



**DEPARTMENT OF CORRECTIONS  
PROBATION AND PAROLE DIVISION  
OPERATIONAL PROCEDURE**

Procedure No.: PPD 3.1.2000	<b>Subject: OFFENDER DRUG TESTING PROGRAM</b>
Reference: DOC 3.1.20; 45-9-102, MCA; 46-18-207, MCA; 53-1-203, MCA	Page 1 of 7
Effective Date: 06/23/15	Revision Dates:
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

**This procedure is referenced as ACCD 3.1.2000 Offender Drug and Alcohol Testing Program in Section 3.I. Offender Management; Drug/Alcohol Testing/UAs, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Connections Corrections Program (CCP), Elkhorn, Nexus, START, and WATCH Contract.**

**I. PURPOSE:**

The Probation and Parole Division programs and facilities will follow established policies and procedures for offender drug testing to promote a drug-free standard and offender accountability.

**II. DEFINITIONS:**

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility, or program operation and management.

Cause – Any indication that an offender may be using an unauthorized substance or any substance in an unauthorized manner. Such indication may be direct (observed by a staff person), hearsay (relayed through other individuals), circumstantial (perceived via reasonable inference), or self-admission.

Confirmatory Testing – Refers to a laboratory testing process performed by the Montana Forensic Science Division, State Crime Lab or other lab to confirm the presence of a drug or molecule within a testing sample. Used when offender does not admit to drug use after receiving a positive sample result.

Contract Manager – The Department's employee(s) who acts as the liaison for services and monitors the contractual agreements between the Department and PPD contract treatment facilities and prerelease centers.

DTC-Drug Testing Coordinator – Staff person selected by the Department Director and responsible for overseeing and tracking the Department-wide offender drug testing program.

DTL-Drug Testing Liaison – The staff person designated by the appropriate administrator to coordinate facility/program drug testing and reporting functions with the DTC.

Drug – Any substance described in §50-32-101, MCA, or any substance taken through any means of administration, which alters the mood, the level of perception, or brain functioning. Such substances range from prescription medications to illegal substances, as well as alcohol, synthetic intoxicants and solvents.

Drug Testing – The chemical analysis using specialized equipment and techniques to identify the presence of a drug or drug metabolite in a sample collected from an individual.

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P&P-Probation & Parole – Supervision and case management services for adult probation, parole, and conditional release offenders. Includes services provided by Institutional P&P Officers (IPPO) located in Department and PPD facilities.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices, Interstate transfers, and the facilities providing assessments and sanctions, training, prerelease, and treatment services.

Positive Sample – A screening showing the presence of a controlled or prohibited substance meeting or exceeding levels determined by the American Bio Medica Corporation.

### III. PROCEDURES:

#### A. GENERAL REQUIREMENTS

1. The PPD will promote a drug-free standard and offender accountability with a standardized drug screening and intervention program, which includes a random testing requirement, for the following purposes:
  - a. to identify offenders who are using drugs and identify types of drugs used;
  - b. to identify offender treatment needs and provide treatment strategies designed to meet those identified needs;
  - c. to provide appropriate interventions for every offender who tests positive for drugs;
  - d. to properly identify supervision level of offenders who pose a risk to public safety due to their drug abuse; and
  - e. to reduce drug use/abuse among offenders, which is intended to reduce disciplinary actions among offenders and reduce returns to secure facilities.
2. Division employees will be trained on the process of urine specimen collection and will implement this procedure without discrimination on the basis of race, religion, gender, national origin, creed or political belief. Law enforcement and other trained professionals may also conduct the test at the request of the Department.

#### B. PROBATION & PAROLE

##### 1. Urinalysis Drug Testing:

- a. A Substance Test record in OMIS must be completed and saved:
  - i. with each urinalysis test,
  - ii. when an offender refuses to submit a specimen, and
  - iii. upon an offender's admittance to substance use prior to testing and a urinalysis test is not completed.
- b. If ordered by the court, offenders will be required to provide a urine specimen within the first 45 days of initial meeting. Thereafter, offenders will be tested:
  - i. by random testing as determined by OMIS;
  - ii. as necessary for cause;
  - iii. as a condition of release to prerelease, parole or an intensive supervision program; or
  - iv. upon return to a correctional facility from the community.
- c. Random Testing as Determined by OMIS
  - i. Offenders will be made aware that they are subject to random testing at any time during their supervision or placement.

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- ii. Random testing will be determined by the OMIS fully randomized testing system which chooses a minimum of 5% of the offender population each month.
- iii. Entries into the chosen offender's Chronological History will be generated by OMIS at the following steps:
  - 1) when the offender is chosen and his/her supervising Officer is notified;
  - 2) once testing is complete and information is entered and saved in OMIS Substance Test record; and
  - 3) if testing was not completed within 40 days after Officer receives notice.
- iv. Officers receiving notice from OMIS of offenders chosen for testing will complete urinalysis test and OMIS Substance Test record within 30 days. OMIS will lock the record as not completed on the 40<sup>th</sup> day; however, Officers will be able to enter an explanation in the offender's chronologicals as to why testing was not completed.
- d. For-Cause Testing
  - i. For-cause testing may be administered at any time for reasons including, but not limited to, the following circumstances:
    - 1) any time there is reason to suspect an offender has recently used drugs/alcohol;
    - 2) testing is a requirement of a treatment or training program;
    - 3) an incarcerated offender has had community contact; or
    - 4) offender misses a commitment/meeting.
  - ii. Entries into the offender's chronologicals will be generated by OMIS once testing is complete and testing information is entered and saved in OMIS record by Officer.
- e. OMIS Substance Test Record
  - i. Each entry in the record must be completed, taking special notice of the following questions:
    - 1) "Is this the initial drug screening for entry into program/facility or community supervision?" If answer is "Yes," **DO NOT** choose a reason, as this test cannot be conducted for any other reason.
    - 2) "Is this a random drug test?" If answer is "Yes," **DO NOT** choose a reason, as this is the OMIS-generated test and cannot be conducted for any other reason.
    - 3) If answer is "No" to both questions, a reason for testing **MUST** be chosen as this test must be identified as being conducted for a specific reason.
  - ii. The *Drug/Alcohol Screening Information Form* is generated through OMIS once the Substance Test record is completed and saved. Upon offender's admittance to substance use either prior to testing or upon a positive test result, the *Form* should be printed, and completed, signed and dated by the offender and placed in his/her field file (unless *PPD 3.1.2000(B) Substance Abuse Admission Form* has been used).
- f. Urine will be the primary specimen tested using the rapid-result screening test.
  - i. Offenders will be given an opportunity to admit substance use prior to providing a urine specimen.
  - ii. The offender has one (1) hour to comply with a request for a urine specimen; however, additional time may be granted. If necessary, the offender should be given eight (8) ounces of water and remain under staff supervision until the specimen is provided. Failure to provide enough urine to comply with test requirements will result in interventions.
  - iii. Failure to provide specimen after one (1) hour, or the additional time granted, will be considered a refusal. Officer will complete OMIS Substance Test record selecting "sample not taken" and adding comment.

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- iv. Offenders refusing to provide a specimen demonstrate an admission of guilt. A hearing or other intervention(s) will be necessary as a result of a refusal. Officer will complete OMIS Substance Test record selecting “sample not taken” and adding comment.
- v. A hearing will be required if an offender is found tampering with the sample collection (i.e. adulteration, substitution). Officer may send sample to the Montana Forensic Science Division, State Crime Laboratory (State Crime Lab) for testing if tampering is suspected.
- vi. Offender will also be given an opportunity to admit substance use upon a positive sample test result.
- g. If the offender admits to the use of illegal substances prior to testing, no urinalysis is required; however, Officer may complete for-cause testing to ensure other drug use not admitted to is present:
  - i. Steps outlined in section #h below for conducting test are followed if urinalysis is taken;
  - ii. If urinalysis is not completed, Officer will complete OMIS Substance Test record selecting “sample not taken” and adding comment. *Drug/Alcohol Screening Information Form* is generated and printed. The offender will complete, sign and date the *Form*, which is then placed in his/her field file, and subsequent disciplinary action will follow;
  - iii. Confirmatory testing will not be done when offender admits to drug use upon positive sample result;
  - iv. Confirmatory testing will not be done to track drug usage or drug quantity levels.
- h. Rapid-Result Screening Tests
  - i. Employees conducting testing must:
    - 1) complete OMIS Substance Test record each time an offender is tested;
    - 2) use one of the test-kits provided by the **Department-approved vendor American Bio Medica Corporation (ABMC)** for all rapid-result screening tests. Re-testing using additional strips will NOT be done.
      - a) 5 panel: THC,COC,MTH,AMP,OPI300;
      - b) 5 panel: THC,COC,BZO,MTH,OPI300; and
      - c) 1 panel: Selected drugs.
    - 3) wear protective gloves when obtaining sample. Additional personal protective equipment is optional;
    - 4) comply with the specimen collection procedures recommended by Department-contracted vendor;
    - 5) be thoroughly trained in collection procedures;
    - 6) be the same gender as offender (see section #h.iii. below);
    - 7) label the collection cup with offender’s DOC ID number, date, employee’s initials, and note test type – random or for-cause – prior to requesting sample;
    - 8) collect sample in a private setting;
    - 9) carefully, closely, and directly observe the offender’s urine flow from body to collection cup;
    - 10) keep specimen under observation at all times from collection to secure storage; preservation of evidence procedures must be followed;
    - 11) enter all testing information into OMIS record, including medications being taken by the offender; and
    - 12) print generated *Drug/Alcohol Screening Information Form* upon offender’s admission of substance use (unless *PPD 3.1.2000(B)* has been used). Offender must complete, sign and date the *Form*. *Form* is then placed in offender’s field file.

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- ii. Offenders providing the urine sample will:
  - 1) remove all excess clothing such as coats, sweaters, roll up sleeves, etc.;
  - 2) wash hands with soap and water, and dry hands before giving the sample; and
  - 3) place the cover on the urine specimen container before returning the container to the staff.
- iii. If it is not possible to have an employee of the same gender as the offender witness the sample collection, the employee may do one of the following, establishing the chain of evidence procedures:
  - 1) allow the offender to collect his/her specimen unobserved;
  - 2) request local law enforcement to assist; or
  - 3) use saliva-based testing equipment.
- i. Collections Outside of P&P Office
  - i. Urine samples collected during a visit to an offender will be gathered using the appropriate evidence kit. Samples will be labeled with an evidence tag, packaged in a tamper-proof container, and refrigerated as soon as possible. The Officer requesting the sample and the Officer taking custody of the evidence will both initial the container.
  - ii. *PPD 3.1.200(B) Substance Abuse Admission Form* will be used if an offender admits to use prior to collection. The *Admission Form* is placed in offender's field file. If *Admission Form* has been completed, the *Drug/Alcohol Screening Information* form generated by OMIS will not be printed.
  - iii. An OMIS Substance Test record must be completed upon admission of use and/or testing.

## 2. Positive Sample Results:

- a. A positive sample is sufficient reason for interventions or return to a correctional facility. Officers will use particular discretion in how to handle positive test results given the nature of relapse in recovery from addiction, available options for interventions, and concerns for community safety.
- b. If results from the initial screening test is positive (presumptive positive) and the offender does not admit use;
  - i. Officer will NOT re-test using additional strips, but, following preservation of evidence procedures, will forward the specimen to the State Crime Lab for confirmatory testing to determine precisely which drug or drugs are present in the specimen only; confirmatory testing will not be done to track drug usage or drug quantity levels.
  - ii. Officer will discuss with offender that increased interventions will result if the State Crime Lab confirms positive test result.
  - iii. OMIS Substance record must be updated and completed once results are received from the State Crime Lab.
- c. Offenders may request, at their own expense, additional screening at the State Crime Lab or other approved screening site, such as a prerelease center. This additional screening will not delay disciplinary action that results in jail time or removal to a more secure environment.
- d. All offenders testing positive and not returned to a correctional facility may be referred to chemical dependency for appropriate programming. The referral will be noted in the offender's file. Within 45 days of a positive UA result, the offender must be retested unannounced. Volunteering for treatment does not dismiss interventions or reports of violation.

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- e. Offenders who test positive and have previously completed drug treatment may be considered for referral to a relapse program. Offender's privileges may be curtailed while in the program, and the offender will be expected to pay for the cost of treatment.
- f. The above actions do not preclude disciplinary action or, when applicable, transfer to a secure facility.

**3. Portable Breath or Breath Analyzer Testing:**

- a. Breath testing shall be conducted by Officers or local law enforcement to test offenders suspected of alcohol use and will be conducted in accordance with the instructions of the testing device manufacturer. These devices shall be maintained in a secure location and will be one of the following: **Portable Breath Test Device (PBT) or ABMC's ALCO Screen Instrument.**
- b. Each test will be recorded in the offender's chronological history and should include the date and time of test, a brief statement describing the reason for the test, and the results.
- c. The Officer will appropriately confront the offender when test results are positive. The offender will be asked to provide a statement of admission on *DOC 3.1.20 (Attachment) DOC Drug/Alcohol Screening Information*, and then given an appropriate intervention which could include a referral to treatment.

**4. Blood Draws:** Officers will NOT request an offender to submit to an involuntary blood draw by law enforcement.

**5. Financial Responsibilities of Offenders:**

- a. Offenders may be charged the cost of the preliminary test kit when he/she refuses to admit drug use and a preliminary result is confirmed by the laboratory testing.
- b. Offender will only be charged the unit price associated with the preliminary Department-approved test kit; offenders may be exempt if on indigent status or is current on all restitution and supervision fees.

**6. Duties of DTL:**

- a. Ensure that appropriate staff are trained in specimen collection protocol;
- b. Collect required drug program data; and
- c. Conform to drug program reporting requirements.

**C. TREASURE STATE CORRECTIONAL TRAINING CENTER (TSCTC)**

Employees of the TSCTC will follow the procedures established in *CTC Operational Procedure 3.1.20, Offender Drug Testing Program*.

**D. PPD FACILITIES**

- 1. PPD facilities must establish a system of alcohol and drug testing that complies with *DOC Policy 3.1.20, Offender Drug Testing Program* to ensure an alcohol and drug free environment in the facility. Pursuant to *PPD 1.6.300(B) Submission Schedule for Contractor Reports*, facilities will submit a copy of their current urinalysis screening policy/procedure to the appropriate Contract Manager at [coraccreports@mt.gov](mailto:coraccreports@mt.gov) by July 31st of every year, or upon revision, for review and mutual approval.
- 2. Regular, random urinalysis (UA) screening shall be conducted on all offenders.

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3. *PPD 3.1.2000(A) Urinalysis Testing Report* is to be submitted by July 31<sup>st</sup> of every year to the Contract Manager at [coraccdreports@mt.gov](mailto:coraccdreports@mt.gov) as established in *Submission Schedule for Contractor Reports*. The *Urinalysis Testing Report* will outline the following:
- a. total number of UA samples taken and tested per month;
  - b. how many of these samples were positive; and
  - c. what substances tested as positive.

#### **IV. CLOSING:**

Questions regarding this procedure should be directed to the Regional Administrator or POII, Facility Administrator or Contract Manager.

#### **V. FORMS:**

PPD 3.1.2000 (A)      Urinalysis Testing Report  
PPD 3.1.2000 (B)      Substance Abuse Admission Form