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Article

Unified Search, Analysis, and Reporting Protocols in United States Policy Surveillance: A Guide and Call-to-Action

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Abstract

Multi-jurisdictional legal research is an important area of study for understanding the United States's (U.S.) legal landscape, including the impact of this landscape on social issues (e.g., overdose response, violent victimization). However, underexplored within the extant literature is unified and systematic guidance on conducting such research. Accordingly, the goal of the current paper is to construct a guide and call to action on bringing policy surveillance methods into focus. First, a systematized review of the extant empirical literature on multi-jurisdictional domestic violence policy surveillance is employed by inputting a search phrase—(statut* OR legis* OR law* OR “policy” OR “policies”) AND “content analysis” AND “United States” AND (violen* OR abus*)—into three scholarly databases: Criminal Justice Abstracts, Academic Search Premier, and Applied Social Sciences Index & Abstracts. Second, a systematized review of the extant literature on policy surveillance methodology more broadly is employed by inputting a search phrase—“policy surveillance”—into the scholarly database, Web of Science. After inclusion/exclusion and data abstraction processes, as well as with the information gained from the systematized reviews more broadly, the current work (a) constructs a series of common methodological

practices in policy surveillance and (b) develops a call-to-action on necessary future steps to ensure wide usage of unified policy surveillance guidance. Overall, the importance of the current work is embodied in an empirically-informed set of options for searching, analysis, and reporting of multi-jurisdictional policy surveillance research.

Keywords: United States, Policy surveillance, Legislation, Geography.

Article Text

1. Introduction

Multi-jurisdictional legal research is an important area of study for understanding the United States's (U.S.) legal landscape—as well as its impact on extant social issues. However, this area of research is plagued by a lack of unified options for searching for, as well as reporting the details of, state-level statute and regulation analyses. This paper aims to serve as a guide and call to action on this matter. Particularly, I conduct two back-of-the-envelope systematized reviews by including as many major Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) guidelines as suitable. The systematized reviews looked at (a) state-level statutes in the U.S. dealing with domestic violence and (b) policy surveillance methodology more broadly. Systematized reviews encompass some, but not all, components of systematic reviews.¹ Using the systematized reviews to draw context and examples, the current paper then describes a call-to-action on unified procedures for the search, analysis, and reporting of state policy surveillance in the U.S. It then develops a call-to-action regarding how to progress the field of policy surveillance forward. I highlight granular methodological

¹ Marjia J. Grant and Andrew Booth, 'A Typology of Reviews: An Analysis of 14 Review Types and Associated Methodologies' (2009) 26 Health Information and Libraries Journal.

details in policy surveillance (e.g., number of coders, databases, coding discrepancy resolution).

Policy surveillance can be defined as the systematic excavation, categorization, and presentation of laws for the purpose of tracking their geographic distribution cross-sectionally or longitudinally. The value associated with this call-to-action and guide is manifold. First, such guidance will help scholars identify study components that must suit their research questions. Second, the guide will assist with navigating the complex methodological landscape of statute research. Accordingly, it is hoped that this article can provide guidance and standards that can be adapted for other areas of legal research as well.

2. Methods

To create an underlying methodological/analytical framework through which an understanding of policy surveillance can be based, I conducted two systematized reviews, one at the narrative level (i.e., for background information on policy surveillance) and one at the quantitative level (i.e., for examples on methodology).

2.1. Review #1

To construct a search for extant guidance on policy surveillance studies, Review #1, one term was used: “*policy surveillance*”. To construct the search further, one database was used. Web of Science was used due to its generalness and wide scope of the literature. Pre-screening was conducted removing abstracts, meeting abstracts, corrections, editorials, reviews, and book chapters. At the title and abstract level, excluded records were those that applied policy

surveillance empirically to a topic. At the full-text level, excluded records were those that (a) had more of an applied than methodological focus (qualitatively measured) and (b) not enough discussion about methodology. This search also captured two domestic violence policy surveillance studies, which were included in the second review (see Section 2.2). A flow diagram of the inclusion and exclusion screening processes can be found in Figure 1.

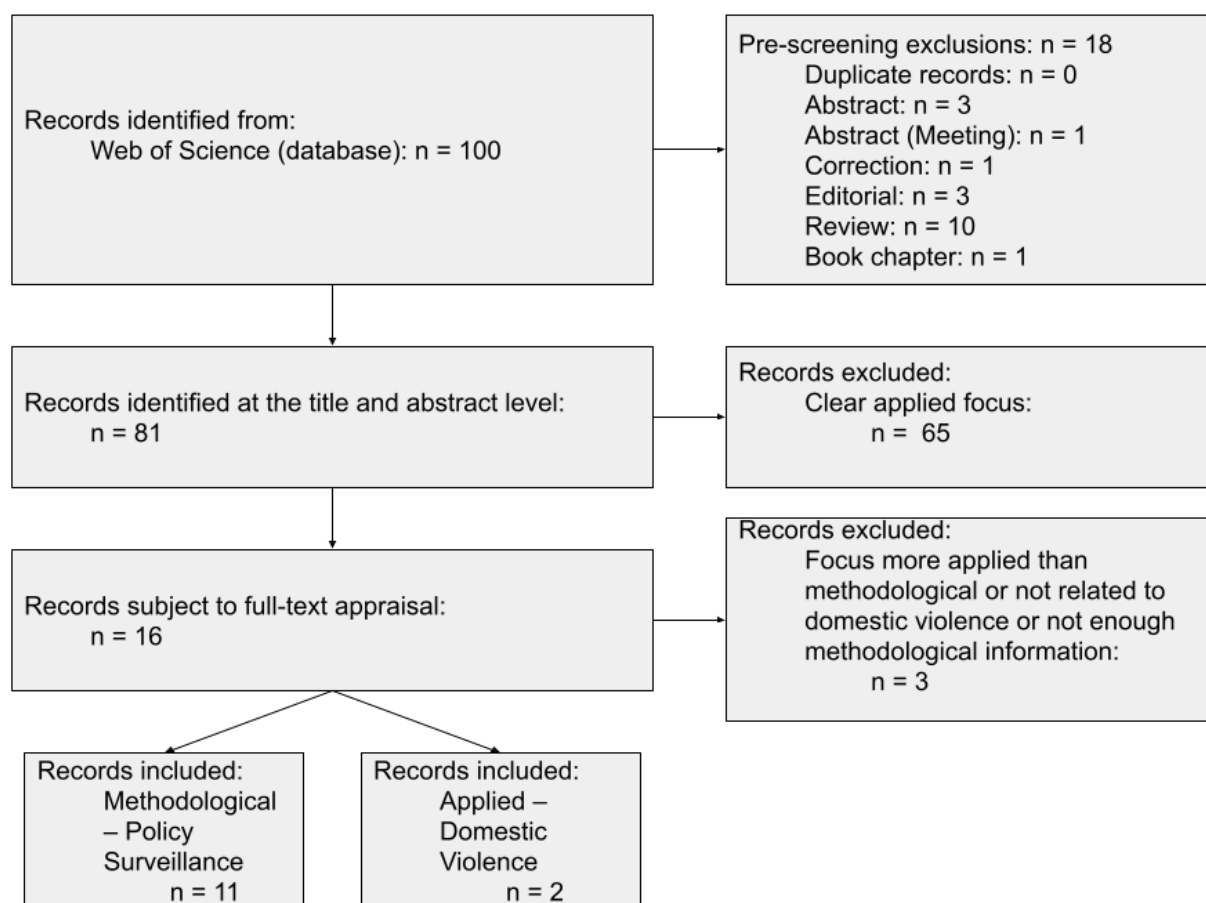


Figure 1. Flow diagram depicting inclusions and exclusions of the review.

Most of the results of Review #1 were not subject to data extraction. Instead, the 11 methodological papers (for a list, see Table 1) were interspersed throughout the remainder of the current study to create a baseline framework for understanding policy surveillance. These

11 methodological papers were integrated narratively through the current research to also give context for the examples and methodological intricacies found in Review #2.

Table 1. Reference list entries of articles found in Systematized Review #2.

#	Citation/Reference
1	Ross C. Brownson and others, 'Understanding Evidence-Based Public Health Policy' (2009) 99 <i>American Journal of Public Health</i> 1576.
2	Matthew Fifolt and others, 'Preliminary Findings of the Birmingham Policy Surveillance Initiative' (2023) 29 <i>Journal of Public Health Management and Practice</i> 2010.
3	James Hodge, 'The Promises (and Pitfalls) of Public Health Policy Surveillance' (2016) 41 <i>Journal of Health Politics, Policy, and Law</i> 1175.
4	Scott Burris and others, 'Policy Surveillance: A Vital Public Health Practice Comes of Age' (2016) 41 <i>Journal of Health Politics, Policy, and Law</i> 1151.
5	David Presley and others, 'Creating Legal Data for Public Health Monitoring and Evaluation: Delphi Standards for Policy Surveillance' [2015] <i>Journal of Law, Medicine, and Ethics</i> 27.
6	Abraham Gutman and others, 'Law as Data: Using Policy Surveillance to Advance Housing Studies' (2019) 21 <i>Cityscape: A Journal of Policy Development and Research</i> 203.
7	Jamie F. Chrique and others, 'What Gets Measured, Gets Changed: Evaluating Law and Policy for Maximum Impact. [2011] <i>Journal of Law, Medicine, & Ethics</i> 21.
8	Matthew Kavanaugh and others, 'Global Policy Surveillance: Creating and Using Comparative National Data on Health Law and Policy' (2020) 110 <i>American Journal of Public Health</i> 1805.
9	Lindsey Sanner and others, 'The Challenges of Conducting Intrastate Policy Surveillance: A Methods Note on County and City Laws' (2021) 111 <i>American Journal of Public Health</i> 1095.
10	Katie Moran-McCabe, Abraham Gutman, and Scott Burris, 'Public Health Implications of Housing Laws: Nuisance Evictions' (2010) 133 <i>Public Health Reports</i> 606.
11	Aila Hoss and others, 'Yes, You Need a Lawyer: Integrating Legal Epidemiology into Health Research' (2020) 135 <i>Public Health Reports</i> 856.

In Review #1, I found two domestic violence-related papers that empirically conducted policy surveillance (see Table 2). These two empirical works were transferred to Review #2 for data extraction.

Table 2. Reference list entries of articles found in Systematized Review #2.

#	Citation/Reference
1	Lindsay K. Cloud, Nadya Prood, and Jennifer Ibrahim, 'Disarming Intimate Partner Violence Offenders: An In-Depth Descriptive Analysis of Federal and State Firearm Prohibitor Laws in the United States, 1991-2016. (2023) 38 Journal of Interpersonal Violence 5164.
2	Avanti Adhia and others, 'Assessment of Variation in US State Laws Addressing the Prevention of and Response to Teen Dating Violence in Secondary Schools' (2022) 176 JAMA Pediatrics 797.

2.2. Review #2

Review #2 featured the conducting of a systematized review that focused on the previously-published empirical research on policy surveillance on domestic violence laws in the U.S. To construct a search for domestic violence studies that deal with state-level statutes, a series of search terms were developed into a search phrase and input into various databases. First, legal terminologies relevant to legislation were used: *statut** OR *legisl** OR *law** OR “policy” OR “policies”. Then, a methodology term was included to narrow the focus: “content analysis.” A geographic indicator was also included to exclude non-U.S. studies: “United States.” Finally, two violence indicator words were used: *violen** OR *abus**. Together the following search phrase was constructed: (*statut** OR *legisl** OR *law** OR “policy” OR “policies”) AND “content analysis” AND “United States” AND (*violen** OR *abus**).

To construct the search further, three databases were used. Criminal Justice Abstracts was used to, in part, account for the criminological nature of domestic violence law. Academic Search Premier was used to represent a generalized scope of searching. Applied Social Sciences Index & Abstracts was used to, in part, nest social science literature within the catchment of the current paper's search strategy. The search phrase was entered into each database.

To narrow the number of records handled and focus the systematized review, a series of (pre-)screening steps were taken. First, duplicates were removed electronically through the spreadsheet processing program, Microsoft Excel. An initial title and abstract screening was then employed, excluding (a) symposia, (b) proceedings, (c) posters, (d) non-English works, (e) works that were not DV-related, and (f) works that were not policy-related. A follow-up full-text appraisal was then conducted, including only those records that met the following criteria: (a) U.S.-based, (b) policy-specific, (c) having policy coding, and (d) disaggregated analyses at the state level. The inclusion/exclusion screening process can be seen in Figure 2.

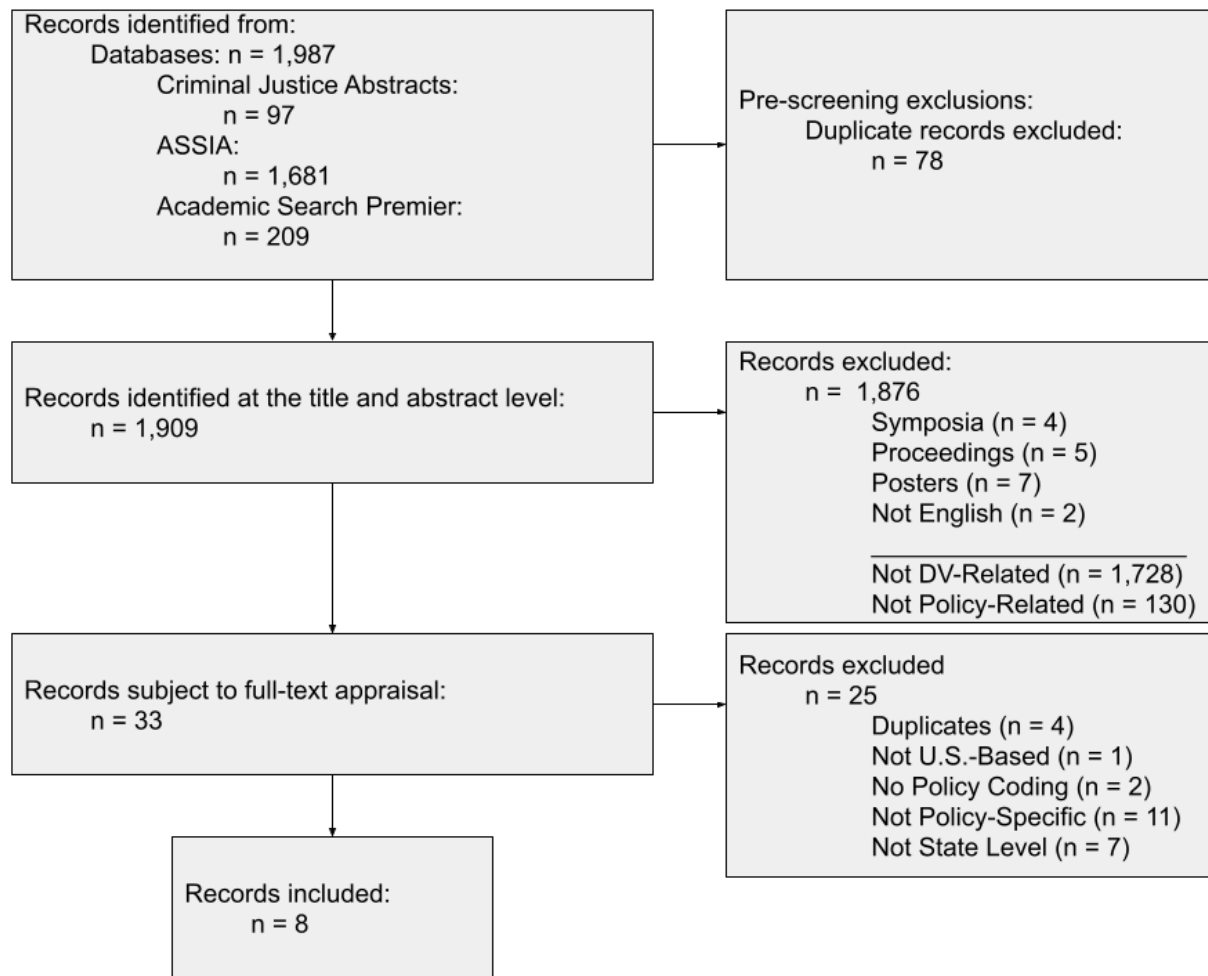


Figure 2. Flow diagram depicting inclusions and exclusions of the review. Note: ASSIA = *Applied Social Sciences Index & Abstracts*.

The eight records included from Review #2 can be found in Table 3. These articles empirically engaged in policy surveillance of several topics related to domestic violence. These include stalking, neglect, batterer intervention, and employment protections, among others. The two records from Table 2 were merged with the eight records from Table 3 to sum to 10 articles subject to data extraction.

Table 3. Reference list entries of articles found in Systematized Review #1.

#	Citation/Reference
1	Ethan C. Levine, 'Sexual Scripts and Criminal Statutes: Gender Restrictions, Spousal Allowances and Victim Accountability After Rape Law Reform.' (2018) 24 Violence Against Women 322.
2	Rebecca Rebbe, 'What is Neglect? State Legal Definitions in the United States' (2018) 23 Child Maltreatment 303.
3	Caralin Branscum and others, 'Stalking State Statutes: A Critical Content Analysis and Reflection on Social Science Research. [2021] Women & Criminal Justice 261.
4	Paulina Flasch and others, 'State Standards for Batterer Intervention Programs: A Content Analysis' (2021) 36 Violence and Victims 683.
5	Jennifer E. Swanberg, Mamta U. Ojha, and Caroline Macke, 'State Employment Protection Statutes for Victims of Domestic Violence: Public Policy's Response to Domestic Violence as an Employment Matter.' (2011) 27 Journal of Interpersonal Violence 587.
6	Emily M. Douglas and Sean C. McCarthy, 'Child Fatality Review Teams: A Content Analysis of Social Policy' (2011) 90 Child Welfare 91.
7	Hannah I. Rochford and others, 'United States' Teen Dating Violence Policies: Summary of Policy Element Variation' (2022) 43 Journal of Public Health Policy 503.
8	Michele Cascardi and others, 'School-Based Bullying and Teen Dating Violence Prevention Laws: Overlapping or Distinct?' (2018) 33 Journal of Interpersonal Violence 3267.

3. Quantitative Results/Data Extraction of Reviews

Table 4 presents quantitative data extraction results (n = 10) stemming from Review #1 (n = 2) and Review #2 (n = 8). Most studies focused on the 50 states without D.C. While some studies used the Westlaw database, others used Lexis Nexis. Several studies also used legislative/government websites. While most studies focused on statutes, others looked at administrative regulations. The use of more than one coder was common practice. Zero studies included a flow diagram for visually illustrating inclusion and exclusion processes.

Table 4. Data abstraction for systematized reviews ($N = 10$).

Characteristic	<i>n</i>	%
Jurisdictions under consideration		
50 states	5	50.0
50 states and D.C.	4	40.0
< 50 states	1	10.0
Search Strategy		
Westlaw database search		
Singular search terms used	0	0.0
Cross-tabulated search terms used	3	30.0
No search terms explicitly listed	1	10.0
No search terms used	6	60.0
Lexis Nexis / Nexis Uni database search		
Singular search terms used	0	0.0
Cross-tabulated search terms used	2	20.0
No search terms used	7	70.0
Other database used		
Singular search terms used	0	0.0
Cross-tabulated search terms used	1	10.0
No search terms used	9	90.0

Use of government documents/websites	6	60.0
Use of non-government documents/websites	4	40.0
Use of existing agencies - Phone calls	2	20.0
Use of existing agencies - Emails	2	20.0
Use of other sources - Not specified	1	10.0
Type of Law		
Statutes	9	90.0
“Policies”	1	10.0
Administrative Regulations	4	40.0
Number of Coders		
1	1	10.0
2	4	40.0
3+	4	40.0
Not specified	1	10.0
Statistical Computations		
% agreement	5	50.0
Krippendorff’s alpha	2	20.0
Cohen’s kappa	1	10.0
Discrepancy resolution		
Not mentioned	3	30.0
Discussion until 100% agreement	3	30.0

Pass-off to separate review to break ties	2	20.0
Pilot coding of subsample of laws		
Yes	6	60.0
Random number generation for subsample	2	20.0
Results presentation		
Narrative without examples	5	50.0
Narrative with examples	5	50.0
Mathematical	4	40.0
Tabular	10	100.0
Geospatial	2	20.0
Graphical	1	10.0
Inclusion/exclusion mentioned/described	6	60.0
Flowchart for inclusion/exclusion	0	0.0

4. Unified Protocols and Policy Surveillance

Unlike evidence-based synthesis methods used to understand extant literatures in research, the field of legal research's unified guidance on how to conduct policy-related projects lacks reach into the literature. Evidence of this matter can be traced to the wide variation in techniques used to search, code, analyze, and report on statute research across the U.S. Indeed, evidence-based synthesis methods have major, overarching technical guidance, such

as PRISMA,² JBI,³ and the Cochrane Collaboration.⁴ While uniform guidelines for policy collection and analysis exist (e.g., the Policy Surveillance Program),⁵ scholarly reiteration and advancing of such guidelines are needed to:

- Provide clear options for learning about how to conduct multi-jurisdictional legal research.
- Foster uniformity across fields, and thus, more streamlined communication.

The policy surveillance methodology literature seems to be bisected into requirements and challenges. One requirement within the policy surveillance literature is that such studies should be systematic and should be able to be redone through a standardized methodology.⁶ Indeed, documenting search processes and reporting them transparently is a hallmark of standardized methodology. Furthermore, this may involve keeping track of search terms/phrases, having inclusion/exclusion criteria, and a paper trail of coding for capturing the textual elements of law.⁷

² Matthew J. Page and others, 'The PRISMA 2020 Statement: An Updated Guideline for Reporting Systematic Reviews' [2021] 89 Systematic Reviews.

³ Edoardo Aromataris and others (eds) 'JBI Manual for Evidence Synthesis' (JBI 2024) <<https://synthesismanual.jbi.global>> accessed 8 April 2024.

⁴ JPT Higgins and others (eds), *Cochrane Handbook of Systematic Reviews of Interventions* (version 6.4, Cochrane 2023) <<https://www.training.cochrane.org/handbook>> accessed 8 April 2024.

⁵ The Policy Surveillance Project, 'Learning Library' (LawAtlas) <<https://lawatlas.org/page/lawatlas-learning-library>> accessed 8 April 2024.

⁶ Alia Hoss and others, 'Yes, You need a Lawyer: Integrating Legal Epidemiology into Health Research' (2020) 135 Public Health Reports; see also Matthew M. Kavanaugh and others, 'Global Policy Surveillance: Creating and Using Comparative National Data on Health Law and Policy' (2020) 110 American Journal of Public Health.

⁷ Matthew Fifolt and others, 'Preliminary Findings of the Birmingham Policy Surveillance Initiative' (2023) 29 Journal of Public Health Management and Practice.

A challenge to the conduct of policy surveillance involves access to information at the multi-jurisdictional level.⁸ For example, Jurisdiction A may have its own search platform for searching and browsing laws. Jurisdiction B may have its laws posted on Lexis Nexis. Jurisdiction C may not have their laws publicly available online at all. These differences create a challenge for the uniform application of systematic searching (e.g., using keywords) across platforms.

Another challenge is that studies may be conducted without staff who have adequate legal training. That is, having lawyers on a policy surveillance research team holds the promise of increasing the validity of the research. Extant research states that lawyers are needed on such teams.⁹ Stacked on top of this challenge is the challenge of timing and updating once initial surveillance has been conducted.¹⁰ For example, by the time a policy surveillance study has been published, laws may have already changed. Furthermore, some literature cautions not to “oversell” the potential impact and importance of policy surveillance.¹¹

⁸ Lindsey Sanner and others, ‘The Challenges of Conducting Intrastate Policy Surveillance: A Methods Note on County and City Laws’ (2021) 111 *American Journal of Public Health*; see also Matthew M. Kavanaugh and others, ‘Global Policy Surveillance: Creating and Using Comparative National Data on Health Law and Policy’ (2020) 110 *American Journal of Public Health*; Abraham Gutman and others, ‘Law as Data: Using Policy Surveillance to Advance Housing Studies’ (2019) 21 *Cityscape: A Journal of Policy Development and Research*; James Hodge, ‘The Promises (and Pitfalls) of Public Health Policy Surveillance’ (2016) 41 *Journal of Health Politics, Policy, and Law*.

⁹ Scott Burris and others, ‘Policy Surveillance: A Vital Public Health Practice Comes of Age’ (2016) 41 *Journal of Health Politics, Policy, and Law*; Aila Hoss and others, ‘Yes, You Need a Lawyer: Integrating Legal Epidemiology into Health Research’ (2020) 135 *Public Health Reports*.

¹⁰ Matthew Fifolt and others, ‘Preliminary Findings of the Birmingham Policy Surveillance Initiative’ (2023) 29 *Journal of Public Health Management and Practice*.

¹¹ James Hodge, ‘The Promises (and Pitfalls) of Public Health Policy Surveillance’ (2016) 41 *Journal of Health Politics, Policy, and Law*.

5. Guide to Common Policy Surveillance Methods

5.1. Search Strategies

One of the first choices of policy surveillance research is the overall search strategy, particularly in terms of search scope. The overall search strategy will depend on the goal of the study in terms of broadness and specificity and prior knowledge. There are two overarching options in this regard:

- *Searching by jurisdiction.* When analyzing neglect and stalking statutes across the U.S., some authors sift through the government and legislative websites.¹² One option for excavating statute information is venturing to each state's statute or legislative website (or host website) and looking for the codes manually. This option will be of best use if a researcher already has knowledge of which statutes they want to research. For example, if someone wants to search specifically for statutes on homicide, they may venture to the crime/criminal/criminal procedure chapters(s) of each state's statutes and pinpoint the relevant sections related to homicide.
- *Searching by legal database.* Another option for unearthing statutes is entering search terms in a legal database. This option will be of best use if a researcher is unaware of the breadth of statutes that exist across the United States. It is also a good option for exploratory research. For example, if someone wants to search specifically for statutes on officer-perpetrated domestic violence—but is unsure of where the statutes would be located—it would be best to gather some potential search terms and enter them into a legal database. For example, one study on dating violence statutes across the

¹² Rebecca Rebbe, 'What is Neglect? State Legal Definitions in the United States' (2018) 23 Child Maltreatment.

U.S. used the Westlaw database, specifically by entering search terms like “domestic violence” and “education.”¹³

5.2. Constructing Search Terms

Search terms can be constructed in various ways. These strategies can be subdivided into two categories:

- *Singular search term domains.* A singular search term strategy is one in which only one set of subject-specific terms is input into the database. When searching by jurisdiction, each state will have their own platform to which the search terms will need to be adapted. When searching by legal database, terms are generally entered as a string of words with the Boolean indicator, *OR* (i.e., the database’s version of the indicator), for example: *immig* OR alien* OR undocumented*.
- *Cross-tabulated search term domains.* A cross-tabulated search term strategy involves combining search terms of two or more broader topics to construct a relevant search phrase. For example, if a researcher is looking at immigration and domestic violence, they may construct a search phrase that includes immigration terminologies and domestic violence terminologies, for example, “immigrant” AND “domestic violence.”¹⁴

5.3. Defining the Scope of the Issue and Type of Law

¹³ Hannah Rochford and others, ‘United States’ Teen Dating Violence Policies: Summary of Policy Element Variation’ (2022) 43 *Journal of Public Health Policy*. See also Karisa Harland and others, ‘State-Level Teen Dating Violence Education Laws and Teen Dating Violence Victimization in the USA: A Cross-Sectional Analysis of 36 States’ (2021) 27 *Injury Prevention*.

¹⁴ Julio Montanez and others, *Between Systems and Violence: State-Level Policy Targeting Intimate Partner Violence in Immigrant and Refugee Lives* (Routledge 2022).

Studies collectively oscillate between jurisdictional focus. Particularly, some studies cover the 50 states of the U.S. Others cover the 50 states, as well as the District of Columbia (D.C.). D.C. is an important, nuanced consideration for both scopes because of its unique subnational position within the U.S.; it is (a) comparable to a state in terms of population; and (b) under the jurisdiction of the Congress of the U.S. For example, as Levine included D.C. in their analysis,¹⁵ Cascardi and colleagues restricted their analysis to the 50 states without D.C.¹⁶ Further disaggregating the nuances of law in the U.S., there are generally two levels of state-level law. The first are statutory codes. The second are administrative regulations. In terms of impacts on study methodology strength, the usage and non-usage of statutory and administrative codes forms two permutations that substantively impact results. First, choosing to analyze statutes instead of regulations (or regulations instead of statutes) allows researchers to more cleanly and clearly focus their studies, although gaps in understanding policy impacts may render the study incomplete. Second, in choosing to analyze both, coding for statutes can fill in the data gaps of regulation coding, just as coding for regulations can fill the data gaps of statute coding.

5.4. Data Abstraction

There are two levels of coding in the literature, inductive and deductive, as well as some back-and-forth between inductive and deductive. For example, Banscrum and colleagues' assessment of stalking statutes in the 50 U.S. states used grounded theory-oriented coding to

¹⁵ Ethan C. Levine, 'Sexual Scripts and Criminal Statutes: Gender Restrictions, Spousal Allowances and Victim Accountability After Rape Law Reform.' (2018) 24 Violence Against Women.

¹⁶ Michele Cascardi and others, 'School-Based Bullying and Teen Dating Violence Prevention Laws: Overlapping or Distinct?' (2018) 33 Journal of Interpersonal Violence.

construct a coding scheme—particularly, by inductively creating codes (e.g., 1 = “Some Characteristic; 0 = “Absence of Some Characteristic”; open coding) and then grouping such codes together into broader categories (axial coding).¹⁷ In terms of deductive approaches to coding, Rebbe used questions from a national-level survey that featured neglect questions, applying the questions to each neglect statute and producing quantitative results.¹⁸ “Emergent” categorization of text was used in Flash and Colleagues’ work, such that coding categories were developed through previous literature (deductive) and the study documents themselves (inductive), simultaneously.¹⁹ Other research has gone back-and-forth between inductive and deductive coding, particularly remaining open to new codes while simultaneously closed-coding, respectively.²⁰

5.5. Ensuring Trustworthiness

One technique to fortify trustworthiness in multi-jurisdictional statute research is to embrace the use of multiple coders/reviewers/raters. Indeed, there does not seem to be a concrete rule for the number of coders that optimally fosters reliable coding. However, there seems to be an extent of agreement that at least two coders are necessary. There are two ways in which coders are employed. First, coders can discuss and resolve discrepancies and reach 100

¹⁷ Caralin Branscum and others, ‘Stalking State Statutes: A Critical Content Analysis and Reflection on Social Science Research (2021) 31 Women & Criminal Justice.

¹⁸ Rebecca Rebbe, ‘What is Neglect? State Legal Definitions in the United States’ (2018) 23 Child Maltreatment.

¹⁹ Paulina Flasch and others, ‘State Standards for Batterer Intervention Programs: A Content Analysis’ (2021) 36 Violence and Victims 683.

²⁰ Ethan Levine, ‘Sexual Scripts and Criminal Statutes: Gender Restrictions, Spousal Allowances, and Victim Accountability after Rape Law Reform (2018) 24 Violence Against Women; Rebecca Rebbe, ‘What is Neglect? State Legal Definitions in the United States’ (2018) 23 Child Maltreatment.

percent agreement after independently coding the text of the statutes and comparing codes.²¹ Second, a third-party coder may be recruited to break stalemates and resolve discrepancies between other independent coders. For example, a work on batterer intervention laws used two independent coders; after codes were compared and discrepant codes identified, all discrepancies were sent to a third independent coder to decide on the finalized codes per discrepancy.²²

There are some techniques for understanding statistical measures for intercoder reliability. The first is the percentage of codes that are in agreement between two or more coders. The second is Krippendorff's alpha,²³ a measure of reliability in content analysis.²⁴ Cohen's kappa can also be used.²⁵ Other usages of statistical techniques include coding subsamples of the data (e.g., statutes) before final codes and numbers are produced.²⁶ One study used a random number generator to excavate the subsample for these pilot coding procedures.²⁷

5.6. Enhancing Rigor

²¹ Jennifer Swanberg, Mamta Ojha, and Caroline Macke, 'State Employment Protection Statutes for Victims of Domestic Violence: Public Policy's Response to Domestic Violence as an Employment Matter' (2012) 27 *Journal of Interpersonal Violence*.

²² Paulina Flasch and others, 'State Standards for Batterer Intervention Programs: A Content Analysis' (2021) 36 *Violence and Victims*.

²³ Rebecca Rebbe, 'What is Neglect? State Legal Definitions in the United States' (2018) 23 *Child Maltreatment* 303; Hannah Rochford and others, 'United States' Teen Dating Violence Policies: Summary of Policy Element Variation' (2022) 43 *Journal of Public Health Policy*.

²⁴ Klaus Krippendorff, 'Measuring the Reliability of Qualitative Text Analysis Data' (2004) 38 *Quality & Quantity*.

²⁵ Michele Cascardi and others, 'School-Based Bullying and Teen Dating Violence Prevention Laws: Overlapping or Distinct?' (2018) 33 *Journal of Interpersonal Violence*.

²⁶ Caralin Branscum and others, 'Stalking State Statutes: A Critical Content Analysis and Reflection on Social Science Research. [2021] *Women & Criminal Justice*; see also Rebecca Rebbe, 'What is Neglect? State Legal Definitions in the United States' (2018) 23 *Child Maltreatment*.

²⁷ Rebecca Rebbe, 'What is Neglect? State Legal Definitions in the United States' (2018) 23 *Child Maltreatment*.

Triangulation is essentially mixed methodology, in which more than one method is used to either (a) see if findings converge (i.e., convergence), (b) see if findings diverge (i.e., divergence), and (c) see if findings work together to create a broader story (i.e., complementarity).²⁸ These can be integrated into policy analysis in different ways. Convergence and divergence can simultaneously be assessed through the inclusion of other data in addition to statutes and related legal mechanisms.²⁹ For example, Swanberg and Colleagues communicated with domestic violence agencies as a way to “cross-reference” and ensure the accuracy of the initial search for statutes (e.g., via databases, jurisdictions).³⁰ Complementarity can be integrated into the research by giving each data type a specific division of labor. For example, Crisafi’s work triangulated statutes, court cases, and news reports to stitch together a story about race, gender, and the implications of stand-your-ground laws for intimate partner violence survivors.³¹ The statutes, court cases, and newspaper articles each had a scaffolded role to play in shaping the findings of the work.

5.7. Presentation

There are several ways in which policy surveillance results are presented. The first involves presenting findings as a narrative, but without excerpts from the actual laws. The second is to

²⁸ David L. Morgan, ‘Commentary—After Triangulation, What Next?’ (2019) 13 *Journal of Mixed Methods Research*.

²⁹ Ethan Levine, ‘Sexual Scripts and Criminal Statutes: Gender Restrictions, Spousal Allowances, and Victim Accountability after Rape Law Reform’ (2018) 24 *Violence Against Women*; Rebecca Rebbe, ‘What is Neglect? State Legal Definitions in the United States’ (2018) 23 *Child Maltreatment*; Jennifer Swanberg, Mamta Ojha, and Caroline Macke, ‘State Employment Protection Statutes for Victims of Domestic Violence: Public Policy’s Response to Domestic Violence as an Employment Matter’ (2012) 27 *Journal of Interpersonal Violence*.

³⁰ Jennifer Swanberg, Mamta Ojha, and Caroline Macke, ‘State Employment Protection Statutes for Victims of Domestic Violence: Public Policy’s Response to Domestic Violence as an Employment Matter’ (2012) 27 *Journal of Interpersonal Violence*.

³¹ Denise Crisafi, *No Ground to Stand Upon?: Exploring the Legal, Gender, and Racial Implications of Stand Your Ground Laws in Cases of Intimate Partner Violence* (doctoral dissertation, University of Central Florida 2016) <<https://stars.library.ucf.edu/etd/4938/>> accessed 9 April 2024.

present findings in paragraph format and, for example, block-quote excerpts of texts from the laws. The third presentation method and the most consistently used method involves using tables to parse out coding categories. Fourth, mathematical steps may be taken to understand the data such as creating broader indices that can be used to rank states based on a broad characteristic. Fifth, studies may use geospatial methods to map the distribution of law across geographies. The sixth means by which results may be presented involves graphical presentation, such as tracking the presence of some law type longitudinally.

6. A Call to Action

In light of the methodological exercises and options detailed above, a call to action on the matter of policy surveillance is necessary. Particularly, the following are needed:

- First, extant, reliable study guidance needs to be publicized beyond the field of public health. It seems that the most comprehensive, step-by-step guidance on policy surveillance is the Policy Surveillance Program: A LawAtlas Project and the Center for Public Health Law Research, both housed in Temple University's Beasley School of Law.³² More effort is needed to help such comprehensive guidance escape the public health silo and permeate the boundaries of other fields, like criminology and criminal justice, among others. To make this possible, the current research proposes that strong collaborative and coalitional orientation between policy surveillance researchers and researchers in the field of evidence-based synthesis (e.g., PRISMA).

³² Center for Public Health Law Research, 'Center for Public Health Law Research' (Beasley School of Law, Temple University) <<https://www.phlr.org>> accessed 21 April 2024.

- Second, the usage of differentiated search strategies may assist in further fortifying the rigor and trustworthiness of policy surveillance studies. For example, once a section of law (statute or administrative regulation) is identified, adjacency searching can be employed. This method of searching involves defining and searching a window of sections before and after an initially-identified section of law.³³ This additional step can help ensure that additional, relevant laws are also included in the sampling of laws beyond the initial search strategy.
- Third, studies may find relevance in venturing beyond analyzing the technical, enforceable aspects of statutes and regulations—particularly, by looking at discursive constructions of relevant topics. For example, Carson and Carter looked at abortion-related discourses in legislation across the U.S.³⁴ Learning about how things are said hints to the broader attitudinal climate in which such legislation is enacted and implemented. Indeed, how things are discussed may hint to how they are treated.³⁵ For example, the notorious “Ugly Laws” of Chicago, Illinois, U.S. used the terms “diseased, maimed, [and] mutilated” to refer to people with disabilities, enshrining a formal sanction to accompany stigmatizing language.³⁶ Fast-forwarding to the first decade of the 2000s, Rosa’s Law was enacted in the U.S. This law imputed the term “mental retardation” with the term “intellectual disability” in various federal laws

³³ Julio Montanez and others, *Between Systems and Violence: State-Level Policy Targeting Intimate Partner Violence in Immigrant and Refugee Lives* (Routledge 2022).

³⁴ Saphronia Carson and Shannon K. Carter, 'Abortion as a Public Health Risk in COVID-19 Antiabortion Legislation' (2023) 48 *Journal of Health Politics, Policy and Law*.

³⁵ Barnett, Brian and Arron M. Bound, 'A Critical Discourse Analysis of *No Promo Homo* Policies in US Schools' (2015) 51 *Educational Studies*.

³⁶ Adrienne Phelps Coco, 'Diseased, Maimed, Mutilated: Categorizations of Disability and an Ugly Law in Late Nineteenth Century Chicago' (2010) 44 *Journal of Social History*.

purposed to increase accessibility. In these ways, discursive analyses can serve as a complementary component in policy surveillance.

- Fourth, the current call-to-action encourages the use of triangulation in data sources wherever possible. For concrete, technical research based on, for example, statutory and administrative law, this can take the form of examining court cases that cite such law.³⁷ For more discursive works, using non-legal data (e.g., newspaper text, qualitative interviews) could help as tests of multimethod convergence/divergence.³⁸

7. Discussion

The current paper used systematized evidence-based syntheses to obtain a flavor of the policy surveillance literature, as well as how policy surveillance is conducted in the field of domestic violence research. Findings from the systematized reviews show that there are certain requirements (e.g., systematic searching, the need for lawyers)³⁹ that accompany the responsibility of conducting policy surveillance. Moreover, information from the systematized reviews shows that myriad methodological approaches (e.g., regarding the number of coders, coding discrepancy resolution) are used to build lists of statutes and administrative regulations. In these ways, there are many strategies (e.g., adjacency searching) that can be developed and used to increase rigor and ensure trustworthiness in such studies.

³⁷ Denise Crisafi, *No Ground to Stand Upon?: Exploring the Legal, Gender, and Racial Implications of Stand Your Ground Laws in Cases of Intimate Partner Violence* (doctoral dissertation, University of Central Florida 2016) <<https://stars.library.ucf.edu/etd/4938/>> accessed 9 April 2024.

³⁸ David L. Morgan, 'Commentary—After Triangulation, What Next?' (2019) 13 *Journal of Mixed Methods Research*.

³⁹ Aila Hoss and others, 'Yes, You Need a Lawyer: Integrating Legal Epidemiology into Health Research' (2020) 135 *Public Health Reports*.

The current work is not without limitations. First, by employing systematized reviews of the extant literature, the current study does not meet the methodological threshold to claim that it is a more advanced type of review.⁴⁰ For example, the current study made use of one coder, the author. However, at the same time, goal was not to declare findings and generalize about the literature, but to galvanize a point of departure for developing unified protocols—across various fields—for searching, analyzing, and reporting on policy surveillance research. Moreover, the topical focus of one of the systematized reviews—the review on domestic violence policy surveillance—may not be perceived fully as standing up to the test of non-arbitrary-ness. However, the systematized review on domestic violence policy surveillance was based on the current study’s author’s major area of research interest (i.e., domestic violence). Accordingly, what is lost in not systematically identifying the topic of study, is consequently gained in the author’s familiarity with and insight into domestic violence policy research.

The implications of the current work are manifold. First, while extant syntheses of knowledge exist on the matter,⁴¹ the current work provides a piecemeal forward movement of the legal methodology literature by way of identifying specific components of policy surveillance (e.g., using random number generation for coding a subsample of statutes). Second, the current paper lays out the methodological components as a variety of potential options for policy surveillance researchers. Finally, its call-to-action attempts to galvanize the use legal-research

⁴⁰ Marjia J. Grant and Andrew Booth, ‘A Typology of Reviews: An Analysis of 14 Review Types and Associated Methodologies’ (2009) 26 *Health Information and Libraries Journal*.

⁴¹ Scott Burris and others, ‘Policy Surveillance: A Vital Public Health Practice Comes of Age’ (2016) 41 *Journal of Health Politics, Policy, and Law*.

coalitions, additional search strategies, discursive analyses, as well as triangulation. Overall, it is hoped that the current work provides a roadmap for publicizing and moving policy surveillance research forward.

8. Conclusion

Policy surveillance is an important means by which researchers can understand the impacts of public policy on the empirical world. Existing approaches on specifically “how” to conduct such research are diverse. This article explored these intricacies through the conducting of two systematized reviews, which provided a groundwork for a guide and call-to-action on the need for unified guidance on policy surveillance. First, extant unified guidance on policy surveillance may benefit policy studies more generally through greater reach into the literature. Second, integrating diverse strategies for establishing rigor and enhancing trustworthiness holds the promise of fortifying methodological strength across studies. Third, studies may benefit from also including a discursive focus in policy surveillance. Fourth, usage of multiple data sources can invoke the principles of convergence and complementarity to foster greater methodological strength within studies. In these ways, the field of policy surveillance can more easily disseminate and sharpen methodological techniques for understanding the relationship between law and the social world.