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SOME SUGGESTIONS FOR TREATING THE DEFECTIVE DELINQUENT

(References in the text are to the Bibliography at the end of the article.)

Joseph P. Andriola¹

The great alarm over feeble-mindedness so prevalent during the first two decades of this century was due, no doubt to (1) the rediscovery of Mendel's laws of heredity, (2) the rise of the eugenics movement, and (3) the widespread influence of geneological studies of degenerate and defective stock, all three augmented by the development of mental tests. Pseudo-scientists, self-styled patriots, and other quacks, loudly condemned the feeble-minded person as a mean to further their several ends. Unfortunately even many scientists and other workers in the field believed that the feeble-minded person was the greatest menace in society.

Suggestions for dealing with him included wholesale euthanasia, sterilization, mass segregation, and an attitude of indifference which claimed that natural selection would sooner or later bring about his extinction. Even today, after the great strides made in the study of mental deficiency since the World War, many persons—a surprising number of them in our more educated groups—still think that the feeble-minded individual is a grotesque creature who thrives on rape, hence should be summarily imprisoned. No doubt this view is responsible for the growth of the misnomer "sex moron."

Moron, is a term, primarily used in the field of psychology, with no relation to sex, which refers to one whose mental age is at least eight years if an adult, and whose intelligence quotient is at least fifty if a child.

There are probably as many definitions of the term *feeble-minded* as there are variations among feeble-minded people. Frequently it is used synonymously with mentally retarded, weak-willed, and other similar expressions. Perhaps one of the most lucid and generally accepted definitions is that of Stanley P. Davies which states that feeble-mindedness contains three essential and interrelated concepts: (1) marked limitations or deficiency of intelligence, frequently associated with other shortcomings of personality, which is due to (2) lack of normal development, rather than to mental disease or deterioration, and which manifests itself in (3) social and economic incompetence.²

It will be noticed that this definition is primarily a functional one which is flexible enough to include wide variations of individuals and yet not so broad as to make the group difficult of identification. Its fundamental criterion based upon that of the British, appears to be a social one. This view holds that

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² Davies, Stanley P.: *Social Control of the Mentally Deficient*, 1930, p. 2.

in the final analysis the test for determining feeble-mindedness does not rest upon the individual's intelligence rating alone but on whether or not he adjusts in society—that is, whether he can meet the minimum standards of good citizenship imposed by society. Thus a series of criteria to be used for determining feeble-mindedness should include the following: physical examination, complete social history, and mental examination.

By the use of such criteria it would be obvious that the person with a mental age of eight years who has good social habits, a simple job to provide for his needs, and keeps out of trouble, would not be classified as feeble-minded. On the other hand, a person with a mental age of, let us say, eleven or twelve who fails to adapt himself to the competitive struggle of living according to the accepted standards of society or whose behavior is antisocial would be classified as feeble-minded. Thus we see that the question of the individual's total personality which some writers call the Personality Quotient should be the determining factor and not his intelligence alone.

In 1934 the American Association on Mental Deficiency³ adopted the following scale based on the Stanford-Binet test:

	<i>Mental Age Intelligence</i>	
<i>Feeble-minded</i>	<i>in Years</i>	<i>Quotient</i>
Idiot	0-3	0-19
Imbecile	3-7	20-49
Moron	8-	50-

³ American Association on Mental Deficiency, Proceedings and Addresses of the 58th Annual Session, held in New York City, May 26-29, 1934, p. 415.

⁴ *Ibid.*

⁵ Davies, Stanley P.: *Ibid.*, p. 132.

Although the upper limits of mental age and intelligence quotient for moron are not given, the Association adds that as a rule the upper limit for the diagnosis of mental deficiency should be an intelligence quotient of sixty-nine, but this limit should not be adhered to in cases where medical, social and other factors clearly indicate that the patient is mentally defective.⁴

There are various estimates of the number of feeble-minded in the United States, ranging from 1/2 of 1% to 3% of the population. A conservative figure would be about 1,000,000 or less than 1%. In this group we find what are known as *defective delinquents* which includes the feeble-minded juvenile offenders and the feeble-minded adult criminals. A well known student of the subject defines defective delinquents as those feeble-minded in whom antisocial and criminal tendencies are found to be so deep-seated as to require care and treatment quite distinct from that of the usual mental deficiency institution.⁵

Studies in the past decade and a half generally agree that about 10% or 100,000 of the feeble-minded population is composed of dangerous criminals. When this figure is compared with a total of 500,000 dangerous criminals⁶ in the general population, it reveals that one out of every five of these criminals is feeble-minded. Allowance is made for the fact that feeble-minded offenders are more likely to be apprehended. This is amply illustrated in the studies⁷ sum-

⁶ Hoover, John Edgar: "The Part of Youth in Law Enforcement." Radio Address, June 22, 1936.

⁷ Michael, Jerome, and Adler, Mortimer, J.: *Crime Law and Social Science*, 1933. Pp. 88-169.

marized by Jerome Michael and M. J. Adler which show that between 20% and 50% of the apprehended group is definitely feeble-minded. Although there is and probably always will be some disagreement regarding the exact size of this group there seems to be general agreement that the defective delinquent does not profit by the methods and techniques employed in the treatment of delinquency or by those employed in the treatment of mental deficiency, either in or out of the institution. With negligible exceptions the states do not have special provisions for the treatment of defective delinquents.

Let us first examine what happens to the defective delinquent child who is brought before the juvenile court. There are usually three dispositions that can be made: he may be committed to the state institution for the feeble-minded, sent to an institution for juvenile offenders (the "reformatories" and "boys training schools," or if a girl to comparable institutions for girls), or returned to society with or without the benefit of supervision.

Now let us look into these three dispositions. Commitment to an institution for the feeble-minded rarely means immediate admission there. In practice it involves returning the child to society to await a vacancy in an already crowded institution. As illustrated by a recent article⁸ in the Detroit News, when the institution is ready to receive him he may have committed one or more serious offenses, perhaps even murder, or have left the community. In

the event that he is admitted to the institution for the feeble-minded, the defective delinquent invariably fails to make an adjustment and his delinquent behavior spreads to other previously docile inmates leading often to various forms of aggression including even arson and murder within the confines of the institution.

If the child is placed in an institution for juvenile offenders the problem becomes worse. Less well endowed mentally than the other children there, he is easily led by them to antisocial acts which only result in punishment for him from the people in charge.

But suppose that the best of the above "solutions" takes place, namely, that the child is returned to the community under the supervision of a probation officer with requisite training. In the first place no matter how skilled the officer is or how many extra hours he works, his usual large caseload precludes adequate supervision. It must not be forgotten that treating the young delinquent and especially the defective delinquent involves treating him in relation to his family and in relation to society. Since society is anything but understanding in its attitude toward this type of child, his effective supervision requires, besides family casework, another type of social work: community organization. Therefore, even if we grant that the probation officer's caseload can be kept within the reasonable limit of twenty-five or thirty cases he would have to do community organization work in addition to his regular family casework.

⁸ "855 Imbeciles Loose in the City." November

Even the best probation officer is not adequately trained to do this. And there is no reason why he should be. His job is to help delinquent children of normal intelligence help themselves become good and happy citizens.

In dealing with the problems of delinquency we must always bear in mind two things: the effect on society and the effect on the individual. Society, is placed first and for a specific reason, namely, that the protection of society should be the first responsibility of the court. Then comes the responsibility of protecting the delinquent individual. That the court does not succeed completely in this dual task is obvious but we must not be too hasty to condemn it. By its very nature the court's function is defined: it is set up by law, thus existing in and by the collective will of all the people for whom we use the general term, *society*. Therefore it is obliged to operate within the rigid confines of the law which usually does not provide for the most effective way of accomplishing this twofold task.

Those who have had experience in dealing with the chronic behavior problems of the defective delinquent child whose offenses may include setting fire to property, sexual aberrations, physical violence, or the persistent playful pastime of throwing stones at the windshields of passing automobiles, realize that frequently the practical thing may be to commit him to an institution designed for his care. If he cannot be admitted immediately he may—again as a practical or expedient measure—have to be held in a detention home. Where such a home is crowded or lack-

ing, he may have to be kept in a jail, obviously unsuited for a juvenile offender.

Now let us examine the adult offender who is feeble-minded. In dealing with him we have a somewhat different problem. He does not come under the fairly benevolent guidance of the juvenile court but is brought before the criminal court. There he is usually sentenced to jail, workhouse, or penitentiary, or he may be released with a reprimand or a suspended sentence. He may also be placed on "probation," the circumstances of which vary from state to state and in general are most unsatisfactory.

With the exception of New York and Massachusetts, none of the states have institutions for defective delinquents. However, Pennsylvania is to be commended for its plan to cope with the problem. Within the next year it is expected that the Pennsylvania Industrial School at Huntington will become the Pennsylvania Institution for Defective Delinquents. It will house feeble-minded males fifteen years and over who have been convicted of crime or have shown criminal tendencies. Thus in forty-six states the adult feeble-minded offender is thrust into one of our penal institutions or returned to society. In prison he usually fails to make an adjustment and back in society he does not remain long before being brought into court charged with additional crimes. As pointed out above, there are at least 100,000 of these criminals in the country today. Some are at large and over 90% of those who

are incarcerated will sooner or later return to society.

One suggestion for coping with them would be to emulate the Massachusetts system. There the court can legally make and record a finding of Defective Delinquent, and commitments of mental defectives are made to the Department of Mental Diseases. From that point on, this department handles the problem of institutionalizing persons in either an institution for the feeble-minded or one for defective delinquents, by supervision in the community, or by discharging him entirely.

In New York, by legislative act of 1921 a special state institution for male defective delinquents sixteen years and over was established at Napanoch. This was the first institution of its kind in the United States. It receives for indeterminate commitment those convicted of all offenses except first degree murder. If the superintendent believes an inmate's release to society is unwarranted he may be kept there for life. Thus in both Massachusetts and New York the law has recognized the existence of the defective delinquent and has made special provision for him. Also in 1930 the Federal Government established an institution at Springfield, Missouri, for the care and treatment of Federal offenders who are mentally defective. It houses defective delinquents, psychopaths, psychotics, sexual perverts and some chronic medical cases such as those suffering from tuberculosis.

The following are some further suggestions for dealing with defective delinquent adults:

1. Psychiatric clinics should be provided for all criminal courts. Examination of offenders should not depend on the discretion of some court official but all persons brought before the court should be examined.
2. When the clinic finds a person feeble-minded and the court finds him guilty of crime he should be classified as a Defective Delinquent. Instead of receiving a criminal sentence involving a fixed minimum time of incarceration, he should be committed for life. This plan involves questions of legality which could be worked out jointly by law makers, specialists in the care of the mentally deficient, and criminologists.
3. Efforts should be made to foster establishment of special institutions for this type of offender but in the meantime the most practical place of segregation is not in institutions for the feeble-minded but in special units or wards set aside in penitentiaries so that he does not mingle with the other prisoners.
4. Opportunities should be provided whenever possible, for continued study and research by qualified persons of the institutionalized defective delinquent.

The treatment of the defective delinquent child presents a slightly different picture since it is generally believed that there is hope of retraining him. Still we must go slowly and accept only those data which have been proved by repeated empirical studies. Techniques for understanding his mental mechanisms are far from fully developed. He does not react to social situations as other children do. Neither can he benefit by psychiatric treatment at its present stage of development. No matter how well behaved he may be in a rigidly controlled environment like an institution for the feeble-minded, he will frequently commit serious offenses

as soon as this control is removed. Therefore the following program is suggested:

1. The program should first of all have available the services of specialists in the fields of education, medicine, psychiatry, psychology, social work, and sociology.
2. Intensive efforts for early detection of mental deficiency through schools, private physicians, child guidance clinics and other similar sources.
3. Complete mental and physical examination of patients to determine extent of deficiency.
4. Automatic registration by governmental agency set up for studying, training, and treating of all the mentally deficient. The American Association on Mental Deficiency could provide invaluable data and advice for establishing such an agency.
5. In cases of defective delinquents, commitment for life in institutions designed for their care. Where such an institution is lacking, commitment should be to a special unit set aside for them in the institution for the feeble-minded.
6. Intensive institutional program of training especially for the moron group in the hope of returning some to society.
7. At the discretion of a board composed of the above named specialists and the director of the institution, parole could be tried in promising cases, providing that an adequate and competent staff exists for carrying on the supervision in the community. Also, provision should be made for the return of parolees to the institution without any legal or other impediment at any time that the board deems advisable.