



**DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS**

Program Statement

OPI: SEC
Number: 6050.2F
Date: July 20, 2011
Supersedes: PS 6050.2E (4/28/2010)
Subject: Drug Testing of
Inmates

1. **PURPOSE AND SCOPE.** To establish standard procedures for testing inmates for use of illegal drugs, marijuana, controlled substances or a narcotic unless a physician or qualified health care provider has authorized its use.
2. **POLICY**
 - a. Each inmate housed in the D.C. Department of Corrections (DOC) Central Detention Facility (CDF) for more than 30 days is subject to random drug testing.
 - b. Inmates/defendants housed in contract community correctional centers are subject to regular testing.
 - c. Inmates participating in the DOC Residential Substance Abuse Treatment Program (RSAT) are subject to the procedures listed in this directive, in addition to, the drug screening procedures outlined in PS 6050.3 *RSAT*.
 - d. Only the CDF Shift Commander/Community Correctional Center (CCC) Administrator or higher ranking official or designee shall be authorized to order drug testing when there is reasonable belief or evidence that:
 - 1) An inmate has consumed or appears to be under the influence of a drug;
 - 2) The inmate is found in possession of or control of a controlled substance; or
 - 3) A narcotics canine has detected drugs in an inmate's cell/living quarters or immediate surroundings or on the inmate's clothing.
3. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (hereinafter, "the Act"), the District of Columbia does not discriminate on the basis of race, color, religion,

national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place or residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

4. **APPLICABILITY.** This directive shall apply to DC Code offenders who are housed in the CDF and contracted community correctional centers. Inmates housed at a CCC or other contract facilities shall be subject to similar testing pursuant to the contractual agreement and the contractor's policies and procedures.
5. **PROGRAM OBJECTIVES.** The expected results of this program are:
 - a. At least five (5) days a week, at least sixteen (16) randomly selected eligible inmates shall be drug tested. The inmates will be selected from a randomly generated list provided to Operations by OMITS (5) times a week. DOC will continue to maintain a level of testing required to maintain compliance with operating a drug-free facility with 90% confidence and a 3.5% margin of error. DOC will measure and report its compliance towards operating a drug-free facility.
 - b. DOC will identify and address any institutional security issues identified as a result of inmate drug testing.
6. **DIRECTIVES AFFECTED**
 - a. Directives Rescinded

PS 6050.2E	Drug Testing of Inmates (4/28/10)
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 - b. Directives Referenced
 - 1) PS 5009.2 Searches of Inmates, Inmate Housing Units, Work and Program Areas
 - 2) PS 5010.3 Contraband Control
 - 3) PS 5030.5 Canine Unit
 - 4) PS 6050.3 Residential Substance Abuse Treatment (RSAT) Program

- 5) PM 5300.1 Inmate Disciplinary and Administrative Housing Hearing Procedures
- 6) PM 8010.1 Work Release Program

7. **AUTHORITY.** DC Code § 24-211.02, et sq. Powers; Promulgation of Rules.

8. **STANDARDS REFERENCED**

- a. American Correctional Association 4th Edition Standards for Adult Detention Facilities 4-ALDF-2-C-01, 4-ALDF-5A-04.
- b. Addiction Prevention and Recovery Administration (APRA): Chapter 23 Certification Standards for Substance Abuse Treatment Facilities and Programs.
- c. Clinical Laboratory Improvements Amendments of 1988 (CLIA), Section 353 of the Public Health Services Act, 42, U.S.C. 263.a,(2) the provision of Title 42, Code of Federal regulations (CFR), Part 493, and (3) the Clinical Laboratory Act of 1988 (D.C. Law 7-182 D.C. Code §32-1501.et/seq/).

9. **TESTING PROGRAM ADMINISTRATION**

- a. CDF
 - 1) The Warden shall appoint a correctional employee as an Authorized Collection Official (ACO) to collect urine samples, record results of instant tests, maintain strict chain-of-custody controls on samples being shipped to a lab for further confirmation of a positive test result, prepare incident reports where warranted, and maintain accurate logs of test records, either manually or electronically.
 - 2) The iCup Instant Test is used initially to detect the presence of drugs.
 - 3) The CDF Security Supervisor shall manage day-to-day operations of the inmate drug testing program and shall supervise the ACO.
 - 4) The Deputy Warden for Operations shall monitor drug-testing operations for quality assurance.
- b. CCC
 - 1) Each CCC Administrator shall ensure that inmates are tested pursuant to the contractual agreement and procedures in this directive.

- 2) Each CCC Administrator shall manage and document compliance with testing frequency, program performance based on testing results and quality assurance measures/outcomes.
- c. RSAT
- 1) The RSAT Project Director, in coordination with the Warden or designee, shall ensure that program inmates are tested pursuant to the PS 6050.3 *RSAT*.
 - 2) The RSAT Project Director shall manage and document compliance with testing frequency, program performance and quality assurance measures/outcomes.
 - 3) Alcohol Testing is conducted on inmates entering into the RSAT program, in accordance with PS 6050.3 *RSAT*.

10. **RANDOM TEST SELECTION - CDF**

- a. The ACO shall obtain the electronically-designated random list of candidates to be tested.
- b. The Warden or Administrator may authorize additional drug tests in accordance with this directive.

11. **COLLECTION PROCEDURES**

- a. DOC and the CCC contractors shall use the iCup Instant Test for initial indication of the presence of drugs in an inmate's urine.
- b. An ACO shall collect each urine sample.
- c. The ACO shall be of the same gender as the inmate providing the urine sample.
- d. If the ACO is not of the same gender, then the housing unit OIC shall collect the sample and immediately release the chain-of-custody to the ACO.
- e. The ACO shall verify the inmate's DCDC number on their wristband to ensure correct identification.
- f. Before taking a drug test, the ACO shall ask the inmate if he or she is taking medication. The ACO shall record this information for later verification if the inmate's urine sample tests positive.
- g. The ACO shall ensure that the collection site is clean and free from contaminants.

- h. h. The ACO shall prepare the iCup as follows:
 - 1) ACO shall mark the reason for test (example: random, suspicion, etc)
 - 2) The inmate being tested shall complete and sign the "Donor Consent Area" located on the iCup.
 - 3) The ACO shall record the date on the iCup sample bottle and the inmate shall initial it. If the inmate refuses to sign the iCup, a supervisor shall be summoned to sign as a witness to sign the Chain of Custody form.
 - 4) Each inmate shall wash his/her hands thoroughly before providing urine sample to ensure there is no contamination.
 - 5) The ACO shall directly observe the inmate's submission of urine into the iCup to ensure the integrity of a urine sample and the validity of the drug testing procedure.
 - 6) The ACO shall record the specimen temperature indicated on the iCup bottle.
 - 7) The ACO shall, on the Chain of Custody form, write in the time and date of the collection, print their name, and sign the form in front of the donor.
- i. While still in the inmate's presence, the ACO should then place the security seal over the iCup bottle.
- j. Once the inmate submits the sample, the ACO will read the iCup test, mark the appropriate boxes for the result of the test, and enter the Kit Expiration date, Lot Number, and testing site.
- k. Inability or Refusal to Produce a Sample
 - 1) If the inmate refuses to submit a sample, the test is considered a refusal which incurs a disciplinary report with the same penalty as a positive test outlined in part fourteen (14) below. RSAT participants will be handled in accordance with PS 6050.3 RSAT.
 - 2) If the inmate is not able to produce a sample, then they are offered water and notified that the officer will return within a maximum of two (2) hours to administer the test. The ACO may provide the inmate with a maximum of forty ounces of water to encourage production of a sample.

- 3) If the inmate is not able to offer a sample after the two (2) hour time period, provided there are no medical reasons, the test will be considered a refusal which will result in a disciplinary report.

12. TESTING

- a. *Negative iCup Results.* The ACO shall appropriately dispose of the urine sample and complete and file the Chain of Custody form.
- b. *Positive or Inconclusive iCup Results.* Verification must be obtained from an independent laboratory. The ACO shall adhere to the following procedures for further testing when the iCup test result is positive and or inconclusive.
 - 1) Submit a written request through the Warden/Administrator or designee to the DOC health services contractor requesting a determination of whether the positive test could result from any current medications that the inmate has been prescribed. The request shall include at a minimum the inmate's name, DCDC number, the date of the positive drug test and the drug(s) name/type.
 - 2) If the health services contractor verifies the possibility that prescribed medication(s) could result in the positive drug tests, the ACO shall dispose of the urine specimen and take no further action other than to file the verification.

13. POSITIVE TEST CONFIRMATION

- a. If the health services contractor reports there is no possibility that prescribed medication(s) could result in the positive drug test or that no medication has been prescribed for the inmate, the ACO shall prepare the sample for further testing by completing the procedures described in ¶ 11. b. (i) of this section.
- b. Complete the Chain of Custody form with name of courier and fax a copy to the laboratory number listed at the top of the form.
 - 1) All preliminary positive test results requiring confirmation must be sent to a licensed clinical laboratory for analysis.
 - 2) The laboratory used for analysis must follow District and Federal laws and regulations governing laboratory functions and also comply with the Clinical Laboratory Act of 1988 (CLIA).
- c. Place the top (original) copy of the chain of custody form with the specimen in the small specimen bag with absorbent pad and then remove release liner from the bag flap and seal.

- d. Place the sealed bag into the box, and then place into FedEx lab pack; more than one sample may be placed into lab pack at one time.
- e. Apply FedEx air bill to the outside of the FedEx Lab pack.
- f. Call FedEx for Pickup at (800) 463-3339. If pickup is not available for that business day, store and lock the sample(s) in the Security office refrigerator, and contact FedEx for delivery the next business day.
- g. ACO will hand deliver urine sample package(s) to FedEx upon arrival at the facility.
- h. If FedEx is not available for pick up that business day, the ACO shall store all specimens in a designated, secure area for later delivery.
- i. Enter test administration and results into the online Random Drug Test Tracking System. Records, when initial results test positive, shall remain open until receipt of the laboratory results.

14. TESTING DISPOSITION

- a. All Laboratory test results should flow to the ACO.
- b. If an inmate's drug test is not confirmed as positive, the result is recorded as "*negative*" and the inmate shall not be penalized. The inmate may be re-tested pursuant to the changes contained herein.
- c. If the sample is confirmed positive for any of the drugs being tested, the ACO shall input the results in the online Random Drug Test Tracking System.

15. PENALTIES

- a. The inmate shall receive appropriate disciplinary action pursuant to PM 5300.1 Inmate Disciplinary and Administrative Housing Hearing Procedures when:
 - 1) The inmate's drug test is confirmed as positive;
 - 2) When the inmate refuses a test;
 - 3) When test results conclude the inmate altered the urine sample,
 - 4) RSAT Program participants are removed in accordance to PS 6050.3.
- b. The chart below is a guide for use in determining whether a follow-up positive drug test is indicative of new or continued drug use.

DRUG	NORMAL DETECTION TIME PERIOD	NECESSARY ELAPSED TIME BEFORE A NEW DRUG TEST
Opiates	3-4 days	4 days
Cocaine	3-5 days	5 days
PCP	21 days	21 days
Amphetamines	3 days	3 days
Marijuana	Up to 3 weeks	3 weeks

- c. The Warden/Administrator or designee shall order an inmate to be drug tested where there is a documented reasonable belief or evidence that:
- 1) The inmate has consumed or appears to be under the influence of a drug;
 - 2) The inmate is found in possession of or control of a controlled substance; or
 - 3) A narcotics canine team has detected drugs in an inmate's cell/living quarters or immediate surroundings or on the inmate's clothing.

16. DRUG TREATMENT

- a. An inmate who tests positive after random testing or testing based on reasonable suspicion may be offered the opportunity to participate in a substance abuse counseling, education or treatment program.
- b. An inmate who has a positive drug test while participating in a substance abuse program may be terminated from the program immediately. The RSAT Project Director in coordination with the RSAT clinical team shall review each violation and take appropriate disciplinary action.

17. CONFIDENTIALITY AND RELEASE OF INFORMATION

- a. Inmate substance abuse information is confidential. Substance abuse information is not released to members of the general public without the inmate's written consent.
- b. Inmate substance abuse information is available to DOC employees only on a need-to-know basis. Substance abuse information may be released without written consent for law enforcement purposes or other legitimate governmental purposes.

- 18. STAFF TRAINING.** Each employee assigned duties in the DOC Inmate Drug Testing Program shall receive training and must successfully pass a standardized written exam administered by the Training Academy Administrator.

19. **DRUG TESTING PROGRAM REPORTS.** The Warden shall, by the 15th of the following month submit a monthly report that includes, but may not be limited to, the number of inmates tested, the number of negative, positive and inconclusive test results and actions taken or recommended.

A handwritten signature in black ink, appearing to read "T. Hoey".

Thomas P. Hoey
Interim Director