



Psychiatry & Behavioral Sciences Section – 20??

I22 Sex, Insanity, Competency, and Dangerousness. Forensic Psychiatry Landmark Cases: Impact on Defense and Prosecution Legal Strategies. Catch and Release? If You Did the Deed - What Happens Next?

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The goal of this presentation is to review landmark forensic psychiatry cases, review standards for detention under current law, and highlight interplay of social values and evolution of the law.

Historically, forensic psychiatric case law has evolved as a reflection of scientific understanding and social values. Present day case law has established standards for personal responsibility, creating options for both criminal exculpation and expanded civil detention. This presentation will impact the forensic science community by exploring the highlights.

After attending this session, attendees will understand the critical and central role that forensic psychiatry has played and continues to play in the development of social mores, regulations and the law. From acts as violent as rape, assassination and murder to the development of criteria for the detention of the criminally mentally ill, psychiatry has played a role in the fate of the perpetrator and the victim. In the struggle to balance the rights provided in our constitution with the protection of society and influenced by the moral climate of society, psychiatry has been a major actor in the drama.

Members of the panel will explore the nexus of psychiatry and the law and its impact upon the evolution of public policy. Historical questions related to legal capacity and criminal responsibility will be detailed. The management of the dangerous and potentially dangerous mentally impaired has challenged society and repeatedly led to stormy debate. Landmark cases are often reflective of vigorous differences in perspective. The review of these cases are frequently both enlightening and entertaining while providing food for thought. The resolution of these cases may surprise the unknowing viewer.

The manner in which changing values, beliefs and knowledge have influenced the development of forensic psychiatry as a separate and distinct discipline of psychiatry and how that discipline has matured to have its own unique perspective on various issues that affect the public at large as well as the individual will be highlighted. The forensic psychiatrist is often called upon to violate the sanctity of physician patient confidentiality. When and under what circumstances other psychiatrists are required to also violate confidentiality is of interest to the public at large.

The panel will discuss matters concerning the criminally insane who commit both major and minor crimes. How are they to be evaluated? What are the current standards? How and why have those standards changed over time? The volatile issues of incompetency to stand trial and the criteria to be met for designation as not guilty by reason of insanity will be reviewed. When should a person who transgresses society's rules be held responsible and when should he or she not to be held responsible? How long should they be detained? Where and under what circumstances? Should treatment be forced?

Always explosive and ever present is the conundrum presented by sexually violent predators. How do we balance their constitutional rights with the need to protect society? How much are we concerned about their constitutional rights? How long should they be confined? Should there be forced treatment? Is there any real treatment?

Forensic Psychiatry, Landmark Cases, Psychiatric Defense