

1.1.F.1 Research Activities

I Policy Index:



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Revision Number: *13*
Office of Primary Responsibility: *DOC Administration*

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 contract 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 which are held by the DOC, 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, all DOC policies and institutional operational memorandums (OMs) that are relative to the research project. All applicable security and safety procedures shall apply to the activities of the researcher and the research project.
- D. Research activities will comply with all state and federal law, including all laws and guidelines pertaining to the use and reporting of research findings. All approved research activities will conform to accepted professional standards 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 substantiate a professional standing in the field of corrections, criminal justice, education, or related field, subject to approval by the DOC.
- C. The applicant shall include an endorsement by a recognized research organization (e.g., university, college, private foundation, consulting firm, or public agency) that has a mandate to perform research, certifying that the research proposal is for valid scientific, educational, or other public purposes. If Human Subjects Reviews have been conducted and approved through the requesting research organization, a copy shall be included as part of the endorsement.
- D. 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.
- E. Submitted applications or requests received by the DOC 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 fifteen (15) working days of receipt of the research

application/request. All decisions are final. 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. The applicant may propose an alternative informed consent form by including it as an attachment to the application.
1. If the social research involves research subjects under the age of eighteen (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 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 research subject. If the subject is an offender, a copy of the explanation will be included in the offender's institutional record.
 2. The explanation will make it clear to all 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 those 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), 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, to the 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 through 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 compromise 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-G-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-G-06 -- [Medical and Other Research](#)

VI Revision Log:

Removed revisions from December 2006-December 2009.

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.

December 2019: Reviewed with no changes.

January 2022: 2.C **Added**; 3.B – **Revised** “Ten (10)” to “fifteen (15)”; 4.A – **Added** “The applicant may propose an alternative informed consent form by including it as an attachment to the application.”; Attachment #2 – **Revised** signature line.

Doug Clark (Original signature on file)

Doug Clark, Interim Secretary of Corrections

02/07/2022

Date

Attachment 1: Research Application

The **Research Application** form is located in PolicyTech.
The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Research Application Please refer to DOC policy 1.1.F.1 Research Activities	South Dakota Department of Corrections Policy Distribution: Public	Attachment: Research Application Please refer to DOC policy 1.1.F.1 Research Activities
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RESEARCH APPLICATION

To: []

1. Title of Research Activity: []

2. Principal Researcher: [] Additional Researcher: [] Additional Researcher: []

Full Name	[]	[]	[]
Street	[]	[]	[]
City	[]	[]	[]
State	[]	[]	[]
Zip Code	[]	[]	[]
Email	[]	[]	[]
Phone #	[]	[]	[]

If additional researchers are needed, please provide their contact information on a separate sheet of paper in the provided format above.

3. Research Endorsed By: []

4. Summary of the goals of the Research Activity:
[]

5. The justification of the Research Activity:
[]

6. Details of Research Design:

a. DOC resources/personnel needed:
[]

b. Sampling procedures for selecting offender subjects or offender records for this research and any criteria that will be used to determine the sample selection:
[]

c. Procedures used for data collection and copies of research instruments to be used, including interview schedules, questionnaires, data collection forms and tests.
[]

d. The security procedures 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:
[]

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.

Created: 10/14/2009 Page 1 of 2

Created: 10/14/2009 Page 2 of 2

Attachment 3: Research Consent Form

The **Research Consent Form** is located in PolicyTech.
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
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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 and I release any claim against the DOC related to my voluntary participation in the research project.

Inmate

I understand my decision to participate or not participate in this research project will have no impact on the terms of my incarceration or supervision and there is no penalty for not participating in the research project.

DOC Staff Member

I understand my decision to participate or not participate in this research project will have no impact on my employment with the DOC and there is no penalty for not participating in the research project.

I consent to having my identity revealed in the research project and any reports.

DO NOT consent to having my identity revealed in the research project or any reports.

I understand that if the DOC is not the sponsor of the research project, the decision as to whether my identity will be protected is up to the researcher and is not under the control of the DOC

I affirm this research project has been satisfactorily explained to me and all of my questions have been answered. I understand that my participation is voluntary and of my own choosing. I know that I can choose to discontinue participation at any time.

Printed Name of Offender/Staff

Title (if applicable)

Signature of Offender/Staff

Date

Signature of Staff Witness

Date