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## Offender Drug Testing

### 404.1 PURPOSE AND SCOPE

The purpose of this section is to set forth drug testing guidelines and practices consistent with the law and National Institute on Drug Abuse (NIDA) standards.

### 404.2 APPLICABILITY

This policy applies to all department employees.

### 404.3 POLICY

Drug testing for the presence of narcotics, alcohol, or other controlled substances is an integral part of the case management process involving substance abusers. The department shall test all offenders who have a drug testing condition.

Drug tests can be administered by urinalysis, swabs, patches, or other approved testing methods.

### 404.4 PHILOSOPHY

Administering drug tests to offenders serves as a deterrent to illegal drug use and thereby supports the offender's rehabilitative goals as outlined in the case plan. Test results also provide the officer insight to treatment and supervision needs. In response to drug test results, treatment referrals, incentives and sanctions should be applied as immediate responses to eliminate bad decisions/behaviors or promote abstinence and demonstrated good choices. For example, an officer may incentivize a period of non-use as evidenced by a series of negative test results by transferring a case to a lower level of supervision. Conversely, drug tests can be used to modify rehabilitative interventions (i.e., inpatient vs outpatient treatment), impose sanctions and obtain evidence which is legally admissible in court, if the offender continues the use of controlled substances.

### 404.5 DETERMINING THE NEED FOR A DRUG TESTING PROGRAM

Testing conditions shall be recommended any time a rationale can be articulated in a court report. The basis for the drug testing condition may include admitted history of current or previous drug use or possession, arrest reports indicating involvement with controlled substances, or other circumstances including but not limited to an anonymous tip, unusual or irrational behavior from the offender, or other indicators suggesting the use of controlled substances.

### 404.6 TIMING AND FREQUENCY OF TESTING

At the outset of supervision on a case where drug testing is authorized by the Court, the officer shall evaluate the impact of drug use relative to the offender's other needs. Using the assessment results and engaged discussions with the offender, the officers will determine the level of intervention necessary to eliminate illegal drug use. Options include enrolling the offender in a formal randomized drug testing program, random testing by the officer, and/or referring the

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offender to inpatient or outpatient treatment services. If, however, the officer is uncertain whether or not the offender is illegally using drugs, he/she shall screen the issue with his/her supervisor to determine if testing is needed and the frequency.

If the offender has an identified drug or alcohol issue as part of their case plan, they may be placed on a random testing contract where they call in daily for testing instructions. Testing may also be administered during any face to face contact, and by the substance abuse treatment provider upon request without prior notice. Probation officers can notify offenders to appear for testing the next day (or within 48 hours), test offenders during announced or unannounced field visits, and at randomly scheduled times other than the offender's regular monthly appointment.

### **404.6.1 VIOLATION OF TESTING CONDITIONS**

The following are all considered positive drug/alcohol tests and shall be addressed by the probation officer and documented in the Probation Case Management System (PCMS): a positive test result confirmed by the lab, failure to produce a sample, failure to appear for testing, tampering with the specimen, using an apparatus/device to defeat the testing process, or submitting a diluted specimen.

## **404.7 TESTING GUIDELINES AND PRACTICES**

### **404.7.1 TESTING PROTOCOL**

Each facility shall ensure that the collection, temporary storage, and transportation of drug samples are consistent with the contractor's guidelines while ensuring the chain of evidence.

Each facility/office shall determine whether the collection of drug tests will be random, scheduled or a combination.

### **404.7.2 HANDLING**

Shipping of our samples shall be dealt with in accordance with our contracted vendor.

### **404.7.3 SAME GENDER TESTING FOR URANALYSIS**

In most cases, the officer who tests an offender shall be of the same sex as the offender. The officer shall always be able to observe the offender's hands and urine stream during the testing process. Additionally, the officer must be able to observe that the sample is not tampered with between being provided by the offender until it is sealed for delivery to the laboratory.

### **404.7.4 TRANSGENDER DRUG TESTING**

Transgender offenders may request that either a male or female staff member supervise a urine test. Officers shall accommodate this request when possible and maintain officer safety.

### **404.7.5 TESTING IN OFFICE/OUT OFFICE**

Testing may be conducted at a probation office, an offender's residence, a treatment program, a school site, a residential facility, or any other location where privacy and officer safety can be protected. It is the officer's responsibility to ensure that all policies and officer safety regulations are followed when testing in the field.

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#### 404.7.6 DEFECATION

In some instances the offender may defecate when producing a urine sample. Should this occur, the officer observing the test shall instruct the offender to return to the reception area and wait as they will be required to re-test. The officer is not expected to remain in the testing room.

#### **404.8 COLLECTION SITES**

Each office/facility shall designate a collection site which shall have the necessary materials and equipment to provide for the collection, security, temporary storage, and transportation of drug tests. No unauthorized personnel shall be permitted in any part of the designated collection site where urine specimens or any drugs tests are collected and/or stored.

##### 404.8.1 RESTROOM FACILITY

Each office/facility shall designate a specific restroom as the collection site. The designated restroom shall not be used by staff or the general public. If private facilities are unavailable and public restrooms must be used, every reasonable effort shall be made to reduce the possibility of interference with the collection process or the adulteration of the collected drug test.

Within the public restroom, a specific stall or urinal shall be designated as the collection site for urinalysis testing. Prior to the collecting urine samples in a public restroom, the site shall be secured and a sign indicating that the restroom is occupied shall be posted.

##### 404.8.2 STORAGE FACILITY

Each office/facility shall store urine specimen bottles in a refrigerator that is accessible only to Probation Department employees, or contract staff authorized to have access to the samples.

##### 404.8.3 FIELD TESTING

When testing is conducted in the field, the probation officer is responsible for maintaining the security, temporary storage, transportation of urine specimen or any other drug test, and maintaining the chain of custody of the evidence. Drug tests shall be locked in the vehicle trunk, glove box or portable case. Urine samples should be kept cold until the specimen can be transferred to the designated refrigerator at the office.

##### 404.8.4 SECURE RECORD STORAGE

All records pertaining to the drug/alcohol testing program shall be secured. Access to records shall be limited to personnel designated to receive the results.