



# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

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## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Stephanie Hove

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Name of Individual Certifying this Document/Proposed Document

Assistant Division Administrator, Adult Institutions

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Title

*Stephanie Hove*

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Signature

04/17/2020

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Date Signed

Department of Corrections – Wisconsin  
Office of the Secretary  
Wis. Stat. § 227.112(6)  
DOC-2910 (6/2019)

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 306.17.01	<b>Page</b> 1 of 8
	<b>Original Effective Date:</b> 04/15/85	<b>New Effective Date:</b> 05/15/20
	<b>Supersedes:</b> 306.17.01	<b>Dated:</b> 11/12/18
	<b>Administrator's Approval:</b> Makda Fessahaye, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 306 Security		
<b>Subject:</b> Inmate Drug Testing		
<b>Guidance Document</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <b>Posting date</b> 04/27/2020		

**POLICY**

The Division of Adult Institutions has zero tolerance for drug use. The Division of Adult Institutions shall perform drug testing of inmates to protect the public and provide a drug free and safe environment for staff and inmates.

**REFERENCES**

Federal Register, Vol. 59, No. 110, dated June 9, 1994 – Mandatory Guidelines for Federal Workplace Drug Testing Programs

Federal Register Vol. 63, No. 219, dated November 13, 1998 and Effective 12/01/1998 – Revised Mandatory Guidelines for Federal Workplace Drug Testing Programs

Substance Abuse and Mental Health Administration (SAMHSA) – Mandatory Guidelines for Federal Workplace Drug Testing Programs

Criminal Justice Drug Testing Act May 1990

Wisconsin Administrative Code Ch. DOC 303 – Discipline

Wisconsin Administrative Code s. DOC 306.17(4) (a) – Search of inmates

Wisconsin Administrative Code s. DOC 306.21 – Use of test results as evidence at disciplinary hearings

DAI Policy 500.70.27 – Transgender Inmates

**DEFINITIONS, ACRONYMS AND FORMS**

Advanced Care Provider (ACP) – Provider with prescriptive authority.

Adulteration – Urine substitution, ingestion of fluids or compounds for flushing out the system, diluting the sample, or interfering with the testing process (OR) direct addition of adulterants to the urine specimen itself.

COMPAS – Correctional Offender Management Profiling for Alternative Sanctions

Confirmation test – A test of the specimen performed, after an initial screening test of that specimen, by a gas chromatography/mass spectrometry (GC/MS) testing procedure or an equally rigorous scientific test.

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-9 – Adult Conduct Report

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DOC-106 – Urinalysis Confirmation Waiver

DOC-184 – Disbursement Request

DOC-1496 – Chain of Evidence (Urinalysis)

DOC-3001 – Off Site Service Request and Report

Intersex condition – An inmate’s reproductive or sexual anatomy does not correspond to usual male or female anatomy. Genitalia may be ambiguous or have characteristics of both sexes.

On-Site Drug Screen – Testing procedure done at the facility to detect the presence or absence of alcohol, drugs or their metabolites in urine or saliva.

Transgender – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

UA Draw – Department of Corrections’ database for Urinalysis.

Urinalysis Coordinator – Designated supervisor overseeing the facility Urinalysis Program.

## **PROCEDURE**

### **I. Testing**

- A. The drug testing program shall include:
  1. Targeted testing.
  2. Random testing.
  3. Saturation testing.
  4. Testing for cause.
  5. Testing while in treatment.
- B. Selection of inmates for testing in all categories shall be supported by appropriate documentation and shall not be based on the race, color, gender, age, national origin or the religion of the inmate.
- C. When non-random urinalysis testing of an inmate is requested, the Warden/designee shall authorize the drug test.
- D. Targeted testing  
Inmates may be identified for targeted testing under the following circumstances:
  1. Intake process.
  2. Date of release.
  3. Return from temporary release under supervision.
  4. Identification of a drug use baseline.

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5. Work Release, Study Release, Project Crews, Community Service, Off-Site Placement or Activities and inmate drivers.
- E. Random testing
1. Inmates shall be chosen by a computer-generated selection process (UA Draw) whereby selection personnel do not know the identity of the inmate.
  2. Random testing shall be conducted on no less than 3% of the population of each facility each week.
  3. The following are the only reasons inmates may be excluded from the random listing:
    - a. Resides in the Infirmary.
    - b. Placed in the Restrictive Housing unit.
    - c. Out of the facility; e.g., Out to Court, Out to Hospital.
    - d. Resides in a contracted facility.
    - e. Has a verifiable medical condition that would prevent them from providing an adequate urine sample, such as in the case of inmates on kidney dialysis.
- F. Saturation testing
1. When a high incidence of drug use or trafficking is suspected, an identified group (e.g., a housing unit, work crew) may all be tested.
  2. Authorization of the Warden/designee is required.
  3. Criteria may include, but not be limited to:
    - a. A high percentage of positive results from the random testing program.
    - b. A high incidence of trafficking offenses.
    - c. A high incidence of conduct violations.
    - d. Intelligence information indicating saturation testing is appropriate.
- G. Testing for cause
- Inmates may be subject to testing for cause if a staff member, from direct observation or reliable sources, has reasonable grounds to believe the inmate has used, possesses, or is under the influence of intoxicating substances.
- H. Testing while in drug and/or alcohol treatment
1. Treatment participants shall remain subject to random, targeted, cause and saturation testing.
  2. Additionally, they shall be tested upon admission and discharge from treatment programs consistent with available resources.
  3. Consistent with law, all tests conducted under this subsection which have the potential to directly or indirectly affect the assessment, treatment plan, or treatment programming of any participant shall be confirmed by a certified laboratory before any decision may result affecting the participant's treatment programming by virtue of the test.
- I. Each facility shall designate a urinalysis coordinator.

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- J. Alternative drug testing methods
  - 1. The DOC may utilize drug-testing methods other than urinalysis, such as saliva and hair analysis, for those situations where:
    - a. Urine collection is not possible.
    - b. Another method is superior.
    - c. A pilot is being conducted.
  - 2. In all cases staff shall be trained in the use of alternative drug testing methods before performing tests.
  
- K. Ensure all record disposal authorizations are followed.

## II. Obtaining Urine Specimens

- A. Designated staff who have received training on proper specimen collection procedures shall follow universal precautions in the handling, storage, and transportation of specimens.
  
- B. Staff shall use the on-site drug screen test for initial indication of the presence of alcohol and drugs in an inmate's urine.
  
- C. All specimens shall be processed along with the properly completed DOC-1496.
  - 1. All staff handling the specimen after the initial collection shall record in sequence all changes of possession of the urine (to include name, time, date and place).
  - 2. The number of staff handling the specimen shall be kept to a minimum.
  
- D. Observation of the inmate while providing the sample shall be conducted by a staff member of the same gender.
  
- E. It is recommended the specimen be the inmate's first urine of the day.
  
- F. Check the inmate's photo identification to verify identity, name and DOC number.
  
- G. Inform inmate of the type of testing (random, cause, etc.)
  
- H. Staff shall ask the inmate if he or she has taken any medication in the last 72 hours. The inmate shall record this information on the DOC-1496.
  
- I. Ensure the inmate thoroughly rinses his/her hands without soap.
  
- J. Inspect the inmate hands and fingernails for possible containments prior to providing the specimen.
  
- K. The inmate shall be directed to remove any coat and roll up long sleeves to ensure the inmate is not hiding any objects that might adulterate the sample or containers that might hold an alternate urine sample.

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- L. Perform a strip search prior to obtaining a sample on all cause, targeted and saturation tests. Perform a personal search “pat search” prior to obtaining a sample on all random tests.
- M. Staff shall prepare the on-site drug screen as follows:
1. Open the pouch and remove the cup. Document the identifying inmate name/number on the cup lid.
  2. Hand the cup and lid to the inmate and allow him/her to visually inspect it.
  3. Instruct the inmate to fill the cup approximately 1/3 full. Staff shall observe the urine stream into the cup.
  4. Transgender inmates shall be allowed to urinate into a cup sitting down, as long as the urine stream can be visually observed by a staff member.
  5. When the inmate has finished providing the specimen, have him/her place the lid on the cup and tighten.
    - a. Staff shall ensure the lid is tightened sufficiently.
    - b. Then the inmate shall initial and date the security seal.
    - c. Staff shall then place the security seal over the cup cap avoiding covering the test results and identifying information on the cup cap.
  6. Set the specimen cup on a flat surface. The test shall start once the inmate has finished providing the specimen. Test results shall be read as determined by each site.
  7. Staff shall read the temperature strip within 2-4 minutes of the inmate providing the specimen to verify the temperature of the specimen is within acceptable range (90-100 Fahrenheit).
    - a. Record urine temp on DOC-1496.
    - b. If no temp is visible, contact a supervisor if adulteration is suspected.
  8. Allow the test to run until the control line (reddish purple line next to the “C”) appears which generally takes up to 2-5 minutes.
    - a. Once the control line appears, the results may be interpreted.
    - b. If no control line appears after 10 minutes, the cup is considered defective.
    - c. It is acceptable to transfer the contents from the defective cup to a new cup and document on DOC-1496.
  9. Results are based on the presence or absence of a line next to each specific drug. Line intensity may vary between drugs. Any line, regardless of intensity, shall be interpreted as a negative test.
  10. A positive test is no line, totally devoid of color, next to a specific drug.
- N. Special accommodations may be made for inmates with documented mental health conditions that prevent compliance with provisions for obtaining urine samples.
- O. If the inmate refuses to provide a specimen, the test is considered a refusal and the inmate shall receive a DOC-9.

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- P. If the inmate is unable to provide specimen:
1. Give no more than eight ounces of water per hour for no longer than two hours.
  2. If a specimen has not been provided after two hours, this shall be considered a refusal.

### **III. Processing Urine Specimens**

#### **A. Negative cup results**

Collection staff shall immediately dispose of negative specimen and containers after testing has been completed according to the following procedures:

1. Urine is to be emptied in toilet receptacle.
2. Plastic specimen containers shall be disposed of in a lined trash receptacle or a trash bag. The trash receptacle shall have a lid cover for cleanliness and hygiene.
3. Trash bags containing drug testing specimen collection cups shall be tied securely and left in a trash receptacle for disposal after testing is complete.
4. The collection area shall be cleaned thoroughly when all testing is complete.
5. The collection staff shall wash their hands with soap and water after handling urine specimens.
6. Specimen containers shall not be reused for another urine sample.
7. DOC-1496 shall be completed.
8. All negative results shall be recorded in COMPAS.

#### **B. Positive cup results**

1. If a test result is positive and the inmate is claiming to be taking medication, the facility's Urinalysis Coordinator/designee shall contact the Health Services Department to verify if the inmate is currently taking any medications.
2. The Health Services Department shall compare the drugs listed by the inmate on the DOC-1496 against those listed on the inmate's medication orders and/or possible offsite procedures noted on DOC-3001 to verify if any additional medication was given that was not listed on the medication orders.
3. When a test result is positive, a DOC-9 shall be written and shall be accompanied by the DOC-1496 and a photo copy of the cup results.
4. Positive urine specimens shall be maintained for a minimum of 60 days or through the facility appeal process and kept in a secured refrigerator/freezer. Only authorized staff shall have access to the secured refrigerator(s) or freezer(s).
5. A key log or entry log to the area refrigerator shall be maintained. The log shall include the date and name of each person gaining access to the refrigerator or freezer.

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6. A completed DOC-1496 shall accompany the sample until the disposal process is complete.
7. All positive results shall be recorded in COMPAS.

#### C. Confirmation process

1. The request for a confirmation test shall be made prior to or at the time the DOC-9 is served.
2. If the inmate is requesting a confirmation test, the initial positive sample shall be confirmed by a second test. The inmate shall complete a DOC-184 and sign a DOC-106 when requesting a confirmation test.
3. Inmates shall pay the cost of confirmation tests when the inmate requests such a test after an initial positive result.
  - a. If the inmate does not have the funds for the confirmation testing, the facility shall allow the inmate an overdraft on their account.
  - b. If the confirmation test is negative, the cost of the test shall be refunded.
  - c. If the confirmation test is inconclusive and/or suggests possible adulteration, the cost of the confirmation test may not be refunded.
4. The confirmation test shall be completed by a certified lab.
5. If a confirmation test is being requested, complete the contracted lab's form and follow the contracted lab's instructions for processing specimens.
6. If the confirmation test is negative, the DOC-9 shall be dismissed.
7. Confirmation test results shall be recorded in COMPAS.

#### D. Adulteration process

1. Inmates shall submit an unadulterated specimen.
2. If a specimen is suspected of being adulterated a Shift Supervisor shall be contacted and briefed.
3. If it is determined the inmate did adulterate their specimen, a DOC-9 may be written.

### IV. Recordkeeping

- A. UA draw is used to generate the random list and DOC-1496s.
- B. COMPAS is used to record all drug testing results performed on inmates.

Administrator's Approval: \_\_\_\_\_



Makda Fessahaye, Administrator

Date Signed: 04/16/20



**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>Chapter:</b> 306 Security		
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<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES****DEFINITIONS, ACRONYMS, AND FORMS****FACILITY PROCEDURE**

I.

- A.
- B.
  - 1.
  - 2.
    - a.
    - b.
    - c.
  - 3.
- C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. Inmate

III. Other