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SUMMARY OF REVIEW

Reviewed, no changes.

APPROVED:

Rob Jeffreys
Rob Jeffreys (Mar 31, 2025 17:59 CDT)

Rob Jeffreys, Director
Nebraska Department of Correctional Services

PURPOSE

To provide for the supervision and control of the processes of research analysis and major information requests throughout the Nebraska Department of Correctional Services (NDCS).

It is the policy of NDCS to support research activities that contribute to the attainment of NDCS mission and goals or to the collective body of criminal justice knowledge. Deputy directors, wardens, and division heads shall encourage and use research conducted by outside professionals. NDCS team members should provide assistance to researchers in carrying out their research and evaluations. NDCS shall ensure that research efforts shall not endanger the health, dignity, or rights to privacy of its research participants, nor diminish the protection of the public through implementation of a practice not supported by research or evidence. Further, it is the policy of NDCS to utilize a coordinated system of information dispensation including prompt and appropriate responses to requests for information from entities outside of NDCS. (ACI-1F-13)

PROCESS

NDCS permits, encourages, and uses research conducted by outside professionals in accordance with the procedures outlined below, where appropriate. NDCS also permits and encourages requests for information about NDCS, its divisions, and the people under its care. (ACI-1F-14, CO-1F-11)

I. REQUESTS FOR INFORMATION

A. All requests for information, whether of internal or external origin, shall be submitted to the Research Division via e-mail at DCS.Research@nebraska.gov using the *Research Request Form* (Attachment A).

B. In the “Request” section, the requestor should clearly state the specific information being requested, the intent behind the request, and contact information for the requestor. Any and all associated documentation or additional information that provides context to the request shall be attached to the submitted form to ensure the results provided by the NDCS Research Division are responsive to the intent of the request.

C. Requests for information will be prioritized by the NDCS Research Division utilizing various criteria including the order in which it was received, the requested deadline for the information, existing workload, and other factors that may affect team member availability.

II. REQUESTS FOR RESEARCH AND/OR EVALUATION

A. Research Proposal/ Approval (ACI-1F-17, ACRS-7D-12)

1. All research proposals, whether of internal or external origin, shall be submitted to the Research Division along with an approved Institutional Review Board (IRB) or similar ethics board application, when available. If an ethics board is unavailable to the researcher, or if the board requires a letter of support from NDCS prior to granting project approval, the researcher shall contact the NDCS research director/designee to review the proposal. This review shall assess the proposal’s completeness, compliance with NDCS mission and goals, and the measures in place to ensure the participants’ privacy. Research proposals may be returned to the researcher for clarification or additional information as required. All research proposals must specify the purpose, hypothesis, design and methodology, and

data requirements using the *Requirement for Research/Information* (Attachment B). Researchers must also submit a finalized survey instrument when applicable. The authorization to proceed will depend on the nature of the proposal, including (but not limited to) the proposed methodology, potential impacts on the privacy of NDCS team members and incarcerated individuals, impacts on the safety and security of operations within NDCS facilities, centers, and programs, and the capacity of the Research Division to accommodate the request. The research proposal must specify the cost to NDCS involved in supplying any necessary data, the amount of team member time and resources involved, and the effects on victim(s). (ACI-1F-16)

2. Proposed research on behavioral health must fall into one of several permitted categories:

   a. Study of the possible causes, effects, and processes of incarceration, and of criminal behavior, provided that the study represents nor more than minimal risks to participants.

   b. Research on conditions particularly affecting incarcerated individuals as a class (for example, research on social and psychological problems such as alcoholism, drug use, and violence).

   c. Research on programs and practices, both innovative and accepted, which have the intent and reasonable probability of improving the health or well-being of the subject. Studies requiring the assignment (random or otherwise) of incarcerated individuals in a manner consistent with control groups, are not generally permitted. Exceptions will be made in consultation with the NDCS Legal Division.

3. All lead researchers, and those directly involved in data collection at an NDCS facility, center, or program, shall review and agree to abide by this policy, facility procedures, and the *Code of Ethics - American Correctional Association* (Attachment C). This agreement shall be documented with the *Research Statement of Agreement* form (Attachment D). (ACI-1F-16)

4. Wardens or for agency level decisions, the applicable deputy director, shall review and provide recommendation(s) for all research proposals which affect their area as a proposed research site. These recommendations and identifications shall be detailed on the *Conduct of Research* form (Attachment E) and be submitted to the Research Division for compilation. A facility team member, or division team member if the research does not take place at a facility, shall be identified to be the designated point of contact for the researcher and their team. All research designs and proposals shall be submitted to the appropriate deputy director(s)/designee(s) and the director/designee by the NDCS research director/designee. This shall include any recommendations/comments regarding final authorization to proceed provided by affected warden (if any) and the research director/designee. If the research design/proposal is not approved at the executive level, it shall either remain open pending revision by the researcher or a letter of denial will be submitted to the lead researcher by the research director/designee at the discretion of the appropriate deputy director(s)/designee(s) See the *Research Approval Process Flowchart* (Attachment F).

5. Determination of the nature of any research efforts shall rest with the appropriate deputy director(s)/designee(s) No research effort shall commence without the written approval and clearance of the appropriate deputy director(s)/designee(s) Written executive approval/agreement shall include, but not be limited to, the following:

   a. NDCS department-wide authorization and/or facility authorization of access to specified data, incarcerated individuals, and/or team members.

   b. Research specification of the manner and purpose for which the data/information will be used.

   c. Researcher agreement to abide by the NDCS Policies and facility Procedures regarding subject participation, protection of confidentiality, data security and disclosure, and dissemination of research findings.

   d. Indication of the date on which NDCS approval for the study will expire, which may occur prior to but shall not fall after the expiration date of the original IRB approval (if applicable),

6. All researchers wishing to enter a facility or program area to collect data will be required to submit to a security background check before conducting research. Researchers collecting secondary data extracts containing items of a sensitive nature will also be required to submit a security background check before receiving any data/information. Backgrounds will be subject to review and approval through the community partnerships process.

7. All research requests are to be coordinated through the Research Division. Once a formal letter of approval is issued, the researcher has 60 days to begin research or executive approval to conduct research will be suspended. Once approval to conduct research is suspended, the researcher must re-apply for permission to conduct research. All research delays or requests for an extension of the 60-day time period are to be coordinated through the Research Division and approved by the research director/designee.

8. In the event that the lead researcher finds a change in the intended scope, protocol, methodology, or other aspect of their approved study is necessary to carry out the study as originally intended, after the research project has already begun, a *Change in Research Protocol Form* (Attachment J) must be submitted to the research director/designee for review. If the proposed change affects the approved timeline for the project, the *Request for Research Extension Form* (Attachment G) must also be submitted. If the changes are significant enough that the study must undergo further IRB review, the lead researcher must also submit an updated version of *Requirement for Research/Information* (Attachment B), which must then go through the same approval process as the original study.

   The research director/designee will review the specific change(s) being requested, the merits of the requested change(s), and the potential effects of the change(s) on the incarcerated population, facility safety and security, team member burden,

and NDCS resources. Non-significant changes will be approved at the discretion of the research director/designee.

9. If the lead researcher anticipates their project(s) will not be completed prior to the original IRB or NDCS project approval expiration date (whichever is earliest), a request for extension must be made to the research director/designee no later than 30 days prior to the expiration date. See *Request for Research Extension Form* (Attachment G). There is no guarantee that project extensions will be granted for all requests. Project extensions may be granted under the following:

    a. The requested extension is no greater than one year or one quarter of the initial timeframe approved for the study, whichever falls first.

    b. The lead researcher must submit evidence that their study cannot be completed as originally intended without an extension. Reasons for the study not being able to be completed as originally intended can include, but are not limited to:

        1) The existence of circumstance beyond the control of the lead researcher, i.e., changes in facility operations leading to restrictions to the methodology initially approved by NDCS.

        2) Unforeseen circumstance preventing the lead researcher from engaging in the original protocol within the intended timeframe, i.e., serious illness or family emergency.

10. Requests to expand the nature of a previously approved study prior to the expiration date that do not significantly alter the proposed methodology, subject groups, and data collection (and do not require additional IRB approval), and which lead to a request for extension, require both the submission of *Request for Research Extension Form* (Attachment G) and *Change in Research Protocol Form* (Attachment J) to the research director/designee and the approval of the research director/designee. Requests to expand the nature of a previously approved study prior to the expiration date that significantly alter the proposed methodology, subject groups, and/or data collection (such that the proposal must undergo additional IRB approval), must submit Attachment G, Attachment J, and updated version of *Requirement for Research/Information* (Attachment B) detailing the proposed changes and rationale, and an approved IRB application to the research director/designee. The study is then subject to the same approval process detailed in *Research Approval Process Flowchart* (Attachment F).

11. To provide coordinated responses to research-related information requests, NDCS has developed standardized language to assist facility and program team members in redirecting such requests to the research director/designee. NDCS *Initial Response to Research-Related Research Request* (Attachment H) provides a response which can be used for any research-related request.

12. All data provided to researchers for a given project, and all datasets or other products derived from the data provided to researchers, are to be used for the approved research project only. Datasets and other derived products may only be used for additional projects if separate research requests are submitted and

approved by the director/designee. Violation of data permissions may result in immediate project termination and may jeopardize the ability of the lead researcher and their institution, facility, or organization to conduct future research projects with NDCS.

B. Conduct of Research

1. Medical/Pharmaceutical Research

Incarcerated individuals under the custody NDCS may not participate in medical, pharmaceutical, or cosmetic experiments. This does not preclude individual treatment of an incarcerated individual in a such a study based on the need for a specific medical procedure or pharmaceutical that is not generally available. (ACRS-4C-20)

Incarcerated individuals may participate in medical or pharmaceutical research at their own discretion and pending approval of the director/designee and in consultation with the medical director/designee. Such biomedical research must comply with all state and federal guidelines. (ACI-1F-18, ACI-6C-09)

2. Experiments and Facility Compliance

NDCS team members may assist research personnel in carrying out research to the extent necessary and reasonable under the facility/program staffing constraints and operation protocols. (ACI-1F-15)

NDCS, its facilities, and team members shall not provide or finance any incentives for an incarcerated individual's participation in a research study or other research endeavor.

All facilities participating in research comply with state and federal guidelines regarding the use and dissemination of research findings, accepted professional and scientific ethics, and issues of legal consent and release of information. Additionally, the facility also complies with the following: (ACRS-7D-12)

a) The facility warden/designee must be informed of a review all research projects approved by the agency prior to their implementation.

b) All research results must be reviewed by the facility warden/designee, the research director/designee. Express written approval must be issued by the director/designee prior to publication or dissemination.

3. Obtaining Consent of Participants

Researchers shall inform subjects in writing of all features of the research that reasonably may influence a person's willingness to participate, answer all questions a subject may have regarding all other aspects of the research, and obtain the written or implicit consent of the participant. A waiver of informed consent from an institution, agency, facility, organization, or IRB does not constitute a waiver of informed consent from NDCS.

a. Implicit consent is permissible only where the individual's participation in a study will be completely anonymous and the provision of written consent would be the only link between the individual and the data provided to the researcher, i.e., anonymous surveys where the only risk to individual privacy would be the provision of their identity on a written informed consent document. The information required for informed consent must still be presented in writing and the individual must be informed that completion of the protocol implies they have consented to participate in the study.

b. Written consent is required in all other circumstances.

4. Researchers must present all incarcerated individuals participating in a study with the following information necessary for informed consent, written in language that is reasonably understandable to the individual(s):

a. The purpose of the research and its expected duration and protocols/methodology.

b. Assurance that participation is completely voluntary and that refusal to participate involves no penalty or loss of benefits to which the individual is otherwise entitled, and that the individual may withdraw from the study at any time without penalty of loss of benefits to which they are otherwise entitled.

c. Any components of the study that the researchers foresee may reasonably influence an individual's decision to participate in the study, including potential risks and discomforts.

d. The method in which an individual's personal data will be kept private and secure, and the methods by which their data will be kept confidential. The individual must be informed of any possible or intended limits to confidentiality.

e. Processes by which findings will be shared, including (but not limited to) whether the individual's data will be de-identified in reports and if the individual's data will be presented individually or in aggregate.

f. Benefits of engaging in the study (if any).

g. Contact information for the lead researcher and the facility/division's point of contact for research activities.

5. If the researcher finds that their protocol cannot reasonably be implemented as intended if they fully disclose to the participants the purposes, nature, outcome, or implications of the research prior to its commencement, the lead researcher shall justify to the research director/designee that such lack of disclosure is advisable and not detrimental to the subjects. Changes in requirements for informed consent are approved at the discretion of the research director/designee.

Informed consent is not required in cases where the researchers do not interact with NDCS team members (as study participants) or the incarcerated population and receive only de-identified records data from the research division or aggregate data. Examples may include, but are not limited to, program evaluations (without interview or survey components) or historical research.

The exact procedure by which the potential participant's consent will be solicited shall be described in the proposal submitted to the research director/designee.

The researcher shall respect the individual's right to decline participation in research or to discontinue participation at any time. Refusal to participate in research shall at no time affect the care or treatment of the individual involved.

III. DATA PROVISION AND PRACTICES

The Research Division shall not distribute protected identifiable health information, as described in the Health Insurance Portability and Accountability Act (HIPAA). If a researcher seeks to obtain protected health information, the research must obtain written informed consent from each individual participating in the study and explicitly state what personal data will be gathered in the study and how it will be used.

The Research Division shall not distribute any information protected by, or relating to, the Prison Rape Elimination Act (PREA).

Personal identifiers, such as identification numbers, names, license numbers, and social security numbers, will not be distributed to external researchers. Personal identifiers may be released to requesting government agencies and affiliated non-profits on a case-by-case basis and only to the degree of detail necessary for their operations.

External researchers conducting legislatively mandated research and reporting will receive data in the degree of detail necessary for fulfilling their legal obligations, including non-protected physical and behavioral health information and personal identifiers. A formal research agreement will be developed between NDCS and the outside institution or organization conducting the legislatively mandated study/research.

A. Anonymity of the Subjects

Information obtained about research subjects is confidential. Data shall be collected in such a manner that protects the subjects' identities. Where the identity of the subject must be maintained for analytic purposes, an artificial system of identification not meaningful to others shall be created. Such a system shall be described in the research proposal.

In cases where an outside organization or institution already has identifiable data on incarcerated individuals and needs to match NDCS data to an existing sample developed by their organization or institution, the lead researcher may submit their existing data to the Research Division to be linked with de-identified NDCS data and then returned to the researcher in a de-identified state.

B. Rights of Privacy

Researchers must assure the director/designee that no public disclosure of confidential information, beyond members of the research team, will take place if access is granted to incarcerated individual files or other sensitive documents governed by statutory confidentiality requirements.

This is required to balance legitimate scientific, facility, and organizational needs for information with the individual privacy rights of incarcerated individuals, and to ensure the informed consent of incarcerated individuals participating in any research effort, whether internally or externally directed.

C. Destruction of Data

1. All data provided to researchers for an approved project, and all datasets or other products derived from the data provided to researchers, are to be used for the approved research project only. Datasets and other derived products may only be used for additional projects if separate research requests are submitted and undergo the process detailed in *Research Approval Process Flowchart* (Attachment F). Upon completion of the approved project or expiration of project approval, whichever is sooner, all data provided by NDCS and all subsequent researcher-created datasets shall be destroyed.

2. If a researcher's institution or organization requires under policy that all research records be maintained for a specified period of time, the institution of organization must contact the Research Division. At the discretion of the research director/designee, research datasets and/or electronic resources created by researchers and deriving from NDCS-provided data or incarcerated individuals may be deposited with the Research Division for preservation for a specified time period. The lead researcher responsible for gathering this data/information may then submit an additional research request to access this data, pending the approval process described in *Research Approval Process Flowchart* (Attachment F).

3. Researchers shall complete and return a signed and dated copy of the *Data Destruction Form* (Attachment I) to the research director/designee once all project data and related databases in the possession of the researcher and their team have been destroyed.

    a. Paper documents that contain confidential or personally identifying information must be shredded.

    b. Electronic data files must be deleted from all sources (i.e., emails, flash drives, hard drives, cloud storage).

IV. REVIEW AND DISSEMINATION OF COMPLETED RESEARCH

A. Final copies of all products resulting from data provided for an approved research project, as well as all datasets or other products derived from the data provided to researchers, shall be forwarded to the research director/designee prior to dissemination or submission for publication or presentation in order to assess adherence to the methodology outlined in

the research proposal and acceptability of data and the deductions derived therefrom. Final copies shall also be reviewed for comment by the wardens/designees of all facilities/divisions serving as research sites, as well as the applicable deputy director(s)/designee(s) and the NDCS director/designee, prior to dissemination or publication.

B. Results of research projects conducted within NDCS and approved by the research director/designee shall be made available, upon demand, to any persons, agency, or organization. For all products that are accepted for publication, presentation, or other dissemination, researchers shall provide the Research Division with the expected date of publication, and a citation for the work.

C. Where evidence exists to support a change in agency practice, and such change may significantly affect the general well-being of incarcerated individuals, team members, or the public, a demonstration or pilot program may be used to determine the nature and degree of the effect(s). The decision to fully implement the program will be determined, in part, upon the findings of these pilot programs.

REFERENCE

I. STATUTORY REFERENCE AND OTHER AUTHORITY – None noted

II. NDCE POLICIES – None noted

III. ATTACHMENTS

A. Research Request Form (DCS-A-adm-148-pc)

B. Requirement for Research/Information

C. Code of Ethics - American Correctional Association

D. Research Statement of Agreement

E. Conduct of Research

F. Research Approval Process Flowchart

G. Request for Research Extension Form

H. NDCS Initial Response to Research-Related Research Request

I. Data Destruction Form

J. Change in Research Project Protocol Form

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

A. Expected Practices for Adult Correctional Institution (ACI) (5th edition): 5-ACI-1F-13, 5-ACI-1F-14, 5-ACI-1F-15, 5-ACI-1F-16, 5-ACI-1F-17, 5-ACI-1F-18, 5-ACI-6C-09

B. Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-4C-20, 4-ACRS-7D-12

C. Standards for Administration of Correctional Agencies (CO) (2nd edition): 2-CO-1F-11