

Ethical and Legal Implication of Using Narco-Analysis in Workplace Related Investigations: A Case Study

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Abstract

Narco-analysis, a controversial investigative technique involving the administration of drugs to induce a semi conscious state in suspects. Barbiturates and benzodiazepines are both central nervous system depressants that have been utilized in narcoanalysis the court admissibility of narcoanalysis remains a debatable issue in legal system worldwide. The investigation focused on three employee's management found that the missing items were last accounted during shifts when all three employees were on duty. Recognizing the need for further inquiry, management decided to utilize narcoanalysis, a technique involving the administration of a truth serum, to obtain a truthful confession from employees. This case underscores the ethical and legal considerations of using narcoanalysis in workplace investigations, particularly issues related to consent, reliability and potential issues coercion.

Keyword: Narcoanalysis, confession, confidentiality, sedative

Introduction

Narco-analysis, a controversial investigative technique, has been employed in criminal investigations and trials as means to extract information and elicit confessions from suspects.

It involves the administration of the drugs to induce a semi-conscious state, with the aim of bypassing inhibitions and accessing the subconscious mind. This technique's ethical consequences and possible influence on the validity of the evidence have drawn a lot of attention and generated discussions.

The use of Narco-analysis raises fundamental questions about the balance between investigative effectiveness and individual rights. Both support and criticism have been levelled at the procedure's potential to uncover material that has been hidden or concealed. Advocated argue that it can help solve complex criminal cases and obtain important evidence that might not or may be made public. But opponents raise issue with the possibility of forced or fraudulent confessions individual rights violations, and the moral issues associated with the use of drug to influence mental states.

Procedure

1. Pre – Test interview: in this stage individual has given all the information about the test and procedure of the test and then consent is taken.

2. Pre-narcotic state: Anaesthetics induce drugs and maintain the pre-narcotic state throughout the interview. Drugs is injected till the person appears relaxed and in a state of good contact. Sodium pentothal or sodium Amytal of 3g dissolved in 3000 ml of distilled water. The dose iscalculated per kg of the body weight of subject.
3. Semi Narcotic State : After establishing the semi-narcotic stage and the individuals appear to be flushed, slowing and slurry speech
4. Finally forensic experts or psychiatrist facilitate the interview by testing examinee’s eye, muscle, and fingers. Once individual wake up anaesthetic check the body and allow first to take coffee or tea.
5. Post Test interview : this is the stage where the subject become free from interview, got relax and anxiety free state, so the memory of subject is checked by the physician even they have allow to know what he reveals during interview.

Methodology

A. Participant information

Employee A – Warehouse Supervisor

Employee B – Warehouse employee

Employee C – Quality control technician

Criminal involved – Employee A–committed theft of high-value components, selling them through unauthorized channels. Employee A confessed to this criminal activity through the narcoanalysis during the interrogation.

B. Ethical consideration

- Informed consent – Ensuring that individuals understand the nature of the investigation. It also includes making sure employees understand that their participation is voluntary.
 1. During the investigation, all employees should have been made aware of the purpose of the inquiry, how the investigation would proceed and any potential consequences of their involvement.
 2. Employee A, B and C should have been informed that their interviews and participation in the investigation were based on their consent. Employee A’s eventual confession should also have been voluntary, with no pressure involved.
- Confidentiality–protecting sensitive information obtained during an investigation
 1. Employee A’s financial difficulties, the confession and the details of the investigation should have been kept confidential to protect their privacy and avoid unnecessary reputational harm.
 2. Employee B and C, who were cleared of suspicion, should also have their involvement kept confidential. Publicly associating them with the investigation could lead to unnecessary damage to their professional reputation.
 3. If the company decided to take disciplinary action against employee A, there disciplinary record should also be kept confidential, unless required by law to disclose it.
 4. Right to withdraw from a case
 - A. Employees involved in an investigation have the right to withdraw from the process.
 - B. Employee A had the opportunity to withdraw from the investigation or request a lawyer if they felt uncomfortable, especially when confronted with the evidence.
 - C. The company should have ensured that employee A’s confession was voluntary and not obtained through force or undue pressure.

Result

Financial Hardship – Employee A’s personal financial difficulties played a key role in motivating theft. Financial distress among employees may contribute to unethical behaviour, even in trusted individuals. This underscores the need for a workplace environment where an employee a well-being, including financial health, is supported.

Lack of Inventory system Familiarity

Employee B’s statement that they were still learning the inventory system was a key element in their defence.

Insufficient training and system knowledge can lead to issues in managing inventory and can make it difficult for employees to detect discrepancies or report problems in a timely manner.

Discussion

The theft of high-value components caused significant operational disruptions to the company, leading to a substantial financial loss. To address this issue promptly and identify the perpetrator among the three suspects, the company opted to employ narcoanalysis as an investigative tool. Although narcoanalysis is not admissible as primary evidence in a court of law, it can be utilized in specific circumstances to support investigative findings. However, information obtained during narcoanalysis can guide investigators to corroborative evidence, such as locating stolen items or identifying accomplices. The narcoanalysis session provided critical insights, leading to Employee A’s admission of theft and the subsequent recovery of a portion of the stolen inventory. The findings from narcoanalysis complemented other evidence, such as irregularities in overtime logs and discrepancies during Employee A’s shifts, to establish culpability. Medical negligence - administering a dose that is higher than what is medically suitable may be considered severe negligence or malpractice, posing severe risks. Physical risk - High doses may cause respiratory depression, irregular heart rhythms, coma or even death.

Psychological effects - overdose can trigger severe hallucinations, memory loss, psychosis and anxiety. Because of its involuntary nature, ethical concerns, and unreliability, narco-analysis is generally not accepted as key evidence in legal systems. Violations of legal rights, such as the right to silence and the right against self-incrimination, are important causes. Because of the effects of drugs, the technique frequently produces inconsistent and possibly faked information. Its forceful tactics raise ethical questions and run the risk of being abused. Along with privacy violations, legal precedents such as *Selvi v. State of Karnataka* (2010) support its status as secondary evidence

Conclusion

Inventory theft was discovered to have been committed by employee A, who used an explanation of personal financial troubles. Their acts were facilitated by irregular shift and unregulated overtime hours, which gave them access to inventory without enough supervision. The company identified weakness in inventory tracking systems, especially during night shifts when fewer employee were present. Additionally, the lack of familiarity with the inventory system for new employees like employee B contributed to missed discrepancies. Employee A’s confession was voluntary, though influenced by the mounting evidence against them. They returned a portion of stolen goods. The company recognized the need for improved workplace support, particularly around financial counselling for employees and better internal controls in the warehouse.

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