



SUBJECT:	PAGE <u> 1 </u> OF <u> 8 </u> .
Inmate Drug Testing	NUMBER: 70-RCV-03
RULE/CODE REFERENCE:	SUPERSEDES: 70-RCV-03 dated 01/15/16
RELATED ACA STANDARDS: 4-4437	EFFECTIVE DATE: October 12, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to deter inmate drug use and trafficking by providing uniform guidelines for inmate drug testing, as well as sanctions for inmates found guilty of Rule 39-Unauthorized Possession, Manufacture or Consumption of Drugs or any Intoxicating Substance, Rule 41-Unauthorized Possession of Drug Paraphernalia, or Rule 43-Refusal to Submit Urine Sample or Otherwise Cooperate with Drug Testing.

III. APPLICABILITY

This policy applies to all institutional staff employed by or under contract with the Ohio Department of Rehabilitation and Correction (DRC). This also includes all inmates incarcerated in DRC institutions and private institutions incarcerating DRC inmates.

IV. DEFINITIONS

Drug Testing Coordinator - The individual identified by the managing officer to be responsible for coordinating, monitoring, and service provisions of the drug testing program.

Security Staff - Those individuals whose job title is within the Department of Administrative Services job classification specification series 4653. These job titles include correction officer, correction sergeant/counselor, correction lieutenant, correction captain, and chief of security.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to enhance public safety, provide for inmate accountability, institutional control and order by establishing zero tolerance of inmate drug use within institutions. Drug testing shall not be used as a tool for harassment or to discriminate against an inmate on the basis of age, race, color, religion, gender, national origin, ancestry, sexual orientation, political views, or disability.

VI. PROCEDURES

- A.** The analysis of all inmate urine specimens shall be conducted utilizing an instant testing device approved by the Director/designee. All private prison contractors may elect to use a private laboratory with the approval of the private contract administrator, providing that the laboratory is certified by either the Clinical Laboratory Improvement Amendments – Health Care Financing Administration (CLIA 1988-HCFA) or the College of American Pathologists (CAP)
- B.** Inmates arriving from the community that test positive for marijuana use within the first forty-five (45) days of incarceration shall not be subjected to sanctions.
- C.** Inmates shall be tested as follows:
 - 1. Random
 - a. Each month, five percent (5%) of each identified institution's population shall be randomly selected for drug testing. Institutions shall be identified annually for monthly testing by the regional directors based on a number of factors including, but not limited to, positive random test results during the previous calendar year, number and types of contraband seized, etc. Inmates shall be selected by computer assignment. Reception inmates at CRC, LorCI, and ORW shall not be included in those institutions' random sample.
 - b. Each quarter, five percent (5%) of each identified institution's population shall be randomly selected for drug testing. Institutions eligible for quarterly testing shall be identified annually by the regional directors based on a number of factors including, but not limited to, positive random test results during the previous calendar year, number and types of contraband seized, etc. Inmates shall be selected by computer assignment. Drug testing shall be done at irregular intervals each quarter. Reception inmates at CRC, LorCI and ORW shall not be included in those institutions' random sample.
 - c. Saturation level testing is to be completed once a year. A statistically valid sampling of each institution's population shall be selected for testing as determined by the Bureau of Research and Evaluation. This process provides a basis for comparison of drug levels annually at each institution. Saturation testing is considered the random testing for the month/quarter in which it takes place.

2. For Cause

Inmates shall be tested when there is a reasonable suspicion of drug use. Designated staff at each institution must be identified as having the authority to approve a "For Cause" drug test. At a minimum, the shift commander on every shift must have this authority. Some drugs move through the human body quickly and may not be detected if there is a delay in testing. A "For Cause" drug screening request form (DRC4439) shall be utilized when requesting a "For Cause" test.

3. Program

This category shall include all other tests where a particular inmate sub-population is to be tested to include, but not limited to, the following:

- a. Recovery Services Treatment Programs once every two (2) months in addition to any other testing category;
- b. Once every two (2) months, 5% of the inmates who leave the secured perimeter of the institution as part of their job responsibility shall be randomly selected for testing in addition to any other testing category;
- c. Before all hearings listed on the parole board call sheet and after hearings wherein an offender is approved for release;
- d. Inmates under medication treatment for Hepatitis C as requested by the physician;
- e. As indicated by the managing officer/designee.

D. Specimen Testing

1. All specimens sent to a private lab services vendor and alternative sites used by private prisons for confirmation testing shall be screened using approved National Institute of Drug Abuse (NIDA) testing methodologies to screen urine samples.
2. Positive drug test results may be challenged by the inmate who tested positive as detailed in section VI.K of this policy.
3. All positive drug screens subject to an inmate challenge shall be confirmed by alternative method, via gas chromatography/mass spectrometry (GC/MS) or liquid chromatography/mass spectrometry (LC/MS). GC/MS and/or LC/MS will confirm the presence and identify the particular drug that caused a positive screen.

E. Each managing officer shall appoint a drug testing coordinator to be responsible for the coordination, monitoring, and service provisions of the drug testing program. All drug test requests shall be processed through the drug testing coordinator. Collection of specimens shall be a security staff function.

F. A complete drug testing kit(s) shall be made accessible to shift personnel at all times. The kit(s) shall include those items listed in section VI.H of this policy.

G. Each institution shall develop local policies and procedures describing how this policy shall be implemented at their institution. The institution policy shall include specific drug testing procedures and sanctions for inmates who are found guilty of Rule 39-Unauthorized Possession, Manufacture or Consumption of Drugs or any Intoxicating Substance, Rule 41-Unauthorized

Possession of Drug Paraphernalia, or Rule 43-Refusal to Submit Urine Sample or Otherwise Cooperate with Drug Testing.

H. Supplies needed for specimen collection shall include:

1. DRC approved instant testing device;
2. Indelible ink pen;
3. Latex gloves;
4. Eight (8) ounce drinking cups.

I. Collection Procedures

1. The drug testing coordinator is responsible for preparing all necessary documentation and coordination of chain of custody procedures for specimen collection. The drug testing coordinator shall prepare all necessary supplies needed for urine collection.
2. Security staff shall perform urine collection functions as described in this section. All testing of inmates shall be done under direct staff observation by staff of the same gender as the inmate and in a manner that shall ensure the integrity of the testing procedure. Inmates shall be offered reasonable privacy and sanitary conditions during the drug testing process.
 - a. Universal precautions shall be used by all staff during the entire urine collection process.
 - b. The collection area shall be searched and cleared of any items or substances that could be used to adulterate the specimen.
 - c. Before the collection of the specimen, the inmate's identity shall be verified via ID card.
 - d. The inmate shall be instructed to remove any garment obstructing the collecting staff member's field of vision of the genital area and to ensure no items are concealed that could tamper with the specimen.
 - e. The inmate shall be instructed to rinse and dry his/her hands before testing.
 - f. The collecting staff shall examine the inmate's arms and hands before observing the collection.
 - g. The collecting staff shall directly observe the urine stream.
 - h. A minimum of 30 ML of urine shall be deposited in the DRC approved instant testing device
 - i. Pursuant to DRC policy 10-SAF-13, Infectious Waste Management, if there is an appearance of blood visible in the urine specimen, the specimen shall be considered a potentially infectious material and shall be disposed of into a sanitary sewer if the disposal is allowed for the waste water treatment system.
 - j. Collecting staff shall check the temperature strip in order to verify that the specimen is within normal range (between 90° - 100° Fahrenheit)
 - k. After five (5) minutes, collecting staff shall peel off the testing device privacy label and read the results. Specimen must be checked within ten (10) minutes to be valid.

J. Reporting Results:

1. All positive drug test results shall be immediately recorded on a Conduct Report (DRC4018).
2. The inmate shall be provided a copy of an Admission or Denial of Positive Drug Test Result form (DRC2072) and shall select the appropriate response. The completed Admission or Denial of Positive Drug Test Result form (DRC2072) shall be provided to the institution drug testing coordinator for use in completing the monthly inmate drug test report
3. The hearing officer shall impose discipline and/or sanctions as detailed section VI.N of this policy with the exception of those involving restricted housing time which must be referred to the institution Rules Infraction Board (RIB). Restrictive housing time may be imposed based on the severity of the violation or if the inmate is a repeat offender.

K. Confirmation Testing Chain of Custody

1. Collecting staff shall notify the inmate of his/her right to request confirmation testing of the drug test results and the costs associated with performing the confirmation testing as established by the private lab services vendor.
2. If the inmate requests confirmation testing, the inmate's urine sample shall be sealed in the instant-testing device while in the inmate's presence utilizing container seal tape provided by the vendor. The seal tape shall clearly indicate the inmate's name, identification number and collection date and shall be initialed by the inmate.
3. A chain of custody form provided by the vendor shall be completed with the names and numbers of all inmate specimens in the lot and shall accompany the collection containers at all times. The number of individuals handling the specimens shall be kept to a minimum.
4. Specimens shall be refrigerated if not transported the day of collection. It shall be noted on the chain of custody form provided by the vendor that the specimens were refrigerated. If refrigerated, the refrigerator shall be locked when not in immediate use. A refrigerator designated for this purpose shall be located in an area to be determined by the chief of security.
5. The drug testing coordinator shall arrange for transportation of the urine samples to the specified lab as soon as feasible after the collection takes place.
6. Upon receipt of a positive confirmation test, the procedures listed in section VI.J above shall apply

L. Inmate Inability or Refusal to Produce a Urine Specimen

Inmates who claim to immediately be unable to produce a specimen shall be provided no more than eight (8) ounces of water per hour for no more than three (3) hours. If at the end of three (3) hours the inmate has failed to produce a specimen, the inmate shall be issued a conduct report for Rule 43-Refusal to Submit Urine Sample or Otherwise Cooperate With Drug Testing.

1. If found guilty, then sanctions shall apply as if the inmate tested positive.
2. Inmates that otherwise refuse to provide a specimen, or are observed attempting to adulterate the sample or tamper with the collection process shall be issued a conduct report for Rule 43-Refusal to Submit Urine Sample or Otherwise Cooperate with Drug Testing. Sanctions are to be applied as stated in section VI.N of this policy.
3. Inmates who claim to be unable to produce a specimen under observation shall be strip searched and placed in a secure area with a specimen cup. The inmate shall then be permitted to provide a specimen without observation. If the inmate fails to provide the specimen within three (3) hours the inmate shall be issued a conduct report for Rule 43-Refusal to Submit Urine Sample or Otherwise Cooperate with Drug Testing and sanctions shall apply as if the inmate tested positive.
4. The shift commander shall consult with medical staff and in collaboration with the drug testing coordinator decide upon a reasonable course of action when an inmate claims to have a medical condition which prevents him/her from providing a sample within the guidelines of this policy. Should a bona fide medical reason exist which prevents an inmate from complying with this policy, collection personnel shall defer to the judgment of health care staff.

M. Reporting of Results

1. All positive drug test screen results shall be reported to the institution drug testing coordinator. Negative drug test screen samples shall be immediately destroyed.
2. Upon receipt of a positive confirmation, the drug testing coordinator shall consult with the institution chief medical officer or advanced level provider to determine any possible cross-reactivity with any prescribed medication(s) the inmate may be taking.
3. Positive drug test results shall be reported to both the institution's health care administrator and mental health administrator.
4. Positive drug test results shall also be reported to the institution's recovery services supervisor/designee via the Referral to Recovery Services form (DRC5502).
 - a. A licensed/credentialed recovery services staff member shall meet with the inmate to discuss AA/NA support meeting schedules and the most appropriate AOD treatment options available after the completion of sanctions;
 - b. A licensed/credentialed recovery services staff member shall complete the ODRC Recovery Services Program Screening Application (DMHAS7181/DRC4254) and note that the interview was initiated due to a positive drug screen;
 - c. A progress note shall be written to document the encounter.

5. The institution drug testing coordinator shall maintain in the inmate's electronic file all positive test results.
6. Institution security staff conducting the drug tests shall issue conduct reports to those inmates who have a positive drug test screening result at the time of the screening.
7. Institution security staff conducting the drug tests shall notify the inmate of his/her right to request confirmation testing of the drug test results and the costs associated with performing the confirmation testing as established by the private lab services vendor. Based on institutional need, the inmate may be held in restrictive housing pending notification of the confirmation test results. The cost of the confirmation test shall be held in abeyance pending notification from the private lab services vendor of a positive confirmation test.
8. For inmates who are tested before and after parole hearings, the results of positive tests shall be shared with the institutional parole board parole officer who shall then notify the parole board. A positive drug test may result in the denial of parole.
9. Each drug testing coordinator shall submit a monthly report of all drug testing activities to the Office of Prisons designee no later than the 10th day of the following month.
10. For any month an institution's positive random drug test results are 2% or greater, the managing officer/designee shall submit a plan of action to the appropriate regional director detailing the measures the institution has undertaken to stem drug use in the facility. The report shall be submitted within fifteen (15) calendar days from the date the DRC Monthly Inmate Drug Test Results are reported.

N. Sanctions and Other Administrative Actions

1. Upon conviction of Rule 39-Unauthorized Possession, Manufacture or Consumption of Drugs or any Intoxicating Substance, Rule 41-Unauthorized Possession of Drug Paraphernalia, or Rule 43-Refusal to Submit Urine Sample or Otherwise Cooperate with Drug Testing, the institution departments responsible for enforcement of sanctions (i.e., commissary, visiting, mailroom, etc.) shall be notified via the inmate discipline screen located in DOTS Portal. Monitoring of compliance with sanctions shall be primarily a unit management function.
2. If convicted of any of the rule violations detailed in section VI.N.1 of this policy, the inmate shall be required to pay for the first positive drug test (amount to be determined by the cost of the test) and any subsequent tests done as part of the sanctions imposed by the hearing officer and/or rules infraction board (RIB). If a confirmation test was requested by the inmate and determined to be positive, the cost of the confirmation test shall be paid by the inmate. The hearing officer or RIB may issue a restitution order for the costs of the tests should the inmate have insufficient funds in his/her account. If a confirmation test was requested by the inmate and determined to be negative, the inmate shall not be charged for the first positive test nor charged for the confirmation test.

In addition to disciplinary sanctions or administrative actions identified by administrative rules, the managing officer shall develop a list of escalating sanctions available to the RIB and/or institution hearing officer for any violations of Rule 39-Unauthorized Possession, Manufacture or Consumption of Drugs or any Intoxicating Substance, Rule 41-Unauthorized Possession of Drug Paraphernalia, or Rule 43-Refusal to Submit Urine Sample or Otherwise Cooperate with Drug Testing.

O. Staff Training

1. Drug testing coordinators shall receive training in the process of urine specimen collection. The Office of Prisons shall arrange for the training of all drug testing coordinators.
2. Drug testing coordinators shall train security staff involved in the collection of urine specimens.
3. Each institution shall designate and train a back-up drug testing coordinator who shall function in the absence of the coordinator.

Related Department Forms:

Admission or Denial of Positive Drug Test Result	DRC2072
Recovery Services Program Screening Application	DMHAS7181/DRC4254
For Cause Drug Screening Test	DRC4439
Referral to Recovery Services	DRC5502