

ADM-15.07, "Research Conducted Within the SCDC," September 1, 2012

SCDC POLICY/PROCEDURE

NUMBER: ADM-15.07

TITLE: RESEARCH CONDUCTED WITHIN THE SCDC

ISSUE DATE: SEPTEMBER 1, 2012

RESPONSIBLE AUTHORITY: DIVISION OF RESOURCE AND INFORMATION MANAGEMENT

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: ADM-15.07 (November 1, 2003); (January 1, 2003)

RELEVANT SCDC FORMS/SUPPLIES: Attachment A, Attachment B

ACA/CAC STANDARDS: 4-ACRS-4C-20, 4-ACRS-7D-05, 4-ACRS-7D-08, 4-ACRS-7D-12, 3-4068, 3-4105, 3-4106, 3-4107, 3-4108, 3-4109, 3-4110, 3-4373

STATE/FEDERAL STATUTES: Title 28, Code of Federal Regulations (CFR), Part 46, Protection of Human Subjects; Health Insurance Portability and Accountability Act (HIPAA).

PURPOSE: To provide guidelines for research projects conducted within the South Carolina Department of Corrections.

POLICY STATEMENT: The South Carolina Department of Corrections recognizes the importance of and supports cooperative corrections research. The Agency may allow individuals to conduct research within the SCDC provided it does not infringe upon an inmates or employees right to privacy, does not jeopardize Agency operations or security, does not incur undue, unjustifiable or excessive costs, and does not impose an unreasonable burden on staff resources. Subsequent to general project approval, SCDC reserves the right to limit staff involvement in research projects as required to meet SCDC mission critical responsibilities. Research conducted within the Agency must conform to all applicable ACA/CAC standards, state and federal statutes/regulations, and SCDC policies/procedures. (4-ACRS-7D-12, 3-4105, 3-4108)

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### SPECIFIC PROCEDURES:

#### 1. REQUESTS TO CONDUCT RESEARCH:

1.1 To ensure that research projects conducted within the SCDC are in compliance with Agency policies/procedures and applicable regulations and statutes, any person wishing to conduct research within the SCDC, to include Agency employees, will be required to submit a research proposal to the Division Director of Resource and Information Management (RIM). The SCDC may give priority to research projects that provide information that may enhance the effectiveness of Agency programs and operations. Research that contributes to the body of knowledge in the social and behavioral sciences may also be encouraged. (3-4105)

1.2 The Division Director of RIM, in conjunction with appropriate Agency personnel, will review and evaluate the research proposal and will either approve, conditionally approve, or disapprove the proposal. The Division Director of RIM will document the decision, along with adequate justifications, and notify the requestor in writing. Approval decisions are final and may not be appealed. (4-ACRS-7D-12, 3-4109)

1.3 The Division Director of RIM may consult with appropriate Warden(s)/Deputy Director(s)/Division Director(s) before a decision is made. The Agency General Counsel will be informed when the proposed research involves sensitive subject matters/topics and/or when the scope/intensity of the research project requires special counseling/assurances regarding disclosure requirements and protection of human subjects. (4-ACRS-7D-12, 3-4109)

1.4 The Division Director of RIM will be responsible for coordinating the necessary arrangements for the execution of approved research projects and assisting in the refinement of proposals which have been conditionally approved. (3-4107)

1.5 Any request directed to Agency staff for information to be used in research papers (to include student research papers) should be referred to the Division Director of RIM.

1.6 Each Researcher will explicitly acknowledge his/her awareness of professional/legal obligations relating to the protection of human subjects, informed consent, and disclosure requirements concerning criminal activities and actual/imminent harm to victims.

2. PROPOSAL FORMAT: Proposals for research will be submitted in writing and should include the following information:

2.1 Project Director Information: name and resume or vita.

2.2 Project Title: purpose, need, and expected application of research findings.

2.3 Project Duration: total length (days, weeks, months); expected date for beginning the project; expected date of completion; and length of time required with each subject, if applicable.

2.4 Principal location(s) of research.

2.5 Detailed description of data and assistance to be provided by Agency staff.

2.6 Number of persons involved, to include research project staff, Agency staff, and/or inmates. (The researcher will also be required to provide the anticipated number of hours of involvement by SCDC staff.)

2.7 Procedures to safeguard the protection of human subjects - to ensure that subjects understand the purpose of the research, and researchers' statutory disclosure requirements.

2.8 Acknowledgement of disclosure requirements under federal/state/local statutes relating to actual/potential victimization/criminal activities obtained during the conduct of research within SCDC.

2.9 Acknowledgement of the Privacy Rule under the Health Insurance Portability and Accountability Act (HIPAA) and assurance to abide by these regulations, if research should pertain to inmate health care services/medical records.

2.10 Funding: cost of project; source of funds; Agency, institution, or individual responsible for administering funds; and any special funding/research conditions required by the funding entity.

2.11 Dissemination plan.

3. CONDITIONS FOR THE APPROVAL OF A REQUEST: A research project will be authorized only when the following conditions are satisfied:

3.1 The research project has been reviewed and staffed internally by the Division Director of RIM and by all other appropriate Agency personnel. (4-ACRS-7D-12, 3-4109)

3.1.1 Guidelines for Approval: Approval of requests to conduct research studies will be based on the following guidelines:

- The research is requested and will be conducted by professional researchers or college faculty. Requests from students to conduct research studies will not be approved. This includes both undergraduate or graduate college students.
- An acceptable research design for the proposed study is submitted.
- The proposed research promises to have some value for the Department.
- The research will not disrupt Department routine or interfere with personnel carrying out their duties.
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3.2 The researcher(s) has agreed to the following by signing Attachment A, "Research Agreement":

3.2.1 Waiver of Liability: The South Carolina Department of Corrections cannot assume liability for injury to persons or property resulting from research activities within its institutions/divisions. Neither can SCDC assume responsibility for the researchers' failure to comply with federal/state statutes/regulations relating to the protection of human subjects and disclosure requirements concerning actual/potential victimization/criminal activities. Each researcher must waive liability against the Agency before s/he will receive final approval to conduct any research within the SCDC. (4-ACRS-7D-12, 3-4108)

3.2.2 Adherence to Agency Policies/Procedures: Researchers will be expected to comply with all SCDC policies/procedures and regulations. Researchers will be under the responsibility and the authority of the appropriate Warden/Division Director while conducting research in his/her area. (3-4109)

3.2.3 Researchers must ensure that their research efforts result in minimal disruptions of ongoing programs and activities. Any departure from scheduled research efforts originally approved by the Agency must be approved in advance by all appropriate SCDC personnel.

3.2.4 Confidentiality of Identifiable Research and Statistical Data: Identifiable research and statistical information collected from research activities within the SCDC will be confidential; and researchers will be responsible for assuring that its use, revelation, and/or transfer will be limited. Each researcher must agree to maintain the confidentiality of any identifiable information collected during his/her research within the Agency. (4-ACRS-7D-08, 3-4068)

3.2.5 Transfer of Identifiable Research and Statistical Data: Researchers may reveal and/or transfer to other parties unidentifiable information collected during research activities within the SCDC.

3.2.6 The researcher must assure SCDC of his/her strict observation of federal/professional statutes/standards relating to the protection of human subjects and the Privacy Rule under HIPAA - including assurances of informed consent from research subjects and procedures to ensure subject's understanding of research objectives and researcher's disclosure obligations.

3.2.7 Researchers must reveal or transfer identifiable information and/or data only when the receiving parties have agreed to maintain the confidentiality of the information and to limit the information's use to research and statistical purposes. The Agency and the employee and/or inmate subjects must give prior approval for this type of information to be transferred. (4-ACRS-7D-05)

3.2.8 Consent from Inmates and/or Employees to Participate as Research Subjects:

- Participation by inmates and/or employees in a research project will be strictly voluntary. Before a researcher examines records, administers questionnaires, and/or conducts interviews with inmates and/or employees within the Agency, each individual's consent must be obtained using Attachment B, "Consent to Participate in Research Project." The researcher will retain one (1) copy of this agreement, a copy will be retained by the inmate or employee, and a copy will be forwarded to the Division Director of RIM. (4-ACRS-7D-12, 3-4110)
- Under no circumstance will inmates be monetarily reimbursed or provided any type of financial incentive for their participation in any research project.

3.2.9 Publication of Results: Researchers wishing to publish the results of their research or wishing to use the results of their research for other than Agency purposes, use, or distribution must agree to adhere to the procedures for publishing the results as indicated in Procedure 4., below.

3.2.10 Disclosure Requirements: Any knowledge obtained by the researcher relating to actual/potential criminal activities/victimization is subject to federal/state statutes concerning disclosure. The researcher must assure SCDC of his/her intent and procedures to perform these obligations.

3.3 The researcher(s) must agree to provide one (1) copy of the finished research report/project, published or unpublished, to the Division Director of RIM, to maintain on file. Copies of the finished reports will be distributed by the Division Director of RIM to appropriate Agency personnel. (3-4106)

#### 4. PUBLICATION OF RESULTS:

4.1 Any manuscript written for publication or for other than SCDC use by any person which refers to the operations of the Agency or of an institution, or which discusses an individual inmate or staff member, must, before its submission to a publisher or other outside entity, be authorized by the Division Director of RIM. (4-ACRS-7D-12)

(NOTE: This is not intended to infringe upon the academic freedom of the researcher(s); rather, it is intended to prevent the publication of information which may be factually erroneous or which may violate an individual's right to privacy.)

The steps for obtaining authorization are as follow:

4.1.1 A typed draft in printed or electronic format of the proposed publication will be submitted to the Division Director of RIM for review to ensure accuracy of the information and the protection of individual privacy.

4.1.2 Information which is deemed detrimental to individual privacy will be discussed with the researcher(s) in an attempt to find a mutually acceptable method of presenting the material. (NOTE: The Division Director of RIM will not authorize the submission of manuscripts for publication until material which is erroneous has been corrected and material which identifies research subjects has been revised.)

4.1.3 Once approved, the Division Director of RIM will provide written notification of the approval to the project director/principal researcher.

4.2 Publication of articles, books, etc., which have resulted from research within the SCDC should carry the following credit on the first or title page: "This research was conducted through the cooperation of the South Carolina Department of Corrections."

5. MEDICAL/PHARMACOLOGICAL/COSMETIC EXPERIMENTATION: The use of inmates for medical, pharmacological, and/or cosmetic experimentation and/or research will be strictly prohibited in accordance with applicable ACA/CAC Standards and SCDC policy/procedure related to the use of inmates in medical, pharmaceutical, or cosmetic experiments or research projects. This policy/procedure does not preclude individual treatment of an inmate based on his/her need for a specific medical procedure that is not generally available or participation in approved clinical trials. (4-ACRS-4C-20, 3-4373)

6. USE OF VIDEO/AUDIO RECORDING DEVICES AND LAPTOP COMPUTERS: To ensure that SCDC security is not compromised in the collection of research data, the use of video/audio recording devices, cameras, and laptop computers inside SCDC facilities is prohibited unless the research request clearly states how such equipment will be used and the Division Director of RIM explicitly authorizes use of such equipment in the project.

## 7. DEFINITIONS:

Disclosure Requirement refers to legal obligations of researchers, under federal/state statutes, to notify appropriate authorities when they become aware of, during their research processes, actual/potential victimization and/or criminal activities.

Identifiable Information refers to details that reveal the identity of a person or could be used to reasonably determine the identity of a person, e.g., his/her name, inmate identification number, or any other similar type of information.

Informed Consent is a process in which the researcher provides sufficient information, in an understandable format, to the research subjects so that they can make a voluntary decision whether or not to participate in the study. The informed consent process is fundamental in ensuring respect for persons and should serve

to educate the subject about the research, the benefits and risks, and the voluntary nature of their participation. The informed consent should be in language understandable by the study subjects.

Protection of Human Subjects: Human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention and/or interaction with the individual, or (2) identifiable private information.

Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to general knowledge related to corrections and criminal justice disciplines.

SIGNATURE ON FILE

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s/ William R. Byars, Jr., Director

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Division of Resource and Information Management

RESEARCH AGREEMENT

I, \_\_\_\_\_, the undersigned, have read and understand the South Carolina Department of Corrections' Policy/Procedure ADM-15.07, "Research Conducted Within the SCDC," and hereby agree to the provisions contained therein. Furthermore, I covenant and agree to the following condition prior to the approval of and during the undertaking of research project entitled \_\_\_\_\_, to be held at the premises of \_\_\_\_\_.

**WAIVER OF LIABILITY:** In consideration of being permitted to engage in research within the South Carolina Department of Corrections, I hereby agree on behalf of myself and my heirs to hold the State of South Carolina and the South Carolina Department of Corrections faultless and without liability in the event of my death or in the event of injury to my person or property occurring in the course of research.

**ADHERENCE TO SOUTH CAROLINA DEPARTMENT OF CORRECTIONS POLICIES/RULES:** I hereby agree to comply with the departmental policies and institutional rules while conducting research within any facility operated by the South Carolina Department of Corrections. I also understand that any departure from the originally approved schedules and activities must be approved in advance by all appropriate officials within the South Carolina Department of Corrections.

**EXPLICIT AGREEMENT TO ABIDE BY FEDERAL AND STATE STATUTES/**

**REGULATIONS:** I hereby assure the South Carolina Department of Corrections that I understand that my research project must meet federal/state statutes/regulations/standards regarding the protection of human subjects, privacy rules, and disclosure requirements. It is my explicit responsibility to ensure my research implementation satisfies these requirements.



## CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL

**INFORMATION:** I hereby assure the South Carolina Department of Corrections that information identifiable to a private person, to be obtained from the above said project, will be collected and used for research and statistical purposes only, and necessary procedures will be undertaken to ensure its confidentiality.

**TRANSFER OF IDENTIFIABLE RESEARCH AND STATISTICAL INFORMATION:** I hereby assure the South Carolina Department of Corrections that, in the event of a justifiable transfer of identifiable information obtained from the above said project, I will notify and obtain prior consent of the South Carolina Department of Corrections and the inmate subject(s) from whom information was obtained. I will further ensure that the receiving party understands and pledges to maintain the confidentiality of the identifiable information generated from the above said project.

**CONSENT FROM INMATES TO PARTICIPATE AS RESEARCH SUBJECTS:** I hereby agree to obtain consent from individual inmate subjects before undertaking any research procedure that may involve examining the inmate's record, administering questionnaires and/or conducting interviews. I further assure that such consent will be documented on Attachment B, "Consent to Participate in Research Project" to SCDC Policy/Procedure ADM-15.07, "Research Conducted Within the SCDC." A copy will be given to the inmate participant, and a file copy will be forwarded to the Division Director of RIM.

## ACKNOWLEDGEMENT OF RESEARCHER'S RESPONSIBILITY TO MEET

**REQUIREMENTS OF RESEARCH FUNDING ENTITIES:** I hereby acknowledge that, if my research is supported by federal/state/private funding entities, I will be responsible for meeting their requirements and will hold the South Carolina Department of Corrections harmless in the event of a failure to perform.

**PUBLICATION OF RESULTS:** I hereby agree to submit any manuscript written for publication, which is based in whole or in part on material and information acquired from the South Carolina Department of Corrections during the course of the above said research, to the Division Director of Resource and Information Management(RIM) for approval of those parts of said manuscript which refer to the affairs of the Department, the institution, or to the individual inmate or staff thereof.

S/ \_\_\_\_\_

Researcher

\_\_\_\_/\_\_\_\_/\_\_\_\_

Date

S/ \_\_\_\_\_

Witness

\_\_\_\_/\_\_\_\_/\_\_\_\_

Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Division of Resource and Information Management

CONSENT TO PARTICIPATE IN RESEARCH PROJECT

I, \_\_\_\_\_ the undersigned, do hereby agree to  
participate voluntarily in a research project entitled \_\_\_\_\_  
undertaken by \_\_\_\_\_  
at the \_\_\_\_\_ Correctional Institution.

I also hereby release the South Carolina Department of Corrections from any liability or damages that may result from my participation in the above said project.

The above named person(s) or organization(s) may use the information obtained about me for research and statistical purposes only.

The above named person(s) or organization(s) will not reveal any information identifiable to me individually without my prior consent.

I understand that at anytime during the procedure, I have the right to withdraw consent and terminate participation without penalty.

I understand that researchers will comply with pertinent federal/state statutes and regulations.

S/\_\_\_\_\_ /\_\_\_\_\_/\_\_\_\_\_

Inmate Signature

SCDC #

Date

S/ \_\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

Employee Signature

Date

S/ \_\_\_\_\_

\_\_\_\_/\_\_\_\_/\_\_\_\_

Employee Signature

Date

cc: Researcher

Inmate Participant/Employee

Director, Division of Resource and Information Management

