

*“Personality Disorder in  
presentence reports:  
a **3D** approach”*

**Andrew Carroll**

*[ourcuriousminds.com](http://ourcuriousminds.com)*

*“...assessment of  
personality...makes a two-  
dimensional assessment  
into a **three-dimensional**  
one.” (Tyrrer, 2018)*





- DEMYSTIFY
- DIMENSIONS
- DE-STIGMATISE

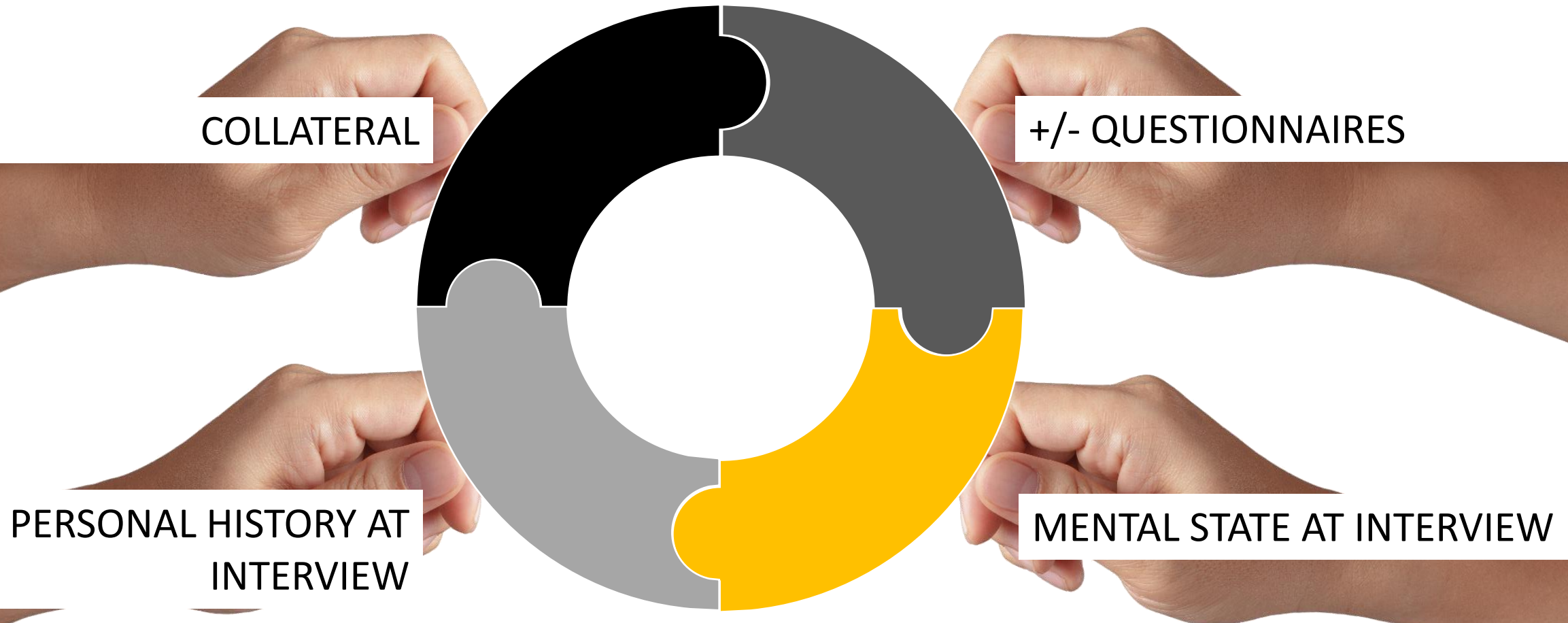
- DEMYSTIFY

DPP v Brown  
[2020] VCC 196



“...cogent evidence ...which establishes both the disorder and the connection of that disorder to the offending...” *Taft, J.*

# COGENT EVIDENCE FOR DIAGNOSIS OF PERSONALITY DISORDER (or *any other* diagnosis)

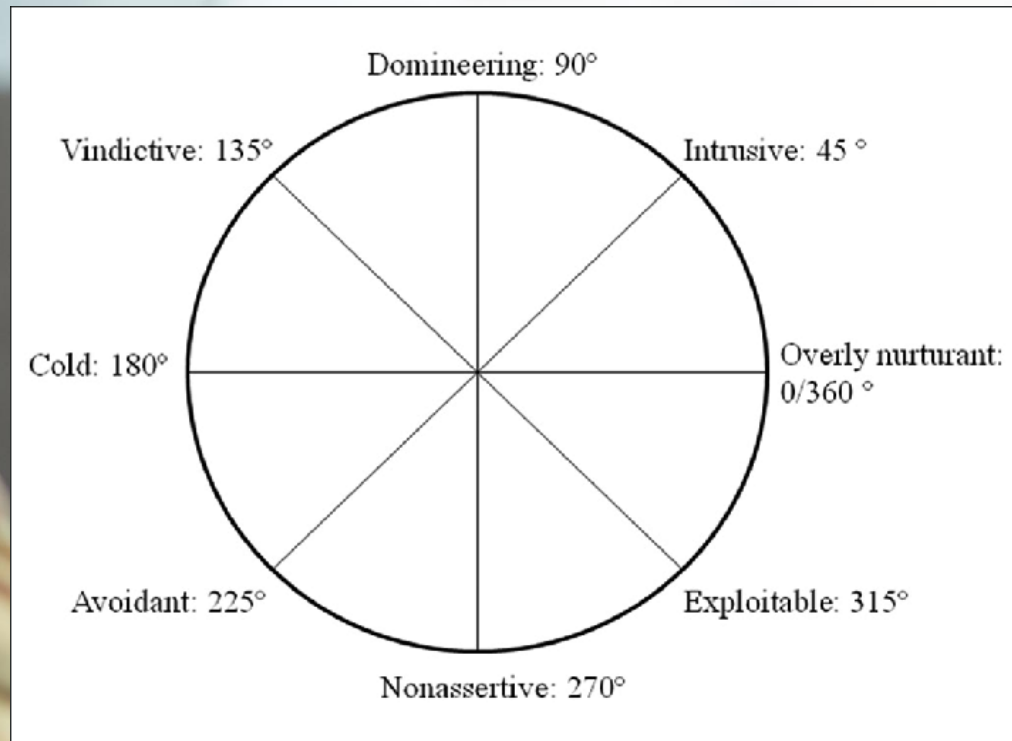





## MENTAL STATE AT INTERVIEW:

- Countertransference cues
- Interpersonal Style



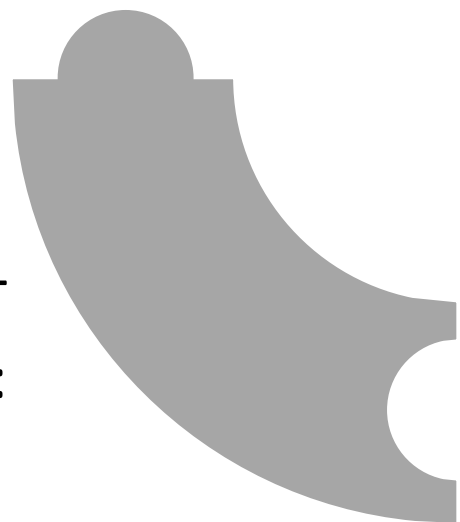






***Confounded by more dynamic factors :  
acute mood or psychotic symptoms;  
intoxication etc.***

PERSONAL HISTORY AT  
INTERVIEW:

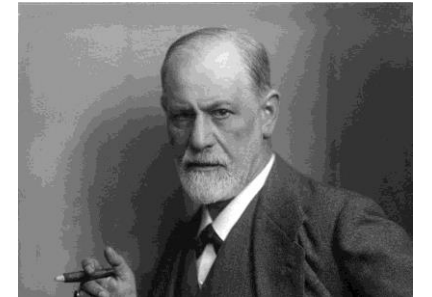


# PERSONAL HISTORY

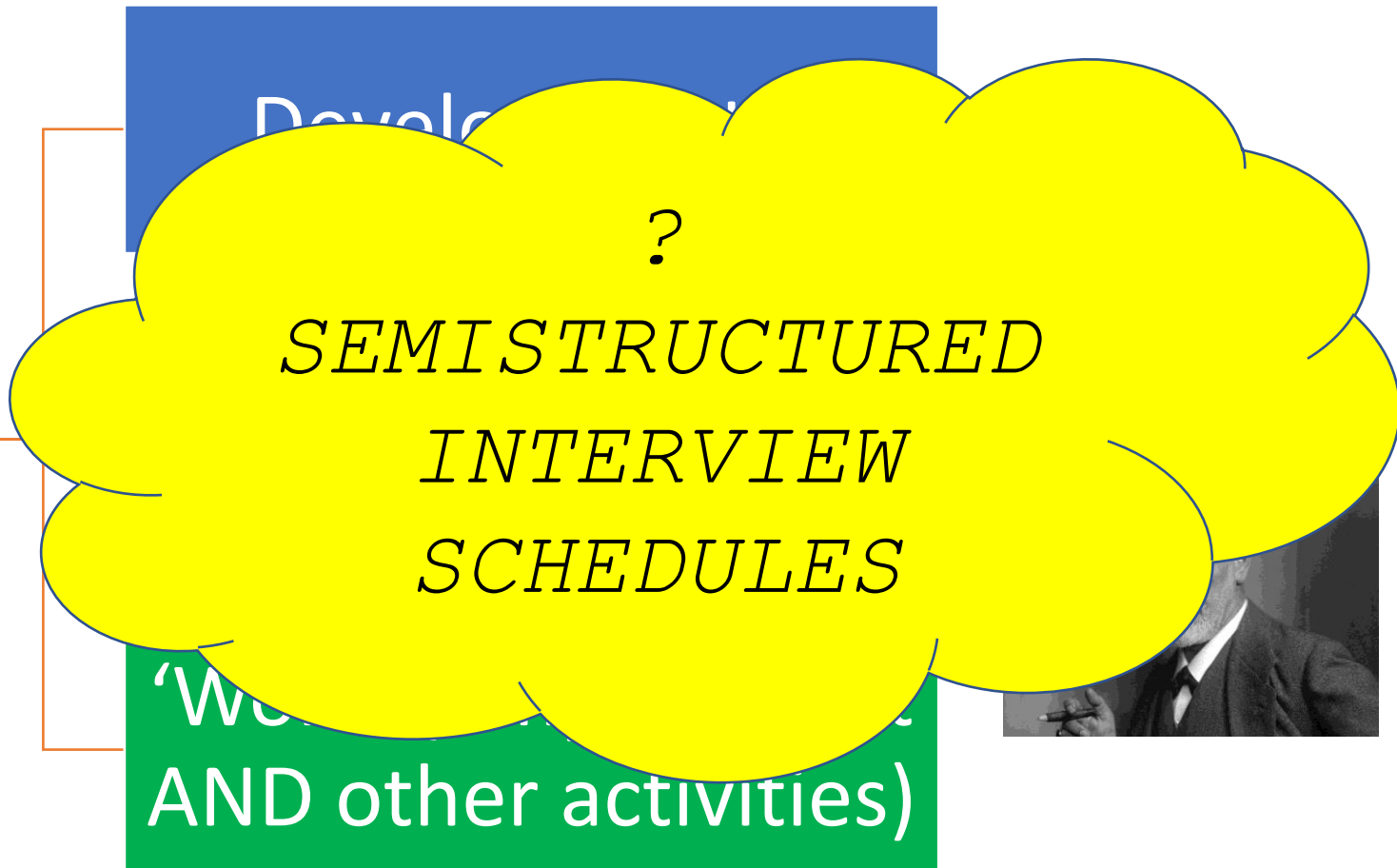
Developmental

‘Love’ (romantic AND other relationships)

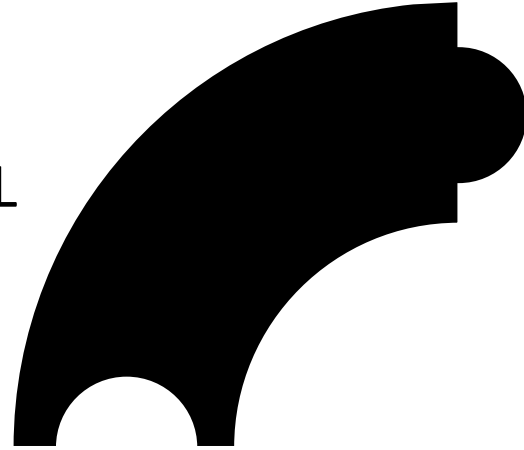
‘Work’ (employment AND other activities)



# PERSONAL HISTORY



COLLATERAL



# Daylia Brown v The Queen [2020] VSCA 212



Professor Ogloff emphasised that a personality disorder ‘has to be inflexible and pervasive across situations and over time’ :

*“Because a personality disorder generally is enduring long-term, although the severity can ebb and flow over time, then it’s very difficult to diagnose with just a cross sectional evaluation of an individual. ... it does require a longitudinal perspective with information across a number of data sources, not just sitting down with somebody for a period of time.”*





# Collateral

## The Brief of Evidence



- Offence itself
- Witnesses especially family/friend
- Photos
- Text exchanges etc.

# Collateral

## Clinical



- Public inc.  
GP
- Private
- Prison (seek  
early!)

# Collateral

## Interviews



- Parents
- Partners
- Others

# Collateral

Other



- Child welfare/protection
- School reports

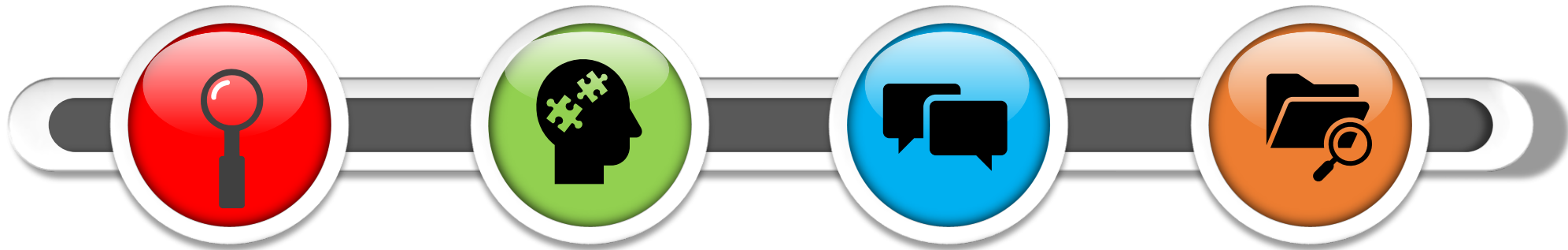
# Collateral

The Brief of  
Evidence

Clinical

Interviews

Other



***INTEGRATE COLLATERAL DATA INTO A CHRONOLOGY***

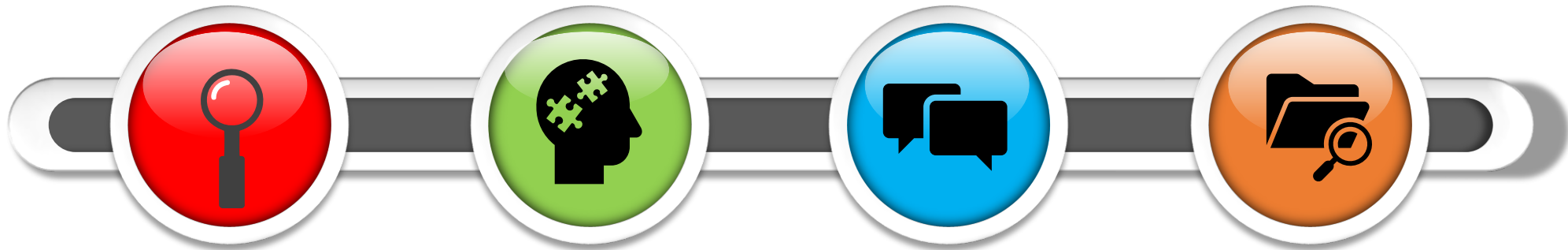
# Collateral

The Brief of  
Evidence

Clinical

Interviews

Other



***THEN APPLY CLINICAL REASONING***



# Trade-off



# The limits...

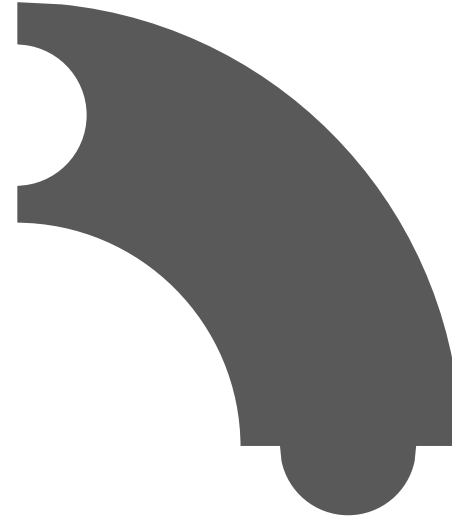


Limits on time

Thoroughness

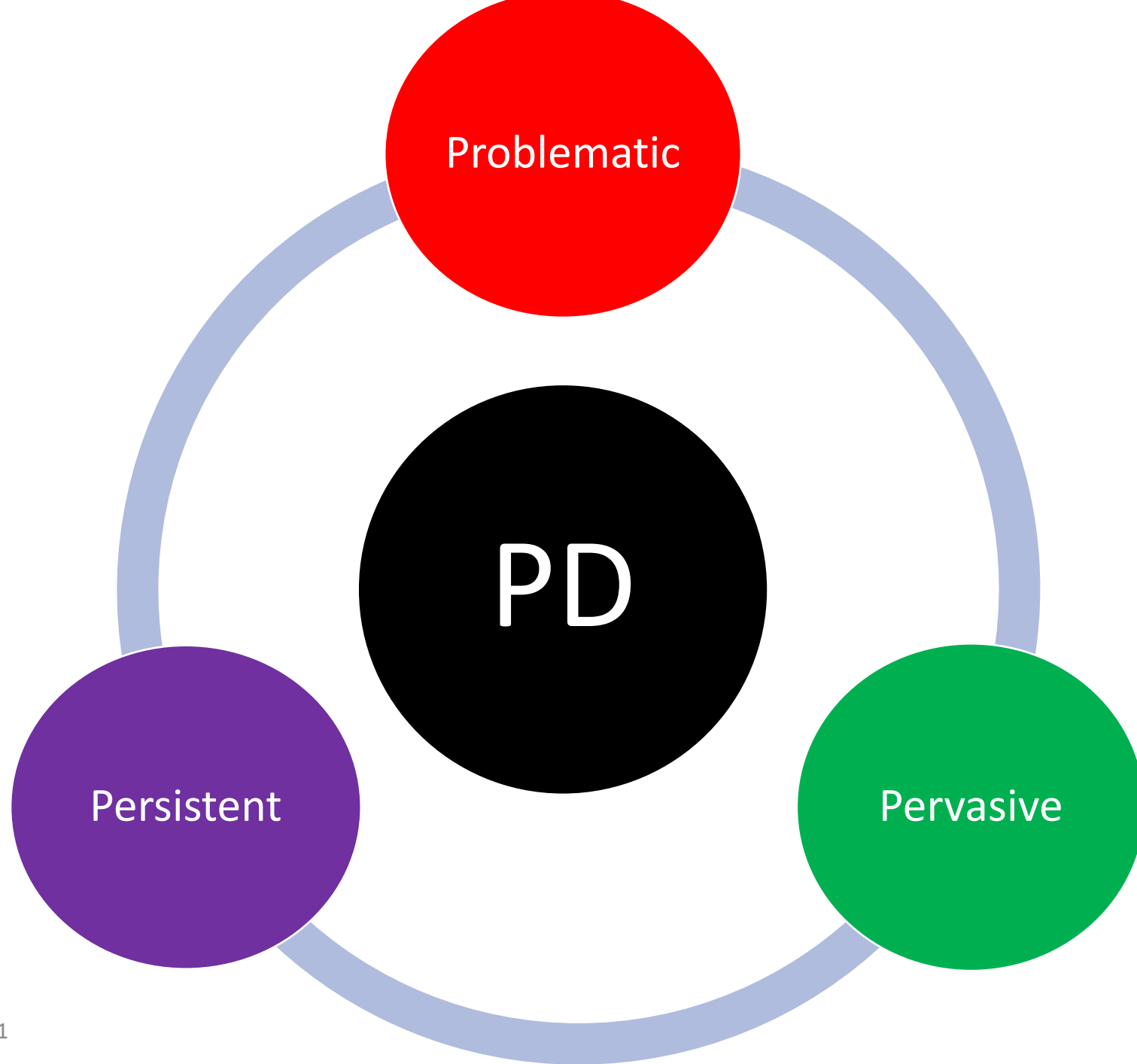
Practice Note CR7:

"All expert reports...shall state, specify or provide:  
any limitation or uncertainty  
affecting the reliability of the opinion(s) in the report"



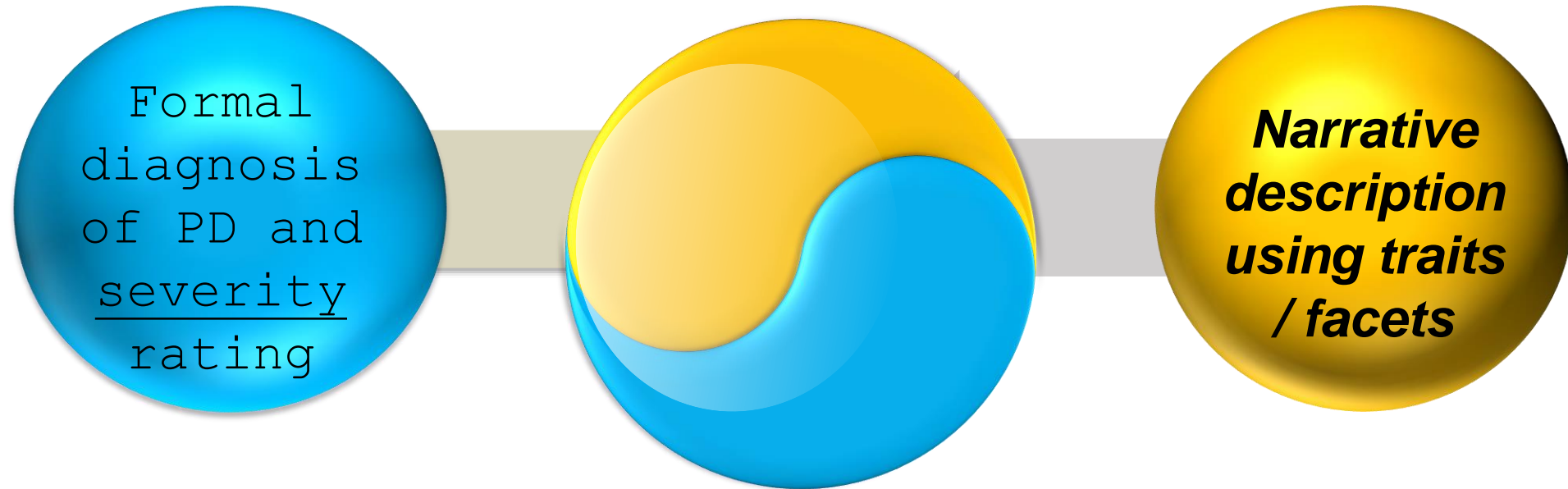
? QUESTIONNAIRES:

- Potentially very helpful
- Neither sufficient nor necessary
- Use with care and within scope of your expertise
- If using, get to know the questionnaire and its associated theory and research findings well
- Not all 'translate' readily into ICD/DSM concepts



- DIMENSIONS

# DIMENSIONAL APPROACHES



Diagnostic  
formulation



***WHY DO DIMENSIONAL APPROACHES WORK BETTER  
IN FORENSIC CONTEXT ?***

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**COGENT** EVIDENCE: INTUITIVE AND READILY UNDERSTOOD  
BY THE COURTS – A NON-CLINICAL AUDIENCE







AVOIDS THE CONFUSING 'MULTIPLE'  
DIAGNOSES: "*THIS MAN IS  
DIAGNOSABLE WITH 3 PERSONALITY  
DISORDERS*"



# ***WHY DO DIMENSIONAL APPROACHES WORK BETTER IN FORENSIC CONTEXT ?***



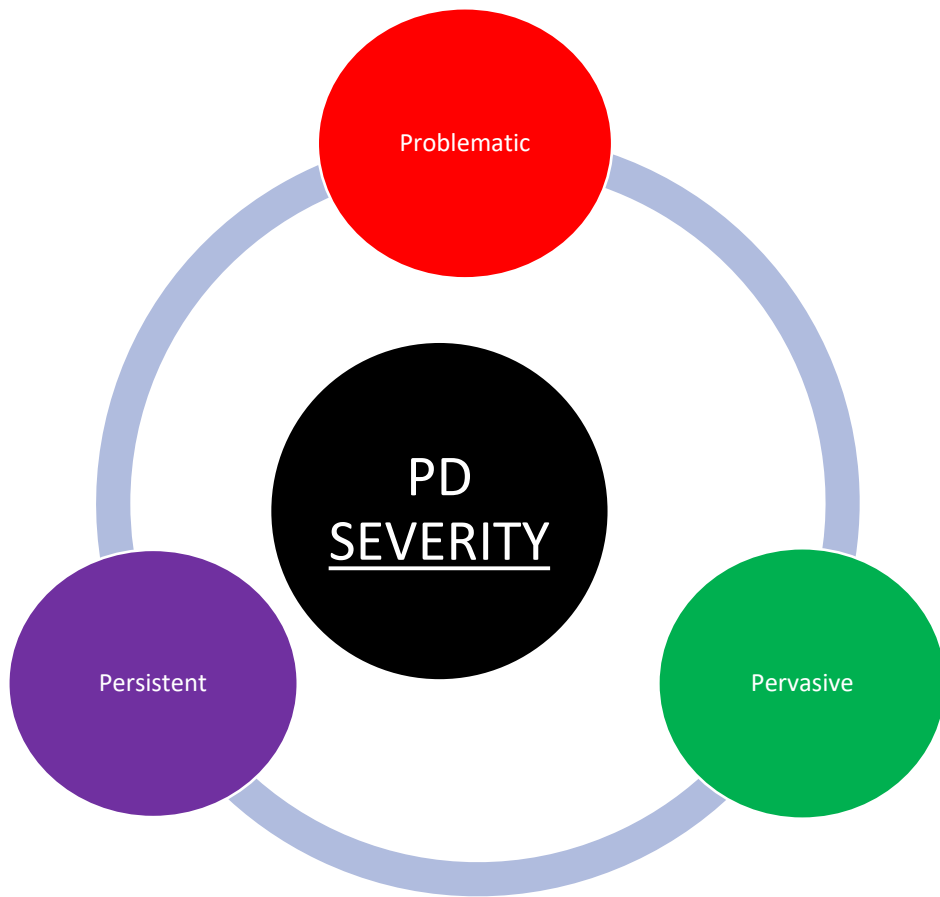
COGENT EVIDENCE: INTUITIVE AND READILY UNDERSTOOD  
BY THE COURTS – A NON-CLINICAL AUDIENCE



CLEARLY ADDRESSES THE '**SEVERITY**' ISSUE



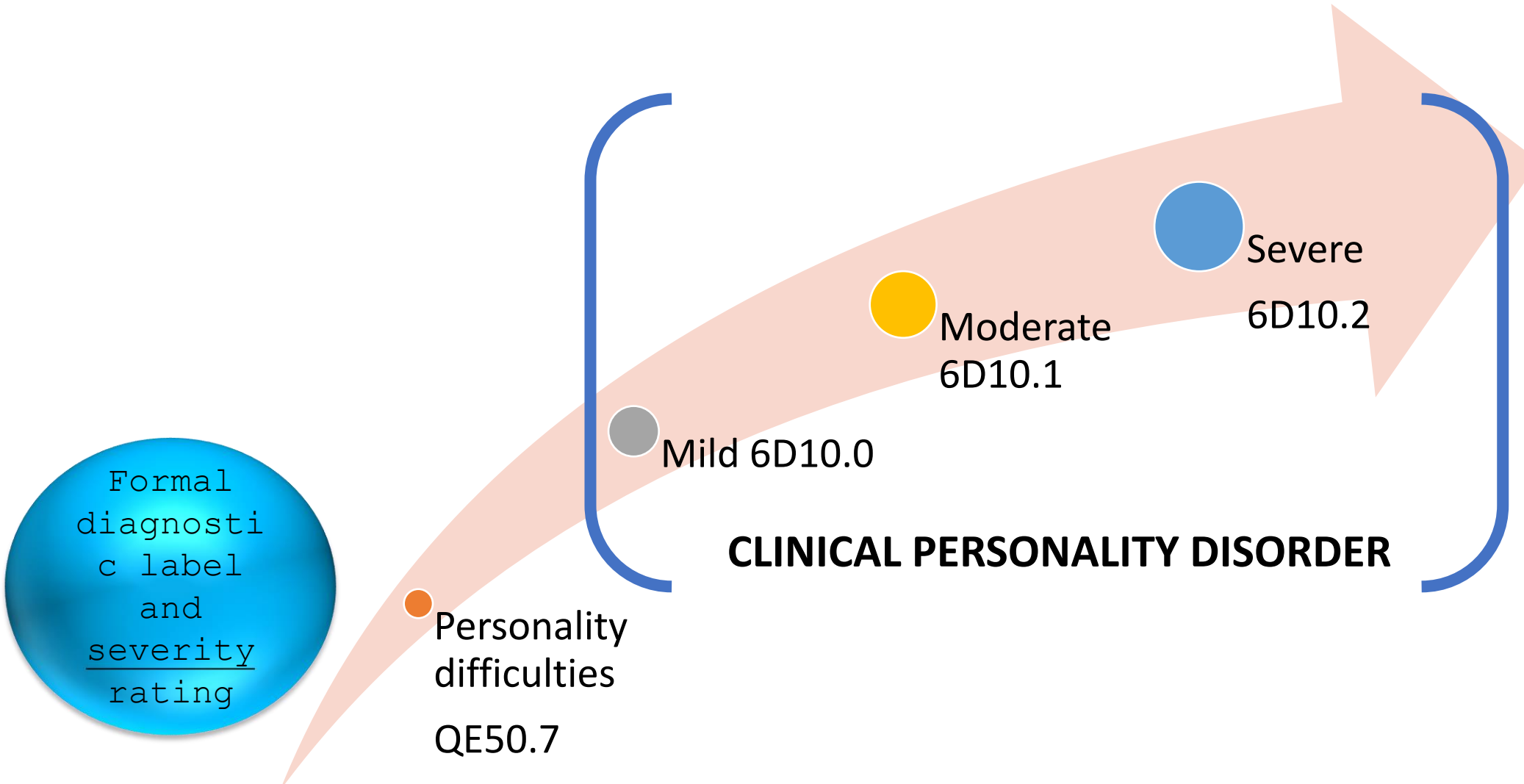
# Daylia Brown v The Queen [2020] VSCA 212



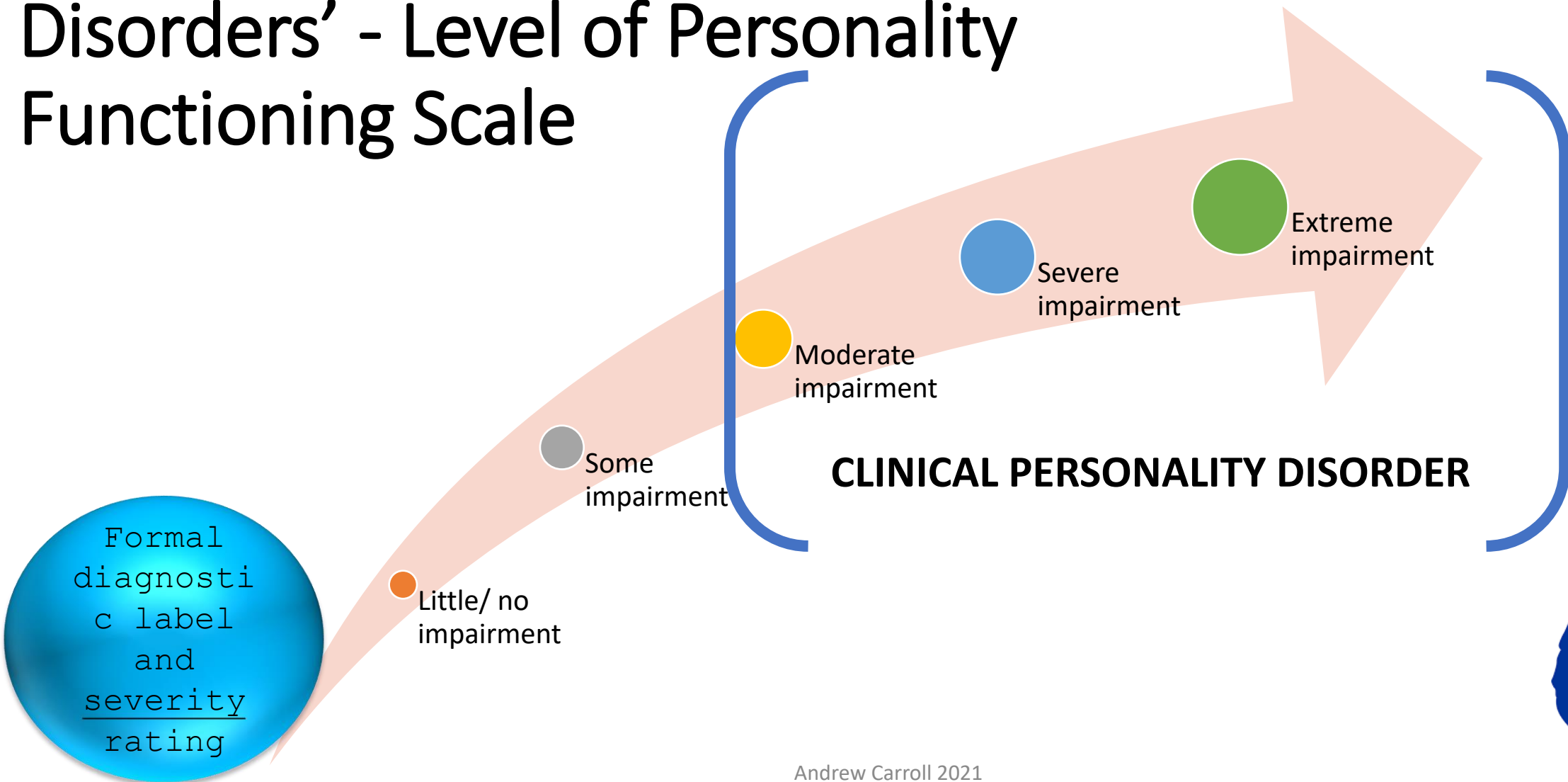
“...a personality disorder is likely to engage the Verdins principles only in a case of some severity...it is not for this Court to suggest any threshold level of severity which must be reached ...”



# ICD-11



# DSM-5 'Alternative Model for Personality Disorders' - Level of Personality Functioning Scale



# ***WHY DO DIMENSIONAL APPROACHES WORK BETTER IN FORENSIC CONTEXT ?***



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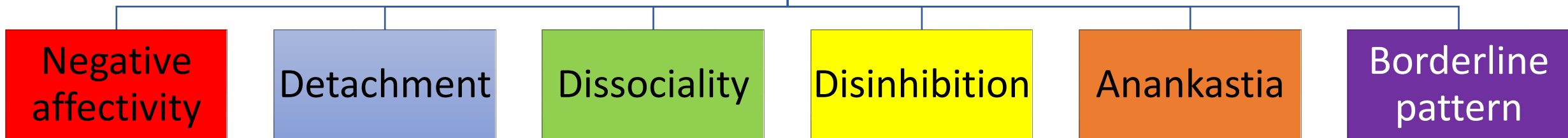
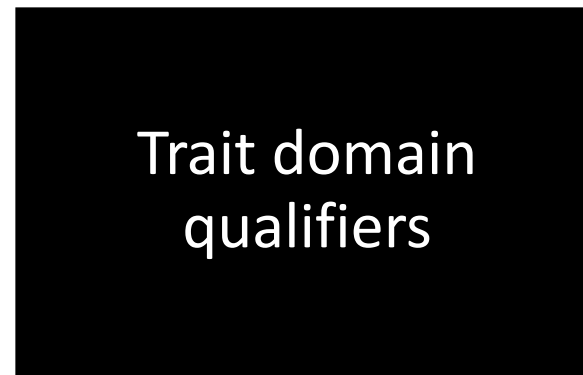


ENCOURAGES A **BROADER PALETTE** FOR  
INDIVIDUALISED OPINION



# ICD-11

*“As many trait domain qualifiers may be applied as necessary to describe personality functioning.”*



# DSM-5 : 'Alternative Model for Personality Disorders'



25 Trait facets → 5  
Trait domains

Negative  
Affectivity

Detachment

Antagonism

Disinhibition

Psychoticism



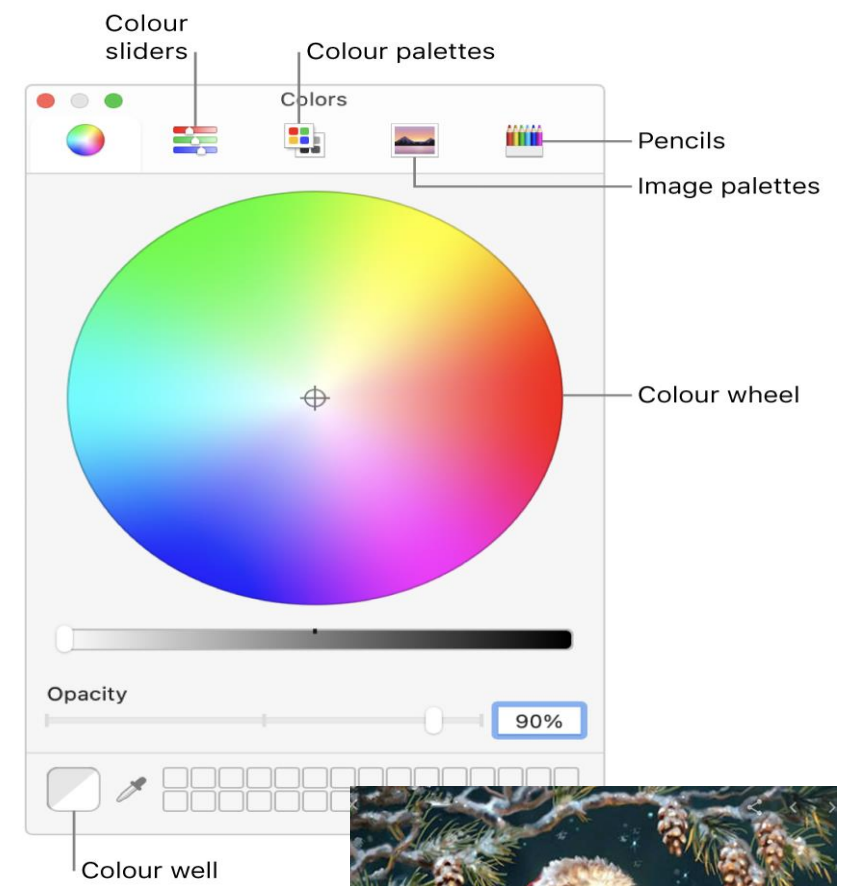
***“...no person is generally well described by just one word. This is particularly true when those terms are emotionally laden, are conflated with evaluative judgements, and describe a heterogeneous construct (eg BPD)... each person is more accurately described by a constellation of personality traits that fully captures the richness of that person’s individuality.”***



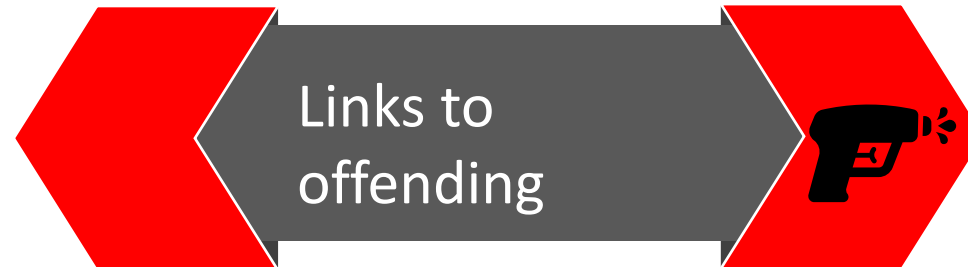


# Traits and facets: a *richer* palette

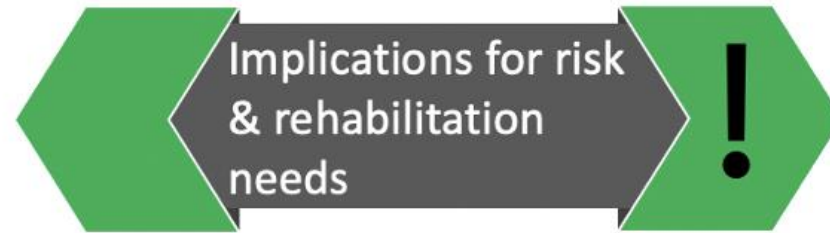
Anhedonia	<div style="text-align: center;"> <p>25 Trait facets → 5 Trait domains</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="background-color: red; color: white; padding: 5px;">Negative Affectivity</div> <div style="background-color: blue; color: white; padding: 5px;">Detachment</div> <div style="background-color: green; color: white; padding: 5px;">Antagonism</div> <div style="background-color: yellow; color: black; padding: 5px;">Disinhibition</div> <div style="background-color: orange; color: black; padding: 5px;">Psychoticism</div> </div> </div>
Anxiousness	
Attention Seeking	
Callousness	
Deceitfulness	
Depressivity	
Distractability	
Eccentricity	
Emotional Lability	
Grandiosity	
Hostility	
Impulsivity	
Intimacy Avoidance	
Irresponsibility	
Manipulativeness	
Perceptual Dysregulation	
Perseveration	
Restricted Affectivity	
Rigid Perfectionism	
Risk Taking	
Separation Insecurity	
Submissiveness	
Suspiciousness	
Unusual Beliefs and Experiences	
Withdrawal	



# *A richer palette for formulation and opinion...*



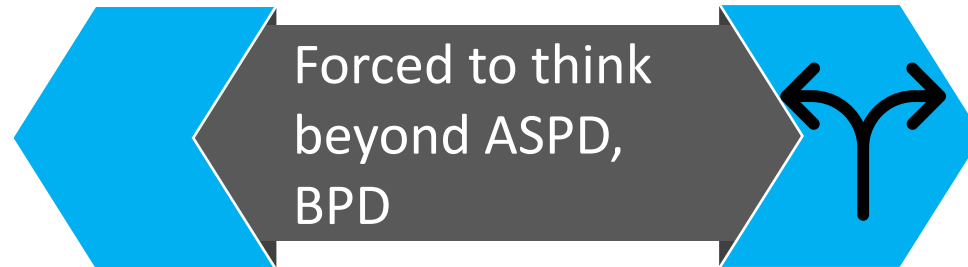
# *A richer palette for formulation and opinion...*



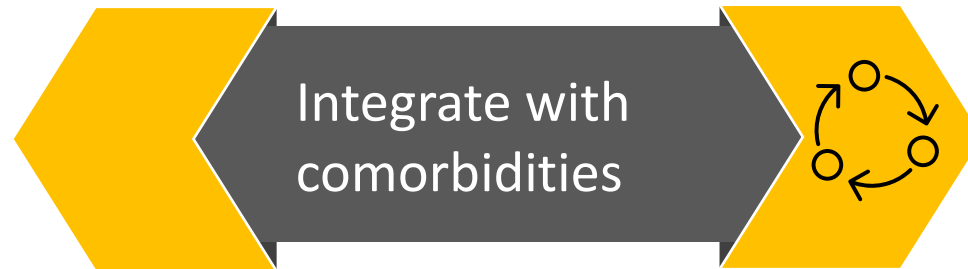
# *A richer palette for formulation and opinion...*



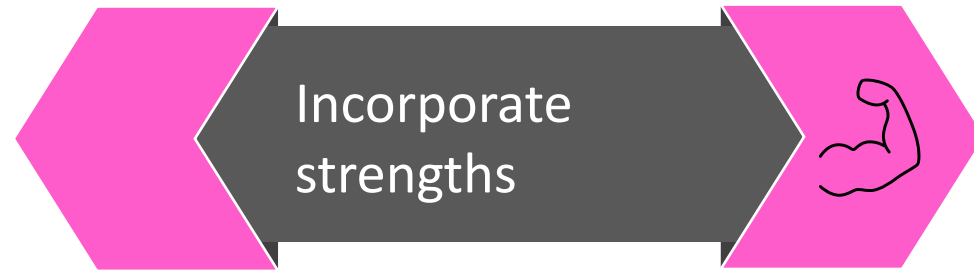
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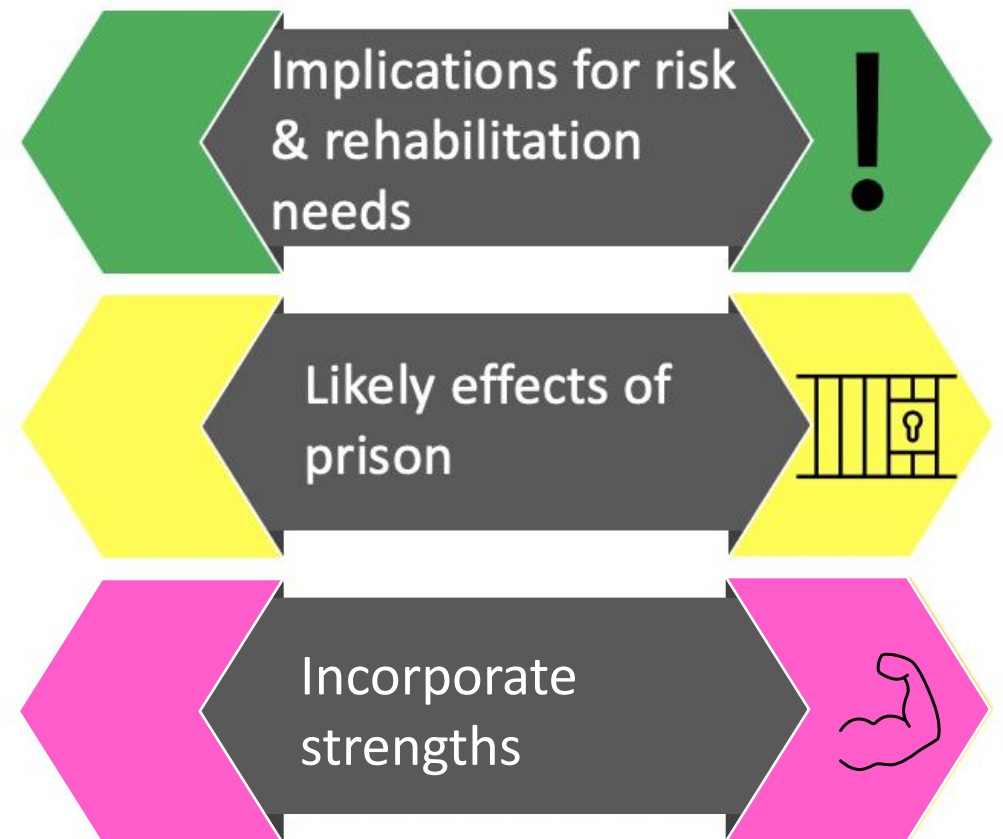
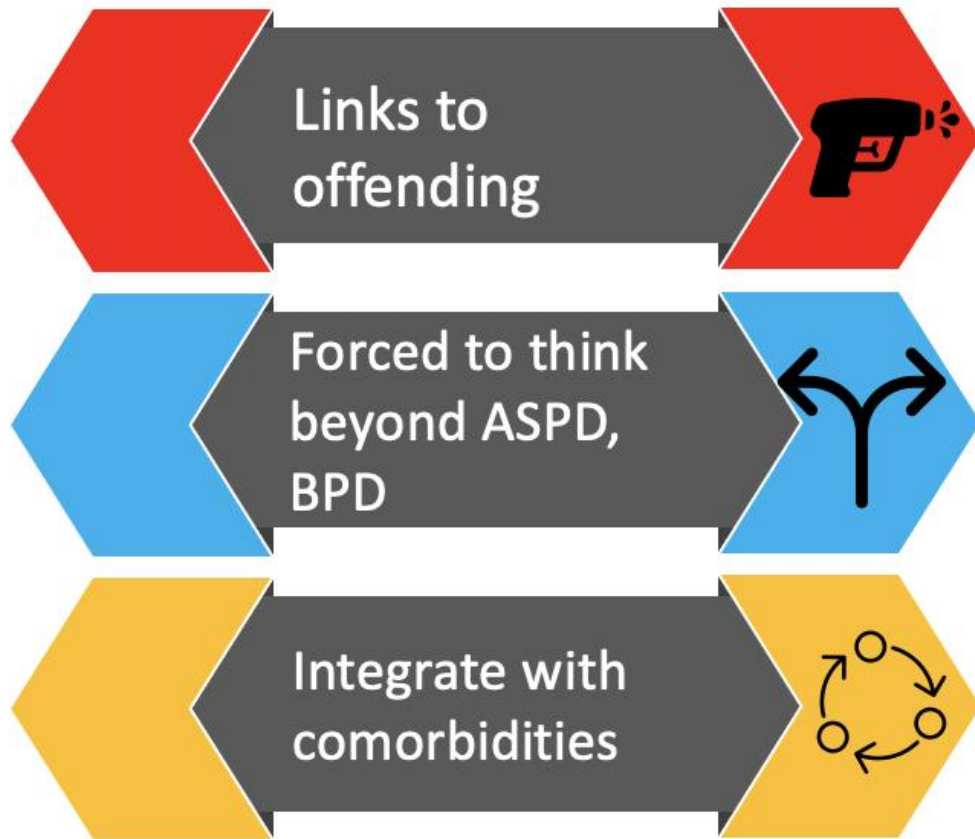
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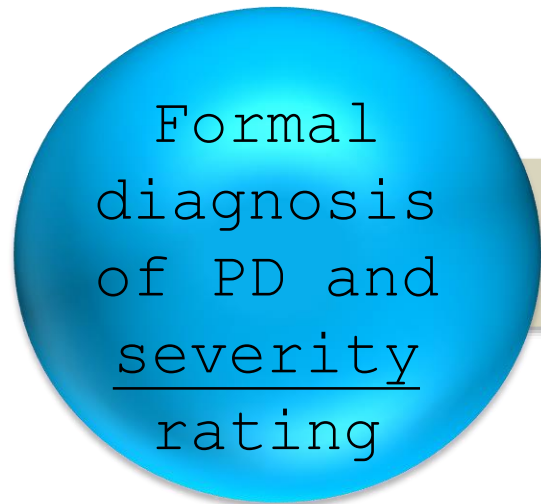


# *A richer palette for formulation and opinion...*

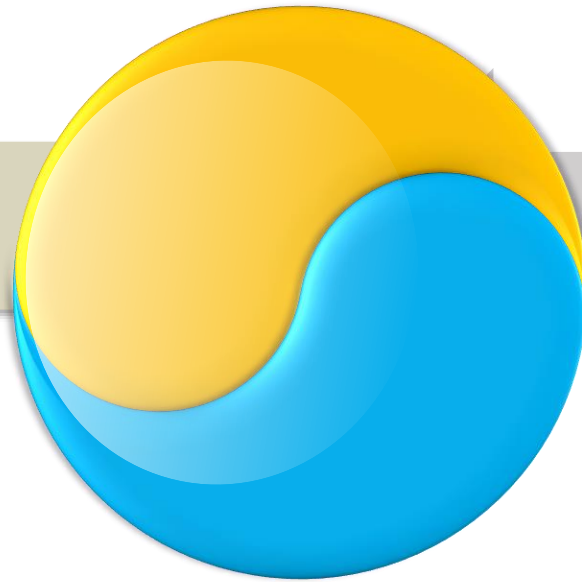




# BENEFITS OF A DIMENSIONAL FRAMEWORK



Potentially  
opens door to  
*Verdins*  
consideration  
s



Cogent, useful  
opinion



Allows  
sentencing to  
be nuanced  
and  
individualised

- DE-STIGMATISE

# Daylia Brown v The Queen [2020] VSCA 212

ARGUABLY, THE COURTS IN VICTORIA  
HAVE DE-STIGMATISED PERSONALITY DISORDER  
IN THE SENTENCING REALM



“An offender diagnosed with a personality disorder should be treated as in no different position from any other offender who seeks to rely on an impairment of mental functioning as mitigating sentence in one or other of the ways identified in Verdins.”

*“Personality Disorder has for many years been in the parentheses of psychiatric classification...almost had to apologise before mentioning.”*

*(Tyrrer, 2008)*



“...forensic mental health professionals...lard almost every court report with a personality disorder diagnosis, always to the detriment of their patient...does using the label personality disordered, even in the new ICD-11 formulation, add much beyond the obvious and the stigmatizing?”  
*(Mullen, 2017)*



“Describe the person’s attitudes, how they respond to the world as well as to other people, their strengths, their weaknesses, describe them as human beings in their social context ...”  
*(Mullen, 2017)*



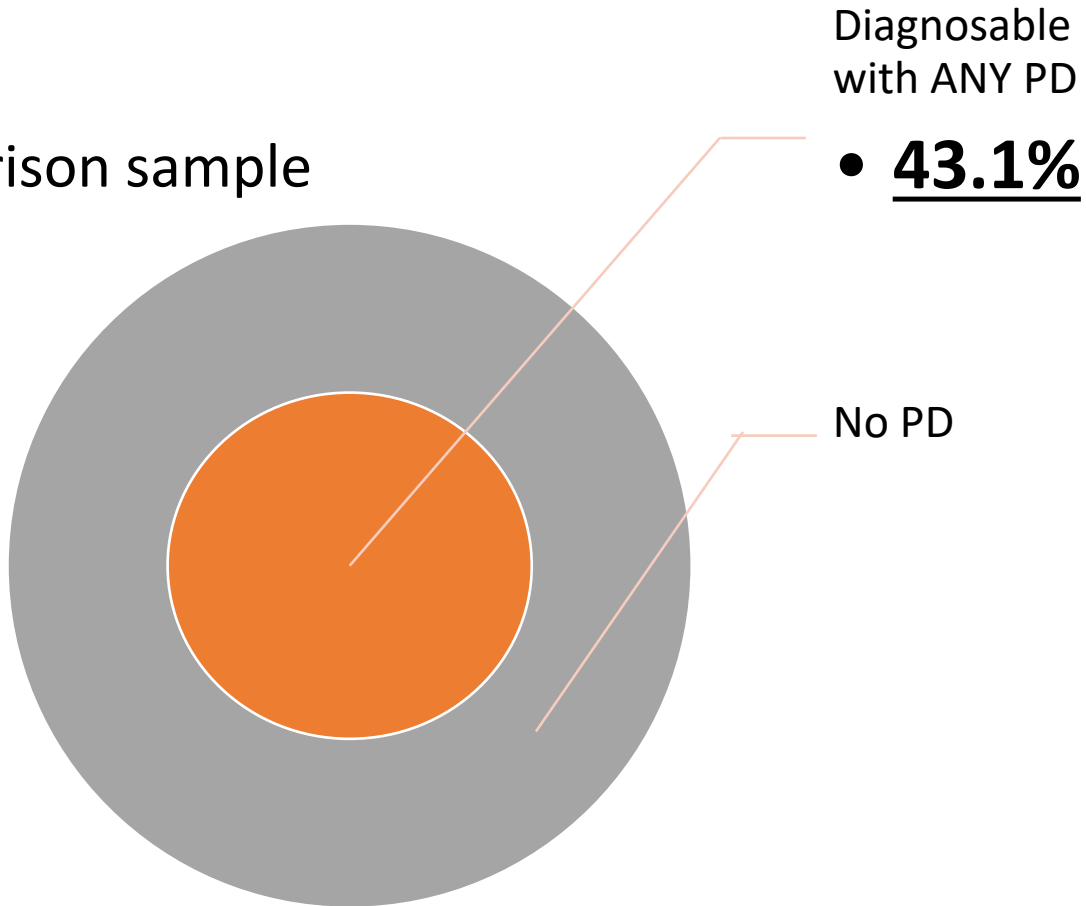
“Describe the person’s attitudes, how they respond to the world as well as to other people, their strengths, their weaknesses, describe them as human beings in their social context ...”  
(Mullen, 2017)

**BUT WITHOUT A FORMAL DIAGNOSIS, THESE VERY ISSUES ARE MUCH LESS LIKELY TO GAIN TRACTION WITH THE COURT AND INFLUENCE SENTENCING**

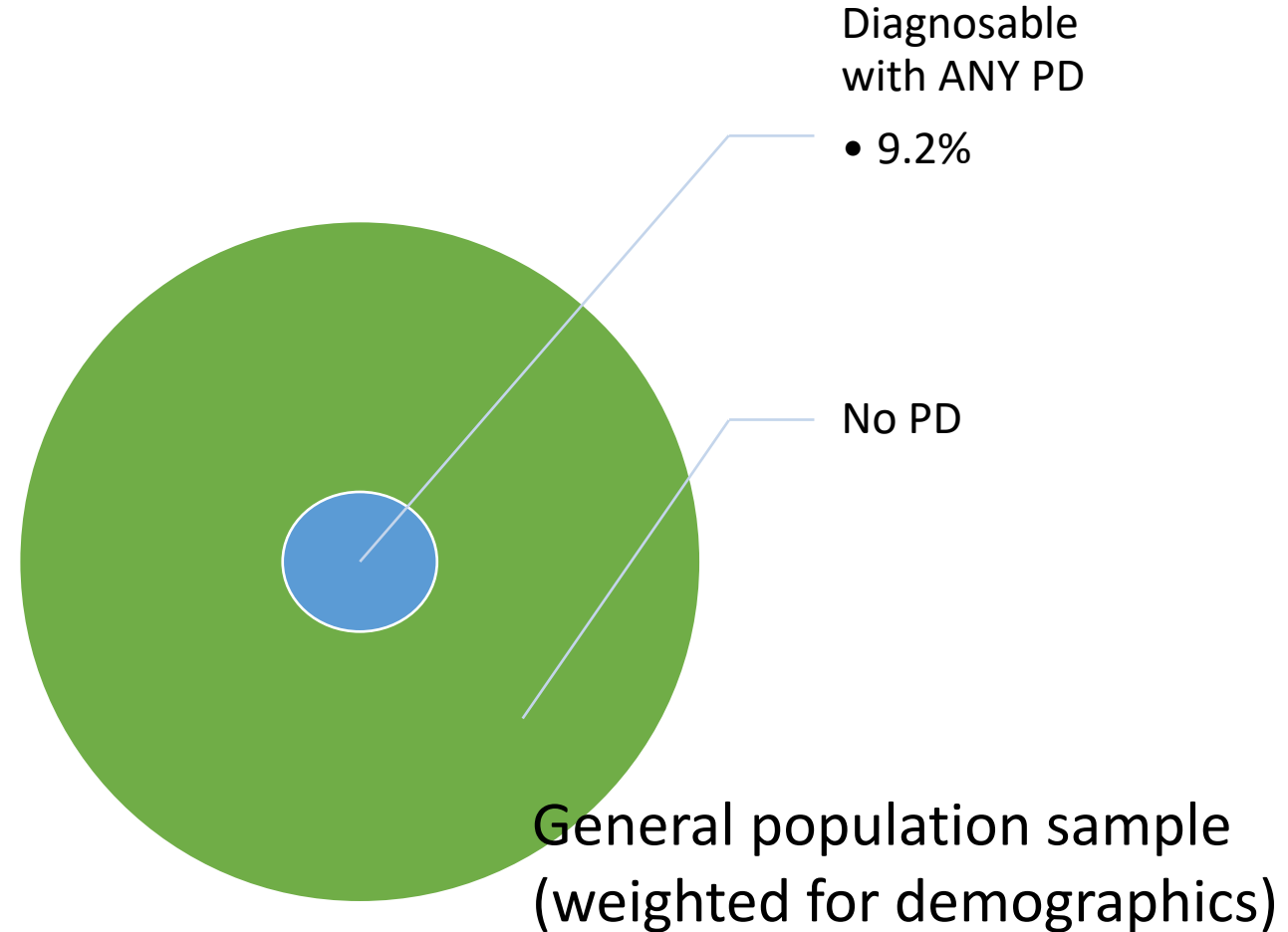


Personality Disorders is of course common in the people we see for reports:

Prison sample



Andrew Carroll 2021



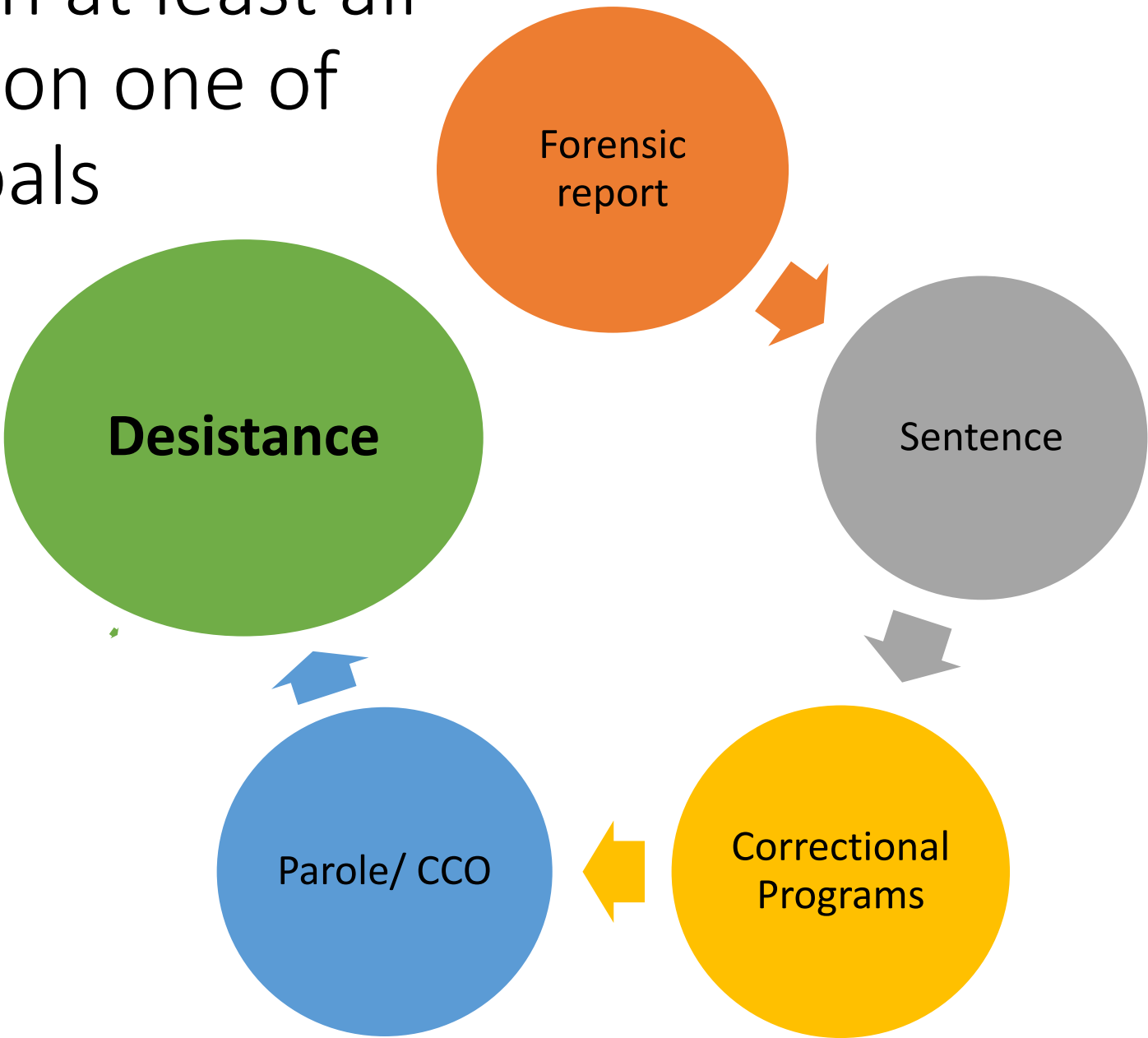
Butler et al 2006

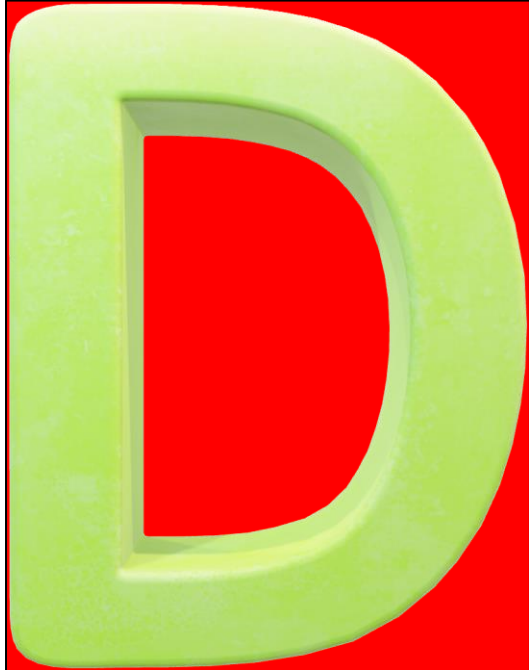


So, make the diagnosis, with care  
and humility, and quit pussy-footing...



We can at least all agree on one of the goals



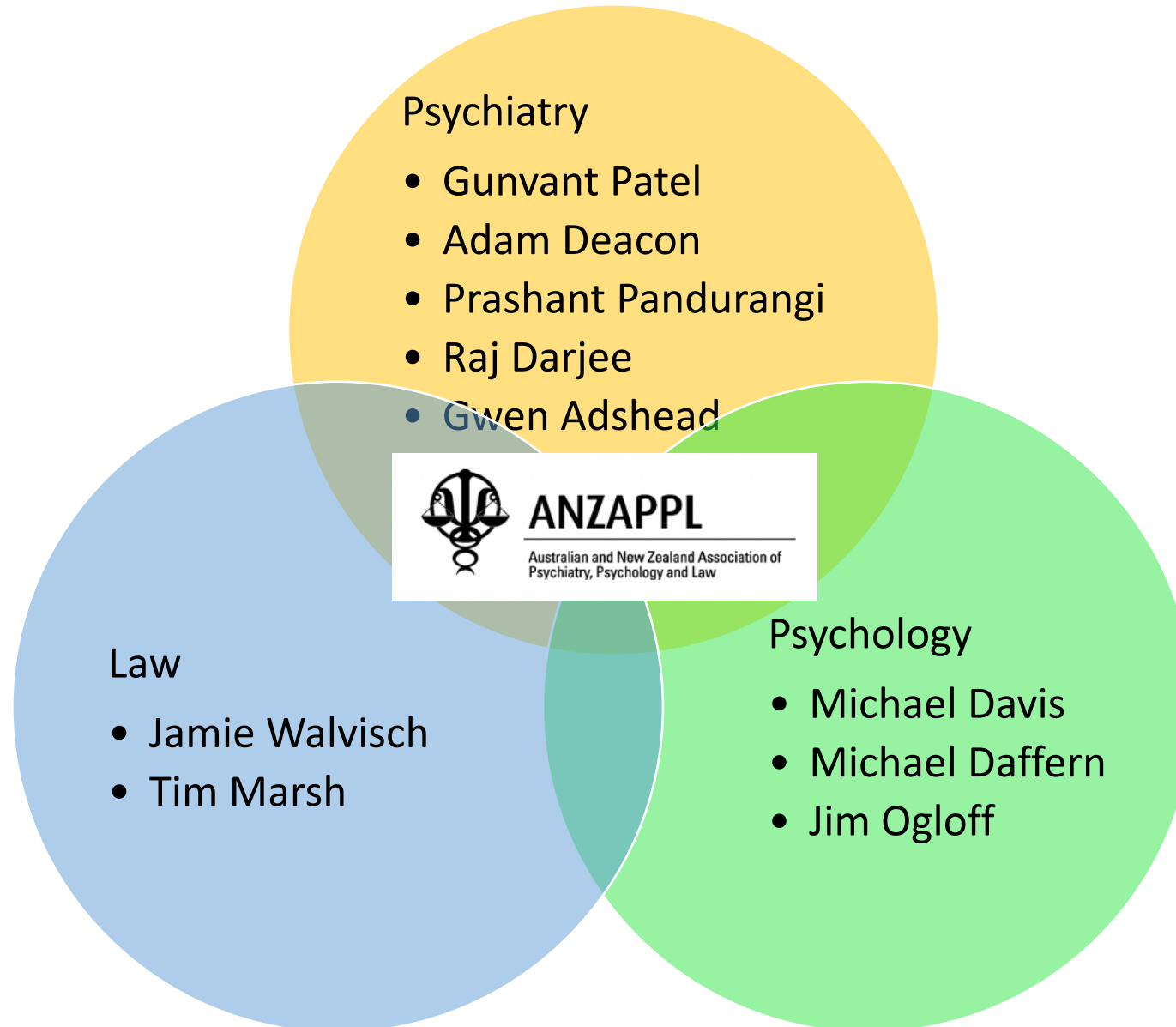


- DEMYSTIFY
- DIMENSIONS
- DE-STIGMATISE

# Some cases where Personality Disorder has influenced sentencing

- DPP v Demirkiran [2020] VCC 1777
- R v Garrard [2020] VSC 154
- DPP v Bruno [2018] VSC 822
- DPP v Dolheguy [2020] VSC 704
- R v Sturt [2020] VSC 317

# Acknowledgements



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