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Incentives for Research Participation: Policy and Practice From Canadian Corrections

We explored current policies and practices on the use of incentives in research involving adult offenders under correctional supervision in prison and in the community (probation and parole) in Canada.

We contacted the correctional departments of each of the Canadian provinces and territories, as well as the federal government department responsible for offenders serving sentences of two years or more.

Findings indicated that two departments had formal policy whereas others had unwritten practices, some prohibiting their use and others allowing incentives on a case-by-case basis. Given the differences across jurisdictions, it would be valuable to examine how current incentive policies and practices are implemented to inform national best practices on incentives for offender-based research. (*Am J Public Health*. 2012; 102:1438–1442. doi:10.2105/AJPH.2012.300685)

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IN HISTORY, OFFENDERS HAVE been used in a variety of medical and behavioral studies without a properly informed consent process, often with little choice over their participation. As a result, guidelines were developed to protect offenders and other vulnerable populations.^{1,2} Today, the offender population is still considered by many to be vulnerable: within the prison environment and while under community supervision, offenders are subject to restrictions under which they may be easily coerced.

In the United States, there are specific regulations for ethical considerations for research involving prisoners.³ In Canada there is no direct parallel to these regulations. The *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS) is the central policy governing ethical conduct in research involving human participants in Canada.⁴ This document is a joint policy of the three Canadian federal research agencies: the Canadian Institutes of

Health Research, the Natural Sciences and Engineering Research Council of Canada, and the Social Sciences and Humanities Research Council of Canada. Its guidelines are based on three core principles and are applied to all research involving human participants: respect for persons, concern for welfare, and justice. Prisoners are classified as a vulnerable population and thus are afforded special attention to be treated justly in research and to ensure that participation does not exacerbate their vulnerability.

The TCPS (2010) defines incentives as “anything offered to participants, monetary or otherwise, for participation in research.”^{4(p29)} This policy states that incentives can be used to encourage participation in a research project, but should not be overly attractive as to entice a research participant to take unwarranted risks. Under TCPS the term *incentives* is broadly focused and can include compensation for participant’s time and effort or

reimbursement to offset costs associated with participation. Therefore, in keeping with the TCPS, throughout this article, the term *incentive* will be used broadly to include all forms of compensation or reimbursement offered for participation in research.

For some offenders, incentives may have the potential to act as an undue inducement to participate in a study that could negatively affect the voluntariness of consent: “the offer of incentives in some contexts may be perceived by potential participants as a way to gain favour or improve their situation.”^{4(p29)} For example, some may argue that offering monetary incentives to offenders who are economically disadvantaged or have a substance abuse problem may entice their participation because they are impoverished. Thus, the onus is on the researchers and on research ethics boards to determine the “appropriate” use of incentives through critical evaluation of the benefits and risks for their population of

interest. Prison populations have particularly high rates of mental illness,^{5,6} a factor that may affect capacity for consent and be a further consideration in the debate on use of incentives. For example, Dunn et al.⁷ found that the ability of participants with mental illness and cognitive impairments to freely consent when incentives were offered was questionable. By contrast, Moser et al.⁸ found that prisoners with mental health problems were as likely as healthy controls (recruited from general population through advertisements and word of mouth) with no current mental health issues or involvement in the criminal justice system to demonstrate adequate capacity for consent. They argued that “ethicists must continue to study and weigh the potential vulnerability of prisoners versus the possibility that they have become an overprotected population.”^{8(p8)} In Canada, the Tri-Council Policy warns about overprotectionist attitudes or practices on the part of researchers and research ethics boards that might exclude some members of society from research participation. Excluding certain societal groups from research can be seen as a failure to treat these people justly and produces noninclusive research.⁴

There may be controversy on the use of incentives in research involving offenders; however, study findings suggest that incentives improve recruitment rates in research with both mainstream⁹ and marginalized groups such as women who have experienced violence and both men and women with a history of illicit drug use (80% of offenders are assessed with a drug problem at institutional intake).¹⁰⁻¹² A related concern is that discrimination can arise if offenders are treated

differently than other populations who are compensated for their research participation.¹³ Although people participate in research for a variety of reasons (e.g., volunteerism, the research topic, a contribution to knowledge), we live in a competitive market economy where compensation is an integral aspect of the market system. Granted, some occupations and skills demand greater compensation than others (e.g., CEOs vs short-order cooks), but it is generally accepted that people should be paid for their time and input. It could be argued that research should be no different—no matter who participates.

A recent study in the United States, which surveyed 46 states, the District of Columbia, and the Federal Bureau of Prisons, found that 44% of these correctional jurisdictions allowed incentives for offenders who participate in research. They also found that policies from state to state varied considerably.¹⁴

The purpose of this study was to examine current practice in the use of incentives for research with adult offenders in Canada. We were specifically interested in research conducted while offenders were under correctional supervision either in the institution or under parole or probation supervision in the community.

To meet our objective we documented policies and practices of Canada’s provincial, territorial, and federal agencies responsible for the administration of correctional supervision for adult offenders in prison and in the community (i.e., probation and parole). For all departments included in this article, we documented the policy or “common practice” regarding the use of incentives for all types of research among adult offenders,

whether initiated and funded internally by correctional departments or conducted by research external to these departments and funded by external granting agencies such as the three agencies that jointly uphold the TCPS (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada). The study is concerned with any type of research that touches the offender population whether it is about interventions that assist with readjustment to the community after release or qualitative research about experiences of the prison environment.

METHODS

In Canada, there are two levels of supervision of adult offenders based on the length of sentence. Longer sentences (two or more years) are within federal jurisdiction whereas shorter sentences are within provincial and territorial jurisdiction. We initiated contact with the correctional departments of each of the 10 Canadian provinces and three territories as well as the federal department responsible for offenders serving longer sentences—Correctional Service Canada. Departmental contacts were identified by research team members or through discussion with other colleagues working in corrections. When no specific person was identified as an initial contact, team members contacted the specific research or policy division of that organization. All contacts were initiated between June 2010 and May 2011, either via telephone or e-mail. We developed a series of questions for data collection: (1) Does your department have a formal and/or

informal policy around the use of incentives for research with offenders?; (2) Do you have different policies for offenders in custody and those on community supervision?; and (3) Have any issues ever arisen regarding this population? We collected additional information on existing policies through a Web site search for references to research policy or research incentives for each of the identified departments.

RESULTS

None of the provincial, territorial, or federal correctional departments reported disallowing research with the offenders under their jurisdiction. Regarding the consideration of incentives, there were no reported differences in the type of research conducted, the research question, researchers’ affiliations (internal or external), or funding source. As reported in Table 1, only two departments reported a written policy on use of incentives in research when offenders were participants (Ontario Ministry of Community Safety and Correctional Services Canada).^{15,16} In Ontario, cash payments were not allowed, but reimbursement for expenses incurred as a result of participation were allowed in the form of lunch, bus or cab fare, or tickets or chits provided there was a clear description of the reimbursement itself and the procedures to provide the reimbursement. Correctional Service of Canada does not allow researchers to provide incentives to federal offenders in prison or under community supervision, although offenders working in prison and who volunteer for research receive their normal pay while participating.¹⁷ Nova Scotia and Saskatchewan have written policy to guide research with

TABLE 1—Policies on Incentives for Research Participation From Canadian Correctional Departments: June 2010–May 2011

Correctional Departments	Contact and Method of Contact	Results and Comments
Correctional Services Canada	Authors	Written policy—offenders, neither those in the institution nor in the community can benefit from research. No incentives are allowed. Offenders working in prison who volunteer for research receive their normal pay while participating in research.
Alberta—Correctional Services Division, Solicitor General and Public Security	Research unit by e-mail	No written policy—incentives can be offered to individuals in the community to reasonably compensate for expenses; because no expenses are incurred by those in custody, no incentives are offered to those in prison.
British Columbia—BC Corrections	Director of Research, Planning and Offender Programs by e-mail	No written policy—the use of incentives has been utilized in relatively few occasions and any use of incentive is made on a case-by-case basis.
Manitoba—Corrections Division of Manitoba Justice	Corrections by e-mail	No written policy—department does not generally approve use of incentives but occasionally does; complies with Tri-Council Policy when considering incentives. This is dependent upon the individual project.
New Brunswick—Community & Correctional Services of the Department of Public Safety	Senior Policy Advisor, Planning and Information Analysis—Community & Correctional Services by e-mail	No written policy—does not encourage the use of incentives.
Newfoundland and Labrador—Corrections & Community Services of Department of Justice	Manager of Institutional Programs by e-mail	No written policy—had occasions when inmates were compensated for participating (adult corrections).
Northwest Territories—Corrections Service of Department of Justice	Assistant Director, Corrections Service by e-mail, telephone	No written policy—does not have a policy at this time.
Nova Scotia—Correctional Services Division of Department of Justice	Director of Policy, Planning and Research by telephone	No written policy—does not allow incentives. Have general research policy found on Web site but this does not give information on incentives.
Nunavut—Nunavut Corrections of Department of Justice	Director, Policy and Planning by e-mail	No written policy—concerns about participation in research have not arisen so there has been no need for incentives.
Ontario—Ontario Ministry of Community Safety and Correctional Services	Manager, Program Effectiveness, Statistics & Applied Research by e-mail	Written policy—it is Ministry policy that approval will not be granted to research that makes cash payment to offenders to participate in a research project. Researchers may provide lunch, bus or cab fare, or tickets or chits to reimburse offenders for expenses incurred because of participation. Researchers planning reimbursement must clearly indicate in the research proposal how this will occur.
Prince Edward Island—Community and Correctional Services of the Office of the Attorney General	Casework Supervisor, Provincial Correctional Centre by e-mail	No written policy
Quebec—Direction générale des services correctionnels de the Ministère de la Sécurité publique du Québec (Department of Public Security)	Directrice, Direction de la recherche by e-mail	No written policy—each study proposal is reviewed by the research division—incentives may be considered.
Saskatchewan—Corrections, Public Safety and Policing	Director, Program Development and Therapeutic Services Ministry of Corrections, Public Safety and Policing by e-mail, telephone	No written policy—all outside research is reviewed and historically the use of incentives has not arisen as an issue. Have a general research policy but this does not reference the use of incentives. Although not in policy, incentives to participate in research would not be approved.
Yukon—Department of Justice—Community and Correctional Services Branch	Policy Development Officer by e-mail	No written policy

offenders, but these policies do not mention the use of incentives.^{18,19} In both cases we were given information that incentives would not be approved.

Although the majority of provincial or territorial agencies (92.3%) reported no written policy on the use of incentives, not all discouraged their use. Almost half (46.2%) of the departments had an unwritten policy or “common practice” allowing incentives on a case-by-case basis. For example, neither Manitoba nor Newfoundland had written policy, but both provinces allowed the use of incentives on occasion. Three provinces without written policy reported that incentives were not sanctioned (New Brunswick, Nova Scotia, and Saskatchewan). We asked whether policy differed for incarcerated versus community-based offenders and did not find any real distinctions in practice except in Alberta. In that province, incentives can be offered to adults under community supervision to reasonably offset expenses incurred; because no expenses are incurred by those in custody, no incentives are offered to those in prison.

DISCUSSION

The purpose of this Canadian study was to document current practices in the use of incentives in research with adult offenders. For our purposes and to be consistent with TCPS guidelines, we broadly defined incentives as money or other types of offerings for participation in research.⁴ Findings showed that few departments had established policies on use of incentives in research with offenders. Several departments had unwritten “policies” about incentives that prohibited their use whereas others allowed incentives

on a case-by-case basis. For those departments in which no formal policy existed most chose not to offer incentives. One jurisdiction (Alberta) differentiated between offenders in the institution and those in the community, allowing incentives for community-based offenders. Only two departments had written policy on use of incentives in research with offenders. In Ontario, cash payments were not allowed, but noncash reimbursement for expenses, incurred as a result of participation, was allowed; Correctional Service Canada did not allow incentives. This lack of national policy in Canada on incentives mirrors the situation in the United States. According to Smoyer et al.,¹⁴ there are considerable difficulties in locating US state incentive policies for research with prisoners. They noted that less than half of the jurisdictions contacted had a written policy on use of incentives.

The lack of policy on use of incentives complicates the research process especially for external researchers attempting to gain access to this population and whose practice is to provide incentives to participants. Seddon¹³ notes that offering incentives to certain populations (e.g., nonoffenders) while other populations are denied incentives (offenders) could be considered discriminatory. Thus, researchers and research ethics boards should consider the potential for such discrimination when conducting research with offenders as participants.

For correctional departments and others who do research with offenders, it is important to carefully consider both the drawbacks and benefits of incentives. In general, incentives can increase study enrollment, ensure equitable recruitment across various

social strata, and reduce the financial burden that can be associated with research participation (e.g., travel or childcare costs). Yet, correctional populations are unique in many respects. Prisoners and the majority of those under parole and probation in the community have fewer financial resources; therefore, they may be more easily enticed than the general public to engage in research if offered an incentive. Moreover, offering incentives to incarcerated offenders who meet specific eligibility criteria may be perceived by other prisoners, (e.g., those who are not eligible or cannot participate for other reasons) as preferential treatment. In the prison setting this might create resentment and potentially aggressive encounters between prisoners.

Furthermore, in our findings we noted that most correctional departments did not differentiate between the uses of incentives for those in prison versus those in the community. Although arguments proffered for nonuse of incentives with prison populations may also be used to rationalize nonuse of incentives for community-based offenders, differences in the dynamics within the prison population compared with those that exist in the community may necessitate consideration of separate policies for these two subsets of offender populations. During incarceration, offenders are part of unique subculture that does not exist beyond prison walls. It would follow that this population may require a prison-specific incentive policy.

An additional argument against the use of incentives is a morality-based one predicated on the idea that prisoners are being punished for breaking the law and as such they should not be “rewarded” in any way. By offering some form of incentive to offenders, researchers

may be viewed as providing something to people who have broken the law that is not available to law-abiding citizens.

Our findings raise some interesting questions for future research. One line of inquiry would be to explore the underlying rationale of provincial, territorial, and federal policymakers in creating (or not creating) research policy on incentives and to look historically into how such decisions are informed. These answers might help us to understand why, as our research shows, practices exist that discourage the use of incentives. Extending this line of inquiry, it would be useful to look to the reasons why there has not been more emphasis on developing these policies in North America, from the perspective of both the research community and the policymaker.

There is substantial variation in Canada on permissions for use of incentives with offenders; moreover, decisions granting their use are not well defined. Researchers need to be cognizant of these jurisdictional policy discrepancies and consider potential ethical implications. Policy-based case studies in Canada and in the United States could help to identify how current incentive policies and practices are implemented and inform best practices on incentives for offender-based research.

Studies that explore the types of incentives that are effective (e.g., for enrollment and retention) in this population and those that might be considered appropriate from the policymaker’s perspective would inform discussions on national guidelines. For example, researchers have offered incentives in the form of various magnitudes (e.g., \$10, \$40, \$70) and types (cash, gifts, gift certificates, phone cards).^{10,12,20–22} More

innovative, one study offered an honorarium in the form of pet food for a participant caring for feral cats who refused the cash payment.²³ It may be valuable to reframe the purpose of providing an incentive in this manner: as compensation for participation to offset the burden of doing so and as a way to recognize the value of participant time and input especially because compensation is a fundamental feature of the market system.

One approach to define the value of incentives for offenders under supervision is to use minimum wage. For example, the magnitude of the incentive for community-based offenders might be set at the minimum wage of the jurisdiction in which the research will be conducted (in the Canadian case, the province or territory). For incarcerated offenders the standard prison wage could be offered as the incentive. For example, under Correctional Service Canada guidelines, when participation requires absence from usual work, those hours will be calculated as worked hours. Setting the monetary value for incentives as the minimum wage or the prison wage for each province or territory would establish a national standardized approach to equitable incentive practices.

To better understand the impact of incentives on study outcomes, research that specifically compares enrollment and retention rates of offender participants when incentives are offered and when they are not could inform this debate. Engaging with researchers who have previously recruited from supervised offender populations would provide first-hand knowledge about the best ways to navigate the research process, including the use of incentives within various correctional jurisdictions.

Parallel to the conclusions of a similar US examination of incentives in the offender population,¹⁴ our analysis of Canadian correctional policy on incentives raises more questions than it answers, especially about the origin of incentive policies and practices in corrections. Given that this population is highly marginalized and has substantial health problems, policy development needs to become a priority of public health leaders in Canada. Such policies are vital to ensure effective and equitable engagement between researchers and the offender population. It would be of considerable value to initiate a policy discussion among all jurisdictions so that greater clarity and consistency could be achieved and, ultimately, an improved code of research ethics developed for this vulnerable segment of the population. ■

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Contributors

F. I. Matheson supervised the study, provided expertise on methodology, contributed to the interpretation of the data, led the writing, and approved the final version of the article. P. Forrester, A. Brazil, S. Doherty, and L. Affleck contributed to the writing and interpretation of the data and approved the final version of the article. P. Forrester and L. Affleck contacted the correctional departments and compiled the qualitative information.

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Human Participant Protection

Ethics approval for this study was obtained from the St Michael's Hospital research ethics review board.

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