

Ethics in psychology and criminal justice



Ethical behavior is important within any discipline whether it be automobile mechanics or brain surgeons. Two disciplines in which ethical behavior is especially important are the disciplines of criminal justice and psychology due to the vulnerable state of the individuals which are encountered on a daily basis. Straying from compliance of ethical guidelines in either of these disciplines could result in mental damage in psychology, false arrests or acquittals in criminal justice, or termination and dishonor within either discipline. This manuscript discusses a couple ethical dilemmas within the disciplines of psychology and criminal justice as well as provides examples of each. The manuscript also briefly discusses the similar variables which make each discipline sensitive to ethical behavior.

Ethical Dilemmas in Psychology and Criminal Justice

Within any profession, whether it is a psychology, law enforcement, news casting, or even an automobile mechanic, an individual's integrity plays a pivotal role in how successful their endeavors turn out. Integrity, as defined by the Merriam-Webster Online Dictionary, is "firm adherence to a code of especially moral or artistic values" (Integrity, 2010). One whose integrity is compromised may be perceived as irresponsible, dishonest, and possibly even immoral. One thing that affects one's integrity is whether or not the individual conducts themselves in an ethical manner. Ethics within in a profession are a set of moral principals used to determine whether a certain behavior is right or wrong. Most disciplines have an ethical code whether it is implied or actually documented. For example, the American Psychological Association has a set of ethical principals published through which psychologists may judge whether a particular behavior or action is ethically

sound (American Psychological Association, 1992). Alternatively, automobile mechanics have no generally accepted, published, ethics code. In a case such as this, establishments may be certified by different organizations which have developed an ethical code or they may develop one of their own (Mechanics R Us, 2010). This manuscript will discuss some ethical dilemmas which have been encountered and studied within the fields of psychology and criminal justice.

Literature Review

The American Psychological Association published a set of guidelines and codes which govern ethical behaviors within the psychological field (American Psychological Association, 1992). These codes cover most if not all aspects of psychology from therapy to research. It is upon this foundation that the choices of ethical dilemmas within the field of psychology are based. Also based upon these ethical guidelines Sherwin (1998) made a statement regarding the effects of unethical behavior upon the vulnerable individuals that psychological professionals encounter on a daily basis.

Peternelj-Taylor (2002) and Lambie (2005) both provided examples of ethical dilemmas professionals within the psychological field may encounter.

Peternelj-Taylor writes on the dilemma of over- and under-involvement with patients. Wartenburg (1990) discusses how the ideal amount of involvement for a professional within the psychological field to have with a client lies in an area called transformative power. Everett and Gallop (2001) went on to describe the ideal purpose of transformative power.

Lambie's (2005) composition involved the divulgence of suspected child abuse by school counselors. Crenshaw, Lichtenberg, and Bartell (1993) as well as Sechrist (2000) performed analyses that found problems in the amount of times that suspected child abuse is reported. Wilson, Ireton, & Wood (1997) discussed how this dilemma ranks high among the concerns of helping professionals. The decision to report suspected child abuse is governed not only ethically but legally as well. In 1974, the National Child Abuse Prevention and Treatment Act (PL 93-247) provided a definition of child abuse (42 USCS 5101). Most states have also enacted statutes and laws which make divulgence of suspected child abuse required by law North Carolina General Statutes (2003).

The differing professions within the field of criminal justice are also governed by sets of ethical guidelines. One ethical dilemma which is encountered within law enforcement is the use of excessive force. The case of Rodney King provides an excellent, high-profile example upon which to base the effects of this dilemma (Cannon, 1997). Schoch & Lin (2007) found that, even several years after the event, a degree of civil unrest as well as a deep seated mistrust of the criminal justice community still exists.

Vidmar (2002) discusses the ethical dilemma of introducing prejudice within the courtroom. He uses examples of cases in which he was called to analyze the amount of prejudice including Regents of the University of California vs. Genentech (1999) and R. v. Reynolds (1997). In these cases he found that it does not take much for prejudice to find its way into the courtroom setting and affect the opinions of those involved.

Discussion

Ethical Dilemmas in Psychology

As one may easily ascertain, ethical behavior in any aspect of psychology is incredibly important. In many instances, those that participate in psychological research or receive a treatment of some sort from a psychologist are in a vulnerable state of mind. Sherwin (1998) said it best stating “ without a strong principle of respect for patient autonomy, patients are vulnerable to abuse or exploitation, when their weak and dependant position makes them easy targets to serve the interests (e. g. financial, academic, or social influence) of others” (p. 20). In cases such as this, the psychologist must be incredibly cautious with the actions they take or risk causing damage that may take years to treat or may even be irreversible. Consequences against the psychologist may include having their qualifications questioned or possibly even legal actions. The ethical guidelines for the discipline of psychology are published in the Ethical Principals of Psychologists and Code of Conduct (American Psychological Association, 1992). In this section the manuscript will cover some ethical dilemmas which have been discussed within published literature.

One ethical dilemma that psychologists may encounter involves relationships with patients outside of the patient-therapist or patient-researcher relationship. Peternelj-Taylor (2002), a nurse who worked as a team leader on a sexual offender unit of a maximum security forensic hospital, discussed this dilemma at length. Within the manuscript, the researcher discusses psychologists’ over-involvement and under-involvement with a patient. Over-involvement with a patient includes relationships past patient-therapist

relations including friendships or sexual relations with patients. Under-involvement includes behavior which borderlines ignoring the patient which includes avoidance of patients or not exploring or addressing patient problems with sufficient detail. As one may imagine, either one of these instances may be harmful to not only the patient but also the therapeutic integrity of the psychologist.

During patient-therapist interaction, it should be the goal of the psychologist to remain in an area between the two extremes of over-involved and under-involved power assertion. Wartenburg (1990) refers to this area as transformative power which focuses upon a sort of partnership with the patient. In patient-therapist relationships that maintain a transformative power relation, the focus is placed upon working with the patient in resolving their problems rather than overtop or in spite of. Everett and Gallop (2001) stated that “ the goal of transformative power is mutual liberation – from dependency (for the client) and from being depended on (for the professional)” (p. 124). In essence, this expresses what should be the ultimate goal of the patient-therapist relationship.

Another ethical dilemma faced within the psychological profession is divulging information about suspected child abuse or neglect that was obtained during therapy. Lambie (2005) composed a manuscript discussing how this dilemma affects professional school counselors. One would assume that, with legal statutes requiring divulgence, the decision to report instances of suspected abuse would immediately be reported as soon as it is encountered though this is not always the case. In an analysis by Crenshaw, Lichtenberg, and Bartell (1993) the researchers found that, in many

instances, helping professionals choose against reporting suspected abuse. Additionally, a study by the Federal National Child Abuse and Neglect Incidence Study found that school personnel only reports a small percentage of suspected abuse cases to Child Protective Services (Sechrist, 2000). Research has found that encountering a suspected case of child abuse is high among the fears of helping professionals (Wilson, Ireton, & Wood, 1997). It has been said that, while professionals are aware of their legal duty to report such cases, procedural uncertainty about how to go about reporting among other things are deterrents (Lambie, 2005).

The decision of helping professionals to report suspected abuse is governed by both legal and ethical guidelines. Lambie (2005) discusses how professional ethics are in place to guide professionals throughout their ethical decision making. Within these ethical guidelines is a subgroup of ethics called mandatory ethics. Lambie goes on to discuss how the reporting of suspected child abuse falls under these mandatory ethics which crosses barriers into all disciplines. In 1974, the National Child Abuse Prevention and Treatment Act (PL 93-247) was enacted by Congress which defined child abuse as (42 USCS 5101):

Physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen or the age specified by the child protection law of the state in question, by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

In addition to this act passed by congress all of the states in the United States have passed statutes that make it illegal for an individual who is aware of an instance of child abuse not to report it (North Carolina General Statutes, 2003). Based upon these laws and statutes, it is not only ethically required that helping professionals report suspected child abuse but failure to do so may also result in legal ramifications as well.

The field of psychology provides an important service for those that are having trouble coping with a mental disability or other psychological aspect of their life. As was mentioned earlier those that see a psychologist as a patient are, many times, in a psychologically vulnerable state. This is why it is especially important for those within the field of psychology to follow the ethical guidelines developed for their field as closely as possible. Those that are steadfast in their ethical behavior help to ensure that their patients receive the best treatment possible and reduce the possibility of inflicting any psychological damage upon the patient.

Ethical Dilemmas in Criminal Justice

Just like in the discipline of psychology, it is also exceptionally important to follow ethical guidelines within the discipline of criminal justice. Those whose profession falls within the discipline of criminal justice find themselves in an authoritative role amongst those around them. This fact puts the individual in a position of having power over others. If the individual is not cautious, this power may be easily exploited. Again, as with psychology, dire consequences may be suffered. In some cases, innocent individuals may be wrongfully accused and convicted while the true guilty party is freed in which case justice is not served. Police officers who stray from ethical behavior risk

termination as well as having their reputation tarnished within their community. These facts make it necessary for those in criminal justice, just like those within the field of psychology, to follow strict ethical guidelines as well (See Appendix A). Within this section the manuscript will discuss some of the ethical dilemmas that are encountered within the field of criminal justice.

One action that a police officer must inevitably take part in is the use of force. The action of applying force is not unethical in itself though ethics do come into question when the use of force gets to the point of becoming excessive. In any case, excessive force is any force used beyond what is necessary to subdue an assailant. One high profile case through which excessive force by law enforcement was brought to the forefront is the case of Rodney King (Cannon, 1997). During this incident, a video was taken of Los Angeles Police Department officers striking King repeatedly with batons after he was lying on the ground.

Unethical behavior, such as was displayed in this case, is not only damaging to the individual performing the action, but it is also damaging to the law enforcement community as a whole. The use of excessive force by an officer of the law may lead to termination and, more than likely, legal repercussions such as restitution, prison time, or both. Actions such as this may also lead to an overall mistrust of the law enforcement community by individuals within the public which in turn may lead to civil unrest. Referring back to the Rodney King case, many years after the fact tensions are still high within the Los Angeles community as a result of the incident as well as the occurrences that followed (Schoch & Lin, 2007). This should be a major concern due to

the fact that law enforcement, as well as the other professionals within the criminal justice community, are in place to serve and protect the public and are required to be trusted when the time comes to perform their duty.

Another ethical behavior that must be practiced within any criminal justice profession, as well as any other profession, is the elimination of prejudice. Prejudice may be presented in many different forms including prejudice by race, gender, social standing, or any other individual criteria. One area of criminal justice in which prejudice is particularly damaging is during jury selection. If a seated jury is introduced into the courtroom with a preconceived prejudice based upon some characteristic of the case, it may, in fact impede upon an individual's right to a fair trial.

In most instances, prejudices may cause an individual to draw conclusions about a defendant's guilt or innocence before the evidence against the defendant is even presented. There are many sources of prejudice, some of which include media publicity, community involvement, gossip, and rumors (Vidmar, 2002). It is for this reason that jury selection for any given case is, at times, a long a drawn out process. Jury selection is utilized to remove any individuals which may house some of these prejudices, such as family and friends of any individuals involved in the process, or any individuals that have been affected in any way by the type of crime in question. Vidmar (2002) performed several case studies upon court cases and their involvement of pre- and midtrial prejudices a few of which the following paragraphs will summarize.

One case that Vidmar (2002) discusses is the case of Regents of the University of California vs. Genentech (1999). The case involved patent infringement on the human growth hormone Protropin. The jurors had been chosen and a date for the trial had been set. Before the trial, defense lawyers had discovered that Genentech had pled guilty in a federal case involving off label promotion of Protropin and had to pay \$50 million. Obviously the defense lawyers were concerned that this information, if brought to light to the current jurors, could affect the outcome of the trial. The judge refused to delay the trial but did instruct the jurors to refrain from reading any news articles that involved the company Genentech. During the trial, the jurors were in a waiting room waiting to be called into the trial and one of the jurors brought with them a copy of the Oakland Tribune to read during the wait. When the juror turned to the business section of the paper one of the headlines stated what had happened in the previously mentioned case Genentech was involved in. According to reports, there is evidence suggesting that several jurors also observed the same headline. Obviously, in a case such as this, the jury pool had been tainted to a certain degree with prejudice.

Another case study discussed by Vidmar (2002) involved the case of R. v. Reynolds (1998). The case dealt with a mother named Louise Reynolds that had been charged with stabbing her 7-year-old daughter 84 times. During this period, a great deal of community hostility had been directed towards her after a memorial poem of her composure had been published within the local newspaper. The defense had presented an alternative means through which Ms. Reynolds' daughter could have been killed which involved a pit

bull near the crime scene that was found covered in blood. The body of the child was then exhumed and examined by two forensic scientists whose findings strongly supported the alternative means presented by the defense. These results were not published within the local newspaper but were covered in nationally circulated newspapers. In preparation for a motion for a change of venue, Vidmar conducted a survey assessing the level of hostility that still existed towards Ms. Reynolds. Out of the respondents, 75% said that they were capable of giving an unbiased decision towards the case. Of the same group that was surveyed, only 45% stated that a non-guilty verdict would be a satisfactory verdict within this case. This gives the indication that even though evidence had been presented in support of Ms. Reynolds' innocence, the hostility that was introduced as a result of the published poem still lingered to a degree within those surveyed prejudicing their decisions.

As is evidenced above, ethical behavior is detrimental to the proper transaction of justice. Unethical behavior within the criminal justice community may result in civil unrest, false convictions, or worse. The daily interactions of those within one of the many criminal justice professions provide ample opportunities for abuse of power and dishonesty as well as many other unethical behaviors. Therefore it is vitally important for those within the criminal justice community to be vigilant in their endeavors as well as strive to complete their duties in an ethical manner.

Conclusion

As one can see both the disciplines of psychology and criminal justice require strict ethical guidelines if they are to be professionally and effectively

implemented. Professionals within both disciplines interact on a daily basis with individuals that are within a vulnerable state. The effects of unethical behavior within the confines of these disciplines can be tremendously harmful to both the professional as well as the individual that the professional is interacting with. Professionals within the field of psychology risk losing their practice as well as legal repercussions while the patients that are victim to the unethical behavior risk further damage to their already vulnerable mental state. Professionals within the criminal justice community risk termination, a tarnished reputation, and possibly even legal repercussions as well. The effects of unethical behavior within criminal justice deprive the affected individuals of their right to justice while, in some of the more extreme cases, may even lead to civil unrest and a deep mistrust for the justice community as a whole. Given these facts, it is obvious the important role that ethics plays in ensuring the effectiveness as well as the professionalism in both the disciplines of psychology and criminal justice.