

 <div style="text-align: center;"> <p>Massachusetts Department of Correction</p> <h1>POLICY</h1> </div>	<p>Effective Date</p> <p style="text-align: center;">3/18/2024</p>	<p>Responsible Division</p> <p style="text-align: center;">Policy Development and Compliance Unit</p>	
	<p>Annual Review Date</p> <p style="text-align: center;">3/18/2024</p>		
<p>Policy Name</p> <p style="text-align: center;">103 DOC 525 INMATE SUBSTANCE USE MONITORING AND TESTING</p>	<p>M.G.L. Reference: M.G.L. c. 124, § 1 (b), (m) and (q). M.G.L. c. 94C, §§ 1 and 47A</p>		
	<p>DOC Policy Reference: 103 DOC 340; 103 CMR 405; 103 CMR 431; 103 CMR 431; 103 DOC 506</p>		
	<p>ACA/PREA Standards: 5-ACI-5E-11; 4-ACRS-5A-09</p>		
<p>Attachments</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Inmate Library</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Applicability: Staff/Inmates</p>	
<p>Public Access</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>		<p>Location:</p> <p>Department Central Policy File Each Institution's Policy File</p>	
<p>PURPOSE:</p> <p>The purpose of 103 DOC 525 is to establish Department of Correction (Department) policy governing substance use monitoring and testing of inmates.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</p> <p>Policy Development and Compliance Unit Superintendents Substance Use Monitors Department Substance Use Coordinator Directors of Treatment</p> <p>CANCELLATION:</p> <p>103 DOC 525 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, and regulations regarding inmate substance use monitoring and testing that are inconsistent with this policy.</p> <p>SEVERABILITY CLAUSE:</p> <p>If any article, section, subsection, sentence, clause, or phrase of 103 DOC 525 is, for a reason, held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause, or phrase of this policy.</p>			

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DEFINITIONS

COMPAS: A computerized data base and analysis system for criminal justice practitioners who must make decisions regarding the placement, supervision, and case management of offenders.

Outside Laboratory Test: A forensic test conducted by a certified laboratory to detect the presence of unauthorized drugs, alcohol, prescribed medications, or other substances in a particular specimen sample/piece of evidence. The results of the laboratory test shall always override the results of any field test results obtained by Department staff.

Department Substance Use Coordinator: The individual designated by the Commissioner or designee who is responsible for overseeing and coordinating all aspects of the inmate substance use testing program for the Department.

Director of Treatment (DOT): An institutional program manager appointed by the Superintendent of the institution who is responsible for supervising all program services, ensuring compliance with departmental treatment policies, developing initiatives and procedures as needed, monitoring adherence to procedures, and overseeing the performance of treatment staff, including service vendors. This staff person shall have treatment or program experience.

Field Test: A preliminary test conducted by a Qualified Testing Officer, generally designed to provide only qualitative data regarding the presence of unauthorized drugs, alcohol, prescribed medications, or other substances in a particular specimen sample/piece of evidence.

Inmate: Any individual, whether awaiting trial or sentenced, who is confined in a state correctional institution. A person committed to the Massachusetts Treatment Center pursuant to M.G.L. c. 123A as a Sexually Dangerous Person, also known as a "Resident", shall be considered an inmate for the purposes of 103 DOC 525.

Qualified Collection Officer: A staff member designated/assigned to collect a urine, oral fluid, or breath sample for substance use testing. This individual shall be properly trained annually or by the manufacturer's specifications in the collection methodology being conducted.

Qualified Testing Officer: A staff member designated/assigned to either test an unknown substance, urine, oral fluid, or breath sample for substance use testing. This individual shall be properly trained by the product manufacturer every two (2) years in the testing methodology being utilized.

Qualitative Test: A test that provides simple results (positive or negative) of a particular drug based upon specific cutoff levels.

Substance Use Monitor: An individual appointed by the Superintendent of the institution to oversee compliance with inmate substance use monitoring in accordance with 103 DOC 525.

525.02

PURPOSE AND APPLICABILITY

- A. The Department maintains a zero tolerance for substance use by all inmates within its custody. Every effort shall be made to provide a drug free and safe correctional environment. Through the aggressive management of 103 DOC 525, the Department shall attempt to reduce or eliminate drug and alcohol use among inmates, improve accountability, maintain institutional order/security, and contribute to the overall mission of the Department by reducing inmate recidivism.
- B. Substance use monitoring shall be conducted for security purposes. All inmates, unless specifically exempted, shall be subject to substance use monitoring and testing
- C. The Shattuck Hospital Correctional Unit shall be exempt from the general testing requirements of this policy. Testing for cause may be conducted on these individuals if deemed necessary by the Director of Security (DOS) or designee.
- D. Civil Commitments at the Massachusetts Treatment Center are subject to disciplinary sanctions in accordance with 103 CMR 431, *Observation of Behavior Reports*.
- E. These policy requirements are not extended to individuals at the Massachusetts Alcohol and Substance Abuse Center (MASAC) and Bridgewater State Hospital.

525.03

APPOINTMENT AND DUTIES OF THE INSTITUTIONAL SUBSTANCE USE MONITOR

- A. The Superintendent at each institution shall appoint a Substance Use Monitor who shall monitor and coordinate the collection, testing, and documentation of inmate drug tests at the institution. The Superintendent shall appoint a second individual as a backup to assist with these duties, or to provide coverage during the primary Monitor's absence.
- B. All substance use related documentation (e.g., Inmate Sign Off Sheets, outside laboratory results), shall be maintained on file by the Substance Use Monitor for no less than three (3) years.
- C. All Substance Use Monitors shall maintain and monitor training certification dates for the collection and testing requirements of staff.

TESTING REQUIREMENTS

- A. The Substance Use Monitors at each institution shall review/assess all incoming inmates for any pre-existing substance use issues, as well as any previous monitoring status or substance use program participation, to determine whether any current or future testing or monitoring is needed.

As part of this assessment, the Substance Use Monitors shall review the following IMS screens:

1. Disciplinary Query;
 2. Mental Health/Substance Use History;
 3. Medical Orders;
 4. COMPAS/Assessment Scores and Case Plan
- B. Inmates may be tested using a variety of methods, including but not limited to: urine, oral fluids, and breath. The primary method for testing for substances use shall be through urine, although alternate testing methods may be utilized.
- C. Inmates shall be routinely tested for a variety of unauthorized/controlled substances, unauthorized medications, or prohibited substances, as determined by the Substance Use Monitor based upon the inmate's drug of choice, specific intelligence, or current drug use trends within the institution.
- D. Inmates who have not been housed in a Department institution for at least thirty (30) days shall be exempt from the general testing requirements of this policy. Testing for cause may be conducted on these inmates if deemed necessary by the DOS or a designee.
- E. Selection of inmates for testing may be random or based on intelligence, but shall not be based on the race, color, religion, gender, gender identity, age, national origin, or any other protected status of the inmate.
- F. Each Superintendent of an institution that operates a specialized unit (e.g., BAU, SAU, etc.) shall develop institutional procedures for the collection and testing of specimen samples from inmates assigned to such units. The procedures shall consist of an identified area for specimen collection and testing and ensure testing frequencies are being met in accordance with 103 DOC 525.06, while also ensuring the safety of both staff and inmates. If security or medical issues prevent a specimen from being collected, it

shall be documented in the comments section of the inmates IMS test results screen.

- G. Inmates participating in the Medication Assistance Treatment Re-entry Initiative (MATRI) shall be tested per the MATRI Guidelines.

525.05

IMS TEST CODE DEFINITIONS

Breathalyzer/Other (BRE): The test type/code for an inmate identified for a breathalyzer test.

Correctional Recovery Academy (CRA): The test type/code for a subgroup of the inmate population designated for testing each period as a result of enrollment/participation in the CRA program.

Interval (INT): The test type/code for testing all minimum-security level inmates on a quarterly basis, and all pre-release security level inmates on a monthly basis.

OUS/PRC Return (PRE): The test type/code for the testing of an individual inmate upon returning to the institution from an outside community/institution work crew or work release program.

Random (RDM): The test type/code for a percentage of the inmate population to be scheduled for substance use tests at random.

Suspect (SUS): The test type/code for a percentage of the inmate population considered “at risk”, to be designated for testing each month.

Sanctioned Disciplinary Urine (SDU): The test type/code for a subgroup of the inmate population designated for testing each month as a result of disciplinary sanctions associated with a substance use violation.

Testing for Cause (TST): The test type/code for the testing of an individual inmate based on suspicion or cause.

Transfer – 24 Hour: The test type/code for testing an individual inmate within twenty-four (24) hours and prior to the transfer to a lower security level institution. Inmates who are scheduled for a transfer to a medium security institution through the initial classification process shall be exempt from this requirement.

525.06

TESTING FREQUENCY

Where practicable, specimen samples for all status types should be collected at various times to prevent predictability of testing patterns.

A. Random Testing (RDM)

1. The entire inmate population, except those inmates subject to mandatory testing as a disciplinary sanction (SDU status), and those who have not been housed in a DOC institution for at least thirty (30) days, shall be subject to random drug testing at the following frequency:
 - a. Minimum and Pre-Release: 5% of each population, monthly
 - b. Maximum and Medium: 3% of each population, quarterly
2. Random testing shall be based on an IMS (computer) generated selection.
 - a. The Substance Use Monitor or other employee designated by the Superintendent shall generate a random schedule of urine specimens to be collected via the IMS Collection Schedule Screen. Access to this list shall be limited to only those individuals involved in the scheduling, collection, testing, or documentation process. Every effort shall be made to minimize access to this list until the time of collection.
 - b. Each inmate shall be tested regardless of how often their name appears on the IMS Collection Schedule screen list. There is no limit to the number of times, or the frequency of which, an inmate may be selected for random testing.
3. Random testing shall normally be conducted via a urine sample, unless an alternate testing method is deemed necessary.

B. Interval Testing (INT)

1. The entire inmate population of each institution shall be subject to interval drug testing at the following frequency:
 - a. Minimum: Entire population, quarterly
 - b. Pre-Release: Entire population, monthly
2. Inmates who appear on the interval list shall be tested via a urine sample, unless an alternate testing method is deemed more appropriate. Inmates on the interval list may be tested with a breathalyzer on a random basis or when there's reasonable suspicion the inmate is under the influence. Anytime a breathalyzer test is administered, the Inmate Sign Off Sheet (Attachment #1) shall be signed by the inmate and the test results entered into IMS.

These breathalyzer tests shall be administered in either Automatic or Manual mode, using a mouthpiece.

C. Testing for Cause (TST)

1. A DOS or designee of an institution may order testing for cause to respond to situations that include, but are not limited to, the following:
 - a. An inmate appears to be under the influence of drugs or alcohol.
 - b. Staff receives information regarding suspected drug/alcohol use.
 - c. An inmate is observed and/or is found in possession of suspected illicit drugs, drug paraphernalia, alcohol, intoxicants, fermented juices, unauthorized medication, or other unknown substances, or where such items are found in an area occupied or inhabited by the inmate, and/or correctional staff is unable to obtain a sample of the substance/item.
 - d. An inmate returns late from a community release.
 - e. An inmate assaults a staff member.
 - f. An inmate sustains an injury not witnessed by staff which requires medical attention (excluding non-suspicious minor injuries, or those injuries reasonably believed a result of normal/recreational activities).
 - g. An inmate is returned to custody subsequent to an escape.
2. Testing for cause shall normally be conducted via a urine sample, unless an alternate method of testing is deemed more appropriate.

D. Correctional Recovery Academy (CRA)

1. For institutions that have a CRA Therapeutic Community Phase (TCP) program, testing of the participating inmates shall occur at the following frequency:
 - a. Twice during participation in the program (CRA).
 - b. Once within the seven (7) days following graduation from the program.
 - c. A test for cause may be performed at any time on CRA participants at the discretion of the DOS or a designee, and/or the program provider.

2. CRA program monitoring/testing shall normally be conducted via a urine sample, unless an alternate method of testing is deemed necessary.
3. The DOT shall ensure that the Substance Use Monitor is notified within seven (7) days of an inmate starting the program and immediately when an inmate graduates from the program.
4. The Substance Use Monitor shall ensure all inmates participating in the CRA program are entered in the IMS substance abuse module screen each time an inmate has been tested.

E. Suspect List (SUS)

1. At all institutions, a monthly suspect list representative of those inmates who pose the greatest risk to use drugs or alcohol shall be established by the DOS or a designee. In developing this list, the following information should be reviewed and considered:
 - a. Inmates who scored moderate to high on COMPAS risk/needs assessment and/or have a strong need in the area of substance use.
 - b. Inmates who have tested positive or refused to provide a sample for substance use testing and have recently completed sanctions.
 - c. Inmates who have been identified as high-risk substance users through institution incidents, intelligence information, and/or observations.
2. Inmates who appear on the suspect list shall be tested monthly via a urine sample, unless an alternate testing method is more appropriate.
3. The DOS or a designee may remove any inmate from the suspect list following three (3) months of testing without a positive substance use screen/test result.
4. Inmates participating in the CRA program and those serving an SDU sanction, shall not appear on the suspect list. The substance use monitor shall compare the CRA list to the suspect list and remove any CRA inmates from the suspect list while they are participating in the CRA program.

F. OUS(CWC/FWR)/PRC (Work Release) Return (PRE)

Inmates returning from work release, community or facility work crews, shall be tested with a breathalyzer on a random basis or when there's reasonable suspicion the inmate is under the influence. Anytime a breathalyzer test is administered, the Inmate Sign Off Sheet (Attachment #1) shall be signed by the inmate and the test results entered into IMS. These breathalyzer tests shall be administered in either Automatic or Manual mode, using a mouthpiece.

G. Sanctioned Disciplinary Urine (SDU)

1. Disciplinary proceedings resulting in guilty findings on substance use violations shall result in the inmate's placement on mandatory substance use monitoring (SDU status) for one (1) year (first offense), two (2) years (second offense) or three (3) years (third offense or greater), with one (1) mandatory urine tests conducted each month at the inmate's expense.

Note: In the event the inmate commits a second or third offense while serving the first sanction, the length of time the inmate shall remain on SDU status shall be calculated from the date of the second/third offense.

2. Whenever an inmate is issued a restitution amount for mandatory testing, the institution's Substance Use Monitor shall notify the Treasurer. Restitution deductions shall be in accordance with 103 CMR 405, *Inmate Funds*, 405.16.
3. The Substance Use Monitor shall be notified of any guilty findings and sanctions associated with a substance use related disciplinary report. The Substance Use Monitor shall track the disciplinary report on the IMS test results screen by entering the disciplinary report number and any related disciplinary sanctions.
4. The Substance Use Monitor shall manually track the testing of all inmates on SDU status.
5. For any inmate who transfers to another institution while on SDU status, the Substance Use Monitor at the sending institution shall contact the receiving institution's Substance Use Monitor and forward any non-IMS documentation to them in a timely manner, in order to ensure the inmate's SDU status continues.

6. Inmates discharged/released from custody prior to the completion of an SDU sanction, shall not be held responsible for the restitution on the tests that were not completed due to their release.

H. Transfer – 24 Hour

All inmates scheduled for a transfer to a lower security level institution shall provide a negative substance use sample within 24 hours and prior to the transfer. Inmates who are scheduled for a transfer to a medium security institution through the initial classification process shall be exempt from this requirement.

525.07

URINE/ORAL FLUID COLLECTION, TESTING, AND DISPOSAL

Institutional procedures shall include a designated specimen collection site, a specimen testing site, a secure storage location for collected specimen samples containing a refrigerator/freezer used solely for storing specimen samples, and a secure location for the storage of testing supplies. Institutional procedures shall clearly identify who has access to these areas and materials.

Oral Fluid collection/ testing may be chosen at the discretion of the DOS or a designee, in cases where it is believed substances were ingested in close proximity to the time of the test, or where an alternate type of test is not appropriate or cannot be conducted.

A. Pre-Collection Activities

Prior to an inmate providing a urine/oral fluid sample, the Qualified Collection Officer shall:

1. Ensure the IMS generated Inmate Sign Off Sheet (Attachment #1) is obtained.
2. When collecting specimens, ensure that the collection site is clean, well lit, affords the inmate reasonable privacy, and is used solely for specimen sample collecting/testing during the collection process. A toilet stall of a restroom or a holding cell is a preferred location. Only the Qualified Collection Officer and inmate being tested shall be allowed access to the collection site during the collection process.
3. Ensure that all objects, which could be used to adulterate the sample or interfere with the collection process, are removed from the collection site (e.g., soap, cleaning chemicals, and articles of clothing that obstruct the collection officer's view).

4. Ensure that all required personnel and materials are available.
5. Request photo identification from the inmate providing the sample.
6. Properly label the urine/oral fluid specimen by entering all information identifying the urine specimen on the specimen cup, to include:
 - a. Date (noted on the seal of a specimen cup)
 - b. Collector's initials (noted on the seal of a specimen cup)
 - c. Specimen number (noted on the seal and a label affixed to the specimen cup)
 - d. Inmate commitment number (noted on a label affixed to the specimen cup)
7. Instruct the inmate providing the sample to initial the seal. If the inmate refuses to initial the seal, a notation shall be made on the Inmate Sign Off Sheet.
8. The Qualified Collection Officer shall conduct an unclothed search in accordance with 103 DOC 506, *Search Policy*. The Qualified Collection Officer shall return any garments of clothing to the inmate they deem appropriate (e.g., socks, undergarments), provided the returned garments shall not interfere with or hinder the Collection Officer's view of the sample collection process.
9. Instruct the inmate to wash and dry their hands prior to urinating in the specimen cup. Conduct a visual inspection under the inmate's fingernails for any foreign material.

B. Collection of Sample (Urine/Oral)

Staff shall practice universal precautions whenever handling a specimen sample. When collecting urine samples, the Qualified Collection Officer shall:

1. Be in a position to verify the urine stream passes directly from the inmate's body into the specimen cup.
2. Take possession of the urine sample from the inmate.
3. Direct the inmate to wash their hands after urinating.
4. The Qualified Collection Officer shall check the specimen temperature by viewing the temperature gauge affixed to the specimen cup within four (4) minutes of the sample being provided

to ensure it falls within the manufacturer's guidelines. The temperature reading shall be noted on the Inmate Sign Off Sheet.

5. Keep the urine specimen in full view of the inmate at all times prior to it being sealed and labeled.
6. Ensure thirty milliliters (30 mL) of urine is collected in the specimen cup.
7. An inmate unable to provide a 30 mL urine specimen shall immediately be placed in a holding area and be given an opportunity to provide the required urine specimen quantity within the two (2) hours allotted for collection.
8. If the inmate cannot provide the required 30 mL urine sample at one (1) time, any subsequent samples shall be collected in a new specimen cup and added to the original urine specimen until the 30 mL requirement is reached. These samples shall be properly labeled and sealed until they are combined (The temperature shall be checked on each sample the inmate provides to ensure it falls within the manufacturer's guidelines. All temperature readings shall be noted on the Inmate Sign Off Sheet).
9. If an inmate does not provide a urine sample within two (2) hours or initially refuses to provide a urine/oral specimen, the inmate shall be considered to be refusing to provide a urine/oral specimen sample and may be issued a disciplinary report.
10. The inmate shall be asked the specific reason for refusing to provide a sample and the reason shall be documented within the disciplinary report.
 - a. The Substance Use Monitor shall enter a flag in the "Inmate Refused" checkbox on the Test Sample tab of the IMS Test Results screen, and enter the date, time, and their name.
11. If an inmate states that they cannot provide a specimen due to a physical or mental health reason, said inmate shall be advised that they may seek a reasonable accommodation pursuant to 103 DOC 408, *Reasonable Accommodations for Inmates*. A disciplinary report shall be written for the inmate's failure to comply with 103 DOC 525, but it will be held in abeyance pending a decision on the reasonable accommodation request by the appropriate authorities.

- a. If a reasonable accommodation is approved, the disciplinary report shall be dismissed.
- b. If a reasonable accommodation is not approved, the disciplinary report that had been held in abeyance shall issue.

Nothing in this paragraph shall be construed to prohibit any staff member from issuing an inmate a disciplinary report for any behaviors or actions other than a refusal to provide a urine specimen.

12. When collecting oral fluids, the collection officer shall ensure the inmate being tested has had nothing in their mouth for at least ten (10) minutes prior to the sample collection. This shall be directly observed by the Qualified Collection Officer.

C. Post Collection Activities

The Qualified Collection Officer, now in possession of the urine/oral fluid specimen, shall keep the urine/oral fluid specimen in full view of the inmate providing the urine/oral fluid specimen and shall:

1. Ensure the lid and/or opening to the specimen cup has been sealed.
2. Review all information identifying the specimen, as noted on the specimen cup and on the Inmate Sign Off Sheet.
3. Ensure the inmate providing the urine/oral fluid specimen signs the Inmate Sign Off Sheet certifying that the urine/oral fluid specimen identified as having been collected is in fact that urine/oral fluid specimen provided. In addition, the Qualified Collection Officer must print their name and complete all required information on the Inmate Sign Off Sheet. The test results screen in IMS shall also be completed.
4. In the event the inmate refuses to sign the Inmate Sign off Sheet, this shall be noted on the Inmate Sign Off Sheet and the witness shall print their name on the Inmate Sign Off Sheet. The Substance Use Monitor shall enter a flag in the “Inmate Provided but Refused to Sign” check box on the Test Sample tab of the IMS Test Results Screen.
5. If the urine specimen is not immediately tested upon collection, complete the Evidence Custody Form (103 DOC 506, *Search Policy*, Attachment D) and place the urine specimen in the substance use urine specimen storage refrigerator/freezer. Urine

specimens may be stored at 2-8 degrees Celsius for up to 48 hours prior to testing. For prolonged storage, specimens may be frozen and stored below -20 degrees Celsius. Frozen specimens should be thawed and mixed well before testing. Each and every individual who handles the sample from the time of collection to the time of disposal, shall complete the evidence custody form.

D. Field Testing

1. All field testing shall be conducted by institution staff certified as Qualified Testing Officers by the test manufacturer/vendor.
2. All tests shall be conducted in a secure environment, and care must be exercised in maintaining the chain of evidence.
3. Staff shall practice universal precaution methods.
4. Inappropriately labeled samples (e.g., those whose numbers do not match the information on the Inmate Sign Off Sheet), samples with a broken seal, or samples observed leaking, shall be rejected for testing. In all cases where a sample is rejected, an entry shall be made in the Test Results screen and an incident report submitted. The sample shall be disposed of, and a new sample collected from the inmate who provided the initial sample.
5. On the Inmate Sign Off Sheet, the Qualified Testing Officer shall circle all substances that the inmate's sample was tested for and shall print their name on the line designated for "Tester".
6. When a positive result is obtained from the field test, IPS staff shall contact the site Health Services Administrator or designee and request a list of medications that the inmate is currently prescribed (or was prescribed at the time the sample was collected). For those inmates who test positive for Buprenorphine or Methadone, the inmates IMS medical restriction screen shall be queried and if the "MAT" check box is populated, Spectrum shall be contacted, and a list of the inmate's medications prescribed at the time the specimen was collected shall be requested. Once IPS obtains the medication list, they shall review to see if the inmate was prescribed and has been taking the substance that tested positive, and if so, a "negative medical" notation is to be made on the inmate's IMS test results screen for that specimen. If the inmate was not prescribed a substance that tested positive, a photograph of the initial test shall be taken and kept with the evidence custody form.
 - a. The inmate shall be issued a disciplinary report and the

IMS test results screens shall be completed.

The Disciplinary Officer shall serve the inmate with the Outside Laboratory Test Election Form (Attachment #2). On the Form, the inmate may request an Outside Laboratory Test be performed on the specimen. To request an Outside Laboratory Test on the specimen, the inmate must inform the Disciplinary Officer of their desire to do so, select the corresponding choice and sign the Outside Laboratory Test Election Form, in the presence of the Disciplinary Officer or other staff person, who shall sign as a witness. The inmate may also choose to waive the Outside Laboratory Test; however, they must acknowledge that, by waiving an Outside Laboratory Test, they understand that the initial test may be used against them at a disciplinary hearing. The failure of the inmate to make an election on the Outside Laboratory Test Election form may result in the Hearing Officer drawing an adverse inference in determining whether the inmate used an unauthorized drug(s), alcohol or other intoxicant(s).

If the inmate requests an Outside Laboratory Test be performed on the specimen based on potential cross-reactivity, the medication list will then be transcribed by IPS staff onto the "Inmate Medication List for Outside Laboratory Testing" form (Attachment #3) and given to the Outside Laboratory test vendor with the specimen to check for potential cross-reactivity during testing.

If a positive result is provided by the Outside Laboratory testing, the inmate may be responsible for restitution regarding the cost of each confirmed positive Outside Laboratory Test, as part of the sanctions issued following a guilty finding at the disciplinary hearing pursuant to 103 CMR 430, *Inmate Discipline*.

- b. If the Outside Laboratory Test vendor indicates the inmate's currently prescribed medication (or medication prescribed at the time the urine was collected) could cause the positive finding, the Substance Use Monitor shall document the Outside Laboratory results on the IMS Test Results screen as "Negative Medical".
7. The DOS or a designee may determine that a urine sample be collected from an inmate and sent directly to the outside laboratory for testing, without conducting a field test. This shall be

documented as an Outside Laboratory Test. No additional testing is needed.

E. Outside Laboratory Test

1. In all cases where an Outside Laboratory Test has been requested by the inmate, the Substance Use Monitor shall prepare for transfer/pick-up of the sample(s). The chain of evidence shall be adhered to. For urine samples, the inmate commitment number and the specimen number of the sample being sent out for Outside Laboratory testing shall be used to identify the sample on the vendor's test request paperwork and on the "Inmate Medication List for Outside Laboratory" form.
2. The Substance Use Monitor shall ensure all applicable IMS screens are updated with the Outside Laboratory Test results. Outside Laboratory Positive Test results for each substance tested shall be entered on a new line. The field test result shall not be changed. The "Test Completed" checkbox on the IMS Test Results screen shall be flagged once the final results have been documented.

F. Storage/Transfer/Disposal of Urine Samples

1. All urine samples resulting in negative results may be disposed of immediately provided no outside laboratory test has been requested.
2. Urine samples resulting in positive findings that are not sent out for outside laboratory testing shall be stored until the completion of the disciplinary process, including the appeal process. All urine samples stored for this purpose shall be frozen immediately.
3. The transfer of urine samples to the outside laboratory shall occur per the vendors guidelines. Urines that are sent out for outside lab testing will not be returned to the institution as they are kept by the vendor per the vendor's procedures.
4. The Evidence Custody Form (103 DOC 506, *Search Policy*, Attachment D) shall be properly documented and maintained throughout this process. Neither inmates nor unauthorized staff may have access to the sample(s) at any time during the testing, storage, or transfer process. Any additional forms required by the outside laboratory or courier shall also be properly documented and maintained as directed.

5. Upon the completion of the substance use collection and/or testing process, including the disciplinary and appeal processes, if applicable, the urine samples shall be disposed of by flushing the urine down a toilet and then the urine cup disposed of in any standard trash receptacle.

G. Storage, Transfer, and Disposal of Oral Fluid Samples

1. All oral fluid samples resulting in negative results may be disposed of immediately provided no outside laboratory test has been requested.
2. All oral fluid samples resulting in positive findings shall be stored until the completion of the disciplinary process, including the appeal process. All oral fluid samples stored for this purpose shall be frozen immediately. Samples transferred to an outside laboratory shall be stored by the laboratory in accordance with the requirements of the state contract.
3. The transfer of oral fluid samples to the outside laboratory shall occur per the vendors guidelines.
4. The Evidence Custody Form (103 DOC 506, *Search Policy*, Attachment D) shall be properly documented and maintained throughout this process. Neither inmates nor unauthorized staff may have access to the sample(s) at any time during testing, storage, or transfer process. Any additional forms required by the outside laboratory or courier shall also be properly documented and maintained as directed.

Upon the completion of the substance use collection and/or testing process, including the disciplinary and appeal process if applicable, the oral fluid samples may be disposed of in any standard trash receptacle.

H. Testing for Alcohol or Intoxicants

Alcohol/intoxicant testing may be performed on an inmate's urine, oral fluid or breath.

1. Breathalyzer Testing

Breathalyzer testing may be conducted in one of two (2) different modes for the reasons indicated.

- a. Automatic: In automatic mode, the unit monitors the subject's breath and automatically takes the sample near the end of the breath flow. A mouthpiece is used for this test. The results of this test are quantitative (e.g., the specific blood alcohol content is displayed).
- b. Manual: In manual mode, the collector shall press the button to collect the sample. This method is used when the subject is unable to provide a sufficient air sample for the automatic test. A mouthpiece is used for this test. The results of this test are quantitative (e.g., the specific blood alcohol content is displayed).

Note: Calibration checks shall be conducted on all breathalyzer machines quarterly and documented accordingly. Calibration itself shall be conducted annually and documented accordingly.

2. Pre-Collection Activities

Prior to an inmate providing a breathalyzer sample, the Collection Officer shall:

- a. Ensure that the collection site is clean, well lit, used solely for breath sample collecting/testing during the collection process, and is free of breezes, air flow or air contaminants that might affect the test results, or the collector's ability to collect a sample.
- b. Request photo identification from the inmate providing the sample.
- c. Ensure the Inmate Sign Off Sheet (Attachment #1) is signed by the inmate.

3. Sample Collection/Testing

- a. All breathalyzer testing shall be conducted by institution staff certified as Qualified Testing Officer by the test manufacturer/vendor.
- b. All testing materials shall be up-to-date and functioning properly.
- c. If a field test reveals a positive result, the inmate shall be secured in a holding cell and re-tested in fifteen (15) minutes to ensure they did not place anything in their mouth prior to the test being administered.

4. Post Collection/Testing Activities

- a. If the results of the breathalyzer test are negative, the Substance Use Monitor shall document the negative results and ensure the “Test Completed” checkbox is flagged on IMS the Test Results screen.
- b. If the results of the breathalyzer screen are negative, but institution staff possess information that leads them to believe the inmate has been or may be using an unauthorized substance regardless of the testing results, an alternative test method shall be utilized. The Substance Use Monitor shall document the negative breathalyzer results on the IMS Test Results screen.
- c. The Substance Use Monitor shall document the positive breathalyzer test on the IMS Test Results screen.

525.08

SUBSTANCE IDENTIFICATION AND TESTING

In the event a substance is found that is believed to be or contain alcohol, an unknown unauthorized controlled substance, an unknown unauthorized prescribed medication, or other unknown drug or illicit substance, qualified staff shall test the substance using a field test in an attempt to identify the substance. In the case of alcohol/intoxicants, a breathalyzer (in passive mode) may be used. Proper personal protection precautions shall be used when testing an unknown substance.

A. Substance Collection

As soon as possible after discovery, staff shall confiscate and secure the unknown substance as evidence. Staff shall also complete a chain of evidence form (103 DOC 506, *Search Policy*, Attachment D).

B. Field Testing

1. The unknown substance shall be photographed and kept with the evidence custody form. Moreover, if the substance was concealed, the area where the substance was found and/or receptacle of concealment should also be photographed. If the substance was intercepted in the mail, the envelope or any papers therein shall be photographed.
2. The unknown substance shall be field tested by a Qualified Testing Officer.
 - a. The unknown substance quantity should be evaluated prior to field testing to ensure enough material will be available for outside laboratory testing, if necessary. Where the

unknown substance quantity is limited or may be insufficient to conduct multiple tests, the unknown substance shall not be field tested, but may be sent out for identification via an outside laboratory test.

3. A substance believed to be or containing alcohol/intoxicants may be tested using a breathalyzer in passive mode for evaluative purposes. The appropriate collection procedures shall be adhered to for the specific testing methodology implemented.
 - a. The presence of the ingredients used for making alcohol/intoxicants is, in itself, a disciplinary violation, regardless of whether any alcohol content exists. The substance does not need to be sent out for Outside Laboratory testing or identification.
4. When a disciplinary report is written, staff must include any admission made by the inmate, if applicable.

C. Outside Laboratory Testing/Identification

1. Any substance that cannot be identified may be sent to an outside laboratory for testing and identification.
2. If a substance is identified and an employee has reason to believe a disciplinary offense has been committed by an inmate, a disciplinary report shall be issued.
 - a. The Disciplinary Officer shall serve the inmate with the Outside Laboratory Test Election Form. On the form, the inmate may request an Outside Laboratory Test be performed on the substance. To request an Outside Laboratory Test on the substance, the inmate must inform the Disciplinary Officer of their desire to do so, select the corresponding choice and sign the Outside Laboratory Test Election Form, in the presence of the Disciplinary Officer or other staff person, who shall sign as a witness. The inmate may also choose to waive the Outside Laboratory Test; however they must acknowledge that, by waiving the Outside Laboratory Test, they understands that the initial test may be used against them at a disciplinary hearing. The failure of the inmate to make an election on the Outside Laboratory Testing Form may result in the Hearing Officer drawing an adverse inference in determining whether the substance is an unauthorized drug(s), alcohol or other intoxicant(s).

- b. If a positive result is confirmed, the inmate may be responsible for restitution regarding the cost of each confirmed Outside Laboratory Test as part of the sanctions issued following a guilty finding at the disciplinary hearing pursuant to 103 CMR 430, *Inmate Discipline*.

525.09 **TRAINING**

- A. Recruit Training: All correction officers and correction program officers shall receive substance use training during recruit training. This training shall be comprised of general policy requirements and concepts.
- B. All correction officers and correctional program officers designated to collect urine specimen samples shall be trained annually on the specific collection methodology to be used, prior to collecting any urine specimens.
- C. All correction officers and correctional program officers designated to test urine or illicit substances shall complete product manufacturer training every two (2) years.
- D. All certifications shall be submitted by the Substance Use Monitor to the Institutional Training Officer (ITO) and documentation made in the training database.

525.10 **DOCUMENTATION AND RECORD KEEPING**

- A. The institution Substance Use Monitor shall ensure the IMS substance use module is kept current at all times, including the creation of status rosters, collection schedules, and test results.
- B. The Substance Use Monitors and the Evidence Officers shall send the monthly confirmation testing spreadsheets (Urines and Illicit Substances) to the Substance Use Coordinator monthly.

525.11 **DRUG TESTING SUPPLIES, ORDERING, AND INVENTORIES**

- A. Drug testing supplies shall be purchased through approved vendors only, in accordance with 103 DOC 340, *Departmental Purchasing Procedures*.
- B. The ordering of drug testing supplies for all institutions shall be the responsibility of the Department Substance Use Coordinator. Substance Use Monitors shall submit a supply order through the Substance Use Coordinator quarterly.

- C. All drug testing supplies shall be centrally stored at a secured location designated by the Director of the Policy Development and Compliance Unit (PDCU). Supplies shall be distributed to each institution on a quarterly basis.
- D. Each institution, along with the central storage location, shall maintain a perpetual log in order to sustain an accurate inventory of the supplies on hand, including expiration dates where appropriate.
- E. Each institution Substance Use Monitor shall be required to conduct and submit a drug testing supply inventory on a quarterly basis, to the Substance Use Coordinator for inventory monitoring and assessment purposes.
- F. In the event any expired drug testing supplies are found, they shall be immediately removed from the storage or testing location and clearly marked "Expired - For Training Use Only".
- G. Expired drug testing supplies may either be retained by the institution for use in training institutional staff or discarded to an area outside the perimeter with no inmate access. Under no circumstances shall expired drug testing supplies be stored in the testing location, or with active supplies in the storage location.

INSTITUTION NAME: _____
SUBSTANCE USE TESTING - INMATE SIGN OFF SHEET
DATE: _____

Inmate:

Block:

Room:

Bed:

Date:

Time:

Specimen #:

Temperature of urine when collected:

Substances Tested: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

Inmate Signature: _____

Collector, Printed Name: _____

Inmate Provided, Refused to Sign

Witnessed By: _____

Tester, Printed Name: _____

Massachusetts Department of Correction
Substance Use Outside Laboratory Test Election

Inmate: _____

Commitment No.: _____

Disciplinary Report # _____

- ☐ I choose to waive my opportunity to have an Outside Laboratory Test(s) performed on the substance(s) listed in the above Disciplinary Report by the outside laboratory contracted by the Department of Correction. As a result, I understand that the initial test may be used as evidence in the above-referenced disciplinary report. Moreover, I understand that if I plead or am found guilty, I shall be subject to substance use monitoring for a predetermined period, consisting of one (1) mandatory urine test every month at a cost of \$6.00 per test at my expense.
- ☐ I choose to have an Outside Laboratory Test(s) performed on the substance(s) listed in the above disciplinary report by the outside laboratory contracted by the Department of Correction. If a positive result is obtained, I understand I may be responsible for restitution regarding the cost of each positive test, as part of the sanctions issued following a guilty finding at the disciplinary hearing, pursuant to 103 CMR 430, *Inmate Discipline*. I also understand that if found guilty, I shall be subject to substance use monitoring for a predetermined period, consisting of one (1) mandatory urine test every month at a cost of \$6.00 per test at my expense.

1st Offense - 1 Year/24 tests (\$72)**2nd Offense - 2 Years/48 tests (\$144)****3rd Offense or Greater - 3 Years/72 tests (\$216)**

I have read and fully understand the contents of this document and potential consequences of my decision and am making this decision on my own free will, and without coercion.

Inmate Signature: _____

Date: _____

Disciplinary Officer: _____

Date: _____

To be selected by Disciplinary Officer in the event the Inmate Refuses to Sign.

- ☐ Inmate refused to sign and select an option above. Inmate was notified that their refusal to select an option above and sign this form may be used as an adverse inference in the above-entitled disciplinary proceeding and may result in the inmate being subject to substance use monitoring for a predetermined period, consisting of one (1) mandatory urine test every month at a cost of \$6.00 per test at the inmate's expense.

Disciplinary Officer: _____

Date: _____

Inmate Medication List for Outside Laboratory Testing Form

Inmate Commitment Number:_____

Specimen Number:_____

Prescribed Medications:
