Changing Patterns of Treatment in Herstedvester: Forensic Psychiatric Considerations in Retrospect and Prospect

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Since I in 1972 retired from Herstedvester Detention Institute, the law, as well as the royal decree on which our treatment was built, has been changed.

Already in 1967 the Ministry of Justice, due to political pressure, had begun to prepare a revision of the sections in the penal code concerning psychological abnormal offenders. The penal code of 1930 had stressed the need of individualization. The courts could use sentences allowing different forms of "treatment" and rehabilitation in order to protect the society instead of incapacitating the more dangerous offenders.

By 1967 we faced a wave of moral indignation. Human rights did not any more allow "forced treatment" or indeterminate sentences. Any man has the right to what was called a "just" sentence. Human dignity called for a punishment in accordance with the gravity of the criminal act performed.

But before the Ministry could present a new law, based on this modern philosophy, the permanent penal law committee had to present an opinion, and for this purpose research was needed.

Not until February, 1970, did the financial means for a criminological scientifical analysis of the vast field become available. This was undertaken by the Danish Institute of Criminal Sciences. Professor K. O. Christiansen and his four collaborators[1] delivered their report September 30, 1971, and a supplementary notice May 10, 1972.

Followed for a period of five years were only property criminals: 126 paroled 1959-1964 from the special detention institution in Herstedvester and the same number from a similar institution in Horsens.

The recidivism rate was compared with that for groups of the same size from Special prison and from State prison. These were selected so that age, criminal records and social backgrounds were reasonably equal. But some more intangible factors may have been experienced by the court, and the fact cannot be excluded that of all the offenders the court, in accordance with the psychiatric advice, selected as unfit for ordinary imprisonment the most complicated cases, which were sent for detention to Herstedvester.

The comparisons used in this research in rate of recidivism could not demonstrate any difference between the prisoners' groups and the detainees

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in the total recidivism rate. However, the recidivism came later for detainees than for prisoners.

In a very careful analysis it was found that over a longer period the detainees from Herstedvester managed significantly better than the prisoners who had served a fixed sentence in a State prison.

Of the fewer detainees who were recidivists it was evident that they had the most unfavorable social backgrounds and the worst criminal records.

It would have been of interest if the number of violent offenders in the material available for follow-up research had been sufficient for statistical evaluation.

A new law of June 13, 1973, changed the relevant sections of the penal code. Section 17 of the old code was repealed. The use of indeterminate sentences became drastically limited. Now such measures can only be used for cases sentenced for specific dangerous offenses. It is further required that the offender presents obvious risks to other persons' life, health or liberty as evident from an analysis of the actual offense, his personality structure and especially his former offenses. It is finally required that detention on indeterminate time is supposed to be necessary for public safety.

This resulted in few cases being sentenced to detention. Herstedvester became a more general psychiatric unit for treatment of all types of "difficult offenders," short-termers as well as long-termers. Even persons awaiting trial may be found together with some of the most "dangerous" criminals serving long sentences.

Some of the many short-time inmates stay for only a few weeks. This makes it nearly impossible to keep continuity in the interpersonal relations between staff and inmates. This means loss of the possibilities for the individualization which is important for integration and growth. The institution tries to continue the established intimate collaboration between the uniformed staff members and the professionals. In order to do so, smaller units have been created. Conferences in every one of these units have replaced the daily general conference and have taken over much of the decision-making.

This democratisation as it is experienced by the different categories of staff has been investigated from an organizational and sociological point of view. The report[2] (September 1975) shows that neither the uniformed nor the professional staff at that time had reached real satisfaction with their new work-structure. The final remarks in the report are: "The question is, how best to help the detained. The personnel of Herstedvester does not agree upon which organizational structure will be the best."

In opposition to this therapeutic orientation, administrators without practical experience from daily contact with criminals serving sentences sometimes stress that treatment of offenders in an institutional setting must be forced treatment and therefore is valueless. Faced with realities, they usually try to avoid the nasty consequences of their slogans. The new administrative structure, however, is said not to be looked upon as antitherapeutic, and it has advantages. It counteracts the effects of long sentences by shortening these very much, mostly by the use of earlier parole. The psychic damages experienced by the offender become thereby less. Of some importance it may further be, that this program is cheaper for the

state.

The fact that many short-termers are now found in Herstedvester hampers the integration of the different influences. The new stress upon prisoners' rights, aiming at liberalization of the daily life in penal institutions, shakes the staff's feelings of security.

It is much too early to form any opinion on this complicated situation. The many changes in the composition of the groups to be taken care of, many new rules and regulations introduced and again changed, often at short intervals, make it very difficult to form any firm opinion on what is really going on in daily life in the institution. But it seems correct to state that the aim of helping the detained to get away from their criminal careers may still be of central importance. Further, this aim gives the staff satisfaction in their jobs.

This present situation indicates that it may be worthwhile to review some of the more generally useful lessons learned in the "golden age" of Herstedvester.

The individualized, integrating growth-therapy (I.I.G.) described in detail in my Isaac Ray lectures[3] was based in the Royal Decree of 1940, stating: "The goal of the institution is to safeguard society against the dangers to law and order [*retssikkerheden*] the persons detained in the institutions would present if they were on their own, and inside these limits submit them to a treatment adapted to their psychological peculiarities in order that they become suited to return to free life. During the detention, which is not a punishment, but a security measure, the treatment ought to have in view the individualities of the detainees."

In the following pages, the clinicians' continued use of what I have called integration and continuity of treatment is reviewed. Such treatment ought to be available for all severely handicapped criminals. Then our realistic approach to the complicated questions of dangerousness, as applied in practice, will be presented. A few summarized life-career-studies shall illustrate and perhaps make the postulates more acceptable.

Aims and Integration

Common aims and coordination of the activities of as many staff members as possible are essential. Communication between the categories of staff with different backgrounds calls for common terminology. Definitions of the terms commonly used follow.

Crimes are extremely various acts. Besides the formal legal definitions, a very simple definition acceptable to all categories active in the penal institutions is important. We have preferred: "Something worth reporting to police," used by Lesley Wilkins.[4]*

More important to us is the concept of *criminals*. Phenomenologically

*A rather similar definition is from a theoretical point of view advocated by Macnaughton-Smith.[5] Besides the legal definition and the sociological attempts at describing special patterns of behavior for criminological studies, he advocates a third approach to criminology. The crime starts with the fact that when certain people are charged, tried, sentenced and punished, they are officially labeled. The interactions among the victims, the offenders and the observers is at the center of his interest. What society really does is to isolate a group of persons from those not labeled. This empirical law made by the actions of society, he calls the "second code."

only those law-breakers found guilty can be classified as criminals. As early as 1948-50 a group of detainees participating in the production of a film on the work of Herstedvester taught me that "You are first a thief when you are captured."

A single offense or a few petty crimes usually are not enough to produce a criminal. The more widely publicised the offense has been, the more likely the perpetrator himself and other persons will experience him as a criminal. As forensic psychiatrists we will see a much greater proportion of the "front-page cases" than of the numerous petty offenders.

First offenders are those sentenced for the first time to more severe sanction than a fine.

Intermittent offenders are recidivists with several crime-free periods of some length, as a rule at least five years. They may further be classified as episodic and periodic.

Chronic offenders have had crime-free periods of only a short duration. In our material most chronic criminals have had crime-free intervals of less than three years.

The number of first offenders is in the general penal system higher than the number of recidivists, but in our material they have been rare. In the material in need of psychiatric assistance most cases will belong to one of the two recidivated groups.

The way in which offenses may meaningfully be defined and classified is one important problem for criminological research (MacClintock and Avison[6]), but to this should be added that long range career-studies may be valuable for classifying known offenders. Such studies could make it possible for clinicians to describe more clearly the effect of different handling of different offenders under different circumstances.

The social factors and the attitude of the individual offender toward his offense as a social event and towards other important life-events before and after his apprehension, as well as toward the sentencing process itself and the punishment, may produce the necessary background for establishing alternatives to the much too standardized penal treatment still in use.

The individualistic methodology used in Herstedvester's experimental treatment of offenders is a necessity for the production of new hypotheses, which may then be tested on larger groups.

Treatment is defined as any acts and omissions aimed at influencing the individual criminal in a desired direction. We must stress the *aim*, as it is the intention that makes an act part of the total treatment given in penal institutions.

What to *aim at* has often been discussed. No agreement has been reached, but in our society there is a strong need to "punish the guilty."* Behind this attitude there will always be rational as well as irrational elements.**

The main purpose of the forensic psychiatrist is resocialization of

*The "guilty" is for our purpose a person known to be an offender, not only by himself. It is very doubtful that a majority of lawbreakers feel themselves guilty, suffer shame, etc., but most of those whose offenses have been visible, *i.e.* by apprehension, sentencing in court, etc., then feel guilty and use different mechanisms to prevent the suffering due to this labeling. Expressing shame or showing a callous or a timid, unsecure pattern of behavior, an immaturity-like personality deviation, are commonly used means of defense.

**"The origin of punishment is not to be found in any kind of rational thinking."[7]

psychological "problem cases." We should not be involved in the matter of simple retribution. Much muddled thinking has resulted from the tendency to isolate "punishment" given in a correctional institution from the rest of the activities set in motion by the fact that the police have apprehended and later started an attempt to prove that some special person is "guilty" of acts prohibited by law.

The court order demands that the sentenced person for a period shall lose his freedom. This is the punishment. Our main purpose is to help the sentenced to overcome the loss of freedom with as few lasting scars as possible. At the same time we should be loyal to the object of the prison. This means that we have to accept adequate security in each individual case. Too much security as well as too little we must oppose as being against the therapeutic climate.

Continuity

It should be remembered that the new detainee has in the process of apprehension and the court-procedure felt severely hurt. The bang of the heavy prison door behind him reduces his hope of regaining his former status in his group. He may feel himself of the lowest status and expect all others to handle him as such. The double purpose of the sentence, the prevention of crimes in general and the resocialization of the offender, is an obstacle to rehabilitation in all cases, but more so in the complicated cases. The forensic psychiatrist can expect to receive only this small group of the criminals. He must use a situational approach in order to establish useful interpersonal relations. This means that the practical use of his expertise is based on involving the inmates and the staff members in mutually stimulating activities,and for the most frustrated chronic criminal, on trying once more to rebuild his damaged self-respect.

This dynamic approach to the treatment of criminals as here defined reduces any interest in predicting which ones of a group of youngsters will be captured as thieves, rapists, arsonists, exhibitionists, etc. We see the basic personality structures, the police and the court procedures as etiological factors of equal interest.

Established contacts of inmates with staff must be cultivated. In some cases such contacts should be encouraged to continue not only during the institutional period but also after it. The pessimistic outlook is dangerous at all times, and to be motivated to an optimistic attitude is often needed for long periods after parole. (See for example case *Frank*, below.)

Instead of discussing the problems of forced treatment, we are interested in critical analyses of crucial moments in the detainee's life-career. We try to be available for him when he wants to understand his past and try to build for himself an acceptable future. Without prejudices we are supposed to be able to help him to a realistic integration of all the facts of his former life and to realistic hopes related to attitudes of relatives, friends and other persons of importance for his future. In other words, we all have to try to get the detainee to see and accept the possibilities as well as the limits for his future behavior patterns.

The personalities of the therapists and the other important persons in this work are probably of even greater importance in a closed institution than in

free consultations.

In a small institution it has been possible to see so-called psychopathic patterns disappear, immature personality patterns mature, aggressive patterns subside. But in many of these cases we are still unable to demonstrate the elements most responsible for these changes.

Treating criminals is like solving equations with several unknown quantities, and this is no simple process. It must be admitted that in the name of treatment injustices have been done, but the same mistakes need not continue. The standardised attitude toward inmates in prisons is likely to continue to lead to unjust treatment of the great majority of prisoners.

The situational approach here advocated includes possibilities to learn from experience and to individualise. The more we learn from cases observed in different social settings, the better we may understand not only the most likely result of a special intervention, but also the crucial factors in the development of a criminal career. This understanding may give us better tools to avoid the development of chronic criminal careers.

Involving the General Staff in Decent Treatment

To engage and involve the general staff and the detainees in active collaboration is absolutely necessary. Many methods may contribute to this purpose.

When in 1942 I came to Herstedvester, I took advantage of the actual situation. This included my own complete lack of experience in penological problems and the fact that physical fights between staff and detainees were very common. Of the rule-regulated restrictions imposed on the detainees many were unreasonable, some directly provoking, and therefore made them irritable and more aggressive. This condition resulted in fear of new conflicts, fear which affected both sides. This spiral movement had to be counteracted, and here my complete lack of any sort of former contact with forensic work helped me. It forced me to question all that I observed. In case after case staff members felt it extremely difficult to explain and to justify traditional rules to me.

All rules and their value for the security level which we had to keep were taken up for discussion in the daily group-conference. If a rule had to be changed, every one of the leading members of the staff present in the group would know the reasons for and against this change. These discussions made it possible for the participants to defend the new rule for the rest of the staff and for the detainees. A further result was a general interest in motivating all routine procedures. Many valuable suggestions for changes were the result of much formerly unused practical knowledge.

Also due to my own lack of experience of life inside high walls, I wanted to see as many as possible of the aggressive detainees, when they – after a fight – were brought from their local unit to the disciplinary unit, which was on the same corridor as my office. When three or four sweating, angry officers came with a just as angry detainee, he was brought directly to my office first. When we then were alone, the first problem was to get the angry man to sit down in a comfortable chair. In most cases I managed – I was then the only psychiatrist – to be more effective in pactifying the man than the officers had been. Listening to my carefully chosen words proved to the

officers the practical value of the "word-magic" of a psychiatrist. The emotional uproar made the detainee better able to consider some of the analogies I could suggest as possible explanations for earlier disasters in his life. Emotional-laden moments therapy was born.

But the relative pacifying of the detainee did not mean that a disciplinary reaction did not follow. It was explained that such situations called for careful investigations, and that the investigation of his case would start soon. He would have to await its outcome in an isolation cell. These cells were not made uncomfortable.

The result of this practise was that the fear on both sides started to subside after a few months.

The advantage was grasped by staff as well as detainees, of whom more and more came to discussions and exchanged critical evaluations of their mutual situations.

Many detainees could develop a loyal interaction with their therapist – after nearly two years a psychiatric trained assistant was employed – as well as with their own officer and the social worker.

Now the detainee was not always forced to join the local subculture if he wanted some sort of social contact. The officer could listen to him and also help to motivate a pessimistic detainee to contact the therapist, and he could thus promote the start of an anamnestic analysis.

Teaching Staff Members

Open staff meetings took place every week, giving the interested officer an opportunity to get an explanation of why a report had resulted in no intervention or in a special intervention. Such meetings developed into a very practical teaching of the content in psychological inter-personal relations which were known to most of us and in which some of us had been actually involved. This helped the officer to evaluate some of the most obvious of the misinterpretations put in circulation by confidence-men concerning their contacts with the therapist in his office. In many cases the psychiatrist and the staff members became better informed. This could be observed when the detainee became more likely to listen to critics of his day-dreaming about what would happen when he "came out." All could agree that a realistic understanding of the future is hard for an ex-convict to achieve.

The teachers, psychologists and psychiatrists tried always to avoid the use of technical terms when possible. As interpreter and "co-teacher" a psychiatric trained nurse was of great value.

The officers soon realized that they were important persons, whose work in collaboration with other staff members was serious, and that their observations were of value. An officer's way of handling his group became in practice a sort of informal group therapy. In the daily meetings of the superior staff members much time was spent on attempts at assisting the officers by composing every one of our twelve groups in as balanced a way as possible.* It must always be remembered that giving the officer this new

*An example: It was soon felt that to run a unit for youngsters was much less difficult when one or two older criminals were also in the group. An experienced older man could be very "difficult" in a group of his own age, but in a youngster-group he might start to "educate" the most unstable of the youngsters, warning them "not to go the way I did."

responsibility is the same as giving him more stress. He is in need of support, and not all officers can carry this extra burden. Those who cannot should not be forced into such experiments.

Pessimism – Optimism

Pessimism is a major factor in the psychological climate in correctional institutions.

A less pessimistic outlook can be encouraged when in all teaching – formal as well as informal – it becomes a rule to base the teaching on cases known by the students from their daily routine. It is valuable to compare the difficulties met in an actual present situation with some similar episodes in the past.

Due to the continued contact with former detainees it was possible to use for comparison not only cases who failed after release, but also cases who managed a socially acceptable life. In some cases the staff members – uniformed as well as professionals – also assisted the social section in keeping contact with some released former inmates. When only the recidivating cases are known, pessimism is the inevitable result.

The aggressive, fear-conditioned episodes, which had been common for years, were substantially reduced even before the end of the war, *i.e.* after about three years. The more we took an interest in the observations of the ordinary staff-member, the more he found his work interesting. Some of them said that they had also changed their attitude toward their family in order to get the whole family to be a unity. Colleagues from the State prisons, especially the prison to which we had been a satellite, teased them, called them "nuts like the detainees." They could not understand why our staff took such an active interest in their charges. This critique became a great help in strengthening the unity of all staff members in Herstedvester.

A Disaster Turned to Strengthen the We-Feeling

Just after the capitulation of Nazi Germany in 1945, we were with a few hours' warning transferred to a single wing in a State prison. Due to the lack of space, the detainees were to live three in each cell. The progressive freedom inside the wall and the constructive psychic climate between staff and inmates was completely lost. The reaction of the detainees was on the edge of open revolt. The value of our personal knowledge of each one of the detainees was now proved. It made it possible for the captain of the staff and myself to select correctly ten leaders. In a meeting alone with these ten, we pacified the whole group. Already on the first night in the prison the "psychopaths" had made a lot of disturbances, and the prison staff just wanted to "take over" with harsh disciplinary methods. This danger was now avoided, and staff from Herstedvester became fully convinced that we were on the right track. After a very short period we got a small part of Herstedvester back, and soon we could take over an open camp for one-third of these "psychopaths" who had reacted like wild animals the first days in the State prison. The space we had was again acceptable.

We soon left the prison, and the main result was a strengthened we-feeling; a lot of the sceptical staff members had been firmly convinced that the new way of handling conflicts with the individual or with groups of detainees was

better than violence.

From this period a majority of Herstedvester's staff was active in the continued liberalization of the daily life inside the walls.

Public Relations

For many years we rode on a wave of sympathetic understanding in the press. Now and then a detainee had some grievances and complained to one of the newspapers. At that time it was a valuable tradition that the papers contacted us before they published their articles, and thus got an opportunity to get the necessary background information. In many cases this allowed time to rewrite the story to be informative instead of aggressive. Most of the published criticism was thus constructive, impartial and factual. An escape could of course in special cases give rise to uncomfortable front page articles, but these attacks had to be lived with.

In one very spectacular case, the mass media mentioning the possible parole of a very spectacular offender published a picture of this inmate several years after he was detained. Our severe criticism of this procedure gave us a valuable contact with leaders of the mass media, and an apology was obtained, together with an agreement concerning this ethical problem.

The End of the Pioneering Period

Around the middle of the 1960s the number of new professional staff members had risen from one to seven (three psychologists and four psychiatrists), and the social work assistants to ten. The daily staff meeting, in the beginning five persons, had developed into a bulky instrument (also present were three teachers, three nurses, representatives from each of our four "houses" and several workshop-leaders). It became difficult to handle

As business director we had gotten a deputy-director from the ordinary correctional institutions. Each one of these deputy-directors served for a few years and was then promoted to director of an open institution. They represented the penal administration and were officially in charge of the security problems. Our collaboration was always very satisfactory. This fact may have been due partly to our exceptional administrative position. The treatment problems belonged directly under the Ministry of Justice. Economy, security, and all other practical problems belonged to the prison department. After 1969, however, our treatment problems were also handled in the prison department. Fully incorporated under this administration we became one institution among many. From then on we had to follow a lot of general rules, which were changed at very short intervals. Our total freedom from intervention in our way of running the institution was lost.

We had of course had rules in order to regulate daily life and its many small details, but commonly these were not written. If a rule did not seem appropriate in a given situation, we just made a new rule. Doing this became now more difficult. The new system was to some degree felt as a strengthening of the legalistic elements in the institutional life.

The younger directors in the open institutions took over more and more of our methods.

During the 1960s, furloughs in the prisons became a more and more important tool for keeping contact between prisoners and their families. To

our more severely troubled clientele we could offer only six- or eight-hour leaves and could not really test the furlough system. Several of our most progressive staff members then complained that we no longer kept the lead in innovation. Only at a later time was it realized that our constructive administrative period was running out.

Now it is easy to see this, and to see that we in several situations verbally had stressed human rights, but had compromised in many of these situations when severe problems arose. We were all in the society at large proud of the general rise in the nation's welfare, due to the technical revolution, but still some groups had not obtained a fair share of the "welfare." I myself could well accept that many things still had to be changed in our own system, but had the firm conviction that too fast reforms could be dangerous to the goodwill we had obtained. The new more liberal attitude we had developed was expensive and had still to be supported financially. I was not sure that our experiment could survive a crisis.

When the critical antitherapeutic period began in Denmark, Herstedvester became an early target. That we for many years and to some degree of success had attempted to respect the dignity of offenders and always had tried to facilitate the detainees' self-change seemed forgotten. Many staff members felt hurt. A resulting insecurity made it difficult to continue to act spontaneously, and many potentially constructive situations became handled in a less therapeutic way. To follow the rules was "safer." And, most important, the trustworthiness of the therapeutical staff was questioned.

The older staff members also felt that the younger were lacking in respect for their authority. It took some time to see this lack as part of a general change in the respect accorded to the older members of the society at large. To be young had become an asset in itself in the competition with the greater experience and wisdom of the older. The same sort of change could be felt in the officers' relation to younger detainees. As a result, some of the most valuable therapeutically engaged members of the older staff lost their optimism and became ineffective.

A great majority of these officers had been involved in attempts to give the young offenders better possibilities for emotional development. But at the same time, some basic principles had continued to be stressed: the necessity to respect the laws and the victims' experiences. Many private victims got restitution from insurance – if the victim had satisfactory insurance – but some precious objects could never be replaced.

Also outside these directly involved groups the wealth of the society and the general welfare changed the view on economic crimes. Stolen status-symbols could easily be replaced. Severe sentences to detention for economic crimes were not acceptable any more. A more formal reevaluation of the society's official attitude to theft is to be expected in the near future. To what degree it will be accepted by the general population is doubtful.

Dangerousness[8]

For the first 20 years and more, I never felt it objectionable to use the term "dangerous" with two different meanings:

1) dangerous to public safety and property;
2) dangerous to the health and welfare of other persons.

The first group was the bigger. The courts had selected for us those chronic criminals representing the highest risk of redicivism to economic crimes. In these cases the same courts became after some years usually more and more willing to accept a parole suggestion as soon as we could motivate just an inkling of belief in the detainee. If we believed that he had a better chance of avoiding similar crimes in the future, he would usually be paroled. In the fifties and sixties we went further, and in some cases, when "rehabilitation" after some time was still not to be expected, we "made a deal." This happened, when some of the staff members began to think the time of a cases's detention and treatment was becoming too long. We then sometimes suggested to such a still unbalanced detainee that he stop his disturbances for a period, and thus give us an opportunity to report to the court that for the last few months he had behaved in an acceptable way, so that it could perhaps not be excluded that his personal belief in his possibilities for managing life outside the institution could be true. The detention periods were reduced from an average of about four years to less than half, although still with a considerable statistical dispersion.

In the cases of those dangerous to other persons, we would all the years be much more careful about parole. At first we should feel sure ourselves that a stable emotional tie was established and a good insight into the background factors obtained. When we were convinced that a detainee emotionally as well as intellectually was motivated to seek help when he came into situations that threatened new troubles, we further waited some time in order to see if his balance could survive a not too short extra observation period.

The detention time became also for this group shorter, but not as fast as in the first group, and seldom came to less than four years.

In the first type of cases the main problem was to react as early as possible; in the second we never tried to hurry.

Together with the changed attitude toward the value of personal freedom came a new approach to the question of evaluating the possible dangerousness of a given person. Morris has said "Power over a criminal's life should not be taken in excess of that which would be taken were his reform not considered as one of our purposes."[9]

These words illustrate well the new attitude. To be conscious of the fact that even the best and most careful prediction experiments give unsatisfactory results makes it impossible to advise the authorities ultimately responsible for release.

We had some troubles before this was known. Independent of whether a sentence is fixed or indeterminate, we have all the time been aware of how impossible it is to predict the situations the released person will meet when he leaves the institution. It is as if the relatives never learn that to hide the truth from us in order to avoid some very short delay in the release may be very unfair to the man, who has so many other handicaps. An example of this sort of misinformation is *Case Wulff* (See Stürup, Reference 3, pp. 207-209).

Wulff was a young man, a chronic thief and burglar. He seemed unusually stable and had a good relationship with his wife – or in any case we believed so. When paroled he was picked up by his wife, and straight out she told him

that she was not going to keep her promises. She had made arrangements to leave the mutual home the same day, and she was going to demand a divorce.

Here it is only necessary to say that the future career of this man became totally different from what we had predicted. At first he broke down and came with a depressive reaction to a mental hospital. Here he met a female patient, and much too soon they were married. After a short time she severely humiliated him. An argument between them intensified to the point at which he in desperation murdered her with the knife she had used to irritate him with.

After this he came back to Herstedvester. This time he was mature, became again stable. His intelligence was found normal if not above average. He was with us for six years; more than eight years after his parole I met him accidentally on a ferry. He had been discharged from parole supervision and wanted to tell me that he now managed well and lived a happy life.

In 1968, I raised the question: Can we know whether a certain man will be dangerous?[10] My answer was very vague. "Little is known about assessing dangerousness beyond intuitive feelings and general statistics, that cover certain types of offenders." I stressed the necessity for many long-term social-psychiatric case studies and the importance of continuity of contact – several years after the detainee left the penal institution must be minimum. This means that the same staff group should continue to be available for the offender, not only when he is in need of help inside the institutional walls but also after he has been paroled.

Since then I have defined as dangerous those persons "who have committed (or have threatened to commit) severe bodily harm to others – committed means here that they have been found guilty – and are believed capable or likely, to repeat such acts."[11]

While the situation for the clinician faced with the question of dangerousness has always been difficult, it has in the last decade been going from bad to worse. I have seen many prisoners in the normal prisons, after they had served usually more than 10-12 years, and nearly all these I felt it safe to parole. The authorities became here, as all over the western world, more daring in granting parole, and nothing serious happened. Many of these prisoners had been German collaborators, and in these as well as in most of the other cases my conclusions have been vague. This material is not fit for research purposes. Some well analyzed American materials have been published, one of these by Kozol *et al.* from 1972.[12] The frequency of new aggressive behavior was found four times greater among those released against Kozol's advice than among those released on his advice. This very fine result was recognized by Norval Morris,[13] who also pointed out, however, that even in Kozol's situation the detention of two men with "false positive" predictions was the cost of controlling one true positive correctly held back.

"Even when a high risk group is investigated," Morris says, "and those carefully predicted as dangerous are detained, for every three so incarcerated there is only one, who would in fact commit serious assaultive crime if all three were released." This is a society with a high level of aggressive crimes. I

do not know how many of the rather few cases in which I have advised against parole have been paroled.

The life-careers of Frank and King may illustrate that the difficulties of prediction also were severe about thirty years ago.

Case Frank.[14] Frank was a 23-year-old man, guilty of more than 100 firesettings in a big town. He had been observed in the Psychiatric University Clinic by a very experienced forensic psychiatrist. He was sentenced for only about half of the arsons. In the hospital he in the beginning seemed contented and happy, almost gay. His behavior suggested that he was a very interesting, maybe outstanding case, and without shame he told the other patients about the many arsons. He was proud that he was able to remember all the fires so well and could give a detailed account of each. Most of the fires had been set on his way home from visits with his fiancée. In the report is noted that he felt at such times tense, sometimes with erections. When the fire brigade arrived, he felt a pleasant slackening. But the report added that commonly he said "Yes" to everything he was asked.

He was found to be of "fair intelligence" and "a person with a slightly psychopathic-tainted character of a callous type." Finally it was said that "a very strong sexual drive which, as it is characteristic for psychopaths of his type, had never been related to deep-going emotional experiences."

The court, following the psychiatric advice, sentenced him to detention. He was believed to be a "very dangerous person, probably very likely to relapse into his pyromanic pattern after a punishment."

For a long period – from his first arson until he was safely placed in Herstedvester – he had felt no moral obligation for his many dangerous acts. During the psychiatric observation he himself stated that he was "a very dangerous person." This lack of moral feeling was used in the original diagnosis. We soon had to question the truth of this assumption.

His defense lawyer had never believed his stories of sexually induced arsons and took the trouble to write me about his impressions of Frank. He felt that Frank was very immature, but that his wish not to have his mother or his fiancée as witnesses in the court was a sign of real feelings for these loved ones.

After about half a year I had obtained a nearly perfect contact with him. (He was relaxed, but still rather childish.) I got the same details, when we at long intervals returned to his own history.

He soon became less immature in his pattern of behavior. He dismissed the idea of the sexual motivations. He said they were induced in him by the police. He had been quite unable to explain the motivation of his arsons and had finally accepted the explanations offered by the police. This rationalizing had ended his painful lack of understanding of his own acts.

His father, a fireman, had died when Frank was very young, so he could not really remember him, but the mother was very devoted to her late husband. Frank lived with his mother near the fire station, and often he had played on its grounds until he reached puberty. At about this time one of the firemen told him that he should be happy he had not known his father, because the father had been a coward, swindler and imposter. After this Frank took no pleasure in visiting the fire station.

There is no need here to detail his explanations of what further happened,

until one evening about a week before the first arson. That evening, he now remembered, a drunken fireman in a disgusting way told him that his father committed suicide after it had been found out that he had stolen from the fire station. The relation between this shock and the arsons became now quite clear, and after this "explanation" Frank felt relaxed. His behavior stayed since then quite normal.

After several attempts at a new anamnestic analysis I became convinced that this explanation was correct. All details in the explanation fitted well to each other.

After several years in the institution he got a severe disease which made it necessary to treat him in a hospital's surgical ward, where he stayed for a long time. He was found very intelligent, very energetic, a scholar in all his spare time.

When, after a period in the open section, he was paroled, he obtained a very good job and continued to use every opportunity for further education, became promoted and regained his self-resepct.

Important in this case was Frank's lack of understanding of how he could behave in such a terrible way, dangerous to other people. He had felt no conscious aggression against the fireman who had shocked him so seriously. He never had asked the mother any questions about the fireman or his story. After some time it became clear that he had wanted to punish the fire brigade, and when he realized this, he felt less "guilty."

When he was told the actual facts about his father's death, he calmly recognized that the fireman had been correct, but unkind to him. He was rather sensitive and authoritarian. One of the officers had helped to motivate him to contact the psychiatrist. The situation related to his disease gave him many possibilities for keeping in good contact with normal society, and finally he became convinced that he was not as emotionally callous as he himself had believed he was.

Many years have gone by since he left Herstedvester. It is interesting to note that even back then the custodial regime was supporting "the offender to change his attitudes and to give him opportunities for exercising choices" – exactly the goals recently called for by Hall Williams.[15]

Further must be mentioned a heavy strain: Due to the initial psychiatric prediction of his likelihood to repeat arson, the police called upon him whenever an arson was investigated. He needed support in such cases. We were able to give it to him, and after some years he was taken off the list of suspects.

He even had to suffer anonymous telephone calls on his job just saying: "How are you, dirty arsonist."

When we advised parole we felt sure he would keep close contact and call upon us whenever he became tense. Such a feeling of confidence in a continued willingness to call for help became our main criterion on which we based our estimations of possible future danger to other people.[16]

In the theory generally accepted at that time, Frank was suffering an "untreatable tendency to inflict destructions."[17] That proved to be wrong.

I am in accordance with Scott, however, when he says that "signs of remorse" in relation to the current offense are not a good criterion, and also that it is "an economy to aim straight for the personal contact." To do that

"has the further advantage that it can be achieved by non-medical personnel, provided they are well supported by a good system of communications."[18]

In some cases even greater passivity may be the best "treatment."

King. When I first met King he was a tall, strong, charming young man, with a radiation of happiness around him. For a year and a half he had been paroled from Herstedvester. His behavior had given the social work assistant a lot of headaches, and finally I was asked to intervene. He felt that a job travelling with a circus would be "great," and he advocated this plan so energetically that he obtained my permission, in spite of what I had been told during the few months I had been at Herstedvester.

This first contact established a relationship of trust which gave me valuable insight into a sort of life more peculiar than in any fiction. Every time he moved to a new provincial town, he sent me a postcard telling about his successes, and how he enjoyed life, definitely hyperthymic, but not manic. In one summer he had managed to acquire a gonorrheal infection four times. This he had forgotten to tell in his reports, and when reproached he explained in a matter-of-fact whay that he could not understand his "bad luck." He had been very careful when selecting partners, always to choose the nicest and most popular girls. An attempt to "make happy" one of the more timid ones he had never considered, but accepted this as a good idea.

Going through his past history was astonishing. King had been diagnosed as a psychopath, callous and untreatable. Rather early he presented severe problems, and when he was nine his school gave up on him. Lying, untrustworthy and teasing, he was placed in a children's home. After a few months the staff described him as morally defective, without conscience, and gave as examples: One day he was swinging a hen around hitting its head so that it died; another day he broke the legs of two hens in play. He was "coolblooded and unrepentant." So they tried in vain to get rid of him after half a year.

Three months later they succeeded, and he was transferred to a more closed institution, where they had to keep him until he was fourteen years old. He was described in nearly the same way. He often maltreated animals and fellow human beings as well as himself, scratching his own hands deliberately. He fantasized about bloody events.

Moved to an institution for juveniles, he showed the same characteristics. Now and then his behavior was very odd: eating earthworms, threatening people with fire and aggression. A recorded suicide attempt was judged to have been feigned.

At the sime time, the institution found him intelligent and handy, but without stability in interests.

At fifteen he was for a period placed in a mental hospital, supposedly "a psychopath." He came to the "endstation" for juvenile offenders. After a few months he was found not suited for education and was returned to his mother and her new husband.

This situation went all wrong. He maltreated his mother, started drinking and running with girls, and stayed only for few days in the jobs he obtained. When finally he in a "bestial" way maltreated his younger half-brother, he

was returned to the institution for juveniles. Once more they had tried to handle him in the society at large, but with no better luck than the first time.

Again returned to the closed unit, he planned escape together with several comrades. One of these he led to hit the guardian in the head with a piece of wood. Even the staff at the institution found he was "too cowardly" to do the aggressive things of which he spoke, and he was sentenced to eight months in special prison under psychiatric supervision – a part of Herstedvester. Here he was completely unaffected and seemed to enjoy the new experience. The psychiatrist in charge at that time called attention to how unaffected he was. His behavior could be polite and nice, but he had also hot-tempered periods with aggressive behavior.

He was supposed to present a serious danger to society and to be an all-out pathological, untreatable personality, not fit for punishment. Instead a transfer to detention for an indeterminate period was recommended. When this recommendation was carried out he felt very badly treated by the court. In a long, well-written letter he complained to the Minister of Justice. In its beginning the letter has a manic touch, but later he manages to express himself reasonably well. Especially he complains because his actual sentence is nearly finished: it "is unfair to give an indeterminate sentence at this time. . . . I have been incarcerated since I was 6 years old." (Nine years?)

The sentence to indeterminate detention meant that he had to stay in Herstedvester. In the following period he was still a little hypomanic but less aggressive and more balanced. His main interests were drawing and painting. About a year later a new psychiatrist took over and he was much more optimistic. Thinking that a pubertal instability could explain some of the more dangerous-looking symptoms, he advised parole after only sixteen months' further detention.

When he was paroled, his childish pattern continued, as well as his charm. He wanted to be famous, and most of all to experience something new all the time.

He could never keep jobs; several times placed in homes for paroled offenders or for vagrants, he ran away. Finally the court returned him to Herstedvester because he had not met the parole conditions about stable work.

After a year and a half, nearly twenty-three years old, he still was boyish and naive, making fun out of all situations.

Again paroled, he often scared people by his undertakings. One day he climbed on the top of a 45-meter chimney and to make an extra impression did handstands around the top. In a letter telling that he had been severely scolded, he added "Now I have to be satisfied balancing with the wheel-barrow on my chin. . . ."

He liked to sail, but only small boats were available, so one day he decided that he wanted to go to Italy in order to be a "real painter." He therefore joined the German *Organisation Todt* for guard duty. To his surprise, all his painter's equipment was taken from him, and he was trained in handling guns, which he did not like. But once arrived in Italy he sent several postcards telling about his many experiences, including the "production of many bambinos."

When his camp was attacked from the air, he found a misfired bomb, so heavy that he could barely carry it. "Making fun," he brought it into the dining hall and displayed it to all present. When they were sufficiently scared he threw it in a lake outside. Soon he felt tired of this life, but still found the "Italian girls wonderful." As he finally did not feel appreciated enough, he managed, still during the war, to escape and get home to Denmark, sending his usual postcards telling about his progress through Europe.

In this way his life continued, clowning, singing, drawing portraits, painting and loving. After several vain attempts were made to arrest him (for joining the Germans) he finally met a group that did not respond to his entertaining them. In prison he made so much trouble for the authorities that they finally asked us to take care of him again. I accepted on the condition that I could continue the same free form of "supervision" as before. During the following years a well-known artist took an interest in him, and he spent some time at the Academy of Arts. He married, but then he started straying around in Europe and North Africa. He joined the French Foreign Legion and they sent him by plane to Paris. Soon after he absconded and got a boat to Africa. After many exciting months, one day he accidentally saw a Danish ship and got homesick, so he went back. Several times he was arrested for attempting to cross the German border without a passport. In relation to an unsuccessful attempt to get to England as a stowaway, we suggested his final discharge.

Since then we have been able to follow him from clippings from local newspapers. In several provincial towns the well-known adventurer and artist announced his engagement to girls from well-to-do families. In an interview he told mostly correct stories of his life after the war. Then he disappeared.

At the beginning of 1954 I received a New Year letter from King, written and sent from Basra. He "still loves freedom," but seemed soon after to be back in Denmark and receiving new press coverage. In the middle fifties he several times was treated for short periods in mental hospitals under the diagnosis of psychopathy. He has been married for five years. In the last two years he has supplemented his heavy use of alcohol with drugs (barbiturates as well as amphetamines and morphine). Now a shadow of himself, he is suicidal. Once he was found in midwinter with frozen feet, but did not want to stay in the hospital more than a few days.

Some More Technical Comments

In Frank's case we had an opportunity to see the complete repression of traumatic events. Insecurity and immature behavior became characteristic of him; further, he reacted as he expected of himself and as we expected of him. Without protest he accepted the idea of a sexual need to set fires. When good communication was established, a traditional treatment using an anamnestic analytical method restored his possibilities for maturing.

Wulff's problems and the help he needed were different. He was supposed to be mentally retarded with depressive and dysphoric states. When in Herstedvester he met someone who did help him in his real troubles, his spineless behavior nearly disappeared. When faced with great and unexpected problems, however, his former defense mechanism promptly returned. He obtained an — for him — unsuitable wife. The resulting homicide was

followed by an understandable depressive reaction, and when this faded out, he had matured. The optimistic climate and the officers' attitude was all he needed. His life-career illustrates that an authority based on human insight or on some professional dexterity may in many situations be of value, and not something to be avoided. A demonstration of superiority, of being "learned," is not of value. To speak with authority is different from speaking like the Scriptures.

King could avoid further crimes under total freedom, but his behavior was to most people absurd. He might well respect a person and at the same time be unable to tolerate any authoritarian attitude. Seen in a stable authoritarian milieu his behavior was constantly intolerable, but under different circumstances his behavioral pattern was not at all the same, even though a tendency toward absurdities was kept.

Human personality is always in the making and never complete. We are ever defined by the social world in which we move.[19] "Take any one of us out of familiar circles, strip us of family and social position and see then whether we remain as much the same as personality theory predicts."[20] For some psychiatrists such an experiment is beyond medical contemplation. But this is what we as forensic psychiatrists can see day after day, if we follow criminals for long periods outside and inside most prison walls.

Conclusions

A phenomenological and dynamic definition of criminals simply as visible lawbreakers makes it possible to obtain a realistic grasp on therapeutic problems. We avoid all dreams of uncovering the possible personality-structure of all persons who have stolen, embezzled, raped or committed other forbidden acts, simply because we realize we do not know more than a minority of those persons. The captured criminals, those we have a possibility to study, have lost face by being captured. Often the information they themselves give and still more the information given by others about their former pattern of behavior are in some way influenced by the fact that they are known or supposed to be guilty of something degrading. (In some special political cases similar distortions sometimes occur because the offenders are seen as heroic.)

Studies of chronic criminals under very varying life-circumstances confirm that the human personality is not as stable as commonly supposed. The mostly chronic criminals we handle in a specialized institution for psychologically complicated cases have demonstrated that the whole process from apprehension through the following legal procedures results in a greater vulnerability. Further different protective mechanisms – commonly of a regressive nature – complicate the syndromes observed by psychiatrists. Experience has shown that it may be possible in a penal institution to build a therapeutical rehabilitative climate. In some way this climate allows the sentenced person partly to recover from the degrading experience of being labelled and sentenced. He may also be helped to realize some of the limits the society in reality will want him to respect for some time after his parole.

Still we know too little of how a character insufficiency may develop, how it begins, how it matures, and how it ceases – if it does cease – and when this will occur.

We know that many chronic criminals stop their criminal careers in their forties. To what degree does this happen, and in which cases, and how can we make it happen sooner? Can we completely avoid the development of a chronicity? We need to know the answers to such questions. Publications of many analyses of criminal life-careers may help to fill this gap in our knowledge.

In 1927 Schroeder[21] concluded a survey of male prisoners in Danish prisons with a citation from a similar Belgian survey:

"Are you certain that you have tried everything in caring for these individuals and understanding fully the causes of recidivism: have you the capacity to relate to them without reproach and to consider your responsibility to society as well?"

This is still a good question.

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