

JUSTICE CULTURES

Course Resource Guide

OVERVIEW

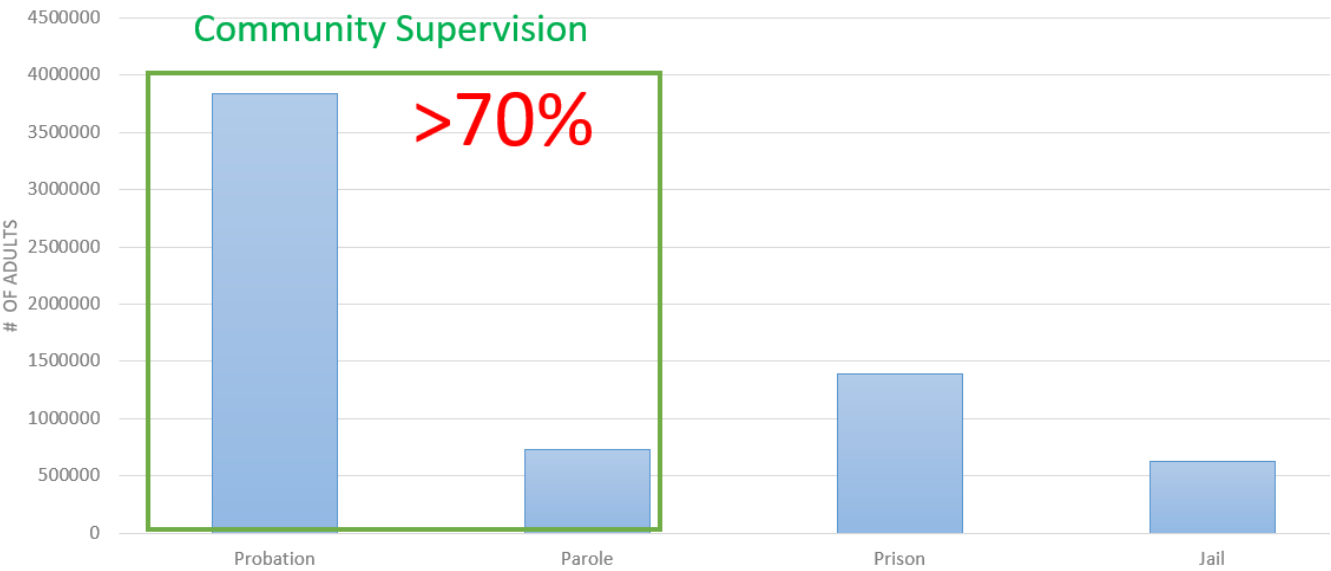
Use this resource guide to dig deeper into the course, Justice Cultures. This guide provides notes from the course along with additional information that will help you navigate justice cultures and start your own research in correctional facilities.

The goals of the course, Justice Cultures, are to help you:

- Understand the role of the Criminal Justice System in health-service delivery.
- Learn about the structure and culture of correctional settings.
- Acquire strategies for conducting health-services research in correctional settings such as:
 - Navigating correctional cultures
 - Enrolling, recruiting, and consenting study participants
 - Avoiding real or perceived coercion

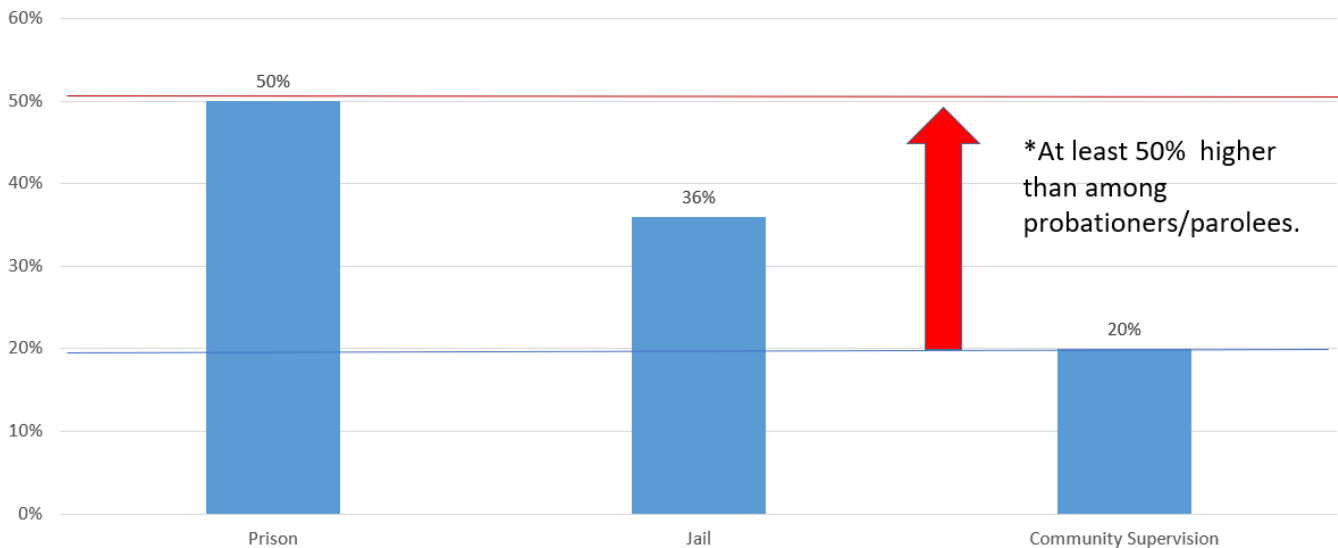
CORRECTIONAL POPULATIONS IN THE U.S.

BJS (2018) NCJ 251211
Most of the health screening and treatment occurs in custody.



RATES OF SERIOUS PSYCHOLOGICAL DISTRESS

BJS (2017) NCJ 250612; SAMHSA/NIJ Feucht & Gfroerer (2011)

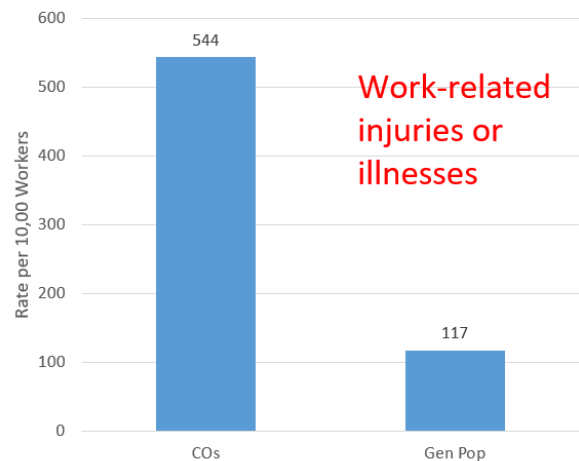


IMPACT ON CORRECTIONAL OFFICERS

- Approximately 37% of Correctional Officers experience job stress and burnout.
- Among the general population, the rate is approximately 19-30%.
- Work-related Injuries are > 4x greater among Correctional Officers than the general working population.

Finney, et al. (2013). BMC Public Health 13.1 (2013): 82.

Konda et al. (2013). Correct Today. 2013 Nov/Dec; 75(5): 122-123



IMPLICATIONS

- Prisons and jails are stressful environments that house high risk/high need individuals, often in crowded conditions.
- To function, these facilities must closely monitor and control residents' movements.
 - Especially true for facilities that house high security residents.
- This critical need for control directly affects researchers' ability to—
 - Obtain consent
 - Randomize
 - Implement interventions
 - Collect data

NAVIGATING CORRECTIONAL CULTURE

STAFF HIERARCHY AND MOBILITY

Russo (2019). Workforce Issues in Corrections. NCJ # 254521.

- Most prisons and jails observe a strict, military-style hierarchical structure.
- No research project can occur without expressed support from the Warden.
- However, successfully implementing a study requires close collaboration from captains, lieutenants, and front-line Correctional Officers.
- Top-level permission to conduct a study is insufficient; it is imperative that the line staff are aware of the study and that you've sought their input and cooperation directly.
- Turnover rates can be very high:
 - In some state prisons, annual correctional officer turnover rates are as high as 55%.
- Even among retained staff, re-assignments to other units or facilities are common (and required for professional advancement).

Strategies for addressing the mobility challenges you may face include:

- Creating an M.O.U. to ensure that your study does not rely on a single individual.
- Meeting regularly with warden and Corrections Officers to ensure continuity in knowledge about the project.
- If possible, embedding the research coordinator in the institution so that they can be an ongoing champion of the research.

AUTONOMY OF RESEARCHERS

In most correctional institutions, researchers are required to be escorted by a Corrections Officer. This poses a serious cost and time problem for these facilities.

To overcome this challenge:

- Research staff should make every effort to be as efficient as possible during each visit (see as many participants as possible in a single visit).
- If possible, research staff for long-term projects should request to be badged by the institution, so that they can move about independently.
 - Make it clear to applicants that they'll need to pass required background checks for the facilities in which they'll be working.

ENROLLING, RECRUITING, & CONSENTING STUDY PARTICIPANTS

Often prisons and jails prohibit paying residents, but this can be addressed (esp.: in longitudinal studies) by assuring the participants that they WILL be paid for post-release follow-up sessions.

SPECIAL CONSIDERATIONS WHEN SEEKING CONSENT

From Incarcerated Participants

- Literacy rates in jails and prisons can be low, so...

- Give yourself plenty of time.
- Also carry an abbreviated version of the consent documentation and let them have both.
- Capacity to give consent quiz should be simple but respected.
 - It doesn't help the study by including participants who lack the capacity to understand interview questions!

AVOIDING COERCION

What Is It?

Coercion or perceived pressure to participate based on—

- Belief that choosing to participate will affect how they are treated in the institution.
- High relative value of incentives (correctional residents may earn as little as .20 an hour).

HUMAN SUBJECT PROTECTIONS

45 CFR 46, Subpart C applies to all research that includes any individual who is or becomes incarcerated while participating in a research study. IRB requirements include:

- Incentives are of such high value that the subject can't weigh the risks of the research against the value of such advantages.
- The risks involved in the research are commensurate with risks that would be accepted by non-incarcerated volunteers.
- Procedures for the selection of subjects within the prison are fair to all incarcerated individuals and immune from arbitrary intervention by prison authorities or incarcerated individuals; The information is presented in language which is understandable to the subject population; &
- Adequate assurance exists that parole boards will not take into account an incarcerated individual's participation in the research in making decisions regarding parole, and each incarcerated individual is clearly informed in advance that participation in the research will have no effect on his or her parole.

OTHER CONSIDERATIONS

LOCKDOWNS

- Occur in response to a violent event or the threat of violence (or other disruption).
- Residents are generally confined to their cells or pods.
- Can range from hours to days.
- Have staff added to text alert system.

PROHIBITIONS ON BIOMEDICAL RESEARCH

- In response to egregious history (until 70s most drugs in US were tested on people who were incarcerated).
- Can even affect health-service research using FDA-approved medications.
- Applies to Federal BOP and several state systems.
- "Incarcerated individuals" include jail inmates and probationers/parolees.

RELEASE DATES

- Estimated release dates are notoriously unreliable.
- Check database regularly and ask participant for updates.

SHIFTING LAWS AND POLICIES

- CJS research can be affected by changes in the law.
 - e.g., decriminalization of marijuana
- Intervention research can be affected by institutional policies.
 - e.g., facility introduces an OTP during a medication trial

CONTRACTORS

- Prisons & jails often rely on contractors to provide health services.
 - 84% of NY jails (Pew, 2018)
- These providers can change during the course of a study.
- It's best if grant funds can cover study-related health services independently. If grant funds cannot cover this expense, directly contract with the facilities health care contract provider. Also make sure that the prison or jail administrators know that this should be something included in the successors contract in case they switch providers.

Pew Research (2018). Jails: Inadvertent Health Care Providers.

REQUIREMENTS TO REPORT

- Wardens may require that researchers disclose illicit behaviors of participants.
 - Federal Certificate of Confidentiality
 - Avoid collecting UAs or asking questions that could result in sanctions.
- Avoid having participants reveal information that may get them into trouble over the phone. All jails and prisons record phone calls made with residents.

THE OPTION OF ANONYMITY

- Don't punish your collaborators for doing the right thing.
- Correctional systems are risk-avoidant when it comes to negative press.
- When publishing results, give CJS partners:
 - The right to review and comment
 - The option of being named or anonymous

POPULATION COUNTS

To ensure that all residents are accounted for, prisons and jails conduct population counts throughout the day. This usually means requiring all residents to return to their living quarters. To avoid disruption, try to schedule your meetings with participants around these events.

Al-Rousan, T., Rubenstein, L., Sieleni, B., Deol, H., & Wallace, R. B. (2017). Inside the nation's largest mental health institution: A prevalence study in a state prison system. BMC public health, 17(1), 1-9.
Prins, S. J. (2014). Prevalence of mental illnesses in US state prisons: A systematic review. Psychiatric Services, 65(7), 862-872.

STRATEGIES AND SKILLS

ENGAGING CRIMINAL JUSTICE PARTNERS

You are meeting with correctional staff about possibly implementing a research study in their facility but are met with some resistance. Some strategies that might increase their interest in participating include:

- Ask what THEY would like to study and develop a plan to address their questions (either as part of your study or independently).
- Address workload concerns by assuring them that research-related tasks will be carried out by your staff OR budgeting grant funds to cover any additional time required of staff to conduct the study.
- Establish ground rules for anonymity. These might include, allowing collaborators to choose whether their site is anonymous or named in any publications/reports, assurances that CJ collaborators will have an opportunity to review and comment on manuscripts, not collecting certain data that might prove scandalous to the CJ collaborator.
- If you are unable to find common ground on these topics, thank them for their time and look elsewhere. It is better to determine that the site is a bad fit early on than a year after the study has launched.
- If you are able to find common ground, create a Memorandum of Understanding M.O.U. Although not legally binding, the M.O.U. outlines the expectations of the researchers and correctional staff. This helps ensure that all collaborators have a shared understanding of who does what.

OBTAINING CONSENT IN CARCERAL SETTINGS

You have requested to meet with a potential study participant to seek her consent to be in your study. The CO tells you that the resident is not interested, so there is no need to bring her to the visiting area. Possible strategies include:

- Respectfully request to see the potential participant yourself, to ensure that she fully understands the nature of the project.
- If the potential study participant is ambivalent about participating, provide her with a brief information sheet about the project that includes the research coordinator's contact information.
- Depending on the nature of the study, your IRB may allow you to address stigma concerns by seeking verbal consent, thereby removing a paper trail that could identify the participant as having a trait or condition they do not wish to be widely known.

When the CO does bring the potential participant to meet with you, he remains a few feet away while you describe the project. Strategies to balance the need for safety with the need for confidentiality include:

- Assess whether such close supervision is warranted.
- If possible, strike a compromise in which the CO can wait far enough away to be out of earshot but still have clear line of sight.

CONDUCTING RESEARCH IN A JAIL OR PRISON

There are many additional things that were not covered in this course about the following items when conducting research in a jail or prison.

What to wear: Find out what apparel is allowed/prohibited. Typically, this includes denim and orange, but each facility has its own rules.

What to bring: Depending on where you go in the facility, certain objects/devices (e.g., cell phones) may not be allowed. Better to establish this before you go rather than having to walk back to your car to store them.

Protecting Confidentiality

Hostage and Riot Situations: If there is a riot while you are present at a correctional facility, follow the protocols of that facility and act accordingly. Safety protocols will be addressed in an orientation, or other material you might be provided. Remember, it's your responsibility to know and adhere to the rules of the facility in which you are conducting research.

If there were to be a hostage situation, the facility will not negotiate.

ADDITIONAL RESOURCES

CENTER FOR DISEASE CONTROL (CDC)

<https://www.cdc.gov/correctionalhealth/default.htm>

NATIONAL INSTITUTE of CORRECTIONS (NIC)

<https://nicic.gov/correctional-healthcare>