DEPARTMENT OF CORRECTIONS

Policy Number:	**205.231**
Title:	**Field Services Offender Drug and Alcohol Testing**
Effective Date:	**2/18/20**

PURPOSE: To specify the conditions, circumstances, and procedures for conducting drug and alcohol testing of offenders in the community under the department's supervision. The selection of offenders for testing is supported by appropriate documentation and is not based on the race, color, religion, gender, age, or national origin of the offender.

APPLICABILITY: All community services division staff.

DEFINITIONS:

Confirmation test – advance scientific testing conducted by a certified and/or accredited laboratory using gas chromatography/mass spectrometry (GC/MS) or liquid chromatography with tandem mass spectrometry (LC/MS/MS) technology utilized to determine the amount of drugs or alcohol in a sample.

Drug – all non-prescribed mood altering substances, including such examples as marijuana, cocaine, amphetamines, methamphetamines, barbiturates, opiates, hallucinogens and synthetic intoxicants, and legally-prescribed drugs that are being abused.

Point-of-collection screening – a drug testing device that may be utilized for the initial screening of urine or oral fluid as an alternative to laboratory testing.

Screening test – initial testing method using point-of-collection screening device or laboratory methods to determine if a urine or oral sample is positive or negative.

PROCEDURES:

A. Selecting offenders for screening

1. When practical, tests must be conducted on an unannounced and unsystematic basis.

2. If drug and alcohol testing is a condition of supervision, the following guidelines must be used for selection an offender:
   a) The offender has a documented history of drug/alcohol abuse;
   b) The offender has a compliance problem with supervision or community adjustment; and/or
   c) Reasonable cause exists to believe an offender has used drugs and/or alcohol. Reasonable cause includes:
      1) Observing any behavior that suggests the offender is under the influence of drugs/alcohol;
      2) Finding the offender in possession of unauthorized drugs, alcohol, or drug paraphernalia; and/or
      3) Discovering and documenting from a reliable source that an offender is currently under the influence of alcohol or drugs.

3. If an offender is involved in a special supervision program, testing must be conducted in accordance with the statutes and policies that govern the programs. This includes offenders on:
   a) Intensive supervised release (ISR),
   b) The Challenge Incarceration Program (CIP),
   c) Conditional release program (CRP), and
   d) DWI/drug courts.

4. If an offender is selected for testing in any other circumstances, staff must obtain supervisor approval, and document the circumstances and supervisor approval in the offender's chronological record.

5. Medical cannabis
   a) Offenders on parole, supervised release, or conditional release are permitted use and possession of medical cannabis in accordance with state law, with verification they are on the state registry.

   b) Use or possession of medical cannabis under these requirements is not considered a violation, nor the basis for restructuring or revocation if it is the sole alleged violation. An offender testing positive for tetrahydrocannabinol (THC) will be provided a reasonable amount of time to provide verification they are on the state registry, pending a restructure or violation hearing.

   c) Offenders on probation supervision are subject to local court policy regarding medical cannabis use.

   d) For offenders on probation who test positive, the agent submits a sanction or violation report to the court if there is no local court policy regarding medical cannabis use.

B. Documenting offender admissions of use
   1. If an offender on court ordered probation admits to use of drugs or alcohol prior to or after providing a sample, the staff must:
      a) Solicit the offender's signature on the Drug/Alcohol Use Admission form (attached) and place the form in the offender's file; and
      b) Place an entry about the admission of use and/or test results in the offender's chronological record.
      c) No confirmation testing is pursued after an admission.

   2. If an offender on conventional supervised release, ISR, CIP, or CRP, admits the use of drugs or alcohol, the staff must document the admission in the chronological record. No signature acknowledging use from the offender or further confirmation testing are pursued.

C. Administering screening tests
   1. Screening tests for alcohol: Staff may use a breath test if:
      a) The breath test equipment has been calibrated monthly; and
      b) All breath testing equipment instructions are followed with use.

   2. Screening tests for drugs
      Point of collection devices or laboratory testing may be used to screen for drugs, if

a) Whenever possible, in order to directly observe the collection of the sample, staff must:
   (1) Be of the same sex as the offender providing the urine sample; and
   (2) Be positioned to verify the specimen passes directly from the offender's body into the specimen collection container.

b) When it is not possible to directly observe the collection procedure (same sex staff is not available) staff must:
   (1) Use temperature-sensitive collection bottles, if available;
   (2) Use chemicals to color the toilet water, if feasible; and
   (3) Not allow the offender to run water in the sink during the urine collection.

c) When it is not possible to collect a urine sample, staff persons may conduct the screening test using an oral sample if available and with supervisory approval.

d) To ensure the urine/oral sample is not contaminated, staff must:
   (1) Ensure the refrigerator or transport container is accessible only to authorized staff; and
   (2) Complete the chain of custody form each time the specimen is handled, from the time the sample is collected until the time the sample is disposed or picked up for shipping to the lab.

e) If an offender fails to comply, or attempts to alter a request for a urine/oral sample,
   (1) The failure to comply or the altered (or attempted to be altered) sample is considered a positive sample; and
   (2) Staff must submit a violation report.

f) Disposal of samples may be completed by depositing urine into the toilet receptacle. Urine/oral point-of-collection devices must be disposed of according to agency requirements.

D. Ordering a confirmation test

1. Staff must order a confirmation test only if an offender refuses to acknowledge that a screening test is positive and there is a plan to proceed to revocation or to impose intermediate sanctions. A supervisor must approve confirmation testing conducted outside of these guidelines.

2. Confirmation tests of samples must be conducted:
   a) Only on the most serious drug that shows positive on the screening test; and

   b) By certified and/or accredited labs using gas chromatography/mass spectrometry (GC/MS) and/or liquid chromatography with tandem mass spectrometry (LC/MS/MS) technology.

3. Test results from a certified and/or accredited lab using GC/MS and/or LC/MS/MS technology showing:
   a) A positive test result at the laboratory standard is considered positive; and
   b) A negative test result using the laboratory standard is considered negative.

4. Retesting a specimen with the same or another screening product/method is not accepted as a confirmation.

5. No other test options are available to offenders beyond the screening and confirmation tests.

E. Maintaining standards for testing and training

1. The supervisor at each DOC field services office must ensure all DOC staff involved in testing are trained in testing procedures.

2. All DOC staff involved in the collection, field testing, documenting, transport, or otherwise handling of urine and/or oral samples must complete any authorized department training.

3. All DOC staff involved in conducting breath analysis must complete any authorized department training.

4. All DOC staff training must be documented in the electronic training management system.

INTERNAL CONTROLS:

A. All drug testing results are documented in the offender's chronological record.

B. Drug test training records are retained electronically in the agency-approved electronic training management system.

ACA STANDARDS: 4-APPFS-2D-04

REFERENCES: Minn. Stat. §§ 243.05 subd. 2; 244.05, subd. 1b & 6; 244.15, subd. 2; 244.172, subd. 1 & 2; and 169A.24
Minnesota Department of Health: Medical Cannabis

REPLACES: Policy 205.231, "Field Services Offender Drug and Alcohol Testing," 6/19/18. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Drug/Alcohol Use Admission form (205.231A)

APPROVED BY:
Deputy Commissioner, Community Services
Deputy Commissioner, Organizational Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Office of Strategic Planning, Implementation, and Employee Development