

Ethics and confidentiality essay

Business



Ethics and Confidentiality in Criminal Justice Two of the most important terms in the criminal justice system which not only protect the rights of the accused, but also of the system which is judging them, are the terms ethics and confidentiality.

Ethics is the study of morality and what constitutes good behaviour.

Confidentiality is the insurance that certain sensitive information is only shared with those individuals who have the authority to access it. The use of both of these terms not only exists within a court of law. They also play a major role outside of the courtroom in the case of judges, lawyers, jury members, police officers, court counsellors, etc. The main purpose of them being to protect information, at the individual level, it affords people the right to privacy and not to incriminate themselves. It provides them the right to share the amount of information they wish to divulge, to whomever they wish.

“ If they share it with doctors, lawyers, ministers, they are of course bound by their confidentiality to keep such information secret, whether it incriminates the individual or not” (Good Samaritans, 2009). Privacy is not only a constitutional right, but also, a moral one as well afforded to nearly all citizens. Perhaps the greatest example of this confidentially agreement between an individual and a health, law or religious representative is one of attorney client privilege or even doctor patient confidentiality. This form of relationship is essential between a client and his attorney or his doctor since it creates an atmosphere of trust between them where the client can reveal information without fear of incrimination. The importance of this in the case of lawyers is of course to prepare the best defence for their client.

The main purpose of this is of course to ensure that the professional and the individual have a more singular goal rather than two separate ones.

However, it must be said that unlike the profession of law, the establishment of ethical boundaries in other professions is not straight forward (Pollock, 2008). If we take an example of court ordered counselling, psychotherapists providing this service must be careful to ensure an ethically sound treatment is provided.

This is difficult since the ethical and confidentiality issues regarding treatment of criminals may be in direct contrast with those normally associated with patients in their profession (Shearer, 2003). However, confidentiality and ethics of course do not prevent the above professionals from divulging information in all cases. Aside from situations where the client may wish the lawyer or other confidant to divulge information, other circumstances include cases where such data must be given according to law. It can also be in the case where the professionals have to defend themselves. Perhaps, the most important reason for the revealing of such information is if keeping such information confidential may cause bodily harm to a certain individual in the future (Pollock, 2008).

Though privacy and confidentiality overlap in many areas, privacy is not absolute and those entrusted with confidential information must find an unclear balance between the two. In order to determine what confidential information can be released and used, one must take into account the totality of circumstances. The benefits of violating the confidentiality agreement must outweigh the costs and risks involved with releasing the information. It is important that the suspect whose information is released

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must also be truly suspected of committing said crime and there must be probable cause in order to violate the confidentiality clause.

(Banks 2009) Confidentiality is very closely related to ethics when concerning the criminal justice system because ethics involves what constitutes good behaviour and doing the right thing. In the case of confidentiality it is important for anyone in the criminal justice system to look at what is right and when it is ok to breach a confidentiality agreement. The Law Enforcement code of ethics is one example that clearly shows how police officers are held to a higher standard and deal with issues of confidentiality on a daily basis. " All Law Enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing" (Banks 2009).

It is of course difficult to say whether or not these ethical and confidentiality guidelines protect the rights of the professional more or the individual. However, their importance in bringing justice within the criminal justice system, as well as protecting the rights of the accused cannot be denied. Though, the system itself is not foolproof and has flaws it does not detract from its importance in serving justice. Reference List Good Samaritans. (2009, April 22). Ethics and Confidentiality. Retrieved September 7, 2009, from Good Samaritans: http://www.ojp.usdoj.gov/ovc/publications/infores/Good_Samaritans/pdf/mod1_Ethics_and_Confidentiality.pdf Pollock, J. M.

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