



POLICY DIRECTIVE

Policy:	DOC 3.1.20 OFFENDER DRUG TESTING PROGRAM
Effective Date:	03/01/1997 Page 1 of 3
Revision Date(s):	05/07/2020; 04/24/2026
Signature/Title:	/s/ Eric Strauss, Director

I. POLICY

The Department 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.

III. DEFINITIONS (see Glossary)

IV. REQUIREMENTS

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 Chiefs will ensure drug testing processes 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 and alcohol dependence;
 - e. treatment options where indicated;
 - f. successful community reintegration; and
 - g. a safe correctional and community environment.
4. Each administrator will designate a staff person as the facility or program 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 requirements.
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 or program responsible for:
 - a. overseeing drug testing operations;
 - b. researching current drug trends and staying current with evolving drug testing technology;
 - c. networking with the Department-approved vendor and the State Crime Lab;
 - d. advising on selection and purchase of drug tests; and
 - e. monitoring 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 locations of the evidence at all times;
 - h. fully complete the *Drug and 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 the offender management system;
 - i. accurately input all appropriate testing data in the offender management 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 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 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. any time 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 or parolee misses a commitment or 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 about this policy should be directed to the facility or program drug testing liaison.

VI. REFERENCES

- A. *50-32-101, MCA*
- B. *DOC 3.1.28 Crime Scene and Physical Evidence Preservation*

VII. FORMS

Drug and Alcohol Screening Information