

Hagan Chapter 2 *Ethics in Criminal Justice Research*

True/False: Write 'T' if the statement is true and 'F' if the statement is false.

1. Since DHEW supported both physical and social sciences, its original ethical guidelines applied equally to each.

Answer: True

Objective: Summarize ethical research principles.

Page number: 42

Level: Basic

2. Weppner felt that a strict interpretation of the DHEW guidelines would make street ethnography impossible.

Answer: True

Objective: Summarize ethical research principles.

Page number: 43

Level: Basic

3. The text takes the point of view that some privacy invasion is inevitable in criminal justice research.

Answer: True

Objective: Summarize ethical research principles.

Page number: 43

Level: Basic

4. Judge Weinstein's 1984 ruling established a qualified privilege not to reveal documents or confidential sources for social science researchers.

Answer: True

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 55

Level: Intermediate

5. Rik Scarce was jailed for contempt of court after he violated the ASA Code of Ethics.

Answer: False

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 58

Level: Intermediate

6 In Hutchinson case, the Supreme Court supported the view that research scientists can sue for defamation of character even if they were receiving federal research funds.

Answer: True

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 57

Level: Intermediate

7. The researcher's primary role is that of a criminologist and this role never takes precedence

over other agenda.

Answer: False

Objective: Describe the various roles researchers adopt.

Page number: 40

Level: Difficult

8. Shield laws ensure looser standards for informed consent in field research.

Answer: False

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Difficult

9. According to Soloway and Walters, once summoned to testify in a criminal investigation, the researchers have no legal recourse but to divulge the information under the threat of a contempt citation.

Answer: True

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 54

Level: Intermediate

10. Zimbardo prematurely canceled his “simulated prison study” rather than risk harm to the participants.

Answer: True

Objective: Provide examples of unethical research.

Page number: 32

Level: Intermediate

11. Humphreys in his “Tearoom Trade” study avoided ethical problems by seeking informed consent of the subjects.

Answer: False

Objective: Provide examples of unethical research.

Page number: 33

Level: Intermediate

12. Confidentiality of government-sponsored research is guaranteed in the Omnibus Crime Control Act of 1973.

Answer: True

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 53

Level: Intermediate

13. Since the Belmont Report, most of the decisions regarding protection of human subjects in research are under the control of Institutional Review Boards.

Answer: True

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 45

Level: Intermediate

14. The Monster study taught children at an orphanage how to stutter.

Answer: True

Objective: Provide examples of unethical research.

Page number: 30–31

Level: Basic

15. Zimbardo’s “Lucifer effect” explores why good people engage in evil acts.

Answer: True

Objective: Provide examples of unethical research.

Page number: 32

Level: Intermediate

Multiple Choice: Choose the one alternative that best completes the statement or answers the question.

1. Which federal agency evaluates the investigative records submitted by institutions and helps determine whether there has been any misconduct at institutions that receive support from the DHHS?

- a. the National Advisory Committee on Criminal Justice Standards and Goals
- b. the Office of Research Integrity
- c. the Academy of Criminal Justice Sciences
- d. the National Commission for the Protection of Human Subjects

Answer: b

Objective: Summarize ethical research principles.

Page number: 38

Level: Basic

2. Pursuant to the DHHS Model Policy on Human Research, each research project falling within these guidelines must be_____.

- a. approved by the recipient’s IRB prior to initiation of the project
- b. approved by the recipient’s IRB after completion of the project
- c. evaluated by a private auditor prior to initiation of the project
- d. evaluated by a public auditor after completion of the project

Answer: a

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Difficult

3. Which of the following protects individuals by forbidding the use of any research from identifying them?

- a. Institutional Review Boards
- b. NIJ’s Regulations on Confidentiality
- c. the National Advisory Committee on Criminal Justice Standards and Goals
- d. the Academy of Criminal Justice Sciences

Answer: b

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Intermediate

4. Which of the following is true of researchers who exercise objectivity and professional integrity in performing and reporting research?
- Researchers should have a political approach to the subject matter.
 - Researchers should always generalize beyond their data.
 - Researchers should not study subjects for which they cannot control subjectivity.
 - Researchers should choose techniques that produce positive results.

Answer: c

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 51

Level: Intermediate

5. Which of the following is true of shield laws?
- Shield laws protect government agencies from prosecution.
 - Shield laws deal with the possible hazards to human subjects.
 - Shield laws grant a state-guaranteed right to confidentiality for researchers.
 - Shield laws deal with agreement of subjects to participate in research.

Answer: c

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Difficult

6. Which of the following is NOT described as one of the three forms that the regulation of ethically acceptable research conduct may take?
- enforcement by state and local police
 - codes of ethics and institutional review boards
 - procedures imposed by the federal government
 - legal regulation in the courts

Answer: a

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 40

Level: Intermediate

7. Which of the following cases supports the view that serious scholars can't be required to turn over their field notes in a grand jury investigation?
- Ofshe
 - Hutchinson
 - Scarce
 - Brajuha

Answer: d

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 55

Level: Difficult

8. Which of the following roles of the researcher is identified in the text as the researcher's primary role?

- a. criminal justice practitioner
- b. scientist
- c. citizen
- d. academician

Answer: b

Objective: Describe the various roles researchers adopt.

Page number: 40

Level: Basic

9. Which of the following deals with organizations or individuals filing lawsuits against researchers?

- a. Weinstein decision
- b. the Rik Scarce case
- c. the Belmont Report
- d. the Ofshe case

Answer: d

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 56

Level: Difficult

10. Which is the most important source of guidance for ethical research in the United States since 1980?

- a. Department of Health and Human Services
- b. National Criminal Justice Reference Service
- c. Criminal Justice Archive and Information Network
- d. National Institute of Justice

Answer: a

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 42

Level: Intermediate

11. Which of the following recommended looser standards for informed consent in field research?

- a. Shield laws
- b. Institutional Review Boards
- c. the Belmont Report
- d. National Institute of Justice

Answer: c

Objective: Summarize ethical research principles.

Page number: 44

Level: Difficult

12. The new DHHS guidelines regulating social science research were a frank recognition that_____.

- a. there has been little documented harm associated with such studies
- b. there was abuse and a need for more strict regulation
- c. the social sciences were not prepared to regulate themselves
- d. growing liability required legislation

Answer: a

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 51

Level: Basic

13. Which is a paradox of consent associated with the practice of fieldwork?

- a. Consent is a continual process dependent on mutual learning and evolution.
- b. The subjects give consent on the basis of their knowledge of ethnography.
- c. Ethnography involves a rationalistic a priori analysis.
- d. The subjects of investigation are unlikely to change during the course of study.

Answer: a

Objective: Summarize ethical research principles.

Page number: 43

Level: Intermediate

14. According to Longmire's survey, what is the biggest ethical problem impacting on participants?

- a. pressure to engage in undesired research
- b. confidentiality problems
- c. reciprocity
- d. informed consent

Answer: b

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 54

Level: Intermediate

15. What did Reynolds's review of research on subpoenaed social science researchers find?

- a. There was an increase in such cases since 1980.
- b. Most cases were dismissed due to lack of evidence.
- c. Most researchers were released under the Freedom of Information Act.
- d. There were less than a dozen such cases, mostly involving newsmen.

Answer: d

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 54

Level: Basic

16. The Belmont Report advocated _____.

- a. elimination of Internal Review Boards
- b. tighter federal regulation of research
- c. alteration of guidelines on informed consent in field research

d. elimination of federal regulation of research

Answer: c

Objective: Summarize ethical research principles.

Page number: 44

Level: Intermediate

17. Which of the following is true of the new regulations of DHHS?

- a. The new regulations exclude research with human subjects.
- b. The new regulations disallowed IRB involvement in social science research.
- c. The new regulations reduced DHHS review over most social science research.
- d. The new regulations made field studies in criminal justice research mandatory.

Answer: c

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 45

Level: Difficult

18. What did Project Camelot deal with?

- a. student and peasant insurgency movements in Chile
- b. Sandinista election fraud in Nicaragua
- c. decision-making in the Kennedy administration
- d. homosexual behavior in public restrooms

Answer: a

Objective: Provide examples of unethical research.

Page number: 34

Level: Basic

19. Which of the following deals with the regulations on the confidentiality of research and statistical data?

- a. 1981 regulations on the protection of human subjects
- b. the code of federal regulations
- c. the office of research integrity
- d. Omnibus Crime Control and Safe Streets Act

Answer: d

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Intermediate

20. Which of the following refers to research screening committees set up in colleges and universities to oversee the ethical propriety of research?

- a. College Senates
- b. Faculty Policies Committees
- c. Rank and Tenure Committees
- d. Institutional Review Boards

Answer: d

Objective: Summarize ethical research principles.

Page number: 42

Level: Intermediate

21. What did Tierney's study of *Darkness in El Dorado* deal with?
- mistreatment of orphan stutterers
 - confinement of schizophrenic youth
 - the death of a graduate student in the Himalayas
 - unethical treatment of the Yanomami tribe in Brazil

Answer: d

Objective: Provide examples of unethical research.

Page number: 35

Level: Intermediate

22. Which of the following was NOT a basic principle of the Belmont Report?
- equanimity
 - respect for persons
 - beneficence
 - justice

Answer: a

Objective: Summarize ethical research principles.

Page number: 44

Level: Basic

23. What was the ethical issue involved in Project Camelot?
- The data was being gathered for intelligence purposes.
 - The researchers refused corporate sponsorship.
 - The researcher showed up at the homes of subjects using a disguise.
 - The researchers slipped LSD into the drink of a government employee.

Answer: a

Objective: Provide examples of unethical research.

Page number: 34

Level: Intermediate

24. Which of the following is required by the common rule of federal policy on human subjects?
- Each research project falling within IRB guidelines must be approved by DHHS.
 - All publishers of academic journals must use anti-plagiarism software.
 - Informed consent must state how the researcher will maintain confidentiality.
 - Individuals must not be treated as autonomous agents.

Answer: c

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Intermediate

25. The principle of beneficence recognized by the Belmont Report is implemented through which of the following?
- informed consent
 - risk benefit assessment

- c. shield laws
- d. Lucifer effect

Answer: b

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Intermediate

Fill in the Blank: Write the word or phrase that best completes each statement or answers the question.

1. _____ are research screening committees set up in colleges and universities to oversee the ethical propriety of research.

Answer: Institutional Review Boards

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 42

Level: Intermediate

2. The most influential guidelines governing funded research in the United States are those of the _____.

Answer: Department of Health and Human Services

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 60

Level: Intermediate

3. _____ constitute a governmental immunity from prosecution, a state-guaranteed right to confidentiality for researchers if they are subpoenaed.

Answer: Shield laws

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 48

Level: Basic

4. _____ occurs when researchers purposely fabricate or misrepresent their findings.

Answer: Research fraud

Objective: Provide examples of unethical research.

Page number: 37

Level: Intermediate

5. According to the U.S. federal definition of _____, it includes fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.

Answer: research misconduct

Objective: Provide examples of unethical research.

Page number: 38

Level: Intermediate

6. _____ is the requirement that any information obtained in research is to be treated as private and not revealed in any manner that would identify or harm subjects.

Answer: Confidentiality

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 53

Level: Basic

7. In 1998, a Department of Health and Human Services report concluded that _____ were overburdened, insufficiently staffed, and subject to conflict of interest.

Answer: Institutional Review Boards

Objective: Summarize ethical research principles.

Page number: 31

Level: Intermediate

8. A standard procedure for attempting to protect the identity of subjects, organizations, or communities is the use of _____ in publications.

Answer: pseudonyms

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 55

Level: Intermediate

9. _____ refers to a system of mutual obligation between subjects and researchers.

Answer: Reciprocity

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 51

Level: Basic

10. Potential _____ exists for the investigator who has to balance the roles of researcher, criminal justice practitioner, citizen, and humanitarian.

Answer: role conflict

Objective: Describe the various roles researchers adopt.

Page number: 60

Level: Intermediate

Essay: Write your answer in the space provided or on a separate sheet of paper.

1. What are the various roles that the criminal justice researcher must play? Do you agree that the researcher's primary role is that of scientist? Explain.

The answer should include the following points:

- The National Advisory Committee on Criminal Justice Standards and Goals addresses the intersection of researcher as scientist, researcher as criminal justice practitioner, and researcher as citizen.
- The progress of research may nonetheless be undermined by failure to distinguish between their roles as researcher and the roles of other criminal justice personnel.
- Researchers who study any type of organization should guard against having to assume any non-research roles or even appearing to do so.
- A decision must be made beforehand on the level of commitment to the research

endeavor and the analyst's ability to negotiate the likely role conflicts.

- The researcher's primary role is that of scientist. That is not to say that this role should in all cases take total precedence over other agenda; however, the researcher should determine limits, priorities, and subject accountability.

Objective: Describe the various roles researchers adopt.

Page number: 40

Level: Intermediate

2. What is the current status of a "code of professional ethics" governing the conduct of criminal justice research?

The answer must include the following points:

- Professional ethics may be regulated by codes of ethics, institutional review boards, the courts, professions, and the government.
- In "classic professionalism model," occupations and occupational incumbents attempt to convince the public, lawmakers, and other professionals that they are deserving of high respect, prestige, autonomy, privilege, and remuneration.
- The regulation of ethically acceptable research conduct may take one of three forms:
 - (i) Codes of ethics and institutional review boards, which are adopted by professional associations or institutions doing research (such as universities)
 - (ii) Procedures imposed by the federal government (primarily to regulate biomedical research, but with bearing on social research)
 - (iii) Legal regulation in the courts
- Thus, on the basis of the knowledge and service (ethics) dimensions, occupations may claim or be granted autonomy or high professional regard.
- Criminologists and criminal justice investigators must encourage the highest of ethical ideals not only in dealing with clients but also in conducting research. Such regulation of conduct must be mandated from within the profession, rather than solely being imposed by outside government funding agencies.

Objective: Summarize ethical research principles.

Page number: 40–41

Level: Intermediate

3. Discuss the issue of confidentiality and protection of subjects in criminal justice research.

The answer should include the following:

- Confidentiality of government-sponsored research is guaranteed in Section 524(a) of the Omnibus Crime Control Act of 1973.
- NIJ's Regulations on Confidentiality protect individuals by forbidding the use of any research or statistical information that might identify them. The institute has adopted the DHHS Model Policy on Human Research Subjects, pursuant to which each research project falling within the guidelines established by DHHS must be approved by the IRB. Applicants for IRB approval should file their plans to protect sensitive information as part of their proposal. A short "how-to" guideline for developing a privacy and confidentiality plan can be obtained from NIJ program managers.
- The federal policy on human subjects that formerly applied to DHHS research has now been adopted by seventeen federal agencies including the Justice Department (28 CFR 46, 512, and 22).

- Shield laws constitute a governmental immunity from prosecution.
- Investigators may be encouraged to probe more sensitive topics because they are able to protect their data. The law protects respondents by ensuring that the data they have provided will not be used to invade their privacy. Guidelines such as those of the DHHS or NIJ are established, issued, and promulgated by federal agencies.
- In 1972, the U.S. Supreme Court ruled that journalists had no right to refuse to name their sources. Despite this, as of 2007, thirty-three states and the District of Columbia had enacted shield laws for journalists.
- Confidential information was instrumental in revealing abuses at Walter Reed Hospital, torture at Abu Ghraib prison, Watergate, Enron, and drug scandals in professional sports. In 2007, the U.S. House of Representatives passed legislation prohibiting courts and federal prosecutors from forcing journalists to violate confidentiality, except in cases vital to national security or in prosecuting a crime when proving guilt is not possible by any other means.
- Protecting confidentiality and privacy of respondents is an important aspect of the code of ethics.

Objective: Summarize ethical research principles

Page number: 48–52

Level: Difficult

4. How might ethical problems in criminal justice research be avoided?

The answer should include the following:

The researchers should follow ethical principles in criminal justice research.

- I. The criminal justice researchers take personal responsibility to:
 - (i) Avoid procedures that may harm respondents. Researchers should not conduct studies that may be harmful to subjects, particularly if the potential harm has not been explained to the subjects and their informed consent elicited.
 - (ii) Honor commitments to respondents and respect reciprocity.
 - (iii) Exercise objectivity and professional integrity in performing and reporting research.
 - (iv) Protect confidentiality and privacy of respondents.
- II. Also, some means of avoiding ethical problems are:
 - (i) The use of alternate methods that possess fewer ethical problems
 - (ii) Study groups that possess characteristics or natural treatments,
 - (iii) The use of samples instead of larger populations
 - (iv) The reporting of only aggregative data
 - (v) The use of simulations, as well as exposure of groups to only low levels of treatment
 - (vi) Researchers must assume personal responsibility for the morality of their research

Objective: Summarize how research is regulated and various codes of ethics.

Page number: 50–53

Level: Basic

5. What hazards as well as victories were won by researchers in the Brajuha, Ofshe, and

Hutchinson cases?

The answer should include the following points:

I. The Brajuha Case (Weinstein Decision)

Facts: Mario Brajuha was subpoenaed by a grand jury investigating a restaurant fire. He had been doing a participant observation study of the restaurant as a waiter for ten months prior to the fire and had collected data for his dissertation.

The issues: The litigation centered around the portions of the research journal which contained communications with privileged sources and matters of personal privacy, for example, opinions.

Ruling: Serious scholars [Mario Brajuha] cannot be required to turn over their field notes in a grand jury investigation when the government fails to establish a “substantial need” for them to do so.

II. The Ofshe Case

Facts: Richard Ofshe, a university professor, uncovered and exposed patterns of extreme violence and intimidation employed by Synanon (a drug rehabilitation program headquarters in California). In addition to scholarly works and an investigative newspaper series, Ofshe and colleagues published a book, which was later the basis of a CBS television movie (Maldonado, 1987). The Synanon foundation filed three lawsuits charging Ofshe with libel and slander.

Status: The cases were eventually dismissed or charges were dropped by the Synanon litigants. Ofshe is continuing to press his legal case, charging Synanon with malicious prosecution.

III. The Hutchinson case

Facts: Senator William Proxmire ridiculed Hutchinson’s work as making a monkey out of the taxpayer in order to pressure agencies to terminate funding for the research. Being singled out for the “Golden Fleece award” was a disaster for Hutchinson’s professional and personal life. In a lawsuit brought before the U.S. Supreme Court, a settlement was agreed to in which Proxmire issued a public apology on the Senate floor and paid Hutchinson \$10,000 from his personal funds.

The case established that research scientists could sue for defamation of character even if they were receiving federal research funds and that senatorial privilege did not extend to remarks made outside the Senate chamber.

Objective: Describe various types of unethical research behaviors and ethical dilemmas.

Page number: 55–57

Level: Difficult