GUIDING PRINCIPLES FOR ETHICAL, RIGOROUS RESEARCH

CHICAGO APPLESEED
CENTER FOR FAIR COURTS

Author's Note

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Updated October 2021

ABSTRACT:

Chicago Appleseed Center for Fair Courts believes methodologically rigorous and ethically sound research is at the cornerstone of equitable and fair legal systems. This document outlines the research standards which should be followed by any authors, co-authors, or researchers working on an assignment with, or on the behalf of, Chicago Appleseed Center for Fair Courts. These standards are set to protect research stakeholders and participants, to uphold the meaning and dignity of our research as it relates to justice and reform, and to ensure any research performed by Chicago Appleseed Center for Fair Courts works to improve the lives of those in the justice system and minimize any risk or harm which may result from research involving human subjects and legal system reform.

The following research protocol outlines our conceptual framework for approaching such research, including (i) research design, (ii) research methodology, (iii) ethics code, (iv) writing and (v) implementation strategy.

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I. RESEARCH DESIGN:

Aligning with a Theoretical and Conceptual Framework

'Law' as a discipline and practice is often 'in limbo' between social science and the humanities. Legal researchers can therefore draw from both social science and the humanities in establishing sound research standards and developing theoretical frameworks within which research can be performed and understood. Due to the centrality of human subjects within legal system reform and research, the Chicago Appleseed Center for Fair Courts aligns its research practices with social science standards of the Social and Behavioral Sciences Institutional Review Board and the ethical principles and guidelines as summarized in the Belmont Report of the U.S. Department of Health and Human Services. The basic policy and procedures of these guiding institutions are outlined in the remainder of this report, with practical resources to support researchers throughout their research project. These guidelines do not include every possibility for ethical and methodological considerations researchers may face during dynamic projects, but rather act as a foundation to safeguard research stakeholders and maximize positive outcomes that follow Chicago Appleseed research.

Developing a Research Framework

We begin research projects by developing a broad range of questions, which identify knowledge gaps and narrow the scope of the project. While these questions vary from project to project, common questions across all projects include:

<u>Identify Knowledge Gaps</u>

- What gaps exist in the knowledge of our general research topic that motivates this project?
- What bodies of literature or resources are most relevant to these topics? Who has access to these materials and how can we leverage what has already been done?
- Who are the stakeholders, at local, state and national levels?
- Who is the target audience of this report?
- Within what geographic scope is this project focused?
- What data is still unknown or missing?

<u>Plan for Inclusivity</u>

- How do gender, race, and socioeconomic status intersect with the research topic?
- What are the differential impacts of our topic within marginalized gender and racial categories?
- How can our project amplify the voices and experiences of traditionally excluded perspectives?

- In what ways has this area of the court or legal system supported, or shown ignorance toward, these issues?

<u>Consider Outputs and Outcomes</u>
- How will the projects' data and findings influence the status quo?
- What risks are involved for research stakeholders and participants?
- What are the detailed outputs of this project and what are their desired outcomes? What kind of advocacy could we expect based on our findings (specific court policies, practices, or ordinances or legislative outcomes)?

Identifying Research Aims and Core Research Questions

Once we identify knowledge gaps, plan for inclusivity and identify outputs and outcomes, we simplify our questions into (1) research aims and objectives (2) a core research question and (3) supplementary questions to guide the research process for the duration of the study.

<u>Research Aims</u>
Research aims should be designated at the beginning of the research process. These are broad statements that will inform what literature should be considered for the literature review, which research stakeholders should be involved in the research process, what questions and methodologies should be pursued for the research, and finally what outputs and outcomes will follow data analysis and writing.

- ***Example Research Aim:***
  To investigate the current state of electronic monitoring (EM) in the United States.

<u>Research Objectives</u>
Research objectives follow research aims and provide more detail on the specific issues the research aims address. These objectives should be numbered and referenced in the methodology section of a later report or final writings.

- ***Examples:***
  Objective 1: To examine whether EM usage reduces jail time of defendant
  Objective 2: To identify the harmful effects of EM usage on defendants
  Objective 3: To provide recommendations for the improvement of EM technology to achieve the desired outcome of the court.

Core Research Question

The core research question should be very specific, making it clear (a) who is the focus of the research, (b) what data is being sought, (c) and within what geographic scope.

- ***Example:***
  How do community organizations perceive the benefits and constraints of electronic monitoring on participants in Chicago?
  - Answers the 'what' of the research
  - Answers on who the research will focus
  - Situates these concepts within a geographic scope

Supporting Research Questions

Supplemental questions help frame and support the core question.

- ***Examples:***
  1. What is the goal of the program as declared? How is the goal measured, and by whom?
  2. How are participants constrained by electronic monitoring (EM), including the health, job and movement impacts participants experience on EM?
  3. Does EM impact people differently according to their gender identity, gender expression, or sexual orientation?
  4. Does EM have differential impacts according to race and ethnicity?

Table 1: Commonly Used Terms Related to Research Aims (Thomas and Hodges, 2010:2)

Term	Definition
Research Aim	A statement indicating the general aim or purpose of a research project. Usually a research project will have only one broad aim.
Research Objectives	Specific statements indicating the key issues to be focused on in a research project. Usually a research project will have several specific research objectives
Research Questions	An alternative to research objectives, where the key issues to be focused on in a research project are stated in the form of questions
Research Hypotheses	A prediction of a relationship between two or more variables, usually predicting the effect of an independent variable on a dependent variable. The independent variable is the variable assumed to have causal influence on the outcome of interest, which is the dependent variable

Performing a Thorough Literature Review

The literature review serves to understand the main and supporting research which has been done in the past on the identified topic, people groups and geographic area. This not only serves as a foundation for future research, but also further identifies what knowledge gaps exist and how research will serve the legal community by filling these gaps. Both academic and grey (i.e. non-profit, private or government publications) literature can be considered, with an eye toward publications which may be one-sided, unfairly biased, or motivated by skewed agendas.

Methods and Ethics Considerations

Promoting inclusive, equitable research across each of our research projects begins with rooting out biases and ethical dilemmas in the research design phase. We believe it is important to (1) identify stakeholder agendas and acknowledge the influence these agendas have on research expectations and findings (2) acknowledge what biases may exist within the research team which could prevent the project from seeing people, legal professionals and the legal system clearly (3) address ethical and methodological limitations based on researcher positionality, resource constraints, and the protection of human subjects.

Outputs and Outcomes

Finally, research design involves understanding what the project's research outputs will be (i.e. a report, policy brief, seminar series etc.) and what desired outcomes follow the research outputs. Though these were thought of at the beginning of the project, these outputs and outcomes are further refined once the research questions and literature review has been done. Outputs and outcomes should be as specific as possible.

Outputs

Outputs are the actual work that will be produced as a product of the research. Outputs might include a long form document, policy brief, implementation meetings scheduled with policy makers etc. These should be listed for each project.

Outcomes

Outcomes are the hoped for consequences of the research outputs. Such as X legislation passed or X demographic impacted in a certain way, awareness increased among relevant stakeholders, etc. Outputs and outcomes should be listed for each project with an advocacy plan in place on how outputs will lead to desired outcomes.

II. RESEARCH METHODS:

Once the research design is established, research methods state how the desired data will be collected and analyzed to produce insights. Both qualitative (descriptive) and quantitative (numeric) methods should be considered based on the research aims and desired output.

Target Audience and Participant Identification

When choosing what data to collect for a research project, researchers should consider all the data needed in order to thoroughly answer research questions, keeping in mind the target audience of the report and all the target participants who may be required to gather the data needed. An understanding of the target audience will frame the level of technical detail, or breadth, necessary to produce a compelling report. Unless otherwise specified, Appleseed aims to make findings accessible to community members and other non-lawyers and non-data scientists. Further, a range of target participants should be considered in order to collect the necessary amount of nuance, complexity and perspectives to answer core and supporting research questions. Participants may include individuals, participants in a legal process, community organizations, government officials, private companies, lawyers, and more. Importantly, access to certain groups may be restricted or take time to secure. These considerations should be taken at the onset of research.

Data Collection and Analysis

Qualitative

Descriptive data which is commonly gathered through semi-structured or in-depth interviews, surveys, court-watching observations, focus groups, diary methods, and more.

To compile the initial list of interview participants, Chicago Appleseed relies on institutional knowledge of the pertinent community organizations in the area. To ensure we capture all of the relevant community partners, we utilize snowball sampling -- a process through which we asked each respondent who else they would consider knowledgable or able to speak to the research topic at hand. We then reach out to every organization referred to us (Small, 2009) and interview these connections until we reach data saturation and are no longer being referred to new organizations (O'Reilly & Parker, 2012).

In-depth interviews are approximately an hour long and are semi-structured in nature to allow for a comparison between interviews. Interview questions are developed after careful consideration of the existing academic literature on the topic being researched. Unless otherwise requested, interviews are audio-recorded and later transcribed so that interviewers could focus on interpersonal rapport with interviewees without the distraction of note-taking.

Interview transcripts and/or diary entries are analyzed through two rounds of coding using the flexible coding method (Deterding & Waters, 2021), a method of analysis well-suited to study questions informed by existing literature and Chicago Appleseed staff's prior knowledge of the topic of study. First rounds of coding establish a series of index codes to allow for a first reading of the transcripts. The purpose of index coding is to use broad codes that establish an "anchor" to the interview protocol and to provide an opportunity to explore initial themes and findings (Deterding & Waters, 2021). During this phase, Chicago Appleseed staff do not code transcripts of interviews which they themselves had conducted or been part of to allow for a fresh perspective on each set of responses. Researchers then collectively generate a series of analytic codes to identify emergent findings and themes well suited for further analysis. The purpose of this phase is to identify specific themes or concepts that offer responses to the stated research questions. Throughout the interview process, researchers maintain observational and impressionistic notes to contribute to an audit trail, and return to these documents during the analytic phase to assess the validity of our codes. Through this second round of coding and discussion of these themes, we identify the findings illustrated in the qualitative interview chapter of our reports. Computer-assisted qualitative data analysis software (CAQDAS) can be utilized for larger qualitative data sets, including softwares such as NVivo and Atlas.ti.

We generate some qualitative insights through court-watching in the Circuit Court of Cook County. Data from these cases are collected by Chicago Appleseed trained volunteer court-watchers over one-to-three-hour shifts in various courtrooms. All observations are collected by volunteers who completed a one-hour training with Chicago Appleseed staff. Court-watchers observed courtrooms both in-person and virtually through Zoom in order to better understand the day-to-day operations, court administration, and judicial behavior/culture of Cook County's courtrooms. After attending a court call, court-watchers fill out an online survey based on their observations. Survey data from court-watching is then reviewed and compiled for analysis to discern trends among survey entries.

Qualitative data is helpful for sharing nuanced and dynamic perspectives, experiences or ideas. While qualitative data can require more time and resources for data collection, it is extremely valuable for exploring the non-linear social, political and economic aspects of society. We utilize thematic coding to analyze qualitative data, drawing out emerging themes and grouping themes across interviews or focus groups.

<u>Quantitative</u>

Numeric data which is either continuous or discrete. Quantitative data can offer research scope and high level insights, revealing patterns in behavior or programming and possible projections for the future. Quantitative data can be limited in its ability to understand individual experiences, however, it is useful for understanding the bigger picture of a certain system or situation. Quantitative data can also be limited in its ability to detect gender or racial descrimination. Quantitative analysis includes running regressions and statistical analyses.

Data Handling

We value the protection and privacy of every participant and organization we perform research with. Therefore, we work to uphold the highest standards of data handling, protection and privacy. All data is only accessible by our immediate research team and kept on secure corporate accounts with SmartSheets and Google Drive. We protect data by backing it up in two online systems, as well as through hard copies on researcher hard drives for the duration of the study. We receive participant consent for interview and data collection, and anonymize all participants who wish to be anonymized, ensuring names, organizations, addresses, birth dates, and any other recognizable information be changed to protect their identities (University of Chicago, 2021).

We also draw our principles from the ones developed by the Chicago Data Collaborative, of which we are founding members. We apply the same standards to our internal data as we do to data shared with other Data Collaborative Members. This includes:

1. <u>Preservation of Raw Data</u>
   All raw data shall be maintained in its unmodified form.

2. <u>Preservation of Documentation</u>
   Chicago Appleseed will retain any documentation that accompanied raw data, as well as any Appleseed-created documentation related to the data, including FOIA requests.

3. <u>Preservation of Intermediate Materials</u>
   Chicago Appleseed will retain any intermediate materials that document data transformation, including Jupyter or R Notebooks, for any data work that is anywhere in the process of being published or publicly shared.

4. <u>Anonymization</u>
   Any data made available to the public shall be sanitized of identifiable information or discussion of events of such specificity that a reader could reasonably deduce any private individuals' identity through third party searches.

III. ETHICS CODE:

Chicago Appleseed is a volunteer-led, collaborative nonprofit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois. At our core, we learn about and explore challenges within the legal and criminal justice system which differentially impact marginalized groups based on their economic status, gender, and race. Our vision is to implement and advocate for anti-racist solutions to systematic injustices, based on rigorous and fair research.

To implement principles of equality, fairness, and rigor in our research, we abide by a series of ethical standards which guide each internal research decision and external interaction.

Ethics Checklist

An ethics checklist must be 'approved' before research can begin in order to protect vulnerable research participants. An ethics checklist should be completed for every research project. It is used to identify whether a full application for ethics review needs to be submitted. Consideration of the vulnerability of participants has been demonstrated through tables such as the example in the Appendix Table 2. Before completing a checklist please refer to the appropriate Research Organizations (ROs) Code of Practice on ethical standards for research involving human participants. The principal investigator or (where the principal investigator is a student) the supervisor, is responsible for exercising appropriate professional judgment in determining the ethics review required. An appropriate checklist should be completed before potential participants are approached to take part in any research. Click here to view and complete Chicago Appleseed's full Ethics Review checklist.

Third-Party Review

Research is subject to ongoing third-party review, to check against any ethical dilemmas regarding research stakeholders, participants or methodological practices, and ensure no harm is done. All Chicago Appleseed research should be subject to ethics review by (a) the Pro Bono Committee of the Chicago Appleseed Board of Directors and/or (b) the co-chairs of the supervising Collaboration for Justice Committee. Future iterations of the third-party review or projects involving federal institutions should consider Institutional Review Board (IRB) verification (see: UChicago Social and Behavioral Sciences IRB in University of Chicago, 2021).

Informed Consent

Consent is given at every stage of the research process. We ensure participants are aware of how their contributions will be used, and how anonymity will be maintained, in our final report and any correlated publications. All directly-impacted participants (people who are ***not*** being interviewed because of their profession, but because of lived experience) are offered honorariums for their contributions. Participants are able to leave interviews, focus groups, or the entire study at any time of the research process. Participants must have given informed consent in order for researchers to proceed, such as is demonstrated through Cornell's Research Services Consent Forms (CRS, 2021) or the DHHS Informed Consent Checklist (DHHS, 1998).

Limitations

Researchers should further acknowledge their own limitations. We strive to assess, at all times, how our positionality may influence data or create forms of bias over collection, analysis, and findings. This will be mitigated through the above considerations, including a risk assessment and third party review.

IV. WRITING:

In order to maintain a high degree of report quality, we utilize APA formatting. Formatting not only helps to create consistency across each of our researchers and published reports, it also provides a clear structure for formatting and citations so the content of the piece can be the focus of researchers' attention. We follow the most recent standard of APA Guidelines (i.e. APA 7), released in October 2019. We strive to ensure all work is cited properly following APA guidelines, which are listed clearly by the Purdue University Online Writing Lab on the APA Formatting Guide.

V. IMPLEMENTATION:

How do outputs translate into desired outcomes for maximized research impact? An implementation strategy functions to connect the outputs and outcomes discussed in the research design phase, including stakeholder calls to action -- outreach to relevant stakeholders in the research and implementation process, with calls to action based on research findings, publications, and media coverage -- and other campaign planning. Click here for the campaign planning template.

The two most common kinds of campaign for Chicago Appleseed's research purposes are as follows:

Advocacy Campaigns | The goal of an advocacy campaign is to communicate one clear message across several channels to either bring awareness to an issue, advocate for or against a policy, program, or piece of legislation, and/or elicit engagement from our audience in the form of an action item (i.e., sign this petition, read this report, call your legislator, attend this event, etc.).

"Launch" or "Release" Campaigns | The goal of a "launch" campaign is to spread awareness about the launch or release of a new report/publication from Chicago Appleseed and convince people to read it or engage with the action items.

VI. SIGNATURE:

Your signature below acknowledges you have read these research standards and agree to abide by methods and ethical requirements. Please send this signed copy to the team lead you are working with, or to Malcolm Rich (malcolmrich@chicagoappleseed.org) if you are working on multiple projects.

____

Printed Name

____

Signature Date

APPENDICES:

(1) Research Planning and Advocacy Guides/Templates:

- Project Overview Template
- Research Checklist Template
- Ethics Review Checklist
- Campaign Planning Template

(2) Resource List:

Cornell Research Services. (2021). IRB Consent Form Templates | Cornell Research Services. Researchservices.cornell.edu. Retrieved 23 March 2021, from https://researchservices.cornell.edu/forms/irb-consent-form-templates

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