

1920

Detective versus the Psychopath

Frederic J. Farnell

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Frederic J. Farnell, Detective versus the Psychopath, 11 J. Am. Inst. Crim. L. & Criminology 198 (May 1920 to February 1921)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

THE DETECTIVE VERSUS THE PSYCHOPATH

FREDERIC J. FARNELL¹

"In the group of psychopathic constitutional inferiority" says Prof. MacFie Campbell, "one has to deal with an individual whose intelligence may be keen, but who may have a lack of stability or of ethical responsiveness—they only gradually learn to make a definite distinction between the play-world of make-believe and the real world of objective happenings—the phantasy-world has unusual reality—there is an absence or weakness of those elements which are essential to satisfactory, stable social adaptation—when such regrettable incidents occur which bring the individual into the criminal court, legal procedure and the present unfortunate conditions of expert associates combine to create a scandal which diverts the community."

Bearing in mind the above statements, it may not be out of place to report a case in which the part played by the detective who in producing a play-world as a "camouflage," made his case against a boy fit in all its phases. With the detective's case complete and both legal and medical expert opinions cloaked under the same subterfuge, the boy soon found himself in a situation out of which he had little chance to escape; three possibilities were offered him; first, to be served with a warrant, arrested and stand trial; second, to be committed as insane and allow experts on insanity to decide upon his responsibility; third, to be released on probation and report weekly to such legal authorities as may be decided upon by the parties involved.

There are many questions that may be considered in reviewing this case, but only those which bear directly upon the facts as related to the legality of procedure with special reference to the detective will be emphasized. There is no doubt that there must be an immediate reform in the relation of detective to individual if there is to be a substantial protection to the citizens of our community. A detective (supposedly a "skillful detective" under pay) is hired to investigate a case. There is no law in our State authorizing the detective to report his findings to the chief of police in the district in which he is conducting his investigation. After several days of work without a clue, he comes across a fisherman whom he "drugs" with beer, and who is

¹Senior Visiting Neuro-psychiatrist and Acting Pathologist, Providence City Hospital; Psychiatrist to Providence Public Schools; formerly Clinical Psychopathologist, Butler Hospital, Providence, R. I.

visited by our boy while he is drunk, and the detective (he has now become a tramp) still with him. The detective-tramp soon recognizes the boy as a weakling and immediately begins his case; he undoubtedly recognized his instability and lack of normal response to problems both ethical and moral, so that with this weakness upon which to formulate his case and soon observing that the boy would do anything suggested to him, that he was easily tempted and lacking in will-power, it was not long before a full case was developed and ready to be submitted to legal authorities. Only one situation will be described which will show the extent to which this detective-tramp went in order to bring out the fact that the boy was "devoid of moral sense." He is taken to a hotel by the detective who registers both the boy and himself. He is led upstairs to a room in which is a prostitute and there, after some deliberation, he is initiated into the phenomenon of coitus. How disgraceful and deceitful this detective is, first because he played upon a boy's weakness, and, second, by so doing he added a fact, entirely one of his own manufacture, to his report. Where has this boy been given a fair and square deal? Encroachments both upon his person and upon his character have been made in order to "swell" the report. However, it became evident to the legal authorities, upon the report of the detective, that the boy was guilty of incendiarism, that he had committed many misdemeanors as viewed through the spectacles of law, but in addition was guilty of being a "moral defective" as noted by the medical examiners and as a result he was committed to a hospital for the insane for observation and treatment.

The following is a summary of the essential features indicating the constitutional make-up in our boy, A. B. E.:

Case A. B. E., age 18, high school student.

Family History: Mother, committed suicide by taking carbolic acid, age 48. Father, died from angina pectoris in his sixtieth year. There were two children by first wife—sons—one died from an automobile accident, the other is alive and well, a veterinary surgeon. Patient is the only child by second wife.

Personal History: A. is eighteen years, the only child by this second union. He was a full-term child, but was rather delicate as a baby up until his fifth year, when he commenced to pick up. His mother was a very peculiar woman and never seemed to have the maternal instinct developed at the birth of the child—she never seemed to want to take care of him—never cared to do physical work—everything seemed to be too much bother. His father was very devoted to him, however. After his father died, his mother went to E. to live and then to N. The environment was very bad for him—his mother's people were very old, disagreeable people and A. was always in the way. He never went anywhere,

never took an interest in anything. Finally my husband persuaded the mother to let A. visit us and the child was delighted and after that we arranged to have him spend a great deal of time with us. The boy's religion had been very much neglected and I took him to Sunday school and the boy became very much interested. He came for four years to me every week-end—at Christmas time and at Thanksgiving. He never saw any sociability in his home, never was encouraged to do anything. Had no boys call to see him—no happiness at all. A few summers ago his mother did send him to camp. He has been going to high school—he has been brought up on oatmeal, prunes and rice—hardly any variety in diet. They gave him ten cents a day for carfare and he had to walk two miles where he took the car and got off to walk to school, another two miles. And for his lunch he would have three tiny sandwiches of peanut butter—the child was so weak he couldn't study.

This summer his mother died and after the funeral A. persuaded me (half-sister-in-law) to go and live there. He also wanted to change the guardianship. His mother made a will leaving her brother guardian of the person of A. He rebelled and went to the courts. He went to see Mr. P. G. and I was made guardian and felt no compunction whatever about taking the guardianship. He had a very happy summer. The boy was always well-mannered and there was a very intimate feeling between us.

In October I told him I must come up because it was very hard to go ten miles to teach school, so he came very willingly.

The boy scout master took rooms in my house with his family and he has been in very close contact with A.

The neighbors think A. very peculiar. They know he never had the kind of a home other boys had—they know he has been half starved to death—they know his mother was funny and they think it is strange he is associated with Andy, this old fisherman. He has been with him for several years and his mother has been satisfied to have him with him. A. is a harmless old fisherman. Andy has been A.'s only friend. This detective presented himself as a bum, he drank with Andy and A. met him at the shack.

A. was always very punctual, orderly and clean and systematic in everything he did. He took the 8:05 car for school and got home about three in the afternoon. He does not seem to be able to get through geometry. This year his reports have been splendid—there is a tremendous improvement. The principal said he would consider the boy deficient mentally and he didn't believe he would ever get through school. I never knew him to deceive me—he never stayed home from school only through sickness. Not sullen, very forgiving. Never made friends very easily—rather reticent, but the purest, cleanest boy on earth. He has never taken life seriously until recently. He never had any chums—he smokes and is very fond of candy and sweets.

He is supposed to be with this man who was to get him in the gang. As far as I know A. never lighted any of these fires.

Statement made by scout master: The informant is scout master for the New England District, who has boarded with his family at the home of A. since last August. He has seen more or less of him during this

time and although he has always recognized him as abnormal he has not considered him defective or a menace to society. The scout master emphatically states that he was greatly surprised to hear that A. had been sent to the hospital for observation and feels that he did not commit the crimes which he is said to have acknowledged. As a scout master who brings himself to the level of boys and who has brought himself to A.'s level upon many occasions, he feels that A. has been merely carrying out certain creative imaginative stories which in the detective's mind have been considered real. A. has never been liked by the neighbors who have always considered him more or less of a weakling. He was injured in the head by a fall when about eight years old and he lost six months of school at that time. The informant had always made up his mind that A. was not bright. He has watched him and never once has it occurred to him that he did act the way he is supposed to have acted or has he shown any moral indiscretions, as he, the scout master, has two daughters living at A.'s house and at no time has he made any advances towards them.

The scout master's interpretation of the situation after talking with A. is as follows: Things happened—fires happened—the constable of the town was unable to obtain any clue as to the cause of the fires so that a committee of thirty engaged a detective, who went out to find a criminal. After talking with the constable and getting very little information except that there was in the town "a half-witted boy" and therefore in the eyes of a detective half-wittedness and fires go together, and he started out to find the half-witted boy. He was told by the constable that this boy spent his week-ends with Andy, a clam digger, who had a little shanty on the beach. The detective goes to Andy's and there he meets A. and A. has some money and Andy suggests that they get some beer, so A. goes out and buys the beer, but does not drink any himself. The story-telling begins. Andy tells about how the ocean is frozen over and of the wonderful experience he has as a clam digger. The detective begins telling weird stories of a criminal type and finally asks A. if he would like to join a gang who call themselves "The Feather Dusters." The detective tells him what a fine looking chap he is, how well and strong he is and how he could stand this strain of living in a gang, and that he, A., appeared to him to be the sort of fellow that they wanted and immediately A. states he would be willing to join the gang. The detective then wanted to know what he would be willing to do in order to prove that he should be a member of this gang and asks him if he would be willing to put handcuffs on a good-looking girl and take her out in the woods and rape her, and willing to set big fires to beautiful buildings, and A. carrying on this strain of creative imaginations would be willing to do anything, even to taking a good-looking girl into the woods and rape her. This evidently opened up conversation regarding the fires that had occurred in the vicinity and he suggested that possibly he was the man who had set these fires and that he took the newspaper into the hay and covered it with kerosene and set it in a certain place, and so on. And A. agreed that that might have been done and that would have been a good way to set the place on fire. And finally the detective asked him if he alone had not set the fires and for that he was to go with the detective to meet the chief of this gang who was now in Providence and report to him his eligibility as a member

of the gang. He was taken to an office, where, after due time, a paper was handed to him to sign which contained the charges made against the boy in relation to immorality and incendiarism and without reading the paper A. signed it, feeling that he was now a member of "The Feather Dusters." He was immediately arrested and examined by two physicians who said he was dangerous to be at large.

Physical Examination: A large, well-developed boy of 18 years with evidence of organic inferiority especially referable to the glandular system. No evidence of disease of viscera and no neurological disturbance.

Glandular System: No enlargement of thyroid or increase in thymus dullness. Hair coarse and brittle. Testes large, hypotonic scrotum. Penis small. Pelvis wide. Thighs spreading.

Vagus Tone: Hair all over body, heavy growth in patches; marked sweating.

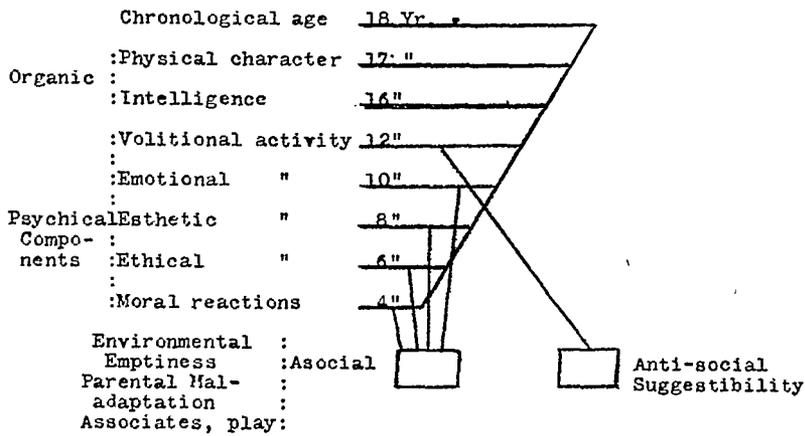
School Record: His report for the two and a half years of attendance in high school denotes that after repeating either one-half or the whole subject, he passed the requirements of one year in algebra, botany, French, grammar and history. He failed in English grammar and French texts. In his first year he passed in English composition and English literature. In his second year he passed in English composition and physics, but failed in geometry and German grammar. In the first half of his third year he passed in history and physics.

Personality: As a child he lacked the proper parental care and supervision, was not allowed to mix, never allowed to grow in a home of sociability—everything along the developmental lines was lacking. He was stunted in his associations, in the development of such traits as harmonize one's contact with his environment—he was always alone, could not play freely with others, had no chums—and yet he was not considered selfish, nor quarrelsome, not stubborn nor resentful, nor such other traits as might indicate specific disharmony and interfere with his contact with the environment. His mood was one of dullness, he was weak both mentally and physically, and yet when his interests were aroused by interested relatives or friends he was always happy, co-operative and willing to take part. Certain instinctive demands, especially those in relation to the sex problem, have been slow in their adjustment, as is indicated by his inability to maintain friends and chums, certain antagonistic attitudes towards members of his family and a lingering interest in actual sexual demands.

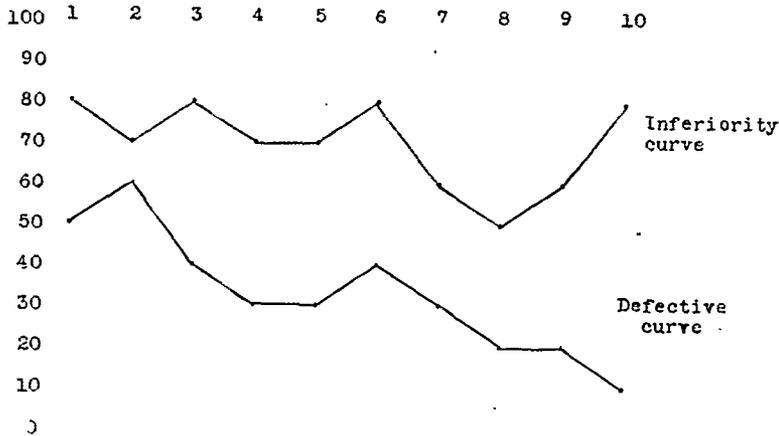
Intellectually the boy has always been slow; he required time to grasp his work and yet he managed to reach high school and is doing fair work. The intelligence examination showed no serious disorder in retention as pointed out by inquiry in school attainments and past experiences. His memory showed no grave defect. Comprehension as noted by response to abstract and ethical ideas was considered approximately normal. Questions in critical judgment with special reference to absurdities and interpretation of proverbs were answered fairly well.

His stream of thought was coherent and relevant without the manifestations of any trends. A retrospective account of how he met a man who claimed to be a member of a gang and who told thrilling tales regarding crime is given. It is evident that this man soon governed the boy's

Schematic (Farnell) curve estimating the boy's growth in years.



Schematic (Fernald) curve comparing theoretical values of all data to estimate defectiveness & inferiority.



good will and confidence and the boy reciprocated by offering himself as a member. The fact that certain fires had occurred in the neighborhood was used as a snare and with the boy all primed to join, these fires are introduced, to which he responds by indicating his willingness to light others and as an indication of what he has done, grave and serious enough to allow him to become a member, he goes on record as having lighted certain selected fires. It is evident that the supposed gangman recognized the boy's weakness and naturally followed it up; he therefore attempted, with some success, to bring out moral weakness; he invited him to a hotel, bought him a drink and placed him in a room with a prostitute, encouraging him to assume cohabitation, which in due time he did. At this point

"the gangman" began to prepare his "papers" for admission to the "gang" (The Feather Dusters), which the boy must sign, the main theme of which is an acknowledgment of having set certain fires, the actual seriousness of which is carefully cloaked by what he would do if called upon as a "gangster" himself, including the infringement upon moral laws. So far, the premises and the environment have taken on a state of falsity; to bring it to its completion a state of falsity must exist. He is taken to an office, M. S. C., and is told that this name is used to deceive people; he is seen by a man introduced to him as a "chief of the gang," and later examined by two physicians who are "examiners for the gang." The whole process is still in a state of falsity, and then when complete the boy is found guilty of lighting fires, but owing to his decided mental defect, he was recommended to a hospital for observation.

These fires occurred on certain dates: Oct. 28th at 3:45 a. m.; Nov. 18th at 2:30 a. m.; Dec. 24th at 12:10 a. m.; two early on Sunday morning and one at midnight Sunday night. The sister and the chief of police deny the presence of the boy in this town on any of those nights. The sister states that all through November and December, with the exception of Nov. 25th and Dec. 23rd, the boy *did not* remain in his summer home over Saturday night, going down Friday afternoon from school and back Saturday afternoon to be home Sunday, as he had special duties to perform in church Sunday morning from which he was not absent, and that he was always in his city home on Saturday night.

It seems evident that in this case one has a definite psychopathic individual, who is volitionally weak and has an easily influenced will. A characteristic trait is a superficial interest, but always definite, the actual value of which is not recognized. The power of imagination is most vigorous, especially when under influence, and as a result they tend to exaggerate and dream in unreal positions. This leads them into boastful attitudes and as a result they lie. Their easily influenced will, great desire for excitement, cause them to be drawn very easily into all kinds of schemes. Their judgment is immature and narrow; their understanding of life is undeveloped; their interests are directed along a superficial enjoyment of life; they are short-sighted.

The emotional process in these types of individuals possesses no special strength, on the other hand they are rather weak and often transitory in their activity. Therefore, one frequently sees very important changes in the individual's daily life bearing a close relation to his emotional variation. If no external irritant is brought to bear to change these individuals, they usually pursue their object purposely and perseveringly, but should an external irritant take place, they then transfer their feeling to that particular level and again pursue their object purposely and perseveringly. In this boy we have an emotional attitude of a decided infantile type, not poorly developed, but underdeveloped, which will mold itself to almost any situation. When that

situation arrives the attitude of mind and frame of general feeling will be molded to meet that situation almost regardless of its result. This is due to the fact that such a boy does not take seriously the various problems of life, his critical and logical judgment is so infantile and undeveloped that he does not recognize the value of opinion. Their entire life is almost influenced by certain precipitate acts, which, after the subsidence of the exciting cause, are corrected as far as possible to the more conventional method of living. When they do come in conflict with their surroundings, as this boy undoubtedly has under false pretenses, may be they calm down quickly, lack entirely that obstinate stubbornness and refusal to comply which characterizes certain other types of mental disorder or derangement. Thus far it would seem that one was dealing with a psychopathic personality of the unstable type, that is, the clinical picture as presented by his previous life, his personal and developmental history being indicative of his continuance of infantile traits associated with a physical development also presenting factors suggestive of organo-inferiority. The history of his school progress has been one of a delayed type, not necessarily a defective type, but a delayed one, for examination into school work, investigation into practical knowledge and such psychological tests as one might use to bring out his intellectual psychic development, point towards not a defective basis, but a retarded development, probably coincident with the general physical and mental retardation recognized in his developmental history and his physical examination. As far as moral reactions are concerned, we find little to point towards a diminution in his moral instinct. Up until the death of his mother he was mostly under her control and supervision, without playmates and not allowed to stray far away from the home. His social history and general reaction have also been closely held in check; his mother's maintenance of strict oversight while at home, insisting upon as little time as possible utilized in going to and from school, and reports from the school itself, have in no way pointed towards anything but an undeveloped social adjustment; there are no actual acts of conflict with society. He has never been called upon in any way to give evidence in regard to his economic efficiency. While under the control and supervision of his mother, efficiency of all types was a negative factor. Under guardianship he has been pushed out into the world; he has been made to do and see, he has been influenced by strong individuals "to make good," and during the last year efficiency has begun to manifest itself in the home, in the school and at play.

These factors merely increase the feeling that the boy is a psychopathic personality, unstable in type, not anti-social. The anti-social psychopath has a very definite conduct reaction. They lack complete adaptability; after a very brief time they give us their tasks and busy themselves with trivial things; they are lazy, lifeless, mentally inactive; their store of knowledge is scant; they lie not only to escape demands made upon them, but to escape the disagreeable results of their conduct; they deny flatly any evil deeds even if they are performed; on the other hand, their creative imaginations will bring them into situations through which they will go without evincing any definite deep interest in its advantages or disadvantages. They dream of adventurous lives, of expansive experience; at school they are the terror of their teachers; they make every possible disturbance; become violent; are truants; they harass and play malicious practical jokes; never win any friends; remain cold and indifferent towards the school teachers and children and every attempt directed towards their education brings fruitlessness, and love and ambition find no abiding place in them. They soon become deceitful, cunning and fraudulent; they become ruined men without respect for law or authority; they will endure all sorts of hardships, live under the most unbearable conditions. There is developed in them an increasing pressure in the dangerous struggle with law; they have a tremendous pride in their accomplishment; the cunningness of their plans and the boldness and skill of their executions surprise the most intelligent. When faced with the facts regarding their past, their attitude is one of impertinence and obstinacy; they might even fly into excitement and violently attack the examiner. They assume a defiant attitude, refuse to allow one to find anything in their conduct indicative of what they have done. On the other hand they might even act very silly, look upon the whole thing as a joke, in no way take it with any seriousness. They do not feel shameful or remorseful and under no conditions will assume a new or good resolution. These types of individuals are those which make up a large percentage of our true criminals with a clean-cut anti-social constitution. In the opinion of the examiner the antisocial phase of a psychopathic personality in the above-named case can easily be ruled out. Ruling out antisocial make-up and the characteristic traits, recognizing the fact that the boy was not in that particular part of the country at the time the fires were lighted, and also emphasizing the fact that as an unstable psychopath and desirous of seeing the world and doing things, he responded easily to suggestions which led to the formation of false premises on which a case was based, which

on its completion found the boy not guilty of having performed certain antisocial acts, but also in the eyes of the examiner, a "moral defective." Upon the clearing of this period of creative imagination, we find the boy again in the apparent normal state, an unstable psychopath, that is, beginning as an unstable psychopath and by the process of suggestion without actuality, he was converted into an anti-social psychopath and again subsided into an unstable type. The anti-social phase of this episode, however, in the opinion of examiner, has been built entirely upon unreality.

It has been said that "the study of diseased souls should be left to the moral pathologist and psychologist," but little or nothing has been said upon the subject indicating the mechanism of upsetting these souls. The aforesaid case may be viewed from several angles; given an unstable boy without knowledge of antisocial traits, who gains information along all lines from an individual supposedly a "protector" of society, what might happen aside from observation in a hospital for the insane—a prison residence, where he could further learn, discuss and maybe later carry out many of the heretofore imaginative schemes. Assuming the case to have been a young woman rather than a man, prostitution or even visions of one being a party to white slave traffic might be manifest. That is, the detective, whose duty it is to protect society, might bring about a situation in which he develops part of that which he is trying to prevent.

Assuming the boy was guilty of incendiarism, why was it necessary to manufacture further evidence, and if it was necessary, why should everyone concerned, legal and medical, follow the detective's deceitful scheme of "camouflaging"? Surely law does not require all facts to be untrue. Here, again, instead of society being protected by municipal, legal and medical authorities, they are "duped." Society will now think twice.

One cannot but feel the injustice throughout the whole procedure in this case. "To shadow a person (detective's slang), without just cause should in itself be legally liable. But even further than that, "to shadow," "to bring about conduct indecencies" (through suggestion, by playing on a "weaker will," by deceitful lying), to manufacture a case, to force the issue and demand residence under certification to a hospital, should mean surely that some one is liable in tort by reason of negligence and lack of skill. This is merely an individual case, many of which there can be little doubt, but one may only look at the community of German people (the individual enlarged) and recognize the same pseudo-complex mechanism.

In conclusion, what has this boy to look forward to in life—hardly anything. No matter how secretive the procedure and hospital residence may have been, he has been “shadowed,” he has been suspected of moral and ethical indecencies, he has been a resident in a hospital under strict observation. All concerned up to the time of his residence in the hospital feared him, felt he was a dangerous character, a “Jack-the Ripper” or a second “Schmidt” or what not. Some members of society can never adjust themselves to situations and hence it hardly matters whether the boy is guilty or not, the “fear” will remain.

But he is released and he goes out into society to lose his place, he is not allowed to return to school, his friends shun him, society looks askance at him and what is bound to happen? He feels undoubtedly, just as anyone would, that he is useless, worthless and even, probably, that he is still “shadowed,” which is bound to make him most unhappy.²

What chance has this boy had even with his handicap? His “soul,” if thought to be “diseased,” should have been observed *early* by a psychiatrist or a psychologist and not irritated by a “skillful detective.”

²Committed suicide several months after leaving hospital.