

## Forensic Psychology: Ethical issues

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Ethical issues pervade all aspects of the practice of forensic psychology from assessment, to treatment, to consultation. These are frequently complex, and the ethical standards that apply to one situation may not apply to others. There are also overarching ethical principles such as “do no harm” that we are urged to keep in mind during all our professional activities. Nevertheless, psychologists as part of a profession, at times fail to anticipate the harmful consequences of our behavior.

We have had to deal recently with allegations of unethical activities on the part of some psychologists who participated in the torture of detainees in a national security setting, and of the reluctance of a professional organization to recognize the behavior. Most examples of questionable ethical behavior, though are not quite so dramatic.

We are urged, for instance to obtain a carefully documented informed consent from clients or patients who participate in assessment or treatment. Yet, this is a requirement frequently overlooked by psychologists. Many psychologists do not fully explain to patients the nature of the procedure, what it will consist of, and any limits to the confidentiality that there may be. Frequently, there is little attempt to assess the patient’s understanding of the procedure, and their voluntariness to participate, all of which are important components of informed consent. Even psychologists who do try to utilize informed consent procedures, may fail to realize that the documents used may vary from one situation to the next. For instance, an informed consent to conduct psychotherapy will probably differ significantly from an informed consent to conduct a forensic assessment, because the procedure is different, the referral source may be different, and the limits of confidentiality are markedly different. Evaluators may assume that a client or patient understands the limits of confidentiality when in fact they do not, since they assume going to a psychologist involves absolute confidentiality.

There is frequently a conflict between ethics and the law regarding the confidentiality of records generated in a non forensic situation. To what extent are clinical records protected, for instance, in cases involving a legal claim for mental or emotional damages, an attempt to commit someone to a psychiatric facility against their will if they are deemed to be dangerous, or the so called duty to protect third parties if a client or patient makes a credible threat of bodily injury against a third party, as well as mandated reporting of abuse to children or to the elderly. The parameters of these needs to disclose may vary by the circumstances, and may create a great deal of confusion for the psychologist.

Generally, if there is a legally binding order to reveal records that would under other circumstances be regarded as confidential, the requirement may be waived, but even then, there may be complexities if the psychologist believes that the release may be harmful to the patient.

The code of ethics is concerned only with a psychologist’s professional behavior, but the distinction between personal and professional roles may in some circumstances be difficult to determine. If a

psychologist, for instance gives some advice in a social setting , is that regarded as personal or professional.

We are urged to practice only within the bounds of our competence as defined by knowledge, skill, education, experience, and training; however, this is problematic when we enter new or innovative areas in which this knowledge base does not yet exist. The ethics code certainly does not want to discourage innovative research and yet, a literal interpretation of the requirement that all our work be based on established scientific and professional standards may do just that.

Multiple relationships also pose some difficulties in forensic situations; generally, mixing the role of a therapist and a forensic evaluator is discouraged because of the differing nature of the relationship, the different methodologies, and the different issues of privileged communication that exist in each setting. Multiple relationships are not prohibited; only harmful multiple relations are prohibited; There may well be circumstances where the roles need to be mixed, and the psychologist always has to use the issue of potential harm as a yardstick.

As noted above, doing no harm is a principle adhered to by everyone in helping professions including psychology. However, more subtle aspects of this requirement may be missed; for instance, a psychologist using a diagnostic instrument that lacks validity to make far reaching recommendations about the incarceration of an individual is one such example.

Finally, psychologists must be accurate when advertising their practices; in forensic settings this is often difficult because the very nature of the enterprise invites potential experts to exaggerate their credentials in a court of law.

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