



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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**SUPERSEDES:** AD-02.28 (rev. 1)  
July 25, 2003

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** TDCJ RESEARCH

**AUTHORITY:** Texas Government Code §493.006(b); Title 45 Code of Federal Regulations (CFR) Part 46

Reference: American Correctional Association (ACA) Standards 4-4108 - 4-4113

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**POLICY:**

The TDCJ supports both internal and external research initiatives that assist the TDCJ in achieving its mission, contributing to effective and efficient operations, contributing to the advancement of correctional knowledge, and improving identifiable correctional practices.

**DEFINITIONS:**

“Expedited IRB Approval” is approval without convening a meeting of the entire Institutional Review Board (IRB).

“External Research” is a research initiative created by an individual or entity for purposes external to the TDCJ. For the purposes of this directive, TDCJ employees pursuing advanced degrees fall into this category.

“Human Subject” is a living individual about whom an investigator, whether professional or student, conducting research obtains: (1) data through intervention or interaction with the individual; or (2) identifiable private information.

“Institutional Review Board” (IRB) is a specifically constituted review body established by an institution to review research proposals and assess whether the research is conducted in accordance with federal regulations.

“Institutional Review Board Approval” is the determination of the IRB that the research has been reviewed and may be conducted within the constraints set forth by the IRB and by other institutional and federal requirements.

“Interaction” is communication or interpersonal contact between the investigator and the subject.

“Internal Research” is research initiated by the TDCJ to improve operations.

“Intervention” that is performed for research purposes includes the physical procedures for gathering data and manipulating the subject or the subject’s environment.

“Peer Review Panel” is a group of TDCJ staff members, and when needed, subject matter experts convened for the purposes of examining the feasibility of research to be conducted within the TDCJ.

“Primary Researcher or Principal Investigator” is the person responsible for the overall management of the research project.

“Private Information” is information about behavior that occurs in a context when an individual can reasonably expect that no observation or recording is occurring, the information provided is for specific purposes, and will not be made public.

“Public Information Request” is any request for information from an individual that shall be processed under the *Public Information Act* rather than as a research request under this directive.

“Research” is a systematic investigation, including research development, testing, and evaluation, which is designed to develop or contribute to general knowledge. The administration of survey instruments, program evaluations, and outcome studies are considered research. For the purpose of this directive, implementation of TDCJ programmatic or operational initiatives made through pilot projects is not considered research.

“Secondary Researcher” is the individual who may perform specific tasks associated with the research project, at the discretion of the primary researcher.

## **PROCEDURES:**

- I. The TDCJ engages in and is supportive of research relevant to its programs, services, and operations. The TDCJ encourages and uses research conducted by outside entities that is mutually beneficial to the researcher and the TDCJ. Any approved research proposal shall provide justification that the research findings will substantially contribute to the advancement of knowledge about corrections or seek to improve identifiable correctional practices. The TDCJ further recognizes that various sources for research exist and shall manage them in accordance with the procedures of this directive. When appropriate, Executive Services uses the Code of Federal Regulations as a primary reference to process applications for all research submissions to the TDCJ.

- II. Access to confidential records shall be limited and may be provided only if permitted by the provisions of the *Public Information Act*. All disclosure of records is subject to the *Public Information Act* and the *TDCJ Public Information Act Manual*.
- A. Offenders shall not release TDCJ records about themselves, although they may consent to provide information directly to the researcher.
  - B. TDCJ employees, including consultants, who are conducting authorized research projects, shall have access to the subject related records that are necessary for the research project and are accessible to them in accordance with the *Public Information Act*.
  - C. A non-employee of the TDCJ shall have limited access to available information in accordance with the *Public Information Act*.
  - D. If a subject gives written consent, a non-employee conducting an authorized research project may have access to the same records that are accessible to the subject.
- III. Research Management

The executive director has designated Executive Services as the TDCJ entity responsible for the coordination and management of external research. All research projects shall comply with the following requirements:

- A. Research Involving Human Subjects
  1. A researcher may not involve a human being as a research subject without first obtaining that person's consent.
  2. Consent shall be without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion.
  3. Informed consent shall be written and signed by the subject or legal representative, with a copy of the consent form provided to the subject.
  4. Subjects shall be informed that the project is research and the purpose of the project.
  5. The researcher shall describe all foreseeable risks as well as the extent to which records identifying the subject will be kept confidential.
  6. Subjects shall be informed that participation is voluntary, refusal to participate will not result in negative outcome or disciplinary action, and participation may be discontinued at any time.

B. Internal Research Management

The executive director or any division director may request Executive Services to review, conduct, and provide technical assistance on research projects. Division directors are responsible for research projects conducted by division staff and applicable to their area of assignment. The executive director and Executive Services shall be informed of research projects applicable to multiple divisions.

C. External Research Management

1. Eligibility and Compliance

- a. All external research proposals involving human subjects shall have a completed research application packet and a written IRB approval prior to consideration by Executive Services.
- b. Executive Services shall periodically audit the composition of the IRB to ensure representation by an offender advocate.
- c. Universities must minimize the use of an expedited IRB approval of research proposals, especially those involving offenders. Expedited IRB approvals are not permitted for medical projects.
- d. Office of Inspector General (OIG) staff shall complete criminal history checks on all individuals who will have contact with human subjects. Individuals who are not considered employable by the TDCJ, in accordance with PD-75, "Applicants with Pending Criminal Charges or Prior Criminal Convictions," will not be allowed to conduct external research.
- e. All persons authorized to conduct research on offenders are subject to TDCJ rules and regulations. Alleged violations of TDCJ policy or state law are within the jurisdiction of the OIG.

2. Processing External Applications

- a. All individuals or entities wanting to conduct research within the TDCJ shall submit a Research Application and a copy of their driver license or government issued photo ID.

Instructions and a copy of the research application can be accessed through the TDCJ website at:  
[http://www.tdcj.state.tx.us/faq/faq\\_external\\_research.html](http://www.tdcj.state.tx.us/faq/faq_external_research.html).

- b. All external research proposals shall be routed to the Office of the General Counsel for legal review.

- c. All external research proposals shall undergo review by a peer review panel, which shall be organized by Executive Services to evaluate the proposed research designs and methodology. Selection of peer review panel members is based on the nature of the research and level of impact on the TDCJ or particular division.
- d. TDCJ peer review panels for any biomedical research project reviews shall have a representative from Health Services designated by the Health Services director. The Health Services director shall have final approval of all biomedical research projects involving offenders.
- e. The peer review panel recommendation shall be forwarded to the division directors impacted by the research project for approval.
- f. If there is disagreement on the approval of a research proposal, the research project shall be submitted to the deputy executive director for final decision.

3. Approved External Projects

- a. If research is conducted in a secure facility, Executive Services shall send a Letter of Advisement to the warden to obtain contact information and other logistics for the researcher.
- b. Executive Services shall prepare a Research Agreement for all approved external projects. All researchers must sign the Research Agreement for the proposed research, which establishes the roles, responsibilities, requirements, and limitations of the research.
- c. Executive Services shall track all TDCJ approved biomedical protocols and offenders involved in the TDCJ approved biomedical protocols and report such activity to the Health Services director on a quarterly basis.
- d. Executive Services shall provide any division director with a listing of research projects under the respective director's area of assignment upon request.
- e. Executive Services shall monitor all research projects until the final research report is submitted.

- f. A copy of the final research report shall be submitted to Executive Services 30 days prior to publication or presentation for review and comment.
- g. All published research shall contain the following disclaimer. “The research contained in this document was coordinated in part by the Texas Department of Criminal Justice (*project number*). The contents of this document reflect the views of the author(s) and do not necessarily reflect the views of the Texas Department of Criminal Justice.”

4. Disapproved External Projects

Executive Services shall prepare a denial letter for all projects not approved. The letter shall provide a general explanation for the denial of the project. If the researcher chooses to address the reasons for denial, a new proposal is required.

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Brad Livingston\*  
Executive Director

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\* Signature on file