

Periodic Detention (Urine Test Procedure) Approval 2006 (No 1)*

Notifiable instrument NI2006—4

made under the

Periodic Detention Regulation 1995 s.7(2)(a) (Alcohol and Drug Testing — Act s.23)

1 Name of instrument

This instrument is the *Periodic Detention (Urine Test Procedure) Approval 2006 (No 1)*.

2 Commencement

This instrument commences on 14 January 2006.

3 Approval

I approve the procedures described in the schedule to this instrument as procedures to be followed when carrying out a urine test for establishing whether a drug is present in the detainee's body under section 23 of the *Periodic Detention Act 1995*.

Brett Phillips
Acting Chief Executive
Department of Justice and Community Safety
5 January 2006

*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Urine Test Procedure

Periodic Detention Centre

Purpose

To describe the procedures to be implemented when a detainee is required to submit to a test pursuant to section 23(1)(b) of the *Periodic Detention Act 1995*.

Policy

A request or direction given by a custodial officer to a detainee to supply a sample of urine for urinalysis is a lawful order.

Detainees shall not be forewarned that they will be required to provide a sample of their urine.

The taking of urine samples shall only be authorized by the Duty Chief, Deputy Superintendent or Superintendent.

Drug testing may take place at any time whilst the detainee is reporting for, or otherwise serving, a detention period.

Scope

This process starts when a detainee is required to supply a sample of their urine and ends when the results of that sample are returned.

Action and responsibility

Step	Action	Responsibility
Step 1 & 2	Procedure for taking a Urine Sample	All Officers
Step 3	Where a detainee refuses or is unable to provide a sample	Duty Chief
Step 4	Where a detainee tests positive to Cannabis	Duty Chief
Step 5	Where a detainee tests positive to Prohibited Drugs / Substances or Non Prescribed restricted Drugs or Substances.	Duty Chief

Forms / templates

Incident Report: Urine Sample

Detailed instructions

Step 1: **Officer to obtain urine sample pack**

The pathology laboratory will supply packs for the collection of urine samples. A pack will comprise of:

- Two screw top plastic specimen containers with labels attached
- Two tamper evident self adhesive security seals
- One self adhesive temperature indicator strip
- One chain of custody document (white)
- One transit form (green)
- One zip-lock biological hazard specimen bag with integral document pouch

Step 2:

Procedure for taking urine sample

1. Urine sample collection is to be carried out in the presence of two officers. One officer will be designated as the Collecting Officer and the other officer will be designated as the Witnessing Officer.
2. An Incident Report Form (Urine Sample) is to be completed.
3. Both officers are to be of the same sex as the detainee required to give a sample.
4. Both officers and the detainee are to wear protective latex gloves.
5. The officers delegated shall write the full name and date of birth of the detainee required to undergo the test on the labels adhered to two sealable sterile containers (the containers shall be checked for defects before use).
6. The officers shall direct the detainee to accompany them to the Induction shower/toilet area, or some other designated area.
7. The detainee is to be strip searched prior to providing a urine sample.
8. The officers shall direct the detainee to pass a sample of his/her urine into the containers provided.
9. Both officers shall view the passing of the sample of urine by the detainee.
10. Where a detainee is unable to produce a sample he/she is to be provided with 400ml of water and secured in a dry area (eg. holding room) for a maximum 2 hours or until he/she indicates to the collecting officer that he/she is able to supply a sample of urine.
11. The detainee is to be strip searched prior to each subsequent attempt to supply a urine sample.
12. The detainee is to pass a sample sufficient to fill both containers to a minimum of half full.
13. When the detainee has finished passing the sample, the witnessing officer shall direct the detainee to secure the lid on both containers.
14. The detainee shall show the officers that the containers are secured by:
 - facing the officers
 - holding the containers at arms length between his/her thumbs and fingers
 - turning the containers upside down so the lids are facing down
 - shaking the containers vigorously.
15. The detainee will dress before moving out of the shower/toilet area.
16. The detainee shall then move as directed by the officers towards the induction desk, or some designated area, at all times holding the containers in full view.
17. The detainee shall place the containers, right side up on the induction desk, or some other designated area, and step away from the desk.
18. The self-adhesive temperature indicator strip is to be secured to one of the sample containers. The strip should be placed on the opposite side of the container to the identification label, ie. at the back of the container. The strip shall be secured vertically with the lowest number on the strip nearest the bottom of the container.

19. The witnessing officer shall read the temperature from the indicator strip within four (4) minutes of the sample being collected and note the temperature on the white Chain of Custody Form.
20. The collecting officer shall:
 - ensure that the container lids are fully tightened
 - write on the security seals the date the sample was provided by the detainee
 - initial the security seals using black ink
21. The detainee shall also initial the security seals using black ink.
22. The security seals are then to be fitted over the lids and sides of the containers. The security seals must not obscure any part of the labels or the temperature indicators on the containers.
23. The collecting officer shall complete the white Chain of Custody Form by entering:
 - the detainee's full name
 - the detainee's date of birth
 - the two security seal numbers
 - the date the sample was collected from the detainee
 - the time the sample was collected from the detainee
 - the temperature shown on the temperature indicator strip within four (4) minutes of collecting the sample
 - whether a duplicate specimen is provided
 - the name of the officer completing the form
 - the signature of the officer completing the form.
24. The detainee is to sign and date the Chain of Custody Form AFTER the information listed above has been entered.
25. The collecting officer shall complete the Pathology Request Form ensuring that the detainee's last name, given name, date of birth and sex are noted on the form. The word "spot" under " URINES" at the bottom of the form should be circled.
26. The collecting officer shall secure the container in the supplied zip-lock biological hazard bag. The Chain of Custody Form and the pathology request form are to be placed in the document pouch of the zip-lock bag. The zip-lock biological bag together with the white Chain of Custody Form are to be placed in the vinyl satchel which shall then be secured with the blue plastic seal provided. That seal number will be recorded on the green transit form which shall be attached to the outside of the vinyl satchel by the blue plastic seal. The bag and its contents are to be placed in the refrigerator located in a suitable location.
27. Any officer taking custody of the samples is to complete the relevant section on the bottom of the green Transit Form.
28. The witnessing officer is to enter the relevant details in the Centre's urinalysis record book.

29. The Duty Chief shall exercise responsibility for ensuring all urine samples are transported to Mayne Health Pathology at 24 – 48 Hardwick Cres, Kippax Fair Holt, or 16 Corinna Chambers, Corinna St, Woden within 24hrs of any sample being taken.

Step 3: **Detainee refuses or is unable to supply a urine sample**

Where a detainee refuses to supply a sample of urine after the initial request, the Incident report is to be completed by both officers noting the date and time of the request and refusal and the exact wording of the detainee's refusal.

If after a period of two (2) hours and having consumed the requisite amount of fluid, a detainee is still unable to pass a sample of urine, that failure is deemed to be a refusal.

In either of the circumstances outlined above, the Duty Chief shall exercise responsibility for informing the detainee that:

- He or she has, or is taken to have refused to supply a sample of their urine
- Their refusal will be reported to the Deputy Superintendent
- A penalty will be imposed

The Duty Chief shall ensure the detainee understands the above and shall submit an Incident Report on the matter to the Superintendent, noting any comments or responses to questions by the detainee.

Step 4: **Detainee tests positive to Cannabis**

A detainee who returns a positive result to cannabis will have no punitive action taken.

Step 5: **Detainee tests positive to Prohibited Drugs / Substances or Non Prescribed restricted Drugs or Substances**

Where a detainee tests positive to a prohibited drug / substance or non-prescribed drug / substance, punitive action against that detainee is to be taken.