

Critical Prison Research and University Research Ethics Boards: Homogenization of Inquiry and Policing of Carceral Knowledge

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Abstract

This article illustrates how authoritative regulatory practices that research ethics boards may deploy when assessing non-traditional social research may pave the way to a homogenization of inquiry and forms of policing of knowledge. The authors sought institutional ethics clearance from multiple research ethics boards in the case of a critically-oriented participatory action-based study with formerly incarcerated persons in Canada. Evidence is provided from two case studies. Two unexpected challenges were encountered from research ethics board members. The first challenge was related to the board's stereotypical bias about the violent potential of former prisoners (as co-researchers and participants). The second challenge was related to an overly cautious interpretation of federal ethical guidelines leading to the exclusion of Indigenous peoples from the project. Both challenges have in common that they point to research ethics boards' possible role in the policing of knowledge which may jeopardize researchers' ability to engage in critical scholarship.

Key words

Canada; critical research; Indigenous; prison; research ethics

Resumen

El artículo ilustra las prácticas regulatorias autoritarias que los comités de ética en investigación pueden adoptar, y cómo éstas allanan el camino a la homogeneización de las indagaciones y a la vigilancia sobre la producción de conocimiento. Se exhiben pruebas de dos estudios de caso en los cuales los miembros del comité se toparon con situaciones que no esperaban. La primera estaba relacionada con el sesgo típico de los comités sobre el potencial violento de antiguos reclusos, y la segunda, con una

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interpretación excesivamente prudente de directrices éticas federales, lo cual desembocó en la exclusión de personas indígenas del proyecto. Ambas situaciones señalan al posible rol de los comités de ética como vigilantes de la producción de conocimiento, algo que podría poner en peligro la capacidad de los investigadores para realizar una labor académica crítica.

Palabras clave

Canadá; investigación crítica; indígenas; cárcel; ética de la investigación

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1. Introduction

Extant literature has documented the need to challenge institutional ethics review processes and investigate review bodies' role as they grow increasingly bureaucratic and oftentimes risk-averse. In this article, we seek to contribute to this scholarship by offering two case studies drawn from the authors' experiences of challenges encountered in securing ethics clearance from multiple research ethics boards (REBs) in the context of one single critically-oriented qualitative research with formerly incarcerated persons in Canada. As single cases can be telling of larger social processes, our case studies open up a window into the influence of REBs on the possibilities of conducting qualitative and critical prison research set in alternative epistemologies. Both bring to the fore challenges within their real-life context, challenges that have in common that they affect the decision-making process leading, we argue, to forms of homogenization of inquiry. Both also point to REBs' possible influence on the creativity of research, what Bernhard and Young (2009) likened to the policing of knowledge production. As others have before us (e.g. Lincoln and Tierney 2004, Noorani *et al.* 2017), we argue that such processes may jeopardize researchers' ability to engage in critical scholarship, specifically in the field of carceral sociology. What we hope to add to critical prison scholarship is a window into ethics review processes and practices that may reproduce the prison (and incarceration) as a legitimate space and social practice.

Our experience in seeking REB approval from different Canadian universities was characterized by two unanticipated challenges: (1) the alleged assumptions held by the members of one REB – and carried forward by the Chair of the REB in her/his decision letter – about incarcerated people as dangerous and unpredictable, and (2) the forced exclusion of First Nations, Inuit and Métis peoples from portions of the research project. These assumptions about prisoners and exclusionary practices underpinned what turned out to be months of delays in gaining final approval. Such delays are abundantly documented in extant Canadian literature on institutional ethics review processes (e.g. Cummins 2006) as they engender delays in the release of funding. Most importantly, however, these REBs' review process ultimately transformed our methodology as well as some of the methods we had prioritized.

This article begins with a description of the methodological approach of the Prisons Transparency Project that sought to utilize participatory action-based research with formerly incarcerated persons to document conditions of confinement in Canadian prisons and immigration detention centres. It is followed by a description of applicable federal regulations that govern human subject research in Canadian universities and an overview of relevant literature on Canadian REB¹ practices. We then discuss the two case studies and show, via a critical analysis of formal exchanges with two different university REBs (formal letters, emails and verbal negotiations), how their authority altered the methods we prioritized and rendered marginalized populations invisible in portions of the research project. We make the case for a need to turn the gaze upon research ethics boards as research sites in and of themselves as homogenizing and knowledge producing entities in need of critical assessment.

We make no claims to being representative of ethical review experiences in Canada. Although we focus on the workings of two research ethics boards, the issues discussed in this article resonate with challenges encountered and documented in North America and abroad. Lincoln and Tierney (2004) considered several downfalls for qualitative researchers in the field of education as institutional review boards in the USA grapple with unconventional research designs such as analyses of lived experience and meaning-making activities of participants. Noorani *et al.* (2017) showed how, in the United Kingdom, research ethics practices in the social sciences can ultimately alter methods developed by researchers, thereby constricting or

¹ Our aim is not to condemn ethical research to which we adhere entirely on a theoretical, abstract level. Our purpose rests on the critical analysis of REBs as the authoritative arm of an ideal transformed into a regulatory bureaucracy.

reorienting the fields of observation. Louw and Delport (2006) discussed, for their part, the challenges encountered in South Africa where research with human subjects is overseen by a single ethics policy with strong emphasis on traditional research designs, similarly to Canada. Hence, we argue that the processes discussed here have a transferability that may reach beyond the territory within which they were studied.

2. The Tri Council Guidelines on Research with Human Subjects

In Canada, academic researchers who are funded by one of three governing funding bodies (Social Sciences and Humanities Research Council, Canadian Institute for Health Research, and National Science Research Council) must adhere, since 1998, to a single ethics policy; the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Human Subjects* (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada 2014) [hereafter TCPS2].² The TCPS2 sets out three core principles of ethical research with human subjects:

1. Respect for persons: the dual moral obligations to respect autonomy and to protect those with developing, impaired or diminished autonomy.[...] Respecting autonomy means giving due deference to a person's judgment and ensuring that the person is free to choose without interference. (TCPS2, p. 6)
2. Concern for Welfare: researchers (...) are to provide participants with enough information to be able to adequately assess risks and potential benefits associated with their participation in the research. To do so, researchers and REBs must ensure that participants are not exposed to unnecessary risks. Researchers and REBs must attempt to minimize the risks associated with answering any given research question. They should attempt to achieve the most favourable balance of risks and potential benefits in a research proposal. (TCPS2, p. 8)
3. Just research: The obligation of researchers to treat people fairly and equitably, with respect and concern. (TCPS2, p. 8)

These core principles require researchers to use or develop methodologies that include risk mitigation strategies relevant to the level of vulnerability of the participant to protect against various harms (physical, emotional, social, psychological, and financial). The TCPS2 sets out that "[v]ulnerability is often caused by [a participant's] limited decision-making capacity, or limited access to social goods, such as rights, opportunities and power. People or groups whose circumstances cause them to be vulnerable or marginalized [of whom the TCPS2 references children and prisoners] may need to be afforded special attention in order to be treated justly in research" (TCPS2, p. 8).

On a related issue, the TCPS2 devotes an entire chapter on *Research involving the First Nations, Inuit and Métis peoples of Canada*. Specifically, chapter nine of the TCPS2 states, among other things, that:

Where the research is likely to affect the welfare of an Aboriginal³ community, or communities, to which prospective participants belong, researchers shall seek engagement with the relevant community. The conditions under which engagement is required include, but are not limited to:

² The initial TCPS was released in 1998 by the federal government for implementation at all Canadian post-secondary institutions. In the years that followed there was wide agreement that the statement constrained qualitative research and enforced a traditional biomedical paradigm and clinical approach to research (e.g. Louw and Delport 2006, Tilley and Gormley 2007). There was also inattention to the unique ethical requirements for research with First Nations, Métis and Inuit peoples and communities. In 2014, after consultation with researchers in the social sciences and humanities as well as Indigenous leaders, the TCPS2 was released.

³ Over 1.4 million persons self-identify as "Aboriginal" in Canada (4.3% of the total Canadian population) [Statistics Canada 2011]. They are minimally grouped within First Nations, Métis, Inuit and urban aboriginal communities encompassing over 600 different aboriginal nations (Indigenous and Northern Affairs Canada 2017).

- a) Research conducted on First Nations, Inuit or Métis lands;^{5F}
- b) Recruitment criteria that include Aboriginal identity as a factor for the entire study or for a subgroup in the study;
- c) Research that seeks input from participants regarding a community's cultural heritage, artefacts, traditional knowledge or unique characteristics;
- d) Research in which Aboriginal identity or membership in an Aboriginal community is used as a variable for the purpose of analysis of the research data; and
- e) Interpretation of research results that will refer to Aboriginal communities, peoples, language, history or culture. (TCPS2, Chap. 9, Art. 9.1.)

Each university in Canada has an REB that operates in compliance with the TCPS2 on Research with Human Subjects. The TCPS2 sets out the composition and mandate of the REB to ensure compliance with the core principles outlined above. The composition of the REB is to ensure representation from different disciplines (humanities, social sciences, and sciences), as well as faculty members with a variety of research backgrounds. As Article 6.13 of the TCPS2 sets out:

REBs shall function impartially, provide a fair hearing to the researchers involved, and provide reasoned and appropriately documented opinions and decisions. REBs should make their decisions on the ethical acceptability of research in an efficient and timely manner, and shall communicate all approvals and refusals to researchers in writing, in print or by electronic means, in accordance with their procedures.

Guidelines on the composition of REBs insure that their memberships reflect the breadth of expertise and experience required to effect knowledgeable reviews of research proposals. To that effect, REBs should minimally consist of five men and women with relevant expertise in the disciplines and methodologies covered by the board. One member should be conversant in ethics, one in law,⁵ and one should stem from the community and have no affiliation with the university.⁶ Each member shall be appointed to fulfill the requirement of only one of these categories (TCPS2, art. 6.4).

In Canada, REB reviews can take place in two different forums depending on the "level of foreseeable risks to participants" (TCPS2, art. 6.12). The lower levels of conceivable risks may only require a delegated review, while higher levels of anticipated risks demand full board reviews, the latter being "remarkably" rare (Egan *et al.* 2016, 196) although the TCPS2 (p. 79) is clear that full reviews "should be the default requirement for research involving humans". The decisions that stem from such deliberations tend to encompass three largely generic categories: REBs have the authority to approve research proposals as submitted, propose changes be made to the initial proposal or reject the proposed research, the latter being rare in Canada (TCPS2 2014, art. 6.3). REBs also have the authority to request clarifications (van den Hoonaard 2011, Egan *et al.* 2016) or stop ongoing research with human participants (Egan *et al.* 2016). An REB approval is said to guarantee the ethical acceptability of the proposed research (TCPS2, art. 6.3). The TCPS2 includes provisions for reconsiderations of REB decisions (art. 6.18), and for appeals of ethical refusals after reconsiderations (art. 6.19).

⁴ One could argue that a notable portion of the Canadian territory comprises "unceded and unsurrendered" traditional Indigenous territory.

⁵ This is mandatory for biomedical research, and advisable for other areas of research.

⁶ The TCPS2 is unclear as to the expertise required for the community member. Essentially, the TCPS2 (art. 6.4, p. 67) states that "[t]he role of community members on REBs during the ethics review process is unique and at arm's length from the institution. Their primary role is to reflect the perspective of the participant. This is particularly important when participants are vulnerable and/or risks to participants are high."

3. The practices of Research Ethics Boards in Canada

A substantial body of scholarship⁷ has emerged on the bureaucratic functioning of university REBs as seemingly more aligned with institutional risk management concerns than as advocates for academic freedom. Although we do not have insider knowledge of the workings of REBs in Canada, others that do have produced enlightening scholarship in this regard. Drawing on his professional experience as a member of a multidisciplinary REB, Haggerty (2004) documented how interpretations of the magnitude of risk by REBs, combined with the open-ended nature of the TCPS2 formal guidelines, could relinquish the development of important insights into hard to access populations, and may have more to do with “rule fetishization” (Haggerty 2004, 410) and coercive authority than with adopting an ethical conduct in practice. Informed by interviews with REB members as well as her own experience as an REB member, Tilley (2008) discussed how members came to understand their work, and the difficulties of recruiting a mix of REB members that conformed to TCPS2 policy. This difficulty was in part due to growing frustrations among scholars as they perceive REBs to be a form of surveillance and interfering bodies. She also noted REB members’ own admission that they lack sufficient methodological knowledge to adequately review the multifarious applications boards receive, especially multidisciplinary ones. She finally brought to the fore that institutional interpretations of the *Tri-Council policy* fluctuate between universities with little assurance that policy principles are applied as they were envisioned. Also grounding his work on insider knowledge of REB functioning, van den Hoonaard (2011) posited that, in Canada, institutional ethics boards increasingly linked methods to what constitutes ethical conduct in research, thus, they tend to assess methodology along with the ethical framework of research proposals. He also found that the demands of REB workload, scholars’ expectations of timely REB reviews, tended to increase the likelihood that REB discussions followed the preferred or most familiar paradigms of individual REB members.

A growing array of concerns over the impact of Canadian REBs on research-related theoretical or practical issues have been documented (Haggerty 2004, Halse and Honey 2007, Guillemain *et al.* 2012, Palys and Lowman 2014, Egan *et al.* 2016, Palys and MacAlister 2016), several of which have brought to the fore difficult encounters between REBs and researchers engaged in non-traditional research designs. Although the TCPS2 officially recognizes the complexity and nuances of qualitative research that may require culturally specific or processual informed consent, some REBs have erred on the side of institutional liability in cases where law enforcement had sought access to research data (van den Hoonaard 2001, Palys and Lowman 2014). For example, in a former case a university board of governors directed faculty researchers to comply with law enforcement’s subpoena for interview transcripts (Palys and MacAlister 2016).⁸ Many of the solutions to address REB processes (e.g., new policies and greater expertise of board members) preclude an examination of the compliance process itself: interpretation of the core principles of the TCPS2 by REBs, lack of appeal processes for researchers to a third-party outside of the university, and so forth. While these disputes between faculty and REBs have been resolved through legal injunctions and challenges (at no small cost to faculty members), what do we know of the subtle normative challenges to critical scholarship methodologies by REBs that incrementally redraw how critical research is conducted? Guillemain and Gillam (2004, 262) identify the differences between procedural ethics and ethics in practice, with the latter being those “ethically important moments where difficult often subtle and usually unpredictable situations arise in the practice of doing

⁷ A notable portion of the published scholarship with regards to REB procedures and consequences for academics originates in Canada (see, e.g. Bernhard and Young 2009, van den Hoonaard 2011) and in the United States (see, e.g., Cannella and Lincoln 2007, Tapia and Martinez 2017).

⁸ In this case, a provincial superior court ruled that assurances of confidentiality between the participant and researcher were a necessary and privileged form of communication to be protected, and that it is in the public interest to do so (*Parent and Bruckert v The Queen and Luka Rocco Magnotta* 2014).

research". For example, Cross *et al.* (2015), writing about community-based participatory research methodologies, outline the need for REBs to recognize the value of flexible methodological approaches and the centrality of consultation with community partners at each stage of the research process, including instrument design. The authors argue that research participants are inherently vulnerable and in need of protection from the researchers and research outcomes.

Being critical prison researchers, we tend to liken University REBs and prisons. Though seemingly very different, university REBs and prisons can be synergistic in the outcomes of their work through the deployment of discourses of risk. University REBs frame their work as protection of research participants as vulnerable populations whereas prison authorities use a language of *offender* privacy and institutional security to constrain access to prison and to institutional documents for research purposes (e.g. Piché 2012). By doing so, each contributes to the production of certain types of knowledges and not others. What links these two regimes of knowledge production, we believe, are discourses of risk as an *interpretative authority*. By this we suggest that some university REBs, similarly to prison officials, may deploy risk as a rationality, thereby closing the door to certain kinds of research being conducted. Through their institutional authority to assess research proposals, university REBs and prison authorities appear to interpret the level of risk posed by research to either the risk of harm to the research participant and to the liability of the university (in the case of REBs), or to the security or reputation of the correctional institution (in the case of prisons). Whereas this article addresses the documented actions of two university REBs in challenging the methodological approach of critical prison researchers, we suggest there are similarities between universities' REBs and the prison that beg for further inquiry.

Despite extant Canadian scholarship on the workings of REBs, and Tilley's (2016) reflection on prison contexts specifically, we could not locate Canadian or international published research on the impact of research ethics boards, their members, or their practices on critical prison research. This article attempts to connect the two by reflecting on some of the trials that our non-traditional methodology underwent, and with which research ethics boards were confronted. We situate our argument within the various documented challenges that ethical review practices may pose for critically-oriented research.

4. The Prisons Transparency Project

The research team for this project was comprised of six Canadian scholars with expertise in Carceral Sociology from six different universities. The research project is a government funded⁹ multi-year study of the experience of prison and detention, and draws upon research methodologies that recognize that producing knowledge from the viewpoint of the researcher is not a guarantee of academic rigour or objectivity. Thus, the team prioritized a participatory action research methodology (PAR) that adopts a partnership approach to research; involving, community organization representatives, as well as community members (in this case, former prisoners).¹⁰ These partners are involved in all aspects of the research process; they contribute expertise and share decision making and ownership. PAR is a long established social science methodology used in the health and education fields (Olshansky *et al.* 2005, Wexler 2006). The aim of PAR is the "production of useful knowledge aimed at the mobilizing change that improves social systems and enables oppressed peoples to improve their lives" (Khanlou and Peter 2005, p. 2335). A key

⁹ Research grant 890-2014-0034 from the Social Sciences and Humanities Council of Canada.

¹⁰ The term "former prisoner" is used in accordance with the preferences expressed by some of our co-researchers who have themselves experienced incarceration. Although this term is often construed as a negative master status, the term is favored nonetheless because it is resistance-laden. On the one hand, "former prisoner" compels the acknowledgment of a unique, invaluable experiential expertise. It also compels, on the other hand, the acknowledgment of the human resilience, capacities, and dignity required along the arduous path toward community re-settlement.

feature of a PAR methodology is the negotiated approach to determining the appropriateness and relevance of the research process to the participants:

Ultimately, participatory research is about respecting and understanding the people with and for whom researchers work. It is about developing a realization that local people are knowledgeable and that they, together with researchers, can work toward analyses and solutions. It involves recognizing the rights of those whom research concerns, enabling people to set their own agenda for research and development and so giving them ownership over the process. (Cornwall and Jewkes 1995, cited in Khanlou and Peter 2005, p. 2337)

Our project set out with four aims: to develop a PAR approach with formerly incarcerated persons so as to tell stories of incarceration from the ground up; to provide skill transfer opportunities to a few former prisoners in the community; to begin the process of establishing a national critical prison scholarship network; and to systematically capture evidence of the conditions of confinement and prisoner treatment inside provincial jails/prisons, federal penitentiaries, and immigration holding centres in Canada.

In this line of thought, the staggering rate of over-incarceration of First Nations, Métis and Inuit peoples in Canada – as in most colonizing countries – could not be overlooked. Although Indigenous peoples represent approximately 4% of the overall Canadian population, recent prison population data shows that they comprise 25% of the federal prison population while Indigenous adults represent 25% of provincial/territorial prisoner populations (OCI of Canada 2015, Reitano 2016). For their part, Indigenous women are the fastest growing proportion of the prisoners in Canada, representing 36% of federally sentenced women (Correctional Service Canada 2017). In this context, critical prison research must attend to the conditions of confinement as they are experienced by incarcerated men and women of Indigenous descent.

A key aspect of the project's methodological approach is the appointment of a steering committee of ten community partners comprising various representatives of prisoner advocates organizations, civil liberty specialists, and anti-immigration detention activists from across Canada. The role of the steering committee is to co-construct with the academic team of researchers the priority areas of concern and the kind of data needed to improve their own capacity to advocate for prisoners or legally challenge prisoner treatment. The project also called for the steering committee to recommend six "experts-by-experience",¹¹ that is six persons with lived experience of incarceration in Canada, to act as co-creators of the interview guide, consultants on the coding of interviews, co-analysts of transcripts and co-authors of research results. As our PAR methodology set out to provide research skill transfer opportunities to experts-by-experience, the six of them were collaborate also in the co-facilitation of focus groups with other former prisoners and service providers, and to assist in the interviewing of other former prisoners. Although none of the co-investigators were of Indigenous ancestry, our initial PAR methodology called for partnerships with Indigenous community organizations and formerly incarcerated First Nations, Métis and Inuit men and women. We ensured a community partnership with Indigenous legal service specialists and planned for involvement of Elders drawn from local Indigenous communities to provide appropriate support during focus groups and interviews. As our PAR methodology planned for research skills transfer opportunities, we also sought and obtained the involvement of one graduate student as well as two experts-by-experience of Indigenous ancestry.

¹¹ The expression was coined in studies on mental health services in which mental health service users/consumers came to see themselves as experts-by-experience in mental health. Studies in this area were aimed at outlining these experts' abilities and techniques as they developed social and political capital and became authorities in their own right (Bolam *et al.* 2010) while others highlighted their broader and unconventional ways of understanding "madness" (Noorani 2013). In a similar way, persons with lived experience of incarceration are expert users of prison services.

At the outset, the research project was organized into two stages: community forums in four city locations hosted by steering committee members and involving (1) service providers that support prisoners and (2) former prisoners/detainees for the purposes of recruiting former prisoners/detainees for individual interviews, as well as to generate feedback as to the types of questions and areas of concern that needed to be addressed in the interview guide. Following these community forums, we expected to complete approximately 40 interviews in each site ($n=160$). Upon consultation with steering committee members, however, it was decided that larger community forums might not be an appropriate space for former prisoners to publically speak out about their experiences. The methods were modified to host much smaller focus groups with former prisoners/detainees to ensure the availability of appropriate supports for participants, if need be (e.g., crisis counselor or indigenous Elder). In-depth individual interviews were also planned with former prisoners about their specific experiences of incarceration. As a result of a negotiated approach with community partners, some of our methods were altered to better protect the vulnerability of former prisoners when speaking of their experiences. After these modifications were made (i.e. community forums with service providers; small focus groups with former prisoners; in-depth individual interviews), each of the six academic researchers involved in our externally funded research partnership was required, under the terms of TCPS2, to seek independent approval from their institutional REB *after* the Primary Investigator had received an ethics approval certificate from University *D*. In total, ethics approvals were required from six different universities.¹² Although ethics approval proved lengthier in University *D*, it essentially required minimal adjustments in Universities *A*, *B*, and *F*.

5. Case study #1: REB and Interpretative Authority: 'How do we really know...'

The two challenges discussed in this article were encountered during the ethics review process at Universities *D* and *E*. For its part, University *D* required the completion of a 26-page form fillable ethics application be submitted to the REB. The application form is organized around six themes: a project snapshot and description of research team members; proposed methodology; informed consent protocols; data collection with a focus on magnitude of harm to the participants; and data storage and analysis. In total, there are 14 questions allocated to potential risks of recruitment to the participants, the nature of interactions between participants and researchers, criteria for participant inclusion and exclusion, and identification of participant vulnerabilities. The REB review process at University *D* requires the research proposal to be submitted to the Compliance Office, before being reviewed by the REB members who then request revisions to the proposal. It is the Chair of the REB that issues a "decision on clearance" pending a full REB review and completion of requested revisions. Following the submission of the research proposal for this project, the Board's list of required revisions was communicated to the principle investigator via email by the Compliance Office. In what follows, we present excerpts from the research ethics application for this project with regards to the participants and risk mitigating strategies. We then discuss the revisions requested via email from the Compliance Office on behalf of the REB Chair. The content of these emails is suggestive of troubling interpretive authority with regards to the policing of knowledge by an REB.

In the lengthy text of our REB submission to University *D*, we describe the participants in the following manner:

Former prisoners, as well as immigration detainees, often struggle with substance use problems, mental illness, and general difficulties re-entering into the community (...). Participants will also likely be under sentence (probation, parole) or on immigration bail in the community with conditions of house arrest and curfews,

¹² This opened the door to multiple localized interpretations of TCPS2 guidelines.

making participation difficult. Other issues to be considered are the risks to the participants for speaking out about mistreatment by prison/detention staff, the potential for backlash if s/he returns to custody, as well as difficulty experienced when recounting upsetting events while incarcerated.

As per the TCPS2, former prisoners are indeed *at risk* for speaking out about their mistreatment and any potential for backlash if they are returned to custody. As researchers, we understand our responsibility to treat former prisoners respectfully and as partners in the research process. Therefore, our concerns are to mitigate these risks by ensuring that no questions are asked regarding participants' criminal offence records, only those about their experiences of incarceration, and that participants' rights to decide what they wish to share in the context of a small focus group are protected. We also planned an information session with potential participants to explain the purpose of the research and answer questions, and developed an accessible informed consent form. Other risk mitigation strategies were to include running the focus groups in community agency locations familiar to the participants. Our intention was to provide our participants with access to staff trained in supportive counselling. We recognized that focus groups could offer peer support to participants based on shared lived experiences of confinement and of the stressors of re-entry.

Although extant literature recognizes that research participants are inherently vulnerable and in need of protection *from* researchers and research outcomes (Cross *et al.* 2015), our experience, however, shows how one REB seemed to reverse this ontological logic and viewed the participants of the [name of research project] – men and women with lived experience of prison – as potential risks to other participants. For instance, in response to our submission wherein we describe our participants as vulnerable, University D's REB issued the following email to the principle investigator (PI):

September 22 2015

(...) it is stated that participants "often struggle with substance use problems, histories of violence, and mental illness". Is there really no danger at all of physical harm when former prisoners interact with each other and the researchers? Do we know anything about the histories of these participants such that we can be relatively sure that physical harm is unlikely?

This text sets out powerful stereotypes and assumptions about the dangerousness of criminalized and incarcerated peoples as "histories of violence" had not been mentioned in the original REB submission. Stereotypical assumptions of dangerousness are also likened to participants' offence histories. Scholarship has yet to empirically document, in any substantial manner, that prisoners and former prisoners pose a risk to researchers engaged in documenting lived experiences of the prison. Nonetheless, to alleviate REB members' concern in this regard, we included in our response a more explicit statement that at no time was offence history to be disclosed or discussed during any of the focus group sessions.¹³

As a further iteration of such value-laden ontological posture, REB members also suggested in their email that experts-by-experience are potentially untrustworthy and sought assurances that the researchers had appropriately addressed this risk in a manner that was in addition to the inclusion of a confidentiality agreement for all affiliated with the project. The REB insisted that the researchers "provide evidence that the Research Assistants [experts-by-experience] can be trusted to maintain confidentiality. In reality we could worry about that with any RAs". We believe the REB's interrogation about RA confidentiality in general is a sound ethical concern, especially in light of the fact that, in Canada, an RA's breach of confidentiality was responsible for two researchers being subpoenaed by police to provide access to interview transcripts (Palys and MacAlister 2016). What we question here, however,

¹³ This is addressed further below.

is the apparent association between confidentiality and a presumption of persons who have experienced imprisonment as untrustworthy. Our response to the REB was again countered with a request for more detailed explanations that hinged on the risks of the participants to the researchers, as well as to the other participants:

November 6 2015

1. The board would like more elaboration on the support available. Please provide a more detailed answer to: how will you ensure that RA's are actually able to provide support to all respondents (even if they're from a stigmatized group, such as sex offenders or incarcerated former police officers)
2. The board would like more on the risks. Please provide a more detailed answer to the question: it is stated that Stage 2 participants "often struggle with substance use problems, histories of violence, and mental illness". Is there really no danger at all of physical harm (as stated in 5J) when former prisoners interact with each other and the researchers? Do we know anything about the histories of these Stage 2 participants such that we can be relatively sure that physical harm is unlikely?

In our view, a narrative of mistrust borders the logic of the REB texts and operates as a form of interpretative authority, reframing the participants and experts-by-experience as risky rather than at-risk subjects. The authority of the REB, as expressed through emails that queried the trustworthiness of former prisoners, required detailed explanations for our methodological choices, specifically the use of focus groups with former prisoners. The discourse of risk operates here through the localized processes of email communications, revealing the decision-making practices of the REB. The textual exchanges (emails) between the REB and the academic researcher operate as sites of power that ended up re-shaping the research method of focus groups through a discursive frame of risk mitigation. These emails also represent an act of sense making or sense-giving (Taylor and Robichaud 2004) in that members of the REB invoke understandings and prior knowledge of criminalized and incarcerated peoples that may or may not be rooted in empirical research. Consequently, focus group settings that bring several former prisoners into close proximity with one another was challenged by the REB at University *D*, and approval of the project was again withheld pending a response from the principal investigator.

For those who have worked with qualitative methodologies, focus groups have been a practice of data collection for quite some time in the social sciences. David Morgan (1995, 1997) has provided significant scholarship on focus groups. Tracing the surge of scholarly interest for focus groups back to the mid-1980s, Morgan establishes that they are used in multifarious fields, and that they are mostly paired with in-depth interviews as the latter provide greater depth into lived experiences while focus groups insure greater breadth of such experiences (Morgan 1996). Kamberelis and Dimitriadis (2011) make a strong case for focus groups' multifunctionality, as having pedagogic (e.g. through collective engagement), political (e.g. through activism) and research functions. Focus groups are said to contribute to generating "rich, complex, nuanced, and even contradictory accounts of how people ascribe meaning to and interpret their lived experience with an eye toward how these accounts might be used to affect social policy and social change" (Kamberelis and Dimitriadis 2011, p. 546). Despite providing invaluable insights into complex behaviors/motivations or into individual or collective impacts of structural/organizational processes, focus groups also have weaknesses. Confidentiality issues were thus addressed, in our study, through the informed consent process where, in keeping with the TCPS2, participants are free to decide what they do or do not share in the focus groups. Our risk mitigation strategy was developed accordingly and included hosting an information session with the participants where they are provided with direct and concise information about the focus group process and an invitation to ask questions before they made the decision to participate. Our strategy clearly stated that only information regarding the conditions of their confinement would be discussed, and at no time would offence histories be asked for or considered as a part of the focus group. As critical prison scholars are aware that certain types of crime may not be

well regarded by prisoners, such as crimes against women and children, this was thought to mitigate the concern about unsuitable topics. By not being asked about their offence history in focus groups, participants could then avoid undue risk to themselves and have the liberty to expand on their common experiences of prison. Finally, participants who were unwilling to participate in a focus group for concerns of confidentiality could instead participate in an individual interview if they so desired. While our primary concern for the welfare of the participants was with regards to the potential risk to them when disclosing information of their mistreatment while incarcerated if they should be returned to custody, we also viewed the participants as capable of developing supportive relationships and social networks. The national funding agency approved of our mitigation strategy and funded the project.

For its part, the REB of University *D* instead reframed the issue of participant vulnerability to that of inherent dangerousness or untrustworthiness. Conversely, REB members did not identify, in their text, the community forums with community organizations as places where participants could not be trusted or were at risk of disclosing information, nor that some of the service providers themselves could be persons with histories of incarceration. The textual narrative of this REB's response positioned former prisoners as potentially violent as participants, and untrustworthy as experts-by-experience. This textual framing of their questioning of focus groups with particular marginalized sub-groups goes not only against Morgan's (1996) and others' rendering of focus groups, it also goes against the nature of PAR methodology. It also suggests REB members of University *D* as positioning themselves, epistemologically speaking, as in favor of particular paradigmatic frameworks and methodologies – which is contrary to the role of an REB.

The response of the research team to these requested revisions was an attempt to retain the focus group method through a series of modifications. These included (a) a configuration of gender-specific focus groups (to address stated REB concerns of pre-supposed gender-based violence between men and women), and (b) a provision for more elaborate training and supervision of research assistants and experts-by-experience. We also explained, in our re-submission to the REB at University *D*, that former prisoners often interact with each other in various social settings such as social service agency offices or community programs as part of their post-incarceration re-entry and that violence is rarely an issue. We find it striking how the REB not only constituted the former prisoner as risky and potentially violent, but also maintained them within the confines of the stereotyped, disenfranchised, and seemingly everlasting, master status of the *criminal*, despite being released from custody mostly on meritorious grounds. We also reiterated the importance of focus groups to the overall methodological goal of the project to work collaboratively with a marginalized community, and that the development of a PAR methodology with former prisoners is one of the key deliverables of the externally funded project. These revisions did not seem to assuage the REB's concerns as members reiterated their apprehensions for the potential risk for violence posed by the participants, and the capacity of the experts-by-experience to manage what was seen as a real risk for harm. In their follow up email to us after our re-submission, they stated:

November 6 2015

The board would like more elaboration on the support available. Please provide a more detailed answer to: how will you ensure that RAs are actually able to provide support to all respondents (even if they're from a stigmatized group, such as sex offenders or incarcerated former police officers).

In the above text, the REB reconstitutes experts-by-experience as entrenched in prisoner subcultures, wherein sex offenders and police officers may be targets of prison violence. Research clearly demonstrates that inmate-perpetrated assaults against vulnerable prisoner groups may be linked to the punitive and hegemonic management practices of prison authorities, themselves a form of institutional violence (e.g., Vacheret and Lemire 2007). Through the text of the email above, the

REB appears to be attending to the core principle of the participant's welfare through a discourse of vulnerability, yet does so by invoking stereotypes of experts-by-experience as capable of predatorial violence and requiring external controls. The email text also references the types of supports needed during focus groups as strategies for the prevention of this violence.

November 6 2015

The board would like more on the risks. Please provide a more detailed answer to the question: it is stated that participants "often struggle with substance use problems, histories of violence, and mental illness". Is there really no danger at all of physical harm when former prisoners interact with each other and the researchers? Do we know anything about the histories of these participants such that we can be relatively sure that physical harm is unlikely?

As evident in the above text, the REB reiterated in November its original view expressed two months earlier (in September 2015) of former prisoners as dangerous, suggesting that the perceived potential for violence by research participants was the overriding concern of the REB at University *D*. In the text above, the REB reframes the former prisoner as not vulnerable due to mental illness, histories of substance abuse or incarceration, but rather as a risk to others, reiterating a long-term mythology about the sub-human nature of those who *end up* in prison.

Despite our concerns over the significant changes to the research method that were being implied by the REB, our methodology was significantly altered, in many ways eliminating the potential for a participatory action-based research approach. In the end, we changed our method to increase the likelihood of securing ethical clearance. We abandoned focus groups with former prisoners to conduct one-on-one interviews¹⁴ because the focus groups were considered too risky by the REB, and we were left without further arguments. In a final attempt to educate the members of the REB, the Principal Investigator enclosed the following text along with the restructured research design:

December 2 2015

We have worked both within and outside institutions with current and former prisoners and have never encountered any threats or dangers working with this population that would be any different from those that could arise working with any other population. Further, in the vast, international network of prison scholars to which we are connected we have never once been made aware of an incident in which a researcher was placed at risk interviewing this population. This lack of danger is also borne out in the literature on research on prisoners where again we find no incidents in over 30 years of study in which a researcher faced any danger. I might remind the ethics board that the interviews will be conducted with the same safety protocols we would use interviewing any population. That is, interviews will always be conducted in non-isolated places (i.e. offices at universities or community service organizations), we will know when interviews are conducted and with whom, researchers will always carry cell phones (...). With all these measures in mind, combined with the history of prison research, I have confidence that there is no particular threat faced by researchers working with this population. I hope this satisfies the Ethics Board's queries. We look forward to moving on with the project.

This move on behalf of an REB to continually challenge the academic team's expertise and capacity to conduct interviews with former prisoners, could be read as compliance with national standards to mitigate risk. However, it strips away the political potential of our research design to build community and capacity amongst former prisoners. Yet, through compliance with bureaucratic rationalities of risk mitigation, decisions by research ethics boards reproduce the prison as an uncontested and necessary space to incapacitate those labeled as dangerous or risky. These texts appear to align University *C*'s REB with the view, mostly held by

¹⁴ The REB did not seem to take issue with immigration detainees. Perhaps they were amalgamated within the broader category of *former prisoners*, or they were not subject to the same risk logics and framing.

correctional authorities, that prisons can be safe and productive spaces, rather than spaces of potential human rights abuses to be documented by critical prison scholars. The REB texts also appear to locate the pains of imprisonment with the choices and attitudes of the prisoners which, again, assumes that prisons, in and of themselves, cannot engender pains.

Apart from this first unexpected interpretative challenge that our community-based participatory research encountered with the REB of University *D*, we were confronted also with a second unanticipated challenge: the disparate interpretation of a very particular subset of research ethics guidelines by the REB of University *E*.

6. Case study #2: The Erasure of Indigenous Peoples from Critical Prison Research

The second case study further illustrates the interpretative authority of one REB as well as the processes of homogenization of inquiry and of knowledge policing. It also exemplifies the variability of this authority from one research site to the next. In contrast to University *D*, University *E* required a faculty researcher in the social sciences to complete an eight-page fillable form. It is organized around eight themes: a description of University *E*'s faculty member(s) responsible for the research; a project snapshot; problematic, aims, and objectives; means of recruitment; forms of consent; data collection strategies; confidentiality measures; and a declaration of conflict of interests. In total, there are 17 questions allocated to the potential risks of recruitment to the participants, the nature of interactions between participants and researchers (e.g., deception, compensation), identification of participant vulnerabilities, disposition of data, and access to personal information by team members.

In research site 4, we were again led to change our methodology so as to exclude Indigenous peoples from our study. Despite being governed by federal regulations of the TCPS2, the relatively narrow interpretation of these regulations by the REB of University *E* left little leeway to the research team, and forced the exclusion of Indigenous men and women. Following the original submission of the proper documentation, the REB proceeded to an in-committee preliminary assessment of the proposal (akin to an expedited review) which led to the co-investigator at University *E* receiving, on 1 April 2016, a request for clarifications letter which queried into the support to be provided should participants be distressed during or following interviews, appropriate wording on consent forms for interviews and focus groups, the anonymization of prisons/penitentiaries/immigration detention centers, and the provision to the REB members of ethics documentation in another language. Among the complementary information requested, there was the following:

The Committee understands that you will favor the recruitment of Aboriginals and of persons of ethnic minorities. The committee wonders whether actions have been taken to contact national aboriginal organizations, the Assembly of First Nations, Métis and Inuit groups targeted in your project to inform them [of the study], and to obtain their collaboration.

Several verbal discussions followed between the co-investigator and the Chair of this REB about the extent to which the REB expected this "collaboration" to be. It rapidly became clear that the research team's formal partnership with one Aboriginal community organization was deemed insufficient and that other approvals were necessary in the perspective of University *E*'s REB. Possible motives behind this particular concern will be discussed below. Specifically, we were invited by the REB to secure approval¹⁵ at least from one Indigenous national organization established in research site 4 in which University *E* is also established. This *sine qua non* requirement was made on the basis that Aboriginal Legal Services of city *B* (our formal research partner based in research site 2) was not representative of

¹⁵ Discussion with the Chair of the REB of University *E* (April 2016).

Indigenous realities of research site 4, and that it was ethically required to “inform” national Indigenous organizations or assemblies in site 4 of our research project, and to “obtain their collaboration”.¹⁶ While this particular request had not been an issue for the REBs of the other five universities involved in the project, it became a major concern for University E.¹⁷ Regional disparities in the interpretation and applications of TCPS2 with regard to research ethics is an indication of the challenges of multi-site research projects such as ours. Surely ethical issues are variable and are linked to time, space, people and circumstances. Focusing on REB members’ own understanding of their work in Canada, Tilley (2008, p. 95) documented that “an institutional interpretation of the TCPS principles is in operation which varies from university to university with no guarantees that TCPS principles are implemented as intended”. Noting that institutional and personal interpretations of the TCPS may extend beyond the original intent of the TCPS, Tilley (2008) explained that individual members’ interest in particular ethics-related areas could attract their attention and influence their review. Along similar lines, van den Hoonaard (2006) points out the great variability between research ethics boards, be it in terms of the fullness of reviews or of what defines risk. He underscores that such variability may well emerge within REBs when a new chair or new members are nominated. Haggerty (2004, p. 409) sums up the interpretive authority of REBs by arguing that “ethical and unethical conduct are contextual and institutionally specific”.

Several individual or institutional motives could partially underlie University E’s REB request to secure approval from national Indigenous organizations. Be it to protect the University from damage, as Lincoln and Tierney (2004) suggest, or to soften and rebalance difficult historical relationships between Indigenous communities and the provincial government where site 4 is located, the end result is that this REB privileged a cautious reading of the TCPS2 guidelines. However, the most likely motive lies in the problematic history between academic researchers and Indigenous communities in Canada (e.g. Janovicek 2006), and in particular in site 4. For decades, most white privileged researchers have come into these communities to conduct research on Indigenous peoples, have appropriated knowledge and artefacts, and have not reciprocated through any form of benefit to the community.¹⁸ As a result of disrespectful scientific conducts and the negative impact of research on First Nations Peoples (Janovicek 2006), communities have learned to distrust scientific research (Wilson 2008) whereby they had little to no control over the data being gathered on them and over findings which often proved detrimental to the communities themselves.

Participatory action research, along with focus groups, are recognized within Indigenous methodologies (Dickson and Green 2001, Denzin *et al.* 2008, Kovach 2009, TCPS2 ch. 9.12) as a valuable conduit for producing knowledge for and by First Nations, Métis or Inuit peoples. In an effort to preserve Indigenous voices and build resistance to dominant colonialist discourses, our original research proposal was designed to establish formal partnerships with Indigenous community organizations, to co-construct data collection tools and data interpretation with them, and to secure the collaboration of experts-by-experience of Indigenous descent. Nevertheless, University E interpreted Chapter 9 of the *Tri Council Policy Statement* on research involving Indigenous persons in a somewhat more conservative manner than did other REBs.

As the project did not solely, nor primarily, focus on First Nations, Inuit or Métis peoples – nor on particular Indigenous communities – we did not consider the project to “affect the welfare” of Indigenous communities in the sense intended in the TCPS2

¹⁶ Formal letter from University E’s REB on the Prisons Transparency Project (#2016-068) [1 April 2016].

¹⁷ Although not the focus of this article, the opposite argument could be made regarding the fact that this has not been an issue with other REBs as three of the four sites had not yet secured local Indigenous collaboration at that particular point.

¹⁸ Personal conversation with renowned local academic expert on Indigenous issues in site 4, March 2016.

(2014). To further clarify its ethical intentions, the TCPS2 provides illustrations of the forms of community engagement that might be appropriate for various types of research. It was believed that the project fit into the following category:

Interviewing a sample of individuals of Aboriginal ancestry across Canada on the impact of a policy on their lives, where the results are not attributable to, or likely to affect, the community or communities with which they may identify (...).

In such cases, the TCPS2 (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada 2014) states that:

First Nations, Inuit and Métis persons, whether or not they identify as members of an Aboriginal community, enjoy freedom of expression as does any citizen. They are free to consent and to participate in research projects that they consider to be of personal or social benefit. If the project is unlikely to affect the welfare of the individuals' communities, local community engagement is not required under this Policy. The necessity or desirability of engaging regional or national representatives of Aboriginal communities in policy research may, however, be determined by other considerations.

While the REBs of the other five universities involved in the project considered that the provisions designed into the project covered adequately the ethical requirements of research involving First Nations, Métis and Inuit peoples, University *E* required additional forms of approval, notably by local, regional, or national representatives of Indigenous communities or political bodies. It was strongly suggested by this REB that we minimally obtain the written support of at least one such organization within research site 4. Discussions with a well-known scholar cumulating over ten years of experience in research by and for First Nations, Métis and Inuit peoples, led to the conclusion that, in this particular research site, approval by regional or provincial representatives was increasingly lengthy and arduous to obtain and that it had to abide by each organization's own ethical guidelines. Hence, an approval dossier would have had to be submitted by the research team to Assembly of First Nations of [name of province] in accordance with its own research protocol which specifies, for example, that ownership and control of the data and publication of the data are to remain in the hands of Indigenous partners or Indigenous national bodies (e.g., Haggerty 2004). Along similar lines, the team would have had to submit another approval dossier to [name of province] Native Women also in accordance with its own research guidelines comprising a series of terms and conditions with which researchers must comply such as the justification that the research must be based on local needs and priorities and that scholars must have experience in Indigenous research.

Moreover, it was also suggested that we seek approval from the political body representing Inuit peoples in research site 4 as it is deemed to be a major landing point of Northern Inuit peoples into provincial prisons. Both the Chair of University *E*'s REB and the expert scholar (who sits on a national committee on Indigenous research) admit to the increasing difficulty in doing research in partnership with Indigenous bodies in the province. The above policies certainly are restrictive and could soon create a situation where less and less data might be available to assist policy development aimed at improvement of conditions within and for Indigenous communities.

Following discussions among the research team, our final response to University *E*'s REB request stated that "no employee of University *E* [would] proceed to interview persons of Indigenous descent at [name of site] or anywhere else in the province of [...]" (response to University *E*'s REB dated 21 April 2016). Our response left open the possibility that non-"employees of University *E*" might conduct the interviews with persons of Indigenous ancestry in the site. Our response was deemed satisfactory to this REB which granted ethical approval shortly afterwards.

It appears that University *E* was content with the exclusion of its own staff from the interviewing process of persons of Indigenous ancestry as our guarantee carried the promise of legal safeguards and shielded University *E* from potential litigation or media scandals, all under the guise of ethical principles. Following Haggerty (2004), we argue that, in the instance related above, the REB at University *E* may have been structuring, through legitimate and transparent channels of reporting, knowledge production and determining which truth telling is allowed and from whom. It is questionable whether this REB's reaction to our planned interviews with Indigenous peoples is the outcome of a narrow reading of the TCPS2 guidelines related to research with Indigenous communities, or whether it is mostly devised as an institutional protection mechanism on the part of a risk-averse university. Regardless, the consequences have been, in this case, the invisibilization – in one entire research site – of the most overrepresented racialized group of prisoners in Canada and the absence of their contribution to the co-construction of documented evidence on conditions of confinement.

Although this REB had been adamant that our research project obtain some Indigenous national approval – which led to the ultimate exclusion of Indigenous peoples from one of the four sites – University *E* did not question our use of focus groups with former prisoners as did the REB at University *D*. Nonetheless, all focus groups with former prisoners were cancelled in all four sites in order to receive REB approval from University *D*. Moreover, the experts-by-experience identified by University *D* as potentially untrustworthy and in need of close supervision to mitigate the risk of their involvement, was not a concern to the REB of University *E*. Although the TCPS2 operational guidelines “are meant to be flexible enough to apply in various contexts, at institutions of various sizes, and to the full range of research disciplines, fields and methodologies” (TCPS2, ch. 6) the strikingly different responses we encountered from two separate REBs highlight the importance of documents – in this case the text of emails crafted by the Chairs of institutional REBs – in altering the nature of nontraditional, qualitative, and/or critical prison research. We argue that, while neither of the two REBs rejected the research proposal, their risk management practices did not foster a negotiated ethics approval. Remaining firm on their respective positions, neither of the two REBs summoned the co-investigators to a full board review (TCPS2, art. 6.13) to explain – or be informed about – the particularities of the PAR methodology, former prisoners' realities, or the increasingly serious difficulties of engaging in ethically approved research with an Indigenous focus.¹⁹

7. Concluding Thoughts

In this article, we have sought to document some unexpected challenges of conducting participatory-action based research with formerly incarcerated men and women, challenges that crept up via research ethics boards. Two cases studies were discussed as instances of two specific processes. First, we argued that the interpretive authority of two REBs enabled a homogenization of inquiry in two ways: a) the intractable assertion of the potential danger that former prisoners were thought to pose in focus groups, and b) a narrow reading of TCPS2 guidelines regarding research with First Nations, Métis or Inuit peoples and communities. Such a process of homogenization has, as its strong corollary (and second process in which we are interested here), that of policing knowledge production whereby some truths may be considered – or may remain – of secondary value to other truths. In the case of the two REBs discussed here, we suggest their texts represented on one hand, a moral panic of former prisoners as inherently dangerous and untrustworthy (van den Hoonaard 2001). This discourse inevitably discredits the former prisoner as an expert-by-experience, and erases the *prison* as a space of endangerment to be

¹⁹ “Participation by the researcher in REB discussions is often very helpful to both REBs and researchers. It may result in a deferral of the REB's decision until the researcher has considered the discussions and possibly modified the proposal. Such discussions are an essential part of the educational role of the REB” (TCPS2, art. 6.13).

documented by researchers. On the other hand, the REB practices we have documented here, also erase the knowledge of the prison as a colonizing space that over-incarcerates Indigenous men and women, and as a pain and vulnerability producing space. Our experience with two university REBs not only brings to light the importance of attending to localized practices of carceral authority, it also raises concerns about the composition of University REBs and the variability of their knowledge about prison based research.

The argument developed here opens up queries into a larger intellectual question about the role of texts (e.g. official correspondence with REBs) as a form of documentality: a type of organizational power that, as Cooren (2004) argues, moves through text, and may even be performed by the texts themselves. While we would not argue that documents obfuscate the *truth* that researchers must uncover, we do feel a need to consider how official correspondence may shed light into how the decision-making processes of institutional bodies (such as REBs) may engage, although perhaps unintentionally, in the reproduction of the “criminogenic other” and may police knowledge production, thereby shaping what truths are spoken. REB texts may also reproduce the subjugation of prisoners as well as that of mainstream forms of social analysis. While important empirical studies have examined accessing government held information and the practices of discretionary authority within those formal channels to withhold or deny information (Walby and Larsen 2011), this article begs further inquiry into the manner in which texts operate through legitimate and transparent channels of reporting within research ethics boards at Canadian universities. Our main concern lies in the potential of REBs – through their use of texts as risk management devices – to reproduce the prison as walled off from critical inquiry, and prisoners as either dangerous or invisible.

The outcomes highlighted in this article also point to two sets of questions that will need to be answered as we go forward with the Prisons Transparency Project. First, is the interpretation of texts, chiefly the TCPS2 guidelines, with regard to risk and vulnerability an expression of organizational authority that we should have formally challenged through the Social Sciences and Humanities Research Council? Second, does the work of REBs suggest a “scaling up of text from the local to the institution” (Hardy 2004, p. 415) or organizational context of universities? Thus, does our correspondence with REBs represent a local institutional culture or practice with regard to research with Indigenous peoples and criminalized and incarcerated persons? Future comparative research of REB deliberations with regard to prison-based research is an important next step in understanding the challenges of this interpretative authority. As McPhee (2004) suggests, local textual exchanges or conversations (such as emails between the REB chair and the PI) can become organizing and reproductive devices across the institution. Similarly, Cooren and Taylor (1997, cited in Hardy 2004, p. 420) emphasize that “the way in which texts become embedded, adopted and incorporated by other organizations—to become part of standardized, categorized, generalized meanings is also part of [such organizing and reproductive] process”. In this way, texts provide important links between “the immediate circumstances of organizational conversations” and “the organizing properties of the [larger] network in which they figure”. As such, REBs ought to be taken as research sites in and of themselves.

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