



Psychiatry & Behavioral Sciences Section – 2005

I20 Pure Persecutory Delusions and the Law

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The goal of this presentation is to outline critical issues that arise with defendants who suffer from pure persecutory delusions; to summarize the views of courts and amici organizations with respect to these issues; to provide an update on recent developments in the *Sell v. United States* landmark case; and to offer practical guidance on conducting risk assessments for individuals with pure persecutory delusions.

This presentation will impact the forensic community and/or humanity by bringing greater understanding regarding individuals who present some of the most compelling challenges for the mental health system and the criminal justice system. It will bring critical issues into focus and then address them by analyzing the views of courts and amicus organizations and by providing guidance on assessing the risk of violence in this significant, but ill understood population of afflicted individuals. Hopefully, the presentation will advance the discussion in these areas, leading eventually to greater, rational consistency in clinical and legal applications.

Dr. Felthous will provide an overview of critical issues presented by criminal defendants who suffer from pure persecutory delusions. Although psychotic, such individuals may successfully conceal their delusional thinking from the fact finder. The range of paranoid disorders: paranoid personality disorder to delusional disorder, persecutory type, to schizophrasia, paranoid type is a spectrum wherein the specific disorders are not always crisply distinguishable. The individual who is exceedingly vengeful and litigious by nature can appear remarkably similar to an individual with a delusional disorder, persecutory type, yet the clinical difference is one of psychotic dimensions. There is a dearth of clinical research on the nature of such disorders and their most effective treatments. The jurisprudence is ambiguous and self-contradictory regarding issues such as when individuals with delusional disorder can be forcibly medicated to restore their competence to stand trial. Because the purely deluded individual's intellect is otherwise intact, he or she will demonstrate a sufficient understanding of the proceedings and may even be able to present a semblance of rationality while his behavior is driven by the irrationality of his delusions.

Dr. Stanislaus will summarize the views of the United States Supreme Court, other courts and amicus organizations regarding the nature of pure persecutory delusions and their amenability to psychotherapeutic and pharmacotherapeutic treatments respectively.

Dr. Stanislaus will also explain the differences in emphasis on various interests involved in enforced medication for restoration of competency and the substantially different procedures and criteria recommended by these amici. She will discuss how courts consider these factors when deciding whether to support enforced treatment for restoration of competence. Interestingly the amicus briefs to the United States Supreme Court regarding *Sell* by the American Psychiatric Association and by the American Psychological Association respectively came to opposite positions with regard to the therapeutic efficacy of psychotherapy and of pharmacotherapy for delusional disorder.

Dr. Wolfson, who has been involved with the *Sell* case from the beginning, will provide an update on the outcome of Dr. Sell since the landmark case *Sell v. United States*, wherein the United States Supreme Court provided guidelines for determining whether a patient's treatment refusal should be overridden to enforce treatment for restoration of competence. Since the *Sell* decision, the legal and clinical case of Dr. Sell has undergone further unexpected twists and turns, the details of which should be instructive. Dr. Wolfson will also describe how the *Sell* decision affected the treatment of other similar defendants found incompetent to stand trial who have been sent to the United States Medical Center for Federal Prisoners in Springfield, MO.

The assessment of dangerousness is relevant to several legal issues, including civil and criminal commitment, punishment, and court-enforced medication. Although violence risk assessment has been studied in many settings, empirical research on violence associated with delusional disorders per se is virtually nonexistent.

Dr. Reid will suggest practical approaches for conducting risk assessments in individuals who suffer from relatively pure persecutory, grandiose, or religious delusions, carefully separating behavioral prediction from risk. He will discuss the likelihood of associations between delusional content and violence risk, and how other factors - such as frank psychosis, recognition of delusions by others, delusion-congruent social or religious setting, additional psychiatric or substance abuse problems, or psychiatric treatment - may increase or decrease risk.

Paranoid Disorders, Persecutory Delusions, Competence to Stand Trial