



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

Procedure:	MSP 3.1.20 INMATE DRUG TESTING PROGRAM
Effective Date:	September 21, 2001 Page 1 of 5 and 2 Attachments
Revision Date(s):	September 27, 2004, July 13, 2009, September 12, 2011, January 1, 2020, February 15, 2021, July 15, 2021
Reference(s):	DOC Policy 3.1.20
Signature:	/s/ Jim Salmonsens / Warden

I. PURPOSE

To conduct standardized drug tests of inmates to prevent their unauthorized possession and use of controlled or prohibited substances. This procedure is intended to supplement, not replace, other standard security practices by which unauthorized substances are detected and controlled.

II. DEFINITIONS

Cause - Any indication that an inmate 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 or suspected via reasonable inference), or self-admission.

Chain of Custody – For the purpose of this procedure means a chronological documentation or paper trail that records the sequence of custody, control, transfer, analysis, and disposition of evidence.

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

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.

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

Random sampling - Means the collection of urine samples from a selected inmate or group of inmates for urinalysis screening, without cause.

III. PROCEDURES

A. General

1. The drug testing procedures are in place to promote:
 - a. the safety and security of the public, staff, and inmates;
 - b. a drug free standard;

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- c. inmate accountability;
 - d. inmate self-admissions;
 - e. provides intervention, treatment, and recovery from drug/alcohol dependence;
 - f. successful community reintegration;
 - g. properly classify inmates who pose a risk to security and safety due to their use of alcohol or illegal/unauthorized substances;
 - h. reduce the traffic and use of alcohol or illegal/unauthorized substances by inmates.
2. Sergeants, Case Managers, treatment facilities, or higher ranked staff may authorize an Inmate to undergo a drug or alcohol test for the following:
 - a. as a condition of release to pre-release, parole, or intensive supervision;
 - b. as a condition of on-going CD treatment;
 - c. for cause;
 - d. after participating in any contact visit;
 - e. in the event of a work-related incident/accident;
 - f. to monitor those with a documented history of alcohol or illegal/unauthorized substances use.
 - g. when an inmate or an identified group of inmates (such as a housing unit cube or work crew) is suspected of using and/or trafficking alcohol or illegal/unauthorized substances.
 3. Staff from each housing unit will conduct random drug tests on a minimum 5% of its average monthly population.
 4. Each housing unit receives a monthly notification generated by OMIS which includes a random list of inmates that need to be tested for the month.
 5. Staff will conduct drug tests on inmates in treatment programs in accordance with their treatment contracts or assessments.
 6. All staff involved in alcohol and urine testing must receive proper training.

B. Breath Analysis Testing

1. If a staff member suspects an inmate of consuming alcohol, they will contact the Shift Commander.
2. The Shift Commander will ensure the suspected inmate is tested by a staff person with experience using the breath analysis test kit, following the instructions of the test kit manufacturer.
3. If the test results are positive, staff will cite the inmate for rule infraction *4107 – possessing, introducing, or using any narcotic, narcotic paraphernalia, or illegal/unauthorized drug* in accordance with *MSP 3.4.1 Institutional Discipline*.
4. If the inmate refuses to cooperate with the testing procedure, he will be cited for rule infraction *4206 - Refusing to provide any type of specimen or sample* in accordance with *MSP 3.4.1 Institutional Discipline*.
5. The Shift Commander will ensure each test is documented in the housing unit and Command Post logbook. The log entry will include the date and time of test, the

tester and referring staff member's name, a brief statement describing the reason for the test, and the test results.

6. The staff person who performs the test will also complete the "Breath Testing" section on the *Drug/Alcohol Screening and Admission Form (attachment B)*. If the inmate admits to consuming alcohol the staff member will request the inmate fill in the admission portion of the form (*attachment B*).

C. Urine Specimen Collection

1. For the purposes of urine collection, staff will be the same gender as the offender.
2. Use a test-kit and *Laboratory Test Requisition Form* provided by the Department approved vendor.
3. Collect specimens in a private setting.
4. Observe the inmate's urine flow from body to collection cup to avert adulteration or substitution of urine.
5. Document the chain of custody for the sample at the point of collection to confirm the whereabouts of the evidence at all times.
6. Once a staff member orders an inmate to provide a urine specimen the staff member will keep the inmate under direct observation until he either confesses to illegal substance use or fully complies with the urine specimen collection procedure (*attachment A*)
 - a. if the inmate confesses to illegal substance use the staff member will request the inmate fill in the admission section on the *Drug/Alcohol Screening and Admission form*.
 - b. staff witnessing the inmate's confession will complete an incident report. The staff person having or taking the confession will cite the inmate for rule infraction 4107-*possessing, introducing, or using any narcotic, narcotic paraphernalia, or illegal/unauthorized drug* in accordance with *MSP 3.4.1 Institutional Discipline*.
 - c. if the inmate does not admit to use, he must fully comply with the specimen collection procedure, providing at least enough urine to the control line.
 - 1) if the inmate fails to provide enough urine for testing, or to cooperate with any step of the specimen collection procedure, staff will cite him for rule infraction 4206 – *Refusing to provide any type of specimen or sample* in accordance with *MSP 3.4.1 Institutional Discipline*. Staff collecting the specimen will still forward all collected urine for testing.
 - 2) if the inmate is complying with the collection procedure, but claims he is trying to urinate but can't, staff will have him drink 24 ounces of water and keep him under direct observation. If the inmate refuses to drink the water or does so and doesn't provide a urine specimen within two hours, staff will cite him for rule infraction 4206 – *Refusing to provide any type of specimen or sample* in accordance with *MSP 3.4.1 Institutional Discipline*.
7. Collecting and Securing Urine Specimens:
 - a. to collect a urine specimen staff and inmates are required to follow and comply with the collection procedures outlined on *Attachment A*.

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- b. if the temperature of the collected specimen is outside the normal parameters (between 90- and 100-degrees Fahrenheit) staff will cite the inmate for rule infraction 4206 – *Attempting to contaminate, pollute, alter, substitute, or destroy any specimen or sample.*
- c. as urine is a body fluid, staff must handle it using standard precautions (treat as if known to be infectious). Staff collecting urine specimens must wear exam gloves. The use of other personal protective equipment is optional.
- d. from collection to secure storage, specimens must remain under the observation of staff at all times.

D. Protocol for Urine Specimen Testing

1. Staff conducting the initial urine specimen testing must follow the test kit manufacturer's testing protocols and instructions.
2. If the specimen tests presumptive positive on the initial testing, the tester will:
 - a. send the collected specimen to a certified laboratory for confirmation.
 - b. complete the *Laboratory Test Requisition* form.
 - c. ensure the proper notation is entered in to OMIS as well as the tracking sheet.
 - d. once the requisition form is completed, take the specimen to Command Post, make an entry in the logbook and ensure the entry is signed off by a member of Command Post.
 - e. ensure the specimen is placed in the freezer and the freezer locked by a member of Command Post.
 - f. after securing the specimen, email the facility DTL advising there is a sample to be processed.
3. The facility DTL will ensure:
 - a. the sample is sent to the Department contracted laboratory for testing.
 - b. all paperwork is filled out accurately and correctly.
 - c. each sample is tracked.
4. If the certified laboratory confirms the specimen as testing positive the inmate will be cited for rule infraction 4107 – *Possessing, introducing, or using any narcotic, narcotic paraphernalia, or illegal/unauthorized drug* in accordance with *MSP 3.4.1 Institutional Discipline.*
5. The Unit Manager is responsible for ensuring the proper disciplinary report has been completed.

E. Consequences

1. A positive test will result in a classification review, which may include treatment referral(s), custody increase, non-compliant ratings, job assignment removal, etc.
2. Housing unit staff will refer an inmate who is found guilty of a rule infraction related to trafficking or abuse of drugs (illegal or prescribed) or other substances to the Specialized Treatment Unit for screening to determine his treatment program needs. Within 45 days of beginning any treatment program, the treatment program facilitator will have the inmate drug tested unannounced.

3. Disciplinary sanctions may be progressive for repeat offenses, and volunteering or treatment does not preclude disciplinary action.

IV. CLOSING

Questions concerning this procedure should be directed to the Warden.

V. ATTACHMENTS

MSP Procedures for Urine Specimen Collection
Drug/Alcohol Screening and Admission Form

Attachment A
Attachment B

MSP PROCEDURES FOR URINE SPECIMEN COLLECTION

If the inmate fails to provide enough urine (approximately one-half cup) for testing, or doesn't fully cooperate with the specimen collection procedure, the staff member will cite him for rule infraction 4206 - *Refusing to provide any type of specimen or sample. Attempting to contaminate, pollute, alter, substitute, or destroy any specimen or sample in accordance with MSP 3.4.1, Institutional Discipline.* Staff collecting the specimen will still forward all collected urine for testing.

A staff member will escort the inmate to a bathroom and proceed as follows:

1. The staff member will instruct the inmate to wash and dry his hands.
2. The staff member will instruct the inmate to lower his pants and briefs below his knees and raise his shirt(s) to his chest. The staff member will visually inspect the exposed areas of the inmate's body for anything the inmate might have concealed to alter the specimen.
3. If nothing is found, the staff member will provide the inmate a specimen cup with the inmate's name and ID number on it and instruct him to urinate into it.
4. The staff member will inform the inmate that he must deposit enough urine in the cup to fill it at least to the control line for an accurate reading. If the inmate fails to comply, disciplinary action may result. The staff member will stand in front and to the side of the inmate and observe him while he urinates into the specimen collection cup.
5. When the inmate is finished urinating into the collection cup the staff member will instruct him to put the lid securely on the specimen collection cup and place the tamper seal over the top of the cup and initial the seal. The inmate will then give the specimen to the staff member who will initial the seal as well.
6. The staff member will immediately note the temperature of the specimen (from the reading on the temperature strip).
7. The staff member will follow the manufacturer's recommend time frame before reading the results.
8. If there is a presumptive positive result, the staff member will complete the Laboratory Test Requisition Form and indicate what drug is to be tested on the GC/MS line. Staff will ensure the Inmate DOC #, collector name and date are filled in. The security seal will be placed on the cup and initialed.
9. The staff member will bring the specimen and completed Laboratory Test Requisition Form to the Command Post and notify the Shift Commander who will ensure the logbook is filled out and the sample is secured in the freezer.
10. The staff member will then enter the following information on the UA specimen log form:
 - Inmate's name and DOC ID number
 - Date
 - Time
 - Their own name
11. Command Post staff will then sign the log entry as correct.

DEPARTMENT OF CORRECTIONS



STATE OF MONTANA

Drug / Alcohol Screening and Admission Form

Offender Name: _____ DOC#: _____ Reporting Level: _____

Requesting Officer Name/Title: _____ Agency: _____ Date: _____

Offender Status: Conditional Release Parole, Probation ISP Pre-Release Treatment Incarcerated

Offender Cell/Housing Assignment: _____

Sample Taker's Checklist Initial each action

- 1. Direct vision maintained when sample was taken
2. Offender placed lid & security tape on cup.
3. Offender initialed the tape.
4. Chain of evidence procedures followed.

Date and time sample was taken: _____ A.M. / P.M. _____

Person taking sample (Print): _____ Signature _____

Is this the initial drug screening for entry into program/facility or community supervision? Y N

Random test? Y N, if "N" what was the reason for testing? _____

Did offender admit to drug use prior to testing? Y N

Did offender admit to drug use after positive drug results were obtained? Y N

Was the specimen in any way tampered or altered by the offender during the collection? Y N

Chain of Evidence

- 1. Handling/Storage Date _____ Time _____ /Signature _____
2. Handling/Storage Date _____ Time _____ /Signature _____
3. Handling/Storage Date _____ Time _____ /Signature _____
4. Handling/Storage Date _____ Time _____ /Signature _____

Urine Testing:

Table with columns for NEG and POS results for Marijuana (THC), Cocaine (COC), Methamphetamine (METH), Benzodiazepines (BZO), Opiates (OPI), Other, and Drugs/Medication Prescribed.

Urinalysis Tester(s): 1. _____ 2. _____

Tester's Comments: _____

I, _____, AO#: _____ understand that the statement(s) below may be used against me in a revocation of my probation, parole, conditional release, or any disciplinary action. I admit to using _____ Offenders Signature: _____ Date: _____

Breath Testing

{ } Negative { } Positive _____ BAC Random test? Y N, if "N" what was the reason for testing? _____

Did offender admit to alcohol use prior to testing? Y N

Did offender admit to alcohol use after positive alcohol results were obtained? Y N

Initial Response - please circle.

Formal Write-up --- Disciplinary Hearing --- Documented in Chronos --- Intervention Hearing --- Jail Sanction --- Disciplinary Report Treatment (ordered/increased) --- Increase Reporting --- On-Site Hearing --- Pre-Hearing Confinement --- Relapse/Wait list Group.

Final Disposition - please circle.

Detention Time -- Dropped -- Re-Classified -- Reduced to a Minor --Other: _____ (Referred to: Treatment, ISP sanction, ESP, Treatment groups, or Jail Time)