

What You Should Know!

Conducting research can be simplistic and uncomplicated; however, research in the field of criminology and criminal justice often involves people, which brings along its own set of special challenges. The previous chapter set the foundation for understanding what it means to conduct research in criminology and criminal justice. It is important that prospective researchers be aware of the ethical aspects of research and apply appropriate ethics as they design their research study. After completing this chapter, the reader should be able to:

1. Define what is meant by ethics and explain its importance in criminal justice and criminological research.
2. Present and discuss the various characteristics of ethical problems in criminal justice and criminological research, including ethical ramifications, harm to others, privacy concerns, and voluntary participation.
3. Explain how the researcher's role influences and is influenced by ethical concerns.
4. Describe the relationship that exists between ethics and professionalism, including a code of ethics.
5. List and describe the four ethical criteria, including avoiding harmful research, being objective, using integrity, and protecting confidentiality.
6. Present and discuss the five reasons why confidentiality and privacy are important research concerns.
7. Describe the impacts of institutional review boards and research guidelines (such as those mandated by the National Institute of Justice) on criminal justice and criminological research.

Ethics

Ethics as discussed in this chapter refers to doing what is morally and legally right in conducting research. The role of ethics in research requires the researcher to be knowledgeable about what is being done; to use ethical reasoning when making decisions; to be both intellectual and truthful in the research approach and reporting; and to consider the consequences, in particular, to be sure that the outcome of the research outweighs any negatives that might occur. Using this approach, ethical decisions are much easier.

Criminology and criminal justice are virtual minefields of ethical dilemmas. There is virtually no aspect of these fields in which ethical questions or predicaments do not exist, including research, particularly applied research. The ethical issues encountered in applied social research are subtle and complex, raising difficult moral quandaries that, at least on a superficial level, seem nearly impossible to resolve. These quandaries often require the researcher to strike a delicate balance between the scientific requirements of methodology and the human rights and values potentially threatened by the research (Bryman, 2008; Creswell, 2008).

Criminal justice and criminological research almost always involve dealing with humans and human behavior. It is prudent to be aware of the characteristics associated with ethical problems in social research. Although there does not seem to be a consensus as to what these characteristics are and there is no comprehensive list, the following have been identified as recognizable characteristics of ethical problems (Bachman & Schutt, 2008; Dunn, 2009; Kraska & Neuman, 2008; McBurney & White, 2007):

1. A single research problem can generate numerous questions regarding appropriate behavior on the part of the researcher.
2. Ethical sensitivity is a necessity but is not necessarily sufficient to solve problems that might arise.
3. Ethical dilemmas result from conflicting values as to what should receive priority on the part of the researcher.
4. Ethical concerns can relate to both the research topic and the ways in which the research is conducted.
5. Ethical concerns involve both personal and professional elements in the research.

When dealing with humans, ethics plays an important role. It all begins with the researcher's role.

The Researcher's Role

Contrary to popular belief, the criminologist who conducts research is considered a scientist. Ignoring the distinctions made between a social scientist,

such as a chemist or biologist, and a social scientist studying sociology or criminology, for example, both are scientists who are governed by the laws of inquiry (Kaplan, 1963). Both require an ethically neutral, objective approach to research. Ethical neutrality requires that the researcher's moral or ethical beliefs not be allowed to influence the gathering of data or the conclusions that are made from analyzing the data. Objectivity means striving to prevent personal ideology or prejudices from influencing the process. The focus of both ethical neutrality and objectivity is to maintain the integrity of the research. In addition to these concerns, the researcher, whether a nuclear physicist or a criminologist, must also ensure that the research itself does not negatively impact the safety of others.

The researcher's role often coexists and at times even conflicts with other important roles, such as practitioner, teacher, academic, scholar, and citizen. Since the primary focus of each role is different, the meshing of roles can often cause researchers to lose objectivity in their approach to the collection, analysis, and reporting of the data. In particular, there are the concerns over the individual's morals, values, attitude, and beliefs interfering with completing an objective study. Researchers have to remain alert to this issue because it is easy to slide in to habits that negatively impact the objectivity of a study.

Individuals are raised with certain ideals, identified as morals and values, which are commonly reflected in their attitudes and behaviors. Weak or strong morals and values can affect how research is conducted. For example, individuals raised to believe that success is important, regardless of the costs, might regard the "borrowing" of someone else's research efforts and passing them off as their own as acceptable, or they might accept the manipulation of data to gain more desirable results. An even more repugnant scenario is one in which the researcher continues with his or her research despite knowing that to do so will cause physical harm or emotional anguish for others. In each of these cases, ethically the decisions are wrong.

Because the researcher's role is intertwined with other roles, ethics becomes even more difficult to manage. Ultimately, it is up to the individual to decide the importance of personal ethics. However, the role of the researcher is just one aspect of ethics in research.

Box 2-1

Responsible Conduct in Research

Responsible conduct on behalf of researchers is of such importance that many institutions and funding organizations require that researchers participate in mandatory training. One such program is **Responsible Conduct in Research (RCR) requirements and training**. This may be viewed at: <https://www.citiprogram.org/index.cfm?pageID=265>

collection could be completed by using a number system to link a survey and consent form, but the number does not link to a specific individual. Confidentiality indicates that the researcher knows the identity of each research subject but has agreed to not reveal individualized information. Using the previous example, the number on the survey and consent form may be linked to a number on a roster of subjects that could include the subjects' names and contact information. In data analyses, researchers may indicate that only aggregate data, not individual data, will be released in subsequent reports.

Particularly in survey research, it is common for the researcher either to ask for specific consent from the respondents or at least acknowledge that by completing the survey, the respondent has conferred consent. Normally this process only requires having the individual sign an informed consent form or indicating in the instructions that the survey is confidential and voluntary and that the information will only be used for the purpose of research (Figure 2-1).

Voluntary Participation

In the example shared in Figure 2-1, not only did the researchers seek to obtain consent, they also informed prospective respondents that participation was voluntary. Sometimes researchers, including criminologists, require their subjects to sign consent forms but, particularly within institutional settings such as military organizations, schools, and prisons, neglect to inform them that their participation is voluntary. In fact, in these environments, participation is often coerced since individuals do not feel they can decline to participate. Not all research must use voluntary participation, but compulsory involvement must be based on valid reasons that the knowledge could not otherwise be reasonably obtained and that no harm will come to participants. The general rule in these situations is if there is any doubt as to whether the research could be in any way construed to be intrusive, then consent should be obtained from the subjects. It is also best to assure subjects that their participation is voluntary and they may choose not to participate in the study. Subjects should also be reminded that they can withdraw their participation at any time during the study.

Within the academic setting, informed consent and voluntary participation do not seem to be unusual requirements. To ensure that informed consent is provided and to judge the value and ethical nature of the research, many universities have an Institutional Review Board (IRB). IRBs exist as a result of the Code of Federal Regulations, Title 28 Judicial Administration, part 46, which specifies all aspects of the IRB, including membership, functions and operations, review of research, and criteria for IRB approval (<http://www.hhs.gov/ohrp/assurances/index.html>).

Established primarily for the review of research, usually experimental or applied, dealing directly with human subjects, university IRBs often extend

Pre-employment psychological screening tools for police candidates: Psychologists' choices and reasons

Before you continue with this short online survey, please read carefully the following consent form and click the "I CONSENT" button at the end to indicate that you agree to participate in this data collection effort. It is very important that you understand that your participation in this survey is voluntary and that the information you share is private.

You were selected to participate in this through a random selection of members of the APA who designated clinical psychology as their specialty and/or because of your membership in the Psychology section of the IACP. The survey includes a series of closed ended questions asking you about choices and reasons for identifying specific psychological tools for use as part of pre-employment screening of police officer candidates. The findings from this survey will be used to produce articles informing interested parties of the results and recommendations formed. The overall intent will be to start a serious dialogue toward recognizing police psychologists as specialists for conducting psychological screening of police officer candidates, as well as the development of a standardized set of testing protocols.

There are no right or wrong responses to this survey and the survey will take approximately 15 minutes for you to complete. Your consent to participate in this survey requires that you carefully read and agree to the following:

Privacy: The information that you provide via this survey will be kept private except as otherwise required by law. Any identifying information will not be disclosed to anyone but the researchers conducting this evaluation and will be kept in locked files separate from the data collected. However, the potential identifying data being collected is of the nature where it will be nearly impossible to identify any particular individual. The information reported will not contain any identifying information.

Risks: Completing this survey poses few, if any, risks to you. You may choose to cease input of information at any time or to not answer a question, for whatever reason.

Your participation is voluntary. Refusal to participate involves no penalty or adverse consequences. If you consent to participate in this survey, here are some additional things you should know:

- You may stop your input of data at any time without penalty or consequence.
- You may choose to not answer a question at any time without penalty or consequence.
- You may contact the researcher or his faculty supervisor, Dr. Sandra Mahoney, sandra.mahoney@waldenu.edu, with any questions that you have about the research, during or after you have completed the survey.
- There is no compensation being offered to participate.
- I encourage you to print a copy of this consent for your records.

Contact information: If you have any concerns about your participation in this survey or have any questions about the evaluation, please contact M. L. Dantzker, Principal Investigator at mldcjc@att.net or at 956 682-9364. Walden University's approval number for this study is 05-18-09-0327204 and it expires on May 17, 2010. Please click the "I CONSENT" box below to participate in the study.

Thank you.

their review over any type of research involving human respondents, survey or otherwise. Although having to attain IRB approval can be frustrating, it is a useful process because it can help identify prospective ethical problems. Also, reviewers may identify problems that have been overlooked by the researcher. It is better to err on the side of caution.

The IRB process varies by institution but generally is not difficult. It usually requires the researcher to submit basic information about the proposed research often in a format designed by the university. The information required is similar across institutions and typically focuses on study procedures, with a particular interest on possible harmful impact to subjects.

Informed consent is valuable because it is important that research subjects are allowed the right to refuse to be part of the research. Although in survey research, consent may not be a major problem (because permission can be written into the documents), it does raise an interesting dilemma for observational research (when the researcher may not want the subjects to know they are being observed). The ethical consideration here is that as long as the subjects are doing what they normally would be doing and the observations do not in any way directly influence their behavior or harm them, it is ethically acceptable to proceed without obtaining informed consent.

Deception

Some types of research, particularly field research that requires the researcher to in essence "go undercover," cannot be conducted if the subjects are aware that they are being studied because subjects may change their behavior. Such research is controversial and must be carefully thought out before it is undertaken (Vito, Kunselman, & Tewksbury, 2008). All too often the deception is based more on the researcher's laziness or bias rather than a real need to deceive. For example, a researcher is interested in studying offender behavior within the confines of a prison. Rather than explain to administrators and the subjects what he or she is doing, the researcher proceeds under the guise of an internship or volunteer work.

Depending on the type of research, there are always some ethical considerations. What is interesting is that the science of research itself is viewed as ethically neutral or amoral. The ethical dilemmas rise from the fact that researchers themselves are not neutral. This situation fosters the need for regulation in conducting research to ensure that it meets ethical standards (Fowler, 2009; Gavin, 2008).

The Professionalism of Research

According to Merriam-Webster (2016b), *professionalism* is defined as "conduct, aims, or qualities . . . [that] characterize or mark a profession or a professional

person". A *profession* is defined as "a: a calling requiring specialized knowledge and often long and intensive academic preparation b: a principal calling, vocation, or employment c: the whole body of persons engaged in a calling" (Merriam-Webster, 2016a). Research in itself is a profession, and when mixed with other professions, there is an even greater need to conduct business in a professional manner.

Many professions have support of written codes of ethics for research (e.g., The American Psychological Association). Although criminal justice and criminology do not have a globally applicable code, the Academy of Criminal Justice Sciences developed a code of ethics for its members with a section on researcher ethics (Part III Ethical Standards – B Member of the Academy as Researchers) that highlights the expected ethical behavior of criminologists. Furthermore, although there seems to be no universal code of ethics with respect to research, grant-funded research is more likely to have ethical constraints imposed. For example, a popular source of funding for criminal justice and criminological research is the National Institute of Justice (NIJ). NIJ has developed its own code of ethics to which all grant recipients must agree. The NIJ is very specific in its guidelines, especially with respect to data confidentiality and the protection of human subjects (Figure 2-2).

Ethical Research Criteria

Even though there is no universally recognized research code of ethics, there are some specifically identified criteria that, when applied or followed, assist in producing ethical research. These criteria include avoiding harmful research, being objective, using integrity, and protecting confidentiality.

Avoiding Harmful Research

The goal of research is to discover knowledge not previously known or to verify existing data. In many instances, this goal can be met without inflicting undue stress, strain, or pain on respondents (e.g., historical or survey research). Unfortunately, at times research can be physically or emotionally harmful. The ethical approach is to avoid any such research regardless of how important its findings might be unless it can be shown that the benefit from the information outweighs the harm. IRBs examine studies overall but often focus on the possible harms and the question of whether the benefit from the study is enough to justify these harms.

Being Objective

Biases can be detrimental to a research project and can negatively affect objectivity. For example, assume you do not like drinkers and perceive them to be weak willed and careless. Your research deals with individuals convicted of driving while intoxicated, and you are interested in their reasons for driving

All NIH employees, contractors, and award recipients must be cognizant of the importance of protecting the rights and welfare of human subject research participants. All research conducted at NIH or supported with NIH funds must comply with all Federal, U.S. Department of Justice (DOJ), Office of Justice Programs, and NIH regulations and policies concerning the protection of human subjects and the DOJ confidentiality requirements.

Why is it important for those of us involved in research to care about these requirements? Fulfilling our obligations under these regulations is important for several reasons other than just being in compliance with the regulations and processing the research award, including:

- Following these procedures provides research subjects protection from harm that might result from their participation in research.
- Complying with these procedures (e.g., IRB review, informed consent, and confidentiality concerns) improves the overall quality of the research we conduct and the data used in the analysis.
- Consideration of the confidentiality and human subject issues and compliance with the rules will allow us to continue to conduct difficult research on important societal problems and to provide a scientifically informed basis for making important public policy decisions.
- The codes of conduct and ethical standards of our profession to which we adhere require the dutiful protection of human research subjects and confidentiality.
- Many of these concepts have longstanding associations with other fundamental aspects of our society (e.g., belief in individual rights, representative government), and fulfilling our obligations defines us as a society and a nation.

NIH policy provides for the protection of the privacy and wellbeing of individuals who participate in NIH research studies under two different, but philosophically related, sets of regulations:

Human Subjects Protection ("The Common Rule")
Confidentiality and Privacy

Figure 2-2 NIH human subjects and privacy protection.

Source: Reproduced from "Human Subjects and Privacy Protection," National Institute of Justice, 2010.

while impaired. The chances are good that if you allow your personal feelings against drinkers to guide you in your research, the results will be skewed, biased, and subjective, which is why it is important to maintain objectivity. Of course, being objective is just one important characteristic of the ethical researcher.

Using Integrity

The last thing a researcher wants is for the results not to meet expectations. Sometimes, because of how important the research is perceived to be, there may be a tendency to manipulate the data and report it in a manner that shows the research was successful—that is, to put a positive spin on an otherwise negative result. This situation is especially possible when the research is evaluative and its results could influence additional research.

When faced with this dilemma, because of the desire not to jeopardize the program's future or to improve future chances for research, the researcher may not report the true findings. This behavior is unethical but may be more commonplace than one would like to believe. The ethical researcher accepts the findings and reports them as discovered.

Protecting Confidentiality

One of the biggest concerns in conducting research is the issue of confidentiality or privacy. These two ethical issues are crucial to social researchers who, by the very nature of their research, frequently request individuals to share with them their thoughts, attitudes, and experiences. Because a good portion of criminal justice and criminological research involves humans, chances are great that sensitive information may be obtained in which other nonresearch efforts might be interested. For example, conducting gang research where street names and legal names are collected, perhaps along with identifying tattoos, scars, and so forth, and voluntary statements of criminal history would be extremely valuable to a police agency. Ethically, that information must remain confidential.

Reasons for Confidentiality and Privacy

Overall, five reasons have been identified as to why confidentiality and privacy are important in research (Adler & Clark, 2007; Kline, 2009; Maxfield & Babbie, 2009):

1. Disclosure of particularly embarrassing or sensitive information may present the respondent with a risk of psychological, social, economic, or legal harm.
2. Sensitive information, if obtained solely for research purposes, is legally protected in situations where respondents' privacy rights are protected.
3. Long-term research may require data storage of information that can identify the participants.
4. The courts can subpoena data.
5. Respondents may be suspicious as to how the information is truly going to be used.

The bottom line is that confidentiality and privacy must be maintained. There are two methods of accomplishing this: physical protection and legal protection. Physical protection relates to setting up the data so that links cannot be made between identifying information and the respondents. Reducing who has access can also aid in protecting the data. Legal protection attempts to avoid official misuse. Researchers are aided in this aim by an amendment to the 1973 Omnibus Crime Control and Safe Streets Act, better known as the "Shield Law," which protects research findings from administrative or judicial processes. As noted previously, funded research through such organizations as NIH or the National Institutes of Health is overseen by organizational regulations.

These guidelines do not completely protect the data, leaving researchers responsible for gathering the data in a manner that best protects the respondents.

By simply meeting the four suggested criteria, a researcher can avoid many ethical problems. However, perhaps the best way to avoid ethical problems is to conduct research using a method that does not compromise ethical standards—research that is legal, relevant, and necessary.

Summary

The simple act of research, especially when it involves humans, creates a plethora of possible ethical dilemmas. Because ethics is important to professions, researchers need to be cognizant of several ethical considerations. These include determining whether the topic itself is ethical, what harm or risk is involved to respondents, and how confidentiality and privacy can be protected. There are federal guidelines for protecting individuals' privacy and for obtaining their consent, which in the university setting is often reinforced through an IRB. The key to ethical research is a professional approach. Some professions have created a code of ethics applicable to research. Although criminal justice and criminology do not have one specific to the discipline, the Academy of Criminal Justice Sciences has established such a code for its members. Four criteria, when followed, alleviate the need for such a code: (1) avoid conducting harmful research; (2) be objective; (3) use integrity in conducting and reporting the research; and (4) protect confidentiality.

APPLICATION EXERCISES

1. You are currently employed as a data analyst within the research unit of a medium security prison. Due to complaints regarding the negative impact of job stress on correctional officers, the warden has directed the research unit to study two issues: (1) the level of stress among correctional officers and (2) ways to address stress through physical fitness. Does the warden have a vested interest in the results of the study? If so, explain how this interest in combination with the warden's role as the person in charge of the prison (including the research unit) could impact the implementation and results of the study.
2. Explain how this dual role could impact the voluntary participation of correctional officers, who are employees of the warden. Develop procedures to ensure that correctional officers do not feel coerced into participating in the study or into providing answers that they think are expected by the warden.
3. Because you work in the prison, you know some of the correctional officers. What are possible issues of conflict with your role as a researcher and staff member? What procedures will you put into place during the study to avoid allowing these dual roles to negatively impact the quality of the research?