

Research and Ethics

What You Should Know!

Conducting research can be simplistic and uncomplicated. The previous chapter set the foundation for understanding what it means to conduct research in criminology and criminal justice. However, before describing how to do the research, it is important that the prospective researcher be aware of the ethical aspects and apply appropriate ethics. From this chapter the reader should be able to do the following:

1. Define what is meant by ethics and explain its importance to criminologic research.
2. Present and discuss the various characteristics of ethical problems in criminologic research.
3. Explain how the researcher's role influences and is influenced by ethical concerns.
4. Discuss the various ethical considerations presented.
5. Describe the relationship that exists between ethics and professionalism including a "code of ethics."
6. List and describe the four ethical criteria.
7. Present and discuss the five reasons why confidentiality and privacy are important research concerns.
8. Describe the impacts of institutional review boards and research guidelines (such as those mandated by the National Institute of Justice) on criminologic research.

Ethics

Ethics as discussed in this chapter refers to doing what is morally and legally right in the conducting of research. This requires the researcher to be knowledgeable about what is being done; to use reasoning when making decisions; to be both intellectual and truthful in 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 playgrounds of ethical confrontations. There is no aspect of them in which ethical questions or dilemmas do not exist, including research. This is particularly true when the research is of an applied nature. The ethical issues encountered in applied social research are subtle and complex, raising difficult moral dilemmas that, at least on a superficial level, seem impossible to resolve. These dilemmas 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 criminologic research almost always involve dealings 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 how 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 jurist or criminologist who conducts research is considered a scientist. Ignoring the distinctions made between a

natural scientist and a social scientist, both are scientists who are governed by the laws of inquiry (Kaplan, 1963). Both require an ethically neutral, objective approach to research. As mentioned in Chapter 1, 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. As can be seen, the two have a similar concern: maintaining 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 concerns do not negatively impact on 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. This meshing of roles can often cause the researcher to lose objectivity in his or her 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.

Individuals are raised with certain ideals, identified as morals and values. What those are is commonly reflected in one's attitudes and behaviors. Weak or strong morals and values can affect how one conducts research. For example, individuals raised to believe that success is very 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, this is just one aspect of ethics in research.

Ethical Considerations

Conducting research in and of itself can be problematic. Accessibility, funding, timing, and other factors may all impose problems. The reality is there can be ethical concerns at every step of the research process (Bickman & Rog, 2009). With this in mind, the considerations discussed next should not be viewed as more important at any one particular time in the process, but rather they apply throughout the research.

Ethical Ramifications

One of the first things to consider is whether the topic to be studied has innate ethical ramifications. Some topics are controversial by their very nature. For instance, the individual interested in gangs might decide that the best way to gain data is to become a participant observer. As such, chances are that the researcher may have to witness or even be asked to participate in illegal activity. Ethically as well as legally, this information should be given to the police, but doing so might jeopardize the research. Although it is apparent what decision should be made (the research should be adjusted to avoid such a dilemma or possibly even abandoned outright), the right one is not always made simply because of how important the research is perceived to be to the individual. Therefore, before embarking on a research topic, the ethical implications of the research itself must be addressed.

Harm to Others

Another consideration is what effects the research might have on the research targets. When the research involves direct human contact, ethics plays an important role. Whether the targets are victims, accused offenders, convicted offenders, practitioners, or the general public, a major consideration is whether the research might cause them any harm. Harm can be physical, psychologic, or social.

Physical harm most often can occur during experimental or applied types of research, such as testing new drugs or weapons. Psychologic harm might result through the type of information being gathered. For example, in a study of victims of sexual assault, the research might delve into the events before, during, and after the assault. This line of questioning may inflict more psychologic harm in addition to that which already exists as a result of the assault. Finally, social harm may be inflicted if certain information is released that should not have been. Consider a survey of sexual orientation among correctional officers where it becomes public knowledge as to who is gay. This information may cause those individuals to be treated differently, perhaps discriminated against, causing sociologic harm. It is important that the researcher consider what type of harm may befall respondents or participants before starting the research.

Privacy Concerns

The right to privacy is another ethical consideration. Individuals in America have a basic right to privacy. In many cases, research efforts may violate that right. How far should individuals be allowed to pry into the private or public lives of others in the name of research? Ethically speaking, if a person does not want his or her life examined, then that right should be granted. All persons

have a right to anonymity. However, there are a variety of documents accessible to the public in which information can be gathered that individuals would prefer to be unavailable, such as arrest records, court dockets, and tax and property records. The ethical question that arises here is whether a person should have the right to consent to access to certain types of information in the name of research. Giving consent in general is a major ethical consideration.

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 only requires having the individual sign an informed consent form or for the instructions to indicate that the survey is completely anonymous, voluntary, and that the information is only being used for the purpose of research (Figure 2-1).

Voluntary Participation

As should have been noted in the previous example, not only did the researchers seek to obtain consent, they also informed prospective respondents that participation was voluntary. Too frequently criminologic researchers 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. Not all research must use voluntary participation, but it is stressed that there must be valid reasons that can be given showing that the knowledge could not otherwise be reasonably obtained and that no harm will come to the participants from their compulsory involvement.

Regardless of the fact that the research was not intrusive and could cause no harm to the respondents, informed consent was required. The rule of thumb 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 them that their participation is voluntary and they may choose not to take part in the study.

Within the academic setting, informed consent and voluntary participation do not seem to be an unusual requirement. 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). The 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, reviewing the 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 their review over any type of research involving human respondents (survey or

**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.

FIGURE 2-1 Informed consent example.

Source: Reproduced from Dantzker, M. L. *Psychologists' Role and Police Pre-Employment Psychological Screening*. ProQuest Company, 2010.

otherwise). Although having to attain IRB approval can be somewhat frustrating, it is a useful process because it helps to reaffirm the researcher's perceptions and beliefs about the research and can help identify prospective ethical problems. Also, reviewers may see problems overlooked by the researcher. It is better to err on the side of caution.

The process generally is not that difficult. It usually requires the researcher to submit basic information about the proposed research, often in a format designed by the university. Appendix A contains an example of a request submitted to an IRB for approval. Although not all IRBs make use of the same format, the information required is similar across institutions.

Informed consent is valuable because it is important that research targets 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.

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. 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 juvenile behavior within the confines of a juvenile facility. Rather than explain to administrators and the subjects what he or she is doing, the research is conducted 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 fosters the need for regulation in the conducting of research so that it does meet ethical standards (Fowler, 2009; Gavin, 2008).

The Professionalism of Research

According to Merriam-Webster's Online Search (2009), a professional is one whose “conduct, aims, or qualities . . . characterize or mark a profession or a professional person” (<http://www.merriam-webster.com/dictionary/professionalism>).

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” (<http://www.merriam-webster.com/dictionary/profession>). 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. This often means that the profession has established a code of ethics.

Many professions have support of written codes of ethics for research (i.e., The American Psychological Association). However, although criminal justice and criminology do not have a globally applicable code, the Academy of Criminal Justice Sciences, an organization to which many academic researchers are members, did develop a code of ethics for its members that includes a section on researcher ethics (Appendix A). 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 criminologic 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, discussed next, 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 can be done without ever having to inflict any undue stress, strain, or pain on respondents (i.e., 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 good from the information far outweighs the harm (an eventuality that is rare even in criminologic research).

Being Objective

Biases can be detrimental to a research project. One such bias deals with objectivity. Assume you do not like drinkers, that you perceive them as weak willed and careless. Your research deals with individuals convicted of driving while

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, 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.

intoxicated. You are interested in their reasons for driving 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. It is important, for good ethical research, 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, put a positive spin on an otherwise negative result. This is especially possible when the research is evaluative and its results could influence additional funding for the program being evaluated. 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 is extremely unethical, but unfortunately, 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. As it has been suggested, privacy and confidentiality are two ethical issues that 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 criminologic 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. This information is 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 psychologic, social, or economic 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 with this by an amendment to the 1973 Omnibus Crime Control and Safe Streets Act, better known as the “Shield Law,” which protects research findings from any administrative or judicial processes. As noted previously, funded research through such organizations as NIJ or the National Institutes of Health is overseen by organizational regulations. Unfortunately, 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 confidentiality and privacy. 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, a major criminal justice organization has established such a code for its members. However, there are four criteria that 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.

METHODOLOGICAL QUERIES

- 1 Due to the nature of politics in your county, the sheriff is concerned that the ethics behind the research may be called into question. How would you explain to him what is meant by ethics? How do you assure him of its importance to criminological research?
- 2 Although the sheriff understands the ethics with regard to politics, he is not clear on the ethical problems that could arise conducting the proposed research. You must present and discuss the various characteristics of ethical problems in criminological research. What do you tell him?
- 3 Because you live in the county, know some of the correctional officers, and even voted for the sheriff, there are some who might question whether your role as researcher

has ethical implications. To ensure this will not be a problem, you must demonstrate how the researcher's role influences and is influenced by ethical concerns. What do you say or do?

- 4** One way you may respond to the previous question is to list and describe the four ethical criteria. Explain how you would link the criteria to the proposed research.
- 5** A major concern for the sheriff is the need to ensure and maintain confidentiality and privacy. Present and discuss the five reasons why this is necessary and how it could be accomplished.