An Introduction to Behavioral Evidence Analysis

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1 This chapter is adapted from, and builds heavily on, Petherick and Turvey (2008).
To bring facts in relation to each other, to connect them in such a way that their functional significance becomes visible, to separate the essential from the accidental, to draw conclusions from certain premises—all these are logical operations.

—Theodore Reik (The Unknown Murderer, 1945, p. 26)

Idiographic (individual case) study builds knowledge about the characteristics of a particular case. It is necessary when trying to understand the peculiar characteristics, dynamics, and relationships between a particular crime scene, victim, and offender. *Idiographic offender profiles*, therefore, are characteristics developed from an examination of a single case, or a series of cases linked by a single offender. An idiographic profile is therefore concrete—it describes an actual offender who exists in the real world.

A *nomothetic* profile is an average, or a prediction; it does not describe a real offender walking around and breathing in the real world. However, profilers use both nomothetic and idiographic information to render the conclusions in their profiles. The trick is using nomothetic information in theory generation, and not presenting it as a firm or deductive conclusion.

The purpose of this chapter is to discuss the general method, principles, and practice standards of *behavioral evidence analysis (BEA)*. Given the discussions of alternative profiling methodology offered in this text so far, one might anticipate that this chapter will undertake to explain how vastly superior BEA is to current inductive/nomothetic methods. One might further anticipate that this chapter will exalt the infallibility of BEA. But even ego must give way to reason. Not only will this chapter refrain from presenting BEA as purely scientific or infallible, it will also refrain from presenting it as purely deductive.

**THE INFERENCE OF TRAITS**

In the most basic terms, *criminal profiling* is the inference of distinctive offender traits from physical and/or behavioral evidence. From the physical evidence left behind in relation to criminal activity, such as an offender’s hair and semen, the criminal profiler may deduce that the offender is a male with a particular color of hair, perhaps even of a particular race. Similarly, from behavioral evidence, inferences about the offender’s background, habits, and personality (a.k.a. offender traits) may also be possible. As explained in Kidder (2005, p. 390):

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2 This type of deduction may of course be made by anyone capable of reading and understanding the results of physical evidence analysis in a given case and is certainly not limited to the profiler. Such deductions, given their heightened reliability, should form the initial core of any criminal profile.
Traits represent individual characteristics, which are either inherited or acquired, and refer to tendencies to act or react in certain ways (Drever, 1964). Key to this definition is the fact that having a particular trait does not guarantee predictable performance, but an individual possessing a certain trait will be more disposed to react to a given situation in a certain way (McKenna, 1994). Trait theorists view traits as broad, general guides that lend consistency to behavior.

BEA methodology suggests that examination of crime-related behavioral evidence over time, along with subsequent offender physical, personal, and psychological traits, can reveal individual offender trait correlations, patterns, and propensities. Some personal and psychological traits may be stable across a criminal career, some are situationally determined, and some will evolve (or even devolve).

BEA is generally consistent with Allport’s dynamic Trait Theory of Personality (Allport and Odbert, 1936), which emphasizes the consideration of an individual’s uniquely patterned personality traits as they change over time. BEA is built around the notion that individuals are unique, and that the examination of those differences is highly revealing. It therefore emphasizes ideographic examination over nomothetic.

Allport’s trait theory also divides personality traits and dispositions into three general categories: cardinal, central, and secondary. Cardinal traits are the small number of dominant, pervasive and stable traits that define an individual to others and guide the majority of their decisions (e.g., extremely religious, extremely frugal, narcissistic, and altruistic). Central traits are core characteristics and behavioral tendencies that accurately describe an individual, while not consistently dominating their decision-making processes and subsequent behavior (e.g., educated, intelligent, shy, and honest), and secondary traits are transitory preferences and moods, which are often situational and therefore less enduring (e.g., hungry, angry, impulsive, or nervous).

While this theory provides a sound theoretical platform for BEA interpretations, its considerations also become important when attempting to understand and to explain the durability of inferred offender characteristics, or when comparing the characteristics evident across multiple cases in linkage analysis efforts.

**BEHAVIORAL EVIDENCE ANALYSIS (BEA) DEFINED**

Behavioral evidence is any physical, documentary, or testimonial evidence that helps to establish whether, when, or how an action has taken place. Any form of physical evidence may also be behavioral evidence under the right circumstances. Footprints and footwear impressions can indicate presence; standing, walking, or running, and direction. Bloodstain patterns can indicate presence, injury, contact, or movement and direction. Fingerprints can indicate presence, contact, and use of an object. semen and sperm can indicate presence, contact, sexual behavior, and ejaculation. Injuries can indicate weapon type, presence, contact, the amount of force, and even intent. Ligature patterns can indicate strangulation, binding, and resistance. Toxicological testing can indicate the presence of drugs, alcohol, or toxins in a victim or offender’s system, and these also have an impact on cognition, judgment, state of mind, and health—all of which influence behavior. Photo images and video footage from the media, security cameras, cell phones, digital cameras, and camcorders operating at the time of an event can provide limited but specific documentation of behavioral evidence. To be useful, behavioral evidence must be examined and considered as a whole, in a directed and purposeful fashion, in order to achieve meaningful results. It cannot be surmised inconsistently, without focus, or based solely on the subjective insights of experience. That’s where BEA comes in.

BEA is an idea-deductive method of crime scene analysis and criminal profiling. It involves the examination and interpretation of physical evidence, forensic 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 suggest 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 presumably similar 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 analytical logic.

BEA conclusions are meant to be the result of the most complete understanding of the events surrounding
the commission of the crime. A BEA-style crime scene analysis or criminal profile will not render a conclu-
sion unless the evidence exists to support it. Instead of relying on averaged (nonexistent/abstract) offender
statistics, BEA profilers conduct a detailed examination of a scene and related behaviors to determine which
characteristics are evidenced. This approach requires more work, more study, and more humility than the
alternative methods of profiling discussed in previous chapters.

In general, the information used to develop a BEA profile is drawn from at least the following individual
examinations: forensic analysis, forensic victimology, and crime scene analysis.

FORENSIC ANALYSIS (A.K.A. EQUIVOCAL FORENSIC ANALYSIS)

Forensic analysis, in general, is the first step in BEA, and refers to the examination, testing, and interpreta-
tion of any and all available physical evidence. A thorough forensic analysis must be performed on the
physical evidence to establish the corresponding behavioral evidence in a case before a BEA profile can be
attempted. One cannot offer a BEA profile based on unproven conjecture or guesswork masquerading as
fact—and until the results of the forensic analysis are known, that is the only kind of information available
to the profiler. A thorough forensic analysis is required to establish the strengths and limits of the existing
physical evidence. This threshold demand ensures the integrity of the behavior and subsequent crime scene
characteristics that are going to be analyzed by the criminal profiler.

Consequently, the victim and offender behavior used to create a profile must be established from reliable
sources. Behavioral evidence cannot simply be assumed or inferred by those without sufficient forensic
education, training, and experience—or by those with an agenda. This means understanding and applying
the scientific method with respect to evidence interpretation (as discussed in Chapter 2). This also means
settling for nothing less than established reconstruction techniques applied by qualified forensic scientists. A
competent forensic analysis requires an informed crime reconstruction (see Chapter 11). There are more
than a few practicing criminal profilers who suffer from a metacognitive block in this area; they believe
that by virtue of being criminal profilers they are also somehow qualified to perform crime reconstruction.
Even with the best intentions, the resulting behavioral evidence interpretations tend to range from the
intellectually incomplete to the utterly incompetent. If a criminal profiler is not also a forensic scientist and
not properly educated and trained in crime reconstruction methods and their limits, then he or she should
not keep their own counsel when seeking to understand and integrate a picture of crime-related behavior
from the physical evidence.

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1 Many criminal profilers accept the theories of the detectives or attorneys who contact them as factual reconstructions of events that
are fit for analysis. While the theories are a fast way for the profiler to get information, neither investigators nor attorneys are forensic
scientists. All forensic examiners, profilers included, should know this, and are admonished to treat theories with the appropriate level
of distrust.

2 For a complete reference, see Chisum and Turvey (2010).
We discuss this further in the “Behavior Evidence Analysis Standards of Practice” section of this chapter. Suffice it to say that the scientific method demands that criminal profilers be skeptical; they must work to disprove theories, not prove them; they must abandon disproved theories; and they must embrace theories that have yet to be disproved as the most valid. They must also know enough to recognize when they are wrong.

**FORENSIC VICTIMOLOGY**

As explained in Ferguson and Turvey (2009, p.1), forensic victimology is the scientific “study of violent crime victims for the purposes of addressing investigative and forensic questions.” It involves the accurate, critical, and objective outlining of a victim’s lifestyle and circumstances, the events leading up to an injury, and the precise nature of any harm or loss suffered. Establishing the characteristics of a particular offender’s victim choices can lead to inferences about fantasy, motive, modus operandi, knowledge, and skill.

Forensic victimology includes an assessment of victim risk and exposure. The profiler is interested in not only the amount of exposure to harm that a victim’s lifestyle routinely incurs, but also the amount of exposure the victim suffered at the actual time of the attack. From this information, the profiler may determine the amount of exposure that the offender was willing to allow in order to acquire the victim. This is inherently useful in contextualizing other offender behavior and choices related to the crime.

**CRIME SCENE ANALYSIS**

Crime scene analysis (a.k.a. crime analysis) is the analytical process of interpreting the specific features of a crime and related crime scenes. Potential crime scene characteristics that must be established or at least considered include, among many others, method of approach, method of attack, method of control, location type, nature and sequence of sexual acts, materials used, evidence of skill or planning, any verbal activity, precautionary acts, contradictory acts, modus operandi, signature behavior, and the amount of time spent in the commission of the crime. Crime scene characteristics are interpreted from an integrated examination of the established behavioral evidence and victimology. Because they depend on evidence, and complete evidence is not always available, not all crime scene characteristics may be established in every case. This can limit any subsequent findings, and in some cases may even prevent meaningful profiling efforts.

The results of crime scene analysis may be used to compare cases for linkage analysis purposes (see Chapter 14), or they may be used to render a criminal profile.

**BEHAVIORAL EVIDENCE ANALYSIS: GOALS AND PURPOSE**

Perhaps the most common misconception about criminal profiling is that its main purpose is to achieve a static, inflexible result, not unlike a clinical diagnosis. The result is then presumably applied to a crime or series of crimes and can then be used to suggest precisely whodunit. This is evidenced by the persistent yet inaccurate belief that there is an average psychological or behavioral pattern or profile that describes a typical serial murderer, a typical rapist, or even a typical crime scene.

This clinical view of profiling regards clusters of offender behavior, and subsequent penal classifications, as potential mental health disorders that can be diagnosed for the purposes of recommending treatment or
delineating cause. It is a highly desirable position to take if one is a mental health practitioner. However, the goals of offender assessment and treatment are unrelated to the goals of criminal profiling. Clinicians have treatment goals—profilers have explicit investigative and forensic goals.

Humans learn, change, and grow. Humans are also affected by time, place, and each other. Therefore a deductively rendered criminal profile cannot be regarded as a static, fixed result that will hold true for all time. It must evolve and must become more refined as it is checked against new evidence and related cases over time. That is to say, when a new offense is committed, when a new attack occurs or a new body is located, and when new evidence is collected and analyzed, the integrity of the criminal profile must be reassessed. A deductively rendered profile learns. New information is not used to support the old profile, or to pigeonhole the offender, or to rationalize investigative assumptions. It is used to make a more complete and more accurate profile of the offender responsible for the crime(s) at hand.

Behavioral evidence analysis, therefore, should be viewed not as a process aimed at a fixed result, but as an ongoing, dynamic, critical, analytical process that examines offender behavior as it changes over time. It is a criminological effort, not a clinical one.

The first responsibility of the criminal profiler, as opposed to the treatment-oriented clinician, is fact finding in a criminal investigation for the purpose of serving justice. The profiler serves the justice system. The clinician serves the client/patient. This is an important difference in terms of ethical obligations when considering the potential goals and purposes of behavioral evidence analysis.

With that onus in mind, a criminal investigation of any kind should start with the assumption that every human on the planet is a suspect. That is to say, the suspect set is universal. One of the purposes of BEA is to assist an investigation, at any phase, in moving from that universal set of suspect characteristics to a more discrete set of suspect characteristics. It cannot typically point to a specific person, or individuate one suspect from all others. It can, however, give insight into the general characteristics of the offender(s) responsible. This type of insight can be used to educate an investigative effort, as well as attorneys, judges, and juries in a forensic context (e.g., criminal proceedings, civil proceedings, and public hearings).

**BEHAVIORAL EVIDENCE ANALYSIS: CONTEXTS**

Behavioral evidence analysis has two separate but equal contexts, divided not by the method that is employed to arrive at conclusions, but rather by their divergent goals and priorities. Goals and priorities are dictated by a necessity that is dependent upon when, in a given case, a profiler’s skills are requested. The two time frames typically include the investigative phase, before a suspect has been arrested (or before a defendant is taken to court with a lawsuit), and the trial phase, while a suspect is being tried for a crime (or put on trial for damages).

The investigative phase of a criminal case gets a lot of the media attention and is the primary focus of popular fiction on the subject of criminal profiling. When we think of a criminal profiler, we have been conditioned to think of unsolved serial murder cases, and of remote locations where teams of forensic scientists work to recover decaying human remains. Profilers are often characterized as being socially alienated individuals,

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5 It is worth noting that the process of criminal investigation starts from the moment that law enforcement responds to a crime scene, and does not end until that case is completely out of the criminal justice system. For some cases, especially those involving homicide, this may never happen. It must also be noted that there are criminal investigators working hard for both sides of the courtroom in any legal proceedings, civil or criminal.
deeply troubled by their own selfless insights into the minds of the unknown offenders that they are hunting. This view presented by fiction and the media not only is completely skewed but also is only the first half of the equation.

The trial phase is the second half of the equation, and has received much less explicit attention not only in the media but in the published literature. Although it is equally important, it often lacks the romance and drama associated with high-profile serial cases, making it less marketable.

**Investigative Phase**

The investigative phase involves behavioral evidence analysis of the patterns of unknown perpetrators of known crimes. Criminal profilers tend to be called in to extremely violent, sexual and/or predatory cases when witness testimony, confessions, and/or physical evidence have not been enough to move the investigation forward. The decision to call a profiler into an investigation is typically reactive, with agencies waiting months or even years (if at all) due to a lack of access to a profiler, or to a lack of understanding of what criminal profiling is and how it can aid an investigation.

**Primary Goals**

- Evaluating the nature and value of forensic and behavioral evidence in a particular crime or series of related crimes
- Reducing the viable suspect pool in a criminal investigation
- Prioritizing the investigation into remaining suspects
- Linkage of potentially related crimes by identifying crime scene indicators and behavior patterns (i.e., modus operandi and signature)
- Assessment of the potential for escalation of nuisance criminal behavior to more serious or more violent crimes (i.e., harassment, stalking, voyeurism)
- Providing investigators with investigatively relevant leads and strategies
- Helping keep the overall investigation on track and undistracted by offering fresh and unbiased insights
- Developing communication, interview, or interrogation strategies when dealing with suspects

**Trial Phase**

The trial phase of criminal profiling involves behavioral evidence analysis of known crimes for which there is a suspect or a defendant (sometimes a convicted defendant). It takes place in the preparation for hearings, trials, and post-conviction proceedings. Guilt, penalty, and appeal phases of trial are all appropriate times to use profiling techniques, depending on the evidence at issue.

**Primary Goals**

- Evaluating the nature and value of forensic and behavioral evidence to a particular crime or series of related crimes
- Helping to develop insight into offender fantasy and motivations
- Developing insight into offender motive and intent before, during, and after the commission of a crime (i.e., levels of planning, evidence of remorse, precautionary acts, etc.)
- Linkage of potentially related crimes by identifying crime scene indicators and behavior patterns (i.e., modus operandi and signature)
BEHAVIORAL EVIDENCE ANALYSIS THINKING STRATEGIES

To best achieve any of the goals of behavioral evidence analysis, a criminal profiler must first and foremost be a critical, analytical thinker. As already discussed, profilers must have strong, well-honed critical thinking skills and approach cases both objectively and methodically. They must have enthusiasm for detail, be willing to question all assumptions, and be familiar enough with forensic science and criminal investigation to ask all of the right questions.

In addition to this, and evidenced by the principles and practice standards discussed, criminal profilers must also know themselves. They must know who they are and have a firm grasp of their own personality. They must be able to distinguish their own needs, tastes, desires, and morality so that they may more clearly perceive the needs, tastes, desires, and morality of a given offender. That means profilers must know who they are with an extremely irregular level of personal comfort: All of the questions that they have put to the life of the victim, they must put to themselves. They must know their strengths, fears, fantasies, and weaknesses. This is not a simple or by any means trivial point.

In the absence of self-knowledge and critical thinking skills, profilers risk transference of their own issues, needs, and morality into a profile. It bears repeating that it is not uncommon for untrained and undisciplined profilers to create profiles that tell more about their own needs than about the patterns of behavior being profiled. To avoid this pitfall, and to keep the BEA process a critical, analytical, and objective endeavor, profilers are admonished to follow these general guidelines regarding thinking strategies (some topics inspired by Depue et al., 1995, pp. 119–123).

Life Experience

It is often suggested that age will beget experience, which will beget wisdom. This is not the case at all. There are quite a number of people in the world who fail to learn from their mistakes, or their successes, and who are ultimately denied wisdom, or applied knowledge, of any kind. Life experience does not necessarily equal special knowledge or insight. Furthermore, not all investigative or law enforcement experience is equal. Note the differences below, just as a comparative example:

- 15 years in law enforcement
- 15 years as a homicide detective
- 15 years as a homicide detective in a rural county
- 15 years as a sex crimes detective
- 15 years as a sex crimes detective in a major metropolitan police department
- 7 years in vice; 8 years on patrol
- 3 years on patrol; 12 years as a guard at the jail

While each example represents 15 years in what can be generally referred to as law-enforcement experience, the specific nature and quality of that experience are quite varied. Kirk and Thornton (1974, p. 16) provide an excellent crystallization of this thought: “The amount of experience is unimportant beside the question of what has been learned from it.”

The point is that, before we go around applying investigative or law-enforcement experience, or accepting the experiences of another, as the basis for our reasoning, we must have an understanding of the precise nature of that experience. Subsequently, the applied knowledge gained from that experience must be measured, weighed, and applied appropriately rather than indiscriminately. Not all experience is of equal quality or measure, despite how similar it may first appear.
Intuition

Invariably, an accumulation of any amount of life experience leads to intuition. That is, knowing or believing without the use of reason, or rational, articulable processes. If we have a belief, or something that we “just know,” and are unable to articulate the reasoning behind it, it is likely that intuition is the culprit.

Seductive as they are, intuitions and gut instincts can be extensions of bias, prejudice, stereotyping, and accumulated ignorance. They can be extremely damaging to investigative efforts and should be left out of investigative strategy, suggestions, or final profiles unless reasonable, articulable arguments for their inclusion exist. Thornton (1997, p. 17) is very clear about the substitution of intuition or experience for scientific fact based on deductive logic:

> 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. … 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.

Avoid Moral Judgments

Never use terminology in a profile that describes an offender as sick, crazy, nuts, a scumbag, worthless, immoral, etc. This terminology represents a moral judgment based on a profiler’s personal feelings. Personal feelings have no place in a criminal profile. A good way to achieve objectivity is by not using adjectives, or using as few as possible, when describing an offender’s personality characteristics.

Common Sense

Common sense is best defined as native good judgment. Put another way, it refers to knowledge accumulated by an individual that is useful for, but specific to, making decisions in the locations that he or she frequents. Common sense, then, is not common. What is socially acceptable, reasonable, and expected does not always transfer from country to country, state to state, city to city, neighborhood to neighborhood, or even person to person. Therefore, using our own common sense, our own eyes and beliefs, to gain insight into the behavior of another can be an expedition into the absurd. It assumes, incorrectly, that the offender and the profiler share a perception of what is common sense, as though they are creatures that inhabit the same culture.

As an example, in one’s own home it is usual to remove garbage and food scraps to an area external to the living space. This makes perfect sense for reasons of health and comfort. However, if one is to go camping, this same action makes less sense, because, depending on the location, one runs the very real risk of attracting predators, some of which pose a threat to health or life.

THE PRINCIPLES OF BEHAVIORAL EVIDENCE ANALYSIS

Principles are the fundamental truths and propositions that provide the foundation for any given field of study. The basic principles of BEA identified by the authors, and drawn from the behavioral and biological sciences, include, but are certainly not limited to, the following:

1. The principle of uniqueness: Individuals develop uniquely over time, in response to biological, environmental, and subsequent psychological factors. However similar their past and present, no two
people will develop in precisely the same fashion. This is because each person is born with a unique genetic profile and temperament, is raised into their own culture surrounded by other uniquely formed individuals, and develops a unique constellation of associations with respect to pleasure, pain, taste, and distaste.

2. **The principle of separation:** Individuals have their own unique constellation of associations with respect to pleasure, pain, taste, and distaste—indeedient of the profiler. Consequently, no victim or offender should be treated as a mirror. This principle is meant to remind profilers that there are certain psychological pitfalls they should strive to avoid. This includes *vanity profiling,* the attribution of our own thoughts and motives (e.g., sexual fantasies, responses to danger, and belief systems) to others. Profilers must be aware of the fact that victims and offenders will act differently and choose differently than they might because they are different. Profilers also must be aware of and guard against potential *projection* and *displacement* (these concepts are well established in the behavioral science literature as psychological defense mechanisms). Both can occur subconsciously, and therefore without the profiler’s knowing it at the time.6 *Projection* occurs when we attribute our own unacceptable or unwanted thoughts and/or emotions to others. The classic example is infidelity: those with thoughts of infidelity may accuse their partners of cheating on them. In a profiling context, a profiler may impute the offender and crime scene behavior that he or she is examining with all of the unwanted feelings that he or she has—resulting in a profile that is more about the profiler than the offender. Some profiles are more common than is generally known. This may be a conscious or subconscious process. *Displacement,* however, occurs when our mind redirects emotion from a “dangerous” object to a “safe” object. Examples include getting angry with a victim or offender because of an argument at home, or shifting anger related to feelings of sexual frustration from a lover to a victim or an offender. This, too, can result in a profile that is more about the conflicts and frustrations in the profiler’s life than in the offender’s. This is a subconscious process, and may account for many of the richly detailed profiles that purport to get deep inside the mind of “killers.”

3. **The principle of behavioral dynamics:** Offense-related behavior, including modus operandi, is not static. It can evolve, or devolve, over time and over the commission of multiple offenses. It is also subordinate to contextual factors, such as victim and offender experience, mental dexterity, psychological influences (mental illness, mood, etc.), personal toxicology (drugs, alcohol, etc.), and offense location. Consequently, not every crime committed by the same criminal must be similar, and not every criminal always reflects the characteristics evident in the crime scene that they leave behind.

4. **The principle of behavioral motivation:** As explained in Petri (1981, p. 3), motive is the concept we use to describe the forces acting on or within a person to initiate and direct behavior. No one acts without motivation. All behavior has underlying causes and origins. The origins may be conscious or subconscious, however. They can also be the result of either brilliant or incompetent reasoning. Motive-related decisions, whether planned or reactionary, are strongly influenced by emotions, mental defect and mental illness, and the use of drugs and alcohol.

5. **The principle of multidetermination:** As explained in Groth (1979, p. 13), offense-related behavior, such as rape and aggression, is “complex and multidetermined,” serving multiple aims and purposes.

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6 *Conscious* thought occurs when one is aware; it is deliberate and purposeful. *Subconscious* thought occurs when one is not aware; it is suppressed, unplanned, and not deliberate. The notion of the very existence of subconscious thought is difficult for some to accept because it tends to mitigate responsibility—hence those looking to assign blame or punish may ignore this possibility in their casework, and fail to admit or recognize their own subconscious tendencies.
A single behavior/choice/action can result from a combination of motives. Consider a rapist who chooses to bring a heavy Mag-Lite flashlight along during the commission of an offense. It may serve multiple functions: as a source of light, a weapon to help control the victim, a weapon to punish the victim, and for insertion into the victim's mouth, vagina, or rectum in an act of substitution. One behavior, the act of bringing a flashlight, serves multiple functions to a single offender.

6. **The principle of motivational dynamics**: An individual offender is capable of multiple motives over the commission of multiple offenses, or even during the commission of a single offense. During a single offense, one serial rapist may evidence a range of behaviors from sadistic to angry to remorseful—and then rob the victim for profit. Across multiple offenses, a serial murder may rape one victim and then stab her to death to eliminate a potential witness, and then one month later might go out of his way to shoot a parked male couple to death, then rob them, because of a hatred for homosexuals. This principle should preclude the pigeonholing of specific offenders because of their known offenses. From an investigative and forensic standpoint, having one part of the picture (known offenses) is not the same as having the whole picture.

7. **The principle of behavioral variance**: Different offenders can invoke the same or similar behavior/choice/action for completely different motives. For example, some rapists use guns, but not all for the same reason. One offender brings a gun for protection and does not show it during the offense; another offender brings a gun to achieve and maintain control over the victim; and yet another needs the gun as part of a fantasy, pointing the gun at the victim's head during the act of rape. One behavior, the act of bringing a gun, serves multiple functions to different offenders. This principle should preclude the profiler from assuming that a behavior will always mean the same thing. A gun is not always an instrument of death; a kiss is not always an act of intimacy.

8. **The principle of unintended consequences**: Not all of the results of behavior are intended. Consequences are not always foreseen. Judgment may be impaired. Perception may be altered. And accidents do happen. For example, bombs go off prematurely or not at all; guns jam; aim is poor; and fire can burn out of control or die off quickly for lack of fuel. This should preclude the profiler from assuming that the scene, as it was found, is also as it was intended.

9. **The principle of memory corruption**: This refers to the fact that witness statements are inherently unreliable for a variety of reasons. First, memory is not a fixed record of events. It changes as new memories are formed. It can also be corrupted by the "forgetting curve," weapon focus, cross-racial identification, bias, suggestion, expectation, and the human tendency to "fill in the blanks" (Gambell, 2006). Memory can also be affected by the use of perception-altering substances, such as drugs and alcohol. And finally, witnesses may tell partial truths, half-truths, and outright lies for a number of reasons, including embarrassment, an attempt to conceal their involvement in a crime, or an attempt to conceal their involvement in the crime at hand. All of these forces can contribute to conscious and subconscious corruptions of memory that should prevent any forensic examiner from relying on a single witness without corroboration.

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7 As explained in Gambell (2006), "That memory becomes less accurate with time has been established since 1885, when Hermann Ebbinghaus created the ‘forgetting curve.’ Through research, Ebbinghaus found that memory fades up to fifty percent within an hour, sixty percent in the first twenty-four hours, and gradually declines thereafter. Since then, research has shown that recognition is extremely high immediately following an event, but then fades quickly."

8 As explained in Gambell (2006), "Stress and anxiety can result in a person narrowing her attention. Although this may be a natural reaction to allow the person to confront what is threatening her, it also results in a decrease in ‘perceptual scope and acuity.’ When a crime involves a weapon, witnesses often focus their attention on that weapon. This distracts the witness from other important details of the event and often results in an incorrect eyewitness identification. Research has shown that up to fifty percent of identifications made when a weapon was present during the crime are incorrect."
10. *The principle of reliability.* The results of forensic examinations, including criminal profiling, are only as reliable as the underlying evidence and reasoning. Behavior must be reliably established. Logic and reasoning must be without fallacies. If the behavior has been assumed and not established, if the logic has fallacies, then the profile is invalid. This principle should preclude the profiler from assuming facts for the purposes of analysis, and from failing to winnow flawed logic and reasoning from the analysis.

**Behavioral Evidence Analysis Standards of Practice**

In behavioral evidence analysis, practice standards are the fundamental rules that set the limits of evidentiary interpretation. They offer a standard for evaluating acceptable work habits and application of methods. Consistent with practice standards explained in Thornton (1997, p. 18), for all forensic examiners, they are specifically designed to help reduce bias, employ analytical logic and the scientific method, and form hypotheses and conclusions only in accordance with the known evidence.

*It should go without saying that all forensic practitioners have a duty to strive for objectivity, competence, and professionalism in their work. Forensic examiners should want their findings to be accurate and their methods to be reliable.* There are few forensic practitioners who would disagree with Lee (1993), who provides that “Perhaps the most important issue in forensic science is the establishment of professional standards. An assessment is needed of standards of practice in the collection, examination, and analysis of physical evidence.”

Practice standards define a minimum threshold of competency. They also help define a practitioner’s role and outline a mechanism for demonstrating their facility. They are a compass for diligent practitioners to follow and a screen against which those who have lost their way can be delayed and educated.

As this suggests, the purpose of defining practice standards is not only to help professionals achieve a level of competency but also to provide independent reviewers with a basis for checking work that purports to be competent. Practice standards set the bar and are a safeguard against ignorance, incapacity, and incoherence masquerading as science and reason. In a field in which the most common argument tends to be that conclusions are accurate simply because of how many years a practitioner has been on the job, the need for providing practice standards should be self-evident.

The major published works that cover forensic examination may be aggregated to assist in defining basic yet essential practice standards that apply to forensic practitioners of almost every kind (Bevel and Gardner, 1997, 2001; Chisum and Rynecki, 1997; DeForest et al., 1983; DeHaan, 2002; Gross, 1924; Inman and Rudin, 2000; Kirk, 1953; Kirk and Thornton, 1974; Lee, 1994; Locard, 1934; O’Connell and Sodeman, 1936; O’Hara, 1956, 1970; Saferstein, 1998; Thornton, 1997; Turvey, 2002). In these collected texts, authored by practitioner-educators, the scientific method, analytical reasoning, and objectivity are prized above all else, whereas emotion, intuition, and other forms of bias posing as knowledge are shunned. With the assistance of these works, the following generally accepted practice standards can be offered:

1. **Criminal profilers must strive diligently to avoid bias.**

Dr. Paul Kirk wrote of forensic examination, “Physical evidence cannot be wrong; it cannot be perjured; it cannot be wholly absent. Only in its interpretation can there be error.” (Kirk and Thornton, 1974, p. 4). With this simple observation, Kirk was referring to the influences of examiner ignorance, imprecision, and bias on the reconstruction of physical evidence and its meaning. The evidence is always there, waiting to be understood. The forensic examiner is the imprecise lens through which a form of understanding comes.

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9 This section has been adapted from Chisum and Turvey (2006, pp. 116–124).
Specifically, there are at least two kinds of bias that objective forensic examiners need to be aware of and to mitigate in their casework in order to maintain their professional lens—observer bias and confirmation bias.

**Observer bias** may be described as the conscious or unconscious tendency to see or to find what one expects to see or to find. In a practical sense, this means that the forensic examiner might develop an expectation of findings based on information and opinions he or she learned from the popular media, witnesses, and the opinions and findings of others. These influences are particularly insidious because, unlike overt fraud, they can be subconscious. Unless intentionally screened or recognized by the examiner in some fashion, influences can nudge, push, or drag examiner findings in a particular direction.

**Confirmation bias** may be described as the conscious or unconscious tendency to affirm previous theories, opinions, or findings. It is a specific kind of observer bias in which information and evidence are screened to include those things that confirm a position and to actively ignore, not to look for, or to undervalue the relevance of anything that contradicts that position. It commonly manifests itself in the form of looking only for particular kinds of evidence that support a given case theory (i.e., suspect guilt or innocence) and actively explaining away evidence or findings that are undesirable. As stated previously, this can be the selection of the evidence to examine by persons advocating a particular theory or by persons interested in "watching the budget" so that potentially exculpatory evidence is not selected for analysis because that would cost more money or require too much time.

Wrestling with confirmation bias is extremely difficult, often because it is institutional. Many forensic examiners work in systems in which they are rewarded with praise and promotion for successfully advocating their side when true science is about anything other than successfully advocating any one side. Consequently, the majority of forensic examiners suffering from confirmation bias have no idea what it is or that it is even a problem. This is related to the reality that having information about possible suspects can consciously or subconsciously influence the final profile, causing it to be tailored, as discussed in Burgess et al. (1988, p. 137):

> Information the profiler does not want included in the case material is that dealing with possible suspects. Such information may subconsciously prejudice the profiler and cause him or her to prepare a profile matching the suspect.

While this guideline is useful with respect to blocking didactic suspect material, suspects may emerge naturally from the pool of witnesses to the crime or the crime scene. This is information that the profiler must have. In such instances, strict adherence to practice standards, as well as to the tenets of critical thinking, analytical logic, and the scientific method, will be the profiler’s best safeguard.

What must be understood by all forensic examiners is that the primary value of forensic science to the justice system (the forensic part) is their adherence to the scientific method (the science part), and that this demands as much objectivity and soundness of method as can be brought to bear. Success in the forensic community must be measured by the diligent elimination of possibilities through the scientific method and peer review, not through securing convictions.

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.**

Criminal profilers must define the scope of evidence and information they need to perform an adequate reconstruction, partial or otherwise, and make a formal request from their client, employer, or the requesting agency. Upon receiving that evidence, they must determine what has been made available and what is missing. This basic task is incumbent upon every forensic examiner.
When a criminal profiler is not able to base his findings on complete information as he defines or understands it, this must be made clear as part of his conclusions. Basic requests for information must include

- A list of all agencies that responded to the crime scene and/or have assisted in the investigation to date
- All available crime scene documentation, including collection and security logs, notes, sketches, and photos
- All available investigative reports and notes from all responding/assisting agencies
- All available forensic reports, notes, and laboratory findings from all responding/assisting agencies
- All available medical reports and notes, including trauma-grams and injury photos
- All available medical examiner reports and notes, including trauma-grams and autopsy photos
- All relevant investigative and forensic testimony from any court proceedings to date
- A list of all witnesses to the crime or crime scene
- Any documentation of witness statements, including recordings, transcripts, and investigative summaries
- All available victim information and history

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.**

The harsh reality is that crime scene processing and documentation efforts in the United States are often abysmal if not completely absent, and they are in need of major reform (see DeForest, 2005). Crime scenes throughout the United States are commonly processed by police-employed technicians or sworn personnel with little or no formal education, to say nothing of training in the forensic sciences and crime scene processing techniques. The in-service forensic training available to law enforcement typically exists in the form of half-day seminars or short courses taught by nonscientists who, on their own, in no way impart the discipline and expertise necessary to process crime scenes adequately for the purposes of victimology, crime scene analysis, or criminal profiling.

In order to determine whether evidence is of sufficient quality to provide the basis for these efforts, the most important considerations are the following:

1. The ability to identify the item of evidence (evidence number, collected by, at the following location, with a description)
2. The ability to conceptually if not literally place the item back in the crime scene where it was found in relation to the other items of evidence. This is accomplished through competent sketches and related written and photographic documentation. Memory is not a reliable substitute for hard documentation
3. The ability to identify every person who handled the item subsequent to its collection. Is the chain of evidence secure and complete?
4. The ability to identify every test that was performed on the item, who performed the tests, and the results

If crime scene documentation and processing efforts are not sufficient to the task of allowing the criminal profiler to establish the previously mentioned considerations, then those efforts were at best inadequate. Profilers must make note of such deficiencies in their analysis and factor them into their conclusions, and they may even need to explain that they cannot derive certain conclusions because of them.

It is important to note that the profiler cannot know absolutely everything about any item of evidence. Nobody can. The challenge is to consider all that is known when performing a reconstruction and be prepared to incorporate new information as it may come to light. This means appreciating that new information about any item of evidence, or its history, may affect any conclusions about what it means.
4. **Criminal profilers must, whenever possible, visit the crime scene.**

It is highly preferable that the criminal profiler visit the crime scene. The following are examples of the kind of information that may be learned:

1. The sights, smells, and sounds of the crime scene, as the victim and the offender may have experienced them
2. The spatial relationships within the scene
3. Observation of potential transfer evidence firsthand. Vegetation, soil, glass, fibers, and any other material that may have transferred onto the victim or suspects may become evident or may transfer onto the profiler, providing examples of what to look for on a suspect’s clothing or in a suspect’s vehicle
4. The attentive profiler may discover items of evidence at the scene previously missed and subsequently uncollected by crime scene technician efforts. This is far more common than many care to admit, and it is one of the most important reasons for visiting the crime scene

In many cases, it will not be possible for the criminal profiler to visit the crime scene. This occurs for a variety of practical reasons, including time limitations, budgetary limitations, legal restrictions, the alteration of the scene by forces of nature, or the obliteration of the scene by land or property development. If the profiler is unable to visit the crime scene for whatever reason, this must be clearly reflected in his or her findings.

It is not disputed that the primary reason for documenting a crime scene is to provide for later reconstruction and behavioral analysis efforts. Therefore, the inability of the criminal profiler to visit the scene does not preclude crime scene analysis and criminal profiling efforts across the board. Competent scene documentation by forensic technicians may be sufficient to address the issues in question, or it may not. Each case is different and must be considered separately and carefully with regard to this issue.

5. **Criminal profiling, crime scene analysis, and victimology conclusions, and their basis, must be provided in a written format.**

Hans Gross referred to the critical role that exact, deliberate, and patient efforts at crime reconstruction can play in the investigation and resolution of crime. Specifically, he stated that just looking at a crime scene is not enough. He argued that there is utility in reducing one’s opinions regarding the reconstruction to the form of a report in order to identify problems in the logic of one’s theories (Gross, 1924, p. 439):

> So long as one only looks on the scene, it is impossible, whatever the care, time, and attention bestowed, to detect all the details, and especially note the incongruities: but these strike us at once when we set ourselves to describe the picture on paper as exactly and clearly as possible. ...

> The “defects of the situation” are just those contradictions, those improbabilities, which occur when one desires to represent the situation as something quite different from what it really is, and this with the very best intentions and the purest belief that one has worked with all of the forethought, craft, and consideration imaginable.

Moreover, the criminal profiler, not the recipient of the report (i.e., investigators, attorneys, and the court), bears the burden of ensuring that conclusions are effectively communicated. This means writing them down. This means that the profiler must be competent at intelligible writing, and reports must be comprehensive with regard to examinations performed, findings, and conclusions.

Orally communicated conclusions should be viewed as a form of substandard work product. They are susceptible to conversions, alterations, and misrepresentations. They may also become lost to time. Written
conclusions are fixed in time, are easy to reproduce, and are less susceptible to accidental or intentional conversion, alteration, and misrepresentation. An analyst who prefers orally communicated conclusions to written conclusions reveals a preference for conclusive mobility.

Apart from their relative permanence, written conclusions also provide the criminal profiler with the best chance to document methods, conclusions, arguments, and the underlying facts of the case. This includes a list of the evidence examined, when it was examined, and under what circumstances. Generally, a written report should include, but need not be limited to, the following information:

- A preliminary background section, describing the profiler’s involvement in the case
- A chain of custody section, describing and detailing the evidence that was examined or included in the profile
- A descriptive section, in which the profiler thoroughly describes the examinations performed (e.g., forensic analysis, victimology, crime scene analysis), with consideration of the facts and evidence
- A results section, in which the profiler lists any results and conclusions, including their significance and limitations
- The intended users of the end result include detectives, judges, and jurors: The report should be worded so that there is no question in the reader’s mind about what is being said

If a crime scene analysis or criminal profile cannot be written down in a logical form and easily understood by its intended user, then, apart from having no value, it is also probably wrong.

6. **Criminal profilers must demonstrate an understanding of behavioral science, forensic science, and the scientific method.**

Crime scene analysis, victimology, and criminal profiling are multidisciplinary examinations of the behavioral evidence based on the principles of the forensic and behavioral sciences. Given the advanced level of knowledge required, it is unclear how a criminal profiler could perform any of these examinations competently without receiving a baseline of formal education and ongoing training in these areas from non-law-enforcement forensic and behavioral scientists.

In stark contrast to the pro-law-enforcement, FBI-oriented criterion bizarrely mandated in Napier and Baker (2003, p. 532), the authors strongly recommend that a purported expert in the area of criminal profiling satisfy at least the following minimal criteria:

1. At least an undergraduate education in a behavioral science (psychology, sociology, social work, criminology, etc.). Graduate-level education in these areas is preferable. This criterion disqualifies those with undergraduate degrees in unrelated areas, such as music, police administration, public administration, and education. It should be noted that there are some online university programs.

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10 The criterion mandated by Napier and Baker (2003), both former FBI profilers, is that a CIA analyst be a former police detective, a former crime scene technician, a former forensic scientist, and have “studied” under FBI “certified” analysts while solving violent crimes. Unfortunately, while such persons exist in the fictional television world of CSI, they do not exist in the real world. These requirements actually exclude many of the FBI profilers that the authors have encountered, as their background in these areas tends to come from short courses taught by law enforcement rather than training by forensic or behavioral scientists (CVs on file with authors). It should be noted that Michael R. Napier’s highest educational achievement is a Bachelor of Science in Education, which is a program of undergraduate study designed to prepare individuals for teaching careers; Kenneth P. Baker’s highest educational achievement is an Ed.S.—a graduate degree designed especially for directors of education, educational superintendents, school principals, curriculum specialists, and religious educators. It is an intermediate professional degree, between a master’s and a doctorate. Relevance to criminal profiling: zero.
that offer graduate degrees in behavioral science related areas, without an undergraduate degree requirement, without a thesis requirement, and without actual class time. These programs should be considered essentially worthless, as they are designed for professional advancement and résumé enhancement as opposed to the discovery of knowledge and actual learning.

2. Advanced study of, and a working knowledge of, the published criminal profiling literature in the areas of behavioral evidence analysis, criminal investigative analysis, and investigative psychology—including the limitations and weaknesses of each.

3. Advanced study of, and a working knowledge of, the published literature in the forensic sciences, specifically that related to evidence analysis and crime reconstruction.

4. Advanced study of, and a working knowledge of, the methods, procedures, and requirements of a criminal investigation.

5. An approach to casework in accordance with objective forensic examination, as opposed to a law-enforcement one.

7. **Reconstruction conclusions must be based on established facts. Facts may not be assumed for the purpose of analysis.**

Many criminal profilers are willing to provide a certain interpretation of offense behavior based on experiential comparisons to unnamed cases, factual guesses and assumptions, or nonexistent physical evidence. If the underlying facts have not been established through investigative documentation, crime scene documentation, the examination of physical evidence, or corroborating eyewitness testimony, then any reconstruction of those facts is not a reliable or valid inference of events. This includes hypothetical scenarios.

8. **Crime scene analysis and criminal profiling conclusions must be valid inferences based on logical arguments and analytical reasoning.**

In the process of establishing the facts that are fit for analysis, facts must be sifted and distinguished from opinions, conjectures, and theories. Inductive hypotheses must further be delineated from deductive conclusions, and conclusions must flow naturally from the facts provided. Furthermore, the reconstruction must be reasonably free from logical fallacies and incorrect statements of fact.

9. **Crime scene analysis and criminal profiling conclusions must be reached with the assistance of the scientific method.**

The scientific method demands that careful observations of the evidence be made and then hypotheses generated and ultimately tested against all of the known evidence and accepted facts. Subsequently, the criminal profiler must provide not just conclusions but all other postulated theories that have been falsified through examinations, tests, and experiments. Falsification, not validation, is the cornerstone of the scientific method. Theories that have not been put to any test, or that appear in a report or in courtroom testimony based on rumination and imagination alone (i.e., experience and intuition), should not be considered inherently valid or reliable.

10. **Crime scene analysis and criminal profiling conclusions must demonstrate an understanding of, and clearly distinguish between, individuating findings and all others.**

The concept of identification and individuation is often misunderstood. Identification or classification is the placement of any item into a specific category of items with similar characteristics. Identification does not require or imply uniqueness. Individuation is the assignment of uniqueness to an item. To individuate an item, it must be described in such a manner as to separate it from all other items in the universe (Thornton, 1997, p. 7).
In the presentation of findings, profilers will find themselves using statements that suggest varying degrees of confidence. Vague terms or terms of art, such as "probably," "likely," "identify," "match," "consistent with," and "reasonable degree of scientific certainty," are among those used to qualify the certainty of findings. Unchecked, this language can be misleading to those it is intended to assist. Confidence statements must be qualified and discussed to the point of absolute clarity. Without clarification, findings may be misunderstood, misrepresented, and misapplied.

If the criminal profiler provides individuating findings of any sort, the nature of the uniqueness and how it was established must be clearly presented. When the profiler has given findings, there must remain no question whether the findings are individuating and no question about how this was determined. The purpose of presenting findings is to clarify the evidence, not muddle it.

11. **Criminal profilers must demonstrate an understanding of the conditions of transfer (Locard's exchange principle and evidence dynamics).**

Identifying and individuating physical evidence is only one part of crime scene analysis. Equally important is the need to establish the source of evidence and the conditions under which it was transferred to where it was ultimately found. Profilers must not be quick to oversimplify complex issues, such as the examination and interpretation of physical evidence, or to disregard those circumstances that can move, alter, or obliterate that evidence.

12. **Any evidence, data, or findings on which crime scene analysis or criminal profiling conclusions are based must be made available through presentation or citation.**

It is not acceptable for the criminal profiler to provide conclusions based on phantom databases, phantom data, phantom research, phantom evidence, or unseen comparisons. Data, research, and evidence must be detailed to the point where others reviewing their work may easily locate or identify it, in the same way we cite the endeavors of others in written work. Data, research, and evidence that cannot be duplicated or identified by the court in some fashion should not find its way into forensic conclusions.

These minimum practice standards should be applied to the evaluation of any method of crime scene analysis and criminal profiling, both the general and the specialized, in order to show due diligence. If a criminal profiler is able to meet these standards, then a minimum threshold level of professional competency has indeed been achieved. Subsequently, the recipients of their conclusions may be assured that, whatever the findings, they may be independently investigated and reviewed for reliability, accuracy, and validity. It bears pointing out that a profiler who fails to climb even one of the rungs prescribed will not have reached this threshold. In failing, they should have their findings questioned, as well as subsequent reports and testimony viewed with disfavor. This is echoed in the chapters that follow.

It is important to clarify that these practice standards do not leave anyone behind, but they do require everyone to show their work. Crime scene analysis and criminal profiling are not easy or rote. Conclusions must be earned and that means competency must be demonstrated and peer review embraced. A profiler has a duty to formulate conclusions with the full reach of everything that forensic science, the scientific method, and analytical logic have to offer. Without these tools, profilers are at risk of not being able to recognize forensic and scientific illiteracy in themselves or others.

These practice standards may also raise the ire of some criminal profilers who have been doing the work based on intuition and experience, perhaps for years, and who are unaccustomed to explaining themselves or their methods apart from stating their alleged vast experience. If peer review and criticism are not welcome at a conclusion’s doorstep, if instead such visitors are met with hostility and derision, then something other than ineptitude dwells within. To be clearer, the absence of the scientific method and logical inference
in any behavioral analysis should not be a point of pride because it is ultimately evidence of ignorance. A crime scene analysis or criminal profile in the absence of the scientific method, analytical logic, and critical thinking is called a guess. The justice system is no place for ignorance or guessing. Consequently, it is not unreasonable to expect that anyone interpreting behavioral evidence in such a manner be prepared to explain why.

**SUMMARY**

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, forensic 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 idiographic 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.

**Questions**

1. What are three of the primary goals of BEA in the investigative phase?
2. Allport divides personality traits into three categories. What are they and how are the different?
3. True or False: Life experience results in wisdom and therefore is a reasonable basis for interpretations and conclusions.
4. BEA involves three different kinds of examinations as part of crime scene analysis. What are they?
5. All behavior has underlying causes and origins. The origins may be conscious or subconscious, however. This is related to the principle of ________?
6. The forgetting curve is associated with which principle of BEA?
7. Explain why profilers should be responsible for requesting case materials in writing.

**REFERENCES**


