

# The Defective Delinquent

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## THE RELATION OF MENTAL DEFECT AND DISORDER TO DELINQUENCY.

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Accumulating data of unquestioned value points definitely towards a relationship between mental defect, disorder and delinquency.

Here in Massachusetts the thorough and conservative studies of the two Fernalds, Dr. Spaulding, Dr. Sullivan and Dr. Stearns, have cleared the way for constructive effort in connection with the defective delinquent. But years ago, like a voice in the wilderness, Dr. Walter E. Fernald, to whom more credit is due in this connection than to any other person in this country, preached the urgency of this problem.

Let us not be confused by any apparent differences in figures; the problem is large enough, is serious enough, and is clearly enough defined to justify action.

It is not a matter of any serious importance whether 15 per cent, or 25 per cent, or 40 per cent of delinquents are defective. But it is a matter of the utmost importance for you to know that all people who are dealing with delinquents, whether as judges, or as probation officers, or as penal institution officials, are agreed that one of the most serious problems facing them (if not the most serious) is the problem of the defective delinquent.

There is no division of opinion. In the courts we find the defective delinquents forming the very backbone of recidivism, and appearing for disposition over and over again, apparently unable to profit by whatever is done for them. They clog the machinery of justice, and unnecessarily hamper the efforts of the court in making proper use of the tools at its disposal, designed for persons able to profit by experience.

These individuals are suffering from mental handicaps that so far impair their efficiency in properly meeting life's battles as to render them social misfits, incapable of adjusting themselves to the condition of normal living, and require special consideration.

In a study of the last one thousand (1,000) delinquents examined by the Medical Service of the Municipal Court of Boston, the following conditions were found:

## SHOWING MENTAL FINDINGS AMONG 1,000 DELINQUENTS.

	<i>Numbers</i>	<i>Per cent</i>
Feeble-minded.....	231	23.1
Psychopath.....	104	10.4
Psychosis.....	58	5.8
Epilepsy.....	31	3.1
Alcoholic Deterioration.....	21	2.1
Drug Deterioration.....	6	0.6
Arterio-sclerosis.....	1	0.1
Unclassified Paranoid.....	3	0.3
Psychoneurosis.....	1	0.1
Unclassified.....	56	5.6
Refused examination.....	5	0.5
No mental examination.....	142	14.2
Dull Normal.....	162	16.2
Normal.....	148	14.8
Total.....	1,000	100.0

Of these 1,000, 456, or 45.6 per cent, individuals were suffering from abnormal mental conditions. Everyone of these 456 persons is a probable candidate for ultimate custodial treatment.

Is it not practical economy to undertake proper adjustment of such individuals at a time when their condition may be recoverable, rather than to wait until such deterioration has taken place as to warrant custodial treatment? Is this not a time in which it is most important to maintain every individual free, and in the community when it is safe and to the best interests of the community so to do? Is there any question more closely linked up with war than the provision of suitable care and treatment for those, who through no fault of their own, are suffering from serious handicaps that render them a burden, a menace and a danger to the community?

How closely this problem of the defective delinquent affects our courts; how seriously it hampers the courts in properly performing their protective service to the community, it would be difficult in the few minutes allotted me adequately to explain. I shall try, however, to give a bird's-eye view of the situation by telling you of a group of one hundred defectives whose careers were carefully studied. The case histories were taken from the court files alphabetically, no other selection being required than that each individual should have been diagnosed as a mental defective.

All showed sufficient deviation in childhood to have warranted an

early recognition of their condition, and the institution of suitable remedial measures to prevent careers that with reasonable certainty could have been predicted.

The majority of all these individuals began school at the usual age, had ample opportunities for common school education; but left school at the ages of 14, 15 and 16 years. Nevertheless 73 per cent never got further than the fifth grade; showed by the poor character of their school work their unfitness for the training society required of its future citizens; gave early promise of that mental handicap later on, which showed itself in an inability to compete on equal terms with their fellows in the more strenuous struggles of life. Recognized as a failure in school, these unfortunates are set adrift in early adolescence to earn a livelihood.

This particular group of cases showed 75 per cent to be not self-supporting. Is it any wonder, that being so economically unstable and not self-supporting, they should drift aimlessly through life and fall into the hands of charitable organizations, criminal courts, penal institutions, almshouses, and the like?

And this is not all, for not only are they incapable of measuring up to the economic standards set by their normal fellows, but are likewise unable fully to appreciate their obligations to society; consequently they fail to obey its mandates, and so they come before the bar of justice.

Now that same lack of capacity to learn and that same inability to profit by mistakes, demonstrated so forcibly in their failure to advance in school and later to earn a livelihood, again crop out in their inability to profit by the usual treatment meted out to offenders in court. If put on probation, they fail to meet with its requirements, and have to be surrendered or placed on inside probation—such as at the House of Good Shepherd, the Welcome House, the Norfolk State Hospital for Alcoholics, etc. If sent to prison, they soon appear in court after release, to re-enact the same process over and over again. This particular group of 100 defectives was arrested 1,825 times. Record cards dating farther back than five years were not gone into, although many had such cards.

The futility of employing measures intended for those capable of profiting by experience is shown by the apparent inability of the members of this group to profit by what is done for them, and by the unflinching certainty with which they return to be handled over again.

The court placed these individuals on probation 432 times. But they had to be placed on inside probation 118 times, in institutions of a non-penal character. They had to be surrendered to the court 220

times, making in all not quite one successful probationary period apiece for 100 individuals. The chances were better than four to one against any one of these individuals conducting himself normally for a six months' probationary period.

The court, in addition to probation for these individuals, tried penal treatment. They were sentenced 735 times. In fixed time they were given one hundred and six years imprisonment, and in indeterminate sentences they were given two hundred and fifty. But this did not in any way suffice to change the course of their careers. They continued to pile up records of offences.

Finally, as an explanation of all this maladjustment, manifested in failure in school, inability to earn a livelihood, and in failure to conform to the standards of conduct of the community, we find that all of these individuals had the mental level of children under eleven years of age; 25 per cent of the whole number were between ten and eleven years, while 75 per cent were below ten years mentally. Remembering that 75 per cent were not self-supporting, 73 per cent got no farther than the fifth grade in school, and that 75 per cent were below the ten year mental level, is it not plain that we have been considering a group of mental children who, in attempting to compete on equal terms with adults, were held to the responsibility for conduct, and were dealt with by measures designed for persons able to profit by experience? Think of the economic waste that could have been saved, had society properly recognized the real problem as presented by these individuals.

The defectives are found amongst all classes of offenders in court. Of the chronic alcoholics (the so-called old rounders), 37 per cent were found feeble-minded, 7 per cent were suffering from insanity, and 7 per cent from epilepsy. Amongst drug users 28.5 per cent were found feeble-minded.

In a recent study of the immoral women as seen in court, 30 per cent were found feeble-minded; other mental conditions were found such as epilepsy, psychosis, etc. On the whole, 49 per cent of the women studied were suffering from mental handicaps. The relationship of the mental condition of these women to the frequency of their offences is seen in the following: of first offenders, 39.3 per cent, 47.2 per cent of second offenders, and 84.2 per cent of recidivists were suffering from mental handicaps.

But the mental defect and disorder of these delinquents are definitely linked up with other conditions that are fraught with the most serious consequences to society. I speak of venereal diseases—syphilis and gonorrhoea, two conditions that form a combination as serious in its result to society at large as any scourge that has ever afflicted mankind.

I shall not go into a general discussion of the effects these conditions are having in deteriorating the human race. But I do want to call your attention to the fact that 61 per cent of the offenders against chastity, who were examined, were suffering from venereal disease; that 66 per cent of first offenders had either syphilis or gonorrhoea; that 27.4 per cent of individuals arrested for drunkenness, who were examined, had syphilis or gonorrhoea; 25.4 per cent of individuals arrested for larceny, who were examined, showed the presence of these conditions; and 15.4 per cent of individuals arrested for non-support, who were examined, had syphilis or gonorrhoea.

By failing to interpret correctly the conditions of these weaker members, society has acted irrationally and most extravagantly,—to say nothing of the humane side of the question.

Until proper facilities for caring for these individuals are provided, our courts must go on handling over and over and over again individuals, whose central nervous systems are so conspicuously undeveloped as not to be capable of adjusting themselves to the conditions of normal life.

## THE RELATION OF MENTAL DEFECT AND DISORDER TO DELINQUENCY.

BY DR. WILLIAM HEALY,

*Director, Judge Baker Foundation, Boston.*

In the past seven or eight years a great mass of information has been collected by many investigators concerning the relationship between mental defect or disease and delinquency. The fact now stands out most clearly that the feeble-minded form a proportion of delinquents and criminals very great indeed as compared to the percentage in the general population. There is no dissenting voice to this. Absurd exaggerations may be found, but they should not militate in the least against recognition of the main fact, the bringing to light of which has been one of the chief contributions, so far, of the new science of applied psychology.

We may be assured that among delinquents, in their first appearance as such, taking juvenile offenders as they come, about 10 per cent are mentally defective. In our department an investigation was once made by Dr. Bronner of five hundred offenders of juvenile court age, a random selection, just as they were brought in either for the first time or as repeaters, for serious or for minor delinquencies, in some cases so slight that formal hearing was not required. It was found that even this group showed almost one-tenth not normal mentally.

From this stage a gradual selective process goes on, changing proportions and altering situations. Those of normal mentality tend to profit by their experience and to succeed under probation, or, through greater shrewdness tend to avoid being apprehended, so that among youthful and repeated offenders (recidivists), mental defectives exceed 20 per cent. Whether or not his delinquencies are as numerous, the feeble-minded youth is caught much more easily and figures in the totals of courts and institutions much more frequently.

That correctional institutions for juveniles almost everywhere harbor a remarkable proportion of mental defectives is nowadays generally acknowledged. All through the country I have observed the same phenomenon, judges and other court officials, through experiencing radical failures with defective delinquents on probation, commit them to reformatory institutions. Judges have the power to make this type of commitment even though they know full well that reformation of

this given material is highly improbable. To the proper place, to the institutions for the feeble-minded, there is in few states provision for commitment under prolonged supervision. I have been present in a number of courts when a case of this kind has appeared and an adjustment, recognized by all as faulty, has been made. Lancaster has been long known as a good example of an institution, supposed to be reformatory, which has continually sent to it just those girls who, on account of their mentality, are least likely to do well under placing out.

The same selective process goes further, is particularly active in courts where older adolescents and young adults are dealt with. The fellow, who to ordinary observation, gives small promise from his appearance of making good, the offender who, through deficiency of will, has become the victim of debasing habits, the chronic loafer, or vagrant, or petty offender is the one weeded out as not a likely subject for probation. Thus, many of those defectives, who have been given inadequate treatment through methods used for handling juvenile offenders, turn up later in houses of correction, jails and reformatories. Their number is added to, of course, by defectives who begin delinquency after juvenile court age. It is no wonder that from these institutions come figures of 30 or 40 per cent of defectives.

And, finally, the populations of penitentiaries, when analyzed, yield very large quota of the feeble-minded—as witness, Dr. Glueck's carefully worked up facts from Sing Sing, but probably no institutions contain such a large number of defective delinquents as the bridewells and jails which house the particularly chronic misdemeanants.

The story could be told in another way, through biographies. We have had the opportunity of knowing life histories over long years while at our task of learning how careers develop. We have seen feeble-minded boys, who have begun delinquent tendencies through the same influences that have turned normal boys toward delinquency, treated by short term methods in parental or other disciplinary schools, or tried under successive probations, continue along a path that led to the most desperate crimes, and in a number of cases even to murder. We have seen the same result when defectives have been received, too late, into a school for feeble-minded after they have developed marked delinquent traits. The allurements of youthful brigandage or vagrancy may be enough to create constant desire to escape. Indeed, I have happened to know quite a few unusually desperate, typical gunmen and burglars who have been handled in these ineffectual ways.

Fortunately, the girls tend less to escape and through being less desirable prospective earners and more notoriously bringing disgrace to families, the defectives, when brought into court at all, are easier to

place early under proper prolonged guardianship. But proportionately fewer of these are ever brought into the juvenile court for their delinquencies which are nearly always of a sex nature. Thus it comes about that such an astonishing proportion, perhaps 50 per cent. of the lower order of immoral women, street girls, as Dr. Fernald's commission shows so clearly, are mentally defective.

Now just the reverse of all this happens when defective individuals are properly segregated in early life. The happiness seen in well conducted institutions for the feeble-minded is not altogether common in the world; delinquent traits that sometimes are spoken of as if they were an integral part of a defective's personality are very rarely shown. Indeed, almost all of those placed in special institutions, even just after the earliest signs of delinquency appear, do well. Not only general observation, but many specific instances that we have observed witness that there are practical possibilities of social adjustment clearly in contradistinction to the development of delinquent careers by defective.

One cardinal point is worthy of emphasis again and again; defectives are subject to just the same laws of mental development as other people; variations in the results of the influences of environment and habit are due to quantitative rather than to qualitative differences between them and more normal individuals. Defectives, for instance, form habits of mental association, of ideation, habits of the physical self, and they have not will power enough, or other interests strong enough to break bad habits once formed. They succumb too easily to the temptations of the street, some one vicious companion, the gang, the bar room and the other degrading influences with which we allow them to be surrounded. They would be just as happy or happier in the woods, or on farms with animals and the simple tasks and joys of country life, but we keep them near cheap amusements and where stealing, vagrancy, and low animal pleasures are the enjoyments at hand. There is nothing peculiar or anomalous about the development of their delinquent careers—it is really a phenomenon of deprivation. Nature, on the one hand, has deprived them of the means of adjusting themselves satisfactorily to our complex civilization—as the village fool the defective was often a great success—and, on the other hand, we have, in the building up of our urban communities, deprived the feeble-minded of those wholesome simpler satisfactions more suitable for them and which elsewhere they might get.

Indeed, we have gone to the utmost extreme with our notions of correction in sometimes sending defectives to be locked behind walls, where they have had every incentive and opportunity to develop just

those pernicious habits and ideas which make them, on their release, such an extraordinary burden to us.

(To prevent misunderstanding at this time it should be stated parenthetically that though under the special wording of the Massachusetts Law other mental abnormalities than mental defect are specifically related to the problem of the defective delinquent, this paper purposely avoids the subject of the insane and of the merely psychopathic individual. Alcoholism, drugs and other deteriorations are so mixed up with the problem of the latter class as adults that they must be treated in a category by themselves. The aberrations rather than the defects show themselves principally after childhood and really less in the way of prevention can, unfortunately, be done.)

The mental hygiene movement, which all through stands so specially for prevention, indeed does well when it draws attention to the defective delinquent—largely a soluble problem. There is no sentiment in the hard facts concerning this type, facts which have been so lately won through the practical application of science. The one sensible readily and efficient measure that can be carried out is to dam the stream near its source. As far as delinquency in the defective is concerned, very often there need be no delinquency—if the defective, as such, is reckoned with early.

## THE DEFECTIVE DELINQUENT IN COURT.

BY FREDERICK P. CABOT,  
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The court is one of the social agencies of the State, but it has a limited field. It does not deal in the way other social agencies do with the problems relating to all individuals in need of care and attention. It acts when the other social agencies fail. When the teachers, the clergymen, the doctors, the parents, the individual himself, all fail to secure the right position for that person in the community, then the State interferes. It interferes constructively, because the State cannot afford to waste human material or allow human material to cause waste to other human beings in the community. That is the point of view.

It is also of importance to know that the function of the court ceases. The case comes to court, it also should leave the court. The problem, as Judge Baker stated it, is to restore or place an individual who is brought into court in his normal relation to society as promptly and as permanently as possible.

The first thing then for the court is to ascertain that there has been occasion to bring the individual before it—proper occasion; that is, that there has been an offense, that the particular individual is a delinquent. To-night we assume that. The next problem for the court is what to do about it. We cannot make an assumption that the court knows a defective delinquent when he sees him. The court does not know him. The problem is twofold: how is the court to know the individual, and what constructive action shall it take to place that particular individual back again in his normal relation to society. The court must know the material, know the personality, the abilities and disabilities, intellectual powers, character or lack of character, control or lack of control, of that individual and must stimulate the elements of strength.

Now, some of us in court think that we can judge people pretty accurately when we see them. The court has the duty of making a decision. It must either judge on its own knowledge and the disclosures made from the histories of the individuals, or it must judge from that and the additional information which comes from a competent diagnostician. Many courts have no doctors to submit the

cases to. The Municipal Court is fortunate in having a medical service department, with Dr. Anderson at the head; the Juvenile Court in Boston has such a department, the Judge Baker Foundation, with Dr. Healy at the head; and we have also in Boston the Psychopathic Hospital, to which we may send cases for longer observation when it seems that longer observation will enable us to understand more clearly the individual, the personality, the problem with which we have to deal. But even in the Juvenile Court the judge in the first instance must decide which of the cases it is worth while to submit to a doctor.

Not long since a boy appeared in that court, fourteen years of age, slovenly, unclean, thick-lipped, a failure in school, a failure in his family. He had been struggled with by the different social forces. They had made nothing of him. He was dull, stupid, obviously feeble-minded. But, as there is every grade of feeble-mindedness, it became important to know whether he should be committed as such or whether he could be at large in the community, placed in a different environment, and succeed, and therefore he was sent to the Judge Baker Foundation. The report came back that the boy not only was not feeble-minded, but he had rather marked intelligence and marked abilities in certain directions. Then the problem was a totally different one, and, while the judge was somewhat sceptical, he undertook to follow the advice of the doctor. The boy was placed in an entirely different environment. He became more invigorated. In a very short while that boy learned to hold himself splendidly, the hang-dog look disappeared, even his lips seemed to grow smaller, and when autumn came he requested permission to go to school. He did well in school; he undertook to write to his school teachers in Boston and explain to them what a true school was.

Now, there is a case where the court by itself failed to recognize the true problem. The court errs just as much in instances the other way round. Take the case of a girl brought into court, very attractive—and the defective delinquents are apt to be attractive—a charming girl in appearance, in manner, very innocent in her ways, so that it is hard to believe that she is involved in the set of facts that have been disclosed, and, if she was involved, perfectly obviously not an immoral person in any true sense—it was an accident that brought her there. The court deals with her accordingly, and lets her go or places her on probation, and before long she turns up in court again and the process is repeated. Each time the appeal is made, because she is, it is perfectly clear superficially, normal. After a time the judge may conclude from his own experience and the history that there is something wrong. If there had been a clinic, if there had been a doctor available who could

have examined that child in the first instance, the truth might have been revealed—the truth that the child was feeble-minded.

So that the court has first the problem of recognizing the defective, the defective of any kind, without limiting the defective to the feeble-minded. Once recognized, what is to be done about such an individual? What is available? If the delinquent, juvenile or adult, is of the type that should be committed to an insane asylum for treatment, the process is very simple. The case is transferred to the proper court, the proper finding is made on the evidence. If the child or individual is one of the feeble-minded class that cannot get on in the community with safety for himself or for others in the community, then it is a committable case, and you naturally would conclude that the judge would commit that child or individual. The problem is a little different from the first case, because there is not room for all the feeble-minded who ought to be committed in our institutions. What then is the court to do about it? The court does not commit unless it knows that there is an opportunity for that individual to be received. Sometimes there are too many girls or women in those institutions, sometimes too many boys or men. Commitment is according to the vacancy or the opportunity. If that individual cannot go, there is a problem for the court, representing the forces of the state as a constructive agency, so to deal with that individual that it finds a normal place, consistent with the welfare of the entire society, outside of an institution, when the diagnosis is that it belongs in an institution.

Something ought to be done about this. The court is helpless. But the court cannot let go of the case, under the rule or test that it does not let go until it makes a contact between the individual and his place in society, although, on the supposition, there is never going to be a contact and the court is not equipped to deal with that individual.

Now, take the other type of feeble-minded, the kind that are harmless and do not require to be committed. The court has got the same problem of making a proper contact with the community, and, by supposition, the belief on the diagnosis and prognosis is that that individual may do well if you succeed in finding the right environment; he may at least keep out of trouble. Therefore, the court has the problem of finding the proper place, finding the farm or simpler community; because many of these individuals have done splendidly, if you simply take them out of the complex life, where they are subject to every sort of temptation and impulse from outside, and have not will power enough to resist. That is simply the problem of persistent work by the court. The court's business is first to use all the social agencies in the community to bring about that end, and if those agencies can

be put in operation, the court lets go of the case and the agencies carry it forward. If it cannot make use of those agencies, public or private, it then deals with that individual through its own probation officers, although its probation officers are not primarily experts in dealing with the harmless defective. The separate courts are not sufficiently large, have not sufficiently large forces in most cases, to employ experts. It may be that the only proper solution would be to have a group of experts maintained by some private society, experts in dealing with the harmless defective, the defective that can be kept out of harm when left in the community, or a State agency that would deal with it, that is, a supervising agency outside of an institution.

But there is another type of defective delinquent, the defective delinquent who does not lack in intelligence but lacks in character or lacks in control—the kind of person who, after being struggled with on probation, at home, in private families, is then sent on to the institutions, and is a perpetual failure, an apparently wilfully incorrigible person.

Now, what is going to be done about that? Dr. Healy says that the court recognizes that it cannot deal with these defective delinquents properly on probation, that experience shows that they do not profit by probation, either in their own homes or in other homes or in new environments, and that the court recognizes that it is not proper to send them to such institutions as Lancaster. Where is it to send them? The court is always a little more sceptical than it ought to be, because the court is untrained in the question of the correctness of the diagnosis. It seems to me that the education of the court is also one in great faith and belief, and that comes in part from the example that is shown by the social agencies in the community. They do as a matter of fact pull through many cases that apparently are hopeless. And I think the court has the feeling that, after trying the individual on probation, at home or elsewhere, perhaps it is well to try that individual in one of our reform schools, inasmuch as there is no other place, and that particular experiment has not been tried.

Some time ago a girl was placed out several times, in several families, every time a failure. She was tried in one of the religious institutions; again a failure. She was finally sent to Lancaster. Lancaster discharged that girl. It did not put her on parole; it dismissed her, just sent her out and left her unsupervised in the community. It discharged her absolutely as an incorrigible, some one that they could not deal with. The girl comes back to the crowded districts of the city and the problem begins over again. We are just where we started. There is no one to supervise that girl. The court has ended its powers

on that chain of events; we wait for the next delinquent act and then we begin again.

Now, I think that the probation officers feel that it is not their problem to deal with those cases that are recognized by the medical diagnosticians as really defectives, that is, cases that will not improve on probation or on experiment, that do not learn by experience. And the probation officers feel that way because they feel that probation means dealing with individuals under the expectation of accomplishing something. But, on my definition of the duty of the court, the court must retain those cases, because the court does not succeed in placing them in proper contact with society. It is obvious that the court is not properly equipped to do that, but if no other agency is equipped the court must keep it up; otherwise we simply say we are all helpless. Isn't it perhaps the problem of our legislators to supply some proper place for dealing with those people, so that their cases may be ended as court cases?

## THE PROBATION PROBLEMS OF THE DEFECTIVE DELINQUENT.

BY HERBERT C. PARSONS,

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Mary Barnes happens not to be the name of a young woman who has lately been acquiring a rapidly extended acquaintance among probation officers, police officers and other persons connected with the courts. Mary, according to the number of years that she has been on earth thus far, is of an age of 18, going on 19; she is of a mental age of  $8\frac{1}{2}$  and not going on at all. She has, in spite of the fact that her number of years seem few and her mental age so much smaller, accomplished a great deal of history.

Mary has had a good home. She lived with an aunt, who is greatly devoted to her, and Mary apparently is very much devoted to that aunt, but not exclusively, because Mary has extended her devotion over a very wide field and included within her attention almost anything in the form of a man whose attention she could arrest. And Mary's fondness is extended to material things. It leads her to appropriate almost everything material she can lay her hands on. Mary has been given the advantage of treatment at the hands of one of the very best probation officers in the State; she came to the end of that experience by removal to another jurisdiction and she has now come into the hands of another court. The problem there is a very serious one. At this stage of the proceedings she has been sent to the Psychopathic Hospital and her mental age has been found to be of  $8\frac{1}{2}$  years.

I undertook to tell this story in my household the other evening, and went through the usual formula of saying that we have arrived at the key of Mary's wrong-doing; she is  $8\frac{1}{2}$  years old mentally, 19 years old physically, and that accounts for it. And I was immediately confronted by the remark of one of the members of my household, "But eight and one-half does not steal." It is not because Mary is eight and one-half that she steals; her eight and one-halfness does not account for her stealings nor does her eight and one-halfness account for her extensive immoral conduct.

Of course we have in the cases of the mentally defective among girls those who are an easy prey, who because of their lack of power of resistance fall easily at the hands of designing men. Mary is not one

of the yielding kind. She is a promoter, she is an aggressor, and her evil doings of a sex nature have not been accounted for by any weakness of the will on her part.

Now, the problem is, where does Mary belong? Not in the jail, because she is not to be helped by punishment. Not in the reformatory, because she is not formative. And I am here to say that she does not belong on probation; I am here to add to this accumulating inhospitality towards the mental defective.

Massachusetts was the originator and has built up to the highest degree—I won't say of perfection, but of application—a system of dealing with the wrong-doer out of doors. This is the tenth, twentieth and fortieth anniversary of probation in Massachusetts. I wish that that decimal rotation which has seemed to attend the history of probation in this State, might indicate that, the last tenth year having expired, the Legislature this year was going to do another bright thing in providing for this very needy class. Forty years ago it provided the first probation officer working in Boston. Twenty years ago it extended probation to all the courts of the State. Ten years ago, with the establishment of the Commission on Probation, it made this a State system; beginning ten years ago, therefore, we had the history of the mounting volume of the work of probation officers, who are placed in every part of the State.

Ten years ago, or nine years ago—nine years having been completed—the court placed 13,000 cases on probation. In the year that is just closed the court placed 30,500 cases in the hands of our probation officers.

Now, I am going to give you two reasons,—one of these you may consider narrow but I think the other broad enough to qualify me to deal with this problem here to-night,—as to why the defective delinquent, a distinctly marked individual in our problem, does not belong to the probation pile. The first is that in this rapid growth of probation as an instrumentality for correction without confinement, Massachusetts has seen fit to provide a very sparingly increased number of probation officers. With 13,000 cases committed to our care during the first year of the Commission's existence, we had 100 probation officers exactly. With 30,500 cases committed to our care this last year, we have only 151 probation officers in the State. Moreover, in addition to the care of this vastly increasing number of charges from the courts, the probation officers have come to be a financial instrumentality, being entrusted by the courts with the enforcement of our neglect laws, our dependent laws, our non-support laws. The result is that, while the probation officers of ten years ago collected in the

course of a year a little less than \$50,000, largely from non-supporting fathers and husbands, fathers of illegitimate children, and deserters of their families—while that amount ten years ago was \$50,000, it has risen this year to \$531,000 which the probation officers of this State receive in small amounts under orders from the court and disburse largely to needy families.

Here, then, are two very large tasks that are performed by a force of officers totally inadequate to their task, and for this reason, if for no other, the probation service, certainly as at present organized in the State, is in no condition to handle the serious problem of the defective offender.

But the greater reason is, of course, as has already been indicated, and so aptly indicated that perhaps I waste your time repeating it, that the probation effort, the probation design, is a reformatory design. It has for its purpose to take from the grim procession that moves through our criminal courts, young and old, those persons who hold out some promise of reformation and bring them back to a right adjustment to the community.

Now, it is due this organization that it should not receive material which is not capable of reformation. More and more the service which I have the honor to represent is getting extremely sensitive about being made a place of disposal of cases even of doubt, and certainly acquiring a resentment against its fine offices of helpfulness being called upon to rehabilitate those who have no capacity for rehabilitation. It is not because the probation service protests against this thing. It is not because it is a serious matter to waken in the morning to find you have a family of two or three or four hundred offenders on your hands. It is not simply that the probation service in any narrow or selfish way is opposed to receiving into its hands difficult persons. But it is because the commonwealth, in its desire to do the right thing for the protection of the peace and the property and the lives of its citizens, needs to deal with people according to their needs; and distinctly outside of any possibility of an out-door reformatory, at all events, falls the class of those in whom a defective mentality is hopelessly linked with a criminal determination.

## WHAT SHALL BE DONE WITH THE DEFECTIVE DELINQUENT IN THE PENAL INSTITUTIONS?

BY COL. CYRUS B. ADAMS,

*Director of Prisons, Boston.*

Psychological examinations of the inmates have been made in the Massachusetts Reformatory at Concord and the Woman's Reformatory at Sherborn, the examination in the Concord institution by Dr. Guy Fernald and at Sherborn by Dr. E. A. Sullivan. Both are physicians and psychologists for their respective institutions. It has been found through these examinations that in the men's reformatory 40 per cent of the inmates were sub-normal, 16 per cent segregable. In the woman's reformatory 43 per cent were sub-normal, 26 per cent segregable.

In a survey of 100 cases at the Massachusetts State Prison, Charlestown, made by Dr. A. W. Stearns in 1915, 23 per cent were found to be feeble-minded and 4 per cent insane. I might say that the 23 per cent feeble-minded found at the Charlestown State Prison is about the percentage that has been found at Joliet prison in Illinois, the Ohio State Penitentiary at Columbus, and other big prisons in this country. There is undoubtedly a much larger per cent of the sub-normal class at present in our institutions for delinquents and criminals than ever before. This is due to the fact that the courts have been able to take care of the normal-minded delinquents without committing them to institutions.

There has been a sifting-out process whereby the normal-minded offender has been taken care of by means other than the institution, and the sub-normal goes to the institution.

Probation, so well established in Massachusetts, is taking care of the normal-minded, where delinquency is due to environment and not to inherited taint. Through the agency of the probation officers in looking after those under their supervision, many a man has been saved, and the State has been saved the expense of his care in prison and reformatory. Probation has, as I have just stated, materially reduced the population of our prisons and reformatories.

We have in Massachusetts the lowest prison population since 1874. This is due in part to probation, but not altogether. An abnormal industrial condition due to the war has had more to do with the reduc-

tion of our prison population, particularly of the normal-minded, than any other one factor. There is such a demand for labor that men regardless of their inefficiency are being employed. Being employed, they are not getting into trouble, and of course are not being committed to prison. The sub-normal is given the same opportunity for employment, but by reason of his low mentality fails to hold his job, violates the law and he goes to reformatory or prison.

The sub-normals are the ones who have not responded to probation, and they are the ones who make up an ever increasing percentage of our prison and reformatory population. A large percentage of this class are morons, and are rarely recognized as such by the court, and are only properly classified after the psychological test, as applied in the institution. If every court had connected with it a medical department, now so well established in the Boston Municipal Court under Dr. Anderson, and in Judge Cabot's court under Dr. Healy, proper classification could be made at the time of commitment. If then there was nowhere else to send the offender except the prison, the reformatory or the industrial school, the management of the institution would at least learn of the mental condition of the person he is receiving.

Our penal and reformatory institutions have more than their full share of the feeble-minded. The managements of these institutions have set for themselves the impossible task of reforming, educating and making good citizens of them. Specialists have shown clearly the existence of this class. All have urged the necessity of proper classification of the delinquent and criminal—the segregation of the defective delinquent.

Proper segregation would make possible the correction, reformation and education of the normal, would provide for the custodial care of the feeble-minded and the degenerate. The former would be returned to society to take his place as a good citizen, and society would be protected against the irresponsibilities and the dangerous tendencies of the latter. The defective delinquents should be trained, taught and housed by themselves, and not with the normal-minded prisoners, as is now the case.

I am convinced that the best thing for all concerned would be the removal of all feeble-minded inmates from both juvenile and adult institutions. The presence of this class affects the discipline of the normal offender and is a menace to the welfare of the population. It might be possible for institutions on the cottage plan for juvenile delinquents to properly segregate them, and provide them with instructors qualified to train and instruct in a manner that would improve

their condition. But would it not be better to provide special institutions for their care?

In the matter of the adult defective the solution of the problem is not so easy. Our prisons are not so constructed as to make it possible, except at great expense, to work out a plan of classification and segregation in the institution. We must get these defectives out of our penal institutions. Their presence retards the work in the school, cuts down the general efficiency in the shops, and lowers the moral tone of the entire prison population. The imbeciles could be transferred with safety to our feeble-minded institutions, the epileptics to the epileptic colonies, and the insane to the state hospitals for the insane. For the moron we should have a separate institution, with prison buildings, walls and cells, also prison colonies. Such an institution should be located on a large farm in the country. Then it would be possible to develop a scheme of discipline, education and employment for the various groups comprising this segregated class.



TABLE I.  
REFORMATORY FOR WOMEN, FRAMINGHAM, MASS.  
Commitments, 1917.

	No Nervous Defect		Psycho-pathic.		Epileptic.		Sex Pervert.		Insane.		Total	Per Cent.
	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.		
Imbeciles.....	7	.01	..	....	..	....	..	....	..	....	7	.01
Morons.....	137	.194	25	.035	5	.007	..	....	1	.001	168	.237
Sub-normal.....	102	.144	26	.037	4	.005	2	.003	..	....	134	.189
Dull.....	140	.198	35	.05	4	.005	1	.001	..	....	180	.254
Fair.....	154	.218	16	.023	3	.004	2	.003	1	.001	176	.249
Good.....	33	.047	3	.004	2	.003	2	.003	..	....	40	.057
Insane.....	..	....	..	....	..	....	..	....	2	.003	2	.003
Total.....	573	.811	105	.149	18	.024	7	.01	4	.005	707	100

TABLE II.  
REFORMATORY FOR WOMEN, FRAMINGHAM, MASS.  
Disciplinary Cases, 1914-1917.

Total Admissions.	Total Disciplinary Cases.		Psychological Classification														
			Psycho-paths.		Psycho-pathic Feeble-minded.		Feeble-minded.		Epileptics.		Sex Pervert.		Insane.		No Defect.		
			No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	
1914-15	251	48	19.1	17	35.4	8	17	7	14	4	8	2	4	2	4	8	16
1915-16	216	71	32.8	28	39	14	19.7	10	14	6	8.4	3	4	2	2.8	8	11
1916-17	240	54	23	21	38.8	8	14.8	14	35.9	1	1.8	2	3.6	2	3.6	6	11
Total...	707	173	24.4	66	38	30	17	31	18	11	6	7	4	6	4	22	12

The defective-delinquent women now in the Reformatory for Women should be in a colony of their own. Each type should be in separate cottages and sufficiently far apart to make a homogeneous group by itself. They are not good mixers with normals nor among themselves. There should be one cottage of the Psychopathic Hospital type where the excessively irritable could be treated. Other cottages could be of simpler construction; in frame buildings of the dormitory type such as exist at Wrentham, where the criminal feeble-minded could be treated.

It is doubtless true that if the probation officers of the State were relieved of the struggle with the defective-delinquents, they might care for a large proportion of the normal prisoners now at the Reformatory for Women, while those that need institution training might be sent to the Massachusetts Training School for Girls at Lancaster, if that institution in turn were relieved of the defective-delinquents which are a drag upon its good work.

## WHAT SHOULD BE THE ATTITUDE OF THE ALIENIST TOWARD THE DEFECTIVE DELINQUENT?

By DR. GEORGE M. KLINE,

Director, Commission on Mental Diseases, Boston.

Evidence has been accumulated over a period of years which indicates quite clearly the important part the alienist should play in the problem of the defective delinquent. The report of the Special Commission to investigate the question of the increase of criminals, mental defectives, epileptics and degenerates in 1911 makes use of the term "defective delinquent" for the group of individuals showing a combination of slight mental defect and irresponsibility with criminal propensities. Numerous surveys of our correctional institutions, schools for the feeble-minded, and hospitals for the mentally sick have been made, which show definitely the importance of the problem and the numbers of defective delinquents in our various State institutions.

In a survey of the State institutions for the insane and schools for the feeble-minded made by Dr. A. Warren Stearns, at the direction of the State Board of Insanity in 1915, it was ascertained that, out of a group of 520 feeble-minded patients in the insane hospitals, there were 82 defective delinquents, and, in the schools for the feeble-minded, 76 were given this classification—a total of 158 cases in the group of institutions under the supervision of the Commission.

The survey by Dr. A. Warren Stearns of the patients at Bridgewater State Hospital shows a lack of inquiry into the mental condition of the prisoners by judges and other court officials. From the histories obtainable, 32.7 per cent of all admissions showed undoubted evidence of insanity before sentence, and 15.3 per cent had been committed as insane previous to their arrest. Out of 59 feeble-minded patients, 18 came properly under the heading "defective delinquent."

The examination of 300 inmates at the Massachusetts State Prison, undertaken by the State Board of Insanity at the request of the Bureau of Prisons, showed that 22 per cent were feeble-minded.

Dr. Edith R. Spaulding states that 24 per cent of the reformatory population at Sherborn should be segregated because of their mental condition and that nearly half of the population showed some degree of mental defect.

Dr. Guy G. Fernald, physician and psychologist at Concord Reform-

atory, states that 15 per cent of the boys at that institution should be segregated because of their mental condition.

Some recent figures regarding the part psychiatry plays in the field of criminology are available in the work of Bernard Glueck, Director of the Psychiatric Clinic, Sing Sing Prison. He found:

1. Of 608 adult prisoners studied by psychiatric methods out of an uninterrupted series of 683 cases admitted to Sing Sing Prison within a period of nine months, 66.8 per cent were not merely prisoners, but individuals who had shown throughout life a tendency to behave in a manner at variance with the behavior of the average normal person, and this deviation from normal behavior had repeatedly manifested itself in a criminal act.

2. Of the same series of 608 cases, 59 per cent were classifiable in terms of deviations from average normal mental health.

3. Of the same series of cases, 28.1 per cent possessed a degree of intelligence equivalent to that of the average American child of twelve years or under; of the 98 native-born defectives, 80.6 per cent. were recidivists in crime, whose average number of sentences to penal or reformatory institutions was 3.5; and 85.7 per cent of the group will have been returned again into the general community within a period of five years.

4. Of the 608 cases, 18.9 per cent were constitutionally inferior, or psychopathic, to such a pronounced degree as to have rendered extremely difficult, if not impossible, adaptation to the ordinary requirements of life in modern society. This lack of capacity for adjustment is reflected, on the one hand, in the fact that of the 91 native born in this group 86.7 per cent were recidivists in crime, whose average number of sentences to penal or reformatory institutions was 3.9, and, on the other hand, in the fact that a very significant number of them have been total economic failures thus far. Furthermore, 82.4 per cent of these cases will have been discharged again into the general community within a period of five years.

5. Of the 608 cases, 12 per cent were found to be suffering from distinct mental diseases or deteriorations, in a considerable number of whom the mental disease was directly or indirectly responsible for the anti-social activities.

In this State, the work of Dr. V. V. Anderson, Director, Medical Service, Municipal Court, Boston, and of Dr. William Healy, of the Juvenile Court, all emphasize the importance of the defective delinquent problem and the need of approaching the same by psychiatric methods.

From a study of the many surveys made, and a knowledge of the great difficulties experienced by those administering the institutions now caring for the defective delinquent group, certain suggestions are made and conclusions warranted. For these suggestions no claim for originality is made. All are agreed that the mentally defective cannot

properly be cared for in any of our present institutions, and that a special institution, in which the defective delinquents can be segregated, should be established. At a Semi-Annual Conference of the State Board of Insanity and Trustees of the various State institutions under its supervision, held in November, 1915, the subject of "Defective Delinquents" was discussed, and those in charge of the various institutions were most emphatic in stating that the work of the institutions was very seriously hampered by the presence of defective delinquents.

Regarding the type of special institution deemed necessary for the defective delinquent, the Special Commission, in 1911, had the following to say:

They should be committed to permanent care and custody, under special institutional conditions combining the educational and developmental methods of a school for the feeble-minded with the industry and security of a modern penal institution. Provision should be made for the safeguarding of the rights of the individual by periodical expert examination and observation, and by the possibility of ultimate release under parole.

With the establishment of such a special institution, legislation should be provided for the transfer of defective delinquents to this institution. Legislation should also be provided enabling the proper authorities to retain the defective delinquent indefinitely.

Dr. Walter E. Fernald and others have repeatedly suggested the need of establishing a bureau, preferably under the supervision of the Commission on Mental Diseases, to make an accurate census of the feeble-minded in this State. The close relation between delinquency and feeble-mindedness not only emphasizes the need of such a census, but points the way to preventive work that could be accomplished, based upon the information obtained from the taking of such a census. It is quite obvious that it will be impossible to segregate all feeble-minded in the State, and accurate information is necessary concerning individual cases, in order that this class may be properly supervised in the community.

It ought to be possible, in the early and careful examination of feeble-minded children, to detect certain traits and tendencies toward delinquency, and an effort made to readjust the individual, who might, otherwise, become delinquent.

Based also upon the study of the feeble-minded problem that would result from an accurate census, it would appear necessary that some authority be given control through legislation over every feeble-minded person,—somewhat similar to the control that the State Board of Charity has over minor wards.

There has been established, as is well known, in connection with each State institution for the mentally sick, an out-patient clinic. Practically all important centers of population are visited in connection with this work, which is directed by the medical staff of the institution. There should be a reaching out, on the part of these clinics, to be of still greater service in the examination of children who show any evidence of intellectual retardation or enfeeblement, and also in the examination of those who come in conflict with the law. There should be available to each court the services of an alienist. Possibly this might be arranged for as suggested, I think, by Dr. Williams by assigning an assistant physician at one of our State hospitals in each district to this work. Still another assistant might be assigned to assist in the examination of school children.

## A PRACTICAL PROGRAM FOR DEALING WITH THE DEFECTIVE DELINQUENT.

By B. L. YOUNG,  
*Representative, Weston.*

A solution of this problem, which I would like to present to you, would be obtained by requesting—yes, by compelling—the lady and the gentlemen who have discussed this problem to you tonight with such clearness and from such great information personally derived from their own experience, to consult together just as a jury would, behind closed doors, and not permitting them to escape until they laid before you and us who are members of the Legislature a comprehensive plan for handling this subject. The solution of this problem must come in the end from those persons who have expert knowledge, and not from laymen, or legislators, or the general public. We are waiting for the experts, both prison men and men of the medical profession, psychologists, alienists, to tell us what we should do. But lest we wait too long I want to outline, very briefly, one or two things which have been called to your attention tonight. Nothing that I say here tonight is new, because it has all been said by the other speakers, but there are three steps that we could take, it seems to me, without too great difficulty. Whether we can achieve them at once is a doubtful question, but we should realize that they are steps in the direction of real progress, and that thorough consideration of them by the public will eventually lead to their adoption.

The first suggestion is that every court, which has the right to sentence or commit a human being for violation of the law or as an unfit member of society and every institution, whether correctional or custodial in its type, which has the right to hold in custody such a human being, should be equipped with facilities for the discovery and diagnosis of mental defect. Without such facilities courts and institutions are working entirely in the dark.

The second suggestion is that some governmental authority or board should be given the right to transfer in its own discretion from one institution to another any inmate, or prisoner, or patient belonging to one of these general classes of defectives, which we have heard discussed tonight, when this governing authority or board believes that such transfer is advisable for the interest of that individual or of the State.

The third suggestion, already made, is that we should recognize the status of defective delinquency not as a crime but as a condition which requires permanent custodial control.

Now, these second and third steps go together. Without them the first step really is useless, because what shall it profit us if we know that a man has smallpox or is a defective delinquent if we have no equipment and no power to utilize the information, and after we obtain it, if we have no power of isolation or of treatment of that individual? The obvious suggestion that you will make is that some new institution should be provided. As a practical matter, let me tell you that the Legislature, and I think the tax-paying public, would view with dislike—it always views with dislike, of course, but just now with particular dislike—any proposition looking to a large expenditure of money for this purpose, not only on account of the presence of war and the absolute necessity that all our efforts be bent in that direction, but from the usual dislike of an increased tax rate, a feature of the legislator's work which is most discussed in the press and usually most considered by the public.

We have a considerable number of penal and correctional institutions, institutions under the control of the Bureau of Prisons. We have heard tonight that they are operating with the lowest population since 1874. I know from my own knowledge that some of them certainly are not half full, that some of the county institutions have practically no inmates at all. We have a hospital for inebriates, a State hospital, with a capacity of 400, with a population of less than 100. We have feeble-minded institutions with 600 on the waiting list, and more, at each institution. We have a large number of insane hospitals, overcrowded to the extent of at least 1,500, with a continual increase in the number of insane approximating 400 or 500 a year, and as the Legislature has been over-reluctant to provide new accommodations in recent years the result is that we are unfortunately faced with an over-crowding of between 1,000 and 2,000.

Now, it is not reasonable and it is not business-like to expect the persons, who have to do with the expenditure of the State's money to observe this entirely disjointed arrangement of the population of institutions, on the one hand, and to ask them to expend large sums for new institutions, on the other. The experts who are presenting this plan, must provide some way in which we can better utilize our existing plant. I firmly believe myself that with such a power of transfer from one institution to another, and with a new conception on the part of the public and of the State of our whole institutional plant as after all being directed toward one great end, the protection of the com-

munity from these persons who do not react to the community as normal persons, we could utilize this plant so that there would be no emptiness in one institution and this terrific over-crowding in another. The suggestion, then, that I would make with regard to that problem is, that we should have a greater degree of centralization of control, if not necessarily over the identical management of each institution, at least with regard to the distribution of our defective and delinquent populations, as well as of that group specifically known as the defective delinquent. It must be obvious that we are facing, even if we adopt this program, an enormous expense.

Now, we take as an established fact, and I have no reason to doubt it, that a very large percentage of persons who are sentenced by the court each year is of the defective delinquent type. Let us assume for the moment that it is 15 or 20 per cent. When we consider that 25,000 persons are actually committed to institutions in Massachusetts each year, you see what an enormous problem we have on our hands, if we are going to retain permanently in our custody and control an element of that number represented by 15 or 20 per cent of this number each year. In other words, we shall have a constantly increasing group of defective delinquents who must be cared for, with an annual increment greater even than that which we now face with regard to the insane.

A building program, which would keep up with that enormous increase, and which would actually take care of all those persons, seems to me, so far as the present situation is concerned, absolutely out of the question. What then are we to do with this great number of persons who do not fit in the prison, who do not fit in the feeble-minded schools, who do not fit on probation, and who are an absolute menace to society?

It has been suggested by some persons, and there has been actually tried in some states, the process of at least guarding future generations by sterilization. I take it we ought to recognize, once and for all, that public opinion will not countenance this measure, at least in this Commonwealth, and practically in other states where it has been tried public opinion has failed to support it. Though statutes authorizing sterilization have been upheld in some states, in others they have been overthrown by the court on legal and constitutional grounds.

We must, therefore, come back to the suggestion made tonight of some supervision by the Commonwealth over this group; keeping them so long as it is absolutely necessary in such institutions as we have; and then, when they are put into the community, keeping them under a control similar to that which the State exercises over State