

## I4 Testifying in Court in a Forensic Mental Health Case: Opinions From the Medical and Legal Sides of the Room

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**Learning Overview:** After attending this presentation, attendees will be aware for the difficulties that both forensic mental health experts and the legal professionals encounter in a court case.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by highlighting the need to increase awareness of the concepts of forensic mental health in court and by limiting biases.

In the interface between the Science and the Law, the forensic mental health expert's role is to provide evidence that guides legal decision-making. Experts must base their forensic reports and subsequently their testimonies on scientific and medical findings. Additionally, the experts must ensure that fact finders (i.e., judges, jurors, and lawyers), who may have no background knowledge on the topic, understand the concepts used and their conclusions. To make matters more difficult, experts must provide their expertise in constrained, time-limited settings, where they are not the ones leading the conversation. In some health systems, forensic experts also have a dual-role conflict whereby they are both providing care and treatment for the individual being prosecuted and at the same time are providing testimony that can defend or prosecute them. The clinician's natural tendency to empathize and be supportive toward the client can cloud judgment; thus, these experts must always be aware of their biases and focus on objectivity.

Forensic experts thus have an enormous role and an enormous impact on the lives of those being tried by the justice system. Recent high-profile cases across North America have made this clear. Testimonies and reports made by mental health experts can often have ramifications on public perceptions of the criminal justice system and play a role in mental health stigma. All of this brings to light an important question—are forensic psychiatrists and psychologists effective at their task? In other words, are forensic mental health experts well-suited and well-trained to provide the same level of scientific knowledge that other forensic areas provide? Furthermore, is the scientific knowledge in psychiatry and psychology sufficient enough to be effectively utilized by legal professionals and jurors? These questions are important and poorly understood, as evidenced by the diverse opinions that psychiatrists and psychologists can provide within the same case and the difficulty that jurors can have at understanding the complex medical concepts.

The aim of this presentation is therefore to provide a literature review on multiple aspects of the role of forensic mental health experts in court. The review will explore the perceptions of these experts in court; particularly through the lens of the experts themselves and also the legal professionals and jurors. This presentation will notably consider the biases and limitations on both sides and highlight some recommendations for improving the practice for mental health professionals. Additionally, this presentation will explore the training that forensic mental health experts receive and comment on their suitability and effectiveness in equipping experts with the tools to perform this role.

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### Psychiatrist, Testimony, Bias