

<p align="center"><b>State of Vermont</b> <b>Agency of Human Services</b> <b>Department of Corrections</b></p>	<p align="center"><b>Title:</b> <b>Inmate/Offender Drug Screening</b></p>		<p align="center"><b>Page 1 of 5</b></p>
<p><b>Chapter:</b> Security and Supervision</p>	<p align="center"><b># 409.04</b></p>	<p align="center"><b>Supersedes:</b> #409.04 <i>Offender Drug Screening dated 2/1/2018</i></p>	
<p><b>Local Procedure(s) Required:</b> Yes <b>Applicability:</b> All DOC staff, contractors and volunteers <b>Security Level:</b> "B" - Anyone may have access to this document.</p>			
<p align="center"><u>signed</u> <b>James W. Baker, Commissioner</b></p>	<p align="center"><u>12/23/2020</u> <b>Date Signed</b></p>	<p align="center"><u>12/31/2020</u> <b>Effective Date</b></p>	

**PURPOSE**

The purpose of this directive is to outline processes for Department of Corrections (DOC) staff to carry out inmate and offender drug screening and testing.

**AUTHORITY & REFERENCES**

28 V.S.A. §§ 101; 102; 202; 252; 352; 353; 403; 601; 721; 723; 724; and 808. DOC Directive 410.01 *Facility Rules and Inmate Discipline*. Performance-Based Standards for Adult Local Detention Facilities, 4<sup>th</sup> Edition, Standard 4-ALDF 5A-04, Treatment Improvement Protocol (TIP) Series, No. 47 (2006) No. 63(2020) Substance Abuse and Mental Health Services Administration (US).

**POLICY**

The DOC is committed to conducting drug screening and testing of inmates and offenders to ensure the integrity and security of the correctional environment; compliance with treatment programs; case planning needs of inmates and offenders; and health, safety, and welfare of inmates/offenders, staff, and the public.

**GENERAL GUIDELINES**

The screening and testing of inmates (i.e., sentenced offenders and detainees) and offenders (i.e., individuals under DOC supervision in the community) for drugs shall be conducted as detailed below. Screening refers to the use of on-site devices (e.g., single or multiple panel dip devices, cup devices) to collect physical specimen samples and testing refers to the laboratory analysis of collected specimen samples.

**PROCEDURAL APPLICATION**

**A. Staff Responsibilities**

1. Superintendents and District Managers shall identify staff to conduct, track, and report on all drug screening of inmates/offenders.
2. The Superintendent or District Manager shall be responsible for reviewing drug screening statistical reports on a regular basis.
3. Each DOC staff member who collects a sample for screening shall be certified. Collection staff members shall complete their certification through the State of Vermont’s Learning Management System.

**B. Random Screening – Correctional Facilities**

1. Each in-state correctional facility shall conduct weekly random screens (i.e., each inmate has an equal chance of being selected) of five percent (5%) of its inmate population.
2. The Superintendent or designee shall use a computer-generated random sampling list from the OMS to determine which inmates to screen.
3. The DOC staff member who collects the sample shall record the results in the OMS.

**C. Reasonable Suspicion Drug Screening**

1. Requests. Any DOC employee may request a drug screening based on reasonable suspicion.
2. Supervision Condition. A drug screening may only be done with offenders in the community who have a supporting supervision condition.
3. Approval. A supervisor shall approve any reasonable suspicion-based drug screening *prior* to the screening.
4. Recording. DOC staff shall document reasonable suspicion-based drug screenings in an OMS incident report. Staff shall also include the qualifiers for reasonable suspicion, supervisor approval, and screening results in the narrative(s).
5. Reasonable Suspicion. Results of risk and needs-reducing service drug screenings shall not be used to establish reasonable suspicion.

**D. Risk and Needs-Reducing Services Screening**

1. All inmates/offenders engaged in risk and needs-reducing services, and who have an assessed moderate to high substance use criminogenic need, may have ongoing drug screenings.
2. Screenings are intended to support substance abuse risk management and ongoing substance abuse identification.
3. Results of risk and needs-reducing services screens shall only be used for programming. They shall not be used to support discipline, graduated sanctions, or violations.
4. Positive program screens shall be managed by risk and needs-reducing services staff through Corrective Action Plans and/or changes to the inmate/offender's risk interventions services plan.
5. Multiple positive program screens may warrant termination from risk and needs-reducing services.
6. Inmates/offenders engaged in risk-reducing services shall not be exempt from random drug screening in the facility, or reasonable-suspicion drug screening, regardless of when they were most recently screened. They shall be subject to corrective action (e.g., disciplinary reports, graduated sanctions, or violations) if they produce a positive result based on a random or reasonable-suspicion drug screening.
7. Results of risk and needs-reducing service drug screenings shall not be used to establish reasonable suspicion.

**E. Screening Procedures**

1. Staff shall bring the inmate to a location designated by the Superintendent or District Manager where a urine sample is to be discretely collected.
2. Staff shall search the room where the specimen is to be collected prior to placing the inmate inside.
3. Prior to collecting the specimen, the following shall occur:
  - a. Staff shall strip search sentenced inmates.

- b. Staff shall strip search detainees who are charged with a felony.
  - c. Staff shall pat search detainees who are charged with a misdemeanor unless there is reasonable suspicion that the individual is in possession of contraband.
  - d. Offenders under community supervision shall be directed to empty their pockets and remove any outer clothing.
  - e. Staff shall not strip search offenders under community supervision.
  - f. Staff shall not pat search offenders under community supervision unless there is a reasonable suspicion that the offender is concealing something.
  - g. Staff shall pay special attention to items that might alter a drug screening such as a bladder bag or foreign substance.
4. The inmate/offender shall wash their hands with soap and water and fully dry them.
  5. Staff shall give the inmate/offender a sealed urine sample collection cup.
  6. Staff shall constantly observe the stream of the sample to the cup to ensure sample integrity.
  7. The inmate/offender shall be required to provide an amount of urine in one sample sufficient for screening according to the screening device manufacturers' specifications. An insufficient amount shall be considered an inmate/offender's refusal to provide a specimen and the refusing inmate/offender shall be subject to corrective action.
  8. Inmates/offenders who cannot produce a sample large enough to be screened, shall be placed in a dry cell/room (i.e., a cell/room equipped to prevent the disposal of human waste material or contraband) or other approved location and shall be given at least eight (8), but no more than sixteen (16) ounces of water to drink for up to two (2) hours. Failure to provide a sufficient urine specimen within the two-hour period shall constitute an inmate/offender refusal, and staff shall proceed with corrective action.
  9. The inmate/offender shall submit their specimen to staff who, in the inmate/offender's presence, shall remove an amount sufficient for a preliminary drug screen.
  10. If a negative result is returned from the preliminary drug screen, this will conclude the process.
  11. If the preliminary drug screen is positive and the inmate/offender admits to the use of a prohibited substance by signing the acknowledgement on the *Inmate/Offender Drug Testing Report*, corrective action may be taken based on legal status. For inmates and furlougees, corrective action will be in accordance with Department of Corrections Administrative Directives #410.01 *Facility Rules and Inmate Discipline* (facilities) or #430.11 *Response to Furlough Violations* (field). If the offender is on Probation, Parole or Supervised Community Sentence, the positive drug screen may be grounds for a violation.
  12. If the preliminary screen is positive and the inmate/offender does not admit to the use of a prohibited substance, a confirmation test **must** be conducted by an outside laboratory approved by the Chief of Operations. The specimen shall be immediately sealed in front of the inmate/offender, and staff shall follow storage and transfer procedures outlined below in Section I.
  13. If the result of the confirmation test from the laboratory is positive, staff may initiate corrective action with the inmate/offender. If the laboratory results are negative, this will conclude the process.
  14. If the preliminary screen is positive and the inmate verbally admits to the use of a prohibited substance but refuses to sign acknowledging the admission, a confirmation test shall be conducted, as above. Two (2) staff shall document the

inmate/offender's verbal admission and refusal to sign in an OMS incident report.  
15. Staff shall document the results of the drug screening in OMS.

#### F. Prescriptions and Drug Screenings

1. If an inmate/offender reports that they are taking a prescribed medication containing substances that will result in a positive screening, or the inmate/offender informs staff of their prescription after the screening, the screening officer shall verify the validity of the prescription.
2. If the prescription is verified, staff shall not proceed with corrective action for a positive result of the prescribed drug.

#### G. Second or Subsequent Use

1. An inmate/offender who is given a disciplinary report (DR) or violation for substance use, may not be issued another DR or violation for a second positive result for the same substance until that substance has had a reasonable amount of time to clear from their system.
2. The amount of time it takes a drug to clear from the urine varies widely depending on the substance. Unless the screening device manufacturer specifies otherwise, the chart below should be used when determining the reasonable amount of time for clearance:

Substance	Typical Urine Detection Period
Amphetamine or methamphetamine	2 days
Barbiturates	27 days
Phenobarbital	20 days
Benzodiazepines	3 days
Cocaine	4 days
Cannabinoids	30 days
Ethanol (alcohol)	24 hours
Opioids (e.g., codeine, morphine)	2 days
Methadone	11 days
Propoxyphene	2 days
Ecstasy/euphorics	5 days
PCP	30 days
Buprenorphine	4 Days

#### H. Americans with Disabilities Act (ADA)

If an inmate/offender is not able to provide a urine sample because of a disability, the case shall be forwarded to a supervisor or designee to verify if there is an ADA accommodation relating to drug screening.

#### I. Storage and Transfer

1. Staff shall place a sealed specimen in the appropriate mailing container and in the mail, or deliver it to the testing laboratory, within a reasonable time of collection, but no later than the next business day.
2. Staff shall complete the *Contraband/Criminal Physical Tag and Chain of Custody* form and shall include on it the name of each person handling the sample, the date/time, and the reason for transfer of custody.
3. Staff shall store specimens that cannot be immediately mailed or delivered to the testing laboratory in a secure, refrigerated, location.
4. Staff shall maintain the appropriate *Contraband/Criminal Physical Tag and Chain of*

*Custody* form until the test results return. Staff shall include positive test results in the OMS incident report.