

## The Psychiatric Report: Principles and Practice of Forensic Writing

Edited by Alec Buchanan and Michael A. Norko. New York: Cambridge University Press, 2011. 280 pp. \$58.

The forensic report is central to the practice of forensic psychiatry. In many ways, the report reflects many of the skills of forensic practice: assemble and synthesize relevant information, perform a psychiatric evaluation, understand the evaluatee's clinical condition, and tie clinical findings to the legal question posed. In this manner, Alec Buchanan and Michael Norko argue that "it is the skill at report writing that largely defines forensic practice" (p 1).

In their book, *The Psychiatric Report: Principles and Practice of Forensic Report Writing*, editors Buchanan and Norko set out to "express a comprehensive set of principles of writing the forensic report" (p 7). Winner of the coveted Manfred S. Guttmacher Award from the American Psychiatric Association and the American Academy of Psychiatry and the Law for an outstanding contribution to the literature of forensic psychiatry, the book delivers on the editors' goal.

The textbooks' 19 chapters provide both theoretical background materials for report writing and practical, skill-based information to guide report preparation. It is organized into three conceptual sections: Principles of Report Writing, Structure and Content, and Special Issues. Each section contains six or seven discrete chapters. Although there is some redundancy between chapters (e.g., report organization, examples of release of information forms), readers can review the material from cover to cover or examine chapters in no particular order.

The chapters cover various topics central to forensic psychiatric report writing. Authors with expertise in various aspects of report writing break down the topics into easily digested chapters. In the first section, general principles relevant to any forensic psychiatric report, including ethics, confidentiality, and record keeping, are discussed, and chapters give advice on clear and organized writing style. The chapter on confidentiality highlights the expert's obligations to the evaluatee and agency commissioning the report

and how the nature of confidentiality status can differ depending on whether the forensic evaluator is working for the prosecution or the defense in criminal matters. The author provides specific language to guide practitioners in the informed-consent process. Helpful to new practitioners are examples of release of information and privacy notification forms to be given to evaluatees.

The second section provides practical information for preparing criminal and civil reports. The chapters are written as how-to guides to conducting particular types of forensic assessments. For each category of evaluation, the authors discuss report format, content, and subtopics that warrant particular attention. Each contributor uses a sequential structure for his report, but no specific report style is endorsed by the editors. The chapters each include a summary box with a proposed uniform sequential structure for the reports. Although these boxes reference text material specific to the report type being discussed, they could have been improved by being specific for each chapter. The authors of the chapter on civil litigation make specific mention of report vulnerabilities in cross-examination. On this subtopic, they artfully comment on common pitfalls in forensic report writing and how these pitfalls can be made evident during cross-examination.

The final section includes the more nuanced topics helpful to the seasoned practitioner. These topics include writing for federal courts, psychological testing, violence risk assessment, malingering, and criminal sentencing in the United Kingdom. The section on psychiatrist-administered psychological tests concisely reviews the caveats in using these tests in the forensic setting, such as the importance of using the standard test protocol and having a clear understanding of the limits and properties of any test. Another chapter on the concept of reasonable medical certainty aptly discusses the complexity associated with this concept and provides timely examples to illustrate some of the challenges that it poses for composing forensic reports.

Vitally important but infrequently discussed in the context of practical report composition are the impact of forensic reports on evaluatees, establishing professional identity, and the expectations of the legal system. The introduction of the book deserves special mention for illuminating these related topics.

Throughout the book, there is an emphasis on respect for the evaluatee.

In summary, the written report is essentially the work product of forensic psychiatric practitioners. In contrast to many other resources on report writing, this book provides historical and background information, as well as clear practical guidance on specific types of forensic mental health reports. Accordingly, it is hard to find fault with the book. The editors have achieved their goal of providing an informative and comprehensive guide to writing forensic reports. The book is recommended to forensic practitioners who want a single text to serve as a reference and a guide to their report writing.

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## Justice Perverted: Sex Offense Law, Psychology, and Public Policy

By Charles Patrick Ewing. New York: Oxford University Press, 2011. 238 pp. \$46.50.

Charles Patrick Ewing, a psychologist, attorney, and law school Distinguished Service Professor, tackles four controversial sex offender public policy topics in his latest book: civil commitment of sex offenders; sex offender registration, notification, and restriction laws; possession of child pornography; and internet sex offenders. Ewing reports that although sex crimes have dramatically decreased in number over the past couple of decades, there have been increasing consequences for convicted sex offenders, particularly when their victims are children. Ewing ascribes this to the heinousness of these acts, public pressure to respond, and politicians' desire to demonstrate action against perpetrators.

The most extensive revisions of sex offender laws in the United States target convicted sex offenders at the conclusion of their prison sentences. In 1990, the first sexual predator legislation was adopted. Offenders could be committed indefinitely to secure psychiatric facilities if they demonstrated a vaguely defined mental abnormality or personality disorder that could cause the individual to recidivate sexually. This

was an extreme departure from the usual mental illness and dangerousness criteria necessary for civil commitment. The new criteria were narrowly upheld by the United States Supreme Court in *Kansas v. Hendricks*.<sup>1</sup> The Court held that states have the right to segregate sexually violent predators according to their own definitions, which may deviate from the traditional mental illness criteria. The Court also determined that committing the offender did not violate *ex post facto* and double jeopardy constitutional provisions because the legislation was civil and remedial in nature, rather than criminal.

Sex offender laws resulted in the civil commitment of more than 4,000 offenders by 2007 and only 11 percent had been released from confinement. By 2010, 19 states and the federal government had adopted civil commitment procedures for sexually violent predators. Ewing is critical of the procedures and cites the limited ability of mental health professionals to predict sexual recidivism. He castigates fellow psychologists who use static, unalterable risk assessment checklists to determine future sexual behavior. He explores the problems associated with sex offender treatment under commitment and estimates that the cost of these programs will exceed a billion dollars in the near future. In response to these concerns, Ewing proposes repealing civil commitment statutes and instituting lengthier indeterminate prison sentences for repeat violent sex offenders.

As civil commitment for sex offenders became more prevalent, legislators also enacted sex offender registration, notification, and residency restrictions. The United States Supreme Court again ruled that these laws were civil and remedial and are not subject to the constitutional protections reserved for criminal cases. In 2006, Congress enacted the Adam Walsh Child Protection and Safety Act,<sup>2</sup> which mandated that all states accept its provisions or lose specific federal funding. All sex offenders must register with law enforcement annually for at least 15 years and the most serious offenders must register every 90 days for life. Also, residency restrictions prohibit sex offenders from living close to schools, daycare centers, parks, or other places where children gather. The author indicates that the ordinances can be so restrictive that living or working in some towns is essentially eliminated. The restrictions have led to ghettos of sex offenders living outside city limits. I am reminded of the medieval practice of driving