Ethics, Power, and Advocacy

Psychologists in the Criminal Justice System*

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I. INTRODUCTION

Psychologists long defined their role essentially as that of scientist, engaged in research or in the applied work of psychometrist; later the role of therapist assumed prominence. In recent years, psychologists have increasingly assumed new professional roles in institutional settings. The criminal justice system is one of those new settings for psychological intervention, and the ethical questions generated there have sparked a debate within the psychology profession. A recent publication of the American Psychological Association, "Who is the Client?" (Monahan, 1980) surveys the ethical questions involved in psychologists' criminal justice work.

This essay--review discusses both the new volume and the underlying topic. First, a brief summary of the study and survey which led to the book, and the task force report which is its heart will be set out. Background papers which accompany the task force report will not be discussed separately, but instead will be dealt with in connection with appropriate substantive topics. Second, two issues which cut across all the chapters of the book will be surveyed: the psychologist’s divided loyalty, and the psychologist’s limited competence to perform the tasks required. Finally, three concepts will be highlighted as a suggested focus for ongoing ethical debate—the psychologist’s multiple roles, his or her relation to power, and the psychologist as advocate. Psychological research involving prisoners, although of considerable importance, will not be dis-

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cussed. The task force generally relies on the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (1977). Moreover, Federal agencies have increasingly opposed research with prisoners.

A. The Study

In late 1975, the American Psychological Association (APA) Board of Social and Ethical Responsibility for Psychology was confronted with a number of requests concerning criminal justice issues. Apparently, the existing APA Ethical Standards for Psychologists (1963) were not thought to give sufficient guidance by those submitting the requests. It seems that the standards were also not thought sufficient by the Board itself, for it created a Task Force on the Role of Psychology in the Criminal Justice System, chaired by John Monahan, a psychologist who is now a professor at the University of Virginia School of Law. The task force was assigned to undertake a comprehensive study, with funding from the National Science Foundation’s program in Ethical and Human Value Implications of Science and Technology.

Concrete ethical problems in this area have, in the past, been formally raised infrequently—though perhaps no less frequently than in other areas. During a three-year period preceding the task force report, psychologists filed only seven complaints of unethical behavior against criminal justice agencies to be heard by the APA Committee on Academic Freedom and Conditions of Employment. Furthermore, only one charge against a psychologist working in the justice system was filed before the APA Committee on Scientific and Professional Ethics and Conduct (Task Force, 1980). After reading the survey results and background papers (Monahan, 1980), one concludes that many important ethical issues must have existed though few were formally raised.

The task force’s study went through several stages. The psychologists who had responded on the 1975 APA Manpower Survey by listing the criminal justice system as their primary employment setting were surveyed, in order to guide the task force’s selection of topics for debate and to provide case material. Four background papers were commissioned, organized by setting; they concerned ethical issues for psychologists in police agencies, court, corrections, and the juvenile justice system. These papers, together with the survey results, are published for the first time in this volume (Monahan, 1980). The background papers were considered by the task force at four meetings held over the space of a year, with invited groups of psychologists and others working in the justice system providing input. After these meetings, the task force’s report was prepared and first published separately in 1978; it is reprinted in this volume.

The task force did not relate its discussion and recommendations in any point-by-point way to the findings of the study, or to the reasoning of the background papers it had commissioned. Its decision not to do so is understandable. It would have been helpful, however, if the published volume, “Who is the Client?,” had been treated as a single-theme anthology and supplied with the usual editorial apparatus of comments on the several chapters. Such editorial commentary could have compared the task force recommendations with the survey report and background papers, and compared the background papers with one another, highlighting areas of disagreement. The structure