

Policy Tracking with Criminal Justice and Corrections Departments

Alexandra Hess, Temple University Center for Public Health Law Research

Sabrina Ruchelli, Temple University Center for Public Health Law Research

Introduction

This presentation will include an overview of policy surveillance methods used to develop our COVID-19 State Emergency Declarations & Mitigation Policies dataset and Justice Community Opioid Network (JCOIN) legal dataset (part of the NIH Helping to End Addiction Long-term Initiative). It will describe the scope of COVID-19 policy responses related to correctional facilities. Policy surveillance methods and research can be utilized to better understand how law enforcement policies influence various outcomes of public health significance.

Study Design and Methods

Policy surveillance is the systematic and scientific collection, coding, and analysis of laws of public health significance that creates data suitable for use in rigorous evaluation studies. It includes defining a scope, developing coding questions, collecting and coding the law, and tracking updates. Quality control measures, including redundancy and statistical quality control, are utilized throughout the course of a project.

The COVID-19 state dataset was developed using rapid policy surveillance in order to track the rollout of state legal responses to the COVID-19 pandemic in real-time from January to July 2020. This process required consistent meeting to assess coding and variable updates as state policies came into effect. To make the data more quickly available, the team abbreviated redundant research and coding, while maintaining a rigorous secondary source research process. Key variables relating to state-level requirements regarding correctional facilities included the types of facilities covered and requirements imposed (e.g. suspension of intake or transfers, and inmate release).

The JCOIN project aims to produce robust longitudinal legal data capturing state level COVID-19 response measures which may have an impact on access to treatment for opioid use disorder (OUD), with a particular focus on impacts on individuals involved in the criminal justice system. The aim of the project is to enable evaluation of the impacts of these laws and policies on health outcomes and access to treatment for opioid use disorder. It will involve the creation of three datasets examining three different broad policy areas. The dataset of focus in this presentation covers mitigation policies at correctional facilities, which will also utilize policy surveillance methods to capture laws, regulations, and executive orders aimed at mitigating the spread of COVID-19 in correctional facilities, as well as those aimed at facilitating OUD treatment for released populations. The dataset will first be published cross-sectionally to capture data at one point in time, and then be updated longitudinally to capture how these policies change over a two year time-span, from 2020 to 2022.

Preliminary legal variables are policies about expedited release of specific at-risk populations, restricted visitation policies, remote community supervision, and continuation of OUD treatment.

METHODS BRIEF

Challenges and opportunities

The rapid and innovative nature of COVID-19 policies present several methodological challenges to conducting policy surveillance work. The policy surveillance process relies on creating a coding scheme that can capture the nuance within each state, while creating consistent rules and definitions that allow for the comparison in action across states. Emerging legal frameworks, which are currently changing on a daily basis, make it difficult to create a flexible, but consistent, coding scheme that uniformly captures the features of the emerging policies in each jurisdiction.

Discussion Questions

- What are some of the research barriers you face when looking for laws and policies involving law enforcement and correctional facilities?
- What might be potential solutions to those barriers?