
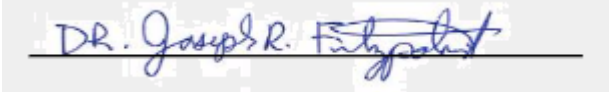


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POLICY NUMBER: 1.24		
CHAPTER 1: ADMINISTRATION, ORGANIZATION AND MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: November, 4, 2010	LATEST REVISION: October 17, 2017	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Sections 1216 and 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

The Department seeks to support, promote, and participate in research, evaluation, and performance measurement functions relevant to correctional programs, services and operations in order to improve its effectiveness and efficiency. All research shall be conducted in compliance with applicable standards of professional and scientific ethics, and research findings shall be used and disseminated in accordance with federal and state statutes and regulations, including those governing confidentiality.

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[Attachment A: Research Agreement](#)

VI. PROCEDURES

Procedure A: Application for Permission to Conduct Research

1. Prisoner and resident participation in health care research for medical or pharmaceutical purposes is governed by Department Policies (AF) 18.1, Governance and Administration and (JF) 13.1, Governance and Administration, as applicable.
2. Any researcher wishing to conduct other research involving clients or staff of the Department of Corrections shall submit an application to the Department's Associate Commissioner of Correctional Programs, or designee, for review and to approve or deny the application.
3. The application shall include the following information:
 - a. title of project;
 - b. names, addresses and telephone numbers of principal researcher and all research assistants, and, if required, other information including birth dates and social security numbers necessary for the completion of criminal background checks;
 - c. documentation that the applicant is a member of a recognized organization, such as a university, college, private foundation or consulting firm, or a public agency and has the permission of that organization or agency to perform the proposed research;
 - d. a summary of the goals of the research project and the justification for the proposed research involving the Department;
 - e. a detailed research design including the following elements:
 - 1) departmental resources, including staff, that may be needed for the project and the extent of the need;
 - 2) criteria and procedures for selection of subjects or records for the research;
 - 3) type of data to be collected;
 - 4) procedures for data collection and copies of research instruments to be used, including interview schedules, surveys, data collection forms, and tests;
 - 5) procedures to protect the privacy of participants and the confidentiality of protected information; and
 - 6) any required informed consent forms.
 - f. information regarding or decision by the Institutional Review Board (IRB) to be used for project approval (if applicable), and any timeline for submission of applicable IRB application; and
 - g. any additional information required by the Department.
4. If the project is to be conducted at a Department facility or in a community corrections region, the Associate Commissioner of Correctional Programs, or

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designee, shall ensure that the facility Chief Administrative Officer or Regional Correctional Administrator reviews the project proposal and provides feedback on whether or not the project should be approved.

Procedure B: Requirements for Approval

1. An approval of a request to conduct a research project shall not be given unless the following requirements are met:
 - a. the research is requested by and is to be conducted by professional researchers, university or college faculty, graduate students as part of a degree program, or qualified public agency staff;
 - b. the research is deemed methodologically sound and has potential to contribute to practical or scholarly knowledge;
 - c. the principal researcher and all research assistants pass criminal background checks, if required;
 - d. the proposed project is likely to promote the overall goals and mission of the Department;
 - e. the project will not significantly disrupt Department routine or interfere with staff carrying out their duties;
 - f. participation of staff and clients is to be done completely on a voluntary basis;
 - g. subjects participating in the project will not be identified by name or number or in any other way which might lead to the subject’s identification; and
 - h. the principal researcher agrees to submit a draft of the research report to the Associate Commissioner of Correctional Programs, or designee, for review prior to completion and publication and to make revisions as requested. This review shall be concerned only with factual errors, misinterpretations of Department policies, procedures, or practices, and violations of confidentiality, and not with the findings or conclusions reached by the researcher.

2. The Associate Commissioner of Correctional Programs, or designee, shall ensure that criminal background checks are performed by appropriate Department staff if the research involves face-to-face interaction with a juvenile, physical access to a Department facility, access to criminal or juvenile criminal history information or as otherwise determined appropriate by the Associate Commissioner of Correctional Programs, or designee.

3. The Associate Commissioner of Correctional Programs, or designee, shall determine whether Institutional Review Board approval is applicable and necessary. Should the determination be that such approval is necessary, documentation of such approval shall be required prior to Department approval of the study.

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4. If the Associate Commissioner of Correctional Programs, or designee, approves the project, he or she shall ensure that the principal researcher receives a copy of this policy and agrees to comply with the policy by signing the Research Agreement (Attachment A), which shall also be signed by all research assistants.
5. The Associate Commissioner of Correctional Programs, or designee, shall then indicate approval of the research project by signing the Research Agreement and returning a copy to the principal researcher, with a copy to the Chief Administrative Officer or Regional Correctional Administrator, if applicable.
6. Except as otherwise determined by the Commissioner, or designee, no research project shall be conducted without the prior written approval of the Associate Commissioner of Correctional Programs, or designee.
7. Except as otherwise determined by the Commissioner, or designee, it is within the complete discretion of the Associate Commissioner of Correctional Programs, or designee, to determine whether to approve a research project or the participation of any researcher in an approved project.
8. Approval to conduct research may be withdrawn at any time, whether prior to or during the project, at the complete discretion of the Commissioner, or designee, or the Associate Commissioner of Correctional Programs, or designee.
9. Project costs shall not be borne by the Department, except as specifically authorized by the Commissioner.

Procedure C: Client/Staff Participation in Research

1. Clients and staff who are the subjects of research are considered human subjects. Human subject research is research involving data collected from human participants, whether directly or indirectly. This may include examination of bodily specimens, reviews of survey responses, interviews, or records, and/or observation of performance/reactions.
2. Appropriate safeguards must be established by the principal researcher, and approved by an Institutional Review Board (IRB), in order to protect all human subjects participating in a proposed research project from physical, emotional, and/or legal harm.
3. Client or staff participation in research shall be permitted only with the voluntary consent of the client or staff. Staff may be required to assist researchers in conducting the research, e.g., by providing records, facilitating interviews, etc.
4. Subjects may participate in research only after voluntary consent is given in writing in an informed consent form to be provided by the researcher. Informed consent forms must be written at no more than a 10th grade reading level, using the Flesch-Kincaid Grade Level test.

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5. The informed consent form shall include, at a minimum:
 - a. a description of the research purpose;
 - b. an explanation of the research procedures (including how subjects are selected) and an identification of those procedures that are experimental in nature;
 - c. a description of the potential discomforts and risks, as well as an explanation of how those discomforts and risks will be addressed;
 - d. a description of the potential benefits to the subject or society;
 - e. an offer to answer any questions or concerns and the contact information for researchers assigned to this task;
 - f. a statement that the subject's participation is completely voluntary and that the subject may withdraw consent or discontinue participation at any time without penalty. Procedures for withdrawal must be noted, as must be the circumstances under which researchers may terminate the subject's participation without the subject's consent;
 - g. a statement that participation in the study will in no way affect the length or conditions of the custody or supervision of a client, who agrees to participate;
 - h. a statement regarding the confidentiality of records/data and how that confidentiality will be maintained; and
 - i. a designated signature/date line.
6. The informed consent form shall not contain any language that could be interpreted to mean that the subject waives any legal rights or releases the researcher of liability for negligence.

Procedure D: Conduct of Research

1. The principal researcher or research assistant shall verbally go over and explain the informed consent form.
2. If the subject agrees to participate in the research project, then the principal researcher or research assistant shall obtain a copy of the informed consent form signed by the subject. If the subject is a client, who is under eighteen years of age or is an adult with a guardian, the form must also be signed by the client's parent or guardian. If required by the organization or agency sponsoring the research project, participants may also be asked to sign additional consent forms.
3. The researcher shall provide foreign language assistance to any client with limited English proficiency who is to be included in the research project.
4. The researcher shall provide reasonable accommodations to any client with a disability who is to be included in the research project.

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5. Neither the principal researcher nor any research assistant may remove an original record or copy of a record or identifying data from the Department facility or office where the record is kept.
6. Neither the principal researcher nor any research assistant may disclose, in writing or orally, any information regarding security practices, the custody or supervision of clients, data collected, or any other matter concerning the operations of the Department or concerning clients or staff knowledge of which has been obtained, directly or indirectly, by virtue of participating in the research project, except to the extent the information is collected and reported as described in the research agreement approved by the Department's Associate Commissioner of Correctional Programs, or designee.
7. No staff of the Department or client shall receive compensation of any kind for participation in the research project.
8. The principal researcher and research assistants shall abide by all Department security practices and shall comply with all instructions of Department staff in the event of an emergency or critical incident.
9. The principal researcher and research assistants shall not have any contact of a personal nature with any client or otherwise act outside of the research protocol for the duration of the research project.

Procedure E: Dissemination of Findings

1. The Department reserves the right to disseminate any findings or conclusions reached as a result of the research as determined by the Department's Associate Commissioner of Correctional Programs, in consultation with the Department's Deputy Commissioner in cases of public dissemination.
2. All requests for information received by the Department related to a research project shall be referred to the Department's Associate Commissioner of Program Practices.

VII. PROFESSIONAL STANDARDS

ACA:

- ACI - 4-4108** The institution or parent agency supports and engages in research activities relevant to its programs, services, and operations.
- ACI - 4-4109** Written policy, procedure, and practice provide that the warden/superintendent encourages and uses research conducted by outside professionals.
- ACI - 4-4110** Operational personnel assist research personnel in carrying out research and evaluation.
- ACI - 4-4111** Written policy and procedure govern the conduct of research in the institution, including compliance with professional and scientific ethics and with state and federal guidelines for the use and dissemination of research findings.

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- ACI – 4-4112** The warden/superintendent reviews and approves all institutional research projects prior to implementation to ensure they conform with the policies of the parent agency.
- ACI - 4-4113** Written policy and procedure govern voluntary inmate participation in non-medical, non-pharmaceutical, and noncosmetic research programs.
- 4-ACRS-7D-12** In facilities that engage in, or allow the conduct of research, the facility complies with state and federal guidelines for the use and dissemination of research findings, with accepted professional and scientific ethics, and issues of legal consent and release of information. Procedures govern the voluntary participation of clients in nonmedical, nonpharmaceutical, and noncosmetic research programs. The facility administrator reviews and approves all research projects prior to implementation. All research results are made available to the facility administrator for review and comment prior to publication or dissemination.
- 4-JCF-6F-06** The facility or parent agency supports, engages in, and uses research activities relevant to its programs, services, and operations.
1. The facility administrator reviews and approves all research.
 2. prior to implementation to ensure compliance with professional/scientific ethics, agency policy, and state and federal guidelines for the use and dissemination of research findings.
 3. Juvenile participation is voluntary in nonmedical, nonpharmaceutical, and noncosmetic research programs.
 4. Access to records is granted for the purpose of research, evaluation, and statistical analysis in accordance with a formal written agreement that authorizes access, specifies use of data, and ensures confidentiality.
 5. All research results are made available to the facility administrator for review and comment prior to publication or dissemination.

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