

|   |  |   |   |               |                   |                   |  |                                |             |                |  |
|---|--|---|---|---------------|-------------------|-------------------|--|--------------------------------|-------------|----------------|--|
| <p style="text-align: center;"><b>STATE OF VERMONT</b><br/><b>AGENCY OF HUMAN SERVICES</b><br/><b>DEPARTMENT OF CORRECTIONS</b></p>   | <p style="text-align: center;"><b>Drug Screening</b></p> |   | <p style="text-align: center;"><b>Page 1 of 7</b></p> |               |                   |                   |  |                                |             |                |  |
| <p style="text-align: center;"><b>CHAPTER: SECURITY AND SUPERVISION</b></p>   | <p style="text-align: center;"><b>#409.04</b></p>        | <p><b>Supersedes: #409.04, dated 12/31/2020</b></p> |   |               |                   |                   |  |                                |             |                |  |
| <p><b>Local Procedure(s) Required:</b> No<br/> <b>Applicability:</b> All staff (including contractors and volunteers)<br/> <b>Security Level:</b> “B” – Anyone may have access to this document.</p>  |  |   |   |               |                   |                   |  |                                |             |                |  |
| <p><b>Approved:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;"><u>SIGNED</u></td> <td style="width: 20%; border: none;"><u>11/14/2022</u></td> <td style="width: 20%; border: none;"><u>11/28/2022</u></td> <td style="width: 20%; border: none;"></td> </tr> <tr> <td style="border: none;">Nicholas J. Deml, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> <td style="border: none;"></td> </tr> </table> |  |   |   | <u>SIGNED</u> | <u>11/14/2022</u> | <u>11/28/2022</u> |  | Nicholas J. Deml, Commissioner | Date Signed | Date Effective |  |
| <u>SIGNED</u>   | <u>11/14/2022</u>  | <u>11/28/2022</u>                                   |   |               |                   |                   |  |                                |             |                |  |
| Nicholas J. Deml, Commissioner  | Date Signed  | Date Effective                                      |   |               |                   |                   |  |                                |             |                |  |

**PURPOSE**

This policy outlines how Vermont Department of Corrections (DOC) staff carry out drug screenings and testing.

**AUTHORITY**

28 V.S.A. §§ 101; 102; 202; 252; 352; 353; 403; 601; 721; 723; 724; and 808.

**POLICY**

The DOC’s policy is to conduct drug screenings and testing of individuals under the custody or supervision of DOC to ensure the integrity and security of the correctional environment; compliance with treatment programs; case planning needs of individuals under the custody or supervision of DOC; and health, safety, and welfare of individuals under the custody or supervision of DOC, staff, and the public.

## **GENERAL PROCEDURES**

The screening and testing of individuals under the custody or supervision of DOC 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. The Superintendents and District Managers shall:
  - a. Identify staff to conduct, track, and report on all drug screenings of individuals under the custody or supervision of DOC; and
  - b. Review drug screening statistical reports on a regular basis.
2. Each staff member who collects a sample for screening shall be certified through the State of Vermont's Learning Management System.

### **B. Random Screening – Correctional Facilities**

1. Facility staff at in-state correctional facilities shall conduct weekly random screens of five percent of the incarcerated individual population.
2. The Superintendent, or designee, shall use a computer-generated random sampling list from the Offender Management System (OMS) to determine which incarcerated individuals to screen.
3. The staff member who collects the sample shall record the results in OMS.

### **C. Reasonable Suspicion Drug screening**

1. Any DOC staff member may request a drug screening based on reasonable suspicion.
2. Staff may only conduct a drug screening of a supervised individual in the community if that individual has a supporting supervision condition.
3. All reasonable suspicion-based drug screenings shall be approved by a supervisor prior to the screening.
4. Staff shall document reasonable suspicion-based drug screenings in an OMS incident report and include the following information in the narrative(s):

- a. Qualifiers for reasonable suspicion;
  - b. Supervisor approval; and
  - c. Screening results.
5. Staff shall not use results of risk and needs-reducing service drug screenings to establish reasonable suspicion.

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

1. All individuals under the custody or supervision of DOC who are engaged in risk and needs-reducing services, and 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. Staff shall only use results of risk and needs-reducing services screens for programming. These screens shall not be used to support discipline, graduated sanctions, or violations.
  - a. Risk and needs-reducing services staff shall manage positive program screens through Corrective Action Plans and/or changes to the inmate/offender's risk interventions services plan.
  - b. An individual under the custody or supervision of DOC with multiple positive program screens may be terminated from risk and needs-reducing services.
4. Individuals under the custody or supervision of DOC who are 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.

**E. Screening Procedures**

1. Staff shall bring the incarcerated individual 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 individual inside.

3. Prior to collecting the specimen, staff shall:
  - a. Search the individual as follows, in accordance with the policy on searches of individuals:
    - i. Perform an unclothed search of sentenced individuals;
    - ii. Perform an unclothed search of detainees who are charged with a felony;
    - iii. Perform a pat search of detainees who are charged with a misdemeanor, unless there is reasonable suspicion that the individual is in possession of contraband; or
    - iv. Direct individuals under community supervision in the community to empty their pockets and remove any outer clothing; Staff shall not:
      - a) Perform an unclothed search of supervised individuals in the community; or
      - b) Perform a pat search of supervised individuals in the community, unless there is a reasonable suspicion that the individual is concealing something;
  - b. Pay special attention to items that might alter a drug screening such as a bladder bag or foreign substance; and
  - c. Allow any individual who was the subject of an unclothed search to re-dress prior to providing the specimen.
4. The individual under the custody or supervision of DOC shall wash their hands with soap and water and fully dry them.
5. Staff shall give the individual 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 individual shall be required to provide an amount of urine in one sample sufficient for screening according to the screening device manufacturers' specifications.
8. An insufficient amount shall be considered a refusal to provide a specimen and the individual shall be subject to corrective action.
9. Individuals under the custody and supervision of DOC who cannot produce a sample large enough to be screened, shall be placed in a dry cell/room or other approved location and shall be given at least eight, but no more than 16 ounces of water to drink for up to two hours. Failure to provide a sufficient urine specimen within the two-hour period shall constitute a refusal, and staff shall proceed with corrective action.

10. The individual under the custody and supervision of DOC shall submit their specimen to staff who, in their presence, shall remove an amount sufficient for a preliminary drug screen.
11. If a negative result is returned from the preliminary drug screen, this will conclude the process.
12. If the preliminary drug screen is positive and the individual under the custody or supervision of DOC admits to the use of a prohibited substance by signing the acknowledgement on the drug testing report, corrective action may be taken based on legal status.
  - a. For incarcerated individuals and individuals on furlough status, corrective action shall be in accordance with the policies on:
    - i. Responses to behavior that violates facility rules (facilities); or
    - ii. Response to furlough violations (field).
  - b. For individuals on probation, parole or a supervised community sentence status, a positive drug screen may be grounds for a violation.
13. If the preliminary screen is positive and the individual under the custody or supervision of DOC does not admit to the use of a prohibited substance, staff shall have a confirmation test performed by an outside laboratory approved by the Chief of Operations. The specimen shall be immediately sealed in front of the individual under the custody or supervision of DOC, and staff shall follow storage and transfer procedures outlined below in Section I.
14. If the result of the confirmation test from the laboratory is positive, staff may initiate corrective action with the individual under the custody or supervision of DOC. If the laboratory results are negative, this will conclude the process.
15. If the preliminary screen is positive and the individual under the custody or supervision of the DOC verbally admits to the use of a prohibited substance but refuses to sign acknowledging the admission:
  - a. Two staff members shall document the individual's verbal admission and refusal to sign in an OMS incident report; and
  - b. If the individual is incarcerated, facility staff shall send the specimen for a confirmation test, as above.
16. Staff shall document the results of the drug screening in OMS.

**F. Prescriptions and Drug Screenings**

1. If an individual under the custody or supervision of DOC reports that they are taking a prescribed medication containing substances that will result in a positive screening, or the individual 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. Staff shall not issue a disciplinary report (DR) or violation for a second positive result for substance use to an individual under the custody or supervision of DOC who was previously given a DR or violation 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, staff shall use the chart below when determining the reasonable amount of time for clearance:

| <b>Substance</b>                  | <b>Typical Urine Detection Period</b> |
|-----------------------------------|---------------------------------------|
| 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 or Euphorics              | 5 days                                |
| PCP                               | 30 days                               |
| Buprenorphine                     | 4 Days                                |

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

If an individual under the custody or supervision of DOC is not able to provide a urine sample because of a disability, staff shall forward the case to a supervisor or designee to verify if there is an ADA accommodation relating to drug screening.

## **I. Storage and Transfer**

When sending a specimen to the testing laboratory, staff shall:

1. Place the sealed specimen in the appropriate mailing container and in the mail, or deliver it to the laboratory, within a reasonable time of collection, but no later than the next business day;
2. Complete the contraband/criminal physical tag and chain of custody form and include the following information:
  - a. The name of each person handling the sample,
  - b. The date and time, and
  - c. The reason for transfer of custody;
3. Store specimens that cannot be immediately mailed or delivered to the testing laboratory in a secure and refrigerated location; and
4. Maintain the appropriate contraband/criminal physical tag and chain of custody form until the test results return.