Offenders, deviants or patients?
Second edition

*Offenders, Deviants or Patients?* deals with a group of offenders that many find puzzling and worrying, even professionals who have daily contact with them – namely those who are seen as both ‘mad’ and ‘bad’. Since the first edition of this book was published in 1980 there have been many changes in legal practices, treatment practices and public and professional attitudes towards the serious criminal offender who is deemed to be mentally abnormal; this second edition has been completely updated and revised to encompass those changes.

Herschel Prins explores the relationship between mental abnormality and criminal behaviour, the extent to which this relationship is used (or misused) in the criminal courts and the various facilities available for the treatment and/or incarceration of these offenders. Certain problematic forms of behaviour which are seen as particularly serious criminal offences are then examined, including sexual offending, violence and homicide, psychopathic disorder and fire-raising.

The all-important problem of assessment of risk in relation to those engaging in the foregoing behaviours is addressed in very practical fashion and there are training suggestions made for those working in this area.

Although a number of excellent texts on forensic psychiatry have appeared since the first edition of this work, there are still no competing texts aimed specifically at understanding the social context of offender-patients and offering a multi-disciplinary approach to this very important subject.

*Offenders, Deviants or Patients?* will be invaluable to all those who come into contact with serious offenders including psychiatrists and psychologists, social workers and probation officers, penal staff at all levels, lawyers, magistrates and the police.

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By the same author

**Offenders, Deviants or Patients?**
An introduction to the study of socio-forensic problems
*Tavistock*, 1980

**Criminal Behaviour**
An introduction to criminology and the penal system
Second edition
*Tavistock*, 1982

**Dangerous Behaviour, the Law and Mental Disorder**
*Tavistock*, 1986

**Bizarre Behaviours**
Boundaries of Psychiatric Disorder
*Tavistock/Routledge*, 1990

**Fire-raising: Its Motivation and Management**
*Routledge*, 1994
Offenders, deviants or patients?

Second edition

Herschel Prins
This book is dedicated with affection and respect to my co-members and the staff of the Mental Health Review Tribunal for the Trent Region.
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One of the most perplexing features of human behaviour is the strong and enduring tendency towards deviance. It is no wonder that the early chapters of the Old Testament attempt to explain its origins, in a way that, it has to be said, cannot be regarded as the last words on the question. It is reasonably safe to conclude that the problems of human personality are beyond full comprehension and the eradication of non-conformity is an impossibility. In other words they present a continuing challenge to every society and to each generation.

Deviance and its control have, therefore, to be continually reviewed. At the heart of the problem are human nature itself, the structure of the society which defines the standards, and the pressures that cause the deviance. Central to any study, and a major problem, is the vast range of variation of personality itself: It is probably impossible to identify the true determinants of personality for the very concept is elusive, being at best an overall generalisation. Personality is many faceted, and as difficult to grasp as mercury.

Many branches of science seek to classify and categorise personality, and although great advances have been made, they cannot be said to have been particularly successful in practical terms. Indeed it has to be said that even the clearest understanding of the nature of personality would still leave unresolved many aspects of the social problem of the control of deviancy. The legitimacy of the control by society of its individual members is itself a social issue on which opinions are markedly different.

Perhaps the most significant aspect of these problems is the question of personal responsibility. At the deepest level it raises the question of free will and the extent to which the individual can be said to be in control of his or her actions and so properly held to be responsible for them. At the practical level there is need for a clear distinction, often expressed as ‘mad or bad’, on which responsibility can be determined and punishment and treatment decided.

In response to these uncertainties attempts have continually been made to build medical, psychological, psychiatric and legal models which seek, in very different ways, to regulate the problems that deviancy causes. Unhappily, but perhaps inevitably, each of these approaches tends to diverge from the others and many of them tend to display sharp internal inconsistencies. The legal approach, for example,
appears to be firmly based on the concept of responsibility. It recognises this, for example, by taking into account immaturity, but tends to do so mechanistically by reference to artificial fixed age limits that ignore individual development. The law also seeks to take account of external pressures and so has to this end created the doctrine of external duress. The law in this way seeks to create a clear structure that can be applied by the courts. But the wide variety of personality and the different levels of maturity shown at any age present a challenge to courts that they find difficult to meet. Even if personality can be individually determined and assessed it is equally difficult to decide whether a person should be deemed responsible for actions in the context of the situation that was being faced. The question of self-control is crucial. There is rarely full agreement as to whether the standard to be applied should be subjective, giving full weight to the individual’s nature, or objective, imposing external standards of what the artificial ‘ordinary person’ would have done. Assuming that two persons are subject to identical pressures towards wrongdoing, how is it possible to measure the effect on each of the crucial balance between the temptation and the resistance? How much allowance must be made for ‘weakness of character’, whatever that may mean?

The medical approach can with certainty explain a range of physical symptoms – damaged brain or defective senses – but when it attempts to explain individual reactions to situations – the kernel of psychology and the basis of psychiatry – then it fares little better than the law and certainty rapidly dissolves in the face of disputed assessments. The insights of psychology and the medical advances of psychiatry show advances towards greater understanding of the problems involved but do little to resolve the central question of responsibility.

It is against this background of uncertainty that the law seeks to help and control those who are so deviant as to require state intervention. Again, there is more confusion than clarity. If responsibility cannot be plainly determined, the decision as to whether there should be treatment or punishment is equally uncertain. It is small wonder that there is a feeling that many are punished, particularly by imprisonment, who should not be and others are given treatment without clear evidence that this will prove to be of benefit. It is only possible to conclude that the whole question of responsibility and the legitimacy of the reaction of the state to deviancy is full of uncertainties and problems.

Some fifteen years ago Herschel Prins wrote a book which approached these issues in a novel and challenging way. Instead of setting out the current state of knowledge in the various relevant branches of study – medicine, psychology, law and so on – in a short and inevitably over-simplified way, or of seeking to present a simplified outline of what is most fiendishly complicated, he chose another, more challenging approach. He used his wide reading in the many disciplines traditionally regarded as relevant and individual case studies of illustrative instances of deviance as a basis for his general speculations. He did not hesitate to raise the most fundamental questions, nor to use his grasp of the disciplines concerned and his
knowledge of more mundane illustrations, gained from a wide and increasing practical experience, to show the difficulties and how they have been approached in practice.

The result was a most interesting book that could not fail to stimulate the reader to wider reading and to deeper thought than is usually encouraged by texts that are narrowly based merely in one or two of the relevant disciplines. He has now taken the trouble to revise his book, and present a thoroughly rewritten second edition.

The new edition is based on a very wide range of knowledge involving reference to current thinking and practice in medicine, psychiatry, psychology, legal and social work. It contains a great wealth of individual vignettes of actual cases and the consideration of the methods used to deal with the problems encountered in practice. It builds on his own now extensive practical knowledge of very many aspects of the subject. There is an underlying assumption that there has to be up-to-date and effective training so as to ensure that the current knowledge and experience is used to improve the work that the identification and control of deviancy requires.

This book can claim to offer an essential aspect of such training. It is a book that cannot fail to stimulate the reader. It is an up-to-date overview of the problems and practice that will inevitably enable the reader to develop his or her own thoughts and to bring into a clearer focus the many issues raised. It lies at the other extreme from the introductory primer, yet it covers a wide range of the essential material with clarity. No-one working in the field, or studying any of the many relevant professional skills, can fail to find the book of the greatest interest and have horizons widened by what is here presented.

Sir John Wood
Preface

In my view consumers of professional and technical literature are often unaware of the forces and influences that have shaped the careers, views and attitudes of the authors of the books they read. Such information can helpfully place the author’s views in some kind of perspective and provide a more human face to an academic and professional presentation.

My family background influenced an early career choice of probation officer; my father and some of his close relatives had been engaged in work with the deprived and the deviant. From an early age I became actively acquainted with such problems; an acquaintance brought more sharply into focus when orphaned as a teenager. In my first appointment as a probation officer – at the far too tender age of twenty-two – I had responsibility for those offenders made subject of a psychiatric probation order with a requirement of residence at the local mental hospital. This experience confirmed an earlier interest in the links between delinquency and disturbed and disordered mental states. The foundations for such interest had been laid in my student days by the broad approach to psychopathology to which I had been introduced by the late Professor Halmos. This interest was to be developed further as a student probation officer through the criminology teaching of Hermann Mannheim and the forensic psychiatry teaching of Dr (later Professor) Trevor Gibbens. An opportunity to take further the links between psychiatry and criminology was afforded by two happy and stimulating years spent working with Peter Scott, whose death at an early age robbed forensic psychiatry and criminology of one of their most thoughtful teachers and practitioners. The approach I have taken in this book owes much to his influence.

In more recent years I have been much stimulated by the work and writings of Dr Murray Cox – consultant psychotherapist at Broadmoor and Honorary Fellow at the Shakespeare Institute, Birmingham University. His facility for heightening our understanding of disturbed and deviant conduct and to place it within the wider context of literature, myth and legend has been an invaluable source of enlightenment. It has been my privilege over the years to share the insights I have derived into disturbed and deviant individuals with an enormously varied range of colleagues, students and practitioners. Their perceptive and sometimes unanswerable questions
have been a timely reminder of my ignorance and lack of perception. I owe an enormous debt to former colleagues (some close friends) from all stages of my career – in probation, psychiatric social work, central government, four universities and a number of national statutory and voluntary bodies. To have worked with such a wide range of professionals has been exciting, if onerous at times. For example, my former colleague, mentor and friend, the late Professor Max Hamilton at Leeds, to his great regret, never managed to develop in me any degree of statistical sophistication; he did, however, engender in me an acute awareness of the limitations of statistics in the social and human sciences!

To all of those who have helped my own learning and perception (and hopefully made me more aware of my ‘blind-spots’) I dedicate this book with affection and gratitude. Such dedication is made in the painful awareness that human affairs and problems are highly complex and the latter are frequently incapable of satisfactory resolution.
My warm thanks are due, once again, to Edwina Welham and her editorial and production colleagues at Routledge for their continued courtesy and assistance. Mrs Janet Kirkwood has, yet again, performed wonders on her word processor; my thanks to her, too, for her patience and efficiency. We have now produced six books together for Routledge in the past sixteen years in what I hope she will agree has been a mutually satisfying and harmonious relationship. My thanks are due to Dr Paul Bowden, Editor of the *Journal of Forensic Psychiatry*, for permission to reproduce in Chapter 3 some material contained in my paper *The Diversion of the Mentally Disordered: Some Problems for the Criminal Justice System, Penology and Health Care* (Vol. 3(3), 1992) and for permission to reproduce some material used in Chapter 10 from my paper *Literature as an Aid to Empathic Response: Hamlet Conditionally Discharged*, which appeared in Vol. 3(1), 1992 of that journal. Some parts of Chapters 4, 8 and 9, which originally appeared in *Medicine, Science and the Law* (Vols 30(3), 1990; 31(1), 1991; and 31(4), 1991) are reproduced by kind permission of the British Academy of Forensic Sciences, who hold the copyright. My thanks are also due to John Wiley and Sons Ltd, the copyright holder, for permission to reproduce in Chapter 3 some material that appeared originally in Chapter 2 of C.R. Hollin and K. Howells (eds) *Clinical Approaches to the Mentally Disordered Offender* (1993). I am most grateful to my Tribunal colleague Professor Sir John Wood, CBE, for so kindly agreeing to write the Foreword. Finally, my warmest thanks once again to my wife, Norma, not only for reading the manuscript with her usual perceptive and critical eye, but also for sustaining me at times when I found myself sadly lacking in effort and inspiration.

Herschel Prins
Houghton-on-the-Hill, Leicestershire, 1994
No attempt has been made to hide the identity of those persons whose cases have been in the public domain (for example, those who have been the subject of extensive media attention). In all other instances the cases derive from the author’s long personal experience. Every effort has been made to disguise any identifying data so as to make the illustrations anonymous. On some occasions, ‘composite’ pictures have been drawn. Despite these necessary professional precautions, it is maintained that the examples provide authentic accounts of the problems they have been chosen to represent.
Part I

Legal and administrative frameworks
Mr Podsnap settled that whatever he put behind him he put out of existence . . . Mr Podsnap had even acquired a peculiar flourish of his right arm in often clearing the world of its most difficult problems, by sweeping them behind him.

(Dickens, *Our Mutual Friend*)

The first edition of *Offenders, Deviants or Patients?* was generally very well received and, somewhat to my pleasure (and surprise), there has continued to be a small but steady demand for it ever since. This despite significant changes in law, policies and practice since first publication and despite fresh insights derived from various studies and research findings. In Chapter 1 of the first edition I suggested that

The rationale for this book has emerged as a result of a general interest developed over many years concerning the understanding and treatment of offenders. Recently, I have come to be particularly interested in the borderland area between mental disorder and criminal behaviour and in the relationships between the many disciplines and professionals that struggle to confront the problems inherent in these relationships. Thus, psychologists, sociologists, psychiatrists, lawyers, police scientists, social administrators, geneticists – to name but a few – have made contributions to this field.

(Prins, 1980: 1)

This view is even more true today when we are witnessing an apparent increase in a variety of crimes, not least those involving force and seriously deviant behaviour of one kind or another. In recent years I have attempted to address the multi-disciplinary nature of the topic in a number of further contributions (see, for example Prins, 1986, 1991). The impetus for producing a revised and up-dated version of the work has already been alluded to briefly. Further impetus has come from the