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ETHICS AND THE INVESTIGATIVE PROCESS

FROM SPY TO PI



Ethics and the Investigative Process: Reputation is Wealth

BY **ANTHONY LUIZZO & JOHN M. GASPAR**

WHY REPUTATION MATTERS

A father in his seasoned years counseled his only son. He said, “I came into this world with only one item of value – **MY NAME** – and that I leave you as pristine as I got it. This I am sure has been said many times by many parents over the years. Echoing this sentiment, a famous author Tene Edwards said: “Know your worth. You must find the courage to leave the table, if respect is no longer being served.”¹

DIFFERENCE BETWEEN “MORALS” VS. “ETHICS”

According to dictionary.com, whilst these terms are closely related concepts, “Morals” refers mainly to guiding principles, and “Ethics” are specific rules and actions, or behaviors. Oftentimes, a moral precept is an idea or opinion, and an ethical code is a set of rules that define allowable actions or correct behaviors.²

To support a greater understanding of ethics, we need to review its historical origin. The word ethics is derived from the Greek word ‘ethos’ (character), and the Latin word ‘mores’ (customs). Together they define how individuals choose to interact with one another.³

In ancient Athens, a culture that nourished honest practices, knowledge, art, cultural philosophy, freedom of speech, and ethos, young Greeks traveled to Athens to study under Pythagoras, Archimedes and Hippocrates (father of modern-day medicine), and of course Socrates.⁴

In ancient times Greeks would travel to Athens to the Polis to verbalize arguments, champion their message, and speak truth to power. The Polis was constructed as an amphitheater for all to be heard. At the Polis, ancient Greeks could turn a flicker into a flame defending their fact-based points of view. Like Moses, often credited as being the first computer savvy human, who downloaded the Ten Commandments, the concept of the Polis and freedom of speech (expressions) gave birth to the word politics.

In the marketplace of ideas, some believe this historic journey influenced the authors and “underpinners” of the United States of America’s Declaration of Independence and Constitution. I wonder if perhaps we could learn from the past. In 753 B.C and 1453 A.D, legal principles of Roman law were integrated into their society and *displayed publicly* so people seeking remedies to problems could get justice. The vital component of these principles was property rights for women and children.⁵ In many respects, the early Greeks realized that the philosophy of established law evolves over time and were shrewd enough to make the necessary course corrections to bring existing law up to date.

Ethical standards of the professional

In the court of legal wisdom, licensed professionals are required to follow a code of ethics that applies to their individual professional specialty. These professionals are held to a higher standard because they have undergone extensive background screenings and vetted for integrity.⁶

What is a position of trust?

According to Wikipedia, a position of trust is any position that requires its holder to enjoy the trust of those who elected or chose them. Wikipedia goes on to highlight other common definitions that involve positions involving responsibility for “cash – keys – minors,” and positions of authority over others.⁷

What is business ethics?

According to an article in Business Ethics by Alexandra Twin dated August 29, 2021, business ethics is the study of business policies regarding potentially controversial subjects including but not limited to governance, insider trading, bribery, discrimination, corporate social responsibility, and fiduciary couplings.

Why institute business ethics policies?

Instituting ethical standards helps to establish trust between consumer and business owner. As Martin Luther King was quoted as saying, “darkness cannot extinguish darkness; only daylight can.” Learning from both Dr. King and the early Greeks, it’s important that corporate America establish in-house Polis-like amphitheatres to properly air ethical grievances -- before they are turned over to the legal system for adjudication.

ETHICS FOR INVESTIGATORS

Over the past decade, policing in America has undergone considerable scrutiny involving its handling of shootings, warrant searches, etc.

These issues are not just of recent vintage, according to an excellent 1962 article in the Journal of Criminal Law and Criminology – Vol. 53 Issue 2 June Article 16 by Arthur S. Jr. Aubry. The author goes on to hypothesize that although law enforcement personnel do go through continuous and systematic evaluation anent the “rules of conduct,” there are always some individuals who have no interest in good conduct, and only seek selfish interests. The author goes on to state that *there are a considerable number of independent investigators who function outside of the agency structure and are not bound by the stricter ethical standards imposed by these agencies.*

ETHICS RULES FOR INVESTIGATORS

When sitting down to piece together an ethics policy for private investigative firms, it’s important to remember what former president Theodore Roosevelt once said, “the only man who never makes a mistake is the one who normally does nothing.” Seeing that criminology is a hands-on type of profession that is normally fraught with personal danger, mistakes will undoubtedly happen. It’s important for investigative professionals to always remember – people lie, but forensic facts do not. And ethical remedies do not work if they are not followed.

Ethics policy considerations for investigative firms should include:

1. Formulating of a comprehensive employee screening / substance abuse evaluation program.
2. Requiring appropriate ID documentation
3. Formulating a contract that details hourly fees, fees for services, court appearance fees, travel-related expense fees, etc.
4. Instituting an in-house employee training program
5. Promulgating rules for contacting management to report ethical misdeeds
6. Taking responsibility / being accountable
7. Maintaining professionalism/standards
8. Being truthful
9. Avoiding abusive, discriminatory, harassing practices passively and/or actively
10. Maintaining a violence-free workplace
11. Treating employer property as your own
12. Establishing a no sexual harassment policy
13. Refraining from illegally disseminating intellectual property
14. Adhering to privacy statutes
15. Furnishing reasonable expectations to clients
16. Instituting a fair pricing policy
17. Turning down opportunities that require expertise that you may not have i.e.: Forensic Hypnosis for memory recall, CSI, Technical Surveillance Countermeasures (TSCM) Analysis, Polygraphs, etc. Hire the expert(s) and apply their expert findings in your investigative report.
18. Establishing a corporate code of ethics

These and other considerations help form the sum and substance of an investigative company's ethics program. Pulling the ethics building thread even further, as past presidents of investigative, security management and fraud prevention organizations we know firsthand the central role that these organizations play in helping to keep its members safe and on the path of righteousness.

PERSONAL LESSONS LEARNED BY THE AUTHORS

A wise ethical man 'Mike' once told me that the work I do has my signature on it. This comment came about when I was working as an alarm installer. I was up on a ladder mounting a siren. After the installation was completed, I could see the mounted box was slightly askew. Mike my partner noticed me looking at the mounted device and said to me, "What do you think?" I said it was good enough. He went on to hypothesize that everything in life that you do has your signature on it. "Do you want your signature on this install?" *I remedied the situation.*

My dad Michael was one of the most ethical people I knew. He was an honest role model. He did not say much, yet when he spoke it had great value. One time I asked him about the fees we were charging on a job we were working on. Since we received a huge discount from the jobber, I was thinking of asking him if we should raise the price of the job to further bolster our bottom line -- my dad said, "Johnny if you are asking the question, you already know the answer." So, I say to all our fellow investigators, *"If you are asking yourself the question, you already know the answer."*

CONCLUSION

In today's politically correct environment, investigative firms would be wise to put their company's ethics policy on their radar screen. Investigative entrepreneurs should never let innovative ideas hide in the darkness, they need to stop making excuses and start making changes. In the court of educated opinion, well-schooled business executives instinctively know that *innovation is nurtured in the windmills of one's mind.*

Some of the items raised in this article should be a wakeup call that it's time to put the pedal to the metal and begin moving from battle speed to attack speed to ramming speed. The truly wise executive knows that vertical walls turned horizontally become bridges to a better workplace. Update your company's ethics policy now! **PI**

SUGGESTED READING:

- Bonhoeffer, Dietrich *Ethics*. Simon & Schuster - 1955
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- 5 <https://law.jrank.org/pages/9916/Roman-Law>
- 6 <https://www.hg.org/legal.articles/ethical-standards-of-the-professional-45614>
- 7 https://en.wikipedia.org/wiki/position_of_trust



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