**Practitioner-Researcher Ethics**

**Introduction**

The ethics of research have become a topic of great discussion over the last few decades, with debates, opinions, research and education covering many complex issues. Research organisations and academic institutions alike have produced policies, guidelines and advice in abundance regarding the ethical conduct of researchers and confidentiality principles. To some, much of the content of these documents may appear obvious or as common sense but there is logically a need to spell out the standards to create consistency and to avoid any kind of problem leading to unethical behaviour or decision-making. Of course, nothing is clear cut and some decisions become difficult as there is no set answer in guidelines for every situation; which is where experience comes in, so it is vital that every researcher has the support of a mentor, supervisor or colleague to discuss, seek advice and share the problem with.

Along with experience and support one could argue that the virtues of the researcher themselves is equally as key. Where would guidelines and policy be without the integrity and honesty of the researcher being applied? Having said that, do ethical guidelines become restrictive and on occasion hinder the freedom of the researcher to explore important behavioural or scientific issues? Whichever way you look at it and whatever decisions are made, there are ultimately laws\(^1\) central to ethical research practice and it, on occasion, has come down to the researchers own moral code as to whether to concede to legal direction\(^2\). Extreme court outcomes are usually as a result of covert research or the examination of a sensitive topic, such as people’s involvement in crime – this is further discussed later in this paper. Equally, are there other such policies and guidelines that supersede those laid out by research organisations and institutions? For instance, if a police officer conducts a piece of research, through the requirements of a university course, they will be bound not only by the university’s ethical standards but also the law enforcement code of conduct and the law. This threefold boundary is likely to be complex and may put extra constraints on the researcher, something that this paper seeks to explore.

It is now impossible to carry out professional research in any discipline in the UK involving human participants without submitting a proposal considering the risks and benefits of the study to an Ethics

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\(^2\) Literature reveals two instances in which researchers actually went to jail for contempt of court - Samuel Popkin, a Harvard University political scientist, in 1972, and Rik Scarce, a Washington State University graduate student in sociology, in 1994 (see Popkin, 2001; Scarce, 1994).
Board. The Open University requires researchers (both professional staff members and students) to complete a ‘proforma’ for submission to their ‘Human Research Ethics Committee’ prior to beginning a study. In the proforma the researcher is obliged to provide a detailed proposal including, literature review, methodology, participant details, consent procedures, data protection considerations, risks and benefits. Based on the threefold ethical boundary, plus any other conditions that are placed upon them by their own organisation, that a police officer faces the question arises, is this proforma fit for purpose or could it be tailored to better suit their needs? Many researchers, albeit in the field of education, suggest that ethics forms and guidelines fail to address the ambiguities of research and the complex tensions, such as gaining consent, establishing trust, being open, listening in confidence, and anonymising people and places in research reports, and responsibility for practitioner-researchers (Kelly, 1988; McNamee, 2002; Pritchard, 2002; Simons & Usher, 2000; Tickle, 2001).

Further, important questions that need to be raised include, are police researchers educated enough in the importance and complexities of ethics to conduct potentially (most probably given their profession) sensitive studies? And are the university’s staff and academics experienced enough to mentor and advise practitioners through the myriad of rules and regulations? Hypothetically, if an officer is exposed to information that under ordinary circumstances can remain confidential to a researcher (such as, exposing bad practice techniques of a colleague) but are compromising to a law enforcement practitioner, what do they do? What do they disclose and who do they disclose to?

These questions must be raised as a consequence of the recent ‘Senior Practitioner Fellowship’ (SPF) scheme that the Open University’s Policing Research Consortium has established. Five law enforcement practitioners have been afforded the opportunity to work alongside teams of academics to conduct research on various UK policing matters. These inaugural placements are currently underway involving three police officers from Thames Valley Police, one from Dorset Police and a senior officer of the National Crime Agency (author of this paper). Thus, are the university, the SPFs and indeed the fellows’ organisations prepared for what might come?

**Codes, Principles, Guidelines**

In order to provide some insight in to the issues raised it is important to lay out pertinent extracts from the policies and guidelines that have been alluded to above.

The Open University have a published document, entitled, ‘Ethics Principles for Research Involving Human Participants’. Within this document, principles 4, 5 and 6 are particularly applicable to the SPFs:

![Image](http://www.open.ac.uk/research/ethics/)

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*Note that the duty of confidentiality is not absolute in law and may be overridden by more compelling duties such as the duty to protect individuals from harm or in the public interest – such as in research involving public officials. Where a significant risk of such issues arising is identified in the risk assessment, specific procedures to be followed should be specified in the protocol.

The National Crime Agency (NCA) ‘Code’ that was published in December 2013 details the behaviour expected of its officers. Within this document the following section is most relevant to SPFs:

All officers should be prepared to challenge or report conduct which they believe may be in conflict with this code.

To put this in context this is interpreted to mean that should a police officer or an officer of the NCA disclose any information to a law enforcement researcher (or SPF) during a study that conflicts with the NCA Code it should be challenged and/or reported… but, to whom – the officer’s management, the Professional Standards Unit, the university, none or all three?
At the time of writing the NCA does not have a policy or any guidelines in relation to its officers carrying out professional research either as a student or as a SPF. Thus, there is no advice on what to do in this situation and begs the questions, has this happened before, what are people’s experience in this situation and was it recorded for any future learning?

In July 2014 the College of Policing’s Code of Ethics⁴ was laid before Parliament as a code of practice. This was achieved using a power granted to the College of Policing under section 39A of the Police Act 1996 (as amended by section 124 of the Anti-Social Behaviour, Crime and Policing Act 2014). This is a Code for everyone who works in policing; in particular, Code 10 stands out as pertinent in the context of this paper:

10 Challenging and reporting improper behaviour - I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.

10.1 According to this standard you must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person’s rank, grade or role.
10.2 You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
10.3 If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel.
10.4 The policing profession will protect whistleblowers according to the law.
10.5 Nothing in this standard prevents the proper disclosure of information to a relevant authority in accordance with the Public Interest Disclosure Act 1998.
10.6 You will be supported if you report any valid concern about the behaviour of someone working in policing which you believe has fallen below the standards expected. You will not be supported, and may be subject to disciplinary procedures, if your report is found to be malicious or otherwise made in bad faith.
10.7 The police service will not tolerate discrimination or victimisation or any disadvantageous treatment against anyone who makes a valid report of unprofessional behaviour or wrongdoing.
10.8 Given the overriding duty to report wrongdoing, genuine concerns in this respect can never be deemed to bring the policing profession into disrepute.

Various police forces in the UK, such as Sussex\(^5\) and Derbyshire\(^6\), have an ‘Academic and Research Partnership Policy’. Sussex state that (pertinent to this discussion):

All persons, within or outside the organisation seeking to conduct research that is not paid for or commissioned by Sussex Police will have to agree in writing to the Research Code of Conduct prior to any access to data or resources being granted.

There is no uniform national code of ethics regarding research, however, all research conducted with Sussex Police, should conform to the following guidelines:

ESRC Framework for Research Ethics 2012
http://www.esrc.ac.uk/about-esrc/information/research-ethics.aspx

Government Social Research Code
http://www.civilservice.gov.uk/networks/gsr/gsr-code

This raises more guidelines with which researchers must adhere to, highlighting the myriad of different documents that police researchers are required to be aware of and follow.

Within Sussex’s policy the matter of participant ‘informed consent’ is raised, part of which again appears to be relevant in this context:

Before commencing research requiring the participation of staff or officers within Sussex Police, or with partners, the researcher shall provide each participant with a written informed consent statement, which should include the following information:

Statement regarding the confidentiality and management of the research information, with exceptions of confidentiality as required by legislation

\(^5\) http://www.sussex.police.uk/policies-and-procedures/academic-and-research-partnership-policy/

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Likewise, Sussex has developed a 'Non-Disclosure Agreement' (NDA) template for all parties to agree once tailored to their specific study and sign. The relevant section extracted from that reads:

**Non-Disclosure Agreement (One-Way):**

Nothing in this Agreement will prevent the Recipient* from making any disclosure of the Confidential Information required by law or by any competent authority.

*in this case, the University/Researcher

Based on their experiences and knowledge of ethics/legislation police forces like Sussex have provided clear guidance and direction to those undertaking research within the organisation or as part of a collaboration with them. However, there is no mention of the potential conflict of allegiance for police practitioners acting as researchers.

Factions of the NCA (the Serious Crime Analysis Section, the UK Missing Persons Bureau and, more recently, the Innovation Centre) have used a NDA template for either collaborative studies or when academic researchers are utilising the agency’s data for an independent study. It requires both parties to agree the research proposal and states (pertinent to this discussion):

**Any work produced by the Receiving Party that incorporates confidential information shall itself be treated as confidential information for the purposes of this agreement.**

However, it goes on to explain the nature and requirements of said confidential information such that for five years the Receiving Party will not disclose any of it to a third party and shall not make use of it for any other purpose than the study it is intended for, except when:

**It is required to disclose in compliance with a legal requirement of a governmental agency, regulatory authority or otherwise where disclosure is required by operation of law.**

Again, the concept of disclosing otherwise confidential information under certain circumstances is covered in the documentation but it is the interpretation, understanding and experience in these matters that one could suggest is key. Who has these skills and knowledge?

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Finally, it would be remiss to also list other codes of ethics from our learned society that can, and should, inform researchers in the world of policing:

- British Society of Criminology’s *Code of Ethics for Researchers.*
- British Sociological Association’s *Statement of Ethical Practice*
- British Psychological Society’s *Code of Ethics and Conduct*
- Economic and Social Research Council’s *Research Ethics Guidebook*
- Scottish Executive’s *Standard Conditions for Research and Consultancy*

The vast majority of confidential pieces of information that should potentially be disclosed by a researcher are typically in relation to offences that have been carried out but not previously reported. There is literature to be found examining these issues (see Wolfgang, 1981, Feenan, 2002, for example) but none it seems tackling the potential conflict of the practitioner-researcher. Feenan concluded that while researchers can give assurances around confidentiality to their participants these cannot be guaranteed when the power of legislation necessitates a disclosure.

In 2014 Leeds-Becket University’s ‘Short Life Working Group’ (SLWG) explored the ethics of practitioner-researcher studies and acknowledged the conflict that could potentially exist in terms of completing rights and responsibilities. The SLWG state that in order to prepare for such an issue the practitioner-researcher must discuss the possible conflicts within the ethics application form, bearing in mind both the limits of responsibility of an organisation/profession and the limits of promise of participant confidentiality.

To sum up, researchers have a vested interest in protecting their industry by ensuring mistakes aren’t made, reputations aren’t damaged, participants aren’t harmed and future research isn’t jeopardised (Leo, 1995) – but what if the researcher is a practitioner and has conflicting demands?

**Police and Academic Collaborations**

The phenomenon of the practitioner/academic collaboration in policing is not a new one; a famous and pioneering sociological study from 1964 saw Michael Banton working with police officers in Scotland. One of Banton’s conclusions raised the matter of the two industries working in partnership, suggesting that the public could benefit from a better understanding of the different perspectives. Over the ensuing fifty years collaborations and partnership working has become more prevalent in the UK, North America and Australia, but despite this it is still limited in comparison to other disciplines such as medicine. However, evidence-based policing (EBP) is now a global movement for policing researchers to apply learning to tactics, strategy and policy and it is evident that a silo approach cannot achieve this.
The proliferation, in fact, of studies produced through police and academic collaborations are far too numerous to list but there are trends appearing, as cited by Kratcoski (2015):

- An increasing number of publications pertaining to research on policing matters in which at least one of the authors is a police practitioner. Guillaume et al. (2012) corroborated this in their comparative study of articles in the journal *Police Practice and Research*; they found that although the number of articles produced by police practitioners was small it remained stable over the years 2001-2012, but the number co-authored by academic and practitioner increased significantly

- An increasing amount of international comparative research on policing agencies

- Changes in the quality of the research, reflecting the fact that those police practitioners who engage in research have developed research skills comparable to those of academics.

The UK has seen the formation of various institutional groups that focus on research in to policing and crime reduction:

- The Open University Policing Research Consortium sees 12 police forces (including the NCA) coming together to explore innovations in research and education to improve policing

- The N8 Policing Research Partnership involves eight universities across the north of England providing a platform for collaborations between academia, Police and Crime Commissioners (PCCs), Government, police forces, and other partners working in policing policy, governance and practice

- The Scottish Institute for Policing Research (SIPR) is a strategic collaboration between 13 of Scotland's universities and the Police Service of Scotland, offering a range of opportunities for conducting relevant, applicable research to help the police meet the challenges of the 21st century and for achieving international excellence for policing research

- The University of Canterbury and the University of Warwickshire each have Centre’s for Police Research (Warwickshire’s specifically focused on operational policing)

- The University of Cambridge’s Centre for Evidence-Based Policing, led by the founder of EBP and honorary president of the Society of Evidence-Based Policing

- The Society of Evidence-Based Policing is made up of police officers, police staff, and research professionals who want to transform policing through understanding what works
The College of Policing ‘What Works Centre for Crime Reduction’ looks at the most effective ways the police can fight crime, based on the best research evidence to date. It has established the ‘Crime Reduction Toolkit’ and states that:

A fundamental element of the College’s role as a professional body is to be a catalyst for the development and use of knowledge and research by and for those working in policing. This will ensure that the best available evidence of what works is accessible for practitioners when making decisions. To achieve this aim, the College works with police forces, policing and crime commissioners, national policing leads and academic partners to:

- produce and commission original research on priority areas for policing;
- collate and share the best available evidence through our ‘what works’ briefings series and College-led rapid evidence assessments;
- embed the best available evidence into standards and practice;
- build capacity for research across policing by including evidence-based approaches in training and by supporting forces to build partnerships with higher and further education;
- raise awareness about standards of research evidence and the importance of using applicable evidence.

The aim of these collaborations is, as the College says, to inform discussions on what are the priority areas of modern policing that require close examination in order to embed proven methods in to practice. So long as these discussions are inclusive, interactive, dynamic and co-operative they will ensure that mutual understanding is achieved with maximum effect. The demand however for evidence based practice is rising in response to the period of austerity that we, and in particular policing, finds itself in; police forces are used to responding to the public quickly and in stressful situations, whereas academia works at a different, slower pace in order to understand complex issues, analyse data and produce meaningful results. Thus, the police’s requirement for quick fixes to align with their fast-paced work environment must be matched to researchers’ capabilities to produce applicable evidence. This is described eloquently in Mark Treloar’s (2016) blog, ‘Building bridges between policing and academia – reflections from the ground’7. Mark is a police officer from Australia who now studies at Durham University, who wrote this blog regarding his experience as a law enforcement practitioner working in academia. He concludes that bridging the divide between policing and academia will provide ‘opportunities for police to learn how to think more critically and longer term, and academics to conduct research and support policies which can be successful in the stresses of the real-world’.

It is not all positive analysis though, as Steinholder et al. (2012) reported following their survey of police practitioners examining the differences in philosophical beliefs between academics and police

7 http://n8prp.org.uk/building_bridges/

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practitioners. They assert that the significant differences in operating philosophies between the two groups may be founded on false assumptions based on stereotypes making collaborations difficult. Despite this, Steinholder et al. state that this need not prevent mutually valued research produced by collaborations – perhaps the increasing co-production of studies and their improved accessibility (both in terms of finding them and understanding them) will help to remove stereotypes and assumptions?

In January 2015, the Home Secretary announced a new £10 million Police Knowledge Fund (PKF) ‘to support closer working between police and academia in order to promote evidence-based policing and more effective responses to crime’. To date this has assisted with the production of a great number of studies being conducted in partnerships, seeing various universities and police forces all contributing to particular research areas. This was however set up under the Coalition Government and so it remains to be seen how (if) this fund may be changed in the coming years. The College of Policing draws together studies on its ‘Research Map’, which plots details of relevant ongoing policing related research at Masters level and above, including but not exclusively PKF work. It is intended to increase opportunities for collaboration and to enable forces to engage directly with researchers working on topics of interest to them.

There is literature (Huey & Mitchell, 2016, and Hansen et al., 2014) that exposes the benefits and fundamental aspects to practitioner-researcher partnerships; however they do not cover the issue of confidentiality and disclosure as a potential conflict. Huey and Mitchell use the term ‘pracademic’ to refer to a law enforcement practitioner who is conducting academic studies – this term was allegedly coined in 1999 by Volpe and Chandler and which has become generally known as ‘an individual dually recognised as expert in both academia and within a community of practice’ (Panda, 2014). Huey and Mitchell suggest that the growing volume of ‘pracademics’ is going some way to bridge the gap between police and research, in that police receptivity is increasing and academic outputs are being translatable into usable, practical reports. Similarly, Hansen et al., having interviewed 90 police practitioners with partnership experience, conclude that ‘police practitioner-researcher partnerships are popular, thriving and of mutual benefit to stakeholders’ giving rise to best practice development and understanding of what works in reality. It is evident therefore that ‘pracademics’ and collaborations are essential for future learning and growth in policing and getting straight on ethical positions and requirements is key.

**Research ethics and practitioners**

As discussed, while there is an abundance of literature exploring the recent increase in police practitioner-researcher partnerships and evidence producing collaborations, there has been little published in relation to the ethical considerations that they encounter in their differing disciplines. Literature in this regard points towards the ethics of researchers disclosing information from studies

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exploring criminology and the background of criminals. What is important to consider in these examinations is that the participants are likely to expose previously unreported crimes and thus puts the researcher in a conflict between confidentiality and the law.

A large scale and well documented example of this is discussed by Palys and Lowman (2012); following a study. ‘The Belfast Project’, by Boston College in the U.S. examining the Troubles in recent history in Northern Ireland the researchers were issued subpoenas under U.S. law to disclose some participant interview content. The College asserted that it supported confidentiality in this study to the ‘extent that American law allows’, despite the participants (who had, and disclosed, first-hand knowledge of the troubles) and researchers understanding that it was unlimited. The disagreement that ensued between the researchers and the College highlights that different parties can conflict and have very strong opposing arguments. Ultimately the College disclosed multiple interview records to the Courts, leading Palys and Lowman to ‘conclude that Boston College has provided an example that will be cited for years to come of how not to protect research participants to the extent American law allows’. The argument stands that had the participants known the level of confidentiality to them was limited they would not have taken part and divulged openly and honestly about their involvement in the Troubles, nor would the researchers have conducted the interviews.

This examination of Boston College’s behaviour has broader implications as it is not the only institution to limit its pledge of confidentiality to research participants to the extent that law permits. Another example comes from Simon Fraser University (SFU) in Canada, where a student researcher became the first ever to be subpoenaed under Canadian law to divulge confidential information to a court. The university introduced a policy that required any researcher who anticipated hearing about illegal behaviour to pledge that confidentiality would be maintained unless disclosure was “required by law” (Clayman, 1997; Lowman and Palys, 2000). The university however withdrew this policy after recognising its imposition to be a violation of academic freedom. SFU now allows researchers to choose whether they will adhere to their ethical commitment to confidentiality or their obligation to disclose in response to a legal order.

Similar ethical conflicts and tensions in research matters have been examined in the world of education. McGinn and Bosacki (2004) wrote a paper that explored ‘the assumptions, concepts, and procedures associated with a diverse range of qualitative and quantitative approaches to research’. They talk about the ethical complexities that interconnect practitioner and researcher and discuss other pieces of research that have unravelled some of the difficulties faced by both parties. For instance, they cite Glen (2000) as having examined the moral tensions that are characterised in the distinction between internal and external integrity. In other words, between competing values, principles, and desires within an individual (internal integrity) and compromises between social groups or organisations (external integrity).
There is evidently a clash between individuals and the organisations they represent at time on matters of ethical significance, in both education and policing (and undoubtedly many other disciplines), and so learning from these occurrences is surely the key to resolving future conflicts and teaching prospective researchers of the perils of ethics?

In Tickle’s (2001) teaching experience there appeared a dilemma when he had guaranteed confidentiality under the auspices of a research project, and later as an instructor he needed to intervene for educational purposes. The case demonstrates the ways that openness, honesty, anonymity, and confidentiality complicate the maintenance of dual roles as both practitioner and researcher. In response, McNamee (2002) warned that these dual roles may lead to “guilty knowledge,” which he defined as “the feeling of guilt that arises when one both comes to know of certain harms or wrong doings and is torn between courses of action to remove the sense of guilt that attaches to the knowledge”. Such guilty knowledge can lead practitioner-researchers into ethical dilemmas about which professional commitments to satisfy and which to thwart (Glen, 2000).

**Conclusion 1 (pre-study)**

When researchers (and participants) sign research agreements and consent forms it is doubtful that they are anticipating conflicts or legal intervention to ensue. It is hoped that all parties are at the very least aware of such complications, should they arise, which could involve knowledge refreshers and/or training for practitioners. This insinuates that academics are knowledgeable, experienced and involved enough to provide such training in matters of ethical dilemmas and research decision making. Of course, the intention should not be to scare practitioners away from conducting research and as de Laine (2000) says, ‘the general advice given to the fieldworker is to ‘proceed with caution’ rather than avoid sensitive topics that make disclosure problematic.’

What is fascinating about the published literature is the within institution conflict seen, for example Boston College, and no apparent between discipline conflicts reported. This paper has been written prior to the author conducting research as NCA officer seconded to the OU as a SPF; the intention is to complete the conclusion post study in order to report any confidentiality/disclosure issues that may arise. The study involves interviewing NCA officers who ‘handle’ covert human intelligence sources (CHIS, more commonly known as informants) to examine the rapport and communication methods between the two parties. Thus, of importance to the current study are the sensitivities around disclosing NCA tactics, methodology or tradecraft secrets – the final report will need to be reviewed by senior managers prior to public dissemination to ensure nothing sensitive or confidential has inadvertently been revealed. This adds another dimension to the already complex issue of confidentiality.
It is unfortunate that the NCA does not have experience in these matters, certainly not that is discernible, or a research policy to refer to and be guided by. Wider guidance in the form of those detailed above will be followed and every effort will be made to ensure participants understand what not to disclose in interview. What will be of interest is how the participants respond to the practitioner-researcher cross over – will they be open and honest about their practices because of the ‘insider’ practitioner element or will they be more guarded because of a perceived ‘outsider’ researcher element? It will not be possible to tell but hopefully the former. And what of the outcome – will the desire to publish the study’s outcome diminish if it exposes weaknesses and elements of inconsistent and bad practice?

It is suggested that this paper is reviewed by experienced practitioners and researchers in order to discuss the questions posed and ensure that professionals involved in collaborative projects are suitably informed.

**Conclusion 2 (post-study)**

As expected it is not possible to discern if the participants in the study, namely the NCA CHIS handlers, were open or guarded with their responses. If they were guarded was this because they didn’t wish to have informal processes revealed or because they were unsure what is publishable? Hopefully the latter was ruled out with the express guidance that all data collected would be reviewed by management experts prior to any public dissemination. Either way it will never be known if the participants were open and honest or whether the researcher’s practitioner status, as opposed to pure academic, would have had any impact on the proceedings.

There were no revelations from the participants to raise any concern to the researcher and so the codes and legislation discussed above were not called in to play. This is probably due to the explicit pre-study participant information given stating that any disclosures of a controversial nature would have to be referred on. Participants did express some concern over being reported for potential disclosures and so reassurances were verbally given that this was referring to extreme controversies and not for minor administrative processes. This put the participants at ease however may be the reason why more handlers did not volunteer, for fear of saying something that might put them under the spotlight. Nevertheless, it was the researcher’s responsibility to make the handlers aware of the possible consequences of participating, however the wording of this for future studies could be reviewed to reduce concern and possibly increase the number of volunteers.

It was right to weigh up all the possibilities alongside all of the codes and pieces of legislation that surround empirical and robust research studies and the potential for a conflict of interest between practice and academia, but the outcome of the study negated the need to refer to this further. It has been an interesting exercise in discussing the myriad of documents and requirements; it will hopefully
assist future SPFs and will provoke a discussion around creating a research protocol/policy within the author’s organisation.
References


