

Forensic Research Nottingham Summer Symposium 2024

Ethical and Philosophical Issues in Forensic Mental Health: how can these help inform our clinical practices?

Friday 19th July, 13:00-17:00

Institute of Mental Health, Triumph Road,
Nottingham, NG7 2TU





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Welcome

A very warm welcome to our fourth annual summer symposium. We are delighted to host this event for the first time at the Institute of Mental Health, at the outstanding Jubilee Campus.

This year we take the opportunity for some deeper reflection on the nature of our work. In our busy and often high pressure clinical environments, the natural tendency is to work in a focused, pragmatic way towards improving outcomes for our patients, while dealing with logistical challenges. This however often means limited time for more rigorous appraisal of the ethical and philosophical underpinnings of the work we do. But such analysis must be seen to be important, not least as the unique ethical challenges we face in forensic settings. Our dual responsibilities, to our patients on one hand and to the criminal justice system and the public on the other, raise many potential conflicts. For instance, have we given sufficient consideration to whether our restrictive practices are reasonable and proportionate? To what extent do we 'blame' our patients for the offences they commit, and what principles do we use to decide this?

Considering our attitudes to criminal responsibility may seem on the surface like an abstract concern, not directly related to our everyday practice. However, given our role in influencing important parts of patients' lives including release from hospital and in guiding the courts on sentencing, it would serve us well to consider potential biases, inconsistencies, and logical flaws in our decision-making in a structured way. Here, a basic understanding of some core philosophical principles may be beneficial, but this tends to get glossed over in our training.

We are very pleased therefore to welcome to Nottingham three academics with a grounding in these important ethical and philosophical areas, as well as an experienced clinician with rich experience in navigating these problems at the criminal justice interface. We expect you will find it to be a stimulating event, which we hope will encourage professionals from all backgrounds to explore the potential of study and application of ethical and philosophical frameworks to clinical and research domains in forensic mental health.

John Tully and Daniel Whiting (FRN co-chairs)

Programme

1230pm	Registration & refreshments (IMH ground floor)
1-1.10pm	Introduction John Tully
1.10-2pm	Neuroethics in forensic mental health David Lawrence and Miranda Wang
2-3pm	Restrictive practice in forensic services- ethical considerations Alex McKeown
3pm	Comfort break
3.10pm-4pm	Ethical issues relating to expert forensic evidence Dr Richard Latham
4-430pm	Q&A/Panel discussion

Neuroethics in forensic mental health

What issues might emerge from use of neuroscience in the courtroom and forensic settings?

Dr David Lawrence and Miranda Wang

As neuroscience advances, its potential to influence the criminal justice system becomes increasingly apparent. This talk will discuss how neuroscientific evidence has the potential to reshape legal concepts and doctrines related to culpability and criminal responsibility.

Neuroscientific evidence plays a significant role in the criminal justice system, particularly in sentencing decisions, where it can lead to the 'double-edged sword effect'. On one hand, it may provide justification for a defendant's actions, potentially mitigating sentences. Conversely, if the evidence suggests the defendant's neurological condition is untreatable, it may adversely affect sentencing and future parole decisions. We will explore the ethical implications of this effect and discuss the importance of carefully considering all potential consequences before introducing neuroscientific evidence in criminal proceedings.

We will highlight the ethical challenges posed by emerging neurotechnologies and the need for responsible integration of neuroscience into legal frameworks considering the potential risks to agency and concepts of personal responsibility. By exploring the concept of 'neurolaw,' we aim to demonstrate the potential for neuroscience to inform more effective policies and promote a fairer, more equitable legal system.



Dr David Lawrence studied neuroscience as an undergraduate before undertaking an LLM in Biotechnological Ethics and pursuing a PhD in Science Ethics at the University of Manchester. His doctoral research explored the ethical and policy dimensions of human enhancement technologies. As a bioethicist, David's work focuses on the intersection of neuroscience, ethics, and the law. He has developed courses on neuroethics and neurolaw at both undergraduate and postgraduate levels. His research investigates the ethical, legal, and policy implications of neurotechnologies, implantable devices, and related questions of moral status, seeking to understand how society and policy might adapt to emerging technologies and new forms of consciousness. David also serves as an editor for the journals Clinical Neuroethics and Cambridge Quarterly of Healthcare Ethics.



Miss Miranda Qianyu Wang, LLB (Hons), MPhil, is a full-time PhD candidate at Durham Law School, specialising in the interdisciplinary fields of neurolaw and neuroethics. Miranda's research examines the legal and ethical implications of neuroscientific evidence within the criminal justice system. By exploring the intersection of law, neuroscience, and criminal behaviour, she provides comparative analyses on how justice systems might better integrate neuroscientific findings. Her work also examines the critical discussions on fundamental rights, addressing the ethical and legal challenges that neuroscientific evidence poses to individual rights.

Ethics of Restrictive Practice in Forensic Services

Dr Alex McKeown

Restrictive practice in forensic services, which includes interventions such as seclusion, physical restraint, medication, and electronic monitoring, presents profound ethical challenges. This presentation critically examines these challenges, exploring their implications for the upholding of human rights and autonomy in the forensic context, as well as unpacking the trade-offs inherent in the dual ethical obligations to ensure public safety and observe the relevant ethical standards for those to whom interventions are applied, reducing in both directions the risk of trauma to individuals.

Key ethical frameworks and guidelines, including those from human rights organisations and professional bodies, are analysed to offer a comprehensive understanding of the relevant ethical responsibilities. The discussion in the presentation extends to the role of systemic factors, such as policy, training, and institutional culture, in influencing the implementation of restrictive practices. Strategies for ethical decision-making and the importance of ongoing ethical reflection and supervision are proposed.

Ultimately, this presentation aims to defend the importance of an optimally humane and ethical forensic environment, encouraging a mode of practice that respects the individuals to whom restrictive interventions are subjected, while addressing the complex, non-ideal, realities of forensic settings.



Alex McKeown is head of Data Ethics at Information Governance Services (IGS) and a Visiting Fellow at the University of Oxford Department of Psychiatry. A bioethicist and philosopher by training, Alex has specialisms including data and AI ethics, ethics in psychiatry and neuroscience.

After completing his PhD at the University of Bristol, Alex spent a decade in academia, including six years as a Research Fellow at Oxford University, before leaving to take up a role at IGS and setting up their new consultancy offering in data and AI ethics. At Oxford, Alex worked on data and AI ethics projects for funders including the UK Medical Research Council, Novartis Pharmaceuticals and the EU Innovative Medicines Initiative.

Alex co-chaired the Oxford Mental Health Data Ethics Leadership Group and was an invited tutor at the Yale University Summer Institute in Bioethics. He has published journal articles on a wide range of issues in areas including psychiatric ethics, mental health ethics, philosophy of medicine, philosophy of mind, data and AI ethics and is committed to providing high quality, rigorous advice to clients on all aspects of ethics in data and AI governance.

Ethical issues relating to expert forensic evidence

Dr Richard Latham

Psychiatrists, as experts in criminal proceedings, are asked, at more than one stage, to provide opinions on responsibility and culpability. There may sometimes be ethical congruence between the role as an expert and as a doctor - but do psychiatrists really have any business giving opinions in this area?

In this presentation, there will be exploration, through case examples, of the legal imperative for psychiatrists to provide opinions on responsibility and culpability. There will also be consideration of the possible ethical problems of relying on inherently unstable concepts, the consequences of which can, in the most extreme circumstances, mean life or death.

Disagreement, challenge, and debate are all welcome.



Dr Richard Latham is a consultant forensic psychiatrist in London. His clinical work is community forensic psychiatry in Tower Hamlets. He has a degree in Mental Health Law and has a longstanding interest, in the interface between law and psychiatry. He is an author of the Oxford Casebook of Forensic Psychiatry, which approaches the process of decision-making in forensic psychiatry with reference to technical, legal and ethical considerations.

Richard is also the deputy special advisor to the Royal College of Psychiatrists on Mental Health and Mental Capacity law. As an expert witness, he is engaged in criminal cases, as well as training for experts in the United Kingdom, and with a UK-based, NGO, The Death Penalty Project, internationally.

Forensic Research Nottingham

Forensic Research Nottingham (FRN) is a research group based at the Institute of Mental Health with links to Nottinghamshire Healthcare NHS Foundation Trust and the University of Nottingham.

The group's members include researchers in neuroscience, clinical and epidemiological psychiatry, clinicians working in forensic settings, and academics in multiple related fields including criminology, health and justice, and human rights. The group meets monthly via MS Teams, with regular updates and email bulletins shared amongst members – there is no requirement to attend all meetings.

All Nottinghamshire Healthcare NHS Foundation Trust and University of Nottingham employees are welcome to join the group. If you would like to join, simply email **john.tully@nottingham.ac.uk** OR **daniel.whiting@nottingham.ac.uk**.

More information available at <https://institutemh.org.uk/research/forensic-research-nottingham>