

Australian Capital Territory

Corrections Management (Drug Testing (Urine)) Operating Procedure 2022

Notifiable instrument NI2022–115

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Drug Testing (Urine)) Operating Procedure 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4 Revocation

This policy revokes the previously notified *Corrections Management (Drug Testing Operating Procedure [Restricted]) 2015* [NI2015-739].

Ray Johnson APM
Commissioner
ACT Corrective Services
07 March 2022



OPERATING PROCEDURE	Drug Testing (Urine)
OPERATING PROCEDURE NO.	D12.1
SCOPE	Alexander Maconochie Centre

STATEMENT OF PURPOSE

To provide instructions to correctional officers on the process for testing detainees for drug use by way of a urine sample.

PROCEDURES

1. Random Testing

- 1.1. At the beginning of every calendar month the Business Performance Unit must send by e-mail to the General Manager a list of detainees to be tested over that month.
- 1.2. The Operations Area Manager must print the list off and maintain as a master copy.
- 1.3. The Operations Area Manager must give oversight to the list and ensure that all detainees named are tested in accordance with the *Drug and Alcohol Testing Policy*.

2. Program, Assessment and Compliance Testing

- 2.1. A list of detainees for Program Testing and Assessment and Compliance Testing as per the *Drug and Alcohol Testing Policy* must be emailed to and maintained by Admissions staff.
- 2.2. Admissions staff must confirm with the Investigating Officer when detainees identified on the list are tested.
- 2.3. The Investigating Officer must record the results of these tests in the *Drug Testing Register* and in a case note on the detainee's electronic record.

3. Targeted Testing

- 3.1. The Intelligence Unit (IU) may request a targeted test of a detainee if they receive intelligence which indicates that there are reasonable grounds to suspect that the detainee has used drugs or alcohol (*note: a previous positive test result does not constitute reasonable grounds*).
- 3.2. If an officer has intelligence regarding a detainee's suspected drug or alcohol use, they must forward this information to the IU by sending an email to ACTCS-Intelligence@act.gov.au.
- 3.3. Requests for targeted test must be sent by email to amcadmissions@act.gov.au and cc AMCdiscipline@act.gov.au.
- 3.4. The email must include details of the reasonable grounds for suspicion i.e., the source and nature of intelligence, details of the detainees unexplained or violent behaviour, details of a recent seizure of drugs or drug paraphernalia etc.

- 3.5. The person requesting the targeted test must also document the reasonable grounds in a case note on the detainee's electronic file. (*note: it is sufficient to case note 'confidential report from Intelligence Unit'*).
- 3.6. The Investigating officer must maintain a record of all targeted drug and alcohol testing. They must also ensure that a case note has been correctly uploaded to the detainee's electronic file. If it has not, they must contact the officer and request that they upload the case note.
- 3.7. The Operations Area Manager must review and authorise all requests for targeted testing and record their approval on the D12.F1: Drug and alcohol testing authorisation form.
- 3.8. As far as practicable, targeted testing must be conducted within 24 hours of a direction from the Operations Area Manager.

4. Drug Testing for Pre-Release or Pre-Sentence Reporting

- 4.1. Requests for a pre-release or pre-sentence drug test for reporting purposes must be sent by email to amcadmissions@act.gov.au and cc AMCdiscipline@act.gov.au.

5. Urine Test Kits

- 5.1. The AMC maintains different urine test kits, and the designated collection officers must ensure they use the correct test kit when collecting the detainee's sample.
- 5.2. Induction test kits test for a reduced number of drugs – six (6) – and must only be used when testing detainees on Admission.
- 5.3. All other standard urine testing must involve the use of the test kits which test for nine (9) different types of drugs.
- 5.4. If there is specific intelligence regarding the detainee's suspected drug use, the DCO must use the 13 panel cup drug test (includes testing of Fentanyl and Barbiturates) or standalone cartridge kit for GHB and other substances.

6. Conducting a Urine Test

- 6.1. Two (2) correctional officers are required to oversee the test to ensure safety and security, as well as integrity of the test.
- 6.2. The designated collection officers (DCOs) must ensure they have a completed D12.F1 Drug Testing Authorisation Form before arranging for the detainee to attend for testing. The D12.F1 Drug Testing Authorisation Form must be completed by the officer designated to conduct the test.
- 6.3. The DCO (or their delegate) must collect and positively identify the detainee. The detainee must not be called to attend any place of testing.
- 6.4. The detainee must be directed that:
 - a) they are required to provide a sample of urine
 - b) the reason and authority for the requirement (this information is included on D12.F1 Drug Testing Authorisation Form)

- c) that a refusal to provide a sample in a reasonable time will result in disciplinary action (*D12.F1: Drug Testing Authorisation Form*).
- 6.5. The collecting officers must keep the detainee in sight (physically or under camera) once they have been informed that they are required to supply a urine sample and must maintain supervision of the detainee until the sample collection is complete.
 - 6.6. The DCO must take the detainee to a designated place for sample collection.
 - 6.7. The DCO must ask the detainee to complete a *Detainee Declaration* - this information is included on *D12.F1 Drug Testing Authorisation Form*.
 - 6.8. The detainee must then be searched in line with the *Searching Policy* to ensure that dilution, contamination or tampering of the sample cannot occur.
 - 6.9. The designated collection officer (DCO) must ensure that they use a collection kit provided by a specified laboratory.
 - 6.10. The DCO must, before collection, show the unopened sterile package containing the test cup to the detainee in a manner that enables the detainee to verify that the seal is intact.
 - 6.11. The detainee must be directed to wash their hands immediately before providing a sample, or be asked to wear latex gloves. This ensures that the urine sample is not diluted, contaminated, or otherwise tampered with.
 - 6.12. The DCO must ask the detainee if they can supply a sample for testing immediately. If they confirm that they can do so, then they will be directed to provide the sample.
 - 6.13. The detainee must be given such reasonable privacy to ensure a sample that is suitable for analysis is obtained. This must not be out of sight of the collecting officers.
 - 6.14. Collecting officers must not directly observe a detainee's genitalia during the provision of the sample, to ensure their dignity.
 - 6.15. Every urine sample obtained must be obtained under the supervision and in the view of two designated collection officers of the same gender as the detainee providing the sample.
 - 6.16. The Area Manager may approve additional officers, where they believe on reasonable grounds that they are needed for the proper management of the detainee.
 - 6.17. Where the detainee identifies as transgender and/or Intersex (as recorded on CIS), officers must ask the detainee to confirm their gender preference for the officers who will supervise their test.

7. Where the Detainee Does Not Provide a Sample

- 7.1. If the detainee is unable to provide a sample immediately, they must be secured in the testing location and provided with 800mL of water. The detainee must be informed that they have two (2) hours to provide the sample.
- 7.2. At the end of two hours, if the detainee has still failed to provide, the officers shall ask if the detainee has a medical reason for not providing. If the detainee states that they do, then the following apply:
 - a. The detainee may contact their health provider to request a copy of their medication chart as evidence in support of their claim, OR

- b. The detainee may provide written consent for their health provider to provide a copy of their medication chart to ACTCS as evidence in support of their claim (D12.F1: Drug Testing Authorisation Form), OR
 - c. If the detainee chooses not to contact their health provider or provide consent for their health provider to provide information to ACTCS, then their claim is dismissed and then the detainee is considered to have refused to provide a sample.
- 7.3. At the end of the two-hour period, if no sample is provided and no medical reason has been given, the detainee is considered to have refused to provide a sample.

8. Chain of Evidence (D12.F2: Chain of Custody Form)

- 8.1. The DCO must check the temperature strip immediately after the detainee has provided and check the creatinine level against the colour charts provided to check for dilution.
- 8.2. If the test cup indicates a Negative sample, the sample may be disposed of. The DCO must also notify the Investigating Officer that detainee returned a negative sample. The Investigating Officer must record this in the Drug Testing Register and in a case note on the detainee's electronic record.
- 8.3. If the sample indicates a non-negative sample, the DCO must, in the view of the detainee, pour the sample into the 2 sterile bottles and immediately secure the cap on each bottle.
- 8.4. To complete the process the DCOs must:
- a) complete the labels on the collection bottles
 - b) complete the seals provided. Ensure the detainee signs both. If the detainee refuses, note refusal and initial
 - c) place both seals on each bottle
 - d) place bottles in the bag provided
 - e) print the D12.F2 Chain of Custody Form and complete ensuring detainee signs
 - f) stick the reference number label onto the D12.F2 Chain of Custody Form
 - g) scan the D12.F2 Chain of Custody Form before placement in the bag with the sample and upload this copy to the detainee's electronic record
 - h) place sample in the fridge
 - i) complete the register recording the samples collected.
- 8.5. The samples must be held until the arrival of a courier at which point the samples must be placed in the Courier envelope provided.
- 8.6. The officer who removes a collection kit from the locked refrigerator and places the kit in the secure courier bag must record on the D12.F2 Chain of Custody Form:
- a) the date and time that the kit was removed from the refrigerator
 - b) the time that the courier bag was locked
- if a different officer seals the courier bag, that officer must also sign the form.

9. Spillage of a Urine Sample

- 9.1. If a urine sample is spilled, the DCO must ensure that the detainee remains under supervision in an area authorised for testing, and the process of testing must recommence.
- 9.2. The detainee should be offered 800mL of water upon request to allow them to produce another sample.

10. Diluting, Contaminating or Otherwise Tampering with Urine Sample

- 10.1. The DCO must instruct the detainee prior to the sample being provided that diluting, contaminating or otherwise tampering with a urine sample may result in a disciplinary process.
- 10.2. Where a sample has been supplied and the DCO believes, on reasonable grounds, that the detainee's sample is diluted, contaminated or otherwise tampered with in any way, the officer may require the detainee to provide another sample.

11. Administration

- 11.1. The Investigating Officer must place the scanned D12.F2 Chain of Custody Form onto the detainee's electronic file.
- 11.2. The Investigating Officer must complete The Drug Testing Register immediately after the tests are completed.
- 11.3. The DCO must ensure the designated testing area is cleaned and tidied prior to the next test.

12. Return of Certificate of Confirmation

- 12.1. Upon return of the Certificate of Confirmation the Investigating Officer must ensure that the results are recorded in the Drug Testing Register and noted on the detainee's electronic file.
- 12.2. The collecting officers must complete an A2.F1: Incident Report where the results returned from the laboratory indicate a positive result for an illicit substance.
- 12.3. The Operations Area manager must ensure that the Certificate of Confirmation is scanned and uploaded to the detainee's electronic record.

13. Management of Detainees once the Certificate of Confirmation is Received

- 13.1. A detainee must not receive an administrative sanction on the basis of a non-negative result alone. Disciplinary charges for non-negative samples must only be laid once the Certificate of Confirmation has been received.
- 13.2. Any disciplinary processes must take place in accordance with the Detainee Discipline Policy.
- 13.3. If the detainee claims that their test returned a positive result due to medication they are taking, the following apply:
 - a. The detainee may contact their health provider to request their medication chart as evidence of their current medication/s, OR

- b. The detainee may provide written consent for their health provider to provide a copy of their medication chart to ACTCS as evidence of their current medication/s (*D12.F1: Drug Testing Authorisation Form*), OR
 - c. If the detainee chooses not to contact their health provider or provide consent for their health provider to provide their medication chart to ACTCS, then their claim is dismissed and the disciplinary process proceeds.
- 13.4. Concurrent to any disciplinary processes, the Investigating Officer must refer the detainee to the Alcohol and Other Drug (AOD) Treatment Team for Assessment.
- 13.5. The AOD Treatment Team must discuss the non-negative result with the detainee and offer them access to services/treatments designed to address their substance use.

RELATED DOCUMENTS

- Drug and Alcohol Testing Policy
- Detainee Discipline Policy
- Searching Policy
- D12.F1: Drug Testing Authorisation Form
- D12.F2: Chain of Custody Form
- Detainee Declaration
- A2.F1: Incident Report
- Drug Testing Register

Corinne Justason
 Deputy Commissioner Custodial Operations
 ACT Corrective Services
 28 February 2022

Document details

Criteria	Details
Document title:	<i>Corrections Management (Drug Testing (urine)) Operating Procedure 2022</i>
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Date effective:	The day after the notification date

Criteria	Details
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy and Operating Procedure Framework) Policy 2021</i>

Version Control			
Version no.	Date	Description	Author
V1	May-20	First Issued	L Kazak
V2	February-22	First Revision	J Papadopoulo