Chapter 5: Behavioral Evidence Analysis: An Ideo-deductive Method of Criminal Profiling

Summary

Behavioral evidence is any physical, documentary, or testimonial evidence that helps to establish whether, when, or how an action has taken place. Under the right circumstances, any form of physical evidence can also be behavioral evidence. For example, footprints and footwear impressions can indicated presence, standing, walking, or running.

Behavioral evidence analysis (BEA) is an ideo-deductive method of crime scene analysis and criminal profiling. It involves the examination and interpretation of physical evidence, victimology, and crime scene characteristics. For the purposes of criminal profiling, the results of these individual examinations can be analyzed for behavioral patterns and clusters that evidence offender characteristics of investigative or forensic relevance. BEA is ideographic in that it is concerned with studying the aspects of individual cases and offenders through the lens of forensic analysis—not groups of similar cases and offenders. It is deductive in that inferences and conclusions are not inductive theories or nomothetic predictions in disguise. They are based on critical thinking, the scientific method, and deductive logic. BEA is consequently guided by strict adherence to set principles and practice standards that embrace these concepts.

BEA conclusions are meant to be the result of the most complete understanding of the events surrounding the crime. In a BEA profile, a conclusion will not be offered unless specific physical evidence exists to demand it. Instead of relying on averaged offender types, BEA profilers conduct a detailed examination of a scene and related behaviors to determine what characteristics are evident. This approach requires more work and effort than the other methods discussed previously.

The following information is the least amount of evidence required to competently offer a BEA profile.

Equivocal Analysis (or Equivocal Forensic Analysis)

In general, forensic analysis refers to the examination, testing, and interpretation of any and all available physical evidence. Such an examination must be conducted on the evidence before its meaning to the case can be established and an indeo-deductive analysis of it rendered. Put another way, one cannot offer a BEA profile based on conjecture or supposition. This ensures that the integrity of the behavior and the subsequent crime scene characteristics that are analyzed are valid.

The victim and the offender behavior used to create the profile must be established from reliable sources and cannot be assumed or inferred by those without sufficient forensic education and training. This means that investigators must use the scientific method. This also means settling for nothing less than established reconstruction techniques practiced by qualified forensic scientists.

Victimology

Victimology is the process of investigating, establishing, and evaluating victim traits and history. It involves learning everything there is to know about a victim: who the
victim was, how the victim spent his or her time, and how he or she lived. The characteristics of an offender’s victim choices can speak directly to the offender’s fantasy, motive, *modus operandi*, knowledge, and skill. The profiler should be concerned not only with the amount of exposure to harm in the victim’s daily life but also with the amount of exposure to harm at the time of the crime. This is referred to as exposure assessment.

**Crime Scene Analysis**

Crime scene analysis is the process of investigating, establishing, and evaluating behavioral evidence from a crime in order to catalog it. Potential crime scene characteristics that need to be established include the method of approach, method of attack, method of control, location type, nature and sequence of any sexual acts, materials used, verbal activity, and the type and sequence of any precautionary acts. Because crime scene characteristics depend on physical evidence, not all characteristics will be available if the physical evidence is missing or incomplete. In cases involving a related series of crimes, the crime scene characteristics are compiled individually and are analyzed as they evolve, or fail to evolve, over time.

**BEA: Goals and Purpose**

Perhaps the most common misperception about criminal profiling is that it produces a static, inflexible result. This is perpetuated by the belief that there is a typical, common, or average profile of rapists, murderers, and crime scenes. This fails to take into account development and learning that take place over time.

Humans learn, change, and grow and are affected by time, place, and each other. As a result, a deductive criminal profile cannot be regarded as a static and inflexible assessment; it must be subject to change when new information comes along or existing knowledge changes. When new information is made available or a new case is identified the criminal profile must be reassessed. Because a deductive profiler learns, new information should not be used to simply support the existing profile. It is used to revisit the original profile, to question the conclusions and inferences, and to offer a more complete overall profile.

At the most fundamental level, in a criminal investigation, every person on the planet is a suspect. It is the goal of the investigation to narrow this suspect pool down to a more manageable load. Because the purpose of the BEA profile is to assist the investigation, it is the subsequent goal of BEA to move from a universal set of suspect characteristics to a more discrete set. That is not to say that BEA will identify a specific suspect to the exclusion of all others, but it can help to identify the general characteristics of the offender.

**BEA: Contexts**

BEA has two aims that are directed not by their content or process but by their goals and priorities. These goals and priorities are subsequently dictated by when in a given case the profiler is called on. These two phases are investigative and trial.

The investigative phase attracts a lot of media attention, and it the most typical depiction of profiling in popular fiction. The trial phase has received less attention, not only in the popular media but also in the literature on the subject of profiling. Though of equal importance, it is not quite so glamorous.
Investigative Phase
This phase involves the profiling of unknown offenders for known crimes. Profilers tend to be called on in crimes involving bizarre or extremely violent cases when witnesses, confessions, or physical evidence may not be sufficient to advance a case. Decisions to call a profiler in are typically made at the last minute and are reactive owing to a lack of understanding about what profiling is or what it can do. The primary goals during the investigative phase are as follows:

• Evaluate the nature and value of forensic and behavioral evidence to a particular crime or series of related crimes.
• Reduce the viable suspect pool in a criminal investigation.
• Prioritize the investigation into remaining suspects.
• Link potentially related crimes by identifying crime scene indicators and behavior patterns (i.e., modus operandi [MO] and signature).
• Assess the potential for escalation of nuisance criminal behavior to more serious or more violent crimes (i.e., harassment, stalking, voyeurism).
• Provide investigators with investigatively relevant leads and strategies.
• Offer fresh insights to help keep the overall investigation on track and undistracted.

Trial Phase
This phase involves the profiling of the known crime for which there is a suspect. It takes place in preparation for hearings, trials, and postconviction proceedings. Guilt, penalty, and appeal stages may also be an appropriate use of profiling depending on the case. The primary goals during the trial phase are as follows:

• Evaluate the nature and value of physical and behavioral evidence to a particular crime or series of related crimes.
• Develop interview or interrogation strategies.
• Help to develop insight into the offender’s fantasy and motivations.
• Develop insight into the offender’s motive and intent before, during, and after the committing the crime (levels of planning, evidence of remorse, precautionary acts, etc.).
• Link potentially related crimes by identifying crime scene indicators and behavior patterns (i.e., MO and signature).

BEA Thinking Strategies
To achieve the goals of BEA, a profiler must first be a critical thinker. The profiler must pay attention to detail, be willing to question assumptions, and be familiar with physical evidence and criminal investigation in order to ask the right questions of a given case.

Profilers must also be aware of their own limits. They must be able to separate their own desires and fantasies from those of the offender. They must also know themselves extremely well and be able to ask of themselves those same questions they ask about the victim or the offender. To avoid the pitfall of projecting his or her own wants, tastes, and desires onto the case, the profiler can apply the following general strategies:
Life experience. Not all experience is relative. Experience does not always beget wisdom, and it does not mean that a profiler will learn from any mistakes he or she makes. As life experience is not equal, neither is law enforcement experience. An officer who spends 15 years on patrol will have a different set of experiences than one who spends 15 years in a homicide unit.

Intuition. The accumulation of experience leads to experience—that is, knowing or believing without the use of reason, rational, or articulable processes. While seductive, intuition can be the source of bias and stereotypes.

Moral judgments. Never use terminology in a profile that is judgmental, such as describing the offender as sick, crazy, nuts, or worthless. One way to steer clear of such judgments is to avoid using adjectives.

Common sense. Best defined as native good judgment, common sense refers to accumulated knowledge that is useful for making decisions. Common sense, however, is not common. Further, what is acceptable in one country, region, location, or culture does not always transfer to another, so caution must be exercised here also.

Principles of BEA
Principles are the fundamental truths and propositions that provide the foundation for any given field. These basic principles are drawn from the behavioral and biological sciences and include at least the following:

1. The principle of uniqueness
2. The principle of separation
3. The principle of behavioral dynamics
4. The principle of behavioral motivation
5. The principle of multidetermination
6. The principle of motivational dynamics
7. The principle of behavioral variance
8. The principle of unintended consequences
9. The principle of memory corruption
10. The principle of reliability

Practice Standards
In BEA, practice standards are the fundamental rules that set the limits of evidentiary interpretation. They are specifically designed to reduce bias, to employ analytical logic and the scientific method, and to only form conclusions in accordance with known evidence.

Practice standards define a minimum threshold of competency and define the practitioner’s role and mechanisms for demonstrating the individual’s facility. They demonstrate a level of competency and to provide independent review. Practice standards for BEA include the following:

1. Criminal profilers must strive diligently to avoid bias.
2. Criminal profilers are responsible for requesting all relevant evidence and information in order to perform an adequate victimology, crime scene analysis, or criminal profile.
3. Criminal profilers are responsible for determining whether the evidence they are examining is of sufficient quality to provide the basis for an adequate victimology,
crime scene analysis, or criminal profile.
4. Criminal profilers must, whenever possible, visit the crime scene.
5. Criminal profilers must provide criminal profiling, crime scene analysis, and victimology conclusions, and their bases, in a written format.
6. Criminal profilers must demonstrate an understanding of behavioral science, forensic science, and the scientific method.
7. Reconstruction conclusions must be based on established facts. Facts may not be assumed for the purpose of analysis.
8. Crime scene analysis and criminal profiling conclusions must be valid inferences based on logical arguments and analytical reasoning.
9. Crime scene analysis and criminal profiling conclusions must be reached with the assistance of the scientific method.
10. Crime scene analysis and criminal profiling conclusions must clearly demonstrate an understanding of, and clearly distinguish between, individuating findings and all others.
11. Criminal profilers must demonstrate an understanding of the conditions of transfer (Locard’s exchange principle and evidence dynamics).
12. Any evidence, data, or findings on which crime scene analyses of criminal profiling conclusions are based must be made available through presentation or citation.

**KEY TERMS**

**Behavioral Evidence Analysis (BEA):** An ideo-deductive method of crime scene analysis and criminal profiling that requires the examination and interpretation of individual case-related physical evidence, victimology, and crime scene characteristics.

**Common Sense:** Native good judgment; knowledge accumulated by an individual that is useful for, but specific to, making decisions in the cultures and locations that in which he or she lives or frequents.

**Confirmation Bias:** A form of observer bias, it is the conscious or unconscious tendency to affirm preexisting theories, opinions, or findings.

**Crime Scene Analysis** (a.k.a. **Crime Analysis**): The process of investigating, establishing, and evaluating behavioral evidence from a crime in order to catalog and characterize it for understanding and comparison.

**Forensic Analysis:** Any part of the examination, testing, and interpretation of any and all available physical or behavioral evidence.

**Identification** (a.k.a. **Classification**): The placement of any item into a specific category of items with similar characteristics. Identification does not require or imply uniqueness.

**Ideographic Offender Profiles:** Offender characteristics developed by studying or examining the facts of a single case; concrete and specific to a particular offender.

**Individuation:** The assignment of uniqueness to an item; describing it in such a manner as to separate it from all other items in the universe.
**Intuition:** Knowing or believing without the use of reason, or rational, articulable processes.

**Observer Bias:** The conscious or unconscious tendency to see or find what one expects to see or find.

**Practice Standards:** Fundamental rules that set the limits of evidentiary interpretation, offering a standard for evaluating acceptable work habits and application of methods.

**Principles:** Fundamental truths and propositions that provide the foundation for any given field of study.

**Victimology:** The process of investigating, establishing, and evaluating victim traits and history; learning everything there is to know about a victim, who the person was, where and how the person spent his or her time, and how the individual lived. Also known as the study of victims.

**QUESTIONS**

1. In developing conclusions, ideographic profilers use:
   a. Statistics and averages
   b. Life experience and intuition
   c. Common sense
   d. Both nomothetic and idiographic information*
   e. None of the above

2. The purpose of the forensic analysis is to:
   a. Establish the strengths and limits of physical evidence*
   b. Determine which statistics apply
   c. Begin to develop generalizations about the case
   d. Ensure the integrity of the behavior and crime scene characteristics analyzed by the profiler
   e. Both (a) and (d)

3. The process of establishing the possibility of harm or loss of a particular victim is called:
   a. Threat analysis
   b. Exposure assessment*
   c. Threat management
   d. Risk management
   e. None of the above

4. Which of the following is not a goal of the investigative phase?
   a. To evaluate the nature and value of forensic and behavioral evidence to a particular crime or crime series
   b. To prioritize suspects in a criminal investigation
   c. To assess the potential for escalation of nuisance behaviors
   d. To Individualize suspects*
   e. To provide investigators with investigatively relevant leads and suspects
5. Which of the following is not a goal of the trial phase?
   a. To individualize an offender for the purpose of penalty*
   b. To develop interview or interrogation strategies
   c. To develop insight into fantasy and motivation
   d. To develop insight into the offender’s motive and intent
   e. To link potentially related crimes by identifying indicators and patterns

6. The principle of BEA stating that offense-related behavior is complex and the result of a variety of influence is:
   a. The principle of uniqueness
   b. The principle of separation
   c. The principle of motivational dynamics
   d. The principle of variance
   e. The principle of multidetermination*

7. The results of forensic examination, including profiling, are only as good as the evidence on which they are based. This is called:
   a. The principle of uniqueness
   b. The principle of separation
   c. The principle of behavioral motivation
   d. The principle of reliability*
   e. The principle of behavioral variance

8. The BEA profile is not subject to change, even if new information becomes available. True or false?

9. Behavioral evidence is any physical, documentary, or testimonial evidence that helps establish whether, when or how an action has taken place. True or false?

10. Life experience results in wisdom and therefore is a reasonable basis for interpretations and conclusions. True or false?

11. Criminal profilers are responsible for requesting all relevant evidence and information. True or false?

12. Whenever possible, a profiler should visit the crime scene. True or false?

13. What are the primary goals of BEA in the investigative phase?

14. Who wrote “Physical evidence cannot be wrong; it cannot be perjured; it cannot be wholly absent. Only in its interpretation can there be error”? (Paul L. Kirk)

15. All behavior has underlying causes and origins. The origins may be conscious or subconscious, however. This related to the principle of _____________. (behavioral motivation)

16. The forgetting curve is associated with which principle of BEA? (the principle of memory corruption)

17. Explain why profilers should be responsible for requesting case materials in writing. What does this accomplish?