

CRIMINAL PSYCHOLOGY IN SPAIN: PRESENT AND FUTURE

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En el marco de la Psicología Jurídica, tal como se entiende en España, cabe distinguir las aplicaciones de los conocimientos de la ciencia psicológica según los diferentes momentos del proceso penal: en las dependencias policiales durante las investigaciones criminales, en los Juzgados cuando ya se han identificado y detenido a los autores de delitos, y en los Establecimientos Penitenciarios cuando resultan finalmente condenados. En este trabajo se argumenta que cuando la psicología ayuda a la investigación criminal en los primeros de los momentos del proceso judicial, las actuaciones policiales, estaremos hablando de Psicología Criminalista a dos niveles: operativo (el más propio) y estratégico (en el que pueden participar otros profesionales). Tras describir sus peculiaridades y ámbitos concretos, en analogía con los apoyos que también prestan otras ciencias criminalísticas, se explica que en España esta especialidad se desarrolla profesionalmente desde dentro de las propias instituciones policiales, con un perfil muy distinto al de la más tradicional Psicología Policial, y en estrecha colaboración con el entorno académico en lo que se refiere al desarrollo científico de sus técnicas y procedimientos.

Palabas clave: Psicología jurídica, Psicología criminalista, Investigación criminal.

As part of legal psychology, as it is understood in Spain, we can distinguish between the applications of psychology in the different steps of the judicial process: in police stations during criminal investigations, in court when the perpetrators have already been identified and arrested, and in prisons where they are eventually sent after being convicted. This paper argues that when psychology assists the criminal investigation in the first step of the judicial process - the police activities-, we are talking about criminal psychology, at two levels: the operational level (mostly pertaining to criminal psychology) and the strategic level (shared with other areas of expertise). After describing its peculiarities and specific areas, in analogy with the support provided by other forensic sciences, we explain that in Spain this specialty is carried out professionally from within our own police forces, with a profile that is very different from the more traditional police psychology, and in close collaboration with the academic environment with regard to the scientific development of techniques and procedures.

Key Words: Legal psychology, Criminal psychology, Criminal investigation.

ne of the areas of research and intervention in legal psychology in Spain is known as criminal psychology (Muñoz et al., 2011), conceptualised as the professional application of the knowledge of psychology to operational police tasks; that is, to the criminal investigation. In this sense, the Spanish term "Psicología Criminalista" (in English "criminal psychology" or also "investigative psychology") would refer to a different specialty from police psychology, which in turn is conceptualised as the professional application of psychology to the selection of police personnel for entry into the security forces and their training and specialisation in the academies and training centres, as well as their clinical or psycho-social attention,

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primarily (Bull et al., 2006; Canter, 2004; Garrido, Masip & Herrero, 2006; Ibáñez & González, 2002; Soria, 2006).

Taking the example of the Guardia Civil [Civil Guard], one of the two forces of state security in Spain, we must remember that for decades it has had a psychology service located organisationally in the General Personnel Division, which has been gradually incorporating psychologist personnel to carry out the tasks of police psychology, focused on attending to the employees of the Guardia Civil. Later in 1995 a unit of psychologists was established in the headquarters of the Judicial Police, this time under the General Operations Division, with the aim of applying the knowledge of this science to criminal investigation, their work being focused on intervention with those involved in the investigations: mainly the victims, witnesses and perpetrators of crimes. This new unit, known as the Sección de Análisis del Comportamiento Delictivo (SACD; Criminal Conduct



Analysis Section), which was created to emulate similar units existing in other international police institutions, perhaps the best known of which being (due to its popularity in films and television series) the Behavioural Science Unit of the American FBI, created in the 1970s.

The Cuerpo Nacional de Policía [National Police Force], the other Spanish national security force, has a similar separation of these two specialties of legal psychology, also having psychologists in its care services and having founded in 2011 the Behaviour Analysis Section (SAC) in the General Commissariat of the Judicial Police to assist in criminal investigations. To our knowledge, the four Spanish autonomous police forces (Mossos d'Esquadra in Catalonia, Ertzaintza in the Basque Country and the police in the Canaries and in Navarra), who are responsible for criminal investigation in their territories, still lack this specialisation. Thus, professional criminal psychology is still developing in our country. And in this regard it should be noted that, for now, this professionalisation involves incorporating staff with psychology degrees into the police, who will then be assigned to investigative units, because currently in Spain the practice of criminal psychology cannot be carried out from outside the police institutions, contrary to what is suggested by some authors (Jiménez, 2015), who call for the figure of an external police adviser. While the police forces have allowed in their criminal investigations occasional collaborations of external experts in criminal behaviour, mainly academics (Garrido, 2005, 2007), these collaborations have always been rare, disinterested and unpaid, because the Spanish police model differs from others (at least as far as criminal investigations are concerned), in that it prefers to integrate the professions it needs, without having to find budgets in order to outsource them.

CRIMINAL OR FORENSIC PSYCHOLOGY?

It is well known that the more experimental sciences (such as biology or chemistry) and the applied disciplines (engineering) are increasingly helping the criminal investigator, by incorporating specialists and apparatus in the laboratories of the Criminalistics Service (the preferred name of the Guardia Civil) or the Scientific Police (in the case of the National Police). Popularised by television series such as *Crime Scene Investigation* (CSI), today criminal investigation can no longer be conceived without the agents making use of forensic science, detailed protocols having been issued on how to collect

traces or clues at the crime scene. These traces and clues will later become proof through their appropriate processing in the laboratories, and finally they will become incriminating evidence in the trial (Ibáñez, 2010; Otín del Castillo, 2011, 2015). The analysis of DNA extracted from biological remains, ballistics and the study of weapons, fingerprints, documents, paint, fibres, soil, etc., are routine activities in the laboratories of modern scientific police, in a process in which the agents are involved at two levels: the specialists who know what to collect at the site, and university graduates who are qualified to analyse the clues in the laboratory.

In analogy to these sciences, psychology, as the science responsible for the study of human behaviour, can also contribute its expertise to the criminal investigation, for the obvious reason that crimes are behaviours (the Spanish Penal Code is nothing more than a long catalogue of punishable conducts) and the tasks of criminal investigation are actions (conducts) carried out by people who study and document with precision the conducts of the other people involved: the perpetrators, witnesses and victims. Not to mention the conducts of those who defend, accuse or judge in the courts; or those who deal with the rehabilitation and reintegration of the offenders in prison. Indeed, although the main professional areas of psychology are those that deal with the mental health or wellbeing of citizens (together with psychiatry in healthcare functions), the management of human resources in organisations (mainly the recruitment of personnel) and those who facilitate learning (in educational contexts), what is not often known by the general public is that another of the main specialties of psychology relates to the legal domain, and to the law. This is where we must remember that some psychologists specialise in the study of the conducts of the actors in judicial proceedings, whether in juvenile or family justice, or, as in the present case in Spain, throughout the criminal process at three different points in time (Muñoz et al., 2011): initially, during police investigations (which would be the scope of legal criminological psychology), then as the judicial investigation develops (forensic legal psychology; Sierra, Jiménez & Buela-Casal, 2006), and finally when the criminals are convicted (correctional legal psychology; Redondo, 2008). These three areas are naturally related, and although they share some common techniques, approaches and tasks, they also have exclusive areas of expertise (see Figure 1), as we will see throughout this article.

Special Section

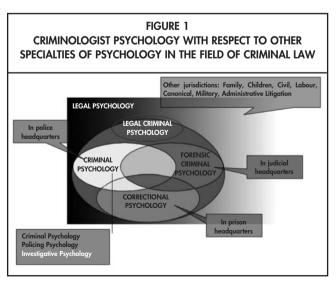
In analogy with the forensic or criminological application of other sciences, the same rigour must be demanded of psychology when it comes to designing and implementing action protocols to ensure their maximum reliability in view of the great responsibility of the criminal investigation: no innocent person must be blamed, no quilty individual must go unpunished and responsibilities must be demanded of the guilty that correspond to their actions, no more and no less. The treatment of physical evidence (which can be collected at the crime scene. packaged, measured, transported and analysed in the laboratory: cartridge cases, fingerprints, biological remains, etc.) requires many precautions regarding their collecting, safekeeping, transportation, preservation and analysis, which are formalised in protocols audited by regulatory agencies. For example, in Spain the forensic laboratories of the Guardia Civil have several auglity accreditations, such as the EN ISO/IEC 17025 standard of the National Accreditation Body (ENAC) for testing human DNA since 2003, these accreditations being required by the Council of the European Union to ensure the reliability of the results of the activities carried out by a laboratory and, consequently, their recognition by the authorities of other Member States. This implies that the reports that are issued are carried out according to a quality system that ensures that both the laboratory that issued them and the specialists who produce them have the necessary technical expertise, and that they have been developed following a technical process that complies with the internationally defined standards; this rigour not only applies to laboratory specialists, but to those responsible for working at the crime scene.

Clearly, at present we are still nowhere near this level with regards to the quality of the treatment of *mental or psychological* evidence (such as the memories of those involved, which are expressed in their statements). But that is no obstacle to progressing on the path for criminal psychology to become authentically criminologist, and to applying from the first moment the same precautions that are taken with physical clues regarding their collection, safekeeping and preservation, especially in those cases where these clues are key, as (continuing the example) when the only available evidence obtained in order to blame someone for something is the testimony, due to a lack of physical evidence. To end this section with one more analogy, in the same way that the tasks of traditional criminology have been popularised in the

media (books, film and television), the US series CSI serving as an example, in recent years criminologist psychology has also had, its own television series, *Criminal Minds*. In both cases there are huge differences between fact and fiction, of course, but there is no doubt that in a way it is reflected in both series that there are real techniques from the experimental and applied sciences that can be very helpful in criminal investigation. This has the drawback that it also shows police procedures to criminals, who can learn to avoid making mistakes or modify their criminal behaviours in order to mislead the investigators.

TASKS OF CRIMINAL PSYCHOLOGY

If they are not psychologists that attend to people then what do criminal psychologists do? During crime investigations, both those that the Judicial Police are in charge of and those that other police services may carry out, such as crimes related to information (in the fight against terrorism or against certain types of organised crime), nature protection (environment crimes) or traffic (accident investigation and crimes against road safety) by the Guardia Civil, there are people involved who "do things" (behave) and others who suffer from or witness the crimes. Thus, the first task of the criminal psychologist is to deal with the behaviours that have to do with obtaining information on the crimes to be investigated. If the aim of the research is to find out who committed which crimes, at what time, where, and how, one of the main sources of information are of course humans, so the question is how can the agents obtain data of quantity (as much as possible) and quality (correct, without mistakes) from the





witnesses and victims, particularly those who are vulnerable, such as young children, people with mental disorders, traumatised victims, or people with intellectual disabilities? Can detainees or suspects be convinced to cooperate with investigators, extensively and truthfully recounting what they have done and how, without violating their rights? How can we capture and then motivate informers or confidents to provide information on the criminal organisation that they know well or to which they may even belong? Can the agents assess the reliability of the data, analysing the statements obtained, and even detecting simulation and deceit whilst intervening with those involved? Is there a particular way to proceed in order to ensure reliability in the recognition of faces and in developing facial composites, when witnesses or victims identify the perpetrators?

For all of this, psychology can contribute its knowledge on police or investigative interviewing (Ainsworth, 2001; Alemany et al., 2012; González, 1998, 2005, 2008; Lamb, Orbach, Hershkowitz, Esplin & Horowitz, 2007; Milne & Bull, 1999), interrogation (Gudjonsson, 2003; Inbau, Reid, Buckley & Jayne, 2013; Kassin, Appleby & Perillo, 2010; Meissner, Redlich, Bhatt & Brandon, 2012; Vrij, 2011), evaluating the credibility of the testimonies obtained (Memon, Vrij & Bull, 2003; Manzanero, 2010; Manzanero & González, 2013), detecting deception (Alonso, Massip, Garrido & Herrero, 2009; Ekman, 2012; González & Besteiro, 2015; Martínez, 2005; Memon et al., 2003; Vrij, 2000), influencing and persuading (Briñol, de la Corte & Becerra, 2008; Cialdini, 2007; Garrido et al., 2006), and the cognitive processes involved in the processing of human faces (Li & Jain, 2005; Garrido et al., 2006; Manzanero et al., 2013). It is the criminal psychologist's job to specialise in such knowledge, extracting and developing the techniques that criminal investigators can implement, then training them in these techniques, while also being trained to provide support on the ground to investigative units, intervening directly in the most difficult cases. If necessary, they can even collaborate with the judicial authorities who do not have forensic psychologists, issuing technical expert reports which will be incorporated into the evidence of police inquiries or inquests, and then ratified at the hearing, one of the highest expressions of expert forensic work being the producing of pre-formulated evidence in cases of child sexual abuse (Gonzalez Muñoz, Sotoca & Manzanero, 2013), and assessments of the credibility of the testimony, for example.

Secondly, once the relevant information has been collected, it must be properly interpreted and analysed, correct inferences and deductions being formulated, which are rational and unbiased. Here the main contribution of criminal psychology has to do with the famous profiling techniques in four modalities: deductive, inductive, geographic and indirect (González, Sotoca & Garrido, 2015). It is assumed that we, as individuals, present personality differences that individualise us, and when we act we leave traces of that personality wherever we go, so at the crime scenes a trained observer can "see" (if he1 knows what to look for and where to look) those behavioural tracks, making it possible to formulate hypotheses about specifically what kind of person is more or less likely to be involved in the crime, helping the operating agent to select or reject suspects, linking various acts committed by the same author, or prioritising zones or areas of search.

Here again, the criminal psychologist must be formed well in the initial analysis of professional criminal behaviour (Alison & Rainbow, 2011, Canter, 2004; Holmes & Holmes, 2009; Jackson & Bekerian, 1997; Jiménez, 2010; Palermo & Kocsis, 2005; Soto, 2012; Turvey, 2002). The criminal psychologist does not replace the investigator, nor is she supposed to solve the crime itself, but she knows that specialised criminal investigators (stationed within the units of the Judicial Police) routinely perform these tasks with success in the vast majority of cases, and hence, her role is limited to perfecting the specialist training of the agents and contributing her knowledge as simply another helper in the most difficult cases, working with the investigation team when analysing what happened, who was involved, and why; preventing biases from occurring during these analyses, thanks to the contributions of cognitive psychology,.

In addition to the tasks that are specific to everyday criminal investigation, the criminal psychologist also has a place in two other cases in which the Judicial Police occasionally has to intervene, at the emergency level. This involves the management of events in which multiple fatalities occur (disasters and mass accidents), and in cases requiring the process of negotiation to be

¹ Translator's note: From here onwards in the text, male and female pronouns will be used alternatively to avoid the use of 'he/she' and 'his/her'.



maintained with unwavering individuals, kidnappers or hostage takers. Regarding disasters and accidents with multiple fatalities, the media report immediately that an emergency team has been put in place with the participation of care psychologists who try to alleviate the suffering of those directly involved and their families. The criminal psychologist is also in place, not with a caring role, but rather to assist the examining magistrate, within the unit of police investigation to perform very similar tasks to those already mentioned: obtaining information from the people involved who are traumatised (facilitating the measures required in the declarations of the wounded, survivors or witnesses when they have vulnerabilities), direct intervention with families who have to participate in investigative actions (for example, to provide information for identifying their deceased loved ones), facilitating the coordination of the psychosocial unit so that police procedures are not impaired, and helping the judicial authorities to carry out specific actions (such as the identification of human remains by family members or the delivery of personal effects). With regards to negotiating with the police, the criminal psychologist can be integrated into the negotiating team as an adviser on behaviour analysis, collaborating with the person in charge of conducting the negotiations, without replacing them. Again, in this activity, indirect knowledge about personality profiling of the unwavering individual is particularly relevant (Gonzalez et al., 2015), as well as the influencing and persuasion techniques most suitable for each type of person.

Finally, in tasks that are less operational and more of a strategic level, the criminal psychologist can be integrated into groups of technical and scientific work, with a dual purpose. On the one hand, those in charge of the study of crime in general or the types of crimes that are at all times of interest to the internal security of states, whether as a governmental initiative (working in the units and departments of criminal intelligence) or initiatives from the university environment (via national and international research projects, both public and private). For this, obviously, it is not absolutely necessary to be a psychologist. On the other hand, they deal with the R&D of criminal investigation techniques specific to this area of knowledge. In this regard, due to their preferred operational nature, criminal psychologists belonging to the security forces cannot lead this R&D alone, so they are called upon to work in multidisciplinary teams in which they contribute the real criminal issues and casuistry necessary, and from the academic sphere other psychologists who are also interested in the subject lead the comprehensive review of the literature and the design and execution of experiments or exercises with which to test new techniques or protocols.

CRIMINAL PSYCHOLOGY IN PRACTICE IN SPAIN

Since its inception in 1995, the Criminal Conduct Analysis Section of the Guardia Civil has been incorporating police personnel with a degree in psychology, who have been specialising in the criminal area, developing the procedures belonging to this specialty. In parallel, their operational and organisational rules have been gathered in an internal document (the Manual of the Judicial Police, last updated in June 2011), specifically in paragraphs 4.1.4 (multidisciplinary central supports), 6.1.18 (actions in major disasters) and 6.1.28 (specialised supports on matters in criminal psychology), with its base of operations at the Judicial Police Headquarters (in Madrid), and its scope of action nationwide, in support of the territorial units of the Judicial Police. This operation has led to hundreds of interventions having been carried out in real cases, many of which made the news because these specialists are involved, as mentioned above, in the most difficult cases, which also tend to involve a degree of alarm in society, and hence engage the interest of the media.

To give some practical examples with regard to the obtaining of evidence it is relevant to mention the case of the two kidnapped children of Romanian origin in Torrelaguna (Madrid) in June 2011, who were sexually assaulted, thrown into a pit and abandoned, fortunately being rescued by hikers several days later. Applying interview techniques led to the identification of a suspect, later identified by the children in a line-up in which facial recognition techniques were applied, and prepared prior to the testimony in court due to the young age of the minors. Techniques of deception detection and credibility have, on the one hand, enabled the discovery of false allegations of sexual assault; on the other hand, throughout the years, accusations of alleged sexual abuse of very young children (many in school environments) have been distinguished, and it has been proposed, by issuing technical expert reports to the Judicial Authority, to paralyse numerous police investigations that really seemed to have no basis (in some cases even without the case coming to the attention of the general public). At the



same time other cases that seemed worthy of judicial investigation have been propelled with pre-prepared evidence. In a joint operation with the FBI, using the indirect profiling of an alleged pederast and techniques of influence and persuasion, combined with the construction of the coverage of an undercover agent working via the internet, the arrest was made in Spain of a Uruguayan citizen who operated from Washington (USA), finally sentenced by the Provincial Court of Pontevedra (Judgment 30, 2006). Profiling techniques were also applied in the case of the murder of the girl from Arriate by another child (Malaga, January 2011); and they are regularly applied in cases of high risk disappearances, for example of children such as Yeremy Vargas in the Canary Islands (2007) or Malen Zoe in Mallorca (2013, both unfortunately still unsolved). Finally, criminal psychologists have been involved in virtually all of the accidents with multiple casualties that have occurred in recent years, the most serious to date being the Spanair plane that crashed at the Adolfo Suárez Madrid-Barajas airport in 2008.

As mentioned above, criminal psychologists alternate their operational activity with more strategic and scientific activities. Notably they participated decisively in the development of the Ministry of Interior protocol on police risk assessment of intimate partner violence, implemented in 2007 throughout the country by the security forces (Garrido, 2012; Zurita, 2013, 2014), which has proven to be a pioneer internationally; and today work continues to be done on updating the tools of police risk assessment (VPR) and its evolution (VPER). In these activities we collaborate both with experts from academic institutions such as the Institute of Forensic Science and Security (ICFS) of the Autonomous University of Madrid, and private institutions interested in the development and refinement of protocols and techniques such as the Behavior & Law Foundation. Other scientific research projects on which we are working today have to do with determining the psychosocial profile of the forest arsonist (with the Institute of Forensic Science and Security -ICFS-, and the Environment and Urbanism Office of the State Attorney General; Sotoca et al., 2013); the interviewing, intervention and criteria of veracity in the sexual abuse of people with intellectual disabilities, in collaboration with the Mapfre Foundation and the Carmen Pardo-Valcarce Foundation in Madrid (Alemany et al, 2012.); a detailed study of gender violence killings, driven by the Office of Prosecution of Violence against Women; research on the detection of suspicious behaviour in the area of airport security with the Pontifical University of Comillas; and, finally, a project led by the ICFS on the profile of the unknown sex offender.

For its part, the Behaviour Analysis Section of the National Police, located in the Central Criminal Intelligence Unit of the General Commissariat of the Judicial Police, is following the same pattern of gradual incorporation of police psychologists with criminal vocation at the Criminal Conduct Analysis Section of the Guardia Civil, having intervened in numerous cases in the demarcation charge. At present the two sections of the security forces (the Criminal Conduct Analysis Section and the Behaviour Analysis Section) are in the process of training and deploying new specialists not only in the central units, but also in territorial units, in a professional development of the analysis of criminal behaviour which fits perfectly with analogous developments in police organisations of other European nations, such as the UK, Germany, Holland, Italy or France, which have professional counterparts to those of our various security forces, engaged in similar tasks to those mentioned here. As in other professions, Spanish and foreign analysts of conduct hold contacts to exchange best practice. Recent examples of this include the realisation, in Madrid in December 2014, of the first international seminar on the matter (which was restricted only to police analysts), and a one-week internship, in March 2015, of Criminal Conduct Analysis Section personnel in the unit of analysis of criminal behaviour of the German police in Munich.

CONCLUSIONS

In this article, it has been argued that within psychological science there is a specialty that serves the crime investigator, similar to the contributions of other experimental sciences applied to criminology. It is a specialty, criminal psychology, which has a vast field of action ahead, in which to undertake tasks that are different from those of other more traditional psychologists in police institutions, who are more dedicated to care tasks. It is also different from the other two specialties that are closer to legal psychology: forensic and correctional psychology. In the Section of Legal Psychology of the Psychological Association of Madrid this specialty has already been represented for several years.

With regards to the present and future professional development of criminologist psychology in Spain, due to



the peculiarities of the criminal investigation in our country, to make a living in this field of psychology it is essential to join the police institutions, in one of the security forces with units incorporating psychologists with this profile, which we list here: Criminal Conduct Analysis Section of the Guardia Civil since 1995, and the Behaviour Analysis Section of the National Police since 2011; both currently being developed by the gradual incorporation of new staff and their decentralised deployment. Another possible route for professional development would be from the academic environment, working with the police in the scientific development of techniques and procedures of accredited quality and in the carrying out of criminological studies. Where professional development of this specialty is not currently possible is in the private sector, since criminal investigation is not outsourced.

As for the tasks belonging to criminal psychology, throughout this article tasks have been described that have to do with the operational activities of these psychologists (the collection and evaluation of testimonies of those involved in criminal investigations, and the profiling and analysis of criminal behaviour for the identification of criminals and intervention with them, primarily), and ones that deal with strategic activities (related to the development of R&D and criminal intelligence). In the first catalogue of tasks they sometimes converge with forensic psychologists, especially with regards to the development of some types of expert reports, and those of credibility, and the assistance to the judicial authorities in preformed evidence or risk assessments. In this regard, as more and more forensic psychologists are deployed, they can be counted on with greater immediacy, and criminologists will have less work. In the author's opinion, the ideal to pursue would be that the investigative courts will have forensic psychologists on call who would be able to deal with cases with the same immediacy with which coroners come to release corpses and conduct autopsies and toxicological analysis. With regard to correctional psychologists, criminologists can converge with them when working on risk assessments, and anything to do with the profiling according to the different types of criminal. And all of these, criminologists, forensic and prison psychologists, are called to unite, as we have explained above, with academics in the scientific development of reliable procedures and techniques which may one day have a quality system.

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