



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy:	DOC 3.1.20 OFFENDER DRUG TESTING PROGRAM
Chapter 3:	FACILITY/PROGRAM OPERATIONS
Section 1:	Security Operations
Effective Date:	March 1, 1997 Page 1 of 3 and Attachment
Revised:	May 7, 2020
Signature:	/s/ Reginald D. Michael

I. POLICY

The Department of Corrections mandates offender drug testing to help offenders abstain from illicit substances and assist them to live crime-free lives.

II. APPLICABILITY

All divisions, facilities, and programs of the Department of Corrections.

III. 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.

Confirmatory Testing – Refers to a laboratory testing process performed by the Montana Forensic Science Division, State Crime Lab or a private lab to confirm the presence of a drug or drug metabolite within a testing sample.

Drug Testing Liaison – A designated staff member selected by a division administrator to oversee and track the division's drug testing program for the Department.

Drug Testing – The chemical analysis of a body fluid, typically urine, using specialized equipment and techniques to identify the presence of a drug or drug metabolite collected from an individual.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. Department staff will conduct drug testing using test supplies provided by a Department approved vendor.
2. Department staff will use a Portable Breath Test Device (PBT) that is approved by the Department to measure the alcohol content of an offender's breath.
3. Division administrators will ensure drug testing procedures are in place in accordance with this policy to promote:
 - a. a drug free standard;
 - b. offender accountability;
 - c. offender self-admissions;
 - d. recovery from drug/alcohol dependence;
 - e. treatment options where indicated;

Subject: OFFENDER DRUG TESTING PROGRAM

- f. successful community reintegration; and
 - g. a safe correctional and community environment.
4. Each administrator will designate a staff person as the program/facility's drug testing liaison (DTL) to coordinate required drug testing
 5. Administrators will ensure employees responsible for conducting drug testing are trained in the appropriate methods of collection, testing, and reporting procedures.
 6. Administrators will ensure that, at minimum, adult offenders approved for community corrections programs are drug tested before transfer or upon entry into a new program.

B. Drug Testing Liaison (DTL) Duties

1. The administrator, or designee, will appoint a DTL for their facility/program responsible for the following duties:
 - a. oversee the division's drug testing operations;
 - b. research current drug trends and stay current with evolving drug testing technology;
 - c. network with the Department-approved vendor and the State Crime Lab;
 - d. advise the division on selection and purchase of drug tests; and
 - e. monitor the division's testing results and data entry.

C. Specimen Collection, Testing, and Reporting

1. Department employees responsible for drug testing offenders will:
 - a. solicit self-admission following a positive drug test, confessed drug use may be used as a substitute for sending a sample for confirmation testing;
 - b. use a test-kit provided by the Department-approved vendor;
 - c. comply with the specimen collection procedures recommended by the Department-approved vendor;
 - d. for purposes of urine collection, be the same gender as the offender;
 - e. collect specimens in a private setting;
 - f. observe the offender's urine flow from body to collection cup to avert adulteration or substitution of urine;
 - g. establish the chain of evidence for the sample at the point of collection to confirm the whereabouts of the evidence at all times;
 - h. fully complete the [Drug/Alcohol Screening Information](#) form each time a drug test is completed or a self-admission is provided by an offender and ensure the form is uploaded into OMIS/YMS system;
 - i. accurately input all appropriate testing data in OMIS/YMS system;
 - j. submit positive samples for confirmatory testing;
 - k. initiate disciplinary actions when an offender is unwilling to provide a specimen, a test result is positive, or upon self-admission; and
 - l. ensure offenders are strongly sanctioned for tampering with specimen collection.

D. Random Testing

1. Secure facilities and will use fully randomized testing systems generated by the OMIS/YMS software programs in order to:
 - a. maximize detection and deterrence;

Subject: OFFENDER DRUG TESTING PROGRAM

- b. minimize the predictability of scheduled tests; and
 - c. defeat attempts to manipulate the test by substitution, flushing, or adulteration.
2. Random testing must be frequent enough that offenders understand urine may be tested at any time.
 3. Random testing will be established on a schedule determined by OMIS/YMS that tests a minimum of 5% of the offender population each month.

E. For-cause Testing

1. Facilities and programs may administer drug testing at any time for reasons including, but not limited to, the following:
 - a. anytime there is reason to suspect an offender has recently used drugs;
 - b. testing is a requirement of a treatment or training program;
 - c. an incarcerated offender has had community contact; or
 - d. a probationer/parolee misses a commitment/meeting.

F. Financial Responsibilities of Offenders

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

V. CLOSING

Questions concerning this policy should be directed to the facility/program drug testing liaison.

VI. REFERENCES

- A. 50-32-101, MCA
- B. 4-4207; *ACA Guidelines for Adult Correctional Institutions, 4th Edition*
- C. *ACA Guidelines for the Development of a Security Program, 2nd Edition*
- D. DOC Policy 3.1.28, *Crime Scene and Physical Evidence Preservation*

VII. ATTACHMENTS

[Drug/Alcohol Screening Information PDF](#)