

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	5.1	11
	Date Filed	Effective by Memorandum Date
	May 12, 2020	March 1, 2021
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 C.F.R. § 46.101, et seq., 45 C.F.R. § 46.110, 45 C.F.R. § 46.114 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 usually by, or in conjunction with, the Office of Research and Legislative Services in the central office.

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

"Commissioner" means the Commissioner of the Department of Corrections.

"Consent" means an Institutional Review Board approved document that meets required federal standards of human subject research protections in informed consent.

"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.

"Department" or "DOC" means the Department of Corrections.

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

"Institutional Review Board" or "IRB" means a federally recognized entity that reviews and approves research that meets federal standards for human subject research protections.

"Medical research" means any medical, dental, or pharmaceutical study that includes medications, medical devices, procedures, or medical information. Medical research may also refer to clinical trials.

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"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.

"Research study" means an Institutional Review Board approved research protocol that is approved by the Department.

"Researcher" means a person who is qualified by academic degrees, institutional membership, or other nationally recognized certification to conduct Institutional Review Board approved research with offenders.

"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 or research tool from a researcher with a series of questions submitted to the Department.

II. POLICY and PROCEDURE

The Department supports and engages in research activities relevant to its programs and operations. The Department encourages and uses research conducted by outside professionals. Research may assist the Department 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 make recommendations concerning all research projects to the Commissioner or designee. Staff may request additional documentation from the researcher concerning any aspect of the research prior to a decision to recommend a cooperative research project.
- B. The Commissioner or designee shall review and approve all research projects prior to their implementation.
- C. The Department may seek financial support for its research programs from private funding agencies.
- D. The Department may support and engage in internal research relevant to its programs, as well as research conducted by outside professionals.

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- E. 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.

- F. Requests for offender participation in medical or pharmaceutical research shall not be approved without a thorough review of the proposed research and IRB approval. All approved research shall be conducted in compliance with all relevant 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 or designee for review.

- G. Prior to inclusion in a research study, an inmate suspected of having an intellectual disability shall be screened to determine his or her ability to understand information relevant to making an informed, voluntary decision to participate in the research including the ability to:
 - 1. Understand relevant information;
 - 2. Appreciate the consequences of the information for his or her own situation;
 - 3. Reason about the available options; and
 - 4. Communicate a choice.

- H. Cooperative Research
 - 1. Application to Conduct Cooperative Research

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

 - a. A research proposal shall meet the following criteria:
 - (1) The researcher or the sponsoring organization has professional standing in corrections or an education or research institution;
 - (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 , particularly projects that support the Department’s mission

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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, type, and the intended number of subjects (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) (e.g., audio recorder, laptop computer, etc.) proposed to be used in the collection of data 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;
- (9) Description of anticipated benefits to the Department, criminal justice profession, or others;
- (10) Statement of how the research findings will be used and agreement to provide a completed research report to the Department;
- (11) The specific procedures the researcher will use in order to comply with the conditions of participation specified in Section G.2., including acknowledgement that the researcher

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understands he shall obtain written consent from each research subject and establish procedures to ensure the privacy of the subjects;

- (12) A copy of questionnaires, tests, or interviews that are proposed to be administered directly to subjects, if applicable;
- (13) A copy of the consent form or script to be used;
- (14) A copy of Institutional Review Board approval, if applicable; and
- (15) Attachment I: Original, signed and witnessed Research Acknowledgement 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 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 and maintained securely as expressly stated in the original, approved research proposal.
- b. Information may be collected directly from a research subject only with the informed and voluntary consent of the subject. Required information to be included in the researcher's informed consent document:
 - (1) Researcher's name and organization affiliation;
 - (2) Title, purpose, and anticipated uses of the results of the study;

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- (3) Description of the procedures involved and the duration of the research study;
- (4) Description of possible benefits to participants and others to be gained from the study (Participation incentives or nominal monetary compensation may be offered to non-confined offenders upon approval by the Commissioner or designee.);
- (5) Description of possible risks or discomforts from participating in the study (may include physical, psychological, or emotional risk, breach of confidentiality, etc.);
- (6) Steps taken to alleviate risks or reduce discomfort to the participants;
- (7) Information surrounding voluntary participation and right to refusal at any time without penalty;
- (8) Steps to ensure confidentiality and exceptions to confidentiality;
- (9) Contact information for questions about the study;
- (10) Provisions for a copy of the consent form, if he or she chooses; and
- (11) Acknowledgement of participant agreement, to include participant and witness signature.

c. Collection of the Research Consent Document

- (1) Researchers shall obtain consent from each subject prior to participation in an approved research project. The researcher's IRB approved research consent form shall inform the offender that the researcher shall disclose the offender's participation to the Department.
- (2) The researcher shall maintain participants' signed IRB approved consent forms.
- (3) The researcher shall notify the Department of the name of the participating offender and the title of the research study.

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- (4) Following an offender's indication of participation in the research study, the Department shall obtain a signed Research Consent form from the offender. The signed Research Consent form shall be maintained in the offender management system.
 - (5) Electronic or phone surveys may, under IRB approval and with approval of the Department, use IRB approved scripts that substitute for signed consent forms.
 - (6) For Department employees participating in an approved research project, a copy of the Employee Research Consent Form shall be placed in the employee's personnel file.
 - (7) 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.
- d. Information designated as privileged in KRS 439.510 shall not be disclosed without an order by the Commissioner allowing disclosure in approved research projects, subject to the penalties specified in KRS 439.990.
 - e. The Department shall be given access to aggregate data collected through an approved cooperative research project, if requested.
 - f. The researcher shall provide a research report to the Department upon completion of the study. The researcher shall provide drafts of research reports or publications prior to their final submission to the Department through the Office of Research and Legislative Services. The Office of Research and Legislative Services shall review the draft and submit to the Commissioner or designee for review. Suggested changes to the drafts shall be shared with the researcher within two (2) weeks of submission.
 - g. Information or data collected or obtained through cooperative research shall not be transferred to a third party without the approval of the Department. Recipients of transferred data shall be subject to the same conditions of participation stated herein.

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- h. Researchers shall not release information or data obtained through cooperative research as part of legal proceedings against the Department.
- i. All researchers shall be informed of, and shall be required to adhere to, security procedures as outlined in CPP 26.1 Citizen Involvement, Volunteer, and Reentry Mentor Service Programs.
- j. 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 offenders, inmates, staff, or operations.
- k. The researcher shall not modify any part of an approved project, including extending the end date, broadening the pool of subjects, or changing the research focus, without approval from the Department.

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.

b. Approval

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

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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 Department.

4. Contract or Volunteer Staff

The Department shall have final approval over research projects involving contract or volunteer staff. Contract or volunteer staff shall include interns, students, volunteers, vendors, contractors, agency consultants, and contract personnel. Research proposals affecting contract staff shall be submitted to the contracted agency for approval. If approved by the agency and the Department, contract or volunteer staff shall be subject to the same conditions of participation as Department 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. Letters of Support for Proposed Research

- a. Requests for letters of support for proposed research projects pending receipt of grant funding shall be submitted to the Office of Research and Legislative Services for review.
- b. The request for a letter of support shall be submitted by the Office of Research and Legislative Services to the Commissioner or designee for review and a decision concerning the request.
- c. Letters of support for proposed research projects shall require authorization from the Commissioner or designee.

6. Publication Rights

- a. Researchers shall submit drafts of all research reports, peer-reviewed article submissions, or other publications to the Department prior to publication submission. All draft research reports or other publications shall be reviewed by the Office of Research and Legislative Services and the Commissioner or designee before publication.
- b. Publications shall contain a statement that acknowledges the Department participation in the project, but disclaims approval or endorsement of the findings. In the case of non-proprietary audio visuals, Department manuals, books, articles, or other copyrightable material, the Department reserves a royalty-free, non-exclusive, and

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irrevocable license to reproduce and use the materials. Proprietary materials shall be subject to the research agreement.

7. 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.

I. Surveys

1. Academic and Professional Organization Surveys

The Office of Research and Legislative Services shall review surveys sent to the Department by an academic or professional organization seeking statistical or other data. Participation in a survey shall require review and approval by the Commissioner or designee. 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 from participation. The Commissioner or designee shall review and approve 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 email groups shall require approval from the Department. The community agency or organization shall submit the questions contained in the survey for review and approval by the Commissioner or designee prior to distribution. Surveys requesting participation by Department employees or offenders shall require an Application to Conduct Cooperative Research as required by this policy.

J. Data Requests

1. Requests for data, including requests for data from the Kentucky Offender Management System (KOMS) that are not part of an approved cooperative

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research project, shall be subject to approval of the Commissioner or designee.

2. Data requests shall be limited to the following:
 - a. Academic institutions subject to review by an IRB Board;
 - b. Entities under contract with the Department; or
 - c. Other public agencies.

3. Requests for data shall require the following:
 - a. The requester shall complete a Data Request Form and submit it to the address printed on the form.
 - b. The requester shall pay the cost of developing any queries or other required programming that does not already exist for the data request.
 - c. Requests for data from the KOMS shall be submitted by Corrections staff to Information Technology staff for review.
 - d. Upon review by Information Technology staff, the data request shall be submitted to the Commissioner or designee for review and a decision concerning the request.
 - e. The Commissioner or designee may make an exception to Subsection II(I)(2) to advance the mission of the Department.
 - f. Information or data obtained through a data request shall not be transferred to a third party without the approval of the Department. Recipients of transferred data shall be subject to the same conditions stated herein.
 - g. The recipient shall not publish information obtained from an approved data request without approval by the Department.
 - h. Any request for data that is confidential pursuant to state or federal law shall be denied.
 - i. Any request for data shall be processed in compliance with applicable law.

**DEPARTMENT OF CORRECTIONS
RESEARCH ACKNOWLEDGMENT**

This research acknowledgment is submitted by _____
(hereinafter "Researcher") as part of Researcher's request to conduct research with individuals under the custody or supervision of the KENTUCKY DEPARTMENT OF CORRECTIONS, (hereinafter "DOC").

The Researcher agrees and acknowledges that:

- He or she has read and understands *Corrections Policy and Procedure (CPP) 5.1 Research, Surveys, and Data Requests* and agrees to comply with the provisions therein.
- The definitions in CPP 5.1 apply to this Research Acknowledgment.
- He or she shall adhere to DOC's security procedures, including while the Researcher is on DOC property.
- He or she shall abide by protocols and standards of conduct outlined in CPP 26.1.
- 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 offenders, DOC employees, other staff, or facility operations.
- 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.
- The privacy of subjects and security of data shall be maintained by the Researcher. Information designated as privileged in KRS 439.510 shall not be disclosed by the Researcher, subject to the penalties specified in KRS 439.990.
- Information or data collected or obtained through cooperative research shall not be transferred to a third party without the approval of the DOC.
- Modifications or changes to any part of an approved project, including but not limited to, extending the end date, broadening the pool of subjects, or changing the research focus, requires approval from the DOC Office of Research and Legislative Services.
- He or she shall submit a completed research project report to the Office of Research and Legislative Services upon completion of the project and prior to publication or dissemination to funding sources or the public.
- He or she shall submit drafts of all research reports or other publications to the Department prior to publication submission. All draft research reports, peer-reviewed article submissions, or other publications shall be reviewed by the Office of Research and Legislative Services and the Department before publication.
- Publication of any part of the research project shall contain a statement that acknowledges the DOC's permission to conduct the research study, but disclaims any endorsement by DOC. In the case of non-proprietary audiovisual 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. Use of proprietary materials shall be subject to the research agreement.
- 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**

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

_____ (hereinafter "research study").

Sponsored by (Researcher's Name & Organization): _____

PARTICIPANT *(check one)*

- Inmate Offender under Supervision by the Division of Probation & Parole

My decision to participate or not participate in the research study will have no impact on my incarceration or supervision and there is no penalty for not participating. My decision whether or not to participate will not affect my release date, parole eligibility, or supervision status.

INDIVIDUAL IDENTIFICATION *(check one)*

I am aware that my data will be used for research purposes only, and the researcher will not individually identify me in any reports or publications without my permission.

- I consent to having my identity revealed in the research study and any reports.
 I **DO NOT** consent to having my identity revealed in the research study or any reports.

GENERAL PROVISIONS *(check all)*

- The project has been clearly 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 without penalty.
 I understand that the researcher shall provide acknowledgement of my participation in the research study to the Kentucky Department of Corrections. Beyond that, the confidentiality of my identity is controlled by the researcher and is not under the control of the Department of Corrections. All other information related to my participation in the research study will be confidential to the researcher. Exceptions would include information about a crime, intent to commit a future crime, or intent to hurt myself or someone else.
 I understand and agree to additional exceptions or sharing of information between the researcher and Kentucky Department of Corrections: N/A As follows: _____
_____.

PARTICIPANT AGREEMENT

I have read the above information (or it has been read aloud to me). I voluntarily agree to be in this study.

The signed and witnessed research consent form shall be maintained in the electronic offender management system.

Printed Name of Participant

Inmate/PID Number

Participant Signature

Date

Printed Name of Staff Witness

Position

Signature of Staff Witness

Date

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

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

_____(hereinafter "research study").
Sponsored by (Researcher's Name & Organization): _____

PARTICIPANT

DOC Personnel

My decision to participate or not participate in the research study 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 (*check one*)

I understand that my data will be used for research purposes only, and the researcher will not individually identify me in any reports or publications without my permission.

- I consent to having my identity revealed in the research study and any reports.
 I **DO NOT** consent to having my identity revealed in the research study or any reports.

GENERAL PROVISIONS (*check all*)

- The project has been clearly 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 without penalty.
 I understand that the researcher shall provide acknowledgement of my participation in the research study to the Kentucky Department of Corrections. Beyond that, the confidentiality of my identity is controlled by the researcher and is not under the control of the Department of Corrections. All other information related to my participation in the research study will be confidential to the researcher. Exceptions would include information about a crime, intent to commit a future crime, or intent to hurt myself or someone else.
 I understand and agree to additional exceptions or sharing of information between the researcher and Kentucky Department of Corrections: N/A As follows:

PARTICIPANT AGREEMENT

I have read the above information (or it has been read aloud to me). I voluntarily agree to be in this study.

The signed research consent form shall be placed in the employee's personnel file.

Printed Name of Participant

Employee ID

Participant Signature

Date

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	

Describe in detail the data you are requesting.

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

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 (DOC) 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. The requester may be required to pay the cost of developing any queries or other required programing that does not already exist for the data request.
- Security of data shall be maintained by the requester. I agree that information or data obtained through a data request shall not be transferred to a third party without the approval of the Department of Corrections.
- I agree I shall not publish information obtained from an approved data request without approval by the Department of Corrections.

Requestor Signature

Date

FOR OFFICE USE ONLY

Signature: Research Office or Office of Information Technology
 RECOMMEND APPROVAL REQUESTED DATA NOT AVAILABLE

Date

Signature: Commissioner or designee
 APPROVED NOT APPROVED

Date

Signature: Information Technology or Research Staff
 COMPLETED

Date

Additional Notes (i.e. method of delivery)