

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	5.1	8
	Date Filed	Effective Date
	December 10, 2013	February 3, 2014
Authority/References ACA 2-CO-1E-01, 2-CO-1F-09 through 2-CO-1F-15 KRS 196.030, 196.035, 197.020, 439.510, 439.990 45 CFR 46 900 KAR 1:080 P & P ACA 3-3106, 3-3108, 3-3109, 3-3110, 3-3111, 3-3112, 3-3113, 3-3114, 3-3115, 3-3116	Subject  <p style="text-align: center;"><b>RESEARCH AND SURVEY PROJECTS</b></p>	

## I. DEFINITIONS

"Agency research" means studies conducted by employees of Corrections usually by, or in conjunction with, the Office of Research and Planning in the central office.

"Cooperative research" means any research which involves the collection of information pertaining to offenders under the jurisdiction of Corrections or to employees of Corrections which is conducted by non-Corrections personnel or by Corrections personnel outside their normal job duties.

"Data request" means a request for data that would normally be generated from the offender information database and is not associated with a cooperative research proposal.

"Medical experimentation" means any medical or dental experiments and pharmaceutical studies using consensual offenders as subjects.

"Offender" means any inmate, probationer, or parolee under the jurisdiction of Corrections.

"Research activities" means the application of procedures for solving a problem or testing a hypothesis.

"Recidivism" means re-incarceration of an offender in a Kentucky adult correctional facility within twenty-four (24) months of release from a correctional institution.

"Survey" means a written data collection instrument submitted to Corrections.

Policy Number	Effective Date	Page
5.1	February 3, 2014	2

## II. POLICY and PROCEDURE

The Department of Corrections supports and engages in non-medical, non-pharmaceutical and non-cosmetic research activities relevant to its programs and permits, encourages and uses research conducted by outside professionals. Research assists Corrections in establishing goals, objectives, and plans for the future and may contribute to more efficient and effective supervision of offenders, conservation of resources, and increased public safety. This research shall be conducted within the following parameters:

- A. Designated staff from the Office of Research and Planning shall review and recommend to the Commissioner all research projects. Staff may request additional documentation from the researcher concerning any aspect of the research prior to a decision to recommend a cooperative research project. The Commissioner shall review and approve all research projects prior to their implementation.
- B. Corrections may seek financial support for its research programs from private funding agencies.
- C. Corrections may support and engage in internal research relevant to its programs, as well as research conducted by outside professionals.
- D. Appropriate department personnel shall assist the Office of Research and Planning staff in determining what questions shall be addressed, what data shall be provided, and how that data may be presented.
- E. An offender shall be prohibited from participating in medical or pharmaceutical testing for experimental or research purposes. This shall not preclude voluntary offender participation in clinical trials based on his or her need for a specific medical intervention if approved by Corrections. Such trials, if approved, shall be performed in compliance with all applicable state and federal guidelines.
- F. Cooperative Research
  1. Application to Conduct Cooperative Research
 

Applications to conduct cooperative research shall be directed to the Office of Research and Planning.

    - a. A research proposal shall meet the following criteria:
      - (1) The researcher or the sponsoring organization has professional standing in corrections, education, or a related field;

Policy Number	Effective Date	Page
5.1	February 3, 2014	3

- (2) The design of the research proposal is of sufficient quality to predict that the results will be reliable and valid;
  - (3) The project has identifiable benefits for Corrections, particularly those projects that are compatible with Corrections' efforts or include information that may be used by Corrections; and
  - (4) The researcher agrees to abide by the Conditions of Participation specified herein.
- b. A research proposal shall be doubled-spaced with each page numbered at the bottom and contain the following:
- (1) Title of project;
  - (2) Name, contact information and qualifications of each principal researcher, and name and address of sponsoring organization, if applicable;
  - (3) Specific Corrections institution, office or Probation and Parole district where the research is proposed to take place, and type of subject to be targeted (i.e. inmates, staff, parolees, etc.);
  - (4) Notice of intent to use subjects' identities;
  - (5) Beginning and ending dates of the project;
  - (6) Statement of the purpose of the research;
  - (7) Detailed description of the methodology, the information to be collected and the sources, as well as a description of any electronic device(s) proposed to be used in the collection of data (e.g., audio recorder, laptop computer, etc.). Note: approval to use electronic devices shall be at the discretion of the institutional warden or Probation and Parole supervisor;
  - (8) Specific description of data that will be needed from the offender information database, if applicable;

Policy Number	Effective Date	Page
5.1	February 3, 2014	4

- (9) Description of anticipated benefits to Corrections, criminal justice profession, or others;
- (10) Statement of how the research findings will be distributed;
- (11) The specific procedures the researcher will use in order to comply with the Conditions of Participation specified in Section F.2.;
- (12) Attachment I: Original, signed and witnessed Research Agreement stipulating the researcher's responsibilities and conditions of conducting research;
- (13) Attachment II: Copy of researcher's consent form;
- (14) Attachment III: Abstract of proposed research;
- (15) Attachment IV: Questionnaires, tests, or interviews that are proposed to be administered directly to subjects, if applicable; and
- (16) Attachment V: Copy of Institutional Review Board (IRB) approval, if applicable.

c. The Office of Research and Planning shall coordinate with the appropriate institution or Probation & Parole office to obtain signed DOC consent forms from applicable subjects prior to their participation in the approved cooperative research project.

## 2. Conditions of Participation

The researcher shall ensure the protection of the rights and well being of the individuals involved in the study. Prior to receiving Corrections' approval, the researcher shall agree to abide by the following conditions of participation:

a. The privacy of subjects shall be maintained during all research. Information that identifies an individual shall be used only for research or statistical purposes and shall not be revealed for any purpose other than approved research. Identifying information shall not be included in reports or publications, unless specifically agreed to by the subject, and shall be maintained under physically secure conditions. At the termination of the project, names and identifying numbers of subjects shall be destroyed or otherwise

Policy Number	Effective Date	Page
5.1	February 3, 2014	5

separated from the data as expressly stated in the original, approval research proposal.

- b. Information may be collected directly from a research subject only with the informed and voluntary consent of the subject. The researcher shall be responsible for obtaining a signed consent form from each subject. Prior to requesting a subject's signature on the consent form, the researcher shall provide a detailed explanation to the subject of the activities in which the subject will be involved and the goals and expectations of the project. Corrections institutional staff or Probation & Parole supervision office shall obtain a signed DOC Research Consent Form from each research subject, which shall be scanned into an electronic folder specifically designated for the research project and managed by the Office of Research and Planning. The consent form shall clearly state the title of the project.
- c. Information designated as privileged in KRS 439.510 shall not be disclosed by the researcher, subject to the penalties specified in KRS 439.990.
- d. The Department of Corrections shall be given access to data collected through an approved cooperative research project, if requested.
- e. The researcher shall forward a draft copy of the completed research project prior to the dissemination to the Department of Corrections through the Office of Research and Planning. Corrections shall review the draft to determine if it accurately reflects the originally approved proposal.
- f. Information or data collected or obtained through cooperative research shall not be transferred to a third party without the approval of the Commissioner of the Department of Corrections. Recipients of transferred data shall be subject to the same conditions of participation stated herein.
- g. Information or data obtained through cooperative research shall not be used in any proceeding against the Department.
- h. All researchers shall be informed of and shall adhere to security procedures while on Corrections property as outlined in CPP 26.1 Citizen Involvement and Volunteer Service Program.

Policy Number	Effective Date	Page
5.1	February 3, 2014	6

- i. The Commissioner, Warden or Probation & Parole Director reserves the right to suspend or terminate any research activity if at any time there is reason to believe the project violates policy or becomes detrimental to inmates, staff, or operations.
- j. The researcher shall not change any part of an approved project, including extending the end date or broadening the pool of subjects, without prior approval from Corrections.

### 3. Processing of Proposed Cooperative Research

#### a. Review

Designated Office of Research and Planning staff shall review each proposal to determine if it meets the terms specified herein. If the proposal does not meet the terms, the reviewer shall return the proposal to the researcher with a statement of explanation. If the proposal does meet the terms and involves offenders or Corrections personnel, the reviewer shall email the proposal to the appropriate Warden(s) or Probation and Parole Director. The Warden(s) or Director shall evaluate the impact on programs or operations, and communicate his or her recommendation to the Office of Research and Planning within five (5) working days of receiving the proposal.

#### b. Approval

Designated Office of Research and Planning staff shall forward the project, along with any comments received from the Warden(s) and the Probation and Parole Director to the Commissioner who shall make the final determination.

#### c. Notification

Designated Office of Research and Planning staff shall notify the researcher in writing of approval or disapproval within four (4) weeks of receiving all of the necessary information. The appropriate Warden(s) and the Probation and Parole Director shall be notified at the same time. The researcher shall not commence the research project prior to receiving official notification that the project has been approved by the Commissioner of the Department of Corrections.

Policy Number	Effective Date	Page
5.1	February 3, 2014	7

#### 4. Publication Rights

Publications shall contain a statement that acknowledges Corrections participated in the project, but disclaims approval or endorsement of the findings. In the case of audio visuals, Corrections manuals, books, articles, or other copyrightable material, the Department reserves a royalty-free, non-exclusive, and irrevocable license to reproduce and use the materials.

#### 5. Offender Medical Experimentation

Offenders under the jurisdiction of Corrections shall be prohibited from participating in cosmetic, medical or pharmaceutical testing of any type. This shall not preclude voluntary offender participation in clinical trials based on his or her need for a specific medical intervention if approved by Corrections. Such trials, if approved, shall be performed in compliance with all applicable state and federal guidelines.

#### 6. Non-Compliance

Failure to comply with any of the policies or procedures stated herein shall constitute grounds for termination of the project and may result in denial of future research proposals by the researcher and the sponsoring agency or institution.

### G. Surveys

#### 1. Academic and Professional Organization Surveys

The Office of Research and Planning shall respond in a timely manner to surveys sent to Corrections by an academic or professional organization seeking statistical or other data. Surveys received by other staff members shall be forwarded to the Office of Research and Planning for response to ensure continuity and comprehensive recordkeeping. Publications resulting from or containing survey responses shall be maintained by the Office of Research and Planning.

#### 2. Commercial Surveys

A survey received from a private, for-profit business for commercial purposes shall be responded to by the Office of Research and Planning staff if time and other duties allow and if there is a clear benefit to Corrections from participation.

Policy Number	Effective Date	Page
5.1	February 3, 2014	8

#### H. Data Requests

Requests for data from the Kentucky Offender Management System (KOMS) that are not part of an approved cooperative research project shall require:

1. Completion of a KOMS Data Request Form.
2. The completed form shall be emailed directly to the address printed on the form.
3. Data requests that originate from outside of Corrections shall require the Commissioner's approval.



**DEPARTMENT OF CORRECTIONS  
RESEARCH AGREEMENT**

- I certify that I have read and understand *Corrections Policy and Procedure (CPP) 5.1 Research and Survey Projects* and I agree to comply with the provisions therein.
- I agree to adhere to security procedures while on Corrections' property. I am aware that Corrections reserves the right to monitor the research project while in progress and may suspend or terminate any research activity if there is reason to believe the project violates policy or becomes detrimental to inmates, staff or operations.
- I agree that information may be collected directly from a research subject only with the informed and voluntary consent of the subject and that the use and dissemination of research findings that identify an offender or staff participant shall require a signed authorization from that individual.
- I agree that information designated as privileged in KRS 439.510 shall not be disclosed by the researcher, subject to the penalties specified in KRS 439.990.
- I agree that information or data collected or obtained through cooperative research shall not be transferred to a third party without the approval of the Commissioner of the Department of Corrections.
- I agree that I may not change any part of an approved project, including but not limited to, extending the end date or broadening the pool of subjects, without prior approval from Corrections.
- I agree to forward a draft copy of the completed research project prior to dissemination to the Department of Corrections through the Office of Research and Planning.
- I agree that publication of any part of the research project shall contain a statement that acknowledges Corrections' participation in the project but disclaims endorsement of the findings.
- I agree to submit a copy of the final research report to the Office of Research and Planning staff upon completion of the project.
- I agree that no research findings, information or data collected or obtained through this research project shall be used in any proceeding against the Department of Corrections.

\_\_\_\_\_

Project Title

\_\_\_\_\_

Researcher

\_\_\_\_\_

Date

\_\_\_\_\_

Witness

\_\_\_\_\_

Date

**KENTUCKY DEPARTMENT OF CORRECTIONS  
RESEARCH PROJECT CONSENT FORM**

**FOR PROJECTS THAT ARE NOT SPONSORED BY DOC**

I, \_\_\_\_\_ voluntarily choose to participate in the research project entitled:  
*(Please print)*

Sponsored by: \_\_\_\_\_

**PARTICIPANT** (*check one*)

**Inmate**       **Probationer/Parolee**

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

**DOC Staff Member**

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

**INDIVIDUAL IDENTIFICATION** (*initial one*)

\_\_\_\_\_ I consent to having my identity revealed in the Research Project and any reports.

\_\_\_\_\_ I **DO NOT** consent to having my identity revealed in the Research Project or any reports.

**GENERAL PROVISIONS** (*initial all*)

\_\_\_\_\_ The project has been satisfactorily explained to me and all my questions have been satisfactorily 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.

\_\_\_\_\_ I understand that the decision as to whether my identity will be protected is up to the researcher and is not under the control of the Department of Corrections.

\_\_\_\_\_ I understand that the Department of Corrections is not a sponsor of this research project and is only providing me the opportunity to participate if I choose to do so. Therefore, I agree not to hold the Department responsible for any injury to myself and I release any claim against the Department related to my voluntary participation in the research project.

\_\_\_\_\_  
Printed Name of Participant

\_\_\_\_\_  
Inmate Number/Employee ID

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

**When the participant is an inmate, his/her completion of this form shall be witnessed by a DOC staff member. The signed and witnessed consent form shall then be scanned into the electronic project file.**

\_\_\_\_\_  
Printed Name of Staff Witness

\_\_\_\_\_  
Position

\_\_\_\_\_  
Signature of Staff Witness

\_\_\_\_\_  
Date

**KENTUCKY DEPARTMENT OF CORRECTIONS  
KOMS DATA REQUEST FORM**

Name			Date
Organization			
Mailing Address	City	State	Zip
Email			Telephone

1. Describe in detail the data you are requesting.

2. For what purpose do you intend to use the requested data?

3. When do you need the requested data?

**GENERAL PROVISIONS**

- Pursuant to *Corrections Policy and Procedure (CPP) 5.1*: requests for data from the Kentucky Offender Management System (KOMS) shall be made by completing this form and emailing it to the Kentucky Department of Corrections at: [corrections.datarequest.ky.gov](mailto:corrections.datarequest.ky.gov).
- I understand that if this request is approved, every effort will be made to supply the data by the deadline; however, due to the high volume of such requests the Department cannot guarantee delivery by a certain date.

Requestor Signature	Date
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FOR OFFICE USE ONLY	
APPROVED / DISAPPROVED: Signature (circle one)	Date
COMPLETED: Information Technology Staff	Date