

Insanity Evaluation of Personality Disorders: Emerging Neuroscientific Perspectives

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According with the Italian ruling 9163/2005, personality disorders (PD) are relevant to insanity defense only if they are severe. PD severity is also particularly important for the alternative PD model included in the DSM 5, however to date the clinical and forensic consultants are still devoid of a reliable instrument to assess the PD severity, as, in the absence of biomarkers for psychiatric disorders, clinical assessment suffers of low inter-rater reliability and accuracy . In this context, it is of pivotal importance to find a reliable way to support the clinical diagnosis, as in the criminal trials we always assist to endless controversies on the presence/absence of PD and on its severity. Consultants opinions, indeed, are often discordant as the same anamnestic/clinical data is differently interpreted. Thus, expert opinions in the forensic field are often not scientifically grounded (according with the ruling 43786/2010).

We analyze a criminal case where convergent neuroscientific evidences were used to support the existence of a severe PD in the defendant. The defendant was a male nurse charged for sexual abuse toward unconscious patients. The prosecutors' consultants documented "moderate" PD traits, while the defense was inclined toward a severe PD. To support their claim, the defense considered convergent anamnestic, clinical (i.e. the defendant said: "all the patients fall in love with me, have my picture on the bedside and kiss me every evening") and neuroscientific evidences. In particular they conducted a comprehensive psychopathological and neuropsychological assessment revealing the presence of a highly pathological personality. These data were further supported by the analysis of structural brain scan that revealed abnormal volume of putamen, a brain region consistently altered in psychiatric disorders.

This case suggest that a more comprehensive and trans-disciplinary approach that follows the convergence of evidences principle is recommended in court.