

Bioethics Research: Contemporary Debates

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Medical and legal professionals' attitudes towards confidentiality in forensic settings

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Abstract

Objective: When potentially dangerous patients reveal criminal fantasies to their therapists, the latter may have to decide whether this information has to be transmitted to a third person in order to protect potential victims. We were interested in how medical and legal professionals would handle such situations by exploring motives behind their actions and by comparing professional groups.

Method: A mail survey among medical and legal professionals was conducted using five fictitious case vignettes. Scenarios included patients confessing past crimes or violent fantasies to their therapists. For each vignette, participants were asked to answer questions exploring what the professional should do in the situation and the justification for the chosen attitude.

Results: A total of 147 questionnaires were analysed. Agreement between participants varied from one scenario to another. Overall, legal professionals tended to disclose information to a third party more easily than medical professionals, the latter privileging confidentiality and patient autonomy over security. Perception of potential danger in a given situation was not consistently associated with actions.

Conclusion: Opinions and attitudes of professionals regarding confidentiality with potentially dangerous patients differ widely and appear to be subjectively determined. Shared discussions about clinical situations could enhance knowledge and competence and bridge differences between professional groups.

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