

illuminating Sociocultural and Ethnocultural Consciousness in Forensic Practice

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In recent decades, there has been an evolution in forensic psychiatry and psychology toward closer examination of the professionals' attitudes and intentions in their practice. We theorize that the progressive change reflects increased attention to the experiences of evaluators and evaluatees in their social worlds. This cultural focus complements the traditional emphasis on biomedical elements, such as neuropsychiatric disorders. We suggest that sociocultural factors (such as poverty, trauma, and sexual orientation) and ethnocultural factors (such as those related to ethnic status, discrimination, and racialized application of risk assessment) have contributed substantially to these developments in forensic practice. We utilize past and current literature to illustrate the change and to frame it as a way of improving practice. This is a call for forensic practitioners to enhance their awareness of the impact of social and ethnocultural factors. We recommend further examination of these ideas by training programs and broader scholarly discussion in educational forums.

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Over the last several decades, there has been a turn in psychiatry and psychology toward examining more closely the practice of forensic specialists. In due course, it has become clear that this group of practitioners, and others involved in the construction of forensic narratives, must attend more closely to the effects of sociocultural

and ethnocultural experiences on themselves and their evaluatees. Evaluators need to recognize the ways they and their evaluatees naturally respond to tidal events in the social world, and the potential consequential effect on the outcome of their evaluations. This is not to imply that evaluators are biased or succumb to external pressures to render their conclusions. Rather, anticipating these influences is essential to maintaining the neutrality and objectivity to which we aspire. The word "praxis" is used on occasion to emphasize this new dimension of the practitioner's stance and intention in forensic work.

Psychoanalyst Annie Lee Jones¹ noted that elucidating the stories of clients requires knowledge of those moments in life narratives that are both traumatic and illuminating, and that provide evaluatees more space for self-definition. Jones was also interested in the psychoanalyst's position in relation to the patient: what the analyst contributes to the interpersonal experiences shared with the patient, and how analysts' social worlds influence their perceptions and understanding of those they treat. We tread cautiously here, recognizing that

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forensic specialists frequently reiterate that they have no treatment relationship with their evaluatees. We intend no contravention of that ethics-based rule. We suggest that forensic specialists, in their interactions with evaluatees, are subject to the influence of sociocultural and ethnocultural experiences in the nonforensic world. Consequently, the process that Jones articulates may be of conceptual value for forensic practice.

Psychoanalysts have been reflecting on these changes in relation to their own discipline. They have been producing some scholarship that we consider relevant to forensic work. For example, Alexandra Woods noted that following World War II, American psychoanalysts defined intrapsychic conflict as the central focus of their discipline. The result was exclusion of sociocultural factors such as “trauma, emigration, class status, and racialized and gendered oppression” (Ref. 2, p 233). In contrast, Mitchell Wilson³ confirmed recently that there is now interest in “the effects of social structure, ideology, and power relations on the individual psyche.” He stated that, regarding the “many painful and destructive aspects of our social world,” analysts are now struggling “to catch up to the urgency of the moment,” and are late to make any interventions or statements and define their roles in this novel environment (Ref. 3, p 234). Wilson questioned, for example, whether psychoanalysts, by staying aloof, may have contributed to the marginalization of nondominant groups. He also wondered about the “hidden effects of systemic racism, misogyny, and homo/queer-phobia” on psychoanalysts and their work (Ref. 3, p 234).

We expect that similar self-interrogation among forensic specialists, in relation to their practice arenas, should be valuable. These observations among psychoanalysts suggest that understanding the longitudinal lives of their patients requires a recognition of the impact of the social world on practitioners and patients alike. Woods highlights the impact of “maleness,” “whiteness,” “rationality,” and “power or omnipotence” (Ref. 2, p 239). Jones adds that, “Analysts should be cognizant of cultural and social experiences as members of nondominant groups, as racialized people, victims of pigmentocracy, and occupiers of low rungs on any caste ladder” (Ref. 1, p 79). The forensic evaluation and process are enhanced through a recognition of the longitudinal sociocultural and ethnocultural experiences of the evaluatee.

Origins of the Turn

We are not suggesting that the turn in forensic work has been sudden. A progressive interconnection

of social events and life course is recognizable once we pause and reflect on observations and experiences in forensic activity over time. Scholars often note that the debate between Alan Stone⁴ and Paul Appelbaum⁵ was a marker event in the developmental history of forensic psychiatry. The essence of this collegial dispute focused on the ethics contours of forensic work. Stone argued in 1984⁴ that forensic psychiatry practice had little ethics for guidance. Appelbaum⁵ countered in 1997 with the claim that keeping an eye on principles of truth-telling and respect for persons could be a solid reference point for those interested in ethics-based forensic performance. We agree that the main concern of the Stone-Appelbaum debate was focused on the ethics of forensic practice. In retrospect, however, we contend that an equally important side effect emerged: it turned out to be this movement into a broader and deeper interest in the connection between forensic work and the social world.

Much of that started after Griffith⁶ pointed out that the debate was centered on important ethics and philosophical points. The debate ignored the realities of the social world, however, especially those related to the needs of evaluatees and forensic professionals from nondominant groups. Griffith emphasized that Stone’s recommendation for removal of forensic experts from the courtroom ignored their potential value for amplifying the voices of nondominant group evaluatees, a prerequisite for pursuing justice in American courts. Remember that the 1960s and 1970s had seen fierce demonstrations over the Vietnam War and civil rights. So, ideas about equity, fairness, and justice were brewing, even though they were not central to forensic psychiatry. Focusing on the cultural formulation led to reconsideration of sociocultural experiences and their effects on forensic work.⁶

Candilis and colleagues⁷ joined this discussion and argued that forensic experts had an obligation to take on tasks and functions that would fit into what they called robust professionalism. This argument was the opposite of Stone’s invitation to leave the courtroom. These authors were encouraging forensic specialists to enhance their roles and create authentic narratives that reflected what Norko⁸ would later refer to as bearing witness to the suffering of others. The Candilis group, noting events in the social world, decided that forensic professionals could not be impermeable to the goings-on around them. Forensic

evaluators needed to ferret out the effects of sociocultural factors on the evaluatees' lives. Candilis *et al.*⁷ targeted both the evaluator and evaluatee in opening the discussion. We are mindful that other scholars have participated in the development of this turn in forensic practice and scholarship between the 1980s and the early 21st century.

Sociocultural Factors and Effects

Following the Stone-Appelbaum debate, Martinez and Candilis⁹ reasoned that use of narratives help forensic specialists remain self-critical and open to serving a broad spectrum of evaluatees. That justified the attention to narratives generated by vulnerable individuals. These authors' notion of robust professionalism embraced protection of vulnerable people. In a similar argument, in 2005, Norko¹⁰ turned to the use of narrative in forensic work and argued that compassion was an important tool in protecting disadvantaged evaluatees. This sensitivity to evaluatees became more palpable in forensic work as the 21st century began, mirroring the reawakened interest throughout the social world in diversity, equity, and inclusion. Meanwhile, themes concerning access to the welcome table and leaning in re-entered public discourse. Langston Hughes's poem,¹¹ "I, Too," had appeared in the 1920s and mentioned the darker brother in the household who was sent to the kitchen when company visited. Hughes wrote, seemingly with hope, that the time would come when those responsible would feel shame. Then, the darker sibling would be present when outsiders came to dine with the family. This equity of access to the table of opportunity and the concomitant sense of belonging there were themes that reappeared in Sheryl Sandberg's feminist call in 2013. She recommended that women lean into opportunities and leave behind feelings of self-doubt.¹²

In 2018, Norko⁸ published his paper discussing the spiritual quest of forensic psychiatry. In it, he reviewed several mechanisms that would contribute to a spiritualizing of the forensic narrative and forensic work through a renewed sense of vocation. The mechanisms included presence and witnessing, compassion, empathy, humility, dignity, and centering. Preoccupied with the forensic evaluator and the evaluatee in the preparation of the forensic report, Norko concluded: "The forensic professional is expected to give public witness to the individual's pain and life

circumstances, as well as to the concerns and understandings of collateral observers" (Ref. 8, p 14).

In a 2008 paper, Richard Dudley and P.B. Leonard¹³ discussed similar emphasis in advocating for the team approach, of a mitigation specialist and other forensic mental health professionals, to crafting a life history investigation. That would be a central part of the forensic narrative for capital cases. The data would help the evaluation team understand the broader environment that affects the evaluatee. The information would be derived from questions about culture, class, race and ethnicity, and other matters relating to individual identity and group allegiances. These affect motivation and comprehension of one's conduct, status, safety, and obligations (Ref. 13, p 967). They also affect understanding of what the evaluatee, relatives, and community think are behavioral norms.

Empathy has been thoroughly discussed by scholars over the years, and once again by Brodsky and Wilson in 2013,¹⁴ Norko in 2018,⁸ and Glancy and colleagues in 2021.¹⁵ Given the central place of empathy in forensic evaluation, and the connection of empathy to both evaluator and evaluatee, it is worth recapitulating a few relevant notions. Norko⁸ asserted that empathy has cognitive (understanding another's inner experience) and affective (joining another's inner experience) components. He believed that empathy has a place in forensic evaluations. It is expressed through compassion in development of the forensic narrative. Compassion guides the evaluator to engage with the humanity of the evaluatee. Norko wrote that an empathic attitude toward the evaluatee was essential and should not be absent from the forensic evaluation. Others, like Kenneth Appelbaum,¹⁶ have sought to sharpen the notion of empathy in the forensic context by using the term forensic empathy. This distinction was meant to highlight the possible error of misusing empathy and arriving at a deceptively formulated conclusion in the forensic report. There has also been the complaint that empathy may cloud objectivity and interfere with decision-making. Such concerns about the use of empathy have provoked commentary and alternative vocabulary: forensic empathy by Appelbaum,¹⁶ engaged curiosity by Halpern,¹⁷ and detached concern by Glancy and colleagues.¹⁵

We return to Norko's notion of empathy having two dimensions: the cognitive and affective.⁸ The distinction between understanding and joining the

evaluee's experience is helpful as it may contribute to strengthening and observing ethics principles relevant to forensic work. The cognitive component is readily conceded as of practical use to the evaluator, facilitating the preservation of objectivity and introspection during the evaluation. This cognitive arm also protects against sliding into unconscious attitudes and implicit bias. It may be said to keep in check the affective arm of empathy, resulting in what Glancy and colleagues referred to as a sort of partial empathy, modulated empathy, or detached concern.¹⁵ Glancy's group wanted to maintain this modulated empathy because they recognized it, in Norko's terms, as a step toward compassion. Compassion leads to Norko's insistence on humanistic language in the narrative. It also fueled work by other contributors, such as Adshead¹⁸ and Buchanan,¹⁹ who insisted on maintaining the dignity of participants in forensic evaluations and in the construction of forensic narratives. Norko⁸ also discussed presence and centering, both related specifically to forensic work. He noted that the "search for truth in forensic practice cannot begin without the clinician's establishing authentic presence to the people and problems at hand" (Ref. 8, p 13). Centering refers to the phase of preparation to write the report, sitting with the data, bringing a special consciousness to feelings and biases. The task is to meet the "test of fairness to all parties, involving empathy and compassion" (Ref. 8, p 18).

There is another important element that emerges in the 21st century discourse of forensic narratology, that of humility, mentioned by Norko⁸ and Martinez and Candilis.²⁰ They saw this element as encapsulating recognition of the evaluators' inherently imperfect knowledge and skill. Such acknowledgment of humility is necessary if evaluators are to pursue honesty and objectivity in forensic work. Tervalon and Murray-Garcia²¹ had used the term cultural humility earlier to describe a method of physician engagement with patients from various cultural origins. Practitioners would learn from another's perspective how culture influences one's worldview and behavior while maintaining awareness of one's own cultural biases throughout the interactions. Tervalon and Murray-Garcia²¹ argued that cultural humility concedes that mastery of another's culture is often difficult and commonly flawed. It emphasizes lifelong self-evaluation by the evaluator while contemplating the evaluatee's culture. It becomes clearer that the end product is greater

compassion for the evaluatee and enhanced understanding of the need to care for self, which Norko described as a form of self-compassion.⁸ Both humility and cultural humility emphasize a genuine interest in the evaluatee's humanity. The task is obviously more complicated when members of the evaluator/evaluatee dyad have different ethnocultural backgrounds. Anton Hart²² recently suggested that the difference may be bridged by a persistent curiosity on the part of the evaluator about the evaluatee. Hart cautioned, however, that this cultural curiosity is not cultural competency or cultural literacy. Hart viewed cultural curiosity as an authentic openness, a radical openness, toward the evaluatee. This curiosity may lead to objectifying the evaluatee and causing anxiety in the evaluator, who may in turn wish to curtail the inquiry. In persisting with the inquiry, the evaluator gradually learns to contain the anxiety and proceed with an authentic evaluation.

We always consider it useful, even in brief discussions of narratology in forensic work, to return to several reminders offered by Peter Brooks²³ about narrative in the forensic context. Brooks²³ has issued cautions about the narrative's potential power to deceive. Brooks underlined this in repeating that much narrative is perspectival. In forensic work, the focus, therefore, must be kept on validating the perspective through use of reinforcing and supportive evidence. Further, it matters how the evaluator interprets and integrates the narrative. The forensic evaluator must be aware of the ways that the structure and narrative of the evaluation influence how the truth is revealed or obscured. Consequently, the cautionary note enunciated by Brooks should not be ignored. Nevertheless, Brooks²³ and Adshead¹⁸ have recognized narrative's frequent use and considerable benefits in forensic work. Thus, training in the appropriately cautious use of narrative is imperative.

We have discussed, to this point, a progressive change in forensic work influenced by events within the social world. The discourse, in terms established by many scholars, has reimagined a vocation based on a spiritualized vocabulary, expanding the concept of respect for persons, and what they label as truth-telling.⁸ There is inherently a more pronounced emphasis that recognizes forensic clients as individuals, with their essential and inviolable humanity, entitled to respect, compassion, and dignity. We should emphasize that this interest in the social world surrounding evaluatees has helped our discipline to

become more sophisticated. This is, regarding forensic work, a revitalized praxis.

Goldenson and Brodsky²⁴ reminded us recently that individuals adapt physiologically to their environments. Thus, prolonged trauma and stress affect adolescent and young adult development. “When facing threat, such people are primed to protect themselves and survive. Sometimes this protection is with a gun; sometimes it is with gang affiliation” (Ref. 24, p 40). These authors highlighted, as did Dudley and Leonard¹³ previously, that understanding the evaluatee’s developmental history, including adverse childhood experiences, and detecting evidence of trauma are important.

In the next section, we consider how ethnocultural factors, reflecting the broader society’s engagement with matters of ethnicity, have demanded the attention of numerous institutions and activist groups. The result has been novel discussions of themes such as White privilege, racialized and other forms of trauma, and notions such as othering. Work by Glancy and colleagues¹⁵ and Heilbrun and colleagues²⁵ bear witness to the influence of racial identity on forensic evaluations. As a caveat, we recognize that although an individual facing criminal sanctions may have experienced racial trauma, it does not necessarily translate into a mental health defense for the acts. Nor does recognition that social injustices exist mean that such practices in criminal justice adjudications should lead to exculpation. Moreover, we are not suggesting that the violent criminal behavior of the minoritized evaluatee should be minimized. Rather, awareness of disproportionality in criminal justice practices and racial trauma only serves to enhance a deeper understanding of the evaluatee. It allows the forensic evaluator to consider whether the rage or anger displayed may reflect an adaptive response to trauma and marginalization.

Ethnocultural Factors and Effects

Dr. Martin Luther King, Jr.’s injunctions in his 1967 address²⁶ to the American Psychological Association have contemporary salience for forensic practice. He observed that the evaluation of what constitutes maladjustment has a normative valence; that adaptive adjustment or good behavior is constructed by those with social power and thereby functions as a reflection of values and experiences of those who are not oppressed. Dr. King recognized that marginalized groups responded to injustice in ways that did not align with what nonmarginalized

individuals, such as psychologists, may consider adaptive.^{26,27} He called on psychologists for a fundamental reconceptualization of maladjustment: from viewing it as bad behavior to viewing it as creative maladjustment by marginalized groups to their situation. Recent articles related to systemic racism characterize current psychological theories about maladjustment as dominated by White people and focused on individuals rather than institutions.²⁷ The overvaluation of Whites and the favor confirmed stemming from race has been labeled White privilege. The psychoanalyst Woods² has also discussed the interconnection of maleness, Whiteness, and power. Public policy psychologists have emphasized, that across several social arenas, Whites are perceived more favorably than people of color. As an example, White criminals are perceived as less blameworthy than those of color.²⁸ The subject of White privilege has, in recent years, been a major preoccupation of psychoanalytic theorizing.¹⁻³

The experience and internalizing of racism can have malevolent effects on the psyche, provoking what the psychoanalyst Beverly Stoute refers to as Black rage.²⁹ Constant degradation and devaluation of persons of color by the dominant group drives the rage. Within African-American culture, it reflects a generational experience and reaction to oppression and injustice without recourse. Stoute²⁹ points to the long afterlife of the experience of slavery, inequity, and oppression that may lead to dehumanization accompanied by a sense of marginalization and devaluation. When the rage is not contained, it may explode in retaliatory aggression as a response to social justice inequities.^{29,30} Black rage may manifest itself as a reaction to a long history of mistreatment, even assault, by law enforcement personnel, which in turn leads to defensive or retaliatory assaults on peace officers.²⁹ A Black defendant’s aggression may be attributed to antisocial personality disorder or conduct disorder in minors, without considering the influence of racial trauma and its nexus to the behavior.

Rao,³¹ the psychoanalyst, points out a factor that we believe crucial in forensic work. It is understanding the importance of othering. Rao considers othering as an act of debasing, controlling, and dehumanizing another individual. “Difference is usual, digestible, and can be celebrated” (Ref. 31, p 419). Difference becomes destructive “when it is deployed to mean inequality and inferiority” (Ref. 31, p 419), taking on a form of malignant difference or othering. Superficial allusions to injustice experienced by minoritized

groups can be a subtle form of othering; it may reflect unconscious implicit biases that there may be something racially intrinsic to the group contributing to their difficulties with authority. Testimonial injustice, a term coined by Fricker,³² has relevance in forensic assessments as it describes a process where the legitimacy of the evaluatee is undermined by the superior status of the evaluator. Jones observed that race and ethnicity “shape the dynamics of interpersonal encounters, often by distancing the despised other, relegating their experiences to the outside, as if far removed from what is relevant to psychoanalytic considerations” (Ref. 1, p 82).

Earlier, we mentioned the work of psychoanalyst Hart,²² who was concerned about the emphasis on diversity as a sort of shallow, geography-based concept. Hart has argued for confronting the problem of prejudice more squarely with a deeper remedy, one that helps people understand what they are doing in the process of othering. Hart espouses a stance of radical openness, in ourselves, to the unknown and the unfamiliar. Forensic professionals confront this difficulty when they try to talk with evaluatees across ethnocultural and other forms of difference.

The social psychologist Janet Helms^{33–35} identified the evolution of racial ego states from unawareness to a deeper recognition of the significance of race and its impact on racism. Helms described early states as characterized by the introjection and identification of the core values and beliefs of the dominant group. Later ego states involve embracing one’s racial identity and for people of color rejecting the values of the dominant group. The most evolved ego states involve the individual forming a complex racial identity. That state embraces the individual’s race but also incorporates integrative awareness, respect, and value for other groups. The concepts may be of value within the forensic context, for example, when a forensic evaluator considers the rageful aggression of a Black criminal defendant. One perspective, assuming introjection of dominant group values, is to pathologize the rage as antisocial driven anger. The other perspective, assuming a more complex racial self and other awareness, explores the impact of racial trauma and a chronic sense of social marginalization.

Ignoring the potential systemic racial biases within risk assessment methods can lead to potential misrepresentation of test results. Oppressed groups, in their challenges to systemic injustice, have made calls for incorporating the adaptive and contextual nature of

racial anger into violence and sexual violence risk assessments.^{36–40} Such calls have been left unanswered. Criminal justice inequities remain for minoritized groups, and particularly Black males, who continue to experience higher rates of arrest and conviction.^{41–45} These factors are highly weighted in several violence and sexual violence actuarial instruments.³⁶ Hamilton³⁷ described the process as a reification of criminal history that forever tethers individuals to their pasts. The consequences of biased assessments may be substantial. The biasing influence of systemic ethnocultural inequities can result in minoritized males’ being frequently deemed as too risky for probation placement and requiring high-control parole supervision upon prison release.³⁶ Moreover, factors such as attitudes toward authority (for example, violations of prison rules and flaunting the authority of supervising agents) also remain prominent items in a number of risk scales (e.g., the Structured Assessment of Protective Factors-Sexual Offending, Stable 2007, Violence Risk Scale-Sexual Offense).³⁶ These schemes characterize such factors as proxy variables for antisociality. The risk tools do not contextualize disregard and anger, which can stem from Black rage in individuals who fail to respect dominant authority. As an example, a Black male who ignores the authority of White correctional officers will be rated as riskier than the White male who complies with rules but exhibits criminality by demonstrating entrenched sexual deviance.

Grzanka and Cole²⁷ make this important point regarding methodological flaws that can perpetuate implicit racial bias. They note that publication standards value quantitative (statistical) methodology as rigorous and scientific over qualitative (narrative) research methods, which are considered subjective or lacking rigor. Qualitative methods seek to understand others and require “humility and self-reflexivity, which includes open, mindful listening” (Ref. 27, p 8) to research subjects and to themes in the data. Grzanka and Cole write, “African American psychology begins in Black diasporic people’s experiences, rather than merely using race as a variable by which to make comparisons between White people and people of color” (Ref. 27, p 19). In quantitative methodology, race is a dichotomized variable, i.e., differences between Whites and Blacks studied to describe an outcome variable.

A critique by Grzanka and Cole²⁷ suggests that publications potentially perpetuate implicit racial bias by favoring quantitative (statistical) over qualitative (narrative) research methods. Overreliance on

quantitative methods creates a gap in understanding because “humility and self-reflexivity” and “open, mindful listening” (Ref. 27, p 8) are factors often absent in quantitative studies. Qualitative methods can complement quantitative methods by giving a more holistic picture of research subjects and elucidating themes in the data. To illustrate, the common practice of relying on race as a dichotomized variable can lead to an incomplete understanding of differences among ethnocultural groups. Grzanka and Cole appear to argue for expanding this particular variable in their statement that an “African American psychology begins in Black diasporic people’s experiences” (Ref. 27, p 19) noted above.

Lee and colleagues³⁸ demonstrate the risk of dichotomous methodology. Their study examined the motivations for sexual offending between Blacks and Whites in a sample of 573 New Jersey sex offenders. The number of sexual recidivists was small, only 27 (16 of whom were Black, and 11 White); nonetheless, they concluded that the Static 99R actuarial risk instrument worked equally well for Blacks and Whites because of the similar statistical predictive values (Area Under the Curve) for sexual recidivism. The Static99R³⁸ heavily weighs criminal histories that in turn contributes to higher risk scores for Blacks, as it did in this study. Lee *et al.* concluded that “Blacks present as more antisocial” (Ref. 38, p 357) and “. . . there are real behavioral differences in antisociality between Whites and Blacks” (Ref. 38, p 335) and Blacks had “higher hostility levels than Whites” (Ref. 38, p 345). They buttressed their position through citing studies demonstrating that Blacks harbored more antisocial attitudes than Whites, were impulsive and angry, and lacked self-control because of the “lack of opportunity for conventional bonding (e.g., family, school)” (Ref. 38, p 338). Consequently, they recommended interventions for Black offenders to target their attitudes and concentrate on “anger management, cognitive restructuring, vocational training” (Ref. 38, p 358). Whites, by contrast, were suggested to have more “general mental health concerns” (Ref. 38, p 355). An implicit and unintended conclusion drawn from the Lee *et al.* data are that Whites’ sex offending is motivated by a mental disorder and should be treated, while Blacks’ sex offending is criminal and should be punished.

Conclusion

Appreciating the effects of the othering experience on evaluatees is crucial in the evaluation. The point,

then, as forensic specialists, is to become adept at integrating sociocultural and ethnocultural phenomena into a narrative that reflects the individual’s experiences. Both the American Psychiatric Association⁴⁴ and American Psychological Association⁴⁵ have issued apologies to people of color for contributing to systemic inequities that have perpetuated racism. These apologies by the two most prominent guilds in American mental health are a call to forensic practitioners to examine their role in perpetuating injustices. Particularly within the criminal justice system, the forensic evaluatee is likely to have suffered the marginalization, trauma, othering, and disregard we have described. We must translate understanding of these factors’ effects and the ways to mitigate them through benevolent action that fosters respect for individuality and autonomy of those we evaluate.

We can begin by integrating this knowledge of the related skills into forensic training curricula and established methods of practice. Cultivating sociocultural and ethnocultural consciousness, through humility and attention, is the overarching means to this end. The elements we discussed have important implications for forensic training. Truth-telling and respect for persons are essential elements in forensic work. The new praxis must be more than performing a diagnostic classification or assigning a risk assessment score or label, however. It requires of the evaluator attitudes and intentions that flow from this awareness that we have characterized here. Forensic practitioners must not be left behind, trying to catch up to the urgency of the moment, late to define our roles in this novel praxis environment.³

Jones poignantly rendered this observation, formed about psychoanalytic training, applicable to forensic practice, and we find it relevant to the new turn in forensic work:

. . . I am suggesting that the burden of racial trauma is conceptualizable as an intrapsychic phenomenon that we share interpsychically and interpersonally, culturally and by tradition. Judging by my own experience, racialized encounters are often dissociated. We become anxious, but I want to point out that even in these moments of anxiety, racialized perceptions are not unconscious. Together we can bear the unpleasantness that can sometimes occur while attempting to think out loud about what we associate to blackness and associated experiences in the presence of those who are not white (Ref. 1, p 81).

Self-compassion⁴⁶ and radical openness²² facilitate our acknowledging the ethnoracial prejudices that we as professionals may be unwilling to admit. No

one is without fault. This different stance helps overcome the impulse to assume a defensive posture and remain ignorant of the ethnoracial prejudices we may harbor. Evaluators may avoid exploring biases because doing so induces fear that, in such acknowledgment, we are opening the door to criticisms of our professional competence. Hoffman pointedly observes, “It is the effect of fear within all of us that drives our unemphatic social interactions” (Ref. 47, p 403). Purposefully adopting a curious, open stance toward recognizing our biases and prejudices reduces fear and increases present awareness.⁴⁸ Adopting such an attitude allows us to recognize the interactive effects of sociocultural and ethnocultural factors. This attitude in turn allows us to elucidate the narrative of the individual in all its complexity, and to form a more accurate depiction of the evaluatee.

We conclude with a line from “Inferno,” Dante’s epic poem that explores hell and the human foibles that led people there. The line formulates an approach to the task of illuminating sociocultural and ethnocultural consciousness. “Midway in our life’s journey, I went astray from the straight road and woke to find myself alone in the dark wood” (Ref. 49, p 3). Virgil, representing the light of consciousness (divine love, compassion, and illuminating grace) illuminates the path and strengthens Dante to face the dark realms of hell and human nature. Like Dante, we can use consciousness to illuminate and relinquish the “self-protective blindnesses and biases we contain in favor of novel ways of seeing and being with different people” (Ref. 50, p 15). Consciousness recognizes our biases, distorting habits of mind, and any malignant propensities. It keeps us on a right path and lights the way out of a dark wood.

References

- Jones AL. A black woman as an American analyst: Some observations from one woman’s life over four decades. *Studies in Gender and Sexuality*. 2020; 21(2):77–84
- Woods A. The work before us: Whiteness and the psychoanalytic institute. *Psychoanalysis, Culture & Society*. 2020; 25(2):230–49
- Wilson M. Psychoanalysis, race, and racism: Introduction to *JAPA* 69/2. *J Am Psychoanal Assoc*. 2021 May; 69(2):233–5
- Stone AA. The ethical boundaries of forensic psychiatry: A view from the ivory tower. *Bull Am Acad Psychiatry Law*. 1984; 12(3):209–19
- Appelbaum PS. A theory of ethics for forensic psychiatry. *J Am Acad Psychiatry Law*. 1997 Sep; 25(3):233–47
- Griffith EEH. Ethics in forensic psychiatry: A cultural response to Stone and Appelbaum. *J Am Acad Psychiatry Law*. 1998 Jun; 26(2):171–84
- Candilis PJ, Martinez R, Dording C. Principles and narrative in forensic psychiatry: Toward a robust view of professional role. *J Am Acad Psychiatry Law*. 2001 Jun; 29(2):167–73
- Norko MA. What is truth? The spiritual quest of forensic psychiatry. *J Am Acad Psychiatry Law*. 2018 Mar; 46(1):10–22
- Martinez R, Candilis P. Commentary: Toward a unified theory of personal and professional ethics. *J Am Acad Psychiatry Law*. 2005 Sep; 33(3):382–5
- Norko MA. Commentary: Compassion at the core of forensic ethics. *J Am Acad Psychiatry Law*. 2005 Sep; 33(3):386–9
- Hughes L. *The Collected Poems of Langston Hughes*. New York: Vintage Classics/Random House; 1994
- Sandberg S. *Lean In: Women, Work, and the Will to Succeed*. New York: Alfred A. Knopf; 2013
- Dudley RG Jr, Leonard PB. Getting it right: Life history investigation as the foundation for a reliable mental health assessment. *Hofstra L Rev*. 2008; 36(3):963–88
- Brodsky SL, Wilson JK. Empathy in forensic evaluations: A systematic reconsideration. *Behav Sci & L*. 2013 Mar–Apr; 31(2):192–202
- Glancy GD, Chatterjee S, Miller D. Ethics, empathy, and detached concern in forensic psychiatry. *J Am Acad Psychiatry Law*. 2021 June; 49(2):246–53
- Appelbaum KL. Commentary: The art of forensic report writing. *J Am Acad Psychiatry Law*. 2010 Mar; 38(1):43–5
- Halpern J. From idealized clinical empathy to empathic communication in medical care. *Med Health Care Philos*. 2014 May; 17(2):301–11
- Adshead G. Commentary: Stories and histories in forensic psychiatry. *J Am Acad Psychiatry Law*. 2014 Dec; 42(4):437–42
- Buchanan A. Respect and dignity for forensic psychiatry. *Int’l J L & Psychiatry*. 2015; July–Aug 41:12–7
- Martinez R, Candilis PJ. Ethics. In Buchanan A, Norko MA, editors. *The Psychiatric Report: Principles and Practice in Forensic Writing*. Cambridge, UK: Cambridge University Press; 2011. p. 56–67
- Tervalon M, Murray-Garcia J. Cultural humility versus cultural competence: A critical distinction in defining physician training outcomes in multicultural education. *J Hlth Care Poor Underserved*. 1998 May; 9(2):117–25
- Hart A. Principles for teaching issues of diversity in a psychoanalytic context. *Contemporary Psychoanalysis*. 2020 Aug; 56(2–3):404–17
- Brooks P. Narrative transactions—does the law need a narratology? *Yale J L & Human*. 2006; 18(1):1–28
- Goldenson J, Brodsky SL. Trauma-focused mitigation testimony in capital sentencing hearings. *J Am Acad Psychiatry Law*. 2022 Mar; 50(1):39–43
- Heilbrun K, Kavanaugh A, Grisso T, *et al*. The importance of racial identity in forensic mental health assessment. *J Am Acad Psychiatry Law*. 2021 Mar; 49(4):1–10
- King ML Jr. The role of the behavioral scientist in the Civil Rights Movement. *J Social Issues*. 1968 Mar; 23(3):180–6
- Grzanka PR, Cole E. An argument for bad psychology: Disciplinary disruption, public engagement, and social transformation. *Am Psychologist*. 2021 Nov; 76(8):1334–45
- Roberts S, Rizzo MT. The psychology of American racism. *Am Psychologist*. 2021 Apr; 76(3):475–87
- Stoute BJ. Black rage: The psychic adaptation to the trauma of oppression. *J Am Psychoanal Assoc*. 2021 Apr; 69(2):259–90
- Griffith EEH. Diversity and curiosity about the other. *Psychiatric News* [Internet]; 25 Jun 2021. Available from: <https://psychnews.psychiatryonline.org/doi/10.1176/appi.pn.2021.7.6>. Accessed March 5, 2022
- Rao DG. Book review of “Caste: The Origins of Our Discontents.” *J Am Psychoanalytic Assoc*. 2021 May; 69(2):412–21
- Fricke M. *Epistemic Injustice: Power & the Ethics of Knowing*. New York: Oxford University Press; 2010

33. Helms JE. Toward a theoretical explanation of the effects of race on counseling: A Black and White model. *Counseling Psychologist*. 1984; 12:153–65
34. Helms JE. *Black and White Racial Identity: Theory, Research, and Practice*. Westport, CT: Greenwood; 1990
35. Helms JE. An update of Helms's white and people of color racial identity models. In Ponterotto JG, Casas JM, Suzuki LA, Alexander CM, editors. *Handbook of Multicultural Counseling*. Thousand Oaks, CA: Sage; 1995. p. 181–98
36. Sreenivasan S, DiCiro M, Rokop J, *et al.* Addressing systematic bias in violence risk assessment. *J Am Acad Psychiatry Law*. 2022 Dec; 50(4):626–35
37. Hamilton M. Back to the future: The influence of criminal history on risk assessments. *Berkeley J Crim L*. 2015 Jan; 20:75–133
38. Lee SC, Hanson RK, Calkins C, *et al.* Paraphilia and antisociality: Motivations for sexual offending may differ for American whites and blacks. *Sexual Abuse*. 2020 Feb; 32(3):335–65
39. Carson EA. Prisoners in 2019 [Internet]; 2020 Oct. Available from: <https://www.bjs.gov/content/pub/pdf/p19.pdf>. Accessed March 5, 2022
40. Carson EA. Prisoners in 2018 [Internet]; 2020 Apr. Available from: <https://bjs.ojp.gov/content/pub/pdf/p18.pdf>. Accessed March 5, 2022
41. Zeng Z. Jail inmates in 2018 [Internet]; 2020 Mar. Available from: <https://www.bjs.gov/content/pub/pdf/ji18.pdf>. Accessed March 5, 2022
42. Beck AJ. Race and ethnicity of violent crime offenders and arrestees, 2018 [Internet]; 2021 Jan. Available from: <https://bjs.ojp.gov/content/pub/pdf/revcoa18.pdf>. Accessed March 5, 2022
43. Bronson J, Carson EA. Prisoners in 2017 [Internet]; 2019 Apr. Available from: <https://bjs.ojp.gov/content/pub/pdf/p17.pdf>. Accessed March 5, 2022
44. American Psychiatric Association. APA's apology to black, indigenous and people of color for its support of structural racism in psychiatry [Internet]; 2021 Jan. Available from: <https://www.psychiatry.org/newsroom/apa-apology-for-its-support-of-structural-racism-in-psychiatry>. Accessed March 15, 2022
45. American Psychological Association. Apology to people of color for APA's role in perpetuating, and failing to challenge racism, racial discrimination, and human hierarchy in U.S. [Internet]; 2021 Oct. Available from: <https://www.apa.org/about/policy/racism-apology>. Accessed March 15, 2022
46. Neff KD. Self-compassion: An alternative conceptualization of a healthy attitude toward oneself. *Self and Identity*. 2003 Sep; 2(2):85–101
47. Hoffman L. The evolution of racism in the Western world: Addressing fear of the other. *J Am Psychoanal Assoc*. 2021 Apr; 69(2):389–405
48. Kashan T, Afram A, Brown K, *et al.* Curiosity enhances the role of mindfulness in reducing the defensive responses to existential threat. *Personality and Individual Differences*. 2011 June; 50(8):1227–32
49. Alighieri D. *Dante's inferno*. John Ciardi, translator. New York: The Modern Library; 1996
50. Hart A. From multicultural competence to radical openness: A psychoanalytic engagement of otherness. *The American Psychoanalyst*. 2017 Winter/Spring; 51(1):12–5