RHODE ISLAND DEPARTMENT OF CORRECTIONS

POLICY AND PROCEDURE

DIRECTOR:

POLICY NUMBER: 9.36-4 DOC	EFFECTIVE DATE: 01/28/2025	SUBJECT: INMATE SUBSTANCE USE TESTING AND MONITORING

LAST REVIEWED: 01/2025	SECTION: SECURITY AND CONTROL	SUPERSEDES: 9.36-3 DOC SUPPLEMENTS: 28.30 DOC

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director

REFERENCES: The most recent version of RIDOC policies 11.01 DOC, Code of Inmate Discipline; 15.01 DOC, Classification Process; 18.59 DOC, Confidentiality of Medical Information; 27.01 DOC, Community Confinement Program; 28.30 DOC, Substance Abuse Treatment, Testing, and Sanctions of Parolees; McLean v. Vose C.A. 92-0464B (1994); Miller v. Moran 1992 WL 119131 (D.R.I. 1992); Wheelock v. R.I. 2002 U.S. Dist. LEXIS 8630 (D.R.I. 2002)

INMATE/PUBLIC ACCESS: YES	AVAILABLE IN SPANISH: YES

I. PURPOSE:

To describe the process for conducting substance use testing, and inmates while incarcerated at the Rhode Island Department of Corrections (RIDOC) in order to maintain institutional safety, security, and order.

II. POLICY:

A. The use of illicit drugs and/or alcohol by inmates presents a serious threat to the safety and security of the RIDOC's staff and incarcerated population. RIDOC is committed to a policy of detection and consequences of inmate drug and/or alcohol use.

B. The RIDOC has a responsibility to protect the public and provide a safe environment for staff and inmates. The importation, trafficking, and utilization of

drugs and/or alcohol cause a myriad of problems within a prison setting and challenge the mission of the RIDOC.

C. All inmates incarcerated at RIDOC, including awaiting trial inmates, are subject to drug and/or alcohol testing and monitoring at any time.

D. Substance use testing is non-discriminatory and may not be used to harass or intimidate inmates. Selection of inmates for testing must be supported by appropriate documentation and must not be based on an inmate's race, color, creed, religion, age, ethnicity, national origin, veteran status, marital status, sex, sexual orientation, gender identity, or the presence of sensory, mental, or physical disability, or other status protected by law.

E. All inmate urine specimens and/or breath samples are collected, handled, and tested in a fair and impartial manner.

III. DEFINITIONS:

1. **Facility Testing Coordinator** – the appointed staff member, typically a Lieutenant, in each facility who is responsible for overseeing the facility urine collection operation.

2. **Urinalysis Administrator** – a RIDOC staff member appointed to serve as the administrator of drug and alcohol testing and assure strict control of the Urinalysis Program. This administrator oversees the overall operation of the Urinalysis Lab.

IV. PROCEDURES:

A. Testing Procedures

1. Random Testing

Random testing is conducted monthly to ensure no pattern is established with respect to days, times, locations, etc.

2. Testing for Cause

a. Newly committed inmates are tested within the first thirty (30) days of incarceration at the Intake Service Center and the Women's

Division. A positive result will help to establish a baseline for drugs/alcohol currently in their system.

b. Any inmate may be tested whenever reasonable suspicion exists that s/he is under the influence of drugs and/or alcohol. Information, events, and/or signs leading to reasonable suspicion include, but are not limited to:

(1) odor of alcohol;

(2) proximity to drugs or alcohol;

(3) drug/alcohol paraphernalia;

(4) inability to communicate effectively;

(5) signs of disorientation;

(6) information provided to the Special Investigations Unit (SIU) or the Office of Inspection (OI);

3. Testing of Inmates Currently Participating in Modified Therapeutic Community

Inmates participating in the modified therapeutic community are tested at random along with the general population.

NOTE: The urine screen report for Medium Security shall be sent to the vendor to ensure accurate quarterly reporting.

4. Testing of Minimum Security/Community Confinement Inmates

a. RIDOC's Minimum Security facility and Community Confinement Program may utilize a Breathalyzer and/or Breath Alcohol Detector when an inmate exhibits signs of disorientation or there is a distinctive odor of alcohol. The use of a Breathalyzer and/or Breath Alcohol Detector is only a guide; the results shall determine whether the inmate will be required to produce a urine sample for confirmation. Discipline is initiated based on the urinalysis results.

b. Inmates may be ordered to submit to a breathalyzer test via a Breathalyzer Machine or Breath Alcohol Detector under the following circumstances:

(1) return from an absence (e.g., hospital trips, job interviews);

(2) return from a Work Release program;

(3) return from a temporary release program (i.e., outside work detail);

(4) inmates involved in activities outside of the Adult Correctional Institutions (i.e., home confinement,);

(5) return from all furloughs;

(6) following recreational activities; and/or,

(7) for cause.

B. Specimen Collection

1. The Collecting Officer [who is the same sex as the inmate(s) being tested] ensures proper procedures are followed in order to protect the integrity and validity of test results.

a. The Collecting Officer thoroughly searches inmates before collecting the specimens to ensure there are no hidden containers or other contraband that may negate a valid test.

b. Inmates are required to wash and dry their hands immediately before providing the specimens.

c. Specimens are collected in areas that afford privacy. However, the Collecting Officer must witness the actual passage of specimens into containers.

d. If an inmate cannot immediately produce a specimen, s/he is given a 4-hour period in which to produce a specimen.

(1) During this period, the inmate is secured in an area where access to toilet facilities may be controlled.

(2) Drinking water is made available to the inmate in an amount not to exceed sixteen (16) ounces.

(3) An inmate's inability to produce a specimen within this time limit is considered a failure to provide a specimen, and disciplinary action is initiated, consistent with the most recent version of RIDOC policy 11.01 DOC, Code of Inmate Discipline.

2. Camera Cell Collection

Facility Wardens/designees may authorize the use of camera cell collection when:

a. inmates have legitimate medical issues that have been approved by the Office of Legal Counsel and authorized by the Warden/designee, or

b. security needs require the use of camera cell collection.

Camera cell water will be turned off and toilet water will be contaminated with soap powder to prevent any attempt to negate the test.

(1) Inmate will be strip searched and placed in the cell unclothed with a specimen container provided by the collection officer.

(2) Drinking water is made available in an amount not to exceed sixteen (16) ounces.

(3) The collection officer informs the inmate that if s/he cannot produce a specimen in four (4) hours it will be considered a failure to provide a specimen and disciplinary action will be taken.

3. Inmates' undocumented claims of physical and/or mental health conditions that prohibit the use of standard urinalysis or breathalyzer testing methods require verification.
   (a) The inmate must sign an Authorization to Request/Release Health Care Information form.

   (b) The Collecting Officer consults RIDOC Health Care Services staff to verify the inmate's claim, immediately if possible. If immediate verification is not possible, the Collecting Officer ensures the inmate is in a secure location and requests authorization from the Warden/designee to utilize a camera cell.

4. Each unsubstantiated claim of a physical and/or mental health condition that precludes the use of standard testing methods will be treated independently. Authorization for a single incident of the use of a camera cell will not automatically apply to subsequent testing.

5. Should the inmate request to defecate, the collection officer will order the unclothed inmate be secured in the last cell in the hospital back room. Inmate will not be allowed to access to drinking water. Toilet water will be contaminated with soap powder to prevent any attempt to negate the test. Once the inmate has defecated, s/he will be allowed to dress and provide a specimen within the original 4-hour period.

C. Processing Urine Specimens

1. Chain of Custody

   In order to maintain accurate chain of custody information, all "events" that transpire after urine specimens are collected must be recorded in the tracking system.

2. Positive specimens are stored in the testing site's secure refrigerator, and the transfer is recorded in the tracking system by scanning the barcode(s).

   NOTE: All specimens must be scanned every time they are either placed in or removed from a facility or testing site's secure refrigerator.

3. Retaining Positive Urine Specimens – All positive urine specimens are retained until all requested and/or automatic reviews are conducted.

4. Medication as a Possible Cause for a False Positive Test Result

For all positive results, the Facility Testing Coordinator contacts the inmate(s) and determines whether medications were being taken.

a. In all instances where an inmate indicates s/he was taking medication:

(1) The inmate signs an Authorization to Request/Release Health Care Information form.

(2) If the inmate refuses to sign the authorization form, the results of the test will be considered positive, and the inmate will be subject to disciplinary action.

(3) RIDOC Medical Records staff processes the authorization form to release the medication list to the Medical Program Director/designee to verify the type(s), amount(s), and duration of medication taken.

b. If a positive result could have been caused by medication(s) taken by an inmate, the specimen is considered negative, and no disciplinary action is taken.

5. When a urine specimen tests positive and is confirmed by RIDOC staff for the presence of drugs or alcohol, the following protocol is followed:

a. The Superior Officer verbally informs the inmate of the positive test results. The inmate is asked if s/he wants to request an additional confirmation screening done by an outside laboratory.

b. If the inmate declines the additional confirmation screening, RIDOC test results are considered final, and the inmate is scheduled for a disciplinary hearing.

c. An inmate requesting an outside confirmation test is provided with an Inmate Request for Outside Confirmation Test of Urinalysis Screening form to sign and date. The form is also signed by the Superior Officer as a witness.

NOTE: No inmate is refused the option to request the outside confirmation screening based upon his/her inability to pay. If the inmate's available (active) balance is not enough to meet the outside confirmation screening cost, the cost is debited against the inmate's account, and fifty percent (50%) of all subsequent deposits to the inmate's account are used to reduce the debt until the debt is eliminated.

d. The Superior Officer provides the inmate with one copy of the Inmate Request for Outside Confirmation Test of Urinalysis Screening form and forwards a copy of it to the facility Warden/designee. The original form is sent to the Urinalysis Administrator. The disciplinary hearing process is postponed, and the inmate remains in general population.

e. The Urinalysis Administrator forwards a copy of the Inmate Request for Outside Confirmation Test to Inmate Accounts for processing.

NOTE: The reimbursement payment for the cost of the screening is not to be considered as a disciplinary sanction for positive test results.

f. Once the Urinalysis Administrator receives the test results from the outside vendor, s/he forwards a copy to the Superior Officer.

g. If the outside confirmation screening affirms RIDOC's positive test results, the inmate is responsible for reimbursement regarding the cost of the screening and the disciplinary process continues forward.

h. If the outside confirmation results are negative, the inmate is not responsible for reimbursement payment for the test and the disciplinary report is dismissed.

D. Discipline/Sanctions

1. In accordance with the most recent version of RIDOC policy 11.01 DOC, Code of Inmate Discipline, disciplinary action is initiated against those inmates who test positive for illegal substances provided:

a. medication(s) could not have caused the positive result;

b. the inmate is not a new commitment [i.e., within thirty (30) days of commitment date, sixty (60) days of commitment date for marijuana];

c. the inmate has not already been discharged; and/or,

d. no improper procedures were followed (i.e., no breaks in the chain of custody occurred).

2. Wardens/designees are allowed discretion regarding the imposition of sanctions within the offense levels, taking into consideration the violation, treatment compliance, proximity to release, and overall institutional behavior.

3. Refusal to submit to a breathalyzer test is considered equal to an alcohol concentration of .001 or greater. If an inmate refuses to submit to a breathalyzer and exhibits signs of intoxication (i.e., odor of alcohol on breath or person, slurred speech, etc.), the inmate is videotaped, whenever possible. The inmate is placed in the Disciplinary Confinement Unit and is required to submit to a urine test. Discipline is initiated when the urinalysis test result is positive.

4. All urine screen reports are forwarded to SIU. SIU shall interview all inmates under investigation to gather as much information as possible and to potentially determine the source of the drugs and/or alcohol. All interviews are documented.