Deception Offences: Psycho-behavioural Profiling of Offenders

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Abstract

This article will argue that an analysis of the deception offences implies the creation of a psycho-behavioural profile of the offender, outlining the elements that determine or influence this type of criminal behaviour, since identifying its distinctive features is a necessary step in understanding deception offences. Profiling the offender in cases of deception is relevant for establishing preventive and punitive measures for the criminal phenomenon, given the increasing number of deception offences, as well as the severity of consequences in such cases.

When creating the offender’s profile in deception offences, it is important to consider that he or she belongs to a specific social category, prone to a wide variety of behaviour types, and outlining a typology for the offender in a case of deception requires an investigation of the characteristic traits that influence or determine such criminal offences, thereby offering a potential global perspective on this category of criminals. In order to identify distinctive features in terms of behaviour and the typology of the offender in cases of deception, it is necessary to address the personality of this type of criminal at an individual level, and from here to extract a series of personality traits common to the majority of individuals that commit an offence of deception.

The analysis of the offender’s criminal behaviour and psychological features contributes to a better understanding of deception offences, and allows for a just legal classification and sanction of the offence, with emphasis on the identification and development of preventive and punitive measures, as well as guidelines for recovery and social reinsertion. For this reason, we believe that more future effort should be allocated to the study of these important but often insufficiently researched aspects pertaining to deception offences.

Keywords: deception offences; typology of the offender; criminal behaviour; psychological profiling.

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1. Introduction

A deception offence (Art. No. 215 of the Romanian Criminal Code) involves an act of misleading the victim through presenting a false fact as a true fact, or a true fact as false, with the purpose of thereby obtaining, for oneself or for another, an unjust material benefit, if damage is caused.

An analysis of deception offences from a psychological perspective is necessary for their proper understanding, and for applying strong sanctions that cannot be external to the investigation of certain psychological aspects in the behaviour of a person who commits a deception offence.

The distinctive psychological features of a person do not automatically determine whether he or she commits a deception offence, but these individual traits can favour the occurrence of criminal behaviour, in cases when they interact with external factors.

When dealing with deception offences, this type of act cannot be merely reduced to its external manifestation, as this type of crime is committed as a result of a mental process that varies according to individual personalities; it is therefore necessary to analyse the offender's personality and his or her mental processes.

2. Typology of the offender. Distinctive psychological features

Offenders constitute a specific social category, within which a wide array of behaviours can be observed, and each offender represents a distinct case, characterised by a number of features that are not identical in all offenders. As a general notion, typology can be defined as the totality of traits specific to a certain social group, which should provide a global image of the offender (Buș, 2005). It has been argued that offender types do not constitute pure, complete types, but rather include some nuanced distinctive traits, which differentiate them from others; accordingly, if an offender does not present all the characteristic traits, but still retains the most important ones, he or she can be said to belong to a certain type (Oancea, 1998).

If we refer to legal typologies of offenders, established according to the nature of offences committed, according to which persons who commit theft offences are thieves, and there is a typology of the thief, then it can be said that, for cases where deception offences are committed, there exists a typology of the deceiver, with its own distinctive traits.

The typological method is held as a useful instrument for exploring criminal phenomena, and a way of making the transition from understanding the general phenomenon to understanding the individual one (Oancea, 1998).

The psycho-behavioural profile of the offender in cases of deception can be outlined on a general level, based on certain elements that can be deduced from an analysis of the fundamental traits of a great number of offenders, but one must however observe the unique nature of the criminal act, and the different personalities of any offenders.

In terms of distinctive psychological features of the various categories of offenders, the relevant types for individuals who commit deception offences are: the intellectual offender type, the acquisitive offender type, the criminally responsible mentally disturbed offender type, and the professional offender type. Out of all the features characteristic for these offender types, it is necessary to extract specific features for the type of offender that commits deception offences (typology of the deceiver).

The acquisitive offender is characterized by a tendency to acquire, take over, and appropriate assets for their own purposes, with a view to gain, support or extend his property (Oancea, 1998; Buș, 2005; Naidin, 2006), features that also pertain to the deceiver type.

Generally, he or she commits an offence in order to derive material benefits, which explains, in the majority of cases, the causes of the offence (Pungă, 1994), and this feature of criminal behaviour is visibly present in the case of deception offences, where offenders commit the offence in order to acquire material gain.

With regard to the distinctive features of the offender suffering from a mental disorder which however does not exempt him or her from criminal responsibility, the aspect relevant to the deceiver type is the dominant
emotional tendency in the psychological character, namely the selfish, avaricious, acquisitive nature of the person obtaining money or property (Oancea, 1998).

If offender typologies are classified into occasional offenders, who commit an offence due to a certain situational context, and professional offenders, who are specialised and act in an organised manner, the deceiver usually falls in the category of professional offenders.

Thus, for a professional offender specialised in committing the offence, the only way to support himself or herself is through offences; the refusal of honest, legal work becomes an essential trait for this type of offender, and the main object of his or her criminal activity is financial gain, at the same time avoiding violent offences (Buș, 2005); all these traits can be identified for the deceiver type as well, since the offender specialises in committing deception offences, his or her goal being to derive unjust material gain.

The deceiver, as a professionally active offender, specialises himself or herself, chooses victims, and creates a plan for committing the offence that avoids detection, therefore planning the offence to a far more detailed extent than a normal offender (Buș, 2005), which requires both practical abilities necessary to its execution, as well as intrepidity during the operation. Deception offences are most often committed in an organised manner, which is specific to an offender of medium or even high intelligence, who is also insensitive, emotionally detached, and incapable of feeling sympathy and compassion for the victim.

As an intellectual offender, the deceiver is defined by acumen, imagination, cunning, hypocrisy, criminal ingenuity; he or she has the ability to project as congenial, honest, persuasive, amiable, influential, and altruistic (Buș, 2005), and artistic talent helps him or her in misleading. Committing an act of deception presupposes a certain level of intelligence from its author, necessary in order to conceive and execute the victim's misleading (Planque, 2009).

People are not born liars; learning how to lie is a process, and the concepts of telling the truth and lying are interconnected, as no one can lie without knowing the truth (Ford, 1996). The main weapon in the arsenal of deceivers is lying, which implies that deceivers are characterised by flexible thinking, the ability to rapidly identify their victims' weaknesses (Buș, 2005), as well as a capacity to improvise, and a high degree of persuasiveness, utilised in misleading the victim.

The strategies employed by an intellectual offender decipher the victim's thoughts, annihilate their logic and prudence, thereby determining the victim to enter the deceiver's game. A complicity relationship is created between the offender and the victim, the offender's success being impossible without the victim's participation (Buș, 2005), as committing deception offences is sometimes favoured by the victim's behaviour, who may be attempting to derive effortless but unjust gain, or by the absence of any preventive measures on the victim's part (Dobrilă, 2011). The deceiver, as an intellectual offender, plays upon the gullibility, unwariness, vulnerability, ignorance, and desires of the victim, in order to facilitate committing a deception offence, and to derive the unjust material gain he or she is pursuing.

3. External features of the deceiver's personality. Verbal and nonverbal indications of deception

Duplicity is specific to a deceiver (Butoi, 2009), he or she being capable of forging a convincing identity, different from his or her actual one, adapted to the victim targeted for deception: a businessperson, or someone who sells valuable items at low rates due to their financial difficulties; persuading through lying is the deceiver's forte (Buș, 2005).

By taking on certain qualities, abilities and habits he or she does not in fact possess, the deceiver singularises the victim that will become the subject of deception (Tănășescu & Tănășescu & Tănășescu, 2007), adapting the modus operandi to that specific situation in order to gain the victim's trust. The deceiver knows how to make himself or herself agreeable, uses formal and ceremonial language and displays an attractive overall appearance, dresses elegantly, projects positively, and as a very good friend (Buș, 2005). The process of manipulation is
Detecting deception is relatively difficult, and to that purpose it is useful to know some of its verbal and nonverbal indicators. The untruthful person has to present the facts in a credible manner, observing a difference between people who are telling the truth and those who are lying, as certain signs of deception are transmitted either through verbal, or nonverbal indicators (Navarro & Schafer, 2001). People who are being truthful tend to lean forward during a conversation, as opposed to liars, whose tendency is to avoid the conversation partner; people who are trying to hide information breathe faster, with series of short breaths followed by a long breath (Navarro & Schafer, 2001). Someone's attempt to deceive determines a rise in blood pressure, and in order to lower it, he or she uses various hand, arm, and leg motions; for instance, they make ample gestures during the conversation, touch their hands to their mouths, their noses, these being potential signs of their intentions to deceive (Pereș, 2008), although we believe there is a certain risk for them to be mistaken for signs that merely show a higher level of stress or uneasiness.

It has been noted that exerting control over body motions and the energy needed in fabricating a lie can explain the fact that, in cases of deceptive activity, there can be fewer body motions; similarly, deceivers feature a higher level of eye pupil dilation, blinking, and more body motions than facial motions (Givens, 2012). Committing offences appears to also depend on the person's anatomic build, and certain links between the physical aspect or body-build of individuals and their mental features have been established, physical build being one of the numerous influence factors over human mental structure and conduct. According to the correlation between bio-typological build and criminal type, some researchers point out that asthenic and athletic types commit more property offences, including deception offences, whereas a pyknic type more typically commits offences against other persons (Oancea, 1998). It is held that individuals who are solid, even overweight, short, with short limbs, round faces, calvities, often intelligent (the pyknic type) are characterised by a cunning criminality (Cioclei, 1998; Rassat, 2011), which suggests a connection between their body-build and the propensity to commit deception offences.

Even though a certain typology can be predisposed to commit deception offences, the overall correlation between corporeal elements and the predilection towards certain crimes is of insufficient relevance.

4. Distinctive traits of deceivers

People who commit deception offences are usually older and more intelligent than other types of offenders, are socially well adapted, and possess the ability to design plans (Rassat, 2011; Rassat, 2009). As intelligent offenders, well acquainted with human psychology, deceivers use pleasant, persuasive language and commit deception by manipulating their victims chiefly verbally, being highly perceptive.

Typical of a deceiver is the use of logical arguments to conceal his or her intentions, the use of lying in order to discover the truth, this while projecting himself or herself as a congenial, altruistic, generous, trustworthy person (Nazare-Aga, 1999). Any deceiver is skilled in detecting mental patterns, understands various types of people, and will target as victims gullible persons who are vulnerable to deceit; memory, ability to improvise and presence of mind are important attributes for someone committing deception offences (Tandin, 1997), someone who is able to build arguments based on lies, transform another person's perception of reality, and to influence their victim by directing their willingness based on untruthful arguments. Deceivers are characterised by astuteness and creativity, which they use according to their victim's particular profiles, in order to mislead them and thereby acquire unjust gain.

The egocentricity typical of deceivers, being an individual's tendency to relate everything to himself or herself (Buș, 2005), sometimes associated with selfishness, with placing one's own interests above those of other people, with the inability to feel sympathy or generosity towards others (Oancea, 1998), has an important role in committing deception offences, as it determines the shift towards committing the offence through an egocentric
tendency that overcomes one's power to resist and the fear of punishment (Naidin, 2006), which determines them to take on greater risks in order to reach their goals, regardless of the possibility of being criminally charged for it.

The complex research of the criminal phenomenon in the case of deception in all of its manifestations, including those pertaining to deceivers' psychological features, allows for a wider perspective on the explanation of mechanics and factors that favour the occurrence of deception, and leads to a fortification and better orientation of preventive and punitive measures for deception offences.

An analysis of the criminal act, characterising the offender's behaviour in cases of deception from a psychological perspective, and outlining specific personality traits specific to the deceiver – all these elements allow for a more precise understanding of his or her behaviour, thereby providing useful guidelines for legal actions.

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Determining the specific psychological traits of offenders in the case of deception offences is relevant to legal efforts, in that it provides a more ample perspective on criminal behaviour, leading to a correct understanding of the criminal act, and helps in developing explanatory models for structuring the personality of this type of offenders; understanding offenders' personalities enables an adaptation of investigations of deception offences according to their psychological characteristics, and facilitates a coherent organisation both of preventive measures, as well as of measures for recovery and social reinsertion of deceivers, with the final purpose of preemptively counteracting a reoccurrence of this type of criminal behaviour.

References