

Australian Capital Territory

Corrections Management (Urinalysis) Policy 2009

Notifiable instrument NI2009-165

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Urinalysis) Policy 2009*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

URINALYSIS POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
25 March 2009



URINALYSIS POLICY

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Purpose

To outline the urinalysis policy.

Authority

Legislation

Corrections Management Act 2007, section 14.

Legislation Act 2001.

Policy

Principles

The possession or use of drugs is prohibited.

This includes illicit drugs and medication which was not prescribed to the individual concerned.

Section 152 of the *Corrections Management Act 2007* states that each of the following is a disciplinary breach:

- (a) *contravening a direction given to a prisoner by the chief executive or a corrections officer under the Corrections Management Act 2007 or the Crimes (Sentence Administration) Act 2005;*
- (b) *taking (in any way) alcohol or a drug into the prisoner's body;*
- (c) *providing a positive test sample for alcohol or a drug when directed, under the Corrections Management Act 2007 or the Crimes (Sentence Administration) Act 2005, to provide a test sample;*
- (d) *making, possessing, concealing, knowingly consuming or dealing with a prohibited thing, without the chief executive's approval;*
- (e) *intentionally or recklessly engaging in conduct that endangers, or may endanger, the health or safety of the prisoner or anyone else;*
- (f) *possessing or dealing in things without the chief executive's approval.*

The objective of this testing is to detect breaches.

Targeted and random testing

Testing should be scheduled on a targeted or random basis.

Prisoners may be targeted for testing following a suspicion that a prisoner is in possession of or under the influence of a non-prescribed drug or as part of a drug treatment program or discipline regime.

The current list of PID numbers will be emailed to the Intelligence Officer each Monday by a member of the Statistics Unit in Business, Policy and Coordination.

The Intelligence Officer must then determine which prisoners will be subject to the random Urinalysis.

Positive tests

Under section 133 of the *Corrections Management Act 2007*, a prisoner is taken to have provided a positive sample if:

- the prisoner fails to provide a test sample in accordance with the direction;
- the prisoner provides an invalid test sample; or
- the prisoner provides a sample showing that he/she has taken a drug while in ACTCS custody.

Reasonable excuse for failure to supply

Prisoners who fail (or refuse) to provide a test sample and/or refuse to sign the sample will have that failure or refusal treated as a positive test.

The only exception to this is for a prisoner who has a reasonable excuse to not provide a sample. Where possible, this should be supported by evidence such as information from ACT Corrections Health.

The Deputy Superintendent has the discretion to accept or deny any excuse for failing to provide a sample.

Invalid samples

Under section 133 of the *Corrections Management Act 2007*, a prisoner is taken to have provided an invalid test sample if:

- the prisoner tampers with the test sample; and/ or
- the prisoner attempts to change the results of the test sample.

Positive result received from the lab

Prisoners whose test results are positive will be subject to disciplinary action pursuant to the *Prisoner Discipline Policy and Procedure*.

The only exceptions to this are:

- where the prisoner is prescribed the drug by a medical professional;
- where the prisoner tests positive to cannabis and has been in custody for less than 31 days; or
- where the prisoner tests positive to a non-prescribed drug other than cannabis and has been in custody for less than 72 hours.

In these cases, the positive test will be recorded by way of a case note but no action will be taken against the prisoner.

Taking a urine sample

Urine test samples will be conducted in the presence of two Corrections Officers, who are of the same gender as the prisoner being tested.

One Corrections Officer will be designated as the Collecting Officer and the other will be the Witnessing Officer.

Both Corrections Officers must wear latex gloves.

A correctional officer Urinalysis Report must be completed for each test irrespective of whether the prisoner supplies a sample or not (i.e. if they refuse or fail to submit).

Forms/Templates

Urine Sample Form

Chain of Custody Form

Pathology Request Form

Related policies and procedures

Discipline Policy

Discipline Procedure

Urinalysis Procedure