

**RESPONDENTS’
OPPOSITION EXHIBIT 4**

**Summary of the
American Psychological Association
*Report of the Presidential Task
Force on Psychological Ethics And
National Security***

**Ft. Huachuca
*April, 2006***

Overview of the Report

- In February 2005, the APA Board charges that the Task Force “examine whether our current Ethics Code adequately addresses [the ethical dimensions of psychologists’ involvement in national security-related activities]...”

Overview of the Report

- The Task Force had no investigative or adjudication role and therefore rendered no opinions or judgments about events that may or may not have occurred in any national security setting.

Overview of the Report

- The Task Force “was unambiguous that psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment and that psychologists have an ethical responsibility to be alert to and report any such acts to appropriate authorities.”

Introduction to the Report

- The Task Force found that when psychologists serve in national security roles, including as consultants to interrogations, “the APA Ethics Code applies. Thus in any such circumstance, psychologists are bound by the APA Ethics Code.”

Introduction to the Report

- The Task Force found Principle B (Fidelity and Responsibility) resulted in a “central role for psychologists working in the area of national security-related investigations to assist in ensuring that processes are safe, legal and ethical for all participants.”

Introduction to the Report

- The Task Force found Principle A (Beneficence and Nonmaleficence), Principle D (Justice), and Principle E (Respect for People's Rights and Dignity) to be applicable to national security roles, and the Ethics Code to be “fundamentally sound in addressing the ethical dilemmas” that arise in this domain of practice.

Twelve Statements

1. Psychologists do not engage in, direct, support, facilitate or offer training in torture or other cruel, inhuman, or degrading treatment.

Twelve Statements

2. Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.

Twelve Statements

3. Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being.

Twelve Statements

4. Psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse for ethical reasons to follow laws or orders that are unjust or that violate basic principles of human rights.

Twelve Statements

5. Psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous.

Twelve Statements

6. Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles, such as health care provider and consultant to an interrogation, and refrain from engaging in such multiple relationships.

Twelve Statements

7. Psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code, and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical consideration.

Twelve Statements (statement seven)

- How certain settings may instill a profound sense of powerlessness and result in disadvantage to individuals in asserting their interests and rights
- How failures to understand cultural or ethnic differences may result in misunderstanding that may compromise the safety or efficacy of investigatory processes and so result in harm

Twelve Statements (statement seven)

- How the combination of a setting's ambiguity with high stress may facilitate engaging in behaviors that cross the boundaries of competence and ethical propriety ["drift"]

Twelve Statements

8. Psychologists who consult on interrogation techniques are mindful that the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator

Twelve Statements (statement eight)

- This “ethical obligation is not diminished by the nature of an individual’s acts prior to detainment or the likelihood of the individual having relevant information.”
- “At all times psychologists remain mindful of and abide by the prohibitions against engaging in or facilitating torture or other cruel, inhuman or degrading treatment.”

Twelve Statements (statement eight)

- “Psychologists inform themselves about research regarding the most effective and humane methods of obtaining information and become familiar with how culture may interact with the techniques consulted upon.”

Twelve Statements

9. Psychologists make clear the limits of confidentiality.

Twelve Statements (statement nine)

- Being aware of the sensitivity of health or mental health information to which they have access or utilize
- Disclosing only the minimum amount of information required and only to those with a “clear professional purpose” in having access to the information

Twelve Statements (statement nine)

- Taking care to “not leave a misimpression that information is confidential when in fact it is not.”

Twelve Statements

10. Psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, as set forth in the Ethics Code.

Twelve Statements

11. Psychologists clarify for themselves the identity of their client and retain ethical obligations to individuals who are not their clients.

Twelve Statements

(statement eleven)

- Regardless of who is the client, psychologists are obliged to “ensure that their activities in relation to the individual are safe, legal, ethical and effective.”
- This obligation is especially important when individuals may not be able to assert their own interests and rights effectively

Twelve Statements

12. Psychologists consult when they are facing difficult ethical dilemmas.

**Action by the APA
Ethics Committee and Board of Directors
July, 2005**

- **The Ethics Committee determines that the twelve statements are appropriate interpretations and applications of the APA Ethics Code**
- **The Board of Directors adopts the twelve statements as APA Policy**

Other Conclusions Drawn

- **The best ways to ensure that national security-related activities of psychologists are safe, legal, ethical and effective:**
 - **Development of professional skills and competencies;**
 - **Ethical consultation and ethical self-reflection; and**
 - **Willingness to take responsibility for one's own ethical behavior**

Other Conclusions Drawn

- It is critical to offer ethical guidance and support to psychologists, especially to those at the beginning of their careers, who may experience pressures to engage in unethical or inappropriate conduct

Other Conclusions Drawn

- APA should develop a process that allows psychologists whose work involves classified material and who need ethical guidance or consultation to consult APA for assistance and support

Other Conclusions Drawn

- Psychologists should encourage and engage in research relevant to national security roles, including:
 - Effectiveness of information-gathering techniques
 - Effects of interrogation on interrogators
 - Cultural differences and the impact of specific information-gathering techniques and what constitutes cruel, inhuman, or degrading treatment

Other Conclusions Drawn

- Psychologists working in this area should inform themselves about how culture and ethnicity interact with investigative or information-gathering techniques, attending in particular to how failing to take such factors into consideration may result in harm

Areas Of Ongoing Controversy

- The role of human rights standards in an ethics code, and in particular, whether international or US standards or law should be the “touchstone”
- The degree to which psychologists may ethically disguise the nature and purpose of their work

Areas Of Ongoing Controversy

- Whether the discussions of the Task Force should have been made available outside of the Task Force (by a vote of 7-1-1, the Task Force voted to limit the substance of its deliberations to this report and other public statements of the Task Force, in order to facilitate richer and more productive discussion of sensitive information within the Task Force itself).

Key Recommendations

- APA reaffirm its 1986 Resolution Against Torture and Other Cruel, Inhuman or Degrading Treatment
- **Develop a companion document and commentary for the 12 Statements**
- Continue to examine the “fit” between the Ethics Code and national security activities of psychologists

Summary of Key Recommendations

- Develop a process for ethical consultation to psychologists involved in national security roles
- Continue to foster a strong relationship with psychologists working in these roles, mindful of the unique ethical challenges they face
- Provide a copy of the Task Force report to the Department of Defense and other relevant government organizations

Summary of Key Recommendations

- Encourage further research in relevant areas, minimizing risk to research participants
- Encourage behavioral scientists to collaborate across disciplines, cultures and countries
- Consider support of a repository of psychologists' contributions to national security, as an historical record and resource concerning how ethical challenges were met

Summary of Key Recommendations

- View this Task Force as an initial step in addressing the complex and challenging ethical dilemmas facing psychologists in national security roles, which will assist APA to engage in thoughtful reflection of complex ethical situations in an area of psychological practice likely to expand significantly in coming years

Overview of the Report

- The Task Force acknowledged the long tradition of psychologists serving in consultative positions for national security and other law enforcement contexts. The Task Force also acknowledged that such roles entail “a delicate balance of ethical considerations” and that psychologists are in “a unique position to assist in ensuring that these processes are safe and ethical for all participants.”

Action by the APA Council of Representatives August, 2005

- Embraced all of the PENS recommendations
- **Added: “Council acknowledges, based on the U.N. Convention Against Torture, that there are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders.”**

40

Policy of the American Psychiatric Association

(not official and subject to change)

- 1. The American Psychiatric Association reiterates its position that psychiatrists should not participate in, or otherwise assist or facilitate, the commission of torture of any person. Psychiatrists who become aware that torture has occurred, is occurring, or has been planned must report it promptly to a person or persons in a position to take corrective action.**

Policy of the American Psychiatric Association

(not official and subject to change)

- 2. Every person in military or civilian detention, whether in the United States or elsewhere, is entitled to adequate medical care under domestic and international humanitarian law. Psychiatrists providing medical care to individual detainees owe their primary obligation to the well-being of their patients and should not participate or assist in any way, whether directly or indirectly, overtly or covertly, in the interrogation of their patients on behalf of military or civilian agencies. Nor should any part of the medical records of any patient, or information derived from the treatment relationship, be disclosed to persons conducting interrogation of the detainee.**

Policy of the American Psychiatric Association

(not official and subject to change)

- 3. Psychiatrists should not participate in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere. Nor should they provide information or advice to military or civilian investigative or law enforcement authorities regarding the likely consequences of specific techniques of interrogation that is in any way particularized in its application to an individual detainee.**

Policy of the American Psychiatric Association

(not official and subject to change)

***As used in this statement, “interrogation” refers to a deliberate attempt to elicit information from a detainee for the purposes of incriminating the detainee, identifying other persons who have committed or may be planning to commit acts of violence or other crimes, or otherwise obtaining information that is believed to be of value for criminal justice or national security purposes. It does not include interactions with judges or attorneys in connection with adjudication or preparation for adjudication; interviews or other interactions with a detainee authorized by a court or by counsel for the detainee; or interviews or other interactions with a prisoner serving a sentence conducted by or on behalf of correctional authorities.**

Thank you.

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