



### I32 Ethical Challenges in Forensic Psychiatric Practice

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**Learning Overview:** The goal of this presentation is to provide an overview of the challenges associated with the practice of psychiatry in a forensic context with specific attention given to the conflicts associated with multiple simultaneous roles and their potential resolution.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by identifying and clarifying potential ethically challenging situations in the practice of forensic psychiatry, and by posing alternative potential solutions to be considered.

The discipline of psychiatry poses ethical issues that are unique in medical practice. The authority to detain, the reliance on subjective assessment, poorly defined boundaries as related to roles, diagnoses, and treatments all contribute to frequent ethical conflicts, morally distressing decisions, and the potential for abuses. Furthermore, the nature of the relationship between psychiatrists and their patients may be intensely personal and patients may be particularly vulnerable. For reasons such as these, it has been suggested that psychiatry requires its own unique approach to ethical problem solving. Forensic psychiatry, as a subspecialty, brings with it a variety of additional challenges that have been explored by a number of commentators. The ethical risks associated with issues of dual agency, confidentiality, bias, and expert competency are ever present. Consequently, forensic psychiatric practitioners must be particularly vigilant and familiar with their professional codes of conduct. The practice of recovery-oriented care with individuals who have been found unfit to stand trial or not criminally responsible, and who are subject to dispositions of the courts or review boards, presents an additional array of ethical tensions. The assessment and management of risk in a rehabilitative context raises many issues related to autonomy, confidentiality, and conflicting roles.

This presentation will focus on several of the complex ethical scenarios that arise in the treatment and rehabilitation of forensic psychiatric patients and will discuss several current approaches to their analysis. The issues associated with the provision of clinical services, such diagnosis, acute treatment and rehabilitative care, and risk-related activities such as dangerousness assessment and risk management, will be explored. A number of proposed solutions to these dilemmas will be reviewed with regard to their strengths and weaknesses. A specific integrative model for the management of these conflicts will be presented.

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#### Forensic, Psychiatry, Ethics