

Ethics in criminal investigation: Some dilemmas and problems

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Police codes of ethics usually deal with the police force and police work as a whole, and do not draw a distinction between the work of uniformed and criminal police. However, there are certain specifics in criminal investigation which involve special ethical and moral problems and dilemmas and demand special attention and research. These specifics derive from the very nature of criminal investigation as a truth finding process (as we see it on the Continent) or as a reconstruction of the past (according to some American writers) within the framework of the rules of criminal procedure. An important ethical question is thus related to suspicion as the driving power of an investigation: is it ethical in principle to suspect a person of being the perpetrator of a criminal offence only on the basis of clues, suspicious circumstances or vague information? Is it ethical to suspect and to doubt someone at all? However, without suspicion there would be no investigation and without a hypothesis of guilt, important facts would not be sought or uncovered. On the other hand, is it right to allow unethical behaviour by perpetrators while demanding strict legal and ethical behaviour from investigators? Can it be considered an equal fight between two opposite sides and can we talk about "equality of arms" when one side (the perpetrator) is unimpeded in his/her activities (can lie, cheat, mislead, threaten, destroy evidence etc.), while the other side has to adhere to strict legal and ethical restrictions? We suggest that special codes of ethics for investigators should be established.

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