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Chemical Abuse Testing	ACA Standards: 2-CO-4F-01, 5-ACI-5B-11, 5-ACI-5E-11, 5-ACI-5E-14, 5-ACI-6A-23, 4-ACRS-5A-02, 4-ACRS-5A-08, 4-ACRS-5A-09, 4-APPFS-2A-06, 4-APPFS-2D-04		
Steven Harpe, Director Oklahoma Department of Corrections		Signature on File	

Chemical Abuse Testing

The Oklahoma Department of Corrections (ODOC) uses chemical abuse testing as an effective tool in the agency's goal to preserve order, maintain security, protect the public, provide a safe environment for staff and inmate/offenders, and to enforce the rules and regulations governing inmate/offender conduct.

The ODOC is committed to a policy of zero tolerance of inmate/offender drug use while in custody.

I. Purpose

In addition to achieving the stated goal above, the purpose is to hold inmate/offenders accountable and to encourage a drug-free lifestyle by the use of drug testing, treatment, and monitoring intervention. (4-ACRS-5A-02, 4-ACRS-5A-08, 4-APPFS-2A-06) Aggregate results of drug testing will be used for evaluation and administrative purposes. (5-ACI-5E-11, 4-ACRS-5A-09)

II. Scope

All inmates/offenders assigned to the custody/supervision of ODOC are subject to drug testing at any time including urinalysis, breath analysis, and medical means. Testing will not be used for harassment of inmates/offenders. There will be no discrimination based on ethnicity, religion, gender, or disability.

Testing may take place as a part of the admission process, as a routine monitoring measure, as a random sampling of the population, for program purposes, upon reasonable suspicion or as deemed, appropriate based on behavior of the inmate/offender. In lieu of testing, the staff member may document observation of the inmate/offender (e.g., slurred speech, smell, uneven walk, etc.). Testing will not be done at the inmate/offender's request. All incidents of positive drug tests will be met with an appropriate sanction and/or treatment intervention. (4-APPFS-2D-04, 5-ACI-6A-23)

A. Target Population (5-ACI-5B-11, 4-ACRS-5A-02, 4-ACRS-5A-08, 4-APPFS-2A-06)

All inmates/offenders will be subject to random testing for purposes of deterrence and indication of drug usage. However, inmates/offenders that meet the following criteria will be tested more frequently:

1. A high likelihood of substance abuse involvement as reflected by the needs assessment instrument.
2. Behavioral indicators of drug use.
3. Assigned to substance abuse treatment programs or who have successfully completed a substance abuse program.

B. Authority to Designate Inmates for Testing (5-ACI-5E-11, 5-ACI-6A-23, 4-ACRS-5A-08)

1. Treatment Testing (5-ACI-5E-11, 5-ACI-5E-14)

Inmates participating in an institutional drug treatment program will be tested, at a minimum, in accordance with the following:

- a. Inmates will be tested upon arrival into an institutional drug treatment program.
- b. Participants in a drug treatment program will be tested on a monthly basis.

Offenders participating in drug treatment programs in the community will be tested according to the program and/or supervision guidelines. Probation and parole officers/case managers may also

initiate testing for offenders participating in substance abuse treatment programs in the community.

2. Other Testing

Other inmates/offenders selected for testing will be identified by the facility head/chief administrator of Institutions/Community Corrections and Contract Services or designee. Such testing may include:

- a. Facility admission as authorized by the facility/unit head;
- b. Suspicion of specific inmates/offenders;
- c. Facility random testing as authorized by the facility head/chief administrator of Institutions/Community Corrections and Contract Services; or
- d. Initial testing for pre-sentence information to the courts, etc.

III. Urinalysis Testing Logistics

A. Supplies and Equipment

Each facility/probation and parole region will maintain supplies and equipment necessary for urinalysis to include:

1. A specimen control log to record all activity relating to urine specimen collection in accordance with Section III. item F. of this procedure;
2. Clear, non-reusable, sealable plastic containers with lids designated for the purpose of collecting and storing urine specimens;
3. Gum-backed labels used to label urine specimen containers;
4. Pens with indelible ink to label specimen containers;
5. "Record of Chemical Abuse Testing" ([DOC 030134A](#), attached) will be used to document a specimen's chain of custody, assay required, assay results, and type of test. Probation and Parole will document the "Chemical Abuse Testing" information in ICON;
6. Capacity for refrigerated storage as necessary for offsite testing; and
7. Disposable protective gloves.

B. Collection of Urine Specimens (4-ACRS-5A-09, 4-APPFS-2D-04)

1. The collection of a specimen will be observed by an employee/volunteer to ensure the inmate giving the specimen has no device containing urine or other means to contaminate the specimen. When an inmate/offender provides or attempts to provide a contaminated or altered specimen, appropriate disciplinary action will be initiated in accordance with [OP-060125](#) entitled "Inmate/Offender Disciplinary Procedures."
2. Urine specimen collection will normally be observed by an employee/volunteer of the same gender as the inmate except in exigent circumstances. Offenders under probation/parole supervision will only be observed by an employee/volunteer of the same gender. The employee/volunteer will continuously observe the inmate/offender from a frontal or side view.
 - a. The inmate/offender will provide at least 0.4 fluid ounces to ensure sufficient quantity for testing.
 - b. The employee will check to ensure the collected specimen approximates body temperature.
3. If the inmate/offender alleges inability to produce a specimen, a two-hour delay period under observation will be allowed. The inmate/offender may be given eight ounces of water at the beginning of the two-hour period. If, at the end of the period, the inmate/offender fails to produce a specimen, appropriate disciplinary action may be taken.
4. When an inmate/offender refuses to submit a specimen, appropriate disciplinary action will be initiated in accordance with [OP-060125](#) entitled "Inmate/Offender Disciplinary Procedures."

C. Preparation of Specimens (4-ACRS-5A-09, 4-APPFS-2D-04)

1. Immediately after specimen collection, the employee will initial and attach a gum-backed label listing the date and time of collection, the specimen control ID number, and the inmate/offender's name and ODOC number.
2. The ODOC number of the inmate/offender from whom the specimen was taken, the date and time the specimen was taken, and the name of the staff member taking the specimen will be logged in chronological order.
3. Facility Specimens

All tests will be entered on the substance abuse testing screen on ICON. If not immediately entered on ICON, the tester will complete a "Record of Chemical Abuse Testing" ([DOC 030134A](#), attached). The employee will check the test type (facility random, facility initial,

suspect, PSI, treatment initial, treatment monthly) for entry when ICON is accessible. (5-ACI-5E-14, 4-ACRS-5A-08)

Each employee who handles the specimen will sign the "Chain of Custody" section of "Record of Chemical Abuse Testing" ([DOC 030134A](#), attached).

4. Probation and Parole Specimens

The chain of custody will be documented in the "drug tests" section of ICON.

D. Offsite Testing (4-ACRS-5A-09)

In those instances where urine specimens are to be tested offsite, the sending facility/probation and parole region will prepare the specimen for mailing to the testing laboratory as specified in the contract issued to ODOC.

E. Onsite Testing (4-ACRS-5A-09)

1. All operator training will be in accordance with the manufacturers' specifications.
2. Method of Testing
 - a. All testing will be completed using agency-approved test kits, as specified by the contract.
 - b. Equipment will be used in accordance with manufacturers' specifications to ensure accuracy and quality of testing.
3. Positive Test Results (4-APPFS-2D-04)

All samples tested in a correctional facility that result in a positive result will be confirmed in the presence of the inmate/offender, if possible, normally using the same testing technology. If the initial test is positive, the confirmation test will be observed by two employees/volunteers. Inmates/offenders under community supervision may submit to confirmation testing at their expense and at an approved off-site testing laboratory. If the second test is also positive:

- a. Incarcerated inmates' medical records will be reviewed, and a list of current medications will be supplied to the disciplinary hearing officer conducting the disciplinary hearing for

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consideration of any possible false positives, as listed by the manufacturer of the drug test kit. Medical personnel may be consulted for clarification of alternative drug names, but medical personnel will not make a determination regarding the likelihood of false positive or false negative results.

- b. Community supervised inmates/offenders will be afforded the opportunity to produce medical records that would support a false positive testing result.
- c. A positive test resulting from lawfully prescribed or over-the-counter medications will be recorded as a negative test.

4. Safety and Sanitation

- a. Testing equipment and testing areas will be maintained in a clean and sanitary manner using universal precautions.
- b. Surfaces and equipment contaminated with body fluid spills or splashes will be cleaned and disinfected as soon as possible in accordance with [OP-140125](#) entitled "Bloodborne Pathogen Exposure Control Program," [Attachment A](#), "Decontamination Handbook for Bloodborne Pathogens." Cleaning will be accomplished with appropriate personal protective equipment.
- c. Urine waste with no visible blood will be properly disposed of by pouring it down a lab sink or toilet and flushing the waste with water.
- d. Supplies (specimen containers, test kits, and test strips) that have had contact with visible blood will be discarded in biohazardous waste (or "red bag") containers. Supplies that have not had contact with visible blood will be discarded in regular trash.

F. Specimen Control (4-APPFS-2D-04)

- 1. A specimen control log will be maintained to ensure proper chain of custody and will include: inmate's/offender's ODOC number and name; type of test; date and time specimen was taken; date tested; results of test; and name of personnel performing test.
 - a. Probation and parole personnel will enter all testing information into the appropriate sections of ICON and will not be required to maintain a bound specimen control log.
 - b. Off-site testing will include an additional specimen control number provided by the contracted laboratory.

2. Records and storage areas will be maintained in a secure area.

G. Use, Storage, and Disposal of Specimens (4-APPFS-2D-04)

1. If at all possible, specimens will be immediately tested and, if necessary, re-tested or mailed to the contract laboratory.
2. For sanitary reasons, urine specimens not immediately tested, re-tested, or mailed to the contract laboratory will be stored according to testing product manufacturers' recommendation.

H. Records/Reports of Results (4-ACRS-5A-09, 4-APPFS-2D-04)

1. Facility Results

The test results of each specimen will be entered on ICON and in the specimen control log. The "Record of Chemical Abuse Testing" ([DOC 030134A](#), attached) will be maintained in section three of the inmate/offender file in accordance with [OP-060212](#) "Maintenance and Access of Inmate/Offender Records."

The facility's designated employee will make a ledger entry of the results in the specimen control log.

2. Probation and Parole Results

Probation and parole personnel will ensure that the results of each specimen will be entered into the appropriate sections of ICON.

An entry will be made in the inmate/offender chronological record by the case manager/supervising officer indicating the test results.

IV. Breath Analysis Logistics

A. Equipment

All agency facilities/probation and parole region may maintain the capability of conducting breath analysis testing on inmate/offenders. Testing will be used for the purpose of detection of alcohol consumption.

B. Test Administration

The test will be administered in accordance with the manufacturers' specifications. If the inmate/offender has just used mouthwash, they will be told to drink water and will be re-tested in 15 minutes.

V. Blood Analysis

Blood testing to detect usage of chemicals will be conducted under medical supervision by medical personnel. Refusal to submit to testing will result in disciplinary action. Medical staff will determine conditions under which blood analysis will be performed.

VI. Confidentiality and Security

Because of the sensitivity of the information, lists of prospective inmates/offenders to be tested and attendant results will be accessible solely on a need-to-know basis.

VII. Use of Results

A. Sanctions (4-ACRS-5A-09, 4-APPFS-2A-06)

Any confirmed positive drug test may result in initiation of disciplinary action in accordance with [OP-060125](#) entitled "Inmate/Offender Disciplinary Procedures." Facilities are encouraged to utilize informal sanctions, when appropriate, to address substance abusing behavior. Inmates/offenders participating in approved substance abuse programs who have confirmed positive drug tests will be sanctioned in accordance with established programmatic rules and sanctions as determined by the program unit/treatment team. If disciplinary action is taken against an inmate/offender because of test results, the inmate/offender will be given the opportunity during the disciplinary hearing to challenge the validity of the test results.

In order to hold inmate/offenders accountable for violations of laws, institutional rules, or conditions of release, a range of sanctions will be considered that is appropriate for the inmate/offender, proportionate to the violation and that encourages a drug free lifestyle. A range of sanctions may include, but is not limited to:

1. Verbal warning;
2. Written warning/instructions;
3. An administrative conference;
4. Increased surveillance and testing;
5. Increased reporting requirements;
6. Curfew;
7. Assignment to a day reporting center;
8. Restricted movement;

9. Electronic monitoring;
10. Short-term detention;
11. Denial or revocation of release;
12. Assessment for drug treatment;
13. Return to secure confinement;
14. Formal misconduct proceedings;
15. Violation report to appropriate authority;
16. Restricted visiting privileges;
17. Restricted canteen privileges;
18. Restricted phone privilege;
19. Special Management housing;
20. Restricted work assignment; and/or
21. Reduced credit level.

VIII. Compliance Monitoring

Monitoring for compliance with the provisions of this procedure will be included in the facility/probation and parole region internal operational audit process conducted by the Auditing and Compliance unit.

IX. References

Policy Statement P-030100 entitled "Provisions of Services/Inmate Rights and Responsibilities"

OP-060125 entitled "Inmate/Offender Disciplinary Procedures"

OP-060212 "Maintenance and Access of Inmate/Offender Records"

OP-140125 entitled "Bloodborne Pathogen Exposure Control Program"

57 O.S. § 21

57 O.S. § 510 (12)

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U.S. Department of Justice, Office of Justice Programs, Operation Drug Test Policy Guidelines

X. Action

The facility head/chief administrator of Institutions/Community Corrections and Contract Services is responsible for compliance with this procedure.

The chief administrator of Institutions is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: OP-030134 entitled "Chemical Abuse Testing" dated August 05, 2022

Distribution: Policy and Operations Manual
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 030134A	“Record of Chemical Abuse Testing”	Attached

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	“Decontamination Handbook for Bloodborne Pathogens”	OP-140125