I. PURPOSE

To conduct standardized drug tests of inmates to prevent their unauthorized possession and use of controlled 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.

Drug - 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 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.

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
   c. inmate accountability
   d. inmate self-admissions
   e. provide 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. This procedure is intended to supplement, not replace, other standard security practices by which unauthorized substances are detected and controlled.

3. Sergeants, Case Managers, treatment facilitators, 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. For cause.
c. After participating in any contact visitation.
d. In the event of a work-related incident/accident.
e. To monitor those with a documented history of alcohol or illegal/unauthorized substances use.
f. 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.

4. Staff from each housing unit will conduct drug tests on a minimum of 5% of its average monthly population, selecting those who are tested by random selection methods.

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/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 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 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. Establish the chain of evidence 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. All staff that witness this confession must document it in writing using an incident report form. The staff person hearing 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 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. 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.

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 (as indicated in red font on attachment B) of a Drug / Alcohol Screening and Admission Form (attachment B) 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 presumptive positive on the initial testing, the tester will:

   a. Send the required amount of the specimen to a certified laboratory for confirmation.

   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.
3. The tester will accurately complete the lab portion of the Drug / Alcohol Screening and Admission Form and file as necessary.
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.

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 the 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 for treatment does not preclude disciplinary action.

IV. CLOSING
Questions concerning this policy will be directed to the Warden.

V. ATTACHMENTS
MSP Procedures for Urine Specimen Collection attachment A
Drug / Alcohol Screening and Admission Form 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 half full or face disciplinary action. 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 set it down.
6. The staff member will immediately note the temperature of the specimen (from the reading on the temperature strip) on the Drug / Alcohol and Screening Admission Form.
7. The staff member will write their initials on a strip of evidence tape and instruct the inmate to do the same. The staff member will then seal the lid to the cup with the evidence tape.
8. The staff member will finish completing the appropriate sections of the Drug / Alcohol and Screening Admission Form (as indicated in red font on attachment B).
9. The staff member will bring the specimen and completed Drug / Alcohol Screening and Admission Form to the Command Post and obtain the keys to the UA specimen storage container. The staff member will unlock the storage container, place the specimen and form in the container, relock the container, and return the key to Command Post staff.
10. The staff member will then enter the following information on the UA specimen log form:
    - Inmate’s name and 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: ___________________ AO#: ______________ 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.

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>
<thead>
<tr>
<th>Substance</th>
<th>NEG</th>
<th>POS</th>
<th>NEG</th>
<th>POS</th>
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<tbody>
<tr>
<td>Marijuana (THC)</td>
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<td>Opiates (OPI)</td>
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<td>Cocaine (COC)</td>
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<td>Methamphetamine (METH)</td>
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<td>Benzodiazepines (BZO)</td>
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</tbody>
</table>

Sample Type: Urine

Sample Destroyed ___ Sample saved 30 days ___

Drugs/Medication Prescribed: ___________________

Urinealysis 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: ______________

(Name of Substance(s) and dates used)

**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)