

Forensic Psychiatric Examination for Criminal Cases: Challenges and Hopes

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Abstract

Forensic psychiatry became a subspecialty in psychiatry in the last half of the twentieth century. In recent ten more years in Taiwan, more and more major criminal cases drew the attention of the public. Forensic psychiatric examinations on the defendants of these cases often emerged as the target of social and media commentaries that requested for the reform of criminal forensic psychiatric examinations. Therefore, we explore and clarify the important problems and challenges encountered when conducting such examinations, and then propose general measures to deal with these issues in the future.

After introducing the concepts of forensic psychiatry and forensic psychiatric examination, section two describes various categories of criminal forensic psychiatric examinations and their main contents that are most related to the core challenging issues in the paper. They include criminal responsibility, competency to stand trial, competency to be executed, corrigibility, and post-traumatic stress disorder. Section three covers the general procedure of conducting the

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examinations, including the modes of examinations, specific ethical considerations, scopes and methods of evidence collections and witness interviews, and the guide and caveat when writing examination reports. Section four addresses important ethical and scientific issues in conducting the examinations, including the theoretical and practical parts. Specifically highlighted are those related to quality of reports, psychological examinations, drug-assisted interviews, neuroscience evidence, malingering, corrigibility, and post-traumatic stress disorder. The paper concludes at section five by depicting the ways that could address the above challenges. It is important to further the professionalization of forensic psychiatry in Taiwan through fellowship training, specialty licensure, and academic research. Transdisciplinary and international collaboration is much needed to enhance medical-legal communication and quality of forensic psychiatric examinations and related studies. Realistically speaking, all the issues pinpointed above could not be solved right away. It is hoped that through incremental and pragmatic refinement of criminal forensic psychiatric examinations, the policy goals of criminal justice could be fulfilled better than ever.

Keywords: Forensic Psychiatric Examination, criminal case, criminal responsibility, ethics, quality, scientific evidence, malingering, corrigibility, drug-assisted interview, post-traumatic stress disorder