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## FANTASY AND FORCE: A STUDY OF THE DYNAMICS OF THE MENTALLY RETARDED OFFENDER

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In 1894, Martha Clark, a training school worker, wrote that people "who early in life portrayed viciousness and were even slightly below par intellectually should be kept from society as we would keep poison from food".<sup>1</sup> It is a tragic but fair question to ask whether society's basic understanding and attitudes have changed at all since that time.

This study was generated by the results of the nationwide survey undertaken by two of the authors (B.S.B. and T.F.C.) in 1963 and 1964. That survey sought to examine certain aspects of intelligence in prison populations. The overall results of this survey were reported at an American Psychiatric Association meeting and were subsequently published in the *American Journal of Psychiatry*.<sup>2</sup>

A brief statement of some of the findings that resulted from the survey of the 174 institutions that responded is as follows: 9.5 percent of the adult inmates had I.Q. scores under 70; a majority of the inmates with I.Q. scores falling below the mildly retarded range (i.e., I.Q. less than 55) were imprisoned for crimes against persons; over half of the prisons reported having only limited, if any, programming for retardates; and the majority of prison administrators were unable to supply data on how retardates got to their prisons, but generally wanted them moved to other facilities.

The most unexpected finding was the proportion of retarded inmates imprisoned for criminal homicide. In several states as many as two out of five

retarded prisoners were convicted of first degree murder. This follow-up report is an attempt to explore more deeply the social, criminological, and psychological dynamics of these findings. In particular, offense severity, the administration of criminal justice, and the corrections process were the focal concerns of the current study.

### PROCEDURE

Based on the earlier survey of some 200 institutions, several diverse facilities which had reported significant numbers of retarded offenders were selected. A sample of offenders was preselected from four penitentiaries (Richmond, Virginia; Joliet, Illinois; Canon City, Colorado; and Baltimore, Maryland) and two reformatories (Jefferson City, Missouri, and Chattahoochee, Florida), on the basis of their institutional I.Q. scores. It is important to note that the only criterion for inclusion in the study was an institutional I.Q. score indicative of retardation. This was defined as I.Q. of less than 70. Of the sample of 60 inmates, only four refused to cooperate in the study.

All subjects were given the Weschler Adults Intelligence Test (WAIS) to obtain I.Q. scores, and six cards of the Thematic Apperception Test (TAT) were used to obtain findings related to internal motivation and dynamics. All procedures were according to standard methods.

Following administration, the protocols were given numbers and blindly rated for amount of Fantasy Aggressiveness (FA) expressed through the stories. The rating procedure followed closely that of Mussen and Naylor<sup>3</sup>, from whose series the six TAT cards were drawn. Total aggressive motivation (FA) was rated, and was also rated according to the direction of the aggressiveness (towards

<sup>1</sup> Clark, *The Relationship of Imbecility to Pauperism and Crime*, 10 ARENA 788 (1894).

<sup>2</sup> Brown & Courtless, *The Mentally Retarded in Penal and Correctional Institutions*, 124 AM. J. PSYCHIATRY 1164-1170 (1968). A more complete review of the whole field of the mentally retarded offender is available in The President's Commission on Law Enforcement and Administration of Justice Document, *The Mentally Retarded Offender*, by B. S. Brown and T. F. Courtless, Washington, D.C., 1967.

<sup>3</sup> Mussen & Naylor, *Relationships Between Overt and Fantasy Aggression*, 49 J. ABNORMAL & SOCIAL PSYCHOLOGY, 235-240 (1954).

TABLE I  
OFFENSES FOR WHICH STUDY SAMPLE CURRENTLY  
IMPRISONED

Offense	Mentally Retarded		Nonmentally Retarded		Total Sample	
	%	f	%	f	%	f
Homicide	36.1	13	10.0	2	26.8	15
Rape	13.9	5	0.0	0	9.1	5
Assault	8.3	3	10.0	2	9.1	5
Robbery	13.9	5	15.0	3	14.3	8
Break & Enter	13.9	5	40.0	8	23.2	13
Burglary						
Larceny	2.8	1	0.0	0	1.8	1
Auto Theft	2.8	1	5.0	1	3.5	2
Other	8.3	3	20.0	4	12.5	7
Totals	100.0	36	100.0	20	100.0	56

the environment from the hero of the story) (FA-a); punishment of the hero by the environment (FA-b); and self punishment by the hero of himself (FA-c). The vast majority of aggressive themes could be so rated.

The social, psychological, and criminal histories of each inmate in the sample were analyzed and significant data abstracted. A project attorney visited the sentencing courts where he examined the trial transcripts and interviewed judges, attorneys (both defense and prosecuting) and probation officers.

A general overview of the criminal histories of the 56 men is presented in Table I. As in our national sample, the most frequent crime is homicide (15 out of 56, or 26.8 percent). Over half of the crimes of the sample were against persons (33 out of 56, or 59 percent). This stands in contrast to the general prison population, where 40 percent are imprisoned for crimes against persons.

A final methodological note is required. Because one of our major concerns was with the severity of crimes committed by the sample, it was necessary to find a way of measuring seriousness of crime which would not be bound by the cross-jurisdictional problems posed by legal categories or the general impossibility of determining the severity through use of the FBI index of crime classification. We selected the Wolfgang-Sellin index which was recently developed to quantify delinquent acts according to severity.<sup>4</sup> This index takes into ac-

<sup>4</sup> WOLFGANG & SELLIN, *THE MEASUREMENT OF DELINQUENCY* (1964).

count for each crime the number of victims receiving various degrees of injury, or death; the use of weapons or physical intimidation; the number of premises forcibly entered; and the total amount of property loss involved in the offense. While the Wolfgang-Sellin index was developed for analyzing juvenile delinquent acts, this is not a deterrent to its employment in the present studies since its authors intended that it "should . . . be based on offenses that would violate the criminal law if the offender were an adult".

Fortunately, hard data regarding the various events in the criminal acts committed were made available to the study for all but two of the inmates in the sample. Because of this availability, we decided to score each offender and assign an "S" rating for criminal offense. Using these scores we were then able to compare the retardates and non-retardates in the sample, and to relate these scores to the psychological testing and other data generating sources.

#### FINDINGS

Of the sample of 56 inmates, 36 offenders were found upon retesting to fall into the retarded range (I.Q. less than 70). Some characteristics of the retarded subgroup are as follows: the retardates were older as a group than the non-retardates (a mean of 33 years versus 26 years), were more poorly educated (averaging 4.4 years of schooling versus 7.3), and had spent more time in prison since their sixteenth birthday (an average of 6.9 years versus 3.9 years for the non-retardate inmates). Further, there were more Negroes in the retarded group (32 out of 36) than in the non-retarded group (9 out of 20).

On the severity index, it was found that the retardates were distinctly bimodal in their scores: One subgroup had committed relatively minor crimes and another had committed quite serious crimes. There was very little clustering in the middle range. The non-retardates, on the other hand, tended to fall primarily on the minor end of the severity continuum. This difference in "S" score distributions can be seen in Figure 1.

On the basis of the intelligence testing and severity ratings, four groups of subjects were constructed: retarded serious offenders (R-S); retarded non-serious offenders (R-NS); non-retarded, but serious offenders (NR-S); and non-retarded, non-serious offenders (NR-NS). The subgroups were then used for analysis of the TAT test results.

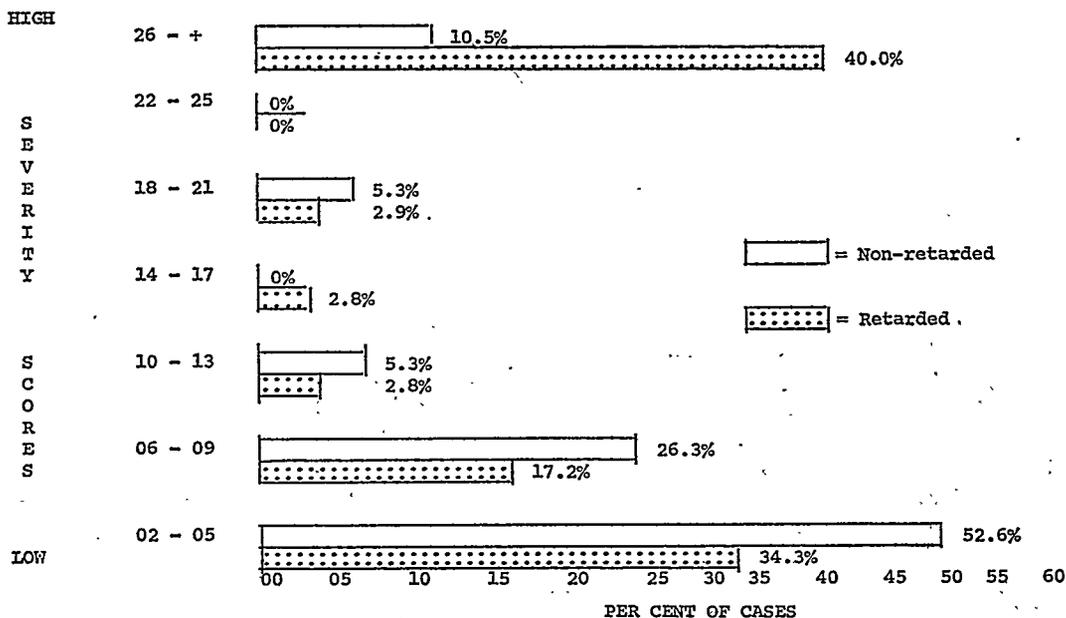


FIGURE 1

COMPARISON OF OFFENSE SEVERITY SCORES (WOLFGANG-SELLIN METHOD—SEE TEXT) OF STUDY SAMPLE RETARDATES AND NON-RETARDATES. RETARDATION DETERMINED BY STUDY RETESTING.

TABLE II

RELATIONSHIP OF FANTASY AGGRESSION SCORES TO SEVERITY OF CRIME AND INTELLECTUAL DEFICIT

Type of FA	Subgroup			
	R-S	R-NS	NR-S	NR-NS
Total FA	4.47	6.56	6.71	5.67
FA-a (outward aggression)	1.37	2.84	3.55	2.75
FA-b/c (aggression directed toward self)	2.79	3.44	3.14	2.67
No. of Subjects*	19	16	7	12

\* Two of the subjects given the WAIS had no severity scores because the State's versions of their offenses were insufficiently detailed to permit scoring.

It was assumed, from the literature on retarded individuals and incarcerated offenders, that the serious retarded offenders would manifest more aggressiveness and specifically more aggressive motivation directed toward the environment (FA-a) as determined from the TAT themes.

The actual results in terms of aggressive motivation did not support this hypothesis and—in fact—tended to contradict it. The average scores for total

Fantasy Aggression (FA), for aggressiveness directed toward the environment (FA-a), and for aggression directed against self (either by others or by the individual) appear in Table II.

The R-S group has statistically significant differences for both total FA and FA-a, when compared with the R-NS group and the NR-S group (the groups of most relevance for comparison purposes).

In order to explain this unexpected finding, we have hypothesized quite tentatively that the retarded offender who commits a serious crime—usually a crime against a person—experiences no more, and perhaps less, aggressive motivation than his non-retarded brother. However, he may lack the inner resources to inhibit expression of such impulses when they do occur. That is, he may be unable to grasp the significance of his actions or anticipate the consequences of his actions (on others or on himself). To indirectly test this assumption, the TAT stories were examined for the instances where the story teller was unable to finish, or give direction to the story. A direct relationship between status of the inmate and number of incomplete stories was found. See Table III.

#### DISCUSSION

A basic question we sought to answer was whether clearly diagnosed mentally retarded per-

TABLE III  
ABILITY TO COMPLETE TAT STORIES

Subgroup	Number of Incomplete Stories	Percentage of Total Stories
R-S	45	39%
R-NS	27	28%
NR-S	7	17%
NR-NS	6	8%

sons who were also serious offenders (those who were convicted, for example, of assault with intent to kill) would display on psychological testing more aggressiveness towards the environment than persons from a group of less serious offenders or more intelligent offenders who had also committed serious crimes. We are aware of the weaknesses of our comparison group. Those who were not retarded in this study ranged in I.Q. scores from 72 to 90. However, our findings tended to confirm the clinical impressions gathered from descriptions of the actual crime and the clinical experience of the authors as to the nature of serious crimes by intellectually defective individuals; namely, the impulsive, thoughtless, uncontrolled serious acting out of violent aggression during an interpersonal argument, usually under the influence of alcohol.

The bimodal distribution of severity of the crimes of the mentally retarded calls for some explanation. We can only speculate.

The middle range of seriousness of crimes implies some planning and intelligence, not a strong characteristic of the true retarded offender. Our impression is that the retarded offender ends up in prison either because his crime is so serious something must be done, or he commits repeated offenses and, again, something must be done. In both situations, only one disposition is utilized—imprisonment.

There are several critical areas bearing heavily on the administration of criminal justice vis-à-vis mentally retarded offenders related to the findings discussed above. Before examining these we must state our strong conviction that the total process of the administration of justice can only be understood as including elements relating to law enforcement, determination of criminal responsibility, and correction. The first two are traditionally accepted as elements in this process. Correction, however, is frequently thought to be a related but separate element. We feel that the success or failure of correctional strategies is crucial in terms of justice, justice for the offender and the community.

As the President's Crime Commission pointed out, however:

"The correctional apparatus is often used—or misused—by both the criminal justice system and the public as a rug under which disturbing problems and people can be swept."<sup>5</sup>

We, too, have come to the inescapable conclusion that committing the mentally retarded offender to correctional institutions represents a way of casting out of sight a most perplexing problem. In reaching this conclusion with regard to the administration of justice, data from three critical areas seem of significance: the identification of mentally retarded defendants; the issue of premeditation; and correctional treatment. Each of these areas represents a complex of problems and issues which require further explication.

#### Identification of Mentally Retarded Defendants

One of the most obvious problems in this area is the almost total failure to identify the men in our sample as retarded at any time prior to their admission to prison. Yet, all the jurisdictions studied provide ample legal provisions for raising issues such as competency to proceed with trial and criminal insanity. In only three cases in the sample was there evidence that mental condition was an issue. In these, investigations of mental condition was mandatory in two cases because the offenses committed fell within the ambit of a sexual psychopath statute. In the third, an insanity plea was entered.

How can one account for this failure to identify retardation in the pre-trial and trial stages of the administration of justice? We conclude that two major factors contributed heavily, if not definitively. The first of these concerns the dilemma confronting the defense when possible retardation is present in a defendant. Given the statutory and case laws in the jurisdictions studied, should the defense attorney successfully raise the fact of retardation the consequences for his client may well be life-long commitment to a mental hospital. This results from statutory language which spells out that criminal offenders be committed until "improved" or "recovered" so that they can stand trial or it is safe for them to return to the community. Such language may be appropriate for

<sup>5</sup> *The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice*, Washington D.C.: Government Printing Office, 1967.

the mentally ill, but it would appear to be singularly inappropriate when applied to retardates. Given this situation, the defense counsel may well feel that the best interests of his client would be served through the exploration of other strategies included under the rubric of plea bargaining.

A second factor to be taken into account is that of the attitudes of certain key persons in the judicial process—specifically, judges and prosecutors like those who were interviewed during the course of this study. Some of these officials stated that they were surprised to learn that subjects they had tried, or prosecuted, were retarded. They said they saw no evidence before or during the trial to suggest these defendants were significantly impaired intellectually. However, some of the remarks made during the interviews tend to give these statements of surprise a rather superficial quality. What may really lie below the surface are basic attitudes toward the defendants, resulting in efforts to sweep the troublesome offenders out of the community with as little delay as possible. Here are some of the comments which support this conclusion:

1. A prosecutor: "He may have been a little retarded, but he was mean and we were all a little afraid of him".
2. A criminal court judge: "He did appear somewhat slow, but all these migrant workers are a little retarded".
3. Another criminal court judge (here commenting on the fact that he had never, in over six years on the bench, seen the defense use the issue of retardation in any significant way): "Sure defense counsel requests a (mental) examination. Usually it is a (delaying) tactic. If neither side (defense or prosecutor) backs down, I'll grant the request".
4. Another judge: "I don't remember any significant retardation in this case, but I do recall he was a troublemaker, well known to the police".

#### Premeditation

The area of premeditation is a highly complex and difficult one for definition. It is of special significance in this paper because the single most frequently committed offense among the retardates studied was homicide—and most often first degree murder. Generally, first degree murder requires

some measure of premeditation. Results from the WAIS and TAT testing, however—especially the latter—cast considerable doubt upon the premeditated character of the crimes of the retardates. The general conclusion seems to be that the retardates tend to be incapable of storing up considerable frustration. At times of immediate stress, and with sharply reduced control, they tend to act out directly.

Upon examining the homicide cases further, we feel that premeditation can be additionally questioned on sociological grounds. We are referring here to the concept of a subculture of violence as described by Wolfgang through his studies of murderers and their victims. Wolfgang's theory of a subcultural violence is summarized by him as follows:

[This theory is] an interpretive analysis of empirical data that describe a recognized form of social deviation, namely, criminal homicide. . . . The presence in society of a subculture of violence has been subsumed from the significantly high rates of homicide among particular groups. . . . The more integrated the subculture is, the more deeply internalized in the individual is the value of violence. Hence, an expected pattern of violent action and reaction often makes non-violence in specifically defined situations a form of deviation from the subculture and results in a ban of penalties similar in type, if not in specific form, to those found in penalties attached to deviation from larger societal norms.<sup>6</sup>

Wolfgang describes how, within the subculture, insults, physical contact, and a display of weapons elicit violent responses inappropriate to those outside the subculture but expected within it.

Certain of the variables significantly related to the possible subcultural nature of criminal homicide found in the studies of Wolfgang and others are present in the majority of our retarded murderers: lower socio-economic status, preponderance of Negro murderers and victims, the presence of alcohol in the crime situation, and relatedness of the victim to his murderer. The latter two variables, in particular, were confirmed in our study.

In almost two-thirds of the 588 homicides studied in Philadelphia, Wolfgang found alcohol to be present in either murderer, victim or both.

<sup>6</sup> WOLFGANG, ed., *STUDIES IN HOMICIDE* 279 (1967).

In our sample, alcohol was also present in a majority of the cases.

Victim-murderer relatedness has been shown in Wolfgang's studies to be characterized by, first, a strong preponderance of intraracial homicides, and secondly, by a core tendency for the victim to be well known by his murderer. In rank order, victims tended to be close friends, family members, and acquaintances. A similar ordering was found to obtain in our study. Wolfgang goes on to indicate that there is a strong component of victim precipitation in many subcultural homicides which ought to be of legal significance.

### Correctional Treatment

In this area it must first be noted that in the jurisdictions studied, judges had extremely limited dispositional alternatives. In one state, a sexual psychopath statute established the possibility in law of commitment for psychotherapy. However, as the reports of the psychiatrists examining one of the cases in the sample indicated, such treatment is usually considered by mental health professionals as not appropriate for retarded persons. In another state, Maryland, judges do have available the Patuxent Institution (operating under Article 31-B of the Code of Maryland) where specific statutory language permits the examination and possible commitment of retarded offenders. Other than these exceptions, however, no alternatives are available to either imprisonment or probation in the six states studied. And probation would seem to be quite inappropriate since the majority of the mentally retarded cases in our sample committed very serious crimes.

In addition, one must also be aware of the fact that before any alternative can be utilized by a judge he must have available to him sufficient pre-sentence data in order to make a decision. While a pre-sentence report was prepared and submitted to the judge, in every case in our 56-inmate sample, in only three cases was the possibility of mental retardation indicated in such reports. Thus, the general failure to identify retardates prior to sentencing leaves the judge little or no disposition possible but imprisonment.

After examining the prison records of the retardates in our sample, we found that the only "correctional treatment" experienced by these inmates was schooling. Approximately 30 percent of the retardates were enrolled in school programs at the time our field workers visited the par-

ticipating institutions. None of the retardates had even been involved during his imprisonment in any organized therapy or counseling programs.

Thus, the retarded offender is revealed as doubly disadvantaged. At no point in the total administration of the criminal justice process is his retardation identified and acted upon in an appropriate way. Imprisoned, he generally sits in an institution, occasionally attends classes, and is assigned to menial maintenance tasks having no vocational training potential. This is a tragic situation, not only for the retardate but also for the community since our data indicate that each retarded offender had averaged almost four adult convictions in addition to juvenile delinquent adjudications. The retardate is, as the earlier quote from the President's Crime Commission indicated, truly "swept under the rug".

### SUMMARY

The authors are aware that this report is a combination of several elements:

1. A minor "hard" study of retardates in different prisons.
2. A journalistic description of the psychosocial legal processes used in six states to handle antisocial behavior committed by unintelligent people.
3. A philosophical plea for more enlightened concern for this incredibly neglected subject—a subject we usually refer to as the mentally retarded offender, but more commonly viewed by society as "the dumb and the mean" or "the stupid and the bad".

The senior author recently had occasion to reflect deeply on the subject of this paper at the twentieth anniversary celebration of the Group for Advancement of Psychiatry. There, in an address entitled "Psychiatric Practice and Public Policy," he stated:

It has been my observation that the 1950's saw the flowering of concept, concern, and service to the mentally ill; the 1960's saw a similar development for the mentally retarded and, as my one clear prediction of things to come, the 1970's will see an analogous burst of public pressure and demand for programs concerned with the antisocial disorders. Will we be there to lead? or is it not our domain in the first place? Will we repeat our abnega-

tion of responsibility that characterizes psychiatry's response to date in the field of mental retardation?

Events of the past year and a half have moved more rapidly than any predictions. For example, the current alcoholism and narcotics legislation, with predominantly mental health program content, was forwarded to the Congress by the Presi-

dent not under the usual rubric of the Health Message but under the Crime Message.

This study is unashamedly descriptive, perhaps naive in some of its interpretations, but it is also—and most important—a sincere attempt to force the wave of constructive concern with the management of antisocial behavior a little closer to cresting.