

8-2015

# Psychopathy in the criminal justice system

Jillian K. Peterson

Hamline University, [jpeterson68@hamline.edu](mailto:jpeterson68@hamline.edu)

Jerrold Brown

Follow this and additional works at: [http://digitalcommons.hamline.edu/cla\\_faculty](http://digitalcommons.hamline.edu/cla_faculty)



Part of the [Clinical Psychology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

## Recommended Citation

Peterson, Jillian K. and Brown, Jerrod, "Psychopathy in the criminal justice system" (2015). *College of Liberal Arts All Faculty Scholarship*. Paper 7.

[http://digitalcommons.hamline.edu/cla\\_faculty/7](http://digitalcommons.hamline.edu/cla_faculty/7)

Article originally published in the [Minnesota Corrections Association FORUM](#). All rights reserved.

This Article is brought to you for free and open access by the College of Liberal Arts at DigitalCommons@Hamline. It has been accepted for inclusion in College of Liberal Arts All Faculty Scholarship by an authorized administrator of DigitalCommons@Hamline. For more information, please contact [digitalcommons@hamline.edu](mailto:digitalcommons@hamline.edu).

# PSYCHOPATHY IN THE CRIMINAL JUSTICE SYSTEM

**Authors: Jillian Peterson and Jerrod Brown**

The original 1941 definition of psychopathy articulated by Cleckley depicts a charming, unreliable, egocentric person who experiences a flat range of emotions. A more recent definition of psychopathy by Robert Hare distinguishes between two factors of psychopathy: the first factor focuses on features of personality (i.e. charming, grandiose, lying, manipulative, emotional shallow, callous), and the second factor focuses on aspects of behavior (i.e. easily bored, impulsive, irresponsible, lack of goals, early behavior problems). Studies have found that psychopathy is about 50% genetic and 50% environmental (Blonigen, Hicks, Krueger, Patrick, & Iacono, 2005). Environmental risk factors include child abuse, social disadvantage, and lack of parental involvement (Peterson, Skeem, Kennealy, & Camp, in press). Prevalence estimates in the general community are approximately one to two percent of the general population (Newman & Hare, 2008). In contrast, prevalence estimates of psychopathy in prisons vary widely, but may be as high as 30% (Hart & Hare, 1997).

Psychopathy is highly predictive of future crime and violence (Hare, Clark, Grann, & Thornton, 2000). For this reason, it is used as an indicator of risk in the criminal justice system to make sentencing and release decisions, in death penalty cases, for sex offenders, and even in juvenile cases. Psychopathy is often assessed using the Psychopathy Checklist: a 20-item semi-structured interview that takes about three hours to administer (Hare, 2003). Each item is scored as a 0, 1, or 2, and a total score above 30 classifies an individual as a psychopath. The Psychopathic Personality Inventory, a 154-item questionnaire, is another tool used to assess psychopathy. It is faster to administer than the Psychopathy Checklist, since it is a self-report questionnaire.

As new research on psychopathy is reported, a number of important questions about the validity of the label have developed:

- **What is the role of violence and crime in defining psychopathy?**

Although the media typically portrays psychopaths as violent, remorseless killers, the current definition of psychopathy does not include violence. The role of crime and violence in defining psychopathy is currently under debate.

- **Is “psychopath” a category, or a continuum?**

Scores on the Psychopathy Checklist range from 0 to 40, presenting themselves along a continuum. Using cut scores to distinguish “psychopaths” from “non-psychopaths” may construct a false dichotomy. Approaching psychopathy as a continuum of personality traits is likely a more accurate approach (i.e. people may be high in psychopathic traits without meeting the cut off score for a psychopath).

- **Is there more than one type of psychopath?**

Scholars suggest that there may be two types of psychopaths: Primary psychopaths (higher on factor one) and secondary psychopaths (higher on factor two). Primary and secondary psychopaths may have different backgrounds, treatment needs, and different associations with recidivism risk.

- **Are there “successful” psychopaths?**

Although traditionally studied in correctional settings, community studies have shown higher rates of psychopathy in fields such as entertainment, law, politics, the military and law enforcement.

- **Does psychopathy generalize across gender, race, and age?**

More research is needed to know whether psychopathy scores mean the same thing in men and women, cross-racially, and cross-culturally. There is some controversy about at what age a psychopathy diagnosis is appropriate.

- **Can psychopaths be treated?**

For a long time, psychopaths were considered “untreatable.” New research findings are showing that psychopathy may be responsive to cognitive-behavioral treatment or behavioral-modification training.

While psychopathy is an important construct that may be helpful to identify high risk individuals in the criminal justice system, research has shown that the term ‘psychopath’ should not be used to identify violent criminals who are beyond treatment or intervention. Psychopathic traits fall along a continuum, can describe different types of individuals, are influenced by the environment, and may be amendable to treatment. More research is needed on these critical research questions in order to confidently understand and use the psychopathy construct in criminal justice settings.

## References

Blonigen, D. M., Hicks, B. M., Krueger, R. F., Patrick, C. J., & Iacono, W. G. (2005). Psychopathic personality traits: Heritability and genetic overlap in internalizing and externalizing psychopathy. *Psychological Medicine, 35*, 637-648.

Cleckley, H. (1941). *The mask of sanity*. St. Louis, MO: Mosby.

Hare, R. D. (2003). *The Hare Psychopathy Checklist-Revised (PCL-R) manual (2nd ed.)*. Toronto, Ontario, Canada: Multi-Health Systems.

Hare, R.D., Clark, D., Grann, M., Thornton, D. (2000). Psychopathy and the predictive validity of the PCL-R: An international perspective. *Behavioral Sciences and the Law, 18*, 623-645.

Hart, S.D., & Hare, R.D. (1997). Psychopathy: Assessment and association with criminal conduct. In D.M. Stoff, J. Breiling, & J. Maser (Eds.) *The handbook of antisocial behavior* (pp. 22-35). New York: Wiley.

Neumann, C.S., & Hare, R.D. (2008). Psychopathic traits in a large community sample: Links to violence, alcohol use, and intelligence. *Journal of Consulting and Clinical Psychology, 76*(5), 893–899.

Peterson, J.K., Skeem, J.L., Kennealy, P., & Camp, J. (in press). Primary and secondary psychopathy: Exploring the role of neighborhood factors. *Criminal Justice and Behavior*.

## Author Biographies

### **Jillian Peterson, Ph.D.**

Dr. Jillian Peterson is an Assistant Professor of Criminology and Criminal Justice at Hamline University in St. Paul, where she teaches classes in forensic psychology and research methods. She has a Ph.D. in Psychology and Social Behavior from the University of California, Irvine with an emphasis on Psychology and Law. Dr. Peterson previously worked as a special investigator on death row cases in New York City, as a research coordinator at the University of

Minnesota, and as a jury and trial consultant. She has published multiple articles related to risk assessment, psychopathy, mental illness and crime, and school shootings.

**Jerrod Brown, MA, MS, MS, MS**, is the Treatment Director for Pathways Counseling Center, Inc. Pathways provides programs and services benefitting individuals impacted by mental illness and addictions. Jerrod is also the founder and CEO of the American Institute for the Advancement of Forensic Studies (AIAFS) and the lead developer and program director of an online graduate degree program in Forensic Mental Health from Concordia University, St. Paul, Minnesota. Jerrod is also in the dissertation phase of his doctorate program in Psychology

**About the MCA FORUM**

*FORUM* is published up to six times a year by the Minnesota Corrections Association, a nonprofit professional association incorporated in Minnesota. Articles submitted by our membership do not express the views of MCA or the board of directors.

Articles may be submitted to the 2015 *FORUM* editor

**Marc Bloomquist** at [marc.bloomquist@state.mn.us](mailto:marc.bloomquist@state.mn.us)

Articles should not be of the nature of a commercial solicitation of products or services; rather, they should be informative on topics of interest to MCA membership at large.

Minnesota Corrections Association  
PO Box 261 • Wyoming, MN 55092-0261  
651-462-8320 • [mca-mn@hotmail.com](mailto:mca-mn@hotmail.com) • [www.mn-ca.org](http://www.mn-ca.org)