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		Offender Substance Abuse Testing, Sanctioning, and Treatment

I. PURPOSE

- A. **Substance Abuse Testing, Sanctioning and Treatment.** The purpose of this policy is to promote abstinence and substance abuse recovery for offenders remanded to the custody and supervision of the Wyoming Department of Corrections (WDOC) and to establish guidelines for substance abuse testing. This policy outlines the procedure for collecting, processing, and disposing of samples, interpreting results, responding to violations, using graduated sanctions, and treatment. (4-APPFS-2D-04)

II. POLICY

- A. **General Policy.** It is the policy of the WDOC to utilize the strategy of substance abuse testing, graduated sanctions, and treatment interventions to support offender abstinence and recovery.
1. The use of offender substance abuse testing, sanctioning, and treatment addresses criminal and substance abusing behaviors and promotes targeted interventions to reduce recidivism and substance abuse and increase public safety.
 2. Goals of this approach include improving the benefits from supervision and treatment, and having a deterrent effect on offender substance abusing behavior.
- B. **Provision of Offender Substance Abuse Programs.** It is the policy of the WDOC to provide substance abuse programs, including monitoring and drug testing, for offenders with drug and alcohol addiction problems. (ACA 4-4437)
- C. **Substance Abuse Assessment.** It is the policy of the WDOC to provide for early identification and treatment of offenders with alcohol and drug abuse problems through a standardized battery assessment. The assessment shall be documented and include at a minimum the following: (ACA 4-4363-1)
1. Screening and sorting;
 2. Clinical assessment and reassessment;
 3. Medical assessment for appropriate drug and alcohol program assignment to the needs of the individual inmate; and



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4. Referral.

III. DEFINITIONS

- A. **Adult Community Correctional Facility or Program (ACC):** A community based or community-oriented facility or program which is operated pursuant to the Adult Community Corrections Act W.S. §§ 7-18-101 through 7-18-115.
- B. **Adulteration:** *(For this policy only.)* To make the urine sample impure by mixing in a foreign material or by ingesting materials that will mask substances in urine.
- C. **Chain of Custody:** *(For this policy only.)* The process of collection, storage, testing, and transportation of a urine specimen and the dissemination of test results in a manner that ensures the specimen and the results are correctly matched to the person who provided the specimen.
- D. **Collection Cup:** *(For this policy only.)* A sterile cup that may be used when testing urine specimen. This cup is used as a transferring agent to transfer urine into the proper testing vial (either an instantaneous vial or a vial to be submitted to the testing laboratory).
- E. **Collection Personnel:** *(For this policy only.)* A staff member who has received training on the WDOC substance abuse testing policy and procedure and who collects samples in accordance with the policy. Collection personnel who witness offenders providing a urine sample for urinalysis screening will always be the same gender as the offender providing the sample.
- F. **Correctional Facility:** Any adult correctional facility operated by the WDOC or correctional facilities and county jails under contract with the WDOC.
- G. **Facility Residential Treatment:** Substance abuse residential treatment providing a modified therapeutic community program for chemically dependent inmates.
- H. **Inmate:** Any person under the supervision of the Wyoming Department of Corrections who is not on parole or probation status. An inmate is a person who is incarcerated in any Wyoming Department of Corrections' correctional facility, Interstate Compact, county jail, municipal jail or in-state/out-of-state



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contract facilities, to include adult community corrections centers, who is committed to the custody and supervision of the Wyoming Department of Corrections.

- I. **Intensive Supervision Program (ISP):** A program established under W.S. § 7-13-1102 which allows participants to live or work in the community under close supervision methods.
- J. **Offender:** An adult who has entered a plea of guilty or has been convicted of a misdemeanor or felony and is committed to the custody or supervision of WDOC.
- K. **PRISM Matrix:** The matrix used by WDOC Field Services staff as a guide in identifying appropriate sanctions, incentives, and positive reinforcement. This matrix is used to reinforce pro-social behavior change, promote the development of a positive law abiding life style, and deter maladaptive or criminal behavior.
- L. **Staff:** (*For this policy only.*) Employees of the WDOC, employees of correctional facilities, jails, medical and service providers under contract with WDOC, and employees of adult community correctional facilities.
- M. **Substances:** (*For this policy only.*) Includes, but is not limited to illegal substances, alcohol, opiates, cannabinoids, benzodiazepines, cocaine, methaqualone, barbiturates, amphetamine/methamphetamine, LSD, phencyclidine, inhalants and other drugs of abuse which have not been prescribed by a physician or which may be used in a manner other than as prescribed by the physician.
- N. **Urinalysis Screening:** Analysis of urine to determine the presence of illegal or illicit substances.

IV. PROCEDURE

A. Authorization of Substance Abuse Testing of Offenders

1. Intake Testing:

- i. All offenders arriving at a correctional facility shall be required to submit to a urinalysis screen at the time of their intake.



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3. **Testing of Offenders in the Intensive Supervision Program (ISP).** In addition to testing at intake, during treatment, and for cause, ISP offenders shall be subject to substance abuse testing in accordance with the regimen specified in the WDOC *Intensive Supervision Program Manual*.
4. **Testing of Offenders in an ACC:**
 - i. All ACC facilities and programs shall have policies and procedures governing offender substance abuse testing, sanctions, and treatment approved by WDOC.
 - ii. All ACC offenders shall be tested for a minimum of two (2) illegal substances no less than two (2) times per month.
 - iii. All ACC offenders shall be tested at least once per week for alcohol use.
5. **Random Testing.** All offenders are subject to random urinalysis screening. A minimum of five percent (5%) of the total WDOC inmate population shall be tested on a monthly basis. WDOC Field Services random testing procedures shall be in accordance with Field Service OSP 7.36 *Substance Abuse Testing Frequency*.
 - i. Inmates selected for random testing shall be chosen by the appropriate warden, or their designee, using a random selection process whereby the identity of the inmate is not known by the selection personnel when the inmate is chosen for testing.
 - a. For example, by taking an alphabetical roster of inmates then starting with an arbitrary number (*e.g.*, 5) and the corresponding name counting down from the top of the list, the selection person will chose every “5th” person the list.
 - b. Care must be taken to ensure a variety of selection criteria is used from month to month.
 - ii. The use of a computer generated random selection list is encouraged when possible.
 - iii. Other inmates may be selected for testing by the warden, or designee.



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- iv. Each time an inmate's name is selected for testing, he/she shall be tested.
 - 6. **Testing During Treatment.** Offenders participating in a substance abuse treatment program shall be subject to testing in accordance with this policy.
 - i. All offenders admitted to any substance abuse treatment programs are required to submit to urinalysis screening upon entry and completion of the program.
- B. **Urine Specimen Collection, Storage, and Testing Procedures.** Different manufacturers or types of urine collection tests may be approved for use at specific locations within the Department. Procedures specific to the individual manufacturer(s) shall be followed when directing staff in the collection of the urine samples and must be included in operational procedure.
 - 1. Offenders must not be informed when urine specimen collections are scheduled.
 - 2. The times when the process takes place must be staggered so as to avoid becoming predictable.
 - 3. Offender(s) who are selected for testing shall be assembled in an appropriate area by staff.
 - 4. Offender(s) being tested must be under constant observation by staff.
 - 5. Staff members are responsible for ensuring the chain of custody and testing of urine samples are in accordance with this policy. The process shall ensure the specimen is not altered or tampered with from the point of collection through the reporting of test results.
 - 6. Offenders are responsible for fully disclosing to staff information regarding any and all prescription or over-the-counter medications they are taking. The use of medically approved prescribed medication must be verified by staff and made part of an offender's official record.
 - 7. Prior to an offender providing a urine sample, the collection personnel must:
 - i. Positively identify the offender through the use of a photograph



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coffee, or soft drink) to drink.

- ii. If an offender does not provide a specimen within two (2) hours of being ordered to do so, the offender may be sanctioned or disciplined for refusing to submit to substance abuse testing.

D. Other Substance Abuse Testing Procedures

1. Offenders may be tested using an on-site screening procedure conducted according to the protocol of the manufacturer of the testing equipment and approved of the WDOC. Examples may include:
 - i. Oral swabs;
 - ii. Blood tests; or
 - iii. Hair tests.

E. Reporting Results

1. Upon receipt of a positive test result from the Wyoming Chemical Testing Program (confirmation test), staff shall review the offender's records and/or consult with medical personnel to determine if over the counter or prescription medications caused the positive result.
2. In the event it is determined that over the counter or medications prescribed to the offender did not cause the positive result, the offender shall be charged under the *Code of Inmate Discipline* or other disciplinary process depending on housing location or status.
3. The results of the substance abuse test shall be forwarded to the appropriate warden, director of the ACC facility, or probation/parole agent for determination as to criminal proceedings, disciplinary action, or treatment intervention that may be warranted.
4. All records of test results shall be made a part of the offender's record.
5. Contract facilities shall submit, as required, a Substance Abuse Testing Report to WDOC Central Office within thirty (30) days of the preceding month. The monthly report contains the following items:
 - i. Number of offenders tested;



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- ii. Number of substance abuse tests completed;
- iii. Number of positive tests for each substance.

F. Sanctions for Substance Abuse

1. Every positive substance abuse test from an offender may result in sanctions by staff and/or appropriate treatment for substance abuse.
2. Inmates in correctional facilities may be subject to the sanctions according to the *Inmate Code of Discipline*.
3. Adult community correctional facilities:
 - i. Offenders may be sanctioned according to the *ACC Code of Conduct* or the local community corrections board's specifications.
 - ii. An offender's use of substances may result in termination from the program, or extended time in the program.
 - iii. For inmates housed at the contract facility. The contract facility shall report all conduct violations to the warden of the sending correctional facility, who shall process good time in accordance with Policy and Procedure #1.500, *Inmate Good Time*.
4. Offenders admitted to WDOC or contract facility substance abuse residential treatment programs may be dismissed from the program for positive test results.
5. Offenders on probation or parole are subject to an escalating range of sanctions in accordance with the PRISM Matrix.

G. Treatment

1. Offenders shall be screened and/or evaluated for substance abuse treatment needs prior to or as part of the intake or sign up processes and when indicated throughout incarceration or community supervision.
2. Substance abuse treatment admission shall be based on assessment recommendations conducted by an appropriately licensed or certified professional.



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3. Correctional case plans and program plans shall take into consideration an offender's assessed substance abuse treatment needs.
4. Offenders can refuse to participate in recommended substance abuse treatment; however, refusal may result in sanctions or disciplinary action.
5. Referrals for substance abuse treatment shall be made in accordance with the procedures required by the treatment providers.
6. Inmates with an assessed need for treatment shall be provided access to a risk/needs-appropriate chemical dependency treatment program. When chemical dependency programs are provided by WDOC, the clinical management of chemically dependent inmates shall include, at a minimum, the following: (ACA 4-4377)
 - i. A standardized diagnostic needs assessment administered to determine the extent of use, abuse, dependency, and/or codependency;
 - ii. An individualized treatment plan developed and implemented by a multidisciplinary clinical team that includes medical, mental health, and substance abuse professionals;
 - iii. Prerelease relapse-prevention education, including risk management; and
 - iv. The offender will be involved in aftercare discharge plans.
7. Where a contracted Therapeutic Community treatment program exists, the alcohol and drug abuse treatment program shall have a written treatment philosophy within the context of the total corrections system, as well as goals and measurable objectives. (ACA 4-4438 Revised)
 - i. Therapeutic Communities shall use a coordinated staff approach to deliver treatment services. This approach to service delivery shall be documented in treatment planning conferences and individual treatment files. (ACA 4-4440)
 - ii. Therapeutic Communities shall provide incentives for targeted treatment programs to increase and maintain the inmate's motivation for treatment. (ACA 4-4441)



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8. Correctional facility drug and alcohol treatment programs shall provide for an appropriate range of primary treatment services for alcohol and drug abusing inmates that include, at a minimum, the following: (ACA 4-4439)
 - i. Inmate diagnosis;
 - ii. Identified problem areas;
 - iii. Individual treatment objectives;
 - iv. Treatment goals;
 - v. Counseling needs;
 - vi. Drug education plan;
 - vii. Relapse prevention and management;
 - viii. Culturally sensitive treatment objectives, as appropriate;
 - ix. The provision of self-help groups as an adjunct to treatment;
 - x. Prerelease and transitional service needs; and
 - xi. Coordination efforts with community supervision and treatment staff during the prerelease phase to ensure a continuum of supervision and treatment.

H. Training

1. Staff designated to test urinalysis samples shall be trained according to protocol established by the manufacturer of the testing equipment.
2. All training shall be documented in the staff's file.

V. TRAINING POINTS

- A. When can an offender be substance abuse tested?
- B. Who is responsible for ensuring the chain of custody and testing of urine samples is in accordance with policy?



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- C. Does staff wear rubber gloves during the collection and labeling of urine samples?

- D. Can a written admission by an offender, that is signed and witnessed, be used to confirm a positive drug test?