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September 10, 1996

Professor Hans Toch
University at Albany
School of Criminal Justice
135 Western Ave.
Albany, NY 12222

Hello, Hans:

Thank you for your ms. on psychopathy and, much as I hate to concede this, I think it is a brilliant and important piece of work.

Naturally, unlike my own work, there are some questions and possible deficiencies. The overriding omission is the total failure to even mention the compelling "so what" question. We follow and then are left awaiting the denouement.

The other issue for me is the missed opportunity to provide a bit more on very relevant legal issues, e.g., the *Estelle* formula which mandates medical/mental health care only if there is a serious mental illness and "anti-socials" are, thus, excluded.

You do footnote to *Foucha* and the Sexual Predators Law but the debate is raging over - is mental disorder the functional/ legal equivalent of mental illness?

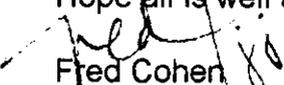
What you did address, however, seems to these non-clinical eyes to be unassailable. Of course, these diagnostic categories have one eye on the person, another eye on the clock, and a third -- the largest -- casts about to see where the label takes its object. (This is a variation on Listening With The Third Ear).

I do wonder if this "turf shuttling" is unique to the psychopath or if you might want to say the general problem of subjectivity is exacerbated here and especially in electing or altering a custodial setting?

I notice that you scrupulously avoid the "mad or bad" cliché. Intentional or just bored with it?

In any event, I think this is a powerful piece and those who read it must at least pause in their comfortable thinking or in their clinical - diagnostic work. I will make the ms. available to the experts working with me in the Ohio project and ask that they not cite or refer to it until it appears in final form.

Hope all is well and that the School is moving forward,


Fred Cohen

FC:ear

fred\toch996.doc

**INSTITUTE OF PERSONALITY THEORY AND PSYCHOPATHOLOGY
COPENHAGEN, DENMARK**

April 26, 1996

Hans Toch, PhD
Department of Criminal Justice, SUNY Albany
1400 Washington Ave
Albany, NY 12222

Dear Dr. Toch,

The Institute of Personality Theory and Psychopathology of Copenhagen, Denmark has sponsored a major two-day International Symposium on Psychopathy this past month. The conference was attended by over 400 European psychologists and psychiatrists, and was composed of some twenty plenary presentations (e.g., John Gunn, Alv Dahl, Larry Siever, Marie Asberg, Otto Kernberg, Fini Schulsiger).

The Institute has just arranged to have these papers collected and issued in an edited volume to be published by Guilford Press of New York. Although the number of invited presenters at the symposium was limited, owing to funding constraints, there were many other distinguished contributors to the psychopathy construct that were on the list of potential presenters; your name was prominent among these. We are especially desirous of adding a number of scholars such as yourself, especially those from the United States and England, to join as contributors to this book. Specifically, we would like to invite you to write a chapter stating your views concerning either the concept itself, or its classification, etiology, or treatment. A summary of your conceptual ideas would be most appropriate, as would a precis of your past empirical or clinical work.

To be consistent with the symposium's papers, we seek to have each contributor draft a chapter of approximately 25-30 double-spaced pages in length, and to be forwarded in completed form to us no later than January 1, 1997. There will be a standard, if modest honorarium.

We very much desire to have you join us in this publishing endeavor, one which should comprise major statements from the best minds on the topic of psychopathy, including antisocial personality, criminal behavior patterns, juvenile delinquency, and other related subjects. We look forward to receiving a letter from you within the next few weeks indicating your decision as to whether you wish to participate. Should you agree to this invitation, Guilford Press will forward a contract to you formally indicating your contribution to the book.

Sincerely,



Theodore Millon, PhD, DSc.
Corresponding Editor

Erik Simonsen, MD
Morten Birket-Smith, MD
Editors

Forward replies to: T. Millon, 5400 SW 99th Terrace, Coral Gables, Florida 33156, USA



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October 27, 1997

Dr. Hans Toch
University at Albany/State Univ of NY
School of Criminal Justice
135 Western Avenue
Albany, NY 12222

Dear Dr. Toch:

You will be pleased to know that all the chapters for the book entitled *Psychopathy: Antisocial, Criminal, and Violent Behaviors* have been sent with very minor changes to the publisher for copy- editing. Although occasioned with deep regret, the book contains the last chapters written by Hans Eysenck and Murray Cox, both of Great Britain; both died this past summer.

Although it is unclear at this moment you should be receiving your copy-edited version in the next two to three months; those of you in Europe, however, will have their copy-edited materials reviewed here at the Institute in order to expedite this phase of the process.

Enclosed is a final list of chapter contributors and their probable placement in the text.

It has indeed been a pleasure and an honor to have worked with you in developing this book. I thank you for your excellent contribution.

Sincerely,

Theodore Millon, Ph.D., D.Sc.

Violent Recidivism in Criminal Psychopaths

Ralph C. Serin¹

The predictive validity of the Psychopathy Checklist-Revised (PCL-R) was compared with 3 actuarial risk scales in a sample of 81 offenders followed for a maximum of 67 months (average of 30 months). The recommittal or general recidivism rate for the entire sample was 57% (40% for nonpsychopaths, 51.2% for a mixed group, and 85% for psychopaths). The violent reoffense rate was 10% for the sample (nonpsychopaths 0%, mixed 7.3%, psychopaths 25%). All instruments were significantly correlated with general recidivism; however, the PCL-R was the best predictor of violent recidivism. Compared to the actuarial scales, the PCL-R had a higher predictive efficiency (Relative Improvement Over Chance (RIOC)) and yielded fewer decision errors. Most importantly, Factor 1 was a better predictor of violent recidivism than Factor 2, suggesting that the trait construct of psychopathy makes a unique contribution to the prediction of violent recidivism.

In Canada, estimates of the number of violent, federally incarcerated offenders based on their current offense category range from 30% to 62% (Correctional Service of Canada, 1989). This variation relates to the difficulty of defining violent behavior (Monahan, 1981; Webster, Dickens, & Addario, 1985). As most offenders will eventually be released, social and political concerns about violent reoffending have resulted in stringent policies regarding the need for preparole psychological or psychiatric assessments. Increasingly, mental health professionals are asked by correctional and parole decision makers to identify those offenders who are safe to be released.

Historically, researchers have attempted to differentiate between those offenders who fail and those who succeed by using readily available file information (e.g., type of index offense, age of first arrest). Actuarial risk scales are empirically derived, that is, the variables are chosen and weighted according to their ability to maximize some aspect of predictive accuracy or efficiency, thereby objectively indicating an optimal decision (Blackburn, 1993). These statistical models assign a probability of future criminal behavior to groups (not individuals), defined by the combined attributes of the scale. While empirically derived instruments have predictive validity, they are not necessarily theoretically related to criminality. These actuarial risk predictors have

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proved to be moderately good predictors of recidivism (Nuffield, 1982); however, actuarial scales typically reflect mainly static information and are therefore rather insensitive to potential changes or improvements within the individual and situational determinants. The Level of Service Inventory—Revised (LSI-R; Andrews & Bonta, 1995) is a notable exception in that it incorporates dynamic variables. Except for the LSI, actuarial risk scales do not readily identify treatment targets, nor measure treatment gains. One measure with theoretical underpinnings that could be used to identify potential intervention strategies, and which is being used increasingly to predict outcome with correctional samples, is the Hare Psychopathy Checklist—Revised (PCL-R; Hare, 1991). Unlike actuarial risk scales, the PCL-R reflects both clinical and historical information. It has been argued that prediction will be enhanced if both clinical and actuarial predictors are employed (Monahan, 1981; Mulvey & Lidz, 1984; Quinsey & Walker, 1992; Webster, Harris, Rice, Cormier, & Quinsey, 1994).

Psychopathy, as defined by the PCL-R, has emerged as a good predictor of recidivism in criminal samples (Hart, Kropp, & Hare, 1988; Serin, Peters, & Barbaree, 1990; Wong, 1984) and psychiatric samples (Harris, Rice, & Cormier, 1991; Harris, Rice, & Quinsey, 1993; Quinsey, Rice, & Harris, 1994). Criminal psychopaths are described as being grandiose, callous, manipulative, egocentric, emotionally labile, impulsive, and exhibiting risk-taking behavior (Hart, Hare, & Harpur, 1992).

Factor analytic studies of the Psychopathy Checklist (Harpur, Hakstian, & Hare, 1988) and Psychopathy Checklist—Revised (Hare et al., 1990) have identified two correlated factors: Factor 1, reflecting personality characteristics such as callousness, lack of remorse, pathological lying, and conning; and Factor 2, reflecting lifestyle variables such as boredom, impulsiveness, criminal versatility, and poor parole risk. Both factors relate to recidivism, but one study indicated that Factor 2 items (i.e., lifestyle variables) had higher correlations with general recidivism (Harpur, Hare, & Hakstian, 1989).

While psychopathy and the diagnosis of Antisocial Personality Disorder (APD)—listed in the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV)—continue to be used synonymously, the APD criteria fail to distinguish the callous, remorseless psychopath from other antisocial individuals (Rogers, Duncan, Lynett, & Sewell, 1994). The DSM-IV criteria reflect a simplified scoring and reduction from DSM-III-R criteria, but fail to address concerns that affective and interpersonal processes need to be considered (Millon, 1981; Hare, Hart, & Harpur, 1991; Rogers et al., 1994). Hart, Hare, and Harpur (1992) note that while most criminal psychopaths are also APD, the reverse is not necessarily true. Psychopathy is a more specific diagnosis with only 20%–30% of those diagnosed as APD meeting PCL-R criteria for psychopathy (Hart & Hare, 1989). Lack of remorse remains a DSM-IV criterion, but it is not a *necessary* feature, despite a clinical tradition supporting its importance (Rogers et al., 1994). This situation has led to the recommendation to diagnose individuals in forensic settings as psychopathic or nonpsychopathic APD (Meloy, 1995). Correlations between APD and recidivism typically are lower than between psychopathy and recidivism (Hart et al., 1988; Harris et al., 1993). It remains to be seen whether this finding changes using the DSM-IV criteria.

Brain Abnormality Linked To Pathology

By ERICA GOODE

Ask the average social scientist why people become criminals, and the answer is apt to center on poverty and abuse, not brain structure and neurochemicals.

But in a new study, appearing in the February issue of the Archives of General Psychiatry, researchers report that 21 men with antisocial personality disorder, a psychiatric diagnosis often applied to people with a history of criminal behavior, and a history of violence had subtle abnormalities in the structure of the brain's frontal lobe.

The abnormalities, the researchers found, distinguished the men with the disorder from healthy subjects, as well as from subjects who abused alcohol or drugs, or who suffered from other psychiatric disorders like schizophrenia.

When combined with the results of previous studies, write the researchers, led by Dr. Adrian Raine, Robert Wright Professor of Psychology at the University of Southern California, the findings suggest "that there is a significant brain basis to APD over and above contributions from the psychosocial environment, and that these neurobehavioral processes are relevant to understanding violence in everyday society."

The official diagnostic manual of the American Psychiatric Association lists a variety of criteria for a diagnosis of antisocial personality disorder, including "a failure to conform to social norms with respect to lawful behaviors," deceitfulness, impulsiveness, reckless disregard for the safety of self or others, lack of remorse and "consistent irresponsibility."

In addition to meeting the criteria for the disorder, subjects in the study had a history of violent actions toward others, and high scores on scales intended to measure psychopathic personality traits.

An analysis of MRI scans, the researchers said, revealed that the men with antisocial personality disorder had an 11 percent reduction in the gray matter of the frontal lobe, compared with normal subjects. Similar reductions were found when the men's brain scans were compared with those of subjects suffering from drug or alcohol abuse or other psychiatric disorders.

The researchers said that though such differences are large, they cannot be detect-

Frontal-lobe flaws may play a role in antisocial behavior.

ed without complex analysis. The brain's frontal lobe is intimately involved with responses to fear and stress, as well as with planning and other aspects of cognition.

In an interview, Dr. Raine said that while the study did not entirely rule out the possibility that the brain differences were produced by influences after birth, it was unlikely that abuse or bad parenting could account for the reduction in brain volume.

The men with antisocial personality disorder also exhibited reduced physiological responses in a stressful situation, the researchers found. Asked to prepare and deliver a speech "about their faults" in front of a video camera, they had lower heart rates and sweated less during the exercise than subjects in other groups.

Such findings, Dr. Raine and his colleagues suggested, could indicate that as children, people with antisocial tendencies might be less responsive to criticism or punishment, and "hence become predisposed to antisocial behavior."

The subjects in the study were recruited from five temporary employment agencies in Los Angeles.

Dr. Raine said the findings build upon previous work indicating that the frontal lobe may be linked to antisocial behavior.

In a 1997 PET scan study of murderers, for example, Dr. Raine and his colleagues found abnormalities in the functioning of the prefrontal cortex compared with a group of control subjects. And Dr. Antonio Damasio, chairman of neurology at the University of Iowa College of Medicine, and his colleagues have demonstrated that patients with injuries to certain parts of the frontal lobe often begin to exhibit antisocial behavior, becoming irresponsible, untrustworthy and inappropriate in social situations.

In an editorial accompanying the study, Dr. Damasio called the findings "persuasive." But the results, he added, should not be construed to mean that antisocial behavior is "located" in the frontal lobe, but rather that the role of the prefrontal cortex is part of a complex neural system involving many brain regions.

Dr. Robert Hare, a professor of psychology at the University of British Columbia and the author of "Without Conscience: The Disturbing World of the Psychopaths Among Us," said the new study was potentially important.

But he said that in his view, true psychopaths are a subset of those diagnosed with antisocial personality disorder, a category he believes is so broad its utility is limited. "People throw the terms 'psychopath' and 'sociopath' around quite loosely," he said.

And Dr. Hare cautioned that although the findings in the frontal lobe are suggestive, it is still not clear exactly what, if any, connection reduced gray matter has to behavior.

(A Division News paper for prisoners)

IF YOU WERE HOME SECRETARY

RACHEL BILLINGTON interviews JOHN MORTIMER

A CAFE in Portobello Road may not be the most usual place to elect a new minister to the cabinet. But John Mortimer, creator of Rumpole of The Bailey, President of The Howard League for Penal Reform, ex-advocate, novelist and playwright, is an extraordinary man. Over lunch, I asked him what he would do if he were Home Secretary.

"I am President of The Howard League, which we now call the Penal League for Howard Reform because the Home Secretary needs desperate reform. The interesting thing about Michael Howard is that he is so out of line with other Conservative Home Secretaries. For instance David Waddington said that "Prison is an expensive way of making bad people worse". The whole line of Conservative Home Secretaries have spoken about the

crime is not the possibility of prison but the certainty of arrest.

I continued the interview to find out John Mortimer's views on the privatisation of prison which he quickly designated an appalling idea and one which, like most of the worst innovations in Britain, had been brought over from the USA. There it was already being abused as private prisons, determined to keep up their head count, encouraged probation officers to put their clients back into prison on the smallest pretext. It means there's a huge commercial interest in keeping up the prison population. In California, for example, half the prisoners are in for breaking their bail, such as turning up late for appointments, being rude to the probation officers.

We continued to discuss the Home Secretary's attitude to our legal institutions. "The point of criminal trials, and the judge passing the sentence, is that no two criminal trials are the same, no two offences are the same: the only person who knows exactly what the politics of the case were and what the character of the

by the Woolf Report. Was John Mortimer convinced by this? Mortimer described himself as slightly old-fashioned Labour, worried by some of Jack Straw's statements but not without hope that a new Labour government will have a better record in penal affairs than they are now suggesting. "They are afraid, of course, of seeming soft on crime. We must just hope that if they have a comfortable majority they will come back to their senses."

Finally, he summed up the crux of his

anxieties with a description of where our society seemed to be moving: "There is a dangerously erroneous attitude which suggests that there are a respectable number of people who don't commit crimes who live in a kind of castle around which a moat should be dug: and outside there, is the enemy forming up who are totally different from those inside the castle and for whom they have no responsibility - except to catch them and lock them up for good. If this happens we will no longer be one society. That would be a tragedy."



John Mortimer, creator of Rumpole Of The Bailey.

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PRISON EXPERIENCES NEEDED

I HAVE decided to compile two books...