Profiling: Purpose and Practice

Merlene Reynolds
Regis University
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INTRODUCTION

Profiling is among the “most overworked term in the law enforcement lexicon,” according to Roy Hazelwood, former profiler for the Federal Bureau of Investigation (FBI) and co-author of Dark Dreams (Hazelwood & Michaud, 2001, p. 131). The controversy over the use of profiling techniques by military personnel or law enforcement agencies seems to be more a miscommunication about the different types of profiling techniques than by a difference in ideology.

Our ideology and country motto is that no person will be discriminated against due to race, religion, or creed. These same beliefs, however, whether religious or ethnic oriented, do define our basic patterns, traditions, perspectives, religious ideology and, ultimately, our patterned behaviors. What we think is what we do. Our behavior reflects what we think and what we believe. These same behavioral characteristics can be collected and analyzed at a crime scene to help investigators and profilers to develop a custom profile based on the crime scene evidence gathered. The point is, states Hazelwood, “the facts of a crime can be interpreted to create a portrait of an offender” (Hazelwood & Michaud, 2001, p. 140).

The debate over profiling intensified during the aftermath of the September 11 tragedies in New York and Washington, DC, reports David Harris, in the Civil Rights Journal, “Flying While Arab: Lessons from the Racial Profiling Controversy” (http://www.questia.com). Most Americans believed that “terrorism and other violent manifestations of the world’s problems did not and would never happen here” lulling us into a false sense of security with the assumption that our geographic isolation by the
Atlantic and Pacific Oceans protected us from attack or invasion
(http://www.questia.com).

Years later as the Iraq war lingers and the memories of 9/11 fade; Americans seem to have forgotten the lessons learned on that fateful day prompting further debate and increased tension over the objectives of national security, policing efficiency, and our commitment to democratic justice and due process of law (http://racerelations.about.com/od/racismandchildren/a/racialprofiling.htm). We fail to see how we can achieve these objectives while simultaneously maintaining a balance between the “preservation of civil liberties and the need for heightened security across our nation” (http://racerelations.about.com/od/racismandchildren/a/racialprofiling.htm).

In response to the frequency and severity of the threats to our nation, the U.S. Congress has passed unprecedented legislation designed to increase government power “from wiretaps, e-mail, formerly secret grand jury information, to the detention and trial of noncitizens” (http://racerelations.about.com/od/racismandchildren/a/racialprofiling.htm). Policies and airplane boarding procedures have expanded to include personal body searches and inspections when entering public buildings, areas, or events (http://racerelations.about.com/od/racismandchildren/a/racialprofiling.htm). Some of these changes are simply inconveniences while others expand government and limit individual freedom (http://racerelations.about.com/od/racismandchildren/a/racialprofiling.htm).

The implementation of these strategies and tactics, no matter how well intentioned, further limit and restrict individuals in a free society, while failing to curtail or control the
terrorist determined to annihilate others despite the risks or consequences involved in suicide missions or mass murder. It is difficult to develop a national response to the activities of a terrorist when by definition a terrorist is committed to acts of mass destruction and violence without moral or social conscience. The use of profiling techniques help identify, describe or locate a terrorist cell within the United States or a terrorist activist across the world and is a “legitimate tool to prevent future attacks, protect our Nation’s borders, and deter those who would cause devastating harm to our Nation and its people” states the U S Department of Justice’s (USDOJ) Civil Rights Division, in the June 2003, issued “Guidance Regarding the Use of Race by Federal Law Enforcement Agencies” (http://aclu.procon.org/viewanswers.asp?questionID=698). The focus of this paper is on Criminal Profiling which is sometimes referred to as Offender Profiling and ought not to be confused with the Racial Profiling debates that focus primarily on highway stops that are suspected to be based solely on racial or ethnic characteristics.

**DISCUSSION**

**Types of Profiling**

There are different types of profiling techniques. There is criminal profiling which is sometimes referred to as psychological profiling. There is geographic profiling which focuses on the geographic location and data gathered from the physical location of a crime scene or potential suspect. Recently, the controversial term racial profiling. Racial profiling, according to the WORLDLawDirect, can be defined in various ways (http://www.worldlawdirect.com/article/810/Racial_profiling_defined.html). Under the
narrowest definition, “racial profiling occurs when a law enforcement officer stops and questions, searches and/or arrests someone solely on the basis of that person's race or ethnicity,” stated Heather Mac Donald, JD in her 2001 article titled “The Myth of Racial Profiling” for the City Journal. MacDonald argued that “the anti-racial profiling juggernaut must be stopped, before it obliterates the crime-fighting gains of the last decade” (http://www.city-journal.org/html/11_2_the_myth.html). The “racial and ethnic component,” explains David O. Friedrichs, during his review of Good Cop, Bad Cop: Racial Profiling and Competing Views of Justice, by authors Milton Heumann and Lance Cassak, “was only one element of the original profiles and did not initially get significant attention from either the media or the courts” (http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/heumann-cassak904.htm). The racial dimension, continues Friedrichs, “became more conspicuous with the application of profiles to highway stops, with disproportionate stopping of racial minorities” (http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/heumann-cassak904.htm. The debate focuses on the “on-going tension between a policing objective of achieving efficiency and the commitment in a democratic justice system toward fairness” states Friedrichs (http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/heumann-cassak904.htm).
Offender Profiling

Profiling is only one technique used by law enforcement and military to develop inferences about the suspect or the enemy by using generally known information to be applied specifically to an unknown suspect (UNSUB).

The profile of the enemy is much different than the profile of an unknown citizen who committed a crime. “The crux of profiling is behavior,” states Hazelwood, and “certain crimes may simply not yield enough information to infer what the unknown criminal is like” (Hazelwood, 2001, p. 133).

The most difficult cases to profile, explains Hazelwood, are those which lack information (Hazelwood, 2001, p. 133). The three primary inhibitors to developing an effective profile are: 1) there is no known cause of death, 2) when the victim is unidentified, or 3) when there is lack of behavior to study and analyze (Hazelwood, 2001, p. 133). Sometimes, explains Hazelwood, “the only way to catch them is to learn how to think like they do” (Hazelwood, 2001, p. 31).

Advocates of profiling understand that it “should be acceptable for law enforcement to establish a profile where multiple characteristics, including race and ethnicity, are defined,” reports about.com in its online article, “Is Racial Profiling a Non-Issue in an Age of Terrorism?” (http://racerlations.about.com/od/racismandchildren/a/racialprofiling.htm). The purpose of a profile is to define and describe as many behavioral attributes as possible in order to help predict future behavior or identify physical characteristics that may help law enforcement focus their investigation on individuals or groups of individuals who are
likely to behave according to the profile. Profilers rely on crime scene evidence to search
for clues to the criminal’s state of mind or motive at the time of the crime. Forensic
evidence, status of bodily remains, location of remains and other available evidence is
further analyzed in combination with behavioral clues that the profiler may deduce or
infer regarding the criminal’s crime scene and, potentially, future behavior.

The profiler focuses on the behavior of the criminal to develop a profile that may
provide law enforcement with enough general characteristics and psychical
characteristics to help law enforcement narrow and refine their focus when conducting a
criminal investigation. The purpose of the profile is to develop a comprehensive
description of the unknown suspect (UNSUB) through both inductive and deductive
evidence gathered at the crime scene. A good profiler has to be able to evaluate a wide

**Origins and Development of Profiling**

Most criminologists credit Sir Arthur Conan Doyle as the first person to introduce
the idea of using science as an aid in criminal investigation. His creation of the fictional
character Sherlock Holmes contributed to the use of deductive
reasoning which was demonstrated through Holmes’ investigative
techniques. Hazelwood credits Edgar Allen Poe (1841) as having
“understood the value of profiling when forensic evidence alone
isn’t enough to solve a particularly brutal and seemingly motiveless
crime” (Douglas, 1995, p. 32). The combination of forensic evidence and behavioral
analysis serves as the basis for crime scene analysis and suspect apprehension. This same
collection of information serves as the basis for the development of an accurate and effective profile.

Psychological profiling is somewhat distinguished from criminal profiling as a result of law enforcement’s inability to rely on the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) for guidance and definition about what constitutes a serious mental disorder and what did not, explains Douglas (Douglas, 1995, p. 347). “Most psychiatrists or health care professional do not have the background or orientation to make the distinction between mental disorder and ‘normal’ people,” (Douglas, 1995, p. 351). “They haven’t verified their findings,” explains Douglas (Douglas, 1995, p. 351). Most law enforcement agents found the DSM to be of “little value” compared to their needs, states Douglas (Douglas, 1995, p. 347).

The lack of applicability of the DSM for law enforcement agencies motivated the agents to develop the *Crime Classification Manual* (CCM). The CCM is used to organize and classify serious crimes based on their behavioral characteristics and “explain these characteristics in a way that a strictly psychological approach such as DSM has never been able to do,” explains Douglas (Douglas, 1995, p. 351).

Psychologists develop “psychological profiles” or personality assessments as an aid to diagnosis and potential treatment options. Law enforcement agencies develop criminal profiles based on previous and current offender behavior which has been gathered through statistical and crime scene analysis of similar crimes or behavioral conduct. This difference in perspective between the criminologist and psychologist is further complicated by the fact that neither the average person nor the healthcare professional has the background or orientation of the issues facing law enforcement to be
able to make informed judgments about criminal behavior (Douglas, 1995, p. 349). The typology used by the police and other law enforcement agents is used to help determine someone’s level of “dangerousness” as opposed to their psychological well-being or level of “normalcy.” This distinction in typology help criminologists gather evidence, interview suspects, and evaluate behavior which may help predict or prevent future behavior (Federal Judicial Center, 2003).

The criminologist and the psychiatrist serve distinct functions within the legal system requiring each group to interact “between the legal system and the function of psychologists and psychiatrists both behind the scenes and in the courtroom,” explains forensic psychologist Katherine Ramsland, *The C.S.I. Effect* (Ramsland, 2006). “Psychologists and psychiatrists use their expertise with human behavior, motivation, and psychopathology to provide psychological services for the courts, and may also consult in criminal investigations” (Ramsland, 2006). To be effective, however, cautions Ramsland, “they must be familiar with the way law enforcement and the criminal justice system work” (Ramsland, 2006).

**CONCLUSION**

The controversy over the use of profiling techniques by military personnel or law enforcement agencies seems to be more a miscommunication about the different types of profiling techniques more than by a difference in ideology. Readers are reminded that profiling is only one of several techniques used by military personnel when searching for the enemy or by law enforcement agencies searching for an unknown suspect. The use of profiling techniques to identify, describe or locate an offender does not diminish our civil
liberties or individual rights. Our civil liberties and rights are diminished when we fail to uphold justice whether at home or abroad. Profiling techniques help us to preserve our civil liberties by maintaining our national ideology, our democratic system of justice, and our dedication to due process of law. These ideals are better served through case-by-case analysis than by sweeping legislative or policy changes that prevent or inhibit freedom of movement without providing additional protection from the terrorist mentality.
References


