

## 1.3.A.8 Offender Drug Testing, Sanctions & Treatment

### I Policy Index:



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### II Policy:

A urinalysis testing program and breath analyzer testing program shall be maintained throughout units of the Department of Corrections (DOC) charged with the management and supervision of offenders to detect the use of drugs and alcohol by offenders. The DOC maintains a zero-tolerance policy with regard to use or possession of drugs and alcohol by offenders. Drug testing will be used as a management tool to enhance offender supervision, identify those who may require treatment, and deter against offender use of drugs or alcohol through appropriate sanctions.

### III Definitions:

#### **Blood Alcohol Content (BAC):**

The measurement of alcohol content in an offender's body determined by measuring the weight of alcohol in an offender's breath or blood, as shown by chemical analysis. It is a violation for any DOC offender to have a BAC of more than two thousandths (.002.)

#### **Chain of Custody:**

A record of the movement and location of the evidence and the history of those persons who had the evidence in their custody, from the time it is obtained until the testing is completed. Chain of custody requires testimony of continuous possession by each individual having possession of the evidence after the evidence is obtained. The purpose is to establish the evidence remained in largely the same condition as when it was obtained and that the possibility of alteration, substitution or change of condition to the evidence was minimal.

#### **Comprehensive Offender Management System (COMS):**

A DOC database for staff use in the management, storage and collection of informational and statistical data pertaining to offenders.

#### **Confirmation Test:**

The retest or second test of a positive urine specimen using the same or a different approved testing system. A confirmation test is used to confirm a positive result obtained from a specimen. Confirmatory tests may be conducted by the South Dakota Department of Health Public Health Lab located in Pierre, SD.

**Controlled Substance:**

Any material, compound, mixture or preparation which contains any quantity of hallucinogenic substances, their salts, isomers, and salts of isomers included in Schedule I, unless specifically exempted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation as contained within SDCL § [34-20B-14](#).

**Controlled Substance Analogue:**

A substance that is intended for human consumption, differs in its chemical stature to a controlled substance listed in or added to the schedule designated in Schedule I or II only by substituting one of more hydrogens with another, and which has a stimulant, depressant, or hallucinogenic effect on the central nervous system (See SDCL § [34-20B-1\(22\)](#)).

**Drug:**

All non-prescribed mood controlling substances, including such examples as, alcohol, marijuana, cocaine, amphetamines, methamphetamines, barbiturates, benzodiazepine, opiates, and hallucinogens.

**DOC Institutions:**

South Dakota State Penitentiary (SDSP), Sioux Falls Community Work Center, Mike Durfee State Prison (MDSP), Yankton Community Work Center, Rapid City Community Work Center, South Dakota Women's Prison (SDWP) including Unit E and the Pierre Community Work Center.

**DOC Units:**

For the purpose of this policy, all DOC institutions, Parole Services and Division of Juvenile Services.

**Marijuana:**

All parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds.

**Negative Result:**

The total absence of the targeted substance or presence of a substance below the cutoff level of the initial test or confirmatory test of targeted substances. Negative results do not guarantee the offender did not consume the substance(s) tested.

**Offender:**

For the purpose of this policy, an offender is an inmate (in the custody of the DOC institutional system), a parolee (under parole or suspended sentence supervision by South Dakota Parole Services), an inmate placed on extension of confinement or a juvenile offender committed or placed in a facility or program under the control of the Department of Corrections.

**Positive Result:**

A positive result shows a presumptive or confirmed presence of targeted substances at a detectable level. A positive result indicates the offender has ingested the substance(s) testing positive.

**Preliminary Breath Test (PBT):**

A device used to detect and measure Breath Alcohol Level (BAL) through chemical test analysis of an offender's breath. These tests are administered by DOC staff or another trained and authorized person.

**Random Testing:**

Testing of offenders based on chance selection criteria. Typically these tests are unscheduled and unannounced.

**Specimen:**

The amount of urine taken from an offender sufficient to perform a drug test.

**Specific Urinalysis:**

A urinalysis test conducted by a laboratory, usually the South Dakota Department of Health Public Health Lab located in Pierre, SD. The test will be conducted upon a specific urine sample to detect the presence of illegal or illicit substances.

**Targeted Testing:**

Testing of specific offenders or groups of offenders, who are identified based on their behaviors, medical or legal status, history, activities, or characteristics.

**IV Procedures:****1. Standards:**

- A. The Warden, Director or designee will assign staff to ensure the provisions of this policy are implemented, including but not limited to, random and targeted testing requirements, data collection, documentation, staff training and reporting of testing and test results.
- B. A PBT is sufficient to detect the presence of alcohol. An offender may be found to have used or possessed alcohol based on the results of a PBT test alone. In addition to a PBT test, an offender may be required to submit to a urinalysis (UA) or blood test.
  - 1. Staff conducting a PBT shall adhere to all instructions pertaining to the proper use and operation of the testing equipment.
- C. Drug testing kits and materials used by DOC staff to perform a drug test upon an offender must be issued and approved by the DOC.
- D. A portion of the offender population will be drug tested each month, either through random selection or targeted selection. Offenders will not be drug tested solely on the basis of sexual orientation, race, color, religion, gender, age or national origin.
  - 1. DOC facilities and the Division of Juvenile Services will use the Random Selection Report in COMS to select offenders for random drug testing.

**2. Urinalysis Testing:**

- A. Offenders will not be informed in advance of when urine specimen collections are scheduled. Inability or refusal by an offender to provide an adequate urine specimen, as ordered by staff, may be treated as an admission of usage and a positive result. Offenders who refuse to provide a sufficient sample for testing may be subject to disciplinary action and sanctions.
  - 1. Offenders housed in a DOC institution are required to produce a urine specimen for a urinalysis test within four (4) hours of being ordered to produce the specimen. The offender shall remain in a secured area (dry cell or other approved area) until he/she complies, or four (4) hours elapses and the offender has not produced a specimen.

- B. An offender with the inability to produce an adequate urine specimen may be given up to eight (8) ounces of liquid.
- C. If the offender fails to produce the minimum amount of specimen required in four (4) hours, the offender's actions may be considered to be an admission of usage and a positive result.
- D. Offenders are responsible for fully disclosing to staff, any prescription or over-the-counter medications they are taking. The offender's use of medically approved and prescribed medication should be verified with the offender's health care provider, when possible.
- E. Staff collecting specimens will be of the same gender as the offender and will maintain direct, visual contact with the offender during the entire collection process. Exceptions may be made to the same gender requirement in the case of an emergency or safety issue and must be documented and forwarded to the staff member's supervisor.
- F. The minimum specimen required to complete testing is approximately twenty-five milliliters (25 ml), or .85 fluid ounce. Staff must directly observe the offender urinating into the test container. If staff does not observe the offender urinating into the container, the specimen will not be accepted and the offender will be required to produce another specimen. A standard issued UA test container that is one-third to one-half full will contain a sufficient sample for testing by the Public Health Laboratory.
- G. If a specimen is sent to the Public Health Laboratory for testing, staff will typically request the labs conduct a "Four Panel" drug screen. The "Four Panel" drug screen is designed to detect the presence of marijuana (THC), opiates, cocaine, and amphetamines/methamphetamines. A "Five Panel" drug screen may be requested in situations where the presence of alcohol is suspected. A Five Panel" drug screen tests for the presence of all of the above listed substances and the presence of alcohol.
  - 1. The *Drug Test Submission* form is available in COMS as an IWP.
- H. A new admission offender received at a DOC institution, (includes suspended sentence and parole violators or detainees returned to custody) testing positive for cannabinoids (marijuana plants and plant products that contain tetrahydrocannabinol (THC)) within forty-five (45) days of admission to the DOC, will not be considered to have a positive test result.
  - 1. The offender will be given reasonable time (max. of up to 45 days) for the cannabinoids/THC used prior to admission to clear from their system.
  - 2. Offenders testing positive for cannabinoids within the 45 day period will be observed and re-tested at various intervals until the corresponding test result registers zero/negative result, or otherwise drops below the minimum reading of the testing device.
  - 3. Offenders housed in a DOC institution who are found to have used cannabinoids while incarcerated will be considered to have a positive result and are subject to disciplinary action.
- I. If the result of the urinalysis test is negative, the urine specimen will be disposed of in a toilet and the cup and field test disposed of in the trash.
- J. If the result of the urinalysis test is positive, or the offender refuses to provide an adequate sample or the offender provides a sample which has been altered or is not legitimate (use of synthetic urine), the staff member conducting the test will document the result/outcome and generate a disciplinary report (for offenders in DOC custody) in accordance with DOC policy

- 1.3.C.2 *Inmate Discipline System*, or issue an approved sanction (for offenders on community supervision). Every positive result from an offender may result in sanctions and/or appropriate treatment for substance abuse. Law enforcement will be notified of positive test results when appropriate.
- K. A confirmation urinalysis test is not required when a positive result is obtained by a UA screening test administered by staff.
- L. Adult offenders with a positive result from a UA screening test administered by staff may request a confirmation test of the sample only if the positive test result is for a substance tested for by the Public Health Lab (See the four panel test). Synthetic marijuana and controlled substance analogues are excluded from confirmation testing. The results of the field test shall be sufficient evidence to support a finding of guilt and issuance of approved sanctions/response by staff.
1. The offender shall be responsible for all expenses, costs and fees associated with a confirmation test they request from the Public Health Lab of a positive field test result.
  2. Any pending disciplinary action or hearing will be suspended until the results of the confirmation test are received from the Public Health Lab. When the results are received, the disciplinary process will resume.
  3. A copy of a statement of the methods and findings of any examination or analysis conducted by an employee of the Public Health Lab may be introduced as evidence by the DOC during hearings, responses, reviews, etc. involving an offender and search by drug test and shall have the same force and effect as if the person who performed the analysis or examination had testified in person (See SDCL § 23-1-19.3).

### **3. Drug Testing:**

- A. Targeted drug testing of offenders.
1. Targeted drug testing will be used in the following situations:
    - a. There is reason to believe an offender has used any intoxicant or drug not authorized by medical staff.
    - b. An offender is found in possession of suspected alcohol, marijuana or unauthorized drugs; or when suspected alcohol, marijuana, or unauthorized drugs are detected in an area controlled, occupied or inhabited by the offender.
    - c. An offender is observed in possession of suspected alcohol, marijuana, or unauthorized drugs but those supervising the offender are unable to obtain a sample of the material/substance.
    - d. Information is received that suggests an offender is under the influence or has recently used or possessed alcohol, marijuana or unauthorized drugs. May include reliable information from a confidential informant.
    - e. When staff observe any of the following symptoms: the odor of alcohol on the breath; erratic behavior; incoherent, staggering or disoriented demeanor, fresh needle marks, slurred speech, glassy eyes, dilated pupils, etc.

- f. An offender admits to staff using alcohol, marijuana or other unauthorized drugs, (tests may be administered to confirm use, type, amount, etc.)
  - g. The offender fails to attend a meeting with his counselor or parole agent.
  - h. Offenders housed in a DOC facility returning from temporary absence (TAP) or temporary absence or departure from the facility (community service, work release, job seeking, etc.).
  - i. Offenders housed in a DOC facility returning late (past the established return time) to the facility from release to the community.
  - j. The offender is being considered for placement in a community based program, such as CTP, work release, extension of confinement, etc.
  - k. Offenders with a history of testing positive on previous tests.
  - l. Offenders receiving or being considered for medical treatment, procedures or prescription drug management, as directed by health care professionals.
- B. Supervisory staff from contract facilities, community agencies, employers, community treatment program staff, medical staff, etc. may require an offender placed in their care/custody/supervision to receive a UA or PBT test from DOC staff or other authority with proper training to administer such a test.
- 1. The standards described in this policy may be applied to the testing process, or testing staff may utilize the authorized testing process already in place at the facility.
- C. Offender's testing positive may be subject to disciplinary action, sanctions and/or criminal prosecution.
- D. Any detoxification that may be required shall be under medical supervision and performed at the facility or outside hospital or clinic (See ADA 4-4376).
- E. The Warden, Director or designee may order off-site lab screening and confirmation testing of collected specimens, as determined necessary.
- F. Upon directive from the Warden, Director or designee:
- 1. DOC facilities and juvenile units will use the Random Selection Report in COMS to select offenders for targeted drug testing.

#### **4. Staff Training:**

- A. All DOC staff assigned the duty of obtaining specimens from offenders for the purpose of conducting a drug test, will receive appropriate training (See DOC policies 1.1.D.1 [Staff Training Requirements](#), 1.1.D.2 [Juvenile Division Staff Training](#) and Parole OM 7.1.D.1 [Training and Staff Development](#)). Staff who have successfully completed the training requirements, have authority to collect specimens from offenders, administer approved drug tests to offenders and to read/interpret/determine test results received from an offender. Staff administering the test will properly dispose of samples/specimens.

- B. All staff involved in administering and processing drug tests will receive instruction and training on proper chain of evidence procedures.

## 5. Sanctions and Responses to Positive Drug Tests:

- A. Positive drug tests, offender admission, or other evidence supporting a finding of guilt the offender has violated the zero tolerance policy may result in a response by staff, which may include a range of escalating sanctions for continued positive test results by an offender.
- B. Juvenile aftercare sanctions and responses include (See JCC OM 6.4.G.4 [Urinalysis Testing](#)):
1. House Arrest.
  2. Additional community service.
  3. Substance abuse programming/treatment.
  4. Electronic monitoring.
  5. Discharge/removal from chemical dependency treatment program.
  6. Increased level of chemical dependency treatment (inpatient treatment).
  7. Additional restrictions and treatment assignments in current chemical dependency treatment program.
  8. Increase level of supervision.
  9. Increase frequency of UA testing.
  10. Require the offender to complete or update a Chemical Dependency evaluation.
  11. Other sanctions and responses deemed appropriate by the juvenile corrections agent (JCA) and/or juvenile corrections agent supervisor (JCAS).
- C. Parolee sanctions and staff response may include (See Parole Services OM 7.4.F.1 [Drug Testing](#)):
1. Increased level of supervision.
  2. Return to DOC custody, pending parole revocation hearing.
  3. Required period of incarceration for a urinalysis test that is positive for a controlled substance.
  4. The option to participate in the Community Transition Program (See DOC policy 1.5.G.2 [Parole Services-Community Transition Program](#)).
  5. Revocation of parole/return to institutional placement.
  6. Substance abuse programming/treatment.
  7. Other sanctions and responses deemed appropriate by parole service staff.

8. Discharge/removal from chemical dependency treatment program.
  9. Increased level of chemical dependency treatment.
  10. Electronic Monitoring.
  11. Placement on 24/7 Sobriety Program (Twice Daily PBTs, SCRAM, Remote Breath, or other monitoring technologies).
  12. Additional restrictions and treatment assignments in current chemical dependency treatment program.
  13. Sanctions imposed by Parole Service Staff in accordance with DOC policy 1.5.G.6 *Parole Services-Response to Violations*.
- D. Inmate sanctions (includes those housed in a Community Work Center) and staff response. May include any or a combination of the following (See SDCL §§ [24-2-9](#) and [24-15A-4](#)):
1. Imposition of fines.
  2. Additional labor without compensation.
  3. Restriction of privileges.
  4. Loss of work, personal property or other privileges.
  5. Required programming and/or treatment.
  6. Loss of good time (if applicable).
  7. Placement in Disciplinary Housing.
  8. Transfer to a more secure housing unit or institution.
  9. Change in classification status.
  10. Denial of parole release.
  11. Discharge/removal from chemical dependency treatment program.
  12. Criminal charges and prosecution.

## 6. Chemical Dependency Treatment:

- A. Chemical dependency treatment and programming may be available for offenders, within the limitations of available resources and based on the findings obtained by assessments and testing of the offender that support a need for treatment and programming.
1. Offenders housed in a DOC institution will receive a chemical dependency screening/evaluation for substance abuse treatment needs as part of the intake process and/or prior to participation in treatment and programming. Screening/evaluation shall be based on DSM-IV-TR criteria and structured clinical interview upon admission. The results will be reviewed and applied by treatment staff.



- a. All offenders in DOC custody will be screened/evaluated for treatment needs prior to release or discharge from custody. An offender may not require separate screening or evaluation for each violation resulting in admission to a DOC institution, depending on previous findings and determinations from treatment staff. This includes offenders releasing to parole or suspended sentence.
  - b. Chemical dependency evaluations and screenings will not normally be conducted on offenders sentenced to life in prison or capital punishment, or offenders temporarily placed in DOC custody on an INS or U.S. Marshal hold.
2. Recommendations for offender placement in a specific chemical dependency program or treatment by licensed or certified professionals shall be based on:
- a. Severity of chemical dependency, as determined through clinical assessment and/or reassessment.
  - b. Co-Occurring Diagnosis.
  - c. Length of stay in custody.
  - d. Chemical dependency program options available.
  - e. Number of prior treatments.
  - f. Custody/classification risk level.
  - g. Screening results.
  - h. Monitoring and drug testing
  - i. Other issues determined to be significant at the time of placement.
- B. Correctional case plans, individual treatment plans and release plans will take into consideration an offender's assessed treatment needs. Pre-release education will be offered to those with substance use disorders (ADA 4-4377).
- C. Referral to, and participation in community based chemical dependency programs, 12 Step self-help and aftercare discharge plans upon discharge/release is a high priority for offenders identified with substance use disorders.
- D. Offenders participating in treatment and programming are be subject to random and targeted drug testing.
1. Offenders admitted to any chemical dependency program are required to submit to urinalysis screenings upon entry and completion of the program.

## **7. Report on Drug Test Results:**

- A. Institutional staff and Juvenile Corrections staff will document all drug tests administered to offenders in the Comprehensive Offender Management System (COMS), substance Testing screen. All positive test results will be recorded in the *Tested* section of the Substance Testing screen in COMS (previously the *STest* screen). Parole Services staff will document drug tests in accordance with Parole OM 7.4.F.1 [Drug Testing and Sanctions](#).

- B. When counting the number of tests, each panel/test is not included as a separate test. If a panel tests for four (4) different drugs, this is counted as one (1) test.
1. For example: During the reporting period there were 144 incidents where offenders had random 4 drug screens = 144 random tests; during same period there were 10 incidents where offenders had targeted 5 drug screens = 10 targeted tests; total number of tests during the period were 144 plus 10 = 154 tests.
  2. Positive tests for cannabinoids involving offenders within the first forty-five (45) days of incarceration following admission/DOC placement (if a juvenile is initially ordered to placement) are not to be included in the report, nor will their positive tests for cannabinoids to be included, unless the offender was found to have used marijuana while incarcerated.
  3. Tests initially found to be positive but later found to be negative due to prescribed/authorized medication or a subsequent negative finding by the Public Health Lab, are not to be counted as positive.

## 8. Testing Procedures:

- A. Each DOC unit responsible for conducting offender drug testing will ensure there is sufficient staff designated and trained to conduct testing and to provide for the integrity, documentation, tracking and security of drug testing records and specimens.
1. Obtaining a urine specimen in an approved container and/or PBT/breath sample.
  2. Maintaining the chain of evidence. Staff is responsible for ensuring proper chain of custody is maintained during testing of specimens (ACA 4-4207). The process shall ensure the specimen is not altered or tampered with from the point of collection through the reporting of the test results. Staff will ensure no person tampers with collected specimen. Staff will follow unit policy and best practice standards when collecting and storing evidence.
  3. Processing a urine specimen and/or breath sample. Includes the procedures and timelines for sending the sample/specimen to the Public Health Lab for confirmation testing, (normally must be sent within 24 hours following collection of the sample/specimen) and/or conducting an approved field test of the collected sample/specimen.
  4. Urine specimens that produce a positive result, or specimens suspected to have been tampered with or not legitimate (synthetic urine), may be retained short-term in designated, secure refrigerated storage. Only authorized staff will have access to stored test specimens.
  5. Discarding a urine sample/specimen (if tested on site).
  6. Safely conducting a PBT or a UA test (utilization of DOC approved protective gloves throughout the collection process and during the disposal of the sample) and application of Standard Precautions, in accordance with DOC policy 1.4.E.8 *Blood-Borne Pathogens and Infectious Disease Management*.
- B. Procedures and training curriculum will be reviewed on a regular basis and revised as needed based on changes in policy or accepted practices/protocol.

## V Related Directives:

SDCL §§ [23-1-19.3](#), [24-2-9](#), [24-15A-4](#), [34-20B-14](#) and [34-20B-1\(22\)](#).

DOC policy 1.1.D.1 - [Staff Training Requirements](#)

DOC policy 1.1.D.2 - [Training for Juvenile Division Staff](#)

DOC policy 1.3.C.2 -- [Inmate Discipline System](#)

DOC policy 1.4.B.13 -- [LSI-R Assessment and Case Planning](#)

DOC policy 1.4.E.8 -- [Blood-Borne Pathogens and Infectious Disease Management](#)

DOC policy 1.5.G.2 -- [Community Transition Program](#)

DOC policy 1.5.G.6 -- [Response to Violations](#).

Parole OM 7.1.D.1 -- [Training and Staff Development](#)

Parole OM 7.4.F.1 -- [Drug Testing and Sanctions](#)

JCC OM 6.4.G.4 – [Urinalysis Testing](#)

## VI Revision Log:

**August 2002:** Used term offender to apply to adults and juveniles in DOC institutional or community placement. **Added** the term “responses” to the list of sanctions. **Removed** SIS and SES from group of adult inmates not receiving CD assessments. **Removed** reference to Testing Coordinators. **Added** reporting requirements. **Added** Attachments 1 and 2.

**August 2006:** **Added** reference to SDCL § 24-2-9 and 24-15A-4. **Added** reference to policies 1.1.D.1, 1.1.D.2, 1.3.C.5, 1.5.A.5, and 1.5.A.6. **Added** definitions for Blood Alcohol Content (BAC), Preliminary Breath Test (PBT) and Specific UA. **Updated** unit names.

**June 2007:** **Deleted** the requirement on testing at least 3% of offenders participating in chemical dependency treatment. **Revised** the definition of offender. **Added** a reference to electronic monitoring, the 24/7 Program and daily PBTs under adult parolee sanctions. **Added** a reference to the LSI-R as a screening tool to determine if an inmate is referred for a chemical dependency evaluation. **Noted** that CD evaluations are not normally done on inmates with an INS Hold or a US Marshal Hold.

**May 2008:** **Revised** formatting of policy in accordance with DOC policy 1.1.A.2 Policy and Operational Memorandum Management policy. **Revised** abbreviations for “SDP” to SDSP” and “DSP” to read “MDSP” within the definition of DOC Institutions.

**May 2009:** **Added** reference to minimum units under SDWP’s jurisdiction to the definition of DOC Institutions. **Added** “marijuana” to ss (A1 – A4 of Targeted Drug Testing). **Deleted** reference to “technical” as it relates to violations, **revised** title of “Response to Violations” within ss (B4) and **added** “up to” in ss (D12) all within Sanctions/Response to Positive Drug Tests. **Added** “TR” to update the DSM-IV diagnostic manual within ss (A of the Chemical Dependency Treatment section). **Revised** other minor grammatical changes throughout policy.

**May 2010:** **Revised** formatting of Section 1. **Added** reference to offenders in a DOC institution in ss (F of Drug Testing Standards). **Deleted** former ss (E of Report on Drug Test Results) regarding DOC Admin completing an annual drug test report.

**May 2011:** **Added** definition of Chain of Custody. **Deleted** “will be handled accordingly” and **Replaced** with “an admission of usage and a positive test result, the offender may be found guilty of a Prohibited act and may be subject to the to the institution’s disciplinary process.” in Section 1 F. **Deleted** “Each juvenile unit will use the UA Testing section within the Juvenile Offender Tracking System (JOTS) to randomly select which offenders to test.” and **Replaced** with “Each juvenile unit will use the Random Selection Report in COMS to randomly select which offenders to test.” in Section 1 D. 2. **Deleted** Parole agent response to a violation” and **Replaced** with “Responses as specified in DOC policy” in Section 4 B. 4. **Deleted** “Citrix” from Section 6 A. **Deleted** “Juvenile Offender Tracking System (JOTS)” and **Replaced** with “COMS” in Section 6 A. 1. **Added** G. Staff conducting a PBT or a urinalysis test will wear protective gloves throughout the collection process and disposal process.” to Section 1. **Added** H. “A newly received offender (including supervised release violators returned to custody) who tests positive for cannabinoids (marijuana plants and plant products that contain tetrahydrocannabinol, THC) on the first test

performed within forty-five (45) days of incarceration will not be considered to have a positive UA.” to Section 1. **Added** In most cases, staff will request the State Health Laboratory conduct a “Four Panel” drug screen on all samples. The “Four Panel” drug screen is designed to detect the presence of Marijuana (THC), Opiates, Cocaine, and Amphetamines/Methamphetamines. A “Five Panel” drug screen may be requested in situations where the presence of alcohol is suspected. A “Five Panel” drug screen included all of the above listed substances in addition to testing for the presence of alcohol. **Deleted** “Dual diagnosis issues” and **Replaced** with “Co-Occurring diagnosis” in Section 5. A. 2. b.

**June 2012:** **Added** “medical or legal status, history” to definition of Targeted Testing” **Added** “Typically these tests are unscheduled and unannounced” to definition of Random Testing. **Added** definition of “Positive Result” and “Drug”. **Added** “staff training” and **Added** “based on security and programming needs” to Section 1 A. **Added** 1. 2. 3. to Section 1 B. **Added** “of offenders” to Section 1 D. **Added** 4. to Section 1 D. **Added** “The offender may be found guilty of a Major Prohibited Act and/or may be subject to the institutions disciplinary process” in Section 1 E. **Added** “or fails to produce the minimum amount needed for the UA test, their actions” to Section 1 F. **Deleted** “incarceration” and **Replaced** with “admission to” in Section 1. G. **Added** “are found to have” in Section 1 G. 3. **Added** “DOC approved” to Section 1 H. and moved to Section 7. #5. **Added** “The offender may be found guilty of a Major Prohibited Act and/or may be subject to the institutions disciplinary process” in Section 1 H. **Deleted** “is under the influence of alcohol, marijuana, or unauthorized controlled substances” and **Replaced** with “has used any intoxicant or drug not authorized by medical staff” in Section 2 A. 1. **Added** new B. to Section 2 and **Renumbered** items that follow in Section 2. **Deleted** “controlled substances” and **Replaced** with “drugs” throughout the policy. **Added** “community service, work release or deployment to a natural disaster (including drills) and **Added** “when the offender is” and **Added** “and not under the direct supervision of staff” to Section 2 C. **Added** “(Example: offender has tested positive on a previous test or the offender is receiving or under consideration for certain types of medical treatment” to Section 2 C. 2. **Added** “as required by the” and **Deleted** “require a test” and **Replaced** with “or operational memorandums, or when the offender is suspected of using or possessing alcohol, or unauthorized drugs.” in Section 2 D. 1. **Added** “Only staff who have received the authorized training designed for the product may perform the testing” in Section 3 C. **Added** new A. “All positive drug/alcohol tests will result in an appropriate response, which may include a range of escalating sanctions for continued drug/alcohol use” in Section 4 **Renumbered** items that follow. **Added** “SCRAM” to Section 4 C. 11. **Added** “within the limitations imposed by available resources” in Section 5. A. **Added** b. to Section 5. **Added** “following their admission to DOC” and **Added** “in the report” and **Added** “unless the inmate was found to have used marijuana while incarcerated” in Section 6 B. 2. **Deleted** “because the original position was” in Section 6 B. 3.

**January 2013:** **Deleted** “the urinalysis (UA) testing section within the Inmate Records Citrix database and **Replaced** with “the Random Selection Report in COMS” in Section 1 D.1. **Deleted** “use the Parolee Automated Tracking System” (PATS) to randomly select which offenders to test” and **Replaced** with “determine procedures to ensure compliance with random testing requirements/standards for offenders on community supervision” in Section 1 D. 3. **Deleted** “Prohibited Acts #5-11 and **Replaced** with “offense in custody” in Section 1 E. and F. **Deleted** “will” and **Replaced** with “may” in Section 2 A. **Added** 5. to Section 2. **Deleted** “or education assignment when the offender is off DOC grounds or outside the security perimeter of a DOC facility and not under the direct supervision of staff” and **Replaced** with “or upon returning from a travel permit (if on community supervision) in Section 2 C. 1. **Added** “or community agencies in connection to or as part of treatment/aftercare programming the offender may be involved with” in Section 2 C. 3. **Added** “or community agencies” in Section 2 D. 1. **Added** “All related training shall be documented in the staff member’s training file” in Section 3. A. **Added** “Only staff who have received the authorized training designed for the product used may perform the testing” in Section 3 B. **Deleted** “Only staff who have received the authorized training designed for the product may perform the testing” in Section 3 C. **Deleted** “completed by the DOC and the results of the testing within their respective databases” and **Replaced** with “in the appropriate area of

COMS assigned to the unit” in Section 6 A. **Deleted** 1. 2. 3. Regarding the areas where the data was previously entered in Section 6. A.

**July 2013:** **Deleted** 2. “All PBT testing equipment must be calibrated on a regular basis” in Section 1 B. **Deleted** “At least 3% of the unit’s population of offenders will be randomly drug tested each month” and **Replaced** with “A portion of the offenders in each unit will be identified to be drug tested each month” **Deleted** “compliance with random testing requirements/standards for” in Section 1 D. 3. **Added** J. and 1. & 2. to Section 1. **Added** “and training” in Section 3 C. **Added** “results” to Section 6 A. **Added** “or a subsequent negative finding by the State Health Lab” in Section 6 B. 3. **Deleted** C. and D. regarding a percentage of the population are tested each month. **Added** “the procedures and timelines for” and **Deleted** “a test lab” and **Replaced** with “the state health lab and determining when a sample will be sent to the state health lab” in Section 7 A. 3. **Added** “and apply Standard Precautions, in accordance with DOC policy” to Section 7 A. 5. **May 2014:** **Added** 3. to Section 1 J. **Deleted** “identified to be drug tested each month” and **Replaced** with “targeted for drug testing each month” in Section 1 D. **Added** new Section 2 “Urinalysis Testing” **Added** “sufficient” in Section 2 A. **Deleted** “at the State Health Laboratory” and **Deleted** “After splitting the sample to conduct a field test, the original specimen container must contain at least 25 ml of urine” and **Added** “should the offender choose to request a confirmation test” in Section 2 C. **Deleted** “in most cases, staff will request that” and **Replaced** with “If a specimen is sent to the” and **Added** “sent to the lab for testing” and **Added** “tests for the presence of” in Section 2 D. **Deleted** “Additional” and **Replaced** with “Random” in Section 3 B. **Deleted** “or targeted population of offenders (adult or juvenile) with a unit” **Deleted** “irregular and unannounced targeted drug testing” and **Replaced** with “random testing” in Section 3 B. 2. **Added** “random or targeted” in Section 3 C. **Deleted** “for unauthorized drugs as a result of targeted drug testing” and **Added** “regardless of unit or housing assignment” in Section 3 D. **Deleted** “drug use” and **Replaced** with “positive drug test results” in Section 5 A. **Deleted** “All DOC units” and **Replaced** with “Institutional staff and Juvenile Community Corrections staff will” and **Added** “administered to offenders during the month” and **Added** “Positive tests will be tracked in Metrics and PBMS. Parole staff will document drug tests in accordance with Parole OM” in Section 7 A. **Deleted** “Operations Memorandum Development” and **Replaced** with “Testing Procedures and Training” in Section 8. **Deleted** “An operational memorandum will be maintained as needed at each DOC unit which outlines detailed” and **Replaced** with “Each DOC unit responsible for drug testing offenders will ensure staff are trained in and familiar with testing procedures/approved protocol” in Section 8 A. **Deleted** “The respective institution’s operational memorandum(s) and **Replaced** with “Procedures and training curriculum” and **Deleted** “annually and updated as needed” and **Replaced** with “on a regular basis and revised as needed based on changes in policy or accepted practices/protocol” in Section 8 B.

**May 2015:** **Added** definition of “Negative Result” **Deleted** “validate the results of the first test of the specimen” and **Replaced** with “a positive result/specimen. Confirmatory tests shall be conducted by the Public Health Lab” in definition of “Confirmation Test”. **Added** “and train” in Section 1 A. **Added** “no later than the end of their shift” in Section 2 G. **Deleted** “in each unit will be targeted for” and **Added** “either through a random selection of targeted; however, offenders will not be drug tested on the basis of sexual orientation, race, color, religion, gender, age or national origin” in Section 1 D. **Deleted** 2, 3, and 4 in Section 1 D. **Deleted** “Targeted” in title of Section 3 and **Added** A and changed numbering of section. **Deleted** all language in Section 6 B. and **Replaced** with new language in b. **Added** “Substance Testing” and “All positive test results will be recorded in the Tested section of the Substance Testing screen in COMS” in Section 7 A. **Deleted** “staff are trained and familiar with drug testing procedures and approved protocol” and **Replaced** with “there are sufficient staff designated and trained to conduct testing and provide for the integrity and security of records and specimens” in Section 8 A. **Added** “normally within 24 hours after collection” in Section 8 A. 3. **Added** 4. to Section 8 A.

**May 2016:** **Added** “charged with the management and supervision of offenders” in the policy statement. **Updated** definition of “DOC Offender” and “DOC Institution”. **Revised** definition of “Positive Result” and “Negative Result”. **Added** definition of “Marijuana” and “Specimen”. **Added** C. to Section 2. **Added** “(for offenders in DOC custody) in accordance with DOC policy 1.3.C.2



*Inmate Discipline System* or issue an approved sanction (for offenders on community supervision)" and Deleted "no later than the end of their shift" and Added "Law enforcement will be notified when appropriate" in Section 2 H. Deleted "field test" and Replaced with "screening test" in Section 2 I. Added "if the positive test result is for a substance tested for by the Public Health Lab (See the four panel test). Synthetic marijuana and/or controlled substance analogues are excluded from confirmation testing" in Section 2 J. Added D. to Section 3. Added e. to Section 3 A. 1. Added "offender admission, finding of guilt or staff determination an offender has violated the zero tolerance policy in Section 5 A. Deleted D. in Section 5 referencing STAR. Added g. and h. to Section 6 A. 2. Added "and/or conducting a field test of the collected sample" in Section 8 A. 3. **May 2017:** Added "an inmate placed on extension of confinement" to the definition of "Offender". Added "The offender shall remain in a secured area (dry cell or other approved area) until he/she complies, or four (4) hours elapses" in Section 2 A. 1. Added D. to Section 2. Added "Offenders must remain under constant observation of staff" to Section 2 E. Added "Staff shall directly observe the offender urinating into the test container. If staff do not observe the offender urinating into the container, that sample will not be accepted" in Section 2 F. Added "or the offender refuses to provide an adequate sample, or the offender provides a sample which has been altered or is not legitimate (use of synthetic urine)" and Added "Every positive result from an offender may result in sanctions and/or appropriate treatment for substance abuse" and Deleted "The positive urine specimen may be retained and stored in a designated and secure location" in Section 2 J. Added "May include reliable information from a confidential informant" in Section 3 A. 1. d. Added g. i. j. and m. to Section 3 A. 1. Deleted 3. and 4. and Added 8. 9. and 10. in Section 5 B. Added D. to Section 3. Added 3. to Section 5 c. Added 13. to Section 5 D. Added B. and D. to Section 6. Added "The process shall ensure the specimen is not altered or tampered with from the point of collection through the reporting of the test results" in Section 8 A. 2. Added "or samples that are suspected to be tampered with or not legitimate (synthetic urine)" in Section 8 A. 4.

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

11/27/2017

Date