
 <p>State of Connecticut Department of Correction</p> <p><b>ADMINISTRATIVE DIRECTIVE</b></p>	<p>Directive Number 6.8</p>	<p>Effective Date 6/17/2022</p>	<p>Page 1 of 4</p>
<p>Approved By</p>  <p>Commissioner Angel Quiros</p>	<p>Supersedes</p> <p>Urinalysis, dated 3/12/2020</p> <p>Title</p> <p>Toxicology</p>		

1. Policy. The Department of Correction shall conduct random and targeted toxicology testing of all inmates in its custody. An inmate who tests positive for a prohibited substance shall be subject to disciplinary action, reclassification and/or treatment. The goals of the Department's toxicology testing program shall be enhanced public, staff and inmate safety, inmate accountability, institutional security and reduced substance abuse.
2. Authority and Reference.
  - a. Connecticut General Statutes, Section 18-81.
  - b. Agreement of Settlement in Deep v Bronson, Connecticut Superior Court Civil No. 285596 and Rosado v Bronson, CSC Civil No. 284880 (1986).
  - c. Administrative Directives 3.12, Fees for Medical Services and Laboratory Testing; 4.7 Records Retention; 6.2, Facility Post Orders and Logs; 6.7, Searches Conducted in Correctional Facilities; 8.17, Gender Non-Conforming; 9.2, Offender Classification; 9.5, Code of Penal Discipline; and 10.13, Offender Programs.
3. Definitions. For the purposes stated herein, the following definitions apply:
  - a. BOPP. Board of Pardons and Paroles.
  - b. Reasonable Belief. Judgment based on specific objective facts and reasonable inferences drawn in light of experience, training and education.
  - c. Toxicology Testing. The analysis of a specimen (e.g., urine, swab, breath-alcohol, etc.) for the purpose of determining the presence of illegal or prohibited substances.
4. Targeted Toxicology Testing. A custody or program supervisor may order an inmate to submit a urine and/or saliva sample, to be collected by a trained staff member, in the following circumstances:
  - a. When a staff member has a reasonable belief that the inmate is under the influence of a prohibited substance;
  - b. When the inmate is found to be in possession of a prohibited substance, or when a prohibited substance is detected or found in an area controlled, occupied or inhabited by the inmate;
  - c. When the inmate is observed to be in possession of or using a suspected prohibited substance, but correctional staff are unable to obtain a sample of the substance;
  - d. When correctional staff receive information from a reliable source that the inmate is currently under the influence of, or has recently used a prohibited substance;
  - e. When an inmate exhibits unusual behavior which might reasonably be associated with the use of a prohibited substance;
  - f. When Naloxone has been administered to an inmate for a suspected overdose; or,
  - g. When an inmate returns from:
    - i. a furlough;
    - ii. a community release program;
    - iii. an escort into the community; or,
    - iv. an outside work detail.
5. Random Toxicology Testing. Inmates shall be subject to random toxicology testing at any time, authorized by a supervisor or higher authority, to be collected by a trained staff member.
6. Discretionary Release. An inmate shall be required to submit a urine and/or saliva specimen no less than 30 days prior to any scheduled discretionary release.
7. Testing of Inmates in Programming. A random sample of 20 percent of inmates participating in a facility Addiction Services programs shall be tested each month.
8. Testing of Inmates on Community Supervision Status. Inmates on community supervision status, whether released by the Department of Correction or BOPP shall be required to submit to random toxicology testing at any time, with or without notice and without

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any individualized suspicion to ensure and monitor compliance with the conditions of their supervision.

9. Unit Administrator Responsibilities. The Unit Administrator shall be responsible for the toxicology-testing program in each respective unit. The Unit Administrator shall, at a minimum:

- a. Ensure that unit procedures for on-site toxicology testing are maintained in accordance with the provisions of collection and chain of custody outlined in Sections 10, 11 and 13 of this Directive;
- b. Ensure a chain-of-custody record is maintained in accordance with CN 6801, Toxicology Custody and Access Record;
- c. Ensure that properly trained personnel are available to conduct toxicology testing; and,
- d. Ensure that specimens subject to confirmation are packaged and shipped in accordance with contracted standards.

10. Urine Collection. The urine collection procedure shall be as follows:

- a. Prior to collection, the staff member responsible for collecting the specimen shall:
  - i. Ensure that the collection site is clean, contains ample lighting and affords the inmate reasonable privacy;
  - ii. Ensure that all objects that could be used to alter the sample are removed from the collection site;
  - iii. Ensure that all testing materials are available;
  - iv. Confirm the inmate's identity by inspecting the photo identification card;
  - v. Ensure that the inmate removes all unnecessary garments prior to entering the collection area;
  - vi. Conduct a body scan of the inmate, in accordance with Administrative Directive 6.7, Searches Conducted in Correctional Facilities; and,
  - vii. Ensure that the inmate's hands are washed and dried prior to providing the sample.
- b. The urine specimen shall be collected in a container that shall be non-reusable and specifically designated for this purpose. The container shall be securely labeled with the inmate's name and number, the date, and the name of the staff person observing the urine collection process.
- c. The collection and testing of a urine specimen shall normally be conducted by a staff member of the same gender as the inmate being tested unless indicated on the inmate's Gender Non-Conforming Management Plan in accordance with Administrative Directive 8.17, Gender Non-Conforming.
- d. The staff member shall:
  - i. Ensure that the collection of a urine specimen be conducted in private and outside the presence of other inmates and non-participating staff;
  - ii. Continuously observe the production of the urine specimen into the pre-labeled container;
  - iii. Keep the specimen in full view of the inmate at all times prior to it being sealed and labeled;
  - iv. Seal the testing cup containing the specimen; and,
  - v. Perform the initial test on the sample according to vendor specifications.
- e. If the initial test is negative, the staff member performing the test shall dispose of the urine in a toilet and the container in a waste receptacle.
- f. If the initial test is positive and the inmate admits guilt, the staff member conducting the test shall complete CN 6802, Use of Prohibited Substance Voluntary Admission or Toxicology Screening Refusal and the inmate shall sign the form admitting the use of a prohibited substance. The inmate shall be charged with intoxication in accordance with Administrative Directive 9.5, Code of Penal Discipline, and a CN 6802, Use of Prohibited Substance Voluntary Admission or Toxicology Screening Refusal shall be attached to the disciplinary report.
- g. If the initial test is positive and the inmate does not admit guilt, the staff member shall record the observation of specimen production into the container and the subsequent test result on CN 6801, Toxicology Custody and Access Record. After the positive urine sample is collected, sealed and labeled, the sample shall

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immediately be packaged and stored until the sample can be sent to the contracted laboratory for confirmatory testing.

**11. Oral Toxicology Collection.**

- a. Prior to collection, the staff member responsible for collecting the specimen shall:
  - i. Ensure that the collection site is clean, contains ample lighting and affords the inmate reasonable privacy;
  - ii. Ensure that all objects that could be used to alter the sample are removed from the collection site;
  - iii. Ensure that all testing materials are available;
  - iv. Confirm the inmate's identity by inspecting the photo identification card;
  - v. Ensure that the inmate has not ingested food or beverage prior to 10 minutes before collecting saliva specimen;
- b. The staff member shall:
  - i. Observe the production of the saliva specimen onto the testing strip or into the container provided;
  - ii. Keep the specimen in full view of the inmate until testing is concluded;
  - iii. Perform the initial test on the sample according to vendor specifications.
- c. If the test is negative, the staff member performing the test shall dispose of the testing materials in a waste receptacle.
- d. If the test is positive and the inmate admits guilt, the staff member conducting the test shall complete CN 6802, Use of Prohibited Substance Voluntary Admission or Toxicology Screening Refusal and the inmate shall sign the form admitting the use of a prohibited substance. The inmate shall be charged with intoxication in accordance with Administrative Directive 9.5, Code of Penal Discipline, and CN 6802, Use of Prohibited Substance Voluntary Admission or Toxicology Screening Refusal shall be attached to the disciplinary report.
- e. If the test is positive and the inmate does not admit guilt, the staff member shall record the personal observation of the specimen collection and the subsequent test result on CN 6801, Toxicology Custody and Access Record. After the positive sample is collected, sealed and labeled, the sample shall immediately be packaged and stored until the sample can be sent to the contracted laboratory for confirmatory testing, if applicable.
- f. Photograph and document positive test results utilizing CN 6904 Photograph Evidence form.

**12. Refusal to Provide Specimen.** An inmate who refuses to submit a specimen as ordered shall be charged with Refusal to Give a Specimen in accordance with Administrative Directive 9.5, Code of Penal Discipline.

- a. An inmate who claims to be unable to provide a urine specimen immediately shall be detained until able to do so. An inmate who claims inability to provide a urine specimen three (3) hours after being ordered to do so shall be considered to be refusing to submit the specimen.
- b. All refusals shall be documented on form CN 6802, Voluntary Admission of Positive Test Result for Prohibited Substance or Toxicology Screening Refusal, which shall be attached to the disciplinary report.

**13. Chain of Custody and Access Record.** Every positive urine or saliva sample that is sent to the contracted laboratory shall be documented on a separate CN 6801, Toxicology Custody and Access Record, which shall document all activity with respect to a particular specimen. The Unit Administrator shall ensure that all completed chain of custody and access records shall be maintained in a secure file in accordance with Administrative Directive 4.7, Records Retention.

**14. Laboratory Confirmation Test Results.** Confirmatory tests shall be conducted at the contracted laboratory. The Unit Administrator shall ensure the following action is taken upon receipt of the contracted laboratory report:

- a. Positive Results. The Unit Administrator shall ensure that any positive confirmation test result conducted by the contracted laboratory was received no later than 30 business days from collection of the specimen and/or on-site testing. Confirmation of a positive on-site toxicology test shall be cause for disciplinary action against the inmate. The inmate shall be charged with intoxication in

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accordance with Administrative Directive 9.5, Code of Penal Discipline. A copy of the laboratory report shall be attached to the disciplinary report.

- b. Negative Results. When the contracted laboratory toxicology results are negative, and/or the facility's on-site toxicology is not confirmed within 30 business days, the inmate's status prior to the toxicology testing, shall be restored. The restoration to status shall not preclude any additional administrative action taken against the inmate for reasons other than the toxicology results.

15. Disciplinary Action. Each positive toxicology test will be met with an appropriate disciplinary action in accordance with Administrative Directive 9.5, Code of Penal Discipline. Positive tests may result in increased disciplinary sanctions in accordance with Administrative Directive 9.5, Code of Penal Discipline, and may result in increased security classification and may impact the inmate's discretionary community release in accordance with Administrative Directive 9.2, Offender Classification.

16. Reclassification. One (1) or more positive toxicology tests may result in a reclassification of the inmate's substance abuse treatment needs score in accordance with Administrative Directive 9.2, Offender Classification. A referral for substance abuse treatment may be made in accordance with Administrative Directive 10.11, Addiction Services.

17. Fee. In accordance with Administrative Directive 3.12, Fees for Medical Services and Laboratory Testing the cost of laboratory tests taken to detect the use of prohibited substances shall be charged to an inmate when the test is positive. Attachment A, Inmate Fees Form shall be completed and forwarded to the Fiscal Services Unit. In the event an inmate does not have sufficient funds to cover the cost of the test, an obligation to pay shall be established on the inmates trust account.

18. Toxicology Testing for Medical Purposes. Generally, toxicology testing for medical purposes shall not be governed by this Directive. However, when an inmate undergoes a medical procedure during which it is determined that the inmate has been using a prohibited substance; the information relative to the use of the prohibited substance shall be forwarded to the Shift Commander for review and appropriate action.

19. Medication Assisted Treatment. Inmates who are receiving or have received medication-assisted treatment may test positive for a prohibited substance. In this event, verification of the prescription/treatment shall be made in consultation with the Addiction Services unit and/or Health Services unit to determine if disciplinary action is warranted.

20. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function:

- a. CN 6801, Toxicology Custody and Access Record;
- b. CN 6802, Voluntary Admission of Positive Test Result for Prohibited Substance or Toxicology Screening Refusal; and,
- c. Attachment A, Inmate Fees Form.

21. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner of Correction.