

Spring 1927

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Recommended Citation

F. E. Haynes, Individual Delinquent, The, 18 *Am. Inst. Crim. L. & Criminology* 65 (1927-1928)

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THE INDIVIDUAL DELINQUENT

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Our legalistic methods largely ignore the individual and group factors in crime. The traditional emphasis upon freedom of will and personal responsibility obscures the influence of the social situation in connection with criminal acts. Better administration, more efficient officials, and simplification of court procedure, together with more certain punishment will improve the administration of justice, but will not alter fundamentally the existing crime problem. Any scientific approach must include a consideration of sociological factors.

Crime is a form of human behavior and there can be no satisfactory control of behavior except control based on a knowledge of the factors producing behavior. We need facts and information rather than mere emotional reactions to particular crime situations. The best contribution to a solution of the problems involved in so-called crime-waves is the gathering of knowledge about the mechanisms by which crime is produced.

The existence of scientific information will not insure its use, but until we know much more about human behavior in an exact way, we cannot hope to have it used by the courts. Even in the case of mental disorders, much expert knowledge is still regarded with suspicion, and is often entirely ignored by judges, lawyers and juries. Under the criminal law the defense of insanity may be introduced in behalf of a person accused of crime. It may be pleaded either that he was of unsound mind at the time when the criminal act was committed, or that he is mentally ill at the time of trial. Appropriate procedure is provided for by law in both cases.

On different occasions, persons accused of crimes in Massachusetts were arrested, tried, convicted and sentenced to imprisonment. Upon their arrival at the penal institution, the prison physicians, in making physical examination of the prisoners, discovered that their underwear bore the labels of an insane hospital, and it developed that they were escaped patients. Why did not the police, the prosecutor, the judge and jury question their mental soundness and take the steps provided by law in such cases?

In California a youth of seventeen, who never had committed a serious offense, was persuaded by another to commit a burglary. As

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they entered the house, one of the occupants raised a revolver; in the excitement the youthful burglar shooting blindly, killed the head of the household. On his trial, testimony was introduced that showed him to be an "imbecile," though "not insane in the ordinary contemplation of the term." He was found guilty and a motion for a new trial was denied by the judge. From this denial appeal was taken. Accompanying the motion for a new trial were affidavits by four experts, who found the mental age of the accused to be approximately ten years. On appeal, however, the judgment of the trial court, and the order denying the new trial, were confirmed by the Supreme Court.

Another important point was urged on appeal. Under the Juvenile Court Act of California, the defendant, who was under eighteen years of age should have been given the benefit of the equitable procedure provided for in that court. Since the Juvenile Court law is mandatory, it would seem that the court could hardly ignore it. Nevertheless, the judgment of the trial court was affirmed. In spite of petitions for clemency to the Governor from many important organizations and prominent private citizens, this boy, after several reprieves, was finally hanged, as was his almost equally defective associate. (Glueck—Mental Disorder and the Criminal Law, pp. 3-7.)

Aside from its interest as a manifestation of legal procedure, this California case illustrates the fundamental importance of the study of the individual delinquent. No legal decision can be, or ought to be made, regardless of the personal characteristics of the individual before the court. Extenuating circumstances and insufficient knowledge of right and wrong are recognized reasons for modification of the ordinary course of justice. For a crime to be committed there must be both an overt act and a culpable intent. Children and insane persons cannot commit crimes according to the courts because they cannot intend to do wrong. Since children in some juvenile court laws are defined as those under eighteen or twenty-one years of age, many children know more about the difference between right and wrong than do feeble-minded adults, or ignorant adults, or even average adults. The state must take cognizance of these acts, but in order to react intelligently rather than emotionally to them, it must attempt to deal with the actors in such ways to prevent a recurrence—preventing repetition, rather than punishment for past actions, is the rational principle to be followed. Such a principle involves a careful study of the individual criminal in each case.

Diagnosis of individual offenders is an established part of the work of a few courts and an increasing number of correctional in-

stitutions. In general, juvenile courts and reformatories were the first to perceive the advantages of diagnosis, though several prisons have recently established clinics for such study.

As a result, the profession of the clinical or diagnosing criminologist has come into existence. The leaders are for the most part specialists in psychiatry with special training in psychology and medicine. They are also informed as to social work and educational methods.

The clinical criminologists have not as yet won the attention of the general public. For the most part their discussions become known at scientific meetings or in scientific periodicals. Judges, prison wardens, probation officers, and others who have to do with criminals, do not as a rule recognize the importance of their contributions. Even when it is admitted that human behavior may throw light on the nature and causes of crime, it is not thought that each individual requires study.

For the real beginning of the new criminology, we must turn to the Juvenile Psychopathic Institute, organized in Chicago in 1909, with Dr. William Healy as director. This was a private organization established for the purpose of securing studies of the young offenders brought before the juvenile court. Funds for a five-year program were provided and a group of jurists, psychologists and others acted as an advisory council. At the end of five years, the county took over the institute and made it a part of the juvenile court supported by the public funds.

The results of the work are summarized in Dr. Healy's pioneer volume, "The Individual Delinquent," published in 1915. In that study 1,000 repeated offenders are dealt with, most of them around the ages of fifteen and sixteen years. Case histories are given in abundance. The methods of diagnosis, the causes and types of criminality and suggestions for treatment are set forth.

Dr. Healy remained in Chicago until 1917, when he went to Boston, where he has continued his work with the Judge Baker Foundation, an endowed organization which co-operates with the juvenile court and private agencies for the study of juvenile delinquents. In 1919 Drs. Healy and Bronner published a series of twenty "Case Studies," covering a wide range of problems of interest to educators, psychologists, psychiatrists, sociologists, judges, probation officers and all who deal with matters involving the adjustments of young people. These studies follow a systematic plan which has gradually been worked out in the actual handling of cases in Chicago

and Boston. Its aim is to do intensive and all-round work from the standpoint of the psychological, medical, and social sciences.

The scientific study of juvenile delinquents has been emphasized because it is during the youthful, formative periods of life that tendencies toward social misbehavior begin, and this is the time to gain understanding of causes and beginnings, and is the time to thwart such warpings of character and habit. Studies in Europe and the United States have made it stand out clearly that criminal tendencies and careers with astonishing frequency begin in childhood and adolescence. And why should we expect it to be otherwise? Do not we know well enough that in all of us the development of behavior tendencies, the set of our characters and of our habits of thought and action begin long before adult life?

Diagnosis of individual cases is the discovery of those elements in the constitution and history that bear upon delinquency. It forms the scientific and common-sense approach to a rational and comprehending criminology. Its aim is to establish the connection between delinquency and the offender's life history. To do this it must make use of every resource known to the student of conduct. The results may lead to an improved method of handling the individual studied, and will add to the sum total of our information concerning the causes of crime.

In 1917 the Institute for Juvenile Research became an integral part of the Division of Criminology which is included in the Department of Public Welfare of the State of Illinois. The division has been organized to cover the entire field of delinquency and criminality. It includes, therefore, not only the institutional cases in the correctional schools, the reformatory and the penitentiaries, but also the earlier stages of behavior disorders, particularly in the juvenile field. There are two parts of the work. One part is concerned with the study, classification and treatment of the prisoners in the penitentiaries and reformatory, and the boys and girls in the correctional schools. The other section deals with the pre-institutional phases of behavior disorders, and is done in connection with the Juvenile Court of Chicago, and with county courts, schools, and social agencies throughout the state.

A very definite and comprehensive plan of organization for the institutional work has been developed. The program contemplates the installation of a mental health unit at each of the state institutions. This unit consists of a psychiatrist, a psychologist, two social workers and a clerk. So far it has not been possible to supply each institution with such a staff.

At the state penitentiary at Joliet a more satisfactory condition exists. A psychiatrist has been stationed there, and with the help of a traveling psychologist, and a resident clerk, has conducted the examinations. In addition with a traveling staff from the division, he has also performed examinations at other institutions. At each of the penitentiaries and at the reformatory there is a resident clerk, who keeps records, tabulates and transcribes the results of the examinations and keeps the division informed of the work to be done, special requests from the wardens and other divisions of the department.

The Mental Health Officer at Joliet has an office in the staff headquarter's building. All prisoners are given a routine examination a few days after admission. They are asked to fill out a questionnaire the purpose of which is to discover the facts of their childhood, schooling, work record, social interests and activities, previous criminal record and as much as possible of their heredity. After a few days they are given a group intelligence test. Those who fail to make an average rating are given an individual test. Under present conditions individual examinations cannot be made immediately. All short term men are seen and examined before their first appearance before the Parole Board at the end of eleven months.

Some men are examined and re-examined several times during the course of a year. Some are discovered in the routine examination, others are referred by the warden or other executive officers, because of frequent violations of prison regulations or resistance to discipline, and some make voluntary requests for assistance because they themselves find difficulty in making a satisfactory adjustment to prison life. Recommendations are made regarding the kind of work which they are given and their treatment is conducted on the plan of an out-patient clinic.

The Mental Health Officer also assists in the administration of the progressive merit system. His report regarding the personality, character and mental condition of violators of prison discipline is frequently a deciding factor in determining the course of action. Through sympathetic understanding, personal encouragement or judicious supervision, many men have been changed from habitual violators to trustworthy inmates.

In the other penal institutions the work has been confined almost entirely to examination of those who are to come before the parole board and of habitual violators of prison discipline.

The relation of the division to other divisions of the department of public welfare is advisory only. It has no executive or administrative responsibility and issues no orders and initiates no changes.

In actual practice there has been the closest co-operation between the divisions. Frequent consultations and constant exchange of information and ideas in regard to individual prisoners and general policies has prevailed.

The preventive work of the division is carried on under the Institute for Juvenile Research. It represents the efforts made to reach behavior problems during childhood when constructive measures are applicable.

One portion of the work consists of actual service to individuals in the examination and treatment of children. Another section of the work undertakes to train workers in the field. By agreement with the University of Illinois such training has been provided. On the basis of actual accomplishment it is obvious that courses must be offered not only for psychiatrists, psychologists, psychiatric social workers and nurses, but also for prison officials, parole officers, probation officers, and law and medical students.

A branch department is located at the Juvenile Detention Home in Chicago where there are annually more than six thousand admissions. At present it is possible to make studies of only a small percentage of these cases which are referred because the mental irregularities are so pronounced as to require investigation. It would be difficult to find anywhere a better supply of laboratory material for study and research, but without an adequate staff a large part must be left without attention.

During 1923 and 1924 surveys were made of two schools with a total of four hundred pupils. Extension clinics were held at the request of various organizations in different communities. To a number of places the psychologists made regular visits once or twice a month. This work resulted in the discovery of a great many interesting and not unimportant personality and social problems, and in many cases they were relieved. Several instances were found where pupils were having difficulties with their studies or were not keeping up with their classes. An examination showed ample intelligence and ability to pass through high school and college. The seat of trouble was located in the emotional life or in the family relationship, the harmful effect of which neither the child or the family had recognized. This experience suggests that every school has within its walls a need for this type of work. The lack of understanding of such pupils and the means of dealing with their perplexities must result continually in disturbance of progress and in the ruin of successful careers to an unsuspected extent.

The principal of the La Salle-Peru High School has organized a bureau of educational council. The director is employed as a full time official. She makes the contacts with the pupils, the parents and teachers as well as the preliminary investigation. Once a month a unit from the institute visits La Salle and spends one to three days in the examination and treatment of the problem cases.

In 1913 Ohio established a Bureau of Juvenile Research for the purpose of investigating the causes and motives of juvenile misconduct or delinquency. The first few years were occupied with "plans, preparation and poverty." No money had been appropriated for buildings or equipment. With very little support the first director was able to investigate and study juvenile problems throughout the state and accumulate data of five thousand children. As a result of his efforts, the legislature voted one hundred thousand dollars for new buildings and additional funds for equipment and maintenance. From 1918 to 1922 Dr. Henry H. Goddard, who came from the Vineland (New Jersey) Training School, was in charge of the work of the Bureau. Originally under the control of the Board of Administration, in the reorganization of the state government, it became a part of the Department of Public Welfare.

The code provides that children committed to the department may be assigned to the Bureau for the purpose of mental, physical and other examination, inquiry or treatment for such periods of time as seem necessary. Within recent years judges of the Juvenile Courts throughout the state have been committing cases apparently in need of expert examination directly to the Bureau.

Children of the county homes, orphanages, hospitals, schools or from their own homes may be brought to the Bureau for examination and advice concerning their care, education and medical state. The Bureau devotes one day a week to such cases. From time to time, local surveys of public schools and orphanages have been made. Thousands of children have been examined in this manner. More recently periodic examinations have been made of all cases admitted to the State Industrial Schools for Boys and Girls.

Field clinics are conducted in different parts of the state for the benefit of reputable agencies having to do with social groups. As a rule the clinic lasts one day, but in a number of instances two and three days are required to complete examinations. Requests for the clinics come from school authorities, social organizations, the Red Cross, and the courts. This type of work is very important, and it is unfortunate that the staff has not been of sufficient size to carry it on, and extend it to the entire state.

The Ohio Bureau has been limited to work with juveniles as its title indicates. It has had no connection with the penal and correctional institutions for adults. Neither in comprehensiveness nor in financial support has it been as fortunate as the Illinois institution has been.

Illinois and Ohio are the only states which have developed research and diagnosis of behavior problems upon a state-wide basis and have recognized its value by establishing governmental machinery for its performance. Other states, such as New York, New Jersey and Massachusetts, have done a good deal in the study and classifications of the inmates of their correctional institutions, but have not given the work separate and official recognition. Juvenile courts have provided for the study of repeated offenders in many places. Psychopathic hospitals have also emphasized the importance of the investigation of the characteristics of individuals with the idea of diagnosis, treatment and the accumulation of research materials. The beginnings of a science of human behavior have been made in many of our states.

In November 1921, the Commonwealth Fund adopted a program of community demonstrations and training of workers in the field of the mental hygiene of childhood. The various activities under the program, as set up and put into operation early in 1922, are administered by four co-operating organizations with the aid of appropriations granted periodically. The program for the prevention of delinquency is essentially an effort to promote community services for the understanding and guidance of behavior problem children.

The aims are to demonstrate the methods used by psychiatric clinics for children and by visiting teachers in the schools. The program is based on the recent notable advances in the study of behavior from the psychiatric and psychological point of view. The conviction is spreading that an adequate understanding and treatment of the personality difficulties of children not only offers the possibility of early discovery and prevention of delinquent trends, but also may mean in many cases the removal of conflicts, and the cure of habits likely to lead to unhappiness, inefficiency and failure in adult life.

The Joint Committee on Methods of Preventing Delinquency was organized especially for the purpose of providing a co-ordinating agency and to interpret methods and results through publications. Attention has been given to the preparation of case studies and narratives. In such concrete material it is possible to show the ways by which psychiatry, medical science, social case work and

psychology contribute to the technique applied in the effort to bring about the adjustment of children who present behavior problems. "Three Problem Children" and "The Problem Child in School," two volumes of case narratives, were published in 1924 and 1925.

Since the beginning of the Commonwealth Fund Program, demonstration clinics have been operated in St. Louis, Dallas, Texas, Norfolk, Virginia, Los Angeles, and at the University of Minnesota for the cities of St. Paul and Minneapolis. Various cities have been visited and advised in the formulation of plans for the establishing of child guidance clinics.

For the promotion of visiting teacher work, thirty communities were selected and the services of visiting teachers were offered for a three-year demonstration period during which the committee would pay two-thirds of the salary. The choice of the communities and the assignment of teachers was completed early in 1924. They presented the desired variety of size, type and geographical location. Twelve demonstrations closed in June, 1925. By July 1 of that year ten of the twelve communities had undertaken to continue the work as part of the regular school activities.

A scientific program for dealing with crime would provide ample funds for such work in place of building more jails and prisons. A program should include: (1) pre-schools dealing with behavior problems of the youngest children. The habit clinic is one example of the kind of studies that can be made of very young children; (2) the visiting teacher should be introduced into all our school systems. Child guidance clinics and study of community conditions would deal in a preventive way with the conduct problems of difficult children; (3) the juvenile court and probation should cover the entire state instead of being limited to the cities and large towns; (4) adult probation should be extended and the judges, lawyers and people educated to understand its value and also induced to use it in all promising cases; and finally (5) a state clearing house, such as that of Illinois, which would provide expert service for the courts and penal and correctional institutions. The clearing house should be advisory only, at least in the beginning. It is probable that it would soon develop such prestige that its advice would almost always be taken. The clearing house would consist of a group of experts whose business it would be to determine the whole life organization and personality of offenders. It should determine policies also for the probation, parole and prison administration. It should be the hub of the entire system. It could gradually be fitted into the existing organization of courts and prisons without any revolutionary changes—

merely developing and extending powers already possessed and exercised by judges and other officials.

There is nothing in this plan entirely new and untried. Some parts are in operation in different states. Iowa has pre-school work, visiting teachers, juvenile courts and probation, insane and psychopathic hospitals. There is no provision for adult probation and juvenile probation is limited to counties of over 30,000 because paid probation officers are not arranged for in smaller counties. There are only fifteen counties with over 30,000, while there are eighty-four with less population. There is no organization of experts for the state, but experts are upon the staffs of our hospitals and institutions. Only some central clearing agency is necessary to act as a co-ordinating organization. We could easily develop a more rational policy of dealing with crime and criminals, if we were willing to apply more intelligently the information and machinery which we have.

Recently the Harvard Law School, under the leadership of Dean Pound, has appealed for an endowment to establish five research professorships and research fellowships and scholarships. The printed appeal is a luminous statement of the value of the association of the teaching of law with investigation into the social processes which are influenced by, and which also influence, the practice of the law. The proposed research project would give us a socialized jurisprudence which would aid greatly in the scientific solution of the crime problem and also of many other social problems. The social and human aspects as well as the legal precedents must be recognized. Not only what has been done, but what ought rationally to be done, in view of the characteristics of human behavior, must form a part of legal policy and judgment.

Lately, also, the friends of the Institute of Juvenile Research in Chicago have undertaken to provide funds for five years for research purposes in connection with the data that it has already collected, and which it is unable to use for such purposes because of lack of time and a sufficient staff. The proposed plan aims, by the study of the material gathered as a by-product of the work of the institute, to learn how human behavior may be guided and controlled more successfully. Its basic conception is described as "man's attempt to form his ideas about himself as an object of science." Such an objective may seem like the hitching of our wagon to a star. We may not reach the goal. Certainly we shall gain more by trying to attain to it than if we continue to follow the routine of convention and failure, in the adjustment of social relationships.