

## IN-CJ Statement of Ethics for Researchers

This is a DRAFT statement, adapted from the [British Society of Criminology](#)

The International Network for Criminal Justice's Code of Ethics for Researchers has been devised to reflect the changing landscape and emerging codes of practice which cut across geographical and disciplinary boundaries. As an international network, IN-CJ recognises the importance of maintaining ongoing discussions around issues such as 'research integrity', 'research misconduct' and 'research probity' within the wider field of criminal justice research, policy development, practice and personal experience.

The IN-CJ's statement of ethics does not seek to impose a single model of ethical practice, but is a frame of reference to encourage and support reflective and responsible ethical practice in criminal justice research, that is in keeping with the aims of the members of the network. This means that we will challenge any questionable practices we retain, while publishing and promoting dialogue on the principles, values and standards we hold, that will ensure that critical ethical standards for criminal justice research are maintained. This statement of ethics is intended to make members and supporters aware of the ethical issues that may arise throughout any associated research process, and therefore aims to encourage members to take responsibility for their own ethical approaches by promoting and supporting good practice.

This statement of ethics is intended as an aid to promote responsible and informed decision making, it is not a substitute for self-managed standards of accountability. As such this is an aspirational code, not a prescriptive one. This statement provides a framework of principles, therefore, that will assist the choices and decisions which have to be made to reflect the *principles, values* and *interests* of all those involved in a particular situation. This statement does not create new requirements or restrictions on the conduct of research, but seeks to protect researchers from misconduct, and to raise awareness of ethical issues. Overall, the guidance seeks to provide a critical appreciation of ethical practice in relation to research within the broader field of criminal justice.

Members should read the Statement of Ethics in the light of any other professional ethical guidelines or codes of practice to which they are subject, including those issued by individual academic institutions, funding bodies, NGOs, statutory bodies and so on. Membership of the International Network for Criminal Justice is taken to imply acceptance of these general principles and the need to be aware of ethical issues and issues regarding professional conduct that may arise throughout any associated research process.

The International Network for Criminal Justice's general principle is that researchers should ensure that research is undertaken to the highest possible methodological standard and the highest quality in order that maximum possible knowledge and benefits accrue to society.

## **1. General Responsibilities**

Researchers should endeavour to:

- i. Advance knowledge about criminal justice issues.
- ii. Identify and seek to ameliorate factors which restrict the development of their professional competence, governance and integrity.
- iii. Seek appropriate experience or training to improve their professional knowledge, skills and attributes, and identify and deal with any factors which threaten to restrict their professional integrity.
- iv. Refrain from laying claim, directly or indirectly, to expertise in areas of criminal justice that they do not have.
- v. Take all reasonable steps to ensure their qualifications, capabilities or views are not misrepresented by others.
- vi. Take all reasonable steps to correct any misrepresentations and adopt the highest standards in all their professional relationships with institutions and colleagues whatever their status.
- vii. Respect their various responsibilities as outlined in the remainder of this document.
- viii. Keep up to date with ethical and methodological issues in the field, for example by reading reports on ethics, research monographs and by participating in training events.
- ix. Check the reliability of their sources of information, in particular when using the Internet and new social media.
- x. Comply where appropriate with the relevant national and international legislation.

## **2. Responsibilities of Researchers Towards the Practice of Criminal Justice**

Researchers have a duty to promote the advancement and dissemination of knowledge, to protect intellectual and professional freedom, and therefore to promote a working

environment and professional relationships conducive to these. More specifically, researchers should promote free and independent inquiry into criminal justice matters and unrestricted dissemination of criminal justice knowledge. As part of this, researchers should endeavour to avoid contractual conditions that limit or compromise research integrity. Researchers should ensure that the methodology employed, and the research findings are open for discussion and peer review.

### **3. Researchers' Responsibilities to Colleagues**

Researchers should:

- i. Recognise fully the contribution to the research of early career colleagues and avoid exploitation of them. For example, reports and publications emanating from research should follow the convention of listing contributors in alphabetical order unless one has contributed more than the other(s).
- ii. Actively promote and encourage the professional development of research staff by ensuring that staff receive appropriate training and support and protection in research environments which may jeopardise their physical and/or emotional well-being.
- iii. Not claim the work of others as their own.
- iv. Ensure that the use of others' ideas and research materials should be cited at all times, whatever their status and regardless of the status of the ideas or materials (even if in draft form).
- v. Promote equal opportunity in all aspects of their professional work and actively seek to avoid discriminatory behavior. This includes a moral obligation to challenge stereotypes and negative attitudes based on prejudice. It also includes an obligation to avoid over-generalising on the basis of limited data, and to beware of the dangers of failing to reflect the experience of certain groups, or contributing to the over-researching of certain groups within the population.

### **4. Researchers' Responsibilities towards Research Participants**

Researchers should recognise that they have a responsibility to minimise personal harm to research participants by ensuring that the potential physical, psychological, discomfort or stress to individuals participating in research is minimised by participation in the research. No

list of harms can be exhaustive, but harms may include:

vi. Physical harms: including injury, illness, pain.

vii. Psychological harms: including feelings of worthlessness, distress, guilt, anger or fear-related, for example, the disclosure of sensitive or embarrassing information, or learning about a genetic possibility of developing an untreatable disease.

viii. Devaluation of personal worth: including being humiliated, manipulated or in other ways treated disrespectfully or unjustly.

This may not be applied to all situations, for example, where researchers are uncovering corruption, violence or pollution. Researchers need not work to minimise harm to the corporate or institutional entities responsible for the damage. Design research in a way such that the dignity and autonomy of research participants is protected and respected at all times.

Strive to protect the rights of those they study, their interests, sensitivities and privacy. Researchers should consider carefully the possibility that the research experience may be a disturbing one, particularly for those who are vulnerable by virtue of factors such as: age, social status, or powerlessness and should seek to minimise such disturbances. Researchers should also consider whether it is appropriate to offer information about support services (e.g. leaflets or contact details of relevant self-help groups).

## **5. Minimise Risks to Researchers.**

ix. Be sympathetic to the constraints on organisations participating in research and not inhibit their functioning by imposing any unnecessary burdens. There may be particular difficulties where the commissioners of research require the delivery of certain information within a specified time period and so researchers sometimes have to tread a fine line between satisfying commissioners/funders of research and respecting the constraints of participating organisations. See the section on ***Researchers' Relationships with Sponsors and/or Funders*** below.

x. Take part in research voluntarily, free from any concern and be able to give freely informed consent in all but exceptional circumstances (exceptional in this context relates to exceptional importance of the topic rather than difficulty of gaining access). Covert research may be allowed where the ends might be thought to justify the means. Examples of this include research on the National Front and research that has exposed racism and other social harms. However

recognition of this point should not be taken to mean that the BSC condones all covert research, it is simply to acknowledge that there are some circumstances where attempts to gain individual consent would be counterproductive. Advice must be sought from the research supervisor, local research managers, university ethics committees and/or funders. Of course, there are other circumstances where individual consent cannot be sought such as research on public behaviour, crowd behaviour, riots and other collective behaviour, and research which focuses on TV images, for example (see also, point 13 below).

- xi. Accept that informed consent implies a responsibility on the part of the researchers to explain as fully as possible, and in terms meaningful to participants, what the research is about, who is undertaking and financing it, why it is being undertaken, and how any research findings are to be disseminated. It is reasonable to expect that researchers should provide all participants with a full explanation of the study.
- xii. Ensure that participants' consent should be given on the basis of sufficient information about the research ensuring that there is no explicit or implicit coercion. Researchers need to check that each participant is making a voluntary and informed decision to participate. Research participants should be informed about the limits to confidentiality and anonymity. Participants should be able to reject the use of data-gathering devices such as digital recorders. If the researcher feels that it is necessary to break confidentiality, the participant will normally be informed of what action is being taken by the researcher unless to do so would increase the risk to those concerned.
- xiii. Pay special attention to these matters when participation is sought from children and young people, older people, those with a learning disability or cognitive impairment, or individuals in a dependent or unequal relationship, including consideration of the need for additional consent from an adult responsible for the child at the time participation is sought. Every effort should be made to secure free and informed consent from individual participants. Passive assent, including group assent (with consent given by a gatekeeper) should be avoided wherever possible, and every effort should be made to develop methods of seeking consent that are appropriate to the groups being studied. It is not considered appropriate to assume that penal and care institutions can give informed consent to research on young people's behalf. The young people themselves must be consulted. Furthermore, researchers should give regard to issues of child protection and make provision for the disclosure of abuse.
- xiv. Aim to ensure that all research involving those who lack capacity, or who during the research project come to lack capacity, must be approved by an 'appropriate body' operating under the

Mental Capacity Act, 2005<sup>7</sup> (apart from a few exceptions). The key point is that valid consent can only be secured if the potential participant has capacity at the time consent is sought (for further information see <http://www.legislation.gov.uk/ukpga/2005/9/contents>). It is illegal to conduct such research without approval of the 'appropriate body'. In most cases this is through the National Health Service National Research Ethics Service (NRES). Where research participants are recruited through the NHS or Social Care services, the proposal will be reviewed with the UK Health Departments' Research Ethics Service.

xv. Strive to ascertain that where proxy consent for research participants is necessary, the best interests of the vulnerable person must be of the highest importance.

xvi. Ensure that where there is a likelihood that identifiable data (including visual/vocal methods) may be shared with other researchers or third parties, the potential uses to which the data might be put should be discussed with research participants. Researchers should not breach the 'duty of confidentiality' and not pass on identifiable data to third parties without participants' consent. Research participants should be informed if data is likely to be placed in archives, including electronic repositories and how they will be encrypted. Researchers should also note that they are subject to current legislation (UK Data Protection Act 1998), over such matters as intellectual property (including copyright, trademark, patents), privacy and confidentiality and 'personal data processing'. Offers of confidentiality may sometimes be overridden by law: researchers should therefore consider the circumstances in which they might be required to divulge information to legal or other authorities, and make such circumstances clear to participants when seeking their informed consent.

xvii. When conducting research via the Internet or via new e-technologies, be aware of the particular ethical dilemmas that may arise when engaging in these mediums. Information provided in e-social science, e-mails, web pages, social media sites, cyber-forums and various forms of 'instant messaging' that are intentionally public may be 'in the public domain', but the public nature of any communication or information on the Internet should always be critically examined and the identity of individuals protected unless it is a salient aspect of the research. Researchers should not only be aware of the relevant areas of law in the jurisdictions that they cover but they should also be aware of the rules of conduct of their Internet Service Provider (including JANET - Joint Academic Network).

xviii. When conducting Internet research, the researcher should be aware of the boundaries between public and private domains, the legal and cultural differences across jurisdictions and data security when using cloud computing or commercial survey sites. Where research might

prejudice the legitimate rights of respondents, researchers should obtain informed consent from them, honour assurances of confidentiality, and ensure the security of data transmission. They should exercise particular care and consideration when engaging with children and vulnerable people in Internet research.

- xix. Be cognisant of the differing legislative requirements, codes of practice and compliance with Data Protection legislation when undertaking comparative or cross-national research, involving different jurisdictions where codes of practice are likely to differ.

## **6. Researchers' Relationships with Sponsors and/or Funders**

Researchers should:

- xx. Seek to clarify in advance the respective obligations of funders and researchers and their institutions and encourage written agreements wherever possible. They should recognise their obligations to funders whether contractually defined or only the subject of informal or unwritten agreements. They should attempt to complete research projects to the best of their ability within contractual or unwritten agreements. Researchers have a responsibility to notify the sponsor/funder of any proposed departure from the terms of reference.
- xxi. Seek to maintain good relationships with all funding and professional agencies in order to achieve the aim of advancing knowledge about criminological issues and to avoid bringing the wider criminological community into disrepute with these agencies. In particular, researchers should seek to avoid damaging confrontations with funding agencies and the participants of research, which may reduce research possibilities for other researchers.
- xxii. Seek to avoid contractual/financial arrangements which emphasise speed and economy at the expense of good quality research, and they should seek to avoid restrictions on their freedom to disseminate research findings. In turn, it is hoped that funding bodies/sponsors will recognise that intellectual and professional freedom is of paramount importance and that they will seek to ensure that the dissemination of research findings is not unnecessarily delayed or obstructed because of considerations unrelated to the quality of the research.

## **7. Professional Codes of Ethics/Statements of Principle and Guidelines**

This section details relevant Professional Association Research Ethics Guidelines or Codes.

**Academy of Social Sciences website:** <http://www.acss.org.uk>

Ethics policy link: <http://www.respectproject.org/main/index.php>

**British Sociological Association website:** <http://www.britsoc.co.uk>

The Association represents UK sociology on key bodies both nationally and internationally and works closely with allied organisations to influence policies affecting sociology within the wider social sciences remit. The BSA provides a network of communication to all who are concerned with the promotion and use of sociology and sociological research:

British Sociological Association (2004) *Statement of Ethical Practice for the British Sociological Association*, London: BSA:

<http://www.britsoc.co.uk/media/27107/StatementofEthicalPractice.pdf>

**Economic and Social Research Council website:** <http://www.esrc.ac.uk>; Ethics policy link:

<http://www.esrc.ac.uk/about-esrc/information/research-ethics.aspx>

**The Market Research Society:** <https://www.mrs.org.uk>

The Society is an international society whose members produce or use research for public policy or commercial use. Their code of conduct is widely recognised and has been in place for over 50 years:

Market Research Society (2012) *Code of Conduct*, London: Market Research Society

[https://www.mrs.org.uk/standards/code\\_of\\_conduct](https://www.mrs.org.uk/standards/code_of_conduct)

**The Respect Project** <http://www.respectproject.org/main/aims.php> funded by the European Commission's Information Society Technologies (IST) Programme, set up common European standards and benchmarks and provides a Code of practice for socio-economic research. They offer particularly detailed advice on the legal context for intellectual property in Europe.

The Respect Project (2004) *RESPECT Code of practice for socio-economic research*, Brighton: Institute for Employment Studies. [http://www.respectproject.org/code/respect\\_code.pdf](http://www.respectproject.org/code/respect_code.pdf)

**The Social Research Association** <http://the-sra.org.uk/> is a professional organisation for social researchers in the UK. They have branches in Scotland, Wales and Ireland. They offer



an ethics consultation to members who can email their ethical dilemmas to the committee for discussion. The Social Research Association have also developed a code of practice for the safety of social researchers:

[http://the-sra.org.uk/wp-content/uploads/safety\\_code\\_of\\_practice.pdf](http://the-sra.org.uk/wp-content/uploads/safety_code_of_practice.pdf)

**Socio-Legal Studies Association** <http://www.slsa.ac.uk/> is the professional organisation for academics in socio-legal studies in the UK. Their guidelines are a short and accessibly written guide to the main ethical issues faced by socio-legal researchers:

Socio-Legal Studies Association (2009) *Statement of Principles of Ethical Research Practice*, <http://www.slsa.ac.uk/index.php/ethics-statement>

**UK Research Integrity Office (UKRIO) website:** <http://www.ukrio.org>

Ethics policy links: <http://www.ukrio.org/our-work/the-concordat-to-support-research-integrity/>

<http://www.rcuk.ac.uk/documents/documents/AssuranceonResearchIntegrity.pdf>

**Australian and New Zealand Society of Criminology website:** <http://www.anzsoc.org>; Ethics policy link: <http://www.anzsoc.org/cms-the-society/code-of-ethics.phps>

## 8. Relevant Legislation in the UK

The **Data Protection Act** (which covers all of the UK) requires organisations processing personal data to adhere to principles regarding collecting and storing data. This legislation covers researchers in public institutions and has implications for collecting and storing personal data.

<http://www.ethicsguidebook.ac.uk/Data-Protection-Act-111>

[http://www.ico.org.uk/for\\_organisations/data\\_protection/the\\_guide](http://www.ico.org.uk/for_organisations/data_protection/the_guide)

## 9. Confidentiality

Researchers in the UK have no special legal protection that requires them to uphold confidentiality (as medical staff and lawyers do). Researchers and their data *can* be subject

to subpoena where they may have evidence relating to a case. This legal situation should be taken into account by researchers when they offer confidentiality. Rather than absolute confidentiality, researchers may consider making the *limits* of confidentiality clear to respondents.

In general in the UK people who witness crimes or hear about them before or afterwards are not legally obliged to report them to the police. Researchers are under no additional legal obligations. There exists a legal obligation to report information about three types of crime to the relevant authorities:

xxiii. Where a person has information relation to an act of terrorism, or suspected financial offences related to terrorism (Terrorism Act 2000).

xxiv. Where a person has information about suspected instances of money laundering (Proceeds of Crime Act 2002). Although this legislation is aimed at those working in the regulatory sector, this legislation could potentially cover researchers. This is a complex area and researchers are advised to seek legal advice.

xxv. Where the researcher has information about the neglect or abuse of a child, there is a long-standing convention that researchers have responsibility to act. There is no legal obligation to do so, however Section 115 of the Crime and Disorder Act 1998 gives power for individuals to disclose information to specific relevant authorities (engaged in crime prevention) for the purposes of the Act.

Researchers employed by institutions such as universities or criminal justice agencies will be subject to institutional research ethical governance. Legal advice is often available to researchers employed in universities through research services departments. Of particular significance is the ESRC Framework for Research Ethics:

[http://www.esrc.ac.uk/images/Framework-for-Research-Ethics\\_tcm8-4586.pdf](http://www.esrc.ac.uk/images/Framework-for-Research-Ethics_tcm8-4586.pdf). In brief, this framework sets out procedures for research ethics governance that are a condition of receiving ESRC funding.

#### **10. Contact Details:**

xxvi. Professor David Ward, De Montfort University, The Gateway, Leicester, LE1 9BH

Details of the **International Network for Criminal Justice's** own regular training events and conferences on research ethics and related issues can be obtained from the website,

<https://criminaljusticenetwork.net>

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