

1943

Police Science Legal Abstracts and Notes

John E. Reid

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

John E. Reid, Police Science Legal Abstracts and Notes, 33 J. Crim. L. & Criminology 490 (1942-1943)

This Criminology 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.

POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

John E. Reid

Psychologist's Expert Testimony Regarding the "I. Q." of an Accused

In a recent issue of the *British Journal of Psychology* two English court cases dealing with the expert testimony of a psychologist regarding the Intelligence Quotient of a person accused of receiving stolen property were reported and commented on by John M. Gibbs.¹

It appears the defendant, together with his brother and brother-in-law, operated a restaurant, but dispensed with the business for the duration of the war when the brother and brother-in-law were inducted into the Army. Later the defendant was approached by a man who offered to sell a large quantity of meat at 18 s. a tin. The defendant accepted the offer when the price was reduced to 12 s. and subsequently sold the goods at a profit.

A similar transaction was entered into by the defendant with another man, involving the sale of men's clothing, in which the defendant made a large profit and stated at the time of the sale that "he knew the stuff was not straight."

The solicitor for the defense alleged the defendant to be mentally deficient and referred him to the Institute for the Scientific Treatment of Delinquency for a report on his intelligence.

The psychologist who conducted the tests was called as an expert witness and testified, before a jury, that the defendant had an Intelligence Quotient of 47 (imbecile rating) and a mental age of seven years.

The prosecution alleges that since the defendant was able to transact two profitable business deals he should be classified as one having a shrewd but guilty mind. The defendant was found guilty in one case and not guilty in the other.

With respect to the value of the "I. Q." to legal proceedings, Gibbs states: "It is not difficult to suggest cases in which an estimate of the intelligence of the person charged, whether child or adult, would assist the judge and jury or the magistrate in their assessment of the facts of the case and the degree of guilt of the person charged. The general rule of law is that a person cannot be convicted in a proceeding of a criminal nature unless it can be shown he has a guilty mind 'mens rea.' In this instance the 'mens rea' is easily established, but in others it must be dependent, in part at least, on the intelligence or comprehension of the accused. The law accepts this for it holds that no child under the age of eight years can be guilty of any offense and this in spite of most overwhelming evidence to the contrary both as to the child's acts and intention. . . . In certain offenses such as 'receiving stolen goods knowing them to have been stolen' the degree of intelligence of the accused may well decide whether he should have known from the proved facts that the goods were stolen or whether he could be imposed upon and so receive them in all innocence. In cases where two or more persons are jointly charged, their respective I. Q. would be of assistance in determining the various roles of such persons and in assessing the differing degrees of complicity."

¹ Brit. Jour. of Psychol. 33: 103-112 (Oct. 1942).