

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	5.1	9
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	March 14, 2018	June 1, 2018
Authority/References ACA 2-CO-1E-01, 2-CO-1F-09 through 2-CO-1F-15, CPP 26.1 KRS 196.030, 196.035, 197.020, 439.510, 439.990 45 CFR 46 900 KAR 1:080 P & P ACA 3D-16, 3D-35, 3D-36, 3D-37, 3D-38	Subject <p style="text-align: center;">RESEARCH, SURVEYS, AND DATA REQUESTS</p>	

I. DEFINITIONS

"Agency research" means studies conducted by employees of the Department of Corrections (DOC) usually by, or in conjunction with, the Office of Research and Legislative Services in the central office.

"Cooperative research" means any research which involves the collection of information pertaining to offenders under the jurisdiction of the Department of Corrections or to employees of the Department of Corrections which is conducted by non-Departmental personnel or by Department 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.

"Employee", for purposes of this policy only, means full-time, part-time, and interim employees of the Department of Corrections.

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

"Offender" means any inmate or supervised individual under the jurisdiction of the Department of Corrections. Research and data requests may include current or prior inmates and supervised individuals who have an incarceration or supervision record in the offender management system.

"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.

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

II. POLICY and PROCEDURE

The Department of Corrections supports and engages in non-medical, research activities relevant to its programs and operations. The Department encourages and uses research conducted by outside professionals. Research assists the Department of 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 Legislative Services 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. The Department of Corrections may seek financial support for its research programs from private funding agencies.
- C. The Department of 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 Legislative Services staff in determining what questions will be addressed, what data will be provided, and how that data may be presented.
- E. Requests for offender participation in medical or pharmaceutical research shall not be approved without a thorough review of the proposed research. All approved research shall be conducted in compliance with all state and federal guidelines as set forth by the Department for Health and Human Services. Proposed medical and pharmaceutical research, including voluntary participation in clinical trials based on an offender's need for a specific medical intervention, shall be submitted to the Medical Services Administrator for approval prior to submission to the Commissioner for review.
- F. Cooperative Research

- 1. Application to Conduct Cooperative Research

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

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- 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;
 - (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 the Department of Corrections, particularly those projects that are compatible with the Department's efforts or include information that may be used by the Department; and
 - (4) The researcher agrees to abide by the Conditions of Participation specified herein.

- b. A research proposal shall 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 correctional institution or supervision office where the research is proposed to take place, and type of subject to be targeted (i.e. inmates, staff, parolees, etc.);
 - (4) Abstract of proposed research;
 - (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;

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- (8) Specific description of data that will be needed from the offender information database, if applicable;
- (9) Description of anticipated benefits to the Department of Corrections, criminal justice profession, or others;
- (10) Statement of how the research findings will be distributed and agreement to provide a completed research report to the Department of Corrections;
- (11) The specific procedures the researcher will use in order to comply with the Conditions of Participation specified in Section F.2., including acknowledgement that the researcher understands he shall obtain written consent from each research subject and notice of intent to use subjects' identities, if applicable;
- (12) A copy of questionnaires, tests, or interviews that are proposed to be administered directly to subjects, if applicable;
- (13) A copy of Institutional Review Board (IRB) approval, if applicable; and
- (12) Attachment I: Original, signed and witnessed Research Agreement stipulating the researcher's responsibilities and conditions of conducting research.

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 Department of 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 secure conditions. At the termination of the project, names and identifying numbers of subjects shall be destroyed or otherwise separated from the data as expressly stated in the original, approval research proposal.

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- 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 Research Consent form from each subject prior to participation in an approved research project.
 - (1) A designated Department of Corrections employee shall coordinate with the researcher to ensure collection and retention of the Research Consent form for each research participant prior to participation in the research project.
 - (2) Prior to requesting a subject's signature on the Research Consent form, the researcher shall provide a detailed explanation of the goals and expectations of the project and the activities in which the subject will be involved.
 - (3) If the participant is an offender, his or her completion of the Research Consent form shall be witnessed by a Department of Corrections employee. A Department of Corrections employee shall electronically save the signed and witnessed consent form in the offender's file in the offender management system.
 - (4) For Department of Corrections employees participating in an approved research project, a copy of the consent form shall be placed in the employee's personnel file.
 - (5) For Department employees, if the research project is not conducted face-to-face (for example, an electronic survey or telephone interview), a signed consent form shall not be necessary provided voluntary consent is included in the project introduction communicated to the employee participant.
 - (6) The researcher shall maintain a copy of the signed consent forms.
- 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.

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- e. The researcher shall forward a draft copy of the completed research project prior to dissemination to the Department of Corrections through the Office of Research and Legislative Services. The Office of Research and Legislative Services shall review the draft to determine if it accurately reflects the originally approved proposal and submit to the Commissioner for review.
- 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.
- i. The Commissioner, Warden, or 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 the Department of Corrections.

3. Processing of Proposed Cooperative Research

a. Review

Designated Office of Research and Legislative Services 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 meets the terms and involves offenders or Department employees, the reviewer shall email the proposal to the appropriate Warden(s) or 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 Legislative Services within five (5) working days of receiving the proposal.

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b. Approval

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

c. Notification

Designated Office of Research and Legislative Services 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 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.

4. Contract or Volunteer Staff

The Department of Corrections shall have final approval over research projects involving contract or volunteer staff. Research proposals affecting contract staff shall be submitted to the contracted agency for approval. If approved by the agency and the Department of Corrections, contract or volunteer staff shall be subject to the same conditions of participation as Department of Corrections employees. The agency shall retain the signed consent form for contract staff who are research participants. The signed consent form for volunteer staff shall be retained in the Department's personnel file.

5. Publication Rights

a. The Department of Corrections shall review the completed research report and any proposed publication. The researcher shall not publish information obtained from an approved research project without approval by the Commissioner of the Department of Corrections.

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

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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 Legislative Services shall respond in a timely manner to surveys sent to the Department of 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 Legislative Services for response to ensure continuity and comprehensive recordkeeping. Publications resulting from or containing survey responses shall be maintained by the Office of Research and Legislative Services.

2. Commercial Surveys

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

3. Surveys from Community Agencies or Organizations

A request from a community agency or private entity or organization to post a survey through the Department's Reentry website or Reentry Council email groups shall be subject to approval by the Department of Corrections. The community agency or organization shall submit the questions contained in the survey for review and approval by the Commissioner prior to distribution. Surveys requesting Department of Corrections employees or offender participation shall require an Application to Conduct Cooperative Research as required by this policy.

H. Data Requests

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

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1. The requester shall complete a Data Request Form and email it to the address printed on the form.
2. The requester shall pay the cost of developing any queries or other required programming that does not already exist for the data request.
3. Requests for data from the Kentucky Offender Management System (KOMS) shall be submitted by Corrections staff to Information Technology staff for review.
4. Upon review by Information Technology staff, the data request shall be submitted to the Commissioner for review and a decision concerning the request.
5. Information or data obtained through a data request 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 stated herein.
6. The recipient shall not publish information obtained from an approved data request without approval by the Commissioner of the Department of Corrections.

**DEPARTMENT OF CORRECTIONS
RESEARCH AGREEMENT**

This agreement is made by and between the KENTUCKY DEPARTMENT OF CORRECTIONS, (hereinafter "DOC"), and _____ (hereinafter "Researcher").

In consideration of the DOC agreeing to a research project being conducted and the covenants and mutual agreements set forth herein, the parties agree as follows:

- 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 DOC property. I am aware that the DOC 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, DOC employees, other 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, a DOC employee, or other 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 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 DOC.
- 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 the DOC Office of Research and Legislative Services.
- I agree to submit a copy of the completed research project report to the Office of Research and Legislative Services upon completion of the project and prior to dissemination of the report or information from the research project.
- I agree to submit a draft copy of any research report or publication submission to the Department of Corrections prior to publication. I agree I shall not publish information obtained from an approved research project without approval by the Commissioner of the DOC.
- I agree that publication of any part of the research project shall contain a statement that acknowledges the DOC's participation in the project but disclaims endorsement of the findings. In the case of audio visual materials, DOC manuals, books, articles, or other copyrighted material, the DOC is granted a royalty-free, non-exclusive, and irrevocable license to reproduce and use the materials.
- I agree that no research findings, information or data collected or obtained through this research project shall be used in any proceeding against the DOC.

Project Title

Researcher

Date

Witness

Date

**KENTUCKY DEPARTMENT OF CORRECTIONS
RESEARCH CONSENT FORM**

FOR PROJECTS THAT ARE NOT SPONSORED BY THE DEPARTMENT OF CORRECTIONS

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

Sponsored by: _____

PARTICIPANT (*check one*)

- Inmate** **Offender under Supervision by the Division of Probation & Parole**
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 Personnel**
My decision to participate or not participate in this research project will have no impact on my employment or my contract work with the Department of Corrections 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 controlled by 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

If the participant is an inmate, his/her completion of this form shall be witnessed by a DOC employee. 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
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 Department of Corrections, including 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.
- The Department’s policy can be referenced on the Kentucky Department of Corrections website: [Corrections Policy & Procedure 5.1 Research, Surveys & Data Requests](#).
- I understand that if this request is approved, every effort will be made to supply the data by the requested timeframe; 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	
<input type="checkbox"/> RECOMMEND APPROVAL <input type="checkbox"/> DATA REQUEST NOT AVAILABLE: Office of Information Technology	Date
<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED: Commissioner	Date
<input type="checkbox"/> COMPLETED: Information Technology or Research Staff	Date
Additional Notes (<i>i.e. method of delivery</i>)	