



The grand challenge for forensic psychiatry

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Forensic psychiatrists serve to bridge the divide between medical issues and legal operations. Forensic practice deals with the coexistence of medical, legal, and ethical issues within a sociopolitical and legal framework (Sharma and Sharma, 2006). The areas of forensic practice include evaluation of competency, insanity, child custody, and testament recapacity (Wettstein, 2002). In addition, forensic psychiatrists are also concerned with risk assessment, preventive measures, crisis intervention, and outpatient's treatment (Bluglass, 1981). The demand for forensic psychiatrists has increased since an association was established between a number of psychiatric disorders and legal matters. It has been reported that 15–24% of U.S. prisoners have severe psychiatric disorders (Baillargeon et al., 2009). According to the Bureau of justice nearly over one millions inmates have at least one psychiatric problem.

Psychiatric practice is based on therapeutic approach, where as law deals with authorizing discipline. Forensic psychiatrists routinely have to tackle complex ethical dilemmas as they are the link between medicine and law (Arboleda-Flórez, 2006). They must have knowledge of general psychiatry, courtroom activity, and legal procedure to offer an expert opinion with a scientific basis (Wettstein, 2002). Forensic experts should be well versed about current technology and various psychological tests used for evaluations. Other ethical concern such as stigmata associated with psychiatric disorders and protection of patient's rights have gained major media attention (Sharma and Sharma, 2006). One example is involvement of a forensic psychiatrist in evaluation of competency in cases of offenders on death row. They must have a limited kind of relationship with their client and should not evaluate their current patients (Wettstein, 2002).

Financial arrangements can be of the ethical dilemma for a forensic expert. To improve the objectivity of experts,

contingency fees are not allowed between expert and attorney (Wettstein, 2002). To maintain ethical standards, many forensic experts do not accept payment directly from clients. Furthermore, they should keep themselves prepared for cross examination in courtroom.

Forensic psychiatrists have a major interest in the drafting and application of mental health legislation, especially on the issues of involuntary commitment. In many instances, a determination of dangerousness is weighed against the need for treatment in the management of mentally ill offenders and issues of legal protections for incompetent persons (Wettstein, 2002). In forensic psychiatry neutrality is demanded from the evaluator. Consequently, such experts may even be implicated in criminalization of mentally ill persons (Ojesjö, 1981). They have an obligation to uphold the ethics of medicine as physicians first and foremost; outcomes would be drastically different if forensic evaluations are usually at the hand of other parties. They bear a heavy ethical burden is placed on them to scrutinize their motives and the motivations and possible final actions of those who hire them for evaluations (Wettstein, 2002).

There are numerous ethical issues to be addressed in forensic psychiatry. The future is bright; the development of numerous medications and other approaches for management of mental illness has enhanced the scope of current forensic psychiatry (Gutheil, 2006). The span of forensic psychiatry will likely develop in two areas; trial consultant and juror consultant. The field of forensic psychiatry can benefit greatly from advanced technology, e.g., neuroimaging, MRI of brain (Vloet et al., 2008). It has been shown that dysfunction of frontal cortex and limbic system is associated with antisocial behavior such as criminal and violent behavior (Vloet et al., 2008).

Continuous research in areas of neuroscience, physiology, genetics, and chemistry will likely enhance the scope of forensic practice. This discipline can be an integral part of national security in the future. Assessment of behavioral patterns of terrorists as well as domestic criminals may potentially be used to predict criminal acts. Physicians who practice forensic psychiatry now have an obligation to make sure that they remain committed to their clinical base while growing to expand their clinical knowledge.

REFERENCES

- Arboleda-Flórez, J. (2006). Forensic psychiatry: contemporary scope, challenges and controversies. *World Psychiatry* 5, 87–91.
- Baillargeon, J., Binswanger, I. A., Penn, J. V., Williams, B. A., and Murray, O. J. (2009). Psychiatric disorders and repeat incarcerations: the revolving prison door. *Am. J. Psychiatry* 166, 103–109.
- Bluglass, R. (1981). Advances in forensic psychiatry in England and Wales. *Int. J. Law Psychiatry* 4, 199–212.
- Gutheil, T. G. (2006). Psychiatric expert witnesses in the new millennium. *Psychiatr. Clin. North Am.* 29, 823–832.
- Ojesjö, L. (1981). Developing forensic psychiatry services for the 80s: the Linköping experiment. *Int. J. Law Psychiatry* 4, 213–218.
- Sharma, S., and Sharma, G. (2006). Exploring evolving concepts and challenges in forensic psychiatry. *World Psychiatry* 5, 97–98.
- Vloet, T. D., Konrad, K., Huebner, T., Herpertz, S., and Herpertz-Dahlmann, B. (2008). Structural and functional MRI-findings in children and adolescents with antisocial behavior. *Behav. Sci. Law* 26, 99–111.
- Wettstein, R. M. (2002). Ethics and forensic psychiatry. *Psychiatr. Clin. North Am.* 25, 623–633.

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