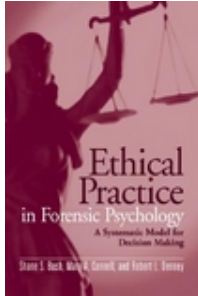


## Thinking Correctly About Ethics

A review of



**Ethical Practice in Forensic Psychology: A Systematic Model for Decision Making**  
by Shane S. Bush, Mary A. Connell, and Robert L. Denny

Washington, DC: American Psychological Association, 2006. 196 pp. ISBN 1-59147-395-0.  
\$69.95

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Reviewed by  
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☰ The conundrums of ethical standards of practice for psychologists in all specialties and settings can be daunting. But the specialty of forensic psychology is an arena in which morals, ethics, laws, and community expectations interact to create significant dangers of misconduct. A book devoted to the most recent thinking regarding ethical professional behavior in this highly adversarial setting would have potential in helping all psychologists and other helping professionals to question meaningfully their own behavior. On the other hand, this narrow look at ethics for forensic psychologists may lead practitioners and others to lose sight of overall key principles that should apply to all psychologists and not just forensic psychologists.

☰ A key question, then, regarding *Ethical Practice in Forensic Psychology: A Systematic Model for Decision Making*, by Shane S. Bush, Mary A. Connell, and Robert L. Denny, is, Does the book add value to the great deal of work that has been contributed by many professionals in writing different standards? Would not practitioners be better served by studying the American Psychological Association (APA) Ethics Code (APA, 2002; see also APA Web site version at <http://www.apa.org/ethics/>) standards and changes from the previous standards (APA, 1992)? Why not study the most recent thinking by focusing on the new revisions to the *Specialty Guidelines for Forensic Psychologists* (American Psychology-Law Society [AP-LS], 2006)? This question comes even more to mind when it appears that sometimes the authors may be highlighting, emphasizing, and rephrasing the ethical standards and may add little other than case illustrations of specific forensic issues. Another question is whether this book adds anything new to current works that cover ethical standards for psychologists and the helping professions (Beauchamp & Childress, 2001; Knapp & VandeCreek, 2003; Koocher & Keith-Spiegel, 1998).

☰ Clearly, this work does not just rehash the most recent statements of ethical standards but adds new value by providing tools and strategies to better understand and apply the current ethical standards. The major contribution of this book is its focus on the thinking process in making good ethical decisions. Throughout, the authors argue that ethical questions are seldom resolved with a *yes* or *no* answer. Adequate resolution of ethical dilemmas involves a process of thinking that seeks to protect the basic values of autonomy, nonmaleficence, beneficence, and justice.

☰ The authors urge that psychologists systematically apply the standard decision-making model to ethical questions they encounter in their practices. These steps include the following: identify the problem, develop possible solutions to the problem, consider the potential

consequences of various solutions, choose and implement a course of action, and assess the outcome and implement changes as needed. They add to this model by offering three additional and important steps in making decisions about ethical behavior, and these three additional steps make a major contribution to the existing standards and literature about ethical standards. These additional steps include the following: consider the significance of the context and setting, identify and use ethical and legal resources, and consider personal beliefs and values.

☰ The authors successfully make the case that the context of the forensic evaluation and expert testimony is very different than the typical clinical setting and that the context has a major impact on ethical decision making. First, in a forensic setting, the examinee is not the client or patient and does not have the same rights as in a clinical setting. The courts and perhaps the retaining party are considered the clients. Also, the nature and extent of the information needed to be able to substantiate findings and opinions is also very different from information needed in a typical therapeutic setting. Questions about competence of the clinician to perform in this setting are also important, and the danger of allowing personal biases and opinions to outweigh objective data in such an adversarial setting becomes paramount. As the authors provide tools and strategies to address each of these context-related ethical issues, it becomes apparent that a special book that addresses this unique context is important.

☰ Second, the authors also make a contribution in arguing, as does the APA Ethics Code (in the Introduction; APA, 2002), that the Ethics Code is not exhaustive and that psychologists must also consider “applicable laws and psychology board regulations” (p. 23). The authors provide a good bibliography with Internet addresses identifying where the reader can go to obtain the latest versions of the key professional standards. They provide an extremely valuable table titled *Professional Guidelines Relevant to Forensic Psychology* (p. 25). In a footnote on page 19, they refer readers to a table on the APA Web site that outlines the key differences between the 1992 and 2002 APA Ethics Code standards. This table is useful to help psychologists understand the development of thinking regarding ethical practice. Consistent with their approach of not just summarizing and rehashing the ethics standards themselves, the authors present a top-down deductive method of thinking about ethical decisions and the information to be consulted at each stage. One first starts by looking at key foundational values, then looks at the key ethical values of autonomy, beneficence, nonmaleficence, and justice. Then one reviews the relevant professional ethics codes. But this is where the authors demand more of psychologists than what might be expected. They argue that psychologists should then become familiar with the jurisdictional laws that regulate the practice of psychology; refer to position statements of relevant professional psychological associations; review journal articles, books, and book chapters; and then finally consult with knowledgeable colleagues. This amount of work, in terms of process thinking and gathering of information, would be considered by many to be onerous, but for the authors it is necessary to go beyond just determining what is ethically permissible and focusing on what is ethically preferable. The authors state that psychologists “must consider guidelines promulgated within their areas of specialization” like the *Specialty Guidelines for Forensic Psychologists* (AP-LS; p. 22). Throughout the book, they stress the pursuit of positive ethics with an emphasis on pursuing one's highest ethical potential.

☰ Some of the areas of the book that are very helpful include the authors' discussion of how the different standards and codes interact. For example, the coverage of the Health Insurance Portability and Accountability Act (HIPAA) is very helpful because this legislation continues to influence the practice of psychologists in different settings.

☰ The third area of focus for the authors in ethical decision making is to do a self-appraisal by questioning one's own values and beliefs to help reduce potential biases in one's work. Even though real case studies would have been preferred to the imaginary cases presented in the book, the constructed cases are used effectively to illustrate the self-questioning that is important for ethical practice. The authors cite Sweet and Moulthrop (1999) for formulating helpful self-assessment questions for evaluators in adversarial settings to help prevent bias. However, the authors do not actually present a list of such questions for forensic psychologists, and this would have been a helpful tool. The book deals specifically with different kinds of biases that can be prominent in forensic settings, and they use the important work of Kahneman and Tversky (1973). Some of these biases include the fundamental attribution error, anchoring, and confirmatory hypothesis testing. In guarding against these potential sources of biases, the psychologist needs to pose opposite views or hypotheses to their opinion and then test these alternative hypotheses.

☰ Because the book was written for practitioners and students who will become forensic psychologists, the organization of the book follows the different phases of forensic evaluations such as referral, collection, and review of information, evaluation, documentation of

findings and limitations, and testimony and termination, with a final, very important chapter on addressing ethical misconduct. But the decision-making model is stressed throughout, especially the three unique steps in the model for forensic psychologists. As a result of this organizational structure, key questions arise from normal practice that the authors address by emphasizing the decision-making process rather than just giving prescriptive answers to ethical dilemmas.

☞ For example, in several chapters, the importance of competency in the forensic context is stressed. The authors appropriately argue that competency in the particular practice area is no longer an aspiration goal for psychologists but is an ethical standard that must be met. The discussion of the level of competency for psychology practice has been moved from the General Principles section in the 1992 standards to a specific Ethical Standard in the 2002 standards. It is underscored in several places that competence is acquired through appropriate and specific education, training, and experience in content areas appropriate for forensic settings and, without this training, psychologists are practicing beyond the scope of their competence.

☞ Some other content areas in which the authors' discussion underscores the differences of the practice of psychology in a forensic context versus other contexts concern multiple relationships, the importance of questioning the veracity of third-party data, role clarification, and the importance of using a multisource and a multimethod assessment strategy. The problems of multiple relationships and the dangers for causing harm to clients are evident and well described in the ethical standards. Again, the authors argue that a systematic process be followed to make sure that multiple relationships do not occur or if they do that they are ethical and not of potential harm to clients. The process includes clear clarification of roles with the retaining party before the examination and with the examinee. It also includes documentation of the thinking process of the psychologist, including self-reflective questions about one's own motives. The process also includes consultation with colleagues and others who are knowledgeable and can have an independent view.

☞ Unlike other therapeutic settings, the forensic evaluator must question the veracity of all sources. This includes medical records and past social histories that may propagate erroneous information. Collaterals may have memory lapses or in fact want to advocate for the examinee, so they do not tell the truth. And, it is very important to note, the examinee may not be presenting symptoms truthfully. The process of always questioning your hypothesis as you proceed is a way to assure that you are basing your opinions on information and techniques sufficient to substantiate the findings (Standard 9.01).

☞ It is also important to note that the authors argue that forensic psychologists have an affirmative obligation to conduct a thorough evaluation in accordance with guidelines established by the courts. These guidelines specify that the psychologist must use techniques that have "general acceptance" in the field and that have demonstrated "scientific reliability and validity" (pp. 91-92). Psychologists must use valid and reliable assessment instruments for the populations of concern and explain any limitations if this standard cannot be met. But, it also means that objective tests need to be used to verify the truthfulness of the examinee responses and to detect malingering. They highlight the research on the shortcomings of clinical interviews in comparison with objective data.

☞ The last chapter is a significant contribution to psychology, but it is in need of further development. What is the obligation of psychologists when they observe unethical behavior that may be harmful to clients or represent injustice? Again, the process of decision making is stressed with a helpful checklist provided to readers that identifies important steps for reporting ethical violations (p. 125). The authors argue that the Code of Conduct by the Association of State and Provincial Psychology Boards (ASPPB; 2005) requires reporting violations of the ASPPB Ethics Code of Conduct (p. 129). But it is not at all clear that it does. The potential harmfulness of the misconduct is the criteria to be used in determining whether the resolution of an ethical conflict is informal or formal. The implication is that these criteria are also used by psychologists to determine whether and how they report unethical behavior in other psychologists. But the potential harmfulness of unethical conduct is not easily ascertained. More discussion about how to determine the harmfulness of unethical conduct would have been helpful.

☞ The authors do accomplish their objectives, and this book is a good read for forensic practitioners and students. Their organization, according to the stages of doing actual evaluations, helps to raise important ethical questions that frequently are encountered in practice. But the major contribution is their emphasis on the decision-making processes, given the specific ethical codes that have been developed and the current thinking about ethical standards of practice. Psychologists should strive to achieve their highest ethical practice potential and not just stay out of trouble. This requires work in knowing the standards and applying a systematic decision-making process to these

ethical standards. A book about ethics for forensic psychologists may be considered too narrow for psychologists in general. However, litigation and court involvement in many areas of practice for psychologists may make this book helpful in all of these adversarial work settings. A very useful exercise would be to read this book and then go back and re-read the codes and begin to apply the decision-making processes presented by the authors.

☞ There are areas in which the authors only superficially address specific topics, and this leaves the reader frustrated. For example, on several occasions, they emphasize that education, training, and experience are vital to establishing competency in forensic psychology, but they fail to describe the level, quality, or amount of education, training, and experience that is needed. They fail to address the key issue of the distinction between personal and professional ethics for forensic psychologists (Pipes, Holstein, & Aguirre, 2005). For example, they talk about the self-reflection that is needed to avoid the biases that can enter into decision making in forensic settings, but they miss an important opportunity to talk about the role of virtue and character that is prominent in the ethics literature (Kitchener, 2000).

☞ Even though some redundancy is necessary in a book covering such an important topic, there was too much in this book and it felt that sometimes I was reading the same claims I had just read a couple of pages previously. Thus, better editing and more development of some of the sections would have improved this important contribution.

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