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**ISEPP Statement & Submission to the American Psychological Association  
Call for Comments:  
Proposed Language to Revise Standard 3.04 for the Ethics Code  
April 3, 2016**

The American Psychological Association (APA) issued a public call for comments to an upcoming Ethics Code change in response to APA Council of Representatives' request to incorporate into the Ethics Code the prohibitions surrounding psychologist participation in national security interrogations. The APA proposed two versions (A & B) as quoted below:

Version A

**3.04 Avoiding Harm**

(a) Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

(b) Psychologists do not participate in, facilitate, assist or otherwise engage in torture.

Version B

**3.04 Avoiding Harm**

(a) Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

(b) Psychologists do not participate in, facilitate, assist or otherwise engage in torture or cruel, inhuman or degrading treatment or punishment.

(c) Psychologists do not conduct, supervise, or otherwise assist or be present at any national security interrogations for any military or intelligence entities, including private contractors working on their behalf. They do not advise on conditions of confinement insofar as these might facilitate such an interrogation. Psychologists may consult on policy and training pertaining to information-gathering methods that are humane and not related to any specific national security interrogation or detention conditions.

ISEPP responded with the following submission:

Version A is unacceptable. This is essentially the stated ethical guidelines that have been in effect. ISEPP has long been troubled by the growing and underhanded collusion between the APA and the Department of Defense and other governmental agencies with the apparent attempt to mold APA ethical guidelines to suit those governmental agencies rather than to maintain a robust set of ethical guidelines for a profession dedicated to beneficence and non-maleficence. ISEPP is also disappointed that



psychology has been the only professional group on the national stage that seems to have had such difficulty in abiding by fundamental ethical guidelines regarding the humane and respectful treatment of human beings. We welcome the opportunity to be part of rectifying this dark spot on the profession. ISEPP stands willing to assist further in the development of the APA Ethics Code in furtherance of an ethical profession of psychology. Feel free to contact me if you have any questions.

ISEPP is in favor of Version B with the following suggested changes. Suggested deletions are shown in [brackets] and suggested additions shown in CAPITALIZED font.

#### 3.04 Avoiding Harm

(a) Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, [and] others with whom they work, AND OTHERS WHO ARE AFFECTED BY THEIR WORK, and to minimize harm where it is foreseeable and unavoidable.

(b) Psychologists do not participate in, facilitate, assist or otherwise engage in torture or cruel, inhuman or degrading treatment or punishment.

(c) Psychologists do not conduct, supervise, or otherwise assist or be present at any national security interrogations AT ANY LOCATION WORLDWIDE for any military or intelligence entities, including private contractors working on their behalf, AND ANY FOREIGN GOVERNMENTAL OR NON-GOVERNMENTAL ENTITIES. They do not advise on conditions of confinement insofar as these might facilitate such an interrogation. Psychologists may consult on policy and training pertaining to information-gathering methods that are humane and not related to any specific national security interrogation or detention conditions.

(d) PSYCHOLOGISTS MAKE EVERY ATTEMPT TO ENSURE THEY ARE AWARE OF THE SCOPE AND CONSEQUENCES OF SERVICES IN WHICH THEY ARE PARTICIPATING. THIS INCLUDES BEING AWARE OF THE GOALS OF ANY EMPLOYER OR OTHER ENTITY TO WHICH THEY ARE PROVIDING SERVICES, AND THE INTENDED USE OF THE PSYCHOLOGIST'S SERVICES.

We also suggest a change to Standard 3.10 as follows. We believe this is necessary to maintain consistency between it and the human rights essence of Standard 3.04. Suggested deletions are shown in [brackets] and suggested additions shown in CAPITALIZED font.

#### 3.10 Informed Consent

(a) When psychologists conduct research or provide assessment, therapy, counseling or consulting services in person or via electronic transmission or other forms of communication, they obtain the informed consent of the individual or individuals WHO ARE THE TARGET OF THEIR SERVICES using language that is reasonably understandable to that person or persons AND THEY MAKE THE INTENDED PURPOSE OF THEIR SERVICES CLEAR TO THOSE AFFECTED [except when conducting such activities without consent is mandated by law or governmental regulation or as otherwise provided in this Ethics Code]. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

ISEPP also wishes to address the "Concerns" presented by the APA for Version B. ISEPP comments are in parentheses after each applicable section, which are set off with a dash (-).

- 3.04 (b) Concerns related to this section are about the phrase “cruel, inhuman or degrading treatment or punishment.” As an umbrella document, broadly written to guide ethical behavior, the Ethics Code should not be influenced by politics, nor should it be tied to policies or definitions of the George W. Bush or any other administration. If torture can be interpreted or defined differently by different entities, so can “cruel, inhuman, or degrading treatment or punishment”.

(ISEPP Comment: Any term or phrase is unavoidably subject to interpretation. The goal is not to prevent individual interpretation; rather, it is to provide relatively clear standards within which to operate)

- There are many times when psychologists make decisions or recommend interventions that could be considered cruel or degrading. These include certain behavioral programs, custody decisions, and recommendations made by prison psychologists to deny parole. It may also be the case when a psychologist in an institutional setting recommends putting a client/patient in restraints, seclusion, or a particular hold. For purposes of an Ethics Code, this language is problematic and would be troublesome for many psychologists in other settings.

(ISEPP Comment: These situations can be seen as intended and beneficial, rather than “unintended”, consequences of clarifying psychologists’ roles and whether those roles conform to Standard 3.04 in terms of ensuring psychologists are not engaging in fundamentally harmful practices, whether or not they have been part of conventional and accepted practices in the past)

- 3.04 (c) Several concerns arise in this section of Version B. First, there is a lack of clarity about what is meant by “be present.” It is not clear if this means present in the room where an interrogation is taking place, being present in the building, or working at a site where interrogations take place.

(ISEPP Comment: This argument could be taken as an *reductio ad absurdum*. For instance, working in the same city or country could also be considered a problem with this line of reasoning. In reality, psychologists can recognize whether or not they are “present at any national security interrogations” by noting the thrust of this prohibition is that psychologists do not make themselves available in support of national security interrogations. This includes being physically present during any national security interrogation activity, whether that means being present in the room where a detainee is being held and questioned, or whether in adjoining rooms/buildings in support of that questioning, or being connected via electronic means to those engaged in such interrogations in order to support the interrogations. The issue is not where they are located, but what they are doing)

- Second, the wording in section “c” does not distinguish between work that is done on US versus international sites, which was the concern raised in the 2015 Resolution.

(ISEPP Comment: This is remedied by ISEPP’s suggested changes to Standard 3.04(c))

- Third, there is also a lack of clarity regarding the sentence, “They do not advise on conditions of confinement insofar as these might facilitate such an interrogation.” It is not clear how confinement is related to interrogations. Also, conditions of confinement

may be necessary for someone's safety or for other reasons not related to interrogations. If conditions of confinement means having someone confined in a semi-standing position, or in a very hot or very cold room, or in a room that is noisy or a room that is always brightly lit, the meaning needs to be clear so that the Ethics Committee (and potentially licensing boards) will know how to interpret the behavior of members.

(ISEPP Comment: This is a moot point if Standard 3.04(c) prohibits psychologists from participating in any way in national security interrogations. Advising on conditions of confinement would be considered assisting, and according to Standard 3.04, no assistance of any kind is permitted)

- Fourth, and of concern for the Ethics Code versus a Resolution, this section would differ from the other standards of the Ethics Code because it specifies specific employers and settings where psychologists work. The focus of the Ethics Code is on behavior that is deemed ethical or unethical, rather than work settings or employers. This language opens the possibility of other work environments (e.g., certain research labs), employers (e.g., prisons), or other professional activities (e.g., drug trials) being prohibited in the future. This is a dangerous precedent for the Code.

(ISEPP Comment: We disagree and in fact consider this a positive precedent. Standard 3.04 specifies specific employers and settings because the nature of the work is inherently unethical for psychologists. If other employers and settings (e.g., prisons, pharmaceutical drug trials, etc.) are also deemed inherently unethical for psychologists to participate in, then those should also be excluded as within the ethical bounds of psychologists)

Finally, this version could set a concerning precedent of incorporating other Council of Representatives motions directly into the Ethics Code, especially as Council membership and agendas change over time. The general purpose of an Ethics Code, the type of language used, the breadth and focus, and the clarity that are necessary for a Code of Ethics are very different from the way Council Resolutions are worded. While identifying ethical and unethical behavior (e.g., torture) is absolutely appropriate for inclusion in the Ethics Code, the specific language from the 2015 Resolution is not.

(ISEPP Comment: ISEPP is confident that the wording of the Ethics Code can incorporate Council of Representative motions without doing so verbatim and in the interest of providing clear and practical guidelines)