case. Forensic examiners are subsequently tasked with interpreting the facts and evidence objectively. These are enormous responsibilities that must not be taken lightly. When we act in service of our personal needs and beliefs, our objectivity can be tainted, our methods distorted, and our conclusions biased. Emotions can rush the soundest judgment; dogma can bury the clearest evidence. As explained in James and Nordby (2003, p. 4),

When emotions overcome reason, a zealous forensic scientist may intentionally or inadvertently deny real justice. Results are misinterpreted, or worse, falsified. Such flawed science may not be easy to spot, since it can only appear through the results of the scientific investigation.

If we can agree to this—that we must maintain our objectivity—we can agree that personal faith and belief should have no part in the performance of what should be the cold and dispassionate rendering of a criminal investigation or forensic examination.

Is faith-based reasoning actually a problem in the criminal justice system, and specifically in the field of criminal profiling? Sadly, more than a century after the 1894 publication of the first textbook advocating for more objective and scientific methods of criminal investigation,<sup>9</sup> the answer is Yes. Despite repeated attempts to educate practitioners, there persists throughout the geography of criminal investigation and forensic examination no shortage of faith-based motivations, faith-based methodology, and faith in examiner charisma or affiliation over actual knowledge and efficacy. As is often the case, ignorance and ego are the culprits.

Three general issues, all related, require some discussion before we tackle their influence on criminal profiling in specific: religion, the popular media, and psychics.

## WORKING FOR GOD

Thank God for narcissism.

—FBI Profiler Roy Hazelwood (Ret.) (Ramsland, 2005)

Those who do not recognize a separation between church and state, who perceive a personal duty to protect or act on religious or moral truth, and who are overly zealous in doing so, may deem it acceptable to supersede a professional duty to protect or act upon actual facts. Referred to as the *appeal to consequences of a belief*, this may be a rationalization involving the fallacious argument that the consequences of accepting whether a certain proposition is true or false have a bearing in determining the claim's truth—or there will negative consequences now or in the hereafter. When they are self-serving or just plain wrong, the consequences can be dire.

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<sup>9</sup> Handbuch für Untersuchungsrichter als System der Kriminalistik (Criminal Investigation: A Practical Textbook for Magistrates, Police Officers and Lawyers) by the legendary Austrian jurist Dr. Johann (Hans) Baptist Gustav Gross (1924).

Investigators and forensic examiner's alike are handmaidens to the various justice systems of mankind. Consequently, they must serve the various laws of mankind. They must serve objectivity, not passion; they must serve facts and proofs, not beliefs or superstitions. If they cannot serve in this manner, then they are unfit to serve at all.

It must be admitted that not everyone agrees with this position. Some view this work as a moral or religious calling. According to the self-proclaimed *Homicide Investigator's Bible*, homicide investigation is part of a Christian mandate to serve the "FIFTH COMMANDMENT Book of Exodus, 20 of the Holy Bible" in which "The Lord God said... Thou Shalt Not Kill." The text also concludes its preface with: "We work for God."<sup>10</sup> This is an admirable declaration in the service of personal faith and belief.

However, this declaration is more than just misplaced in the realm of homicide investigation, or any work performed in the service of the justice systems in the Western world. Why? Because pretending that the Bible and the Ten Commandments are somehow served by modern law oversimplifies a very complex reality. Further explanation is necessary.

In order to rationally discuss the Ten Commandments in an investigative and forensic context, we should probably start by getting them right. The fifth commandment is "Honor your father and your mother, so that you may live long in the land the Lord your God is giving you," (NIV Study Bible, Exodus 20:12; p.116). It is not "Thou shalt not kill," as described in Geberth (2006). This numbering remains true regardless of which version of the Bible one invokes.

The most accurate translation of the sixth commandment is "You shall not commit murder" (NIV Study Bible, Exodus 20:13). The translation referenced by the *Homicide Investigator's Bible* is chosen from the King James Bible, a text known by theological scholars to be rife with translation errors, intentional and otherwise (see generally Ehrman, 2005, and Norton, 2005). This is particularly true with respect to the sixth commandment. In the King James Bible, it reads: "Thou shalt not kill" (King James Bible, Exodus 20:13). The problem is that the verb appearing in the original Hebrew is not actually translated as "kill." The verb used in the Torah forbiddance is *ratsah*, which is most accurately translated as "murder"—used in the rest of the Bible to describe killing out of anger, killing the weak, or killing in the commission of a crime like robbery. Faulty translations of the original Hebrew and subsequent Greek texts, however motivated, have led to a great deal of confusion on this matter.

Murder is a crime. There can be no disputing this, whether one is an investigator, a profiler, a judge, or a theologian. However, while the Bible is general in its prohibitions and punishments, the law of man is rich with detail. In most Western countries there are degrees of murder, there are mitigating factors, and there are aggravating factors. The variations are such that the same facts will yield very different punishments from court to court, state to state, or country to country, depending on how those facts are interpreted. This can range from a few years in prison for manslaughter or negligent homicide, to the death penalty for pre-meditated murder. In the Bible, however, there is but one ultimate punishment for murder or any other intentional non-homicidal offense against God (i.e., idolatry, adultery, improper sexual behavior, cursing or attacking your father or mother, failure to put down a bull that tends to gore people, being a sorceress, taking advantage of widows or orphans, etc.): those found guilty are to be stoned to death, impaled on a stick, killed by the sword, or burned alive.<sup>11</sup>

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<sup>10</sup> Taken from "The Oath of Practical Homicide Investigation," and the preface of Geberth (1996).

<sup>11</sup> There is actually a distinction between accidental and premeditated murder in the Bible, but none of the rich variation that we see in Western penal systems. Moreover, the determination of what is intentional and what is not seems to be left for reasonable men to decide (see generally NIV Study Bible: Exodus 21-23).

This is probably as good a place as any to acknowledge that the origins of our legal system, in fact of the legal systems in most countries, is tribunals in which the church was the arbiter of justice. This is because most crimes, especially of an interpersonal nature, were deemed to have been committed against God—so the church took the responsibility for bringing the offender to justice.<sup>12</sup>

No longer is this the case in most Western legal jurisdictions, especially where it is recognized that there is, or should be, a separation of church from state because of potential abuses and emotional influences (though there are marked exceptions that linger, in terms of both laws and those who judge them). In the United States, for example, this sentiment is a permanent part of our Constitution. The First Amendment begins: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. ..." This was tested in 1801, when The Danbury Baptists Association (representing a religious minority in Connecticut) wrote then president Thomas Jefferson to complain that their religious liberties were seen only as privileges by the Connecticut state legislature that could be revoked at will, not as immutable rights. Jefferson responded with a now well-known letter confirming that religious belief is personal and separate from the will and authority of the state. Consequently, those working in service of the state could not influence law making (and by extension law enforcement) with the preferences of their particular faith. Jefferson wrote (1802):

Believing with you that religion is a matter which lies solely between man & his god, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should make no law respecting an establishment of religion, or prohibiting the free exercise thereof, thus building a wall of separation between church and state.

This doctrine, with language lifted directly from Jefferson's letter, was first cited in the U.S. Supreme Court, *Reynolds v. United States*, 98 U.S. 145 (1878). George Reynolds, a member of the Church of Jesus Christ of Latter Day Saints, argued that he had a religious duty to marry multiple times and was therefore improperly indicted of the crime of bigamy. The Supreme Court disagreed, and the Supreme Court of the Utah Territory upheld his eventual conviction.

So in reality, far from the creed of the *Homicide Investigator's Bible*, investigators and forensic examiners in the United States and similar legal systems do not work for God. They do not investigate on behalf of the fifth, sixth, or any other commandment, or seek to enforce Biblical or other religious punishments. They do not work not to protect religious belief systems based on personal or popular interpretations of writings in religious texts. They do not investigate offenses against God. And they do not seek to impale suspects, stone them, or burn them at the stake.<sup>13</sup>

Or at least they shouldn't.

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<sup>12</sup> What's more, the current jury system also has its basis in religion, whereby a defendant who could find 12 people of good character willing to testify to the defendant's innocence must surely be innocent because these witnesses surely would not lie before God.

<sup>13</sup> We are speaking mostly of Western countries. This is primarily because in the Muslim world there is no such thing as the *secular* (not pertaining to or connected with religion). All parts of Muslim life are governed by religious faith. Shari'a, for example, is the Islamic belief system inspired by the Koran, the Sunna, Arabic legal systems, and work of Muslim scholars over the first two centuries of Islam. Shari'a, often referred to inappropriately as Islamic Law, acts a strict guide for all aspects of Muslim life—public, private, religious, civil, and criminal. Consequently, the separation of church and state is considered by many in the Muslim world as a violation of their faith, and an intolerable insult to God.