

In accordance to the Article 11, paragraph 4 of The Statute of Serbian Association of Detectives, on session held on April 5, 2017 in Belgrade, the Executive Committee adopted the following:

DETECTIVE CODE OF ETHICS AND STANDARDS OF PROFESSIONAL CONDUCT (CODE OF ETHICS)

Introduction

The adoption of Detective Code of Ethics in the Republic of Serbia (hereinafter the Code), aims to support the advancement and development of private investigators activity as a profession of great importance not only in a new security framework in the Republic of Serbia, but also in a broader sense of security, both, locally and internationally.

Code of Conduct of detective professionals contains basic standards of professionalism and quality of service provided by all legal entities and entrepreneurs for detective activity (hereinafter: Detective Agencies), and hired detectives.

The Code applies the best European and international practice in the field of private investigations and is recommended to every service provider and service user in domain of detective activity. The Code is defined in accordance to the Law on detective activity (hereinafter the Law) of the Republic of Serbia and applicable regulations that complement and specify the Law. Herein, the Code is applicable only with respect to the national legislation, accepted responsibilities, and professional skills.

In circumstances not covered with national regulations or when there is vagueness in their interpretations, the Code requires that a detective agency and all employees must work in a manner consistent to the best quality of service and professionalism.

For the purpose of detective activity affirmation in the Republic of Serbia, **Serbian Association of Detectives (hereinafter the Association)** is actively working on:

- Promoting and improving ethical practices in detective activity;
- Gathering detectives with a sense of professional affiliation expressed in fostering truthfulness and objectivity, professionalism, and developing a spirit of co-operation among detectives;
- Establishing and promoting a sense of belonging to a profession and partnership development and cooperation among detectives;
- Ensuring that detective procedures are conducted in accordance with the principles of fairness, transparency, accountability, honesty, caution, prudence, and integrity in both, professional and private conduct.

I BASIC PROVISIONS

1.

The Code establishes ethical standards and rules that will guide professional and personal conduct of all detectives in the Republic of Serbia, which will adhere to the principles of freedom and of professionalism, maintaining good reputation of detective profession.

2.

The Association applies the procedure and measures in the case of violations of the provisions of this Code.

The rules and standards set out in this Code apply foremost to the detective, but also to other employees in detective agencies. Ignorance of the rules set out in this Code do not excuse from responsibility.

Detectives act independently, without external influences, pressures, tampers, and without the influence of political parties. Publicly expressed opinions in social media can only be made in the best interest of the profession.

Detectives must consult and obtain approval from the responsible person in organization before making a public statement to the media. Detectives are permitted to make statements on behalf of Serbian Association of Detectives.

III PRINCIPLES

1. Acting with the Law

Detective will act within the legal framework of the Republic of Serbia and refrain from making any actions that they know, or should know, that is illegal or contrary to the provisions of this Code.

When detective activities are performed abroad, the detective is obliged to respect the international rules of professional ethics and national rules of professional ethics in the state in which a detective performs the actions and within the scope of his/her competences and authorizations.

2. The principle of planning, operative, and methodic of detective activity

Detective, independently or in cooperation with other participants in a detective activity shall, from the beginning, define the questions he/she needs to answer and shall develop hypothesis in connection to possible explanations.

Detectives need to determine the directions, strategy, and tactics of their activities, including selection of actions, planning deadlines for their implementation and engagement of the technical resources. The principle of planning, operative, and methodic requires that the entire activity of the detective work must be conducted thoroughly, expeditiously, and efficiently.

3. The Principle of Detective Ethics

Detectives must act in professional manner, adhering national legislation, international standards, and principles provisioned by this Code.

Detective must not act in a manner that dishonor, or is likely to disgrace the profession, its members and/or clients, or act in a manner that undermines or is likely to undermine the confidence in the profession, its members and/or clients.

4. Principle of coordination and cooperation

In order to establish and maintain good professional cooperation, a detective needs to:

- exchange knowledge and professional opinions with colleagues;
- provide requested assistance to a colleague, except in cases where there is a conflict of interest;
- do not prevent the client to, beside him, hire another detective on a same case;
- when acts in joint conduct with other colleagues, detective should align the knowledge, negotiate work division, and tend to act as a part of coordinated professional team while serving the client;
- participates in the development of mutual partnership and supporting relations among colleagues.

5. Principle of confidentiality

Detective is banned to disclose information obtained during performance of detective activity. Information, by this Code, means any data entrusted by a client or information obtained during the investigation.

This information is classified as secret during and after provided detective service, and may be used only for the purpose for which they are collected and in accordance to the laws governing protection of privacy and protection of personal information.

6. Principle of objectivity

Detectives shall plan in realistic and unbiased manner and shall apply authorized actions in order to fulfill and meet the obligations and requests stated in the written agreement with a client.

Detective must suppress subjectivity, vanity, and his/her own interests, and in his/her conduct must reject any type of favoritism towards any person and/or information he/she comes across while performing detective activity, and to objectively observe all the facts without bias, greediness, or some other unethical motive.

7. Principle of trust and fairness

Detectives shall act with honesty and fairness and must not compromise their own reputation, the reputation of the profession and the reputation of their clients.

Detective is obligated to inform his/her client about the possibilities of any investigation requested and to refrain from promising success, especially, if success is uncertain.

Detective must not betray the trust of his/her client and is obliged to keep the client's secrets and to respect his/her privacy. The detective is obliged to report the client about all the facts collected, in such a way, that information must be true and conclusive, to the extent possible.

Detective must refrain from making conclusions about the work of another detective, or perform any activity that might cause damage to other detective, but, will not disclose to another detective collected data that could cause a damage to the client.

Detective shall inform his/her client, in a professional and prudent way, about the possibilities of requested investigation and shall provide the client with an estimation of the cost. When a budget cannot be estimated, detective shall inform the client about the criteria for invoicing.

8. Principle of competence and specialization

Detective must maintain knowledge to be able to professionally and in accordance with the Law and by-laws and regulations, take actions while performing detective activity.

Detective must be proficient in using basic criminalistics/law-enforcement methods, especially those that they are authorized to perform in the course of conducting private investigation.

Detectives are advised to go through various forms of education, learn about foreign experiences and comparative investigation practice in order to acquire new knowledge, increase professionalism and professional readiness.

9. Economic principle

Detective must undertake only those actions that are necessary in order to carry out the agreed detective work and not to delay its activities by creating unnecessary costs to the client.

Detective must inform the client about the fees of services stated in the contract, payment method and terms for eventual change of price.

If during the investigation the detective gets into a situation where he/she must take the necessary measures, collects new information, data or evidence that imply new costs that exceed the agreed price, detective is obliged to request subsequent client's approval, with an explanation of what kind of unexpected work was inevitable and to present the justification of the measures taken.

Detective cannot increase already agreed costs, in which case its increase would be the breach the Code and this principle.

While complying to the principle of economics, detective is obliged to act in accordance with the principles of objectivity, trust, and fairness.

10. Principle of humanity and moral

Detective shall act with respect and fairness and perform actions according to regulations and general moral norms, and must be certain that by doing the contracted job does not cause harm and/or damage to the client and/or third party.

Detective must endeavor to avoid mistakes and gaffes that can lead to false conclusions, and to avoid actions that may cause harassment of public or anything that might compromise guaranteed rights and freedoms of people.

Detective must not disparage human dignity, endangers the safety of people, or disrespects the right to privacy and family life.

Detective shall act fairly, impartially, and without discrimination. Professional conduct must not be influenced by gender, race, color, language, religious or political beliefs, national or social origin, national, racial, or ethnic origin, disability, age, sexual orientation, social status, birth, or any other personal status.

III ETHICAL STANDARDS AND RULES OF CONDUCT

1.

Detective Agency is obliged to provide to all its employees realization and protection of human rights within a detective agency and respect of rights guaranteed by the Constitution and laws of the Republic of Serbia.

2.

Employees are required to perform duties in a manner that will not jeopardize their personal reputation, the reputation of a detective agency and the profession itself. On his/her private time employees must not behave in a way that can have a negative impact on an agency and its business.

3.

Detectives shall encourage professional cooperation and conduct business in detective agencies responsibly and conscientiously, and shall professionally fulfill obligations towards clients and other detectives.

In their professional conduct, detectives must comply with 10 principles contained in this Code, and are obliged to protect human dignity.

4.

At the end of investigation, the detective is obliged to supply a client with only true information and facts, and to submit unbiased report, regardless of whether the report is positive or negative for a client.

5.

Members of the Association shall not seek, receive, or offer inducements, illegal kickbacks or other illegal or unethical privilege, indirectly or directly, either for conclusion of the contract/to get a client, and/or for any other reason.

Members of the Association shall not make an agreement with a client for services that are in the exclusive jurisdiction of the government authorities.

Members of the Association are required to put joint efforts towards promoting and refining the standards of private detective profession.

IV UNETHICAL CONDUCT

1.

Detective must not accept jobs that are not compatible with his/her profession and that might damage his/her independence, good reputation and honor, and the reputation of the Association.

Detectives are not allowed to spread rumors, which could damage the reputation of another Member of the Association.

2.

Unethical behavior of detectives, especially is considered the following:

- conducting investigation without license, power of attorney and/or the contract;
- illegal, unprofessional, or improper conduct of detective work;
- causing a damage to a client or any third party;
- unauthorized disclosure of classified information or unauthorized disclosure of information to third parties;
- violation of pricing policy recommended by the Association;
- spreading incorrect or unconfirmed information about other detective agency or detective, which could damage their reputation.

V RELATIONSHIPS WITH BUSINESS PARTNERS, CLIENTS, AND GOVERNMENT AUTHORITIES

1.

Every owner or the manager of the detective agency, is obliged to contribute to positive business results of a detective agency and detective activity in general, and in particular to:

- encourage the detective to provide outstanding and timely service;
- provide mutual exchange of knowledge and proven practical experiences;
- support teamwork and promote mutual respect;
- promote the respect and cooperation within the Association, as well as with other detective agencies; and,
- support and build proper relationships to all entities.

2.

Upon request of the government authorities (police, courts, prosecutors, etc.), detective agency must provide access to all the information and activities and to take immediate actions to resolve objections, and/or omissions in their work, observed through inspection and control by the authorized government authorities.

VI RELATIONS AMONG DETECTIVES

1.

Communication between detectives is based on fair business cooperation, coordinated with their assignments, and clearly stated expectations, responsibilities, and mutual trust and respect.

2.

In performing detective activity, detectives shall exchange opinions and information about specific professional issues, to jointly contribute to the successfulness of detective activity and to meet the needs of clients, making sure not to disturb the other detectives in performing their regular work duties.

VII RELATIONS TO THE BUSINESS ASSET AND PROPERTY

1.

Detective shall take care of the effective and economical management and usage of the property of a detective agency.

Property can only and exclusively be used for business purposes and on behalf of and for the account of a detective agency.

2.

For any damage caused by negligence or carelessness, a detective is required to provide fair compensation, i.e. compensation in agreement with the owner, and/or other damaged party.

VIII PROCEDURE IN CASE OF VIOLATIONS OF CODE OF ETHICS

1.

Clients, employees in detective agencies and third parties can file a written report (hereinafter complaint) against a detective and other employee in a detective agency, including agency's management, whose behavior is not compliant with the provisions of this Code. A complaint shall be submitted to the Association within 60 days from the date when this behavior has been observed.

2.

The Association shall act in a timely manner and review allegations questioning the detectives' or other employees' conduct and shall allow active participation of respondent and other parties in the proceedings for the testimony and hearing about charges in the particular case.

The Executive Board of the Association or Committee established by the Executive Board will examine the case and propose appropriate actions.

3.

Upon the testimony, Executive Board of the Association or Committee established for this purpose makes decisions and takes actions if there is evidence supporting findings of violations of this Code.

4.

Recommendation based on findings as to whether the alleged violation(s) did occur, and if so, what sanction is imposed is made within 60 days from the date when a complaint has been filled.

5.

Depending on the resolution of the claim, the Association may impose the following sanctions:

- a public reprimand,
- a request for termination of professional license, i.e. the ban and/or suspension of professional conduct,
- a fine and an order for damage compensation,
- termination of membership.

TRANSITIONAL AND FINAL PROVISIONS

1.

Violations of this Code by detectives and other employees, provisioned by the laws, regulations, and by-laws, are subject to criminal, civil, and disciplinary actions, and liability for damage in accordance with respectable regulations.

The misconduct of employees in detective agencies provisioned in this Code, but not stipulated by the law and bylaws, is resolved in accordance with the provisions of this Code.

2.

Authorized representative and/or a founder of a detective agency, must introduce all employees with the provisions of this Code.

3.

This code is published on the official web site of Serbian Association of Detectives.

The Association shall provide the Code to the Ministry of Interior of the Republic of Serbia and all the members of the Association.

4.

The Code will be amended in a manner and in accordance with the procedure for its adoption.

5.

This code shall enter into force on the date of its adoption.

Belgrade,

April 5, 2017

PRESIDENT

SERBIAN ASSOCIATION OF DETECTIVES

Prof. Dr Dragan Trivan