



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index # 506.21

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Effective Date: October 1, 2007

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Approved by: George M. Little

Subject: INMATE DRUG/ALCOHOL TESTING AND SANCTIONS

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 41-1-120, and TCA 41-21-237.
- II. PURPOSE: To uphold the safety and security of the correctional environment by specifying the conditions and procedures for conducting urinalysis testing of inmates.
- III. APPLICATION: All institutional staff and inmates and employees and inmates of privately managed institutions.
- IV. DEFINITIONS:
 - A. Confirmation Test: A test to corroborate the result of the first test through the use of a second methodology.
 - B. Drug Testing Coordinator: Individual who shall be designated by the Warden to direct and monitor all necessary duties relating to inmate drug testing.
 - C. Laboratory Drug Screen: A controlled laboratory test conducted to detect the usage (inhalation, ingestion, injection) of illegal drugs or alcohol detectable in the subject's system.
 - D. On-Site Drug Screen: Preliminary analytical testing procedure done at the institution to detect the presence or absence of alcohol in urine or saliva or illegal drugs or their metabolites in urine.
 - E. Random Selection: A sample drawn from the inmate population so that each member of the population has an equal chance to be selected.
 - F. Reasonable Suspicion: Knowledge sufficient under the circumstances to cause an ordinarily prudent and cautious person to believe someone has consumed illegal drugs or alcohol.
 - G. Substance Abuse Treatment Program: Formal organized behavioral therapies such as individual or group counseling, cognitive skills therapy, or psychotherapy for inmates who have abused alcohol and other drugs. These services are designed to address specific physical, mental, or social dependencies on mood altering substances.
 - H. Urinalysis Testing: The process of conducting a chemical analysis of urine to detect the presence or absence of alcohol or illegal drugs or their metabolites.

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V. POLICY: The Tennessee Department of Correction (TDOC) is committed to a policy of zero tolerance of inmate drug/alcohol use within state correctional facilities. The TDOC shall operate a urinalysis-testing program based on drug/alcohol testing, graduated sanctions, and treatment interventions that deter the use of illegal drugs and alcohol by inmates.

VI. PROCEDURES:

A. Authority to Conduct Drug Testing:

1. All inmates shall be subject to drug/alcohol testing at any time during their incarceration. This policy provides for nondiscrimination on the basis of race, religion, national origin, creed, sex, age, or disability.
2. Urinalysis testing shall be used as the primary means to detect and deter illegal substance abuse and to determine treatment needs of inmates. Urinalysis testing will not be used for harassment of inmates.
3. The following personnel within the TDOC can request inmate urinalysis testing:
 - a. Commissioner or designee (this includes privately managed facilities)
 - b. Deputy Commissioner
 - c. Assistant Commissioner of Operations
 - d. Assistant Commissioner of Rehabilitative Services
 - e. Warden
 - f. Deputy Warden/AWO
 - g. Director of Substance Abuse Programs
 - h. Unit Manager
 - i. Substance Abuse Program Counselor
 - j. Shift Commander
 - k. Drug Testing Coordinator or the Warden's alternate
4. The Warden shall ensure that inmates are notified in writing (inmate orientation manual, posted notices, etc.) of the TDOC's policy on zero tolerance of drug use within state correctional institutions. This notification shall also state that inmates are subject to drug or alcohol testing during their incarceration and subject to disciplinary action for the following:

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- a. Failure to submit to testing or to provide a urine sample within two hours of the request
 - b. Tampering or attempting to tamper with the specimen or test results
 - c. Receiving a positive test result for which there is no satisfactory explanation
5. Only alcohol and drug kits on the statewide contract that have been approved for on-site drug and alcohol testing shall be used to conduct on-site urinalysis testing.
- a. Urinalysis kits shall be used to test for the active ingredients found in THC (marijuana), amphetamines, methamphetamine, barbiturates, opiates (morphine), benzodiazepines, cocaine, methadone, PCP, and oxycodone.
 - b. All positive on-site drug test results shall be confirmed through a state approved contract laboratory.
 - c. Any negative on-site drug test result which is deemed suspect may, with the written approval of the Warden/designee, be forwarded to the state approved contract laboratory for further analysis. Reasons for suspecting the negative field test result is invalid shall be cited in the Warden's/designee's approval memorandum and in the comments field on TOMIS conversation LIBS. These specimens shall be handled and forwarded for contract laboratory analysis in the same manner as positive field test specimens.
 - d. A second on-site alcohol test shall be used to confirm positive alcohol tests.
6. The Warden/designee may further test for other drugs of abuse at his/her discretion.
7. The following are examples of when an inmate may be subject to urinalysis testing [other than for reasonable suspicion as addressed in Section VI.(A)(8)]:
- a. As part of the monthly drug-testing program, each institution's population shall be randomly selected for drug testing.
 - (1) At a minimum, each correctional facility shall test 2.5 percent of the institution's in-house inmate population each month. At the discretion of the Warden, any facility may request in writing to the Assistant Commissioner of Operations permission to test a sampling larger than 2.5 percent, but may not exceed 10 percent. Each institution shall be provided with a computer-generated, randomly selected list of inmates to be tested every 30 days. This list will be generated by Policy, Planning, and Research and made available no later than the tenth day of each month. This list will be sent to each facility by the Director of Substance Abuse or

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his/her designee. Actual monthly test dates shall be at irregular intervals, shall include both weekdays and weekends, and should occur on all three shifts during the month.

- (2) Random drug screens conducted on a monthly basis shall include a single test for one or a combination of the following drugs: marijuana, cocaine, opiates, methamphetamine, amphetamines, or barbiturates. Additional substances may be tested for at the discretion of the Warden/designee.
- b. Upon initial admission to a TDOC classification center or upon admission to a specialized correctional facility (boot camp, therapeutic community, technical violators program), inmates shall receive an on-site drug screen.
- (1) The Warden at the respective classification center or specialized correctional facility shall be responsible for designating the appropriate staff to conduct on-site drug screening during initial classification.
 - (2) All inmates entering a classification center or specialized correctional facility shall be tested for the presence of: THC (marijuana), cocaine, barbiturates, methamphetamine, amphetamines, and opiates.
 - (3) The test results shall be recorded in the inmate's medical record or treatment program file. No sanctions shall be issued for testing positive on an initial classification drug screen.
- c. In addition to conducting monthly random drug screening, special alternative incarceration units (boot camp, technical violator program, therapeutic community, transition center, etc.) shall conduct, at a minimum, an initial urinalysis test taken at intake, a random urinalysis test during the program, and a final on each participant prior to completion of the program.
- d. Any time that an inmate is involved in an altercation, stabbing, accident resulting in non-minor injuries or any occupational incident resulting in injury, etc., a drug screen will be conducted.
- e. Inmates returning from furlough, work release, or community work assignment with access to or potential contact with contraband, drugs, and/or alcohol may be subject to an on-site drug or alcohol screen.
- f. Any time a canine unit or narcotic detection instrument indicates the presence of drugs during a search of inmates in the housing unit or work area, a drug screen shall be conducted.

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3. Before collecting the test sample, the designated staff shall positively identify the inmate by name and TOMIS identification number.
4. The designated staff shall examine the inmate's arms and hands, especially under the fingernails, before observing the specimen collection to ensure that the inmate does not have any foreign substances that could be used to adulterate the specimen. The inmate may be requested to wear gloves when providing a urine specimen.
5. The collection of the urine sample shall take place in a designated area that does not permit the inmate to come in contact with any person other than staff members assigned to observe the collection, and witness the chain of custody process. The collection of the urine sample shall be observed only by one trained staff member of the same gender, unless there is a legitimate security need for the presence of additional staff. The inmate shall be instructed to position himself or herself in a manner that allows the staff member unobstructed observation of the urine voiding process. All inmates shall be required to wash, rinse, and thoroughly dry their hands prior to and after the collection of the sample.
6. Collection staff shall ensure that the collection site is clean and all potential contaminants are removed from the collection area.
7. The designated staff shall provide the inmate with a clear (when available), non-reusable container for the collection of the urine specimen.
8. The inmate must provide the urine sample within a reasonable time (two hours after entering testing area). Inmates shall be given up to eight ounces of water to assist in specimen production. Refusal to provide the urine sample is grounds for an immediate disciplinary report. Inmates who are unable to void after the above waiting time can be placed in a "dry room" for up to 24 additional hours or until a urine sample is obtained, subject to the following conditions:
 - a. Confinement is ordered by the Warden/designee.
 - b. The room of confinement is thoroughly searched prior to placement of the inmate.
 - c. The inmate is provided with toilet articles and a means of collecting body excretions.
 - d. The inmate remains under visual observation by staff.
 - e. The inmate may be given up to eight ounces of water every four hours, not to exceed a total of 32 ounces of water within a 24-hour period to assist in specimen production.

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9. There may be extenuating medical (e.g., dehydration, kidney problems, medication, etc.) and psychological (e.g., social phobias) conditions that may preclude the giving of a sample. In such cases, the inmate must provide written evidence from the health care staff indicating such a condition. The Warden shall, in extreme cases, authorize the use of an alternative drug testing method for those inmates who have a documented medical condition that would prohibit the use of urinalysis testing. Approval of the commissioner or his designee is required prior to the use of any alternate drug testing method or instrument.
10. Inmates are responsible for informing the collection staff if they are taking any medication. The use of medically approved prescribed medication that would cause a positive test result shall be verified by the collection staff through the medical staff and recorded in the inmate's medical file.
11. Any inmate found attempting to alter, contaminate, or adulterate the sample in any way shall be cited with a disciplinary report.

C. Testing Procedures:

1. Collection staff shall exercise universal precautions (gloves) when handling urine specimens.
2. Each specimen collected for urinalysis testing shall be tested at the institution by trained staff designated by the Warden, using kits designed for on-site testing. Prior to using test kits, expiration dates will be checked. Test kits will not be used beyond their expiration dates. When a full laboratory screen is being done, a field test is not required.
3. All positive urine specimens shall be forwarded to the clinical laboratory for analysis and confirmed through gas chromatography mass spectrometry (GC/MS).
4. Specimens collected for alcohol testing shall be collected and tested at the institution by trained staff designated by the Warden, using field testing equipment designed for the detection of alcohol.
5. Collection staff shall immediately dispose of negative specimen and containers after testing has been completed according to the following procedures:
 - a. Urine is to be emptied in toilet receptacle.
 - b. Plastic specimen containers will be disposed of in a lined trash receptacle or a trash bag. The trash receptacle shall have a lid cover for cleanliness and hygiene.
 - c. Trash bags containing drug testing specimen collection cups shall be tied securely and left in a trash receptacle for disposal.
 - d. The collection area shall be cleaned thoroughly when all testing is complete.

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- e. The collection staff shall wash their hands with soap and water after handling urine specimens.
 - f. Specimen containers will not be reused for another urine sample.
6. The testing of urine specimens at the institution by a field test kit is done solely as a means of minimizing the cost of unnecessary laboratory testing, and the failure to conduct a field test at the institution in and of itself does not require the dismissal of a disciplinary report resulting from a positive laboratory test.
 7. Alternative drug testing procedures shall be conducted in accordance with manufacturer's training manual instructions. A user's manual shall be available at each institution (when applicable).

D. Chain of Custody:

1. All specimens forwarded to the clinical laboratory for drug testing and confirmation shall be submitted in accordance with procedures recommended by the laboratory. A chain of custody form, as provided by the clinical laboratory, shall be completed on specimens forwarded to the clinical laboratory.
2. The collection staff shall ensure that all shaded areas on the chain of custody form are completed in accordance with the clinical laboratory's specifications. The chain of custody form shall include the inmate's TOMIS identification number, reason for the test, specimen type, specimen temperature, and the date and time of collection.
3. When the sample is collected, the staff member who receives the specimen from the inmate shall be responsible for:
 - a. Sealing the specimen collection container.
 - b. Placing the primary tamper seal label with barcode across the top of the specimen collection container. The label must match the barcode on the chain of custody form.
 - c. Placing the specimen container in the specimen collection bag.
 - d. Sealing the specimen collection bag with the secondary tamper seal.
 - e. Completing the chain of custody form.
4. The collection staff shall seal the specimen container under observation of the inmate. The inmate shall sign the laboratory chain of custody form and initial the specimen tamper seals, along with the staff member. If an inmate refuses to sign the chain of custody form or initial the specimen tamper seal, he/she shall be charged with "Refusing Drug Screen".

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5. The collection staff member shall transport the sealed specimen to the specimen holding area.
6. The number of staff handling the specimen shall be kept to the minimum to maintain the integrity of what may become evidence in a disciplinary proceeding. A log book shall be kept in the vicinity of the refrigerator/freezer, and each person who accesses it shall note his/her name, rank, date, time, and reason for access.
7. Specimens shall be stored in a secured location until such time as it is turned over to the appropriate lab personnel for testing.
8. Test specimens and test kits shall be secured with a lock when the test area is not in use.
9. Specimens shall be transported to the laboratory within 72 hours of collection (or other time period acceptable by the clinical laboratory). When specimens cannot be transported within 24 hours, they shall be frozen and placed in a locked freezer until they can be transported to the laboratory.
10. The clinical laboratory shall retain, freeze, and place all positive specimens in a properly secured long-term storage for a period of 12 months. Specimens shall be destroyed by the clinical laboratory in accordance with Substance Abuse Mental Health Services Administration (SAMHSA) standards.
11. Urine specimens forwarded to the laboratory shall be rejected and therefore cannot be analyzed if any of the following procedural errors are identified:
 - a. Specimen container seal is broken/tampered.
 - b. There is less than 20 ml of specimen.
 - c. The primary tamper seal is missing.
 - d. Specimen identification number on specimen container and chain of custody form do not match.
 - e. Specimen shows obvious adulteration (color, odor, foreign objects, etc.).
12. When the specimen is rejected, the clinical laboratory shall notify the submitting location with the reason for the rejection, in writing.
13. Alternative drug testing kits forwarded to the laboratory for analysis shall comply with the following:
 - a. Must be accompanied by a chain of custody form.
 - b. Must be placed in a specimen bag and sealed.

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- c. A barcode label from the chain of custody form must be fixed to the specimen bag and the label must match the barcode labels on the chain of custody form.
- d. The security seal from the chain of custody form must be fixed to the specimen bag.

E. Reporting of Results:

1. A drug screen profile of each test sample submitted to the clinical laboratory for analysis shall be prepared by the clinical laboratory, indicating either positive or negative results, and returned to the designated institutional contact. The laboratory profile shall contain the following information:
 - a. Name and Address of Clinical Laboratory
 - b. Account Number
 - c. Reason for Test
 - d. Specimen/Donor Identification Number
 - e. Name of Receiving Institution
 - f. Name of Institutional Contact
 - g. Collection Date
 - h. Test Methods by Drug Class and Detection Levels
 - i. Profile Results by Class and Confirmation Detection Levels
 - j. Name of Certifying Authority

Failure to include any of the information listed above does not automatically negate a "positive" drug screen.
2. All drug screen profiles shall expressly state that positive results are reported only after confirmation by Gas Chromatography/Mass Spectrometry.
3. The institutional drug testing coordinator shall maintain a copy of all positive confirmation test results and a copy of the chain of custody form from the laboratory in a confidential file.
4. The results of each clinical laboratory examination shall be final and shall be grounds for disciplinary action in instances of positive reports.

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5. Disciplinary action shall be handled in accordance with Policy #502.01.
6. The Warden/designee shall notify the Board of Probation and Parole and institutional parole officer (IPO), through TOMIS, of inmates that test positive for drug/alcohol use when the inmate has a pending parole hearing, has had a hearing and a parole decision is pending, or parole has been granted. The drug testing coordinator shall forward copies of all drug testing supporting documentation, including laboratory test results, to the IPO.
7. Drug test results, positive or negative, that were conducted for the substance abuse treatment program shall be considered confidential and not entered on TOMIS. The drug test results of inmates assigned to a substance abuse treatment program shall be placed in the inmate's program file. With the exception of those administered for the substance abuse treatment program, all other drug testing shall be entered on TOMIS and placed in the inmate's institutional file for reporting and record keeping purposes.
8. Participation in a substance abuse treatment program does not exclude an inmate from being selected for or participating in any institutional drug testing.

F. Staff Training:

1. All staff involved in the collection, documenting, transport, or other handling of urine specimens shall receive training on inmate drug testing procedures and sanctions. Documentation of staff training will be placed in staff's training files.
2. The drug testing coordinator shall be responsible for training staff involved in specimen collection and chain of custody procedures.
3. Each institution shall designate and train a staff member to serve as back up for the drug testing coordinator in his/her absence.

G. Substance Abuse Treatment Services: Treatment services are outlined in Policy #113.95 (Substance Abuse Delivery Services.)H. Sanctions:

1. In all instances where an inmate is convicted of the charges of Drugs - Possession (DPO), Drugs -Selling (DRS), Positive Drug Screen(PDR), Drug Paraphernalia (DRP), Refusal of/or Attempt to Alter Test (RAA), Intoxicants-Possession (IPO), Intoxicants-Use (IUS), Intoxicants-Selling (ISE), Inhalants (INH), or Conspiracy to Violate State Law (CVS) (when related to alcohol or drug related charges), or the inmate is in possession of or has ingested any controlled drug not specifically prescribed, see Policy #502.02 for appropriate disciplinary action.

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2. Inmates who refuse to provide a specimen, attempt to adulterate, or alter a drug screen shall be charged in accordance with Policy #502.02 and the inmate shall be assessed a fee of \$25. Visitation privileges shall be suspended in accordance with Policy #502.02 and inmates shall submit to mandatory monthly drug testing for a period of three consecutive months.
3. Inmates convicted of a positive drug test, after the positive confirmation test, shall be required to incur the cost of the confirmation. Visitation privileges shall be suspended in accordance with Policy #502.02. Inmates shall also submit to mandatory monthly drug testing for a period of three consecutive months.
4. In addition to #1 through #3 above and in addition to any other sanctions imposed by Policies #502.01, #502.02, and #507.02, the following escalating sanctions for convictions on drug related charges may be imposed:
 - a. First Offense: Referral to institutional substance abuse program
 - b. Second Offense (within 18 months of first offense). All sanctions for the second offense shall run consecutively to any similar sanction for the first offense.
 - (1) Mandatory monthly drug testing for a period of six months
 - (2) Loss of audio/visual equipment for six months
 - (3) Termination from treatment program if applicable.
 - c. Third and Subsequent Offenses (within 24 months of the first offense.) All sanctions for the third or subsequent offenses shall run consecutively to any similar sanction for the second offense.
 - (1) Mandatory monthly drug testing for nine months
 - (2) Loss of audio/visual equipment for 12 months
5. The disciplinary board shall forward the names of all inmates who test positive on an institutional drug screen to the institutional substance abuse treatment coordinator for tracking and appropriate treatment intervention.
6. The Warden has the discretion to cancel an inmate's suspended visitation restrictions and reinstate visitation privileges or any other imposed sanction provided the inmate has met all of the following conditions:
 - a. Completed a written request to the Warden for reinstatement of privileges
 - b. Enrolled and is actively participating in the recommended substance abuse treatment program. (First offense only)

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- c. Submitted to monthly urinalysis testing.
 - d. No positive urinalysis tests during the last three months.
7. Any inmate that tests positive on a drug screen who has been approved for parole shall be referred to the institutional parole officer. The names of inmates that test positive on a drug screen that have a pending parole hearing or decision shall be referred to the institutional parole officer for review.
8. The Board of Probation and Parole, at its discretion, may deny or rescind, if known or anticipated, the release of any inmate who tests positive for drug use.

I. Investigation and Reports:

1. Each institution shall submit to the Director of Substance Abuse Programs a monthly summary of all substance abuse testing and interdiction activities. This report shall be due in central office no later than the tenth working day of the month. The report shall include the following information:
- a. Number of inmates drug tested during the month (by test type)
 - b. Number and type of disciplinary sanctions imposed for positive drug screen
 - c. Number and type of treatment program sanctions imposed for positive drug screen
 - d. Number of interdiction activities conducted, including but not limited to, institutional searches, visitor searches, vehicle searches, and parking lot searches.
 - e. Number of drug related arrests (visitors, employees, vendors, etc.)
2. All positive drug or alcohol tests of inmates not assigned to a substance abuse program shall be entered on TOMIS conversation LIBS and shall cause an inquiry to be conducted by designated institutional staff to determine how the drugs/alcohol were introduced into the institution. The Warden may request assistance from the Director of Internal Affairs.
3. In addition to drug testing inmates, the Warden may employ other drug detection methods to enforce the Department's zero drug tolerance policy. Other drug detection methods shall include, but not be limited to:
- a. Random and routine searches of inmates, employees, visitors, Department facilities, inmate housing units, visitors' and employees' vehicles, inmate property, and inmate mail. (See Policy #506.06)

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- b. Monitoring inmate telephone calls
 - c. Employee orientation and training regarding the presence and use of drugs in the workplace
 - d. Where available, the use of narcotic detection canines
- 4. The quarterly report from each institution will reflect information related to drug testing in the format provided by the Deputy Commissioner. (See Policy #103.01)
 - 5. The Director of Substance Abuse Programs shall compile, on a quarterly basis, a summary by institution and program of the program-related drug testing. This summary report shall be submitted to the Assistant Commissioners of Operations and Rehabilitative Services. The Assistant Commissioner of Rehabilitative Services shall review and forward the information to the Deputy Commissioner.

VII. ACA STANDARDS: 4-4437.

VIII. EXPIRATION DATE: October 1, 2010.



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POLICY CHANGE NOTICE 08-4

INSTRUCTIONS:

Please change Section VI.(E)(7) to read as follows:

- “7. Drug test results (positive or negative) that are conducted on inmates in the substance abuse treatment program shall be considered confidential and not entered on TOMIS. The drug test results of inmates who are assigned to a substance abuse treatment program shall be placed in the inmate’s program file.

The negative drug test results of all other inmate drug testing shall be entered on TOMIS and are not required to be placed in the IIR. The positive drug test results of all other inmate drug testing shall be entered on TOMIS and placed in the IIR along with the disciplinary.”