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# Psychopathy in the criminal justice system

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# 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.

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