

AAPL: Ask the Experts-2015

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Neil S. Kaye, MD, and Bob Sadoff, MD will answer questions from members related to practical issues in the real world of Forensic Psychiatry. Please send question to nskaye@aol.com.

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Q.: Is it appropriate to “Google” an evaluatee?

A. Kaye: The Internet has certainly made it easier than ever for forensic psychiatrists to conduct research. However, there is nothing in the role of the forensic psychiatrist that would put one in the position of fact investigator-that task belongs to police, lawyers, or professional detectives. Nonetheless, there is nothing in the APA/AAPL Code of Ethics that precludes doing an Internet search on an evaluatee or patient.

First, I would encourage you to seriously consider why you are so doing, and for what intended purpose. One problem of Internet searching is that it could introduce information not otherwise made available into an assessment and this bias would need to be addressed. If this is done, it would be incumbent on the examiner to specify the source of the information and to be prepared for cross-examination on both the reasons for the search and the results, as well as what was and wasn't included in a report and why.

Currently, the standard of practice for forensic psychiatry does not include doing Internet searches, but this could well change as the general acceptance of the Internet and erosion of privacy enters American society. The majority of divorce cases now include information gleaned off of social media sites such as Facebook, and so some familiarity with this media is expected of an expert. However, it is usually supplied by retaining counsel.

Internet based information raises potentially serious credibility issues and should be viewed with a healthy grain of salt, particularly if the source listed is unknown or “anonymous.” However, government run databases containing information such as birth records, death records, marriage records and arrest records should be seen as credible sources and so cited. Further there is a rapid proliferation of state run mandatory reporting sites for prescription drugs and checking these databases may be helpful in a case, particularly if opiate abuse is suspected and an issue in the case.

A. Sadoff:

The Internet has changed everything! I agree with all the cautions presented by Dr. Kaye and answer the question that it is neither appropriate nor inappropriate. The question I would ask is "Should the forensic examiner Google an evaluatee?" What can be gained by doing so? What restrictions apply? How would one use the information obtained in the search?

Having asked those questions, I would stress that I am an investigator as a forensic evaluator and want all the information I can get before I examine the defendant in a criminal case or the plaintiff in a civil matter. I have written many times that the personal examination is necessary in forensic work (when possible) but not sufficient. One needs a variety of records, including but not limited to medical, psychiatric, mental health, school, work, and legal. One hopes to obtain collaborative information from other sources, including friends, relatives or eyewitnesses. Why not utilize every possible source including the Internet to gather as much data as is available in order to do a thorough assessment and evaluation?

Not all information gleaned need go into the report nor presented at deposition or trial unless requested. One does need to verify the veracity of the information gathered before utilizing it in forming opinions "with a reasonable degree of medical or psychiatric certainty."

Thus, judicious utilization of all information obtained is appropriate and can and should be included in one's final report. It is not unethical to Google the evaluatee, but it is inappropriate to use unverified information in forming a forensic opinion; this can be harmful to the plaintiff or criminal defendant. Cross-examination is helpful in determining sources of data and their relevant application in specific cases.

Whether you Google your evaluatee or not, be assured the evaluatee is most likely to Google you. I have determined that in the past decade, more than half of the individuals I have examined have Googled me before the examination.

Take Home Point:

This is an interesting area and one in which the standards are rapidly shifting. Acceptance of the Internet as a fact source in litigation has always occurred. A modern forensic psychiatrist should be prepared to deal with information from the Internet that may come through the referring party or may be discovered by evaluators own searching.