

Forensic Mental Illness: Intersection of Mental Health and the Criminal Justice System

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Introduction

Forensic mental illness refers to the interface between mental health disorders and the criminal justice system. It encompasses individuals with mental illnesses who are involved in criminal activities or who are accused of crimes. These individuals may have committed offenses as a result of their mental illness, or their mental health condition may impact their ability to understand or participate in legal proceedings. Forensic mental illness raises complex questions about criminal responsibility, the justice system's role in managing mental health, and the appropriate treatment of individuals with mental health disorders [1].

Mental health professionals, legal experts, and criminal justice practitioners must work together to address the challenges presented by forensic mental illness. This article explores the definition, causes, impact, legal implications, and treatment of forensic mental illness, as well as emerging trends in the field.

Understanding Forensic Mental Illness

Forensic mental illness typically refers to individuals who have been involved with the criminal justice system due to behaviours linked to a mental health disorder. This can include individuals who:

- Commit crimes due to their mental illness (e.g., psychotic episodes leading to violent behaviour).
- Are accused of crimes but are unable to stand trial due to their mental health condition (e.g., individuals deemed "incompetent to stand trial").
- Are found guilty of a crime but are considered not guilty by reason of insanity due to their mental illness.

Common mental health disorders found within forensic populations include schizophrenia, bipolar disorder, major depression, and personality disorders. The nature of these disorders often complicates the assessment of criminal responsibility, as they can affect an individual's perception, judgment, and behaviour [2-4].

Key Areas of Forensic Mental Illness

1. Mental Illness and Criminal Behaviour Many individuals with mental health disorders find themselves involved in the criminal justice system due to the direct or indirect effects of their illness. For example, an individual experiencing a psychotic episode might commit a crime without fully understanding the consequences of their actions. In such cases, the crime may not be premeditated but may occur during a period of severe mental distress.

Individuals with conditions such as schizophrenia, bipolar disorder, and severe depression may be more susceptible to engaging in violent or criminal behaviour, particularly if their symptoms are not well managed. Additionally, individuals with personality disorders, such as antisocial personality disorder, may engage in criminal activity as part of their pattern of behaviour.

2. Incompetency to Stand Trial In some cases, individuals with mental illness may be unable to understand the charges against them or participate in their defence due to their condition. This legal concept is referred to as "incompetency to stand trial." A person found to be incompetent to stand trial may not fully comprehend the proceedings or be able to communicate effectively with their attorney.

If a person is determined to be incompetent, the court may order treatment to restore competency. The goal is not to punish but to ensure that the person can participate in their trial and understand the legal process. Treatment may involve psychiatric interventions to stabilize the individual's mental health, allowing them to stand trial at a later time.

3. Not Guilty by Reason of Insanity (NGRI) Another key legal concept in forensic mental illness is the "not guilty by reason of insanity" (NGRI) plea. Individuals who commit crimes while suffering from a severe mental illness may be found not guilty by reason of insanity. This means that the individual committed the offense but lacked the mental capacity to understand the nature or wrongfulness of their actions due to their illness.

In these cases, the individual may not face traditional criminal punishment. Instead, they are often committed to a psychiatric facility for treatment until they are deemed stable enough to be safely released. The NGRI defence raises important ethical and legal questions about the appropriate balance between justice and mental health treatment [5].

4. Recidivism and Rehabilitation Forensic mental illness is often associated with high rates of recidivism, particularly in individuals with untreated or poorly managed mental health conditions. Individuals with mental illnesses who are involved in criminal behaviour may be more likely to reoffend if their conditions are not adequately treated. This is especially true for individuals with severe mental health conditions who lack access to appropriate treatment and rehabilitation programs.

A focus on rehabilitation, rather than punishment, is essential in addressing forensic mental illness. Effective mental health treatment programs within the criminal justice system can help reduce recidivism, improve long-term outcomes, and address the underlying causes

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of criminal behavior. These programs may include psychiatric care, therapy, substance abuse treatment, vocational training, and support systems for reintegration into society.

The Legal Implications of Forensic Mental Illness

1. Determining Criminal Responsibility One of the key legal issues in forensic mental illness is determining whether an individual is criminally responsible for their actions. This is often assessed through forensic evaluations, which involve a detailed examination of the individual's mental health history, current condition, and the extent to which their illness affected their behaviour at the time of the crime [6, 7].

The legal standards for criminal responsibility vary by jurisdiction, but the underlying question is whether the individual had the capacity to understand that their actions were wrong or illegal at the time of the offense. This is central to both the insanity defence and determinations of competency to stand trial.

2. Mental Health Diversion Programs In recognition of the complex needs of individuals with mental illness who are involved in the criminal justice system, many jurisdictions have implemented mental health diversion programs. These programs aim to divert individuals with mental health disorders from the traditional criminal justice process into treatment and rehabilitation.

These programs may involve specialized courts, such as mental health courts, where individuals with mental illnesses can receive care while undergoing legal proceedings. These programs emphasize treatment, rehabilitation, and support, rather than punitive measures, and have been shown to reduce recidivism and improve long-term outcomes for individuals with mental health conditions.

Treatment and Support for Individuals with Forensic Mental Illness

1. Psychiatric Treatment for forensic mental illness is essential for both the individual's well-being and for ensuring public safety. Psychiatric interventions, including medication and therapy, are often used to stabilize individuals with mental health disorders involved in the criminal justice system. Medication may include antipsychotics, mood stabilizers, and antidepressants, depending on the individual's condition [8-10].

Therapy, such as cognitive-behavioural therapy (CBT), can help individuals address problematic thought patterns and develop coping strategies. Forensic mental health professionals work in collaboration with legal experts to ensure that treatment is tailored to the needs of the individual while maintaining the goals of the justice system.

2. Community Support and Reintegration After treatment in a forensic psychiatric facility, individuals with forensic mental illness often need ongoing support to reintegrate into society. This can include outpatient therapy, community mental health services, vocational training, and housing assistance. Programs that provide mental health services in the community can help reduce the risk of reoffending and promote recovery.

Emerging Trends in Forensic Mental Illness

1. Increased Focus on Mental Health Screening in Prisons Many correctional facilities are adopting more comprehensive mental health screening and assessment procedures for incoming inmates. This ensures that individuals with mental health conditions are identified early and receive the appropriate care. Screening for mental illness helps reduce the number of individuals with untreated psychiatric conditions in the criminal justice system and improves rehabilitation outcomes.

2. Integration of Mental Health Services into the Criminal Justice System The integration of mental health services into the criminal justice system is becoming more widespread. The growing recognition of the need for specialized treatment for individuals with mental illness has led to the development of mental health courts, crisis intervention teams (CIT), and other initiatives aimed at improving the outcomes of forensic mental illness cases. These services prioritize treatment over punishment and aim to address the root causes of criminal behaviour.

Conclusion

Forensic mental illness is a multifaceted issue that involves complex intersections between mental health and the criminal justice system. Understanding the impact of mental health disorders on criminal behaviour, as well as the legal and ethical implications, is essential for both legal professionals and mental health providers. Treatment, rehabilitation, and diversion programs are critical to ensuring that individuals with forensic mental illness receive the care and support they need to recover and reintegrate into society. By focusing on mental health as a critical component of justice, society can work toward a more humane and effective system for addressing forensic mental illness.

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