

1.1.F.1 Research Activities

I Policy Index:



Date Signed: 03/31/2013
Distribution: Public
Replaces Policy: N/A
Supersedes Policy Dated: 04/15/2012
Affected Units: All Units
Effective Date: 04/01/2013
Scheduled Revision Date: December 2013
Revision Number: 6
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) will support research activities that assist in achieving Department goals, objectives or plans for the future; and/or that contribute to more effective and efficient use of DOC resources.

III Definitions:

Research Activities:

The collection of information about a particular subject which is aimed at:

- The discovery and/or interpretation of facts;
- The revision of accepted theories in light of new facts; or
- The practical application of new or revised theories.

Medical Research:

Research activities that include but are not limited to medical experiments and pharmaceutical studies using offender subjects.

Social Science Research:

Research activities that include but are not limited to the use of offender interviews, offender questionnaires and reviews of offender case records. This does not include any research activities that will expose offenders to the possibility of physical, psychological or other harm as a consequence of their participation.

Offender:

For the purposes of this policy, an offender is an inmate (in the custody of the Department of Corrections institutional system), a parolee (under parole or suspended supervision by South Dakota Parole Services), a juvenile housed at the STAR Academy, a juvenile on DOC supervised aftercare or any juvenile (under the South Dakota Department of Corrections jurisdiction).

IV Procedures:

1. General Research Activity Guidelines:

- A. Research activities utilizing the participation or involving the records of DOC employees, interns, volunteers or offenders must be approved in writing by the Secretary of Corrections, Deputy Secretary of Corrections or his/her designee prior to the start of the research.
- B. Anyone conducting research activities will be informed of any related DOC policies and/or institutional operational memorandums (OMs) relative to the research project, with special emphasis on the confidentiality of any privileged or confidential information obtained.
 - 1. Research data identifying individual offenders is be subject to the same confidentiality and security standards required for case records and personnel files (See DOC policy 1.1.E.1 [Adult Offender Case Records Content and Management](#)).
 - 2. At the discretion of the Secretary of Corrections, the researcher may be required to verify the accuracy of research data collected with the Secretary of Corrections, Deputy Secretary of Corrections or designee prior to publication.
- C. The use or participation of offenders in medical, pharmaceutical or cosmetic experiments is prohibited (See DOH policies P-I-06 [Medical and Other Research](#) and Y-I-05 [Medical and Other Research](#)).
- D. Research activities will comply with state and federal guidelines pertaining to the use and reporting of research findings and conform with accepted professional and scientific ethics.

2. Application to Conduct Research:

- A. The principal researcher must complete a [Research Application](#) (See [Attachment 1](#)) prior to conducting any research within a DOC program or institution or having contact with offenders or staff for research purposes and submit the completed application to the Secretary of Corrections or designee.
- B. [Research Application](#) requests will generally be responded to within ten (10) working days of the application being received by the Secretary or Deputy Secretary of Corrections or designee.

3. Obtaining Approval to Conduct Research:

- A. If the Secretary, Deputy Secretary of Corrections or designee declines a research request, they will respond in writing to the principal researcher within ten (10) working days of receiving the research request. A copy of the response shall be retained on file in the Central Office.
- B. A signed [Research Agreement](#) will be completed prior to the initiation of the research (See [Attachment 2](#)).
 - 1. The Secretary or Deputy Secretary of Corrections or designee will maintain the original signed research agreement(s) along with the written application to conduct research and all responses or documentation related to the research request.
 - 2. A copy of the respective signed research agreement(s) will be provided to the principal researcher.

4. Conduct of the Researcher(s):

- A. The researcher(s) will obtain a signed [Research Consent Form](#) (See [Attachment 3](#)) from offenders, staff, interns or volunteers (hereafter also referred to as "research subjects) who are selected to participate in the research prior to conducting any research activity directly involving the research subject.
 - 1. If the research involves juveniles (offenders under the age of 18), signed consent forms will also be required of the juvenile's parent(s) or guardian(s).
 - 2. No consent forms are required when the research does not involve direct contact with subjects under the authority of the DOC or publication of personally identifiable information.
- B. At least one (1) DOC staff member will be assigned to monitor the research activity and will oversee the researcher's compliance with all applicable policies, operational memorandums and laws regarding confidentiality.
- C. The principal researcher will explain the research activity and its purpose to all potential research subjects prior to their participation in the research activity.
 - 1. A written summary will be prepared to facilitate this explanation and a copy provided to each potential research subject. If the subject is an offender, a copy of the explanation will be placed in the offender's institutional file.
 - 2. The explanation will make it made clear to all offenders that their participation in the research activity will be voluntary and their participation in the research activity will in no way affect the terms or length of their sentence.
- D. The principal researcher will maintain adequate records to enable the Secretary of Corrections his/her designee to obtain the status of the research activity at any time.
- E. Data collected during the course of the research activity will only be used in the manner described to the research subject prior to his/her entry into the research activity or in a manner subsequently and specifically permitted by the subject.
- F. No research subject will receive any kind of compensation or special favors direct payment/compensation from the researcher(s) for involvement or participation in the research project unless approved by the Secretary of Corrections.
- G. Access to research data collected which identifies research subjects will be limited to the researchers, those staff members responsible for finding and evaluating the data, the respective Warden, Superintendent or agency supervisor, and any other staff approved by the Secretary or Deputy Secretary of Corrections or designee.
- H. Researchers visiting DOC facilities or having direct contact with offenders shall submit to a criminal records background check prior to admission to any DOC facility or contact with offenders. Researchers with criminal backgrounds may be denied access to facilities or offenders at the discretion of the Secretary of Corrections or designee.

5. Follow-Up Reports on Research:

- A. When the research activity is completed, a report of the results will be provided by the principal researcher to the Secretary of Corrections, Deputy Secretary of Corrections or designee.

- B. In the report of the results, researchers will not use actual names of research subjects or describe any research subject in such detail that he/she might be identified.

6. Violations of Research Regulations:

- A. Permission to continue the current research activity or conduct future research activities with the DOC may be discontinued for any violation of SDCL, DOC policy or agency operational memorandums.
- B. Violations of SDCL or DOC policy with regard to criminal offender record information may subject the violator to civil or criminal penalty (See SDCL §§ [24-2-20](#), [24-15-1](#) and [26-7A-120](#)).

V Related Directives:

SDCL §§ [24-2-20](#), [24-15-1](#) and [26-7A-120](#)

DOC policy 1.1.E.1 – [Adult Offender Case Records Content and Management](#)

P-I-06 [Medical and Other Research](#)

Y-I-05 [Medical and Other Research](#)

VI Revision Log:

December 2006: New policy.

December 2008: **Revised** formatting of policy and attachments with DOC policy 1.1.A.2. **Added** reference to any juvenile under SD DOCs jurisdiction to the definition of Offender. **Added** at the discretion of the Secretary of DOC may be required in ss (B2 of General Research Activity Guidelines). **Added** statement regarding the Secretary having an opportunity to review in ss (B3 of Obtaining Approval to Conduct Research). **Added** ss (A1 of Conduct of the Research(s)). **Added** reference to DOC and DOH policy in section V.

December 2009: **Revised** ss (A) to reference the completion of the Research Application and Attachment 1 and **deleted** former ss (A1-A5 and A5a-A53) referencing required information submitted in application both within Application to Conduct Research. **Deleted** former ss (B3 of Obtaining Approval to Conduct Research) regarding the Secretary of Corrections having the opportunity to review and comment on the findings. **Added** reference to the approval of the Secretary or designee in ss (C3) and **added** ss (H) regarding researchers required to complete a criminal background both within Conduct of the Researcher(s). **Added** new Attachment 1 and renumbered following attachments. **Added** hyperlinks.

December 2010: **Removed** ss B and B 1. and B 2. of Obtaining Approval to Conduct Research.

Removed from the Research Agreement (Attachment 2) the guideline to submit all research findings to the Secretary of Corrections, Deputy SOC or designee prior to actual use or dissemination of the findings.

March 2012: **Reviewed with No Changes.**

December 2012: **Added** “or involving the records of” in Section 1 A. **Added** “relative to the research” and **Added** “any privileged or confidential” in Section 1 B. **Added** “The principal researcher must complete” and **Deleted** “must be completed” and **Added** “or having contact with offenders or staff for research purposes” in Section 2 A. **Added** “a copy of the response shall be retained on file in the Central office” in Section 3 A. **Added** “an all responses or documentation related to the research request” to Section 3 B. 1. **Added** “(hereafter referred to as “research subjects”) and **Added** “prior to conducting any research activity directly involving the research subject” in Section 4 A. **Added** 2. to Section 4 A. **Added** “prior to their participation in the research activity” in Section 4 C. **Added** “A copy of the explanation will be placed in the inmate’s institutional file” in Section 4 C. 1. **Deleted** 3. “Offenders will not receive any kind of compensation or special favors for participating in a research activity unless approved by the Secretary of Corrections” in Section 4 C. **Deleted** “direct payment/compensation” and **Replaced** with “any kind of compensation

or special favors” and **Added** “participating” and **Added** “unless approved by the SOC” in Section 4
F. **Deleted** “offender” and **Replaced** with “research subject” in Section 5 B.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

03/31/2013

Date

Attachment 1: Research Application

The **Research Application** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Research Application** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Research Application**.

The gray areas indicate the information that is to be entered.

The image shows two pages of a 'RESEARCH APPLICATION' form. The left page is the main application form, and the right page contains specific questions and instructions.

Page 1 (Left):

- Header: South Dakota Department of Corrections, Policy, Distribution: Public. Attachment 1: Research Application. Please refer to DOC policy 1.1.F.1 Research Activities.
- Title: To: []
- 1. Title of Research Activity: []
- 2. Researcher Information Table:

	Principal Researcher:	Additional Researcher:	Additional Researcher:
Full Name	[]	[]	[]
Street	[]	[]	[]
City	[]	[]	[]
State	[]	[]	[]
Zip Code	[]	[]	[]
County	[]	[]	[]
Phone #	[]	[]	[]
- Note: If additional researchers are needed, please provide their contact information on a separate sheet of paper in the provided format above.
- 3. Research County: []
- 4. Summary of the goals of the Research Activity: []
- 5. The justification of the Research Activity: []
- 6. Details of Research Design:
 - a. DOC PRISONER PERSONNEL needed: []

Page 2 (Right):

- b. Sampling procedure for selecting offender subjects or offender records for this research and any criteria that will be used to determine the sample selection: []
- c. Procedure used for data collection and copies of research instruments to be used, including interview schedule, questionnaires, data collection forms, and tapes. []
- d. The facility procedure to be followed to protect the privacy and confidentiality of participants: []
- e. Details of compensation, if any to be paid: []
- f. What are the plans for dissemination of research findings: []

At the bottom of the right page, there is a notice: All research requests will normally be answered within ten (10) working days of being received by the Secretary of Corrections, Deputy Secretary of Corrections, or designee. All research will be conducted in accordance with DOC policy 1.1.F.1 Research Activities.

Attachment 2: Research Agreement

The **Research Agreement** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Research Agreement** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.

- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Research Agreement**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Research Agreement Please refer to DOC policy 1.1.F.1 Research Activities	
RESEARCH AGREEMENT			
Name of Principal Researcher *		Date	
Address: Street or P.O. Box			
City		State	Zip Code
Home Telephone Number:			
Work Telephone Number:			
Cell Phone Number:			
E-Mail Address:			
I agree to abide by the following guidelines regarding my research activities:			
<ul style="list-style-type: none">• To follow all policies, operational memorandums and directives that apply to the conducting of research.• The use and dissemination of research findings that may identify an offender or staff requires a signed statement of consent by each identified offender or staff.• To permit an assigned staff member to monitor the research project while it is in progress.• To submit a plan discussing the anticipated use and dissemination of the research findings for approval prior to the start of the research.• To submit all research findings to the Secretary of Corrections, Deputy Secretary of Corrections or designee prior to actual use of or dissemination of the findings.			
Signature of Principal Researcher		Date	
Signature of Staff Witness		Date	
* This form must also be completed by each member of the research staff			
Revised: 12/4/2006		Page 1 of 1	

Attachment 3: Research Consent Form

The **Research Consent Form** is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Research Consent Form** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.

- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Research Consent Form**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Research Consent Form Please refer to DOC policy 1.1.F.1 Research Activities
RESEARCH CONSENT FORM	
I freely and knowingly agree to participate in the research project entitled _____	
_____. I fully realize that my participation is of my own	
choosing and I agree not to hold the South Dakota Department of Corrections or the State of South Dakota	
liable for any physical or psychological harm that may happen to me. The research project has been	
satisfactorily explained to me and all my questions have been satisfactorily answered.	
_____ Printed Name of Offender/Staff	_____ Title (if applicable)
_____ Signature of Offender/Staff	_____ Date
_____ Signature of Staff Witness	_____ Date
Revised: 12/4/2008	
Page 1 of 1	