
ETHICAL ISSUES IN CRIMINAL JUSTICE RESEARCH

OBJECTIVES

Social scientists have ethical obligations to their colleagues, study participants, and the wider society. You will review these obligations, the reasoning behind them, the procedures used to help assure that scientists follow these guidelines, and the limitations that have resulted from these checks.

You will consider two ethical dilemmas particularly troublesome for criminal justice and criminological research. After reading this chapter, you will possess the basic tools needed for evaluating studies from an ethical perspective.

ORGANIZATION OF THE CHAPTER

You will learn in this chapter about an extremely important dimension of criminal justice research: its moral and ethical basis. Every research study, even if its methodology and topic seem innocuous, has an ethical dimension. In some studies these dimensions can be obvious, as in situations where scientists invade the privacy of jury deliberations. But even studies involving routine surveys raise ethical questions.

I begin by considering the ethical obligations that scientists have to other scientists. Violations of these obligations play havoc with the central concern of scientific inquiry—linking theories and data. I describe the ethical obligations of social scientists to their study participants and the general society, and the institutional structures assuring that those obligations are honored. Finally, I discuss ethical issues for two particular types

of criminal justice research—violence predictions and fieldwork.

Scientists have obligations to their scientific colleagues, the larger society, and the individuals whom they interview or who participate in their studies. We need to attend to these requirements, because scientists are human. Some scientists may commit **scientific fraud**. This occurs whenever a scientist misrepresents or withholds any important aspect of method, data sources, analyses, or results. Sometimes scientists may not treat study participants with the full respect that one human owes another. Although most scientists conduct themselves ethically in all aspects of their work, misconduct by even a few investigators can influence societal views of, and support for, the scientific enterprise.

You are a consumer of research. As a consumer you need to be able to tell if a scientific

study followed proper procedures for ethical scientific conduct. Studies that do not follow these policies probably contain ethical flaws and may represent inferior work.

SCIENTISTS' OBLIGATIONS AS SCIENTISTS

Scientists have held a respected position in Western societies for much of this century. But in the last 20 years exposés of scientific fraud have snowballed. A scientist admitted faking data in a biomedical lab at Emory University in Atlanta. The president of the Harvard School of Public Health stepped down because repeated instances of his plagiarism had been discovered. A dean in Arizona maintained, despite considerable contrary evidence, that his book on "Muzak" did not copy extensively from an unpublished dissertation of a sociology graduate student. Because of this trend new reports of academic fraud have less "shock value;" calls for monitoring or "policing" science seem on the increase.

Nevertheless, scientific fraud has been around for several centuries. Apparently, even Erasmus (1466–1536) did it. [1] On a more recent note, one of the most eminent social scientists of this century was probably guilty of deliberate fraud.

The Case of Sir Cyril Burt

Sir Cyril Burt was an extremely eminent psychologist whose research spanned the second and third quarters of this century. He is the only psychologist to have been knighted. His research covered such topics as the relationship between social class and delinquency, and the relationship between social class and IQ, as well as the inherited basis of IQ. He was an enormously powerful and intimidating figure in British social scientific circles.

Doubts about Burt's work began to surface in the early 1970s. Investigators turned up oddities such as a fictitious female coauthor. As questions about the accuracy of his work spread, scientists questioned the source of the inaccuracies. Were they just the results of carelessness? Or were they the result of something more deliberate?

An important paper by Burt published in 1961, "Intelligence and social mobility," has been scrutinized carefully. This paper demonstrated, ostensibly, that the IQ of children was closely related to the IQ of their fathers. It was based on a large study of over 40,000 persons, and had influenced the discussion on IQ, social class, and inheritability of intelligence.

Professor D. D. Dorfman published a paper in the prestigious journal *Science* analyzing Burt's 1961 paper. [2] He argued, based on extensive statistical analyses of Burt's numbers, that the data reported had been fabricated. When Dorfman compared Burt's results to numbers from other IQ studies, the chances that Burt's numbers were *not* made up were less than one in a million. According to Dorfman, Burt had made the numbers conform precisely to what he sought to prove.

In short, problems of scientific fraud afflict more than desperately struggling graduate students or fly-by-night market research firms. Researchers at all levels, from the highest to the humblest, may fall prey to the lure of misrepresentation, and have been doing so for some time.

Any student who has ever worried about getting a bad grade in a course should find the temptation to commit academic fraud easy to understand. Although I think scientists who commit academic fraud should be held accountable for their actions, I also think it is important to recognize the enormous pressures confronting academic researchers who must "publish or perish." In most social

sciences, assistant professors seeking tenure are expected to publish many research articles in refereed journals, as well as to teach conscientiously.

Obligations to Scientific Peers

These pressures notwithstanding, academic researchers are expected to adhere to extremely high standards of scientific conduct. Failure to follow these guidelines is counter to the entire spirit of the scientific enterprise, which is to "seek truth." It also damages the relationship between society and the scientific community.

Don't Lie About the Data or the Procedures, and Report Fully Researchers, in keeping with norms of academic integrity and the openness of scientific inquiry, need to report their study procedures and their findings fully and accurately. The details provided allow other scientists to independently verify the results should they wish to do so. Scientists attempt to verify another study by conducting a replication effort. In a **replication** a scientist tries to re-create the original investigation, hoping to obtain results nearly identical to the original.

Treat Collected Data Carefully Once data are in hand, social scientists need to prevent such data from being accidentally altered. It is possible in a study for small changes in data entries to result in noticeable changes in the pattern of results. Of course there will always be some level of coding and data entry error, but researchers are obligated to check the data after these operations to be sure, insofar as it is practicable, that the final numbers and text are as correct as they can be.

Never Change the Original Data Intentional changes in data, so that they accord more closely with the hypothesis under investigation, or for any other reason, are, of course, completely unacceptable.

Make as Much Available as Possible If a study represents an extensive data collection effort, such as a national survey, there is little chance that another scientist will try to replicate the original study. It is simply too costly. But another researcher can do **secondary analysis** of an original dataset if that information is made available. In secondary analysis a second researcher reanalyzes the original researcher's data, examining questions that may be the same as, or different from, those addressed by the original researcher.

The National Institute of Justice and the Inter-University Consortium on Political and Social Research at the University of Michigan (ICPSR) have played leading roles in efforts to make large scale datasets available to the broader scientific community. NIJ requires that grant awardees supply tapes with their file data on them at the conclusion of a research project. Such availability allows for more extensive secondary analyses of data. The arrival of large capacity microcomputer-based storage devices such as CD-rom drives, hard drives, and high-capacity floppy disks make it easier and cheaper to share datasets widely.

Acknowledge Sources When using the ideas or information originally created by others, researchers are expected to say from what place the ideas or information came. Such admissions are fully in keeping with the cumulative nature of scientific inquiry. Even Newton admitted: "If I have seen far it is because I have stood on the shoulders of giants."

SCIENTISTS' OBLIGATIONS AS MEMBERS OF SOCIETY

Perhaps less easily agreed upon are the scientists' obligations to act ethically vis-à-vis the participants in research, and the wider public. Further, these broader ethical obligations may conflict with the researcher's goals as a scientist.

The Wichita Jury Study

The following case may give you a better sense of the conflict between *scientific goals* and *social responsibility*. Juries represent a hallowed and central feature of the American criminal justice system. Although only a modest portion of cases do go to trial, all defendants in the Federal court system, and all defendants accused of serious crimes in local court systems, have the right to a trial by jury.

In the early 1950s some well-respected researchers at the University of Chicago Law School decided that it would be important to investigate closely the dynamics of jury deliberation. [3, 4, p. 170] Without the jury members' knowledge the researchers recorded their conversations. The researchers were especially interested in how interaction patterns and other features of the process influenced the outcome. The study did lead to some important findings about juries.

But when the larger public caught wind of this investigation, they were shocked. Congressional inquiry followed, spearheaded by an indignant Senator Eastland. Later, in 1956, legislation was passed declaring such investigations out of bounds. The public had decided that the topic, even if of considerable scientific interest for a variety of sound scientific reasons, was not permissible. The institution was simply too "sacred." "Such taboos



PICTURE 4.1

In the film "Twelve Angry Men" Henry Fonda (left) persuades other jurors, including Lee J. Cobb (right), to reconsider evidence in a murder trial. Nominated for "Best Picture" Oscar in 1957. The study of jury deliberations, like those taking place in the film, is "off limits" to social scientists. (Source. © 1957 Orion-Nova Twelve Angry Men. All rights reserved.)

express a society's desire to maintain the sacred quality of certain social arrangements and conventions." [4, p. 170]

The *goals* of the researchers were acceptable—understanding what happens in jury deliberations—but the *means*—invading the privacy of a hallowed institution—were not. Oversight of the ethics of scientists has arisen in response to this tension between ends and means.

Since this decision prohibiting research with real juries, investigations have focused on "mock" jury deliberations. In these studies, groups of people discuss and vote on real or fictitious cases as if they were real juries. Some scientists feel that such studies provide little insight into the dynamics at work in real juries. Observing society's respect for the institution of the jury may have limited our understanding of it.

Concern about social science has been spurred not only by worries about scientists

invading the privacy of individuals and institutions. Social scientists' treatment of study participants has also been questioned. For example, in the mid-1960s the late Stanley Milgram, a social psychologist, conducted a series of experiments on obedience. An experimenter instructed participants to deliver increasingly painful electric shocks to a loudly complaining subject in another room. In fact the shocks were not delivered, the other subject was a confederate acting as if he were shocked, and the researcher informed participants of this after the experiment. Milgram cogently defended the ethics of his procedures. [5] Nonetheless, evidence suggested that some participants experienced trauma from the experience. Guidelines have arisen, in part, as a response to such situations.

A Framework for Understanding These Obligations

Historical Background The modern concern with ethical issues in social research originated in the Nuremberg trials following World War II. The atrocities reported as part of the "scientific" experiments carried out in concentration camps led to the adoption of a set of principles, the Nuremberg Code, which provided guidelines for research involving human subjects. [6] Later, in 1966, the Public Health Service began to require that research done with human subjects be reviewed for ethical issues by the local institution. In 1971 the American Sociological Association and the American Anthropological Association adopted new ethical standards for their members, as did the American Psychological Association in 1977. Federal guidelines currently exist specifying ethical guidelines for research with humans.

The Current Mechanics of How it Works Current federal guidelines require all institutions of higher learning receiving federal support to review study procedures and decide if the rights of human subjects—the participants in the research—are adequately protected. Researchers proposing projects involving humans submit documentation about key aspects of their proposed study to an institutional review board (IRB). This review board includes scientists from different disciplines. I have been a member of such a review board. In addition to including academics of varying backgrounds and some retired professors, it also included a local minister. It met monthly and carefully considered the ethical implications of the research proposals brought to its attention. Such boards decide whether the proposed projects are ethical.

Making such decisions is a complex task. Nonetheless, it is doable because the federal government has said specifically what a study must do to be ethical. You will consider these ethical guidelines below.

The General Issues Four general ethical principles underlie the specific guidelines currently used in human subjects research. [6]

1. **Autonomy.** Social scientists need to respect the rights of individuals to make their own decisions and hold their own values. As long as people are not hurting others, they have a right to behave as they wish. This principle requires that social scientists obtain the *voluntary* informed consent of individuals before their participation in a study begins. When participants voluntarily provide their **informed consent**, they are stating that they understand key features of the study, and with

this understanding willingly and freely agree to take part. We explore the specifics of informed consent shortly.

2. **Nonmaleficence.** Social scientists should avoid intentionally harming individuals who are participating in research. This principle prohibits knowingly inflicting physical or psychological damage. It also requires scientists to take steps to prevent possible harm to individuals, and to minimize the diffuse harm the research may cause to the wider society or to participant-researcher relationships. For example, according to this principle a researcher interviewing probationers and gathering evidence about actions that could be grounds for revocation ought not return to the office of the courts and transmit these details to the relevant probation officers. You will return to reconsider this and related issues when you examine the special ethical issues emerging in field research.
3. **Beneficence.** This principle is the reverse of the preceding one. Social scientists have an obligation not only to alleviate or minimize harms where feasible, but also to confer benefits where feasible. If it is reasonable for them to stop the hurt their study participants are experiencing, or make things significantly better for those participants, then they ought to do it.
4. **Justice or equity.** This last ethical principle enjoins researchers to treat equally everyone who is similar. This idea relates to the principle that everyone accused stands equally before the law. Personal factors irrelevant to the situation at hand ought not influence how the participant is treated.

The principle does not mean that the ethical guidelines we use when dealing

with "good" people are different from those guiding our interactions with "bad" people. We should be as unwilling to lie to a prostitute or drug dealer as we are to a police officer (or vice versa). This principle is embedded within a broader ethical assumption: that the researcher has a fundamental respect for those persons and groups she studies.¹

A hypothetical research example with electronic monitoring provides an example application of this principle. Serving a sentence of home confinement with electronic monitoring (HCEM) usually requires a phone in the offender's home. You are a researcher examining the effects of HCEM on burglars receiving probation. You want to compare the effects of receiving probation with HCEM vs. the effects of receiving probation with frequent visits from a probation officer. You decide, on a random basis, using a flip of a coin, whether each participant receives probation with frequent visits or probation with HCEM. But what should you do when you assign probationers from households without a phone? Should they all simply be assigned to the "frequent visits" condition? The principle under discussion here suggests that these individuals should be provided with phones. That way they have the same chances of receiving a condition as do study participants from houses with telephones.

These four general principles provide the underlying basis for the specific guidelines adopted to protect participants in social science research.

¹ I am indebted to Ralph Weisheit for statements on this broader ethical framework.

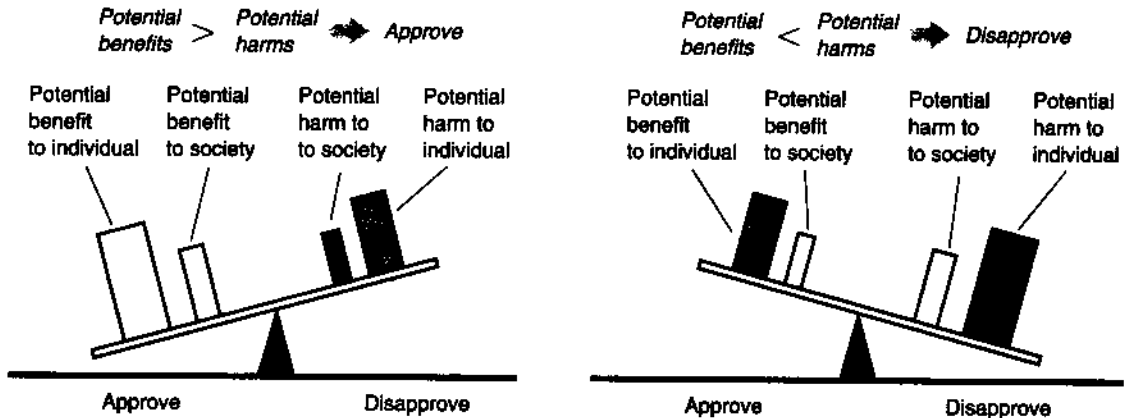
The Specific Ethical Considerations

Potential Benefits of the Research Should Outweigh the Potential Harms The main framework used to carry out a normative moral evaluation of a proposed study is a risk-benefit analysis. What is the potential good that can come out of the proposed investigation? What is the potential harm? How do the two compare? If the potential benefits outweigh the potential risks, then the research is permissible from an ethical standpoint. In addition, *none* of the potential risks must be of an extremely serious nature. No IRB would condone a study, no matter how

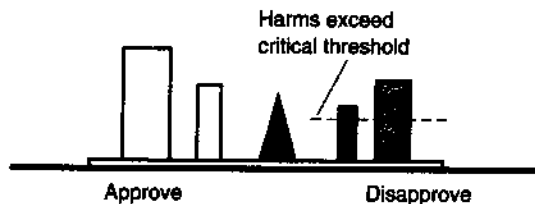
great its benefits, if there were any chance at all of participants being killed or seriously disabled, physically or psychologically, because of their participation. So in the end an IRB may approve a project because the potential benefits outweigh the risks, disapprove it because they do not, or disapprove it because some potential risks are too serious (see Figure 4.1).

Possible Benefits Researchers usually invoke a variety of benefits, some tangible, some more speculative, to justify their research ethically. The benefits can apply to the

FIGURE 4.1 Three possible outcomes when benefits and harms of a study are weighed by an IRB.



Even though the potential benefits outweigh the potential harms, potential harms are too great. Harms are not even compared to the benefits, because the harms are too sizable. Proposed project would be disapproved.



individuals participating or to society as a whole.

Specific and highly plausible benefits include several outcomes. Participants can get paid. If the project is well funded, these payments can be considerable. If participants are completing a test or assessment, they may receive their results, along with an interpretation of their own individual scores. A specific but perhaps less desirable benefit is that subjects have a chance to learn about the findings produced by the study. Besides the cold cash, it is difficult to gauge how much participants might value these other benefits.

Beyond the benefits conferred on individuals, IRBs also consider benefits to the wider society. Biomedical research, and social science investigations evaluating major programs, provide results that are certainly beneficial to society. As an example of the latter, consider an evaluation of DARE programs. As of this writing DARE (Drug Awareness Resistance Education) programs are being implemented in school systems in 49 states. Typically, uniformed police officers are trained in a DARE curriculum and give 17 1-hour lessons to one class. DARE seeks not only to educate young teens and preteens about the effects of drugs, but also to improve the problem solving and coping skills of these youths. A study evaluating the effects of such programs benefits society considerably. If the evaluation shows that the programs cause the wanted changes—improving self concept or delaying the onset of drug usage—society at least knows what it is getting for its money. If evaluation shows the program does not work then policy makers can consider alternate ways to combat the problem. You will read more about evaluation research in Chapter 13.

Aside from evaluations of major programs where the societal benefits of getting an answer are sizable, however, the societal utility

of most social science studies remains hazy. Typically investigators claim that knowing if X influences Y by itself benefits society. IRBs do take this into account. Unless the proposed investigation contains serious methodological flaws, they are willing to accept that society may benefit *somehow* from the proposed investigation, even if the path leading to these benefits is not clear.

Possible Harms and Related Concerns

There are more of these than you might think. Table 4.1 organizes the major concerns.

The most obvious potential harms are those reflecting clear-cut injury of a psychological or physical nature to the participants.

Theoretically, participation in a research project may have the potential for causing *death or physical abuse or injury*. Luckily the former possibility is nil in nearly all social science research conducted in this country. Zimbardo's mock prison experiment of the early 1970s represents a clear-cut example of the latter. [7] It is extremely *unlikely* that a study like this would be permitted today by any IRB in the U.S.

High school students, randomly assigned to roles, acted as guards or prisoners in a "mock" prison. The "experiment" was ended after 6 days because the volunteer "prisoners" had suffered some physical abuse from the "guards." Zimbardo's experiment also inflicted *psychological abuse or injury* on the study participants. Prisoners were maltreated by the guards, yet they endured the treatment. Certainly this made them anxious and lowered their self-respect. The guards themselves may have felt similarly after the experiment, upset with the knowledge they could be bullies. Such intense role-playing situations may cause stress, guilt, anxiety, lessened self-confidence, lowered self-re-

TABLE 4.1
Some Potential Harms Inherent in Social Science Studies

Type of Harm	Effect on:	
	Individual Participants	Wider Society
Physical or Psychological Injury	Death Physical abuse or injury Psychological abuse or injury Damaged interpersonal relations as a result of participating	Certain groups in society may be scapegoated, stereotyped, blamed, or vilified as a result of research findings
Related to Loss of Privacy and Confidentiality	Legal jeopardy Reduced control over self-presentation Loss of privacy and confidentiality resulting in public exposure of actions or attitudes that could have psychological, social, or legal consequences	Reduction of "private space" of society; increased concern about surveillance
Deception	Deception resulting in impaired capacity for decision making	Deception results in increased cynicism about, and mistrust of, others in society
Social Control		Information gathered can be used by authorities for manipulation and control of certain groups in society

Note: Items from Warwick, D. P. (1982). Types of harm in social research. In T. L. Beauchamp, R. R. Faden, R. J. Wallace, Jr., and L. Walters (Eds.), *Ethical issues in social science research*. Baltimore: Johns Hopkins University Press.

spect, or other psychological reactions. [8, p. 105]

If such research were widely permitted, societal views toward the scientific enterprise would worsen dramatically. The public would become more hostile toward research, demand tighter controls on research activities, and be less willing to fund social science investigators.

A very different type of societal harm may emerge from social research. Research may reveal or assume undesirable features about a particular grouping of society. Consequently, the members of that group may experience

social injury in the form of denigration or scapegoating. For example, in the early part of this century social researchers such as E.A. Ross compiled "findings" specifically geared to making U.S. immigration policy more exclusionary. Box 4.1 discusses a current research situation where some claim that societal harm also may occur.

Study participants may experience *damaged interpersonal relations* as a result of participating. Studies may be done in natural settings using naturalistic techniques such as open-ended interviews and unstructured observations. (Chapter 11 discusses these stud-

BOX 4.1

VIOLENCE INITIATIVE AT THE NATIONAL INSTITUTES OF HEALTH SPARKS CONCERNS

In the spring of 1992 a citizens group, the National Committee to Stop the Federal Violence Initiative, formed to oppose plans for federally funded violence research. Several factors sparked citizens' concerns including plans for a federally funded conference on genetics and crime and statements by federal administrators that observers labeled racist.

In early 1992 Frederick Goodwin, MD, an administrator at ADAMHA, the Alcohol, Drug Abuse and Mental Health Administration, discussed the possibility of identifying children who are likely to become violent at later ages, and intervening to avert the predicted-to-emerge violent behavior. Critics charged that the proposed research "will involve giving drugs to children who have been identified as potentially violent." [9, p. 18] Critics also charged that such research "tries to 'locate the problem in the person rather than in the social system and its failure to provide social services.'"

In the fall of 1992 Health and Human Services Secretary Louis Sullivan, MD, addressed the Congressional Black Caucus on the matter. He reassured them: "I will not tolerate racism under the guise of science." He also denied critics' claims about plans to drug segments of the African-American population. He stated there was not "any truth to claims that HHS proposed administering drugs to inner-city black youth to control violent behavior."

Citizens continue to be sensitive to research assumptions that may be damaging to disadvantaged populations. They express concern when they perceive that proposed research activities may harm a particular segment of society. Such expressions of concern, and the obligation of federal research agencies to respond, represent part of the public discourse surrounding science in an open, democratic society.

ies.) If done with probationers, parolees, offenders, or ex-offenders, participants may become suspect in the eyes of their "colleagues." Their colleagues may worry about them having said too much.

Less obvious but equally important are damages associated with a *loss of privacy or confidentiality*. Clearly, a criminal justice research project investigating illegal activities, such as one on white-collar crime, places participants in jeopardy. If information is released to authorities or just becomes widely known, legal action against the participants seems possible. Unintended distribution of

confidential information, even if the information does *not* touch on illegal activities or publicly embarrassing attitudes, can be damaging and anxiety arousing for the participant.

Marvin Wolfgang, a well-known criminologist, suggested researchers recognize such concerns and shape their data collection procedures accordingly. He recommends obtaining only the information that is directly relevant to study purposes. Specific information that may create liabilities for the participant or researcher should be avoided. [10]

The participant loses control over self-presentation if confidential data should be di-

vulged. Erving Goffman has argued that a key element of an individual's mental health is his or her ability to present publicly certain features of his or her person, and to withhold other features. [11] The disclosure of confidential data threatens this selective disclosure and thus an individual's mental health.

Perhaps Laud Humphreys's study of anonymous homosexual encounters in public bathrooms represents the most dramatic recent example of this potential risk. As a participant observer he acted as "watchqueen" guard at the entrance to the public restrooms where the encounters took place. A **participant observer** is a researcher who enters a natural setting to conduct research; while observing people and events in the setting he also may take on a "role" or a position in the setting, and thus participate in activities.

Humphreys recorded license numbers and later tracked down his participants, interviewing them in their homes some months later—after he had altered his appearance. The main 'finding' of his study was that many people involved were respectable citizens. They had good jobs, families and homes in the suburbs. He was working in a small midwestern town, and in accordance with Murphy's law—anything that can go wrong will—the newspapers got hold of the story. Participants called him up to be sure their identities were not in danger. Humphreys burned tapes, shredded transcripts and assured the participants their identities were safe. Nonetheless the idea of authorities in a small town obtaining documents about 100 local homosexuals presents a chilling, Orwellian prospect.

At a societal level, possible losses of privacy may result in elevated concerns about government intrusion into private lives. I think the volume of U.S. citizens refusing to fill out the 1990 Census reflects this concern

about government intrusion. I have heard people worry that the information they provide could somehow be used against them.

History suggests such worries have some basis. In World War I the Census Bureau provided names of young men to government agencies trying to track down people for the draft. At the beginning of World War II, 1940 Census information on the location of Japanese-Americans was released to the Army and used to quickly round up members of this group in California and other locations. [12, pp. 20–36] These events occurred even though the charter for the Census Bureau specifically prohibits releasing information that might be detrimental.

More troubling than inadvertent or unplanned disclosure of confidential information is intentional *deception* by social science researchers. Such deception is in direct conflict with the principle of autonomy. Individuals cannot make fully informed decisions about how to act or what to say if full knowledge of the situation is withheld from them. Their ability to make their own decisions is impaired.

Luckily, very little deception is involved in current social science research. It was more prevalent 20 years ago. Milgram's experiment on obedience to authority, noted earlier, represents such an example. In another example a research confederate staged a theft from a beer store after the owner had gone into the back. The researchers wanted to know if the customer—the participant—would report the theft to the owner. [13] Many did not.

You can imagine how the participants in such a study felt after they were *debriefed*. A **debriefing session** occurs at the end of an experiment, when the researcher tells the participant what really went on. If an experiment involved deceiving participants, the experimenter also would explain in these sessions the reason for deception. In the beer

store shoplifting field experiment I imagine that many participants were outraged at the experimenter for 'duping' them, and angry at themselves, regardless of whether or not they had chased the 'thief.' If they had gone after the thief, they had been taken in by a hoax. If they had not pursued, they might wonder if they would act appropriately in a *real* emergency.

You can envision easily the consequences for the whole society were such chicanery to increase substantially. More widespread deception in research probably would result in more extensive and deeper cynicism about scientific research. How individual researchers manage ethical issues such as deception has implications for the broader ties between the public and the scientific community.

I think current surveys by researchers and private corporations conducting telephone interviews are in many cases guilty of deception by not informing the participant who their sponsor is. Market researchers will announce the name of their company, but will not divulge the name of their sponsor. Most of the market research interviewers who have contacted me have either refused to do so or have pleaded ignorance. I have taken to refusing to answer any question on a market survey unless they tell me the name of their specific client, and what their client is trying to find out. I'm willing to be a participant, but only if I know who will use the information and how.

Lastly we come to issues of *social control*. Research exploring the attitudes and behaviors of a group in society always has the potential to be used by those in power against that group, or perhaps to control it. For one current area that is a concern to some, see Box 4.1.

A related concern is the *integrity* of research and nonresearch information once it

has been collected. The criminal justice establishment in this country has amassed a wealth of information about offenders. These files, such as centralized fingerprint databases at the FBI, are an essential ingredient of society's efficient response to crime and wrongdoers. But they also can create problems.

The FBI maintains computerized databases at the National Crime Information Center for all criminals formally charged. Local police departments can obtain information on local suspects via telecommunications. In the early 1970s, however, Senator John Tunney made a disturbing discovery. The FBI, from 1971 to 1974, had included in these files persons who were "politically suspect," although they had not been charged with a crime. [14] The FBI was using the files to "track" citizens. In short, centralized, computerized information files can be seriously misused.

Don't misunderstand me: I am not attacking the need for, or societal benefits of, computerized information in centralized files. This information is vitally important for a variety of reasons. Nonetheless, I think we need to be concerned about the uses to which this information can be put. We ought not underestimate the potential for abuse of this information, and the need to be vigilant against such abuses. Current "watchdog" groups seeking to protect privacy rights of citizens may play important roles in preventing or limiting possible abuses.

In a different arena, market research scientists have used census information to compile detailed information about the neighborhood in which you live. [15] The information is used to profile political attitudes and consumer preferences. Researchers often sell the information to companies seeking to identify potential customers. This represents another way information files can provide revelations about you based on available information.

CURRENT PRACTICES FOR PROTECTING THE RIGHTS OF SUBJECTS

Because of ethical concerns, social science researchers currently are required to follow several procedures when collecting information from human subjects. Here are some steps researchers are obliged to follow.

1. Researchers are required to obtain **informed consent** from the study participants. Participants read or have explained to them an informed consent form. The form explains several points.
 - (a) It describes the general nature of the research. The researcher points out in general terms what he hopes to achieve from the study, and what problems or issues are being addressed.
 - (b) The participant is told what the study procedures involve, and whether any of the study procedures are "experimental." This latter point is most relevant to biomedical research, where a new procedure or drug might be tried.
 - (c) The form assures the participant of the steps that the researcher will take to prevent inadvertent disclosure of information. For example, in surveys results are usually coded by identification number, and not by subject name. **Linked identifiers** may be present. These permit people to trace the numbers back to individual names. Investigators usually promise to keep linked identifiers securely locked away. Further, the form usually reassures the participant that results will only be reported in aggregate, and that the researcher will not publish or distribute any text or tables that allow others to identify particular individuals.
 - (d) The form assures the participant that participation is totally voluntary; he need

not participate, and if he chooses not to participate, he will not suffer any adverse consequences. If he does choose to participate, he may withdraw at any time or refuse to answer some questions.

(e) The form says that the participant understands all of this, has been free to answer questions, has received satisfactory answers, and, by signing the form, *voluntarily* agrees to participate.

No coercion must be used in these procedures. After the explanation the participant *freely* consents to participate in the research project.

As you can well imagine, such a form, with its legalistic tenor, can put a damper on a participant's willingness to contribute to a study. Such detailed procedures are fully appropriate in situations where participation presents a real risk for the participant. But many types of research, such as routine surveys or behavioral observations of public life, do not present such risks. Thus, the 1981 Health and Human Services regulations on informed consent allow consent requirements to be waived if the risk of harm to the participant is remote. "Where the risk of harm is remote, the need for consent diminishes." [16, p. 122] What this boils down to is whether the researcher can make the case that the potential risks are "minimal and no more than would be experienced in everyday life." Everyday risks include things like saying the wrong thing, being embarrassed, walking under ladders with paint cans on them, and so forth. If the researcher can make the case that the risks in the research to the participant are similarly small, then consent requirements may be loosened or waived altogether.

Some criminal justice researchers have argued that even in situations where the risks

are *not* minimal, informed consent procedures should *not* be used. [10] They argue that the oral request for participation is sufficient in sociological research, and well understood. People understand that they can refuse to answer questions if they wish. To use informed consent procedures when interviewing ex-offenders may disturb the rapport between the interviewer and the respondent, and may result in lower participation rates.

I think such critics are correct. In field research settings, formal informed consent procedures might interfere with the research process and the researcher-participant relationship. In some situations informal consent may be sufficient. But whatever the level of formality, it is important that the researcher communicate fully and openly with participants regarding her goals and procedures, and subsequently obtain informed consent.

2. As noted above the researcher is obligated to protect against *potential loss of confidentiality*—some outsider finding what an individual's responses were on a questionnaire or test, for example. Thus, as mentioned above, the researcher is expected to guard closely files that could be used to learn who is linked to which survey form.

You may find it hard to imagine why it is so important to be so careful about such information. Who could care? Admittedly, most surveys are innocuous. But bear two points in mind. The participant wanted to tell these matters to *the researcher*, not the evening papers. Second, it is not too hard to imagine cases where inadvertent disclosure can create serious problems. In the late 1970s Steve Gottfredson and I conducted a study of correctional reform in Maryland, and interviewed dozens of high-ranking offi-

cial. [17] Many of those interviewed were extremely critical of then-Governor Hughes's correctional policies. Had the local papers gotten hold of some of those uncensored comments and been able to match them up with particular individuals, serious damage to several politicians' careers could have resulted.

3. Related to the problem of the potential loss of confidentiality is the problem of **statistical disclosure**. [18, p. 250] If information about an individual can be more accurately known after some statistics are released, then statistical disclosure has occurred. See Figure 4.2. The left part of the figure shows a situation where no statistical disclosure can occur. In the situation depicted the Census Bureau reports, for a *large* group of households, such as several hundred, the number of households living below the poverty line. In this situation a person obtaining this information is going to be unable to make a guess about the poverty status of a *particular* household in which he might be interested. He has no reasonable basis on which to make a guess. But the right part shows a different situation. The Census reports the number of households living below the poverty line among a *much smaller* group of households. In this situation it is easier for an observer to make a reasonable guess about the poverty status of a particular household. The information released has improved the observer's ability to estimate the characteristics of a particular household.

Protections against such disclosures exist in the U.S. Census, which *suppresses*—i.e., does not show—block-level information if there is a possibility of identification. **Data suppression** is a common practice when the number of cases in a group is quite small.