

CASE REPORT

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Predatory Violence During Mass Murder

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ABSTRACT: A case of mass murder by a 35-year old male is reported. Following a week of separation from his spouse and temporary loss of custody of his son, the subject went to his wife's worksite and murdered her and the store manager, wounded a passerby in a car, and murdered a police officer arriving on the scene. Weapons used were a .32 caliber revolver, a 9-mm pistol, a 7.62-mm assault rifle, and a .50-caliber rifle. The fact pattern of the case is shown to be quite consistent with a predatory mode of aggression—violence that is planned, purposeful, emotionless, and not preceded by autonomic arousal. The forensic importance of considering mode of violence, whether predatory or affective, independently of psychiatric diagnosis, is emphasized.

KEYWORDS: forensic science, forensic psychiatry, mass murder, predatory violence, antisocial personality disorder, psychopath

Two psychobiologically distinctive modes of aggression, affective and predatory, have received substantial experimental and clinical attention during the past 30 years (1). Animal research, usually with cats, has established the neuroanatomic sites and pathways, and physiological properties of these response systems (2). Understanding of the putative neurotransmitters that regulate these responses is limited (3). Clinical research has focused on the pharmacological treatment of violent patients, drawing upon the empirical relationship between certain psychotropic medications, such as selective serotonin reuptake inhibitors, and their inhibition of either affective or predatory aggression (4,5). The forensic application of this model of aggression resulted in the development of ten criteria for discriminating between these modes of violence in humans (6), see Table 1. Affective aggression in humans is a defensive mode of violence that is accompanied by high levels of sympathetic arousal and emotion, usually anger and fear, and is a time-limited reaction to an imminent threat. Predatory aggression in humans is an attack mode of violence that is accompanied by minimal autonomic arousal, and is planned, purposeful, and emotionless (7).

Mass murder involves the intentional killing of multiple victims by a single offender within a 24-h period of time. Dietz (8) offered the following definition to increase the epidemiological reliability and validity of the term: "the willful injuring of five or more

persons of whom three or more are killed by a single offender in a single incident (p. 480)." He noted that such a definition eliminates more than 99% of violent crimes, and thus identifies mass murder as an extremely rare social event. This paper discusses a case of predatory violence during mass murder.

Criminal Offense

The 35-year-old Caucasian male left the suburban home of his mother at approximately 5:00 a.m. on a Friday morning in April. He bid her farewell with words she had never heard him speak, "don't question me, don't ask me where I go. . . I'm going to do nothing wrong, ma." The previous week, a series of significant events had unfolded in his life. His wife of 15 years, whom he had subjected to intermittent physical and sexual assault (9) during the past decade, told him she was involved with another man and left to live with a friend. Seventy-two hours later, she secured custody of their eight-year-old son and had a restraining order issued against him. Subsequent to the removal of their son from the father's physical custody, the man consulted with an attorney, sold his van and bought another one, threatened to kill his wife, threatened to kill as many police officers as he could, shaved his head and moustache, and purchased a .50 caliber Grizzly Big Boar rifle with a bipod and a scope.

His now estranged wife had worked for a year as a manager in a large grocery store approximately two miles from his mother's home. He arrived at the shopping center which contained the store at approximately 8:30 a.m. when he was observed by a Pepsi distributor poking his head out from behind his brown van parked at the highest point in the lot. Forty minutes later, he purchased ten dollars in gasoline at a nearby gas station. He politely and calmly asked the attendant if he could park his van in a corner of her lot, did so for a few minutes, and left. She noted that he was dressed in a white T-shirt and a camouflage vest or jacket. An hour prior to this, he twice telephoned his sister in Alaska, upset and crying, hollering and screaming about what his wife had done to him. He asked his sister to take his son if anything happened. Upon query as to what would occur, he said, "I don't know, I don't know."

At approximately 9:45 a.m., the estranged spouse, victim number one, was dropped off at the front of the store by the daughter of her friend with whom she was staying. As she entered the store, the man drove his brown van up on the curb, leaped from it, assumed a shooting stance with both hands extended, and yelled, "I'll kill you bitch." He fired the .32 caliber magnum New England revolver three times, wounding victim number one, who ran

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TABLE 1—Forensic criteria for affective and predatory modes of violence.

Affective Violence	Predatory Violence
1. Intense autonomic arousal	Minimal or absent autonomic arousal
2. Subjective experience of emotion	No conscious emotion
3. Reactive and immediate violence	Planned or purposeful violence
4. Internal or external perceived threat	No imminent perceived threat
5. Goal is threat reduction (homeostasis)	Variable goals
6. Possible displacement of target	No displacement of target
7. Time-limited behavioral sequence (minutes)	No time limited sequence
8. Preceded by instinctual behaviors to reduce the threat (e.g., vocalization)	Preceded by private ritual to fuel narcissism/reduce paranoia
9. Primarily emotional/defensive	Primarily cognitive/attack
10. Heightened and diffuse awareness	Heightened and focused awareness

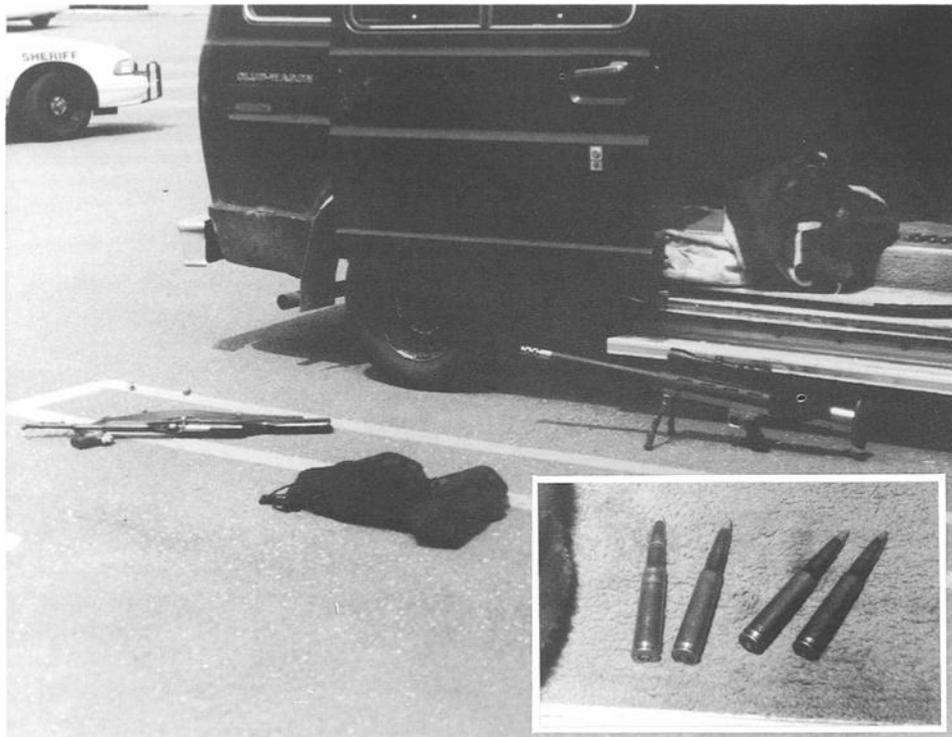


FIG. 1—Photo of .50 caliber Grizzly Big Boar rifle with bipod and scope, 7.62-mm SKS assault rifle, S&W 9-mm semi-auto pistol, and ammunition vest next to brown van. Insert photo shows lineup of .50 caliber ammunition in door of van.

screaming into the store. As he entered the foyer, he fired two more rounds, then dropped the revolver and drew a 9-mm Smith and Wesson semi-automatic pistol with an extended clip from his ammunition vest. He then straddled his wounded spouse as she rolled over and faced him, and fired at least five more rounds into her chest and abdomen. Victim number one, a 36-year-old Caucasian female, suffered eight gunshot wounds, and was found supine, unresponsive, pulseless and apneic on the floor of the store. Cause of death was exsanguination secondary to injuries involving the left lung and spleen.

The store manager, victim number two, ducked for cover when the shots were first heard. He hid with another employee in a partitioned area approximately ten ft from where victim number one was being killed. When the gunshots ceased, victim number two, quite familiar with the domestic violence and personality characteristics of the shooter, stood up and attempted to intervene. The perpetrator turned 180° and quickly fired four rounds, three times into the back of victim number two as he attempted to shield

himself by turning left to right and crouching. Cause of death of this 36-year-old large Hispanic male was exsanguination due to injuries involving the right lung, right pulmonary artery, right main stem bronchus, aorta and stomach.

While in the store, the man was observed by various witnesses to “not look scared or startled,” and “real calm.” One witness remembered, “He walked with a look of confidence like he had accomplished what he had come to do. I’ll never forget that walk . . . all I could see were dark beady eyes very focused on what he was doing.” He was dressed in a camouflage jacket, “No Fear” brand T-shirt, black ammunition vest, red or blue bandanna, sunglasses, gray sweatpants, and sneakers. The first two victims had been killed within 20 secs.

As the man left the store, the young woman who had dropped off victim number one, the estranged spouse, drove by the front of the store to exit the same way she had entered. She thought she had heard firecrackers, but upon returning noticed a panicked female running from the store, and a well built male standing by

TABLE 2—Application of forensic criteria for predatory violence to fact pattern in case of mass murder.

1. Minimal or Absent Autonomic Arousal	
Fact a)	Witness reported, "appeared very calm, very pleasant, and not nervous at all" (1 h before murders).
Fact b)	Witness reported, "did not look scared or startled" (during murders).
Fact c)	Three witnesses observed no change in temperament, frustration level, attitude, or buildup of tension 12 to 72 h before murders.
2. No Conscious Emotion	
Fact a)	Witness reported, "as the suspect walked west toward the exit, he looked real calm. He walked with a look of confidence like he had accomplished what he had come to do. I'll never forget that walk" (in grocery store following murder of victim one, spouse).
Fact b)	Witness reported that man's remarks about killing his wife the day before were never said in a mad or serious tone. "It was a monotone voice just as if he were talking about working on cars."
Fact c)	Friend of spouse reported, "when he gets mad, his eyes bulge out and he looks real crazy" (in contrast to affect during murders).
Fact d)	Mother reported 48 h before murders, "he's stewing in what he's doing . . . he's doing all right he seems to be."
3. Planned or Purposeful Violence	
Fact a)	Used same ambush-style of assault against spouse that he had used against another man, but without a weapon, four years previous to the murders.
Fact b)	Surveilled parking lot from van parked at highest elevation, and then returned to same spot prior to arrival of police officers.
Fact c)	Brought four weapons, and sufficient ammunition, to the scene of the murders; escalated from use of handguns to kill civilians to high powered assault weapons to kill police officer(s).
Fact d)	Sister reported, "it wasn't like him to just snap like that and go off the deep end."
4. No Imminent Perceived Threat	
Fact a)	No evidence of a diagnosable paranoid disorder (DSM-IV Axis I or II) days, weeks, or months prior to the mass murder.
Fact b)	No imminent threat to his physical safety if he had not initiated attack behavior.
5. Variable Goals	
Fact a)	Three witnesses testified at trial that the man stated he wanted to kill police officers days, weeks, and months prior to the mass murder; "he said he wanted to take out as many police officers as he could, kill 20 or 30 if he got a chance."
Fact b)	Five witnesses testified that the man stated he would kill his wife if she left him and took his son; "You'll be seeing me in the papers . . . I'll kill her. I'll drop her where she stands . . . if she tries to leave me I'm going to bag her."
6. No Displacement of Target	
Fact a)	The man did not shoot at a family in a car that came within 10 to 12 ft of his brown van when he attacked his spouse from behind.
Fact b)	The man did not shoot at two young women in the grocery store whom he saw after murdering his spouse.
7. No Time Limited Sequence	
Fact a)	Witnesses reported the man expressed the wish to kill his spouse and police officers on various occasions for at least five years.
Fact b)	Violence continued until he surrendered for tactical reasons (weapon jammed, taking fire), rather than neuromuscular fatigue and physical exhaustion following intense ANS arousal.
8. Preceded by Private Ritual	
Fact a)	Shaved his head and moustache, an appearance his spouse "hated," between 12 and 72 h before mass murder.
Fact b)	Appeared in "pseudocommando" outfit at time of mass murder: "No Fear" T-shirt, black ammunition vest, camouflage jacket, sunglasses, bandanna, sweat pants, and sneakers.
9. Primarily Cognitive/Attack	
Fact a)	Purchased with cash .50 caliber rifle the day before the mass murder.
Fact b)	Planned location and sequence of attack at least several hours (if not a week) before mass murder.
10. Heightened and Focused Awareness	
Fact a)	Witness reported, "all I could see were dark beady eyes focused on what he was doing" (during killing of spouse and manager in grocery store).

a brown van with a semi-automatic pistol in his hand. As she drove by, and accelerated, he fired four rounds at her, shattering the front passenger side window, injuring her wrist, and wounding her leg. She escaped, and was later treated and released with a wound to the anterior medial area of her left lower leg. Victim number three was a 24-year-old pregnant Caucasian female.

The man returned to his van and "slowly drove," as one witness noted, to the southeast and most elevated corner of the parking lot, where he had been seen earlier. He took off his camouflage jacket, left it on the seat, opened the side door of the van and set the .50 caliber single-shot rifle, scoped and mounted, on the pavement (Fig. 1). He then took out a 7.62-mm SKS assault rifle with a 30-round banana clip and discharged the weapon, from a kneeling or standing position, in a spraying motion across the parking lot. Bullets were found in adjacent buildings and homes that suggested a 270° field of fire. The man's rear and left flank were protected by a steep, bushy hill and a closed restaurant, respectively.

As victim number four, a county sheriff's sergeant, entered the parking lot in his marked police car, he immediately came under fire. He radioed to the dispatcher, "Victor 4 (his identification) I've got the van . . . shots are being fired . . . party is kneeling down . . ." Victim number four, a 36-year-old Caucasian male, was then hit in the right side of his face with a 7.62-mm round. Cause of death was asphyxiation and exsanguination secondary to fracturing of the bony structures of the mouth, major laceration of the right external carotid artery, extensive soft tissue injury, and extensive vascular injury.

His police car rolled unguided until it hit a parked car approximately 60 yds from the man's van. When found, victim number four was unconscious and apneic, but did have some blood pressure and a pulse. When the car came to rest, the perpetrator fired a .50 caliber round into the front of the vehicle, a fragment of which penetrated the abdominal cavity of victim number four, injuring his transverse colon and jejunum. The rest of the bullet passed through the automobile and lodged in an adjacent Camaro.

A second sheriff's deputy, victim number five, upon entering the homicide in progress and seeing the other police car's front window bow inward—and the other windows blown out—rapidly drove backwards to find cover. He remembered seeing the man point a rifle at his car and track it, believing that he was being fired upon.

Victim number six, an IRS agent, weapons instructor, and Vietnam veteran, was driving in his car with his adolescent son on the road adjacent to the shopping center. When he heard the gunfire, he stopped the car and told his son to get down, and proceeded to work his way along a 2 to 3 ft wall along the perimeter of the parking lot. When the man saw victim number six, he turned the SKS assault rifle and fired one round at him. The IRS agent went flat on the ground behind the wall, and returned fire with five rounds from his Sigsaur 9-mm 228 semi-automatic pistol from approximately 75 yd. The perpetrator immediately raised his hands in the air and said, "I give up." He then laid down on the cement and a construction worker, sneaking up the hill from behind, sat on him. Following his arrest, the man was observed by a witness to look "extremely calm."

The man had fired 40 rounds from his four weapons. The SKS assault rifle had eventually jammed. He had fired four rounds from the .50 caliber rifle. There was more than 150 rounds of unexpended ammunition in the van. The perpetrator was subsequently charged with three counts of murder, three counts of attempted murder, and three counts of use of a deadly weapon. He was convicted

and sentenced to life in prison without possibility of parole. Two weeks after his conviction, he committed suicide by hanging (*New York Times*, May 11, 1996).

Discussion

Dietz (8) proposed a descriptive topology of mass murderers: Family annihilators, set-and-run killers, and pseudo commandos. The latter category, characterized by a preoccupation with firearms and lengthy deliberation prior to the criminal act, unequivocally describes this case. Yet the mode of violence of the perpetrator, whether affective or predatory, requires further analysis, because it is often characterized by heated debate between the prosecution and the defense at trial, and may be central to the trier of fact's legal decision concerning criminal culpability and sentencing.

Table 2 illustrates the application of the ten criteria concerning predatory violence to the fact pattern in this case, both physical evidence and eyewitness testimony. For reasons of parsimony, I have only listed one to four legally admissible facts that supports each criterion, but in preparation for testimony in this case, each criterion was supported by 3 to 13 facts, and 76 facts were cited *in toto* which provided the foundation for the expert opinion that "there was reasonable psychological certainty that the defendant engaged in a predatory mode of violence during the multiple homicides that he committed on the morning of April 28, 1995."

The reliability and validity of the expert's opinion concerning mode of violence, and ultimately the credibility and weight of his testimony, is most dependent upon the observed behavior of the perpetrator in the hours and days before the crime, during the crime, and immediately after the crime. Clinical interviews and psychological testing weeks or months after the offense may be important to the retrospective formulation of psychodiagnoses, if present, but are generally *not relevant* to the mode of violence at the time of the crime.

In this particular case, there were 34 different individuals, including immediate family members, relatives, friends, acquaintances, strangers, and professionals (nurse, social worker, attorney, notary public, school teachers, and police officers) who observed the man during the week before the mass murder, during the mass murder, and immediately after the mass murder in a videotaped interrogation. The latter evidence was particularly useful even though the defendant asserted his Miranda right: The video camera was left running for 2.5 hrs, although the defendant remained silent and mostly alone, documenting the clinical *absence* of a manic episode (DSM-IV) and contradicting the testimony of the defense psychiatrist at trial. The plethora of evidence in this case concerning mode of violence is useful for both heuristic and legal purposes: It clarifies the nature of predatory violence during a mass murder, which in some cases might actually be affective violence, particularly during a family annihilation; and the multitude of independent

facts, both physical evidence and eyewitness testimony, enhances the reliability and validity of the expert's testimony.

The psychiatric history of this subject, although not relevant to determine the mode of violence, was consistent with the finding of predatory violence during mass murder. The defense psychiatrist testified that the subject had a bipolar disorder and was in a manic state at the time of the murders. Under cross examination, the mania became "hypomania" and it was admitted that the subject had no psychiatric diagnosis, or treatment, until five months after the offense. Although I did not have an opportunity to evaluate the subject, evidence was sufficient to suggest strongly a DSM-IV diagnosis of antisocial personality disorder (10). On history alone, he met six out of seven criteria. This personality disorder diagnosis (ASPD), and its severe variant, primary psychopathy, have been empirically associated with predatory violence (11).

The most striking evidence in this case, used in closing arguments by the prosecution, was a videotape of the couple's therapy session almost two years before the mass murder. At the end of the session, the man leaned forward to the therapist and said, "when somebody don't get a handle, I'm ready to kick their ass to make 'em handle it . . . I'm kinda like that . . . I'm the motivator, I'm the one that will make you do it even if I have to pull a gun out and put it to your head, speaking facetiously that is." He wasn't.

References

1. Mirsky AF, Siegel A. The neurobiology of violence and aggression. In: Reiss A, Miczek K, Roth J, editors. Understanding and preventing violence. Volume 2. Biobehavioral influences. Washington, DC: National Academy Press, 1994;59-111.
2. Siegel A, Pott CB. Neural substrates of aggression and flight in the cat. *Progress in Neurobiology* 1988;31:262-83.
3. Volavka J. Neurobiology of violence. Washington, DC: American Psychiatric Press, 1995.
4. Eichelman B. Toward a rational pharmacotherapy for aggressive and violent behavior. *Hosp Community Psychiatry* 1988;39:31-9.
5. Eichelman B. Aggressive behavior: From laboratory to clinic. *Arch Gen Psychiatry* 1992;49:488-92.
6. Meloy JR. The psychopathic mind: Origins, dynamics, and treatment. Northvale, NJ: Jason Aronson, 1988.
7. Eichelman B, Hartwig A. The clinical psychopharmacology of violence. *Psychopharmacol Bulletin* 1993;29:57-63.
8. Dietz PE. Mass, serial and sensational homicides. *Bull NY Acad Med* 1986;62:477-91.
9. Dutton DG. The domestic assault of women. Vancouver: UBC Press, 1995.
10. American Psychiatric Association. Diagnostic and statistical manual of mental disorders, 4th edition. Washington, DC: author, 1994.
11. Williamson S, Hare R, Wong S. Violence: Criminal psychopaths and their victims. *Canad J Behav Sci* 1987;19:454-62.

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