

## A Methodological Appraisal of the Application of the Hare Psychopathy Checklists in Forensic Setting

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**Abstract.** Psychopathy is seen as a personality disorder defined by a cluster of interpersonal affective lifestyle and antisocial traits and behavior including grandiosity, egocentricity, deceptiveness, shallow emotion, lack of empathy or remorse, irresponsibility and impulsivity and tendency to violate social norms. The paper examined the use of the PCL-R in other climes. Investigation revealed that 90% of cases in the United States were decided using the PCL-R both at the state and federal courts. The PCL-R is also used in expert witnessing and testimony and also used to deal with charges of kidnapping, attempted murder, sexual assault, rape, robbery, long term offenders and dangerous offenders. Investigation also revealed that the PCL-R is used in sentence cases, parole hearing and death penalty sentencing in Canada. The paper therefore recommends that the Hare psychopathic checklist (PCL-R) should be validated and adapted in Nigeria and be used in the criminal justice system as a research instrument for research purposes, and a psycho diagnostic tool for assessment of psychopathy among forensic and clinical patients and measurement of deviant, irresponsible and impulsive behavior among new entrant into the Nigerian police force during selection processes.

**Keywords:** Hare Psychopathy, Checklist, Forensic Setting, Criminal, Nigeria.

### 1. Introduction

The term psychopathy has long and varied history that goes back hundreds of years and even has been equated with over all psychopathology or mental

illness (Curran & Mallinson, 1944). Consequently, Millon, Simonsen, Birket-Smith, & Davis (1998) identified psychopathy as the first personality disorder ever recognized. However, psychopathy is now used to specify a clinical construct or a specific form of antisocial personality (APD) that is prevalent in individuals who commit a variety of criminal acts and generally behave irresponsibly (Hemphill & Hart, 2003). Hare (1996) describes psychopathy as a socially devastating disorder, and that psychopath are intra species predators.

According to Hervey Cleckley (1941) in his book, *Mask of Sanity*, sixteen (16) different characteristics that define or compose the clinical profile of the psychopath was identified. The characteristics include: superficial charm and good intelligence; absence of delusion and other signs of irrational thinking; absence of nervousness; unreliability; untruthfulness and insincerity; lack of remorse or shame; inadequately motivated antisocial behavior, poor judgment and failure to learn from experience; pathological egocentricity and incapacity for love; general poverty in major affective reactions; specific loss of insight; unresponsiveness in general interpersonal relations; fantastic and uninviting behaviour with drink and sometimes without; suicide rarely carried out; sex life interpersonal, trivial and poorly integrated; and failure to follow any life plan.

Consequently, for other scholars, the term Psychopath refers to a person with a personality disorder that includes a cluster of interpersonal, affective lifestyle and antisocial traits and behaviors (Hare, & Login, 2009). People with these traits and

behaviour are often described as deceptive, impulsive, irresponsible, manipulative and glib. They have poor behavioral control and lack of sense of empathy or guilt, have a callous disregard for other rights, are sexually promiscuous, have a shallow affect and are constantly looking for stimulation; they are often described as being unethical, as they frequently engage in antisocial behaviour (Hare & Login, 2009). The term psychopath can also refer to any person who has received a score of 30 or more on the PCL-R. The term is not meant as a way to label or stigmatize any group; instead it is solely used as a succinct way to describe common traits or characteristics found in people who have scored 30 or above on the scale.

Psychopathy is a disease of the mind, in which the psychological state of someone has emotional or behavioral problems serious enough to require psychiatric evaluation. Psychopaths have no concern for the feelings of others and a complete disregard of any sense of social obligation. Psychopaths are characterized by lack of empathy, poor impulse control and manipulative behaviors. They use charm, manipulation, intimidation, and the use of severe to mild violence to satisfy their own needs. Psychopathy is derived from two Greek words: psych, meaning soul, and pathos, meaning suffering. They were once used to explain any form of mental illness. Psychopaths can seem just like you or me, but when you are not around them this is when their mental disorder kicks in. Psychopaths that have been put in jail committed three times as many crimes per year than non-psychopaths. 97% of convicted psychopathic criminals cause at least one violent crime compared to 74% of non-psychopaths. Psychopaths are shown to be more violence throughout their entire life compared to a regular person. Psychopaths tend to have a greater chance of failing on parole and mandatory supervision and have a faster rate of failing than non-psychopaths. Psychopathy predicts recidivism on conditional release as well as or better than do actuarial risk instruments. Psychopaths recidivate at a rate of three to four times higher than that of non-psychopaths. Doctors use a simple test to predict psychopathy called a Psychopathy Checklist-Revised or known as the PCL-R test. This is a checklist that has twenty items on it that included: glibness or superficial charm, grandiose sense of self-worth, need for stimulation/proneness to boredom, pathological lying, conning or manipulative, lack of remorse or guilt, shallow affect, callous and lack of empathy, parasitic lifestyle, poor behavioral controls, promiscuous sexual behavior, early behavioral problems, lack of realistic, long-term goals,

impulsivity, irresponsibility, failure to accept responsibility for actions and criminal versatility.

## 2. Empirical Framework

Early validation for the PCL was conducted to ensure that it was capturing a similar construct as Cleckley's criteria and the global ratings of psychopathy. The initial sample consisted of 143 white incarcerated males from a prison in British Columbia in Canada (Hare, 1980). Regression analysis showed that PCL scores significantly predicted global ratings of psychopathy indicating that the items the PCL were consisting of familiar features that clinicians were using when coming to a decision on the global rating of psychopathy. Additionally, factor analysis using the PCL and Cleckley's criteria revealed a good fit between the two sets of factors suggesting that the 22 items, PCL and Cleckley's 16 criteria of psychopathy were measuring a similar construct. Early validation analysis thus suggested that the PCL was accurately capturing the same or similar construct of psychopathy that clinicians were assessing with global rating scale of psychopathy and Cleckley's criteria, placing confidence in the ability of the PCL as a measure of psychopathy (Hare, 1980). Reliability of the scale items and ratings from this initial study also indicated that it could be used confidently as a reliable measure. Subsequent research using the PCL began to shed light on psychopathy. A number of early studies were crucial for influencing the psychopathy literature for decades to come. The first study to link the PCL with other measures of personality used the Eysenck personality Questionnaire (Hare, 1982). This study found that PCL scores were associated with psychoticism and negatively with the lie scale. Another study examined the relation between the PCL and violence (Hare & McPherson, 1984). This study found that criminal's higher PCL scores were more likely to commit violent and aggressive criminal acts than those lower in PCL scores, and that lower IQ was not a reason for this effect. This finding would propel the PCL into research, examining the risk that offenders with elevated PCL (-R) scores pose for committing violent criminal acts upon release from prison (Hare, 2003). Another early and consistent finding was the individuals with high PCL scores were less likely to learn from punishment when there was a prospect of receiving a monetary reward (Newman, 1987). These findings laid the ground work for subsequent research that would corroborate and extend these features and many others into a greater understanding of individuals with psychopathic traits.

The PCL initiated the development of a research scale for the assessment of psychopathy. However a number of issues arise from the early validation study of the scale. The PCL contained 22 items, but two (2) items had relatively low correlations with the overall PCL score (Hare, 1980). These two items were items 2 (previous diagnosis as psychopath (or similar) and item 22 (Drug or alcohol abuse not direct cause of antisocial behavior). These 2 items were subsequently removed when developing the revised scale, resulting in a total of 20 items (with scores ranging from 0 to 40). Additionally, item 16 (irresponsible behavior by parents) was modified to represent irresponsible behavior across many contexts beyond just parenting. Another issue concern what information about the individual should be used to score each item. Thus, more comprehensive and clearer item description was subsequently provided. Scoring the PCL was also problematic when little to no information was available for a given item. In these circumstances, raters would often score the offender a 1 for that item, which may have artificially inflated scores. As a result, the need to omit items and provide prorated scores was suggested and implemented in the revised scale. Lastly, some of the factors from the factor analysis in the preliminary study did not have underlying content that could meaningfully be communicated. However, refinement of the PCL item scoring adjustment and clearer item description would later produce the replicable and context meaningful structure found in the PCL-R; PCL-SV; & PCL; Y V. (e.g., interpersonal, affective, life style and antisocial factors)

It is important to stress the point here that the PCL provided the first assessment scale enabling systematic research into the clinical construct of psychopathy. Previous to its development, psychopathy was largely a clinical diagnosis, arrived at by interviewing the individual and using clinical judgment to make the diagnosis. The PCL provides a ranging scale that amalgamated many of the traits and behaviors of psychopathy using conceptual and statistical methods to provide for a more objective and dimensional assessment of psychopathy in criminal population. Amalgamating the features that form the construct of psychopathy had the benefit of not being unduly influenced by any particular salient trait or behavior of the offender (e.g. extensive deception, heinous crimes). In this way, the PCL provided a balanced, reliable and accurate way to assess an individual on psychopathic traits for research and clinical purposes.

Typically, psychopaths compose 20-30% of the prisons population (Hare, 2003). In order to answer the question of how psychopathic offenders deviate in committing crimes as compared with their non-psychopathic counterparts, Hakkanen Nyhol & Hare (2009) studied some offenders charged with Homicides. They found that offenders who scored high on the PCL-R were more likely to leave the crime scene without informing anyone of the killing, to deny the charges to be convicted of involuntary manslaughter rather than manslaughter or murder, and to be granted permission to appeal their lower level court sentence (Hakkanen Nyhol & Hare, 2009). In general, people with high level of psychopathic traits come into contact with the law at a younger age, compared to their non-psychopathic counterparts (Forth & Brok, 2007), and are more violent during the commission of their crime (Porter & Porter, 2007). They are more prone to predatory, instrumental violence (Woodworth & Porter, 2002) and more difficult to treat and rehabilitate (Harris & Rice 2006; Wong & Hare, 2003). Furthermore, Porter & Woodworth (2007) also found that Psychopaths were more likely than other offenders to omit major details of their offences and to minimize the instrumentality of their crimes by exaggerating the extent to which their crimes were reactive. Psychopath were also more likely to shift the blame of the crime to external forces and to focus on "saving their own skin" (Hakkanen Nyhol & Hare, 2009). As to why psychopaths are so dangerous, Hare (1993) stated that: They commit more than twice as many violent and aggressive acts both in and out of prison, as do other criminals. For psychopaths, violence and threats are handy tools to be used when they are angered, defied or frustrated and they give little thought to the pain and humiliation experienced by the victims. Their violence is callous and instrumental and used to satisfy simple needs such as sex or to obtain something he/she wants and the psychopath's reaction to the event are much more likely to be indifference, a sense of power, pleasure or smug satisfaction than regret at the damage done.

It is clear that these psychopaths are dangerous members of the society. They live in families and among innocent members of the community. There are however few studies that have been conducted in order to unravel/expose the personality type of psychopaths. Porter et al ;(2000) studied sexual offenders with a PCL-R score of 30 and above, the research cut off score for a diagnosis of psychopathy, in order to determine the types of crime committed by psychopaths. They found that 6.3% had been convicted for extra familial molesting. 6.3% for mixed molesting. 10.8% for incest.,35.9% for raping

and 64% for raping and molestation. These findings when compared to the offences committed by their non-psychopathic counterparts, suggest that psychopathic sexual offenders are more likely to target both children and adults, resulting in a larger potential victim pool. Consequently, this means that psychopaths are more likely to have a greater number of victims and pose a larger risk to society as compared to their non-psychopathic counterparts (Rice & Harris, 1997). Even when in jail, psychopaths pose more of a risk for violence compared to their non-psychopathic counterparts. A 2000 study by Hare, Clark, Grann, & Thornton found that 42% of those with elevated PCL-R scores, committed assault in prison, compared to only 16.4% of those with lower scores.

Treatment outcome for psychopaths has been a controversial topic with many researchers finding evidence both in support of and against the effectiveness of treatment. Hare & Wong (2005) found that psychopaths responded better to treatment when relapse prevention techniques were integrated into a cognitive behavioral program that focused on taking personal responsibility. These researchers suggest that efforts be made to empathize that psychopaths are alone responsible for their behaviors, and to teach more pro-social ways of using their abilities to satisfy their wants and needs. They found that convention insight and empathy building programs were not effective in reducing recidivism (Hare & Wong, 2005).

It is however pertinent to state here that the purpose of this study is a methodological appraisal of the applications of the psychopathic checklist in forensic setting with a view to adapting and validating it in Nigeria.

The Psychopathic Check Lists is a research scale used for the assessment of psychopaths (Hare, 1980). A central purpose of the PCL was to identify the features (i.e. traits and behaviors) that went in to making the global ratings from the clinical inference and making a more objective measure that could assess the presence of those features. The PCL provides to clinical and non-clinical investigators a more objective measurement for researching and reporting on psychopathy.

The Hare Psychopathic Check Lists (PCL; Hare & Frazelle, 1980) was a preliminary research assessment rating scale designed for use with incarcerated male offenders for the assessment of traits, behavior and clinical construct of psychopathy and criminal populations. The psychopathy construct measured in the PCL was largely influenced by the

clinical observations of Hervey Cleckley regarding the psychopathic personality and associated antisocial personality (Cleckley, 1976). The PCL is the precursor to the widely used and well validated assessment scale called the Psychopathic Check Lists Revised (PCL-R; Hare 1991, 2003). It is important to emphasize that the psychopathic checklists has been replaced by the updated and revised PCL-R for research and clinical purposes. However, the PCL is still viewed as a scale that contextualizes the existing PCL-Family measure including the PCL-R, the psychopathic check list: Youth version (PCL: YV; Forth et al, 2003), and the psychopathic check lists screening version (PCL: SV; Hart et al, 1995) and helps trace the construct – related validity of these PCL – family measures to the clinical construct of psychopathy. Although the PCL is no longer used to understanding its development and contributions as the first systematic effort to assess psychopathy in pursuing research underscores its importance and relevance as a historical assessment scale.

The PCL-R is actually a list of 20 symptoms that requires expert's clinical judgment to score. Each item is scored on a 3 –point scale ranging from 0 to 2. A score of 0 indicates the absence of a symptom. 1 indicates the possible presence of an item and a 2 is scored if the symptom is definitely exhibited by the examinee. The PCL-R is normally scored through both a review of collateral information and a semi structured interview. Although the PCL-R can be scored based on a review of collateral information for research purposes, a clinical interview is recommended especially for clinical and legal purposes. Because the PCL-R is scored from 0 to 2 on the 20 items, scores range from 0 to 40 on the measure. A score of 30 and above is considered a conservative cut off for psychopathy; though some studies have that, score as low as 25 are appropriate (Guy, & Douglas, 2006). The PCL-R and psychopathy in general has been used as a continuous variable so that the higher the score someone receives, the more psychopathy they exhibit. This distinction has characterized a debate in Forensic psychology as to whether psychopathy is best understood on a categorical construct or whether it should be thought of as a continuous scores (Eden, Marcus, Lilienfield & Poythreas, 2006). Most of the items on the PCL-R are grouped into two categories or factors that were statistically identified as related to psychopathy but separate from one another. These two factors serve as important distinction for our current understanding of psychopathy. Factor 1 consists of 8 items such as glibness and superficial charm, a grandiose sense of self-worth, pathological lying as well as others. Factor 1 is often labeled as

the interpersonal/affective factor because it is composed of items that largely relate to interpersonal behavior and emotional expression.

Factor 2, is often labeled as the socially deviant/antisocial lifestyle factor and consists of behaviorally based items such as parasitic lifestyle, impulsivity and juvenile delinquency. Three items do not load statistically on either factor, though they are still used to derive a total score on the PCL-R.

Recent research also has suggested a three-factor model by Cooke & Michie (2003) and a 4 factor-facet model by Hare (2003). However, this appraisal will focus on the two-factor model for the sake of simplicity and because most of the research has been conducted using the two factor approaches.

In terms of categorical distinctions, scores of 30 or higher are typically considered indicative of someone who is a psychopath (Hare, 1991, 2003). The PCL-R also yields scores on two factor-analytically derived dimensions representing the interpersonal or affective feature (factor 1) of psychopathology, such as superficial charm and callousness and the behavioral features (factor 2) of psychopathy such as irresponsibility and poor behavioral control (Farrington, 1991; Hare; 1991, 2003). The second edition of the PCL-R professional manual (Hare, 2003) divides factor 1 and factor 2 into four sub factors: factor 1a, interpersonal; factor 1b, affective, factor 2a, impulsive lifestyle and factor 2b, antisocial behavior.

We note however, that the relevance of the antisocial behavior sub factor to the core construct of psychopathy has been questioned (Coke, Michie, Hart & Clark, 2005).

### 3. The Use of Hare PCL-R across the Globe

In Canada the PCL-R was used to check the prevalence of psychopathy in jails and pretrial or remand centers would be expected to be lower than in federal prisons in Canada, where only inmates with sentences equal to or longer than two years are detained. In the 1991 PCL-R manual, Hare reported that 25% of male prisoners had scores on the PCL-R greater than 30—the conventional cut-off score for ‘high psychopathy.’ That work was based on a sample of 1200 Canadian federal prison inmates. The second edition manual, published in 2003, is based upon diverse samples of more than 5000 male prisoners. In that sample, 15.7% of male prisoners had PCL-R scores greater than 30.

The PCL (Hare, 1980) was first developed for use with correctional samples. Until the mid-1990s, few researchers had applied the PCL instruments to women offenders and inmates. This has been rectified, of late, as a number of excellent studies of psychopathy among women in conflict with the law have been published. In an early study, Salekin, Rogers, and Sewell (1997) evaluated the relationship between psychopathy (measured by the PCL-R) and violence in a sample of 103 female inmates in a county jail in Texas. The rates and severity of symptoms were noted to be lower than is typically found with males. Results indicated that 15.5% of the inmates met the cut-off of 30 out of 40, compared with the typical 25–30% reported for male federal prisoners in Canada (see Hare, 1991).

Salekin et al. (1997) reported that the Factor scores and Total scores on the PCL-R were not significantly correlated with correctional staff ratings of violence, verbal aggression, non-compliance, manipulativeness or lack of remorse. They found that the factor structure of the PCL-R remained consistent (i.e. Factor 1 being personality based and Factor 2 being behavior based); however, the item loadings differed from what has been found with male samples (cf. Hemphill et al., 1998).

In a follow-up of 78 of the women from the above study, Salekin et al. (1998) reported that psychopathy was a poor to moderate predictor of recidivism in the mean 14-month follow-up (AUC=0.64). In the short term, women with scores  $\geq 30$  were 10 times more likely than women with scores less than 30 to recidivate (i.e. after 50 days 20% of psychopaths versus 3% of no psychopaths recidivated). The PCL-R had a significant relationship ( $r=0.49$ ) with aggressive behavior, leading the authors to conclude that psychopathy was associated with aggression in their sample of female offenders.

In a sample of 132 women in a maximum-security prison in the US, Warren et al. (2005) investigated the psychometric properties of the PCL-R and HCR-20 (Webster, Douglas, Eaves, & Hart, 1997), the concordance between the two instruments, and their predictive validity. The authors commented that their results are “striking in their ability to simultaneously confirm and contradict prior research” (p. 19). Briefly, consistent with other publications, the two instrument showed good variance, the Intra class Correlation Coefficients were excellent (HCR-20 total=0.94; PCL-R total=0.95), a high degree of concordance between the two measures was found, and the results suggested that women scoring high on the PCL-R were involved in chronic non-violent

criminal offending. Conversely, with the exception of robbery, high psychopathy scores (or HCR-20 scores) were not associated with institutional violence or prior violent crimes and, in fact, were significantly inversely related to murder charges. The authors concluded, that their findings may suggest broad gender differences in terms of women's violence reflecting reactive aggression and men's violence reflecting instrumental aggression. The results of Warren et al. (2005) are noteworthy and sure to incite considerable discussion; however, we question how much their findings truly contradict what we know about psychopathy or the predictive accuracy of the PCL-R in men. First, re-offense rates of murderers tend to be relatively low and the study was limited in that it was a retrospective examination of prior criminal acts. Second, while the examination of institutional violence was prospective, the findings are actually consistent with recent research with males indicating the PCL-R is not a particularly powerful predictor of institutional aggression among men (e.g. Buffington-Vollum, Edens, Johnson, & Johnson, 2002; Edens, Poythress, & Lilienfeld, 1999; Walters, Duncan, & Geyer, 2003). The findings with women are also mixed; some researchers have reported a relationship between PCL scores and institutional misconduct (Loucks & Zamble, 2000; Richards et al., 2003) while others have found little (Salekin et al., 1997) or mixed (Nicholls et al., 2003) evidence, depending on the outcome variable of interest. Finally, it is unclear to what extent the nature of female offending, gender biases, and other factors impact on our ability to detect aggression and crime committed by women. We know, for instance, that women are more likely than men to target family members and commit aggression in the home (Robbins, Monahan, & Silver, 2003); the aggressive acts of psychopathic women might be difficult to ascertain from official criminal records, even more so than for men.

The PCL-R is the most empirically validated instrument for measuring psychopathy in correctional and forensic psychiatric population. The PCL-R is a predictive utility with criminal justice population and has led to its frequent use by clinicians conducting forensic assessment in criminal and sexually violent predator (SVP) cases (Hare, 1991, 2003). Despite its apparent wide acceptance in U.S courts, little is known about how often the PCL-R is being introduced, the types of cases in which it is being used and whether claims made in court regarding psychopathy are empirically defensible and/or relevant to the question at hand.

A considerable body of research suggest that, psychopathy, as measured by the PCL-R, is modestly to moderately associated with outcome variables (e.g. criminal recidivism) that are of significant interest to clinicians, legal decision makers and institutional administrators (Gendreau, Goggin, & Smith, 2002; Guy, Edens, Anthony, & Douglas, 2005; Hemphill, Hare, & Wong, 1998). Although the exact prevalence of its use is unclear, surveys of the field and other sources of information (Cunningham, & Reidy, 2002; Lally, 2003; Ogloff & Lyon, 1998; Hart, 2001 as cited in Otto & Heilbrun, 2002; Petrila & Otto, 2001).

In 2006, Walsh & Walsh examined the application of Hare's psychopathy checklists in U.S courts using the west law data base, they received cases from 1991-2004 where PCL-R testimony was introduced as evidence on the psychological assessment of the offender. They found that the PCL-R assessment of psychopathy was being used in state and Federal courts and increased considerably in recent years, with 90% of the cases being decided after the year 1999, the most being decided in 2004. Over all, they found the PCL-R was being introduced in nine (9) different contexts namely- "commitment pursuant to sexual predator laws, parole hearings, death penalty, sentencing, civil commitment, transfer from juvenile to adult court, termination of parental rights, sentence enhancement and sentence mitigation, competency to stand trial and guilt determination" (Walsh & Walsh, 2006). The most common use was in commitment pursuant to sexual predator statute hearing, a case close equivalent to a dangerous offender (DO) hearing, for a sexual offender in Canada. In adult court setting, formal assessment of psychopathy are increasingly being used to justify longer sentence, more stringent release conditions, death sentence and civil commitment under SVP statutes (DeMatteo & Edens, 2006; Edens et al, 2005; Walsh & Walsh, 2006). Consequently, DeMatteo & Edens found that the PCL-R was most often introduced by the prosecution (64%) in U.S. courts to bolster legal arguments that a defendant was a danger to others and should be jailed.

It is important to note that the PCL-R will be introduced more frequently in courts dealing with more serious charges including murder, attempted murder, assault, sexual assault, robbery, rape, kidnapping as well as cases involving a long-term offender and dangerous offender. It is important to note that expert descriptive testimony that includes the scores, information on what the scores mean according to risk as well as a professional opinion about the offender would affect trial outcomes.

Specifically input that was especially detailed and of larger quantity would have a negative effect on sentence outcome. A higher PCL-R score would negatively affect the offender's sentence length.

The court in Canada considered the concepts of psychotherapy and the identification of psychopaths to be relevant in court related decision making. As PCL-R was found in 35 different types of court cases, this finding also suggest that the PCL-R is of relevance in cases other than sentencing including Parole hearing decision, demotion suits and child custody hearing. The PCL-R in courts will help the prosecution counsel to unravel/expose that a defendant is a danger to others and thereby requiring incarceration. PCL-R will also expose the psychopathic trait of an offender dependent and thereby suggest treatment recommendations.

The use of PCL-R in expert witnessing report assist Judges to take decision during sentencing. The PCL-R can be used to evaluate offender and to gather quality information during interviewing offender. PCL-R will equip the prosecutor with relevant and in depth information that will qualify him to present in depth testimony to the Judge.

Those who administer PCL-R are qualified Expert Witness to testify in courts. A forensic psychologists is often called to testify in the sentencing phase of trials, after the accused has been determined guilty in order to determine the individuals risk for future violence. It is important to note here that a Forensic psychologists called to testify in these instances with typically offer testimony as to the defendant's risk for future violence to assists the court in determining whether life in prison or the death penalty is the most appropriate sentence. If an individual is at significant risk for violence or even murder while serving life in prison, the court may determine that the death penalty is the most appropriate sentence to protect other inmates and correctional staff. Experts have testified in these instances that the defendant poses substantial risk if sentenced to life in prison because he scores above the cut off score of 30 on the PCL-R (Edens, 2001). It is imperative to also acknowledge that the PCL-R is used for diagnosing psychopathy in individual for clinical, legal or research purposes. Developed in 1990s, the test was originally designed to identify the degree of a person's psychopathic tendencies because psychopaths however are often repeat offenders who commit sexual assaults or other violent crimes again and again. The PCL-R is also used in the court rooms and in institutions as an indicator of the potential risk posed by subjects or prisoners. The PCL-R can also be used in Forensic settings as a factor in deciding the length and type of

prison sentences and the treatment subjects should or should not receive.

The PCL-R has been widely adopted in the assessment of psychopathy in prisons and forensic psychiatric populations. Psychopaths are measured by the PCL-R and is characterized by 20 criteria relating to affective /interpersonal traits (e.g glibness/superficial, pathological lying, lack of remorse, shallow affect; factor 1) and a chronically impulsive and unstable lifestyle ( e.g need for stimulation, lack of realistic goals, promiscuity; factor 2 ). The psychometric and predictive qualities of the instrument are excellent (Fulero, 1995; Stone, 1995). The PCL-R can be used to provide a "Snap Shot" of crime and conditional release in high and lower scorers' on the PCL-R across the criminal career. The PCL-R can be used to achieve and execute one of the consequences of the philosophy of rehabilitation in correctional settings which is the opportunity for most offenders to be granted early release from prison. The PCL-R is used to examine inmates to ascertain if the scores is still high or low. For example in Canada, most Canadian offenders will be released automatically after two thirds of their prison terms unless they represent a very high risk reoffending. It appears that offenders with psychopathic traits are not accommodated well by a " correctional " or rehabilitative approach to criminal justice as evidenced by their high recidivism rate ( Hemphill et al, 1998; Rice, Harris, & Cormier, 1992) and poor response to existing treatment approaches ( Oglloff, Wong, & Given wood, 1990).

Accordingly, research indicates that when PCL-R scoring scores of offenders are released conditionally on the community, they work worse than their low scoring counterparts. Hart, Kripp, & Hare (1988) found that the one-year failure rates of high medium and low score on the with different offender groups (Serin, 1991; Peters & Barbaree, 1990). However, few studies have examined whether performance following conditional release changes across the criminal career. PCL-R can be used to determine which group of inmates' gender commit more of the psychopathic crimes and what age range do they fall? PCL-R in a study conducted by Wilson & Herrnstein (1985), indicated more male in their late adolescence and early adulthood. Consequently when Hare, McPherson and Forth (1988) compared the ages of 16 & 45, they found that offenders in the psychopathic range committed more crimes than their low scoring counterparts between ages 16 & 40 after which the conviction rate of high scores decreased substantially relative to low scorers ( whose offending was less frequent but more constant). The

decrease in crime by offenders in the psychopathic range was largely accounted for by non-violent offences suggesting that their capacity for violence was relatively static characteristics (Harris, Rice, & Cormier, 1991). High scorers on the PCL-R were far more profile than their low scoring counterparts, evidenced by non-violent and violent crimes. Findings suggest that both type of crimes committed, and performance while on release changed across the criminal career as a function of psychopathy. In fact, clearly speaking both high and low PCL-R scoring offenders engage in considerably more criminal activity in early adulthood regardless of the type of crime considered.

The PCL-R is widely used in assessment of violence, risk, and sexual recidivism risk, tendencies to reoffend again. It is of significance to note that all PCL-R assessment had been conducted during the offender's current incarceration, most often as part of the intake assessment or assessment for parole purposes.

Law enforcement officers use the PCL-R and its derivatives in the understanding and prediction of crime and violence. The PCL-R provides a common Metric for the assessment of psychopathy during selection process. The law enforcement agencies use the PCL-R during interrogation to expose individual with risks and violent tendencies and who may potent risk of recidivism. The Police use the PCL-R to measure deviant, irresponsible and impulsive behavior among new entrant into the force during selection.

#### 4. Conclusion

The PCL provided the first assessment scale enabling systematic research into the clinical construct of psychopathy. Previous to its development, psychopathy was largely a clinical diagnosis arrived at by interviewing the individual and using clinical judgment to make the diagnosis. The PCL-R therefore provides a ranging scale that amalgamated many of the traits and behaviors of psychopathy using conceptual and statistical methods to provide a more objective and dimensional assessment of psychopathy in criminal populations.

Amalgamating the features that form the construct of psychopathy had the benefit of not being unduly influenced by any particular salient trait or behavior of the offender (e.g., extensive deception, heinous crimes). In this way the PCL-R provided a balanced, reliable and accurate way to assess an individual on psychopathic traits for research and clinical purposes. In the light of the above, it becomes imperative to

adapt the Hare Psychopathic checklist in Nigerian culture. This implies validating and standardizing the Hare PCL-R on Nigerian criminal and noncriminal population thereby developing local norms and Psychometric properties for the instrument.

#### 5. Recommendation

- The Hare psychopathy checklist (PCL-R) should be validated in Nigeria as a research instrument for research purposes for use in Nigeria. This will authenticate the instrument with a cultural flair for Nigerian Psychologists to use for assessment of psychopathy.
- The Hare PCL-R should be adapted to Nigerian culture for clinical and forensic assessment of client/patients in Nigeria.
- The Hare PCL-R should be used as a common metric for the assessment of psychopathy and measurement of deviant, irresponsible, and impulsive behavior among new entrant into the Nigerian police force during selection process.
- The Hare PCL-R should be standardized in Nigeria and be used as a psycho diagnostic tool for assessment of psychopathy among criminal population in a forensic setting.
- The Hare PCL-R should be used by the Nigerian courts as a viable tool for the determination of sentence mitigation, expert testimony and witnessing.

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