
Dangerousness Prediction in Methamphetamine Cases

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Predicting dangerousness involves a three-part process of analyzing the history, triggers, and opportunity to aggress that operate against inhibitions to inflict violence. The three main factors associated with violence, which are also commonly the targets of deception by suspects (Hall, 1982, 1984, 1987; Hall and Pritchard, 1996), including those in methamphetamine cases, are (1) a history of violence; (2) situational and dispositional triggers to violence; and (3) opportunities for violence. Any of the variables associated with violence may be targeted for denial or minimization.

Triggering stimuli, which are short term in duration, intense in impact, and set the violence into motion, are often distorted by offenders. The two most frequently mentioned triggering events, including short-term events, are substance abuse or intoxication and the breakup of a central love relationship (e.g., Bandura, 1973). Other examples are insults to self-esteem (Toch, 1969) and invasion of body space (Kinzel, 1970).

Methamphetamine operates as a powerful trigger to violence in those individuals with a history of violence toward others. When intoxicated, these individuals often lose all sense of empathy, experience a low frustration tolerance, and concomitantly experience a need to aggress upon minimal environmental provocation. On later evaluation, the methamphetamine-intoxicated defendant typically tries to find legitimate reasons for his or her violence.

Opportunity factors, which allow the occurrence of violence or expand the various ways it can be expressed, may also be minimized or denied. Opportunity factors expand the possible severity of exhibited violence or allow its expression. Examples in the former category include availability of

a firearm (Berkowitz and LePage, 1967), presence of a physically weaker potential victim (Bandura, 1973), and elevation to positions of authority where violence toward others is institutionally sanctioned (Milgram, 1963; Fromm, 1973). Variables that allow the expression of violence include release from incarceration into the community (Kelly, 1976) and cessation of taking tranquilizing medication (Stone, 1975).

Some associated features of violence are typically affirmed by offenders. These include easily verifiable associations of violence such as convictions, prison incarcerations, and body tattoos with violent themes. Other associations that are usually affirmed include a preference for violent films (TV, movies), books, etc., release from incarceration, and physical prowess in relationship to the (potential) victim. Defendants may blame some factors on others or regard them as irrelevant to violence. The meaning of some features may escape the defendant and hence may not be denied. These include physical abuse as a child, praise or reward by parents for aggression, a violent model in the home, substance abuse by the same-sex parent, and a history of reinforcing outcomes for violence.

Inhibitory variables that lower the chances that violence will occur are typically affirmed by offenders. These variables fall into the lower range of frequency, intensity, severity, or duration of any quantifiable factor that is positively associated with violence. A minimal history of violence may be regarded by a client as a sign of dispositional nonviolence. Therefore, it should not be surprising that many subjects will claim a nonviolent basal history. Because stabilizing psychotropic medication generally acts as an inhibitor to violence, most defendants assert compliance with medication.

Dispositional factors associated with a lower propensity to aggress include high socioeconomic status and high educational level (Kelly, 1976; Monahan, 1981). Offenders may exaggerate their occupational and educational achievement. The opportunity for violence may eliminate or reduce the probability of aggression and some offenders may claim a lack of transportation or a physical disability and therefore raise issues of an alibi and self-defense.

Contextual stimuli include such variables as location of the crime scene and the presence of third parties (Steadman, 1981) and environmental stimuli (Berkowitz, 1983; Horowitz and Willging, 1984). Some persons may therefore emphasize the improbability of violence given eyewitnesses, bright lighting, or other physical “barriers” to violence.

Common mispredictions involving defendants with a history of methamphetamine abuse involve errors in the assessment of dangerousness including the following (Hall, 1987):

- Lack of an adequate forensic database
- Failure to account for retrospective and current distortion

- Prediction of dangerousness in the absence of previous dangerousness
- Reliance on illusory correlations of dangerousness
- Prediction of dangerousness solely from clinical diagnosis
- Failure to consider triggering stimuli
- Failure to take into account opportunity variables
- Failure to evaluate inhibitory factors
- Ignoring relevant base rates
- Failure to formulate circumscribed conclusions.

The disinhibiting effects of methamphetamine intoxication, whether through direct action or through brain damage, can trigger violence if they are coupled with a history of violence. Therefore, for all forensic cases involving violence prediction, the three-part analysis of dangerousness should be performed.

In *State v. Sean Carvalho* (1999), the defendant was convicted of manslaughter for killing his 71-year-old grandmother by striking her with a baseball bat after she refused to give him money for drugs. In offering a prediction of substantial dangerousness, the senior author noted that Carvalho had a substantial history of violence before, during, and after the killing of his grandmother, with methamphetamine abuse or withdrawal a contributing factor. His inhibitions toward violence were weak even in the face of minimal environmental provocation. He had beaten a dog to death with a pipe, made death threats against his grandmother when she refused to comply with his demands, and was involved in three violent fights while in pretrial detention. One attack on another inmate occurred when the inmate informed Carvalho of his work responsibilities.

A critical factor was the severe and frequent methamphetamine abuse in which the defendant had engaged prior to the killing. In fact, he had abused methamphetamine so often that standard intelligence tests showed deterioration from an average to a borderline intellect, along with many neuropsychological signs. Although the senior author's dangerousness predictions extend only a year or two into the future, indicia of violent recidivism for Carvalho were suggested by the long-term effects of methamphetamine.

The reader is referred to [Chapter 11](#) for other details on prediction schemes that can be part of forensic evaluation for a variety of purposes in methamphetamine-related cases.

Summary and Recommendations

Aside from the havoc wreaked by methamphetamine, quite possibly the most damaging substance to humankind in recent memory, a crude

phenomenological and epidemiological network of information has been formed that has relevance for experts in forensic settings and situations. Information on methamphetamine that stems from empirical investigation, the most valid and reliable of this information network, needs to form the basis for experts' contributions to the criminal courts and be articulated to the trier of fact. At this rudimentary state of the art, the experts themselves should be questioned closely on their knowledge about methamphetamine. The expert should know the methamphetamine abuse by defendants, victims, and witnesses (in some cases) at the time of the alleged crime. The effects of methamphetamine need to be factored in at every step of the judicial process from interrogation of the suspect to sentencing. Sound, rigorous decision paths for every criminal forensic issue the expert addresses need to be developed to reflect the thinking process of those professionals and to expose possible errors and biases.

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