

 <p>Good Life. Great Mission.</p> <p>DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	FACILITY DRUG TESTING PROGRAM		
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### SUMMARY OF REVISION/REVIEW

PURPOSE – Language updated. PROCESS – I.A.2.a. – Language updated. I.A.2.b. – Language updated. II.C. – Language updated. IV.B.2. – Language updated.  
 Minor grammar changes throughout.

APPROVED:

Rob Jeffreys  
 Rob Jeffreys (Aug 14, 2024 16:01 CDT)

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 Nebraska Department of Correctional Services

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## PURPOSE

To provide the Nebraska Department of Correctional Services (NDCS) with policy in the administration of a Drug Testing Program for incarcerated individuals. NDCS has zero tolerance for illicit drug use/abuse within the correctional system. (ACI-5E-11)

The use of illicit drugs by incarcerated individuals, including alcohol and the improper use of prescribed medicine, presents a serious threat to the safety and security of NDCS facilities, programs, and processes. The importation, trafficking, and use of drugs threaten the correctional work and program environment for team members and incarcerated individuals. Drug testing of incarcerated individuals is an integral part of an effective drug interdiction strategy. (ACI-5E-11)


## PROCESS

### I. DRUG TESTING OF INCARCERATED INDIVIDUALS

All incarcerated individuals incarcerated in NDCS facilities shall be subject to drug testing. An incarcerated individual may be selected for drug testing at any time (e.g. an incarcerated individual may be tested under the targeted program one day, intensive one day and be selected randomly for testing the next day). The Drug Testing Programs may include, but are not limited to:

#### A. Targeted Testing Program

1. Upon admission to NDCS at the Reception and Treatment Center (RTC) and Nebraska Correctional Center for Women (NCCW), team members will ask each incarcerated individual if they have used drugs in the last 30 days and complete the *Incarcerated Individual Intake Initial Self-Reporting Drug Use* (Attachment A). If they respond yes, a urinalysis will be completed. The results of the test shall be recorded in the incarcerated individual's file but shall not result in discipline. If they respond no, each individual will sign the *Incarcerated Individual Intake Initial Self-Reporting Drug Use* (Attachment A), indicating such and acknowledging that any future tests that are positive will result in a misconduct report. A urinalysis will not be required for those indicating no drug use within the last 30 days.
2. Targeted testing includes when:
  - a. A team member suspects that an incarcerated individual has violated rule 5-I-H.
  - b. Upon return from:
    - 1) A furlough
    - 2) A pass (community corrections centers)
    - 3) Work or education release
    - 4) Any outside work detail
  - c. An incarcerated individual has a history of drug use.

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d. An incarcerated individual is injured or in an accident.

B. Random Testing Program

A random list of incarcerated individuals will be generated by NDCS. This list is a random sample of incarcerated individuals to be tested.

C. Treatment Testing Program (ACI-5E-11)

An incarcerated individual may be tested as required by any substance abuse program or mental health program.

D. Intensive Testing Program (ACI-5E-11)

Incarcerated individuals may be tested as part of the Intensive Testing Program. Incarcerated individuals may be placed on the Intensive Testing Program for security reasons and for up to six months for any positive drug or alcohol test or for any incident indicating possible use of drugs or alcohol.

II. TESTING METHODS (ACRS-5A-09)

A. Rapid results urinalysis cups will be the primary method for drug testing.

B. All incarcerated individuals at community corrections facilities may also be tested using a breath analyzer. Incarcerated individuals must follow directions given by team members during this process. A positive result on the breath analyzer may also result in an UA being taken. Refusal to comply with any of these requirements may result in disciplinary action.

C. The director/designee may establish protocols for testing technologies other than those mentioned in this policy. Only authorized and trained team members will conduct testing of suspected illicit substances. These team members shall follow the manufacturer's protocols for the device being used to test the suspected illicit substances.

III. SUBMITTING THE URINALYSIS TESTING SPECIMEN (ACRS-5A-09)

A. An incarcerated individual must follow team member instructions during the collection process.

B. The incarcerated individual shall submit an unadulterated urine specimen in the specimen container or testing device provided.

C. Incarcerated individuals are subject to direct supervision during the collection of a specimen.

D. Same gender team members will observe an incarcerated individual submitting a specimen.

E. If an incarcerated individual does not provide a urine specimen immediately, the incarcerated individual must follow subsequent directions of team members.

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- F. If an incarcerated individual submits a specimen that is determined to be unsuitable for testing by team members, the incarcerated individual will be required to submit additional specimens.
- G. Incarcerated individuals will have five hours in which to provide a suitable specimen. Each time an incarcerated individual submits an unsuitable specimen, an incarcerated individual will have an additional five hours to submit a suitable specimen.
- H. Refusal to comply with any of these requirements may result in disciplinary action.
- I. The collected specimen shall be verified on the testing device to ensure the specific gravity is within the limits.

#### IV. MISCONDUCT REPORTS BASED ON A POSITIVE DRUG TEST (ACRS-5A-09)

- A. All incarcerated individuals who provide a urine specimen that tests positive will be given the opportunity to request a confirmation test or waive this right, as provided by Neb. Rev. Stat. §83-4,114.02, *Request/Waiver for Independent Confirmation Drug Testing* (Attachment B).
- B. The point of discovery for a positive urine test may occur in one of two ways:
  - 1. If a urine specimen collected in the testing device (ex. T-Cup) indicates a positive result and the incarcerated individual waives confirmation testing, team members will issue a misconduct report.
  - 2. If a urine specimen collected in the testing device (ex. rapid results urinalysis cup) indicates a positive result and the incarcerated individual requests confirmation testing, the designated facility team member will not issue a misconduct report until the team member receives results from an independent laboratory confirming positive evidence of illicit drugs.

#### REFERENCE

##### I. STATUTORY REFERENCE AND OTHER AUTHORITY

- A. Neb. Rev. Stat. §83-4,114.02
- B. Title 68, Chapter 5-Code of Offenses, and Chapter 6 – Adult Inmate Discipline

##### II. NDCS POLICIES – None noted

##### III. ATTACHMENTS

- A. Incarcerated Individual Intake Initial Self-Reporting Drug Use
- B. Request/Waiver for Independent Confirmation Drug Testing

##### IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

- A. Expected Practices for Adult Correctional Institution (ACI) (5<sup>th</sup> Edition): 5-ACI-5E-11

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B. Standards for Adult Community Residential Services (ACRS) (4<sup>th</sup> edition): 4-ACRS-5A-09