

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 211.01	PAGE 1 of 4
		INSTITUTIONS: DRUG TESTING PROGRAM	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

- EFFECTIVE: February 28, 1992
- REVISED: June 1, 2007
- REVISED: April 7, 2008
- REVISED: April 18, 2009
- REVISED: April 22, 2010
- REVISED: April 25, 2011
- REVIEWED: May 7, 2012
- REVISED: April 30, 2013
- REVIEWED: August 11, 2014
- REVIEWED: April 30, 2015
- REVIEWED: April 30, 2016

SUMMARY of REVISION/REVIEW

Annual Review completed with no revisions to policy.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 211.01	PAGE 2 of 4
		INSTITUTIONS: DRUG TESTING PROGRAM	

PURPOSE

To provide the Nebraska Department of Correctional Services (NDCS) with policy in the administration of a Drug Testing Program for institutions. NDCS has zero tolerance for illicit drug use/abuse within the correctional system.

GENERAL

The use of illicit drugs, including alcohol and the improper use of prescribed medicine, by inmates presents a serious threat to the safety and security of NDCS institutions, programs and processes. The importation, trafficking and use of drugs threaten the correctional work and program environment for staff and inmates. Drug testing of inmates is an integral part of an effective drug interdiction strategy.

PROCEDURE

I. DRUG TESTING OF INMATES

All inmates incarcerated in NDCS facilities shall be subject to drug testing. The Drug Testing Programs may include, but are not limited to:

A. Targeted Testing Program

1. All new admissions to NDCS shall be monitored and tested for drugs at admission Diagnostic and Evaluation Center (DEC), Work Ethic Camp (WEC) & Nebraska Correctional Center for Women (NCCW). A positive test for an illicit drug as part of the intake assessment to NDCS shall be recorded in the inmate's file and shall be utilized in making programming decisions, but shall not result in discipline.
2. Targeted testing includes when:
 - a. Correctional staff suspects that an inmate has violated rule 5-I-H.
 - b. Inmates return from:
 - (1) A furlough.
 - (2) A pass (community centers).
 - (3) Work or education release.
 - (4) Any outside work detail.
 - c. An inmate has a history of drug use.
 - d. An inmate is injured or in an accident.

B. Random Testing Program

A random list of inmates will be generated by NDCS. This list is a random sample of inmates to be tested.

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 211.01	PAGE 3 of 4
		INSTITUTIONS: DRUG TESTING PROGRAM	

C. Treatment Testing Program

An inmate may be tested as required by any substance abuse program or mental health program.

D. Intensive Testing Program

Inmates may be tested as part of the Intensive Testing Program. Inmates may be placed on the Intensive Testing Program for security reasons and any positive UA /incident within a one-year period.

II. SUBMITTING THE SPECIMEN

A. An inmate must follow staff instructions during the collection process.

B. An inmate may be selected for drug testing at any time (e.g. an inmate may be tested under the targeted program one day, intensive one day and be selected randomly for testing the next day).

C. The inmate shall submit an unadulterated urine specimen in the specimen container or testing device provided.

D. Inmates are subject to direct supervision during the collection of a specimen.

E. Same gender staff will observe an inmate submitting a specimen.

F. If an inmate does not provide a urine specimen immediately, the inmate must follow subsequent directions of staff.

G. If an inmate submits a specimen that is determined to be unsuitable for testing by staff, the inmate will be required to submit additional specimens.

H. Inmates will have five hours in which to provide a suitable specimen. Each time an inmate submits an unsuitable specimen, an inmate will have an additional five hours to submit a suitable specimen.

I. Refusal to comply with any of these requirements may result in disciplinary action.

J. The collected specimen shall be tested on site to ensure against a low specific gravity.

K. All inmates may also be tested using a breath analyzer. Inmates must follow directions given by staff during this process. A positive result on the breath analyzer may also result in an UA being taken. Refusal to comply with any of these requirements may result in disciplinary action.

III. MISCONDUCT REPORTS BASED ON A POSITIVE DRUG TEST

A. A misconduct report shall be written after the facility's designated staff member receives the results from a laboratory indicating or confirming positive evidence of illicit drugs. The point of discovery for the violation will be when the results of the laboratory tests are received by the facility's designated staff member.

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 211.01	PAGE 4 of 4
		INSTITUTIONS: DRUG TESTING PROGRAM	

- B. All inmates testing positive will be given the opportunity to request a confirmation test or waive this right, as provided by Nebraska Revised Statute §83-4,114.02.

REFERENCE

- I. Nebraska Revised Statute §83-4,114.02.
- II. Department of Correctional Services' Rules and Regulations, Title 68, Chapter 5-Code of Offenses, and Chapter 6 – Adult Inmate Discipline.
- III. ATTACHMENT:
- A. Request/Waiver for Independent Confirmation Drug Testing.
- IV. ACA STANDARDS
- A. Adult Community Residential Services (fourth edition): 4-ACRS-5A-09.
- B. Adult Correctional Institution Standard (ACI), 4th Ed., 4-4437