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		Effective: 4/23/2013	Reviewed: 4/2013	
		Distribution: Public	Due for Rev: 4/2017	
	Chapter: Prisoner Rights			
Subject: Substance Abuse Testing				

- I. Authority
In accordance with 22 AAC 05.155, the Department shall maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.
- II. References
Alaska Administrative Code
22 AAC 05.065, 05.067, 05.069, 05.070, and 05.400
Alaska Statutes
AS 33.30.011
- III. Purpose
To establish uniform policies and procedures for substance abuse testing of prisoners committed to the care of the Department of Corrections.
- IV. Application
All institutional staff, prisoners and vendors.
- V. Policy
- A. The Department of Corrections is committed to the elimination of substance abuse in institutions by enforcing a zero tolerance policy for substance abuse which if violated shall result in disciplinary sanctions.
- B. Substance abuse testing shall be performed at the lowest threshold testing level specified by the manufacturer of the testing device or available at the confirmation laboratory.
- VI. Procedures
- A. A prisoner may be directed to submit a specimen for substance abuse testing as follows;
1. Random tests are performed as deemed necessary by the superintendent to test a segment of the population or the entire prisoner population of an institution. At least five per cent of an institution's population shall be randomly tested each month.
 2. Routine tests are performed for consideration of furlough or electronic monitoring, a change in custody or work status, or as otherwise deemed necessary by the superintendent.
 3. Spot Check tests are performed if staff has reason to believe a prisoner may have recently used unauthorized drugs or upon verified request by probation or parole authorities or by another agency.
- B. Each request for a specimen shall be documented on the Substance Abuse Testing form (20-808.14A). Random tests and spot check tests shall be approved by the
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Shift Supervisor or higher authority. Routine tests do not require prior approval. After the Substance Abuse Testing form (20-808.14A) has been completed, the prisoner shall be informed that they have been selected for drug testing.

- C. If urinalysis is the testing method, the urine specimen shall be collected from the prisoner as follows.
1. The prisoner shall be escorted to, or shall be ordered to report to an appropriate area designated by the superintendent for urinalysis testing. Testing shall take place outside the presence of other prisoners. The staff member present conducting the test shall be of the same gender as the prisoner and shall have been trained in urinalysis procedures. The prisoner shall be pat searched and may be strip searched prior to submitting the urine specimen.
 2. The prisoner shall be asked if any medication has been taken in the last 30 days, and the prisoner's response shall be noted on the Substance Abuse Testing form (20-808.14A).
 3. The staff member performing the test shall ensure the prisoner submits a sufficient quantity of urine as specified by the manufacturer by witnessing the prisoner urinate into the specimen container. The staff member shall record the results on the Substance Abuse Testing form (20-808.14A) and the form shall be placed in the prisoner's institutional file.
 - a. If the test result is negative, the specimen container shall be discarded.
 - b. If the test result is positive, the specimen container shall be tightly capped and sealed with an identification label which states the prisoner's name, prisoner number and the collection staff's initials in indelible ink. The label shall be placed on the specimen container in such manner so that the cap of the container cannot be removed without tearing the label. The specimen container shall be secured and stored pursuant to the manufacturer's or laboratory's specifications. An incident report shall be written charging the prisoner with the violation of 22 AAC 05.400(c)(7). The prisoner shall be given a copy of the Substance Abuse Testing form (20-808.14A) and the incident report.
 4. If the prisoner claims that they are unable to immediately provide a urine specimen, the prisoner shall be detained for up to two hours until they are able to provide the sample. The prisoner may be provided with a limited amount of water as recommended by the manufacturer. A prisoner who fails to provide a urine specimen within two hours of being ordered to do so shall be considered to have refused to submit the specimen. The prisoner shall be informed that this refusal constitutes a violation of 22 AAC 05.400(c)(16) and shall result in an incident report. The prisoner shall no longer be permitted or required to submit a urine specimen pursuant to this specific request and the refusal shall be noted on the Substance Abuse Testing form (20-808.14A). An incident report shall be written charging the prisoner with the violation of 22 AAC 05.400(c)(16).
- D. If a positive result is obtained, the prisoner shall be informed they have the option of requesting confirmation testing by an independent laboratory at their expense. The prisoner must request confirmation testing immediately.
1. If the results are confirmed as positive the prisoner will be charged the cost of confirmation testing. Special Commissary Form (20-302.11) shall be completed to authorize the withdrawal of funds from the prisoner's account. If the prisoner is indigent, a hold shall be placed on the account for the amount of the confirmation
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testing. If the confirmation test result is negative, the prisoner shall not be charged for the cost of the testing.

2. The sample container shall be transported to the independent laboratory as specified by the manufacturer and/or laboratory. The transport shall be documented on the Substance Abuse Testing form (20-808.14A).
 3. The results of the confirmation test shall be documented on the Substance Abuse Testing form (20-808.14A), the incident report referred to in Section V(5)(b) above shall be supplemented. A copy of the confirmation test results shall be attached to both the form and incident report.
 4. The independent laboratory confirmation test shall be the final test performed.
- E. Alternative testing methods may be used if a prisoner has a demonstrated medical / mental health condition that prevents the submission of a urine sample, or as otherwise approved by the Director. Any such alternative methods shall be conducted in accordance with the manufacturer's specifications and shall follow the above procedures regarding the collection of specimens and confirmation testing. In the event alternative testing methods are used, an institution shall complete a Standard Operating Procedure approved by the Director to provide specific procedures for that testing method.
- F. Each institution shall complete a Standard Operating Procedure to implement this policy which is approved by the Director.

VIII. Implementation

This policy and procedure is effective 14 days following the date signed by the Commissioner. Each Superintendent may incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document; any deviation from the contents of this document must be approved in writing by the Division Director.

4/23/2013

SIGNATURE ON FILE

Date

*Joseph D. Schmidt, Commissioner
Department of Corrections*

Forms Applicable to this Policy:

Request for Substance Abuse testing form (808.14A)

Commissary Request form (302.11A)

*Original: 12/28/1993
Revised: 5/23/1994
Revised: 2/17/1998*