



HRP-415 | 12/4/2024

## CHECKLIST: Prisoners

The purpose of this checklist is to provide support for IRB members or the Designated Reviewer following HRP-314 - WORKSHEET- Criteria for Approval when research involves Prisoners as subjects. This checklist must be used for all reviews (initial, continuing, modification, review by the convened IRB, and review using the expedited procedure.)<sup>i</sup>

- For initial review using the expedited procedure and modifications and continuing reviews where the determinations relevant to this checklist made on the previous review have changed, the Designated Reviewer completes this checklist to document determinations required by the regulations along with protocol specific findings justifying those determinations. The Designated Reviewer attaches this checklist to HRP-402 - CHECKLIST- Non-Committee Review. The IRB Office retains this checklist in the protocol file.
- For initial review using the convened IRB and for modifications and continuing reviews where the determinations relevant to this checklist made on the previous review have changed, one of the following two options may be used:
  1. The convened IRB completes the corresponding section of HRP-501 - TEMPLATE - MINUTES to document determinations required by the regulations along with protocol specific findings justifying those determinations, in which case this checklist does not need to be completed or retained.
  2. The convened IRB completes this checklist to document determinations required by the regulations along with protocol specific findings justifying those determinations and the IRB Office retains this checklist in the protocol file.

### Submission Information

IRB Number: Click or tap here to enter text.

### The research must meet one of the following three sets of criteria in Section 1-3

#### 1. Non-DHHS-Regulated Research Where a Subject Becomes Incarcerated (Check if "Yes". All must be checked)

- The research is **NOT** conducted or funded by DHHS or Veterans Administration (VA).
- The subject was not incarcerated at the time of enrollment and subsequent incarceration was unexpected.
- The incarceration does not put the rights and wellbeing of the subject in jeopardy.
- The Prisoner representative has been consulted.
- The terms of the subject's confinement does not inhibit the ethical conduct of the research.
- There are no other significant issues preventing the research from continuing as approved.
- This approval is limited to the individual subject and does not allow recruitment of Prisoners.
- One of the following is true: **(Check all that are true)**
  - The subject will be at increased risk of harm if withdrawn from the research.
  - The research presents no more than Minimal Risk<sup>ii</sup> and no more than inconvenience to the subjects.

## 2. Non-DHHS Regulated Minimal Risk Research (Check if “Yes”. All must be checked)

- The research is **NOT** conducted, funded, or otherwise subject to regulation by DHHS or Veterans Administration (VA).
- The research does not involve interaction with prisoners (e.g. existing data, record review).
- The research presents no more than Minimal Risk.<sup>i</sup>
- The research is reviewed by the expedited procedure.

## 3. Research Involving Prisoners<sup>iii</sup> as Subjects (Check if “Yes” or “NA”. All must be checked)

- The research under review represents one of the following categories of research: **(At least one must be checked.)**
  - Study of the possible causes, effects, and processes of incarceration, and of criminal behavior, provided that the study presents no more than Minimal Risk<sup>ii</sup> and no more than inconvenience to the subjects.
  - Study of prisons as institutional structures or of Prisoners as incarcerated persons, provided that the study presents no more than Minimal Risk<sup>ii</sup> and no more than inconvenience to the subjects.
  - Research on conditions particularly affecting Prisoners as a class (for example, vaccine trials and other research on hepatitis which is much more prevalent in prisons than elsewhere; and research on social and psychological problems such as alcoholism, drug addiction, and sexual assaults).<sup>iv</sup>
  - Research on practices, both innovative and accepted, which have the intent and reasonable probability of improving the health or well-being of the subject where one of the following is true: **(One box must be checked)**
    - All groups may benefit from the research.
    - Prisoners are assigned to control groups which may not benefit from the research.<sup>iv</sup>
  - Epidemiologic studies in which the sole purpose is to describe the prevalence or incidence of a disease by identifying all cases or to study potential risk factor associations for a disease, the research presents no more than Minimal Risk<sup>ii</sup> and no more than inconvenience to the subjects, and Prisoners are not a particular focus of the research.<sup>v</sup>

*Provide protocol specific findings justifying this determination: Click or tap here to enter text.*

- Any possible advantages accruing to the Prisoner through his or her participation in the research, when compared to the general living conditions, medical care, quality of food, amenities and opportunity for earnings in the prison, are not of such a magnitude that his or her ability to weigh the risks of the research against the value of such advantages in the limited choice environment of the prison is impaired.

*Provide protocol specific findings justifying this determination: Click or tap here to enter text.*

- The risks involved in the research are commensurate with risks that would be accepted by non-Prisoner volunteers.

*Provide protocol specific findings justifying this determination: Click or tap here to enter text.*

Procedures for the selection of subjects within the prison are fair to all Prisoners and immune from arbitrary Intervention by prison authorities or Prisoners. Unless the principal investigator provides to the Board justification in writing for following some other procedures, control subjects must be selected randomly from the group of available Prisoners who meet the characteristics needed for that particular research project.

Provide protocol specific findings justifying this determination: Click or tap here to enter text.

The information is presented in language which is understandable to the subject population. (“**NA**” if no prisoner interaction)  **NA**

Provide protocol specific findings justifying this determination: Click or tap here to enter text.

Adequate assurance exists that parole boards will not take into account a Prisoner’s participation in the research in making decisions regarding parole, and each Prisoner is clearly informed in advance that participation in the research will have no effect on his or her parole. (“**NA**” if no prisoner interaction)  **NA**

Provide protocol specific findings justifying this determination: Click or tap here to enter text.

If the IRB finds there may be a need for follow-up examination or care of subjects after the end of their participation, adequate provision has been made for such examination or care, taking into account the varying lengths of individual Prisoners’ sentences, and for informing subjects of this fact. (“**NA**” if no prisoner interaction)  **NA**

Provide protocol specific findings justifying this determination: Click or tap here to enter text.

A Prisoner representative reviewed the research focusing on the requirements of this checklist.<sup>vi</sup> (“**NA**” if no prisoner interaction<sup>vii</sup>)  **NA**

The Prisoner representative received all materials pertaining to the research. (“**NA**” if no prisoner interaction<sup>viii</sup>)  **NA**

If the research is reviewed by convened IRB review, the Prisoner representative presented either orally or in writing at the meeting. If the research is reviewed by the expedited procedure, the Prisoner representative concurred that the research involves no more than Minimal Risk<sup>ii</sup> to the Prisoner subjects. (“**NA**” if no prisoner interaction<sup>ix</sup>)  **NA**

If the research is DHHS-regulated, the research may proceed only after the institution has certified to OHRP that the duties of the Board under this section have been fulfilled.<sup>x</sup> **Check if NA:**

If the research is conducted or funded by the Department of Defense (DOD), the research may proceed only after the institution has demonstrated to the Senior Designated Official that the IRB has fulfilled its duties under this section. **Check if NA:**

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<sup>i</sup> This document satisfies AAHRPP elements I.1.D, I-9, II.4.A, II.4.B, II.5.A, II.5.B.

<sup>ii</sup> “*Minimal risk*” for research involving prisoners is the probability and magnitude of physical or psychological harm that is normally encountered in the daily lives, or in the routine medical, dental, or psychological examination of healthy persons.

<sup>iii</sup> “Prisoner” means any individual involuntarily confined or detained in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute, individuals detained in other facilities by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in a penal institution, and individuals detained pending arraignment, trial, or sentencing.

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<sup>iv</sup> If the research is DHHS-regulated and involves prisoners as a class or control, the research may proceed only after OHRP has reviewed and approved the research. If the research is conducted or funded by the Department of Defense (DOD), the research may proceed only after the institution has demonstrated to the Senior Designated Official that the IRB has fulfilled its duties under this section. 45 CFR §46.306(a)(2)(iii) and (iv)

<sup>v</sup> [03-15580.pdf \(govinfo.gov\)](#)

<sup>vi</sup> For review using the expedited procedure, the prisoner representative may be the Designated Reviewer or may serve as a consultant to the Designated Reviewer.

<sup>vii</sup> For research that does not involve interaction with prisoners (e.g. existing data, record review) review by a prisoner representative is not required (AAHRPP Tip Sheet 18).

<sup>viii</sup> For research that does not involve interaction with prisoners (e.g. existing data, record review) review by a prisoner representative is not required (AAHRPP Tip Sheet 18).

<sup>ix</sup> For research that does not involve interaction with prisoners (e.g. existing data, record review) review by a prisoner representative is not required (AAHRPP Tip Sheet 18).

<sup>x</sup> If the research is DHHS-regulated, the research may proceed only after the institution has certified to OHRP that the duties of the Board under this section have been fulfilled. If the research is conducted or funded by the Department of Defense (DOD), the research may proceed only after the institution has demonstrated to the Senior Designated Official that the IRB has fulfilled its duties under this section. 45 CFR §46.305(c).