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CRIMINAL PROFILING AND ITS EVIDENTIARY VALUE IN THE PROSECUTION OF SERIAL KILLERS

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Introduction

Serial homicide represents one of the most complex and disturbing forms of violent crime within the criminal justice system. Unlike ordinary murders that may arise from sudden anger, personal rivalry, or emotional provocation, serial killings involve multiple murders committed over a prolonged period with a recurring behavioural or psychological pattern connecting each offence. The offender usually experiences a “cooling-off period” between killings, during which they temporarily return to normal life before repeating the act. This repetitive nature of serial homicide reflects deep-rooted psychological compulsions and distinguishes serial killers from other categories of violent offenders.

Serial offenders are often motivated by fantasies involving domination, control, revenge, power, or psychological gratification. Their crimes are not merely acts of violence but expressions of internal emotional and behavioural disturbances. Many serial killers display characteristics such as psychopathy, emotional detachment, antisocial tendencies, compulsive fantasy formation, and lack of empathy. These offenders carefully plan their crimes, select vulnerable victims, and frequently operate across different geographical locations in order to avoid detection. As a result, serial homicide investigations become highly complicated and place enormous pressure on law enforcement agencies.

Traditional investigative techniques frequently prove inadequate in such cases. Eyewitness testimony may be unavailable, physical evidence may be minimal, and the connection between separate crimes may not be immediately visible. Serial killers often adapt their methods over time, making it difficult for investigators to identify patterns through conventional approaches alone. In response to these challenges, criminal profiling emerged as

an important investigative technique aimed at understanding offender behaviour through behavioural and psychological analysis.

Criminal profiling may be defined as the process of examining crime scene evidence, behavioural patterns, victim characteristics, and psychological indicators in order to create a probable description of the offender. The purpose of profiling is not to identify a specific individual with certainty but to narrow the range of suspects and provide investigative direction. Profilers analyse factors such as modus operandi, signature behaviour, victim selection, and geographical patterns to infer characteristics relating to the offender's personality, habits, social background, and likely motivations.

The modern development of criminal profiling gained international recognition through the work of behavioural science units in Western countries, particularly the Federal Bureau of Investigation (FBI) in the United States. Behavioural analysts began systematically studying serial offenders in order to identify recurring psychological and behavioural traits. Over time, profiling evolved from an intuitive

investigative method into a more structured discipline supported by criminology, forensic psychology, psychiatry, and behavioural science. Techniques such as geographic profiling, investigative psychology, and behavioural evidence analysis further contributed to its growth as a specialised investigative tool.

Despite its practical value in criminal investigations, criminal profiling continues to face significant legal and evidentiary challenges. Courts traditionally rely upon direct and objective forms of evidence such as forensic reports, DNA analysis, eyewitness accounts, confessions, and documentary records. Behavioural interpretations and psychological inferences, however, are often viewed with caution because they involve subjective analysis and probabilistic reasoning. Critics argue that profiling lacks universally accepted scientific standards and may produce inconsistent or speculative conclusions.

The central legal issue therefore concerns whether criminal profiling can move beyond its role as an investigative aid and acquire evidentiary value within criminal prosecutions. This question becomes particularly important in serial homicide cases where behavioural patterns may provide the only meaningful connection between multiple offences. While profiling can assist investigators in narrowing suspects and understanding offender behaviour, its admissibility and reliability in courtrooms remain controversial.

In India, the legal position regarding criminal profiling remains uncertain. Although expert evidence is recognised under evidentiary laws, behavioural profiling has not yet achieved independent legal recognition as a reliable evidentiary technique. Indian courts generally prefer tangible and scientifically verifiable evidence over psychological interpretation. At the same time, the growing complexity of organised and serial crimes has increased the need for modern investigative approaches that

incorporate behavioural science and forensic psychology.

Therefore, the study of criminal profiling and its evidentiary value occupies an important place at the intersection of criminology, psychology, and criminal law. It raises critical questions regarding the balance between scientific innovation in criminal investigation and the constitutional principles of fairness, reliability, and proof beyond reasonable doubt.

The Psychological Foundations of Serial Killing

Understanding serial killers requires a close examination of their psychological and behavioural makeup. Research in criminology and forensic psychology indicates that many serial offenders exhibit psychopathic tendencies, antisocial personality disorder, emotional detachment, compulsive fantasy formation, and distorted moral reasoning. These characteristics do not arise from a single cause but develop through a combination of biological, social, environmental, and psychological influences.

Psychopathy remains one of the most significant traits associated with serial homicide. Psychopathic offenders are often manipulative, emotionally shallow, and incapable of experiencing genuine remorse or empathy. They may appear socially intelligent and charming while simultaneously possessing a complete disregard for the suffering of others. This emotional deficiency allows them to commit repeated acts of violence without experiencing guilt. Psychopaths frequently treat victims as objects rather than human beings, enabling them to carry out brutal crimes with calculated precision.

Antisocial Personality Disorder is another psychological condition commonly linked with serial violence. Individuals suffering from this disorder display impulsive behaviour, aggression, irresponsibility, and a persistent violation of social norms. While psychopathy and antisocial personality disorder overlap in several respects, psychopathy involves stronger emotional and interpersonal deficits. Many serial

offenders exhibit traits of both conditions, resulting in a dangerous combination of emotional detachment and repeated criminal behaviour.

Compulsive fantasy formation also plays a crucial role in serial homicide. Unlike impulsive offenders who act spontaneously, serial killers often develop elaborate fantasies involving domination, control, violence, or humiliation. These fantasies intensify over time and eventually become psychologically overwhelming. The offender may repeatedly rehearse violent scenarios mentally before translating them into real acts of murder. Once the fantasy is fulfilled through homicide, psychological gratification reinforces the behaviour, increasing the likelihood of repetition.

The absence of empathy and emotional attachment further contributes to serial violence. Emotional detachment enables offenders to inflict suffering without emotional conflict. Many serial killers also engage in moral disengagement, a psychological process through which they justify or rationalise their crimes. By dehumanising victims or shifting responsibility away from themselves, they reduce the internal moral restraints that ordinarily prevent violent conduct.

Patterns of Serial Killing

Serial murder investigations depend heavily upon identifying patterns that connect different crimes. These behavioural consistencies often reveal the offender's internal motivations and psychological structure. Three concepts are particularly important in this regard: modus operandi, signature behaviour, and victimology.

Modus operandi, commonly referred to as MO, describes the methods and techniques an offender uses to commit crimes successfully. It includes approaches for selecting victims, controlling them, committing the murder, and avoiding detection. The MO is functional in nature and may evolve over time as offenders gain experience. For example, a serial killer may improve methods of restraint, body disposal, or

evidence concealment after learning from earlier mistakes. Because the MO adapts according to circumstances, it is not always stable.

Signature behaviour, however, differs significantly from modus operandi. Signature actions are not necessary for committing the offence but instead satisfy the psychological or emotional needs of the offender. These behaviours often reflect the offender's fantasies, compulsions, or symbolic motivations. Examples include ritualistic staging of crime scenes, post-mortem mutilation, or the taking of souvenirs from victims. Unlike the MO, signature behaviour tends to remain relatively consistent because it originates from deep psychological needs rather than practical necessity.

Victimology is another essential component in analysing serial crimes. It involves studying the characteristics, lifestyles, and circumstances of victims in order to understand why they were selected. Serial killers rarely choose victims randomly. Their preferences may relate to age, gender, occupation, physical appearance, or social vulnerability. Understanding victim selection patterns can help investigators identify offender motivations and establish links between offences.

Behavioural analysis therefore functions as a bridge between psychology and criminal investigation. Through the study of recurring behavioural patterns, investigators can reconstruct aspects of the offender's personality, habits, and motivations. This process forms the foundation of criminal profiling.

Development and Nature of Criminal Profiling

Criminal profiling developed as a specialised investigative method designed to interpret behavioural evidence. Early forms of profiling relied heavily upon intuition and practical police experience. Over time, however, behavioural science and forensic psychology contributed to the development of more systematic profiling techniques.

Modern profiling generally involves analysing crime scene evidence, offender behaviour, victim characteristics, geographical patterns, and psychological indicators. Profilers attempt to infer characteristics such as the offender's age, occupation, personality type, educational background, and likely behavioural tendencies. Different approaches to profiling have emerged over the years.

The organised-disorganised model developed by the FBI classifies offenders according to behavioural characteristics observed at crime scenes. Organised offenders are typically intelligent, socially competent, and methodical. They plan crimes carefully, control victims efficiently, and attempt to conceal evidence. Disorganised offenders, by contrast, act impulsively, leave chaotic crime scenes, and demonstrate poor planning.

Investigative psychology represents another major profiling approach. Rather than relying solely on intuition, investigative psychology uses statistical and empirical analysis to identify behavioural patterns. Geographic profiling further analyses the spatial behaviour of offenders by examining crime locations and movement patterns.

Criminal profiling serves several practical purposes during investigations. It helps narrow suspect pools, guides interrogation strategies, prioritises investigative leads, and assists in linking related offences. In serial homicide cases where direct evidence may be absent, behavioural analysis can provide valuable direction for investigators.

Nevertheless, profiling possesses important limitations. Human behaviour is inherently complex and unpredictable. Different offenders may display similar behavioural patterns, while the same offender may alter methods over time. Profiling therefore cannot identify a specific individual with certainty. Instead, it produces probabilistic inferences that require support from independent evidence.

Evidentiary Value of Criminal Profiling

The central legal question surrounding criminal profiling concerns its admissibility and evidentiary value within criminal trials. Investigative usefulness alone does not guarantee acceptance as courtroom evidence. Courts require evidence to satisfy standards of reliability, relevance, fairness, and scientific validity.

In many jurisdictions, profiling is treated as a form of expert or behavioural evidence. Expert testimony is generally admissible when specialised knowledge can assist the court in understanding complex issues beyond ordinary experience. However, courts remain cautious about behavioural analysis because profiling often involves interpretation rather than objective measurement.

One major challenge relates to scientific reliability. Unlike DNA analysis or fingerprint examination, profiling lacks universally standardised procedures. Different profilers may interpret the same behavioural evidence differently and reach conflicting conclusions. This subjectivity raises concerns regarding consistency and accuracy.

Another issue involves the danger of prejudice. Behavioural profiles may create unconscious bias against accused individuals by portraying them as psychologically dangerous or predisposed to violence. Courts must therefore balance the probative value of profiling evidence against its potential prejudicial effect.

In India, the legal status of criminal profiling remains uncertain. The Bharatiya Sakshya Adhiniyam, 2023, permits expert evidence in certain circumstances, but profiling has not been formally recognised as an independent evidentiary category. Indian courts generally prefer tangible forms of proof such as forensic evidence, eyewitness testimony, and circumstantial evidence supported by established legal principles.

The judiciary has historically exercised caution toward behavioural evidence. Courts require

expert testimony to demonstrate both scientific credibility and relevance to the facts of the case. Since profiling often relies upon probabilistic reasoning, its direct evidentiary value remains limited. Consequently, criminal profiling is more commonly used as corroborative material rather than primary evidence of guilt.

Comparative Judicial Perspectives

Comparative legal systems provide useful insight into how courts approach behavioural evidence. In the United States, courts have addressed profiling evidence under standards developed for scientific testimony. The Daubert standard requires judges to examine whether expert evidence is scientifically valid, testable, peer-reviewed, and generally accepted within the relevant professional community.

American courts have occasionally permitted behavioural evidence in limited circumstances, particularly where signature behaviour strongly links offences together. However, they remain cautious about allowing profilers to express definitive conclusions regarding guilt or offender identity.

The United Kingdom has similarly recognised behavioural analysis primarily as investigative support rather than conclusive evidence. Courts have admitted expert testimony relating to behavioural patterns where it assists the jury in understanding specialised matters. Nonetheless, judicial authorities continue to emphasise that profiling cannot replace direct evidence.

These comparative approaches demonstrate a broader international trend. Profiling may assist investigations and support other forms of evidence, but courts remain reluctant to treat behavioural analysis as independently sufficient proof of criminal responsibility.

Reliability and Scientific Criticism

One of the strongest criticisms of criminal profiling concerns its scientific reliability. Critics argue that profiling often lacks empirical validation and depends excessively upon subjective interpretation. Human behaviour is

influenced by numerous variables, making accurate prediction extremely difficult.

Confirmation bias presents another major problem. Investigators and profilers may unconsciously interpret evidence in ways that support pre-existing theories or assumptions. Once a behavioural profile is established, investigators may focus disproportionately on suspects who appear to match it while overlooking contradictory evidence.

The retrospective nature of profiling research further complicates matters. Much profiling literature relies upon interviews with convicted offenders, historical case studies, and reconstructed crime narratives. Such sources may contain exaggeration, manipulation, or inaccurate recollections, reducing reliability.

The absence of universally accepted standards also weakens the credibility of profiling. Unlike forensic disciplines governed by strict protocols and measurable criteria, behavioural analysis frequently depends upon professional judgment. This variability creates difficulties when presenting profiling evidence before courts that demand objective reliability.

Ethical and Constitutional Concerns

The use of criminal profiling also raises important ethical and constitutional issues. Behavioural profiling may encourage stereotyping, discrimination, or unfair suspicion against individuals who match certain psychological or demographic characteristics. If misused, profiling can contribute to wrongful investigations and miscarriages of justice.

Constitutional principles such as the presumption of innocence and the right to a fair trial require courts to exercise caution when considering behavioural evidence. Accused persons cannot be convicted merely because they fit a psychological profile associated with criminal behaviour.

Privacy concerns may also arise when investigators collect psychological, behavioural, or personal information during profiling exercises. Modern investigative technologies,

including digital surveillance and data analysis, increase the possibility of intrusive state practices. Legal safeguards therefore remain essential to prevent abuse.

Challenges in the Indian Context

India faces numerous institutional, legal, and procedural challenges regarding the effective use of criminal profiling within the criminal justice system. Although behavioural analysis has gained recognition internationally as an investigative tool, its practical implementation in India remains limited due to inadequate infrastructure, lack of specialised expertise, and absence of a clear legal framework. Investigative agencies in the country continue to rely predominantly on traditional methods such as confessional statements, eyewitness testimony, circumstantial evidence, and conventional interrogation practices. As a result, scientific behavioural investigation has not yet developed into a systematic or widely accepted investigative mechanism.

One of the most significant challenges is the limited availability of specialised behavioural science units and trained forensic psychologists. Unlike countries such as the United States, where agencies like the FBI maintain dedicated behavioural analysis divisions, India lacks sufficient institutional mechanisms for advanced criminal profiling. Police officers often receive minimal training in behavioural science, forensic psychology, or criminological analysis. Consequently, profiling techniques are either underutilised or applied inconsistently, reducing their reliability and investigative effectiveness.

Another major issue is the absence of statutory or procedural guidelines regulating the use of criminal profiling. Indian law does not expressly define the scope, admissibility, or evidentiary value of profiling evidence. The lack of legal standards creates uncertainty regarding how behavioural analysis should be conducted, documented, interpreted, and presented before courts. Without established safeguards, profiling may become subjective, arbitrary, or vulnerable to misuse during investigations. The absence of

codified procedures also makes judicial scrutiny more difficult, particularly when courts are required to assess the scientific validity and reliability of behavioural evidence.

Judicial unfamiliarity with behavioural science further complicates the issue. Indian courts have traditionally relied on direct evidence, forensic reports, and established rules of criminal procedure. Since criminal profiling is rooted in psychological interpretation and probabilistic reasoning, judges may hesitate to attach significant evidentiary value to such analysis. The lack of specialised judicial training in behavioural sciences often results in cautious or inconsistent approaches toward profiling evidence. Courts may therefore treat profiling merely as supplementary investigative material rather than a credible evidentiary tool.

Cultural and social differences also present substantial challenges in adapting profiling methods to the Indian context. Much of the existing profiling literature and research has emerged from Western jurisdictions, particularly the United States and the United Kingdom. These frameworks are based on social environments, criminal patterns, and psychological studies specific to Western societies. However, criminal behaviour in India is influenced by distinct cultural, economic, social, and regional factors. Issues such as caste dynamics, poverty, social inequality, family structures, religious influences, and local patterns of crime significantly shape offender behaviour. Applying Western profiling models without contextual adaptation may therefore produce inaccurate assumptions and misleading investigative conclusions.

Additionally, India's criminal justice system faces structural problems such as excessive case backlogs, inadequate forensic infrastructure, shortage of trained personnel, and delays in investigation and prosecution. In such conditions, integrating advanced behavioural analysis into routine investigations becomes difficult. Resource constraints often prevent law enforcement agencies from investing in specialised profiling units or conducting

comprehensive behavioural assessments in complex criminal cases.

Ethical and constitutional concerns also require careful consideration. The use of profiling techniques raises questions regarding privacy, fairness, and the presumption of innocence. Behavioural profiling, if misapplied, may encourage stereotyping or unjust suspicion against individuals who fit certain psychological or demographic patterns. In a system already burdened by issues of custodial abuse and investigative bias, unchecked profiling practices could potentially lead to violations of fundamental rights.

Therefore, while criminal profiling possesses considerable investigative potential, its effective use in India requires substantial institutional reform, scientific standardisation, specialised training, and legal regulation. Without these safeguards, profiling may remain an uncertain and controversial component of criminal investigation rather than a reliable aid to justice.

Need for Reform and Recommendations

Although criminal profiling cannot serve as independent proof of guilt in criminal trials, it continues to possess considerable investigative importance when applied carefully and scientifically. Behavioural analysis can assist investigators in understanding offender patterns, linking related crimes, narrowing suspect pools, and developing investigative strategies. However, for profiling to function effectively within the criminal justice system, substantial reforms are required to strengthen both its scientific credibility and legal acceptability.

One of the most important reforms involves the development of standardised guidelines for criminal profiling practices. At present, behavioural analysis often depends upon individual interpretation and investigative experience, which may lead to inconsistency and subjectivity. Law enforcement agencies should therefore adopt clear methodologies supported by empirical research, forensic

psychology, and behavioural science. Standardisation would create uniform procedures for collecting, analysing, documenting, and interpreting behavioural evidence. It would also reduce the risk of arbitrary conclusions and improve the reliability of profiling techniques during investigations.

Another essential requirement is greater investment in forensic psychology and behavioural science education. Criminal profiling is a specialised field that demands professional expertise in psychology, criminology, victimology, and investigative analysis. Police officers, prosecutors, forensic experts, and judges should receive specialised training regarding the principles, uses, and limitations of behavioural profiling. Judicial awareness is particularly important because courts must evaluate the credibility and evidentiary value of profiling evidence during criminal proceedings. Proper education and professional training would promote more informed and balanced use of behavioural analysis within the justice system.

It is equally important that criminal profiling remain corroborative rather than determinative in nature. Behavioural evidence should never be treated as conclusive proof of guilt because profiling is based primarily on psychological interpretation and probabilistic reasoning. Courts should therefore require profiling evidence to be supported by independent forms of evidence such as forensic reports, DNA analysis, electronic records, eyewitness testimony, documentary proof, or reliable circumstantial evidence. Profiling should function as a supplementary investigative aid rather than a substitute for objective proof beyond reasonable doubt.

Legislative reform is also necessary to clarify the legal status and admissibility of behavioural evidence. Existing evidentiary laws in many jurisdictions, including India, do not specifically regulate criminal profiling or establish clear standards for its courtroom use. The absence of statutory guidance creates uncertainty

regarding admissibility, expert qualifications, procedural safeguards, and standards of reliability. Explicit legislative provisions could help define the scope and limitations of behavioural evidence while ensuring protection against misuse or prejudice. Such provisions should also establish safeguards to preserve constitutional rights such as fairness, due process, and the presumption of innocence.

In addition, interdisciplinary cooperation is essential for the effective use of criminal profiling. Behavioural analysis exists at the intersection of criminology, psychology, forensic science, psychiatry, and law. No single discipline alone can adequately address the complexities of serial homicide investigations. Effective profiling therefore requires collaboration between criminologists, forensic psychologists, behavioural analysts, medical experts, investigators, prosecutors, and legal scholars. Interdisciplinary cooperation would improve both investigative accuracy and the scientific credibility of profiling practices.

Furthermore, research and data collection concerning serial crime and behavioural analysis should be encouraged within the Indian context. Much of the existing profiling literature originates from Western countries and may not accurately reflect Indian social realities, cultural influences, or criminal patterns. Indian law enforcement agencies and academic institutions should therefore develop indigenous research frameworks based on local crime trends and socio-cultural conditions. This would contribute to the creation of more contextually relevant and reliable behavioural profiling methods.

Finally, ethical safeguards must remain central to any profiling system. Investigators should avoid stereotyping individuals on the basis of personality traits, social background, or psychological assumptions. Behavioural analysis should be applied with caution and professional accountability to prevent investigative bias, wrongful suspicion, or violations of individual rights. Transparent

procedures and judicial oversight are necessary to ensure that profiling remains consistent with constitutional values and principles of justice.

Thus, while criminal profiling possesses undeniable investigative utility, its future effectiveness depends upon scientific development, legal regulation, institutional support, and ethical application. With proper safeguards and reforms, behavioural analysis can become a more reliable supplementary tool within modern criminal investigations while preserving the fairness and integrity of the criminal justice system.

Conclusion

Criminal profiling represents a significant development in modern criminal investigation, particularly in cases involving serial homicide. By examining behavioural patterns, psychological traits, crime scene characteristics, and victim selection processes, profiling provides investigators with valuable insight into offender behaviour. The technique has proven especially useful where traditional forms of evidence are limited or absent.

At the same time, profiling remains fundamentally different from objective forensic science. Its conclusions are based upon behavioural interpretation, probability, and psychological inference rather than direct physical proof. As a result, courts continue to approach profiling evidence with caution.

The evidentiary value of criminal profiling therefore remains inherently limited. While profiling may assist investigations and support corroborative evidence, it cannot independently establish guilt beyond reasonable doubt. Concerns regarding scientific reliability, subjectivity, confirmation bias, and potential prejudice prevent behavioural analysis from achieving the same status as more objective forms of evidence.

Nevertheless, criminal profiling should not be dismissed entirely. When applied carefully and supported by proper safeguards, behavioural analysis can contribute meaningfully to criminal

investigations and prosecutions. The challenge lies in balancing investigative innovation with constitutional protections, evidentiary reliability, and the fundamental principles of fairness within the criminal justice system.

The future of criminal profiling depends upon continued scientific development, improved training, greater institutional capacity, and clearer legal regulation. With appropriate safeguards and interdisciplinary collaboration, profiling can function as a valuable supplementary tool while preserving the integrity of criminal justice and the rights of the accused.





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