

**CHAPTER: 700**

**Operational Security**

**DEPARTMENT ORDER:**

**709 – Substance Abuse, Detection and Control**

**OFFICE OF PRIMARY RESPONSIBILITY:**

**OPS  
IP&R**

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# Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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## **PURPOSE**

This Department Order establishes procedures to protect the public, Department employees, contractors, volunteers, interns, and inmates through the security and enforcement aspects of substance abuse control.

The Department's position is ZERO TOLERANCE with respect to the possession or use of alcohol, narcotics or illegal drugs by inmates/offenders under its supervision, who face consequences for such violations.

Enforcement shall entail varied activities and strategies, including the use of Narcotic Detection Dogs and a system of urine collection and testing. The Department provides opportunities for substance abuse education and treatment, allowing inmates to address drug and alcohol addictions.

## **APPLICABILITY**

This Department Order is applicable to all Department institutions, private prisons, and Community Corrections. Some exceptions for private prisons are indicated throughout this Department Order or are managed in accordance with Department (Governing) contracts.

## **PROCEDURES**

**1.0 ZERO TOLERANCE FOR SUBSTANCE ABUSE** – The Deputy Director, the Assistant Directors for Prison Operations, Inmate Programs and Reentry, and Community Corrections, the Regional Operations Directors, Wardens and Deputy Wardens shall ensure:

- 1.1 Staff in all Department institutions, private prisons and those supervising offenders in the community employ substance abuse and drug introduction prevention.
- 1.2 Designated staff issue disciplinary reports as appropriate, in accordance with Department Order #803, Inmate Disciplinary System, to inmates who violate rules relating to illegal alcohol and substance abuse. Positive drug tests may increase inmates' risk/need scores for addiction treatment and affect their ranking on the Priority Ranking Report for treatment.
  - 1.2.1 Where applicable, refer to the Modified Therapeutic Community information outlined in Department Order #917, Addiction Treatment Services.
- 1.3 Inmates housed in institutions and private prisons are charged with the appropriate disciplinary rule violation when they:
  - 1.3.1 Produce a urine specimen which tests positive for illegal drugs or alcohol.
    - 1.3.1.1 A return to custody inmate who produces a positive urine specimen when tested upon initial intake shall not be issued disciplinary for the positive urine specimen.
  - 1.3.2 Are found in possession of illegal drugs, drugs not legally prescribed, or alcohol.
  - 1.3.3 Are involved in smuggling illegal substances or alcohol.
  - 1.3.4 Willfully refuse or fail to submit to urinalysis.
  - 1.3.5 Self-admit to use of an illegal substance or alcohol.

- 1.4 Disciplinary and/or Administrative sanctions are imposed for all drug related violations resulting in guilty findings. Sanctions may include loss of visitation privileges, phone privileges, and placement on non-contact visitation status.
- 1.5 Suspension of phone calls, visitation and/or non-contact visitation is imposed or suspended, in accordance with Department Order #911, Inmate Visitation, for those inmates who:
  - 1.5.1 Test presumptive positive, positive, refuse to submit, or self-admit for illegal drugs or alcohol, regardless of the status of related disciplinary action.
  - 1.5.2 Are involved in documented smuggling, manufacture or distribution of illegal drugs or alcohol.
    - 1.5.2.1 Non-contact visitation for suspected drug activity shall not exceed 30 calendar days, as outlined in the Department Order #911, Inmate Visitation.

**2.0 INMATE URINE COLLECTION** – Staff shall collect inmate urine specimens to be tested for evidence of illegal drug or alcohol use.

- 2.1 Collection Frequency – The total number of urinalysis tests performed each month shall equal at least 10 percent of a unit's bed capacity, however, more emphasis shall be placed on Targeted Testing than on Random Testing. At a minimum, more than 50% of the unit's urinalysis tests shall be targeted.
  - 2.1.1 An exception shall be made to the 10% of a unit's bed capacity testing requirement for vacated buildings or housing units. For these exceptions, the Unit Chief of Security shall submit a memo to the Complex Major for approval and retention in the Unit Chief of Security 703 Report.
- 2.2 Targeted Testing – Inmates designated for Targeted Testing shall be subject to targeted urinalysis surveillance testing based on exhibited behavior and status as a high-risk alcohol or drug user. This list shall be generated by the 25<sup>th</sup> of previous month by the Unit Special Security Unit (SSU) staff and approved by the Chief of Security. Consideration shall be given to the following when determining inmates for Targeted Testing:
  - 2.2.1 Inmates convicted of illegal drug use or smuggling-related disciplinary violations.
  - 2.2.2 Inmates convicted of alcohol-related disciplinary violations.
  - 2.2.3 Inmates suspected of being involved in any documented or undocumented smuggling activity in any location within the institution.
  - 2.2.4 Inmates who exhibit any abnormal behavior that may be attributed to drug or alcohol abuse.
  - 2.2.5 Inmates who have a high substance abuse Risk/Needs score as indicated on the Substance Abuse Priority Ranking Report for their assigned location.
  - 2.2.6 Inmates assigned to off-site work locations external of institution grounds.
  - 2.2.7 Inmates who are currently participating in drug and alcohol treatment programs, as designated by the Assistant Director for Inmate Programs and Reentry. (See Glossary of Terms.)

2.2.7.1 The Disciplinary Coordinator shall notify the Substance Abuse Counselor of the inmates who are currently enrolled in treatment and who have tested positive for illegal substances.

2.3 Random Testing – Inmates not involved in Targeted Testing shall be tested at random at the discretion of the Deputy Warden or Administrator.

2.3.1 Random Testing specimens shall be selected using a computer program that generates random numbers.

2.3.2 Random Testing specimens shall be collected on different days of the week and different shifts, to avoid setting a predictable pattern.

2.4 General Urine Collection Guidelines

2.4.1 Staff collecting urine specimens shall be of the same gender as the inmate/offender providing the specimen.

2.4.2 Institutions shall purchase and maintain urine specimen containers with screw on lids, and ensure that they are kept in a clean secure environment to eliminate the possibility of contamination. Daily inventory shall be conducted to ensure an accurate supply is maintained.

2.4.3 Units shall be issued a sufficient supply of urine specimen containers and lids to complete the mandatory 10 percent testing of their bed capacity, to include the established target population. All urine specimen cups containing specimens shall be accompanied by a completed Request for Substance Screen, Form 709-1, and Urinalysis Chain of Evidence Log, Form 709-9, to maintain 100 percent accountability.

2.4.4 Authorized personnel accepting specimens for urinalysis may refuse to accept leaking specimens, specimens that are not correctly labeled, not accompanied by the proper paperwork, or not delivered according to procedures set forth in this Department Order. Staff shall notify the requesting unit's Deputy Warden or designee of the refusal to accept the specimens in question. Refused urine specimens shall be disposed of properly.

2.4.5 If Administration has questions as to the legitimacy of a urine specimen or a possibility of contamination, a second urine specimen may be requested and collected.

2.4.6 If a staff member believes an inmate has recently used marijuana, at least six hours (ample time for the substance to metabolize in the body) shall be allowed to pass before a specimen is collected.

2.4.7 The Chain of Custody shall be preserved and documented on the Chain of Custody of Evidence section of the Request for Inmate Substance Screen form (reverse side of the form).

2.5 Specimen Collection Procedure

2.5.1 When requested to collect a urine specimen, the staff member shall:

2.5.1.1 Ensure the inmate is escorted and present in the designated area throughout his/her urine collection process.

- 2.5.1.2 Obtain and complete the top portion of a Request for Inmate Substance Screen form.
- 2.5.1.3 Obtain a new urine specimen container, an indelible ink marker, and Personal Protective Equipment (PPE).
  - 2.5.1.3.1 PPE shall be put on prior to conducting the strip search and the urine collection process. For staff safety, urine specimen containers shall not be handled without wearing PPE.
- 2.5.1.4 Verify inmate's identity by conducting a face to Inmate Identification Card (ID) verification.
- 2.5.1.5 Accompany the inmate to the collection site and conduct a strip search.
  - 2.5.1.5.1 If the search or demonstrated behavior leads the staff member to believe the inmate may try to contaminate the specimen, he or she may be prohibited from redressing until the specimen is provided. In the interest of general modesty, the inmate may be provided a garment that does not obstruct the staff member's clear view.
- 2.5.1.6 Inspect the inmate hands, especially the fingernails, to ensure that there are no foreign substance(s) embedded there.
- 2.5.1.7 Require the inmate to wash his or her hands with soap and water in the presence of the staff member, and direct the inmate to wash other parts of the body as deemed necessary by the staff member for hygienic reasons. The inmate may be directed to put on gloves when providing a urine specimen.
- 2.5.1.8 Visually observe the urine leaving the inmate's urethra and entering the container.
  - 2.5.1.8.1 Male inmates shall be instructed to position themselves at a urinal or toilet in a manner that allows the staff member unobstructed observation of the urine voiding process.
  - 2.5.1.8.2 Female inmates may be asked to squat and cough prior to providing the specimen, to preclude the use of any concealed devices containing clean urine or adulterants, and shall be instructed to straddle or sit towards the back of the toilet seat facing forward, holding the specimen container with one hand. The other hand may be placed against the wall for support.
    - 2.5.1.8.2.1 The staff member shall position herself in front of the toilet and directly observe the voiding of the urine from the urethra.
- 2.5.1.9 Ensure that the specimen contains enough urine for testing (about one to two ounces).

- 2.5.1.9.1 If an inmate has been provided a urine specimen container and was unable to produce enough urine for testing, the container will be immediately disposed of.
- 2.5.1.9.2 If the laboratory results are positive, the inmate shall be charged accordingly for all the containers used during the urine collection process.
- 2.5.1.10 Direct the inmate to screw or lock the lid securely onto the container in accordance with the manufacturer's specifications.
- 2.5.1.11 Verify the urine specimen container is properly secured.
- 2.5.1.12 Enter the collection time on the Request for Inmate Substance Screen Request and affix the completed urinalysis label to the urine specimen container's side, ensuring it does not cover any readings on the container.
- 2.5.1.13 Instruct the inmate to sign where indicated on the Request for Inmate Substance Screen form.
- 2.5.1.14 Sign the Request for Inmate Substance Screen form, and legibly enter his/her badge number, date and time, and write any necessary comments about the collection process or the specimen.
- 2.5.1.15 Enter the inmate's name on the first line of the Chain of Custody of Evidence, on the reverse side of the Request for Inmate Substance Screen form.
- 2.5.1.16 Enter the date and time, which shall match the date and time on the front of the page and on the specimen.
- 2.5.1.17 Enter his/her own name below the inmate's to acknowledge receipt of the specimen from the inmate.
- 2.5.1.18 Refer to the manufacturer's instructions for processing the urinalysis test results. If the container reads:
  - 2.5.1.18.1 Negative – The negative box on the Inmate Request for Substance Screen form shall be checked. Staff shall ensure disposal of urine in a toilet by the inmate and the container shall be discarded in a trash bag to be disposed of by staff in a refuse container located outside the secure confines of the unit.
    - 2.5.1.18.1.1 Even with a negative result, the Chain of Custody of Evidence section on the form shall be completed.
  - 2.5.1.18.2 Positive – The urine specimen shall be considered presumptive positive until the final result is received from the laboratory. The appropriate positive box on the Inmate Request for Substance Screen form shall be checked, with all negative boxes also marked. Staff shall ensure that all positive specimens are labeled with the urinalysis label and packaged with required paperwork. Arrangements shall be made for delivery to the designated laboratory for confirmation testing.

2.5.1.18.2.1 Staff shall wait the mandatory five minutes prior to making a determination of positive or negative.

2.5.2 When urinalysis/blood tests are conducted at a contract or hospital site for an inmate who is suspected of substance abuse, those test results shall be forwarded to the applicable institution to be used as administrative evidence in the inmate disciplinary process.

## 2.6 Inmates' Inability or Refusal to Produce a Specimen

2.6.1 Failure to provide a testable specimen shall be considered a 38B Refusal to Produce/Positive disciplinary violation as outlined in Department Order #803, Inmate Disciplinary System.

2.6.1.1 For any refusal to provide a urine specimen, the two hour time frame shall be waived. The inmate shall sign the designated area on the Request for Inmate Substance Screen form. The inmate's refusal shall be final.

2.6.2 Inmates who claim to be unable to produce a specimen may be given no more than 16 ounces of water and shall remain under staff observation for two hours in an area where they cannot drink water or other liquids to dilute the urine. Outdoor enclosures shall not be used for this purpose.

2.6.2.1 If, at the end of two hours, the inmate still claims the inability to urinate, the inmate shall be charged with a 38B Refusal to Produce/Positive disciplinary violation as outlined in Department Order #803, Inmate Disciplinary System.

2.6.3 Certain medications may interfere with an individual's ability to urinate. If an inmate has indicated that he or she is taking a medication that the staff member believes may interfere with the inmate's ability to produce a usable testing specimen, the procedure outlined above shall be followed. At the end of the two-hour period, the inmate shall be instructed to produce whatever urine he or she can, even if it is less than the required one to two ounces. If the inmate is still unable to produce any urine, the staff member shall document the incident on the Request for Inmate Substance Screen form.

2.6.3.1 Staff pursuing disciplinary action for the inmate's failure to produce a specimen shall verify that the inmate was on medication as a potential mitigating circumstance.

## 3.0 INMATE URINALYSIS GUIDELINES

3.1 Urinalysis tests shall be performed by staff members who have received training provided by the urine specimen container's manufacturer or completed a review of the manufacturer's manual.

3.1.1 Urinalysis tests shall be performed according to protocol established by the urine specimen container's manufacturer.



- 3.2 Test results shall be interpreted using only the established guidelines of the urine specimen container as either positive or negative. A positive reading shall be considered a presumptive positive until final results are received from the testing laboratory.
- 3.3 Specimens that test positive shall be logged, packaged, and sent to the approved testing laboratory for confirmation.
- 3.4 Inmate urinalysis test results shall be considered confidential and shall be made known only to authorized personnel until disposition of related action is finalized.

#### **4.0 COMMUNITY CORRECTIONS SUBSTANCE ABUSE TESTING GUIDELINES**

- 4.1 Community Corrections staff shall conduct a comprehensive review of the offender's history in order to determine whether substance abuse testing is required and necessary.
- 4.2 For all offenders mandated to substance abuse testing by the Arizona Board of Executive Clemency (ABOEC), the sending state, or as determined by the Community Corrections staff, the offenders shall be required to submit to substance abuse testing.
  - 4.2.1 Offenders assigned to random substance abuse testing may be tested once per month.
    - 4.2.1.1 If there is reasonable suspicion to believe the offender has relapsed into substance abuse, Community Corrections staff may require the offender to submit to additional Substance Abuse Testing beyond the current frequency.
  - 4.2.2 Offenders assigned to substance abuse testing may be assessed the standard one time per month fee, regardless of the testing frequency.
- 4.3 Community Corrections staff may request a urine specimen, oral swab, blood sample, and breathalyzer from any offender under active supervision at any time reasonable suspicion exists to believe the offender may be using alcohol and/or illegal drugs in violation of Conditions of Supervision.
- 4.4 Community Corrections staff shall impose a sanction in accordance with the Community Corrections Technical Manual when an offender:
  - 4.4.1 Fails to submit to Substance Abuse Testing as directed.
  - 4.4.2 Tests positive for use of a controlled substance.
- 4.5 Vendor Contracts – Community Corrections shall maintain contracts with outside vendors to collect and test urine specimens. Urine specimens shall be collected in accordance with the contract. The collection of urine specimens shall be the preferred method of testing.
  - 4.5.1 Oral swab testing shall only be used:
    - 4.5.1.1 In areas where there are no approved contracted collection sites.
    - 4.5.1.2 On a case by case basis, as deemed necessary by the Community Corrections Officer.
- 4.6 All urine collection activities, associated information and results shall be documented in case notes.

## 5.0 REENTRY CENTER URINALYSIS GUIDELINES

- 5.1 A urine specimen shall be collected when:
  - 5.1.1 There is reasonable suspicion to believe the Resident offender may be using alcohol and/or illegal drugs.
  - 5.1.2 The Reentry Center Administrator, Community Corrections Manager or designee, requests testing.
- 5.2 Security staff shall:
  - 5.2.1 Be of the same gender as the offender providing the urine specimens.
  - 5.2.2 Wear PPE.
  - 5.2.3 Record the offender's name, date, time of collection and Inmate Identification Number on the urinalysis label and forms.
  - 5.2.4 Instruct the offender to sign-in at the designated location.
  - 5.2.5 Advise the offender of the start time, and that he/she has two hours to produce a specimen. Security staff shall log the start time in the reception area Correctional Service Log, Form 105-6, located in Main Control.
  - 5.2.6 Escort the offender to the collection site and conduct a thorough pat search.
  - 5.2.7 Observe the offender wash his/her hands.
  - 5.2.8 Inspect the offender's hands and nails for foreign substances that may contaminate the specimen.
  - 5.2.9 Provide the designated urine specimen container to the offender.
  - 5.2.10 Direct the offender to lower his/her pants to the ankles and roll up long sleeved shirts.
  - 5.2.11 Directly and continuously observe the urine passing from the offender to the urine specimen container.
  - 5.2.12 If an offender is unable to produce a specimen, advise the offender that a specimen must be produced within two hours or it shall be considered a refusal.
    - 5.2.12.1 Any offender who refuses to provide a urine specimen shall be reported to the supervising Community Corrections staff for review and imposition of sanctions, if appropriate.
  - 5.2.13 Instruct the offender to affix any labels and secure the cap tightly on the specimen container.
  - 5.2.14 Observe the offender wash and dry their hands.
  - 5.2.15 Instruct the offender to secure the container in accordance with the manufacturer's or contractor's specifications.
  - 5.2.16 Ensure the offender is present, place the specimen container in the designated plastic bag with the paperwork in the pouch, and seal the plastic bag.

- 5.2.17 Complete the Urinalysis Chain of Evidence Log form from the offender to the collecting security staff.
- 5.2.18 Place the sealed plastic bag in the designated secure specimen refrigerator.
- 5.3 A supply of sterilized urine specimen containers shall be maintained in each Reentry Center in a secured area, as designated by the Reentry Center Administrator.
- 5.4 Any offender who tests positive for use of a controlled substance shall be reported to the supervising Community Corrections staff for review and imposition of sanctions if appropriate.

## **IMPLEMENTATION**

Within 90 calendar days of the effective date of this Department Order:

- The Assistant Director for Prison Operations shall ensure applicable Post Orders are updated.
- The Assistant Director for Community Corrections shall ensure:
  - The Community Supervision Technical Manual is reviewed and updated and includes:
    - Testing and collection procedures for the urine specimen collection of offenders on any type of Community Supervision.
    - Procedures for obtaining a urine specimen that reflect physical location and/or physical plant issues or other situations unique to Community Supervision involving the taking of a specimen, i.e. size of the bathroom or availability of hand washing supplies.
    - Urinalysis tests required by the ABOEC.
  - Testing and collection procedures are included in the appropriate contract publications.

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms for the following:

- Confirmation
- Designated Substance Abuse Programs
- Inmate
- Negative Result
- Offender
- Positive Result
- Prevention
- Random Testing
- Targeted Testing
- Threshold

## **FORMS LIST**

709-1, Request for Inmate Substance Screen  
709-9, Urinalysis Chain of Evidence Log

## **AUTHORITY**

A.R.S. §31-230, Taking Prohibited Articles into Prison

A.R.S. §13-2505, Promoting Prison Contraband