

1.1.F.1 Research Activities

I Policy Index:



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II Policy:

The Department of Corrections (DOC) supports research activities relevant to its programs that assist in achieving Department goals, objectives or plans for the future; and that contribute to more effective and efficient supervision of offenders, use of DOC resources and increased public safety.

III Definitions:

DOC Research Activities:

Research initiated by the DOC, either using DOC staff and/or contractual researchers.

Medical Research:

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

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 on DOC supervised aftercare or any juvenile under the South Dakota Department of Corrections jurisdiction.

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.

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.

IV Procedures:

1. General Research Activity Guidelines:

- A. The DOC may support and engage in internal research relevant to its programs, including approved research conducted by outside research professionals.
- B. Research activities other than those activities initiated by the DOC that utilize the participation or records of DOC employees, interns, volunteers or offenders, must be approved in writing by the Secretary of Corrections, Deputy Secretary of Corrections or designee, prior to the start of the research.
- C. Those conducting research activities will be informed of, and shall adhere to, any DOC policies and institutional operational memorandums (OMs) relative to the research project. All applicable security procedures shall apply to the activities of the researcher and the research project.
- D. Research activities will comply with all state and federal laws, including all law and guidelines pertaining to the use and reporting of research findings. All approved research activities will conform to accepted professional and scientific ethics.

2. Application to Conduct Research:

- A. The principal researcher (excluding DOC research activities), must complete a *Research Application* (See [Attachment 1](#)) prior to conducting any research within a DOC program, unit or institution and prior to having contact with offenders or staff for research purposes. The completed application must be submitted to the Secretary of Corrections or designee.
- B. The DOC may require the researcher or sponsoring organization to substantiate a professional standing in corrections, criminal justice, education, or a related field.
- C. The design of the research and information provided on the application shall be of sufficient quality to reasonably predict the results of the research will be reliable, valid and reasonably relevant to the business of the DOC.
- D. Submitted applications received/or requests, will generally be responded to within ten (10) working days of receipt by those with authority to consider the request.

3. Obtaining Approval to Conduct Research:

- A. DOC staff may request additional documentation from the researcher concerning any aspect of the research project prior to making a decision on the research request.
- B. If the research application is declined, a response will be sent in writing to the contact listed on the research application within ten (10) working days of receipt of the research application/request and all other necessary or requested information/details. A copy of the response shall be retained on file in the DOC Central Office.
- C. The *Research Agreement* form (See [Attachment 2](#)) must be signed and approved by the Secretary of Corrections or designee prior to initiation of the research.
 - 1. The Secretary or designee will maintain the original signed *Research Agreement* with the *Research Request* and any other responses or documentation related to the research request.

2. A copy of the respective signed *Research Agreement* form will be provided to the principal researcher.
3. The researcher shall not modify, revise or otherwise change the agreement or scope of research described and approved within the application, including extending the end date or broadening the number of research subjects without prior approval from the approver.

4. Conduct of the Researcher(s):

- A. The researcher(s) and/or designated DOC staff will obtain a signed *Research Consent* form (See [Attachment 3](#)) from all offenders, staff, interns or volunteers (hereafter also referred to as "research subjects) selected to participate in social research, prior to conducting any research activity that directly involves the research subject.
 1. If the social research involves juvenile offenders under the age of 18, signed consent forms are required from the juvenile's parent or guardian.
 2. Consent forms are not required when the research does not involve direct contact with a research subject under the authority of the DOC; or does not include publication of personally identifiable information.
 3. Research data identifying individual offenders is 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](#)).
- B. The researcher is responsible for ensuring the subject's rights and wellbeing are not compromised through participation or association with the research.
- C. At least one (1) DOC staff member will be assigned to monitor the research project and oversee the researcher's compliance with all applicable DOC policies, operational memorandums and rules, including the preservation of protected, privileged information or confidential material provided or acquired through the research.
- D. The principal researcher shall provide an explanation of the research activity, goals, expectations and purpose to all research subjects prior to participation in the research activity or signing the consent form.
 1. A written summary will be prepared to facilitate this explanation. A copy of the explanation shall be provided to each social research subject. If the subject is an offender, a copy of the explanation will be included in the offender's institutional file.
 2. The explanation will make it clear to all social research subjects that participation in the research activity is voluntary and participating or not participating in the research project will in no way impact the subject's incarceration or supervision (offenders) or employment with the DOC (DOC staff members).
 3. All fees and costs associated with translation of the explanation and documents/forms for those research subjects with communication disabilities or whose primary language is not English, shall be the responsibility of the researcher. No participant may be discriminated against on the basis of a disability.

- E. The principal researcher will maintain or have access to, adequate records showing the current status of the research project, which shall be made available to the Secretary of Corrections or designee upon request.
- F. Data collected during the course of the research activity will only be used in the manner described to the research subject(s) prior to giving consent, or in a manner subsequently and specifically permitted by the research subject, and as approved by the DOC through acceptance of the application and agreement.
- G. No research subject will receive direct or indirect compensation or special favors for participation in the research or derive any benefit from such participation not expressly described by the researched and approved by the DOC, unless approved by the Secretary of Corrections or designee.
- H. Research data which identifies research subjects shall be used only for specified and approved research or statistical purposes and shall not be revealed for any purpose other than those specified. The privacy and identity of all research subjects who have not provided consent shall be maintained.
 - 1. Identifying information shall not be included in research reports or publications, unless specifically agreed to by the research subject(s) and must serve a legitimate purpose relevant to the research.
 - 2. Identifying information shall be maintained under physically secure conditions. Upon termination of the research project, personally identifying information, such as names or ID numbers of the research subject(s) shall be destroyed or otherwise separated from the data.
- I. Researchers visiting DOC facilities or having direct contact with offenders shall be required to submit to a criminal records background check, which shall be conducted by authorized DOC staff prior to the researcher's admission to any DOC facility or having direct contact with DOC offenders. The results shall be reviewed by designated DOC staff and are subject to approval.

5. Follow-Up Reports on Research:

- A. A draft copy of the preliminary or final findings/results of the research project may be required by Secretary of Corrections or designee prior to further dissemination of such, public or otherwise.
- B. When the research project is complete, a final report of the findings/results will be provided by the principal researcher to the Secretary of Corrections and/or designated DOC staff for review.
- C. At the discretion of the Secretary of Corrections or designee, the researcher may be required to verify the accuracy of research data collected prior to publication.
- D. The DOC shall be granted access to the data collected though the research project upon request by the Secretary of Corrections or designee.

6. Violations of Research Regulations:

- A. Permission to conduct research utilizing DOC employees, interns, volunteers or offenders may be rescinded, suspended, terminated or denied if there is reason to believe the research violates state or federal law, DOC policy, agency operational memorandums/standards, or the research or associated processes become detrimental to offenders, staff or compromises the safe, secure and efficient operation of the facility or conflicts with the legitimate penological interests of the DOC.

- B. Violations regarding the release of offender record information may subject the violator to civil or criminal penalty (See SDCL §§ [24-2-20](#), [24-15-1](#) and [26-7A-120](#)).

7. Medical Research:

- A. The use of offenders for medical, pharmaceutical, or cosmetic experiments is prohibited. This does not preclude voluntary offender participation in clinical trials that are approved by Health Services based on the offender's need for specific medical intervention. The institutions' participation in clinical trials/medical research shall be in compliance with all state and federal guidelines and laws (See DOH policies P-I-06 [Medical and Other Research](#) and ACA #1-HC-3A-09).

8. Surveys:

- A. Designated DOC staff shall respond in a timely manner to surveys sent to the DOC by an academic or professional organization seeking statistical data.
- B. Completed surveys/responses shall be forwarded to the DOC Communications and Information Manger or designee for inclusion in the department's correspondence database.
- C. Surveys received by the DOC from private, for-profit businesses for commercial purposes shall be responded to by designated DOC staff as time and duties allow. Staff may consider any clear or perceived benefit to the DOC from participation in the survey when prioritizing a response.

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](#)

DOH policy P-I-06 -- [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.

December 2013: **Reviewed** with no changes.

December 2014: **Added** definition of “DOC Research Activities”. **Added** “other than DOC research activities” to Section 1 A. **Added** “Excluding DOC research activities” in Section 2 A. **Added** Section 7.

December 2015: **Added** “relevant to its purposes” and **Added** “supervision of offenders” and **Added** “and increased public safety” to the policy statement. **Added** new A. to Section 1. **Added** new B. and C. to Section 2. **Added** new A. to Section 3. **Added** “and all other necessary or requested information/details” to Section 3 B. **Added** 3. to Section 3 C. **Deleted** “principal researcher “and **Replaced** with “the contact listed on the research application principal researcher” in Section 3 A. **Added** “and/or designated DOC staff” to Section 4. A. **Added** new B. to Section 4. **Added** “shall provide an explanation” and **Added** “the goals, expectations and” and **Added** “or signature on the consent form” to Section 4 D. **Added** “is voluntary and participating or not participating in the research project will in no way impact incarceration or supervision (offenders) or employment with the DOC (DOC staff members)” in Section 4 D. 2. **Deleted** “will be limited to the researchers, those staff members responsible for locating and evaluating the data, the respective Warden, Superintendent or agency supervisor, and staff approved by the Secretary or his/her designee” and **Replaced** with “shall be used only for research or statistical purposes and shall not be revealed for any purpose other than the approved research. The privacy of all research subjects shall be maintained during the research” in Section 4 H. **Added** 1. and 2. to Section 4 H. **Added** new A. to Section 5. **Deleted** B. from Section 5. **Added** C. to Section 5. **Added** “suspended” and **Deleted** “for any violation” and **Replaced** with “if there is reason to believe the project” and **Added** “or becomes detrimental to inmates, staff or the safe and efficient operation of the facility” in Section 6 A. **Added** “voluntary” to Section 7 A. **Added** Section 8. **Revised** Attachments 2 and 3.

December 2016: **Reviewed** with no changes.

December 2017: **Reviewed** with no changes.

December 2018: Minor language and structure changes.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

12/27/2019

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.

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			
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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
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