

Bruce Harry, M.D.

Criminals' Explanations of Their Criminal Behavior, Part II: A Possible Role for Psychopathy

REFERENCE: Harry, B., "Criminals' Explanations of Their Criminal Behavior, Part II: A Possible Role for Psychopathy," *Journal of Forensic Sciences*, JFSCA, Vol. 37, No. 5, September 1992, pp. 1334-1340.

ABSTRACT: The author reviewed the literature concerning the effect of criminals' current psychopathology on their explanations about their crimes. He then studied 100 incarcerated men, examining the associations between their explanations and various historically documented aspects of psychopathy. Previously and independently documented patterns of pathological lying, lack of remorse or guilt, callousness or lack of empathy, and failure to accept responsibility for their own behavior were significantly associated with the offenders not admitting responsibility for their crimes. Further, independently described histories of pathological lying were associated with criminals' blaming their convictions on a faulty criminal-justice system, while histories of failure to accept responsibility for their behavior were associated with blaming someone else for their index crimes.

KEYWORDS: criminalistics, psychiatry, incarcerations, behavior, psychopathy, jurisprudence

The role of criminals' current psychopathology in the way they explain their crimes has been widely acknowledged and exploited by interrogators [1-4]. However, systematic exploration of this relationship has only begun. For example, Eck [5] discussed how certain psychopathologic conditions such as masochism, exhibitionism, "mythomania," hysteria, neurosis, or the "Madame Bovary Complex" may give rise to various kinds of "pathological lies."

Depression appears to be associated with more guilt feelings and verbalized self responsibility [6], while selected personality factors measured by the Eysenck Personality Questionnaire (that is, Psychoticism, Neuroticism, and Lie Scale scores) appear to make much more subtle contributions to the way criminals' explain their crimes [7,8]. It is likely other existing mental disorders may affect the kinds of explanations given by offenders, as well.

In a previous paper [9], the author examined the associations between offenders' numbers of juvenile and adult arrests, their age at the time of the crime, trial plea, sentence length, duration of confinement, and crime type with their respective explanations of their crimes. He found that these criminologic variables largely did not account for the occurrence of different explanations. With those findings, he then hypothesized that other factors, including personality attributes may offer a more complete answer to why certain offenders give certain explanations.

Received for publication 6 Dec. 1991; revised manuscript received 5 Feb. 1992; accepted for publication 10 Feb. 1992.

¹Associate Professor of Psychiatry, University of Missouri—Columbia, Columbia, MO.

In this context, it would be particularly important to study psychopathy because it is well recognized as being common among criminals and is characterized by behavior commonly interpreted as indicating pathologic lying, failing to accept responsibility for behavior, and conning. One study [10] speculated about the possible impact of conning, but did not statistically explore that or other features associated with psychopathy. With this in mind, the author decided to examine the extent to which various kinds of explanations are related to some behavioral characteristics of psychopathy as measured by a standardized instrument.

As in the previous study [9], the author notes this is not a study of lying, per se, but an exploration of the patterns used by offenders to explain their crimes. It is certainly possible that some observers would consider some explanations to be lies, but that is not the spirit of this work. Rather, it is an attempt to view this phenomenon more objectively and correlate it with a set of relatively independent observations and interpretations of the offender's previous behavior.

Methods and Hypotheses

The author evaluated 100 consecutively referred adult male offenders using the method described in a companion study [9], and arrived at a coded set of offender explanations such as internal control, impaired internal control, events under at least somewhat randomized external control, external orchestration or provocation, fault in the legal system, external control, and equivocal statements.

After all responses were coded, the author reviewed each subject's presentence investigation, which contained an extensive social and background history of each offender's life obtained from various sources including family, friends, law enforcement, and mental health professionals. Other similar studies have found presentence investigation reports [10–12] and comparable archival data [13–17] to be important sources of valid information concerning offenders.

From the information contained in the presentence investigation, the author completed 13 subscales from the Hare Psychopathy Scale using specific published criteria [18]. These subscales were Boredom/Need for Stimulation, Pathological Lying, Conning, Remorselessness, Callousness, Parasitic Behavior, Poor Behavioral Controls, Promiscuity, Early Behavioral Problems, Impulsivity, Irresponsibility, Failure to Accept Responsibility for Actions, and Marital Instability.

The author carefully scored these particular Subscales only from the comments contained in the social and background histories within each subject's respective presentence investigation, which contain the observations made and documented by others during each subject's lifetime. Ratings of these Subscales were done at least one to two weeks after the interviews were conducted and scored. Four Subscales—Glibness/Superficial Charm, Grandiose Sense of Self-Worth, Shallow Affect, and Lack of Realistic Long-Term Goals—were excluded from rating because they appeared to rely upon interview observations almost exclusively. The author believes this technique made these ratings more independent and minimized the influence of the interview data.

The author hypothesized that increasing levels of psychopathy as measured by the selected Hare Subscales would be negatively associated with explanations of internalized control, and positively associated with other kinds of explanations. Statistical analyses were conducted using one-tailed chi-square tests with $P < 0.01$ used for the level of significance.

Results

The present subjects have been described in detail previously [9]. The current results are summarized in Table 1. High scores on the subscales for Pathological Lying, Lack

TABLE 1—Significant associations between Hare subscales and different explanations.

Internal Control		
Pathological Lying		
No	No	Yes
	9	28
Somewhat	6	16
Yes	28	13
Chi-square = 18.17, df = 2		
<i>P</i> < 0.0001 (one-tailed)		
Breakdown in Protections of Criminal Justice System		
Pathological Lying		
No	No	Yes
	36	1
Somewhat	21	1
Yes	28	13
Chi-square = 15.25, df = 2		
<i>P</i> < 0.0005 (one-tailed)		
Internal Control		
Lack of Remorse or Guilt		
No	No	Yes
	5	21
Somewhat	3	6
Yes	35	30
Chi-square = 9.46, df = 2		
<i>P</i> < 0.0088 (one-tailed)		
Internal Control		
Callous/Lack of Empathy		
No	No	Yes
	4	19
Somewhat	1	7
Yes	28	31
Chi-square = 13.29, df = 2		
<i>P</i> < 0.0013 (one-tailed)		
Internal Control		
Failure to Accept Responsibility		
No	No	Yes
	3	22
Somewhat	8	16
Yes	32	19
Chi-square = 18.83, df = 2		
<i>P</i> < 0.0001 (one-tailed)		
External Control		
Failure to Accept Responsibility		
No	No	Yes
	22	3
Somewhat	19	5
Yes	27	24
Chi-square = 11.29, df = 2		
<i>P</i> < 0.0035 (one-tailed)		

of Remorse or Guilt, Callousness and Lack of Empathy, and Failure to Accept Responsibility for Own Actions were negatively associated with expressing internal control for the crimes. A high score on Pathological Lying was also associated with offenders blaming their predicaments on failure of the criminal justice system. And, a high Failure to Accept Responsibility score was positively associated with explanations of external control (that is, someone else was responsible). Other historically documented features such as poor behavioral controls, promiscuity, childhood behavior problems, impulsivity, and marital instability were independent of criminal explanation types.

Discussion

The individual significant Subscales have some common features that may explain the current findings. Hare [18] described Pathological Lying as a feature of someone “for whom lying and deceit constitute an integral part of his interactions with others.” The published criteria for this item include references made in the offender’s file to his extravagant, compulsive lying, or there being a number of completely divergent or fictitious histories in the file, especially the subject’s previously given details of his crimes. One criterion for the Failure to Accept Responsibility for Own Actions Subscale focuses on previously noted explanations for the crime in which the subject gave “popular excuses” such as “amnesia, black-outs, multiple personality, and temporary insanity” [18]. Callousness or Lack of Empathy is based upon evidence the offender previously described his crime in a “strangely casual and matter-of-fact” manner, or commented the victim(s) “got what they deserved” [18]. Lack of Remorse or Guilt applies when a subject is reported to have said “his victims, others, society, or extenuating circumstances were really to blame” for his crime [18].

Although these Subscales have other published criteria [18], their common denominator appears to be a persistent, independently observed pattern in which the offender has been reported to have eschewed all manner of misbehavior by verbally avoiding responsibility, denying it, minimizing its seriousness, blaming other persons or circumstances, or giving inconsistent statements about his participation in it.

Some Alternative Theoretical Interpretations

Several other compatible interpretations may at least partly account for the phenomenon of changing explanations and should be considered. The present findings are largely consistent with those of Attribution Theory. At least since the work of Jones and Nisbett [19], it has been fairly regularly found that observers are inclined to attribute cause to dispositional (that is, internal) qualities of the actor (that is, perpetrator) while actors tend to attribute causality to situational (that is, external) factors [20]. These propensities may in part result from our inherent sense that people get what they deserve [21], and appear to give rise to “defensive attributions” [22] or “self-serving biases” in attributing causality within various situations [23]. The legal implications of such attributions have been discussed at length [24].

This “actor-observer” discrepancy might apply to accidents [25]. However, it is a more robust finding in situations of apparent human design such as wife beating [26,27], and other violent crimes [6,13–17,28–35].

While the current offenders tended to blame situations (for example, a faulty criminal justice system or someone else committing the crime), “observers” as embodied in each subject’s Presentence Investigation Report pointed blame toward the subject’s makeup, in this case, a highly valid description of psychopathy [36–38].

Another interpretation, “response bias” [39], is known to be particularly common in replies given to sociological survey questions about sex, alcohol, crime, finances, or serious illnesses [40,41]. Mills [42] believed that people engage in strategic self presentation while verbalizing motives for their actions. In this context, criminals’ explanations are seen as being more-or-less natural responses to strained social relations [43–47]. This conceptualization might account for the present subjects attempting to make their crimes appear less severe—less the product of intentional behavior—so this interviewer would think better of them. This might be particularly salient, given the context of the interviews being conducted for the Board of Probation and Parole. However, parole boards are more inclined to grant parole to incarcerated offenders who have admitted to their crimes [48]. It seems likely the replies given by almost half the present subjects would likely not be viewed positively by the present Parole Board.

From the perspective of the memory psychologist, the fallibilities of eyewitness recollection and testimony [49,50] also apply to criminal offenders [51,52]. Seen this way, the subjects would be expected to have become less accurate in their explanations, but feel more certain and emphatic about their recollections. The current subjects were interviewed a median of almost eight years after having begun their current incarcerations, so this possibility cannot be discounted. The present investigation did not ask the subjects to rate their certainty about their explanations, so this interpretation cannot be fully discounted.

A perhaps related phenomenon has been observed among sequentially examined plaintiffs involved in civil litigation concerning a mass disaster [53], and may be attributable to the powerful affect of the legal environment. Such changes are also part and parcel of the criminal justice system [54]. Interrogation techniques [3,4] may subtly but powerfully shape the way offenders tell and re-tell their stories [50,52]. Accused offenders frequently shift between formal pleas of not guilty, not guilty by reason of insanity, no contest, and guilty. Plea agreements often are made in which the accused accepts criminal responsibility for less serious or fewer crimes than those originally charged. Perhaps changing explanations are somewhat encouraged by our system of jurisprudence. It cannot be ignored that the author interviewed these men for the Board of Probation and Parole, and that these offenders somehow may have been affected by that interview context despite the author's best intentions and efforts to maintain neutrality.

Some Other Limitations and Conclusions

Aside from the fairly small sample size, the author did not determine the relative contributions of response bias, eyewitness fallibility, or the legal environment. It might be particularly worthwhile to compare patterns of offender explanations about their crimes with patterns in their accounts about other matters such as familial, educational, vocational, health, military, or marital events. Likewise, explanations from actual victims and witnesses should be compared with those given by offenders. It might be important to more specifically examine how offender's explanations change over time or within different reporting contexts (for example, during interviews with investigating officers, presentence investigators, intake workers, institutional parole officers, other mental health professionals, etc.). Offender certainty about their explanations, interview anxiety, and desire to please the Board should be assessed. And, despite the author's best efforts to rate the Hare Subscales independently from his interviews with the subjects, the possibility of interdependent coding of data cannot be ignored. There are likely other limitations that should cause the reader caution in accepting these results as final, and indicate directions for further research.

Nevertheless, the author believes this study at least tentatively alerts us that psychopathy may be one reason criminals give explanations that point away from self responsibility. For some offenders, this behavior may be related to an historical pattern of evading responsibility by what some other observers describe as pathological lying, denial, or not respecting the pain and suffering they cause others or larger society. It is also quite troublesome that this behavior seems to not respond to prolonged incarceration [9]. Future research is needed to answer the questions left unanswered and those raised anew.

References

- [1] Aubry, A. S. and Caputo, R. R., *Criminal Interrogation, Second Edition*. Charles C Thomas, Springfield, Illinois, 1972.
- [2] Buckwalter, A., *Interviews and Interrogations*, Butterworth Publishers, Boston, 1983.

- [3] Macdonald, J. M. and Michaud, D. L., *The Confession: Interrogation and Criminal Profiles for Police Officers*, Apache Press, Denver, Colorado, 1987.
- [4] Inbau, F. E. and Reid, J. E., *Criminal Interrogation and Confessions, Second Edition*, Williams and Wilkins, Baltimore, 1967.
- [5] Eck, M., (Translated by Murchland, B.), *Lies and Truth*, MacMillan Company, London, 1970, pp. 112–125.
- [6] Gudjonsson, G. H., "Attribution of Blame for Criminal Acts and Its Relationship with Personality," *Personality and Individual Differences*, Vol. 5, No. 1, Jan. 1984, pp. 53–58.
- [7] Gudjonsson, G. H. and Singh, K. K., "Attribution of Blame for Criminals Acts and Its Relationship with Type of Offence," *Medical Science and the Law*, Vol. 28, No. 4, April 1988, pp. 301–303.
- [8] Gudjonsson, G. H. and Singh, K. K., "The Revised Gudjonsson Blame Attribution Inventory," *Personality and Individual Differences*, Vol. 10, No. 1, Jan. 1989, pp. 67–70.
- [9] Harry, B., "Criminals' Explanations of Their Criminal Behavior, Part I: The Contribution of Criminologic Variables," *Journal of Forensic Sciences*, Vol. 37, No. 5, September 1992, pp. 1327–1333.
- [10] Scully, D. and Marolla, J., "Convicted Rapists' Vocabulary of Motive: Excuses and Justifications," *Social Problems*, Vol. 31, No. 5, May 1984, pp. 530–544.
- [11] Luckenbill, D. F., "Criminal Homicide as a Situated Transaction," *Social Problems*, Vol. 25, No. 2, Feb. 1977, pp. 176–186.
- [12] Athens, L., "Violent Crimes: A Symbolic Interactionist Study," *Symbolic Interaction*, Vol. 1, No. 1, Jan. 1977, pp. 56–71.
- [13] Felson, R. B. and Ribner, S. A., "An Attributional Approach to Accounts and Sanctions for Criminal Violence," *Social Psychology Quarterly*, Vol. 44, No. 2, 1981, pp. 137–142.
- [14] Feldman, R. S. and Rosen, F. P., "Diffusion of Responsibility in Crime, Punishment, and Other Adversity," *Law and Human Behavior*, Vol. 2, No. 4, 1978, pp. 313–322.
- [15] Hardiker, P. and Webb, D., "Explaining Deviant Behavior: The Social Context of 'Action' and 'Infraction' Accounts in the Probation Service," *Sociology*, Vol. 13, No. 1, Jan. 1979, pp. 1–17.
- [16] Myers, M. A., "Social Contexts and Attributions of Criminal Responsibility," *Social Psychology Quarterly*, Vol. 43, No. 4, April 1980, pp. 405–419.
- [17] Watson, D. R., "The Presentation of Victim and Motive in Discourse: The Case of Police Interrogations and Interviews," *Victimology*, Vol. 8, Nos. 1–2, 1983, pp. 31–52.
- [18] Hare, R. D., *The Psychopathy Checklist*, Psychology Department, University of British Columbia, Vancouver, Canada, June 1985.
- [19] Jones, E. E. and Nisbett, R. E., "The Actor and Observer: Divergent Perceptions of the Causes of Behavior," *Attribution: Perceiving the Causes of Behavior*, Jones, E. E., Kanouse, D. E., Kelley, H. H., et al., Eds., General Learning Press, Morristown, NJ, 1971.
- [20] van der Pligt, J., "Actors' and Observers' Explanations: Divergent Perspectives or Divergent Evaluations?," *The Psychology of Ordinary Explanations of Social Behavior*, Antaki, C., Ed., Academic Press, London, 1981, pp. 97–118.
- [21] Chaikin, A. L. and Darley, J. M., "Victim or Perpetrator?: Defensive Attribution of Responsibility and the Need for Order and Justice," *Journal of Personality and Social Psychology*, Vol. 25, No. 2, 1973, pp. 268–275.
- [22] Shaver, K. G., "Defensive Attribution: Effects of Severity and Relevance on the Responsibility Assigned for an Accident," *Journal of Personality and Social Psychology*, Vol. 14, No. 2, Feb. 1970, pp. 101–113.
- [23] Miller, D. T. and Ross, M., "Self-Serving Biases in the Attribution of Causality: Fact or Fiction?," *Psychological Bulletin*, Vol. 82, No. 2, Jan. 1975, pp. 213–225.
- [24] Fincham, F. D. and Jaspars, J. M., "Attribution of Responsibility: From Man the Scientist to Man as Lawyer," *Advances in Experimental Social Psychology*, Vol. 13, Berkowitz, L., Ed., Academic Press, New York, 1980, pp. 81–138.
- [25] Walster, E., "Assignment of Responsibility for an Accident," *Journal of Personality and Social Psychology*, Vol. 3, No. 1, Jan. 1966, pp. 73–79.
- [26] Holtzworth-Munroe, A., "Causal Attributions in Marital Violence: Theoretical and Methodological Issues," *Clinical Psychology Review*, Vol. 8, 1988, pp. 331–344.
- [27] Sonkin, D. J., Martin, D., and Walker, L. E. A., *The Male Batterer: A Treatment Approach*, Springer Publishing Company, New York, 1985.
- [28] Henderson, M. and Hewstone, M., "Prison Inmates' Explanations for Interpersonal Violence: Accounts and Attributions," *Journal of Consulting and Clinical Psychology*, Vol. 52, No. 5, May 1984, pp. 789–794.
- [29] Saulnier, K. and Perlman, D., "The Actor-Observer Bias is Alive and Well in Prison: A Sequel to Wells," *Personality and Social Psychology Bulletin*, Vol. 7, No. 4, April 1981, pp. 559–564.

- [30] Saulnier, K. and Perlman, D., "Inmates' Attributions: Their Antecedents and Effects on Coping," *Criminal Justice and Behavior*, Vol. 8, No. 2, Feb. 1981, pp. 159-172.
- [31] Furnham, A. and Henderson, M., "Lay Theories of Delinquency," *European Journal of Social Psychology*, Vol. 13, 1983, pp. 107-120.
- [32] Hollin, C. R. and Howells, K., "Lay Explanations of Delinquency: Global or Offence-Specific?" *British Journal of Social Psychology*, Vol. 26, 1987, pp. 203-210.
- [33] Howells, K., McEwan, M., Jones, B., and Mathews, C., "Social Evaluations of Mental Illness (Schizophrenia) in Relation to Criminal Behavior," *British Journal of Social Psychology*, Vol. 22, 1983, pp. 165-166.
- [34] Lussier, R. J., Perlman, D., and Breen, L. J., "Causal Attributions, Attitude Similarity, and the Punishment of Drug Offenders," *British Journal of Addiction*, Vol. 72, 1977, pp. 357-364.
- [35] Mummendey, A., Bornewasser, M., Loschper, G., and Linneweber, V., "Aggressiv Sind Immer Die Anderen. Pladoyer für Eine Sozialpsychologische Perspektive in der Aggressionsforschung," *Zeitschrift für Sozialpsychologie*, Vol. 13, 1982, pp. 177-193.
- [36] Hare, R. D., "A Research Scale for the Assessment of Psychopathy in Criminal Populations," *Personal and Individual Differences*, Vol. 1, 1980, pp. 111-119.
- [37] Hare, R. D., "Diagnosis of Antisocial Personality Disorder in Two Prison Populations," *American Journal of Psychiatry*, Vol. 140, No. 7, July 1983, pp. 887-890.
- [38] Hare, R. D., "Comparison of Procedures for the Assessment of Psychopathy," *Journal of Clinical and Consulting Psychology*, Vol. 53, No. 1, 1985b, pp. 7-16.
- [39] Warwick, D. P. and Lininger, C. A., *The Sample Survey: Theory and Practice*, McGraw-Hill, New York, 1975.
- [40] Clark, J. P. and Tiffit, L. L., "Polygraph and Interview Validation of Self-Reported Deviant Behavior," *American Sociological Review*, Vol. 31, 1966, pp. 516-523.
- [41] Sudman, S. and Bradburn, N. M., *Response Effects in Surveys: A Review and Synthesis*, Aldine Publishing Company, Chicago, 1974.
- [42] Mills, C. W., "Situating Actions and Vocabularies of Motive," *American Sociological Review*, Vol. 5, No. 6, June 1940, pp. 904-913.
- [43] Scott, M. B. and Lyman, S. M., "Accounts," *American Sociological Review*, Vol. 33, No. 1, Jan. 1968, pp. 46-62.
- [44] Sykes, G. M. and Matza, D., "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review*, Vol. 22, No. 6, June 1957, pp. 664-670.
- [45] Hepworth, M. and Turner, B. S., *Confession: Studies in Deviance and Religion*, Routledge and Kegan Paul, Ltd., London, 1982.
- [46] Hewitt, J. P. and Stokes, R., "Disclaimers," *American Sociological Review*, Vol. 40, No. 1, Jan. 1975, pp. 1-11.
- [47] Schlenker, B. R. and Darby, B. W., "The Use of Apologies in Social Predicaments," *Social Psychology Quarterly*, Vol. 44, No. 3, Mar. 1981, pp. 271-278.
- [48] Harry, B. and Beck, N. C., "Psychiatric Consultation to a Parole Board," *Critical Issues in American Psychiatry and the Law, Volume 5: Criminal Court Consultation*, Rosner, R. and Harmon, R. B., Eds., Plenum, New York, 1989, pp. 209-220.
- [49] Buckout, R., "Eyewitness Testimony," *Scientific American*, Vol. 231, No. 6, June 1974, pp. 23-31.
- [50] Loftus, E. F., "Eyewitness Testimony: Psychological Research and Legal Thought," *Crime and Justice: An Annual Review of Research*, Vol. 3, Tonry, M. and Morris, N., Eds., University of Chicago Press, Chicago, 1981, pp. 105-151.
- [51] Neisser, U., "John Dean's Memory: A Case Study," *Cognition*, Vol. 9, 1981, pp. 1-22.
- [52] Rogers, R., *Conducting Insanity Evaluations*, Van Nostrand Reinhold, New York, 1986, pp. 89-91.
- [53] Zusman, J. and Simon, J., "Differences in Repeated Psychiatric Examinations of Litigants to a Lawsuit," *American Journal of Psychiatry*, Vol. 140, No. 10, Oct. 1983, pp. 1300-1304.
- [54] Newman, D. J., "Pleading Guilty for Considerations: A Study of Bargain Justice," *Journal of Criminal Law, Criminology, and Police Science*, Vol. 46, 1956, pp. 780-790.

Address requests for reprints or additional information to
 Bruce Harry, M.D.
 Department of Psychiatry N119
 University of Missouri—Columbia Health Sciences Center
 One Hospital Drive
 Columbia, MO 65212