



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

Procedure No.: MSP 3.1.20	Subject: INMATE URINALYSIS & BREATH ANALYSIS
Reference: DOC Policy No. 3.1.20	Page 1 of 5 and two attachments
Effective Date: September 21, 2001	Revision: (new effective date) September 12, 2011
Signature / Title: /s/ Mike Mahoney / Warden	

I. PURPOSE

To conduct standardized breath and urinalysis tests of inmates to prevent their unauthorized possession and use of controlled, illegal, or prohibited substances, and work toward a facility free of illegal or prohibited substances.

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.

Confirmatory Testing – refers to a department approved laboratory testing process performed by trained professionals to confirm the presence of an illegal or unauthorized substance within a testing sample. The State Crime Lab or other department approved lab will be utilized for confirmatory testing.

Illegal or Prohibited Substance - any substance described in 50-32-101, MCA, et.seq., 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, solvents, and tobacco.

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

Urinalysis - the analysis of urine, carried out to detect the presence of a specific substance.

III. PROCEDURES

A. General

1. The urinalysis procedures are in place to:
 - a. Ensure the safety and security of the public, staff, and inmates.
 - b. Identify inmates who are using alcohol or illegal/unauthorized substances.
 - c. Promote a drug free standard within secure facilities and provide inmate accountability.
 - d. Identify inmates with chemical dependency treatment needs.
 - e. Provide intervention for inmates who use alcohol or illegal/unauthorized substances.
 - f. Properly classify inmates who pose a risk to security and safety due to their use of alcohol or illegal/unauthorized substances.
 - g. Reduce the traffic and use of alcohol or illegal/unauthorized substances by inmates.
2. This procedure is intended to supplement, not replace, other standard security practices by which unauthorized substances and/ or their use are detected and controlled.

Procedure No. MSP 3.1.20	Subject: INMATE URINALYSIS & BREATH ANALYSIS
Effective Date: September 12, 2011	p.2 of 5

3. Authorized Testing
 - a. Staff at the MDIU housing unit may conduct a baseline urinalysis test upon an inmate's admission to the facility.
 - b. Sergeants, Case Managers, treatment facilitators, or higher ranked staff may authorize an inmate to undergo a urinalysis or alcohol test for the following:
 - 1) As a condition of release to pre-release, parole, or Intensive Supervision.
 - 2) For cause (direct observation by staff or reliable source that provides reasonable suspicion that an inmate has used or is in possession of illegal or prohibited substances).
 - 3) After participating in any contact visitation.
 - 4) In the event of a work related incident/accident.
 - 5) To monitor those with a documented history of using alcohol or illegal/unauthorized substances.
 - 6) 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.
 - 7) To ensure inmates in treatment programs are tested in accordance with their treatment contracts or assessments.
 - 8) To conduct random tests on inmates returning to the facility from community work assignments. Every fire crew inmate returning to the facility from a fire deployment will be urinalysis tested. Random testing must be frequent enough that inmates know that having their urine tested on any given day of any given week is possible.
4. Staff from each housing unit will ensure urinalysis tests are conducted on those inmates selected for random testing by the DOC OMIS system.
5. All staff involved in alcohol and urinalysis testing will receive proper training in specimen collections, testing, reporting procedures, and the DOC OMIS system urinalysis testing record keeping process.
6. Rapid-result test screening kits for on-site urinalysis testing will be purchased from the department approved vendor. Test kits that are individually sealed are preferred, but not required.
7. Inmates testing positive for illegal or prohibited substances are not provided a grace or waiting period before they may be tested again either by random or for cause testing. If an inmate is tested multiple times within a relatively short timeframe with positive results, staff will review the dates of testing, type of illegal or prohibited substance found, concentration level of test result, and length of time elapsed before issuing a disciplinary infraction.

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*.

Procedure No. MSP 3.1.20	Subject: INMATE URINALYSIS & BREATH ANALYSIS
Effective Date: September 12, 2011	p.3 of 5

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/or Command Post log book. 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 complete the breath testing section of the DOC OMIS system urinalysis testing record keeping process for each specimen collected. If the inmate admits to consuming alcohol the staff member will request the inmate fill in an Inmate Illegal Substance/Alcohol Admission form (*attachment B*).

C. Urine Specimen Collection

1. Once a staff member orders an inmate to provide a urine specimen, the staff member (male gender to the extent that current staffing allows) will escort the inmate to a private location outside the presence of other inmates or uninvolved staff.
2. The staff member will conduct a clothed or unclothed body search and keep the inmate under direct observation until he fully complies with the urine specimen collection procedure (*see attachment A*).
 - a. The staff member collecting the urine sample will encourage the inmate to confess to illegal/prohibited substance use prior to or after a urine sample is given, explaining that on a case-by-case basis disciplinary sanctions may not be as severe if he confesses.
 - 1) If an inmate does not confess to illegal/prohibited substance use, and the urine sample tests positive, staff will cite him for rule infraction 4107 - *Possessing, introducing, or using any narcotic, narcotic paraphernalia*.
 - 2) If the inmate confesses to illegal/prohibited substance use, the staff member will request the inmate fill in an *Inmate Illegal Substance/Alcohol Admission form (attachment B)* and cite him 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*. If the inmate confesses to smoking, the staff person hearing or taking the confession will cite him for rule infraction 4219 – *Smoking / possession of any amount of tobacco or tobacco paraphernalia* in accordance with MSP 3.4.1, *Institutional Discipline*.
 - 3) All staff that witness an inmate's confession must sign the form.
 - b. The inmate must fully comply with the specimen collection procedure, providing at least enough urine to fill one-half of a specimen container, to comply with the order.
 - 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*. The staff member 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 8 to 16 ounces of water and keep him under direct observation. If the inmate refuses to

Procedure No. MSP 3.1.20	Subject: INMATE URINALYSIS & BREATH ANALYSIS
Effective Date: September 12, 2011	p.4 of 5

drink the water, or does so and doesn't provided 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*.

3. 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*.
 - b. If the temperature of the collected specimen is outside 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.
 - e. Staff will complete the appropriate sections of the DOC OMIS system urinalysis testing record keeping process for each specimen collected.

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 positive on the initial testing, staff will:
 - a. Encourage the inmate a second time to admit illegal substance use and specify the type of substance he used.
 - 1) If the inmate confesses to illegal/prohibited substance use, the staff member will instruct the inmate to fill in the admission section on an *Inmate Illegal Substance/Alcohol Admission form (attachment B)* and have all staff that witness the admission sign and note as such.
 - 2) If the inmate doesn't confess to using an illegal/prohibited substance, the urine sample may be sent to a certified laboratory for further confirmation.
 - 3) A urine sample may be sent to a certified laboratory testing to determine whether or not the inmate is using substances he didn't confess to using.
 - b. Re-seal the remainder of the sample with security tape, date it, initial it, and return it to the UA specimen refrigerator for final disposition.
 - c. Complete the appropriate sections of the DOC OMIS system urinalysis testing record keeping process for each specimen tested.
3. If the specimen tests positive for tobacco use on the initial testing, the tester will conduct a second test for further confirmation. If the second test confirms the specimen as testing positive for tobacco use, the inmate will be cited for rule infraction 4219 – *Smoking / possession of any amount of tobacco or tobacco paraphernalia* in accordance with MSP 3.4.1, *Institutional Discipline*, and the tester will complete the appropriate sections of the DOC OMIS system urinalysis testing record keeping process for each specimen tested.

E. Consequences

1. Inmates may be subject to disciplinary action for testing positive at any detection level for an illegal or unauthorized substance.

Procedure No. MSP 3.1.20	Subject: INMATE URINALYSIS & BREATH ANALYSIS
Effective Date: September 12, 2011	p.5 of 5

2. A positive test will result in an immediate citation 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*. The normal disciplinary hearing process will occur without waiting for further confirmatory testing. Disciplinary sanctions of detention time will be enforced pending further confirmatory testing or an appeal. There will be no adjustments made for any detention time served if the additional confirmatory test is negative or an appeal is granted.
3. A positive test result on the initial test will result in a classification review, which may include treatment referral(s), custody increase, non-compliant ratings, work assignment removal, etc.
4. If an inmate does not confess to illegal or unauthorized use upon an initial positive test, the urine sample may be sent on for further confirmatory testing. If the sample is positive upon further testing, the inmate will be assessed a lab testing surcharge.
 - a. The lab testing surcharge will be determined on an annual basis based on the costs associated with staff time for processing, shipping, and lab costs.
 - b. The minimum lab testing surcharge will not be less than five dollars per inmate lab test.
5. Housing unit staff will refer an inmate who is found guilty of a rule infraction related to the trafficking or use of drugs (illegal or prescribed) to the Specialized Treatment Unit for screening to determine his treatment program needs.
6. Within 45 days of beginning any treatment program, the treatment program facilitator will have the inmate tested for illegal or prohibited substances unannounced.
7. Disciplinary sanctions may be progressive for repeat offenses, and volunteering for treatment does not preclude disciplinary action.
8. Inmates identified as misusing, trading or selling their prescribed medication will be referred to Infirmary staff for potential adjustment or discontinuation of the medications.
9. Inmates who are currently enrolled in a chemical dependency treatment program may be removed from the program for a designated period of time or terminated from the program based on recommendations of the Housing Unit Management Team and Treatment Program Supervisors. Removal from a treatment program will result in non-compliance for treatment and ineligibility for the treatment waiting list for a designated period of time as determined by the Treatment Program Supervisors.
10. If additional information becomes available to reverse an inmate's test results, or if further testing yields a different test result, the inmate's disciplinary action and/or classification changes will be reviewed and adjusted as required. Any fines or lab fee surcharges assessed the inmate will be reimbursed.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Warden.

V. ATTACHMENTS

MSP Procedures for Urine Specimen Collection & Testing
Inmate Illegal Substance/Alcohol Admission form

attachment A
attachment B

MSP PROCEDURES FOR URINE SPECIMEN COLLECTION & TESTING

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 utilize all urine collected for testing.

URINE SPECIMEN COLLECTION PROCEDURES

1. The Unit Manager or Sergeant will advise housing unit staff that inmate UAs are to be conducted based on random or for cause testing. The Unit Manager or Sergeant will provide staff a listing of the inmates to be tested just prior to the testing.
2. The Unit Manager or Sergeant will ensure that all necessary testing materials are available and prepared prior to beginning the urine collection and testing procedures. The Housing Unit Manager will ensure there is a adequate supply of specimen cups, test strips/devices, and evidence tape.
3. The staff member performing the collection/testing (male gender to the extent that current staffing allows) will escort the inmate to a private location outside the presence of other inmates or uninvolved staff (bathroom if available).
4. The staff member will explain to the inmate that a UA is being conducted and that he has the opportunity to admit to using a prohibited substance before the urine is collected or at any time after the urine is collected. If the inmate confesses, the staff member will fill out an *Inmate Illegal Substance/Alcohol Admission form*. If the inmate refuses to cooperate with the testing procedures he will be cited for rule infraction 4206 – Refusing to provide any type of specimen or sample.
5. The staff member will put on a pair of exam gloves, conduct a clothed or unclothed body search and keep the inmate under direct observation.
6. The staff member will instruct the inmate to wash and dry his hands prior to providing the urine sample.
7. 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.
8. If nothing is found, the staff member will provide the inmate a specimen collection cup with the inmate's name and ID number on it, and any other relevant information. This information is to be typed or written in indelible ink and placed on the specimen cup prior to giving it to the inmate. The inmate will be instructed to urinate into the specimen collection cup.
9. The staff member will inform the inmate that he must deposit enough urine in the specimen collection cup to fill it at least half full or face disciplinary action.
10. 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. If the inmate is unable to provide a sample the staff member may provide the inmate with a cup of water (8 oz. to 16 oz). If the inmate is unable to provide a urine specimen within a two hour period after drinking the water, he will be cited for infraction 4206 - *Refusing to provide any type of specimen or sample*.
11. When the inmate is finished urinating into the specimen collection cup, the staff member will instruct him to put the lid securely on the cup and set it down.
12. The staff member will immediately note the temperature of the specimen (from the reading on the temperature strip attached to the cup) to determine if the urine sample is within the normal temperature parameters. If the temperature of the collected specimen is outside 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*.

URINE SPECIMEN TESTING PROCEDURES

1. The staff member who collected the specimen will test the urine specimen to determine whether it is positive or negative.
 - If the test results show positive, the staff member will give the inmate the opportunity to admit to using a prohibited substance.
 - ✓ If the inmate confesses, the staff member will fill out an Inmate Illegal Substance/Alcohol Admission Form and the staff member and the inmate will initial evidence tape and seal the urine specimen cup with the tape. Unit staff will take urine specimen cup to Command Post (see number 3 below).
 - ✓ If the inmate does not admit to using a prohibited substance the staff member and the inmate will initial evidence tape and seal the urine specimen cup with the tape. Unit staff will take urine specimen cup to Command Post (see number 3 below).
 - If the result of the test is not positive, the staff member will dispose of the urine sample in the proper manner at the housing unit.
2. For all UA tests conducted (positive or negative) the Unit Manager or Sergeant will make the appropriate entries on the OMIS Substance Test data entry form, print out the Chain of Evidence form, and complete it. Inmates that test positive will be issued rule infraction *4107-Possessing, introducing, or using any narcotic, narcotic paraphernalia, or illegal/unauthorized drug* in accordance with *MSP 3.4.1, Institutional Discipline*.
3. Unit staff will bring the sealed UA cup containing the positive urine specimen and the completed Chain of Evidence form to the Command Post and place the sample in the refrigerated evidence storage.
4. The staff member will then enter the following information on the UA specimen log form at Command Post:
 - Inmate's name and ID number
 - Date
 - Their own name
5. Command Post staff will then sign the log entry as correct.
6. Investigative staff will collect the positive UA specimen and may or may not send it on to an appropriate lab for further testing based on whether the inmate has admitted or not admitted use.

**Montana State Prison
Inmate Illegal Substance/Alcohol Admission Form**

This section to be completed by staff:

On ____ / ____ / ____ the following inmate was selected to provide a urine sample for illegal or unauthorized substance use testing.

Inmate Name: _____ Inmate ID#: _____

Facility staff have discussed with the inmate the process utilized for the testing and consequences of testing positive for illegal or unauthorized substances. The inmate of his own free will has admitted to using illegal or unauthorized substances. This admission occurred:

- prior to the inmate providing a urine sample.
- after the inmate provided a urine sample and it tested positive.

This section to be completed by the inmate:

I _____ (inmate name), ID# _____, understand that the statement(s) below may be used against me in a disciplinary hearing or any other actions related to my classification and custody. I further understand that this admission form will be attached to any disciplinary infraction report issued. I admit to using the following illegal or unauthorized substances:

Substance	Date Used
_____	/ /
_____	/ /
_____	/ /
_____	/ /

Inmates Signature: _____ Date: ____ / ____ / ____

Staff Witnesses (*only one staff member must witness, but all staff who witness will enter their name and sign below*):

Staff Name: _____ Staff Signature: _____
Staff Name: _____ Staff Signature: _____
Staff Name: _____ Staff Signature: _____
Staff Name: _____ Staff Signature: _____