

Part One

Background Research and Theory

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Chapter 1

Introduction to Offenders, Sex Offenders and Abusers with Intellectual Disability

The relationship between intellectual disability and crime seems to have fascinated writers and researchers in the field for well over a century. Both Scheerenberger (1983) and Trent (1994) have described in detail the historical association between low intelligence and crime in the late nineteenth and early twentieth centuries. Up until that time, people with intellectual disability (ID) were generally considered a burden on, rather than a menace to, society. Scheerenberger (1983) writes that during the eighteenth and nineteenth centuries, living conditions were harsh for people with ID especially in urban areas with growing industrialisation. In rural areas, they tended to work long hours in poverty but in industrial settings they were unable to be in employment or be accepted into apprentice programmes. The impetus for change was undoubtedly Darwin's theory of evolution, which Galton (1883) employed to argue for the role of genetics in individual greatness in his book *Hereditary Genius*. Others, notably Goddard (1912), employed the same methods for ID to devastating effects.

In fact, these authors were part of a general movement which increasingly regarded ID as a menace. Scheerenberger (1983) notes, 'By the 1880s, mentally retarded persons were no longer viewed as unfortunates or innocents who, with proper training, could fill a positive role in the home and/or community. As a class they had become undesirable, frequently viewed as a great evil of humanity, the social parasite, criminal, prostitute, and pauper' (p. 116). In 1889, Kerlin (reviewed by Trent, 1994) argued that crime, rather than being the work of the devil, was the result of an individual's inability to understand moral sense and also their physical infirmity, both of which were non-remediable and inherited. Kerlin and others certainly linked ID with a range of social vices including drunkenness, delinquency, prostitution and crime, but Goddard (1910) moved these concepts on basing his arguments on Mendelian laws of heredity. His first contribution was to reclassify ID using the term feeble-mindedness to include all forms of ID. Those with the mental age of 2 years or less were termed 'idiots', with a mental age of 3–7 years 'imbeciles' and with a mental age of 8–12

years ‘morons’. Crucially, the addition of the latter category more than doubled the number of feeble-minded people. His interest in genetics then led him to conclude that there was a causal relationship between feeble-mindedness and social vice. The conceptualisation of people with ID, and their significantly growing numbers, moved from a social burden to a social menace. Goddard (1911) and others proposed two solutions for this increasing problem – segregation and sterilisation – which continued to have a significant impact for decades to come.

In the spirit of Galton and his work on genius, several authors, including Goddard (1911), published pedigree studies apparently confirming the inherited nature of feeble-mindedness and its causal link to crime. Trent (1994) summarises these studies writing that they ‘reinforced the belief in the linkage of rapidly multiplying mental defectives and a host of social problems: crime, prostitution, abusive charity, juvenile delinquency, venereal diseases, illegitimate births, and drunkenness’ (p. 178).

At the same time, considerable advances were being made in mental testing with similarly devastating effects on the population of people with ID. Terman (1911), one of the pioneers of psychometric testing, wrote, ‘There is no investigator who denies the fearful role of mental deficiency in the production of vice, crime and delinquency ... not all criminals are feeble minded but all feeble minded are at least potential criminals’ (p. 11). In his book, *The Criminal Imbecile*, Goddard (1921) concluded, ‘Probably from 25% to 50% of the people in our prisons are mentally defective and incapable of managing their affairs with ordinary prudence’ (p. 7). As the century progressed, with the influence of Mendelian theories of inheritance, advances in mental testing and concerns about increasing numbers, the causal link between ID and crime tightened. In a contemporary review of the available scientific studies, MacMurphy (1916) concluded, ‘Mental defectives with little sense of decency, no control of their passions, with no appreciation of the sacredness of the person and the higher reference of life, become a centre of evil in the community, and inevitably, lower the moral tone ... perverts and venereal diseased are overwhelmingly mental defective, as in public drunkenness and shoplifting and the picking of pockets are acts of the feeble minded and one of the large proportions shown by statistics’ (quoted in Scheerenberger, 1983, p. 153).

As part of this movement, Fernald (1909, 1912) had written and spoken enthusiastically of the link between ID, its widespread prevalence, and a range of social problems including prostitution, crime, sexual perversion, poverty and their menace to the community. However, despite his huge influence as a persuasive orator, unlike others, he also seems to have paid some attention to reliable, behavioural observations. He reviewed the discharges from the institution with which he was involved from 1890 to 1914 and the results are reported to have surprised him. Of the 1537 individuals who had been discharged, less than half could be followed up, but he found that around 60% of the men and 36% of the women were doing well in the community. This positive result, although not remarkable by modern standards, was a surprise to him and others working with the certainty of the causative link between ID and crime (Fernald, 1919). He considerably altered his position and began advocating innovative programmes and even community placement: ‘We know that a lot of the feeble minded are generous, faithful and pure minded. I never lose an opportunity to

repeat what I am saying now, that we have really slandered the feeble minded. Some of the sweetest and most beautiful characters I have ever known have been feeble minded people' (Fernald, 1918, reported in Trent, 1994, p. 158). However, his views were not shared by many of his colleagues (e.g. Goddard, 1921) and, in any case, the damage had essentially already been done. In the opening address to the American Association on Mental Deficiency in 1921, hugely pejorative references were made about people with ID filling the courts and paralysing schools. Over a decade later, Glueck (1935) studied 500 delinquent juveniles with ID and concluded that ID was a complicating factor in crime, that a far higher proportion of boys with ID fell into delinquent groups and that they were less able to participate in rehabilitation programmes. Sutherland (1937) concluded that between 20% and 50% of delinquents residing in prisons had ID.

There is no doubt, then, that ID and crime were inextricably related in a manner which fostered a cultural prejudice. This cultural prejudice is perhaps typified by Terman's resonating phrase 'the fearful role of mental deficiency' which, coming from such an authoritative and presumably for the time, enlightened source, gives us today a flavour of the extent of these views. These views were pervasive over five decades and can still be detected occasionally when local services for people with ID wish to establish a group home in a particular residential area. Managers and workers in these services are well aware of the outcry that can ensue when local residents fear that the presence of individuals with ID will have a deleterious effect on the neighbourhood. I myself have been to several such meetings and the usual fears are that people with ID will behave in an extremely disinhibited fashion, that it will become widely known that a home for people with ID is placed in the community, and that this will have a depressing effect on house prices. At one meeting, one woman summed up the fears by stating, 'Who in their right mind would want a house like this in their street? Why do you have to have it here?' These fears are, of course, nonsense and it is the case that people with ID are generally quiet, conservative, sociable and extremely good neighbours. It is a salutary lesson that the parameters of scientific respectability can stoke public perceptions of prejudice and threat. Thankfully, we have probably re-entered an era where, once again, ID and crime are no longer inextricably linked. For decades, no one has seen ID as a causative factor in crime and it is foolish to emphasise ID in any discussion or treatise on criminology.

Prevalence of People with ID in Criminal Populations

Despite the debunking of any close relationship, researchers continue to review the role of ID in criminal populations. Farrington and colleagues (Farrington, 1995, 2005), in their meticulous longitudinal studies of delinquency and crime, have found low IQ to be one of a number of risk factors associated with crime. However, their definition of low IQ is above the range of ID (an IQ of 85 or below) and, as such, cannot be considered in any way definitive in relation to this population. Despite a wealth of investigations, there is no clarity on the proportion of people with ID in criminal populations. Neither can we be clear about whether or not the type of

offences committed by individuals with ID differs in frequency from those committed by mainstream offenders. Holland (2004) and Lindsay and Taylor (2008) have noted a number of methodological differences between studies which give rise to significant differences in both overall prevalence and the rates of specific offences. Firstly, the study setting seems to have a considerable impact on the recorded prevalence rates of individuals with ID. In a classic study on mentally disordered offenders, Walker and McCabe (1973) found that 35% of inmates were diagnosed as having ID and reported that there were very high conviction rates for arson (15%) and sexual offences (28%) when compared to other groups in their sample. This major study, among others, has led to the belief that sexual offences and arson are overly represented in this group of offenders.

However, a recent study (Hogue *et al.*, 2006) reviewed the same group but did so across different settings of maximum security, medium/low security and community forensic services, all for individuals with ID. These authors found a considerable disparity in rates of index offence depending on the setting. With respect to arson, 2.9% of offenders in the community were referred for fire-raising while 21.4% in the medium/low secure setting were referred for an arson offence. Similarly, there was a significant difference between percentage of participants who had committed a violent offence with 42.5% in the high secure setting and 11.6% in the community. Studies conducted in either setting independently would have come to different conclusions regarding the rates of arson and violence in this client group. Therefore, the effect of the setting is extremely important when considering prevalence rates of specific offences.

A second major variable is the method used to identify ID. Some studies have used recognised IQ assessments while others have relied on self-report. Holland (1991) noted widely varying prevalence rates of ID (2.6–39.6%) reported in studies on prison populations in the United States. It was clear that various studies used different methods to assess ID. A study by MacEachron (1979) of 436 adult male offenders in state penal institutions in Maine and Massachusetts employed recognised intelligence tests and found prevalence rates of ID between 0.6% and 2.3%. Studies which use a screening method for assessing IQ, such as the Hayes Ability Screening Index (Hayes, 2002) or the Aamons Quick Test (Ammons and Ammons, 1958), will automatically overestimate the prevalence of ID since it is the function of screening tests to be over-inclusive with a view to further assessment.

The methodological differences between studies continue with two recent pieces of research finding markedly different rates of offenders with ID in prison settings. Crocker *et al.* (2007) attempted to assess 749 offenders in a pre-trial holding centre in Montreal. In fact, for a number of reasons including refusal to participate, administrative difficulties and technical problems, they were only able to assess 281 participants with three subscales of the Individual Mental Ability Scale (Chevrier, 1993). They reported that 18.9% were in the 'probable ID range' with a further 29.9% in the borderline ID range (full scale IQ of 71–85). However, in a study of 102 prisoners in Victoria, Australia, Holland and Persson (2007) found a prevalence rate of less than 2% using the Wechsler Adult Intelligence Scale. In the latter study, all prisoners were assessed routinely by trained forensic psychologists while in the former study only

around one-third of potential participants were included in the study. In addition, three subscales of an intelligence test were used in the former study while in the latter a full WAIS (the most comprehensively validated IQ test) was used for all participants. It is difficult to reconcile these two recent studies, but it is likely that the difference in assessment methods and comprehensiveness of the sample were significant contributors to the disparity in results.

A third major variable is whether or not individuals with borderline intelligence are included in the sample. As can be seen from the study by Crocker *et al.* (2007), the prevalence rate would increase from 18.9% of individuals with 'probable ID' to 48.8% if the definition were to include individuals with borderline ID. In the study by Hayes (1991a, b) of prisoners in New South Wales, Australia, she found that 2% fell within the formal classification of ID and a further 10% were identified in the range of borderline intelligence. Any review of a normal curve indicates that the percentage of the population increases dramatically as one moves from two standard deviations below the mean (IQ of 70, the cut-off for a classification of ID) through the ranges of borderline intelligence (IQ cut-off 80 or 85 depending on the definition) towards the mean. These differences in percentage of the population will also be reflected in the criminal population and prevalence will increase accordingly. Therefore, inclusion criteria are extremely important when considering overall prevalence of criminals with ID and the incidence of specific types of crime.

In addition to the variables discussed above, social policy decisions are likely to have a massive impact across every aspect of service delivery, service use and research. It is not a coincidence that the relatively recent increase in research on offenders with ID has coincided with policies of deinstitutionalisation. As a result of these policies, large institutions in the developed world have closed and the courts no longer have an automatic diversion option of transfer to hospital prior to legal proceedings. As one older offender said to me in a sex offender group, 'they didn't used to have probation, you just got locked up in hospital.' Therefore, more offenders with ID are living in the community and accessing criminal justice services across the range from contact with police to periods of imprisonment. In a follow-up study of 91 offenders with ID on statutory care orders in Denmark, Lund (1990) found a doubling of the incidence of sex offending when comparing sentencing figures for 1973 and 1983. He suggested that this rise may have been a result of policies of deinstitutionalisation, whereby people with ID are no longer detained in hospitals for indeterminate lengths of time. He concluded that those with a propensity towards offending would be more likely to be living in the community and, as a result, would be more likely to be subject to the normal legal processes should they engage in offending behaviour.

For many years, it has been considered that sexual offences feature prominently in offences committed by men with ID. Walker and McCabe (1973), in their study conducted in highly secure hospitals, found that 28% of their sample with ID had committed sexual offences, which was a higher conviction rate than other groups in their sample. In a series of studies on the relationship between IQ and offences against children, Blanchard and colleagues (Blanchard *et al.*, 1999, 2008; Cantor *et al.*, 2005) have found that men who commit offences against children have a lower average IQ. However, although the IQ difference is significant, the group of men who commit

offences against children still have an average IQ of around 90, which is well in excess of the ID range. Hogue *et al.* (2006) found no differences between their three cohorts in the rate of sexual offending, which were high at between 34% and 50%. However, Green, Gray and Willner (2002) reported a phenomenon of considerable importance to this issue. They found that men with ID who had committed offences against children were significantly more likely to be reported to the criminal justice service than men who had committed sexual offences against adults. They felt that any group of offenders with ID would be likely to have an over-representation of men who had committed sexual offences against children as a result of this ascertainment bias. Therefore, these methodological issues and social policy factors are likely to have a considerable impact on results found in various studies.

Low IQ as a Risk Factor

Although the causal link between ID and crime has now been discredited, criminologists remain fascinated by the extent to which low IQ is a risk factor in crime. In a comprehensive review of the role of intelligence and its relationship to delinquency, Hirschi and Hildelang (1977) concluded that the relationship between intelligence and delinquency was at least as strong as the relationship of either class or race and delinquency. Several authors have found that boys with lower IQs have at least twice the rate of referral to juvenile court than that found for boys with higher IQs (e.g. Goodman, Simonoff and Stevenson, 1995; Kirkegaard-Sorensen and Mednick, 1977; Reiss and Rhodes, 1961; Rutter, Tizard and Whitmore, 1970).

It is important to note that all of these studies investigate the relationship between lower IQ and crime employing participants in the IQ range of 80–120. In the early stages of their highly influential longitudinal studies, West and Farrington (1973) reported the results of a longitudinal study of 411 boys conducted over a period of 10 years. By comparing the boys with an IQ of over 110 with those who had an IQ of less than 90, they found that a quarter of the former group had a police record while half of the latter group had such a record. Further analysis revealed that 1 in 50 of those with an IQ over 110 recorded recidivism while 1 in 5 with an IQ of less than 90 re-offended. They noted that for some boys offending began at the age of 8, and in their regression analysis they established the predictive value of inconsistent parenting, poor housing at 8–10 years, troublesome behaviour at 8–10 years, an uncooperative family and low IQ. Their studies of crime and deviance in later years (Farrington, 1995, 2005) found that the best predictors were invariably previous convictions from 10 to 13 years. For example, convictions at 14–16 years were predicted best by convictions at 10–13 years. Having convicted parents and being rated as daring and dishonest had additional predictive effects. Convictions at 17–20 years were best predicted by convictions at 14–16 years and adult convictions were best predicted by convictions in previous age ranges. An unstable job record, low family income and a hostile attitude towards police also made additional predictive contributions to the probability of an adult criminal career. This cycle begins with troublesome behaviour, uncooperative families, poor housing, poor parental behaviour and low IQ at the age of 8. The higher

the number of risk domains (families, childhood behaviour, schooling, low IQ, etc.), the higher the probability of later delinquency and criminality (Stouthamer-Loeber *et al.*, 2002).

Although this research invokes the concept of low IQ as a risk factor for crime, there are factors which complicate and confuse the issue significantly. The first is straightforward in that Farrington and colleagues do not generally review individuals with IQ less than 70. Their studies focus on low average IQ and borderline intelligence. The second that poor housing and low family income are significantly associated as risk factors for a criminal career. Emerson (2007) cites a wealth of information on the association between poverty and ID to the extent that those in the most disadvantaged sections of society had four or five times the risk of mild and moderate ID when compared to those in the least disadvantaged sections. He goes on to cite evidence relating poverty to increased mortality, poorer health and mental health, poorer educational attainment, social exclusion and poorer outcomes across a wide range of indicators of quality of life. Emerson and Turnbull (2005) also found higher rates of antisocial behaviour in adolescents with ID living in conditions of poverty when compared to those who did not. In the series of studies of individuals with ID, it was found that household poverty and neighbourhood deprivation were associated with increased rates of emotional and behavioural difficulties among children and adults (Emerson, Robertson and Wood, 2005), having higher rates of psychological distress (Emerson, 2003) and higher rates of being a victim of crime (Emerson, Robertson and Wood, 2005). Household poverty and lower socio-economic positions were associated with increased risk in a range of lifetime hazards with a corresponding threat to health and well-being. The important point about this research is that poverty is likely to have a significant mediating role when considering the relationship between IQ and crime.

Several studies have investigated the relationship between ID and crime rather than low IQ. McCord and McCord (1959) evaluated an early intervention study with 650 underprivileged boys in Massachusetts. The boys were divided into 325 matched pairs and assigned to treatment and control conditions. There was a relationship between IQ and the rates of conviction in that for the treatment group 44% of those in the IQ band 81–90 had a conviction while 26% of those with an IQ above 110 had a conviction. However, the 10% of individuals in the lowest IQ group (less than 80) had an intermediate rate of conviction at 35%. This was lower than that recorded in the IQ band 81–90. Furthermore, of those in the higher IQ band who were convicted of crime, none went to a penal institution while the highest percentage going to a penal institution, 19%, were in the lowest IQ band. The results were similar in the control group, with 50% in the IQ band 81–90 convicted of crime and 25% in the IQ band less than 80 convicted, although the numbers in the latter cohort were small.

Two further studies support this finding. Maughann *et al.* (1996) and Rutter *et al.* (1997) followed up children who had demonstrated severe reading difficulties in school. It might be considered that a significant proportion of the children with severe reading difficulties had developmental and IDs. The authors were somewhat surprised, given the background of the relationship between IQ and crime, when they found that the rate of adult crime among boys who had significant reading

difficulties was slightly lower than the rate of adult crime in the general population comparison group. Similarly, antisocial behaviour in childhood was less likely to persist into adult life when it was accompanied by reading difficulties. The finding still held true when psychopathology and social functioning were controlled. Therefore, while there may be a relationship between low average IQ and crime, when individuals with an intellectual level of over 1.5 standard deviations below the mean are studied, the relationship seems to break down with those in the lowest intellectual bands showing lower rates of crime.

One recent piece of evidence on the assessment of risk in offenders with ID provides interesting data with regard to rate of offending. Gray *et al.* (2007) compared 145 offenders with ID against 996 mentally disordered offenders. They reported that the ID group had a significantly lower number of previous convictions (average = 8.3) than the non-ID group (average = 11.8). Following these individuals up for between 2 and 12 years, they reported that the ID group had a reconviction rate of around half that of the non-ID group. At the 2-year follow-up point, 4.8% of the ID group and 11.2% of the non-ID group had committed violent offences, while at the same follow-up point, 9.7% of the ID group and 18.7% of the non-ID group had committed general offences. Again, these differences were significant suggesting that offenders with ID had a lower rate of previous offending and a lower rate of re-offending. These data certainly do not support any hypothesis that offenders with ID commit more offences or have a higher rate of recidivism than other types of offenders.

Conclusions

The historical link between ID and crime had a drastic effect on people with ID at the beginning of the twentieth century. What came to be considered as 'the menace of the feeble minded' (Trent, 1994) was a significant motivation for extensive programmes of segregation and, to a lesser extent, sterilisation. The impact lasted for decades and its effect probably still lingers in the form of lesser prejudices. There still remains a fascination for the issue of the proportion of people with ID in the criminal justice services. For the reasons outlined in this chapter, even recent studies have found widely varying percentages. Studies have used different measures of ID, have employed different inclusion criteria, have been conducted in different settings, and have been implemented in different cultures. All of these factors will remain in future studies and suggest that the question is ultimately unanswerable. It is unlikely that we will nail down a specific proportion of individuals with ID who commit crime or a specific proportion of criminals who have ID. Neither will we be able to specify the specific proportion of individuals who commit sexual crimes. The most important outcome is that, whatever the proportion, it is sufficient to warrant research and clinical activity into assessment and treatment of offenders and sex offenders with ID. Given the effects on victims, the perpetrator himself and his wider social network, there is ample incentive to embark on this work.

The relationship between intelligence and crime is robust but the most comprehensive studies have been conducted using the variables of low average and borderline

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intelligence. They have not generally partialled out those individuals with ID. When this group is partialled out for comparison with groups of individuals with low average and average IQ, studies have found that the group with ID perpetrates lower rates of crime and reconvictions. Again, the conclusion can only be that whether or not rates are slightly higher or slightly lower, there is a significant problem with offenders with ID which warrants our clinical attention.

