

1919

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Recommended Citation

Benjamin Malzberg, On the Relation of Mental Defect to Delinquency a Study of Cases before the Voluntary Defenders Committee of New York City, 10 J. Am. Inst. Crim. L. & Criminology 218 (May 1919 to February 1920)

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ON THE RELATION OF MENTAL DEFECT TO DELINQUENCY; A STUDY OF CASES BEFORE THE VOLUNTARY DEFENDERS COMMITTEE OF NEW YORK CITY

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Recent studies in the causation of crime have centered about the relation of mental defect to delinquency. As a result of such investigations, the belief has been firmly established that there is a marked correlation between the two. There is no such unanimity of opinion, however, as to the quantitative relation between them. Estimates of the proportion of mental defectives among delinquents have varied from 10% to 100%. The British Royal Commission on the Care and Control of the Feeble-minded stated that 10% of offenders are defective. Dr. Goddard has insisted upon a minimum estimate of 25%, with the probability that a higher proportion of offenders are feeble-minded. As a result of an investigation at Elmira Reformatory, it was asserted that 70% of the inmates were defective. Dr. W. J. Hickson of the Psychopathic Laboratory of the Municipal Court of Chicago stated that 93% of the cases were defective. And so the estimates vary from place to place and time to time.

There have been but few attempts to estimate the proportion of mental defectives in an undifferentiated criminal population. By this is meant the offender as seen in court prior to sentence. The usual procedure has been to select for investigation an institutional population, i. e., either the reformatory or prison inmate. This has resulted in certain fallacious deductions. In the first place it has been assumed that a sample criminal population, taken at random from a penal institution, will be typical of the entire criminal class. Then, when the proportion of mental defect existing in this alleged sample has been obtained, the result has been interpreted as a true description of the entire, or undifferentiated, criminal class. The consequence is that investigators, studying different types of prison inmates have reached extremely varying conclusions as to the quantitative relation between mental defect and delinquency.

There are two possible methods of determining this relation. The first is to adopt the statistical method of obtaining a weighted average.

¹Voluntary Defenders Committee, New York City.

The procedure would be as follows: All offenders are disposed of, either through suspension of sentence or commitment to penal institutions. It is possible to obtain the distribution of mental defect for each of these types. The weights would be proportional to the number composing each type. The weighted average would thus be descriptive of the entire criminal class. The other method is to obtain a simple average by examining all the delinquents, or a fair sample of them, before they are committed to the penal institutions.

In this study an attempt will be made to estimate the proportion of mental defectives among those charged with and convicted of a felony in the Court of General Sessions in New York County. It is impossible to utilize the first method of investigation, for though the weights could be determined, we have ratios depicting the amount of mental defect for but two of the penal institutions. The statistical results in this study have been achieved therefore by analyzing a sample of the court cases.

As there were over 4,000 cases disposed of in the Court of General Sessions in 1917, resort has been had to the study of a sample of 395 cases. These were taken from the records of the Voluntary Defenders' Committee of New York City. This committee was organized for the purpose of providing counsel for needy defendants in criminal cases. It began its activities April 1, 1917. In the course of the first year, the committee represented 574 defendants accused of the commission of felonies. In age distribution, educational attainments, civil status, wage distribution, etc., these cases were in every way typical of all the other court cases. What is true of them therefore may safely be asserted of all.

Of the 574 cases, 68, or 11.9%, exhibited various mental aberrations. In other words, of those coming into contact with the police, and brought into the Court of General Sessions charged with the commission of a felony, 11.9% were mentally defective. However, not all of these can be classed as criminals, for in the course of criminal procedure, 179 were declared innocent of the commission of a crime. In accordance with legal criteria, then, but 395 were criminals. Of these, 64, or 16.2%, were mentally defective.

The following is the distribution of the 64 defective criminals according to mental type:

TABLE I
DISTRIBUTION OF TYPES BY TOTAL AND PER CENT

<i>Type</i>	<i>No.</i>	<i>Per Cent</i>
Borlerline	10	2.5
Moron	28	7.1
Imbecile	2	.5
Const. Inferior	4	1.0
Insane	9	2.3
Psychopathic	8	2.0
Emotionally Unstable	1	.3
Alcoholic Psychosis	2	.5
Total Felons	395	

We note from the above table that of the 395 felons 40, or 10.1%, showed intellectual defect. If we add the closely allied class of constitutional inferiors, the total is increased to 11.1%. Grouping the others under the general class of psychotics, we obtain a total of 20, or 5.1%.

There are no statistics with which these are exactly comparable. However, they may be contrasted with the results obtained in the Chicago Juvenile Court by Dr. Augusta Bronner and Dr. William Healy. The former studied 505 boys and girls.² She found that 41, or 8.1%, were feeble-minded. She classed 11, or 22%, as doubtful cases. If we combine these two classes, we find that 10.3% showed intellectual defects, as compared with 11.1% of our adult felons. In his study of 1,000 young repeated offenders in the same court, Dr. Healy found that 8.9% were morons, .8% imbecile and 8.1% sub-normal mentally, though showing more educability than the feeble-minded. Combining these classes, we find that 17.8% were intellectually defective. The psychotics formed 6.9% of the group.³ The results obtained in the present study compare very closely with these, especially when the highly selective aspect of Dr. Healy's group of cases is taken into consideration.

Earlier in this study we noted the discrepant results obtained for populations in different types of penal institutions. These extreme variations tended, to some degree, to discredit the alleged relation between mental defect and crime in the eyes of lay persons, especially judges and lawyers. However, a further analysis of our statistics will prove that these results are a natural consequence of a process of selection, by which the defective elements of the institutions are con-

²Am. Journal of Criminal Law and Criminology, November, 1914. Dr. Bronner does not state whether all the cases were duly declared delinquent. If some were later found innocent, then her percentage would be somewhat higher.

³The Individual Delinquent, by William Healy, M.D., p. 139.

stantly increased, as we proceed from reformatories to state prisons. These differences, then, are inherent in the populations, and do not result from inadequate investigations.

The following table shows the final dispositions in the cases of convicted felons:

TABLE II
SHOWING DISPOSITION OF THE TOTAL AND OF DEFECTIVE CASES, RESPECTIVELY

<i>Sentenced to</i>	<i>All Felons</i>		<i>Defective Felons</i>	
	<i>No.</i>	<i>Per Cent</i>	<i>No.</i>	<i>Per Cent</i>
New York City Reformatory.....	23	5.8	4	7.3
New York State Reformatory.....	36	9.1	9	16.4
Penitentiary	80	20.3	12	21.8
State Prison	79	20.0	13	23.6
Other Institutions	38	9.6	7	12.7
Sentence Suspended	139	35.2	10	18.2
Total	395	100.0	55	100.0

In obtaining the percentage distributions for the defectives, the base has been reduced from 64 to 55, as 9 were committed to state hospitals. The State of New York has acquired an enviable distinction in the matter of provision for the criminal insane. It was among the very first, if not the first, to provide for this class. If these 9 had been convicted in most other states, they would have been committed to a penal institution, rather than to a hospital. Consequently, it would have been unreasonable, for comparative purposes, to have included these 9 in the above statistics.

The table develops interesting contrasts. In the first place whereas 35.2% of all the cases were placed on probation, but 18.2% of the defectives were thus disposed of. This immediately increased the proportion of defectives in institutions as compared with court cases. From another point of view it is found that 7.2% of the cases in which sentence was suspended, were defective, whereas the percentage was 15 for the Penitentiary, 16.2 for the State Prison, and 25.0 for the State Reformatory at Elmira. The latter has a very high percentage of defective delinquents, because in the absence of a proper institution for this type of offender, the Voluntary Defenders' Committee frequently recommended commitment to the State Reformatory. Returning to Table II, we note in both cases an increasing percentage of committment from the Reformatory to the State Prison. In all but one instance, however, the increase is greatest, in the case of defectives. In other words, by a process of selection at time of sentence, the proportion of defectives in penal institutions is unduly increased as compared with their distribution among court cases.

We may now summarize the results of this investigation. Of individuals under arrest charged with felony, 11.9% were defective. Of convicted felons, however, 16.2% deviated from the normal. Of the defectives, 11.1% showed evidence of intellectual inferiority, and the psychotics, including those showing emotional instability, totalled 5.1%.

Furthermore the suspended sentence and probation act as a sieve, by means of which the mentally normal delinquent is segregated from the defective; penal institutions therefore must, of necessity, show a higher proportion of defectives than do court cases.