

Commentary: Conceptualizing the Forensic Psychiatry Report

Robert M. Wettstein, MD

Relatively little attention has been paid to training forensic evaluators to prepare expert reports. Griffith and colleagues, in two publications, argue for considering forensic report writing as a core competence in the field along with forensic evaluation and court testimony. They expand our conceptualization of report writing to consider the subjective component of report writing, revealing the evaluator's voice. Evaluators bring many identities, voices, and tactics to conducting their evaluations and preparing their expert reports. Evaluators do not simply recount their findings from the evaluation, but create a narrative that is inherently subjective, not purely objective or scientific. Their views should ring true for forensic evaluators at all levels of training and experience. Additional research and training regarding forensic report writing are needed.

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Some forensic mental health evaluators, even those with considerable experience, pay relatively little regard to the preparation and presentation of their expert reports, which is their written work product expected by retaining attorneys, courts, and agencies. Indeed, even our forensic psychiatric literature has devoted far more attention to the other components of forensic work such as the evaluation itself and court testimony than to forensic report writing. Information about forensic report writing is frequently directed to the mechanics and organization of a report, with wide variations in report styles, rather than considering more abstract and conceptual issues.^{1–5}

Although forensic reports have been studied as proxies for the quality of a forensic evaluation, there is remarkably little research about forensic reports or report writing, with many methodological limitations.^{6–8} While the report is a window into the forensic evaluation, the quality of a forensic report may have little correspondence to the quality of the underlying forensic assessment.

In this issue of the *Journal*, Griffith and colleagues⁹ properly direct forensic mental health training programs to regard forensic report writing as a core competence in forensic psychiatry, just like the forensic evaluation itself and the subsequent court

testimony. Extending the analysis well beyond that dimension, the authors admonish forensic mental health evaluators to adopt a reflective appreciation of the complexity of report writing. They indicate that, for many reasons, the preparation of forensic reports is a “more complex enterprise than the writing of the usual clinical reports” (Ref. 9, p 36). The article extends their earlier publication, which introduced their conception of report writing as performative and the accompanying topics of narrative and voice, whether literal or abstract.¹⁰ They explain that forensic evaluators present the evaluatee's subjective voice and story while employing their own; thus, in effect, there are two points of narration. Therefore, there is inherent subjectivity in both voices, in contrast to the view that experts present absolute truth and are completely objective. Forensic reports are thus a blend of science and art and can be regarded as creative products, literary texts, and artistic expression.⁵ In their view, performative should not be taken to mean shallowness, superficiality, or a lack of genuineness. Just as memory is a constructive cognitive process, experts interpret, reinterpret, construct, and reconstruct the evaluatee's factual data into their unique formulation in the forensic report intended to persuade a legal audience. The reader of the report, too, participates in an active and subjective interpretive process that produces meaning for that reader. Above all, Griffith *et al.*^{9,10} exhort evaluators to disabuse themselves of the notion that the forensic report is simply an objective and neutral account of the forensic evaluation.

Dr. Wettstein is Clinical Professor of Psychiatry, University of Pittsburgh, Pittsburgh, PA. Address correspondence to: Robert M. Wettstein, MD, 401 Shady Avenue, Suite B103, Pittsburgh, PA 15206. E-mail: wettsteins@aol.com.

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Their own writing is at once eloquent, descriptive, and persuasive, analogous to their prescription for forensic report writing itself.

Further Considerations

Forensic evaluators bring their unique perspective, orientation, identity, cognitive process, psychodynamics, and bias to the case, even to the initial decision of whether to accept the referral. Some evaluators see themselves as scientists, court educators, or clinicians, while others come to the case as investigators, journalists, writers, businessmen, junior attorneys, judicial decision-makers, or policy advocates.^{11,12} Of course, multiple identities can be present within an individual evaluator. In addition, individual evaluators may be unaware of their own respective identities, at least in some situations. Each identity translates or leads to a corresponding narrative and voice, and the evaluator's retelling and formulation of the evaluatee's narrative reveals the former's perspective and bias.

The Griffith *et al.* perspective should immediately ring true for forensic evaluators once one considers the many decisions that are faced when preparing a report. As noted by the authors, these decisions include whether to include or exclude particular factual information (e.g., personal information unrelated to the case, self-incriminating history, information unknown to the evaluatee), where to locate information in the report, whether to emphasize or even minimize that information, choice of language, and the brevity or length of the report.¹³ Evaluators in their reports must avoid distorting the facts to support their diagnoses and forensic opinions, including attempting to make the evaluatee look good or bad. They must decide whether and how to note the limitations of their methods and conclusions in their reports, including unobtained records and interview sources.⁴ They must decide whether and how they cope with data and opinions contrary to their own. Evaluators are obligated to explain their logic and rationale for reaching their expert opinions, including that which contradicts their opinions,^{4,13} and there are many ways of doing so; they must decide how much simplicity or complexity to employ in their analysis of the forensic matters at hand. Even the evaluator's approach to conceptualizing the referral question is influenced by his own voice, and it reflects background, training, culture, life experience, and other sources of bias.^{4,14} Using their best judgment, eval-

uators must continually make these decisions, consciously and thoughtfully. The limited research on forensic report writing reveals that there is no consensus on many aspects of report writing with regard to the importance of, and practice of, including particular information in reports,^{6,7} and there are many areas of uncertainty in the field and in practice.

Griffith *et al.* correctly explain that evaluator ideology and identity relate to the purposes of the forensic report. We know that there are multiple purposes and functions of clinical records, and the same is true of the forensic report. The forensic report documents the fact and process of the underlying evaluation, narrates the litigant's and others' stories, and communicates the evaluator's findings to the retaining client and others, sometimes with the result that the litigation is thereby resolved. Indeed, evaluators sometimes prepare comprehensive and lengthy reports with the specific intention of influencing the outcome of the case by persuading the opposing attorney to reach a conclusion favorable to the evaluatee.² Forensic reports serve a risk-management function as a document of the evaluator's procedures and data. Reports are used by the expert to facilitate subsequent testimony. And, reports can be used to assess the quality of the underlying evaluation or lack thereof.

Griffith and colleagues⁹ have contended that reports must not only inform the legal audience of the expert's findings and opinions, but also be deliberately persuasive. This is analogous to experts' advocating for their opinions in court testimony, while continuing to strive for objectivity. A minefield for our profession is that there is no bright line that distinguishes between being persuasive on the one hand and becoming an advocate for one side or the other, which is a role specifically delegated to the attorneys. Such persuasion may change with the intended audience. An expert may sometimes write a report to a retaining court differently from one for a retaining attorney, especially when the evaluator adopts the identity of the court consultant and advisor.^{5,8,15} Regrettably, attorneys do not value expert impartiality but prefer experts who reach firm conclusions, according to survey data.¹⁶

Also mentioned by Griffith *et al.*⁹ is that evaluators should not overlook the conduct of the forensic evaluation as participatory rather than simply observational. Relationship and interpersonal problems (i.e., transference-like, countertransference-like) between

the evaluator and evaluator are significant and can play a major role in the preparation and presentation of the expert's report. Either can use the other to further his own goals and interests.

We are grateful to Griffith and colleagues for drawing our attention to the importance of forensic report writing and to their encouraging report writers to adopt a posture of self-reflection and analysis and thereby show their identity and voice. Clearly, teaching and researching forensic report writing deserve far more consideration than they have received to date. We need additional descriptive, naturalistic, and analytic data about forensic report writing.

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