



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

Policy No. DOC 3.1.20	Subject: OFFENDER DRUG TESTING PROGRAM
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 4
Section 1: Security Operations	Effective Date: March 1, 1997
Signature: /s/ Mike Batista, Director	Revised: 02/22/2016

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 Department-owned and contracted, as specified in contract.

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.

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

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. 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;
 - f. successful community reintegration; and
 - g. a safe correctional and community environment.
2. Each administrator will designate a staff person as the program/facility's drug testing liaison (DTL) to coordinate required drug testing and reporting functions with the Department's drug testing coordinator (DTC).

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3. The Department will conduct drug testing using test supplies provided by a Department-approved vendor; other vendors and supplies may be approved by the drug testing coordinator on a case-by-case basis. All contracts, companies and products used must be reported to the DTC and updated at least yearly.
4. Staff who measure the alcohol content of an offender's breath will use a Portable Breath Test Device (PBT).
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 Coordinator (DTC)

1. The Department director, or designee, will appoint a DTC responsible for the following duties:
 - a. oversee the Department drug testing operations;
 - b. periodic observation of each facility/program drug testing operation for uniform Department-wide compliance and to improve statistical reporting;
 - c. research current drug trends and stay current with evolving drug testing technology;
 - d. arrange drug testing training within the Department;
 - e. network with the Department-approved vendor and the State Crime Lab;
 - f. advise the Department on selection and purchase of drug tests;
 - g. annually review purchasing decisions with the fiscal division;
 - h. collect statistics from the drug testing program DTL's or designees;
 - i. record Department-wide testing results;
 - j. facilitate the annual DTC/DTL program meeting;
 - k. evaluate data and compile an annual report for the Department director; and
 - l. act as a program resource for management, staff, offenders, and the public.
2. The DTC, in coordination with the Department's Information Technology Division, will advise and assist administrators to efficiently track required drug testing information and establish systems that maintain the confidentiality of youth offenders.
3. The DTC will gather and evaluate drug testing data that can be used to establish a pattern to identify trends and to facilitate recommendations for change. Such information may include, but is not limited to:
 - a. number of drug tests completed and results;
 - b. whether tests were random or for-cause;
 - c. number of positives and type of drugs detected;
 - d. number of self-admissions;
 - e. record of violation reports and sanctions for drug use; and
 - f. results of drug tests conducted upon an offender's initial intake to a facility/program reflecting patterns of community drug use.

C. Specimen Collection, Testing, and Reporting

1. Department employees responsible for drug testing offenders will:

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- 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 retained in the offender's file;
- 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. Facilities and programs will use fully randomized testing systems generated by the OMIS/YMS software programs in order to:
 - a. maximize detection and deterrence;
 - 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

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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 Department drug testing coordinator.

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](#)