
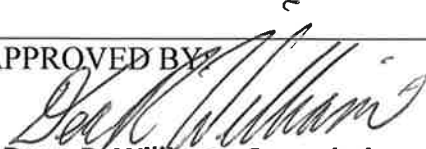


<b>STATE OF ALASKA</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>POLICIES &amp; PROCEDURES</b>	SECTION: <b>Pretrial Enforcement</b>		PAGE: <b>Page 1 of 4</b>
	CHAPTER: <b>1310</b>	NUMBER: <b>1310.04</b>	P&P TYPE: <b>Public</b>
	TITLE: <b>Prohibited Substance Use Testing</b>		
	APPROVED BY:  <b>Dean R. Williams, Commissioner</b>		DATE: <b>04/12/18</b>
ATTACHMENTS / FORMS: <b>(A.) Collecting UA's And Chain Of Custody Guide.</b>		AUTHORITY / REFERENCES: <b>22 AAC 05.155                      AS 33.16.180</b> <b>AS 11.71                                AS 33.30.011</b> <b>AS 11.73                                AS 33.30.021</b> <b>AS 33.05.010                        AS 44.28.030</b> <b>AS 33.07.010-030</b>	

**POLICY:**

It is the policy of the Department of Corrections (DOC) to monitor and test pretrial defendants for the use of substances prohibited by the court. The primary form of testing for prohibited substance use will be urinalysis and / or breath. However other forms of testing may be used, such as saliva or hair testing when appropriate.

**APPLICATION:**

This policy and procedure will apply to all Department employees, designated contractors and pretrial defendants ordered to undergo substance use testing as a condition of release.

**DEFINITIONS:**

For definitions of key words or phrases used in this policy and other policies concerning the Pretrial Enforcement Division (PED), please refer to DOC P&P 1300.09, Pretrial Enforcement Division Definitions.

**PROCEDURES:**

- I. Testing Authority:  
DOC employees and designated contractors may only test those defendants who have specific conditions of release that require drug or alcohol testing.
- II. Testing Frequency:
  - A. Pretrial Officers (PO) or designated contractors will be responsible for providing periodic substance use testing of eligible defendants on their assigned caseload according to the following guidelines:
    1. Defendants shall be tested randomly; or
    2. At the discretion of the PO if the defendant is:

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- a. Found in possession of prohibited substances or paraphernalia related to prohibited substances;
- b. Reported by a reliable source to be using a prohibited substance; or
- c. Suspected to be under the influence of a prohibited substance.

### III. Testing Procedures:

#### A. General Testing Procedures:

1. Specimen collection and testing may be performed by a Department employee or designated contractors.
2. Employees and designated contractors shall be provided training for specimen collection and use of on-site testing kits. POs may refer to the *Collecting UA's And Chain Of Custody Guide* (Attachment A) for more detailed steps.
3. The defendant will be asked if any prescription, non-prescription or illicit medication has been taken in the last 30 days, and the defendant's response will be noted in the DOC offender management system.
4. Defendant behavior and conduct shall be noted in the DOC offender management system or court reports in any situation where observed intoxication is present.
5. All test results (whether negative or positive) shall be recorded under the substance test tab of the DOC offender management system no later than the end of the employee's shift.
6. All positive results shall be properly reported to the court by close of business.

#### B. Urine Testing:

##### 1. General Procedures:

- a. Urine testing shall be performed by a Department employee or contractor of the same gender as the defendant.
- b. If the defendant is unable to provide a urine sample on request, the defendant will be provided with up to 12 ounces of water and will be required to wait until they are able to produce a sample. A defendant who fails to provide a specimen within two (2) hours will be considered to have refused to submit a urine specimen.

**Note:** Exceptions will be made for those defendants with a documented medical condition that prohibits them from providing a sample in a timely manner and alternative testing (e.g.

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Oralert) will be conducted where available.

- c. Employees or contractors performing urine testing shall wear disposable gloves.
- d. After a cursory search for weapons or paraphernalia the defendant will be escorted to a safe area with a toilet or urinal for the purposes of urine testing.
- e. Defendants shall be instructed to wash their hands with soap and water and dry them prior to submitting a urine sample.
- f. The person observing will ensure that an unadulterated urine specimen is deposited into the urine collection container.
- g. After specimen collection the collection container must be properly secured and the chain of custody maintained.

2. Urine Test Results:

Immediately after collection urine samples will be tested on-site to determine if prohibited substances are present or not:

a. Negative Samples:

If the test result is negative, the sample may be disposed of immediately.

b. Positive Samples:

- i. If the sample tests positive for a prohibited substance, the defendant shall be handcuffed and a Miranda rights warning shall be administered.
- ii. The positive sample shall be properly labelled and stored in a freezer. The chain of custody shall also be recorded and the sample retained on-site until the District Attorney (DA) authorizes the destruction of the UA. The employee or designated contractor shall document any admission of substance use from the defendant following an initial screen which reveals a positive result.
- iii. If the sample tests positive **and** the defendant **denies** any use of a prohibited substance and requests a confirmation test, the positive sample shall be properly labelled and stored in a freezer. The chain of custody shall also be recorded and the sample shall be sent to the laboratory for re-testing and confirmation at the defendant's expense. If a re-tested sample confirms a lack of prohibited substance use by the defendant, the Department shall refund the cost of re-testing to the defendant.
- iv. The original chain of custody form will stay with the sample. The specimen should be secured in a manner which does not compromise the integrity of the chain of custody. Care will be taken to ensure the specimen is secure from tampering, adulteration,

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deterioration, or theft. To the extent possible, the manufacturer's or laboratory's suggestions regarding refrigeration or freezing of the sample should be followed.

- v. All testing of urine samples sent to a laboratory must be performed by a technician certified to test urine samples for prohibited substances.

### C. Alcohol Testing:

#### 1. General Procedures:

- a. Breath reaction alcohol content (BRAC) testing may be performed by a Department employee or a designated contractor.
- b. Employees and designated contractors shall be provided training for BRAC testing collection and use of portable breath testing (PBT) devices.
- c. Prior to testing, employees and designated contractors will visually inspect the defendant's mouth to ensure it is clear. Defendants must then be observed for 10 minutes in order to ensure they do not place anything in their mouth prior to the BRAC test.
- d. Employees and designated contractors shall prepare the PBT before each test by opening a new mouthpiece and affixing it to the PBT.

#### 2. Alcohol Test Results:

##### a. Negative Samples:

A negative BRAC test result shall be recorded in the substance test tab of the DOC offender management system.

##### b. Positive Samples:

- i. If the BRAC test result is positive for a prohibited substance, the defendant shall be handcuffed and a Miranda rights warning shall be administered.
- ii. A picture of the PBT device screen shall immediately be taken if a camera is available. On PBT devices that provide a print-out of the results, the print-out must be included as evidence with the report to the court of the positive test result. All evidence shall be handled in accordance with chain of custody and evidence protocol.
- iii. The PO shall complete all necessary reports to document the test, procedures taken and the results.

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