

Department: UAMS Institutional Review Board
Policy Number: 7.15
Section: Procedures for Study Review
Effective Date: Feb. 3, 2026
Revision Dates:

SUBJECT: Department of Justice Funded or Supported Research

POLICY

Human subject research funded or supported by any Department of Justice (DOJ) component is subject to the requirements of 28 CFR 46, including the exemption categories. This regulation is the equivalent of the pre-2018 Common Rule. IRB documentation of reviews and approvals must cite 28 CFR 46, not 45 CFR 46. 28 CFR 46 does not include Subparts B, C, and D from the Common Rule. However, Office of Justice Programs' (OJP) policy is to have funded research that involves minors, prisoners, and pregnant women to follow these subparts.

Research conducted in the Bureau of Prisons is additionally subject to the requirements of 28 CFR 512. Research funded or supported by one of the six Office of Justice Programs (OJP) agencies, to include the National Institute of Justice; Bureau of Justice Assistance; Bureau of Justice Statistics; (Office for Victims of Crime; Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART); and Office of Juvenile Justice and Delinquency Prevention is additionally subject to 28 CFR 22 (Confidentiality of Identifiable Research and Statistical Information).

The IRB shall ensure its reviews of DOJ-funded or -supported research meets these specific regulatory requirements.

DEFINITIONS

Research or statistical project – Any program, project, or component thereof subject to this policy whose purpose is to develop, measure, evaluate, or otherwise advance the state of knowledge in this area.

Research or statistical information – Any information collected during the conduct of a research or statistical project which is intended to be used for research or statistical purposes.

PROCEDURE

- I. Investigator Responsibilities
 - A. Investigators shall ensure their submissions of DOJ-funded or supported research comply with the requirements of 28 CFR 46.
 - B. Investigators whose research is funded or supported by one of the OJP agencies shall:
 1. Ensure research or statistical information identifiable to a private person will be used only for research or statistical purposes.
 2. Ensure information is revealed in identifiable form only when prior consent is obtained from an individual or when the individual has agreed to participate in a

- project with knowledge that the findings cannot, by virtue of sample size or uniqueness of subject, be expected to totally conceal subject identity.
3. Have submitted a Privacy Certificate as a condition of approval of a grant application which has a research or statistical project component under which information identifiable to a private person will be collected. The Privacy Certificate shall briefly describe the project and shall contain the required assurances listed at 28 CFR 22.23(b).
 - a. Under a privacy certificate, researchers and research staff do not have to report child/elder abuse unless the participant signs another consent document to allow child/elder abuse reporting.
 - b. The IRB office will consult research legal about this reporting requirement for each DOJ funded study to ensure federal and state requirements for reporting are met.
 4. Obtain and maintain signed employee confidentiality agreements from all researchers and research staff.
 5. Ensure information transfers shall occur only under the conditions described at 28 CFR 22.24. These conditions include, but are not limited to, limiting the use of information identifiable to a private person to research and statistical purposes only.
 6. Investigators who conduct research in the Bureau of Prisons shall ensure their project complies with 28 CFR 512, including, but not limited to, the below requirements.
 - a. The project must not involve medical experimentation, cosmetic research, or pharmaceutical testing.
 - b. The research design must be compatible with both the operation of prison facilities and protection of human participants. The researcher must observe the rules of the institution or office in which the research is conducted.
 - c. Any researcher who is a non-employee of the Bureau must sign a statement in which the researcher agrees to adhere to the requirements of 28 CFR 512.
 7. The researcher must not provide research information that identifies a participant to any person without that participant's prior written consent to release the information. For example, research information identifiable to a particular individual cannot be admitted as evidence or used for any purpose in any action, suit, or other judicial, administrative, or legislative proceeding without the written consent of the individual to whom the data pertain.
 8. Note that the UAMS IRB does not oversee any research involving the Bureau of Prisons at this time. This policy will be revised, or a specific Bureau of Prisons policy drafted, if and when UAMS becomes engaged in Bureau of Prisons Research.
- II. IRB Responsibilities
- A. The IRB shall record in the IRB e-system that the study is funded or supported by a DOJ component.
 - B. The IRB shall assess the submission against the applicable regulations.
 - C. The IRB shall cite 28 CFR 46 in its review and approval letters.
- III. Shared responsibilities????
- A. DOJ-funded or supported research involving minors, pregnant women/fetuses, or prisoners shall follow, and be reviewed under, the requirements of Subparts B, C, and D, in accordance with OJP policy.

B. Documentation of compliance with these subparts shall be provided to the granting agency.

References

45 CFR 46 Subparts B, C, and D

28 CFR 46

28 CFR 22

28 CFR 512

AAHRPP Elements I.1.D, II.3.E

National Institute of Justice Human Subjects Protection Officer, personal communication.