

CRIMINAL JUSTICE RESEARCH TACTICS AS EXAMPLES FOR ETHICAL BUSINESS PRACTICES WHEN WORKING WITH VULNERABLE POPULATIONS

Ryan G. Fischer, Ph.D.

Assistant Professor

Department of Criminal Justice

California State University, Long Beach

United States of America

Introduction

The goals of criminal justice research are far reaching, and many studies aim to assess the effectiveness of different laws, correctional programs, law enforcement tactics, and criminal justice policies. Research studies on these topics impact not only offenders, potential offenders, and criminal justice practitioners, but also the general public. These studies often involve interactions with human subjects, and more importantly, interaction with several vulnerable populations of research subjects. The populations include current and former offenders, juveniles, and individuals with mental and physical disabilities.

At the intersection of the topics addressed by criminal justice research and the populations of individuals studied, exists an environment where public safety and subject wellbeing become points of paramount significance in criminal justice research. For this reason, research involving human subjects almost always requires pre-approval from an Institutional Review Board (IRB) established by the agency conducting the research (e.g. universities, government agencies, and hospitals) (Babbie, 2007). The IRB reviews the proposed research project in order to ensure that the safety of all participants is protected. Several of these protections include: 1) voluntary participation in the study; 2) protections from physical or psychological harm; 3) participant confidentiality; and 4) freedom from unwarranted deception by the researchers. Only once the IRB has reviewed and approved the application, can the research project commence.

Why is criminal justice research relevant to general business practices?

Businesses often target the same vulnerable populations as criminal justice research, namely recovering alcohol and drug abusers, adolescents, individuals with mental and physical disabilities, and former criminals. Their vulnerability stems from the fact that their mental capabilities or current life situations inhibit their ability to grant voluntary informed consent to participate in research, or more importantly for the business world, to voluntarily consent to purchase a company's products or services. Flip through the pages of your local newspaper or favorite lifestyle magazine and you will find advertisements for addiction and recovery services, weight loss products, energy drinks, and other lifestyle enhancement products and services that are designed to target these vulnerable audiences. However, the modern business world, and all the regulations and laws structuring it, does not heavily focus on the ethical treatment of such consumer populations.

Looking back to Milton Friedman's famous 1970 article in the *New York Times Magazine*, a common, and controversial, belief in the world of business is that businesses should focus primarily on creating profits rather than promoting ethical business practices, so long as the company abides by the laws relevant to their industry. Regardless of your stance on the validity of Friedman's argument, it is true that a lot of efforts made to protect the rights of consumers are done retroactively as opposed to proactively. For example, if customers feel that they have been deceived by the advertising and claims a company makes about its products, their best recourse is to contact the agency which licenses the company (if there happens to be one), inform the Better Business Bureau (BBB), or file a civil court claim against the company. The front end detailed examination of how companies will solicit and engage with individual consumers across a wide possible array of settings is lacking in comparison to the level of scrutiny IRBs use to review potential research projects.

Even with the requirements needed for companies to maintain good standing with bonding and licensing agencies, or the BBB, there is still room for ethical shortcomings. Consider the BBB's current Code of Advertising which at one point reads, "An advertisement *as a whole may be misleading* [*Italics added*] although every sentence separately considered is literally true" (<http://www.bbb.org/us/code-of-advertising/>). Now consider a company targeting their products to one of the vulnerable populations listed above. Given the educational levels and cognitive deficits many of these individuals possess, expecting them to see the individual trees instead of the larger forest is highly unlikely.

The previous examples are not presented with the intention of arguing for greater governmental regulation of companies. Rather, the point of this article is to serve as a reminder that businesses can satisfy their consumer base, heighten their chances for sustainability, and potentially increase profits by looking beyond the standard operating practices of the business profession and borrowing ideas from other professional fields. The same ethical principles applied in criminal justice research are applicable to everyday business practices, specifically when it comes to advertising, customer service, and contractual agreements.

Applying criminal justice research tactics to business

In the field of criminal justice, researchers looking to engage in ethical practices need to consider several important points. First, when working with vulnerable populations of research subjects, the issue of voluntary informed consent must be strongly scrutinized. Researchers must constantly question the ability of offenders, juveniles, and individuals with disabilities to provide voluntary informed consent, while also seeking ways to ensure that such consent has been granted.

Second, given the sensitive nature of data often obtained in criminal justice research (e.g. criminal history information, current offending patterns, gang involvement, and substance abuse habits), researchers must be diligent in protecting the confidentiality and anonymity of subjects. Third, because many criminal justice research studies aim to identify the causes and correlates of criminal behavior, subjects (including both offenders and victims) are often asked to recall and discuss highly personal and disturbing events from their lives (e.g. child abuse, domestic violence, criminal activities). Therefore, it is important that researchers are never shortsighted when considering the potential psychological harms that may befall research subjects.

Finally, criminal justice research studies often evaluate the effectiveness of correctional policies. Likewise, policies are designed, implemented, and/or modified based upon the findings of previous studies. Therefore, researchers need to pay close attention to the accuracy of the information collected and disseminated throughout the course of their studies.

The points described above: obtaining voluntary agreement; protecting confidentiality; considering psychological impact; and ensuring dissemination of accurate information, are issues relevant to ethical business practices. The bottom line in business is to make a profit, but that should not be at the expense of the customer. Short term profits may help today, but long term success is based upon honesty, integrity, and reliability. Advertising campaigns should be catchy and often include metaphorical statements, such as “it gives you wings.” However, advertisements that intentionally mislead or attempt to persuade potential customers by presenting claims that do not accurately depict the realities of the products offered, are destined for failure. Vulnerable populations may be drawn in by the promises of misleading advertisement campaigns, but they are soon let down, leading to disappointment. The disappointment can negatively impact the customer, through monetary losses and psychological let down, but it will also inevitably return to the business through negative feedback and customer distrust.

When dealing with customers on a face-to-face basis and when negotiating contracts, the same rules of appropriately handling vulnerable populations apply. Vulnerable populations are sometimes drawn toward particular products or services because they feel those items will improve their current situation, even if those expectations are unrealistic. Merchants should question the appropriateness of any particular product for a customer, and they should make any reservations known prior to completing the sale. Likewise, business professionals should be careful when negotiating contractual agreements with clients whose abilities to grant voluntary consent are questionable. In such cases, the merchant should take extra care to make sure all known benefits and drawbacks of the product or service are clearly delineated prior to forming any compacts.

Conclusion

There are several sub-populations of individuals who are coveted targets in the world of business, including adolescents seeking to achieve popularity through the acquisition of the latest fashions and accessories, individuals suffering from embarrassing physical or emotional conditions looking for a cure, elderly individuals easily charmed by a “friendly” salesperson, and many others. These individuals make up a large percentage of the population and contribute significantly to the global economy. Therefore, it behooves business professionals to competently satisfy the wants and needs of these individuals in order for their businesses to succeed.

And on a more humanitarian level, it is the ethical responsibility of business professionals to ensure the obtainment of the consent of all clients, to offer customers exactly what was promised, and to assist in the protection of their clients' rights. These tactics may not contribute to increasing profits every day, but they do increase consumers' confidence in businesses, big and small, in our ever more competitive global economy.

On a final note, the field of criminal justice has benefited from borrowing ideas from the world of private business over the past two decades. An example of this can be seen with the increased use of privately operated correctional and treatment facilities to manage America's prisoners. In many instances, this has resulted in lower costs to states for managing offenders, better quality services, an increase in the use of evidence-based practices, and a competitive business market. Just as criminal justice has benefited from business, business can benefit by borrowing tactics from criminal justice.

AUTHOR BIO

Ryan Fischer, Ph.D. is an Assistant Professor in the Department of Criminal Justice at California State University, Long Beach. His current research focuses on post-prison substance abuse treatment programs for felons, the design of risk/needs prediction surveys for offenders, and the use of "legal" drugs within the United States

REFERENCES

- Babbie, E. (2007). *The Practice of Social Research* (11th ed.). Belmont, CA: Thomson Wadsworth.
- Friedman, M. (September 13, 1970). The social responsibility of business is to increase its profits. *New York Times Magazine*.