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**The Effects of Psychopathy, Type of Crime, and Age of
Offender on Sentencing Decisions**

by

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**A thesis submitted to the Faculty of Graduate Studies
and Research in partial fulfillment of the
requirements for the degree of**

(Master of Arts)

Department of Psychology

**Carleton University
Ottawa, Ontario**

September, 1996

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Factors that have proven to influence sentencing include type of offense, criminal history of the offender, and age of the offender. Many other factors may play a role in sentencing including the gender of the sentencing judge and the psychological traits of the offenders. One factor which the courts are using to determine length of sentence is psychopathy. Psychopathy is a serious personality disorder which includes interpersonal, affective and behavioural characteristics (Cleckley, 1976; Hare, 1980). A recent review of judges sentencing decisions indicated that a diagnosis of psychopathy is often used by the courts to increase the severity of sentences (Zinger, 1995). There are two main reasons why the courts are placing emphasis on psychopathy. First, psychopaths are more likely to reoffend than nonpsychopaths (Hart, Kropp, & Hare, 1988). Second, there is a belief held by many mental health professionals that psychopathic individuals are resistant to treatment.

The purpose of the present research was twofold. The first purpose was to examine the influence of type of offense and age of defendant on sentencing decisions. Second, this research sought to investigate the relationship between sentencing decisions and a diagnosis of psychopathy. As psychopaths have been found to be resistant to treatment, the present study also examined whether this fact would affect the importance and effectiveness ratings of various treatment programs. In addition, the effect of the sex of the respondents on sentencing was also examined.

The literature will be organized as follows: first, an overview of the goals of sentencing will be discussed. Second, public views of sentencing, gender differences in sentencing, and factors judges consider when sentencing will be presented. Third, a brief overview of diagnostic issues and the literature relevant to psychopathy, crime, and treatment will be summarized. Lastly, the extent to which the construct of psychopathy has been used in Canadian criminal courts will be examined.

The undersigned recommend to the
Faculty of Graduate Studies and Research acceptance of the thesis

“The Effects of Psychopathy, Type of Crime, and Age of
Offender on Sentencing Decisions”

submitted by Shauna Digby, B Sc

in partial fulfillment of the
requirements for the degree of
Master of Arts

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Abstract

The present study examined the effects of a diagnosis of psychopathy, age of offender, and type of crime on sentencing decisions. Two hundred and seventeen undergraduates were presented with two pre-sentence reports; one involving an offender convicted of sexual assault, and the other an offender convicted of assault. These reports provided information on the family background, criminal and employment history, and clinical diagnosis of the offender. Students were asked to decide on an appropriate sentence for the defendant and to rate the importance of several goals of sentencing. Finally, the students were asked to rate the importance of various factors when deciding on the length of sentence and to indicate the degree to which the diagnosis of psychopathy influenced their decisions. Contrary to predictions, the offenders diagnosed as psychopathic did not receive longer sentences than those offenders diagnosed as nonpsychopathic. As predicted, those offenders convicted of sexual assault were given longer sentences than the offenders convicted of assault causing bodily harm and adult offenders were given significantly longer sentences than the young offenders. The findings indicate that type of crime and age of offender were influential in determining sentence length whereas the clinical diagnosis of psychopathy had little impact on sentencing decisions.

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Introduction

During the last few decades there has been increasing public scrutiny of the Canadian Justice System. Much of the public's focus has been on the issue of sentencing. The public believes many of the sentences handed down are too lenient, especially for homicides, sexual assaults, and impaired driving offenses (Roberts, 1988). The views that the public has towards sentencing may be due to the way these attitudes are measured. Brief descriptions of cases are usually used when measuring beliefs regarding sentencing. Providing the public with a longer description of a case, similar to what a judge would receive, has been shown to bring public attitudes more in line with those of the sentencing judge (Doob & Roberts, 1984).

A factor that has been found to influence sentence length is the judges' purpose or goal of sentencing. Two schools of thought regarding the purpose of punishment are the just-desert or moral perspective, which assumes retribution to be the proper object of punishment, and the utilitarian position, which states that the sentence should deter. At the present time in Canada when determining a sentence, the law combines both the just-desert and utilitarian positions (Ruby, 1994). A criticism of the Canadian Justice System is that inter-judge disparity exists because of the lack of clear sentencing aims (Roberts, 1988).

It has been hypothesized that one reason for the discrepancy between judicial practice and public opinion is the different sentencing models the judiciary and public adhere to. Gebotys and Roberts (1987) found that the public adhered more to a just-desert oriented model, relying only on the seriousness of the crime and the criminal history of the offender. On the other hand, judges might also consider other characteristics such as age, psychological traits, employment status, and marital status. The failure to take these characteristics into consideration may be one reason for the public's negative views toward sentencing.

Factors that have proven to influence sentencing include type of offense, criminal history of the offender, and age of the offender. Many other factors may play a role in sentencing including the gender of the sentencing judge and the psychological traits of the offenders. One factor which the courts are using to determine length of sentence is psychopathy. Psychopathy is a serious personality disorder which includes interpersonal, affective and behavioural characteristics (Cleckley, 1976; Hare, 1980). A recent review of judges sentencing decisions indicated that a diagnosis of psychopathy is often used by the courts to increase the severity of sentences (Zinger, 1995). There are two main reasons why the courts are placing emphasis on psychopathy. First, psychopaths are more likely to reoffend than nonpsychopaths (Hart, Kropp, & Hare, 1988). Second, there is a belief held by many mental health professionals that psychopathic individuals are resistant to treatment.

The purpose of the present research was twofold. The first purpose was to examine the influence of type of offense and age of defendant on sentencing decisions. Second, this research sought to investigate the relationship between sentencing decisions and a diagnosis of psychopathy. As psychopaths have been found to be resistant to treatment, the present study also examined whether this fact would affect the importance and effectiveness ratings of various treatment programs. In addition, the effect of the sex of the respondents on sentencing was also examined.

The literature will be organized as follows: first, an overview of the goals of sentencing will be discussed. Second, public views of sentencing, gender differences in sentencing, and factors judges consider when sentencing will be presented. Third, a brief overview of diagnostic issues and the literature relevant to psychopathy, crime, and treatment will be summarized. Lastly, the extent to which the construct of psychopathy has been used in Canadian criminal courts will be examined.

Literature Review

Goals of Sentencing

Gebotys and Roberts (1987) state that at the present time in our society the two most influential sentencing rationales are the utilitarian and the just - desert or moral perspective. The aims of the utilitarian approach include general deterrence, individual deterrence, rehabilitation, and incapacitation.

According to Ruby (1994) deterrence is not aimed at the general public. The purpose of a general deterrence sentence is:

to protect the public from the commission of such crimes by making it clear to the offender and to other persons with similar impulses that, if they yield to them, they will meet with severe punishment (p. 5).

Ruby (1994) states that the aim of individual deterrence is to deter an offender from repeating his offense by teaching him or her a lesson.

The utilitarian approach to sentencing also includes the aims of rehabilitation and incapacitation. Rehabilitation involves providing treatment in order to reduce the possibility of an offender reoffending. The purpose of incapacitation is to place the offender in custody during the period of sentencing to prevent him or her from reoffending.

The just-desert or moral rationale is aimed at imposing a punishment (sentence) that fits the seriousness of the offense (i.e., degree of harm). This punishment is imposed without taking into consideration whether that sentence will accomplish other goals (i.e., individual or general deterrence). This is also known as retribution.

According to Ruby (1994), Canadian courts have been reluctant to allow academic or philosophical concepts to impose upon the practical business of sentencing.

Practitioners of law would say that the causes and solutions of crime lie in society itself and not in the legal system. Even though this is the case, it is interesting to gain an understanding of the relation of jurisprudence to society. The main position in modern society is that of the utilitarian position. Ruby (1994) states that

there is a treatment ideology that is current in modern society which views crime as caused by sickness or privation, and concludes that social or *quasi*-medical intervention in the life of the criminal will prevent crime, cure the criminal and thereby protect society (p. 4).

In Canada, the law combines both the just-desert and utilitarian positions. According to case law, in determining any sentence a judge must consider the goals of deterrence, reformation, and retribution. Once a decision to punish has been made and justified on other grounds, the rehabilitative ideal should be fully used.

The particular goal or sentencing strategy adopted by judges has been found to effect the severity of sentences. In a sentencing experiment Palys and Divorski (cited in Roberts, 1988) had 206 Canadian judges read five simulated cases which contained a description of the antecedents of the crime, the pre-sentence report, and victim-impact information. They found that different sentencing purposes resulted in sentences of differing severity. Judges adopting goals such as rehabilitation assigned shorter sentences than those judges stressing general and individual deterrence. In an assault causing bodily harm case sentences ranged from a \$500 fine (with 6 months probation) to five years imprisonment. This inter-judge variation has led to criticism of the Canadian Justice System for lacking clear sentencing aims.

The goal of sentencing seems to also depend on the type of crime committed. In a survey of the general public the most popular purpose of sentencing offenders convicted of minor offenses was individual deterrence (Roberts, 1988). For the more serious offenders, incapacitation was the most popular goal of sentencing.

The present study looked at how important various sentencing goals were for the respondents when making their sentencing decisions.

Public Views of Sentencing

The results of public opinion surveys have suggested that the Canadian public is dissatisfied with the Canadian Justice System and believes that the courts are too lenient (Roberts, 1988).

In a survey of public attitudes toward sentencing Roberts (1988) reported that 61% found the courts to be too lenient, a decline from 65% in 1985 and 80% in 1983. Although public opinion appears to be changing, the majority of the public still believes that the courts should be imposing harsher sentences.

The aims of judges and the facts they consider when deciding on an appropriate sentence have been found to differ from the general public. In a series of studies Doob and Roberts (1984) examined the public view that the courts are too lenient in sentencing offenders. This view that the public holds may be due to the fact that the general public does not have the same information which is available to the sentencing judge. In one study these authors had people read either a short or long description of a case. Those people who read the long version which contained information similar to that available to the sentencing judge were more satisfied with the sentence. In another study people either read a newspaper account of a case or a summary of court documents. It was found that those who read the newspaper account of what had occurred were less satisfied with the sentence. These studies show that public dissatisfaction with sentencing practices may be due to reliance on media reports which contain inadequate and different information to that which is available to the judges handing down sentences.

In 1987, Gebotys and Roberts examined public views of sentencing. They did this by exploring factors that are perceived to be relevant in determining a sentence (i.e.,

type of crime, criminal record, and three offender characteristics: age, employment status, and marital status). In both of their studies the offender characteristics did not have a significant impact upon the severity of the sentence. These authors found that the only significant predictors of the severity of the sentence were the gravity of the offense and the criminal history of the offender. Gebotys and Roberts (1987) conclude that when making sentencing decisions the public seems to follow a desert-oriented rationale and does not take into account factors that a sentencing judge would usually consider (i.e., age, psychological characteristics, employment status, marital status).

It is commonly thought that the public is dissatisfied with courts and would impose more severe sentences than are currently imposed by the courts. Zamble and Kalm (1990) state that the majority of the studies examining public views of sentencing ask simple questions asking for a global evaluation of the criminal justice system. These researchers examined how sentencing decisions vary with the characteristics of a case and compared these results to general evaluative questions about the justice system. When Zamble and Kalm (1990) used general attitudinal questions about the justice system 90% of the subjects thought that the system is too lenient. When the same subjects were asked to assign sentences to cases described in a set of brief scenarios, the results indicate that the sentences imposed were comparable to actual court dispositions. This study shows that there is an incongruence between attitudinal measures and actual behavior. The global questions that are used to measure public views are not predictive of a person's behaviour across sets of specified circumstances.

In summary, public opinion polls suggest that the majority of Canadians are unsatisfied with the sentences imposed by the courts. These surveys have been criticized as the public is making opinions based on a brief description of the crime rather than on all of the facts and information that are used by the courts. It is important to study community perceptions of the criminal justice system in general and of sentencing

procedures in particular because we live in a society that aims for governmental practices that are supported by public opinion

This study attempted to improve upon past research by providing respondents with extensive descriptions of offenders convicted of two types of crimes (sexual assault, assault causing bodily harm). The type of sentence chosen and the length of sentence handed down to the offenders were recorded and compared to actual court statistics.

Gender of Judge and Sentencing Decisions

There have been many studies that have looked at the difference between male and female mock judges' sentencing patterns. In Gilligan's *In a Different Voice* (1982), she discusses the difference between males' and females' moral reasoning. According to Gilligan, women tend to use a care orientation to moral reasoning. The primary concerns of the care approach are hurt, response, relationship, understanding, and interdependence. Moral problems are resolved by taking into consideration the needs of individuals in certain situations, and seeking a solution to the problem that will reduce the hurt experienced by each person affected.

Men, on the other hand, are proposed to use a justice approach that considers rights, fairness, equality, autonomy, rationality, and respect for authority as central when solving a moral problem. Gilligan (1982) states that moral reasoning is derived from experiences in infancy and childhood. Studies testing Gilligan's hypothesis have found that when faced with a moral problem both moral orientations are widely used by both men and women. However, women are more likely to employ predominantly care considerations and men are more likely to employ justice considerations (Bussey & Maughan, 1982; Ford & Lowery, 1986; Gilligan & Attanucci, 1988; Rothbart, Hanley, & Alabert, 1986).

Clopten and Sorell (1993) hypothesized that gender differences in approach to moral reasoning may be due to the different types of dilemmas women and men encounter rather than to differences in the ways men and women approach moral problems. These researchers employed parenting dilemmas to determine whether restricting the situation would reduce gender differences in moral reasoning orientation. The results supported their hypothesis. The women and men in their study did not differ in use of care or justice reasoning when the domain was restricted to a parenting situation. This supported the conclusion that differences in moral reasoning orientation result from differences in current life situations rather than stable gender characteristics.

When looking at sentencing decisions, studies have found little difference in male and female judges sentencing decisions. In one study Nelligan (1988) examined the effects of juror gender on verdicts in rape cases. He surveyed the entire population of actual jury trials in which the defendant was charged with rape, attempted rape, or sodomy in Hawaii between the years of 1955 and 1977. After determining jury gender composition it was found that although the mean number of women on acquitting juries was slightly higher than the mean number of women on convicting juries, the difference was not significant. Nelligan concluded that juror gender was not related to the final verdicts.

McNamara, Vattano, and Viney (1993) examined the association between sex of juror and amount of evidence to decisions relating to verdict, sentencing, and certainty of verdict in a simulated rape trial. Undergraduate students (118 women and 109 men) watched a video of a mock rape trial. The students were asked to individually render a verdict and then play the role of a judge and sentence the defendant. They found that the male jurors were less likely to find the defendant guilty and gave shorter sentences than the female jurors. This was the case even under conditions of strong evidence.

Rugge (1995) examined the effects of gender, victimization, and criminal behaviour on sentencing by mock judges. Eighty-seven first year undergraduate students serving as judges read 24 vignettes describing various criminal scenarios. They were asked to indicate the sentences they would impose and what sentences they thought the court would impose. The data showed that the gender of the mock judges was not related to the sentences imposed. However, the participants did impose more harsher sentences than the sentences they thought the courts would impose.

Overall gender differences in sentencing practices have not been consistently found. However, some of the past research has used small samples and have focused on rape trial scenarios. Since evidence for sex differences in sentencing decisions are inconclusive, both males and females were included in this study to explore sex related differences in sentencing.

Factors Judges Consider When Sentencing

Canadian judges hold a variety of aims such as deterrence and rehabilitation and look at many factors when deciding upon a sentence. Ruby (1994) lists ten factors that judges consider when handing down a sentence:

1. the degree of premeditation involved;
2. the circumstances surrounding the actual commission of the offense; i e., the manner in which it was committed, the amount of violence involved, the employment of an offensive weapon, and the degree of active participation by each offender;
3. the gravity of the crime committed, in regard to which the maximum punishment provided by statute is an indication;
4. the attitude of the offender after the commission of the crime, as this serves to indicate the degree of criminality involved and throws some light on the character of the participant;

- 5 the previous criminal record, if any, of the offender,
- 6 the age, mode of life, character and personality of the offender;
- 7 any recommendation of the trial judge, any pre-sentence or probation official's report, or any mitigating or other circumstances properly brought to the attention of the court;
- 8 incidence of crime in jurisdiction;
- 9 sentences customarily imposed for the same or similar offenses;
- 10 mercy (p 24-25).

Of all these factors that the judge considers when handing down a sentence, Ruby (1994) indicates that the gravity of the offense is the most stressed factor.

Studies have examined the impact of various factors such as previous criminal record and mental health background on sentencing decisions. Walsh (1984) examined the differential sentencing patterns among felony sex offenders and non sex-offenders (offenses ranging from voluntary manslaughter to receiving stolen property) within a four year period in Ohio. It was found that the sex offender label is an extremely negative one which influences the severity of the sentence. The sex offenders were sentenced more severely than the non sex offenders. This was the case even though the sex offenders were more likely to be married and employed, of a higher socio-economic status, and less likely to use a weapon or do serious physical harm to their victims.

In 1995 Loza examined the effects of young offender gender, prior record, type of crime, and family functioning on sentencing decisions. Forty male and forty female university students were asked to assign a sentence after reading various vignettes. The results showed that females with a prior record received harsher sentences than the males with a prior record. However, males without a prior record received harsher sentences than their female counterparts.

There have been few studies which have examined the relationship between sentences handed down to an adult offender and a young offender convicted of identical crimes. Harris (1988) asked prosecutors to rate the seriousness of the behaviours of adults and juveniles charged with robbery or assault. It was found that the behaviours of the young offenders were judged as being less serious than the behaviours of the adult offenders. The present study will examine the relationship between the sentences handed down to the adult and young offenders.

Studies have shown that labeling an individual as mentally ill has a significant impact on the way that individual is perceived (Link, 1987; Link, Cullen, Struening, Shrout, & Dohrenwend, 1989; Socall, & Holtgraves, 1992). Socall et al. (1992) administered a mail survey with a sample of 600 residences. Respondents read case vignettes describing a person subject to either a mental or physical disorder. Respondents rejected the mentally ill target more than the identically behaving physically ill target. These authors found that regardless of a person's behaviour, a mental illness label can result in public rejection.

Wear and Pasewark (1984) had undergraduate students serve as mock judges in sentencing defendants convicted of various crimes. These defendants had a reported history of imprisonment, psychiatric hospitalization, or both imprisonment and psychiatric hospitalization. The results indicated that the mock judges were more likely to sentence a defendant with a history of mental illness to mandatory health treatment. These sentences were also more restrictive. This study indicates that once a person has been labeled as "sick" or "disturbed" it remains with them and influences future sentences handed down to them.

Some further evidence that a defendant's previous history influences sentencing options was found by Stirpe (1994). Stirpe examined sentencing options and defendant's previous history in a mock sentencing paradigm. Mock judges read various vignettes

describing crimes ranging in seriousness. Offenders were described as having a psychiatric history, a criminal history, or neither. The mock judges were provided with two sentencing options: a conventional set ranging from a warning to life imprisonment, and a longer set which included the option of institutionalization. The results indicate that when the judges had the option of institutionalization the proportion of offenders sent to prison decreased.

Gordon (1990) researched whether labelling an inmate as psychopathic would affect his future considerations for a parole release. 192 community members read a criminal profile and then were asked whether or not they would release the inmate. Gordon's results indicated that only a limited number of offenders were considered ready for release at all. However, when the respondents were assured that the offenders were normal, they were significantly more willing to release them than they were when the offenders were labelled schizophrenic or psychopathic. Gordon also asked subjects to rate how important various factors were when making release decisions. The factors which were related to the inmates' criminal career, the seriousness of the current offence, and prior convictions were rated as most important in reaching a decision.

As can be seen from the previous research an offender's mental health history has an impact on sentencing decisions. The present study included the concept of psychopathy and measured the impact of this disorder on sentencing decisions and goals of sentencing.

The Construct of Psychopathy

In 1801 Pinel, as cited in Meloy (1988) observed and documented a number of patients who were characterized as impulsive and self-destructive yet showed no signs of psychoses. He termed this disorder *manie sans delire* (insanity without delirium). In 1935 in England, Pritchard, as cited in Meloy (1988) confirmed Pinel's observations and

coined the term "moral insanity" Moral insanity, or psychopathy as it is called today, has been described by several professionals (Cleckley, 1976, Hare, 1970)

Psychopathy is viewed as a serious personality disorder with symptoms that include interpersonal, affective, and behavioural characteristics (Cleckley, 1976, Hare, 1980). Interpersonally psychopaths are glib, superficial, manipulative, and grandiose Affectively, psychopaths are characterized as lacking in empathy and remorse, and displaying shallow emotions for their actions. Behaviourally, psychopaths are impulsive, sensation-seeking, irresponsible, and tend to violate social norms. According to research conducted with psychiatrists, psychologists, criminal justice personnel, and even the public, there is good agreement concerning these key features of psychopathy (Fotheringham, 1957; Gray & Hutchinson, 1964; Livesely, 1986, Meloy, 1988)

Many different assessment instruments have been used to assess psychopathy The problem is that most of these have poor reliability and validity. Self-report inventories such as the Minnesota Multiphasic Personality Inventory (MMPI-2, Dahlstrom, & Welsh, 1960), and the California Psychological Inventory (CPI; Gough, 1969) are inadequate for the assessment of psychopathy. The three main problems with self-report measures are: a) they assume honesty on the part of the recipient and are therefore subject to distortion, b) they fail to adequately assess the interpersonal/affective characteristics of psychopathy, and c) those self-report measures designed to assess psychopathy correlate poorly with each other (Hare, 1980, 1985; Hart & Hare, 1995).

It has been found that a clinical diagnosis of psychopathy when based on an interview and a review of an individual's case history are superior to self-report measures in terms of reliability and validity (Hare, 1985). The Psychopathy Checklist (PCL-R; Hare, 1991) is a 20-item symptom rating scale designed to measure psychopathy (see Table 1 for PCL-R items). The PCL-R items are scored from interview and file

Table 1

Items on the Revised Psychopathy Checklist (PCL-R)

Items
1 Glibness/superficial charm*
2 Grandiose sense of self-worth*
3 Need for stimulation/proneness to boredom**
4 Pathological lying*
5 Conning/manipulative*
6 Lack of remorse or guilt*
7 Shallow affect*
8 Callous/lack of empathy*
9 Parasitic lifestyle**
10 Poor behaviour controls**
11 Promiscuous sexual behavior
12 Early behaviour problems**
13 Lack of realistic, long-term goals**
14 Impulsivity**
15 Irresponsibility**
16 Failure to accept responsibility for actions*
17 Many short-term marital relationships
18 Juvenile delinquency**
19 Revocation of conditional release**
20 Criminal Versatility

Note. * = Factor 1 items, ** = Factor 2 items

information on a 3-point scale (0 = item does not apply, 1 = item applies somewhat, 2 = item definitely applies) with total scores can range from 0 to 40. Scores of 30 or higher are considered diagnostic of psychopathy.

PCL-R Reliability and Validity

The PCL-R is intended for clinical use only in adult male forensic populations (offenders and forensic psychiatric patients), where it has been validated. However, the PCL-R has also showed promise as a research instrument for the assessment of psychopathy in male young offenders. Forth, Hart, and Hare (1990) modified the PCL-R into 18 items in order to assess psychopathy in 75 incarcerated male young offenders. Similar psychometric properties of this modified PCL-R were high and consistent with previous research with adult offenders.

The PCL and PCL-R have a clear two-factor structure (Harpur, Hakstian, & Hare, 1988; Harpur, Hare, & Hakstian, 1989; Hare et al., 1990, see Table 1). Factor 1 is defined by core personality traits, including superficiality, habitual lying and manipulation, callousness, and lack of affect, remorse, and empathy. This factor is most strongly correlated with self-report measures of Machiavellianism, narcissism, empathy, and anxiety.

Factor 2 is defined by a chronically unstable and antisocial lifestyle. This factor is related to a diagnosis of Antisocial Personality Disorder (APD), substance abuse, criminal behaviours, and self-report measures of sensation-seeking and impulsivity (Hemphill, Hart, & Hare, 1994; Harpur et al., 1989).

According to Hare (1980) and Hare, Hart, and Harpur (1991) with the exception of the PCL, there are no diagnostic criteria for psychopathy that reflect clinical tradition and have demonstrated reliability and validity.

Because of its demonstrated reliability and validity, the offenders in the present study were assessed by the PCL-R.

Psychopathy and Criminal Conduct

Research on psychopathy has found that psychopaths begin their criminal careers earlier, commit more types of offenses, and offend at a higher rate than do nonpsychopaths. Furthermore, psychopaths violate parole and mandatory supervision more frequently than do nonpsychopaths.

Psychopaths start their criminal careers earlier than do nonpsychopaths. Hare (1980), in a sample of 100 inmates found that the mean age of first adult arrest was 18.1 for psychopaths and 20.0 for nonpsychopaths. In another study that looked at psychopathy and onset of crime, Wong (1984) found that the average age of first arrest for the psychopathic group was 17.8 years and 24.1 years for the nonpsychopathic group.

Psychopathic offenders commit more types of offenses and offend at a higher rate than do nonpsychopaths (Hare, 1980). In a study by Wong (1984) it was found that the average rate of offending for psychopathic offenders was more than twice that of the nonpsychopathic offenders.

A strong association has also been found between psychopathy and violence. Wong (1984) found that psychopaths receive more convictions for crimes of violence and have a higher incidence of aggressive and violent behaviors while in prison than do other criminals.

Serin (1991) also examined the association between psychopathy and violence in criminals. He found that on measures of impulsiveness and aggressiveness, psychopaths scored higher than nonpsychopaths. Psychopaths were also more likely to have committed more serious past offenses, to have suffered physical abuse as a child, and to have used weapons, threats, and instrumental aggression.

The institutional behaviours of psychopaths has also been studied. In 1984, Wong found that the rate of institutional misconduct was greater for the psychopathic

offenders that the nonpsychopathic offenders (6.3 vs. 0.7 offenses per year). Hart et al. (1988) also found that those criminals scoring high on the PCL received more suspensions and caused more supervisory problems than did the other criminals. A similar pattern also appears with psychopathic young offenders. Forth et al. (1990) found that while institutionalized, psychopathic young offenders commit more violent misconducts than do nonpsychopathic young offenders.

When looking at the performance of male psychopaths following conditional release from prison, Hart et al., (1988) found that following release from prison, male psychopaths generally performed poorly. They frequently violated conditions of release and experienced more problems in establishing a stable life-style while under supervision than other criminals. The probability of remaining out of prison for at least one year decreased with higher PCL scores.

Serin, Peters, and Barbaree (1990) also demonstrated the predictive utility of the PCL-R. They administered the PCL-R to 93 male offenders released on unescorted temporary absence (UTA). The failure rate for nonpsychopaths was 0% but 38% for psychopaths. The results of these two studies provide support for the validity of the PCL and for the view that it is possible to make useful predictions about some aspects of the criminal psychopath's behaviour.

Psychopaths have been shown to experience *burnout*. Hare, McPherson, and Forth (1988) looked at the concept of *burnout* and whether it applied to psychopaths. Both cross-sectional and longitudinal results indicated that between the ages of 16 and 40 years, psychopaths spend more time in prison and commit more offenses than do other criminals. Their results also indicate that around age 35 or 40, the nonviolent criminal activities of psychopaths decrease substantially, to a level as low as that of other criminals.

Recent research had begun to examine the relationship between psychopathy and sex offending. Serin, Malcolm, Khanna, and Barbaree (1994) studied the association between psychopathy and deviant sexual arousal in 65 rapists and child molesters. Rapists tended to score higher on the PCL-R as compared to child molesters. In a follow-up study of 178 rapists and child molesters, Quinsey, Rice, and Harris (1995) concluded that psychopathy contributed to the prediction of sexual and violent recidivism.

The literature indicates that the association between psychopathy and crime is strong. It is believed psychopaths constitute around 1% of the general population. In spite of this, psychopaths make up from 15% to 25% of the prison population (Hare, 1996). This suggests that psychopaths are accountable for a disproportionate amount of crime in our society and, therefore, are of great concern to the criminal justice system.

Treatment of Psychopathy

There are varying ideas as to the treatability of psychopathic individuals. Hare (1970) suggested that a therapeutic community might be beneficial in changing some of the affective and behavioural characteristics of psychopaths.

In a therapeutic community the goal is to create an environment in which patients could develop responsibility and empathy for their peers (Rice, Harris, & Cormier, 1992). The following three studies have all examined therapeutic communities and whether psychopaths are responsive to this type of treatment.

Ogloff, Wong, and Greenwood (1990) assessed length of stay, motivation level, and improvement in male psychopathic and nonpsychopathic offenders who participated in a therapeutic community program. Patients in the psychopathic group remained in treatment for a shorter period of time, and displayed less motivation and improvement during treatment than did patients in the nonpsychopathic group. This finding suggests

that in this therapeutic community the psychopaths benefited less than other nonpsychopathic offenders.

In a follow-up study, Hemphill (1991) examined reconviction rates for offenders participating in the above therapeutic community treatment program. He found that those offenders diagnosed as psychopathic reoffended at a higher rate (73%) than the nonpsychopathic offenders (43%). These results correspond with the belief that psychopathic individuals are resistant to treatment. One limitation to this study was that the psychopathic individuals had a more extensive criminal history prior to the treatment than the nonpsychopathic offenders, and since there was no untreated control group, treatment may not have had an impact on reoffending.

Another study which examined a maximum security therapeutic community for psychopaths and other mentally disordered offenders was that of Rice et al. (1992). These authors found that the therapeutic community had no effect in reducing recidivism. These authors improved upon Hemphill's (1991) study by including an untreated control group in their study. An important finding was that psychopaths who participated in the therapeutic community showed higher rates of violent recidivism than did the psychopaths who did not participate in the treatment. For the nonpsychopaths the opposite result was obtained. These authors suggested that in a therapeutic community offenders learn how to perceive the feelings of others, act in a socially skilled way, and take the perspectives of others. In psychopathic offenders these "new abilities could facilitate the manipulation and exploitation of others and could be associated with novel ways to commit violent crime" (Rice et al., 1991, p.409).

As psychopaths have shown to be resistant to treatment, the present study looked at whether this fact would influence the choice of sentencing goals, as well as the importance and effectiveness ratings of various treatment programs.

Expert Testimony About Psychopathy

Psychologists and psychiatrists often give expert evidence on the presence or absence of psychopathy. Zinger (1995) carried out a survey of Canadian court cases in which the diagnosis of psychopathy was discussed. This study revealed three major findings. It found that the diagnosis of psychopathy was used in a surprisingly large number of court proceedings. These proceedings include hearings with respect to transfers of young offenders to adult court, dangerous offender hearings, not criminally responsible on account of mental disorder defense, sentencing hearings, appeals on parole eligibility, civil proceedings, admissibility of evidence in criminal proceedings, and issues of credibility.

Zinger (1995) also found that the courts use expert evidence on the presence or absence of psychopathy for a variety of purposes. In many of the cases this evidence was used to increase the severity of the sentence.

A third major finding of Zinger's survey was that experts do not always agree on a diagnosis of psychopathy. Even though this is the case, the courts appear to be greatly influenced by expert evidence. Three assessment procedures which can be used to diagnose psychopathy are clinical opinions, self-report inventories, and structured diagnosis. Zinger's (1995) review of court decisions suggested that the procedure most often used in Canada are clinical opinions, by themselves or paired with a structured diagnosis (most often APD). However, this way of assessing psychopathy is not well supported by the empirical literature. One assessment technique that has proven to reliably and validly diagnose psychopathy is the PCL-R. According to Zinger (1995) even when experts use the PCL-R as an assessment technique, the courts are still, at times, faced with a misdiagnosis of psychopathy. This is due to three problems with PCL-R assessments of psychopathy. One problem is that, at times, experts give conflicting testimony regarding PCL-R scores. Although the PCL-R is proven to have

excellent interrater reliability, these conflicting scores may be due to inadequate training and a possible bias on the part of mental health professionals. The second problem is that the PCL-R is being used on populations (females, adolescents) in which it has not been thoroughly validated. Finally, experts often give testimony regarding the PCL-R based solely on a file review. Omitting the interview is acceptable if there is substantial collateral information.

From Zinger's (1995) survey it can be concluded that the courts hear expert evidence regarding psychopathy on many occasions and seem considerably swayed by this evidence. This appears to be the case regardless of the method of assessment used to diagnose psychopathy.

As previously stated Zinger (1995) found many cases in which experts have testified on the presence or absence of psychopathy. The influence of a mental health factor in sentencing dispositions seems to depend on whether the goals of the Court is to rehabilitate the offender, protect the public, or general deterrence. If the Court is concentrating on protecting the public, which is most often used in the case of a psychopathic offender, the outcome tends to be a lengthier sentence. Protecting the public and rehabilitating the offender can be accomplished by curing the disorder. As many professionals feel that psychopaths are resistant to treatment, psychopathic offenders are dealt with more harshly than non-psychopathic offenders. An example of one of these cases was *R. v. C. T.* (1991). In this case a young individual was charged with numerous break and enters and with second degree murder. After a psychiatric diagnosis of psychopathy the expert testified that treatment would not help. The offender was transferred to adult court.

In *R. v. L.P.* (1992) the Crown applied for the transfer of three 17 year old young people to adult court. The three accused were charged with murder and attempted murder. At the trial, psychiatrists debated the possibility that one of the

accused, L.P., had a sadistic personality or was a psychopath. The judge found the actions of L.P. after the killing showed a lack of remorse and empathy, and if the diagnosis of psychopathy was correct the prognosis was poor. The judge found that the period of treatment required would be more than the allowable three years prescribed by the Young Offender's Act, and ordered a transfer.

In *R. v. Schultz* (1987), the accused was found guilty of two break and enters in which he sexually assaulted two women. The offender appealed his sentence of 10 to 15 years to be served concurrently. The Court of Appeal found the offender was a violent sexual predator, who was unpredictable and had a psychopathic personality for which there was no cure. The Court of Appeal substituted two life sentences.

In *R. v. Foster* (1991), the accused was found guilty of attempted murder on his wife. The judge stated that there are cases which allow the Court to infer merely from the act itself and from the lack of remorse indicating a psychopathic personality which justifies a life sentence.

The courts appear to be greatly influenced by a diagnosis of psychopathy. This diagnosis has been shown to be a justification for judges to impose harsher sentences. The present study examined whether a relationship existed between sentencing decisions handed down by members of the community and the presence of psychopathy in an offender.

Purpose of Study

The reviewed literature has shown that factors such as age and offense type have been shown to influence sentencing. One purpose of this study was to examine the influence of type of offense and age of defendant on sentencing decisions. The literature also revealed that judges are greatly influenced by expert testimony as to the presence or absence of psychopathy. The second purpose of this study was to investigate the relationship between sentencing decisions and a diagnosis of psychopathy. Psychopaths

have been found to be resistant to treatment. The present study examined whether this fact would affect the sentencing goals chosen by the respondents. In addition, the effect of the sex of the respondents on sentencing was also examined. Based on the literature reviewed, it was hypothesized that: a) the psychopathic adult offender would be given harsher sentences than the nonpsychopathic adult offender; b) the psychopathic young offender would be given harsher sentences than the nonpsychopathic young offender, c) the young offender would be given more lenient sentences than the adult offender, and d) the offender convicted of sexual assault would receive a harsher sentence than the offender convicted of assault causing bodily harm.

As psychopaths have been found to be resistant to treatment, exploratory analyses examined whether this fact would affect not only the sentencing goals chosen by respondents, but also the importance and effectiveness ratings of various treatment programs. Exploratory analyses also looked at the issue of gender and goals of sentencing.

Method

Participants

Participants were 89 male and 127 female Carleton University students. Participants were recruited through the Psychology 100 subject pool and given one experimental credit for their participation. Participation in the study was voluntary and no deception was involved. Participants were given written assurance that their responses would be anonymous and confidential. The students were also advised that they could end their participation at any time during the study without penalty.

The mean age of the respondents was 20.45 years ($SD = 4.50$), ranging from 18 years to 56 years. Male and female participants did not differ significantly with respect to age. The age of the respondents also did not differ in the between subjects condition of age of offender.

Out of the 216 respondents, 185(85.7%) were Caucasian, 16(7.4%) were Asian, 11(5.1%) were Black, and 4(1.9%) were of other ethnic backgrounds.

Materials

The pre-sentence reports included information about the crime committed, background information, criminal history, employment and marital status, and a psychiatric report. The pre-sentence reports were modelled after actual reports obtained from a medium security institution. Participants were provided with two pre-sentence reports. In one report, the defendant was convicted of sexual assault, in the other report the defendant was convicted of assault causing bodily harm (CBH). Even though violent crimes constitute a small portion of the total criminality (10 percent in Canada), it is these crimes that are more visible to the general public and therefore create the most anxiety and distress (Brillon, 1988). The present study therefore focused on two-violent crimes, an assault CBH and a sexual assault. For each report there were four variations (see Appendix A):

- 1) The clinician diagnosed the adult convicted of sexual assault as psychopathic (based on a score of 30 or higher on the PCL-R), the adult offender convicted of assault CBH was not psychopathic;
- 2) The clinician diagnosed the adult convicted of sexual assault as not psychopathic (based on a score of below 30 on the PCL-R), the adult offender convicted of assault CBH was diagnosed as psychopathic;
- 3) The young offender convicted of sexual assault was diagnosed as psychopathic (based on a score of 30 or higher on the PCL-R), the young offender convicted of assault CBH was not psychopathic;
- 4) The young offender convicted of sexual assault was not diagnosed as psychopathic (based on a score of below 30 on the PCL-R), the young offender convicted of assault CBH was diagnosed as psychopathic.

Except for the variation in clinical diagnoses, the remainder of the pre-sentence reports were identical in all conditions.

Pre-sentence Reports

The participants were administered two pre-sentence reports (see Appendix A), a set of sentencing options and instructions (see Appendix B), and two sets of identical questions (see Appendix C) pertaining to each pre-sentence report. Participants were also asked to indicate their gender, ethnic background, and age.

After the participants finished reading the first pre-sentence report they were asked to choose an appropriate type of sentence. The respondents in the adult condition had six sentencing options to choose from; 1) a warning and set free, 2) a fine, 3) compensation, 4) community service order, 5) probation, and 6) prison. In the young offender condition respondents had seven options to choose from; 1) a warning and set free, 2) a fine, 3) compensation, 4) community service order, 5) probation, 6) open custody, and 7) secure custody. For options 5 and 6 in the adult condition and options 5, 6, and 7 in the young offender condition participants were required to specify the length of sentence in months.

The importance of various sentencing goals were rated on a 7-point scale (1 = not at all important to 7 = very important). They were asked to indicate how confident they were with their sentences on a 7-point scale (1 = not at all confident to 7 = very confident). The respondents were instructed to rate the dangerousness of the defendant on a 7-point scale (1 = not at all dangerous to 7 = very dangerous). The participants were also asked to indicate the degree to which the assessment of psychopathy influenced their decisions. This was scored on a 7-point scale (1 = very little influence to 7 = a great deal of influence). The respondents then rated the importance of five intervention programs on a 7-point scale (1 = least important to 7 = most important). These programs included an alcohol program, a drug abuse program, an anger

management program, a psychopathic treatment program, and a sex offender treatment program. The participants also rated how effective they believe each of these programs would be in preventing the offender from reoffending. This was rated on a 7-point scale (1 = least effective to 7 = most effective). Lastly, the respondents were given a manipulation check to determine whether or not they remembered what disorder, if any, the defendant was diagnosed as having. The respondents then read the second pre-sentence report and completed the same series of questions as described above.

Procedure

Ethical approval for the present study was obtained from the department's ethic's committee. Subjects were recruited to participate in a study on "psychology and the law". The respondents were administered the two pre-sentence reports in groups of 30-40 students. They were given two hours to complete both questionnaires. The average time of completion was one hour. Before the beginning of the study each participant was asked to sign a consent form (see Appendix D). Each subject was randomly assigned to one of the four conditions (adult sexual assaultist-psychopathic/ adult assault-nonpsychopathic, adult sexual assaultist-nonpsychopathic/adult assault-psychopathic, young sexual assaultist-psychopathic/young assault-nonpsychopathic, young sexual assaultist-nonpsychopathic/young assault-psychopathic). The two pre-sentence reports, in each condition, were counterbalanced among the respondents. In each condition there were equal sample sizes ($n=54$). An attempt was made to balance each condition with an equal number of male and female participants.

After being told the nature of the study each participant read the first pre-sentence report and answered questions relating to this reports. The same occurred with the second pre-sentence report. The pre-sentence reports included information about the crime committed, background information, criminal history, employment and marital status, and a psychiatric report

At the end of the study participants were given a written explanation of the study (see Appendix E)

Results

Manipulation Check

For each pre-sentence report participants were asked to indicate if they remembered whether the psychologist had diagnosed the offender as being psychopathic or not psychopathic. Out of the 432 pre-sentence reports, 397(91.9%) were answered correctly, 16(3.7%) were answered incorrectly, and 19(4.4%) were answered "do not remember". It was possible that participants who did not correctly recall this information could have responded differently from those who could recall it accurately to the other dependent variables. However, analyses that excluded these participants yielded a pattern of results similar to the pattern obtained when they were included. Therefore, analyses reported below include all the participants.

Sentence Type

Those respondents in the adult condition had six sentencing options to choose from. In the adult condition independent t-tests indicated that there was no significant difference in the type of sentence between the male and female respondents. For the crime of assault CBH the mean sentence type for males was 5.91 ($SD = 1.36$), where 1 = set free to 7 = prison. The mean for the female respondents was 6.17 ($SD = 1.27$). For the crime of sexual assault, the mean sentence type for males was 6.88 ($SD = .54$) and for the females was 6.91 ($SD = .55$).

When looking at gender, there was no significant difference in the mean sentence type for the crime of assault CBH chosen by the male respondents, 5.93 ($SD = .94$), and the female respondents, 6.16 ($SD = 1.04$), where 1 = set free to 7 = secure custody. There was also no significant difference between the males and females for the crime of sexual assault. The mean sentence type for the male respondents was 6.59 ($SD = .73$)

For the female respondents the mean sentence type was 6.64 ($SD = .56$). Since there were no significant differences in sentence type, male and female responses were collapsed in both the adult and young offender condition for the following analysis of sentence type.

The frequency distribution of sentence types given for psychopaths and nonpsychopaths across the assault CBH and sexual assault cases in the adult condition are presented in Table 2. The results show that for each type of offense, prison was the most frequent option chosen by the participants. This was especially the case for the adult convicted of sexual assault. The results indicate little difference in the sentencing options chosen between the psychopathic and nonpsychopathic groups. The factor that is influencing respondents' decisions seems to be the type of offense rather than the psychological characteristics of the offender committing the offense.

Table 3 presents the frequency distribution of sentence types for the Group (psychopathic or nonpsychopathic) by Offense type (assault CBH or sexual assault) in the young offender condition. The results are similar to those in the adult condition. Because the option of prison was broken into open and secure custody, the percentage of respondents opting for secure custody was not as high compared to those opting for prison in the adult condition.

For further analysis on sentence type, the non-prison options were collapsed for the adult condition. For the young offender condition, the options of open and secure custody were collapsed. A chi-square analysis was carried out for each Offense by Condition combination to determine whether there was a significant difference between the custodial and noncustodial sentencing options (see Table 4). For the calculation of

Table 2

Frequency Distribution (Percentage) of Sentence Types Given to
Adult Offenders Across Assault CBH and Sexual Assault Cases
Comparison Between Psychopaths (P) and Nonpsychopaths (NP)

Sentence Type	<u>Assault CBH</u>		<u>Sexual Assault</u>	
	NP	P	NP	P
Warning	0(0%)	0(0%)	0(0%)	0(0%)
Fine	1(1.9%)	1(1.9%)	0(0%)	0(0%)
Compensation	2(3.7%)	1(1.9%)	0(0%)	1(1.9%)
Community Service	2(3.7%)	5(9.3%)	0(0%)	1(1.9%)
Probation	14(25.9%)	15(29.8%)	1(1.9%)	1(1.9%)
Prison	35(64.8%)	32(59.3%)	53(98.1)	51(94.4%)

Table 3

Frequency Distribution (Percentage) of Sentence Types Given to
Young Offenders Across Assault CBH and Sexual Assault Cases:
Comparison Between Psychopaths (P) and Nonpsychopaths (NP)

Sentence Type	<u>Assault CBH</u>		<u>Sexual Assault</u>	
	NP	P	NP	P
Warning	0(0%)	0(0%)	0(0%)	0(0%)
Fine	0(0%)	0(0%)	0(0%)	0(0%)
Compensation	1(1.9%)	0(0%)	0(0%)	0(0%)
Community Service	4(7.4%)	2(3.7%)	1(1.9%)	1(1.9%)
Probation	11(20.4%)	15(27.8%)	3(3.7%)	1(1.9%)
Open Custody	15(27.8%)	12(22.2%)	15(27.8%)	14(25.9%)
Secure Custody	23(42.6%)	25(46.3%)	36(66.7%)	38(70.4%)

Table 4

**Chi-Square Test of Homogeneity of Sentence Type (Prison and Non Custodial) for
Offense Type by Condition**

Offense Type x Condition	Observed	Expected	χ^2
<hr/>			
Adult/Assault CBH (<u>n</u> =108)			
Prison	67	54.00	6.26*
Noncustodial	41	54.00	
Adult/Sexual Assault (<u>n</u> =108)			
Prison	104	54.00	92.59****
Noncustodial	4	54.00	
Young Offender/Assault CBH (<u>n</u> =108)			
Open and Secure custody	75	54.00	16.33***
Noncustodial	33	54.00	
Young Offender/Sexual Assault (<u>n</u> =108)			
Open and Secure custody	103	54.00	88.85****
Noncustodial	5	54.00	

Note: Chi-square calculations with open custody combined with the noncustodial options yield a nonsignificant chi-square for the young offender/assault CBH, 1.33, and a significant chi-square for the young offender/sexual assault, 14.85***.

* $p < .05$. *** $p < .001$. **** $p < .0001$

each chi-square it was expected that there would be an equal number of respondents selecting prison and nonprison. In the adult condition there was a significant difference between the prison option and the noncustodial options for the crimes of assault CBH and sexual assault. For the young offenders, there was also a significant difference between custody and noncustody for the crimes of assault CBH and sexual assault. Table 5 shows the chi-square analysis between the custodial and noncustodial sentence types for each Group by Condition combination. For both chi-square analyses performed in the adult condition there was a significant difference between the custodial and noncustodial sentencing options. The adult psychopathic and adult nonpsychopathic offenders were more likely to be imprisoned than not. In the young offender condition, for the psychopathic and nonpsychopathic offenders, there was also a significant difference between the sentencing options of open and secure custody and noncustody. The young offenders, whether psychopathic or not, were more likely to be imprisoned than not.

Plotted in Figure 1 are the percentage of offenders imprisoned for each type of offense for the young offenders and adult offenders. In both of the conditions the offender convicted of sexual assault was more likely to be imprisoned than the offender convicted of assault CBH. For both types of offenses the adult offender was more likely to be imprisoned than the young offender.

The following results regarding sentence type were calculated using Mann-Whitney U tests for two independent samples. Mann-Whitney U tests were used as the data did not meet the assumptions of the t-test. In both the adult, $U = 3869.5$, $p < .0001$, and young offender, $U = 4320.0$, $p < .0001$, conditions there was a significant difference in sentence types between the crimes of assault CBH and sexual assault. The

Table 5

Chi-square Test of Homogeneity for Sentence Type (Prison and Noncustodial) forGroup by Condition

Group X Condition	Observed	Expected	χ^2
Adult/Psychopath (<u>n</u>=108)			
Prison	83	54.00	31.15****
Noncustodial	25	54.00	
Adult/Nonpsychopath (<u>n</u>=108)			
Prison	88	54.00	42.81****
Noncustodial	20	54.00	
Y.O./Psychopath (<u>n</u>=108)			
Open and Secure custody	89	54.00	45.37****
Noncustodial	19	54.00	
Y.O./Nonpsychopath (<u>n</u>=108)			
Open and Secure custody	89	54.00	45.37****
Noncustodial	19	54.00	

Note: Chi-square calculations combining open custody with the noncustodial options yield nonsignificant results for both the Y.O./Psychopath and the Y.O./Nonpsychopath
 **** $p < .0001$

Figure 1: Percentage of Offenders Imprisoned

offender convicted of sexual assault was more likely to be imprisoned as compared to the offender convicted of assault CBH.

When comparing sentence types for the psychopathic and nonpsychopathic offenders, results indicated no significant differences in both the adult and young offender conditions.

The adult condition and the young offender condition were compared to determine if there were any significant differences between sentence types assigned to these two conditions. For the crimes of assault CBH and sexual assault there were no significant differences in the sentence types between the adult and young offender conditions. There were also no significant differences between the sentence types given to the adult offenders and young offenders in both the psychopathic group and the nonpsychopathic group.

The above results for sentence type were calculated with 1 = prison (adults), open and secure custody (young offenders), and 2 = noncustodial sentences

Sentence Length

Due to the presence of several outliers, the length of sentence data was modified to reduce the influence of these outliers. The outlying cases were assigned a raw score that was one unit larger than the next most extreme score (Tabachnick & Fidell, 1993). This was done separately for the adult and young offender conditions. For the adult condition 360 months was changed to 301 months and 500 months was changed to 302 months. In the young offender condition 120, 144, and 288 months were changed to 73, 74, and 75 months respectively. The following results regarding length of sentence were all calculated using the modified data.

The following analysis used the length of sentence data from the sentencing option of prison, or in the young offender condition, the sentencing options of open and secure custody.

As gender of participants may have an impact on the length of sentences given, Mann-Whitney U tests for two independent samples were calculated for gender by offense type and gender by group for both the adult and young offender conditions. For both the adult and young offender conditions, there was no significant gender effects for either types of crime, assault CBH or sexual assault, and for either the psychopathic or nonpsychopathic offenders. Tables 6 and 7 display descriptive statistics for gender by group and offense type. Because no gender differences were found, the data from males and females was combined.

Using sentence length as the dependent variable, Mann-Whitney U tests for two independent samples were performed for the offence types (assault CBH and sexual assault) in both the adult and young offender conditions. In the adult condition, there was a significant difference between the sentence lengths assigned to the crimes of assault CBH and sexual assault, $U = 1420.0$, $p < .0001$. The results in the young offender conditions also yielded a significant difference, $U = 5662.5$, $p < .01$. In both conditions the offenders convicted of sexual assault were given lengthier sentences than the offenders convicted of assault CBH.

The differences in sentence lengths handed down to the psychopathic offenders and the nonpsychopathic offenders showed nonsignificant findings in both the adult and young offender conditions.

When observing the sentence lengths assigned to the adults and young offenders, there was a significant difference in lengths for the crime of sexual assault, $U = 3197.5$, $p < .0001$. For the crime of sexual assault, the adult offenders were assigned longer to sentences than the young offenders were. For the crime of assault CBH, the findings, although not significant, did approach it, with longer sentences being handed down to the adult offenders.

The differences in sentence lengths between the adults and young offenders

Table 6

Mean and Standard Deviation of Sentence Length (in Months) as a Function of
Gender by Age Group and Offense Type

Type of Offense	<u>Males</u>		<u>Females</u>	
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>
Adult				
Assault CBH	25.42 (<u>n</u> =24)	28.47	32.22 (<u>n</u> =43)	45.61
Sexual Assault	78.02 (<u>n</u> =41)	64.86	76.21 (<u>n</u> =63)	73.93
Young Offender				
Assault CBH	29.04 (<u>n</u> =27)	18.19	28.02 (<u>n</u> =48)	15.88
Sexual Assault	33.31 (<u>n</u> =42)	16.95	38.26 (<u>n</u> =61)	17.33

Table 7

Mean and Standard Deviation of Sentence Length (in Months) as a Function of Gender by Age Group and Group(Psychopathic or Nonpsychopathic)

Group	<u>Males</u>		<u>Females</u>	
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>
Adult				
Psychopathic	64.52 (n=29)	73.00	63.06 (n=54)	73.75
Nonpsychopathic	53.83 (n=36)	48.30	53.48 (n=52)	60.24
Young Offender				
Psychopathic	35.15 (n=34)	18.06	34.11 (n=55)	18.20
Nonpsychopathic	28.23 (n=35)	16.36	33.39 (n=54)	16.69

for the nonpsychopathic offender were significant, $U = 3183.0$, $p < .05$. The nonpsychopathic adult offenders were assigned longer sentence lengths than the nonpsychopathic young offenders. However, the results were not significant for the psychopathic offender.

The results using sentence length indicate that offense type and age of offender are important factors that influence sentencing. However, the presence or absence of psychopathy did not seem to be an important factor.

Table 8 displays the mean and standard deviations of sentence length as a function of group by age group and offense type.

Analysis Using Goals of Sentencing

Each sentencing goal was rated on a 7-point scale where 1 = not very important to 7 = very important. Participants' ratings were averaged across all conditions for each goal separately. Results indicated that just - deserts was most often given a rating of 3 with a mean of 3.30 ($SD = 1.86$). Compensation was most often given a rating of 4 with a mean of 4.20 ($SD = 1.79$). General deterrence was most often given a rating of 4 with a mean of 4.21 ($SD = 1.65$). Individual deterrence was most often given a rating of 7 with a mean of 6.01 ($SD = 1.08$). Most often participants gave the goal of incapacitation a rating of 7, with a mean of 5.32 ($SD = 1.62$). Finally, the goal of rehabilitation was most often given a rating of 7 with a mean of 6.20 ($SD = 1.16$). The rated importance of each goal for the four conditions are presented in Tables 9 and 10.

Independent t-tests were calculated to determine whether there were gender differences in sentencing goals. Figure 2 displays the importance ratings of the various sentencing goals as chosen by the male and female respondents. For the psychopathic offender convicted of assault CBH, the goals of incapacitation, $t(96.2) = -2.48$, $p < .05$, and compensation, $t(91.2) = -3.06$, $p < .01$, were seen as significantly more important

Table 8

Mean and Standard Deviation of Sentence Length (in Months) as a Function of
Group by Age Group and Offense Type

Age Group/ Offense Type	<u>Psychopathic</u>		<u>Nonpsychopathic</u>	
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>
Adult				
Assault CBH	28.79 (<u>n</u> =32)	52.52	30.69 (<u>n</u> =35)	24.94
Sexual Assault	85.39 (<u>n</u> =51)	76.03	68.77 (<u>n</u> =53)	64.30
Young Offender				
Assault CBH	28.92 (<u>n</u> =37)	17.34	27.87 (<u>n</u> =38)	16.09
Sexual Assault	38.48 (<u>n</u> =52)	17.62	33.96 (<u>n</u> =51)	16.76

Table 9

Mean (Standard Deviation) of Goals of Sentencing by Group and Type
of Offense for the Adult Condition

Goals	Assault CBH	Sexual Assault
Psychopathic		
Compensation	4.20(1.74)	3.80(1.85)
Incapacitation	4.87(1.45)	5.67(1.69)
General Deterrence	3.67(1.49)	4.30(1.77)
Individual Deterrence	5.89(1.13)	6.18(.973)
Just Deserts	3.16(1.84)	3.22(1.67)
Rehabilitation	6.20(.970)	5.96(1.49)
Nonpsychopathic		
Compensation	4.41(1.75)	4.25(2.01)
Incapacitation	4.46(1.90)	5.96(1.25)
General Deterrence	3.96(1.69)	4.56(1.70)
Individual Deterrence	5.87(1.03)	6.22(.917)
Just Deserts	3.24(1.85)	3.44(2.09)
Rehabilitation	6.17(1.19)	6.42(1.07)

Table 10

Mean (Standard Deviation) of Goals of Sentencing by Group and Type
of Offense for the Young Offender Condition

Goals	Assault CBH	Sexual Assault
Psychopathic		
Compensation	4.33(1.65)	3.87(1.78)
Incapacitation	5.43(1.22)	5.31(1.55)
General Deterrence	4.11(1.46)	4.30(1.66)
Individual Deterrence	5.94(1.05)	5.98(1.16)
Just Deserts	3.28(1.85)	2.93(1.78)
Rehabilitation	6.28(.940)	6.02(1.34)
Nonpsychopathic		
Compensation	4.20(1.58)	4.54(1.90)
Incapacitation	4.96(1.90)	5.91(1.35)
General Deterrence	4.02(1.60)	4.78(1.68)
Individual Deterrence	5.89(1.16)	6.09(1.20)
Just Deserts	2.94(1.57)	4.22(2.01)
Rehabilitation	6.31(1.02)	6.22(1.13)

Figure 2: Importance Ratings of Sentencing Goals

by female respondents than by male respondents. For the nonpsychopathic offender convicted of sexual assault, female respondents also thought that compensation, $t(95) = -3.24$, $p < .01$, was more important than the male respondents did. There was no significant differences between any of the eight sentencing goals and condition (adult and young offender) or group (psychopathic and nonpsychopathic). Regarding offense type, respondents thought that incapacitation, $t(424.2) = -5.18$, $p < .0001$, individual deterrence, $t(429.8) = -2.14$, $p < .05$, and general deterrence, $t(426.9) = -3.47$, $p < .01$, were more important for the offender convicted of sexual assault than for the offender convicted of assault CBH.

Importance and Effectiveness of Intervention Programs

Each participant was also asked to rate, on a scale of 1 to 7 with 1 = not very important or effective to 7 = very important or effective, the importance and effectiveness of various intervention programs for the offenders. The means and standard deviations of these ratings are shown in Tables 11 and 12.

Three-way ANOVAs, Condition (adult vs. young offender) by Group (psychopathic vs. nonpsychopathic) by Offense Type (assault CBH vs. sexual assault), were computed for the importance and effectiveness of each treatment program. After adjusting the alpha level ($.05/5 = .01$) to control for Type 1 errors, the following results were obtained. For the importance of alcohol treatment there was a significant main effect for Offense Type, $F(1, 424) = 75.58$, $p < .0001$, with the offender convicted of assault CBH needing treatment more than the other offender. For the effectiveness of the alcohol treatment program there was also a significant main effect for Offense Type, $F(1, 424) = 89.59$, $p < .0001$. Respondents felt that treatment would be more effective for the offender convicted of assault CBH as compared to the offender convicted of sexual assault.

Table 11

Mean (Standard Deviation) of the Importance and Effectiveness of**Intervention Programs by Group and Type of Offense for the Adult****Condition**

Intervention Programs	<u>Assault CBH</u>		<u>Sexual Assault</u>	
	M	SD	M	SD
Psychopathic				
Sex Treatment	3.14	(1.99)	6.67	(.644)
	2.71	(1.86)	5.54	(1.50)
Psychopathic Treatment	5.91	(1.27)	6.61	(.712)
	4.98	(1.76)	5.42	(1.55)
Drug Treatment	5.09	(1.38)	4.96	(1.62)
	4.27	(1.59)	3.89	(1.66)
Anger Management	6.44	(.811)	6.02	(1.25)
	5.49	(1.61)	5.04	(1.58)
Alcohol Treatment	6.13	(.924)	5.13	(1.35)
	5.40	(1.33)	3.76	(1.48)
Nonpsychopathic				
Sex Treatment	1.92	(1.33)	6.93	(.262)
	1.91	(1.40)	5.69	(1.46)
Psychopathic Treatment	2.09	(1.53)	3.20	(1.99)
	2.02	(1.43)	2.84	(1.80)
Drug Treatment	4.33	(1.96)	5.24	(1.64)
	3.72	(2.11)	4.38	(1.73)
Anger Management	6.74	(.678)	5.71	(1.12)
	6.07	(1.19)	4.64	(1.53)
Alcohol Treatment	5.96	(1.33)	5.38	(1.57)
	5.39	(1.66)	4.56	(1.59)

Table 12

Mean(Standard Deviation) of the Importance and Effectiveness of
Intervention Programs by Group and Type of Offense for the Young
Offender Condition

Intervention Programs	<u>Assault CBH</u>		<u>Sexual Assault</u>	
	M	SD	M	SD
Psychopathic				
Sex Treatment	3.68	(1.94)	6.42	(.838)
	3.22	(1.70)	5.42	(1.35)
Psychopathic Treatment	5.81	(1.13)	6.35	(1.03)
	5.04	(1.37)	5.39	(1.69)
Drug Treatment	5.59	(1.19)	5.13	(1.45)
	4.81	(1.56)	4.07	(1.60)
Anger Management	6.46	(.840)	6.05	(1.12)
	5.68	(1.23)	5.24	(1.34)
Alcohol Treatment	6.28	(.856)	4.98	(1.34)
	5.63	(1.25)	3.83	(1.48)
Nonpsychopathic				
Sex Treatment	2.31	(1.66)	6.81	(.438)
	2.00	(1.49)	5.81	(1.18)
Psychopathic Treatment	2.13	(1.61)	3.48	(1.87)
	1.94	(1.31)	3.39	(1.85)
Drug Treatment	4.22	(1.97)	4.91	(1.88)
	3.72	(1.89)	4.22	(1.87)
Anger Management	6.61	(.787)	5.59	(1.45)
	6.24	(.930)	5.15	(1.57)
Alcohol Treatment	6.37	(.896)	5.04	(1.57)
	5.78	(1.35)	4.59	(1.76)

When looking at the importance of an anger management program, there was a significant main effect for Offense Type, $F(1, 424) = 53.16, p < .0001$. Respondents thought it was more important that the offender convicted of assault CBH receive an anger management program than the offender convicted of sexual assault. For the effectiveness of an anger management program there was also a significant main effect for Offense Type, $F(1, 424) = 41.88, p < .0001$. The results parallel that found above for the importance ratings. When computing the three way ANOVA for the importance of a drug treatment program, there were no significant main effects or interactions.

For the importance of a psychopathic treatment program, there were significant main effects for Group, $F(1, 424) = 615.68, p < .0001$, and Offense Type, $F(1, 424) = 42.27, p < .0001$. Not surprisingly, the psychopathic offenders were rated as needing the psychopathic treatment program more than the nonpsychopathic offenders.

Interestingly, the offenders convicted of sexual assault were rated as needing the psychopathic treatment program more as compared to the other offenders. When looking at the effectiveness of the psychopathic treatment program, there were also significant main effects for Group, $F(1, 424) = 297.39, p < .0001$, and Offense Type, $F(1, 424) = 23.73, p < .0001$. The direction of the results were similar to those described above.

Finally, for the importance of a sex offender treatment program, there were main effects for Group, $F(1, 424) = 14.21, p < .0001$, and Offense Type, $F(1, 424) = 996.13, p < .0001$. Psychopathic offenders and those offenders convicted of sexual assault were rated as needing sex offender treatment more than the other offenders. There was a two-way interaction between Group and Offense Type, $F(1, 424) = 40.41, p < .0001$. Respondents believed that it was more important that the psychopathic offender convicted of assault CBH than the nonpsychopathic offender to receive sex offender treatment. However, the nonpsychopathic offender convicted of sexual assault was

rated as needing treatment more than the psychopathic offender. For the effectiveness of a sex offender treatment program, there was a significant main effect Offense Type, $F(1, 424) = 479.84, p < .0001$ and a significant two-way interaction between Group and Offense Type, $F(1, 424) = 18.42, p < .0001$. The pattern of results are similar to those discussed above.

In summary, in both the adult and young offender conditions the most important program for the crime of assault CBH was an anger management program. Not surprisingly, the most important program for the crime of sexual assault was a sexual treatment program. Figure 3 displays the importance ratings of the various intervention programs for the two types of offenses (assault CBH and sexual assault). The psychopathic treatment program was rated more important for the psychopathic offenders than the nonpsychopathic offenders.

Other Analyses

Participants were asked to indicate how confident they were with their sentencing decisions on a scale of 1 to 7 with 1 = not at all confident to 7 = very confident. Overall the mean confidence rating for the respondents was 5.50 ($SD = 1.04$).

Participants were also asked to rate the dangerousness of the offender from 1 = not very dangerous to 7 = very dangerous. An independent t-test indicated a significant difference between the dangerous rating for the offender convicted of assault CBH and the offender convicted of sexual assault, $t(405.66) = -9.56, p < .0001$. This result was obtained in the adult condition. In the young offender condition there was no significant difference in dangerous ratings. The means and standard deviations of the dangerous ratings are found in Table 13.

In both adult and young offender conditions for the crime of assault CBH, the psychopathic offender was seen as significantly more dangerous than the

Figure 3: Importance Ratings for Intervention Programs

Table 13

Means and Standard Deviations for Dangerous Ratings of Group by Offense Type for the Adult and Young Offender Conditions

Condition/Group	<u>Assault CBH</u>		<u>Sexual Assault</u>	
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>
Adult				
Psychopath	5.31	.82	6.07	.77
Nonpsychopath	4.91	1.22	6.07	.77
Young Offender				
Psychopath	5.17	.97	5.93	.82
Nonpsychopath	4.94	1.31	5.89	1.04

Note. n = 54

nonpsychopathic offender. The results were not significant for the crime of sexual assault.

The participants were also asked to rate the degree to which the clinician's diagnosis of psychopathy influenced their sentencing decisions. On a scale of 1 to 7 with 1 = very little influence to 7 = a great deal of influence, the mean rating given by respondents was 3.97 ($SD = 1.78$).

Discussion

From the literature reviewed it is clear that psychologists and psychiatrists often give expert testimony on the presence or absence of psychopathy. A diagnosis of psychopathy has been used by the courts to justify lengthier sentences. There have been no previous studies examining the impact of a diagnosis of psychopathy on sentencing decisions. It is important to determine the extent that members of the community are influenced by a clinician's label of psychopathy, as labeling an individual as mentally ill has been found to lead to public rejection. The present study, therefore, looked at the differences in sentences handed down to psychopathic offenders and nonpsychopathic offenders.

As it is violent crimes that the public is the most concerned about, the present study also examined the differences in sentencing patterns between two different types of violent crimes, a sexual assault and an assault CBH. The relationship between sentences handed down to adult offenders and sentences handed down to young offenders was also examined.

The results of the above study appear to support the findings of some of the previous literature. On one hand, participants selected sentence type and length based on the perceived seriousness of the crime and the age of the offender. On the other hand, gender of the mock judge and a diagnosis of psychopathy did not appear to play an important role in sentencing decisions.

It was hypothesized that respondents in both the adult and young offender condition would decide on lengthier sentences for the psychopathic offender than the nonpsychopathic offender. This hypothesis was not supported. There was no significant difference between the sentence lengths given to the psychopathic offender and the nonpsychopathic offender. This was true for the adult and young offender conditions and for both types of offenses (assault CBH and sexual assault). The mean sentence length for the psychopathic offender was slightly longer than the nonpsychopathic offender for the adult convicted of sexual assault and the young offender convicted of assault CBH and sexual assault. In contrast, the mean sentence length for the adult convicted of assault CBH was slightly longer for the nonpsychopathic offender.

The absence of any significant findings in the sentence length given to the psychopathic and nonpsychopathic offenders may be due to ceiling effects. Due to the nature of the two types of offences, the sentence lengths given would be high regardless of the absence or presence of psychopathy.

These results cannot be compared to others because there has been no past research looking at psychopathy and sentencing decisions. However, in 1990 Gordon looked at whether labelling an inmate as psychopathic would effect his future consideration for a parole release. Although the label of psychopathic had no significant impact on parole release, there was a subtle effect of labelling in the assessment of involvement in future criminal activity.

It is known that a diagnosis of psychopathy has been used by judges to justify lengthier sentences in adult offenders and transfer to adult court in young offenders (Zinger, 1995). The students who participated in the present study did not seem to be significantly influenced by the psychologists diagnosis but rather by the type of crime that was committed. Interestingly, for both the adult and young offenders, the psychopathic offender convicted of assault CBH was seen as more dangerous than the

nonpsychopathic offender convicted of assault CBH. This result did not occur for the crime of sexual assault. One explanation for this is that the offender convicted of sexual assault was seen as dangerous because of the type of crime committed. Because of the very high rating, a diagnosis of psychopathy did not alter this dangerous rating.

It was also hypothesized that both the adult and young offender convicted of sexual assault would receive longer sentences than the adult and young offender convicted of assault CBH. This hypothesis was supported. The adult offender convicted of sexual assault was given more than twice as long a sentence as the offender convicted of assault CBH. The young offender convicted of sexual assault was also given a significantly longer sentence than the young offender convicted of assault CBH.

This result is similar to the results of other studies looking at type of crime and sentencing decisions (Gebotys and Roberts, 1987; Stirpe, 1994). As in previous studies it seems as if the severity of the crime is a major determining factor of the length of sentence that is given. Prior record has also been found as an influential factor in sentencing. The present study attempted to control for this by keeping the prior record of the offenders convicted of the two crimes as similar as possible.

In the present study the mean number of months assigned to the adult and young offender convicted of assault CBH was 30 and 28 months, respectively. For the crime of sexual assault the adult offender was sentenced to a mean of 78 months and the young offender a mean of 36 months. For Nova Scotia, Quebec, and Saskatchewan, the mean number of months assigned to an adult offender convicted of sexual assault in 1994 was 12, 16.5, and 18 months, respectively. For the same three provinces the mean number of months assigned to an offender convicted of assault II and III in 1994 was 3.5, 4, and 6 months, respectively (Statistics Canada, 1996). The sentence lengths assigned by the respondents in the present study were greater than actual criminal court statistics. As previously mentioned, Rugge (1995), examined sentencing by mock

judges After the respondents read vignettes of various crime scenarios, they were asked to indicate the sentences they would impose and what sentences they thought the court would impose The results showed that the participants did impose harsher sentences than those sentences they thought the courts would impose.

The present study provided partial support for the hypothesis that young offenders are treated more leniently than adult offenders. Recall that for the sexual assault offense, the adult offender was given a significantly greater sentence than the young offender. This was not true for the crime of assault CBH. Although the adult was given a slightly lengthier sentence than the young offender, this result was not significant. These results are consistent with the findings of Harris (1988) This study found that a juvenile committing an assault or a robbery was viewed as less serious than an adult committing these two crimes

The respondents were asked to rate the importance of several sentencing goals. The two goals rated as the most important for the offenders were rehabilitation and individual deterrence. This was true for both types of crimes (assault CBH and sexual assault), in both groups (psychopathic and nonpsychopathic), and for both conditions (adult and young offender).

These results are parallel to those of Loza (1995). In a study of the effects of young offender gender, prior record, type of crime, and family functioning on sentencing, the two goals that were rated as most important overall were also rehabilitation and individual deterrence.

There were some gender differences with respect to the sentencing goals. Female respondents were more likely to find the goals of compensation and just deserts more important than male respondents. This finding corresponds to research which has found gender differences in moral orientation (Bussey & Maughan, 1982; Ford & Lowery, 1986; Gilligan & Attanucci, 1988; Rothbart, Hanley, & Albert, 1986). Females

have been found to be mainly concerned with questions of care and relationships. One can state that selecting the goal of compensation as important suggests that the female respondents are thinking about the needs of the victim rather than those of the offender.

The present study found that gender of participants had no significant impact on the type and length of sentence that was given. This result is similar to other studies in which gender had little impact on the sentencing decisions (Nelligan, 1988; Rugge, 1995).

The respondents were asked to rate the importance and effectiveness of several treatment programs for the offender. As expected, the respondents indicated that it was more important for the psychopathic offender to receive psychopathic treatment than the nonpsychopathic offender. It is interesting to note that the respondents thought that the psychopathic treatment program would be fairly effective for the psychopathic offenders. This was a surprising result since the respondents read in the pre-sentence reports that psychopaths have been found to be resistant to treatment.

It is also interesting that the respondents rated the sex offender treatment program as significantly more important for the psychopathic offender than for the nonpsychopathic offender. This result occurred even though the two offenders committed identical crimes.

This study was unique in that, unlike previous studies examining sentencing decisions which have only used brief vignettes (Loza, 1995; Rugge, 1995; Stirpe, 1994), this study used an entire pre-sentence report. In a series of studies Doob and Roberts (1984) examined the public view that the courts are too lenient in sentencing offenders. This view that the public holds may be due to the fact that the general public does not have the same information which is available to the sentencing judge. In one study these authors had people read either a short or long description of a case. Those people who read the long version which contained information similar to that of a sentencing judge

were more satisfied with the sentence. The brief vignettes provide the judges with very little information about the defendant. Loza (1995) asked participants what information they would like to have had before making their sentencing decisions. She found that participants would like to have known the amount of victim harm, the specific age of the offender, the premeditation of the crime, and if the offender had any psychological problems. This study attempted to improve on these previous studies by providing this type of information.

The present study could be improved upon in several ways. The community sample was comprised solely of first year undergraduate students. Although it has been found that experienced jurors are comparable to undergraduate students (Cutler, Penrod, & Dexter, 1989), the present study is only representative of first year undergraduate students. It is not representative of the entire community population or actual judges. Undergraduate students comprise a selected range of ages, while actual judges are more educated and knowledgeable about the criminal justice system in general and sentencing procedures in particular.

There are disadvantages in asking members of the community to sentence offenders. First, the consequences of the sentences handed down differ in real life versus laboratory situations. The respondents in a laboratory situation do not physically see the offender. There is also no "real" person who might go to prison as a result of a sentence handed down.

As was previously discussed, there were no significant differences in the sentences given to the psychopathic and nonpsychopathic offenders. This may have been due to the composition of the pre-sentence report. The majority of the pre-sentence report was on the criminal history and on the offense committed. Therefore, the clinical diagnosis of the presence or absence of psychopathy was not salient. This conclusion is supported by the fact that respondents claimed that the clinicians diagnosis

of psychopathy did not have a great deal of influence on their sentencing decisions. The information regarding psychopathy was placed at the end of the pre-sentence report. The design of the pre-sentence report could be improved upon by varying the placement of the psychopathic information.

Future studies need to include a wider range of ages and educational backgrounds. Future research should also attempt to use actual judges as subjects. It would be interesting to study if there is a difference in sentence lengths between psychopathic offenders and nonpsychopathic offenders when actual judges are handing down the sentences. Zinger (1995) showed that judges are influenced by a diagnosis of psychopathy, however, future research should attempt to match offenders on prior history, age, and type of offense in order to determine how influential a diagnosis of psychopathy actually is.

With respect to the concept of psychopathy, future research looking at psychopathy and sentencing decisions should measure community beliefs about psychopathy. Prior knowledge regarding psychopathy may influence sentencing decisions. It is also important to look at whether respondents bring accurate information about psychopathy with them to sentencing studies.

Finally, the present study only looked at two violent offense types, a sexual assault and an assault CBH. Future studies could expand on the range of offenses to include very minor crimes to major crimes such as homicides.

To conclude, findings from this study indicated that the type of crime that was committed (assault CBH vs. sexual assault) had more of an influence on the sentencing decisions than the clinical diagnosis of the offender. The presence or absence of psychopathy had little influence on the respondents' sentencing decisions. The age of the offender was another important variable in the respondents' sentencing decisions, with adult offenders receiving harsher sentences than the young offenders.

References

- Bussey, K., & Maughan, B. (1982). Gender differences in moral reasoning. Journal of Personality and Social Psychology, 42, 701-706.
- Cleckley, H. (1976). The mask of sanity (5th ed.). St. Louis, MO: Mosby.
- Clopton, N. A., & Sorell, G. T. (1993). Gender differences in moral reasoning: Stable or situational? Psychology of Women Quarterly, 17, 85-101.
- Cutler, B. L., Penrod, S. D., & Dexter, H. R. (1989). The eyewitness, the expert psychologist, and the jury. Law and Human Behavior, 13, 311-332.
- Dahlstrom, W. M., & Welsh, G. S. (1960). An MMPI handbook: A guide to use in clinical practice and research. Minneapolis: University of Minnesota Press.
- Doob, A. N., & Roberts, J. V. (1984). Social psychology, social attitudes, and attitudes toward sentencing. Canadian Journal of Behavioural Science, 16, 269-280.
- Ford, M. R., & Lowery, C. R. (1986). Gender differences in moral reasoning: A comparison of the use of justice and care orientations. Journal of Personality and Social Psychology, 50, 777-783.
- Forth, A. E., Hart, S. D., & Hare, R. D. (1990). Assessment of psychopathy in male young offenders. Psychological Assessment: A Journal of Consulting and Clinical Psychology, 2, 342-344.
- Fotheringham, J. B. (1957). Psychopathic personality. A review. Canadian Psychiatric Association Journal, 2, 52-73.
- Gebotys, R. J., & Roberts, J. V. (1987). Public views of sentencing: The role of offender characteristics. Canadian Journal of Behavioural Science, 19, 479-489.
- Gilligan, C. (1982). In a Different Voice. Cambridge, Massachusetts: Harvard University Press.
- Gilligan, C., & Attanucci, J. (1988). Two moral orientations: Gender differences and similarities. Merrill-Palmer Quarterly, 34, 223-237.

Gordon, K. (1990). The labelling effect on psychopaths applying for parole
Unpublished honour's thesis, Queen's University, Kingston, Ontario, Canada.

Gough, H. (1969). Manual for the California Psychological Inventory Palo Alto, CA: Consulting Psychologists Press.

Gray, K. G., & Hutchison, H. C. (1964). The psychopathic personality: A survey of Canadian psychiatrists' opinions. Canadian Psychiatric Association Journal, 9, 452-461.

Hare, R. D. (1970). Psychopathy: Theory and research New York: Wiley

Hare, R. D. (1980). A research scale for the assessment of psychopathy in criminal populations. Personality and Individual Differences, 1, 111-119

Hare, R. D. (1985). Comparison of procedures for the assessment of psychopathy. Journal of Consulting and Clinical Psychology, 53, 7-16

Hare, R. D. (1996). Psychopathy: A clinical construct whose time has come. Criminal Justice and Behavior, 23, 25-54

Hare, R. D., Harpur, T. J., Hakstian, A. R., Forth, A. E., Hart, S. D., & Newman, J. P. (1990). The revised psychopathy checklist: Reliability and factor structure. Psychological Assessment: A Journal of Consulting and Clinical Psychology, 2, 338-341.

Hare, R. D., Hart, S. D., & Harpur, T. J. (1991). Psychopathy and the DSM-IV criteria for antisocial personality disorder. Journal of Abnormal Psychology, 100, 391-398.

Hare, R. D., McPherson, L. M., & Forth, A. E. (1988). Male psychopaths and their criminal careers. Journal of Consulting and Clinical Psychology, 56, 710-714

Harpur, T. J., Hakstian, A. R., & Hare, R. D. (1988). Factor structure of the psychopathy checklist. Journal of Consulting and Clinical Psychology, 56, 741-747

Harpur, T. J., Hare, R. D., & Hakstian, A. R. (1989). Two-factor conceptualization of psychopathy: Construct validity and assessment implications. Psychological Assessment: A Journal of Consulting and Clinical Psychology, 1, 6-17.

Harris, P. M. (1988). Juvenile sentence reform and its evaluation: A demonstration of the need for more precise measures of offence seriousness in juvenile justice research. Evaluation Review, 12, 655-666.

Hart, S. D., & Hare, R. D. (1995). Psychopathy and criminal conduct. Unpublished manuscript.

Hart, S. D., Kropp, P. R., & Hare, R. D. (1988). Performance of male psychopaths following conditional release from prison. Journal of Consulting and Clinical Psychology, 56, 227-232.

Hemphill, J. F. (1991). Recidivism of criminal psychopaths after therapeutic community treatment. Unpublished master's thesis, University of Saskatchewan, Saskatoon, Saskatchewan, Canada.

Hemphill, J. F., Hart, S. D., & Hare, R. D. (1994). Psychopathy and substance use. Journal of Personality Disorders, 8, 32-40.

Link, B. G. (1987). Understanding labeling effects in the area of mental disorders: An assessment of the effects of expectations of rejections. American Sociological Review, 52, 96-112.

Link, B. G., Cullen, F., Struening, E., Shrout, P., & Dohrenwend, B. (1989). A modified labeling theory approach to mental disorders: An empirical assessment. American Sociological Review, 54, 400-423.

Livelsy, W. J. (1986). Trait and behavioral prototypes of personality disorder. American Journal of Psychiatry, 143, 728-732.

Loza, A. (1995). Effects of offender gender, prior record, type of crime, and family functioning on sentencing. Unpublished master's thesis, Carleton University, Ottawa, Ontario.

McNamara, K., Vattano, F., & Viney, W. (1993). Verdict, sentencing, and certainty as a function of sex of juror and amount of evidence in a simulated rape trial Psychological Reports, 72, 575-583

Meloy, J. R. (1988). The psychopathic mind: Origins, dynamics, and treatments Northvale, NJ: Aronson.

Nelligan, P. J. (1988). The effects of the gender of jurors on sexual assault verdicts. Sociology and Social Research, 72, 249-251.

Ogloff, J. R. P., Wong, S., & Greenwood, A. (1990). Treating criminal psychopaths in a therapeutic community program. Behavioral Sciences and the Law, 8, 81-90.

Quinsey, V. L., Rice, M. E., & Harris, G. T. (1995). Actuarial prediction of sexual recidivism. Journal of Interpersonal Violence, 10, 85-105

Regina v. C.T. (1991) No. 936 (Ont. Ct. Just)

Regina v. Foster, (1991) No. IW 39/91 (Ont. Ct. Gen. Div)

Regina v. L.P., (1992) No. 871 (Ont C.Prov Div)

Regina v. Schultz, (1987) No. 1970 (B.C.C.A.).

Rice, M. E., Harris, G. T., & Cormier, C. A. (1992). An evaluation of a maximum security therapeutic community for psychopaths and other mentally disordered offenders. Law and Human Behavior, 16, 399-412

Roberts, J. (1988). Public opinions and sentencing: the surveys of the Canadian Sentencing Commission. Ottawa: Supply and Services Canada.

Rothbart, M. K., Hanley, D., & Albert, M. (1986). Gender differences in moral reasoning. Sex Roles, 15, 645-653

- Ruby, C. C. (1991). Sentencing (4th ed.) Toronto: Butterworths.
- Rugge, T. A. (1995) The effects of gender, victimization, and criminal behaviour on sentencing by mock judges. Unpublished manuscript, Carleton University.
- Serin, R. C. (1991) Psychopathy and violence in criminals. Journal of Interpersonal Violence, 6, 423-431.
- Serin, R. C., Malcolm, P. B., Khanna, A., & Barbaree, H. E. (1994) Psychopathy and deviant sexual arousal in incarcerated sexual offenders. Journal of Interpersonal Violence, 9, 3-11
- Serin, R. C., Peters, R. D., & Barbaree, H. E. (1990). Predictors of psychopathy and release outcome in a criminal population. Psychological Assessment: A Journal of Consulting and Clinical Psychology, 2, 419-422.
- Socall, D. W., & Holtgraves, T. (1992). Attitudes toward the mentally ill: The effects of label and beliefs. Sociological Quarterly, 33, 435-445.
- Statistics Canada (1996). Adult criminal court statistics: Newfoundland, Prince Edward Island, Nova Scotia, Quebec, Saskatchewan, the Yukon and the Northwest Territories, 1994 Ottawa: Minister of Industry, Science and Technology.
- Stirpe, T. (1994). Sentencing options and defendant's previous history in a mock sentencing paradigm. Unpublished manuscript, Queen's University.
- Tabachnick, B. G., & Fidell, L.S. (1989). Using multivariate statistics(2nd ed.). New York, NY: HarperCollins.
- Walsh, A. (1984). Differential sentencing patterns among felony sex offenders and non-sex offenders. The Journal of Criminal Law and Criminology, 75, 443-458.
- Wear, D. A., & Pasewark, R. A. (1984). Defendant's previous history and mock sentencing. Journal of Clinical Psychology, 40, 867-874
- Wong, S. (1984) The criminal and institutional behaviors of psychopaths. Program user report Ottawa, Canada: Ministry of the Solicitor General.

Zamble, E , & Kalm, K L. (1990) General and specific measures of public attitudes toward sentencing Canadian Journal of Behavioural Science, 22, 327-337

Zinger, I. (1995). The use of psychopathy, sociopathy, and antisocial personality disorder in Canadian court proceedings.

Unpublished manuscript, Carleton University.

Appendix A

Pre-Sentence Reports

Group: Nonpsychopath
Condition: Young Offender
Offense Type: Assault CBH

Johnston & Kropp Associates
Forensic Consulting Services

Suite 12, 403 Oak Street
Vancouver, B C
V7S 2T4

PRIVATE AND CONFIDENTIAL

October 1, 1995

Presiding Judge
Provincial Court of British Columbia
Vancouver Courthouse
323 Cooper Street
V6Z 2H5

Your Lordship.

RE: Gary Jamieson
Date of Birth: June 11, 1980
File # 21046

OFFENSE

Assault Causing Bodily Harm

REFERRAL SOURCE

Mrs Susan Coplan, Crown Counsel, Law Courts, Begbie Square, New Westminister,
B C

STAGE OF PROCEEDINGS

This is a pre-disposition report. Mr. Jamieson is due to appear in Youth Court, Vancouver, for a disposition hearing on January 22, 1996

REASONS FOR REFERRAL AND PSYCHOLOGICAL OPINION

On September 12, 1995 Gary Jamieson was found guilty of one count of assault causing bodily harm. I was contacted by Ms. Coplan, Crown Counsel, to conduct an assessment of Gary Jamieson to determine the following:

1. Diagnostic assessment regarding existence of mental illness
2. Personality assessment regarding anger/impulse control and evidence of psychopathy.
3. Social assessment.
4. Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed Gary Jamieson on two occasions totaling approximately 4.5 hours. Gary Jamieson was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood this warning. I have reviewed the following available as of today's date, which included his young offender record, police report, and several psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION

Gary Jamieson is a 15-year-old male who has been convicted for assault causing bodily harm. Gary was born in Victoria B.C. and comes from a family with two siblings who have both led a prosocial lifestyle. His biological parents divorced when Gary was aged 2 and he was adopted by his step-father (Chris Jamieson) at age 4. His mother and step-father separated at age 12 and Gary went and lived with his step-father. Gary's mother indicates that her second husband would often use harsh punishment to discipline Gary. Gary also reports several incidents of physical abuse by his step-father prior to age 13. Gary's mother reports that he reacted poorly to his parents' separation and began to act out shortly afterward. At around age 13, Gary began to shop-lift, steal from his step-father, skip school, and get into fights at school. She reports that he had lots paying attention in class and that the school never suggested he be assessed for learning problems until grade 6. At the end of grade 6, a school psychologist indicated that he had developmental arithmetic disorder and a mild form of attention-deficit hyperactivity disorder. She does not remember Gary being given special tutoring or any suggested treatment for his problems. Gary also reports that he became involved in

thefts and substance use since early adolescence. He believes that he got in with a bad crowd at school, started drinking and taking drugs and stealing. Gary attributes the onset of his behaviour problems to feeling rejected by his mother and having to live with his abusive step-father. Around age 12, he started running away from home and by age 13 he had received his first juvenile conviction. He spent the majority of his adolescence in a series of foster homes, group homes, and detention centers.

With regard to school, grade 9 was completed while in a youth detention center. Gary reports having a great deal of difficulty concentrating in class and feeling stupid because of his inability to understand math. He reports often being teased by other students in elementary school and learning that if he responded aggressively they would leave him alone. He started having serious problems at school around grade 6. From grade 7 on he was constantly getting into fights, frequently truant, and failed grade 8 twice. He was expelled from one school for being truant and physically violent towards other students. A second school expelled him for punching a Physical Education teacher. He left school after grade 9 because he was bored and wanted to obtain work.

With regards to his work history, Gary has for the last two summers worked at the Pacific National Exhibition and other fairs around the lower mainland. He has also had a job at a gardening supplies store and as a dish-washer. His longest employment was at the gardening supply store for 4 months. He got fired from this job due to his drinking on the job. He also reports stealing from his employer whom he felt was not paying him enough.

Gary admits he began drinking and using drugs around the age of 11. He believes that most of his school and family problems are because of his drinking and hanging out with a "bad crowd". He reports that he completed a life skills program while in secure custody last year. He thought it helped him since he managed to avoid criminal activities for 3 months after being released. During this time he lived with his mother without any conflicts and attended night school.

With regards to his interpersonal relationships, he acknowledges that he has difficulty getting along with his step-father. In dating relationships, he reveals little of himself. He reports slapping one of his girlfriends twice, but never being physically abusive towards any of his other girlfriends. Gary has been involved in intimate relationships. The longest lasting approximately 11 months. He reports getting his last girlfriend pregnant but that her parents convinced her to have an abortion. Gary claims that he wanted her to have the baby. He admits to first having sex at age 11 with a baby-sitter. He has had sexual relations with around 15 girls, most being one-night stands.

Despite being incarcerated for much of his adolescence Gary has managed to maintain contact with several close friends. Gary reported having two long term friends, each of whom he has known for 8 and 6 years, respectively. He indicated that he would

be upset if he never saw his friends again. However, he also mentioned that he found it was quite easy for him to make new friends. In the last few months he has lived with his mother and realized that his mother suffered a lot as a result of his criminal activities and perceived his mother to be hurt and disappointed by his present conviction.

Gary reported that he likes his life in the "fast lane". He does not think that planning is necessary. His typical behaviour while drinking has begun to become impulsive and aggressive. Gary has a low frustration tolerance and is easily angered. During his last closed custody disposition he had few institutional behaviour problems. Gary stated that all his past crimes have been done on the spur of the moment and most have involved alcohol.

His criminal history is well documented. For someone of his age he has had extensive involvement with the criminal justice system. His first conviction was at the age of 13 for Break & Enter and he has 8 convictions on his juvenile record. The onset of criminal activities appears to coincide with his running away from home. He has escaped from two open custody institutions. He has convictions for aggressive behaviour, such as assault causing bodily harm, possession of a weapon, and aggravated assault. Moreover, he has convictions for driving while impaired, auto theft, and break and enter. During his previous incarcerations, Gary completed a life skills and anger management program in an attempt to learn more adaptive strategies to deal with his stress and anger. Gary reports that, although the programs have been helpful in teaching him how to better deal with his anger, he realized he should have sought continued counseling in the community. He is currently willing and motivated to obtain treatment for both his anger and alcohol-related problems. He believes that not drinking and watching whom he hangs out with will keep him out of trouble.

Gary expressed concern about the upcoming sentencing hearing. He thought the judge might give him a long sentence because of his lengthy criminal record.

PRESENT OFFENSE

When Gary committed his present offence, he was attending night school and living with his mother. According to Gary he had spent the afternoon drinking with a friend and later that evening he and his friend had gone to the Bulldog Pub to play pool. He stated that while playing pool his friend got into a verbal altercation with Mr. Goldberg, the victim. Gary reports that he and his friend were thrown out of the Pub at around 10.30 p.m. for causing a disturbance. They went across the street to the Blue Boy Lounge to have another drink. He reports that upon leaving the Blue Boy he and his friend saw Mr. Goldberg leaving the Bulldog Pub. They followed Mr. Goldberg in to the alley between Granville and Slater. Gary claims that he got into another verbal altercation with the victim and that Mr. Goldberg had shoved him against a dumpster. Gary reported that he then lost his temper and began to punch the victim. He reports that his friend tried to stop him after the victim had fallen to the ground. Gary reports that he believes the victim hit his head on the side of the dumpster when he fell. He

expressed little remorse for the offense and thinks the victim is exaggerating the amount of injury caused

According to the police report, Mr. Goldberg had a broken nose, serious bruising to the left side of his face, two fractured ribs, and received a 4 inch cut to the left side of his head. Mr. Goldberg was kept in the hospital for 24 hours to ensure he had not suffered a concussion.

MENTAL STATUS AND CLINICAL OBSERVATIONS

Gary presented as a large, well-muscled adolescent with no unusual mannerisms, nor symptoms of a major thought disorder. No depression was detected and he denied any suicidal ideation. Overall, he was communicative and responded in an appropriate and direct fashion

Given Gary's extensive contact with the criminal justice system from a young age, it is not surprising that he has a value system commonly endorsed by offenders; he has little respect for the law and demonstrates significant tolerance for criminal activity. He demonstrated a chronically antisocial lifestyle, in which at least part of his motivation is thrill seeking and an escape from boredom. He admits to using his size to influence other younger offenders. He has an inflated self-esteem and as a result tends to blame others for his actions. His sensitivity to both real and perceived criticism makes it difficult for him to accept responsibility for negative behaviours and decreases his ability to empathize with others. This sensitivity to criticism is particularly pronounced when he is intoxicated. He expressed very negative attitudes towards homosexuals, racial minorities, and child molesters during the interview. He indicated that, in the past, he has been justified in using physical aggression against these individuals because they "cause so much problems in society".

As demonstrated by his displays of anger, violent history and sexual promiscuity, Gary's primary problems are in the areas of anger and impulse control. He acknowledged a problem with drinking and may exaggerate this problem to some extent in hopes that he might be seen as less responsible for his recent violent behaviour. He admits that he needs additional treatment or learn to control his drinking. On the basis of his past criminal history, it is clear that Gary has a great deal of difficulty controlling his antisocial impulses and will require intensive intervention to modify his attitudes and behaviours.

TEST RESULTS

Psychopathy is a personality disorder whose symptoms include the following: Interpersonally, psychopaths are grandiose, callous, superficial, and manipulative; affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety; and behaviorally, they are irresponsible, impulsive, and prone to delinquency and criminality. The Revised Psychopathy Checklist is comprised of a 20-item scale scored from an interview and file information. It is designed to

measure the attitudes, personality traits, and behaviours associated with psychopathy. The Revised Psychopathy Checklist is the most reliable and widely used assessment instrument for the diagnosis of psychopathy in offender populations. Research has demonstrated that individuals who are diagnosed as psychopathic begin engaging in criminal activities at an earlier age and commit more nonviolent and violent offences than do other offenders. Moreover, psychopaths are more disruptive in institutions and are more likely to commit another violent crime once released from prison than are other offenders. Recent research suggests that it is difficult to treat the psychopathic offender. Results from the Revised Psychopathy Checklist indicate that Gary received a score of 25 out of a possible maximum of 40. This score falls below the cutoff of 30 and therefore results indicate that Gary is NOT a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

Gary has been convicted of assault causing bodily harm. Consistent with his lifestyle, the offense was characteristic of his inability to control his aggressive impulses while intoxicated. He has demonstrated a chronic antisocial lifestyle and, until recently, appears to have had little insight into his problematic behaviours. Gary is antisocial, has an impaired ability to empathize with others, and at the present represents a risk to engage in future offending. As mentioned previously, Gary will require intervention in order to modify his attitudes and behaviours to reduce his level of risk.

Thank you for referring this most interesting case to me. Please contact me if I can be of further assistance.

Yours sincerely,

Michael Coles, Ph.D.
Consulting Psychologist

Group Psychopath
Condition Young Offender
Offense Type Assault CBH

Johnston & Kropp Associates
Forensic Consulting Services

Suite 12, 403 Oak Street
Vancouver, B.C.
V7S 2T4

PRIVATE AND CONFIDENTIAL

October 1, 1995

Presiding Judge
Provincial Court of British Columbia
Vancouver Courthouse
323 Cooper Street
V6Z 2H5

Your Lordship

RE Gary Jamieson
Date of Birth June 11, 1980
File # 2104f

OFFENSE

Assault Causing Bodily Harm

REFERRAL SOURCE

Mrs Susan Coplan, Crown Counsel, Law Courts, Begbie Square, New Westminster,
B C

STAGE OF PROCEEDINGS

This is a pre-disposition report. Mr. Jamieson is due to appear in Youth Court,
Vancouver, for a disposition hearing on January 22, 1996.

REASONS FOR REFERRAL AND PSYCHOLOGICAL OPINION

On September 12, 1995 Gary Jamieson was found guilty of one count of assault causing bodily harm. He was contacted by Ms. Coplan, Crown Counsel, to conduct an assessment of Gary Jamieson to determine the following

- 1 Diagnostic assessment regarding existence of mental illness
- 2 Personality assessment regarding anger/impulse control and evidence of psychopathy
- 3 Social assessment
- 4 Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed Gary Jamieson on two occasions totaling approximately 4.5 hours. Gary Jamieson was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood this warning. I have reviewed the following available as of today's date, which included his young offender record, police report, and several psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION

Gary Jamieson is a 15-year-old male who has been convicted for assault causing bodily harm. Gary was born in Victoria B.C. and comes from a family with two siblings who have both led a prosocial lifestyle. His biological parents divorced when Gary was aged 2 and he was adopted by his step-father (Chris Jamieson) at age 4. His mother and step-father separated at age 12 and Gary went and lived with his step-father. Gary's mother indicates that her second husband would often use harsh punishment to discipline Gary. Gary also reports several incidents of physical abuse by his step-father prior to age 13. Gary's mother reports that he reacted poorly to his parents' separation and began to act out shortly afterward. At around age 13, Gary began to shop-lift, steal from his step-father, skip school, and get into fights at school. She reports that he had lots paying attention in class and that the school never suggested he be assessed for learning problems until grade 6. At the end of grade 6, a school psychologist indicated that he had developmental arithmetic disorder and a mild form of attention-deficit hyperactivity disorder. She does not remember Gary being given special tutoring or any suggested treatment for his problems. Gary also reports that he became involved in thefts and substance use since early adolescence. He believes that he got in with a bad crowd at school, started drinking and taking drugs and stealing. Gary attributes the onset of his behaviour problems to feeling rejected by his mother and having to live with his abusive step-father. Around age 12, he started running away from home and by age

13 he had received his first juvenile conviction. He spent the majority of his adolescence in a series of foster homes, group homes, and detention centers.

With regard to school, grade 9 was completed while in a youth detention center. Gary reports having a great deal of difficulty concentrating in class and feeling stupid because of his inability to understand math. He reports often being teased by other students in elementary school and learning that if he responded aggressively they would leave him alone. He started having serious problems at school around grade 6. From grade 7 on he was constantly getting into fights, frequently truant, and failed grade 8 twice. He was expelled from one school for being truant and physically violent towards other students. A second school expelled him for punching a Physical Education teacher. He left school after grade 9 because he was bored and wanted to obtain work.

With regards to his work history, Gary has for the last two summers worked at the Pacific National Exhibition and other fairs around the lower mainland. He has also had a job at a gardening supplies store and as a dish-washer. His longest employment was at the gardening supply store for 4 months. He got fired from this job due to his drinking on the job. He also reports stealing from his employer whom he felt was not paying him enough.

Gary admits he began drinking and using drugs around the age of 11. He believes that most of his school and family problems are because of his drinking and hanging out with a "bad crowd". He reports that he completed a life skills program while in secure custody last year. He thought it helped him since he managed to avoid criminal activities for 3 months after being released. During this time he lived with his mother without any conflicts and attended night school.

With regards to his interpersonal relationships, he acknowledges that he has difficulty getting along with his step-father. In dating relationships, he reveals little of himself. He reports slapping one of his girlfriends twice, but never being physically abusive towards any of his other girlfriends. Gary has been involved in intimate relationships. The longest lasting approximately 11 months. He reports getting his last girlfriend pregnant but that her parents convinced her to have an abortion. Gary claims that he wanted her to have the baby. He admits to first having sex at age 11 with a baby-sitter. He has had sexual relations with around 15 girls, most being one-night stands.

Despite being incarcerated for much of his adolescence Gary has managed to maintain contact with several close friends. Gary reported having two long term friends, each of whom he has known for 8 and 6 years, respectively. He indicated that he would be upset if he never saw his friends again. However, he also mentioned that he found it was quite easy for him to make new friends. In the last few months he has lived with his mother and realized that his mother suffered a lot as a result of his criminal activities and perceived his mother to be hurt and disappointed by his present conviction.

Gary reported that he likes his life in the "fast lane". He does not think that planning is necessary. His typical behaviour while drinking has begun to become impulsive and aggressive. Gary has a low frustration tolerance and is easily angered. During his last closed custody disposition he had few institutional behaviour problems. Gary stated that all his past crimes have been done on the spur of the moment and most have involved alcohol.

His criminal history is well documented. For someone of his age he has had extensive involvement with the criminal justice system. His first conviction was at the age of 13 for Break & Enter and he has 8 convictions on his juvenile record. His onset of criminal activities appears to coincide with his running away from home. He has escaped from two open custody institutions. He has convictions for aggressive behaviour, such as assault causing bodily harm, possession of a weapon, and aggravated assault. Moreover, he has convictions for driving while impaired, auto theft, and break and enter. During his previous incarcerations, Gary completed a life skills and anger management program in an attempt to learn more adaptive strategies to deal with his stress and anger. Gary reports that, although the programs have been helpful in teaching him how to better deal with his anger, he realized he should have sought continued counseling in the community. He is currently willing and motivated to obtain treatment for both his anger and alcohol-related problems. He believes that not drinking and watching whom he hangs out with will keep him out of trouble.

Gary expressed concern about the upcoming sentencing hearing. He thought the judge might give him a long sentence because of his lengthy criminal record.

PRESENT OFFENSE

When Gary committed his present offence, he was attending night school and living with his mother. According to Gary he had spent the afternoon drinking with a friend and later that evening he and his friend had gone to the Bulldog Pub to play pool. He stated that while playing pool his friend got into a verbal altercation with Mr. Goldberg, the victim. Gary reports that he and his friend were thrown out of the Pub at around 10:30 p.m. for causing a disturbance. They went across the street to the Blue Boy Lounge to have another drink. He reports that upon leaving the Blue Boy he and his friend saw Mr. Goldberg leaving the Bulldog Pub. They followed Mr. Goldberg in to the alley between Granville and Slater. Gary claims that he got into another verbal altercation with the victim and that Mr. Goldberg had shoved him against a dumpster. Gary reported that he then lost his temper and began to punch the victim. He reports that his friend tried to stop him after the victim had fallen to the ground. Gary reports that he believes the victim hit his head on the side of the dumpster when he fell. He expressed little remorse for the offense and thinks the victim is exaggerating the amount of injury caused.

According to the police report, Mr Goldberg had a broken nose, serious bruising to the left side of his face, two fractured ribs, and received a 4 inch cut to the left side of his head. Mr Goldberg was kept in the hospital for 24 hours to ensure he had not suffered a concussion.

MENTAL STATUS AND CLINICAL OBSERVATIONS

Gary presented as a large, well-muscled adolescent with no unusual mannerisms, nor symptoms of a major thought disorder. No depression was detected and he denied any suicidal ideation. Overall, he was communicative and responded in an appropriate and direct fashion.

Given Gary's extensive contact with the criminal justice system from a young age, it is not surprising that he has a value system commonly endorsed by offenders; he has little respect for the law and demonstrates significant tolerance for criminal activity. He demonstrated a chronically antisocial lifestyle, in which at least part of his motivation is thrill seeking and an escape from boredom. He admits to using his size to influence other younger offenders. He has an inflated self-esteem and as a result tends to blame others for his actions. His sensitivity to both real and perceived criticism makes it difficult for him to accept responsibility for negative behaviours and decreases his ability to empathize with others. This sensitivity to criticism is particularly pronounced when he is intoxicated. He expressed very negative attitudes towards homosexuals, racial minorities, and child molesters during the interview. He indicated that, in the past, he has been justified in using physical aggression against these individuals because they "cause so much problems in society".

As demonstrated by his displays of anger, violent history and sexual promiscuity, Gary's primary problems are in the areas of anger and impulse control. He acknowledged a problem with drinking and may exaggerate this problem to some extent in hopes that he might be seen as less responsible for his recent violent behaviour. He admits that he needs additional treatment or learn to control his drinking. On the basis of his past criminal history, it is clear that Gary has a great deal of difficulty controlling his antisocial impulses and will require intensive intervention to modify his attitudes and behaviours.

TEST RESULTS

Psychopathy is a personality disorder whose symptoms include the following: Interpersonally, psychopaths are grandiose, callous, superficial, and manipulative; affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety, and behaviorally, they are irresponsible, impulsive, and prone to delinquency and criminality. The Revised Psychopathy Checklist is comprised of a 20-item scale scored from an interview and file information. It is designed to measure the attitudes, personality traits, and behaviours associated with psychopathy. The Revised Psychopathy Checklist is the most reliable and widely used assessment.

instrument for the diagnosis of psychopathy in offender populations. Research has demonstrated that individuals who are diagnosed as psychopathic begin engaging in criminal activities at an earlier age and commit more nonviolent and violent offences than do other offenders. Moreover, psychopaths are more disruptive in institutions and are more likely to commit another violent crime once released from prison than are other offenders. Recent research suggests that it is difficult to treat the psychopathic offender. Results from the Revised Psychopathy Checklist indicate that Gary received a score of 35 out of a possible maximum of 40. This score falls above the cutoff of 30 and therefore results indicate that Gary is a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

Gary has been convicted of assault causing bodily harm. Consistent with his lifestyle, the offense was characteristic of his inability to control his aggressive impulses while intoxicated. He has demonstrated a chronic antisocial lifestyle and, until recently, appears to have had little insight into his problematic behaviours. Gary is antisocial, has an impaired ability to empathize with others, and at the present represents a risk to engage in future offending. As mentioned previously, Gary will require intervention in order to modify his attitudes and behaviours to reduce his level of risk.

Thank you for referring this most interesting case to me. Please contact me if I can be of further assistance.

Yours sincerely,

Michael Coles, Ph. D
Consulting Psychologist

Group Nonpsychopath
Condition Adult Offender
Offense Type Assault CBH

Alberts, Coles, Cooper & Associates
Forensic Consulting Services

Suite 21, 403 Oak Street
Vancouver, B.C.
V7S 2T4

PRIVATE AND CONFIDENTIAL

October 1, 1995

Presiding Judge
Provincial Court of British Columbia
Vancouver Courthouse
800 Smith Street
V6Z 2E1

Your Lordship

RL Bryan Johnson
Date of Birth April 21, 1961
File #: 16043

OFFENSE

Assault Causing Bodily Harm

REFERRAL SOURCE

Mr. John Taylor, Crown Counsel, Law Courts, Begbie Square, New Westminster, B.C.

STAGE OF PROCEEDINGS

This is a pre-sentence report. Mr. Johnson is due to appear in Supreme Court, Vancouver, for sentencing on January 12, 1996

REASONS FOR REFERRAL AND PSYCHOLOGICAL OPINION

On September 27, 1995 Bryan Johnson was found guilty of one count of assault causing bodily harm. I was contacted by Mr. Taylor, Crown Counsel, to conduct an assessment of Mr. Johnson to determine the following

- 1 Diagnostic assesement regarding existence of mental illness
- 2 Personality assessment regarding anger/impulse control and evidence of psychopathy
- 3 Social assessment
- 4 Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed Mr. Johnson on two occasions totaling approximately 5 hours. Mr. Johnson was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood this warning. I have reviewed the following available as of today's date, which included his young offender record, police report, and several psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION

Mr. Johnson is a 34-year-old male who has been convicted for assault causing bodily harm. Mr. Johnson was born in Victoria B.C. and comes from a family with two siblings who have both led a prosocial lifestyle. His biological parents divorced when Mr. Johnson was aged 2 and he was adopted by his step-father (Chris Johnson) at age 4. His mother and step-father separated at age 12 and Mr. Johnson went and lived with his step-father. Mr. Johnson's mother indicates that her second husband would often use harsh punishment to discipline Mr. Johnson. Mr. Johnson also reports several incidents of physical abuse by his step-father prior to age 13. Mr. Johnson's mother reports that he reacted poorly to his parents' separation and began to act out shortly afterward. At around age 13, Mr. Johnson began to shop-lift, steal from his step-father, skip school, and get into fights at school. She reports that he had lots paying attention in class and that the school never suggested he be assessed for learning problems until grade 6. At the end of grade 6, a school psychologist indicated that he had developmental arithmetic disorder and a mild form of attention-deficit hyperactivity disorder. She does not remember Mr. Johnson being given special tutoring or any suggested treatment for his problems. Mr. Johnson also reports that he became involved in thefts and substance use since early adolescence. He believes that he got in with a bad crowd at school, started drinking and taking drugs and stealing. Mr. Johnson attributes the onset of his behaviour problems to feeling rejected by his mother and having to live with his abusive step-father. Around age 12, he started running away from home and by age 13 he had received his first juvenile conviction. He spent the majority of his adolescence in a series of foster homes, group homes, and detention centers.

With regard to school, grade 9 was completed while in a youth detention center. Mr. Johnson reports having a great deal of difficulty concentrating in class and feeling stupid because of his inability to understand math. He reports often being teased by other students in elementary school and learning that if he responded aggressively they would leave him alone. He started having serious problems at school around grade 6. From grade 7 on he was constantly getting into fights, frequently truant, and failed grade 8 twice. He was expelled from one school for being truant and physically violent towards other students. A second school expelled him for punching a Physical Education teacher. He left school after grade 9 because he was bored and wanted to obtain work.

With regards to his work history, Mr. Johnson has been employed as a logger, truck driver, laborer, and bouncer. He reports working for the Pacific National Exhibition and other fairs around the lower mainland. He estimates that he has had over 10 jobs. His longest employment was as a bouncer for two years between 1988-1990. On occasion he has quit jobs, but has never had any problem finding work. He has been fired from two jobs due to his drinking and disagreements with his bosses. He also reports stealing from one employer whom he felt was under paying him. Throughout much of his late adolescence and early adulthood he has supported himself dealing cocaine. He has been on social assistance on three or four occasions, with the longest period being 7 months. He reports he only collects social assistance after being released from prison and only until he gets "back on his feet". He admits that he has collected social assistance while working if the job doesn't pay well.

With regards to his interpersonal relationships, he acknowledges that he has difficulty maintaining long-term relationships because of his lifestyle. In interpersonal relationships, he reveals little of himself. He reports slapping one of his ex-partners twice, but never being physically abusive towards any of his other partners. Mr. Johnson has been involved in three common-law relationships. The longest lasting approximately 2 years. As a result of a previous relationship, he has fathered a child with whom he has had no contact in the last four years. He reports he did not have the opportunity to get to know his daughter since his ex-partner moved to Toronto while he was incarcerated. He reports he has not been able to locate her. He states feeling worried about his daughter since her mother is a cocaine addict and may not be able to care for her properly. He admits to first having sex at age 13 and having slept with over 50 women, but in the past few years he no longer "sleeps around". He has cheated on two of his common-law partners but that was only after realizing that the relationships were "all but over".

Despite being incarcerated for much of his adolescence Mr. Johnson has managed to maintain contact with several close friends. Mr. Johnson reported having two long term friends, each of whom he has known for 12 and 10 years, respectively. He indicated that he would be upset if he never saw his friends again. However, he also

mentioned that he found it was quite easy for him to make new friends. In the last few months he has become closer to his mother and has stayed with her helping her out financially. He realized his mother suffered a lot as a result of his criminal activities and perceived his mother to be hurt and disappointed by his present conviction.

Mr. Johnson reported that he has always lived his life in the "fast lane". He does not think that planning is necessary and has changed addresses frequently. His typical behaviour while drinking has begun to become impulsive and aggressive. Mr. Johnson has a low frustration tolerance and is easily angered. During his last incarceration he had few institutional behaviour problems. Mr. Johnson stated that most of his past crimes have been done on the spur of the moment and most have involved alcohol. Although he has completed an anger management program, he has never attempted to obtain treatment for his anger problems in the community.

His criminal history is well documented. He has had extensive involvement with the criminal justice system as a young offender. His first conviction was at the age of 14 for Break & Enter and he has more than 10 convictions on his juvenile record. His onset of criminal activities appears to coincide with his onset of alcohol use. He has been incarcerated within the federal system on two separate occasions as well as four incarcerations within the provincial criminal system. His parole has been revoked once for failing to report to his parole officer. He has convictions for aggressive behaviour, such as assault causing bodily harm, possession of a weapon, and aggravated assault. Moreover, he has convictions for driving while impaired, auto theft, and break and enter. During his previous incarcerations, Mr. Johnson completed a life skills and anger management program in an attempt to learn more adaptive strategies to deal with his stress and anger. Mr. Johnson reports that, although the programs have been helpful in teaching him how to better deal with his anger, he realized he should have sought continued counseling in the community. He is currently willing and motivated to obtain treatment for both his anger and alcohol-related problems. He believes that not drinking and watching whom he hangs out with will keep him out of trouble.

Mr. Johnson expressed concern about the upcoming sentencing hearing. He thought the judge might give him a long sentence because of his lengthy criminal record.

PRESENT OFFENSE

When Mr. Johnson committed his present offence, he was employed as a bouncer and living with his mother. According to Mr. Johnson he had spent the afternoon drinking with a friend and later that evening he and his friend had gone to the Bulldog Pub to play pool. He stated that while playing pool his friend got into a verbal altercation with Mr. Goldberg, the victim. Mr. Johnson reports that he and his friend were thrown out of the Pub at around 10:30 p.m. for causing a disturbance. They went across the street to the Blue Boy Lounge to have another drink. He reports that upon leaving the Blue Boy he and his friend saw Mr. Goldberg leaving the Bulldog Pub. They

followed Mr. Goldberg in to the alley between Granville and Slater. Mr. Johnson claims that he got into another verbal altercation with the victim and that Mr. Goldberg had shoved him against a dumpster. Mr. Johnson reported that he then lost his temper and began to punch the victim. He reports that his friend tried to stop him after the victim had fallen to the ground. Mr. Johnson reports that he believes the victim hit his head on the side of the dumpster when he fell. He expressed little remorse for the offense and thinks the victim is exaggerating the amount of injury caused.

According to the police report, Mr. Goldberg had a broken nose, serious bruising to the left side of his face, two fractured ribs, and received a 4 inch cut to the left side of his head. Mr. Goldberg was kept in the hospital for 24 hours to ensure he had not suffered a concussion.

MENTAL STATUS AND CLINICAL OBSERVATIONS

Mr. Johnson presented as a large, well-muscled adolescent with no unusual mannerisms, nor symptoms of a major thought disorder. No depression was detected and he denied any suicidal ideation. Overall, he was communicative and responded in an appropriate and direct fashion.

Given Mr. Johnson's extensive contact with the criminal justice system from a young age, it is not surprising that he has a value system commonly endorsed by offenders; he has little respect for the law and demonstrates significant tolerance for criminal activity. He demonstrated a chronically antisocial lifestyle, in which at least part of his motivation is thrill seeking and an escape from boredom. He admits to using his size to influence other younger offenders. He has an inflated self-esteem and as a result tends to blame others for his actions. His sensitivity to both real and perceived criticism makes it difficult for him to accept responsibility for negative behaviours and decreases his ability to empathize with others. This sensitivity to criticism is particularly pronounced when he is intoxicated. He expressed very negative attitudes towards homosexuals, racial minorities, and child molesters during the interview. He indicated that, in the past, he has been justified in using physical aggression against these individuals because they "cause so much problems in society".

As demonstrated by his displays of anger, violent history and sexual promiscuity, Mr. Johnson's primary problems are in the areas of anger and impulse control. He acknowledged a problem with drinking and may exaggerate this problem to some extent in hopes that he might be seen as less responsible for his recent violent behaviour. He admits that he needs additional treatment or learn to control his drinking. On the basis of his past criminal history, it is clear that Mr. Johnson has a great deal of difficulty controlling his antisocial impulses and will require intensive intervention to modify his attitudes and behaviours.

TEST RESULTS

Psychopathy is a personality disorder whose symptoms include the following: Interpersonally, psychopaths are grandiose, callous, superficial, and manipulative; affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety; and behaviorally, they are irresponsible, impulsive, and prone to delinquency and criminality. The Revised Psychopathy Checklist is comprised of a 20-item scale scored from an interview and file information. It is designed to measure the attitudes, personality traits, and behaviours associated with psychopathy. The Revised Psychopathy Checklist is the most reliable and widely used assessment instrument for the diagnosis of psychopathy in offender populations. Research has demonstrated that individuals who are diagnosed as psychopathic begin engaging in criminal activities at an earlier age and commit more nonviolent and violent offences than do other offenders. Moreover, psychopaths are more disruptive in institutions and are more likely to commit another violent crime once released from prison than are other offenders. Recent research suggests that it is difficult to treat the psychopathic offender. Results from the Revised Psychopathy Checklist indicate that Mr. Johnson received a score of 25 out of a possible maximum of 40. This score falls below the cutoff of 30 and therefore results indicate that Mr. Johnson is NOT a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

Mr. Johnson has been convicted of assault causing bodily harm. Consistent with his lifestyle, the offense was characteristic of his inability to control his aggressive impulses while intoxicated. He has demonstrated a chronic antisocial lifestyle and, until recently, appears to have had little insight into his problematic behaviours. Mr. Johnson is antisocial, has an impaired ability to empathize with others, and at the present represents a risk to engage in future offending. As mentioned previously, Mr. Johnson will require intervention in order to modify his attitudes and behaviours to reduce his level of risk.

Thank you for referring this most interesting case to me. Please contact me if I can be of further assistance.

Yours sincerely,

Michael Coles, Ph.D.
Consulting Psychologist

Group Psychopath
Condition Adult Offender
Offense Type Assault CBH

Alberts, Coles, Cooper & Associates
Forensic Consulting Services

Suite 21, 403 Oak Street
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V7S 2T4

PRIVATE AND CONFIDENTIAL

October 1, 1995

Presiding Judge
Provincial Court of British Columbia
Vancouver Courthouse
800 Smith Street
V6Z 2E1

Your Lordship

RE Bryan Johnson
Date of Birth April 21, 1961
File # 16043

OFFENSE

Assault Causing Bodily Harm

REFERRAL SOURCE

Mr John Taylor, Crown Counsel, Law Courts, Begbie Square, New Westminster, B C

STAGE OF PROCEEDINGS

This is a pre-sentence report. Mr Johnson is due to appear in Supreme Court, Vancouver, for sentencing on January 12, 1996

REASONS FOR REFERRAL AND PSYCHOLOGICAL OPINION

On September 27, 1995 Bryan Johnson was found guilty of one count of assault causing bodily harm. I was contacted by Mr Taylor, Crown Counsel, to conduct an assessment of Mr. Johnson to determine the following.

- 1 Diagnostic assessment regarding existence of mental illness
- 2 Personality assessment regarding anger/impulse control and evidence of psychopathy
- 3 Social assessment
- 4 Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed Mr. Johnson on two occasions totaling approximately 5 hours. Mr. Johnson was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood this warning. I have reviewed the following available as of today's date, which included his young offender record, police report, and several psychological assessments

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION

Mr. Johnson is a 34-year-old male who has been convicted for assault causing bodily harm. Mr. Johnson was born in Victoria B.C. and comes from a family with two siblings who have both led a prosocial lifestyle. His biological parents divorced when Mr. Johnson was aged 2 and he was adopted by his step-father (Chris Johnson) at age 4. His mother and step-father separated at age 12 and Mr. Johnson went and lived with his step-father. Mr. Johnson's mother indicates that her second husband would often use harsh punishment to discipline Mr. Johnson. Mr. Johnson also reports several incidents of physical abuse by his step-father prior to age 13. Mr. Johnson's mother reports that he reacted poorly to his parents' separation and began to act out shortly afterward. At around age 13, Mr. Johnson began to shop-lift, steal from his step-father, skip school, and get into fights at school. She reports that he had lots paying attention in class and that the school never suggested he be assessed for learning problems until grade 6. At the end of grade 6, a school psychologist indicated that he had developmental arithmetic disorder and a mild form of attention-deficit hyperactivity disorder. She does not remember Mr. Johnson being given special tutoring or any suggested treatment for his problems. Mr. Johnson also reports that he became involved in thefts and substance use since early adolescence. He believes that he got in with a bad crowd at school, started drinking and taking drugs and stealing. Mr. Johnson attributes the onset of his behaviour problems to feeling rejected by his mother and having to live with his abusive step-father. Around age 12, he started running away from home and by age 13 he had received his first juvenile conviction. He spent the majority of his adolescence in a series of foster homes, group homes, and detention centers.

With regard to school, grade 9 was completed while in a youth detention center. Mr. Johnson reports having a great deal of difficulty concentrating in class and feeling stupid because of his inability to understand math. He reports often being teased by other students in elementary school and learning that if he responded aggressively they would leave him alone. He started having serious problems at school around grade 6. From grade 7 on he was constantly getting into fights, frequently truant, and failed grade 8 twice. He was expelled from one school for being truant and physically violent towards other students. A second school expelled him for punching a Physical Education teacher. He left school after grade 9 because he was bored and wanted to obtain work.

With regards to his work history, Mr. Johnson has been employed as a logger, truck driver, laborer, and bouncer. He reports working for the Pacific National Exhibition and other fairs around the lower mainland. He estimates that he has had over 10 jobs. His longest employment was as a bouncer for two years between 1988-1990. On occasion he has quit jobs, but has never had any problem finding work. He has been fired from two jobs due to his drinking and disagreements with his bosses. He also reports stealing from one employer whom he felt was under paying him. Throughout much of his late adolescence and early adulthood he has supported himself dealing cocaine. He has been on social assistance on three or four occasions, with the longest period being 7 months. He reports he only collects social assistance after being released from prison and only until he gets "back on his feet". He admits that he has collected social assistance while working if the job doesn't pay well.

With regards to his interpersonal relationships, he acknowledges that he has difficulty maintaining long-term relationships because of his lifestyle. In interpersonal relationships, he reveals little of himself. He reports slapping one of his ex-partners twice, but never being physically abusive towards any of his other partners. Mr. Johnson has been involved in three common-law relationships. The longest lasting approximately 2 years. As a result of a previous relationship, he has fathered a child with whom he has had no contact in the last four years. He reports he did not have the opportunity to get to know his daughter since his ex-partner moved to Toronto while he was incarcerated. He reports he has not been able to locate her. He states feeling worried about his daughter since her mother is a cocaine addict and may not be able to care for her properly. He admits to first having sex at age 13 and having slept with over 50 women, but in the past few years he no longer "sleeps around". He has cheated on two of his common-law partners but that was only after realizing that the relationships were "all but over".

Despite being incarcerated for much of his adolescence Mr. Johnson has managed to maintain contact with several close friends. Mr. Johnson reported having two long term friends, each of whom he has known for 12 and 10 years, respectively. He indicated that he would be upset if he never saw his friends again. However, he also

mentioned that he found it was quite easy for him to make new friends. In the last few months he has become closer to his mother and has stayed with her helping her out financially. He realized his mother suffered a lot as a result of his criminal activities and perceived his mother to be hurt and disappointed by his present conviction.

Mr. Johnson reported that he has always lived his life in the "fast lane". He does not think that planning is necessary and has changed addresses frequently. His typical behaviour while drinking has begun to become impulsive and aggressive. Mr. Johnson has a low frustration tolerance and is easily angered. During his last incarceration he had few institutional behaviour problems. Mr. Johnson stated that most of his past crimes have been done on the spur of the moment and most have involved alcohol. Although he has completed an anger management program, he has never attempted to obtain treatment for his anger problems in the community.

His criminal history is well documented. He has had extensive involvement with the criminal justice system as a young offender. His first conviction was at the age of 14 for Break & Enter and he has more than 10 convictions on his juvenile record. The onset of criminal activities appears to coincide with his onset of alcohol use. He has been incarcerated within the federal system on two separate occasions as well as four incarcerations within the provincial criminal system. His parole has been revoked once for failing to report to his parole officer. He has convictions for aggressive behaviour, such as assault causing bodily harm, possession of a weapon, and aggravated assault. Moreover, he has convictions for driving while impaired, auto theft, and break and enter. During his previous incarcerations, Mr. Johnson completed a life skills and anger management program in an attempt to learn more adaptive strategies to deal with his stress and anger. Mr. Johnson reports that, although the programs have been helpful in teaching him how to better deal with his anger, he realized he should have sought continued counseling in the community. He is currently willing and motivated to obtain treatment for both his anger and alcohol-related problems. He believes that not drinking and watching whom he hangs out with will keep him out of trouble.

Mr. Johnson expressed concern about the upcoming sentencing hearing. He thought the judge might give him a long sentence because of his lengthy criminal record.

PRESENT OFFENSE

When Mr. Johnson committed his present offence, he was employed as a bouncer and living with his mother. According to Mr. Johnson he had spent the afternoon drinking with a friend and later that evening he and his friend had gone to the Bulldog Pub to play pool. He stated that while playing pool his friend got into a verbal altercation with Mr. Goldberg, the victim. Mr. Johnson reports that he and his friend were thrown out of the Pub at around 10:30 p.m. for causing a disturbance. They went across the street to the Blue Boy Lounge to have another drink. He reports that upon leaving the Blue Boy he and his friend saw Mr. Goldberg leaving the Bulldog Pub. They

2 OF 2

PM-1 3 1/2" x 4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT

Group Nonpsychopath
Condition Adult Offender
Offense Type Sexual Assault

Anderson, Jones & Associates
Forensic Consulting Services

566 Park Street
Vancouver, B C
V7S 2T4

PRIVATE AND CONFIDENTIAL

October 8, 1995

The Presiding Judge
Supreme Court of B C
Vancouver Courthouse
800 Smith Street
V6Z 2E1

Your Lordship

RE James Albert Smith
Filenumber 454523
Birth date June 22, 1965

OFFENCE

Sexual Assault

REFERRAL SOURCE

Mr Scott Black, Crown Counsel, Law Courts, Vancouver, B C

STAGE OF COURT PROCEEDINGS

This is a pre-sentence report Mr Smith is due to appear in Supreme Court, Vancouver, for sentencing on January 15, 1996

REASON FOR REFERRAL AND PSYCHOLOGICAL OPINION

On June 15, 1995 James Smith was found guilty of one count of sexual assault. I was contacted by Mr Scott Black, Crown Counsel, to conduct an assessment of Mr Smith to determine the following

TEST RESULTS

Psychopathy is a personality disorder whose symptoms include the following: Interpersonally, psychopaths are grandiose, callous, superficial, and manipulative; affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety; and behaviorally, they are irresponsible, impulsive, and prone to delinquency and criminality. The Revised Psychopathy Checklist is comprised of a 20-item scale scored from an interview and file information. It is designed to measure the attitudes, personality traits, and behaviours associated with psychopathy. The Revised Psychopathy Checklist is the most reliable and widely used assessment instrument for the diagnosis of psychopathy in offender populations. Research has demonstrated that individuals who are diagnosed as psychopathic begin engaging in criminal activities at an earlier age and commit more nonviolent and violent offences than do other offenders. Moreover, psychopaths are more disruptive in institutions and are more likely to commit another violent crime once released from prison than are other offenders. Recent research suggests that it is difficult to treat the psychopathic offender. Results from the Revised Psychopathy Checklist indicate that Mr. Johnson received a score of 35 out of a possible maximum of 40. This score falls above the cutoff of 30 and therefore results indicate that Mr. Johnson is a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

Mr. Johnson has been convicted of assault causing bodily harm. Consistent with his lifestyle, the offense was characteristic of his inability to control his aggressive impulses while intoxicated. He has demonstrated a chronic antisocial lifestyle and, until recently, appears to have had little insight into his problematic behaviours. Mr. Johnson is antisocial, has an impaired ability to empathize with others, and at the present represents a risk to engage in future offending. As mentioned previously, Mr. Johnson will require intervention in order to modify his attitudes and behaviours to reduce his level of risk.

Thank you for referring this most interesting case to me. Please contact me if I can be of further assistance.

Yours sincerely,

Michael Coles, Ph.D.
Consulting Psychologist

Group Psychopath
Condition Adult Offender
Offense Type Sexual Assault

Anderson, Jones & Associates
Forensic Consulting Services

566 Park Street
Vancouver, B C
V7S 2T4

PRIVATE AND CONFIDENTIAL

October 8, 1995

The Presiding Judge
Supreme Court of B C
Vancouver Courthouse
800 Smith Street
V6Z 2E1

Your Lordship

RE James Albert Smith
Filenumber 454523
Birth date June 22, 1965

OFFENCE

Sexual Assault

REFERRAL SOURCE

Mr Scott Black, Crown Counsel, Law Courts, Vancouver, B C

STAGE OF COURT PROCEEDINGS

This is a pre-sentence report Mr Smith is due to appear in Supreme Court, Vancouver, for sentencing on January 15, 1996

REASON FOR REFERRAL AND PSYCHOLOGICAL OPINION

On June 15, 1995 James Smith was found guilty of one count of sexual assault. I was contacted by Mr. Scott Black, Crown Counsel, to conduct an assessment of Mr. Smith to determine the following:

- 1 Diagnostic assessment regarding existence of mental illness
- 2 Personality assessment regarding anger/impulse control and evidence of psychopathy
- 3 Social assessment
- 4 Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed Mr. Smith on two occasions totaling approximately 5 hours. Mr. Smith was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood the warning. I have reviewed his criminal record, police interview, and various psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION

Mr. Smith is a 30-year old male who has been convicted of sexual assault. Mr. Smith was born in Vancouver, B.C. He is a single child. His biological father died when he was 13 years old. His mother never remarried. Mr. Smith said that his father's death "really affected him." After his father's death, his mother began drinking a lot and he described her as "not really affectionate." Mr. Smith mentioned that between the ages of 8 and 14, he was sexually abused by his Uncle. He stated that he thought his mother knew about it but "never did anything." Mr. Smith has been involved in theft, drugs, and alcohol since early adolescence. At the age of 12, his mom contacted the police about his marijuana use. He was sent to a reform school for 2 weeks. At the age of 12, Mr. Smith began skipping school, drinking, and smoking cigarettes and marijuana at school (Mr. Smith dropped out of school after grade 10). At the age of 14, he left home and moved in with his friend's family.

Mr. Smith has been employed as a masonry helper and a construction worker. He has also worked on the railroad. He said that he has had about 4 or 5 jobs. His longest employment was as a masonry helper for 2 years. He has quit jobs because of boredom and because of arguments with an employer. When Mr. Smith was not working, he was supporting himself through theft, dealing drugs, and social assistance.

Mr. Smith began drinking alcohol when he was 11 or 12 years old. Before his arrest, Mr. Smith states he would drink six beers, or more, every weekend. He has also

taken many different drugs such as cocaine, uppers, downers, mushrooms, and marijuana. This drug abuse also started when he was 11 or 12 years old. He stated that at the time of the present crime he had been off drugs for about 3 years.

Mr. Smith has been involved in 5 common-law relationships. The longest lasting 1 and 1/2 years but he "couldn't remember her name". He believes he has 2 sons, whom he has not had contact with for 5 years. He first had sex when he was 12 years old and has had about 20 sexual partners. His relationships have been unstable. There was a great deal of arguing. He cheated on many of his partners. He says that there was no physical abuse but on one occasion "I grabbed my girlfriend and held her in a headlock".

Mr. Smith said that he does not really have any long-term friends. He has a good friend now whom he has known for about 6 months. Mr. Smith admits that he manipulates people and lies to them to get what he wants. Mr. Smith has moved around a lot. He would take off and travel around for weeks just to "get away from my problems".

Mr. Smith was first arrested at the age of 13 for possession of narcotics (marijuana). He has more than 10 convictions on his juvenile record. He has been incarcerated within the federal system on two separate occasions as well as 5 incarcerations in the provincial criminal system. He has convictions for theft, break and enter, aggravated assault, and possession of drugs. During his previous incarceration Mr. Smith obtained his grade 12, and completed a substance abuse program, which seems to have been unsuccessful. He has one prior sexual offence. At the age of 19 he was arrested for sexually exposing himself in a school playground.

PRESENT OFFENCE

When Mr. Smith committed his present offence he was unemployed and living with his mom. Mr. Smith was on a beach with several other people drinking. When they ran out of beer Mr. Smith said he would go get more. He passed a house with no car in the driveway. Mr. Smith stated "I broke into the house to look for money to buy booze". He couldn't find any money so he started stuffing jewelry into a bag so he could sell them. When he was in the bedroom the 19 year old woman who rented the house came home. She started screaming so he grabbed her. She broke a vase over his head. After this Mr. Smith said that he became very angry. He pushed her on the bed and the thought of sexually assaulting her came to his mind. Mr. Smith stated that he was thinking "she thinks she's got problems, I'll show her what a problem really is". He forcibly removed her clothing and raped her. The assault continued for some time. Eventually, the victim managed to free herself and run out of the house. Mr. Smith said that before he ran off he still managed to grab the bag of jewelry. Mr. Smith stated that he didn't really beat her up, he just pushed her around. This is contrary to the police report indicating that the victim was badly beaten.

MENTAL STATUS AND CLINICAL OBSERVATIONS

Mr. Smith says that he regrets his crimes especially the crimes in which people were hurt. He stated that the rape victim will never be the same after what he did to her. He said that he "screwed her up mentally" and felt very sorry and guilty for this. Mr. Smith said that he should pay for what he had done. Mr. Smith admitted, since the age of 16, he started fantasizing about sexually assaulting women that he didn't like. Mr. Smith has poor behavioural controls and a likes taking risks. Mr. Smith has few goals or plans for the future. He has owed people money and not paid them back. He frequently drives while he is drunk. He has cheated in most of his relationships and he lacks the ability to hold a job.

TEST RESULTS

Psychopathy is a personality disorder whose symptoms include the following: Interpersonally, psychopaths are grandiose, callous, superficial, and manipulative; affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety; and behaviorally, they are irresponsible, impulsive, and prone to delinquency and criminality. Mr. Smith was administered the Revised Psychopathy Checklist. The Psychopathy Checklist is comprised of a 20-item scale scored from an interview and file information. It is designed to measure the attitudes, personality traits, and behaviours associated with psychopathy. The Psychopathy Checklist is intended for clinical use only in adult male forensic populations. The Psychopathy Checklist has been shown to have high reliability and validity. Research has demonstrated that individuals who are diagnosed as psychopathic begin engaging in criminal activities at an earlier age and commit more nonviolent and violent offences than do other offenders. Moreover, psychopaths are more disruptive in institutions and are more likely to commit another violent crime once released from prison than are other offenders. Recent research suggests that it is difficult to treat the psychopathic offender.

Mr. Smith received a score of 35/40 on the Psychopathy Checklist. This score falls above the cutoff for psychopathy (which is 30/40). Overall, the results indicate that Mr. Smith is a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

Mr. Smith has been convicted of a serious sexual assault. He has demonstrated a chronic antisocial and impulsive lifestyle. For the current offense, he now accepts responsibility for his actions, recognizes the harm caused to the victim, and is motivated to obtain treatment. However, given his past criminal history, one must be cautious about his willingness to change. Currently, Mr. Smith represents a risk to engage in future offending, unless he can learn to control his impulsive and sexual tendencies.

Thank you for referring this challenging case to me. Please contact me if I can be of further assistance.

Yours sincerely

Paul Anderson, Ph D
Consulting Psychologist

- 1 Diagnostic assessment regarding existence of mental illness
- 2 Personality assessment regarding anger/impulse control and evidence of psychopathy.
- 3 Social assessment
- 4 Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed James on two occasions totaling approximately 5 hours. James was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood the warning. I have reviewed his criminal record, police interview, and various psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION

James is a 15-year old male who has been convicted of sexual assault. James was born in Vancouver, B.C. He is a single child. His biological father died when he was 10 years old. His mother never remarried. James said that his father's death "really affected him". After his father's death his mother began drinking a lot and he described her as "not really affectionate". James mentioned that between the ages of 8 and 14 he was sexually abused by his Uncle. He stated that he thought his mother knew about it but "never did anything". James has been involved in theft, drugs, and alcohol since he was 11 years old. At the age of 12 his mom turned him into the police for using marijuana. He was sent to a reform school for 2 weeks. At the age of 12, James began skipping school, drinking, and smoking cigarettes and marijuana at school. At the age of 14, he left home and moved in with a friend's family. His attendance at schools has been very sporadic over the past two years. He currently has not completed grade 8.

James began drinking alcohol when he was 11 or 12 years old. Before his arrest James states he would drink six beer, or more, every weekend. He has also taken many different drugs such as cocaine, uppers, downers, mushrooms, and marijuana. This drug abuse also started when he was 11 or 12 years old. He stated that at the time of the present crime he had been off drugs for about 1 year.

James has been involved in 5 relationships, the longest lasting 6 months. He first had sex when he was 12 years old and has had about 10 sexual partners. His relationships have been unstable. There was a great deal of arguing. He cheated on many of his partners. He says that there was no physical abuse but on one occasion "I grabbed my girlfriend and held her in a headlock".

- 1 Diagnostic assessment regarding existence of mental illness
- 2 Personality assessment regarding anger impulse control and evidence of psychopathy
- 3 Social assessment
- 4 Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed Mr. Smith on two occasions totaling approximately 5 hours. Mr. Smith was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood the warning. I have reviewed his criminal record, police interview, and various psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION

Mr. Smith is a 30-year old male who has been convicted of sexual assault. Mr. Smith was born in Vancouver, B.C. He is a single child. His biological father died when he was 13 years old. His mother never remarried. Mr. Smith said that his father's death "really affected him." After his father's death his mother began drinking a lot and he described her as "not really affectionate." Mr. Smith mentioned that between the ages of 8 and 14 he was sexually abused by his Uncle. He stated that he thought his mother knew about it but "never did anything." Mr. Smith has been involved in theft, drugs, and alcohol since early adolescence. At the age of 12 his mom contacted the police about his marijuana use. He was sent to a reform school for 2 weeks. At the age of 12, Mr. Smith began skipping school, drinking, and smoking cigarettes and marijuana at school (Mr. Smith dropped out of school after grade 10). At the age of 14, he left home and moved in with his friend's family.

Mr. Smith has been employed as a masonry helper and a construction worker. He has also worked on the railroad. He said that he has had about 4 or 5 jobs. His longest employment was as a masonry helper for 2 years. He has quit jobs because of boredom and because of arguments with an employer. When Mr. Smith was not working he was supporting himself through theft, dealing drugs, and social assistance.

Mr. Smith began drinking alcohol when he was 11 or 12 years old. Before his arrest Mr. Smith states he would drink six beer, or more, every weekend. He has also taken many different drugs such as cocaine, uppers, downers, mushrooms, and marijuana. This drug abuse also started when he was 11 or 12 years old. He stated that at the time of the present crime he had been off drugs for about 3 years.

Mr. Smith has been involved in 5 common-law relationships. The longest lasting 1 and 1 1/2 years but he "couldn't remember her name". He believes he has 2 sons, whom he has not had contact with for 5 years. He first had sex when he was 12 years old and has had about 20 sexual partners. His relationships have been unstable. There was a great deal of arguing. He cheated on many of his partners. He says that there was no physical abuse but on one occasion "I grabbed my girlfriend and held her in a headlock".

Mr. Smith said that he does not really have any long-term friends. He has a good friend now whom he has known for about 6 months. Mr. Smith admits that he manipulates people and lies to them to get what he wants. Mr. Smith has moved around a lot. He would take off and travel around for weeks just to "get away from my problems".

Mr. Smith was first arrested at the age of 13 for possession of narcotics (marijuana). He has more than 10 convictions on his juvenile record. He has been incarcerated within the federal system on two separate occasions as well as 5 incarcerations in the provincial criminal system. He has convictions for theft, break and enter, aggravated assault, and possession of drugs. During his previous incarceration Mr. Smith obtained his grade 12, and completed a substance abuse program, which seems to have been unsuccessful. He has one prior sexual offence. At the age of 19 he was arrested for sexually exposing himself in a school playground.

PRESENT OFFENCE

When Mr. Smith committed his present offence he was unemployed and living with his mom. Mr. Smith was on a beach with several other people drinking. When they ran out of beer Mr. Smith said he would go get more. He passed a house with no car in the driveway. Mr. Smith stated "I broke into the house to look for money to buy booze". He couldn't find any money so he started stuffing jewelry into a bag so he could sell them. When he was in the bedroom the 19 year old woman who rented the house came home. She started screaming so he grabbed her. She broke a vase over his head. After this Mr. Smith said that he became very angry. He pushed her on the bed and the thought of sexually assaulting her came to his mind. Mr. Smith stated that he was thinking "she thinks she's got problems, I'll show her what a problem really is". He forcibly removed her clothing and raped her. The assault continued for some time. Eventually, the victim managed to free herself and run out of the house. Mr. Smith said that before he ran off he still managed to grab the bag of jewelry. Mr. Smith stated that he didn't really beat her up, he just pushed her around. This is contrary to the police report indicating that the victim was badly beaten.

MENTAL STATUS AND CLINICAL OBSERVATIONS

Mr. Smith says that he regrets his crimes, especially the crimes in which people were hurt. He stated that the rape victim will never be the same after what he did to her.

He said that he "screwed her up mentally" and felt very sorry and guilty for this. Mr. Smith said that he should pay for what he had done.

Mr. Smith admitted, since the age of 16, he started fantasizing about sexually assaulting women that he didn't like. Mr. Smith has poor behavioural controls and a likes taking risks.

Mr. Smith has few goals or plans for the future. He has owed people money and not paid them back. He frequently drives while he is drunk. He has cheated in most of his relationships and he lacks the ability to hold a job.

TEST RESULTS

Psychopathy is a personality disorder whose symptoms include the following: Interpersonally, psychopaths are grandiose, callous, superficial, and manipulative; affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety; and behaviorally, they are irresponsible, impulsive, and prone to delinquency and criminality. Mr. Smith was administered the Revised Psychopathy Checklist. The Psychopathy Checklist is comprised of a 20-item scale scored from an interview and file information. It is designed to measure the attitudes, personality traits, and behaviours associated with psychopathy. The Psychopathy Checklist is intended for clinical use only in adult male forensic populations. The Psychopathy Checklist has been shown to have high reliability and validity. Research has demonstrated that individuals who are diagnosed as psychopathic begin engaging in criminal activities at an earlier age and commit more nonviolent and violent offences than do other offenders. Moreover, psychopaths are more disruptive in institutions and are more likely to commit another violent crime once released from prison than are other offenders. Recent research suggests that it is difficult to treat the psychopathic offender.

Mr. Smith received a score of 25/40 on the Psychopathy Checklist. This score falls below the cutoff for psychopathy (which is 30/40). Overall, the results indicate that Mr. Smith is NOT a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

Mr. Smith has been convicted of a serious sexual assault. He has demonstrated a chronic antisocial and impulsive lifestyle. For the current offense, he now accepts responsibility for his actions, recognizes the harm caused to the victim, and is motivated to obtain treatment. However, given his past criminal history one must be cautious about his willingness to change. Currently, Mr. Smith represents a risk to engage in future offending, unless he can learn to control his impulsive and sexual tendencies.

Thank you for referring this challenging case to me. Please contact me if I can be of further assistance.

Yours sincerely

Paul Anderson, Ph D
Consulting Psychologist

Group Psychopath
Condition Young Offender
Offense Type Sexual Assault

Anderson, Jones & Associates
Forensic Consulting Services

500 Park Street
Vancouver, B.C.
V7S 2T4

PRIVATE AND CONFIDENTIAL

October 8, 1995

The Presiding Judge
Provincial Court of B.C.
Vancouver Courthouse
300 Cooper Street
V6Z 2R3

Your Lordship

RE Smith, James Albert
F.P.S. # 454522
Birth date June 22, 1980

OFFENCE

Sexual Assault

REFERRAL SOURCE

Mr. Scott Black, Crown Counsel, Law Courts, Vancouver, B.C.

STAGE OF COURT PROCEEDINGS

This is a pre-disposition report. Mr. Smith is due to appear in Provincial Court, Vancouver, for sentencing on January 15, 1996.

REASON FOR REFERRAL

On June 15, 1995 James Smith was found guilty of one count of sexual assault. I was contacted by Mr. Scott Black, Crown Counsel, to conduct an assessment of Mr. Smith to determine the following:

- 1 Diagnostic assessment regarding existence of mental illness.
- 2 Personality assessment regarding anger/impulse control and evidence of psychopathy
- 3 Social assessment
- 4 Assessment of treatment needs

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed James on two occasions totaling approximately 5 hours. James was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood the warning. I have reviewed his criminal record, police interview, and various psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION.

James is a 15-year old male who has been convicted of sexual assault. James was born in Vancouver, B.C. He is a single child. His biological father died when he was 10 years old. His mother never remarried. James said that his father's death "really affected him". After his father's death his mother began drinking a lot and he described her as "not really affectionate". James mentioned that between the ages of 8 and 14 he was sexually abused by his Uncle. He stated that he thought his mother knew about it but "never did anything". James has been involved in theft, drugs, and alcohol since he was 11 years old. At the age of 12 his mom turned him into the police for using marijuana. He was sent to a reform school for 2 weeks. At the age of 12, James began skipping school, drinking, and smoking cigarettes and marijuana at school. At the age of 14, he left home and moved in with a friend's family. His attendance at schools has been very sporadic over the past two years. He currently has not completed grade 8.

James began drinking alcohol when he was 11 or 12 years old. Before his arrest James states he would drink six beer, or more, every weekend. He has also taken many different drugs such as cocaine, uppers, downers, mushrooms, and marijuana. This drug abuse also started when he was 11 or 12 years old. He stated that at the time of the present crime he had been off drugs for about 1 year.

James has been involved in 5 relationships, the longest lasting 6 months. He first had sex when he was 12 years old and has had about 10 sexual partners. His relationships have been unstable. There was a great deal of arguing. He cheated on many of his partners. He says that there was no physical abuse but on one occasion "I grabbed my girlfriend and held her in a headlock"

James said that he does not really have any long-term friends. He has a good friend now whom he has known for about 6 months. James admits that he manipulates people and lies to them to get what he wants.

James was first arrested at the age of 13 for possession marijuana. He has 10 convictions on his juvenile record. He has convictions for theft, break and enter, aggravated assault, and possession of drugs. During his previous institutionalization he completed a substance abuse program, which seems to have been successful. He has one prior sexual offence. At the age of 14 he was arrested for sexually exposing himself in a school playground.

PRESENT OFFENCE

When James committed his present offence he was living at a group home. James was on a beach with several other people drinking. When they ran out of beer James said he would go get more. He passed a house with no car in the driveway. James stated "I broke into the house to look for money to buy booze". He couldn't find any money so he started stuffing jewelry into a bag so he could sell them. When he was in the bedroom the 19 year old woman who rented the house came home. She started screaming so he grabbed her. She broke a vase over his head. After this James said that he became very angry. He pushed her on the bed and the thought of sexually assaulting her came to his mind. James stated that he was thinking "she thinks she's got problems, I'll show her what a problem really is". He forcibly removed her clothing and raped her. The assault continued for some time. Eventually, the victim managed to free herself and run out of the house. James said that before he ran off he still managed to grab the bag of jewelry. James stated that he didn't really beat her up, he just pushed her around. This is contrary to the police report indicating that the victim was badly beaten.

MENTAL STATUS AND CLINICAL OBSERVATIONS

James says that he regrets his crimes, especially the crimes in which people were hurt. He stated that the rape victim will never be the same after what he did to her. He said that he "screwed her up mentally" and felt very sorry and guilty for this. James said that he should pay for what he had done.

James admitted that he recently started fantasizing about sexually assaulting a woman that he didn't like. Since adolescence James has had poor behavioural controls and taking risks.

James has no specific plans regarding his educational or occupational future. He is irresponsible. He has owed people money and not paid them back. He has cheated in most of his relationships.

TEST RESULTS

Psychopathy is a personality disorder whose symptoms include the following: Interpersonally, psychopaths are grandiose, callous, superficial, and manipulative; affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety, and behaviorally, they are irresponsible, impulsive, and prone to delinquency and criminality. James was administered the Revised Psychopathy Checklist. The Psychopathy Checklist is comprised of a 20-item scale scored from an interview and file information. It is designed to measure the attitudes, personality traits, and behaviours associated with psychopathy. The Psychopathy Checklist is intended for clinical use only in adult male forensic populations. The Psychopathy Checklist has been shown to have high reliability and validity. Research has demonstrated that individuals who are diagnosed as psychopathic begin engaging in criminal activities at an earlier age and commit more nonviolent and violent offences than do other offenders. Moreover, psychopaths are more disruptive in institutions and are more likely to commit another violent crime once released from prison than are other offenders. Recent research suggests that it is difficult to treat the psychopathic offender.

James received a score of 35/40 on the Psychopathy Checklist. This score falls above the cutoff for psychopathy (which is 30/40). Overall, the results indicate that James is a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

James Smith has been convicted of a serious sexual assault. He has demonstrated a chronic antisocial and impulsive lifestyle. For the current offense, he now accepts responsibility for his actions, recognizes the harm caused to the victim, and is motivated to obtain treatment. However, given his past criminal history one must be cautious about his willingness to change. Currently, James represents a risk to engage in future offending, unless he can learn to control his impulsive and sexual tendencies.

Thank you for referring this challenging case to me. Please contact me if I can be of further assistance.

Yours sincerely,

Paul Anderson
Consulting Psychologist

Group Nonpsychopath
Condition. Young Offender
Offense Type Sexual Assault

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Forensic Consulting Services

566 Park Street
Vancouver, B C
V7S 2T4

PRIVATE AND CONFIDENTIAL

October 8, 1995

The Presiding Judge
Provincial Court of B.C
Vancouver Courthouse
300 Cooper Street
V6Z 2R3

Your Lordship.

RE: James Albert Smith
Filenumbr 454522
Birth date. June 22, 1980

OFFENCE

Sexual Assault

REFERRAL SOURCE

Mr. Scott Black, Crown Counsel, Law Courts, Vancouver, B C

STAGE OF COURT PROCEEDINGS

This is a pre-disposition report. Mr. Smith is due to appear in Provincial Court, Vancouver, for sentencing on January 15, 1996.

REASON FOR REFERRAL AND PSYCHOLOGICAL OPINION

On June 15, 1995 James Smith was found guilty of one count of sexual assault. I was contacted by Mr. Scott Black, Crown Counsel, to conduct an assessment of Mr. Smith to determine the following:

- 1 Diagnostic assessment regarding existence of mental illness.
- 2 Personality assessment regarding anger/impulse control and evidence of psychopathy.
- 3 Social assessment.
- 4 Assessment of treatment needs.

EXTENT OF CONTACT AND RELEVANT DOCUMENTATION AVAILABLE AT TIME OF ASSESSMENT

I have interviewed James on two occasions totaling approximately 5 hours. James was warned about the non-confidential nature of this assessment at the beginning of each interview, and indicated that he understood the warning. I have reviewed his criminal record, police interview, and various psychological assessments.

TESTS ADMINISTERED

Revised Psychopathy Checklist

BACKGROUND INFORMATION:

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relationships have been unstable. There was a great deal of arguing. He cheated on many of his partners. He says that there was no physical abuse but on one occasion "I grabbed my girlfriend and held her in a headlock"

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James received a score of 25/40 on the Psychopathy Checklist. This score falls below the cutoff for psychopathy (which is 30/40). Overall, the results indicate that James is NOT a psychopath.

CONCLUSIONS AND RECOMMENDATIONS

James Smith has been convicted of a serious sexual assault. He has demonstrated a chronic antisocial and impulsive lifestyle. For the current offense, he now accepts responsibility for his actions, recognizes the harm caused to the victim, and is motivated to obtain treatment. However, given his past criminal history one must be cautious about his willingness to change. Currently, James represents a risk to engage in future offending, unless he can learn to control his impulsive and sexual tendencies.

Thank you for referring this challenging case to me. Please contact me if I can be of further assistance.

Yours sincerely,

Paul Anderson
Consulting Psychologist

Appendix B

Sentencing Options and Definitions

Sentencing Options and Definitions(young offender)

Please read each carefully before choosing a sentence

Absolute Discharge a sentence that does not carry with it any obligations or restrictions on the young person's freedom.

Fine a sentence that requires payment of not more than \$1000 to be paid by a certain time and on the terms that the court decides

Compensation a sentence that requires the young person to give back to the victim the equivalent of the loss caused by the young person For example, working for the victim to make up for the loss or damage to the victim's property, the loss of the victim's income, or personal injury caused to the victim

Community Service Order a sentence that requires the young person to perform a community service The maximum number of hours that can be assigned is 240

Probation a sentence that is used mainly as a way of providing supervision for the young person. It requires that the young person report to and is supervised by a person designated by the court The young person may also have to do one or more of the following tell their probation officer if they change their address, remain living within a certain area, find work, remain in school, or obey a curfew The maximum length that can be given is two years

Custody a sentence that requires the young person's placement in a residence appointed by the court. The Young Offender Act distinguishes between two types of custody

a) Open custody - a residence such as a group home, wilderness camp, or any like place where the young person is closely supervised This residence is not usually locked. However, the young person is still required to remain within its property boundary or face further penalty. The maximum length in open custody is two years

b) Secure custody - a residence that is locked up in a secure fashion such that the young person can not leave The young person is strictly monitored and confined to the residence. The maximum length of sentence in secure custody is two years

Sentencing Options and Definitions(adult)

Please read each carefully before choosing a sentence

A warning and set free a sentence that does not carry with it any obligations or restrictions on the offender's freedom

Fine a sentence that requires payment money to be paid by a certain time and on the terms that the court decides

Compensation a sentence that requires the offender to give back to the victim; the equivalent of the loss caused by the offender. For example, working for the victim to make up for the loss or damage to the victim's property, the loss of the victim's income, or personal injury caused to the victim

Community Service Order a sentence that requires the offender to perform a community service

Probation a sentence that is used mainly as a way of providing supervision for the offender. It requires that the offender report to and is supervised by a person designated by the court. The offender may also have to do one or more of the following: tell their probation officer if they change their address, remain living within a certain area, find work, remain in school, or obey a curfew

Prison a sentence that requires a prison term (may possibly be released before full sentence is served, depending on conduct in prison and assessed risk of reoffending)

Appendix C
Questionnaire

Gender Male _____ Female _____
Ethnic Background a) Caucasian _____ b) Aboriginal _____
c) Black _____ d) Asian _____
e) Other _____
Age _____

This booklet contains two pre-sentence reports, one involving an offender convicted of assault causing bodily harm, the other an offender convicted of sexual assault. Your task is to determine the type and length of sentence of the two offenders. A list of sentencing options and their definitions is provided to you. Read each carefully and refer back to these definitions if necessary. Check the type of sentence and then write down the length of sentence that you feel is appropriate for both pre-sentence reports. Then read each sentencing goal and indicate the importance of each in both cases. Then answer the three remaining questions.

Take your time reading each pre-sentence report. Do not write your name on any of the pages. After you have completed both pre-sentence reports there will be two final questions.

Thank you for your participation

1 What sentence would you give the offender?(young offender condition)

	<u>Check One</u>	<u>Length or Amount</u>
a) absolute discharge	_____	_____
b) fine	_____	_____
c) compensation	_____	_____
d) community service order	_____	_____
e) probation	_____	_____
f) open custody	_____	_____
g) secure custody	_____	_____

1 What sentence would you give the offender?(adult condition)

	<u>Check One</u>	<u>Length or Amount</u>
a) a warning and set free	_____	_____
b) fine	_____	_____
c) compensation	_____	_____
d) community service order	_____	_____
e) probation	_____	_____
f) prison	_____	_____

2 Rate how important you believe the following goals of sentencing are for the offender (1 = least important, 4 = moderately important, 7 = very important).

	<u>Least</u> <u>Important</u>			<u>Moderately</u> <u>Important</u>			<u>Most</u> <u>Important</u>
a) <u>rehabilitation</u> (to provide treatment in order to reduce reoffending)	1	2	3	4	5	6	7
b) <u>general deterrence</u> (to make an example of the offender so that others will not offend)	1	2	3	4	5	6	7
c) <u>individual deterrence</u> (to deter the individual from reoffending in the future)	1	2	3	4	5	6	7
d) <u>incapacitation</u> (to make sure that the offender does not reoffend during	1	2	3	4	5	6	7

the period of sentencing
by placing him/her in
custody)

e) just deserts (to give 1 2 3 4 5 6 7
the offender a punishment
that fits the crime
without considering
treatment or other
alternatives)

f) compensation (making 1 2 3 4 5 6 7
the offender give back
to the victim the
equivalent of the loss
that was caused, i.e.,
through money or work
hours, etc.)

3. How confident are you with your sentence?

1	2	3	4	5	6	7
not at all			somewhat			very
confident			confident			confident

4. Please rate the dangerousness of the defendant.

1	2	3	4	5	6	7
not at all			somewhat			very
dangerous			dangerous			dangerous

5. Did the clinical diagnosis that the defendant was/was not psychopathic have any influence on your decisions?

1	2	3	4	5	6	7
very little			some			a great deal
influence			influence			of influence

6. Rate the importance of the following intervention programs for this offender?

		Least		Moderately		Most	
		important		Important		Important	
a) alcohol program	1	2	3	4	5	6	7

b) drug abuse program	1	2	3	4	5	6	7
c) anger management program	1	2	3	4	5	6	7
d) psychopathic treatment program	1	2	3	4	5	6	7
e) sex offender treatment program	1	2	3	4	5	6	7
f) other _____	1	2	3	4	5	6	7

7 How effective do you think the following intervention programs will be in reducing the likelihood that this offender will commit another crime?

	Least Effective		Moderately Effective		Most Effective		
a) alcohol program	1	2	3	4	5	6	7
b) drug abuse program	1	2	3	4	5	6	7
c) anger management program	1	2	3	4	5	6	7
d) psychopathic treatment program	1	2	3	4	5	6	7
e) sex offender treatment program	1	2	3	4	5	6	7
f) other _____	1	2	3	4	5	6	7

8 In the pre-sentence report the defendant was diagnosed as

a) psychopathic

b) not psychopathic

c) do not
remember

Appendix D

Consent Form

Project Sentencing decisions

Faculty Sponsor Adelle Forth

Department of Psychology,
Carleton University
Telephone 788-2600 Ex 1267

Investigator Shauna Digby

I hereby consent to participate in a study examining a community sample's sentencing decisions. I understand that this study will take approximately 1 hour, and that I may withdraw from this study at any time.

I realize that I do not have to answer any questions which I do not wish to, and that I can withdraw from this study at any time, without penalty.

I understand that I will receive one experimental credit for my participation in this study and that all the results will be kept strictly confidential. I also know that I am not to put my name on any of the questionnaires.

If I want any more information about this study I can ask the investigator or call one of the following:

Chair of the Department of Psychology W. Jones at 788-2600 ex 2648
Chair of the Ethics Committee L. Paquet at 788-2600 ex 2692

Name _____

Date _____

Signature _____
(Subject)

Signature _____
(Researcher)

Appendix E
Debriefing Form

Thank you for your cooperation and participation in this study. The purpose of this study is to examine the impact of a diagnosis of psychopathy on an adult and young offender on sentencing decisions.

Psychologists and psychiatrists give expert evidence on the presence or absence of psychopathy in a great number of court proceedings (e.g., hearings with respect to transfers of young offenders to adult court, dangerous offender hearings, sentencing hearings). The courts appear to be greatly influenced by expert evidence as to the presence or absence of psychopathy. In the majority of cases expert evidence on the presence of psychopathy was used to increase the severity of the sentence.

Each participant received two pre-sentence reports. There were four variations of these two pre-sentence reports. Participants were randomly assigned to one of the four variations: 1) The adult convicted of rape was diagnosed as psychopathic; the adult convicted of assault was not psychopathic, 2) The adult convicted of rape was not psychopathic; the adult convicted of assault was diagnosed as psychopathic, 3) The young offender convicted of rape was diagnosed as psychopathic, the young offender convicted of assault was not diagnosed as psychopathic, and 4) The young offender convicted of rape was not diagnosed as psychopathic; the young offender convicted of assault was diagnosed as psychopathic. Except for the variation in the psychiatric report, the remainder of the two pre-sentence reports were identical for all four versions.

Your participation in this study will help us to examine if a diagnosis of psychopathy, age of offender, and type of crime has an impact on sentencing decisions.

Feel free to ask any questions about the study. You can also contact one of the individuals listed below:

Faculty Sponsor: Adelle Forth 788-2600 ex. 1267

Chair of Department of Psychology: W. Jones 788-2600 ex. 2648

Chair of Ethics Committee: L. Paquet 788-2600 ex. 2692

Once again thank you for your time and your participation in this study.

END

1 7 0 6 - 9 7

FIN