

PSYCHOPATHY AND LAW



A PRACTITIONER'S GUIDE

Edited by
Helinä Häkkänen-Nyholm and Jan-Olof Nyholm

 WILEY-BLACKWELL

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Psychopathy and Law

*To the ones who make us smile and laugh:
Jaakko and Jenni*

About the Editors

Helinä Häkkänen-Nyholm Ph.D., is CEO of a psychology and law firm PsyJuridica Ltd. (www.psyjuridica.com), which pioneered the European trial consulting specialty in 2010 to offer law firms and corporations creative strategic solutions and psychological expert assistance in the formulation and communication of effective case themes and strategies in legal matters. PsyJuridica Ltd. provides a variety of consulting and research services before, during, and after trial: case analysis, trial strategy, witness evaluation, media strategy, witness preparation, and independent guidance in numerous types of investigations. As a therapist Dr Häkkänen-Nyholm specializes in helping lawyers with their career, business development, and personal issues. In her work she employs the tools of behavioral science, applied research, and psychological analysis. PsyJuridica Ltd. also provides services for private clients. Dr Häkkänen-Nyholm specializes providing counseling on issues related to coping with psychopathy in families and workplaces. Her therapeutic background is on solution-focused therapy, and she uses also EMDR therapy and hypnosis with severely traumatized patients.

Dr Häkkänen-Nyholm is also the director of the Forensic Psychology Research Group at the Institute of Behavioural Sciences, University of Helsinki, where she holds an adjunct professorship. She has a 10-year experience of working as a behavioral investigative advisor (so called profiler) and senior researcher at the Finnish National Bureau of Investigation. Her research has been funded by the Academy of Finland and European Commission. Prior to her career in forensics she worked for some years on recruitment. Dr Häkkänen has published extensively on psychopathy in journals, books, and the popular press. She is the editor of the first Finnish textbook on psychopathy, published by Edita Publishing (2009). She regularly provides communication training with specific emphasis on handling psychopathic individuals for law enforcement, judges, prosecutors, lawyers, social workers, psychologists, and forensic psychiatrists. She consults with law enforcement both in Finland and abroad, and has provided the law enforcement with expert report on numerous criminal

investigations of various types of violent crime, economical crime, and organized crime. She is an accredited expert witness of the International Criminal Court.

Jan-Olof Nyholm L.L.M., has an over 30-year working career with legal issues mainly in the field of criminal law. He started his career as a police officer in 1979 and joined the National Bureau of Investigation in 1982. He earned his law degree in 1986. He has experience in leading the investigation in various types of crimes including murders, serious economical crimes, and organized crime. He has worked together for over 10 years at both of the main international police organizations: first as the legal advisor of Interpol working at the organization general Secretariat in Lyon (France), and after that in a managerial position at the EU police office (Europol), where he was in charge of creating the organizational strategies and activities for fighting organized crime and other forms of serious crime. During his career he has also received the training of a prosecutor and worked as a magistrate in a local court, and thereby received the qualifications to hold the office as a permanent judge. During his career Mr. Nyholm has given a number of lectures around the world at high-level events, and he consults various international bodies and institutions in questions related to improved strategies and working methods in the field of combating international criminality. Since the mid-1980s he has been internationally very active working with different kinds of engagements related to international law and law enforcement work. Recently he has published increasingly in the popular press and scientific journals on subjects such as psychopathy, fraud, and interviewing.

Mr. Nyholm is a founding member and the chairman of the board for the company PsyJuridica Ltd. He is also in charge of the legal services of PsyJuridica Ltd. Within this company, together with his partner Dr Häkkinen-Nyholm, he has recently developed a number of new concepts, where the psychological and legal knowledge has been combined and then transformed into practical applications and new approaches that can benefit both professional areas.

About the Contributors

Arielle R. Baskin-Sommers received her BS from Brown University in psychology. Currently, she is a doctoral candidate in clinical psychology at the University of Wisconsin–Madison. Ms. Baskin-Sommers's research interests are concentrated on characterizing and differentiating the cognitive and affective mechanisms associated with psychopathy and externalizing, respectively. Moreover, she is interested in applying this mechanistic understanding to neurally inspired treatment programs for disinhibited individuals. To this end, she has completed research using a variety of methodological techniques from survey to psychophysiology to neuroimaging. Additionally, she has received a number of awards recognizing her research, such as the Edmund Burke Delabarre Memorial Premium from Brown University and the Cheryl Wynne Hare Award from the Society for the Scientific Study of Psychopathy.

Hannu Lauerma is a medical doctor specialized in psychiatry and licenced psychotherapist. He has been a private practitioner for over 20 years, and medical director of Psychiatric Hospital for Prisoners, the only acute hospital of its kind serving all the prisons in Finland, since 1996. He has been acting professor of psychiatry in the University of Turku in 1994–1996, 2000, and 2003–2004; associate professor of psychiatry in University of Turku since 1998; and research professor of National Institute for Health and Welfare since 2009. Professor Lauerma has authored and coauthored 62 PubMed-cited medical articles, several chapters in medical textbooks, and two popular nonfiction books concerning deceit, abuse, and evilness. He has also received several awards for lecturing, scientific writing, and popularizing scientific and psychiatric knowledge, and made contributions to public discussion and several TV series concerning psychiatric and criminological issues in Finland. He is a member of five ministry committees preparing legislation, has given several expert opinions on academic issues, and is a member of the board of several scientific societies in Finland.

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Home Office concerning threats to the royal family and British political figures, and also teaches for the Netherlands National Police. He has been a technical consultant to the television program *CSI* since its inception in 2001.

Craig S. Neumann is a professor of psychology at the University of North Texas. His research interests include developmental, neuropsychological, and structural aspects of personality disorders (psychopathy, borderline, and schizotypal), as well as applications of structural equation modeling and other latent variable approaches.

Joseph P. Newman is currently professor of psychology at the University of Wisconsin–Madison, where he formerly served as director of clinical training and department chair. The overarching goal of his research is to characterize the psychobiological processes that undermine self-regulation in psychopathy and other syndromes of disinhibition in order to facilitate early intervention and prevention. Toward this end, Professor Newman has authored or coauthored more than 120 publications on psychopathy and other forms of disinhibitory psychopathology. Professor Newman helped to found the Society for the Scientific Study of Psychopathy and served as its inaugural president between 2005 and 2007. In 2009, Newman received this society's R. D. Hare Lifetime Achievement Award for his contributions to psychopathy.

Mary Ellen O'Toole is a forensic behavioral consultant. Dr O'Toole was a special agent with the FBI for 28 years. For more than half of her career with the FBI, she worked in the Behavioral Analysis Unit (BAU) where she focused on the analysis and interpretation of violent behavior. Her areas of specialty include threat assessment and risk assessment in the workplace, campus and school violence, and the interpretation and identification of psychopathic behaviors in crimes of violence. Dr O'Toole has consulted with law enforcement, prosecutors, and mental health professionals all over the world on high-profile cases involving targeted acts of violence and the predictors for this type of behavior. She has also lectured internationally on these topics to multidisciplinary audiences of mental health and to human resources professionals, judges, attorneys, law enforcement professionals, and others.

Christopher J. Patrick is a professor of clinical psychology at Florida State University. His interests include psychopathy, antisocial behavior, substance abuse, personality, fear and fearlessness, psychophysiology, and affective and cognitive neuroscience. He is author of more than 140 articles and book chapters, and editor of the *Handbook of Psychopathy* (Guilford Press, 2006). A recipient of Early Career awards from the American Psychological Association and the Society for Psychophysiological Research (SPR), Dr. Patrick is a past president of the Society for Scientific Study of Psychopathy and president-elect of SPR. Since 2008 he has served as a scientific advisor to the DSM-V Personality and Personality Disorders (PPD) Work Group, and since 2010 he has served as a workgroup member for the National Institute of Mental Health Research Diagnostic Criteria (RDoC) initiative.

Stephen Porter received his PhD in forensic psychology at the University of British Columbia (UBC) and currently is a researcher and consultant in the area of psychology and law. After working as a prison psychologist, Dr Porter spent a decade as a professor at Dalhousie. In 2009, he transferred to UBC–Okanagan, where he assumed a position as a professor of psychology and cofounded the Centre for the Advancement of Psychological Science & Law (CAPSL). Dr Porter has published numerous scholarly articles on psychopathy and violent behavior, deception detection, and forensic aspects of memory. Dr Porter is frequently consulted by Canadian courts and has been qualified as an expert witness in various areas, including “dangerousness and risk for violence” and “memory and the factors involved in credibility assessments.” He has been consulted by police in serious crime investigations and provides training in deception detection and psychopathy to law enforcement, mental health professional groups, government agencies, journalists, trial judges, and other adjudicators.

Julia Shaw is a PhD candidate at the University of British Columbia–Okanagan, where she regularly teaches courses on forensic psychology. She received her BA from Simon Fraser University and her MSc from the University of Maastricht in the Netherlands. She has won numerous university awards and fellowships and currently holds a scholarship for her doctoral studies. Ms Shaw has published articles in the field of forensic psychology, and is conducting research on risk factors for recidivism. Besides presenting at numerous international conferences and assisting with training professionals in deception detection, she is involved in evaluating local court-ordered offender diversion programs.

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research interests involve studying the structure and assessment of impulse control deficits (externalizing), aggression, and psychopathy. Investigating neurobiological systems underlying emotional and cognitive deficits in psychopathic and aggressive individuals remains the primary research focus.

Michael Vitacco is an assistant professor of psychiatry and health behavior at Georgia Health Sciences University, Augusta, Georgia. He previously was Associate Director of Research at Mendota Mental Health Institute in Madison, Wisconsin. His research interests have focused on psychopathy, risk assessment, and malingering.

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Preface

The idea of this book was born during the establishment phase of our company PsyJuridica Ltd. At that stage, similarly to the present times, we had lengthy and innovative discussions of the overlapping needs we had identified to exist among the practitioners of the legal and psychological professions, as well as forensic area where we both had worked for so many years. We strongly feel that in both the legal and psychological professions, the focus is on the interaction of people. We built our company on the idea of not only providing law firms and other institutions with psychological or legal expertise but also making available for them consultation where both fields of expertise emerge. Another very important way of working for our company is providing private customers psychological and legal services concurrently, so that a person going through a rough legal case such as a divorce, estate distribution, or industrial conflict can consult a psychologist and a lawyer jointly on the way. In the end what matters is the total well-being of our clients. PsyJuridica Ltd. was founded to address this need.

While working on several civil or criminal law cases during the years, we both had realized that a good result requires that a person finds a balance in securing his or her legal rights and the overall psychological well-being. In practice this objective is often severely jeopardized if the case involves a psychopathic person. During the years we've witnessed several cases where a psychopath has ruined another person's life or taken it – sometimes for revenge and sometimes “just for the fun of it.” At the same time, our cowork with several practitioners from, for example, the field of law, military, social and health services, politics, as well as private businesses had made us realize that many practitioners were unaware of psychopathy or, when facing it, don't know how to handle it. At the focal point of working with judicial problems, for example, are the personalities of those interacting in that process. This will reflect on the handling of the process and also on the manner in which the practitioners who are involved in the process cope with the situation. We also believe that thus far too little has been reflected on the factual consequences to our nation which may

follow in case psychopathic individuals are allowed to take positions as leaders. We'd like to participate in this discussion with some of the questions dealt with in this book in relation to leadership in general and war crimes in particular.

We've had experience of doing empirical research on psychopathy for several years and we are aware of the content of the scientific literature relating to psychopathy. Although we highly value the research that has been conducted on psychopathy, we felt that there is a limited amount of published information on psychopathy that is relatively easy to read and understandable, as well as of high practical use for professionals working on areas where there is a high likelihood of having to deal with a psychopathic person. Therefore, this book aims to fill this gap and provide an introduction of psychopathy for any practitioner, from any field of profession, whose work involves social interaction.

We feel that we've had much personal benefit during the years of the fact that the other one of us has done her career much in the academic world, while the other one has made his career as a practitioner. As we are interested in combining these two areas of expertise we wanted to provide the readers of this book with the opportunity to take part of the experience of the leading scientist of psychopathy "talking and writing" to the practitioners. We sought to build a bridge between the academic and professional worlds, thus providing an integration of topics that will have immediate practical application, grounded in an empirical and theoretical approach. Once we had defined specific areas of research which we considered important, we approached authors to write the individual chapters covering the selected topics. Several contributors from different countries were contacted. All were extremely experienced researchers of psychopathy who were also familiar at communicating with practitioners on the topic of psychopathy. We are highly grateful to our authors for their contribution and sharing our interest of providing a book on psychopathy for practitioners.

Interaction with a psychopathic person does not follow common social rules. This book should help one to understand the mysterious mind and way of thinking that guide the behavior of a psychopathic individual. They have specific skills in influence making and impression management that will be examined in detail in this book. One should be able to understand what kind of countermeasures, tactics, and strategies might be beneficial in order to minimize the harms and danger these people can cause, particularly to the judicial system and other people. This book will go beyond the criminal justice system and examine also difficult situations in matters related to civil law. These include among others disputes concerning agreements, divorces, and custody arrangements. In civil cases psychopathy may have enormous consequences due to the fact that in civil cases the primary aim is to reach a settlement based on the interaction between the legal parties. This book aims to help victims of psychopathic individuals to become winners of their situation or case.

We are grateful to several of our colleagues for their time and energy, and for sharing their experiences of psychopathy. We would particularly like to mention Professor Robert D. Hare, who has encouraged Helinä so much in her research work on psychopathy, and who was enthusiastic about the book proposal but was

unfortunately unable to contribute the requested chapter because of illness at the time. We also wish to express our gratitude for Helinä's psychotherapy clients who have provided her with rich case study material. We would also like to thank those numerous senior law enforcement officers around the world as well as lawyers and judges who have discussed and shared their views, especially with Jan-Olof, about matters relating to their profession and the possible consequences that psychopathy has and will have on it. We'd also like to thank Karen Shield, Annie Rose, Baljinder Kaur, Cheryl Adam, Victoria Halliday, and Andy Peart at Wiley Publications, for their guidance and support throughout the process. Ultimately, the introverted task of editing a book is not accomplished in isolation from the support of others, and we are pleased to acknowledge our gratitude to several friends and family members who have made our daily life easier during the past year. Finally, as we are, in addition to being coeditors, also a married couple we wish to thank each other. None of our efforts would be possible without the respect, generous support, commitment, and love that we have toward each other.

The Editors
November 2011

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