

Classification of Offenders for Prognostic and Dispositional Evaluation

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The purpose of psychiatric examination of offenders is the determination of legal responsibility, of fitness to stand trial, of prognosis and of dynamic factors leading to the offense. Prognosis is closely tied in with the dynamics of the offense and with the personality organization in terms of ego strength, fantasy life, value system and empathic capacity. The psychiatric diagnosis *per se* without the evaluation of the factors mentioned is usually unrewarding. The disposition of the offender depends at the present more on legal than on psychodynamic and predictive considerations unless the offender is officially declared insane in accordance with a legal formula. According to Sadoff, "Too much print and time has been spent on responsibility and competency, and precious little energy has been expended by lawyers and psychiatrists working together to help solve dispositional and predictive problems in the criminal law. Hopefully this imbalance will soon be corrected."¹

This paper is written in the hope of making a modest contribution to the correction of this imbalance. The consensus is that prognosis of dangerousness is tenuous and unreliable.^{2,3,4} Tanay states, "The description of a tendency is frequently confused with prediction of the occurrence of a future event like homicide or suicide."⁵ In other words, prediction of dangerousness and of recidivistic acts is not on a yes or no scale, but on a scale of tendency and probability. The problem of dangerousness and recidivism is frequently confused with the prognosis of the mental illness. Rubin states, "It is not always possible to establish connection between mental illness and the nature of crime."⁶ The confusion about this connection was well illustrated in the following New Jersey case⁷:

Case 1.

A black young man entered the police station and shot and wounded the officer at the desk. This happened shortly after race riots in town. The young man has a history of treatment in a mental hygiene clinic since childhood. In jail, following the incident, he developed an acute schizophrenic reaction with catatonic features, and therefore he was transferred to a state hospital. He was declared insane at the time of the offense under the McNaghten Rule, but following his improvement with electroshock therapy a question of release contingent on dangerousness was raised. In deliberations the Superior Court of New

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Jersey emphasized “neutralization” of patient’s condition and questioned the ability of the psychiatrists to predict psychotic episodes in the future. No consideration was given to the dynamic factors leading to the offense or to the fact that prognosis of the illness is not identical with the prognosis of the offense.

The only offenses whose prognosis and direct causation are identical with the diagnosis of the illness are cases of paranoid schizophrenia in which the delusions and hallucinations influence the committing of the act. There are also very rare cases of violence committed during attacks of psychomotor epilepsy, in states of post-ictal confusion or in toxic confusional states. The best example of a crime committed under the influence of paranoid delusions is the case of McNaghten himself, who killed the private secretary of Sir Robert Peel in 1843.⁸ Another illustration is the following case:

Case 2.

A fifteen-year-old boy described as quiet, withdrawn and self-conscious killed two little girls six and seven years old. The victims’ bodies were found in a wooded area behind their homes where they had been playing. Their heads were crushed and bodies beaten. In spite of the fact that he was considered mentally retarded in childhood, his full scale I.Q. on WISC was 108. The Rorschach responses were bizarre. The TAT responses were replete with violence and feeling of victimization. In the interview he stated that peers disliked him and that he heard the voices of his tormentors calling him names such as “pussy.” He developed hatred for his peers and to relieve his feelings he at times threw rocks at trees. The day of the offense while walking alone he suddenly heard the two little girls laughing. At this point he said, “I jumped . . . they were laughing . . . then I heard the voices of the kids calling me names.” He was markedly improved when re-examined five years later. Vagueness, incoherence and hallucinations elicited previously were no longer detected.

It is obvious that at this point he was no longer dangerous, since his offense was a direct outcome of his mental condition. Some sort of classification based on a common denominator underlying the various offenses is necessary. The attempted classifications tend to divide the offenses according to the nature of the crime, according to the psychiatric diagnosis and according to legal considerations. For instance, Brancale⁹ proposes two classifications, an administrative and a psychiatric. In search of a dominant pattern he divides his psychiatric classification into a normal group, deficit group, neurotic reactions group and psychotic reactions group. Each group has many subdivisions, thus complicating the issue. This classification is chiefly based on psychiatric diagnoses. Ramsey Clark’s classification¹⁰ is based on the nature of the criminal act. He divides offenses into (1) white collar crime, (2) organized crime, (3) crime in the streets, (4) crime of passion, (5) violation of regulations, and (6) revolutionary crime of terrorism. This classification is completely devoid of dynamic and predictive element. Halleck¹¹ is closer to the deeper dynamics of criminal behavior

when he divides crime into (1) adaptive and (2) non-adaptive. The adaptive crime is committed for some rational, self-serving purpose, while the non-adaptive crime is actuated by emotional conflicts. It is obvious that the non-adaptive crime has psychiatric implications while the adaptive crime is sociologically determined. Tappen,¹² in reviewing psychiatric classification of delinquency, mentions Franz Alexander's and Hugo Staub's scheme proposed in 1931. This classification is based on a combination of psychiatric and motivational factors. Thus the offenders are divided into (1) acute criminals whose offenses are accidental, (2) chronic pseudosocial criminals whose offenses result from social factors, (3) neurotic criminals whose offenses are determined by psychological factors, and (4) pathological criminals whose offenses are a consequence of an organic brain disease. Thus it seems that some students of criminology, such as Halleck, Alexander and Staub, recognize exogenous and endogenous factors in the causation of criminal behavior and classify offenses accordingly.

During my twenty-three years of association with the New Jersey State Diagnostic Center whose function it was to evaluate juvenile delinquents, sex offenders, criminal cases, cases of marital difficulties and various other behavioral problems referred by courts, institutions and agencies, it was not the psychiatric diagnosis, the nature and the legal aspect of the offense, but the motivational stimuli leading to the act which were important.¹³ The exogenous sociogenic and the endogenous psychogenically determined offenses are distributed along a motivational spectrum with the purely exogenous at one extreme and the purely endogenous at the other. In moving from the exogenous to endogenously stimulated offenses, the spectrum is divided into (1) environmental offenses, (2) situational offenses, (3) impulsive offenses, (4) catathymic offenses, and (5) compulsive offenses. I have slightly modified the scheme from the original paper¹⁴ in placing the catathymic offenses ahead of the compulsive offenses. It is obvious that no classification of behavior can be or should be rigidly pigeonholed, since we are dealing with a continuum and not with hermetically closed categories. This condition implies borderlines with characteristics belonging to the adjoining areas.

A. *Environmental Offenses*: The present rise in crime is due to social and environmental influences. A combination of social pressures and weakening of social controls is responsible for this phenomenon. Rapid social changes, economic deprivation and sense of alienation provide the background for the events. There are many historical examples proving that the weakening of authority and discipline by itself may create social disintegration and produce disorganized antisocial behavior. The most recent examples include the newspaper reports of looting and crime in civil-war-torn Beyrouth and indiscriminate murder under the guise of ideology in Northern Ireland. Another historical illustration was graphically presented by Wedgewood¹⁵ in her book on the Thirty Years' War (1618-1648). The undisciplined and demoralized mercenary armies ravaged the countryside and committed all kinds of indignities against the local population. The importance of social organization and attitudes of leaders in group conduct was also illustrated by Storry¹⁶ in his history of Japan. Thus the Japanese Army treated local population and war prisoners gallantly during the Russo-Japanese War of

1904-1905, while in the climate of World War II the overrun populations and prisoners of war were treated with inhumanity and indignity. The My Lai massacre had definitely something to do with the moral climate of the war, which very likely released homicidal cravings of the accused. The climate of either lack of authority or of authority permitting and abetting cruelty will release sadistic needs of predisposed individuals who otherwise would live normally in a civilized environment. A perfect example is supplied by the surviving Nazi war criminals who in a peaceful and civilized environment in exile committed no crimes. Adolph Eichmann¹⁷ is an example. According to the reporter who interviewed the Israeli psychiatrist assigned for pretrial evaluation of Adolph Eichmann,¹⁸ he impressed one as "a simple, ordinary man," yet additional interviews and projective tests disclosed a great many murderous desires. The youth reported here as case 1 spoke in the interview about black-white antagonism as his motive for shooting the police officer. This general antagonism, however, was just a vehicle and a direction for release of aggressive tensions. The majority of environmentally stimulated offenders are non-psychotic and with a fair personality organization. Southerland's theory of differential association, *i.e.* criminal behavior as learned in interaction with others, generally applies to this group. The most striking examples are participants in organized crime. The following case is illustrative:

Case 3.

The patient is a low-ranking figure in the organized crime system. He is a married man supporting his family and speaking fondly of his children. In the interview his affect was warm, he was friendly and he spoke freely and volubly. His wife was sitting in the waiting room with the federal agents who brought him in for examination. In talking about his extra-marital affairs he wanted to make certain that his wife could not hear him. He was raised in an economically deprived working-class family. At the age of fourteen years he was induced to steal cars and to perform other services for the petty neighborhood gangsters. From petty thefts he graduated to bigger jobs and later on he committed murders by orders of his superiors. He viewed the criminal activities as a job, and this, he felt, was completely separated from his private life and from his religious and ethical feelings. He had typical middle-class ambitions for his children and he did not want his daughter to marry into a crime family. As he grew older he was developing a resentment toward his organization, feeling that he was chained to the organization. He described his road into organized crime through youthful realization that his life could be richer and brighter if he accepted a different set of values. He said, "As a kid I was deprived. My father worked hard for a living. There was no money in the house. Other kids ate steaks but we ate macaroni."

The prognosis of this individual depends entirely on the structure of his social environment. It would be favorable if his organization could be liquidated and organized crime in general checked.

B. *Situational Offenses*: Situational offenses are in essence reactions to

stressful situations. They are mostly committed by individuals with no or little psychopathology, although all sorts of personalities can be involved. Two of the best descriptions of situational offenses can be found in Dreiser's *Sister Carrie* and in his classic *An American Tragedy*. In *Sister Carrie* a business executive, unhappy with his family life, falls in love with a young girl, a recent arrival in town. This involvement leads to divorce proceedings, resulting in economic loss and finally in a state of depression. In this state he finds the business safe, which he is supposed to check at the end of the day, open. He catches sight of "a layer of bills." This vision results in the following experience as described by the author: "'Count them' said a voice in his ear. He put his hand into the first of the boxes and lifted the stack, letting the separate parcels fall. They were bills of fifty and one hundred dollars done in packages of a thousand. He thought he counted them such. 'Why don't I shut the safe?' his mind said to itself. 'What makes me pause here?' For an answer there came the strangest words. 'Did you ever have ten thousand dollars in ready money?'" This money could solve his present predicament and allow him to live with Carrie. He has been a reliable and trustworthy employee prior to the event.

I had an opportunity during my assignment to the U.S. Disciplinary Barracks in World War II to examine many cases of situationally precipitated murders. A minor disagreement, fear or anger resulted in shooting or stabbing the opponent, with whom the offender seemed to be on friendly or at least on neutral terms prior to the incident. The following case is illustrative:

Case 4.

A 22-year-old soldier of average intelligence (full scale I.Q. 108 on WAIS) with a history of adequate civilian and army adjustment, participated with his friend in killing of a homosexual. The offender was stationed at the time in a wild, isolated area in New Guinea. He and his friend were under the influence of liquor when a homosexual soldier offered to commit fellatio for a fee. The friend accepted the offer, but refused to pay. This started a fight during which the homosexual was killed.

It was a situational offense connected with pent-up emotions due to the service in a wild, isolated tropical area, with emotional release by alcohol and finally with the hostile attitudes of the immature toward homosexuals.

C. *Impulsive Offenses*: The impulsive characters react with antisocial acts in certain situations. The offenses are of a diffuse, poorly structured, unpremeditated or partially premeditated stimulus-response nature. They differ from the situational offenses in multiplicity of antisocial acts and in poor impulse control. The life pattern of these offenders is characterized by looseness of personality integration, lack of direction and unpredictability. A previously reported case¹⁹ was a 19-year-old youth with a history of various juvenile offenses, vandalism, breaking and entering and use of drugs. While baby-sitting for his sister with his 19-month-old niece, he raped her rectally, stimulated by the sight of her buttocks. This resulted in the child's death. In this case the offense was a clearcut stimulus-response act. In most of the

impulsive offenses the stimulus-response quality is not as immediate as in this case. The following case is illustrative:

Case 5.

A 25-year-old young man was referred for sanity determination by his attorney. He was a suspect in the murder of his girl friend's estranged husband. The suspect had a long history of juvenile delinquency, use of drugs and adult offenses consisting chiefly in breaking and entering. He spent time in juvenile and adult correctional institutions and had several admissions to psychiatric hospitals. His employment was sporadic. Once, while working as a guard, he stole explosive sticks from the company which employed him at the time. He threw the sticks into a lake, causing an explosion. He had a tendency to tell exaggerated, self-incriminating tales of his crimes, and he was beset by grandiose and aggressive fantasies. He gave the following account of the last incident: He was in a pizza parlor with his "fiancée" when suddenly he felt like seeing if anyone he knew was in the tavern next door. He told his "fiancée" he was just leaving her for a short time to buy cigarettes. In the tavern he was introduced to the estranged wife of the victim. He took his "fiancée" home and returned to the tavern. He told his new girl friend that he was a triggerman (one of his exaggerations). She asked him to get rid of her husband. He obtained a gun, but it is not clear whether he or his new girl friend of one week pulled the trigger.

In the interview he spoke clearly and he was very cooperative. His judgment was quite defective, yet there were no overt psychotic manifestations. He himself remarked that he was a model of behavior in institutions, but upon release something happened to him and he did not know why he got into trouble.

It is obvious that this person needs structure and guidance for normal functioning. Without structured environment he becomes a victim of chiefly exogenous, but also endogenous stimuli.

D. *Catathymic Offenses*. The term *catathymic*, coined by H. W. Meiers, describes "psychic disorders marked by perseveration in the course of which a single depressive topic tends to be complex-determined."²⁰ Gayral *et al.*²¹ described as "*crises catathymiques*" emotional outbursts of psychogenic and organic origin presenting a differential diagnosis with psychomotor epilepsy. I described under this name severe emotional outbursts in a prison population.²² It was Wertham who introduced the concept of "catathymic crisis" as a diagnostic category into psychiatric criminology. Wertham originally defined his concept as follows: "A catathymic reaction is the transformation of the stream of thought as the result of certain complexes of ideas that are charged with a strong affect, usually a wish, a fear or an ambivalent striving."²³ Various modifications of the original definition can be found in his subsequent publications. I believe that Wertham's "catathymic crisis" is not a diagnostic entity but a psychodynamic process characterized by accumulation of psychic tension in connection with some conflictual relationship. This process may be acute, of

very short duration, leading to a sudden unexpected violence, or chronic, slowly developing, lasting many months. In both forms, the acute and the chronic, superficially integrated individuals, but secretly struggling with feelings of inadequacy and particularly sexual inadequacy, resort to violence when the potential victim challenges the offender's sense of integration, adequacy or sexual competence. Violence, usually resulting in homicide or some destructive act, serves the purpose of freeing oneself from the source of threat to the psychic homeostasis. The act may be followed by a sense of relief. In the chronic process, depressive mood and schizophrenic-like thinking may precede or accompany the violent act. A good description of the catathymic process can be found in Yukio Mishima's *The Temple of the Golden Pavilion*. The following two cases are illustrative of an acute and a chronic catathymic process:

Case 6.

A 30-year-old teacher, without a history of previous offenses, killed a seven-year-old girl when she rang his doorbell to sell brownie cookies. Since she had no change for a twenty-dollar bill, she offered to return later. He suddenly felt angered and humiliated by the offer. He then ordered her to follow him into the cellar and to undress. When she complied he attempted intercourse, but due to premature ejaculation he failed to consummate the act. He then battered her, and when he realized she was dead, he calmly put the body in a plastic bag and disposed of it far away from home in a wooded area. He lived with his mother and grandmother. Some time before the event he had been engaged, but for some reason broke off the relationship. The day of the offense he was depressed and he felt lonely and inadequate. It was a holiday and some of his colleagues took a vacation trip. He was invited to join them but he refused, although he wanted to go. In the face-to-face interview and in the interview under the influence of intravenously injected sodium amytal, his affect was flat and he expressed no emotions. There were no overt psychotic manifestations such as delusions, hallucinations, disturbance of associative processes or intrusion of bizarreness into his thinking. On the surface he made an adequate social and work adjustment. However, a great deal of self-doubt and feeling of sexual inadequacy could be unearthed in the interviews.

Case 7.

This case was reported in full previously.²⁴ It illustrates the chronic form of the catathymic process. A 22-year-old young man killed his girl friend with multiple stab wounds during a car ride. While stabbing her, he also kissed her, and when she fell dead to the floor his first impression was that she was joking. The murder was preceded by several months of vague homicidal and suicidal fantasies. He mentioned these thoughts to a friend and to his minister, but his warnings were not taken seriously. These thoughts seemed unreal to him. Three weeks prior to the incident he drove to her home with a loaded gun. This event was perceived as an unreal and dreamlike experience by him. He

felt relieved after the arrest since "I do not have to worry about her any more."

In the interview his thinking was loose. He cited the New Testament and expressed guilt over sexual relations with her rather than over the murder. He compared his act with Abraham sacrificing Isaac. He was charged with first degree premeditated murder and sentenced to life imprisonment. Before the trial he mentioned, "They all think that I planned it. It was just in my mind. I never thought it would happen." A psychologist who saw him recently in the state prison (about 15 years after the incident) described him to me as bizarre and deteriorated.

I believed at the trial that he was an insidious schizophrenic who fell apart during and due to the relationship with his girlfriend. It seemed to me that he should have been treated as insane in conformance with the McNaghten Rule. In my experience the jury considers most of these cases as sane and their acts as premeditated.

E. *Compulsive Offenses*: The compulsive offenses are on the extreme endogenous end of the motivational spectrum. They are entirely determined by inner psychological sources with virtually no or little environmental influences, except for the cases whose antisocial compulsions, normally dormant, are released either through sanctions from above, or by permissiveness and disintegration of the social order. Obviously compulsive offenders of the latter type have a better personality organization than the compulsive offenders whose fantasies break through in acts without environmental stimuli. The compulsive offenses may be committed in a specific, ritualistic manner, or they may be of a more diffuse nature, but with an underlying common need variously expressed. Fantasies may precede the offenses by many years. In one of my cases the tying of women's legs with a rope was preceded by 31 years of fantasizing the event.²⁵ Therefore people with sadistic and homicidal fantasies should be taken seriously. The offenses may be repeated quite frequently once they start, as in the cases of Heirens²⁶ and the Boston Strangler,²⁷ but also may occur only once or at intervals of many years. Literature and experience are filled with examples of bizarre murders, assaults and fire-settings for which the offenders served long sentences and then performed similar acts while on parole. In my own experience a young man, who was condemned to death for the brutal killing of a high school girl but whose sentence was commuted to life imprisonment, attacked a woman with a knife many years later while on parole. The urge to commit the act may be so overpowering that the offender experiences severe anxiety if he abstains. Thus, Kraft-Ebing, reporting the case of a patient (case 30) who had a compulsion to stab women in the genitals, described his attempts to abstain in the following words: "For a while he succeeded in mastering his morbid cravings, but this produced a feeling of anxiety, and copious perspiration would break out from his entire body."²⁸ The following two cases are representative of a ritualistically executed compulsive offense (case 9) and of more diffuse offenses expressing a compulsion to hurt women (case 10).

Case 9.

A 19-year-old soldier examined on the prison ward of an army

station hospital during World War II had a compulsion since the age of 12 years to break into homes at night, to enter the bedroom and to hit the sleeping woman with a brick or a stone. When overcome by the urge, he would usually drink beer in order to gain courage. His offenses were committed in a similar ritualistic manner.

Case 10.

A 37-year-old man was convicted of attempted rape, entering and larceny, assault and battery. He had a number of arrests since his adolescence for robbery, assault and battery and breaking and entering. Within one month after his release from the last imprisonment he entered a dwelling and raped a 72-year-old woman. Three weeks later he forced his way into another dwelling where he choked and raped a 67-year-old woman. A few weeks later he entered a convent and attempted to choke a nun with a pillow while she was sleeping. When interviewed under the influence of sodium amytal injected intravenously, he begged for help, and he revealed various sadistic acts such as cutting cows' teats off, putting explosives into horses' rectums and killing animals in a sadistic manner. He expressed distrust of women and an extreme dislike for cats. He also expressed a desire to remain in a prison or in any other institution for the rest of his life.

Summary and Comment

In an attempt to find a common denominator for prognostic and dispositional classification of offenders, it seems that the psychiatric diagnosis and the legal implications are of less significance than the motivational stimuli leading to the offense. Thus the motivational stimuli are grouped spectrally with sociogenic stimuli on one end and purely endogenous, psychogenic stimuli on the other end of the scale. This category does not include offenses due to overt paranoid delusions or to organic confusional states. In addition to the motivational stimuli, one has to evaluate the personality integration, the empathic capacity and the value system of the offender. The situational offenders have the best prognosis. The catathymic offenders have a much better prognosis than the compulsive and impulsive offenders, while the prognosis in the environmental offenses depends to a great extent on the value system of the offender and on further opportunities to commit crime. As to disposition, it is clear that the impulsive, catathymic and compulsive offenders cannot be deterred by legal measures and that specialized, psychiatrically guided institutions are necessary for research, handling and treatment of these cases. Situational and particularly environmental offenders should be treated in the traditional correctional manner, unless they are mentally incompetent and ill.

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