

## BOOK REVIEW

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### Review of: *Ethical Issues in Forensic Psychiatry: Minimizing Harm*

**REFERENCE: Sadoff RL. Ethical issues in forensic psychiatry: minimizing harm. Oxford, U.K.: John Wiley & Sons, Ltd., 2011, 256 pp.**

In the practice of psychiatry, indeed in all of medicine, the first and most cited ethical guideline has always been *primum non nocere*, “first, do no harm.” Practitioners are urged to always consider risks and avoid potential harm that might befall the patient during treatment. However, those who have worked in the field of forensic psychiatry, practice within the framework of our justice system, and have recognized that doing harm may be inherent to the adversarial nature of such a system. The pursuit of psychiatric truth for justice, and not the treatment of the patient, is the ultimate goal of forensic examination. As a result, the forensic examinee may be harmed, and the forensic expert may be negatively impacted. To guard against this risk of harm to the participants in the forensic justice system, a strict ethical standard must be maintained to preserve the integrity of forensic psychiatry. In lieu of a guideline of “no harm,” Dr. Sadoff proposes a goal in forensic psychiatry that “we can *minimize the harm* caused inherently by the adversarial system in which we participate.”

In the book, spanning 222 pages including indices, Dr. Sadoff concisely and systematically reviews the ethical dilemmas of forensic psychiatric practice by translating the complex theoretical underpinnings of the field into real-world practice. Dr. Sadoff addresses the complexity of ethical forensic psychiatric practice in three parts. Part one explores the foundations of forensic psychiatric ethics in the United States, while offering a global perspective with relevant contributions from authors in the United Kingdom and the European Union. Part two reviews how minimizing harm can be achieved in the course of practice by exploring the major duties of the psychiatric examiner: examination, report writing, and testimony. Finally, Part three examines certain populations in the justice system, including minors, the elderly, prisoners, and death row inmates, as these kinds of vulnerable groups may be subject to major ethical dilemmas, and where the potential to do harm may be the greatest. This section also includes a primer on the risks a forensic examiner may encounter and offers a unique legal perspective on the forensic psychiatric evaluation by Donna Vanderpool, a healthcare attorney and expert in risk management.

While the book provides useful information throughout, Part two offers a practical guide to the application of ethics during the forensic evaluation process. In particular, Chapter 4, “The Forensic

Psychiatric Examination” exemplifies the format utilized in the book. In this chapter, Dr. Sadoff discusses how ethical practice can minimize harm during the forensic examination by first recognizing the vulnerability of the examinee. Thus, the chapter starts by reviewing the pertinent literature regarding the ethics of conducting forensic interviews and highlighting and explaining key concepts including Dr. Paul Appelbaum’s principle of respect for the individual (1). Dr. Sadoff considers potential ethical questions an examiner may confront during the course of the examination. For example, he considers the inherent ethical quandary faced by examiners whose dual purpose is to (i) seek truth and justice and (ii) maintain respect for the individual. The author then translates these broader concepts into practical considerations while conducting an interview.

One of the many strengths of this work is the author’s use of well-chosen case examples to describe how ethical dilemmas arise in the daily practice of forensic psychiatry. For example, Dr. Sadoff presents the hypothetical case where an examiner must interview the victim of sexual abuse, rape, or other serious violent crime. In such a case, ethical questions arise with regard to conducting the interview: “How much detail does the examiner require from the victim, who is now the examinee, in order to reach a meaningful conclusion? Do examiners need to have victims relate, in excruciating detail, the experience that they have had that led to the lawsuit or criminal charges against the defendant?” In such a case, an overzealous examiner may put the examinee through questioning that may be painful, in forcing them to “relive the horrifying experiences that were so traumatic for them.” However, a forensic expert is also under pressure to obtain all pertinent information possible and may even be criticized during a trial for lack of thoroughness if they do not ask about the alleged incident. Dr. Sadoff offers practical solutions to this quandary, such as obtaining transcripts where the examinee has previously discussed the trauma. Another alternative would be for the forensic expert to offer a clear explanation as to why he or she chose not to pursue asking these questions, thereby neutralizing any potential criticism of bias while minimizing harm to the interviewee. As this hypothetical demonstrates, the author effectively uses his experience from conducting over 12,000 forensic psychiatry interviews to provide clear and practical examples of ways to minimize harm in the course of forensic psychiatric practice.

Awareness and application of ethical principles are essential to maintain legitimacy in the field of forensic psychiatry. In addition, as this work recognizes, these principles should be applied in such a way as to minimize harm to all of those involved. While numerous articles, guidelines, and book chapters on ethical principles in forensic psychiatry exist, the field has yet to produce a comprehensive, unified work that translates these principles into the everyday

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practice of forensic psychiatry that would be useful to its practitioners. In *Ethical Issues in Forensic Psychiatry*, Dr. Robert Sadoff accomplishes this task and produced a thorough, yet easily readable, account of how ethics can be utilized to advance forensic psychiatry's goal of justice while minimizing harm to all involved. This work offers clear, concise solutions to many ethical dilemmas that may arise during the forensic evaluation process. It also recognizes ambiguity when it exists, offering up pertinent questions that are still being debated in the field. Thus, this book will serve as an invaluable resource to all of those involved in the conduct and

utilization of forensic psychiatric evaluations, including psychiatrists, psychologists, judges, lawyers, and others involved in the forensic process. Reading this book through its entirety would certainly be a reasonable recommendation, and then saving it in one's library for future reference an added bonus.

#### Reference

1. Appelbaum PS. A theory of ethics for forensic psychiatry. *J Am Acad Psychiatry Law* 1997;25:233-47.