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**Title:** The ethics of action research in community policing: the context of 'no man's lands' and 'no go areas'

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**Abstract:** Research in policing and law enforcement has made tremendous progress over the past few decades. At the same time, policing theories have proliferated and become more innovative, pushing further the barriers of fieldwork and research insight. One of the most recent developments of research in community policing has been the attempt at mixing different community policing theories to tackle major problems in particular neighbourhoods. Problem-oriented policing, broken-windows policing and intelligence-led practice models (among others) have been merged together in order to develop solutions to address hotspot criminality, manage public safety, address fear of crime, etc. But what if research in community policing was pushed further and was looking at areas in which police are not welcomed by the community and to which police does not want to go anymore? Who is responsible for defining and restoring order when no one wants to take responsibility? After looking at policing hotspot areas, the next logical step for research in co-production of safety and security should be concerned with what is commonly known as no go areas or no man's lands. But where should the research start? What are the ethical issues the researcher needs to look at in the early stages and further development of action research projects? How should negative bi-partisan representations and the sensibilities of parties at stake be understood and form part of the research process? Through specific case studies, this paper discusses ethical components in the development of action research projects which look at the elaboration of flexible models for restoring order and rediscovering responsibilities in areas where police and community relations have broken down.

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***The ethics of action research in community policing:  
the contexts of ‘no man’s lands’ and ‘no go areas’<sup>1</sup>***

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Research in policing and criminology has made tremendous progress over the past few decades, encouraging a proliferation of policing theories and multiple innovations in research methods and insight. One of the most recent developments of research in community policing has been the attempt at mixing different theories to tackle major problems in particular neighbourhoods. Areas in which relationships between community and police members are tense have been investigated and criminogenic areas – such as hotspots<sup>2</sup> - have been a common recent focus of interest for police and academics. Policing models have sometimes been merged together in order to develop solutions to address hotspot criminality, manage public safety, address fear of crime and develop new mechanisms to maintain order in society<sup>3</sup>.

What if research in community policing was pushed even further? What if research, instead of focusing on ‘sensitive’ and high criminality places, was now looking at areas in which tensions have reached such an extreme that resentment and anger prevail, and that police ‘refuse’ to visit any more – except in extreme cases – out of fear for their safety? After looking at hotspot areas, the next logical step for research in community

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<sup>1</sup> The author would like to thank Chris Horton, Catherine Layton, Anna Corbo-Crehan, Ken Wooden, Geoff Cartner and Jennifer Wood for their advice on earlier drafts of this paper.

<sup>2</sup> A hotspot is commonly defined as a geographical area where a higher than average rate of crime (Brogden, 2003), whether a recurrence of the same crime or a multiplicity of crimes, or both, is to be observed.

<sup>3</sup> For example, problem-oriented policing (which attempts to deal with crime and the underlying problems that led to the commission of the crime), while already encompassing reactive policing and problem-solving strategies, has sometimes come together with the reassurance policing model (which places ‘emphasis on police visibility, familiarity and accessibility’ – Millie & Herrington, 2005, 41) to address various problems in communities from California, New Jersey, Pennsylvania (Reitzel et al., in Dunham & Alpert, 2005), France, England and Germany (Body-Gendrot, 2000). These policing experiences are usually transient and remain in place until the targeted problem is solved or until sufficient control mechanisms are sustainable. Due to editorial limits and the methodological focus of this paper, we will develop these merging experiences further elsewhere.

policing and co-production of safety should be concerned with what are commonly known as *no man's lands* and *no go areas*.

This paper examines some of the key ethical issues involved in researching such areas and more specifically, it sees methodological issues as critical for the ethical tensions they produce. It discusses ethical components<sup>4</sup> in the specific case of the development of action research projects which aim at the elaboration of flexible models for redefining (Wilson and Kelling, 1982) and restoring order and rediscovering responsibilities in areas where relationships between law enforcement agencies and communities have broken down. Observations and suggestions will be based on various theoretical papers and on our past empirical research in problem areas in South Africa and North America, looking at the development of community justice and local capacity governance.

After identifying the particular context in which this research would take place, our argument will examine the ethical dilemmas which result from initial methodological decisions. We will particularly look at the necessity to unravel the semantics of the *no go area* and *no man's land* metaphors<sup>5</sup>. We will then approach the various obstacles at stake during site selection and analyse their implication in the definition of the researcher's role in the investigation process. Most importantly and as a final part of this paper, we will spend time discussing what we consider are the overarching ethical aspects of the research: the building of responsible research on trust, ensuring community participation, questions of mandatory reporting and the supervision of participants' and researchers' safety.

### ***RESEARCHING NO MAN'S LANDS: FIRST ETHICAL DILEMMAS AND METHODOLOGICAL DECISIONS***

A team of academics at the School of Policing Studies, Charles Sturt University, has started investigating the feasibility of a research project in no go areas<sup>6</sup> in New South Wales, identifying extreme problem areas, designing a research plan and looking at an ethics application that will inform an action research initiative. Several problems emerged in the very early stages of the elaboration process.

#### ***The research aims and processes***

Through action research, the project looks at investigating and developing a flexible model aimed at unveiling local capacities in the community and using them as a springboard for not only redefining notions of order in the neighbourhood (ibid.) but also building more community participation in the co-production of security. As per

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<sup>4</sup> NB: Although there would be much to say about the in depth methodological developments of action research in such settings, this paper focuses on the ethical components embedded in the research process and we will therefore avoid mentioning pure method concepts where these are not directly related to ethics and responsibilities of researchers and research participants.

<sup>5</sup> We are aware of the ethical issues surrounding this sort of designation. However, they would deserve a thorough discussion that editorial limits prevent us to approach here and we will discuss these elsewhere.

<sup>6</sup> The use of italics for the expressions *no go area* and *no man's land* refers, throughout this paper, to the semantics of the expression. When not used in italics, the author refers to the actual object of the research (geographical areas).

traditional conceptualisations of community policing, local capacity governance and problem-oriented policing theories, the identification of problems and issues by the community itself places the community at the very centre of this initiative. This is an essential part of the process, not only because of the sensitive environment in which this research will take place, but also because empowerment has proven to be an essential tool in the success of other research initiatives from which this project gets its inspiration (see for example, Massat and Lundy, 1997; Shearing et al. 2002; Crawford, 1997; Minkler, 2004; Bartkowiak, 2005; Wood and Dupont, 2006).

Action research processes are as much about creating a better life within more effective and just social contexts as it is about creating new knowledge (Reason and Bradbury, 2001). The participatory version empowers the researched into developing new ways to improve their circumstances and making them the main stakeholders in the implementation of these ideas. It uses successive and on-going 'cycles' of gathering data, exploring issues and expressing anxieties and interests, creating action plans and monitoring their implementation, and then re-exploring newly emerged concerns, ideas and action in the light of the evaluations. In our case, this action research is intrinsically linked to problem-solving and root cause analysis. Problem solving and root cause analysis approaches imply that problems are best solved by trying to address the origins of the issues, as opposed to merely addressing their obvious symptoms (Shearing et al., op.cit.). When researching no man's lands or no go areas, it means that instead of increasing at all cost law enforcement presence to try and rebuild relationships and installing top-down formal and reactive control mechanisms on the community, one should understand why relationships have broken down and figure ways to fix these causes involving all parties at stake in the problem.

The model we would like to develop in this particular context is two-fold. The practical part of this local capacity building model looks at developing mechanisms to re-establish dialogue between all stakeholders and improve community conditions. It starts by the bottom-up identification of problems (why dialogue has broken down) and the exploration of concerns shared by all parties, in order to start positively and constructively build up answers that would satisfy all and would involve all in their implementation. The other aspect of the model is more of an exploratory one. It describes all the processes and logistics that take place to achieve these enhancements: how parties were accessed, how they were consulted and then brought together, how they reached consensus, etc. Through the case studies of the community/-ies researched here, the model is intended to look at the very specific processes developed in the case of an action research project placed in the very sensitive context of no go areas and no man's lands. It will design a 'road map' that will display the specific local capacity model the research is endeavouring to inform, the action research approach required to do this research well, the role of the community and other stakeholders in this research, the role of academic researchers in this and most of all, the particularities of doing all of this in a no go area or no man's land context.

In terms of research process and steps, the issue of designing research questions needs to be addressed here. Despite the existence of initial general research questions ('how to address crime and disorder and how to restore order in no man's lands and no go areas,

using local capacities as a response and research tool?’), more refine subsequent questions need to be developed. This will actually constitute the very first step of the research. Determining what exactly needs to be addressed in one specific neighbourhood, how it needs to be addressed and by whom, will be decided by the communities themselves, and will stem out from the local knowledge of the researched (needs assessment stage). To that effect, series of focus groups will be run, at first with the community. Then, another series of focus groups will be run with the stakeholders the community would be willing to bring into the development of the model (scanning and analysis stage). This first part of the research would vary in time and frequency depending on field practicalities, trust levels, risks and data gathered. Once the researcher is satisfied that enough common ground<sup>7</sup> has been reached, all groups will come together on a voluntary basis<sup>8</sup>, in joint focus groups, to start negotiating consensual mechanisms to restore order and bring more stability to the area and to the relationships at stake (response design stage).

The researchers will be in charge of continually formalising the model and bringing it back to the community for endorsement, implementation and monitoring follow up (implementation stage and on going assessment).

### ***Defining no man’s lands and no go areas***

While establishing a theoretical definition of no man’s lands and no go areas is a rather easy task, the practical identification of such locations does not happen to be an simple process.

As stated in the Oxford English Dictionary, the expression *no go area* usually refers to an area that is perceived to be too dangerous to enter, or to which entry is forbidden. Despite its military origins, the word gradually obtained a broader social use and from the mid 1970s, the term became widely used to describe places, times or even issues that are immune to change, entry, participation or interference. In social sciences and criminology, the expression is used to describe dangerous neighbourhoods in which gang activity is highly recorded. It also refers to dangerous and criminogenic areas where police refuse or are reluctant to go to for fear of their safety and in which, at the same time, the community does not welcome police or other law enforcement representatives. Relationships have largely broken down, for various reasons, among which one might usually count marginalisation, violence, extensive regular criminal activities, socio-economic influences on behaviour, and mostly, misunderstanding between parties resulting in unrest and brutality. Because of the extreme situation these areas are facing,

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<sup>7</sup> What we mean by ‘common ground’ is the recognition by all parties that they agree on a certain number of issues that need to be worked on, on a more or less urgent basis. This common ground also includes an agreed upon starting point as to how these issues can be looked into.

<sup>8</sup> We assume that because some tensions between communities and law enforcement authorities might still prevail at this stage of the research, some participants might refuse to participate in joint focus groups. However, not all need to come. Ethnographic methodologies advise small focus groups to ensure clarity, sustainability and effectiveness. Some willing participants might elect to go to joint focus groups. Should various theme-based focus groups be organised, they could also elect to participate to one focus group and not the other, where other participants could go, as long as representativeness of opinion is maintained.

such places have also come to be referred to as *no man's lands*<sup>9</sup>. The connotation here is even more one of a war zone, a place where no one (i.e.: who does not belong to the acknowledged inhabiting community) can or should be.

In social sciences, one would also find a more symbolic acceptance of the first expression, in terms of *issues* identified as *no go areas*, which would refer to topics that people refuse to talk about for political, religious, cultural and/or other reasons. From our past field experience, such issues could be, for example, health issues considered 'contagious' by welfare workers in school setting - such as self harm, anorexia – who may fear that raising too much awareness among students might prove to be an incitement to experiment among the most vulnerable students. Our plan does not propose to consider this part of the definition, focusing mainly on the geographical meaning of the expressions.

### ***Identification of possible research sites***

In Western countries, identifying no go areas and no man's lands is quite difficult for the researcher, for various social, systemic and ethical reasons<sup>10</sup>. Traditional research so far has been based on empirical experiences in areas that Police do enter and do work in (with varying degrees of success). Presumably, literature from transitional societies would be highly relevant to such a research. However, they are very ethnocentric in nature. Their specificity and the limited adaptability and flexibility they present make it so that they are usually not considered by researchers studying different contexts (Travers, 2002).

### ***A delicate issue from a Police perspective***

Law enforcement and policing in Western countries is a quite advanced field, informed by rigorous research and monitored by Best Practice guidelines and policies. Audits are often conducted in law enforcement related agencies, while bureaucratic components ensure – at least theoretically – rigour and fairness. Despite some areas being openly accepted as no go areas through media coverage, social knowledge and hearsay, it is

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<sup>9</sup> Originally, the expression referred to the ground between trenches where a soldier from either side would be easily targeted.

<sup>10</sup> Because of the social stigma applied to communities when they are labeled a *no go area* or a *no man's land*, I am reluctant to point at some of these places, by way of example. I discuss this matter further in this paper. However, a description of such an area remains possible. They share the same socio-economic characteristics as what is sometimes known as 'inner cities': deprived areas, sometimes ghettos, where people are poorer, less educated, usually living in badly maintained public housing. The area usually suffers from high criminality levels. Considering this description merely fits simple hotspots, we need to add another dimension to make the considered area a no go area or a no man's land. The main difference here is that no go areas or no man's lands are hotspots which have organically reached such a level of deprivation and despair that inhabitants tend to resent government interference or intervention with their daily life activities (they sometimes blame the government for the state of things). Criminal activities have slowly flourished unhindered for various reasons, furthering social disintegration. Law enforcement representatives ended up being pushed away and then were denied access. Therefore, the exact nature and extent of criminal activities (minus exceptional circumstances such as homicides) are hardly known. Fear of crime is usually high, but people have developed mechanisms to try and get on with their every day life, although a feeling of being 'stuck' in a 'no go' (!) situation prevails.

understandable that police officers might be reluctant to point at areas in which their efforts and commitments continually failed and in which relationships have died unhappy deaths. It is perceived, from a police perspective, as a malfunction of a system which went wrong in adapting to the particular circumstances of the environment.

The expressions *no go area* and *no man's land* might be quite uninviting from a law enforcement perspective, especially from rank and file officers, general duties officers and more especially, the officers previously in charge of patrolling these areas. The use of periphrases and questions which describe such places without negatively labelling might be an effective solution to fine tune site selection and bring police on board in the identification process. Descriptions to police can run as follows: 'places where relationships are difficult' followed by 'areas in which tensions prevail', 'areas where the community doesn't seem to get along with police', 'places in which you have problems doing your job because of these tensions', etc. The benefit of this non-obtrusive identification has multiple benefits for the researcher and research participants. It acknowledges the difficulties and every day strain put on police officers in their field work, while insisting on their seemingly willingness to make things better in their allocated area. It also embraces police officers as important participants in the research process and grants them the ability to get the project going by giving them the responsibility to engage in the preselection of sites with the researchers.

Because of this systemic difficulty, a parallel solution comes to mind. It consists in more or less completely removing the police from the initial stages of the research process<sup>11</sup> and turning towards local government, NGOs or local associations instead. All are usually very involved in their community life and when such an area is part of their jurisdiction, energies are often focused at trying to make things better at this location and relationships are sometimes better than with Police. Direct access to community leaders or prominent figures of the neighbourhood is an appealing idea if the circumstances of the site allow it. It gives some perspective into the 'fissures' within the community and provides a more nuanced understanding of the community, identifying groups who enjoy lesser recognition and therefore can be granted further participation than usual. The question of accessing sites and communities is a delicate one. It thoroughly depends on site selection and the means provided by the research. We address this point further in the paper. Approaching carefully chosen 'induction persons' in the very first stages of the process would not only help the researcher identify research sites, but may also more easily open gateways to contacting prominent community members who can in turn identify other community members to set off the research process. Once again, making the community the hub of the research is an instrumental point for action research projects investigating community policing issues. The involvement of law enforcement agencies can then be determined during consultation with councils and after negotiation with communities<sup>12</sup>.

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<sup>11</sup> Because of the pre-existing tensions between police and the community.

<sup>12</sup> The question of whether to remove the police entirely or just initially from the research process is an issue to be thoroughly questioned in the early stages of the research. We have to take into account that no go areas and no man's lands are most identified as such in a law enforcement context, which is therefore hard to set aside for research purposes. At some point and in some way, Police will need to be part of the action research project being discussed and the researcher is – arguably – ethically obliged to make

### *Social and ethical reasons*

Although no man's lands and no go areas already suffer negative stereotypes from the rest of society (otherwise they would not be defined and recognised as such), these human groupings still function according to their own structures, codes of conduct and deeply entrenched concepts of friendship and loyalties. Dependence on local capacities (for lack of better options and rejection of formal social control) is at its highest and a semblance of informal protocols still prevails (Shearing et al., op.cit.). These common customs and mechanisms are the very threads used to weave a social identity which is often strongly relied on by community members<sup>13</sup>.

According to the *National Statement on Ethical Conduct in Research Involving Humans*, site selection and research organized in specific collectivities needs to be carefully undertaken in order to avoid further stigmatization and marginalization (NHMRC, 2001). It is one of the duties of the researcher to ensure that the research collectivities do not suffer any more harm throughout the research process, according to her 'obligations to maximise possible benefits and minimise possible harms' (*ibid.*; Noaks and Wincup, 2004). Instead of creating more prejudice and reinforcing stereotypes by focusing such a project on negative conceptions of the place, both the design and implementation of the research should take into account the constructive aspects of these communities (Akers and Sellers, 2004) and insist on the existence of informal mechanisms of community cohesion and their necessary incorporation in the research process. The acknowledgement of such positiveness helps counterbalance any potential harm to the community with the use of a single focused research strategy based on the identification of research sites through finger pointing and marginalisation.

It is important to state, at this stage of the paper, that if this research project wants to adopt a theoretical orientation, it would be a strength based approach that builds research on positive attributes of the researched object. Negative aspects of these communities are not negated, as they are the very reason why the research takes place. They are rather put aside to leave space for a more constructive perspective. The metaphors of *no go area* and *no man's land* are heavily charged with negative symbols and dual *us vs. them* components. We feel that persisting in the metaphor would only feed the 'trenches discourse' even more so that it will serve neither the research nor the community and might even be counter-productive. Therefore, the lead researcher has a moral obligation to ensure a certain vocabulary is avoided and that other researchers are competent in

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involvement in the research project as 'palatable' as possible for the police, as without them, the project will lose some validity. The community might be given the opportunity to invite the police themselves, at a later stage of the focus group process, when they feel comfortable doing so.

<sup>13</sup> Depending on the community, coherence can vary and these 'structural dependency mechanisms', as we would like to call them, can be very thin. When such fragility is observed, an extensive exploratory and ethnographic observation of the community will have to take place in order for the researcher to pinpoint the strengths of the community and its weaknesses.

alternative acceptable semantics. The evaluation tools of the research will be monitoring that this type of vocabulary is avoided at all times<sup>14</sup>.

The question of the role of the researcher and her moral obligations is raised, at this stage of the paper. With the research participants at the core of the study and the generic obligations of the researcher to ensure harm is avoided, what specific obligations might she have? What will her responsibilities and concerns be? Throughout the process, the responsibilities of the researcher are three-fold: she will have to ensure the smoothness of the research, act as an information catalyst and as a consensus facilitator.

### ***The role and responsibilities of the researcher during the project***

While tensions between stakeholders and bi-partisan issues might skyrocket throughout the process, the researcher will have to ensure that all the needs of safety, wellbeing, confidentiality and anonymity along with data collection are met. It implies that she will have the responsibility to ensure that all methods discussed below are not only explained in plain language and extensive details to all stakeholders, but also enforced throughout the process. Also, the smoother the process, the less likely any inadvertent harm will come to the participants.

The researcher has to ensure an ongoing flow of information between all parties. At the very early stages and even prior to initiating focus groups, she will make a duty of informing participants that the normal course of the research process will systematically, confidentially and faithfully report discussion contents to other research stakeholders. Absolute transparency is a necessary tool in this research, as it not only helps build trust, but also guarantees rigorous research methods<sup>15</sup>. Feedback has to be ongoing and will be used to build on co-productive mechanisms and indirect exchange of ideas and perceptions. Once this common ground has been found, it will be her responsibility to make arrangements for parties to meet on neutral terms to start a more direct process of discussion.

Once all parties have come to the same table and are ready to look for consensual responses and practices, the researcher will have to facilitate negotiation. She will need to be skilled in conference facilitation or dispute-resolution mediation, or employ someone with these skills. It has to be very clear for all that she, under no circumstance, should make suggestions as to possible ways and means to reach consensual decisions and solutions. Best practices in these areas will have to come from bottom up processes and will not be sustainable if they are not initiated by participants themselves. Various facilitation techniques may be brought forward to facilitate the negotiation process. Because members of the joint focus group might not see eye to eye, discussion techniques such as photovoice and tokenism can be mixed together to assist in the search for a consensus (Minkler, op.cit.) and to establish focus groups as safe places for

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<sup>14</sup> Along the same lines, some restorative justice practices refuse the use of a certain type of vocabulary, such as *victim* or *offender*.

<sup>15</sup> We are aware that there seems to be some competing ethical issues here: how can the researcher ensure confidentiality to X, if she also needs to guarantee 'absolute transparency'. We address the ideas of anonymity, disclosure and generality of statements later in our argument.

expression. According to regular focus group facilitation techniques, the researcher must be careful to give equal opportunity for people to speak and guarantee that everyone has a right to express themselves, and make sure that transparency is maintained (see, for example, Marshall and Rossman, 1999).

### ***DESIGNING A RESEARCH PROJECT IN NO GO AREAS: ADDRESSING ETHICAL CONCERNS***

The research participants who constitute the hub of such an action research project are the community, followed by councils and law enforcement agencies. Because of bipartisan representations of the other and because of tense relationships between all parties, it is necessary to run multiple separate focus groups before considering bringing parties together around the same table. During this initial data gathering stage, it seems essential that various ethical issues are addressed: confidentiality, anonymity, informed consent v. covert research, trust and relationship building, mandatory reporting and ensuring the safety of both research participants and researchers. These are all general issues associated with conducting ethical research; however, we are particularly interested in how these issues play out in a no man's land or no go area context.

#### ***Informed consent v. covert research: building responsible research on trust***

While we acknowledge that covert research may sometimes be appropriate, we strongly believe that covert research in this particular context would be an inappropriate choice. Because the relationships between stakeholders are tense and because distrust and anger prevail, the researchers should ensure the absolute transparency of the research project (finding ways to co-produce security and restore order in the community), aims (the negotiation of a flexible model to redefine and restore order in difficult neighbourhoods), processes (confidential and anonymous focus groups with all parties) and data treatment (designing a comprehensive flexible model to be used by the community and other community stakeholders and dissemination by researchers in academic publications). Moreover, due to the very setting in which these research projects would take place, choosing covert research, besides being ill-advised, could prove quite problematic and dangerous for the researchers (especially in case of inadvertent disclosure), although some of our colleagues raised an interest in doing so.

From our past experience in South Africa, while mistrust is the first reaction of research participants, a phenomenological approach<sup>16</sup> and an absolute honesty guarantees many successes in the first steps of community consultation (see for example, Finlay, 2002). Constant honesty as to what the research process is and what its outcomes should ideally be is instrumental in guaranteeing participation. It builds a relationship based on the acknowledgement that the capacities and knowledge of the research participants is an essential (if not the one and only) information resource at the heart of the research. While also establishing the researcher as a neutral party, it openly reveals research participants as key stakeholders of the research, providing them with a sense of importance until then

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<sup>16</sup> We briefly mean by 'phenomenological approach' the essential understanding of the community and other stakeholders in their context through empirical observation.

not known to them, because of their status in society. As a secondary consequence of this trust production, once the first contacts with community members have been initiated and, through a snowball effect<sup>17</sup>, more participants could be identified and brought on board.

The question of how to ensure the success of such an initiative needs to be raised here. It is one of the researcher's responsibilities to minimise the chances of the project not being a success. The harm a failure would produce in these particular site circumstances would be devastating for the community. But what if the community doesn't want to participate? What if no consensus is reached during focus groups? Our personal experience with vulnerable populations in South Africa and North America and academic research (see, for example, Weisburd and Bragga, 2006), indicates that although it is inevitable that anger, denial and doubt are to be observed amongst community members in problem area settings, it is also often clear that a feeling of restlessness is felt by both the community and government stakeholders. Therefore, experience suggests that participation usually occurs despite initial reservation. All parties would express a common sense of struggle as to *how to make things better around the place* and both would feel the need that *something needs to be done* (Bartkowiak, op.cit). This constitutes an instrumental common ground for the research to start to run semi-directive dialogue, using this acknowledgement as a spring board for questions such as 'what do you think should be done and why?', 'how do you think these things should be done and why?', 'with whom?', etc. It is hence the duty of the facilitator and researcher to analyse and focus the discussion on similar issues raised in separate groupings.

### ***Guaranteeing confidentiality***

Confidentiality and anonymity are widely acknowledged as important in qualitative research. Due to the very nature of the selected sites, while potentially raising problems in relation to police<sup>18</sup>, they become essential ingredients (Drury and Stott, 2001; Israel, op.cit.) in the unfolding of our research process. It is even more important to make it clear to participants that what is said in focus groups shall remain at all times in focus groups. It provides a sense of security for participants who will feel more at ease talking about sensitive issues and feel able to dig deeper in the identification of problems in their communities, their root causes and consequences (Shearing et al, op.cit; Bartkowiak-Théron and Marks, 2006). Although this is a generic research issue, we yet again have to refocus such a consideration in the specific context of no go areas and no man's lands. Confidentiality in such areas takes an amplified dimension should these communities be reluctant to reveal their concerns for fear of being even more targeted by law enforcement agencies or even more stigmatised and marginalised.

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<sup>17</sup> Sullivan et al. (2001) highlight the benefits of what they call 'snowball sampling' in research experiences focusing on community-based projects. Although the issue of snowball sampling is being debated in some academic circles (Israel, op.cit., 26), the very nature of the research, the sensitivity of issues and the lack of knowledge of the areas by researchers and other stakeholders, the method seems to present a good stepping stone for community involvement. It was also proven to be effective in social research of deviance (ibid.).

<sup>18</sup> This is discussed further in this paper.

As per standard ethics requirements for qualitative research, we also suggest that all data remain *potentially identifiable* or *de-identified* (NHMRC, op.cit.). By removing identifiers, totally or partially, the researcher will ensure a continuous flow of information from the participants. A variety of techniques (Lowman and Palys, 2001) can be used to sever identifying information. Those researched will not feel the threat of being reported, as identification will be rendered either impossible or very difficult.

Of course, given these constraints, there is therefore the question of how participants will be called on to participate in focus groups and will learn of the dates, places and times of meetings. The researcher will ensure that participants can be invited to meetings by one main (*identified*) contact she will have in the community. Research practice usually suggests using prominent figures in the community to facilitate the processes, such as Elders in the case of a work set in an Aboriginal setting.

### ***Mandatory reporting... or not?***

What we think is the main concern in such a project is the disclosure of criminal activities, which, we can safely assume, will extensively happen. Because the research sites are no go areas or man's lands, police have little or no knowledge of the regular criminal activities (minus extreme situations) that take place. Such a project has the potential to uncover multiple incidents of crime and even identify more or less structured crime organisations. In some instances, law enforcement agencies could argue that dealing with such issues is part of their order management duties and would therefore ask the researcher to report any criminal activity she gets knowledge of. Furthermore, there are cases that presumably and notwithstanding discretion, can't or shouldn't be ignored (as an extreme example: child abuse as opposed to minor shoplifting).

There has been cases in North America and the United Kingdom where subpoena was issued for the production to a court of data about offences that were disclosed during research (Israel, op.cit.). Despite the fact that no researcher in Australia has ever been issued with a subpoena covering research data, the nature of the site investigated here raises the question of whether confidentiality clauses should be limited. The *New South Wales Crimes Act 1900* (s136) states that it is an offence to conceal serious indictable offence

if a person has committed a serious indictable offence and another person who knows (...) that the offence has been committed and that he or she has information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority (...).

Considering it also states (s136(4)) that

a prosecution is not commenced against a person (...) without the approval of the Attorney General if the knowledge or belief that the offence was committed was formed or the information referred to in the subsection was obtained by the person in the course of practising or following a profession, calling or vocation (...),

we are quite aware that extensive negotiations will need to happen between the research team and the New South Wales Attorney General prior to the draft of any ethics application. Some limits might be imposed from the start by law enforcement agencies and ethics boards, and the draft of the research plan will have to take those into account. It is ethically important that the researcher does not make commitments that she might not be able to honour in the long run<sup>19</sup>. However, cases in North America have been successful in defending and protecting information privileges between researchers and researched, on the basis that

the information had been obtained in confidence, confidentiality was essential to the research relationship, that the research was socially valuable and that the harm of breaching confidentiality outweighed the benefit gained by disclosure (the Wigmore test<sup>20</sup>). (Israel, op.cit, 21).

That said, we are of the opinion that reporting in the case of this research would completely destroy the researcher's role of neutrality and would make the research project tumble down. This in itself presents one of the most ethical challenges of this project.

We would like to suggest what we think could be an elegant answer to this issue, and one that could actually be the main overarching point of the research design. We would like to advance the idea that instead of considering this problem as the main ethical issue in this project, researchers should establish this not *anymore* as an ethical issue *but as a research question*. What do we mean by this? This research needs to establish some common grounds for police and the community to start establishing bridges that will be used to find even more common grounds and consensus as to what should be done, on what subject and how. We remind the reader that there is already an established consensus that *something* needs to be done.

On the assumption that disclosure is inevitable because of the very nature of the research sites, and that consensus has to be found as to how to start restoring order and *re-co-producing security*<sup>21</sup>, researchers should establish that the core focus of this research is to establish some common grounds *through* the disclosure of problem issues (criminal activities) by the community. Therefore and bluntly put, disclosure of some sorts *is exactly what this research is looking for*.

Our thinking strategy here is that if communities openly reveal the issue as a problem that needs to be worked on (knowing about the absolute transparency principle it has been made aware of prior to the start of focus groups), then this issue should be brought

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<sup>19</sup> In the United States, *Certificates of Confidentiality* were obtained from the National Institute of Mental Health for sensitive research possibly involving disclosure of criminal activities.

<sup>20</sup> See also Lowman and Palys, op.cit. The Wigmore test was proven an appropriate measure for adjudicating researcher-researched privilege in foreseeing and addressing evidentiary concerns.

<sup>21</sup> We assume that in no go areas and no man's lands, the issue is not that *there is no order* but that *there is no order any more* (Wilson and Kelling, op.cit.). We think co-production of community policing mechanisms has been lost along the way, for various reasons, and NOT that it never existed in these areas in the first place. Therefore, the focus is not about co-producing brand new mechanisms from scratch, but rediscovering mechanisms and agreements based on local capacities, knowledge and a rediscovery of responsibilities.

forward during joint focus groups as one of the main things upon which to start brainstorming. People participating to the discussion will also be made aware that as an option, they may disclose generic issues without focusing on particular crimes by particular people. In this context, 'mandatory reporting'<sup>22</sup>, therefore happens *during* the focus groups and the constant flow of anonymous information between parties can occur not only without the threat of a police obligation to react when knowledge is gained, but also with the prospect that these are the very grounds for strategically planning consensual practices that aim at proactively restoring order in the community.

Guaranteeing anonymity (see previous point) also presents the benefit of rendering the researcher unable to report who committed the crime and the practical circumstances of this crime. Research participants will be informed of this, which, in our opinion, furthers the relationships and bridges the gap between researchers and researched and confirms the position of the researcher as one of neutrality.

### ***Ensuring the safety of participants and maintaining coherent research standards***

While informally discussing protocols with colleagues, the conversation inevitably took the direction of the risks such a research project poses for researchers in the field. These areas can be high criminality areas in which the physical and psychological safety of the researcher could be at stake during focus groups and other field activities. Therefore, it was suggested that an undisclosed in plain clothes police officer, introduced as a simple observer of the research process, should shadow academic researchers at all time in high risk areas.

Even if we are inclined to acknowledge the guarantee of safety this suggestion provides, such a covert component presents several methodological issues for the researcher and the very contents of the research.

The role and behaviour of the researcher have often and still are being questioned in terms of how it could influence the research process and the data gathered (see for example, Marshall and Rossman, 1999; Noaks and Wincup, op.cit.; Drury and Stott, 2001). Neutrality, non judgement and non interference being one of the main pillars of these research projects, we would like to question the influence a police presence (even non threatening and concealed) could have on the researcher herself. We think it could corrupt the relationship between researchers and researched and generally skew the data obtained. The researcher could feel, for example, restrained in the scope of questions she could ask during focus groups, not wanting to risk disclosure of criminal activities in front of police and forcing the police officer to exercise his/her duty of care, etc. It would also completely counteract one of the core research principles explained earlier, which consists in the unveiling of crime issues as possible common grounds for police and

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<sup>22</sup> We would also like to mention the fact that we make provisions for the researcher to exercise her duty of care in the event disclosure happens outside focus group circumstances. In case a research participant divulges a problem directly to the researcher, the latter should quickly inform the former that such an act might lead her to report an incident to the relevant agency. If the participant goes on while aware of this fact, then disclosure should be considered wilful and therefore treated as a cry for help. Normal protocols and referrals should then discretely be initiated.

community to start negotiating mechanisms for the co-production of safety. The other problem we see in this is the potential harm the uncovering (intentional or not) of this person could do to the research, the relationship between the researcher and research participants and also to future efforts aimed at improving situations in such settings. We made a point earlier that such research should rest on one important pillar: trust. We are of the opinion that such a presence would make this pillar very unstable from the onset of the project.

One solution to answer the concerns of research coherence and safety would be to favour the participation of community members as facilitators of research processes and focus groups. From our experience in South Africa and North America, putting a prominent community member in charge of significant parts of the research contributes greatly to the open participation of other community members. After suggestion was made by this facilitator that I could attend some meetings and once invited by other community members to attend focus group as a person interested in their community, I started observing in a passive mode. When people felt more confident they slowly started inviting me further in the conversation, therefore transforming my role from passive to participative observation. This safe, slow and incremental transition presents an interesting perspective into the research. Community members<sup>23</sup> acting as field researchers diminishes ethical concerns of mandatory reporting because of their intrinsic bond with the community. They use local capacities and knowledge an ‘exterior’ researcher wouldn’t be able to activate in discussions, which has the potential to greatly enrich the outcomes of the focus groups and dig deeper into the explanation of problems and exploration of solutions. Also, inviting the academic researcher to participate symbolically represents the first outreach to exterior resources. It presents an opening for more partnerships and displays one’s willingness and capacity to embrace new possibilities and tap into various government and non-government resources.

An ‘outside’ academic researcher pairing up with a prominent community member in the community of the latter does a lot in ensuring the safety of the researcher in these areas, introduces the investigator in a less threatening and stigmatising manner and ensures consistency in research methods – the academic researcher monitors reliability throughout the project. Being a white European female researcher working in a poor black neighbourhood presented quite a few ambient and situational risks (Sampson and Thomas, 2003), as I was considered from the start a representative of the white South African community – as it was later explained to me by community members. Once participants learnt about my French nationality, I was perceived as less of the threat, although problematic power dynamics (Noaks and Wincup, op.cit.) and a certain amount of risks still prevailed. Walking Khayelitsha<sup>24</sup> with a respected member of the community was made a mandatory requirement for me to do field research. It guaranteed my personal safety and gave me access to various ‘institutions’ I couldn’t have visited otherwise. Despite the South African and Australian environments being quite different from each other from various points of view (cultural, historical, political and

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<sup>23</sup> Prior to the start of the research, these community members would be trained in research methods, such as focus group facilitation or note taking, etc.

<sup>24</sup> Khayelitsha is one of Capetown’s biggest poor black neighbourhoods.

economical), we think the first one provides a useful stepping stone as to how logistics in the research could be organised in an Australian no go area context.

### ***Some concluding thoughts***

This paper constitutes the very first steps in the discussion and evaluation of ethical issues that unfold when considering criminological research in no go areas and no man's lands. Its brevity should under no circumstances be understood as an under-evaluation on our part of the methodological and ethical issues to be addressed here. We are aware of other matters that we decided to discard for the purpose of this paper and that would also need further investigation. Among them, one might think of the development of protocols for handling emotional risks and providing clinical support for participants and researchers, the logistics of training community members as facilitators, academic freedom, etc.

Designing such a research project entails an extensive process of negotiations and deliberations between researchers, law enforcement authorities, local government, and communities. Ethical guidelines will have to be extremely precise and as exhaustive as possible to enable the researchers to disentangle conundrums and develop precise standards for responsible research practice. It will have to consider the levels of experience of lead and field researchers in interacting with vulnerable populations, versatility in multiple qualitative methods, therefore making room for possible additional training and systematic briefing/debriefing of the research team. The dynamics of the relationships between research stakeholders will have to be closely monitored and researchers will have to use more than one ounce of tact and patience to re-establish dialogue in no go areas and no man's lands, while ensuring the ongoing feedback and transparency of research outcomes and inputs.

This research project has been a challenge from theoretical and practical perspectives since the very moment it was born. However, we felt it was important to initiate the discussions early as to how such a project should be considered. Besides the obvious progress sociological and criminological research have made, one of the reasons why no man's lands and no go areas haven't been researched yet is that some important and yet less sensitive research has either not been conducted or not conducted well because of ethical 'mishaps'. This paper is the very first step towards ensuring that such accidents do not happen in projects set in communities that have no room left for anymore letdowns.

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