



## POLICY DIRECTIVE

Policy:	<b>DOC 4.5.39 OFFENDER PARTICIPATION IN RESEARCH PROJECTS</b>
Effective Date:	12/01/1996 <span style="float: right;">Page 1 of 2</span>
Revision Date(s):	04/19/2021; 04/24/2026
Department Director Signature:	/s/ Eric Strauss, Director
Medical Director Signature:	/s/ Dr. Paul Rees, MD
Health Services Bureau Chief Signature:	/s/ Cynthia McGillis-Hiner, RN, MSN

### I. POLICY

The Department will not allow offenders in its care or custody or under its supervision to participate in any medical, pharmaceutical, or cosmetic research project without the express permission of the Department Director; if approved, offenders will not be compensated, remunerated, or paid for participation.

### II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

### III. DEFINITIONS (see Glossary)

### IV. REQUIREMENTS

#### A. Project Requirements

1. Individuals or agencies that submit research proposals involving offenders will request, in writing, to the Department Director.
2. The Department Director will:
  - a. review all research proposals that require offender involvement;
  - b. provide written permission before such projects are implemented;
  - c. specify the limits and conditions under which any such project may be conducted; and
  - d. provide the steps to be taken to preserve the offender's rights.
3. When offenders are participants in community-based research protocols, they are admitted to the facility with processes for:
  - a. continuation of participation; and
  - b. consultation with community researchers so that withdrawal from the research protocol is done without harming the health or mental health of the offender.
4. Any research conducted on juvenile offenders should meet the standards for design and control, and the juvenile (or legal guardian where required by jurisdictional law) must have given informed consent.

## **V. CLOSING**

Questions about this policy should be directed to the Health Services Bureau Chief.

## **VI. REFERENCES**

- A. §§ 53-1-201; 53-1-206, MCA
- B. *P-G-06, National Commission on Correctional for Health Services in Prisons 2008*
- C. *45 CFR 46, Code of Federal Regulations*
- D. *MH-I-05; National Commission on Correctional Mental Health Services in Correctional Facilities, 2015*
- E. *Y-I-05; National Commission on Correctional Health Services in Juvenile Detention and Confinement Facilities, 2022*