

Australian Capital Territory

# Corrections Management (Drug Testing) Policy 2011

Notifiable instrument NI2011- 253

made under the

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

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## **1 Name of instrument**

This instrument is the *Corrections Management (Drug Testing) Policy 2011*.

## **2 Commencement**

This instrument commences on the day after it is notified.

## **3 Policy**

I make the

DRUG TESTING POLICY

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

## **4. Revocation**

This instrument revokes notifiable instrument NI2009-165.

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Executive Director  
ACT Corrective Services  
11 May 2011



Alexander Maconochie Centre (AMC)



## DRUG TESTING POLICY

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### **Purpose**

To outline the drug testing policy.

### **Authority**

Legislation

*Corrections Management Act 2007*, section 14, Part 9.6, Part 10 and section 221.  
*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* (the Act) states that the following are disciplinary breaches:

- (d) *taking (in any way) alcohol or a drug into the detainee's body;*
- (e) *providing a positive test sample for alcohol or a drug when directed, under this [the Corrections Management Act 2007] or the Crimes (Sentence Administration) Act 2005, to provide a test sample;*
- (f) *making, possessing, concealing, knowingly consuming or dealing with a prohibited thing, without the chief executive's approval; and*
- (o) *possessing or dealing in things without the chief executive's approval.*

One objective of this testing is to detect breaches of section 152.

Another objective is to measure the use of drugs by prisoners (detainees), both prior to entry to the AMC and after entry. The purpose of such measurement is to:

- provide a baseline level of drug usage by individual prisoners before entry to inform drug usage management; and

- statistically measure ongoing drug usage by the prisoner population after entry to inform the success of demand and supply reduction strategies.

Section 134 of the Act provides that a prisoner may be directed to provide a test sample.

Section 221 of the Act provides that random testing may be conducted for statistical purposes.

### **Types of Drug Testing**

Drug testing may be undertaken in the following ways:

- targeted testing;
- random testing; and
- admission testing.

Targeted Testing will be used where intelligence suggests that a prisoner may be in breach of s152. Prisoners subject to targeted testing will be identified by the Intelligence Officer in discussion with senior Custodial staff. Positive results from such testing will result in disciplinary action.

Random Testing will be undertaken at the discretion of the Superintendent consistent with s221 of the Act. It may involve the testing of an individual prisoner or a broader group of prisoners, randomly selected. Positive results from such testing cannot result in disciplinary action.

Admission Testing will be undertaken on all new prisoner admissions to the AMC. Admission testing will be conducted within 72 hours of a prisoner's induction to the AMC. The results of such testing will be used to inform:

- the understanding of drug usage levels prior to prison entry;
- the development of rehabilitation programs and entry to such programs; and
- whether the results of later testing of individual prisoners has resulted in a decline in the presence of drugs.

Positive results from such testing will not result in disciplinary action.

While all new admissions should be tested, it is understood that a test may not have been possible where a prisoner is released from the AMC within 72 hours of induction.

### **Methods of Drug Testing**

Urinalysis will be the primary means of drug testing within the AMC.

Other methods, such as oral screening, may be used to provide an indicator of the presence of drugs.

Indicative testing will not be used for disciplinary purposes but discipline action may result from subsequent further testing as a result of a positive indicator.

### **Positive Samples**

Under s133 of the Act, 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**

The only grounds on which a prisoner can fail to supply a sample without it being deemed positive is where there is a medical reason why it cannot be provided. This reason must be supported by medical advice from ACT Corrections Health.

### **Invalid samples**

Under s133 of the Act, a prisoner is taken to have provided an invalid test sample if:

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

### **Positive result received from the lab**

Prisoners whose urinalysis 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.

### **Taking a Test Sample**

Test samples will be conducted in the presence of two Corrections Officers. 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.

If the drug testing involves the collection of a urine sample, the officers must be of the same gender as the prisoner being tested.

All testing must be appropriately recorded.

### **Forms/Templates**

Urine Sample Form

Chain of Custody Form

Pathology Request Form

### **Related policies and procedures**

Discipline Policy

Discipline Procedure

Drug Testing Procedure